

SESSION OF 2014

SUPPLEMENTAL NOTE ON SENATE BILL NO. 316

As Amended by Senate Committee on Public
Health and Welfare

Brief*

SB 316 would amend the Podiatry Act to expand and clarify the scope of podiatry and podiatric surgery and to create an advisory committee to the State Board of Healing Arts.

Under current law, "podiatry" is defined as the diagnosis and treatment of all illnesses of the human foot. Under the bill, podiatry would mean the diagnosis and medical and surgical treatment of all illnesses of the human foot, including the ankle and tendons which insert into the foot as well as the foot. The bill would prohibit podiatrists from performing ankle surgery unless the podiatrist has completed a post-doctoral surgical residency program in foot and ankle surgery and is either board-qualified or board-certified in rearfoot reconstruction/ankle surgery or foot and ankle surgery by a nationally recognized certifying organization acceptable to the Board. Surgical treatment of the ankle by a podiatrist would be required to be performed only in a medical care facility.

The bill also would require the Board, within 90 days of the effective date of this bill, to create the Podiatry Interdisciplinary Advisory Committee. This five-member committee would advise and make recommendations to the Board on matters relating to the licensure of podiatrists to perform surgery on the ankle. The advisory committee members would include:

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- One Board member, appointed by the Board, who would serve as a non-voting chairperson;
- Two persons licensed to practice medicine and surgery specializing in orthopaedics, chosen by the Board from a list of four names submitted by the Kansas Medical Society; and
- Two podiatrists, at least one of whom has completed an accredited residency in foot and ankle surgery, chosen by the Board from a list of four names submitted by the Kansas Podiatric Medical Association.

Advisory committee members would serve at the pleasure of the Board without compensation. Committee expenses would be paid by the Board. The Advisory Committee provisions of the bill would expire on July 1, 2018.

The bill would be in effect upon publication in the *Kansas Register*.

Background

The bill was introduced by the Senate Committee on Public Health and Welfare at the request of Senator LaTurner. Proponents of the bill at the Senate Committee hearing included representatives of the Orthopaedic Specialists of the Four States, Galena; the President of the Kansas Podiatric Medicine Association; and several podiatrists. Proponents highlighted the training protocols for podiatrists, including residency requirements and specialized training in foot and ankle surgery. The proponents indicated the current scope of podiatry does not take into account the enhancements in education and training for podiatrists and limits patients' access to care in Kansas and the ability to recruit podiatrists at a time when demand for such services is expected to increase.

A representative of the Kansas Medical Society (KMS) provided neutral testimony on the bill, stating KMS officials and representatives of the Kansas Orthopaedic Society have been meeting with the podiatrists and were seeking consensus on the issue before communicating a position on the bill.

The Senate Committee on Public Health and Welfare amendments clarify and qualify the medical and surgical treatment that could be performed on the ankle by certain podiatrists and create an advisory committee to the Board. The amendments were submitted by representatives of the working group of podiatrists and representatives of the KMS and Kansas Orthopaedic Society.

The fiscal note prepared by the Division of the Budget on the bill, as introduced, states the Board of Healing Arts indicates passage of the bill would have a fiscal effect limited to both the publication of notices, proposed regulations, and amended regulations and the updates of applications, forms, booklets, licenses and other online or agency website items. The bill would increase expenditures from the Healing Arts Fee Fund by \$448 for publication costs and \$1,000 for costs to update forms, for a total of \$1,448. Any fiscal effect associated with the bill is not reflected in *The FY 2015 Governor's Budget Report*.