

# HB0377S01 compared with HB0377

~~text~~ shows text that was in HB0377 but was deleted in HB0377S01.

text shows text that was not in HB0377 but was inserted into HB0377S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Paul A. Cutler proposes the following substitute bill:

## PODIATRIST PRACTICE AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor:** ~~Paul A. Cutler~~

**Senate Sponsor:** ~~\_\_\_\_\_~~

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### LONG TITLE

#### General Description:

This bill ~~changes~~ modifies provisions ~~related to~~ regarding podiatric physicians.

#### Highlighted Provisions:

This bill:

- ▶ allows a podiatric physician ~~who is certified by the American Board of Wound Management as a Certified Wound Specialist Physician~~ to perform wound ~~care beyond~~ debridement on the ~~areas of the foot~~ limbs and ~~ankle~~ torso, under certain conditions.

#### Money Appropriated in this Bill:

None

#### Other Special Clauses:

None

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### Utah Code Sections Affected:

AMENDS:

58-5a-102, as last amended by Laws of Utah 2023, Chapter 328

58-5a-103, as last amended by Laws of Utah 2023, Chapter 328

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section 58-5a-102 is amended to read:

#### **58-5a-102. Definitions.**

In addition to the definitions under Section 58-1-102, as used in this chapter:

(1) "Assisted living facility" means the same as that term is defined in Section 26B-2-201.

~~[(1)]~~ (2) "Board" means the Podiatric Physician Board created in Section 58-5a-201.

~~[(2)]~~ (3) "Indirect supervision" means the same as that term is defined by the division by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

~~[(3)]~~ (4) "Medical assistant" means an unlicensed individual working under the indirect supervision of a licensed podiatric physician and engaging in specific tasks assigned by the licensed podiatric physician in accordance with the standards and ethics of the podiatry profession.

~~[(4)]~~ (5) "Practice of podiatry" means, subject to Section 58-5a-103, the diagnosis and treatment of conditions affecting the human foot and ankle and their manifestations of systemic conditions, and wound debridement on the limbs and torso, by all appropriate and lawful means ~~[, subject to Section 58-5a-103]~~.

~~[(5)]~~ (6) "Unlawful conduct" includes:

- (a) the conduct that constitutes unlawful conduct under Section 58-1-501; and
- (b) for an individual who is not licensed under this chapter:
  - (i) using the title or name podiatric physician, podiatrist, podiatric surgeon, foot doctor, foot specialist, or D.P.M.; or
  - (ii) implying or representing that the individual is qualified to practice podiatry.

~~[(6)]~~ (7) (a) "Unprofessional conduct" includes, for an individual licensed under this chapter:

- (i) the conduct that constitutes unprofessional conduct under Section 58-1-501;

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(ii) communicating to a third party, without the consent of the patient, information the individual acquires in treating the patient, except as necessary for professional consultation regarding treatment of the patient;

(iii) allowing the individual's name or license to be used by an individual who is not licensed to practice podiatry under this chapter;

(iv) except as described in Section 58-5a-306, employing, directly or indirectly, any unlicensed individual to practice podiatry;

(v) using alcohol or drugs, to the extent the individual's use of alcohol or drugs impairs the individual's ability to practice podiatry;

(vi) unlawfully prescribing, selling, or giving away any prescription drug, including controlled substances, as defined in Section 58-37-2;

(vii) gross incompetency in the practice of podiatry;

(viii) willfully and intentionally making a false statement or entry in hospital records, medical records, or reports;

(ix) willfully making a false statement in reports or claim forms to governmental agencies or insurance companies with the intent to secure payment not rightfully due;

(x) willfully using false or fraudulent advertising;

(xi) conduct the division defines as unprofessional conduct by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

(xii) falsely making an entry in, or altering, a medical record with the intent to conceal:

(A) a wrongful or negligent act or omission of an individual licensed under this chapter or an individual under the direction or control of an individual licensed under this chapter; or

(B) conduct described in Subsections ~~[(6)(a)(i)]~~ [(7)(a)(i)] through (xi) or Subsection 58-1-501(1); or

(xiii) violating the requirements of Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis.

