

**Article 32 290**  
**Podiatrists**

PART 1  
GENERAL PROVISIONS

	<i>12-290-101.</i>	<i>Application of common provisions.</i>
<del>12-32-101</del>	<del>12-290-102.</del>	Definitions.
<del>12-32-101.5</del>	<del>12-290-103.</del>	Podiatric surgery.
<del>12-32-102</del>	<del>12-290-104.</del>	Podiatry license required-professional liability insurance required - exceptions - rules.
<del>12-32-103</del>	<del>12-290-105.</del>	Appointment of members of podiatry board - terms - repeal of article.
<del>12-32-104</del>	<del>12-290-106.</del>	Powers and duties of board - limitation on authority.
<del>12-32-104.5</del>		Limitation on authority. <{ <u>Moved to 12-290-106</u> }>
<del>12-32-105</del>	<del>12-290-107.</del>	Examination as to qualifications - rules.
<del>12-32-106.</del>		Fees for examination - passing grade - date of examination. (Repealed)
<del>12-32-107</del>	<del>12-290-108.</del>	Issuance, revocation, or suspension of license - probation - unprofessional conduct - definitions - immunity in professional review.
<del>12-32-107.2</del>	<del>12-290-109.</del>	Volunteer podiatrist license.
<del>12-32-107.4</del>	<del>12-290-110.</del>	Podiatry training license.
<del>12-32-107.5</del>	<del>12-290-111.</del>	Prescriptions - requirement to advise patients - limits on opioid prescriptions - repeal.
<del>12-32-108</del>	<del>12-290-112.</del>	Licensure by endorsement - <u>rules</u> .
<del>12-32-108.3</del>	<del>12-290-113.</del>	Disciplinary action by board.
<del>12-32-108.5</del>	<del>12-290-114.</del>	Reconsideration and review of action of board.
<del>12-32-108.7</del>	<del>12-290-115.</del>	Judicial review.
<del>12-32-109</del>	<del>12-290-116.</del>	Unauthorized practice - penalties - <u>exclusions</u> .
<del>12-32-109.3</del>	<del>12-290-117.</del>	Use of physician assistants - rules.
<del>12-32-109.5</del>	<del>12-290-118.</del>	Professional service corporations, limited liability companies, and registered limited liability partnerships for the practice of podiatry - definitions.
<del>12-32-110.</del>		Penalties for practicing without license. (Repealed)
<del>12-32-111</del>	<del>12-290-119.</del>	Renewal of license - <u>continuing education - professional development program - rules - renewal questionnaire</u> .
<del>12-32-112.</del>		Existing licenses and proceedings. (Repealed)
<del>12-32-113</del>	<del>12-290-120.</del>	Injunctive proceedings.
<del>12-32-114</del>	<del>12-290-121.</del>	Duplicates of license.

- ~~12-32-115:~~ Procedure - registration - fees. (Repealed)
- ~~12-32-116:~~ Certification of licensing. (Repealed)
- ~~12-32-117~~ **12-290-122.** Division of fees prohibited - penalty - recovery of fees illegally paid.
- 12-32-118 Recovery of fees illegally paid. <{ *Moved to 12-290-122.* }>
- ~~12-32-119:~~ Existing licenses and proceedings. (Repealed)

PART 2  
SAFETY TRAINING FOR UNLICENSED X-RAY TECHNICIANS

- ~~12-32-201~~ **12-290-201.** Legislative declaration.
- ~~12-32-202~~ **12-290-202.** Board authorized to issue rules.

PART 1  
GENERAL PROVISIONS

**12-290-101. Applicability of common provisions.** ARTICLES 1, 20, AND 30 OF THIS TITLE 12 APPLY, ACCORDING TO THEIR TERMS, TO THIS ARTICLE 290.

**12-290-102. [Formerly 12-32-101] Definitions.** As used in this article 290, unless the context otherwise requires:

(1) "BOARD" MEANS THE COLORADO PODIATRY BOARD ESTABLISHED PURSUANT TO SECTION 12-290-105. <{ *Recommend adding definition of board, as is standard in other practice acts.* }>

(1) "Podiatric medicine" means the practice of podiatry. <{ *Moving term to definition of "practice of podiatry" since the terms are synonymous.* }>

(2) "Podiatric physician" or "podiatrist" means any person who practices podiatry.

(3) (a) "Practice of podiatry" OR "PODIATRIC MEDICINE" means: <{ *Adding "podiatric medicine" here since terms are synonymous.* }>

(I) Holding out one's self to the public as being able to treat, prescribe for, palliate, correct, or prevent any disease, ailment, pain, injury, deformity, or physical condition of the human toe, foot, ankle, tendons that insert into the foot, and soft tissue below the mid-calf, by the use of any medical, surgical, mechanical, manipulative, or electrical treatment, including complications thereof consistent with ~~such~~ THE scope of practice;

(II) Suggesting, recommending, prescribing, or administering any podiatric form of treatment, operation, or healing for the intended palliation, relief, or cure of any disease, ailment, injury, condition, or defect of the human toe, foot, ankle, tendons that insert into the foot, and soft tissue wounds below the mid-calf, including complications thereof consistent

1 with ~~such~~ THE scope of practice; and

2 (III) Maintaining an office or other place for the purpose of examining and treating  
3 persons afflicted with disease, injury, or defect of the human toe, foot, ankle, tendons that  
4 insert into the foot, and soft tissue wounds below the mid-calf, including the complications  
5 thereof consistent with ~~such~~ THE scope of practice.

6 (b) The "practice of podiatry" does not include the amputation of the foot or the  
7 administration of an anesthetic other than a local anesthetic.

8 (c) A podiatrist may only treat a soft tissue wound below the mid-calf if the patient  
9 is being treated by a physician for his or her underlying medical condition or if the podiatrist  
10 refers the patient to a physician for further treatment of the underlying medical condition.

11 (4) "Soft tissue wound" means a lesion to the musculoskeletal junction that include  
12 dermal and sub-dermal tissue that do not involve bone removal or repair or muscle transfer.  
13

14 **12-290-103. [Formerly 12-32-101.5] Podiatric surgery.** (1) Surgical procedures  
15 on the ankle below the level of the dermis may be performed by a podiatrist licensed before  
16 July 1, 2010, in this state who:

17 (a) Is certified by the American Board of Podiatric Surgery or its successor  
18 organization;

19 (b) Is performing surgery under the direct supervision of a licensed podiatrist certified  
20 by the American Board of Podiatric Surgery or its successor organization; except that, if the  
21 supervising podiatrist is licensed on or after July 1, 2010, the supervising podiatrist shall be  
22 certified in reconstructive rearfoot/ankle surgery or foot and ankle surgery by the American  
23 Board of Podiatric Surgery or its successor organization; or

24 (c) Is performing surgery under the direct supervision of a person licensed to practice  
25 medicine and certified by the American Board of Orthopedic Surgery or its successor  
26 organization or by the American Osteopathic Board of Orthopedic Surgery or its successor  
27 organization.

28 (2) Surgical procedures on the ankle below the level of the dermis may be performed  
29 by a podiatrist licensed on or after July 1, 2010, in this state who:

30 (a) Is certified in reconstructive rearfoot/ankle surgery or foot and ankle surgery by  
31 the American Board of Podiatric Surgery or its successor organization;

32 (b) Is performing surgery under the direct supervision of a licensed podiatrist certified  
33 by the American Board of Podiatric Surgery or its successor organization; except that, if the  
34 supervising podiatrist is licensed on or after July 1, 2010, the supervising podiatrist shall be  
35 certified in reconstructive rearfoot/ankle surgery or foot and ankle surgery by the American  
36 Board of Podiatric Surgery or its successor organization;

37 (c) Is performing surgery under the direct supervision of a person licensed to practice  
38 medicine and certified by the American Board of Orthopedic Surgery or its successor

1 organization or by the American Osteopathic Board of Orthopedic Surgery or its successor  
2 organization; or

3 (d) Has completed a three-year surgical residency approved by the Colorado podiatry  
4 board.

5  
6 **12-290-104. [Formerly 12-32-102] Podiatry license required - professional  
7 liability insurance required - exceptions - rules.** (1) (a) It is unlawful for any person to  
8 practice podiatry within the state of Colorado who does not hold a license to practice  
9 medicine issued by the Colorado medical board PURSUANT TO ARTICLE 240 OF THIS TITLE 12  
10 or a license to practice podiatry issued by the Colorado podiatry board as provided by this  
11 article **290**.

12 (b) A ~~podiatry training license is required for a person serving in an approved~~  
13 ~~residency program Such persons shall be licensed~~ MUST OBTAIN A PODIATRY TRAINING  
14 LICENSE ISSUED by the Colorado podiatry board pursuant to section ~~12-32-107.4~~ **12-290-110**.  
15 As used in this ~~section~~ SUBSECTION (1)(b), an "approved residency" is a residency in a  
16 hospital conforming to the minimum standards for residency training established or approved  
17 by the Colorado podiatry board, which has the authority, upon its own investigation, to  
18 approve any residency. <{Suggesting some cleanup to the podiatry training license  
19 requirement. OK?}>

20 (2) It is unlawful for any person to practice podiatry within the state of Colorado  
21 unless ~~such~~ THE person purchases and maintains professional liability insurance as follows:

22 (a) If ~~such~~ THE person performs surgical procedures, professional liability insurance  
23 shall be maintained in an amount not less than one million dollars per claim and three million  
24 dollars per year for all claims;

25 (b) The Colorado podiatry board shall by rule establish financial responsibility  
26 standards for podiatrists who do not perform podiatric surgical procedures and who sign an  
27 affidavit attesting to ~~such~~ THAT fact. The board may determine that no professional liability  
28 insurance requirements apply to ~~such~~ THE persons or may impose standards ~~which~~ THAT shall  
29 not in any event exceed those prescribed in ~~paragraph (a) of this subsection (2)~~ SUBSECTION  
30 (2)(a) OF THIS SECTION.

31  
32 **12-290-105. [Formerly 12-32-103] Appointment of members of podiatry board  
33 - terms - repeal of article.** (1) THE COLORADO PODIATRY BOARD IS HEREBY ESTABLISHED.  
34 The governor shall appoint the members of the Colorado podiatry board. The board shall  
35 consist of four podiatrist members and one member from the public at large. The member  
36 from the public shall not be a licensed health care professional or be employed by or benefit  
37 financially from the health care industry. The terms of the members of the board shall be four  
38 years. The governor may remove any member of the board for misconduct, incompetency,

1 or neglect of duty. Members of the board shall remain in office until their successors are  
2 appointed.

3 (2) The Colorado podiatry board shall elect biennially from its membership a  
4 president and a vice-president. A majority of the board shall constitute a quorum for the  
5 transaction of all business.

