



NEW YORK CHAPTER OF THE AMERICAN COLLEGE OF SURGEONS, INC.

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MEMORANDUM IN OPPOSITION S.1443 (Libous)/A.3168A (Pretlow)

***On Senate Higher Education Committee Agenda
- 10:30 AM, Wednesday, May 2, 2007 -***

AN ACT to amend the education law, in relation to expanding the scope of the practice of podiatry.

The New York Chapter of the American College of Surgeons (NYCACS) strongly opposes the enactment of S.1443 (Libous)/A.3168A (Pretlow), which would modify the definition of the scope of practice of podiatry to include conditions of the ankle and all soft tissue structures of the leg below the knee. This proposal would allow podiatrists to perform invasive and complex procedures now attended to by orthopedic surgeons. The NYCACS strongly opposes provisions of this bill that would allow the practice of surgery by non-surgeons. Moreover, we believe that this proposal dangerously crosses the line between podiatry and medical practice by unqualified non-physician practitioners and would severely compromise existing patient protections.

Healthcare of the highest quality continues to be the goal of the NYCACS and of all of our physicians. NYCACS strongly believes that patient safety is critical to quality outcomes, and therefore strongly believes that only qualified physicians should be performing medical procedures. Moreover, existing scope of practice definitions protect patients by ensuring that non-physician providers are practicing within the parameters of their education and training.

Article 131 of the Education Law, defines the practice of the profession of medicine as diagnosing, treating, operating or prescribing for any human disease, pain, injury, deformity or physical condition. Moreover, this article reserves the right to practice medicine in New York to licensed physicians. Comparatively, podiatrists are authorized to diagnose, treat, operate and prescribe only for disease, injury, deformity or other conditions of the foot.

This proposal, by allowing podiatrists to perform invasive and complex procedures now attended to by orthopedic surgeons, effectively removes critically important patient protection restrictions on the practice of podiatry. Our primary concern is, and must always be, on quality and safety of our patients. For all of these reasons, the New York Chapter of The American College of Surgeons opposes this legislation.

*March 29, 2007 -- Matthew F. Guilbault, Esq., Guilbault Government Affairs
representing the New York Chapter of the American College of Surgeons*