**South Carolina General Assembly**

119th Session, 2011-2012

**H. 3745**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Erickson, Brantley, Patrick, Brannon, Murphy, Daning and Herbkersman

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Introduced in the House on February 24, 2011

Currently residing in the House Committee on **Medical, Military, Public and Municipal Affairs**

Summary: Podiatric surgery

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/24/2011 House Introduced and read first time ([House Journal‑page 10](file:///h:\hj%20archive\2011\02-24-11.docx))

2/24/2011 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 10](file:///h:\hj%20archive\2011\02-24-11.docx))

**VERSIONS OF THIS BILL**

[2/24/2011](file:///p:\pprever\2011-12\3745_20110224.docx)

**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 BY IT, 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 AMEND, 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 surgery center. A podiatrist who performs these surgical procedures must be board‑certified or board‑eligible in Reconstructive Rearfoot/Ankle Surgery (RRA) by the American Board of Podiatric Surgery and shall satisfy all requirements for credentials required by the facility. In addition to granting or denying privileges, the governing body of each hospital or ambulatory surgery 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 profession.

(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, 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 anterior tibial tubercle. The practice of podiatry includes the: (i) amputation of toes and other parts of the foot, but not the amputation of the entire foot; and (ii) use of local anesthetics in conjunction with a podiatric treatment, except that the use of spinal or general anesthesia 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’ or ‘podiatric physician’ means a physician and surgeon licensed pursuant to this chapter to engage in the practice of podiatric medicine and surgery, 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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