

---

By: Delegates Bromwell and Donoghue, Donoghue, Hurson, Hammen, Benson, Boteler, Boutin, Costa, Elliott, Frank, Kach, Kullen, Mandel, Morhaim, Murray, Nathan-Pulliam, Oaks, Pendergrass, Rudolph, V. Turner, and Weldon

Introduced and read first time: February 4, 2005  
Assigned to: Health and Government Operations

---

Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 8, 2005

---

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Health Occupations - Podiatrists - Scope of Practice**

3 FOR the purpose of allowing certain surgical procedures performed by licensed  
4 podiatrists to be performed in a licensed ambulatory surgical center under  
5 certain circumstances; requiring a licensed podiatrist who performs certain  
6 surgical procedures in a licensed ambulatory surgical center to have certain  
7 surgical privileges at a licensed hospital and meet certain requirements;  
8 allowing a licensed ambulatory surgical center to establish qualifications or  
9 delineate privileges for the performance of certain surgical procedures by a  
10 licensed podiatrist; altering the definition of "practice podiatry"; and generally  
11 relating to the practice of podiatry.

12 BY repealing and reenacting, with amendments,  
13 Article - Health Occupations  
14 Section 16-101 and 16-103  
15 Annotated Code of Maryland  
16 (2000 Replacement Volume and 2004 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
18 MARYLAND, That the Laws of Maryland read as follows:

1

**Article - Health Occupations**

2 16-101.

3 (a) In this title the following words have the meanings indicated.

4 (b) "Board" means the State Board of Podiatric Medical Examiners.

5 (c) "License" means, unless the context requires otherwise, a license issued by  
6 the Board to practice podiatry.7 (d) "Licensed podiatrist" means, unless the context requires otherwise, a  
8 podiatrist who is licensed by the Board to practice podiatry.

9 (e) "Podiatrist" means an individual who practices podiatry.

10 (f) (1) "Practice podiatry" means to diagnose or surgically, medically, or  
11 mechanically treat [any ailment of] the human foot or ankle, [or any ailment of] the  
12 anatomical structures that attach to the human foot, OR THE SOFT TISSUE BELOW  
13 THE MID-CALF.

14 (2) "Practice podiatry" does not include:

15 (i) Surgical treatment of acute ankle fracture; or

16 (ii) Administration of an anesthetic, other than a local anesthetic.

17 16-103.

18 (a) All OSSEOUS surgical procedures of the ankle ~~below the level of the dermis,~~  
19 arthrodeses of 2 or more tarsal bones, and complete tarsal osteotomies that are  
20 performed by a licensed podiatrist shall be performed in a licensed hospital OR  
21 AMBULATORY SURGICAL CENTER, subject to the provisions of § 19-351 of the Health  
22 - General Article.23 (B) A LICENSED PODIATRIST WHO PERFORMS A AN OSSEOUS SURGICAL  
24 PROCEDURE OF THE ANKLE ~~BELOW THE LEVEL OF THE DERMIS, ARTHRODESES~~  
25 ARTHRODESIS OF 2 OR MORE TARSAL BONES, OR A COMPLETE TARSAL OSTEOTOMY  
26 IN A LICENSED AMBULATORY SURGICAL CENTER MUST:27 (1) HAVE ACTIVE CURRENT SURGICAL PRIVILEGES AT A LICENSED  
28 HOSPITAL FOR THE SAME PROCEDURE; AND29 (2) MEET THE REQUIREMENTS OF THE AMBULATORY SURGICAL  
30 CENTER.31 [(b)] (C) Nothing in this title shall prohibit a licensed hospital OR  
32 AMBULATORY SURGICAL CENTER from establishing qualifications or delineating  
33 privileges for the performance of surgical procedures of the HUMAN FOOT OR ankle  
34 [and], the anatomical structures that attach to the HUMAN foot, OR THE SOFT

1 TISSUE BELOW THE MID-CALF by a licensed podiatrist in the hospital OR  
2 AMBULATORY SURGICAL CENTER.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2005.