6 (3) Members of the Colorado podiatry board shall be immune from suit in any action,  
7 civil or criminal, based upon any disciplinary proceedings or other official acts performed  
8 in good faith as members of such THE board. <{*This immunity provision is narrower than  
9 the immunity common provision, 12-20-402. Recommend retaining this language and look  
10 at adding an exclusion in 12-20-402 for podiatry board.*}>

11 (4) (a) The provisions of section 24-34-104, C.R.S., concerning the termination  
12 schedule for regulatory bodies of the state unless extended as provided in that section, are  
13 applicable to the Colorado podiatry board created by this section.

14 (b) This article 290 is repealed, effective July 1, 2019. BEFORE ITS REPEAL, THE  
15 FUNCTIONS OF THE BOARD ARE SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION  
16 24-34-104.

17  
18 **12-290-106. Powers and duties of board - limitation on authority.** (1) [Formerly  
19 **12-32-104 (1)**] The Colorado podiatry board shall regulate the practice of podiatry. The board  
20 shall exercise, subject to the provisions of this article 290, the following powers and duties:

21 (a) Adopt promulgate, and from time to time revise such rules and regulations as may  
22 be necessary to enable it to carry out the provisions of this article PURSUANT TO SECTION  
23 12-20-204, INCLUDING RULES GOVERNING ADVERTISING BY LICENSEES TO PREVENT THE USE  
24 OF MISLEADING, DECEPTIVE, OR FALSE ADVERTISING; <{*Redundant with general  
25 rule-making authority common provision, 12-20-204. Also, combining rulemaking  
26 authorized in this paragraph (a) and paragraph (g), below. Recommend amending as  
27 indicated.*}>

28 (b) Examine, license, and renew licenses of duly qualified podiatric applicants;

29 (c) Conduct hearings upon complaints concerning the disciplining of podiatrists;  
30 <{*Some redundancy with paragraph (d), below. Recommend striking this paragraph (c)  
31 and combining with paragraph (d), new (c), below.*}>

32 (d) (f) (c) Make investigations, hold hearings, INCLUDING HEARINGS UPON  
33 COMPLAINTS CONCERNING DISCIPLINING PRODIATRISTS, and take evidence IN ACCORDANCE  
34 WITH SECTION 12-20-403 in all matters relating to the exercise and performance of the powers  
35 and duties vested in the board; <{*Recommend adding reference to disciplinary procedures  
36 common provision, 12-20-403, and moving language from current paragraph (c) to this  
37 paragraph.*}>

38 (H) The board or an administrative law judge may administer oaths, take affirmations

1 of witnesses, and issue subpoenas to compel the attendance of witnesses and the production  
2 of all relevant papers, books, records, documentary evidence, and materials in any hearing,  
3 investigation, accusation, or other matter coming before the board. The board may appoint  
4 an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to take  
5 evidence and to make findings and report them to the board.

6 (III) Upon failure of any witness to comply with such subpoena or process, the district  
7 court of the county in which the subpoenaed person or licensee resides or conducts business,  
8 upon application by the board or director with notice to the subpoenaed person or licensee,  
9 may issue to the person or licensee an order requiring that person or licensee to appear before  
10 the board or director; to produce the relevant papers, books, records, documentary evidence,  
11 or materials if so ordered; or to give evidence touching the matter under investigation or in  
12 question. Failure to obey the order of the court may be punished by the court as a contempt  
13 of court. <{*Subparagraphs (II) and (III) are redundant with disciplinary procedures  
14 common provision, 12-20-403 (2). Recommend repeal.*}>

15 (e) (d) Cause the prosecution of and seek injunctions IN ACCORDANCE WITH SECTION  
16 12-20-406 against all persons violating this article 290; AND <{*Recommend adding  
17 reference to injunctive relief common provision, 12-20-406.*}>

18 (f) (e) Approve or refuse to approve podiatric colleges. and

19 (g) Adopt regulations governing advertising by licensees to prevent the use of  
20 advertising which is misleading, deceptive, or false. <{*Moved to paragraph (a), above.*}>

21 (2) Repeated.

22 (2) [Formerly 12-32-104.5.] The authority granted the board under the provisions  
23 of this article 290 shall not be construed to authorize the board to arbitrate or adjudicate fee  
24 disputes between licensees or between a licensee and any other party.

25  
26 ~~12-32-104.5. Limitation on authority.~~ The authority granted the board under the  
27 provisions of this article shall not be construed to authorize the board to arbitrate or  
28 adjudicate fee disputes between licensees or between a licensee and any other party.  
29 <{*Moved to 12-290-106 (2), above.*}>

30  
31 **12-290-107. [Formerly 12-32-105] Examination as to qualifications - rules.**

32 (1) Every person desiring to practice podiatry in this state shall be examined as to his or her  
33 THE PERSON'S qualifications, except as otherwise provided in this article 290. Each applicant  
34 shall submit, in a manner approved by the Colorado podiatry board, an application containing  
35 satisfactory proof that said THE applicant:

36 (a) Is AT LEAST twenty-one years of age; <{*OK with this clarification? As written,  
37 could be read to exclude applicants over 21 years of age.*}>

38 (b) Is a graduate of a school of podiatry at which not less than a two-year podiatry

1 course and a four-year course of podiatry is required and that is recognized and approved by  
2 the Colorado podiatry board;

3 (c) Has completed one year of a residency program approved by the Colorado  
4 podiatry board as established by rules promulgated by the board; and

5 (d) In the two years immediately preceding the date the application is received by the  
6 Colorado podiatry board, has been enrolled in podiatric medical school or in a residency  
7 program, has passed the national examination, has been engaged in the active practice of  
8 podiatry as defined by the board, or can otherwise demonstrate competency as determined  
9 by the board.

10 (2) and (3) (~~Deleted by amendment, L. 2010, (HB 10-1224), ch. 420, p. 2149, § 8,~~  
11 ~~effective July 1, 2010.~~)

12  
13 ~~12-32-106. Fees for examination - passing grade - date of examination.~~  
14 ~~(Repealed)~~

15  
16 **12-290-108. [Formerly 12-32-107.] Issuance, revocation, or suspension of license**  
17 **- probation - unprofessional conduct - definitions - immunity in professional review.**

18 (1) (a) If the Colorado podiatry board determines that an applicant possesses the  
19 qualifications required by this article 290, has paid a fee to be determined and collected  
20 pursuant to **section 24-34-105, C.R.S. 12-20-105**, and is entitled to a license to practice  
21 podiatry, the board shall issue such THE license. <{***Adding reference to fees common***  
22 ***provision, 12-20-105.***>

23 (b) If the Colorado podiatry board determines that an applicant for a license to  
24 practice podiatry does not possess the qualifications required by this article 290 or that ~~he or~~  
25 ~~she~~ THAT APPLICANT has done any of the acts defined in subsection (3) of this section as  
26 unprofessional conduct, ~~it~~ THE BOARD may refrain from issuing a license, and the applicant  
27 may proceed as provided in section 24-4-104 (9). ~~C.R.S.~~

28 (2) The Colorado podiatry board may ~~refuse to issue or may revoke, suspend, or~~  
29 ~~refuse to renew the license to practice podiatry issued to any person; or the board may issue~~  
30 ~~a letter of admonition or a letter of concern to or place on probation TAKE DISCIPLINARY OR~~  
31 ~~OTHER ACTION AS AUTHORIZED IN SECTION 12-20-404 AGAINST any person who, while~~  
32 ~~holding such a THE license, is guilty of any unprofessional conduct.~~ <{***Redundant with***  
33 ***disciplinary actions common provision, 12-20-404. Recommend amending as indicated.***>

34 (3) "Unprofessional conduct" as used in this article 290 means:

35 (a) ~~Repealed.~~

36 (b) (a) Resorting to fraud, misrepresentation, or material deception, or making a  
37 misleading omission, in applying for, securing, renewing, or seeking reinstatement of a  
38 license to practice podiatry in this state or any other state, in applying for professional

1 liability coverage required pursuant to section ~~12-32-109.5~~ **12-290-118** or for privileges at  
2 a hospital or other health care facility, or in taking the examination required in this article  
3 **290**;

4 ~~(c) and (d) Repealed.~~

5 ~~(e)~~ (b) Conviction of a felony or any crime that would constitute a violation of this  
6 article **290**. For purposes of this ~~paragraph (e)~~ SUBSECTION (3)(b), "conviction" includes the  
7 entry of a plea of guilty or nolo contendere or the imposition of a deferred sentence.

8 ~~(f)~~ (c) Habitual or excessive use or abuse of alcohol or controlled substances;

9 ~~(g) Repealed.~~

10 ~~(h)~~ (d) Aiding or abetting in the practice of podiatry any person not licensed to  
11 practice podiatry or any person whose license to practice podiatry is suspended;

12 ~~(i)~~ (e) Any act or omission ~~which~~ THAT fails to meet generally accepted standards of  
13 the practice of podiatry;

14 ~~(j)~~ (f) (I) Except as otherwise provided in section 25-3-103.7, ~~C.R.S.~~, practicing  
15 podiatry as:

16 (A) The partner, agent, or employee of, or in joint venture with, any person who does  
17 not hold a license to practice podiatry within this state; ~~or practicing podiatry as~~

18 (B) An employee of, or in joint venture with, any partnership or association any of  
19 whose partners or associates do not hold a license to practice podiatry within this state; or  
20 practicing podiatry as

21 (C) An employee of, or in joint venture with, any corporation other than a  
22 professional service corporation for the practice of podiatry as provided for in sections  
23 ~~12-32-109 (4) and 12-32-109.5~~ **12-290-116 (5) AND 12-290-118**.

24 (II) Any licensee holding a license to practice podiatry in this state may accept  
25 employment from any person, partnership, association, or corporation to examine and treat  
26 the employees of ~~such~~ THE person, partnership, association, or corporation.

