~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 9, 2016

**H. 3143**

Introduced by Reps. Ryhal, Long and Hill

S. Printed 3/9/16--H.

Read the first time January 13, 2015.

**THE COMMITTEE ON MEDICAL,**

**MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

To whom was referred a Bill (H. 3143) to amend the Code of Laws of South Carolina, 1976, by adding Section 40‑51‑210 so as to provide certain podiatric surgery must be performed in certain facilities, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by deleting all after the enacting words and inserting:

/ SECTION 1. Chapter 51, Title 40 of the 1976 Code is amended by adding:

“Section 40‑51‑210. (A) Surgery of the ankle and soft tissue structures governing the ankle must be performed in an accredited hospital or ambulatory surgical center. A podiatrist who performs osseous (boney) surgical procedures of the ankle and related soft tissue structures governing the ankle must be board‑certified or board‑qualified by the American Board of Podiatric Surgery, must have graduated from a three‑year residency program in podiatric medicine and surgery accredited by the Council on Podiatric Medical Education or its successor organization at the time of graduation, and shall satisfy all requirements for credentials as outlined by the facility. In addition to granting or denying privileges, the governing body of each hospital or ambulatory surgical center may suspend, revoke, or modify these privileges. An applicant or individual who has privileges shall comply with applicable medical staff bylaws, rules, and regulations, including the policies and procedures governing the qualifications of applicants and the scope and delineation of privileges.

(B) With respect to the practice of podiatry in health facilities throughout this State, medical staff governing documents shall include and provide for the right to pursue and practice full clinical and surgical privileges for holders of a Doctor of Podiatric Medicine (DPM) degree within the scope of his licensure. These rights and privileges only may be limited or restricted on the basis of the demonstrated competence of an individual practitioner. This competence must be determined by health facility rules, regulations, and procedures that are necessary and are applied in good faith, equally and in a nondiscriminatory manner, to all practitioners regardless of their professional degree.

(C) Nothing in this section may be construed to require a health facility to offer a specific health service not otherwise offered by it. If a health service is offered, the facility shall not discriminate among people holding Doctor of Medicine, Doctor of Osteopathy, or Doctor of Podiatric Medicine degrees who are authorized by law to provide these health services.”

SECTION 2. Section 40‑51‑20 of the 1976 Code is amended to read:

“Section 40‑51‑20. For the purposes of this chapter:

(1) ‘Podiatry’ ~~shall mean~~ means the diagnosis, ~~medical and~~ surgical, medical, and mechanical treatment ~~limited to ailments~~ of all conditions of the human foot, ~~except the administration of an anaesthetic other than local~~ ankle, and related soft tissue structures to the level of the myotendinous junction. The practice of podiatry includes the administration of local anesthesia, defined as localized infiltration only, and in conjunction with the practice of podiatry.

(2) ‘Diagnosis’ ~~shall mean~~ means to ascertain a disease or ailment by symptoms and findings and does not confer the right to use X‑ray other than for diagnosis.

(3) ‘Medical treatment’ ~~shall mean~~ means the application or prescribing of any therapeutic agent or remedy for the relief of foot ailments, except the medical treatment of ~~any~~ a systemic disease causing manifestations in the foot.

(4) ~~‘Surgical treatment’ shall mean the use of any cutting instrument to treat a disease, ailment, deformity or condition of the foot, but shall not confer the right to amputate the foot or toes~~ ‘Podiatrist’ means a person licensed pursuant to this chapter and by this license may diagnose and treat conditions of the human foot and ankle.”

SECTION 3. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Majority favorable. Minority unfavorable.

LEON HOWARD CHRISTOPHER R. HART

For Majority. J. ANNE PARKS

MIA S. MCLEOD

JAY JORDAN

RUSSELL W. FRY

For Minority.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Fiscal Impact Summary**

The Department of Labor, Licensing and Regulation indicates that this bill will have no expenditure impact on the general fund, federal funds, or other funds.

**Explanation of Fiscal Impact**

**State Expenditure**

House Bill 3143 requires that podiatric surgery be performed in an accredited hospital or ambulatory surgical center. Doctors of Podiatric Medicine (DPM) applying for facility privileges must be board-certified (or board-eligible) and must satisfy all requirements for credentials outlined by the facility. The bill directs that the governing documents of health facilities throughout the state should provide the right for DPMs to practice within the rules, regulations, and procedures of the facility. The bill also authorizes podiatric surgeons to administer only local anesthesia.

