

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 750

S.P. 248

In Senate, February 10, 2005

An Act To Clarify the Authority of Podiatrists To Use Assistants

(EMERGENCY)

Reference to the Committee on Business, Research and Economic Development suggested and ordered printed.

A handwritten signature in cursive script, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BROMLEY of Cumberland.
Cosponsored by Representative O'BRIEN of Lewiston and
Senators: DAMON of Hancock, SULLIVAN of York, Representative: BERUBE of Lisbon.

2 **Emergency preamble.** Whereas, acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4 Whereas, this Act clarifies that podiatrists are authorized
6 to delegate podiatric medical services to assistants; and

8 Whereas, it is the common practice of podiatrists in the
State to use podiatric assistants; and

10 Whereas, it is urgent that the clarification of the
12 podiatrist's authority to use assistants in all aspects of
podiatric medicine be effective immediately in order to allow
14 podiatrists to continue practicing in a safe and legal manner; and

16 Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
18 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
20 safety; now, therefore,

22 **Be it enacted by the People of the State of Maine as follows:**

24 **Sec. 1. 32 MRSA §3552-A** is enacted to read:

26 **§3552-A. Podiatric assistants**

28 **1. Podiatric assistants permitted.** This chapter may not be
30 construed to prohibit a podiatric assistant from rendering
32 podiatric medical services if these services are rendered under
34 the supervision and control of a podiatrist and if that podiatric
36 assistant is in a training program approved by the board or has
38 satisfactorily completed training and a competency evaluation
40 approved by the board. "Supervision and control" may not be
42 construed to require the personal presence of the supervising and
44 controlling podiatrist at the place where these services are
46 rendered, unless a physical presence is necessary to provide
48 patient care of the same quality as provided by the podiatrist.
This chapter may not be construed to prohibit a podiatrist from
delegating to a podiatric assistant certain activities relating
to medical care and treatment that are delegated by custom and
usage, as long as those activities are under the supervision or
control of the podiatrist, who must be present on the premises at
the time the activities are performed. This section may not be
construed to require the presence of the supervising and
controlling podiatrist during the rendering of nondiagnostic or
nontherapeutic services.

