

SB153_L.002

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Human Services.

SB19-153 be amended as follows:

1 Amend printed bill, page 6, strike line 20 and substitute:

2 "SECTION 7. In Colorado Revised Statutes, 12-30-108, **repeal**
3 **as relocated by House Bill 19-1172 (4)(a)(I)(F)** as follows:

4 **12-30-108. Confidential agreement to limit practice - violation**
5 **grounds for discipline.** (4) (a) This section does not apply to:

6 (I) The following health care professionals:

7 (F) ~~Podiatrists regulated pursuant to article 290 of this title 12;~~

8 **SECTION 8.** In Colorado Revised Statutes, 12-290-105, **amend**
9 **as relocated by House Bill 19-1172 (4)** as follows:

10 **12-290-105. Appointment of members of podiatry board -**
11 **terms - repeal of article.** (4) This article 290 is repealed, effective July
12 ~~1, 2019~~ SEPTEMBER 1, 2026. Before the repeal, the functions of the board
13 are scheduled for review in accordance with section 24-34-104.

14 **SECTION 9.** In Colorado Revised Statutes, 12-290-107, **amend**
15 **as relocated by House Bill 19-1172 (1)(c); and add (1)(c.5)** as follows:

16 **12-290-107. Examination as to qualifications - rules.** (1) Every
17 person desiring to practice podiatry in this state shall be examined as to
18 the person's qualifications, except as otherwise provided in this article
19 290. Each applicant shall submit, in a manner approved by the board, an
20 application containing satisfactory proof that the applicant:

21 (c) Has completed one year of a residency program approved by
22 the board as established by rules promulgated by the board; ~~and~~

23 (c.5) HAS PASSED AN EXAMINATION APPROVED BY THE BOARD AS
24 ESTABLISHED BY RULES PROMULGATED BY THE BOARD; AND

25 **SECTION 10.** In Colorado Revised Statutes, 12-290-108, **amend**
26 **as relocated by House Bill 19-1172 (3)(j)** as follows:

27 **12-290-108. Issuance, revocation, or suspension of license -**
28 **probation - unprofessional conduct - definitions - immunity in**
29 **professional review.** (3) "Unprofessional conduct" as used in this article
30 290 means:

31 (j) ~~The physical or mental disability as to render the licensee~~
32 ~~unable to perform podiatry with reasonable skill and with safety to the~~
33 ~~patient;~~ FAILING TO:

34 (I) NOTIFY THE BOARD OF A PHYSICAL ILLNESS, PHYSICAL
35 CONDITION, OR BEHAVIORAL OR MENTAL HEALTH DISORDER THAT AFFECTS
36 THE PODIATRIST'S ABILITY TO PRACTICE PODIATRIC MEDICINE WITH
37 REASONABLE SKILL AND SAFETY TO PATIENTS;

38 (II) ACT WITHIN THE LIMITATIONS CREATED BY A PHYSICAL
39 ILLNESS, PHYSICAL CONDITION, OR BEHAVIORAL OR MENTAL HEALTH

1 DISORDER THAT RENDERS THE PODIATRIST UNABLE TO PRACTICE
2 PODIATRIC MEDICINE WITH REASONABLE SKILL AND SAFETY TO PATIENTS;
3 OR

4 (III) COMPLY WITH THE LIMITATIONS AGREED TO UNDER A
5 CONFIDENTIAL AGREEMENT ENTERED PURSUANT TO SECTION 12-290-123.

6 **SECTION 11.** In Colorado Revised Statutes, 12-290-113, **amend**
7 **as relocated by House Bill 19-1172 (2)(c)(III)** as follows:

8 **12-290-113. Disciplinary action by board.** (2) (c) On
9 completion of an investigation, the board shall make a finding that:

10 (III) The complaint or investigation discloses an instance of
11 misconduct that, in the opinion of the board, does not warrant formal
12 action by the board but that should not be dismissed as being without
13 merit, in which case the board may ~~send~~ **ISSUE** a letter of admonition **by**
14 ~~certified mail~~ to the licensee in accordance with section 12-20-404 (4);

15 **SECTION 12.** In Colorado Revised Statutes, **add to article 290**
16 **as relocated by House Bill 19-1172 12-290-123** as follows:

17 **12-290-123. Confidential agreements to limit practice -**
18 **violation grounds for discipline.** (1) EXCEPT AS SPECIFIED IN
19 SUBSECTION (2) OF THIS SECTION, SECTION 12-30-108 CONCERNING
20 CONFIDENTIAL AGREEMENTS TO LIMIT PRACTICE APPLIES TO THIS ARTICLE
21 290.

22 (2) THIS SECTION AND SECTION 12-30-108 DO NOT APPLY TO A
23 LICENSEE SUBJECT TO DISCIPLINE UNDER SECTION 12-290-108 (3)(c).

24 **SECTION 13. Effective date.** This act takes effect July 1, 2019;
25 except that sections 7 through 12 of this act take effect only if House Bill
26 19-1172 becomes law, in which case sections 7 through 12 take effect
27 October 1, 2019."

28 Renumber succeeding section accordingly.

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