

45:5-1  
45:5-7

LEGISLATIVE HISTORY CHECKLIST

HJSA 45:5-7 (Podiatrists--Expand permissible diagnostic and treatment activities.)

LAWS OF 1977 CHAPTER 83

Bill No. S720

Sponsor(s) Hirkala, Feldman

Date Introduced Pre-filed

Committee: Assembly Institutions, Health, Welfare

Senate Institutions, Health, Welfare

Amended during passage Yes ~~xxx~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly December 6, 1976 Re-enacted 4-18-77

Senate June 21, 1976 Re-enacted 2-17-77

Date of approval May 9, 1977

Following statements are attached if available:

Sponsor statement	<del>xxx</del>	No
Committee Statement: Assembly	<del>xxx</del>	No
Senate	Yes	<del>xxx</del>
Fiscal Note	Yes	<del>xxx</del>
Veto Message	Yes	<del>xxx</del>
Message on signing	Yes	No

Following were printed:

Reports	<del>xxx</del>	No
Hearings	<del>xxx</del>	No

REC 1070

9/1/73

[THIRD OFFICIAL COPY REPRINT]

SENATE, No. 720

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1976 SESSION

By Senators HIRKALA and FELDMAN

AN ACT concerning the practice of podiatry and amending  
R. S. 45:5-7.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. R. S. 45:5-7 is amended to read as follows:

2 45:5-7. All examinations shall be written in the English language,  
3 but the board, in its discretion, may use supplementary oral or  
4 practical examinations, either of the whole class or of individuals.  
5 The examinations shall be in all subjects taught and practiced in  
6 the legally incorporated schools or colleges of podiatry, in good  
7 standing in the opinion of the board, which confer the degree of  
8 doctor of surgical chiropody or other doctorate degree in podiatry.  
9 Said application and examination papers shall be deposited in the  
10 files of the said board for at least 5 years, and they shall be prima  
11 facie evidence of all matters therein contained. All licenses shall be  
12 signed by the president and secretary of the board and shall be  
13 attested by the seal thereof.

14 If the examination is satisfactory, the board shall issue a license  
15 entitling the applicant to practice podiatry in this State.

16 "Podiatry" or "practice of podiatry" is defined to be the diag-  
17 nosis *or treatment* of or the holding out of a right or ability to  
18 diagnose *or treat* any ailment of the human foot \*\*\***[\*\*and those**  
19 *anatomical structures of the leg governing the functions of the*  
20 *foot\*\*]*\*\*\*, **[or the treatment thereof]** *including local manifesta-*  
21 *tions of systemic diseases as they appear on the lower leg or foot*  
22 *\*but not treatment of systemic diseases of any other part of the*  
23 *body\**, or the holding out of a right or ability to treat the same by  
24 any one or more of the following means: local medical, mechanical,  
25 **[minor]** surgical, manipulative and physio-therapeutic **[or]**, *in-*

EXPLANATION—Matter enclosed in bold-faced brackets **[thus]** in the above bill  
is not enacted and is intended to be omitted in the law.

26 *cluding* the application of [external medical or] any [other] of the  
 27 aforementioned means [except minor surgical and local medical] to  
 28 the lower leg and ankle for the treatment of a foot ailment[; not  
 29 including, however, the treatment of tuberculosis, osteomyelitis,  
 30 malignancies, syphilis, diabetes, tendon transplantations, bone re-  
 31 sections other than partial osteotomies of the metatarsals and  
 32 phalanges, amputations, fractures other than simple (not com-  
 33 pound) fractures of the metatarsals and phalanges requiring only  
 34 supportive dressings, dislocations other than dislocations of the  
 35 phalangeal or metatarsophalangeal joints, the treatment of varicose  
 36 veins by surgery or injection, the administration of anesthetics  
 37 other than local, the use of radium, the use of X-ray except for  
 38 diagnosis, or the treatment of congenital deformities by the use of  
 39 a cutting instrument or electrosurgery other than those deformities  
 40 which, but for the congenital aspect, may be treated under this act.  
 41 For the purposes of this act, the term "partial osteotomies" shall  
 42 mean the excision of a part of a bone and, except with respect to the  
 43 sesamoids, is not to be construed as encompassing or authorizing  
 43A the removal or excision of an entire bone]. *Such means shall not*  
 43B *be construed to include the amputation of the leg or foot.* The term  
 43C "local medical" hereinbefore mentioned shall be construed to mean  
 43D the prescription or use of a therapeutic agent or remedy where the  
 43E action or reaction is intended for a localized area or part.

