

1981 WL 157776 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 13, 1981

*1 Dr. James Hill
Secretary
S.C. State Board of Podiatry
Medical Center Building
1214 Ella Street
Anderson, South Carolina 29621

Dear Dr. Hill:

You have requested an opinion whether a licensed podiatrist would be permitted under state law to perform surgery in the area of a patient's calf to correct a condition of the Achilles' tendon. It is the opinion of this Office that a podiatrist would not be permitted under the laws of this state to perform surgery in the area of a patient's calf.

The podiatry statute creates an exception to the State Medical Practice Act whereby a licensed podiatrist may practice podiatry without a license issued by the State Board of Medical Examiners. Podiatry is thus a restricted field of medical practice that is defined by statute. [Suber v. South Carolina State Board of Health](#), 259 S.C. 558, 193 S.E.2d 520 (1972).

The podiatry statute defines podiatry as 'the diagnosis, medical and surgical treatment limited to ailments of the human foot . . . ' § 40-51-20, S.C. CODE, 1976. The term 'foot' generally denotes that portion of the leg below the ankle joint. [Rivera v. K. Spencer's Sons, Inc.](#), 154 Conn. 162, 223 A.2d 808, 809; but see [Poquet v. Borderland Collieries Co.](#), 308 Ky. 241, 213 S.W.2d 607, 610. The surgery you have described would treat a condition of the Achilles' tendon. This tendon extends from the heel of the foot to the calf muscles in the leg. Although the condition being treated by this surgery manifests itself in the foot, it is actually an ailment which extends also beyond the foot into the calf muscles. Therefore, it is not just an ailment of the foot.

As a general matter, podiatry encompasses the treatment of the foot, including nonsurgical treatment of the muscles and tendons of the leg. 61 Am.Jur.2d, 'Physicians and Surgeons,' § 4. If the scope of podiatric practice were to encompass surgical treatment of the tendons of the leg, this would require clear statutory authorization. No such clear authorization exists.

For these reasons, it is the opinion of this Office that a podiatrist would not be permitted under the laws of this state to perform surgery in the area of a patient's calf to correct a condition of the Achilles' tendon.

Sincerely yours,

David C. Eckstrom
Assistant Attorney General

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