

**PUBLIC EDUCATION COMMITTEE**

**MARCH 11, 2016**

**SUBJECT: PUBLIC EDUCATION PROGRAM REPORT**

**ACTION: RECEIVE AND FILE STATUS REPORT**

**RECOMMENDATION**

**5B**

**Committee Members:**

Judith Manzi, Chair

Darlene Elliot

Receive and file the quarterly status report on public outreach efforts and education.

**ISSUE**

This report summarizes key activities and other items of note in the executive offices of the Board of Podiatric Medicine pertaining to Public Education and Outreach activity. The report provides committee with progress updates on special projects and/or Board directed tasks and highlights ongoing operations and key accomplishments.

**DISCUSSION**

**A. ADMINISTRATIVE SUMMARY**

The Public Education Committee last convened on February 10, 2016, with Dr. Judith Manzi, Chair of the Public Education Committee and Melodi Masaniai, appearing via teleconference. Jason Campbell, Executive Officer and Dianne Dobbs, Legal Counsel, were in attendance in Sacramento. An account of the committee meeting was then provided to BPM at the March 4<sup>th</sup> Board Meeting as part of the Executive Officer's Report. Immediately below are current updates regarding Board public education and outreach activities.

**B. STAKEHOLDER INQUIRY STATISTICS & RESPONSES OF THE EXECUTIVE OFFICER**

BPM statistics for the number of concerns, comments, suggestions and/or inquiries received regarding board programs and services are provided in the following tables:

Table 1 below details a summary of total email inquiries received for Quarter One (3) of FY 15/16. Additionally, Scope of Practice responses of the Executive Office accompanies this report and provides the specific subject inquiry received including

their source, month received and indicates the answers/interpretations provided in response under Attachment A. These will also be provided to the full Board at the next board meeting on June 3, 2016. Members may recall that the Board requested that a scope interpretation regarding STSG be included on the Enforcement Committee agenda for discussion and consideration in May. Details of the agenda item will be forward to the full Board in June.

Table 2 provides FY 15/16 Quarter One (3) calls answered and handled by Medical Board call center staff concerning BPM inquiries.

Table 3 tracks the call volume and inquiry type for incoming calls handled by BPM staff for the same period.

**Table 1 – Q3 STAKEHOLDER INQUIRY STATISTICS**

<b>INQUIRY SUBJECT</b>	<b>January 2016</b>	<b>February 2016</b>	<b>March 2016</b>
<b>Scope of Practice</b>			
<i>Ankle Surgery</i>	-	-	-
<i>Amputations</i>	-	-	-
<i>Practice Act—General</i>	<b>1</b>	-	<b>3</b>
<i>Anesthetics</i>	-	<b>1</b>	-
<i>Above Ankle Procedure</i>	-	-	<b>1</b>
<i>Physical Therapy</i>	-	-	-
<i>Treatment of the Hand</i>	-	-	-
<b>Acupuncture</b>	-	-	<b>1</b>
<b>Advertising</b>	-	<b>1</b>	-
<b>DPM Classification</b>	-	-	-
<b>Films &amp; X-Rays</b>	-	-	-
<b>Licensing</b>	<b>2</b>	-	-
<b>CME</b>	-	-	-
<b>Billing Practices</b>	-	-	-
<b>Code of Ethics</b>	-	-	-
<b>Standard of Care</b>	-	-	-
<b>Renewals</b>	-	-	-
<b>Residency</b>	-	-	-
<b>Hyperbaric Oxygen Therapy</b>	-	-	-
<b>Case Law Inquiry</b>	-	-	-
<b>Telehealth</b>	-	-	-
<b>Complaints</b>	-	-	-
<b>Enforcement</b>	-	-	-

