~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

April 24, 2018

**H. 3622**

Introduced by Reps. Ryhal, Burns, Duckworth, Gagnon, Henegan, Herbkersman, Hill, Hixon, Johnson, V.S. Moss, Ridgeway, Spires, Taylor, Thayer, Yow, Robinson‑Simpson, Magnuson, Long and Thigpen

S. Printed 4/24/18--S.

Read the first time April 9, 2018.

**THE COMMITTEE ON MEDICAL AFFAIRS**

To whom was referred a Bill (H. 3622) 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 40‑51‑67. (A) There is created a Joint Podiatric Surgery Advisory Committee as a committee to the Board of Medical Examiners which consists of six members with experience regarding podiatry or orthopedic surgery.

(B) The committee is comprised of:

(1) three orthopedic surgeons selected by the Board of Medical Examiners; and

(2) three podiatrists selected by the Board of Podiatry Examiners.

(C) The committee shall assist and advise the Board of Medical Examiners and the Board of Podiatry Examiners in evaluating an applicant’s training and experience in midfoot, rearfoot, and ankle procedures.

(D) The committee shall review allegations of practices violating the provisions of this chapter related to surgical procedures of the ankle and related soft tissue structures and make recommendations to the appropriate board.”

SECTION 2. 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 Foot and Ankle Surgery, must have graduated from a three‑year residency program in podiatric medicine and reconstructive rear foot and ankle (RRA) 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 3. 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 the diagnosis, medical and surgical treatment limited to ailments of the human foot, except the administration of an anaesthetic other than local~~ ‘Ankle’ means the distal metaphysis and epiphysis of the tibia and fibula, the articular cartilage of the distal tibia and distal fibula, the ligaments that connect the distal metaphysis and epiphysis of the tibia and fibula and the talus, and the portions of skin, subcutaneous tissue, fascia, muscles, tendons and nerves at or below the level of the myotendinous junction of the triceps surae.

(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 or ankle ailments, except the medical treatment of any systemic disease causing manifestations in the foot or ankle.

(4) ‘Podiatric ankle surgery’ or ‘surgical treatment of the ankle’ means surgical treatment of the ankle, including the surgical treatment of the anatomical structures of the ankle, as well as the administration and prescription of drugs incidental to the ankle, and the surgical treatment of manifestations of systemic diseases as they appear on the ankle, excluding:

(a) amputation of the leg or foot above the level of the transmetatarsal;

(b) surgical fixation of pilon fractures, tibial shaft fractures; and

(c) midshaft tibial osteotomy.

(5) ‘Podiatrist’ means a person licensed pursuant to this chapter and by this license may diagnose and treat conditions of the human foot and ankle. 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 Foot and Ankle Surgery, must have graduated from a three‑year residency program in podiatric medicine and reconstructive rear foot and ankle (RRA) surgery accredited by the Council on Podiatric Medical Education or its successor organization at the time of graduation.

(6) ‘Podiatry’ means the diagnosis, surgical, medical, and mechanical treatment of all conditions of the human foot and ankle. The practice of podiatry includes the administration of local anesthesia, defined as localized infiltration only, and in conjunction with the practice of podiatry. Excluded from the definition of podiatry is the amputation of the entire foot and the administration of an anesthetic other than local.

(7) ‘Surgical treatment’ ~~shall mean~~ means the use of ~~any~~ a cutting or invasive instrument to treat a disease, ailment, deformity or condition of the foot or ankle, but ~~shall~~ does not confer the right to amputate the entire foot ~~or toes~~.”

SECTION 4. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

HARVEY S. PEELER, JR. for Committee.

**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 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 and related soft tissue structures governing the ankle must be board‑certified or board‑qualified by the American Board of Foot and Ankle Surgery, must have graduated from a three‑year residency program in podiatric medicine and reconstructive rear foot and ankle (RRA) 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 distal 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.

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