



Texas Orthopaedic Association v. Texas State Board of Podiatric Medicine

254 S.W.3d 714 (Tex.App. 2008)

Topics Covered: Scope of Practice

Outcome: Very Favorable

Issue

The issue in this case was whether the Texas State Board of Podiatric Medicine (TSBPM) could define the "foot" as including the ankle and various soft tissue.

AMA Interest

The AMA believes that non-physician health care practitioners should only provide health care that is appropriate to their education, training, and experience.

Case Summary

This "scope of practice" suit challenged the validity of a regulation adopted by TSBPM. The Texas podiatric statute restricts podiatric care to medical conditions concerning the "foot." Under the TSBPM regulation, the "foot" was defined to include "the ankle and the tibia and fibula in their articulation with the talus...inclusive of all soft tissues...that insert into the tibia and fibula in their articulation with the talus."

The Texas Orthopaedic Association (TOA) and the Texas Medical Association (TMA) sued to declare the TSBPM regulation inconsistent with the Texas podiatric statute. Without stating reasons for the decision, the trial judge upheld the contested regulation. TOA and TMA appealed that ruling. The appellate court reversed the ruling of the trial court, holding that TSBPM had exceeded its authority when issuing its definition of the "foot." TSBPM petitioned the Texas Supreme Court to hear the case, but the Texas Supreme Court denied the TSBPM petition.

Litigation Center Involvement

The Litigation Center contributed to the TOA legal expenses. The Litigation Center also filed amicus curiae briefs, along with the American Academy of Orthopaedic Surgeons and the Texas chapters of several specialty medical societies, to support TOA and TMA in the Texas Court of Appeals and the Texas Supreme Court.

Texas Court of Appeals brief

Texas Supreme Court brief