

1 **PODIATRIST PRACTICE AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Paul A. Cutler**

Senate Sponsor: Curtis S. Bramble

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3 **LONG TITLE**

4 **General Description:**

5 This bill modifies provisions regarding podiatric physicians.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ allows a podiatric physician to perform wound debridement on the limbs and torso,
- 9 under certain conditions.

10 **Money Appropriated in this Bill:**

11 None

12 **Other Special Clauses:**

13 None

14 **Utah Code Sections Affected:**

15 AMENDS:

16 **58-5a-102**, as last amended by Laws of Utah 2023, Chapter 328

17 **58-5a-103**, as last amended by Laws of Utah 2023, Chapter 328

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19 *Be it enacted by the Legislature of the state of Utah:*

20 Section 1. Section **58-5a-102** is amended to read:

21 **58-5a-102 . Definitions.**

22 In addition to the definitions under Section 58-1-102, as used in this chapter:

23 (1) "Assisted living facility" means the same as that term is defined in Section 26B-2-201.

24 [~~(1)~~] (2) "Board" means the Podiatric Physician Board created in Section 58-5a-201.

25 [~~(2)~~] (3) "Indirect supervision" means the same as that term is defined by the division by  
26 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
27 Act.

28 [~~(3)~~] (4) "Medical assistant" means an unlicensed individual working under the indirect

29 supervision of a licensed podiatric physician and engaging in specific tasks assigned by  
30 the licensed podiatric physician in accordance with the standards and ethics of the  
31 podiatry profession.

32 [(4)] (5) "Practice of podiatry" means, subject to Section 58-5a-103, the diagnosis and  
33 treatment of conditions affecting the human foot and ankle and their manifestations of  
34 systemic conditions, and wound debridement on the limbs and torso, by all appropriate  
35 and lawful means~~[, subject to Section 58-5a-103]~~.

36 [(5)] (6) "Unlawful conduct" includes:

37 (a) the conduct that constitutes unlawful conduct under Section 58-1-501; and

38 (b) for an individual who is not licensed under this chapter:

39 (i) using the title or name podiatric physician, podiatrist, podiatric surgeon, foot  
40 doctor, foot specialist, or D.P.M.; or

41 (ii) implying or representing that the individual is qualified to practice podiatry.

42 [(6)] (7) (a) "Unprofessional conduct" includes, for an individual licensed under this  
43 chapter:

44 (i) the conduct that constitutes unprofessional conduct under Section 58-1-501;

45 (ii) communicating to a third party, without the consent of the patient, information  
46 the individual acquires in treating the patient, except as necessary for professional  
47 consultation regarding treatment of the patient;

48 (iii) allowing the individual's name or license to be used by an individual who is not  
49 licensed to practice podiatry under this chapter;

50 (iv) except as described in Section 58-5a-306, employing, directly or indirectly, any  
51 unlicensed individual to practice podiatry;

52 (v) using alcohol or drugs, to the extent the individual's use of alcohol or drugs  
53 impairs the individual's ability to practice podiatry;

54 (vi) unlawfully prescribing, selling, or giving away any prescription drug, including  
55 controlled substances, as defined in Section 58-37-2;

56 (vii) gross incompetency in the practice of podiatry;

57 (viii) willfully and intentionally making a false statement or entry in hospital records,  
58 medical records, or reports;

59 (ix) willfully making a false statement in reports or claim forms to governmental  
60 agencies or insurance companies with the intent to secure payment not rightfully  
61 due;

62 (x) willfully using false or fraudulent advertising;

- 63 (xi) conduct the division defines as unprofessional conduct by rule made in  
64 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 65 (xii) falsely making an entry in, or altering, a medical record with the intent to  
66 conceal:
- 67 (A) a wrongful or negligent act or omission of an individual licensed under this  
68 chapter or an individual under the direction or control of an individual licensed  
69 under this chapter; or
- 70 (B) conduct described in Subsections [~~(6)(a)(i)~~] (7)(a)(i) through (xi) or Subsection  
71 58-1-501(1); or
- 72 (xiii) violating the requirements of Title 26B, Chapter 4, Part 2, Cannabinoid  
73 Research and Medical Cannabis.
- 74 (b) "Unprofessional conduct" does not include, in accordance with Title 26B, Chapter 4,  
75 Part 2, Cannabinoid Research and Medical Cannabis, when registered as a qualified  
76 medical provider or acting as a limited medical provider, as those terms are defined  
77 in Section 26B-4-201, recommending the use of medical cannabis within the scope of  
78 a practice of podiatry.