INQUIRY SUBJECT	January 2016	February 2016	March 2016
Skin Grafts	-	-	-
Supervision	-	-	-
Prescibing	1	-	-
Medical Spas	-	-	1
Fictitious Name Permit (FNP)	-	-	-
Medical Assistant	1	-	-
Nurse Practitioner	-	-	-
Medical Director	1	-	-
Corporate Practice	-	1	-
<b>TOTALS</b>	<b>6</b>	<b>3</b>	<b>6</b>
<b>Q3 TOTALS</b>	<b>15</b>		

Table 2 – Q3 MBC CALL CENTER STATISTICS FOR BPM RELATED MATTERS

OUTCOME CODE	January 2016	February 2016	March 2016
BPM – All Others	2	-	2
BPM – Lic Verfication	13	6	9
<b>TOTALS</b>	<b>15</b>	<b>6</b>	<b>11</b>
<b>Q3 TOTALS</b>	<b>32</b>		

Table 3 – Q3 BPM CALL STATISTICS

INQUIRY TYPE	January 2016	February 2016	March 2016
Licensing – General	43	53	69
Licensing – Renewals	30	48	24
CME	4	9	1
Residency	1	6	21
Complaints	1	3	1
Enforcement	4	8	2
Scope of Practice	4	3	2
FNP	3	2	3
<b>TOTALS</b>	<b>90</b>	<b>132</b>	<b>123</b>
<b>Q3 TOTALS</b>	<b>345</b>		

### C. WEBSITE STATISTICS UPDATE

Given the new website redesign and go live date of March 30th, statistics are unavailable at this time. Website traffic statistics for the new site will be provided at the next quarterly committee meeting.

## **D. WEBSITE REDESIGN**

Board website redevelopment has been completed and the new site officially went live on March 30, 2016.

As a integral part of the website redesign, BPM staff have also completed development and production of a prospective resident licensee/applicant training video. The video is a short, concise and informative overview for prospective applicants. The video may be viewed on the website under “How to Apply for a Resident Doctor of Podiatric Medicine (DPM) License” by accessing <http://www.bpm.ca.gov/applicants/index.shtml#residents>. Additional vidoes are planned for Doctor of Podiatric Medicine license applications and Fictitious Name Permits.

## **E. LEGISLATIVE OUTREACH UPDATE**

As part of the legislative outreach objectives outlined in BPM’s 2015-2018 Strategic Plan, Outreach plans for the 2016 calendar year will again include members of the BPM Legislative Committee for visits to the Capital after BPM board meetings. Board meetings are scheduled to take in June, September, and November in Sacramento.

## **F. BPM NEWSLETTER**

Staff is currently developing the re-inaugural newsletter with an expected Q4 FY 15/16 publication release date.

## **G. CURES UPDATE**

As previously reported, all prescribers and dispensers in California are required to register with CURES by July 1, 2016. This includes:

- 1) ALL LICENSED DOCTORS OF PODIATRIC MEDICINE (“DPM”) PRACTICING IN CALIFORNIA;
- 2) WITH A DRUG ENFORCEMENT ADMINISTRATION CONTROLLED SUBSTANCE REGISTRATION CERTIFICATE (“DEA Certificate”).

Existing CURES users do not need to re-register; however, they will need to confirm their account with DOJ and update security information the first time CURES is accessed after the January 8<sup>th</sup> upgrade date.

Additional information and frequently asked questions regarding the new CURES system may be accessed at the Medical Board's website at the link below:

[http://www.mbc.ca.gov/Licensees/Prescribing/CURES\\_Update.aspx](http://www.mbc.ca.gov/Licensees/Prescribing/CURES_Update.aspx)

## **F. 8PM NEWSLETTER**

Staff is currently developing the re-inaugural newsletter with an expected 04 FY 15/16 publication release date.

## **G. CURES UPDATE**

As previously reported, all prescribers and dispensers in California are required to register with CURES by July 1, 2016. This includes:

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## **H. 8PM QUARTERLY CALENDAR**

Provided for Committee planning purposes and review is a 3-month calendar.

