**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3455**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Erickson, Jefferson, Spires, Haley, Bowen, Herbkersman, Horne, A.D. Young, Miller, Umphlett and Jennings

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Companion/Similar bill(s): 356

Introduced in the House on February 5, 2009

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

Summary: Podiatrist

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/5/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\02-05-09.docx)‑5

2/5/2009 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** [HJ](file:///h:\HJ%20Archive\2009\02-05-09.docx)‑5

2/18/2009 House Member(s) request name added as sponsor: Miller

2/24/2009 House Member(s) request name added as sponsor: Umphlett

2/25/2009 House Member(s) request name added as sponsor: Jennings

**VERSIONS OF THIS BILL**

[2/5/2009](file:///p:\pprever\2009-10\3455_20090205.docx)

**A** **BILL**

TO AMEND SECTION 40‑51‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS USED IN CONNECTION WITH THE LICENSURE AND REGULATION OF PODIATRISTS, SO AS TO REVISE THE DEFINITION OF “PODIATRY” AND TO DEFINE “PODIATRIC PHYSICIAN”; AND BY ADDING SECTION 40‑51‑210 SO AS TO REQUIRE THAT SOFT TISSUE ANKLE STRUCTURES AND ANKLE SURGERIES TO BE PERFORMED IN A HOSPITAL OR AN AMBULATORY SURGICAL CENTER, TO REQUIRE HEALTH FACILITIES TO ALLOW A PODIATRIC PHYSICIAN TO PRACTICE CLINICAL AND SURGICAL PRIVILEGES IN THE FACILITY WITHIN THE SCOPE OF THE PHYSICIAN’S LICENSURE AND COMPETENCE, AND TO PROHIBIT DISCRIMINATION BETWEEN PERSONS WITH DIFFERENT MEDICAL DEGREES IF THE PERSONS ARE AUTHORIZED TO PERFORM THE SAME HEALTH SERVICE.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. 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 medical, and mechanical treatment ~~limited to~~ of all ~~ailments~~ conditions of the human foot~~, except the administration of an anesthetic other than local~~ and ankle, and their related soft tissue structures to the level of the anterior tibial tubercle. The practice of podiatry includes the amputations of toes and other parts of the foot but does not include the amputation of the foot or leg in its entirety. The practice of podiatry includes the administration of local anesthetics in conjunction with the practice of podiatry. Spinal or general anesthesia must be administered by an anesthesiologist or certified registered nurse anesthetist authorized by the State.

(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~~ ‘Podiatric physician’ means a physician and surgeon licensed in accordance with this chapter to engage in the practice of podiatric medicine and surgery.

~~(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.~~”

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 surgery center.

(B) With regard to the practice of podiatry in health facilities throughout this State, medical staff governing documents must include and provide for the right to pursue and practice full clinical and surgical privileges for holders of a Doctor of Podiatric Medicine degree within the scope of their licensure. These rights and privileges must be limited or restricted only upon the basis of an individual practitioner’s demonstrated competence. Competence must be determined by health facility rules, regulations, and procedures which 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 or services not otherwise offered. If a health service is offered, the facility may not discriminate between persons holding Doctor of Medicine, Doctor of Osteopathy, or Doctor of Podiatric Medicine degrees who are authorized by law to perform these services.”

SECTION 3. This act takes effect upon approval by the Governor.

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