27 ~~(k)~~ (g) Violating, ~~or~~ attempting to violate, directly or indirectly, ~~or~~ assisting in or  
28 abetting the violation of, or conspiring to violate any provision or term of this article **290**, any  
29 rule ~~or regulation~~ promulgated by the board pursuant to this article **290**, or any final agency  
30 order;

31 ~~(l) and (m) Repealed.~~

32 ~~(n)~~ (h) Administering, dispensing, or prescribing any habit-forming drug or any  
33 controlled substance, as defined in section 18-18-102 (5), ~~C.R.S.~~, other than in the course of  
34 legitimate professional practice, which includes only prescriptions related to the scope of  
35 podiatric medicine; ~~as defined in section 12-32-101 (3)(a);~~ <{"***Podiatric medicine***" is a  
36 ***defined term, so recommend striking "as defined in . . ."***}>

37 ~~(o)~~ (i) Conviction of violation of any federal or state law regulating the possession,  
38 distribution, or use of any controlled substance, as defined in section 18-18-102 (5). ~~C.R.S.~~

1 ~~and~~; For the purposes of this ~~paragraph (o)~~ SUBSECTION (3)(i), a plea of guilty or a plea of  
2 nolo contendere accepted by the court shall be considered as a conviction;

3       ~~(p)~~ (j) ~~Such~~ THE physical or mental disability as to render the licensee unable to  
4 perform podiatry with reasonable skill and with safety to the patient;

5       ~~(q)~~ (k) Advertising ~~which~~ THAT is misleading, deceptive, or false;

6       ~~(r)~~ (l) (I) Violation or abuse of health insurance pursuant to section 18-13-119;  
7 ~~€R.S.~~; or

8       (II) Advertising through newspapers, magazines, circulars, direct mail, directories,  
9 radio, television, or otherwise that the licensee will perform any act prohibited by section  
10 18-13-119 (3); ~~€R.S.~~;

11       ~~(s)~~ (m) Engaging in a sexual act with a patient during the course of patient care or  
12 during the six-month period immediately following the termination of such care. "Sexual  
13 act", as used in this ~~paragraph (s)~~ SUBSECTION (3)(m), means sexual contact, sexual intrusion,  
14 or sexual penetration as defined in section 18-3-401. ~~€R.S.~~

15       ~~(t)~~ (n) Performing any procedure in the course of patient care beyond the podiatrist's  
16 training and competence. This ~~paragraph (t)~~ SUBSECTION (3)(n) shall not be construed to  
17 authorize a licensed podiatrist to act beyond the scope of THE PRACTICE OF podiatry. **as**  
18 **defined by section 12-32-101 (3):** <{"*Practice of podiatry*" is a defined term, so  
19 *recommend striking "as defined in . . ."*}>

20       ~~(u)~~ (o) Engaging in any of the following activities and practices: Willful and repeated  
21 ordering or performance, without clinical justification, of demonstrably unnecessary  
22 laboratory tests or studies; the administration, without clinical justification, of treatment  
23 ~~which~~ THAT is demonstrably unnecessary; the failure to obtain consultations or perform  
24 referrals when failing to do so is not consistent with the standard of care for the profession;  
25 or ordering or performing, without clinical justification, any service, X ray, or treatment  
26 ~~which~~ THAT is contrary to recognized standards of the practice of podiatry as interpreted by  
27 the board;

28       ~~(v)~~ (p) Falsifying or repeatedly making incorrect essential entries or repeatedly failing  
29 to make essential entries on patient records;

30       ~~(w)~~ (q) Committing a fraudulent insurance act, as defined in section 10-1-128;  
31 ~~€R.S.~~;

32       ~~(x)~~ ~~(Deleted by amendment, L. 95, p. 220, § 3, effective July 1, 1995.)~~

33       ~~(y)~~ (r) Refusing to complete and submit the renewal questionnaire, or failing to report  
34 all of the relevant facts, or falsifying any information on the questionnaire as required  
35 pursuant to section ~~12-32-111~~ **12-290-119**;

36       ~~(z)~~ (s) Failing to report to the board any podiatrist known to have violated or, upon  
37 information or belief, believed to have violated any of the provisions of this subsection (3);

38       ~~(aa)~~ (t) Dividing fees or compensation or billing for services performed by an

1 unlicensed person as prohibited by section ~~12-32-117~~ **12-290-122**;

2 ~~(bb)~~ (u) Failing to report to the ~~Colorado podiatry~~ board within thirty days any  
3 adverse action taken against the licensee by another licensing agency in another state,  
4 territory, or country OR any peer review body, any health care institution, any professional  
5 or medical society or association, any governmental agency, any law enforcement agency,  
6 or any court for acts of conduct that would constitute grounds for action as described in this  
7 article **290**;

8 ~~(cc)~~ (v) Failing to report to the board the surrender of a license or other authorization  
9 to practice medicine in another state or jurisdiction or the surrender of membership on any  
10 medical staff or in any medical or professional association or society while under  
11 investigation by any of those authorities or bodies for acts or conduct similar to acts or  
12 conduct that would constitute grounds for action as defined in this article **290**;

13 ~~(dd)~~ (w) Violating the provisions of section 8-42-101 (3.6); ~~C.R.S.~~;

14 ~~(ee)~~ (x) Any violation of the provisions of section ~~12-32-202~~ **12-290-202** or any rule  
15 or regulation of the board adopted pursuant to ~~said~~ THAT section;

16 ~~(ff)~~ (y) Failing to respond in an honest, materially responsive, and timely manner to  
17 a complaint issued pursuant to section ~~12-32-108.3~~ **12-290-113**.

18 ~~(3.5)~~ (4) The discipline of a licensee for acts related to the practice of podiatry in  
19 another state, territory, or country shall be deemed unprofessional conduct. For purposes of  
20 this subsection ~~(3.5)~~ (4), "discipline" includes any sanction required to be reported pursuant  
21 to 45 CFR 60.8. This subsection ~~(3.5)~~ (4) shall apply only to disciplinary action based upon  
22 acts or omissions in ~~such~~ THE other state, territory, or country substantially as defined as  
23 unprofessional conduct pursuant to subsection (3) of this section.

24 ~~(4)~~ (5) (a) If a professional review committee is established pursuant to this section  
25 to investigate the quality of care being given by a person licensed pursuant to this article **290**,  
26 it shall include in its membership at least three persons licensed under this article **290**, but  
27 ~~such~~ THE committee may be authorized to act only by:

28 (I) The ~~Colorado podiatry~~ board; or

29 (II) A society or an association of persons licensed pursuant to this article **290** whose  
30 membership includes not less than one-third of the persons licensed pursuant to this article  
31 **290** residing in this state if the licensee whose services are the subject of review is a member  
32 of ~~such~~ THE society or association.

33 (b) **IN ADDITION TO THE PERSONS SPECIFIED IN SECTION 12-20-402, any member of the**  
34 **board or professional review committee, any member of the board's staff, any member of the**  
35 **professional review committee's staff, AND any person acting as a witness or consultant to**  
36 **the board or committee any witness testifying in a proceeding authorized under this article,**  
37 **and any person who lodges a complaint pursuant to this article shall be immune from liability**  
38 **in any civil action brought against him or her for acts occurring while acting in his or her**

1 capacity as board member, committee member, staff, consultant, or witness, respectively, if  
2 such individual was acting in good faith within the scope of his or her respective capacity,  
3 made a reasonable effort to obtain the facts of the matter as to which he or she acted, and  
4 acted in the reasonable belief that the action taken by him or her was warranted by the facts.  
5 Any person participating in good faith in lodging a complaint or participating in any  
6 investigative or administrative proceeding pursuant to this article shall be immune from any  
7 civil or criminal liability that may result from such participation IS GRANTED THE SAME  
8 IMMUNITY, AND IS SUBJECT TO THE SAME CONDITIONS FOR IMMUNITY, AS SPECIFIED IN  
9 SECTION 12-20-402. <{*Somewhat redundant with immunity common provision, section*  
10 *12-20-402. Recommend amending as indicated.*}>

11 (5) To prevent the use of advertising which is misleading, deceptive, or false, the  
12 Colorado podiatry board may adopt regulations governing advertising by podiatrists.  
13 <{*Redundant with 12-290-106 (1)(a), above. Recommend repealing.*}>

14  
15 **12-290-109. [Formerly 12-32-107.2] Volunteer podiatrist license.** (1) Any person  
16 licensed to practice podiatry pursuant to this article **290** may apply to the Colorado podiatry  
17 board for volunteer licensure status. Any such THE application shall be in the form and  
18 manner designated by the board. The board may grant such VOLUNTEER LICENSURE status by  
19 issuing a volunteer license, or it THE BOARD may deny the application if the licensee has been  
20 disciplined for any of the causes set forth in section ~~12-32-107~~ **12-290-108**.

21 (2) Any person applying for a license under this section shall:

22 (a) Attest that, after a date certain, the applicant no longer earns income as a  
23 podiatrist;

24 (b) Pay the license fee authorized by section ~~24-34-105, C.R.S.~~ **12-20-105**. The  
25 volunteer podiatrist license fee shall be reduced from the license fee.

26 (c) Maintain liability insurance as provided in section ~~12-32-102~~ **12-290-104**.

27 (3) The volunteer status of a licensee shall be plainly indicated on the face of any  
28 volunteer license issued pursuant to this section.

29 (4) The Colorado podiatry board is authorized to conduct disciplinary proceedings  
30 pursuant to section ~~12-32-108.3~~ **12-290-113** against any person licensed under this section  
31 for an act committed while such THE person was licensed pursuant to this section.

32 (5) Any person licensed under this section may apply to the Colorado podiatry board  
33 for a return to active licensure status by filing an application in the form and manner  
34 designated by the board. The board may approve such THE application and issue a license to  
35 practice podiatry or may deny the application if the licensee has been disciplined for or  
36 engaged in any of the activities set forth in section ~~12-32-107~~ **12-290-108**.

37 (6) A podiatrist with a volunteer license shall only provide podiatry services if the  
38 services are performed on a limited basis for no fee or other compensation.

1           **12-290-110. [Formerly 12-32-107.4] Podiatry training license.** (1) The Colorado  
2 podiatry board shall issue a podiatry training license to an applicant who has:

3           (a) Graduated from a podiatric medical school approved by the Colorado podiatry  
4 board;

5           (b) Passed the part I and part II examinations by the National Board of Podiatric  
6 Medical Examiners or its successor organization; and

7           (c) Been accepted into a podiatric residency program in Colorado.

8           (2) At least thirty days prior to the date the applicant begins the residency program,  
9 the applicant shall submit a statement to the Colorado podiatry board from the residency  
10 director of an approved residency program in Colorado that states the applicant meets the  
11 necessary qualifications and that the residency program accepts responsibility for the  
12 applicant's training while in the program.

13           (3) Where feasible, the applicant shall submit a completed application, on a form  
14 approved by the Colorado podiatry board, on or before the date on which the applicant begins  
15 the approved residency. A podiatry training license granted pursuant to this section shall  
16 expire if a completed application is not received by the board within sixty days after the  
17 applicant begins the approved residency.

18           (4) The Colorado podiatry board may refuse to issue a podiatric training license to  
19 an applicant who does not have the necessary qualifications, who has engaged in  
20 unprofessional conduct pursuant to section ~~12-32-107~~ **12-290-108**, or who has been  
21 disciplined by a licensing board in another jurisdiction.

22           (5) A person with a podiatric training license shall only practice podiatry under the  
23 supervision of a licensed podiatrist or a physician licensed to practice medicine within the  
24 residency program. A person with a podiatry training license shall not delegate podiatric or  
25 medical services to a person who is not licensed to practice podiatry or medicine and shall  
26 not have the authority to supervise physician assistants.

27           (6) The podiatry training license shall not be renewed and shall expire:

28           (a) No later than three years after the date the license is issued;

29           (b) If the training licensee is no longer participating in the residency program; or

30           (c) When the training licensee receives a license to practice podiatry pursuant to  
31 section ~~12-32-107~~ **12-290-108**.

32  
33           **12-290-111. [Formerly 12-32-107.5.] Prescriptions - requirement to advise  
34 patients - limit on opioid prescriptions - repeal.** (1) A podiatrist licensed under this article  
35 **290** may advise the podiatrist's patients of their option to have the symptom or purpose for  
36 which a prescription is being issued included on the prescription order.

