

STATE OF NEW YORK

9904

IN ASSEMBLY

April 26, 2024

Introduced by M. of A. SOLAGES -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to a podiatry study

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 7001 of the education law is amended by adding a
2 new subdivision 4 to read as follows:

3 4. The commissioner, in consultation with the commissioner of health,
4 shall study and issue a report on the implementation of chapter four
5 hundred thirty-eight of the laws of two thousand twelve, as amended,
6 authorizing the issuance of a privilege to perform podiatric standard or
7 advanced ankle surgery. Such study and report shall evaluate the impact
8 of granting such a privilege on access to and quality of podiatric ankle
9 surgery. Such report shall include, but not be limited to:

10 (a) the application for and granting of privileges, including but not
11 limited to: the number of podiatrists who have applied for the privilege
12 to perform podiatric standard ankle surgery; the number of podiatrists
13 who have obtained the privilege to perform podiatric standard ankle
14 surgery; the number of podiatrists who have applied for the privilege to
15 perform podiatric advanced ankle surgery; and the number of podiatrists
16 who have obtained the privilege to perform podiatric advanced ankle
17 surgery;

18 (b) the use of an ankle surgery limited permit to allow podiatrists to
19 obtain the additional training and experience required to obtain a
20 podiatric standard or advanced ankle surgery privilege including the
21 number of podiatrists who have applied for a limited ankle surgery
22 permit for the purpose of obtaining the privilege to perform podiatric
23 standard ankle surgery; the number of podiatrists who have applied for a
24 limited ankle surgery permit for the purpose of obtaining the privilege
25 to perform podiatric advanced ankle surgery; the number of podiatrists
26 who have obtained a limited ankle surgery permit for the purpose of
27 obtaining the privilege to perform podiatric standard ankle surgery; and
28 the number of podiatrists who have obtained a limited ankle surgery

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

LBD15164-01-4

1 permit for the purpose of obtaining the privilege to perform podiatric
2 advanced ankle surgery;

3 (c) the types of settings and number within each setting where podia-
4 trists obtained the required experience and performed the requisite
5 number of surgeries as required under the education law and the commis-
6 sioner's regulations to qualify for a privilege and any systemic chal-
7 lenges podiatrists have faced in obtaining the requisite training and
8 experience. This includes the number of podiatric schools and colleges
9 in New York state that established programs to allow candidates to
10 obtain the requisite education and experience required under the educa-
11 tion law to qualify for the privilege to perform podiatric standard or
12 advanced ankle surgery and the number of agreements and/or partnerships
13 these schools established with hospitals in New York state;

14 (d) by county:

15 (i) the number of practicing podiatrists who have obtained a privilege
16 to perform only podiatric standard ankle surgery and the number of
17 podiatrists who have obtained a privilege to perform podiatric advanced
18 ankle surgery;

19 (ii) the number and type of podiatric standard ankle surgery proce-
20 dures performed, by calendar year, from two thousand sixteen through two
21 thousand twenty-three, by hospital and non-hospital setting; and

22 (iii) the number and type of podiatric advanced ankle surgery proce-
23 dures performed, by calendar year, from two thousand sixteen through two
24 thousand twenty-three, by hospital and non-hospital setting;

25 (e) quality and safety including:

26 (i) the number of reported adverse events related to podiatric stand-
27 ard or podiatric advanced ankle surgery, as defined in this article, by
28 a podiatrist who has a privilege in either podiatric standard ankle
29 surgery or podiatric advanced ankle surgery. Such report shall describe,
30 in aggregate, the nature and severity of reported adverse events,
31 including unscheduled hospital admission or readmission;

32 (ii) the number of complaints filed with the department against podia-
33 trists who have obtained a privilege for podiatric standard or podiatric
34 advanced ankle surgery that are related to the performance of such
35 surgery;

36 (iii) the number of such complaints that the department has not
37 sustained after completing an investigation, and the number of such
38 complaints that the department has sustained after completing an inves-
39 tigation;

40 (iv) the number and type of disciplinary actions taken by the depart-
41 ment against podiatrists who have obtained a privilege for podiatric
42 standard or podiatric advanced ankle surgery that are related to the
43 performance of such surgery;

44 (v) any other quality or safety measures as determined by the commis-
45 sioner; and

46 (vi) to the degree possible, the report shall describe how the
47 performance on quality and safety measures compare to performance in
48 other states.

49 § 2. The commissioner of education shall submit the report made pursu-
50 ant to section one of this act to the governor, the speaker of the
51 assembly, the temporary president of the senate, and the chairs of the
52 assembly and senate higher education committees by September 1, 2024,
53 and biennially thereafter. Such report shall also be posted on the
54 department of education website.

55 § 3. This act shall take effect immediately.