

**MEDICAL SOCIETY OF THE STATE OF NEW YORK
NEW YORK CHAPTER AMERICAN COLLEGE OF PHYSICIANS SERVICES INC.
NEW YORK CHAPTER AMERICAN COLLEGE OF SURGEONS
NEW YORK STATE ACADEMY OF FAMILY PHYSICIANS
NEW YORK STATE ACADEMY OF PEDIATRICS – CHAPTERS 1, 2 & 3
NEW YORK STATE NEUROLOGICAL SOCIETY
NEW YORK STATE OPHTHALMOLOGICAL SOCIETY
NEW YORK STATE SOCIETY OF ANESTHESIOLOGISTS
NEW YORK STATE SOCIETY OF DERMATOLOGY & DERMATOLOGICAL SURGERY
NEW YORK STATE SOCIETY OF ORTHOPAEDIC SURGEONS
NEW YORK STATE SOCIETY OF OTOLARYNGOLOGY-HEAD AND NECK SURGERY
NEW YORK STATE SOCIETY OF PLASTIC SURGEONS**

To: New York State Legislators

Re: Memorandum of Opposition (A2217-A)

Our respective organizations, which together represent tens of thousands of physicians across the State of New York delivering care to millions of patients each year, urge you to reject the above referenced legislation, which proposes to amend the 2012 law (Chapter 438 of the Laws of 2012) that was agreed to and negotiated among the impacted professions. A podiatrist's care of the feet is important, however the expansion of surgical authority as posed in this bill, as well as the expansion of care of the feet to the lower leg, is not warranted. Let us be crystal clear – the latest proposed amendments are not “technical amendments or corrections to certain errors.” This proposal removes the prohibition against podiatrists performing total and partial ankle replacements, lowers the qualification threshold for education and training requirements, broadens the allowable procedures for the standard privilege, and fundamentally alters the definition of ankle. The amendments proposed are a wholesale rewrite of the 2012 law without professional dialogue, rigorous study, analysis or justification and should be rejected.

The 2012 law was the product of years of negotiations and discussions. The law codified a process under which licensed podiatrists could obtain a standard or advanced ankle surgery privilege, which included, at a minimum: (1) board qualification or certification in reconstructive rearfoot and ankle surgery; (2) a minimum of 2 years of residency in podiatric medicine and surgery; and (3) documentation of acceptable training and experience, including the performance of a certain number of ankle procedures on the outlined options for achieving the privilege. The negotiated compromise also explicitly outlined and distinguished between procedures that could be performed by podiatrists through either *standard ankle or advanced ankle surgery* privileges. The above referenced legislation would eliminate the two distinct privileges, establishing one broad category of “ankle surgery privileges.” Regardless of which privilege, the law expressly prohibited the performance of total and partial ankle replacements, however these amendments would reverse that exclusion.

Another major departure from the agreed upon law is the proposed changes to the supervision for those practicing with a limited permit. Under the 2012 law, direct personal supervision is required by physician or podiatrist with advanced ankle surgery privilege, which not only meant providing instructions but also per the State Education Department, “remaining in the immediate area where the procedures are being performed; authorizing the procedure; and; evaluating the procedures performed by the holder of the limited permit.” This legislation would remove the need for direct supervision requirement. Lowering the standard does not ensure the trainee is obtaining competence in providing surgical procedures.

There is no justification provided for these changes in the legislation or in the accompanying sponsor's memorandum. Given that NYS Education Department (NYSED) data shows that New Yorkers readily have access to orthopaedic surgery of the ankle by board certified orthopedic surgeons, expanding the scope of practice of podiatrists without critical training, experience and proper supervision is irresponsible and unnecessary. There is no public data from the NYSED on the number of podiatrists who have earned either the standard or advanced ankle privilege, which is a major void in transparency as the privilege is “valid for the life of the holder.” Furthermore, there is no data or reports on the implementation of the 2012 law including how many procedures have been performed by podiatrists with the standard or advanced ankle privileges and any adverse effects. Before considering any changes to the 2012 law, collecting, reviewing and analyzing this data is essential in order to preserve patient safety. **For all of the reasons stated above, we strongly oppose this legislation.**

5/22/23