37           (2) A podiatrist's failure to advise a patient under subsection (1) of this section shall  
38 not be grounds for any disciplinary action against the podiatrist's professional license issued

1 under this article **290**. Failure to advise a patient pursuant to subsection (1) of this section  
2 shall not be grounds for any civil action against a podiatrist in a negligence or tort action, nor  
3 shall ~~such~~ THE failure be evidence in any civil action against a podiatrist.

4 (3) (a) A podiatrist shall not prescribe more than a seven-day supply of an opioid to  
5 a patient who has not had an opioid prescription in the last twelve months by that podiatrist,  
6 and may exercise discretion to include a second fill for a seven-day supply. The limits on  
7 initial prescribing do not apply if, in the judgment of the podiatrist, the patient IS SUBJECT TO  
8 THE LIMITATIONS ON PRESCRIBING OPIOIDS SPECIFIED IN SECTION 12-30-109. <{*Redundant*  
9 *with opioid prescribing limits common provision, 12-30-109. Recommend amending as*  
10 *indicated.*}>

11 (I) Has chronic pain that typically lasts longer than ninety days or past the time of  
12 normal healing, as determined by the podiatrist, or following transfer of care from another  
13 podiatrist who prescribed an opioid to the patient;

14 (II) Has been diagnosed with cancer and is experiencing cancer-related pain; or

15 (III) Is experiencing post-surgical pain that, because of the nature of the procedure,  
16 is expected to last more than fourteen days.

17 (b) Prior to prescribing the second fill of any opioid prescription pursuant to this  
18 section, a podiatrist must comply with the requirements of section 12-42.5-404 (3.6). Failure  
19 to comply with section 12-42.5-404 (3.6) constitutes unprofessional conduct under section  
20 12-32-107 only if the podiatrist repeatedly fails to comply.

21 (c) A podiatrist licensed pursuant to this article 32 may prescribe opioids  
22 electronically.

23 (d) A violation of this subsection (3) does not create a private right of action or serve  
24 as the basis of a cause of action. A violation of this section does not constitute negligence per  
25 se or contributory negligence per se and does not alone establish a standard of care.  
26 Compliance with this section does not alone establish an absolute defense to any alleged  
27 breach of the standard of care.

28 (e) (b) This subsection (3) is repealed, effective September 1, 2021.

29  
30 **12-290-112. [Formerly 12-32-108] Licensure by endorsement - rules.** (1) The  
31 Colorado podiatry board may issue a license by endorsement to engage in the practice of  
32 podiatry in this state to any applicant who has a license in good standing as a podiatrist under  
33 the laws of another jurisdiction if the applicant presents proof satisfactory to the board that,  
34 at the time of application for a Colorado license by endorsement, the applicant possesses  
35 credentials and qualifications that are substantially equivalent to requirements in Colorado  
36 for licensure by examination, and that in the two years immediately preceding the date of the  
37 application the applicant has been engaged in the active practice of podiatry as defined by  
38 the board or can otherwise demonstrate competency as determined by the board. The board

1 may specify by rule what shall constitute substantially equivalent credentials and  
2 qualifications.

3 (2) A fee to be set by the board shall be charged for registration by endorsement.

4 (3) "In good standing", as used in subsection (1) of this section, means a license that  
5 has not been revoked or suspended or against which there are no current disciplinary or  
6 adverse actions.

7  
8 **12-290-113. [Formerly 12-32-108.3] Disciplinary action by board.** (1) In the  
9 discharge of its duties, the ~~Colorado podiatry~~ board may enlist the assistance of other persons  
10 licensed to practice podiatry or medicine in this state. Podiatrists have the duty to report to  
11 the board any podiatrist known, or upon information and belief, to have violated any of the  
12 provisions of section ~~12-32-107 (3)~~ **12-290-108 (3)**.

13 (2) (a) Complaints in writing relating to the conduct of any podiatrist licensed or  
14 authorized to practice podiatry in this state may be made by any person or may be initiated  
15 by the ~~Colorado podiatry~~ board on its own motion. The podiatrist complained of shall be  
16 given notice by first-class mail of the nature of all matters complained of within thirty days  
17 of the receipt of the complaint or initiation of the complaint by the ~~Colorado podiatry~~ board  
18 and shall be given thirty days to make explanation or answer thereto.

19 (b) The ~~Colorado podiatry~~ board shall cause an investigation to be made when the  
20 board is informed of:

21 (I) Disciplinary actions taken by hospitals to suspend or revoke the privileges of a  
22 podiatrist and reported to ~~such~~ THE board pursuant to section 25-3-107; ~~C.R.S.;~~

23 (II) Disciplinary actions taken by a professional review committee established  
24 pursuant to section ~~12-32-107 (4)~~ **12-290-108 (5)** against a podiatrist;

25 (III) An instance of a malpractice settlement or judgment against a podiatrist reported  
26 to the board pursuant to section 10-1-124; ~~C.R.S.;~~ or

27 (IV) Podiatrists who have been allowed to resign from hospitals for unprofessional  
28 conduct. ~~Such~~ THE hospitals shall report THOSE RESIGNATIONS to the board.

29 (c) On completion of an investigation, the board shall make a finding that:

30 (I) The complaint is without merit and no further action need be taken with reference  
31 thereto;

32 (II) There is no reasonable cause to warrant further action with reference thereto;

33 (III) ~~(A) When a~~ THE complaint or investigation discloses an instance of misconduct  
34 that, in the opinion of the board, does not warrant formal action by the board but that should  
35 not be dismissed as being without merit, IN WHICH CASE THE BOARD MAY SEND a letter of  
36 admonition may be issued and sent, by certified mail to the licensee IN ACCORDANCE WITH  
37 SECTION 12-20-404 (4).

38 ~~(B) When a letter of admonition is sent by the board, by certified mail, to a licensee,~~

1 such licensee shall be advised that he or she has the right to request in writing, within twenty  
2 days after receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate  
3 the propriety of the conduct upon which the letter of admonition is based.

4 (C) If the request for adjudication is timely made, the letter of admonition shall be  
5 deemed vacated and the matter shall be processed by means of formal disciplinary  
6 proceedings. <{*Some redundancy with letters of admonition common provision, 12-20-404*  
7 *(4). Recommend amending as indicated.*}>

8 (IV) (A) The investigation discloses facts that warrant further proceedings by formal  
9 complaint, as provided in subsection (3) of this section, in which event the complaint shall  
10 be referred to the attorney general for preparation and filing of a formal complaint;

11 (B) When a complaint or an investigation discloses an instance of misconduct that,  
12 in the opinion of the board, warrants formal action, the complaint shall not be resolved by  
13 a deferred settlement, action, judgment, or prosecution. <{*Redundant with disciplinary*  
14 *actions/no deferment common provision, 12-20-404 (2). Recommend repealing.*}>

15 (V) The investigation discloses an instance of conduct which THAT, in the opinion of  
16 the board, does not warrant formal action but in which the board has noticed indications of  
17 possible errant conduct by the licensee that could lead to serious consequences if not  
18 corrected, in which case THE BOARD SHALL SEND a confidential letter of concern shall be sent  
19 IN ACCORDANCE WITH SECTION 12-20-404 (5) to the podiatrist against whom a complaint was  
20 made. If the board learns of second or subsequent actions of the same or similar nature by  
21 the licensee, the board shall not issue a confidential letter of concern but shall take such other  
22 course of action as it deems appropriate. <{*Adding a cross reference to the confidential*  
23 *letter of concern common provision, 12-20-404 (5).*}>

24 (d) Repealed.

25 (3) (a) All formal complaints seeking disciplinary action against a podiatrist shall be  
26 filed with the Colorado podiatry board. A formal complaint shall set forth the charges with  
27 sufficient particularity as to inform the podiatrist clearly and specifically of the acts of  
28 unprofessional conduct with which he or she THE PODIATRIST is charged.

29 (b) The board may include in any disciplinary order placing a podiatrist on probation  
30 such THE conditions as the board may deem appropriate to assure that the podiatrist is  
31 physically, mentally, and otherwise qualified to practice podiatry in accordance with  
32 generally accepted professional standards of practice, including any or all of the following:

33 (I) Submission by the podiatrist to such examinations as the board may order to  
34 determine his or her THE PODIATRIST'S physical or mental condition or his or her THE  
35 PODIATRIST'S professional qualifications;

36 (II) The Taking by him or her of such therapy or courses of training or education as  
37 may be needed to correct deficiencies found either in the hearing or by such THE  
38 examinations;

1 (III) ~~The~~ Review or supervision of ~~his or her~~ THE PODIATRIST'S practice as may be  
 2 necessary to determine the quality of ~~his or her~~ THE PODIATRIST'S practice and to correct  
 3 deficiencies therein; and

4 (IV) The imposition of restrictions upon the nature of ~~his or her~~ THE PODIATRIST'S  
 5 practice to assure that ~~he or she~~ THE PODIATRIST does not practice beyond the limits of ~~his~~  
 6 ~~or her~~ THE PODIATRIST'S capabilities.

7 (c) Upon the failure of a licensee to comply with any conditions imposed by the  
 8 Colorado podiatry board pursuant to ~~paragraph (b) of this subsection (3)~~ SUBSECTION (3)(b)  
 9 OF THIS SECTION, unless compliance is beyond the control of the licensee, the board may  
 10 suspend the license of the licensee until the licensee complies with the conditions of the  
 11 board.

12 (4) The board, through the department, ~~of regulatory agencies,~~ **may employ**  
 13 **administrative law judges**, on a full-time or part-time basis, to conduct hearings as provided  
 14 by this article 290 or on any matter within the board's jurisdiction upon ~~such~~ THE conditions  
 15 and terms as the board may determine. <{***Since this section refers to employment of ALJs,***  
 16 ***not redundant with appointment of ALJs common provision, 12-20-403 (3). Recommend***  
 17 ***retaining this provision.***>

18 (5) ~~The attendance of witnesses and the production of books, patient records, papers,~~  
 19 ~~and other pertinent documents at the hearing may be summoned by subpoenas issued by the~~  
 20 ~~board, which shall be served in the manner provided by the Colorado rules of civil procedure~~  
 21 ~~for service of subpoenas.~~ <{***Redundant with disciplinary procedures/subpoena powers***  
 22 ***common provision, 12-20-403 (2)(a), which is referenced in board powers and duties***  
 23 ***section, 12-290-106 (1)(c). Recommend repealing.***>

24 (6) (5) Disciplinary proceedings and hearings shall be conducted in the manner  
 25 prescribed by **SECTION 12-20-403 AND** article 4 of title 24, C.R.S., and the hearing and  
 26 opportunity for review shall be conducted pursuant to ~~said article~~ THOSE LAWS by the board  
 27 or an administrative law judge at the board's discretion. <{***Recommend adding reference to***  
 28 ***disciplinary procedures common provision, 12-20-403.***>

29 (7) (6) (a) ~~The board or an administrative law judge shall have the power to~~  
 30 ~~administer oaths, take affirmations of witnesses, and issue subpoenas to compel the~~  
 31 ~~attendance of witnesses and the production of all relevant papers, books, records,~~  
 32 ~~documentary evidence, and materials, in any hearing, investigation, accusation, or other~~  
 33 ~~matter coming before the board. The board may appoint an administrative law judge pursuant~~  
 34 ~~to part 10 of article 30 of title 24, C.R.S., to take evidence and to make findings and report~~  
 35 ~~them to the board. The~~ A person providing ~~such copies~~ OF RECORDS SUBPOENAED PURSUANT  
 36 TO SECTION 12-20-403 (2) shall prepare ~~them~~ THE COPIES from the original record and shall  
 37 delete from the copy provided pursuant to the subpoena the name of the patient, but shall  
 38 identify the patient by a numbered code, to be retained by the custodian of the records from

1 which the copies were made.