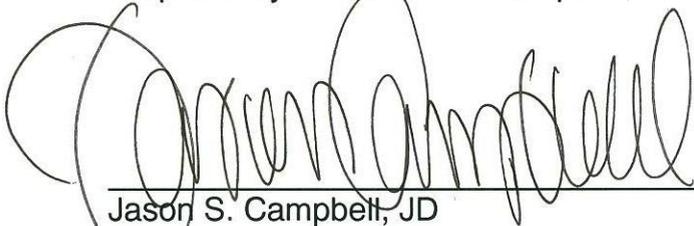
## **NEXT STEPS**

With website redevelopment completed staff has shifted focus once toward re-launching the 8PM newsletter with an expected 04 FY 15/16 publication release date.

## **ATTACHMENTS**

- A. Scope of Practice Responses of the Executive Office
- B. 8PM – 3-month timeline

Prepared by: Jason S. Campbell, JD



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Jason S. Campbell, JD  
Executive Officer

## Q3 FY 2015/2016

## Scope of Practice Responses of the Executive Office

**FIRST INQUIRY:****MONTH – JANUARY****SUBJECT – MEDICAL DIRECTORSHIP****SOURCE – AMBULATORY SURGICAL CENTER**

We work in the ambulatory surgery center environment and a podiatrist is asking if a DPM can be the Medical Director of a multi-specialty ambulatory surgery center which includes orthopedics, spine surgery, pain management and podiatry in its scope.

**RESPONSE:**

Thank you again for contacting the Board of Podiatric Medicine (BPM).

Please accept our sincere apologies for the delay in responding. We nevertheless appreciate your inquiry and thank you for the opportunity to assist. We are not aware of any statutory or regulatory restrictions limiting those who may undertake the duties and responsibilities for the development, implementation and evaluation of medical practice delivery in a Medical Directorship capacity. Thus, doctors of podiatric medicine are not prohibited from serving as medical directors. Notwithstanding, any professional practice must be within scope of authority and corporate practice prohibitions must be strictly observed.

We hope this is helpful and thank you again for contacting us.

**SECOND INQUIRY:****MONTH – JANUARY****SUBJECT – TEMPORARY LICENSURE****SOURCE – FREE/VOLUNTEER HEALTH CARE PROVIDER**

Would you be so kind as to advise if your board offers a temporary authorization for actively practicing out of state license holders to practice without a California license at a sponsored free health care event?

**RESPONSE:**

Thank you again for contacting the Board of Podiatric Medicine (BPM).

Please accept our sincere apologies for the slight delay in responding. We nevertheless appreciate your inquiry and thank you for the opportunity to assist. While the [...] volunteer program scheduled to take place in Los Angeles, California [...] sounds like a wonderful program and opportunity to assist underserved communities, BPM does not have regulations in place in order to issue temporary permits to out-of-state podiatric physicians for the practice of podiatric medicine in California during limited time periods such as the referenced charitable medical care program.

Please let us know if you have any additional questions and we will be happy to address them.

**THIRD INQUIRY:**

**MONTH – JANUARY**

**SUBJECT – PODIATRIC LICENSURE**

**SOURCE – INTERNATIONALLY TRAINED/LICENSED CHIROPODIST**

We understand you do not have Chiropractors in the US (but have Podiatrists and Pedicurists) and would like to know if my partner and I are eligible to gain a medical licence [sic] to open a Foot Health clinic business in California.

**RESPONSE:**

Thank you for contacting the Board of Podiatric Medicine (BPM).

In order to gain podiatric medical licensure in California an individual needs to have received a doctor of podiatric medicine degree from a Council on Podiatric Medical Education accredited medical college or university in addition to a number of other requirements including two years of post-graduate podiatric medical residency and passage of all parts of the National Board Examination. Individuals licensed in other jurisdictions may apply for medical licensure “by credentialing” under section 2488 of the California Business and Professions Code (B&P). While not reciprocity licensure per se, section 2488 B&P permits DPMs licensed in another State to be licensed in California with only one year of post-graduate medical education—rather than two—with successful passage of part III—rather than parts I, II and III—of the National Board exam administered within the last 10 years. We have attached the Board’s Summary and Checklist of Out-of-State Licensure Requirements for your convenient reference and review. Additionally, all materials may be conveniently referenced and accessed on our website at the link provided below. We hope this is both helpful and informative.

