

# STATE OF NEW YORK

2217

2023-2024 Regular Sessions

## IN ASSEMBLY

January 25, 2023

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 making technical changes to the scope of the practice of podiatry

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

1 Section 1. Subdivisions 1 and 2 of section 7001 of the education law,  
2 subdivision 1 as amended by chapter 23 of the laws of 2013 and subdivi-  
3 sion 2 as amended by chapter 438 of the laws of 2012, are amended to  
4 read as follows:

5 1. The practice of the profession of podiatry is defined as diagnos-  
6 ing, treating, operating and prescribing for any disease, injury,  
7 deformity or other condition of and affecting the foot and ankle and the  
8 soft tissue of the leg below the tibial tuberosity, unless otherwise  
9 provided by this section, and may include performing physical evalu-  
10 ations in conjunction with the provision of podiatric treatment. [~~For~~  
11 ~~the purposes of wound care however, the practice of podiatry shall~~  
12 ~~include the treatment of such wounds if they are contiguous with wounds~~  
13 ~~relating, originating or in the course of treatment of a wound on the~~  
14 ~~foot within the podiatric scope of practice.] The practice of podiatry  
15 shall not include the following treatments or procedures performed above  
16 the level of the malleoli, unless otherwise provided: the treatment of  
17 melanoma; performance of mohs surgery; muscle flaps or microvascular  
18 anastomoses. Wound care shall not[, ~~however,~~] extend beyond the level  
19 ending at the distal tibial tuberosity. [~~The practice of podiatry may~~  
20 ~~also include diagnosing, treating, operating and prescribing for any~~  
21 ~~disease, injury, deformity or other condition of the ankle and soft~~  
22 ~~tissue of the leg below the tibial tuberosity if the podiatrist has~~  
23 ~~obtained an issuance of a privilege to perform podiatric standard ankle~~  
24 ~~surgery or advanced ankle surgery in accordance with section seven thou-~~  
25 ~~sand nine of this article.] Podiatrists may treat traumatic open wound  
26 fractures only in hospitals, as defined in article twenty-eight of the  
27 public health law. For the purposes of this article, the term "ankle"  
28 shall be defined as the distal metaphysis and epiphysis of the tibia and~~~~

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

LBD07111-01-3

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

6 2. The practice of podiatry shall not include ~~[treating any part of~~  
7 ~~the human body other than the foot, nor]~~ treating fractures of the  
8 malleoli or cutting operations upon the malleoli unless the podiatrist  
9 obtains an issuance of a privilege to perform podiatric standard ankle  
10 surgery or podiatric advanced ankle surgery. Podiatrists who have  
11 obtained an issuance of a privilege to perform podiatric standard ankle  
12 surgery may perform surgery on the ankle which may include soft tissue  
13 and osseous procedures except those procedures specifically authorized  
14 for podiatrists who have obtained an issuance of a privilege for  
15 advanced ankle surgery. Podiatrists who have obtained an issuance of a  
16 privilege to perform podiatric advanced ankle surgery may perform  
17 surgery on the ankle which may include ankle fracture fixation, ankle  
18 fusion, ankle arthroscopy, insertion or removal of external fixation  
19 pins into or from the tibial diaphysis at or below the level of the  
20 myotendinous junction of the triceps surae, and insertion and removal of  
21 retrograde tibiototalcanneal intramedullary rods and locking screws up  
22 to the level of the myotendinous junction of the triceps surae, but does  
23 not include the surgical treatment of complications within the tibial  
24 diaphysis related to the use of such external fixation pins. Podiatrists  
25 licensed to practice, but not authorized to prescribe or administer  
26 narcotics prior to the effective date of this subdivision, may do so  
27 only after certification by the department in accordance with the quali-  
28 fications established by the commissioner. The practice of podiatry  
29 shall include administering only local anesthetics for therapeutic  
30 purposes as well as for anesthesia and treatment under general anes-  
31 thesia administered by authorized persons. The practice of podiatry by  
32 any licensee shall not include partial or total ankle replacements nor  
33 the treatment of pilon fractures.

34 § 2. The opening paragraph of section 7010 of the education law is  
35 designated subdivision 1 and subdivision 2, as added by chapter 438 of  
36 the laws of 2012, is amended to read as follows:

37 2. A limited permit to perform podiatric advanced ankle surgery, as  
38 described in subdivision two of section seven thousand one of this arti-  
39 cle, may be issued by the department to a podiatrist who is licensed  
40 pursuant to this article and who has met the residency and board certif-  
41 ication requirements set forth in subdivision two of section seven thou-  
42 sand nine of this article in order to authorize such podiatrist to  
43 obtain the training and experience required for the issuance of a podia-  
44 tric advanced ankle surgery privilege pursuant to subdivision two of  
45 section seven thousand nine of this article; provided, however, that  
46 board qualification shall be deemed to satisfy the certification  
47 requirements set forth in such section for purposes of this subdivision.  
48 Such permits shall authorize the performance of podiatric advanced ankle  
49 surgery only under the ~~[direct personal]~~ supervision of a licensed  
50 podiatrist holding a podiatric advanced ankle surgery privilege issued  
51 pursuant to subdivision two of section seven thousand nine of this arti-  
52 cle or of a physician licensed pursuant to article one hundred thirty-  
53 one of this title and certified in orthopedic surgery by a national  
54 certifying board having certification standards acceptable to the  
55 department.

56 § 3. This act shall take effect immediately.