2 (b) Upon certification of the custodian that the copies are true and complete except  
3 for the patient's name, ~~they~~ THE COPIES shall be deemed authentic, subject to the right to  
4 inspect the originals for the limited purpose of ascertaining the accuracy of the copies. No  
5 privilege of confidentiality shall exist with respect to ~~such~~ THE copies, and no liability shall  
6 lie against the board or the custodian or ~~his or her~~ THE CUSTODIAN'S authorized employee for  
7 furnishing or using ~~such~~ THE copies in accordance with this subsection ~~(7)~~ (6). <{*Partially*  
8 *redundant with disciplinary procedures/subpoena powers and appointment of ALJ*  
9 *common provision, 12-20-403 (2)(a) & (3). Recommend amending as indicated and*  
10 *separating the language in paragraph (b) from paragraph (a).*}>

11 ~~(b) Upon failure of any witness to comply with such subpoena or process, the district~~  
12 ~~court of the county in which the subpoenaed person or licensee resides or conducts business,~~  
13 ~~upon application by the board or director with notice to the subpoenaed person or licensee,~~  
14 ~~may issue to the person or licensee an order requiring that person or licensee to appear before~~  
15 ~~the board or director; to produce the relevant papers, books, records, documentary evidence,~~  
16 ~~or materials if so ordered; or to give evidence touching the matter under investigation or in~~  
17 ~~question. Failure to obey the order of the court may be punished by the court as a contempt~~  
18 ~~of court.~~ <{*Redundant with disciplinary procedures common provision, 12-20-403 (2)(b).*  
19 *Recommend repealing.*}>

20 ~~(8) (Deleted by amendment, L. 2010, (HB 10-1224), ch. 420, p. 2154, § 13, effective~~  
21 ~~July 1, 2010.)~~

22 ~~(9)~~ (7) Upon the expiration of the term of suspension, the license shall be reinstated  
23 by the Colorado podiatry board if the holder of the license furnishes the board with evidence  
24 that ~~he or she~~ THE HOLDER has complied with all terms of the suspension. If the evidence  
25 shows ~~he or she~~ THE HOLDER has not complied with all terms of the suspension, the board  
26 shall continue the suspension or revoke the license at a hearing, notice of which and the  
27 procedure at which shall be as provided in this section.

28 ~~(10)~~ (8) If a person holding a license to practice podiatry in this state is determined  
29 to be mentally incompetent or insane by a court of competent jurisdiction and a court enters,  
30 pursuant to part 3 or 4 of article 14 of title 15 or section 27-65-109 (4) or 27-65-127, C.R.S.,  
31 an order specifically finding that the mental incompetency or insanity is of ~~such~~ a degree that  
32 the person holding a license is incapable of continuing to practice podiatry, ~~his or her~~ THE  
33 license shall automatically be suspended by the board, and, anything in this article **290** to the  
34 contrary notwithstanding, the suspension shall continue until the licensee is found by ~~such~~  
35 THE court to be competent to practice podiatry.

36 ~~(11)~~ (9) ~~(a)~~ IN ACCORDANCE WITH THE PROCEDURES SPECIFIED IN SECTION 12-30-108,  
37 if the Colorado podiatry board has reasonable cause to believe that a person licensed to  
38 practice podiatry in this state is unable to practice podiatry with reasonable skill and safety

1 to patients because of a condition described in section ~~12-32-107 (3)(f) or (3)(p)~~, it  
 2 ~~12-290-108 (3)(c) OR (3)(j)~~, THE BOARD may require the licensee to submit to mental or  
 3 physical examinations by physicians designated by the board. Upon the failure of the licensee  
 4 to submit to the mental or physical examinations, unless due to circumstances beyond his or  
 5 her control, the board may suspend the licensee's license to practice podiatry in this state until  
 6 such time as he or she submits to the required examinations and the board has made a  
 7 determination on the ability of the licensee based on the results of the examinations. The  
 8 board shall ensure that all examinations are conducted and evaluated in a timely manner.

9 ~~(b) Every person licensed to practice podiatry in this state shall be deemed, by so~~  
 10 ~~practicing or by applying for registration of his or her license to practice podiatry in this state,~~  
 11 ~~to have given his or her consent to submit to mental or physical examinations when directed~~  
 12 ~~in writing by the board and, further, to have waived all objections to the admissibility of the~~  
 13 ~~examining physician's testimony or examination reports on the ground of privileged~~  
 14 ~~communication.~~

15 ~~(c) The results of any mental or physical examination ordered by the board shall not~~  
 16 ~~be used as evidence in any proceeding other than before the Colorado podiatry board.~~  
 17 ~~<{Subsection 11 is largely redundant with mental/physical exams common provision,~~  
 18 ~~12-30-108; recommend amending and repealing as indicated. Need to address 12-30-108~~  
 19 ~~3rd sentence in (2).}>~~

20 ~~(12) (10) Investigations and examinations of the Colorado podiatry board conducted~~  
 21 ~~pursuant to the provisions of this section shall be exempt from the provisions of any law~~  
 22 ~~requiring that proceedings of the board be conducted publicly or that the minutes or records~~  
 23 ~~of the board with respect to action of the board taken pursuant to the provisions of this~~  
 24 ~~subsection (12) (10) be open to public inspection. Any proceedings with regard to a licensee~~  
 25 ~~who is in violation of section 12-32-107(3)(f) 12-290-108 (3)(c) and who is participating in~~  
 26 ~~good faith in a rehabilitation program designed to alleviate the conditions specified in section~~  
 27 ~~12-32-107(3)(f) which 12-290-108 (3)(c) THAT has been approved by the board are also~~  
 28 ~~exempt from any such requirements of law.~~

29 ~~(13) (11) A person licensed to practice podiatry or medicine who, at the request of~~  
 30 ~~the Colorado podiatry board, examines another person licensed to practice podiatry shall be~~  
 31 ~~immune from suit for damages by the person examined if the examining person conducted~~  
 32 ~~the examination and made his or her findings or A diagnosis in good faith.~~

33 ~~(14) Repealed.~~

34 ~~(15) (a) If it appears to the Colorado podiatry board, based upon credible evidence~~  
 35 ~~as presented in a written complaint by any person, that a licensee is acting in a manner that~~  
 36 ~~is an imminent threat to the health and safety of the public or a person is acting or has acted~~  
 37 ~~without the required license, the board may issue an order to cease and desist such activity.~~  
 38 ~~The order shall set forth the statutes and rules alleged to have been violated, the facts alleged~~

1 to have constituted the violation, and the requirement that all unlawful acts or unlicensed  
2 practices immediately cease.

3 (b) Within ten days after service of the order to cease and desist pursuant to paragraph  
4 (a) of this subsection (15), the respondent may request a hearing on the question of whether  
5 acts or practices in violation of this part 1 have occurred. Such hearing shall be conducted  
6 pursuant to sections 24-4-104 and 24-4-105, C.R.S.

7 (16) (a) If it appears to the Colorado podiatry board, based upon credible evidence  
8 as presented in a written complaint by any person, that a person has violated any other  
9 portion of this part 1, then, in addition to any specific powers granted pursuant to this part  
10 1, the board may issue to such person an order to show cause as to why the board should not  
11 issue a final order directing such person to cease and desist from the unlawful act or  
12 unlicensed practice.

13 (b) A person against whom an order to show cause has been issued pursuant to  
14 paragraph (a) of this subsection (16) shall be promptly notified by the Colorado podiatry  
15 board of the issuance of the order, along with a copy of the order, the factual and legal basis  
16 for the order, and the date set by the board for a hearing on the order. Such notice may be  
17 served by personal service, by first-class United States mail, postage prepaid, or as may be  
18 practicable upon any person against whom such order is issued. Personal service or mailing  
19 of an order or document pursuant to this subsection (16) shall constitute notice thereof to the  
20 person.

21 (c) (I) The hearing on an order to show cause shall be commenced no sooner than ten  
22 and no later than forty-five calendar days after the date of transmission or service of the  
23 notification by the Colorado podiatry board as provided in paragraph (b) of this subsection  
24 (16). The hearing may be continued by agreement of the parties based upon the complexity  
25 of the matter, number of parties to the matter, and legal issues presented in the matter, but  
26 in no event shall the hearing commence later than sixty calendar days after the date of  
27 transmission or service of the notification.

28 (H) If a person against whom an order to show cause has been issued pursuant to  
29 paragraph (a) of this subsection (16) does not appear at the hearing, the Colorado podiatry  
30 board may present evidence that notification was properly sent or served upon such person  
31 pursuant to paragraph (b) of this subsection (16) and such other evidence related to the matter  
32 as the board deems appropriate. The board shall issue the order within ten days after the  
33 board's determination related to reasonable attempts to notify the respondent, and the order  
34 shall become final as to that person by operation of law. Such hearing shall be conducted  
35 pursuant to sections 24-4-104 and 24-4-105, C.R.S.