(b) "Unprofessional conduct" does not include, in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, when registered as a qualified medical provider or acting as a limited medical provider, as those terms are defined in Section 26B-4-201, recommending the use of medical cannabis within the scope of a practice of podiatry.

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Section ~~{1}~~2. Section **58-5a-103** is amended to read:

### **58-5a-103. Scope of practice.**

(1) Subject to the provisions of this section, an individual licensed as a podiatric physician under this chapter may perform:

(a) a surgical procedure on a bone of the foot or ankle[-]; and

(b) biological, enzymatic, autolytic, and mechanical wound debridement on the limbs and torso, if:

(i) the podiatric physician is certified by the American Board of Wound Management as a Certified Wound Specialist Physician~~{,}~~; and

(ii) the wound ~~{care, including debridement, cleansing, and dressing, on any part of the body}~~ debridement is performed in a home health care setting or at an assisted living facility.

(2) Except as provided in Subsections (3) and (4), an individual licensed as a podiatric physician under this chapter may not perform:

(a) an ankle fusion;

(b) a massive ankle reconstruction; or

(c) a reduction of a trimalleolar ankle fracture.

(3) An individual licensed as a podiatric physician under this chapter who meets the requirements described in Subsection (4) may only:

(a) treat a fracture of the tibia if at least one portion of the fracture line enters the ankle joint;

(b) treat a foot or ankle condition using hardware, including screws, plates, staples, pins, and wires, if at least one portion of the hardware system is attached to a bony structure at or below the ankle mortise; and

(c) place hardware for the treatment of soft tissues in the foot or ankle no more proximal than the distal 10 centimeters of the tibia.

(4) Subject to Subsection (3), an individual licensed as a podiatric physician under this chapter may only perform a procedure described in Subsection (2) if the individual:

(a) (i) graduated on or after June 1, 2006, from a three-year residency program in podiatric medicine and surgery that was accredited, at the time of graduation, by the Council on Podiatric Medical Education; and

(ii) is board certified in reconstructive rearfoot and ankle surgery by the American

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Board of Foot and Ankle Surgery;

(b) (i) graduated on or after June 1, 2006, from a three-year residency program in podiatric medicine and surgery that was accredited, at the time of graduation, by the Council on Podiatric Medical Education;

(ii) is board qualified in reconstructive rearfoot ankle surgery by the American Board of Foot and Ankle Surgery; and

(iii) provides the division documentation that the podiatric physician has completed training or experience, which the division determines is acceptable, in standard or advanced rearfoot and ankle procedures; or

(c) (i) graduated before June 1, 2006, from a residency program in podiatric medicine and surgery that was at least two years in length and that was accredited, at the time of graduation, by the Council on Podiatric Medical Education;

(ii) (A) is board certified in reconstructive rearfoot ankle surgery by the American Board of Foot and Ankle Surgery;

(B) if the residency described in Subsection (4)(c)(i) is a PSR-24 24-month podiatric surgical residency, provides proof that the individual completed the residency, to a hospital that is accredited by the Joint Commission, and meets the hospital's credentialing criteria for foot and ankle surgery; or

(C) in addition to the residency described in Subsection (4)(c)(i), has completed a fellowship in foot and ankle surgery that was accredited by the Council on Podiatric Medical Education at the time of completion; and

(iii) provides the division documentation that the podiatric physician has completed training and experience, which the division determines is acceptable, in standard or advanced rearfoot and ankle procedures.

(5) An individual licensed as a podiatric physician under this chapter may not perform an amputation proximal to Chopart's joint.

(6) An individual licensed as a podiatric physician under this chapter may not perform a surgical treatment on an ankle, on a governing structure of the foot or ankle above the ankle, or on a structure related to the foot or ankle above the ankle, unless the individual performs the surgical treatment:

(a) in an ambulatory surgical facility, a general acute hospital, or a specialty hospital, as

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defined in Section 26B-2-201; and

(b) subject to review by a quality care review body that includes qualified, licensed physicians and surgeons.

Section ~~2~~3. **Effective date.**

This bill takes effect on May 1, 2024.