

Representative Paul A. Cutler proposes the following substitute bill:

PODIATRIST PRACTICE AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul A. Cutler

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill modifies provisions regarding podiatric physicians.

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

58-5a-102. Definitions.



26 In addition to the definitions under Section 58-1-102, as used in this chapter:
27 (1) "Assisted living facility" means the same as that term is defined in Section
28 26B-2-201.
29 ~~[(1)]~~ (2) "Board" means the Podiatric Physician Board created in Section 58-5a-201.
30 ~~[(2)]~~ (3) "Indirect supervision" means the same as that term is defined by the division
31 by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
32 ~~[(3)]~~ (4) "Medical assistant" means an unlicensed individual working under the indirect
33 supervision of a licensed podiatric physician and engaging in specific tasks assigned by the
34 licensed podiatric physician in accordance with the standards and ethics of the podiatry
35 profession.
36 ~~[(4)]~~ (5) "Practice of podiatry" means, subject to Section 58-5a-103, the diagnosis and
37 treatment of conditions affecting the human foot and ankle and their manifestations of systemic
38 conditions, and wound debridement on the limbs and torso, by all appropriate and lawful
39 means~~[, subject to Section 58-5a-103]~~.
40 ~~[(5)]~~ (6) "Unlawful conduct" includes:
41 (a) the conduct that constitutes unlawful conduct under Section 58-1-501; and
42 (b) for an individual who is not licensed under this chapter:
43 (i) using the title or name podiatric physician, podiatrist, podiatric surgeon, foot doctor,
44 foot specialist, or D.P.M.; or
45 (ii) implying or representing that the individual is qualified to practice podiatry.
46 ~~[(6)]~~ (7) (a) "Unprofessional conduct" includes, for an individual licensed under this
47 chapter:
48 (i) the conduct that constitutes unprofessional conduct under Section 58-1-501;
49 (ii) communicating to a third party, without the consent of the patient, information the
50 individual acquires in treating the patient, except as necessary for professional consultation
51 regarding treatment of the patient;
52 (iii) allowing the individual's name or license to be used by an individual who is not
53 licensed to practice podiatry under this chapter;
54 (iv) except as described in Section 58-5a-306, employing, directly or indirectly, any
55 unlicensed individual to practice podiatry;
56 (v) using alcohol or drugs, to the extent the individual's use of alcohol or drugs impairs

57 the individual's ability to practice podiatry;

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

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

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

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

65 (x) willfully using false or fraudulent advertising;

66 (xi) conduct the division defines as unprofessional conduct by rule made in accordance
67 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

68 (xii) falsely making an entry in, or altering, a medical record with the intent to conceal:

69 (A) a wrongful or negligent act or omission of an individual licensed under this chapter
70 or an individual under the direction or control of an individual licensed under this chapter; or

71 (B) conduct described in Subsections ~~[(6)(a)(i)]~~ (7)(a)(i) through (xi) or Subsection
72 58-1-501(1); or

73 (xiii) violating the requirements of Title 26B, Chapter 4, Part 2, Cannabinoid Research
74 and Medical Cannabis.

75 (b) "Unprofessional conduct" does not include, in accordance with Title 26B, Chapter
76 4, Part 2, Cannabinoid Research and Medical Cannabis, when registered as a qualified medical
77 provider or acting as a limited medical provider, as those terms are defined in Section
78 26B-4-201, recommending the use of medical cannabis within the scope of a practice of
79 podiatry.

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

81 **58-5a-103. Scope of practice.**

82 (1) Subject to the provisions of this section, an individual licensed as a podiatric
83 physician under this chapter may perform:

84 (a) a surgical procedure on a bone of the foot or ankle[-]; and

85 (b) biological, enzymatic, autolytic, and mechanical wound debridement on the limbs
86 and torso, if:

87 (i) the podiatric physician is certified by the American Board of Wound Management

88 as a Certified Wound Specialist Physician; and

89 (ii) the wound debridement is performed in a home health care setting or at an assisted
90 living facility.

91 (2) Except as provided in Subsections (3) and (4), an individual licensed as a podiatric
92 physician under this chapter may not perform:

93 (a) an ankle fusion;

94 (b) a massive ankle reconstruction; or

95 (c) a reduction of a trimalleolar ankle fracture.

96 (3) An individual licensed as a podiatric physician under this chapter who meets the
97 requirements described in Subsection (4) may only:

98 (a) treat a fracture of the tibia if at least one portion of the fracture line enters the ankle
99 joint;

100 (b) treat a foot or ankle condition using hardware, including screws, plates, staples,
101 pins, and wires, if at least one portion of the hardware system is attached to a bony structure at
102 or below the ankle mortise; and

103 (c) place hardware for the treatment of soft tissues in the foot or ankle no more
104 proximal than the distal 10 centimeters of the tibia.

105 (4) Subject to Subsection (3), an individual licensed as a podiatric physician under this
106 chapter may only perform a procedure described in Subsection (2) if the individual:

107 (a) (i) graduated on or after June 1, 2006, from a three-year residency program in
108 podiatric medicine and surgery that was accredited, at the time of graduation, by the Council on
109 Podiatric Medical Education; and

110 (ii) is board certified in reconstructive rearfoot and ankle surgery by the American
111 Board of Foot and Ankle Surgery;

112 (b) (i) graduated on or after June 1, 2006, from a three-year residency program in
113 podiatric medicine and surgery that was accredited, at the time of graduation, by the Council on
114 Podiatric Medical Education;

115 (ii) is board qualified in reconstructive rearfoot ankle surgery by the American Board
116 of Foot and Ankle Surgery; and

117 (iii) provides the division documentation that the podiatric physician has completed
118 training or experience, which the division determines is acceptable, in standard or advanced

119 rearfoot and ankle procedures; or

120 (c) (i) graduated before June 1, 2006, from a residency program in podiatric medicine
121 and surgery that was at least two years in length and that was accredited, at the time of
122 graduation, by the Council on Podiatric Medical Education;

123 (ii) (A) is board certified in reconstructive rearfoot ankle surgery by the American
124 Board of Foot and Ankle Surgery;

125 (B) if the residency described in Subsection (4)(c)(i) is a PSR-24 24-month podiatric
126 surgical residency, provides proof that the individual completed the residency, to a hospital that
127 is accredited by the Joint Commission, and meets the hospital's credentialing criteria for foot
128 and ankle surgery; or

129 (C) in addition to the residency described in Subsection (4)(c)(i), has completed a
130 fellowship in foot and ankle surgery that was accredited by the Council on Podiatric Medical
131 Education at the time of completion; and

132 (iii) provides the division documentation that the podiatric physician has completed
133 training and experience, which the division determines is acceptable, in standard or advanced
134 rearfoot and ankle procedures.

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

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

141 (a) in an ambulatory surgical facility, a general acute hospital, or a specialty hospital, as
142 defined in Section [26B-2-201](#); and

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

145 Section 3. **Effective date.**

146 This bill takes effect on May 1, 2024.