44 Every person practicing podiatry under this act shall at all times  
 45 conspicuously display in his place of practice his license and yearly  
 46 registration to practice. It shall be unlawful to practice podiatry  
 47 in this State without so displaying such license and registration.  
 48 Any applicant for a license to practice podiatry upon proving that  
 49 he has been examined and licensed by the examining and licensing  
 50 board of another State, territory of the United States, or the  
 51 District of Columbia, may in the discretion of the board be granted  
 52 a license to practice podiatry without further examination upon  
 53 payment to the board of a license fee of \$100.00; provided, such  
 54 applicant shall furnish proof that he can fulfill the requirements  
 55 demanded in the other sections of this chapter relating to appli-  
 56 cants for admission by examinations; provided further, that the  
 57 laws of such State, territory or the District of Columbia accords  
 58 equal reciprocal rights to a licensed podiatrist of this State, who  
 59 desires to practice his profession in such State, territory or the  
 60 District of Columbia; provided further, that said applicant has  
 61 been in lawful and ethical practice of podiatry in the State, terri-  
 62 tory or District of Columbia from which he applies for 5 full con-

63 secutive years next prior to filing his application; and provided,  
64 further, that said applicant shall, within 6 months after the issuance  
65 of his license hereunder, remove to this State, establish his per-  
66 manent and only legal residence and cease to operate his practice  
67 in the State from which he applies and not use such license for part-  
68 time practice in this State. An affidavit setting forth his intention  
69 to comply with the requirements of this proviso must be filed with  
70 the application for license. In any such application for a license  
71 without examination, all reciprocal questions of academic require-  
72 ments of other states, territories or the District of Columbia shall  
73 be determined by the board. The board shall consider each applica-  
74 tion for such license on its individual merits and may, in its discre-  
75 tion and without establishing a precedent, waive the requirements  
76 for internship in lieu of 10 or more years of active and continuous  
77 ethical practice outside of this State.

78 The board may issue to any licensed podiatrist of this State,  
79 known to it to be of good moral character and who has conducted  
80 an ethical practice in this State, and who desires to remove his  
81 residence and practice to another state, a certificate or certification  
82 authenticated with its seal, which shall attest such information as  
83 may be necessary for competent boards of other states to determine  
84 reciprocity qualifications, upon payment of a fee of \$10.00.

85 The board may, in its discretion, accept in lieu of its own exam-  
86 ination, either in whole or in part, the certificate of the National  
87 Board of Podiatry Examiners; and provided further, that the appli-  
88 cant satisfies in all other respects the requirements for licensure by  
89 examination. Such application to the board shall be accompanied  
90 by an application fee of \$100.00 plus \$10.00 for verification. In the  
91 event an oral or practical examination or both is given under this  
92 provision, an additional fee of \$25.00 may be required for examiner  
93 compensation.

94 The board, in its discretion, may grant a license without further  
95 examination to any person whose previous license has been revoked  
96 under section 45:5-8 of the Revised Statutes and upon payment to  
97 the board of a license fee of \$100.00.

1 2. This act shall take effect immediately.

SENATE, No. 720

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1976 SESSION

By Senators HIRKALA and FELDMAN

AN ACT concerning the practice of podiatry and amending  
R. S. 45:5-7.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. R. S. 45:5-7 is amended to read as follows:

2 45:5-7. All examinations shall be written in the English language,  
3 but the board, in its discretion, may use supplementary oral or  
4 practical examinations, either of the whole class or of individuals.  
5 The examinations shall be in all subjects taught and practiced in  
6 the legally incorporated schools or colleges of podiatry, in good  
7 standing in the opinion of the board, which confer the degree of  
8 doctor of surgical chiropody or other doctorate degree in podiatry.  
9 Said application and examination papers shall be deposited in the  
10 files of the said board for at least 5 years, and they shall be prima  
11 facie evidence of all matters therein contained. All licenses shall be  
12 signed by the president and secretary of the board and shall be  
13 attested by the seal thereof.

