STATE BOARD OF MEDICAL REGISTRATION AND EXAMINATION: Whether podiatrists are authorized to use narcotic drugs in the practice of their profession.

June 15, 1943.

Dr. W. C. Moore, Secretary,
Indiana State Board of Medical Registration and Examination,
Room 301, State House,
Indianapolis, Indiana.

Dear Doctor:

Your letter of May 18 requests an opinion as follows:

"The Board of Medical Registration and Examination respectfully requests an official opinion as to whether or not Registered Podiatrists are privileged to use narcotic drugs in the practice of their profession in the State of Indiana."

This profession is defined by statute as follows:

"The term 'podiatry' (sometimes called chiropody), as used in this act, shall be construed to mean the diagnosis, medical, surgical and mechanical treatment of ailments of the human foot. The term 'podiatrist' as used in this act shall be construed to mean one practicing podiatry."

Section 63-1401, Burns' 1933; Sec. 1, Ch. 8, Acts 1925.

Chapter 8 of the Acts of 1925, Sections 63-1401 to 63-1409, Burns 1933, provides for the licensing and regulation of this profession. The podiatry examiners consist of two physicians of the State Board of Medical Registration and Examination, the Secretary of said State Board, and two licensed podiatrists who are residents of the state and appointed by the State Board of Medical Registration and Examination, but the license to practice is issued by the State Board of Medical Registration and Examination.

This regulatory act should be construed in view of the provisions of the various regulatory statutes concerning physicians, surgeons, chiropractic practice and osteopathy.
Davis v. State Board of Medical Registration and Examination (1936), 103 Ind. App. 88, 95.

It is evident from a consideration of the entire act regulating the practice of podiatry that the practice of podiatrists is to be limited to the human foot. The following provisions in the podiatry act seem to make this very clear:

“All licensees shall be designated as ‘registered podiatrists,’ and, no licensee shall use any title or abbreviation thereof without the designation ‘registered podiatrists,’ ‘practice limited to the foot’. * * *”

Section 63-1405, Burns’ 1933; Sec. 5, Ch. 8, Acts 1925.

“No podiatrist shall amputate the human foot or toe or toes, or use or administer any anesthetic other than local.”

Section 63-1402, Burns’ 1933; Sec. 2, Ch. 8, Acts 1925.

“After the passage of this act, any person, not exempt from examination under the provisions of section three (Sec. 63-1403) of this act, and desiring a license to practice podiatry in this state, shall be examined in the following subjects: Anatomy, chemistry, bacteriology, dermatology, diagnosis, materia medica, pathology, physiology, therapeutics, clinical and orthopedic podiatry, limited in their scope to the treatment of the foot, and, if found qualified, shall receive a license.”

Section 63-1404, Burns’ 1933; Sec. 4, Ch. 8, Acts 1925.

From a consideration of these provisions in the podiatry act, it is quite apparent that the practice of podiatry is more limited in its field as to what treatments may be used within the limited scope of the profession than the practice of medicine which, by the statute, (Sec. 63-1311, Burns’ 1933) defines the practice of medicine as:

“to prescribe for, or to give surgical assistance to, or to heal, cure or relieve, or to attempt to heal, cure
or relieve those suffering from injury or deformity, or disease of mind or body, * * *.*

The only authorization in the podiatry act for the relieving of pain is the provision for local anesthetics.

Section 63-1402, Burns' 1933, supra.

This is to be contrasted with the provision of the statute concerning the granting of licenses to practice osteopathy, surgery and obstetrics, which provides that the holder of any such license,

"shall have the right to practice osteopathy, surgery and obstetrics and to administer anesthetics, anti-septics and narcotics."

Having in view all the regulatory provisions of the podiatry act, I am of the opinion that the medical treatment of ailments of the human foot by podiatrists have to do only with some medical treatments that have therapeutic values as distinguished from relieving of pain by some other agency than a local anesthetic.

The definition for local anesthetic, according to the 19th edition of Dorland's American Medical Dictionary, (1941 Rev.) is

"That which is confined to one limited part of the body."

This is to be distinguished from general anesthesia, which is defined by Webster's New International Dictionary (2d ed.) as affecting "the entire body, causing loss of consciousness."

The Uniform Narcotic Drug Act did not in any way enlarge the professional practice of podiatrists.

"Section 7. Professional use of Narcotic Drugs. (1) A physician or a dentist, in good faith and in the course of his professional practice only, may prescribe, administer, and dispense narcotic drugs, * * *."

It would not be possible in this opinion to designate all narcotic drugs or to specify their properties, since that is a matter for medical experts. However, I have been informed that there are certain narcotic drugs which can be used as local anesthetics. In answer to your question, therefore, it is my opinion that a registered podiatrist would be authorized to use only such narcotic drugs in his practice as could be used for a local anesthetic on the human foot.

BUREAU OF MOTOR VEHICLES: Interpretation of Chapter 57 of the Acts of 1943 relating to school buses.

DEPARTMENT OF PUBLIC INSTRUCTION: Interpretation of Chapter 57 of the Acts of 1943 relating to school buses.

June 16, 1943.

Mr. R. Lowell McDaniel,
Director of Motor Vehicles,
State House,
Indianapolis, Indiana.

Dear Sir:

Your letter of June 9, 1943, received as follows:

"I am attaching herewith a copy of the enrolled Senate Act No. 96, which is Chapter 57 of the Acts of General Assembly 1943. I quote from Section 1 of the Act:

"‘That as used in this act unless a different meaning appears from the context: The term “School Bus” shall be construed to mean any bus, hack, conveyance, or motor vehicle used to transport school children to and from school, and from school athletic games or contests or other school functions, but that privately owned automobiles with a capacity of five passengers or less which are used for the purpose of transporting school children to and from school are hereby specifically excepted from the above definition’.”