
By: **Senators Hollinger, Britt, Conway, DeGrange, Dyson, Klausmeier,
Middleton, Pipkin, and Stone**

Introduced and read first time: January 31, 2005

Assigned to: Education, Health, and Environmental Affairs

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.

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

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

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

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

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

9 16-103.

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

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

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

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

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

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