36 (III) If the Colorado podiatry board reasonably finds that the person against whom  
37 the order to show cause was issued is acting or has acted without the required license or has  
38 or is about to engage in acts or practices constituting violations of this part 1, a final

1 ~~cease-and-desist order may be issued directing such person to cease and desist from further~~  
2 ~~unlawful acts or unlicensed practices.~~

3 ~~(IV) The Colorado podiatry board shall provide notice, in the manner set forth in~~  
4 ~~paragraph (b) of this subsection (16), of the final cease-and-desist order within ten calendar~~  
5 ~~days after the hearing conducted pursuant to this paragraph (c) to each person against whom~~  
6 ~~the final order has been issued. The final order issued pursuant to subparagraph (III) of this~~  
7 ~~paragraph (c) shall be effective when issued and shall be a final order for purposes of judicial~~  
8 ~~review.~~

9 ~~(17) If it appears to the Colorado podiatry board, based upon credible evidence~~  
10 ~~presented to the board, that a person has engaged in or is about to engage in any unlicensed~~  
11 ~~act or practice, any act or practice constituting a violation of this part 1, any rule promulgated~~  
12 ~~pursuant to this part 1, any order issued pursuant to this part 1, or any act or practice~~  
13 ~~constituting grounds for administrative sanction pursuant to this part 1, the board may enter~~  
14 ~~into a stipulation with such person.~~

15 ~~(18) If any person fails to comply with a final cease-and-desist order or a stipulation,~~  
16 ~~the Colorado podiatry board may request the attorney general or the district attorney for the~~  
17 ~~judicial district in which the alleged violation exists to bring, and if so requested such~~  
18 ~~attorney shall bring, suit for a temporary restraining order and for injunctive relief to prevent~~  
19 ~~any further or continued violation of the final order.~~

20 ~~(19) A person aggrieved by the final cease-and-desist order may seek judicial review~~  
21 ~~of the Colorado podiatry board's determination or of the board's final order as provided in~~  
22 ~~section 12-32-108.7.~~

23 ~~(12) THE BOARD MAY ISSUE CEASE-AND-DESIST ORDERS UNDER THE CIRCUMSTANCES~~  
24 ~~AND IN ACCORDANCE WITH THE PROCEDURES SPECIFIED IN SECTION 12-20-405. <{~~  
25 ~~*Subsections*~~  
26 ~~*(15) through (19) are redundant with cease-and-desist orders common provision,*~~  
27 ~~*12-20-405. Recommend repeal and replacing with cross-reference to cease-and-desist*~~  
28 ~~*orders common provisions.*~~>

29 ~~(20) (13) The Colorado podiatry board may impose a fine, not to exceed five~~  
30 ~~thousand dollars, for a violation of this article 290. All fines collected pursuant to this~~  
31 ~~subsection (20) shall be transferred to the state treasurer, who shall credit the moneys to the~~  
32 ~~general fund. <{~~  
33 ~~*Redundant with disposition of fines common provision, 12-20-404 (6).*~~  
34 ~~*Recommend repeal.*~~>

35 **12-290-114. [Formerly 12-32-108.5] Reconsideration and review of action of**  
36 **board.** (1) The Colorado podiatry board, on its own motion or upon application in  
37 accordance with subsection (3) of this section, at any time after the refusal to grant a license,  
38 the imposition of any discipline as provided in section ~~12-32-108.3~~ **12-290-113**, or the  
ordering of probation, as provided in section ~~12-32-107(2)~~ **12-20-404 (1)(b)**, may reconsider

1 its prior action and grant, reinstate, or restore ~~such~~ THE license or terminate probation or  
2 reduce the severity of its prior disciplinary action. The taking of any ~~such~~ further action, or  
3 the holding of a hearing with respect thereto, shall rest in the sole discretion of the board.

4 (2) Upon the receipt of the application, it may be forwarded to the attorney general  
5 for ~~such~~ investigation as may be deemed necessary. A copy of the application and the report  
6 of investigation shall be forwarded to the board, which shall consider the same and report its  
7 findings and conclusions. The proceedings shall be governed by the applicable provisions  
8 governing formal hearings in disciplinary proceedings. The attorney general may present  
9 evidence bearing upon the matters in issue, and the burden shall be upon the applicant  
10 seeking reinstatement to establish the averments of ~~his or her~~ IN THE application as specified  
11 in section 24-4-105 (7). ~~C.R.S.~~ No application for reinstatement or for modification of a prior  
12 order shall be accepted unless the applicant deposits with the board all amounts unpaid under  
13 any prior order of the board.

14 (3) ~~No licensee whose license is revoked shall be allowed to apply for reinstatement~~  
15 ~~of such license earlier than two years after the effective date of the revocation.~~ <{**Redundant**  
16 ~~**with waiting period common provision, 12-20-404 (3). Recommend repealing.**~~>

17  
18 **12-290-115. [Formerly 12-32-108.7] Judicial review.** ~~The court of appeals shall~~  
19 ~~have initial jurisdiction to review~~ SECTION 12-20-408 GOVERNS JUDICIAL REVIEW OF all final  
20 ~~actions and orders OF THE BOARD that are subject to judicial review.~~ ~~of the Colorado podiatry~~  
21 ~~board. Such proceedings shall be conducted in accordance with section 24-4-106 (11), C.R.S.~~  
22 <{**Redundant with judicial review common provision, 12-20-408. Recommending**  
23 ~~**amending as indicated.**~~>

24  
25 **12-290-116. [Formerly 12-32-109] Unauthorized practice - penalties - exclusions.**  
26 (1) ~~Any person who practices or offers or attempts to practice podiatry within this state~~  
27 ~~without an active license issued under this article commits a class 2 misdemeanor and shall~~  
28 ~~be punished as provided in section 18-1.3-501, C.R.S., for the first offense, and, for the~~  
29 ~~second or any subsequent offense, the person commits a class 6 felony and shall be punished~~  
30 ~~as provided in section 18-1.3-401, C.R.S. 290 IS SUBJECT TO PENALTIES PURSUANT TO~~  
31 ~~SECTION 12-20-407 (1)(a).~~ <{**Redundant with unauthorized practice common provision,**  
32 ~~**12-20-407. Recommend amending as indicated.**~~>

33 (1.5) (2) Any person who presents as ~~his or her~~ THE PERSON'S own the diploma,  
34 license, certificate, or credentials of another, ~~or who~~ gives either false or forged evidence of  
35 any kind to the Colorado podiatry board, or any member thereof, in connection with an  
36 application for a license to practice podiatry, ~~or who~~ practices podiatry under a false or  
37 assumed name, or ~~who~~ falsely impersonates another licensee of a like or different name  
38 commits a class 6 felony and shall be punished as provided in section 18-1.3-401. ~~C.R.S.~~

1           ~~(2)~~ (3) ~~No~~ A person shall NOT advertise in any form or hold ~~himself or herself~~  
2 ONESELF out to the public as a podiatrist, or, in any sign or any advertisement, use the word  
3 "podiatrist", "foot specialist", "foot correctionist", "foot expert", "practipedist", "podologist",  
4 or any other terms or letters indicating or implying that ~~he or she~~ THE PERSON is a podiatrist  
5 or that ~~he or she~~ THE PERSON practices or holds ~~himself or herself~~ ONESELF out as practicing  
6 podiatry or foot correction in any manner, without having, at the time of so doing, a valid,  
7 unsuspended, and unrevoked license as required by this article **290**.

8           ~~(3)~~ (4) No podiatrist shall willfully cause the public to believe that ~~he or she~~ THE  
9 PODIATRIST has qualifications extending beyond the limits of this article **290**, and no  
10 podiatrist shall willfully sign ~~his or her~~ THE PODIATRIST'S name using the prefix "Doctor" or  
11 "Dr." without following ~~his or her~~ THE PODIATRIST'S name with "podiatrist", "Doctor of  
12 Podiatric Medicine", or "D.P.M.". No podiatrist shall use the title "podiatric physician"  
13 unless ~~such~~ THE title is followed by the words "practice limited to treatment of the foot and  
14 ankle".

15           ~~(4)~~ (5) The conduct of the practice of podiatry in a corporate capacity is hereby  
16 prohibited, but ~~such~~ THE prohibition shall not be construed to prevent the practice of podiatry  
17 by a professional service corporation whose stockholders are restricted solely to licensed  
18 podiatrists. ~~Any such~~ A professional service corporation may exercise ~~such~~ THE powers and  
19 shall be subject to ~~such~~ THE limitations and requirements, insofar as applicable, as are  
20 provided in section ~~12-32-109.5~~ **12-290-118**, relating to professional service corporations for  
21 the practice of podiatry.

22           ~~(5)~~ (6) The provisions of this article **290** shall not:

23           (a) Apply to any physician licensed to practice medicine or surgery, any regularly  
24 commissioned surgeon of the United States armed forces or United States public health  
25 service, or any licensed osteopath;

26           ~~(6)~~ (b) ~~The provisions of this article shall not~~ Be construed to prohibit the  
27 recommending, advertising, fitting, adjusting, or sale of corrective shoes, arch supports, or  
28 similar mechanical appliances and foot remedies by retail dealers and manufacturers;

29           ~~(7)~~ (c) ~~The provisions of this article shall not~~ Be construed to prohibit, or to require  
30 a license for, the rendering of services under the personal and responsible direction and  
31 supervision of a person licensed to practice podiatry, and this exemption shall not apply to  
32 persons otherwise qualified to practice podiatry but not licensed to practice in this state; OR

33           ~~(8)~~ (d) ~~The provisions of this article shall not~~ Be construed to prohibit, or to require  
34 a license for, the rendering of nursing services by registered or other nurses in the lawful  
35 discharge of their duties pursuant to article ~~38~~ **255** of this title **12**.

36  
37           **12-290-117. [Formerly 12-32-109.3] Use of physician assistants - rules.** (1) A  
38 person licensed under the laws of this state to practice podiatry may delegate to a physician

1 assistant licensed by the Colorado medical board pursuant to section ~~12-36-107.4~~ **12-240-113**  
2 the authority to perform acts that constitute the practice of podiatry to the extent and in the  
3 manner authorized by rules promulgated by the ~~Colorado podiatry~~ board. ~~Such~~ THE acts shall  
4 be consistent with sound practices of podiatry. Each prescription for a controlled substance,  
5 as defined in section 18-18-102 (5), ~~C.R.S.~~, issued by a physician assistant must have the  
6 name of the physician assistant's supervising podiatrist printed on the prescription. For all  
7 other prescriptions issued by a physician assistant, the name and address of the health facility  
8 and, if the health facility is a multi-speciality organization, the name and address of the  
9 speciality clinic within the health facility where the physician assistant is practicing must be  
10 imprinted on the prescription. Nothing in this section limits the ability of otherwise licensed  
11 health personnel to perform delegated acts. The dispensing of prescription medication by a  
12 physician assistant is subject to section ~~12-42.5-118~~ (6) **12-280-120 (6)**.

13 (2) If the authority to perform an act is delegated pursuant to subsection (1) of this  
14 section, the act shall not be performed except under the personal and responsible direction  
15 and supervision of a person licensed under the laws of this state to practice podiatry, and ~~said~~  
16 THE person shall not be responsible for the direction and supervision of more than four  
17 physician assistants at any one time without specific approval of the board. The board may  
18 define appropriate direction and supervision pursuant to rules.

19 (3) The provisions of sections ~~12-36-106~~ (5) **12-240-107 (6)** and ~~12-36-107.4~~  
20 **12-240-113** governing physician assistants under the "Colorado Medical Practice Act" shall  
21 apply to physician assistants under this section.  
22

23 **12-290-118. [Formerly 12-32-109.5] Professional service corporations, limited**  
24 **liability companies, and registered limited liability partnerships for the practice of**  
25 **podiatry - definitions.** (1) Persons licensed to practice podiatry by the ~~Colorado podiatry~~  
26 board may form professional service corporations for the practice of podiatry under the  
27 "Colorado Corporation Code", if ~~such~~ THE corporations are organized and operated in  
28 accordance with the provisions of this section. The articles of incorporation of ~~such~~  
29 PROFESSIONAL SERVICE corporations shall contain provisions complying with the following  
30 requirements:

31 (a) The name of the corporation shall contain the words "professional company" or  
32 "professional corporation" or abbreviations thereof.