79 Section 2. Section **58-5a-103** is amended to read:

80 **58-5a-103 . Scope of practice.**

- 81 (1) Subject to the provisions of this section, an individual licensed as a podiatric physician  
82 under this chapter may perform[-] :
- 83 (a) a surgical procedure on a bone of the foot or ankle[-] ; and  
84 (b) biological, enzymatic, autolytic, and mechanical wound debridement on the limbs  
85 and torso, if the podiatric physician is certified by the American Board of Wound  
86 Management as a Certified Wound Specialist Physician.
- 87 (2) Except as provided in Subsections (3) and (4), an individual licensed as a podiatric  
88 physician under this chapter may not perform:
- 89 (a) an ankle fusion;  
90 (b) a massive ankle reconstruction; or  
91 (c) a reduction of a trimalleolar ankle fracture.
- 92 (3) An individual licensed as a podiatric physician under this chapter who meets the  
93 requirements described in Subsection (4) may only:
- 94 (a) treat a fracture of the tibia if at least one portion of the fracture line enters the ankle  
95 joint;  
96 (b) treat a foot or ankle condition using hardware, including screws, plates, staples, pins,

- 97 and wires, if at least one portion of the hardware system is attached to a bony  
98 structure at or below the ankle mortise; and
- 99 (c) place hardware for the treatment of soft tissues in the foot or ankle no more proximal  
100 than the distal 10 centimeters of the tibia.
- 101 (4) Subject to Subsection (3), an individual licensed as a podiatric physician under this  
102 chapter may only perform a procedure described in Subsection (2) if the individual:
- 103 (a) (i) graduated on or after June 1, 2006, from a three-year residency program in  
104 podiatric medicine and surgery that was accredited, at the time of graduation, by  
105 the Council on Podiatric Medical Education; and  
106 (ii) is board certified in reconstructive rearfoot and ankle surgery by the American  
107 Board of Foot and Ankle Surgery;
- 108 (b) (i) graduated on or after June 1, 2006, from a three-year residency program in  
109 podiatric medicine and surgery that was accredited, at the time of graduation, by  
110 the Council on Podiatric Medical Education;  
111 (ii) is board qualified in reconstructive rearfoot ankle surgery by the American Board  
112 of Foot and Ankle Surgery; and  
113 (iii) provides the division documentation that the podiatric physician has completed  
114 training or experience, which the division determines is acceptable, in standard or  
115 advanced rearfoot and ankle procedures; or
- 116 (c) (i) graduated before June 1, 2006, from a residency program in podiatric medicine  
117 and surgery that was at least two years in length and that was accredited, at the  
118 time of graduation, by the Council on Podiatric Medical Education;  
119 (ii) (A) is board certified in reconstructive rearfoot ankle surgery by the American  
120 Board of Foot and Ankle Surgery;  
121 (B) if the residency described in Subsection (4)(c)(i) is a PSR-24 24-month  
122 podiatric surgical residency, provides proof that the individual completed the  
123 residency, to a hospital that is accredited by the Joint Commission, and meets  
124 the hospital's credentialing criteria for foot and ankle surgery; or  
125 (C) in addition to the residency described in Subsection (4)(c)(i), has completed a  
126 fellowship in foot and ankle surgery that was accredited by the Council on  
127 Podiatric Medical Education at the time of completion; and  
128 (iii) provides the division documentation that the podiatric physician has completed  
129 training and experience, which the division determines is acceptable, in standard  
130 or advanced rearfoot and ankle procedures.

131 (5) An individual licensed as a podiatric physician under this chapter may not perform an  
132 amputation proximal to Chopart's joint.

133 (6) An individual licensed as a podiatric physician under this chapter may not perform a  
134 surgical treatment on an ankle, on a governing structure of the foot or ankle above the  
135 ankle, or on a structure related to the foot or ankle above the ankle, unless the individual  
136 performs the surgical treatment:

137 (a) in an ambulatory surgical facility, a general acute hospital, or a specialty hospital, as  
138 defined in Section 26B-2-201; and

139 (b) subject to review by a quality care review body that includes qualified, licensed  
140 physicians and surgeons.

141 Section 3. **Effective date.**

142 This bill takes effect on May 1, 2024.