14 If the examination is satisfactory, the board shall issue a license  
15 entitling the applicant to practice podiatry in this State.

16 "Podiatry" or "practice of podiatry" is defined to be the diag-  
17 nosis *or treatment* of or the holding out of a right or ability to  
18 diagnose *or treat* any ailment of the human foot, [or the treat-  
19 ment thereof] *including local manifestations of systemic diseases*  
20 *as they appear on the lower leg or foot*, or the holding out of a  
21 right or ability to treat the same by any one or more of the follow-  
22 ing means: local medical, mechanical, [minor] surgical, manipula-  
23 tive and physio-therapeutic [or], *including* the application of  
24 [external medical or] any [other] of the aforementioned means  
25 [except minor surgical and local medical] to the lower leg and

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill  
is not enacted and is intended to be omitted in the law.**

26 ankle for the treatment of a foot ailment]; not including, however,  
27 the treatment of tuberculosis, osteomyelitis, malignancies, syphilis,  
28 diabetes, tendon transplantations, bone resections other than partial  
29 osteotomies of the metatarsals and phalanges, amputations,  
30 fractures other than simple (not compound) fractures of the  
31 metatarsals and phalanges requiring only supportive dressings,  
32 dislocations other than dislocations of the phalangeal or metatarso-  
33 phalangeal joints, the treatment of varicose veins by surgery or  
34 injection, the administration of anesthetics other than local, the use  
35 of radium, the use of X-ray except for diagnosis, or the treatment  
36 of congenital deformities by the use of a cutting instrument or  
37 electrosurgery other than those deformities which, but for the  
38 congenital aspect, may be treated under this act. For the purposes  
39 of this act, the term "partial osteotomies" shall mean the excision  
40 of a part of a bone and, except with respect to the sesamoids, is  
41 not to be construed as encompassing or authorizing the removal or  
42 excision of an entire bone]. *Such means shall not be construed to*  
43 *include the amputation of the leg or foot.* The term "local medical"  
43A hereinbefore mentioned shall be construed to mean the prescription  
43B or use of a therapeutic agent or remedy where the action or reaction  
43C is intended for a localized area or part.

44 Every person practicing podiatry under this act shall at all times  
45 conspicuously display in his place of practice his license and yearly  
46 registration to practice. It shall be unlawful to practice podiatry  
47 in this State without so displaying such license and registration.  
48 Any applicant for a license to practice podiatry upon proving that  
49 he has been examined and licensed by the examining and licensing  
50 board of another State, territory of the United States, or the  
51 District of Columbia, may in the discretion of the board be granted  
52 a license to practice podiatry without further examination upon  
53 payment to the board of a license fee of \$100.00; provided, such  
54 applicant shall furnish proof that he can fulfill the requirements  
55 demanded in the other sections of this chapter relating to appli-  
56 cants for admission by examinations; provided further, that the  
57 laws of such State, territory or the District of Columbia accords  
58 equal reciprocal rights to a licensed podiatrist of this State, who  
59 desires to practice his profession in such State, territory or the  
60 District of Columbia; provided further, that said applicant has  
61 been in lawful and ethical practice of podiatry in the State, terri-  
62 tory or District of Columbia from which he applies for 5 full con-  
63 secutive years next prior to filing his application; and provided,  
64 further, that said applicant shall, within 6 months after the issuance

65 of his license hereunder, remove to this State, establish his per-  
66 manent and only legal residence and cease to operate his practice  
67 in the State from which he applies and not use such license for part-  
68 time practice in this State. An affidavit setting forth his intention  
69 to comply with the requirements of this proviso must be filed with  
70 the application for license. In any such application for a license  
71 without examination, all reciprocal questions of academic require-  
72 ments of other states, territories or the District of Columbia shall  
73 be determined by the board. The board shall consider each applica-  
74 tion for such license on its individual merits and may, in its discre-  
75 tion and without establishing a precedent, waive the requirements  
76 for internship in lieu of 10 or more years of active and continuous  
77 ethical practice outside of this State.

