

State Medical Board of Ohio

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Executive Director

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September 13, 2012

[REDACTED] D.P.M.

Dear Dr. [REDACTED]:

This letter is in response to your inquiry concerning whether it is within the scope of practice of a podiatric physician to perform tibial osteotomy, fibular osteotomy, total ankle replacement, and/or bone callus distraction of the lower leg. You indicate that the request is made for purposes of clarifying the scope of practice of podiatry as it impacts surgical privileges granted at a hospital.

On September 13, 2012, the State Medical Board of Ohio approved the Scope of Practice Committee's determination that an Ohio podiatric physician who has successfully completed appropriate training may perform tibial osteotomy, fibular osteotomy, total ankle replacement, and bone callus distraction of the foot and ankle when the procedure is medically appropriate to treat a medical condition that is not above the malleoli. The determination is based upon the following analysis:

The scope of practice of podiatry in Ohio is defined in Section 4731.51, Ohio Revised Code, to include the following:

- ❖ The medical, mechanical, and surgical treatment of ailments of the foot, the muscles and tendons of the leg governing the functions of the foot;
- ❖ The use of such preparations, medicines, and drugs as may be necessary for the treatment of such ailments; and
- ❖ Treatment of local manifestations of systemic diseases as they appear in the hand and foot, but the patient must be concurrently referred to a medical or osteopathic physician for treatment of the systemic disease itself.

Further, Rule 4731-20-01, Ohio Administrative Code, defines the foot as the terminal appendage of the lower extremity and includes the ankle joint which consists of the tibial plafond, its posterolateral border (posterior malleolus), the medial malleolus, distal fibula (lateral malleolus) and the talus. Rule 4731-20-02, Ohio Administrative Code, clarifies that a podiatric physician who meets specific privileging, training, and experience requirements may perform surgery on the ankle joint.¹ Therefore, the practice of podiatry in Ohio includes the surgical treatment of ailments of the foot,

muscles and tendons of the leg governing the functions of the foot, and, when the podiatric physician has met the requirements of Rule 4731-20-02, Ohio Administrative Code, surgery on the ankle joint.

The tibia and distal fibula are two components of the ankle joint. Therefore, tibial osteotomy at the tibia and/or distal fibular osteotomy for purposes of treating a medical condition of the foot or ankle are within the scope of practice of an Ohio licensed podiatric physician who meets the requirements of rule 4731-02-02, Ohio Administrative Code.

Total ankle replacement replaces the bones of the ankle joint. Therefore, an Ohio licensed podiatric physician who meets the education, training, and privileging conditions in Rule 4731-20-02, Ohio Administrative Code, may perform total ankle replacement when the procedure is medically appropriate.

Bone callus distraction is performed to lengthen a bone. A podiatric physician may perform bone callus distraction where medically appropriate to lengthen a bone of the foot or ankle. However, it is not within the scope of practice of an Ohio licensed podiatric physician to perform bone callus distraction to lengthen a bone of the lower leg. In a June 15, 2009 response to an inquiry as to whether it is within the scope of practice for an Ohio licensed podiatric physician to use and place external fixation apparatus, the Medical Board stated:

Accordingly, an Ohio podiatric physician who has successfully completed appropriate training may use and place external fixation apparatus for the relief of foot and ankle pathologies or to surgically correct and immobilize the ankle when the procedure is medically appropriate. Please note, however, that the scope of practice of a podiatric physician does not include the application of an external fixation device to treat any medical condition above the malleoli.

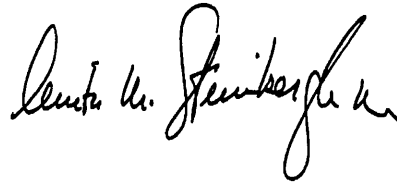
A copy of June 15, 2009 letter to Lawrence A. DiDomenico, D.P.M., is attached. The same analysis is applicable to bone callus distraction, as well. Although it is within the scope of practice of an Ohio licensed podiatric physician to perform bone callus distraction to lengthen a bone of the foot or ankle, the same cannot be said for lengthening a bone above the malleoli, which includes the lower leg.

Accordingly, the performance of tibial or fibular osteotomy, total ankle replacement, and bone callus distraction of the foot or ankle are within the scope of practice of an Ohio podiatric physician when the podiatric physician can demonstrate adequate education, training, and experience needed to conform to minimal standards of care and holds privileges to perform the procedure at a Joint Commission accredited hospital, Ohio licensed ambulatory surgical center, or approved college of podiatric medicine and surgery. Please note, however, that the scope of practice of a podiatric physician does not include the performance of bone callus distraction to treat any medical condition above the malleoli, including lengthening of the lower leg. Moreover, as with all surgical procedures, the podiatric physician must perform procedures in conformance with the minimal standards of care of similar practitioners under the same or similar circumstances. Finally, whether a podiatric physician may perform any of the discussed procedures at a specific college of podiatric medicine and surgery, hospital, or ambulatory surgical center is solely a matter of credentialing and privileging decisions.

Thank you for your inquiry. The Medical Board welcomes comments and inquiries relevant to the practice of podiatry in Ohio. Should you have any questions, please feel free to contact Sallie Debolt, General Counsel, at (614) 644-7021.

This letter is only a guideline and should not be interpreted as being all inclusive or exclusive. The Board will review all possible violations of the Medical Practices Act and/or rules promulgated thereunder on a case by case basis.

Sincerely,



Anita M. Steinbergh, D.O.
Chair
Scope of Practice Committee

cc: Marchelle L. Suppan, D.P.M.
Jimelle Rumberg, Ph.D.

¹ Rule 4731-20-02, Ohio Administrative Code, effective February 28, 2004, provides as follows:

- (A) A podiatric physician may perform surgery on the ankle joint, if:
- (1) The podiatric physician holds privileges to perform surgery on the ankle joint from one or more of the following entities:
 - (a) A college of podiatric medicine and surgery approved by the board pursuant to section 4731.51 of the Revised Code;
 - (b) A hospital approved by the joint commission on the accreditation of health care organizations or the American osteopathic association; or
 - (c) An ambulatory surgical facility approved by the department of health pursuant to its authority under Chapter 3702. of the Revised Code; and
 - (2) The podiatric physician can demonstrate adequate education, training, and experience needed to conform to minimal standards of care of similar practitioners under the same or similar circumstances by meeting either of the following criteria:
 - (a) Having attained board qualified status from the American board of podiatric surgery and having successfully completed at least a twenty-four month residency in podiatric surgery approved by the council on podiatric medical education, or
 - (b) Holding privileges to perform surgery on the ankle joint from an institution meeting criteria under paragraph (A)(1) of this rule, providing that such privileges were granted prior to the effective date of this rule.