

Public Health Committee JOINT FAVORABLE REPORT

Bill No.: SB-306

AN ACT CONCERNING THE APPROVAL OF PODIATRISTS TO PERFORM

Title: STANDARD ANKLE SURGICAL PROCEDURES.

Vote Date: 3/23/2018

Vote Action: Joint Favorable

PH Date: 3/16/2018

File No.: 280

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SPONSORS OF BILL:

Public Health Committee

REASONS FOR BILL:

Currently, a podiatrist cannot engage in independent ankle surgery unless he or she meets specified qualifications and receives a permit from the Department of Public Health. Current law requires the commissioner of DPH to appoint a four-member advisory committee consisting of two podiatrists and two orthopedists to assist in evaluating permit applications.

This bill disbands the advisory committee instead requires the state Board of Examiners in Podiatry to assist the commissioner in evaluating permit applicants. The podiatry board consists of five members: three practicing podiatrists and two public members.

RESPONSE FROM ADMINISTRATION/AGENCY:

None submitted.

NATURE AND SOURCES OF SUPPORT:

Dr. Marting Pressman, DPM, Chairman, Connecticut Board of Podiatry Examiners:

Dr. Pressman explains that in 2017, the Podiatry statute was enhanced to allow podiatrists with the required training, skill and competence to perform ankle surgery.

This statute change should have enabled well-trained foot and ankle surgeons to stay in Connecticut, as well as allowing others to come to Connecticut to practice and perform ankle procedures. Instead, problems with the committee membership of the advisory board, i.e., availability of members and interpersonal issues among members, created delays in case reviews and resulted in hardships for applicants seeking this permit. Regrettably, this well-known delay in Connecticut has forced podiatrists to go elsewhere.

DR. Pressman supports SB 306 because this bill would place the permitting process under the purview of the Connecticut Board of Examiners in Podiatry. The Board of Examiners in Podiatry reviews credentials, posts meetings and records proceedings online permitting transparency of the process.

Licensure and disciplinary issues have long been under the purview of this board. Having committee members from a different profession making judgments on the experience, training and competence of a competing profession could be construed as a conflict of interest. He also suggests that the board may offer an appeal process where an applicant can testify under oath and may be represented by counsel.

Christopher H. Comey, MD: Chairman of Surgery, Saint Francis Hospital: In his discussions with many certified podiatrists, Dr. Comey was made aware of the significant delays in obtaining in an advanced ankle certificate. Until this certificate is actually approved, a certified podiatrist is unable to perform elective or emergency ankle procedures. Dr. Comey supports SB 306 because he believes placing the permitting process under the purview of the Board of Examiners in Podiatry would streamline the process for obtaining an advanced ankle certificate.

Danielle Butto, DPM AACFAS: Dr. Butto is originally from Ohio and chose to come to Connecticut for her residency training. She obtained a fellowship in Reconstructive Foot and Ankle Surgery and was trained by a faculty that included both podiatrists and orthopedic surgeons in foot and ankle surgery. Following completion of the fellowship, she received numerous job offers to stay in Ohio but chose to come to Connecticut hoping to bring with her the new techniques and procedures she had learned. Dr. Butto met all the necessary requirements to obtain a state permit and presented supervision logs and cases done past residency training. It took eight months before she received her certificate. During the eight months, she had to submit additional documentation “proving” her cases even though she was listed on the operative report. This delay prevented her from providing her patients with necessary treatment. Dr. Butto supports SB 306 because she believes the Connecticut Board of Examiners in Podiatry is capable of making permitting decisions and will do so in a fair and efficient manner.

Adam Mucinkas, DPM; Chief of Podiatry Surgery for Middlesex Hospital: Dr. Mucinkas supports SB 306. In his testimony, Dr. Mucinkas shares numerous statistics regarding post graduate education in podiatry. He also explains that Connecticut requires separate certificates to perform “standard” and “advanced” ankle surgeries and outlines the different requirements for each certificate. He believes that the current permitting process is burdensome and frustrating and has caused qualified doctors to avoid coming to this state or leaving it completely. He supports giving podiatry control over its own permitting procedures already allowed by state law. This is an important step in streamlining a process to allow well-trained doctors to provide competent care to their patients. DR. Mucinkas also believes the current state statute gave to the group that did not want podiatrists to have ankle surgery privileges, control over the process that grants those privileges. This is a clear conflict of interest.

Dr. Stephen Lazaroff: Dr. Lazaroff is a recent graduate from the Yale Podiatric Surgery and Medicine Residency Program. He shares with the committee his personal experience in applying for his basic and advanced ankle permits. He spent countless hours submitting all

required documentation and met the required quantity and diversity of cases for receiving the permits. However, due to a caveat in the permitting requirements that requires a number of cases outside of residency, he was denied the permit. Not only is the ankle law poorly defined and confusing, but the process is slow and not updated. Numerous colleagues have experienced the same frustrations in the permitting process. Overall, the current laws in Connecticut are confusing, time consuming and costly. He supports SB 306 as an opportunity to update and streamline the permitting process.

NATURE AND SOURCES OF OPPOSITION:

Connecticut Medical Society, (CSMS): CSMS strongly opposes SB 306 because it removes highly trained orthopedic surgeons from participation in the permitting process and turns over all requirements for evaluation to the Connecticut Board of Examiners in Podiatry. Having skilled orthopedic surgeons involved in the permitting process is necessary because it creates a balance that would be absent if health care professions became the sole determiners of their own scope. PA 11-209 established a process to review proposals that would alter a professions practice act creating a fair and balances approach to altering the scope of practice. SB 306 provides a mechanism that bypasses PA11-209 and positions a group is that is poised to benefit from the change. This bill potentially expands the economic opportunities available to podiatrists but will not provide the checks and balances necessary to ensure the benefits to the patients these health providers serve.

Michael Aronow, MD, VP of the Orthopedic Associate of Hartford: Dr. Aronow opposes SB 306. He has served the advisory committee that assists and advises the Commissioner of Public Health in evaluating applicants who apply for a permit to perform standard and advanced ankle surgery procedures. During his 10years on the advisory committee, all the members have been professional and not partisan. The current composition of the committee provides for critical checks and balances to any potential for partisanship. This bill would remove this safeguard by replacing the orthopedic surgeons on the advisory committee with lay people and podiatrists.

Lauren Geaney, MD, Board Member of the Connecticut Orthopedic Society (COS): Dr. Geaney points out that the advisory committee does not decide whether a permit to perform advanced ankle surgery is granted, but rather carefully reviews if an applicant meets the statutory and regulatory requirements to perform advanced surgery. As a COS representative to the advisory committee, Dr. Geaney can attest to the education and experience of the members of the committee and the diligence with which each application is reviewed. It is important to note that all members of the committee must agree with the overall decision to either approve or deny and applicant with the final determination being the Commissioner of DPH. SB 306, if passed, would replace the current committee make-up with two podiatrists and two lay people. The COS believes that a layperson is not medically trained or educated to participate in this review process and requests that the current review process remain in place.

Reported by: Kathleen Panazza

Date: 4/9/2018