<http://www.bpm.ca.gov/applicants/index.shtml>

As to ownership of a foot health clinic in this state, California law prohibits non-physicians from owning or operating any business that offers patient evaluation, diagnosis, care and/or treatment. This area of law is complex and technical and individuals are encouraged to seek outside legal counsel for additional guidance. We hope this is helpful.

Please do not hesitate to contact us with any additional questions and thank you for this opportunity to be of service.

**FOURTH INQUIRY:**

**MONTH – JANUARY**

**SUBJECT – PODIATRIC COSMETIC SURGERY**

**SOURCE – DOCTOR OF PODIATRIC MEDICINE**

What are the specifics of aesthetic care within the scope of podiatry? Can one perform botox injections, fillers, microabrasion, etc, with/without certification through an aesthetic training course?

**RESPONSE:**

Thank you again for contacting the Board of Podiatric Medicine (BPM).

We appreciate your patience as we prepared a response to your inquiry. A Doctor of Podiatric Medicine (DPM) is licensed to diagnose and treat the foot, ankle and related structures and authorized and expected to use all means and modalities to treat podiatric conditions affecting the lower extremity subject to the community standard of care and a professional's training and competence. Surgical procedures of the foot and ankle are generally undertaken for remediation of podiatric conditions affecting the lower extremity, deformity reconstruction or restoration of function. While said procedures may have the concomitant benefit of improving aesthetic appearance, so called "cosmetic" foot and ankle surgery for purely aesthetic purposes alone is a relatively new development in the profession.

While the Board has not specifically staked an official position on the appropriateness or advisability of surgical procedures solely for cosmetic purposes, it is the position of the Executive Office that there is no inherent reason why cosmetic surgery may be considered for many other areas of the human body but not for the foot or ankle. Having said this, while California DPMs are uniquely and unquestionably qualified by their often best-in-class competency, education and training with near unsurpassed expertise in foot and ankle medicine and surgery, biomechanics, and knowledge of the lower extremity, any DPM considering performing any procedure for medical or aesthetic reasons within scope must have the appropriate training, experience, credentials and competence to perform the procedure subject to the community standard of care.

We hope this is helpful. Should you have any additional questions, please feel free to contact us and we will be pleased to assist.

**FIFTH INQUIRY:**

**MONTH – JANUARY**

**SUBJECT – PRESCRIBING LIMITATIONS**

**SOURCE – CONSUMER**

I would like to inquire about the scope of practice of a podiatrist. [...] Should a podiatrist be able to prescribe Robitussin with codeine or phenergan with codeine because his patient coughs and it hurts their foot? [...] Should a podiatrist be able to prescribe a month long sleeping pill with refills because the patients foot hurts and they can't sleep? [...] How does the board feel about long term pain pills? Meaning years? [...]

**RESPONSE:**

Thank you again for contacting the Board of Podiatric Medicine.

The prescribing limitations for an appropriately licensed California doctor of podiatric medicine are the same as they are for any other licensed medical doctors in California; they are fully authorized and expected to prescribe drugs, controlled substances and/or prescription medications in the usual and regular course of their professional treatment, after an appropriate prior examination and may not furnish any controlled substance to persons not under their care. (Health and Safety Code sections 11150 and 11154).

We hope this is helpful.

**SIXTH INQUIRY:  
MONTH – JANUARY  
SUBJECT – MEDICAL ASSISTANTS  
SOURCE – DOCTOR OF PODIATRIC MEDICINE**

Are Podiatric Medical Assistants allowed to apply Unna Boots? How do I get my Medical Assistants to become Podiatric medical Assistants?

**RESPONSE:**

Thank you again for contacting the Board of Podiatric Medicine.

