

814

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. PRETLOW -- read once and referred 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

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

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1 connect the distal metaphysis and epiphysis of the tibia and fibula and
2 talus, and the portions of skin, subcutaneous tissue, facia, muscles,
3 tendons, ligaments and nerves at or below the level of the myotendinous
4 junction of the triceps surae.

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

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

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

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

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

38 S 4. Subparagraph (iv) of paragraph 1 of subdivision (d) of section
39 3101 of the civil practice law and rules is REPEALED.

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