HOUSE BILL NO. 1049

AN ACT TO AMEND SECTION 73-27-1, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE PRACTICE OF PODIATRIC MEDICINE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 73-27-1, Mississippi Code of 1972, is amended as follows:

73-27-1. (1) The practice of podiatric medicine is that profession concerned with the examination, diagnosis or medical, mechanical or surgical treatment of the ailments of the human foot, ankle and soft tissue structures extending no higher than the distal tibial metaphyseal flair, including the use and prescribing of drugs and medications, but excluding the direct applications of general anesthesia by a podiatrist and the amputation of the foot. The practice of podiatric medicine include the procedures described in subsection (4) of this section.

(2) A podiatrist is a medical care provider who engages in the practice of podiatric medicine.

(3) A podiatrist may prescribe and administer drugs and tests, excluding general and spinal anesthesia, that are essential to the practice of podiatric medicine when used for or in connection with treatment of disorders of the human foot.

(4) (a) A podiatrist may perform Achilles tendon repair, subject to the provisions of paragraph (b) of this subsection, but may not perform surgery on Pilon fractures or tibial fractures that do not enter the ankle joint.
(b) A podiatrist may perform ankle surgery only if that podiatrist meets the requirements of either subparagraph (i) or (ii):

(i) The podiatrist was, before July 1, 2003, credentialed to perform ankle surgery by a hospital accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) or by a JCAHO-accredited ambulatory surgical facility; however, a podiatrist who qualifies to perform ankle surgery under this subparagraph (i) must obtain certification to perform reconstructive rearfoot/ankle surgery from the American Board of Podiatric Surgery by December 31, 2005, and may not continue to perform ankle surgery if that podiatrist has not obtained certification by that date; or

(ii) The podiatrist has completed a surgical residency program at least twenty-four (24) months in length that has been approved by the Council on Podiatric Medical Education and is currently eligible for certification to perform reconstructive rearfoot/ankle surgery by the American Board of Podiatric Surgery; however, a podiatrist who qualifies to perform ankle surgery under this subparagraph (ii) must obtain certification to perform reconstructive rearfoot/ankle surgery from the American Board of Podiatric Surgery before July 1, 2008, or within six (6) years of first becoming eligible for certification, whichever date is later, and may not continue to perform ankle surgery if that podiatrist has not obtained certification by the end of the six-year period.

(c) A podiatrist may perform ankle surgery only in a JCAHO-accredited hospital licensed under Section 41-9-1 et seq. or a JCAHO-accredited ambulatory surgical facility licensed under Section 41-75-1 set seq. at which the podiatrist has surgical privileges to perform ankle surgery. A podiatrist who performs ankle surgery in an ambulatory surgical facility must first have surgical privileges to perform ankle surgery at a local hospital.
A podiatrist who performs ankle surgery must meet the same standard of care applicable to orthopedic surgeons who perform ankle surgery.

(d) A podiatrist may perform non-surgical care on the ankle without meeting the requirements of paragraph (b) of this subsection.

SECTION 2. This act shall take effect and be in force from and after July 1, 2003.