78 The board may issue to any licensed podiatrist of this State,  
79 known to it to be of good moral character and who has conducted  
80 an ethical practice in this State, and who desires to remove his  
81 residence and practice to another state, a certificate or certification  
82 authenticated with its seal, which shall attest such information as  
83 may be necessary for competent boards of other states to determine  
84 reciprocity qualifications, upon payment of a fee of \$10.00.

85 The board may, in its discretion, accept in lieu of its own exam-  
86 ination, either in whole or in part, the certificate of the National  
87 Board of Podiatry Examiners; and provided further, that the appli-  
88 cant satisfies in all other respects the requirements for licensure by  
89 examination. Such application to the board shall be accompanied  
90 by an application fee of \$100.00 plus \$10.00 for verification. In the  
91 event an oral or practical examination or both is given under this  
92 provision, an additional fee of \$25.00 may be required for examiner  
93 compensation.

94 The board, in its discretion, may grant a license without further  
95 examination to any person whose previous license has been revoked  
96 under section 45:5-8 of the Revised Statutes and upon payment to  
97 the board of a license fee of \$100.00.

1 2. This act shall take effect immediately.

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 720

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1976 SESSION

By Senators HIRKALA and FELDMAN

AN ACT concerning the practice of podiatry and amending  
R. S. 45:5-7.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. R. S. 45:5-7 is amended to read as follows:

2 45:5-7. All examinations shall be written in the English language,  
3 but the board, in its discretion, may use supplementary oral or  
4 practical examinations, either of the whole class or of individuals.  
5 The examinations shall be in all subjects taught and practiced in  
6 the legally incorporated schools or colleges of podiatry, in good  
7 standing in the opinion of the board, which confer the degree of  
8 doctor of surgical chiropody or other doctorate degree in podiatry.  
9 Said application and examination papers shall be deposited in the  
10 files of the said board for at least 5 years, and they shall be prima  
11 facie evidence of all matters therein contained. All licenses shall be  
12 signed by the president and secretary of the board and shall be  
13 attested by the seal thereof.

14 If the examination is satisfactory, the board shall issue a license  
15 entitling the applicant to practice podiatry in this State.

16 "Podiatry" or "practice of podiatry" is defined to be the diag-  
17 nosis *or treatment* of or the holding out of a right or ability to  
18 diagnose *or treat* any ailment of the human foot *\*\*and those ana-*  
19 *tomical structures of the leg governing the functions of the foot\*\**,  
20 **[or the treatment thereof]** *including local manifestations of sys-*  
21 *temic diseases as they appear on the lower leg or foot \*but not*  
22 *treatment of systemic diseases of any other part of the body\**, or the  
23 holding out of a right or ability to treat the same by any one or  
24 more of the following means: local medical, mechanical, **[minor]**  
25 surgical, manipulative and physio-therapeutic **[or]**, *including the*

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in the above bill  
is not enacted and is intended to be omitted in the law.



