

OHIO GENERAL ASSEMBLY
JOINT COMMITTEE ON AGENCY RULE REVIEW

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R.C. 121.93 Required Report

- 1) **Date: April 7, 2023**
- 2) **Agency: State Medical Board of Ohio**
- 3) **Agency Contact**
 - a) Name: Aaron Mabe
 - b) Email: aaron.mabe@med.ohio.gov
 - c) Phone: 614-230-4253
- 4) Provide the number of operations reviews that your agency completed during the governor's recently expired term.

One

- 5) List any principles of law or policies described in [R.C. 121.93\(A\)](#) that your agency identified in your operations review(s).

In June, 2019 the Board issued a statement in response to the following questions with respect to whether supramalleolar osteotomy of the tibia and fibula and the harvest of bone marrow aspirate from the proximal tibia are within the scope of practice of podiatry:

1. Is it permissible for a podiatrist in Ohio to perform a supramalleolar osteotomy of the tibia or fibula to correct a deformity?
 2. Is it permissible for a podiatrist in Ohio to harvest a bone graft from the proximal tibia to be used for foot and ankle surgery?
 3. Is it permissible for a podiatrist in Ohio to harvest bone marrow aspirate from the proximal tibia?
 4. Is it permissible in Ohio for a podiatrist to surgically remove ingrown nails from the hands?
 5. Is it permissible in Ohio for a podiatrist to surgically excise warts from the hands?
- 6) Describe your agency's considerations regarding the identified principles of law or policies under [R.C. 121.93\(B\)](#).

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The Board considered the comments received as we started the rule-making process with respect to whether supramalleolar osteotomy of the tibia and fibula and the harvest of bone marrow aspirate from the proximal tibia are within the scope of practice of podiatry. Based upon this gathered information, the Board determined that it has acted prematurely in this matter and that additional legislative guidance is necessary. Therefore, the Board is withdrawing its statement on these two procedures. It is our understanding that podiatrists were credentialed to perform these procedures prior to the issuance of the Board's statement in 2019. It is recommended that providers work with their hospital systems and legal counsel going forward.

7) List any principles of law or policies for which your agency determined rulemaking is indicated or for which your agency has commenced the rulemaking process under [R.C. 121.93\(C\)](#).

The Board came to the conclusion that additional legislative guidance was needed and it was not necessary to move forward with rule-making at this time.