

  
*Colorado Legislative Council Staff Fiscal Note*  
**STATE**  
**REVISED FISCAL IMPACT**  
(replaces fiscal note dated February 11, 2010)

**Drafting Number:** LLS 10-0330 **Date:** March 10, 2010  
**Prime Sponsor(s):** Rep. Gerou; Gagliardi **Bill Status:** Senate Health and Human Services  
**Fiscal Analyst:** Josh Abram (303-866-3561)  
Sen. Boyd

**TITLE:** CONCERNING THE CONTINUATION OF THE COLORADO PODIATRY BOARD.

Fiscal Impact Summary	FY 2010-2011	FY 2011-2012
<b>State Revenue</b>		
General Fund	< \$5,000	< \$5,000
Cash Funds		
Division of Registrations Cash Fund	7,000	7,000
<b>State Expenditures</b>		
Cash Funds		
Division of Registrations Cash Fund	\$3,149	\$10,529
<b>FTE Position Change</b>		
<b>Effective Date:</b> July 1, 2010.		
<b>Appropriation Summary for FY 2010-2011:</b> See State Appropriations section.		
<b>Local Government Impact:</b> None.		

**Summary of Legislation**

This *reengrossed* bill implements the recommendations of the Department of Regulatory Agencies (DORA) in its sunset review of the Colorado Podiatry Board and continues the functions of the board until July 1, 2019. Among its many provisions, the bill:

- ▶ allows a licensed podiatrist to perform additional types of surgery;
- ▶ increases the minimum amount of professional liability insurance a licensed podiatrist must carry;
- ▶ creates a training license for persons in residency programs and a voluntary license for retired podiatrists;
- ▶ modifies initial license requirements; and
- ▶ allows the board to impose a fine for violations of the practice act in lieu of suspending a license.

Finally, the bill requires that the board implement a professional development program for podiatrists. The program must be developed in conjunction with statewide professional associations and include a requirement of at least 25 hours of continuing education. Podiatrists must comply with the program beginning with the 2013 license renewal cycle.

**Background**

Podiatrists are trained in the medical and surgical treatment of the human foot and ankle. In addition to treating common foot-health issues such as bunions and ingrown toenails, podiatrists may also prescribe drugs and physical therapy, set fractures, and perform certain types of surgery. Podiatrists may also fit corrective shoe inserts (orthotics), design plaster casts and strapping to correct deformities, and design custom-made shoes. There are approximately 200 licensed podiatrists in the state.

In FY 2007-08, total expenditures for the State Board of Podiatry were \$51,592 and 0.3 FTE. The board is part of the Division of Registrations in the DORA and is supported by fees.

**State Revenue**

*In both FY 2010-11 and FY 2011-12, this bill will increase revenue from fees by an estimated \$7,000.* Fees will be credited to the Division of Registration Cash Fund at the DORA.

*Fee Impact on Podiatrists.* Section 2-2-322, C.R.S., requires legislative service agency review of measures that create or increase any fee collected by a state agency. Fee calculations are set administratively by the DORA based on the cash fund balance, estimated program costs, and the estimated number of licenses. It is anticipated that during the FY 2010-11 and FY 2011-12 renewal periods, any change in fees will include the proposed increase as noted in Table 1.

Type of Fee	Current Fee	Proposed Fee Change	Number Affected	Total Fee Impact
Annual License Renewal	\$200	\$35.00	200	\$7,000
<b>2 Year Total</b>				<b>\$14,000</b>

*Fines.* This legislation authorizes the board to levy a \$5,000 fine as an alternative to suspending or revoking a license. Based on historic disciplinary activity, this authority will be used only rarely, and less than \$5,000 in fine revenue is anticipated in each fiscal year. Fine revenue is deposited into the General Fund.

**State Expenditures**

**In FY 2010-11, this bill will result in total cash funds expenditures of \$3,149 in the Division of Registrations in the DORA. In FY 2011-12, total costs are \$10,529.** Major cost components are summarized in Table 2 and discussed below.

<b>Table 2. Total Expenditures Under HB10-1224</b>		
<b>Cost Components</b>	<b>FY 2010-11</b>	<b>FY 2011-12</b>
Travel and Meeting Expenses	\$798	\$2,245
Professional Development Consultant	-	1,500
Outreach Printing and Postage	90	-
Legal Services	2,261	6,784
<b>TOTAL</b>	<b>\$3,149</b>	<b>\$10,529</b>

***Travel and Meeting Expenses.*** The department will conduct a total of 8 meetings over 2 years involving professional association members to develop the program. The state board will meet 1 additional time in FY 2011-12 to adopt rules. Travel and expenses are estimated at \$133 per participant for each meeting. In addition, the state board members receive per diem for the additional rule setting meeting. These expenses are estimated at \$798 in FY 2010-11 and \$2,245 in FY 2011-12.

***Professional Development Consultant.*** A consultant will assist the board with creating the professional development program by providing research, planning, and implementation expertise. Based on the department's experience implementing continuing competency programs for other professions, the estimated cost of a consultant is \$1,500.

***Outreach Printing and Postage.*** The department will contact 200 podiatrists to provide information about the new professional development standards. The cost for this outreach effort is estimated at \$90 in FY 2010-11.

***Legal Services.*** Finally, the Department of Law will provide 30 hours of legal services for rule making and general counsel to the DORA at a blended rate of \$75.38 per hour in FY 2010-11. Legal services are anticipated to increase to 90 hours in FY 2011-12.

### **State Appropriations**

In FY 2010-11, this bill requires an appropriation of \$3,149 from the Division of Registrations Cash Fund to the Department of Regulatory Agencies. Of this amount, the Department of Law requires \$2,261 in reappropriated funds.

### **Departments Contacted**

Regulatory Agencies