
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

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 22, 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:

19 **Article - Health Occupations**

20 16-101.

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

- 1 (b) "Board" means the State Board of Podiatric Medical Examiners.
- 2 (c) "License" means, unless the context requires otherwise, a license issued by
3 the Board to practice podiatry.
- 4 (d) "Licensed podiatrist" means, unless the context requires otherwise, a
5 podiatrist who is licensed by the Board to practice podiatry.

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

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

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

- 12 (i) Surgical treatment of acute ankle fracture; or
- 13 (ii) Administration of an anesthetic, other than a local anesthetic.

14 16-103.

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

20 (B) A LICENSED PODIATRIST WHO PERFORMS ~~A~~ AN OSSEOUS SURGICAL
21 PROCEDURE OF THE ANKLE BELOW THE LEVEL OF THE DERMIS, ARTHRODESES
22 ARTHRODESIS OF 2 OR MORE TARSAL BONES, OR A COMPLETE TARSAL OSTEOTOMY
23 IN A LICENSED AMBULATORY SURGICAL CENTER MUST:

24 (1) ~~HAVE ACTIVE~~ CURRENT SURGICAL PRIVILEGES AT A LICENSED
25 HOSPITAL FOR THE SAME PROCEDURE; AND

26 (2) MEET THE REQUIREMENTS OF THE AMBULATORY SURGICAL
27 CENTER.

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

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