26 application of [external medical or] any [other] of the afore-  
27 mentioned means [except minor surgical and local medical] to the  
28 lower leg and ankle for the treatment of a foot ailment[; not  
29 including, however, the treatment of tuberculosis, osteomyelitis,  
30 malignancies, syphilis, diabetes, tendon transplantations, bone re-  
31 sections other than partial ostectomies of the metatarsals and  
32 phalanges, amputations, fractures other than simple (not com-  
33 pound) fractures of the metatarsals and phalanges requiring only  
34 supportive dressings, dislocations other than dislocations of the  
35 phalangeal or metatarsophalangeal joints, the treatment of varicose  
36 veins by surgery or injection, the administration of anesthetics  
37 other than local, the use of radium, the use of X-ray except for  
38 diagnosis, or the treatment of congenital deformities by the use of  
39 a cutting instrument or electrosurgery other than those deformities  
40 which, but for the congenital aspect, may be treated under this act.  
41 For the purposes of this act, the term "partial ostectomies" shall  
42 mean the excision of a part of a bone and, except with respect to the  
43 sesamoids, is not to be construed as encompassing or authorizing  
43A the removal or excision of an entire bone]. *Such means shall not*  
43B *be construed to include the amputation of the leg or foot.* The term  
43C "local medical" hereinbefore mentioned shall be construed to mean  
43D the prescription or use of a therapeutic agent or remedy where the  
43E action or reaction is intended for a localized area or part.

44 Every person practicing podiatry under this act shall at all times  
45 conspicuously display in his place of practice his license and yearly  
46 registration to practice. It shall be unlawful to practice podiatry  
47 in this State without so displaying such license and registration.  
48 Any applicant for a license to practice podiatry upon proving that  
49 he has been examined and licensed by the examining and licensing  
50 board of another State, territory of the United States, or the  
51 District of Columbia, may in the discretion of the board be granted  
52 a license to practice podiatry without further examination upon  
53 payment to the board of a license fee of \$100.00; provided, such  
54 applicant shall furnish proof that he can fulfill the requirements  
55 demanded in the other sections of this chapter relating to appli-  
56 cants for admission by examinations; provided further, that the  
57 laws of such State, territory or the District of Columbia accords  
58 equal reciprocal rights to a licensed podiatrist of this State, who  
59 desires to practice his profession in such State, territory or the  
60 District of Columbia; provided further, that said applicant has  
61 been in lawful and ethical practice of podiatry in the State, terri-  
62 tory or District of Columbia from which he applies for 5 full con-

63 secutive years next prior to filing his application; and provided,  
64 further, that said applicant shall, within 6 months after the issuance  
65 of his license hereunder, remove to this State, establish his per-  
66 manent and only legal residence and cease to operate his practice  
67 in the State from which he applies and not use such license for part-  
68 time practice in this State. An affidavit setting forth his intention  
69 to comply with the requirements of this proviso must be filed with  
70 the application for license. In any such application for a license  
71 without examination, all reciprocal questions of academic require-  
72 ments of other states, territories or the District of Columbia shall  
73 be determined by the board. The board shall consider each applica-  
74 tion for such license on its individual merits and may, in its discre-  
75 tion and without establishing a precedent, waive the requirements  
76 for internship in lieu of 10 or more years of active and continuous  
77 ethical practice outside of this State.

78 The board may issue to any licensed podiatrist of this State,  
79 known to it to be of good moral character and who has conducted  
80 an ethical practice in this State, and who desires to remove his  
81 residence and practice to another state, a certificate or certification  
82 authenticated with its seal, which shall attest such information as  
83 may be necessary for competent boards of other states to determine  
84 reciprocity qualifications, upon payment of a fee of \$10.00.

85 The board may, in its discretion, accept in lieu of its own exam-  
86 ination, either in whole or in part, the certificate of the National  
87 Board of Podiatry Examiners; and provided further, that the appli-  
88 cant satisfies in all other respects the requirements for licensure by  
89 examination. Such application to the board shall be accompanied  
90 by an application fee of \$100.00 plus \$10.00 for verification. In the  
91 event an oral or practical examination or both is given under this  
92 provision, an additional fee of \$25.00 may be required for examiner  
93 compensation.

94 The board, in its discretion, may grant a license without further  
95 examination to any person whose previous license has been revoked  
96 under section 45:5-8 of the Revised Statutes and upon payment to  
97 the board of a license fee of \$100.00.

1 2. This act shall take effect immediately.

SENATE INSTITUTIONS, HEALTH AND WELFARE  
COMMITTEE

STATEMENT TO

**SENATE, No. 720**

with Senate committee amendment

---

**STATE OF NEW JERSEY**

---

DATED: MAY 17, 1976

**PURPOSE OF THE BILL**

To remove certain restrictions on the diagnostic and treatment activities of licensed podiatrists in New Jersey.