We appreciate your patience as we formalized a response to your inquiry and offer our apologies for the slight delay. Toward that end, we wanted to provide a response as promised. As you know, a Medical Assistant (MA) is a person who while unlicensed is nonetheless authorized to perform basic administrative, clerical and technical supportive services under the supervision of a licensed doctor of podiatric medicine or medical doctor. An MA may perform certain supportive services where the supervising doctor of podiatric medicine: 1) certifies that the MA has completed specified training and meets specific competency levels; and 2) continues to maintain responsibility for the patient's care

Turning to your training inquiry; medical assistant training may only be administered under the umbrella of: 1) a licensed physician or doctor of podiatric medicine, or under a registered nurse, licensed vocational nurse, a physician assistant or a qualified medical assistant; or 2) in a secondary, post-secondary, or adult education program in a public school authorized by the Department of Education, in a community college program provided for in the Education Code, or a post-secondary institution accredited or approved by the Bureau for Private Postsecondary and Vocational Education in the Department of Consumer Affairs. Any medical assistant endeavoring to train other medical assistants must be certified by one of the approved certifying organizations under Title 16 of the Medical Practice Regulation section 1366.3 as codified by the Medical Board of California (MBC).

Below and for your convenience, we have included a link to the Medical Board of California's (MBC) FAQs webpage which may be helpful.

[http://www.mbc.ca.gov/Licensees/Physicians and Surgeons/Medical Assistants/Medical Assistants FAQ.aspx](http://www.mbc.ca.gov/Licensees/Physicians_and_Surgeons/Medical_Assistants/Medical_Assistants_FAQ.aspx)

Further information may be obtained by contacting MBC directly or by visiting their website at the link provided at

[http://www.mbc.ca.gov/Licensees/Physicians and Surgeons/Medical Assistants/](http://www.mbc.ca.gov/Licensees/Physicians_and_Surgeons/Medical_Assistants/)

Please let us know if you have any additional questions and it will be our pleasure to assist.

**SEVENTH INQUIRY:  
MONTH – FEBRUARY  
SUBJECT – CORPORATE PRACTICE OF MEDICINE  
SOURCE – CERTIFIED PUBLIC ACCOUNTANT**

We filed articles of incorporation I wrote Podiatric Medicine, but they say that section 13404 does not include Podiatric Medicine, to get in contact with you to ask you. Here I am attaching the letter. Can you please tell me what profession Podiatric Medicine is? I will appreciate very much your prompt assistance.

**RESPONSE:**

Thank you for contacting the Board of Podiatric Medicine.

Podiatric medicine is a medical profession just like any other medical specialty. Doctors of Podiatric Medicine are in fact licensed by the Medical Board of California pursuant to sections 2479, 2486 and 2488 of the California Business and Professions Code. Podiatric physicians are encouraged to seek counsel with appropriately knowledgeable legal experts concerning their medical practices and business enterprises as the area of law covering the corporate practice of medicine can be extremely complicated. The link to the Medical Board of California website regarding corporate practice of medicine is provided below as a resource for your convenience. We hope this is helpful.

[http://www.mbc.ca.gov/Licensees/Corporate\\_Practice.aspx](http://www.mbc.ca.gov/Licensees/Corporate_Practice.aspx)

Please let us know if you have any other questions and we will be happy to help.

**EIGHTH INQUIRY:  
MONTH – FEBRUARY  
SUBJECT – NITROUS OXIDE  
SOURCE – PHARMACUETICAL SALES REPRESENTATIVE**

May podiatrists administer nitrous oxide?

**RESPONSE:**

Thank you again for contacting the Board of Podiatric Medicine.

The scope of practice for doctors of podiatric medicine (DPMs) is contained in section 2472 of the Podiatric Medical Practice Act. In accordance with its provisions, California DPMs may order and administer all anesthetics and sedations except general anesthetics. If general anesthetics are required for any procedure then they must be administered by a licensed practitioner authorized to administer the required anesthetic within the scope of his or her practice such as an anesthesiologist or certified registered nurse anesthetist. The medical expert consensus indicates that Nitrous Oxide (N<sub>2</sub>O) is considered a general anesthetic; albeit a weak one. Accordingly, N<sub>2</sub>O may be ordered but may not be administered by DPMs. We genuinely hope this is helpful.

