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RA-194

Mon, Sep 9, 1991

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Opinion Committee

Questions Presented: (1) Can a podiatrist legally amputate some part or parts of the foot, but not the whole foot, under the provisions of the Podiatry Act, Texas Health Code Art. 4567 B et seq., and Art. 4567 C?
(2) If so, is an amputation of all parts of the foot save the heel spur an amputation of less than the whole foot?

Dear Sarah,

The Podiatry Act is strange in several ways, and today I am focusing on this particular strangeness: the Act nowhere states that it is illegal for a podiatrist to amputate a foot, but does say:

Article 4567 C. IMPROPER PRACTICE; PENALTY.

If any podiatrist shall amputate the human foot, he shall be punished by a fine of not less than One Hundred Dollars (\$100) nor more than Five Hundred Dollars (\$500) or by imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months or by both such fine and imprisonment for each offense.