33 (b) The corporation shall be organized solely for the purposes of conducting the  
34 practice of podiatry only through persons licensed by the ~~Colorado podiatry~~ board to practice  
35 podiatry in the state of Colorado.

36 (c) The corporation may exercise the powers and privileges conferred upon  
37 corporations by the laws of Colorado only in furtherance of and subject to its corporate  
38 purpose.

1 (d) All shareholders of the corporation shall be persons licensed by the ~~Colorado~~  
2 ~~podiatry~~ board to practice podiatry in the state of Colorado, and who at all times own their  
3 shares in their own right. They shall be individuals who, except for illness, accident, time  
4 spent in the armed services, on vacations, and on leaves of absence not to exceed one year,  
5 are actively engaged in the practice of podiatry in the offices of the corporation.

6 (e) Provisions shall be made requiring any shareholder who ceases to be or for any  
7 reason is ineligible to be a shareholder to dispose of all ~~his or her~~ THE SHAREHOLDER'S shares  
8 immediately, either to the corporation or to any person having the qualifications described  
9 ~~in paragraph (d) of this subsection~~ (1) SUBSECTION (1)(d) OF THIS SECTION.

10 (f) The president shall be a shareholder and a director and, to the extent possible, all  
11 other directors and officers shall be persons having the qualifications described in ~~paragraph~~  
12 ~~(d) of this subsection~~ (1) SUBSECTION (1)(d) OF THIS SECTION. Lay directors and officers shall  
13 not exercise any authority whatsoever over professional matters. Notwithstanding sections  
14 7-108-103 to 7-108-106, ~~C.R.S.~~, relating to the terms of office of directors, a professional  
15 service corporation for the practice of podiatry may provide in the articles of incorporation  
16 or the bylaws that the directors may have terms of office of up to six years and that the  
17 directors may be divided into either two or three classes, each class to be as nearly equal in  
18 number as possible, with the terms of each class staggered to provide for the periodic, but not  
19 annual, election of less than all the directors.

20 (g) The articles of incorporation shall provide and all shareholders of the corporation  
21 shall agree that all shareholders of the corporation shall be jointly and severally liable for all  
22 acts, errors, and omissions of the employees of the corporation or that all shareholders of the  
23 corporation shall be jointly and severally liable for all acts, errors, and omissions of the  
24 employees of the corporation except during periods of time when each person licensed by the  
25 ~~Colorado podiatry~~ board to practice podiatry in Colorado who is a shareholder or any  
26 employee of the corporation has a professional liability policy insuring ~~himself or herself~~ THE  
27 LICENSEE and all employees who are not licensed to practice podiatry who act at ~~his or her~~  
28 THE LICENSEE'S direction in the amount of fifty thousand dollars for each claim and an  
29 aggregate top limit of liability per year for all claims of one hundred fifty thousand dollars  
30 or the corporation maintains in good standing professional liability insurance, which shall  
31 meet the following minimum standards:

32 (I) The insurance shall insure the corporation against liability imposed upon the  
33 corporation by law for damages resulting from any claim made against the corporation  
34 arising out of the performance of professional services for others by those officers and  
35 employees of the corporation who are licensed by the ~~Colorado podiatry~~ board to practice  
36 podiatry.

37 (II) ~~Such~~ THE policies shall insure the corporation against liability imposed upon it  
38 by law for damages arising out of the acts, errors, and omissions of all nonprofessional

1 employees.

2 (III) The insurance shall be in an amount for each claim of at least fifty thousand  
3 dollars multiplied by the number of persons licensed to practice podiatry employed by the  
4 corporation. The policy may provide for an aggregate top limit of liability per year for all  
5 claims of one hundred fifty thousand dollars also multiplied by the number of persons  
6 licensed to practice podiatry employed by the corporation, but no firm shall be required to  
7 carry insurance in excess of three hundred thousand dollars for each claim with an aggregate  
8 top limit of liability for all claims during the year of nine hundred thousand dollars.

9 (IV) The policy may provide that it does not apply to: Any dishonest, fraudulent,  
10 criminal, or malicious act or omission of the insured corporation or any stockholder or  
11 employee thereof; the conduct of any business enterprise, as distinguished from the practice  
12 of podiatry, in which the insured corporation under this section is not permitted to engage but  
13 ~~which~~ THAT nevertheless may be owned by the insured corporation or in which the insured  
14 corporation may be a partner or ~~which~~ THAT may be controlled, operated, or managed by the  
15 insured corporation in its own or in a fiduciary capacity, including the ownership,  
16 maintenance, or use of any property in connection therewith; when not resulting from breach  
17 of professional duty, bodily injury to, or sickness, disease, or death of any person, or to injury  
18 to or destruction of any tangible property, including the loss of use thereof; and ~~such~~ THE  
19 policy may contain reasonable provisions with respect to policy periods, territory, claims,  
20 conditions, and other usual matters.

21 (2) (a) The corporation shall do nothing ~~which~~ THAT, if done by a person licensed to  
22 practice podiatry in the state of Colorado employed by it, would violate the standards of  
23 professional conduct as provided for in section ~~12-32-107(3)~~ **12-290-108 (3)**. Any violation  
24 by the corporation of this section shall be grounds for the ~~Colorado podiatry~~ board to  
25 terminate or suspend its right to practice podiatry.

26 (b) The provisions of ~~paragraph (b) of subsection (5)~~ SUBSECTION (5)(b) of this  
27 section shall apply to the employment of a podiatrist by a professional service corporation,  
28 limited liability company, or registered limited liability partnership formed for the practice  
29 of podiatry in accordance with this section regardless of the date of formation of the entity.

30 (3) Nothing in this section shall be deemed to diminish or change the obligation of  
31 each person licensed to practice podiatry employed by the corporation to conduct his or her  
32 practice in accordance with the standards of professional conduct provided for in section  
33 ~~12-32-107(3)~~ **12-290-108 (3)**. Any person licensed by the ~~Colorado podiatry~~ board to  
34 practice podiatry who by act or omission causes the corporation to act or fail to act in a way  
35 that violates ~~such~~ THE standards of professional conduct, including any provision of this  
36 section, shall be deemed personally responsible for the act or omission and shall be subject  
37 to discipline for the act or omission.

38 (4) A professional service corporation may adopt a pension, CASH PROFIT-SHARING,

1 DEFERRED profit-sharing, ~~(whether cash or deferred)~~ health and accident, insurance, or  
2 welfare plan for all or part of its employees including lay employees if ~~such~~ THE plan does  
3 not require or result in the sharing of specific or identifiable fees with lay employees, and if  
4 any payments made to lay employees, or into any such plan in behalf of lay employees, are  
5 based upon their compensation or length of service, or both, rather than the amount of fees  
6 or income received.

7 (5) (a) Except as provided in this section, corporations shall not practice podiatry.

8 (b) Employment of a podiatrist by a certified or licensed hospital, licensed skilled  
9 nursing facility, certified home health agency, licensed hospice, certified comprehensive  
10 outpatient rehabilitation facility, certified rehabilitation agency, authorized health  
11 maintenance organization, accredited educational entity, or other entity wholly owned and  
12 operated by any governmental unit or agency shall not be considered the corporate practice  
13 of podiatry if:

14 (I) The relationship created by the employment does not affect the ability of the  
15 podiatrist to exercise his or her independent judgment in the practice of the profession;

16 (II) The podiatrist's independent judgment in the practice of the profession is in fact  
17 unaffected by the relationship;

18 (III) The policies of the entity employing the podiatrist contain a procedure by which  
19 complaints by a podiatrist alleging a violation of this ~~paragraph (b)~~ SUBSECTION (5)(b) may  
20 be heard and resolved;

21 (IV) The podiatrist is not required to exclusively refer any patient to a particular  
22 provider or supplier; except that nothing in this ~~subparagraph (IV)~~ SUBSECTION (5)(b)(IV)  
23 shall invalidate the policy provisions of a contract between a podiatrist and his or her  
24 intermediary or the managed care provisions of a health coverage plan; and

25 (V) The podiatrist is not required to take any other action he or she determines not  
26 to be in the patient's best interest.

27 (c) A podiatrist employed by an entity described in ~~paragraph (b) of this subsection~~  
28 ~~(5)~~ SUBSECTION (5)(b) OF THIS SECTION shall be an employee of the entity for purposes of  
29 liability for all acts, errors, and omissions of the employee.

30 (6) As used in this section, unless the context otherwise requires:

31 (a) "Articles of incorporation" includes operating agreements of limited liability  
32 companies and partnership agreements of registered limited liability partnerships.

33 (b) "Corporation" includes a limited liability company organized under the "Colorado  
34 Limited Liability Company Act", article 80 of title 7, ~~C.R.S.~~, and a limited liability  
35 partnership registered under section 7-60-144 or 7-64-1002. ~~C.R.S.~~

36 (c) "Director" and "officer" of a corporation includes a member and a manager of a  
37 limited liability company and a partner in a registered limited liability partnership.

38 (d) "Employees" includes employees, members, and managers of a limited liability

1 company and employees and partners of a registered limited liability partnership.

2 (d.5) "Health benefit plan" has the same meaning as set forth in section 10-16-102  
3 (32), C.R.S. <{***Recommend repealing as the term is not used in this section.***>

4 (e) "Share" includes a member's rights in a limited liability company and a partner's  
5 rights in a registered limited liability partnership.

6 (f) "Shareholder" includes a member of a limited liability company and a partner in  
7 a registered limited liability partnership.

8  
9 **~~12-32-110. Penalties for practicing without license. (Repealed)~~**

10  
11 **12-290-119. [Formerly 12-32-111] Renewal of license - continuing education -**  
12 **professional development program - rules - renewal questionnaire.** (1) (a) The Colorado  
13 podiatry board shall set reasonable continuing education requirements for THE renewal of A  
14 license, but in no event shall the board require more than fourteen hours' credit of continuing  
15 education per year. A podiatrist desiring to renew his or her license to practice podiatry shall  
16 submit to the Colorado podiatry board the information the board believes necessary to show  
17 that ~~he or she~~ THE PODIATRIST has fulfilled the board's continuing education requirements and  
18 a fee to be determined and collected pursuant to section ~~24-34-105, C.R.S.~~ ***12-20-105.***

19 (b) **On or before the 2013 podiatrist license renewal cycle,** the Colorado podiatry  
20 board shall promulgate rules and implement an ongoing professional development program  
21 that shall be developed in conjunction with statewide professional associations that represent  
22 podiatrists. The professional development program may include the continuing education  
23 requirements in ~~paragraph (a) of this subsection~~ (1) SUBSECTION (1)(a) OF THIS  
24 SECTION.<{***Can the date/initial clause of this paragraph (b) be repealed?***>

25 (1.5) (2) The board shall establish a questionnaire to accompany the renewal form.  
26 The questionnaire shall be designed to determine if the licensee has acted in violation of, or  
27 has been disciplined for actions that might be construed as violations of, this article **290** or  
28 that may make the licensee unfit to practice podiatry with reasonable care and safety. The  
29 failure of an applicant to answer the questionnaire accurately shall constitute unprofessional  
30 conduct pursuant to section ~~12-32-107~~ ***12-290-108.***

31 (2) (3) No license to practice podiatry that has been delinquent for more than two  
32 years shall be renewed unless the applicant demonstrates to the Colorado podiatry board his  
33 ~~or her~~ THE APPLICANT'S continued professional competence.

