

SENATE BILL 162

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SB 541/13 – EHE

4lr0876
CF HB 272

By: **Senators Conway, Dyson, and Young**
Introduced and read first time: January 13, 2014
Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 8, 2014

CHAPTER _____

1 AN ACT concerning

2 **Health Occupations – Licensed Podiatrists – Scope of Practice and Hospital**
3 **Privileges**

4 FOR the purpose of altering the definition of “practice podiatry” to include the surgical
5 treatment of acute ankle fracture in the scope of practice of licensed podiatrists;
6 requiring qualifications that a hospital or related institution sets for granting
7 certain privileges for certain services to include consideration of certain
8 training, education, and experience; and generally relating to licensed
9 podiatrists.

10 BY repealing and reenacting, with amendments,
11 Article – Health – General
12 Section 19–351(b)
13 Annotated Code of Maryland
14 (2009 Replacement Volume and 2013 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Health Occupations
17 Section 16–101
18 Annotated Code of Maryland
19 (2009 Replacement Volume and 2013 Supplement)

20 BY repealing and reenacting, without amendments,
21 Article – Health Occupations
22 Section 16–103

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2009 Replacement Volume and 2013 Supplement)

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

5 **Article – Health – General**

6 19–351.

7 (b) (1) A hospital or related institution that provides services that
8 licensed podiatrists are authorized to perform under Title 16 of the Health
9 Occupations Article, other than incidental care, shall include, in its bylaws, rules, or
10 regulations, provisions for use of facilities by and staff privileges for qualified
11 podiatrists.

12 (2) The hospital or related institution may restrict use of facilities and
13 staff privileges by podiatrists to those podiatrists who meet the qualifications that the
14 hospital or related institution sets for granting those privileges.

15 **(3) THE QUALIFICATIONS THAT THE HOSPITAL OR RELATED**
16 **INSTITUTION SETS FOR GRANTING PRIVILEGES FOR SERVICES THAT LICENSED**
17 **PODIATRISTS ARE AUTHORIZED TO PERFORM UNDER TITLE 16 OF THE HEALTH**
18 **OCCUPATIONS ARTICLE SHALL INCLUDE CONSIDERATION OF THE TRAINING,**
19 **EDUCATION, AND EXPERIENCE OF THE PODIATRIST.**

20 **Article – Health Occupations**

21 16–101.

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

23 (b) “Board” means the State Board of Podiatric Medical Examiners.

24 (c) “License” means, unless the context requires otherwise, a license issued
25 by the Board to practice podiatry.

26 (d) “Licensed podiatrist” means, unless the context requires otherwise, a
27 podiatrist who is licensed by the Board to practice podiatry.

28 (e) “Podiatrist” means an individual who practices podiatry.

29 (f) (1) “Practice podiatry” means to diagnose or surgically, medically, or
30 mechanically treat the human foot or ankle, the anatomical structures that attach to
31 the human foot, or the soft tissue below the mid–calf.

1 (2) “Practice podiatry” does not include[:
2 (i) Surgical treatment of acute ankle fracture; or
3 (ii) Administration] ADMINISTRATION of an anesthetic, other
4 than a local anesthetic.
5 16-103.

6 (a) All osseous surgical procedures of the ankle, arthrodeses of 2 or more
7 tarsal bones, and complete tarsal osteotomies that are performed by a licensed
8 podiatrist shall be performed in a licensed hospital or ambulatory surgical center,
9 subject to the provisions of § 19-351 of the Health – General Article.

10 (b) A licensed podiatrist who performs an osseous surgical procedure of the
11 ankle, arthrodesis of 2 or more tarsal bones, or a complete tarsal osteotomy in a
12 licensed ambulatory surgical center must:

13 (1) Have current surgical privileges at a licensed hospital for the same
14 procedure; and

15 (2) Meet the requirements of the ambulatory surgical center.

16 (c) Nothing in this title shall prohibit a licensed hospital or ambulatory
17 surgical center from establishing qualifications or delineating privileges for the
18 performance of surgical procedures of the human foot or ankle, the anatomical
19 structures that attach to the human foot, or the soft tissue below the mid-calf by a
20 licensed podiatrist in the hospital or ambulatory surgical center.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2014.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.