Should you have any further questions, please feel free to contact us and we will happy to address them and thank you again for the opportunity to assist.

**NINTH INQUIRY:**

**MONTH – MARCH**

**SUBJECT – PATIENT REFERRALS/LOWER ABDOMEN TREATMENTS**

**SOURCE – DOCTOR OF PODIATRIC MEDICINE**

I was recently contacted by an addiction recovery service company who is hiring physicians to evaluate the medical necessity for slow-release opioid antagonists via implant delivery for patients addicted to opioids or alcohol. After evaluation by the prescribing physician specializing in addiction medicine, the appropriate patients would be referred to me for surgical implantation. [...]

This service company would like to know if I am allowed to perform a ten minute outpatient surgical procedure to implant the device in the subcutaneous tissue either in the left lower abdomen, left posterior flank, or posterior to one ankle in Kager's triangle area. This procedure would be under local anesthesia with minimal scarring.

**RESPONSE:**

Thank you again for contacting the Board of Podiatric Medicine (BPM).

We appreciate your patience as we formalized a response to your inquiry. Toward that end, we wanted to provide a response as promised. Without opining as to the propriety of the business scenario indicated in your email below, the BPM kindly refers your immediate attention to section 650 of the California Business and Professions Code (B&P) which covers any discussion of referral arrangements that may be considered unlawful. Section 650 B&P provides in pertinent part:

- (a) [...] the offer, delivery, receipt, or acceptance by any person licensed under this division [...] of any rebate, refund, commission, preference, patronage dividend, discount, or other consideration, whether in the form of money or otherwise, as compensation or inducement for referring patients, clients, or customers to any person, irrespective of any membership, proprietary interest, or coownership in or with any person to whom these patients, clients, or customers are referred is unlawful.
- (b) The payment or receipt of consideration for services other than the referral of patients which is based on a percentage of gross revenue or similar type of contractual arrangement shall not be unlawful if the consideration is commensurate with the value of the services furnished or with the fair rental value of any premises or equipment leased or provided by the recipient to the payer.

Accordingly, you are strongly encouraged to seek counsel with appropriately knowledgeable legal experts concerning the considered business arrangement as care must be taken in any enterprise so that business dealings do not trigger enforcement red flags prohibited by California's fee-splitting and kick-back provisions. As to the inquiry regarding surgical procedures, the scope of practice for podiatric medicine in California is prescribed in section 2472 of the California Business and Professions Code and

is defined to include the foot, ankle and related structures including the muscles and tendons of the leg governing the functions of the foot. Surgical treatment of the ankle and tendons is authorized at the level of the ankle. Non-surgical treatment of muscles and tendons of the leg governing the functions of the foot is also permissible. Surgical treatments or procedures on the lower abdomen or posterior flank are strictly outside a DPM's legal scope of medical practice and may not be performed by a licensed California DPM.

We hope this is helpful and thank you again for the opportunity to be of assistance.

**TENTH INQUIRY:**

**MONTH – MARCH**

**SUBJECT – MEDICAL PEDICURES**

**SOURCE – DOCTOR OF PODIATRIC MEDICINE**

[...] Can a staff person perform and advertise for "medical pedicures" if: 1. they are supervised by the podiatrist, with or without podiatrist present? 2. they are not supervised by podiatrist, but work in podiatry office or nail salon? Can a licensed podiatrist train cosmetologists that offer pedicures to advance with medical pedicures? Can the staff member bill insurance/Medicare for these nail treatments? Can a staff member use strong, prescription topical medications on patients? What is the definition of a "medical pedicure"?

**RESPONSE:**

Thank you for contacting the Board of Podiatric Medicine (BPM).

