STATE OF NEW YORK

9007

IN SENATE

April 9, 2024

Introduced by Sen. COONEY -- 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 a podiatry study

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

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

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

(a) the application for and granting of privileges, including but not limited to: the number of podiatrists who have applied for the privilege to perform podiatric standard ankle surgery; the number of podiatrists who have obtained the privilege to perform podiatric standard ankle surgery: the number of podiatrists who have applied for the privilege to perform podiatric advanced ankle surgery; and the number of podiatrists who have obtained the privilege to perform podiatric advanced ankle surgery;

(b) the use of an ankle surgery limited permit to allow podiatrists to obtain the additional training and experience required to obtain a podiatric standard or advanced ankle surgery privilege including the number of podiatrists who have applied for a limited ankle surgery permit for the purpose of obtaining the privilege to perform podiatric standard ankle surgery; the number of podiatrists who have applied for a limited ankle surgery permit for the purpose of obtaining the privilege to perform podiatric advanced ankle surgery; the number of podiatrists who have obtained a limited ankle surgery permit for the purpose of obtaining the privilege to perform podiatric standard ankle surgery; and 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.

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

(c) the types of settings and number within each setting where podiatrists obtained the required experience and performed the requisite number of surgeries as required under the education law and the commissioner's regulations to qualify for a privilege and any systemic challenges podiatrists have faced in obtaining the requisite training and experience. This includes the number of podiatric schools and colleges in New York state that established programs to allow candidates to obtain the requisite education and experience required under the education law to qualify for the privilege to perform podiatric standard or advanced ankle surgery and the number of agreements and/or partnerships these schools established with hospitals in New York state;

(d) by county:

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

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

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

(e) quality and safety including:

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

(ii) the number of complaints filed with the department against podiatrists who have obtained a privilege for podiatric standard or podiatric advanced ankle surgery that are related to the performance of such surgery;

(iii) the number of such complaints that the department has not sustained after completing an investigation, and the number of such complaints that the department has sustained after completing an investigation;

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

(v) any other quality or safety measures as determined by the commissioner; and

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

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

§ 3. This act shall take effect immediately.