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By: **Delegates Bromwell and Donoghue**

Introduced and read first time: February 4, 2005

Assigned to: Health and Government Operations

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A BILL ENTITLED

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:

19 **Article - Health Occupations**

20 16-101.

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

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

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

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

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

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

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

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

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

8 16-103.

9 (a) All surgical procedures of the ankle below the level of the dermis,  
10 arthrodeses of 2 or more tarsal bones, and complete tarsal osteotomies that are  
11 performed by a licensed podiatrist shall be performed in a licensed hospital OR  
12 AMBULATORY SURGICAL CENTER, subject to the provisions of § 19-351 of the Health  
13 - General Article.

14 (B) A LICENSED PODIATRIST WHO PERFORMS A SURGICAL PROCEDURE OF  
15 THE ANKLE BELOW THE LEVEL OF THE DERMIS, ARTHRODESES OF 2 OR MORE  
16 TARSAL BONES, OR A COMPLETE TARSAL OSTEOTOMY IN A LICENSED AMBULATORY  
17 SURGICAL CENTER MUST:

18 (1) HAVE ACTIVE SURGICAL PRIVILEGES AT A LICENSED HOSPITAL FOR  
19 THE SAME PROCEDURE; AND

20 (2) MEET THE REQUIREMENTS OF THE AMBULATORY SURGICAL  
21 CENTER.

22 [(b)] (C) Nothing in this title shall prohibit a licensed hospital OR  
23 AMBULATORY SURGICAL CENTER from establishing qualifications or delineating  
24 privileges for the performance of surgical procedures of the HUMAN FOOT OR ankle  
25 [and], the anatomical structures that attach to the HUMAN foot, OR THE SOFT  
26 TISSUE BELOW THE MID-CALF by a licensed podiatrist in the hospital OR  
27 AMBULATORY SURGICAL CENTER.

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