Although the term "medical pedicure" is not a defined or regulated procedure, manicuring is governed by the Board of Barbering and Cosmetology (BBC.) A manicurist is not licensed by the BBC as a medical professional and may not perform services outside the manicurist scope of practice as defined by BBC even if trained or supervised by a licensed doctor of podiatric medicine (DPM). A link to the BBC website has been provided for further information on the manicurist, cosmetologist or esthetician scope of practice. <http://www.barbercosmo.ca.gov/>.

Having said this, it is legal however for doctors to hire licensed cosmetologists, estheticians or manicurist to perform cosmetology services, if the office has obtained a facility permit from the Board of Barbering and Cosmetology. Permits may be obtained with the Department of Consumer Affairs, Board of Barbering and Cosmetology, 2420 Del Paso Blvd., Sacramento, CA 95834. Application forms are also at the DCA website at [www.dca.ca.gov](http://www.dca.ca.gov). All licensed cosmetologists, including estheticians, must perform their services in a facility with a permit. It should also be noted that if a DPM uses a medical assistant to perform additional supportive services pursuant section 2069 of the California Business and Professions Code ("BPC) and Title 16, section 1366 of the California Code of Regulations ("CCR"), the DPM must be physically present in the treatment facility during the performance of the services provided by the medical assistant.

Finally, applicable legal provisions dealing with advertising include BPC sections 651, 2271 and 17500 and CCR section 1399.688. It is legal to advertise any professional service authorized to be performed as long as it is not misleading.

We hope this is helpful and thank you again for contacting BPM.

**ELEVENTH INQUIRY:**  
**MONTH – MARCH**  
**SUBJECT – ACUPUNCTURE**  
**SOURCE – HEALTH PRACTITIONER**

Could you please answer the following queries? 1) Are licensed podiatrists authorized to practice acupuncture and advertise themselves as “acupuncturists” in your state? If the answer to question 1 is yes, what training or certification must they complete in order to do so?

**RESPONSE:**

Thank you for contacting the Board of Podiatric Medicine (BPM).

We are pleased for the opportunity to be of assistance. Accordingly, the answer to your first inquiry is yes. Pursuant to section 4935 of the California Business and Professions Code (B&P) Doctors of Podiatric Medicine (DPMs) are authorized to practice acupuncture and may hold themselves out as practicing or engaging in the practice of acupuncture as part of their practice of podiatric medicine. Podiatric Medicine Regulation section 1399.672 requires DPMs desiring to practice acupuncture as part of the practice of podiatric medicine to complete a minimum of 25 hours of training from a program of instruction, college or school of podiatric medicine approved by the BPM that includes: a survey of theory and practice in traditional diagnostic and therapeutic procedures in the practice of acupuncture; studies of acupuncture points in the lower extremities; and studies of acupuncture techniques.

We hope this is helpful and thank you again for contacting us.

**TWELFTH INQUIRY:**  
**MONTH – MARCH**  
**SUBJECT – PHYSICIAN AND SURGEON STATUS**  
**SOURCE – DOCTOR OF PODIATRIC MEDICINE**

I would like clarification as to whether or not podiatrists are considered to be a physician and surgeon in California.

**RESPONSE:**

Thank you for contacting the Board of Podiatric Medicine.

We appreciate your patience as a response was finalized. In today’s modern specialized practice of medicine—while it is obviously true that terms “physician” and/or “surgeon” are factually descriptive of persons licensed to practice podiatric medicine given that Doctors of Podiatric Medicine (DPMs) are empowered to diagnose and treat medically those diseases, deformities, and injuries that relate to the foot and/or ankle; permitted to prescribe drugs, controlled substances and/or prescription medications in the care and treatment of podiatric conditions affecting the lower extremity in the regular course of practice to persons specifically under their care and after an appropriate prior examination pursuant to sections 11150-11154 of the Uniform Controlled Substances Act; and authorized by law to perform

surgery on the foot and ankle under B&P section 2472—California legally limits use of the term "physician and surgeon" to medical and osteopathic doctors alone under section 2054 B&P. Therefore, it is not legally appropriate for a DPM to refer to herself as a "physician and surgeon" in California, notwithstanding the fact that they are commonly referred to as physicians or surgeons in the common sense understanding of the term by health professionals, patients, and the general public. Licensed DPMs are however authorized to use the terms "doctor of podiatric medicine," "doctor of podiatry," "DPM," or "podiatric doctor" without running afoul of existing law under sections 2054 and 2474 B&P.

