S T A T E O F N E W Y O R K

4121

2013-2014 Regular Sessions

I N S E N A T E

March 11, 2013

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:

Section 1. Subdivision 1 of section 7001 of the education law, as amended by chapter 438 of the laws of 2012, is amended to read as follows:

1. The practice of the profession of podiatry is defined as diagnosing, treating, operating and prescribing for any disease, injury, deformity or other condition of the foot, and may include performing physical evaluations in conjunction with the provision of podiatric treatment. For the purposes of wound care however, the practice of podiatry shall include the treatment of such wounds if they are contiguous with wounds relating, originating or in the course of treatment of a wound on the foot within the podiatric scope of practice. Wound care shall not, however, extend beyond [to] the level ending at the distal tibial tuberosity. The practice of podiatry may also include diagnosing, treating, operating and prescribing for any disease, injury, deformity or other condition of the ankle and soft tissue of the leg below the tibial tuberosity if the podiatrist has obtained an issuance of a privilege to perform podiatric standard ankle surgery or advanced ankle surgery in accordance with section seven thousand nine of this article. Podiatrists may treat traumatic open wound fractures only in hospitals, as defined in article twenty-eight of the public health law. For the purposes of this article, the term "ankle" shall be defined as the distal metaphysis and epiphysis of the tibia and fibula, the articular cartilage of the distal tibia and distal fibula, the ligaments that 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.

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

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

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

(B) IF THE DEPARTMENT DETERMINES THAT MAKING PODIATRIST PROFILES AVAILABLE IS APPROPRIATE AND FEASIBLE, THE DEPARTMENT, AFTER CONSULTATION WITH THE DEPARTMENT OF HEALTH, SHALL OUTLINE IN SUCH STUDY AN APPROPRIATE AND COST EFFECTIVE METHOD OF PRESENTING RELEVANT AND APPROPRIATE PODIATRIC PROFILING INFORMATION TO THE GENERAL PUBLIC. THE DEPARTMENT SHALL SUBMIT SUCH STUDY TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE AND THE MINORITY LEADER OF THE ASSEMBLY ON OR BEFORE NOVEMBER FIRST, TWO THOUSAND SIXTEEN.

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

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

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

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