



Scope of Practice for Podiatry in Texas

(1) Statutory Definition of Podiatry

In Texas, the DPM's statutory scope of practice is defined by §202.001(a)(4), Texas Occupations Code, as follows:

“Podiatry” means the treatment or offer to treat any disease, disorder, physical injury, deformity, or ailment of the human foot by any system or method. The term includes podiatric medicine.

(2) Court of Appeals Decision

On March 23, 2008, the Texas Court of Appeals, Third District at Austin, issued an opinion interpreting the statutory definition of podiatry as stated above. In summary, the Court's interpretation was as follows:

The statute regulating the practice of podiatry in Texas does not allow Doctors of Podiatric Medicine to treat parts of the body that are well above the ankle and they are limited to treating “any disease, disorder, physical injury, deformity, or ailment” of parts of the body at or below the ankle.

(3) Legal Scope Of Practice

Therefore, based upon this statutory definition (§202.001(a)(4), Texas Occupations Code) and the Court of Appeals decision as summarized above, the DPM's legal scope of practice in Texas is as follows:

“Podiatry” means the treatment of or offer to treat any disease, disorder, physical injury, deformity, or ailment of the human foot by any system or method. The “foot” is limited to that portion of the body that is at or below the ankle.

Accordingly, the podiatrist's legal scope of practice in Texas includes the ankle because the “foot”, consistent with the Court of Appeals decision, is that portion of the body at or below the ankle. Additionally, TPMA continues to remind health care facilities that based upon the statutory definition of “podiatry” (§202.001(a)(4), Texas Occupations Code), over the years hospitals have routinely granted privileges to podiatrists to operate at or above the ankle when medically necessary to treat an ailment of the foot. For example, tendo achilles lengthening performed by a qualified DPM is often

medically necessary to treat a child's clubfoot, which of course is a congenital deformity of the foot. Also, tendo achilles lengthening is a vital part of a transmetatarsal amputation. Again, the tendo achilles lengthening is performed by a podiatrist to treat an ailment of the foot ... it is not performed for the purpose of treating an ailment of parts of the body that are above the ankle. Other examples include:

- (a) A gastrocnemius (gastroc) recession (a soft tissue surgical procedure on the back of the calf) which is performed by a qualified DPM to lengthen the contracted tissue so that the patient is able to lift his or her foot below the ankle. This is a procedure that is often performed on diabetic patients to cure and/or prevent ulcers on the bottom of the foot.
- (b) Surgical procedures on the bones of the ankle (for example the medial or lateral malleolus) performed by a qualified DPM to treat a problem of the foot. A talar dome lesion (a problem involving a foot bone) often must be accessed by performing an osteotomy (bone cut) of the tibial or fibular malleolus and moving that bone out of the way temporarily to reach the injury site. This would be within the scope of a podiatrist to treat a foot problem by any means necessary.
- (c) Ankle fractures involve dislocation of the foot at the ankle (talar dislocation) and inherently affect the function of the foot. Podiatrists may perform surgical procedures including applying plates and screws (internal fixation) or use external fixation techniques to stabilize the foot at the ankle in order to treat a condition of the foot. This may include inserting pins through the tibia and fibula in the leg to treat a condition of the foot.

Based upon the foregoing, whether or not the “*foot*” includes the “*ankle*” is not always the issue. Instead, in most cases, the determination to be made by a hospital in granting privileges is whether or not the surgical procedure is medically necessary to treat any “*disease, disorder, physical injury, deformity, or ailment of the human foot.*” If the answer is yes, then the surgical procedure is within the DPM’s scope of practice provided the podiatrist is qualified by experience and training to perform the procedure.