

MEDICAL SOCIETY
of the
STATE OF NEW YORK

Morris Auster, Esq.
Senior Vice President /
Chief Legislative Counsel

Division of Governmental Affairs
MEMORANDUM IN OPPOSITION

**ON SENATE HIGHER EDUCATION
COMMITTEE AGENDA**

S.2019 (JACKSON)

**IN ASSEMBLY HIGHER
EDUCATION COMMITTEE**

A.2294 (PRETLOW)

**AN ACT to amend the education law, in relation to making technical changes
to the scope of the practice of podiatry**

This measure purports to make “technical” amendments to compromise legislation enacted a few years ago to expand the scope of practice for podiatrists. However, these so-called “technical” changes are actually substantive changes, which were discussed and rejected during that negotiated compromise. **The Medical Society of the State of New York opposes this bill.**

Among the changes being proposed for the scope of practice of podiatrists is allowing all podiatrists, not only those who have been issued the ability to perform standard or advanced ankle surgery, to “diagnose, treat, operate or prescribe for cutaneous conditions of the ankle to the level of the distal tibial tuberosity” (knee). The bill further states that the treatment does not have to be for a wound that is “contiguous with”, but only has to be “related to” a condition of the foot or ankle below the knee. This authorization extends to all care related to any wound on the leg including, trauma wounds, plastic surgery procedures, ulcers (diabetic or otherwise) and potentially other types of wounds. With the exceptions of treatment of melanoma; performance of Mohs surgery, muscle flaps and microvascular anastomoses, there would very few limitations on treatment of the lower leg. In effect, podiatrists would be granted authority to practice dermatology, oncology, plastic surgery, surgery, internal medicine, family medicine and pediatrics, which would represent a significant increase in their current scope of practice.

Of further concern, this bill would remove the current requirement that a podiatrist seeking either standard ankle surgery or advanced ankle surgery privileges be “directly supervised” by a podiatrist with an advanced license from New York State or a physician and would replace it with only a general “supervision” requirement. This lower standard does not require onsite oversight and in no way ensures that the trainee is either learning the techniques needed for advanced licensure or obtaining competence in the advanced procedures. Removing this requirement for direct supervision essentially allows podiatrists to train themselves and practice on their own. This does not ensure competence or knowledge.

Instead of making “technical changes”, this bill would enact a significant expansion of the scope of practice of podiatrists to a law that was had been negotiated in good faith on the part of medicine. **Consequently, the Medical Society of the State of New York opposes this bill and urges that it be defeated.**

Respectfully Submitted,

4/16/21
MMA- Oppose

MSSNY DIVISION OF GOVERNMENTAL AFFAIRS