

Assembly Bill No. 932

Passed the Assembly January 26, 2004

Chief Clerk of the Assembly

Passed the Senate June 24, 2004

Secretary of the Senate

This bill was received by the Governor this _____ day of
_____, 2004, at _____ o'clock __M.

Private Secretary of the Governor



CHAPTER _____

An act to amend Sections 2472 and 2484 of, and to repeal and add Section 2493 of, the Business and Professions Code, relating to podiatric medicine.

LEGISLATIVE COUNSEL'S DIGEST

AB 932, Koretz. Podiatric medicine.

Existing law provides for the certification and regulation of the practice of podiatry by the Division of Licensing of the Medical Board of California and the California Board of Podiatric Medicine in the Department of Consumer Affairs. Existing law requires an applicant for a certificate to practice podiatric medicine to show that he or she has successfully completed a specified medical curriculum, and requires an applicant to pass an examination in certain subjects.

This bill would instead require an applicant to pass an examination in the subjects required in the podiatric medicine medical curriculum. The bill would also require an applicant to obtain a specified passing score on the National Board of Podiatric Medical Examiners Part III examination. The bill would require the board, in consultation with the Office of Examination Resources of the Department of Consumer Affairs, to ensure that the Part II examination adequately evaluates the full scope of practice for podiatric medicine.

Existing law authorizes the holder of a certificate to practice podiatric medicine to treat the human foot, including the ankle and tendons at the ankle level. Existing law prohibits a doctor of podiatric medicine from performing an amputation. Existing law authorizes a doctor of podiatric medicine that was certified on and after January 1, 1984, to perform surgery of the ankle and tendons in specified locations.

This bill would delete the prohibition against performing amputations but would prohibit a doctor of podiatric medicine from performing an amputation of the foot in its entirety. The bill would authorize an ankle certified doctor of podiatric medicine to perform surgical treatment that is otherwise beyond his or her scope of practice in specified locations, if the doctor of podiatric medicine is under the direct supervision of a physician and



surgeon. The bill would also add outpatient settings meeting certain criteria to the list of locations where surgery may be performed. The bill would make other conforming changes.

The people of the State of California do enact as follows:

SECTION 1. Section 2472 of the Business and Professions Code is amended to read:

2472. (a) The certificate to practice podiatric medicine authorizes the holder to practice podiatric medicine.

(b) As used in this chapter, “podiatric medicine” means the diagnosis, medical, surgical, mechanical, manipulative, and electrical treatment of the human foot, including the ankle and tendons that insert into the foot and the nonsurgical treatment of the muscles and tendons of the leg governing the functions of the foot.

(c) A doctor of podiatric medicine may not administer an anesthetic other than local. If an anesthetic other than local is required for any procedure, the anesthetic shall be administered by another health care practitioner licensed under this division, who is authorized to administer the required anesthetic within the scope of his or her practice.

(d) (1) A doctor of podiatric medicine who is ankle certified by the board on and after January 1, 1984, may do the following:

(A) Perform surgical treatment of the ankle and tendons at the level of the ankle pursuant to subdivision (e).

(B) Perform services under the direct supervision of a physician and surgeon, as an assistant at surgery, in surgical procedures that are otherwise beyond the scope of practice of a doctor of podiatric medicine.

(C) Perform a partial amputation of the foot no further proximal than the Chopart’s joint.

(2) Nothing in this subdivision shall be construed to permit a doctor of podiatric medicine to function as a primary surgeon for any procedure beyond his or her scope of practice.

(e) A doctor of podiatric medicine may perform surgical treatment of the ankle and tendons at the level of the ankle only in the following locations:

(1) A licensed general acute care hospital, as defined in Section 1250 of the Health and Safety Code.



(2) A licensed surgical clinic, as defined in Section 1204 of the Health and Safety Code, if the doctor of podiatric medicine has surgical privileges, including the privilege to perform surgery on the ankle, in a general acute care hospital described in subparagraph (1) and meets all the protocols of the surgical clinic.

(3) An ambulatory surgical center that is certified to participate in the Medicare program under Title XVIII (42 U.S.C. Sec. 1395 et seq.) of the federal Social Security Act, if the doctor of podiatric medicine has surgical privileges, including the privilege to perform surgery on the ankle, in a general acute care hospital described in subparagraph (1) and meets all the protocols of the surgical center.

(4) A freestanding physical plant housing outpatient services of a licensed general acute care hospital, as defined in Section 1250 of the Health and Safety Code, if the doctor of podiatric medicine has surgical privileges, including the privilege to perform surgery on the ankle, in a general acute care hospital described in paragraph (1). For purposes of this section, a “freestanding physical plant” means any building that is not physically attached to a building where inpatient services are provided.

(5) An outpatient setting accredited pursuant to subdivision (g) of Section 1248.1 of the Health and Safety Code.

(f) A doctor of podiatric medicine shall not perform an admitting history and physical examination of a patient in an acute care hospital where doing so would violate the regulations governing the Medicare program.

(g) The amendment of this section made at the 1983–84 Regular Session of the Legislature is intended to codify existing practice.

(h) A podiatrist licensed under this chapter is a licentiate for purposes of paragraph (2) of subdivision (a) of Section 805, and thus is a health care practitioner subject to the provisions of Section 2290.5 pursuant to subdivision (b) of that section.

SEC. 2. Section 2484 of the Business and Professions Code is amended to read:

2484. In addition to any other requirements of this chapter, before a certificate to practice podiatric medicine may be issued, each applicant shall show by evidence satisfactory to the board, submitted directly to the board by the sponsoring institution, that he or she has satisfactorily completed at least two years of



postgraduate podiatric medical and podiatric surgical training in a general acute care hospital approved by the Council of Podiatric Medical Education.

SEC. 3. Section 2493 of the Business and Professions Code is repealed.

SEC. 4. Section 2493 is added to the Business and Professions Code, to read:

2493. (a) An applicant for a certificate to practice podiatric medicine shall pass an examination in the subjects required by Section 2483.

(b) The board shall require a passing score on the National Board of Podiatric Medical Examiners Part III examination that is consistent with the postgraduate training requirement in Section 2484. The board, as of July 1, 2005, shall require a passing score one standard error of measurement higher than the national passing scale score until such time as the National Board of Podiatric Medical Examiners recommends a higher passing score consistent with Section 2484. In consultation with the Office of Examination Resources of the Department of Consumer Affairs, the board shall ensure that the Part III examination adequately evaluates the full scope of practice established by Section 2472, including amputation and other foot and ankle surgical procedures, pursuant to Section 139.



Approved _____, 2004

Governor

