

4121

2013-2014 Regular Sessions

I N   S E N A T E

March 11, 2013

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Introduced by Sen. LIBOUS -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to the podiatric scope of practice; and repealing certain provisions of the public health law and the civil practice law and rules relating thereto

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 1 of section 7001 of the education law, as  
2 amended by chapter 438 of the laws of 2012, is amended to read as  
3 follows:  
4     1. The practice of the profession of podiatry is defined as diagnos-  
5 ing, treating, operating and prescribing for any disease, injury,  
6 deformity or other condition of the foot, and may include performing  
7 physical evaluations in conjunction with the provision of podiatric  
8 treatment. For the purposes of wound care however, the practice of  
9 podiatry shall include the treatment of such wounds if they are contig-  
10 uous with wounds relating, originating or in the course of treatment of  
11 a wound on the foot within the podiatric scope of practice. Wound care  
12 shall not, however, extend beyond [to] the level ending at the distal  
13 tibial tuberosity. The practice of podiatry may also include diagnosing,  
14 treating, operating and prescribing for any disease, injury, deformity  
15 or other condition of the ankle and soft tissue of the leg below the  
16 tibial tuberosity if the podiatrist has obtained an issuance of a privi-  
17 lege to perform podiatric standard ankle surgery or advanced ankle  
18 surgery in accordance with section seven thousand nine of this article.  
19 Podiatrists may treat traumatic open wound fractures only in hospitals,  
20 as defined in article twenty-eight of the public health law. For the  
21 purposes of this article, the term "ankle" shall be defined as the  
22 distal metaphysis and epiphysis of the tibia and fibula, the articular  
23 cartilage of the distal tibia and distal fibula, the ligaments that  
24 connect the distal metaphysis and epiphysis of the tibia and fibula and

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD04911-02-3

1 talus, and the portions of skin, subcutaneous tissue, facia, muscles,  
2 tendons, ligaments and nerves at or below the level of the myotendinous  
3 junction of the triceps surae.

4 S 2. Section 7001 of the education law is amended by adding a new  
5 subdivision 3 to read as follows:

6 3. (A) THE DEPARTMENT SHALL CONDUCT A STUDY TO DETERMINE WHETHER TO  
7 MAKE AVAILABLE TO THE PUBLIC PROFILES ON PODIATRISTS WHO HAVE OBTAINED  
8 AN ISSUANCE OF A PRIVILEGE TO PERFORM PODIATRIC STANDARD OR ADVANCED  
9 ANKLE SURGERY PURSUANT TO SUBDIVISIONS ONE AND TWO OF SECTION SEVEN  
10 THOUSAND NINE OF THIS ARTICLE. SUCH STUDY SHALL INCLUDE CONSIDERATION OF  
11 WHETHER IT WOULD BE APPROPRIATE AND FEASIBLE FOR THE DEPARTMENT TO MAKE  
12 PUBLICLY AVAILABLE PROFILES FOR SUCH PODIATRISTS IN A MANNER SIMILAR TO  
13 PHYSICIAN PROFILES MADE AVAILABLE ON THE DEPARTMENT OF HEALTH'S WEBSITE  
14 IN ACCORDANCE WITH SECTION TWENTY-NINE HUNDRED NINETY-FIVE-A OF THE  
15 PUBLIC HEALTH LAW. THE DEPARTMENT SHALL CONSULT WITH THE DEPARTMENT OF  
16 HEALTH AS NECESSARY ON MATTERS RELATED TO THE OPERATION OF THE DEPART-  
17 MENT OF HEALTH'S PHYSICIAN PROFILES ESTABLISHED PURSUANT TO SECTION  
18 TWENTY-NINE HUNDRED NINETY-FIVE-A OF THE PUBLIC HEALTH LAW IN CONDUCTING  
19 ITS STUDY.

20 (B) IF THE DEPARTMENT DETERMINES THAT MAKING PODIATRIST PROFILES  
21 AVAILABLE IS APPROPRIATE AND FEASIBLE, THE DEPARTMENT, AFTER CONSULTA-  
22 TION WITH THE DEPARTMENT OF HEALTH, SHALL OUTLINE IN SUCH STUDY AN  
23 APPROPRIATE AND COST EFFECTIVE METHOD OF PRESENTING RELEVANT AND APPRO-  
24 PRIATE PODIATRIC PROFILING INFORMATION TO THE GENERAL PUBLIC. THE  
25 DEPARTMENT SHALL SUBMIT SUCH STUDY TO THE GOVERNOR, THE TEMPORARY PRESI-  
26 DENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF  
27 THE SENATE AND THE MINORITY LEADER OF THE ASSEMBLY ON OR BEFORE NOVEMBER  
28 FIRST, TWO THOUSAND SIXTEEN.

29 (C) IF THE DEPARTMENT MAKES PODIATRIST PROFILES AVAILABLE AS SET FORTH  
30 IN PARAGRAPH (B) OF THIS SUBDIVISION, THE DEPARTMENT OF HEALTH SHALL  
31 INCLUDE ON ITS WEBSITE CONTAINING THE PHYSICIAN PROFILES ESTABLISHED  
32 PURSUANT TO SECTION TWENTY-NINE HUNDRED NINETY-FIVE-A OF THE PUBLIC  
33 HEALTH LAW A LINK TO THE WEBSITE ON WHICH SUCH PODIATRIST PROFILES MAY  
34 BE ACCESSED AND A STATEMENT DESCRIBING THE PURPOSE OF SUCH LINK.

35 S 3. Subdivision 4-a of section 2995-d of the public health law is  
36 REPEALED.

37 S 4. Subparagraph (iv) of paragraph 1 of subdivision (d) of section  
38 3101 of the civil practice law and rules is REPEALED.

39 S 5. This act shall take effect on the same date and in the same  
40 manner as chapter 438 of the laws of 2012, takes effect.