

BILL ANALYSIS

Senate Research Center
79R4305 JMM-F

S.B. 460
By: Armbrister
Health & Human Services
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

For decades Texas-licensed podiatrists have performed surgical and non-surgical procedures on the ankle and related structures as medically necessary to treat any condition or ailment of the human foot. In 2001, the Texas State Board of Podiatric Medical Examiners (TSBPME) adopted a rule defining the word "foot" in an effort to clarify the podiatrist's scope of practice for hospitals, insurance companies, and the general public. This rule defined the word foot using the terminology "tibia and fibula in their articulation with the talus."

The Texas Orthopedic Association (TOA) and the Texas Medical Association (TMA) are opposed to the definition of the word "foot" as adopted by TSBPME. Accordingly, TOA and TMA filed suit in Travis County district court to set aside the rule and limit the podiatrist's scope of practice to only those treatments performed directly on the foot, thereby eliminating the podiatrist's ability to perform surgical and non-surgical procedures on the ankle.

If TOA/TMA are successful in persuading the court to limit the podiatrist's scope of practice to treatments exclusively on the foot, podiatrists will no longer be able to treat sprained ankles and children with club feet, for example, as they have for decades in Texas. Therefore, legislation is required to clarify and protect the podiatrist's current scope of practice.

As proposed, S.B. 460 authorizes podiatrists to treat disorders of the human foot, ankle, and related structures, including structures that affect the function of the human foot, ankle, or related structures, by any system or method.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 202.001(a)(4), Occupations Code, to redefine "podiatry" to mean the treatment of or offer to treat any disease, disorder, condition, physical injury, deformity, or ailment of the human foot, ankle, and related structures, including structures that affect the function of the human foot, ankle, or related structures, by any system or method. Provides that the term includes podiatric medicine.

SECTION 2. Effective date: upon passage or September 1, 2005.