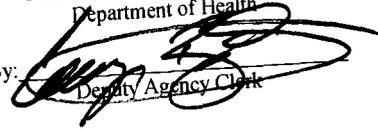


DC

Final Order No. DOH-11-154-<sup>DS</sup>-MQA  
FILED DATE - 1-18-11  
Department of Health  
By:   
Deputy Agency Clerk

**STATE OF FLORIDA  
BOARD OF PODIATRIC MEDICINE**

**IN RE:        PETITION FOR DECLARATORY STATEMENT OF  
                 ROBERT G. SMITH, DPM**

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**FINAL ORDER**

THIS MATTER came before the Board of Podiatric Medicine ("Board") pursuant to Section 120.565, Florida Statutes ("FS"), at a duly-noticed public meeting held telephonically on January 4, 2011, for consideration of the above-referenced Petition for Declaratory Statement filed November 22, 2010 by Robert G. Smith, DPM ("Petitioner"). The Notice of the Petition for Declaratory Statement was published on December 17, 2010, in Volume 36, No. 50, of the Florida Administrative Weekly. No comments by interested persons were received. Petitioner was present via telephone at the meeting and not represented by counsel. The Board was represented by Charlyne M. "Khai" Patterson, Assistant Attorney General. Having considered the petition, the Board makes the following findings and conclusions:

**FINDINGS OF FACT**

1. Petitioner is a licensed podiatric physician in the state of Florida.
2. Section 461.003(5), FS, defines the practice of podiatric medicine, in part, as "the diagnosis or medical, surgical, palliative, and mechanical treatment of ailments of the human foot and leg. The surgical treatment of ailments of the human foot and leg shall be limited anatomically to that part below the anterior tibial tubercle."
3. Petitioner seeks the Board's interpretation of Section 461.003(5), FS, regarding whether the practice of offering a tetanus booster while treating chronic, non-

healing lower extremity wounds is within the scope of practice set forth in the  
aforementioned statute.

**CONCLUSIONS OF LAW**

4. The Board has jurisdiction over this matter pursuant to Section 120.565, FS.

5. The Board answers the question in the affirmative, finding that the practice of offering a tetanus booster while treating chronic, non-healing lower extremity wounds is within the scope of practice for a podiatric physician in Florida.

DONE AND ORDERED this 13<sup>th</sup> day of January, 2011.

BOARD OF PODIATRIC MEDICINE

  
Bruce Deterding, Executive Director  
for Beth Pearce, D.P.M., Chair

**NOTICE OF RIGHT TO APPEAL**

**THIS ORDER CONSTITUTES FINAL AGENCY ACTION AND MAY BE APPEALED BY ANY PARTY PURSUANT TO SECTION 120.68, FS, AND RULES 9.110 AND 9.190, FLORIDA RULES OF APPELLATE PROCEDURE, BY FILING A NOTICE OF APPEAL CONFORMING TO THE REQUIREMENTS OF RULE 9.110(D), FLORIDA RULES OF APPELLATE PROCEDURE, BOTH WITH THE APPROPRIATE DISTRICT COURT OF APPEAL, ACCOMPANIED BY THE APPROPRIATE FILING FEE, AND WITH THE DEPARTMENT'S CLERK OF AGENCY PROCEEDINGS, WITHIN THIRTY (30) DAYS OF RENDITION OF THIS ORDER.**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by U.S. Mail to Robert G. Smith, DPM, Shoe String Podiatry, 723 Lucerne Circle, Ormond Beach, Florida 32174, and by interoffice mail to C. Khai Patterson, Assistant Attorney General, Administrative Law Section, PL-01 The Capitol, Tallahassee, Florida 32399-1050, this 18<sup>th</sup> day of Jan., 2011.



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**Deputy Agency Clerk**

## Causey, Sherra

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**From:** Deterding, Bruce  
**Sent:** Wednesday, January 12, 2011 3:45 PM  
**To:** Deterding, Bruce; Sanders, Sylvia (MQA); Kirkland, Stephanie; DL MQA HCPR Executive Directors; 'gjenkinsdc@aol.com'; 'Deborah.loucks@myfloridalegal.com'; Rossitto-Van Winkle, Tari; Schultz, Tobey; Daniels, Joanna; 'roger.bertholf@jax.ufl.edu'; Schell, Carla; Carolyn Moore; 'rachel.clark@myfloridalegal.com'; Lawrence, Jr., Michael; 'rgingras@shrinenet.org'; 'leeann.gustafson@myfloridalegal.com'; Peters, Jeff; 'naberhaus@bvcweb.com'; 'drfootmagic@aol.com'; 'Timothy.Dennis@myfloridalegal.com'; Holman, Maja  
**Cc:** Guilford, Sharon; Jackson, Michele; Robinson, Tiffany L; Causey, Sherra  
**Subject:** Delegation

This is to advise that while I am out of the office from Thursday, 1/13 through close of business Friday, 1/14, 2011, the following persons are delegated authority to serve as Acting Executive Director for the Boards of Podiatric Medicine, Chiropractic Medicine, Optometry, Orthotists and Prosthetists, Nursing home Administrators and Clinical Laboratory Personnel.

**Thursday, January 13, 2011      Tiffany Robinson**  
**Friday, January 14, 2011,      Michele Jackson**

**Bruce M. Deterding, Executive Director,**  
**Boards of Podiatric Medicine, Chiropractic Medicine, Optometry,**  
**Orthotists and Prosthetists, Nursing Home Administrators**

**and Clinical Laboratory Personnel**  
Bureau of Health Care Practitioner Regulation  
Medical Quality Assurance  
Florida Department of Health  
Tel: (850) 245-4393  
FAX: (850) 245-922-8876  
[www.doh.state.fl.us/mqa](http://www.doh.state.fl.us/mqa)

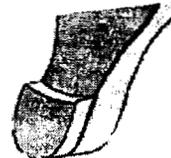
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*How am I communicating? Please contact my manager [cassandra\\_pasley@doh.state.fl.us](mailto:cassandra_pasley@doh.state.fl.us)*

Mission: Promote, protect and improve the health of all people in Florida.  
Vision: A healthier future for the people of Florida.  
Purpose: To protect the public through health care licensure, enforcement and information.  
Focus: To be the nation's leader in quality health care regulation.

NOV 22 2010

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DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK **Angel Sanders**  
DATE **NOV 22 2010**



2101  
L-2907

*Robert G. Smith DPM MSc CPed  
Podiatrist and Pedorthist  
Shoe String Podiatry  
723 Lucerne Circle  
Ormond Beach, Florida 32174*

Florida Board of Podiatry  
4052 Bald Cypress Way  
Tallahassee, Florida 32399-3257

November 1, 2010

Re: Declaratory Statement (FS 461.003 {5} "Practice of podiatric medicine").

Good Morning Florida Board of Podiatry Members:

I would like to request a declaratory statement regarding FS 461.003-5 the practice of podiatric medicine. I treat lower extremity wounds as well as act as a consult for other clinicians for lower extremity wound care. During consultation and treatments I inquire from the clinician or the patient if their tetanus immunization status is current as part of the standard of care as it applies to the treatment of chronic non-healing lower extremity wounds. In the past I have referred the patient to their primary care provider or the health department to receive a Td booster vaccine. I would like to request a declaratory statement from the board of podiatry medicine if I may offer and administer Td boosters to patients who may need this vaccine. Thank you for your time and consideration regarding this inquiry.

Sincerely  


Robert G. Smith DPM MSc RPh CPed.

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