

STATE OF NEW YORK

2544--B

2023-2024 Regular Sessions

IN SENATE

January 23, 2023

Introduced by Sen. JACKSON -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Higher Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to modernizing 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 anastamoses. 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~~~~

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

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1 ~~disease, injury, deformity or other condition of the ankle and soft~~
2 ~~tissue of the leg below the tibial tuberosity if the podiatrist has~~
3 ~~obtained an issuance of a privilege to perform podiatric standard ankle~~
4 ~~surgery or advanced ankle surgery in accordance with section seven thou-~~
5 ~~sand nine of this article.]~~ Podiatrists may treat traumatic open wound
6 fractures only in hospitals, as defined in article twenty-eight of the
7 public health law. For the purposes of this article, the term "ankle"
8 shall be defined as the distal [~~metaphysis and epiphysis of the~~] tibia
9 and fibula[~~, the articular~~] and related cartilage [~~of the distal tibia~~
10 ~~and distal fibula, the ligaments that connect the distal metaphysis and~~
11 ~~epiphysis of the tibia and fibula and talus,~~] and ligaments and the
12 portions of skin, subcutaneous tissue, fascia, muscles, tendons, liga-
13 ments and nerves at or below the level of the myotendinous junction of
14 the triceps surae.

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

44 § 2. The opening paragraph of section 7010 of the education law is
45 designated subdivision 1 and subdivisions 2 and 3, as added by chapter
46 438 of the laws of 2012, are amended to read as follows:

47 2. A limited permit to perform podiatric advanced ankle surgery, as
48 described in subdivision two of section seven thousand one of this arti-
49 cle, may be issued by the department to a podiatrist who is licensed
50 pursuant to this article and who has met the residency and board certif-
51 ication requirements set forth in subdivision two of section seven thou-
52 sand nine of this article in order to authorize such podiatrist to
53 obtain the training and experience required for the issuance of a podia-
54 tric advanced ankle surgery privilege pursuant to subdivision two of
55 section seven thousand nine of this article; provided, however, that
56 board qualification shall be deemed to satisfy the certification

1 requirements set forth in such section for purposes of this subdivision.

2 Such permits shall authorize the performance of podiatric advanced ankle
3 surgery only under the [~~direct personal~~] supervision of a licensed
4 podiatrist holding a podiatric advanced ankle surgery privilege issued
5 pursuant to subdivision two of section seven thousand nine of this arti-
6 cle or of a physician licensed pursuant to article one hundred thirty-
7 one of this title and certified in orthopedic surgery by a national
8 certifying board having certification standards acceptable to the
9 department.

10 3. For the purposes of this section, [~~direct personal~~] supervision
11 means supervision of procedures based on instructions given [~~directly~~]
12 by the supervising podiatrist or physician who [~~remains in the immediate~~
13 ~~area where the procedures are being performed,~~] authorizes the proce-
14 dures and evaluates the procedures performed by the holder of the limit-
15 ed permit.

16 § 3. This act shall take effect immediately.