34 (3) ~~(Deleted by amendment, L. 2010, (HB 10-1224), ch. 420, p. 2158, § 19, effective~~  
35 ~~July 1, 2010.)~~

36 (4) **Renewal or reinstatement of a license shall be pursuant to a schedule established**  
37 **by the director of the division of professions and occupations within the department of**  
38 **regulatory agencies, and a license shall be renewed or reinstated pursuant to section**

1 24-34-102 (8), C.R.S. The director may establish renewal fees and delinquency fees for  
2 reinstatement pursuant to section 24-34-105, C.R.S. If a person fails to renew his or her  
3 license pursuant to the schedule established by the director, the license shall expire: LICENSES  
4 ISSUED UNDER THIS ARTICLE 290 ARE SUBJECT TO THE RENEWAL, EXPIRATION,  
5 REINSTATEMENT, AND DELINQUENCY FEE PROVISIONS OF SECTION 12-20-202 (1) AND (2). A  
6 person whose license has expired shall be subject to the penalties provided in this article 290  
7 or in section 24-34-102 (8)., C.R.S. **12-20-202 (1)**. The board shall establish the criteria for  
8 reinstatement of a license. <{*Redundant with renewal/reinstatement/delinquency fees  
9 common provision, 12-20-202; recommend amending as indicated.*}>

10  
11 **12-32-112. Existing licenses and proceedings. (Repealed)**

12  
13 **12-290-120. [Formerly 12-32-113] Injunctive proceedings.** The Colorado podiatry  
14 board in the name of the people of the state of Colorado, may apply for SEEK injunctive relief  
15 through the attorney general in any court of competent jurisdiction IN ACCORDANCE WITH  
16 SECTION 12-20-406, BUT ONLY to enjoin any person who does not possess a currently valid  
17 or active podiatry license from committing any act declared to be unlawful or prohibited by  
18 this article If it is established that the defendant has been or is committing an act declared to  
19 be unlawful or prohibited by this article, the court or any judge thereof shall enter a decree  
20 perpetually enjoining said defendant from further committing such act. In the case of a  
21 violation of any injunction issued under the provisions of this section, the court or any judge  
22 thereof may summarily try and punish the offender for contempt of court. Such injunctive  
23 proceedings shall be in addition to, and not in lieu of, all penalties and other remedies  
24 provided for in this article 290. <{*Redundant with injunctive relief common provision,  
25 12-20-406. Recommend amending as indicated.*}>

26  
27 **12-290-121. [Formerly 12-32-114] Duplicates of license.** The Colorado podiatry  
28 board is authorized to issue a duplicate license to any person to whom a license to practice  
29 podiatry in this state has been issued, upon application, properly verified by oath, establishing  
30 to the satisfaction of the board that the original license has been lost or destroyed and upon  
31 payment to the board of a fee to be determined by rule adopted by the board. No person shall  
32 be entitled to a duplicate license unless he or she THE PERSON is a licensee in good standing.

33  
34 **12-32-115. Procedure - registration - fees. (Repealed)**

35  
36 **12-32-116. Certification of licensing. (Repealed)**

37  
38 **12-290-122. Division of fees prohibited - penalty - recovery of fees illegally paid.**

1 (1) ~~[Formerly 12-32-117]~~ A LICENSEE COMMITS A CLASS 3 MISDEMEANOR AND SHALL BE  
2 PUNISHED AS PROVIDED IN SECTION 18-1.3-501 if ~~any person holding a license issued by the~~  
3 ~~Colorado podiatry board~~ THE LICENSEE:

4 (a) Divides any fee or compensation received or charged for services rendered by ~~him~~  
5 ~~or her~~ THE PERSON as ~~such~~ A licensee or agrees to divide ~~any such~~ THE fee or compensation  
6 with any person, firm, association, or corporation as pay or compensation to ~~such~~ THE other  
7 person for:

8 (I) Sending or bringing any patient or other person to ~~such~~ THE licensee; ~~or for~~

9 (II) Recommending ~~such~~ THE licensee to any person; or ~~for~~

10 (III) Being instrumental in any manner in causing any person to engage ~~such~~ THE  
11 licensee in ~~his or her~~ THE LICENSEE'S professional capacity; ~~or if any such licensee shall~~

12 (b) Either directly or indirectly ~~pay~~ PAYS or ~~compensate~~ COMPENSATES or ~~agree~~  
13 AGREES to pay or compensate any person, firm, association, or corporation for:

14 (I) Sending or bringing any patient or other person to ~~such~~ THE licensee for  
15 examination or treatment; ~~or for~~

16 (II) Recommending ~~such~~ THE licensee to any person; or ~~for~~

17 (III) Being instrumental in causing any person to engage ~~such~~ THE licensee in ~~his or~~  
18 ~~her~~ THE LICENSEE'S professional capacity; ~~or if any such licensee;~~

19 (c) ~~In his or her~~ THE LICENSEE'S professional capacity and in ~~his or her~~ THE LICENSEE'S  
20 own name or behalf, ~~shall make or present~~ MAKES OR PRESENTS a bill or ~~request~~ REQUESTS  
21 a payment for services rendered by any person other than the licensee. ~~such licensee commits~~  
22 ~~a class 3 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S.~~

23 ~~(2) Repeated.~~

24 (2) ~~[Formerly 12-32-118]~~ If ~~any~~ A licensee, in violation of SUBSECTION (1) OF THIS  
25 section, ~~12-32-117~~, divides or agrees to divide any fee or compensation received by ~~him or~~  
26 ~~her~~ THE LICENSEE for services rendered in ~~his or her~~ THE LICENSEE'S professional capacity  
27 with any person, the person who has paid ~~such~~ THE fee or compensation to the licensee may  
28 recover the amount unlawfully paid or agreed to be paid from either the licensee or from the  
29 person to whom the fee or compensation has been paid, by an action to be instituted within  
30 two years after the date on which the fee or compensation was divided or agreed to be  
31 divided.

32  
33 ~~12-32-118. Recovery of fees illegally paid.~~ If any licensee, in violation of section  
34 ~~12-32-117~~, divides or agrees to divide any fee or compensation received by ~~him or her~~ for  
35 services rendered in ~~his or her~~ professional capacity with any person, the person who has paid  
36 ~~such fee or compensation to the licensee may recover the amount unlawfully paid or agreed~~  
37 ~~to be paid from either the licensee or from the person to whom the fee or compensation has~~  
38 ~~been paid, by an action to be instituted within two years after the date on which the fee or~~

1 compensation was divided or agreed to be divided. <{Moved to 12-290-122 (2).}>

2  
3 **12-32-119. Existing licenses and proceedings. (Repealed)**

4  
5 PART 2

6 SAFETY TRAINING FOR UNLICENSED X-RAY TECHNICIANS

7  
8 **12-290-201. [Formerly 12-32-201] Legislative declaration.** (1) The general  
9 assembly hereby finds, determines, and declares that public exposure to the hazards of  
10 ionizing radiation used for diagnostic purposes should be minimized wherever possible.  
11 Accordingly, the general assembly finds, determines, and declares that for any podiatric  
12 physician or podiatrist to allow an untrained person to operate a machine source of ionizing  
13 radiation, including without limitation a device commonly known as an "X-ray machine", or  
14 to administer ~~such~~ radiation to a patient for diagnostic purposes is a threat to the public health  
15 and safety.

16 (2) It is the intent of the general assembly that podiatric physicians or podiatrists  
17 utilizing unlicensed persons in their practices provide those persons with a minimum level  
18 of education and training before allowing them to operate machine sources of ionizing  
19 radiation; however, it is not the general assembly's intent to discourage education and  
20 training beyond this minimum. It is further the intent of the general assembly that established  
21 minimum training and education requirements correspond as closely as possible to the  
22 requirements of each particular work setting as determined by the ~~Colorado podiatry~~ board  
23 pursuant to this part 2.

24 (3) The general assembly seeks to ensure, and accordingly declares its intent, that in  
25 promulgating the rules ~~and regulations~~ authorized by this part 2, the ~~Colorado podiatry~~ board  
26 will make every effort, consistent with its other statutory duties, to avoid creating a shortage  
27 of qualified individuals to operate machine sources of ionizing radiation for beneficial  
28 medical purposes in any area of the state.

29  
30 **12-290-202. [Formerly 12-32-202] Board authorized to issue rules.** (1) (a) The  
31 ~~Colorado podiatry~~ board shall adopt rules ~~and regulations~~ prescribing minimum standards  
32 for the qualifications, education, and training of unlicensed persons operating machine  
33 sources of ionizing radiation and administering ~~such~~ THE radiation to patients for diagnostic  
34 podiatric use. ~~No~~ NEITHER A podiatric physician nor podiatrist shall allow any unlicensed  
35 person to operate a machine source of ionizing radiation or to administer ~~such~~ radiation to  
36 any patient unless ~~such~~ THE person has met the standards then in effect under rules ~~and~~  
37 ~~regulations~~ adopted pursuant to this section. The board may adopt rules ~~and regulations~~  
38 allowing a grace period in which newly hired operators of machine sources of ionizing

1 radiation shall receive the training required pursuant to this section.

2 (b) For purposes of this part 2, "unlicensed person" means any person who does not  
3 hold a current and active license entitling the person to practice podiatry under the provisions  
4 of this article **290**.

5 (2) The ~~Colorado podiatry~~ board shall seek the assistance of licensed podiatrists in  
6 developing and formulating the rules ~~and regulations~~ promulgated pursuant to this section.

7 (3) The required number of hours of training and education for all unlicensed persons  
8 operating machine sources of ionizing radiation and administering ~~such~~ radiation to patients  
9 ~~shall be established by the board by rule on or before July 1, 1992. This standard shall apply~~  
10 ~~to all persons in podiatric settings other than hospitals and similar facilities licensed by the~~  
11 ~~department of public health and environment pursuant to section 25-1.5-103. , C.R.S. Such~~  
12 ~~training~~ THE TRAINING and education may be obtained through programs approved by the  
13 appropriate authority of any state or through equivalent programs and training experience  
14 including on-the-job training as determined by the board. <{*Does the repealed language*

15 *have continuing effect?*>