

Chapter 140

(Senate Bill 162)

AN ACT concerning

Health Occupations – Licensed Podiatrists – Scope of Practice and Hospital Privileges

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

BY repealing and reenacting, with amendments,

Article – Health – General

Section 19–351(b)

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 16–101

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,

Article – Health Occupations

Section 16–103

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

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

Article – Health – General

19–351.

(b) (1) A hospital or related institution that provides services that licensed podiatrists are authorized to perform under Title 16 of the Health Occupations Article, other than incidental care, shall include, in its bylaws, rules, or

regulations, provisions for use of facilities by and staff privileges for qualified podiatrists.

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

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

Article – Health Occupations

16–101.

- (a) In this title the following words have the meanings indicated.
- (b) “Board” means the State Board of Podiatric Medical Examiners.
- (c) “License” means, unless the context requires otherwise, a license issued by the Board to practice podiatry.
- (d) “Licensed podiatrist” means, unless the context requires otherwise, a podiatrist who is licensed by the Board to practice podiatry.
- (e) “Podiatrist” means an individual who practices podiatry.
- (f) (1) “Practice podiatry” means to diagnose or surgically, medically, or mechanically treat the human foot or ankle, the anatomical structures that attach to the human foot, or the soft tissue below the mid–calf.
- (2) “Practice podiatry” does not include[
 - (i) Surgical treatment of acute ankle fracture; or
 - (ii) Administration] ADMINISTRATION of an anesthetic, other than a local anesthetic.

16–103.

(a) All osseous surgical procedures of the ankle, arthrodeses of 2 or more tarsal bones, and complete tarsal osteotomies that are performed by a licensed

podiatrist shall be performed in a licensed hospital or ambulatory surgical center, subject to the provisions of § 19–351 of the Health – General Article.

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

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

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

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

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

Approved by the Governor, April 14, 2014.