**PROVISIONS OF THE BILL**

The bill amends the statute governing the practice of podiatry to permit podiatrists to:

1. Perform all kinds of surgery of the foot, not just "minor" surgery;
2. Treat the lower leg and ankle when necessary for the cure of a foot ailment;
3. Treat tuberculosis, osteomyelitis, malignancies, syphilis and diabetes where these diseases manifest themselves on the lower leg or foot; and
4. Treat the rear foot as well as the fore foot.

The means of treatment employed by podiatrists may not be construed to include amputation of the leg or foot under the provisions of the bill.

**AMENDMENT**

The committee amended the bill to remove any suspicion that podiatrists might now be permitted to treat systemic diseases of parts of the body *other* than the lower leg or foot. This amendment was proposed by the State Board of Medical Examiners.

**POSITIONS OF INTERESTED PARTIES**

The State Board of Medical Examiners supports the bill with the inclusion of the committee's amendment.

The Medical Society of New Jersey opposes the bill, contending that there is no need to expand the scope of the practice of podiatry.

SENATE AMENDMENT TO  
**SENATE, No. 720**  
[OFFICIAL COPY REPRINT]

---

**STATE OF NEW JERSEY**

---

ADOPTED JUNE 14, 1976

Amend page 1, section 1, line 18, after "foot", insert "and those anatomical structures of the leg governing the functions of the foot".

SENATE COMMITTEE AMENDMENT TO  
**SENATE, No. 720**

---

**STATE OF NEW JERSEY**

---

ADOPTED MAY 17, 1976

Amend page 1, section 1, line 20, after "foot", insert "but not treatment of systemic diseases of any other part of the body".

To the Senate:

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 720 with my objections, for reconsideration.

This bill amends the statute governing the practice of podiatry. It deletes current restrictions against certain types of treatment on the foot and lower leg and permits the podiatrist to "treat any ailment of the human foot and those anatomical structures of the leg governing the functions of the foot including local manifestation of systemic diseases of any other part of the body". The bill also deletes restrictions against treatment of certain types of diseases, as they affect the foot, such as tuberculosis, osteomyelitis, malignancies, syphilis and diabetes; the bill deletes restrictions against treatment of certain types of injuries to the foot.

An amendment, which put the bill in its final form, would permit a podiatrist to treat "those anatomical structures of the leg governing functions of the foot". I am informed that this amendment was intended to better define the intent of the bill by clearly indicating that only structures affecting the foot could be treated by a podiatrist. However, this language could be interpreted to permit treatment of structures of the leg governing functions of the foot regardless of whether there is any ailment in the lower leg or foot and regardless of location of such anatomical structures on the leg. Thus, this language appears to broaden the effect of the bill beyond the scope intended; I am advised by the Board of Medical Examiners that this language should be deleted.

Accordingly, I herewith return Senate Bill No. 720 for reconsideration and recommend that it be amended as follows:

On page 1, section 1, lines 18 and 19: Delete "and those anatomical structures of the leg governing the functions of the foot".

Respectfully,

/s/ Brendan Byrne

GOVERNOR

(seal)

Attest:

/s/ John J. Dugan

FROM THE OFFICE OF THE GOVERNOR

MAY 9, 1977

FOR FURTHER INFORMATION

FOR IMMEDIATE RELEASE

ANNE BURNS

Governor Brendan Byrne today signed into law S-720, sponsored by Senators Joseph Hirkala, D-Passaic, and Matthew Feldman, D-Bergen, which permits podiatrists to perform any surgery, excluding amputation, on any part of the foot.

The bill does not allow podiatrists to treat systemic illnesses of any other part of the body.

The Governor had issued a conditional veto of the bill on February 14. At that time the bill included language permitting a podiatrist to treat "those anatomical structures of the leg governing functions of the foot."

The Governor asked that this language be deleted since it broadened the effect of the legislation beyond the scope intended.

The bill signed today has been amended accordingly.

###