The Department of Labor, Licensing and Regulation indicates that this bill will have no expenditure impact on the general fund, federal funds, or other funds.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑51‑210 SO AS TO PROVIDE CERTAIN PODIATRIC SURGERY MUST BE PERFORMED IN CERTAIN FACILITIES, TO PROVIDE A PODIATRIST WHO PERFORMS THESE PROCEDURES MUST MEET CERTAIN CRITERIA, TO PROVIDE FOR THE EXTENSION OF PROFESSIONAL PRIVILEGES TO THESE PODIATRISTS BY CERTAIN HEALTH FACILITIES, TO REQUIRE HEALTH FACILITIES IN THIS STATE PROVIDE THE RIGHT TO PURSUE AND PRACTICE FULL CLINICAL AND SURGICAL PRIVILEGES TO PODIATRISTS WHO MEET CERTAIN CRITERIA, TO PROVIDE AN ABILITY TO LIMIT THESE PRIVILEGES IN CERTAIN CIRCUMSTANCES, TO PROVIDE THIS SECTION DOES NOT REQUIRE A HEALTH FACILITY IN THIS STATE TO OFFER A SPECIFIC HEALTH SERVICE NOT OTHERWISE OFFERED, AND TO PROVIDE THAT IF THE FACILITY DOES OFFER A HEALTH SERVICE, IT MAY NOT DISCRIMINATE AMONG CERTAIN HEALTH PROFESSIONALS AUTHORIZED BY LAW TO PROVIDE THESE SERVICES; AND TO AMEND SECTION 40‑51‑20, RELATING TO DEFINITIONS, SO AS TO REVISE, DELETE, AND ADD CERTAIN DEFINITIONS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 51, Title 40 of the 1976 Code is amended by adding:

“Section 40‑51‑210. (A) Surgery of the ankle and soft tissue structures governing the ankle must be performed in an accredited hospital or ambulatory surgical center. A podiatrist who performs osseous (boney) surgical procedures of the ankle must be board‑certified or board‑eligible by the American Board of Podiatric Surgery and shall satisfy all requirements for credentials as outlined by the facility. In addition to granting or denying privileges, the governing body of each hospital or ambulatory surgical center may suspend, revoke, or modify these privileges. An applicant or individual who has privileges shall comply with applicable medical staff bylaws, rules, and regulations, including the policies and procedures governing the qualifications of applicants and the scope and delineation of privileges.

(B) With respect to the practice of podiatry in health facilities throughout this State, medical staff governing documents shall include and provide for the right to pursue and practice full clinical and surgical privileges for holders of a Doctor of Podiatric Medicine (DPM) degree within the scope of his licensure. These rights and privileges only may be limited or restricted on the basis of the demonstrated competence of an individual practitioner. This competence must be determined by health facility rules, regulations, and procedures that are necessary and are applied in good faith, equally and in a nondiscriminatory manner, to all practitioners regardless of their professional degree.

(C) Nothing in this section may be construed to require a health facility to offer a specific health service not otherwise offered by it. If a health service is offered, the facility shall not discriminate among people holding Doctor of Medicine, Doctor of Osteopathy, or Doctor of Podiatric Medicine degrees who are authorized by law to provide these health services.”

SECTION 2. Section 40‑51‑20 of the 1976 Code is amended to read:

“Section 40‑51‑20. For the purposes of this chapter:

(1) ‘Podiatry’ ~~shall mean~~ means the diagnosis, ~~medical and~~ surgical, medical, and mechanical treatment ~~limited to ailments~~ of all conditions of the human foot, ~~except the administration of an anaesthetic other than local~~ ankle, and related soft tissue structures to the level of the myotendinous junction. The practice of podiatry includes the administration of local anesthetics in conjunction with the practice of podiatry. The use of spinal or general anesthesia is permitted as it pertains to the practice of podiatry, but must be administered by an anesthesiologist or certified registered nurse anesthetist authorized by this State to administer anesthesia.

(2) ~~‘Diagnosis’ shall mean to ascertain a disease or ailment by symptoms and findings and does not confer the right to use X‑ray other than for diagnosis.~~

~~(3)~~ ~~‘Medical treatment’ shall mean the application or prescribing of any therapeutic agent or remedy for the relief of foot ailments, except the medical treatment of any systemic disease causing manifestations in the foot.~~

~~(4)~~ ~~‘Surgical treatment’ shall mean the use of any cutting instrument to treat a disease, ailment, deformity or condition of the foot, but shall not confer the right to amputate the foot or toes~~ ‘Podiatrist’ means a person licensed pursuant to this chapter and by this license may diagnose and treat conditions of the human foot and ankle.”

SECTION 3. This act takes effect upon approval by the Governor.

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