



June 12, 2019

_____, D.P.M.

Dear Dr. _____,

This letter is in response to yours inquiring whether five procedures are within the scope of practice of an Ohio licensed podiatric physician. A copy of your March 25, 2019 letter is enclosed. You inquire as follows:

1. Is it permissible for a podiatrist in Ohio to perform a supramalleolar osteotomy of the tibia or fibula to correct a deformity?
2. Is it permissible for a podiatrist in Ohio to harvest a bone graft from the proximal tibia to be used for foot and ankle surgery?
3. Is it permissible for a podiatrist in Ohio to harvest bone marrow aspirate from the proximal tibia?
4. Is it permissible in Ohio for a podiatrist to surgically remove ingrown nails from the hands?
5. Is it permissible in Ohio for a podiatrist to surgically excise warts from the hands?

At its June 12, 2019 meeting, the State Medical Board of Ohio approved the following response to your inquiry.

The scope of practice of podiatry is set out in Section 4731.51, Ohio Revised Code ("ORC"), and Rules 4731-20-01 and 4731-20-02, Ohio Administrative Code ("OAC") as follows:

Section 4731.51, ORC:

- The medical, mechanical, and surgical treatment of ailments of the foot, the muscles and tendons of the leg governing the functions of the foot; and superficial lesions of the hand other than those associated with trauma. Podiatrists are permitted the use of such preparations, medicines, and drugs as may be necessary for the treatment of such ailments.
- Treatment of the local manifestations of systemic diseases as they appear in the hand and foot, but the patient shall be concurrently referred to a doctor of medicine or a doctor of osteopathic medicine and surgery for the treatment of the systemic disease itself.
- General anaesthetics may be used under this section only in colleges of podiatric medicine and surgery in good standing with the state medical board and in hospitals approved by the joint commission or the American osteopathic association.
- Hyperbaric oxygen therapy may be ordered by a podiatrist to treat ailments within the scope of practice of podiatry as set forth in this section and, in accordance with section

4731.511 of the Revised Code, the podiatrist may supervise hyperbaric oxygen therapy for the treatment of such ailments.

Rule 4731-20-01, OAC, defines "foot" as follows:

"Foot," as used in section [4731.51](#) of the Revised Code, means 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 4731-2-02, OAC, authorizes a podiatric physician to perform surgery on the ankle joint in compliance with the rule.

Applying the statute and rules to your specific questions results in the following determinations:

1. Performance of a supramalleolar osteotomy of the tibia or fibula to correct a deformity

The tibial plafond forms the articular surface of the distal tibia. The distal tibia and fibula act as the socket for the talus. Accordingly, a supramalleolar osteotomy of the tibia or fibula constitutes ankle surgery, as defined in Rule 4731-20-02, OAC, and is within the podiatric scope of practice of an appropriately trained podiatric physician when performed in compliance with Rule 4731-20-02, OAC, and within the minimal standards of care. Finally, whether a podiatrist may perform the surgeries at a specific hospital or ambulatory surgical center is solely a matter of credentialing and privileging decisions.

2. Harvest of a bone graft from the proximal tibia to be used for foot and ankle surgery

The above statute and rules provide that a podiatric physician may perform surgical treatment of the ailments of the foot, which includes the ankle, and may use such preparations, medicines, and drugs as may be necessary. The proximal tibia is not within the definition of "foot." In addition, a bone graft requires an incision at the donor site so that bone may be removed at the donor site. This minor surgical procedure at the proximal tibia also does not constitute the use of a preparation, medicine, or drug for the surgical treatment of the foot. **Accordingly, harvesting of a bone graft from the proximal tibia to be used for foot and ankle surgery is not within the podiatric scope of practice as defined in the Ohio Revised Code and Ohio Administrative Code.**

3. Harvest of bone marrow aspirate from the proximal tibia

Although the inquiry did not specify, this response is based upon the assumption that the bone marrow would be used for foot and ankle surgery. The harvesting of bone marrow aspirate does not require an incision but is performed by insertion of a needle into the cortex. The aspirate is typically mixed with an anticoagulant to prevent clotting and allow for concentration of the desired components or could be mixed with products such as bone chips to comprise an autograft equivalent.¹ The Medical Board understands that the harvesting of bone marrow aspirate is a component of podiatric training, whether in podiatric medical school, residency, or continuing education.

It is clear that an appropriately trained podiatrist may aspirate bone marrow from the foot. The expertise and skills needed to aspirate bone marrow are not dependent upon the donor site because the same skills and principles must be applied whether the site is on the foot or proximal tibia. Accordingly, harvesting bone marrow aspirate from the proximal tibia to be used for foot and ankle surgery is within the scope of practice of an appropriately trained podiatric physician. The podiatric physician must perform the procedure in conformance with the minimal standards of care of similar practitioners under the same or similar circumstances. Finally, whether a podiatrist may perform the surgeries at a specific hospital or ambulatory surgical center is solely a matter of credentialing and privileging decisions.

4. Surgical removal of ingrown nails from the hands

Section 4731.51, ORC, states that a podiatrist may treat superficial lesions of the hand other than those associated with trauma. Accordingly, the surgical removal of ingrown nails from the hands is within the scope of practice of a podiatric physician when the ingrown nail did not result from trauma. The podiatric physician must perform the surgery in conformance with the minimal standards of care of similar practitioners under the same or similar circumstances. Finally, whether a podiatrist may perform the surgery at a specific hospital or ambulatory surgical center is solely a matter of credentialing and privileging decisions.

5. Surgical excise of warts from the hands

Section 4731.51, ORC, states that a podiatrist may treat superficial lesions of the hand other than those associated with trauma. Warts are caused by viruses, not trauma. Accordingly, the surgical removal of warts from the hands is within the scope of practice of an appropriately trained podiatric physician when the wart did not result from trauma. The podiatric physician must perform the surgery in conformance with the minimal standards of care of similar practitioners under the same or similar circumstances. Finally, whether a podiatrist may perform the surgery at a specific hospital or ambulatory surgical center is solely a matter of credentialing and privileging decisions.

Thank you for your inquiry. Should you have questions concerning this response, please contact Sallie Debolt, Senior Counsel at Sallie.Debolt@med.ohio.gov.

Respectfully,



Bruce R. Saferin, D.P.M.
Chair, Licensure Committee

The information in this letter should not be interpreted as being all inclusive or exclusive. The Medical Board will review all possible violations of the Medical Practices Act and/or rules promulgated there under on a case by case basis.

¹ "Bone Marrow Aspirate: Science and Application in Foot and Ankle Surgery," McGlamry, Michael C., DPM, http://www.podiatryinstitute.com/pdfs/Update_2012/2012_22.pdf.