We hope this is helpful and thank you again for the opportunity to assist.

**THIRTEENTH INQUIRY:**

**MONTH – MARCH**

**SUBJECT – LAB TESTS/EKG/PRE-OP**

**SOURCE – MEDICAL CENTER**

Are DPMs able to order laboratory tests, order EKGs and conducted Pre-Ops for foot/ankle surgeries?

**RESPONSE:**

Thank you for contacting the Board of Podiatric Medicine.

We appreciate your patience as a response was finalized. Doctors of Podiatric Medicine (DPMs) in California are licensed to diagnose and treat medical conditions of the foot, ankle and related structures including the tendons that insert into the foot and the non-surgical treatment of the muscles and tendons of the leg governing the function of the foot. Within that scope, DPMs are fully licensed, authorized and expected to use all means and modalities to treat podiatric conditions affecting the lower extremity subject to the community standard of care and a professional's training and competence. This necessarily includes ordering laboratory tests and EKGs for their patients. Further, as an adjunct to podiatric medical care, California DPMs are trained and fully licensed to independently perform full-body history and physicals ("H&P") examinations in any setting for any patient.

We hope this is helpful and thank you again for the opportunity to assist.

**FOURTEENTH INQUIRY:**

**MONTH – MARCH**

**SUBJECT – SCOPE OF PRACTICE**

**SOURCE – DOCTOR OF PODIATRIC MEDICINE**

I need a statement from the Board declaring the Scope of Practice for a DPM in California.

**RESPONSE:**

Thank you for contacting the Board of Podiatric Medicine (BPM).

We appreciate the opportunity to address your inquiry regarding California Doctors of Podiatric Medicine (DPMs) and state scope of practice. California DPMs are licensed to employ all means and modalities within the standard of care to treat the foot and ankle and any other podiatric conditions affecting the lower extremity subject to their own training and competence. We have attached BPM's fact sheet Information on Scope of Practice, in PDF format for your convenience and review.

We sincerely hope this is both helpful and informative. If we can be of further assistance, please do not hesitate to contact us and we will be pleased to help.

###

2016

June

July

August

**Jun 3**  
BPM Board Meeting

**Jun 24**  
Consultant training  
Anaheim CA

**Jun 15**  
Budget Bill must be passed by midnight

**Jun 6**  
Committee meetings may resume

**June 23**  
September License Renewals mailed

**Jul 25**  
July License Renewals mailed out

**Jul 1**  
Last day for **policy committees** to meet and report bills. **Summer Recess** begins upon adjournment, provided Budget Bill has been passed

**Aug 15-31**  
**Floor Session only.** No committee may meet for any reason except Rules Committee, bills referred pursuant to Assembly Rule 77.2 and Conference

**Aug 1**  
Legislature reconvenes from Summer Recess

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30

**June 3**  
Last day for each house to pass bills introduced in that house

**May 31- June 3**  
**Floor Session only.** No committee meeting may meet for any purpose except Rules Committee, bills referred pursuant to Assembly Rule 77.2, and Conference Committees

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

**Jul 1**  
Residency Program starts

**Jul 4**  
Independence Day observed

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

**Aug 12**  
Last day for **fiscal committees** to meet and report bills

**Aug 10**  
November License Renewals mailed

Legislative Committee

Enforcement Committee

Public Education Committee

Licensing Committee

BPM Staff

CA Legislature

Committee Chairs

State Holidays  
DCA Information