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FILED DATE - JUL 14 2017

Department of Health

By *Amber Greene*  
Deputy Agency Clerk

**STATE OF FLORIDA  
BOARD OF PODIATRIC MEDICINE**

**IN RE:            PETITION FOR DECLARATORY STATEMENT OF  
                      NARMO L. ORTIZ, JR., DPM**

**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 on August 6, 2010, in Orlando, Florida, for consideration of the above-referenced Petition for Declaratory Statement filed June 8, 2010 by Narmo L. Ortiz, Jr., DPM ("Petitioner"). The Notice of the Petition for Declaratory Statement was published on July 9, 2010, in Volume 36, No. 27, of the Florida Administrative Weekly. No comments by interested persons were received. Petitioner was present at the meeting and not represented by counsel. The Board was represented by Mary Ellen Clark, Assistant Attorney General and 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 hyperbaric oxygen for wound care of the foot, ankle and leg is within the scope of practice set forth in the aforementioned statute.

**CONCLUSIONS OF LAW**

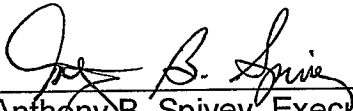
4. The Board has jurisdiction over this matter pursuant to Section 120.565, FS.

5. The Board answers the question in the affirmative, finding that the practice of hyperbaric oxygen for wound care of the foot, ankle and leg is within the scope of practice for a podiatric physician in Florida.

6. 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.

**DONE AND ORDERED** this 13<sup>th</sup> day of July, 2017.

BOARD OF PODIATRIC MEDICINE

  
\_\_\_\_\_  
Anthony B. Spivey, Executive Director  
for, Joseph Sindone, D.P.M., Chair

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by U.S. Mail to Narmo L. Ortiz, Jr., DPM, 1212 Country Club Boulevard, #301, Cape Coral, Florida 33990, and by electronic mail to Mary Ellen Clark, Senior Assistant Attorney General, [MaryEllen.Clark@myfloridalegal.com](mailto:MaryEllen.Clark@myfloridalegal.com), this 14 day of July, 2017.

*Anber Greene*  
Deputy Agency Clerk



**ADVANCED  
FOOT & ANKLE CENTER**  
OF SW FLORIDA

**NARMO L. ORTIZ, JR., DPM,**  
Diplomate American Board of Podiatry

FILED  
DEPARTMENT OF HEALTH  
DEPUTY CLERK

May 28, 2010

CLERK *Angel Sanders*  
DATE **JUN 08 2010**

RE: Petition for Declaratory Statement Before the Board of Podiatric Medicine of the State of Florida.

BY: Narmo L. Ortiz, Jr., DPM  
Florida License Number: PO2522

Dear sirs and/or madams:

The present declaratory statement is sought pertaining the latest Florida Statutes, Title XXXII, Chapter 461.003, Item (5) under the definitions and scope of practice of the "practice of podiatric medicine":

In addition to foot and ankle surgery, I also practice wound care of the foot, ankle and leg for which I am a Certified Wound Specialist. Our wound care center also offers HBO or Hyperbaric Oxygen treatment in a hospital setting.

Since I treat lower extremity wounds localized in the human foot, ankle and leg, I am requesting a declaratory statement for a podiatric physician to be able to supervise and utilize hyperbaric oxygen in the treatment of the foot, ankle and leg. Being that HBO is both a medical and mechanical treatment of qualifying ailments of the human foot, ankle and leg, and the fact that the Florida Statutes above-mentioned do not contain neither a permission or prohibition of hyperbaric oxygen treatment by a podiatrist, I am requesting the present declaratory statement.

Enclosed, please find a copy taken from the website of the State of Texas, Texas Administrative Code, Title 22, Part 18, Chapter 375, Rule 375.5 where, according to the Podiatric Medical Practice Act, Texas Occupations Code, Section 202.001, a podiatric physician is allowed to utilize hyperbaric oxygen in the treatment of the foot and ankle.

Hoping to receive your statement at your earliest convenience, I thank you for your attention.

Respectfully submitted,

Narmo L. Ortiz, Jr., DPM, FACFAS, CWS

<<Prev Rule

# Texas Administrative Code

Next Rule>>

**TITLE 22**

**EXAMINING BOARDS**

**PART 18**

**TEXAS STATE BOARD OF PODIATRIC MEDICAL EXAMINERS**

**CHAPTER 375**

**CONDUCT AND SCOPE OF PRACTICE**

**RULE §375.5**

**Hyperbaric Oxygen Guidelines**

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A podiatric physician shall be recognized and permitted to supervise and administer hyperbaric oxygen following the published recommendations of the Undersea and Hyperbaric Medical Society, Inc. (UHMS) and within the credentials and bylaws of the hospital that operates the hyperbaric unit with the following stipulations:

(1) A podiatric physician practicing hyperbaric oxygen must do so in a hospital setting.

(2) The podiatric physician must, in addition, show evidence of attendance and successful completion of a hyperbaric medicine team training course that is recognized by the Undersea and Hyperbaric Medical Society. That person may only utilize hyperbaric oxygen in the treatment of the foot and ankle as recognized by the Podiatric Medical Practice Act, Texas Occupations Code, §202.001, et seq. A person shall be regarded as practicing podiatric medicine within the meaning of this law and shall be deemed and construed to be a podiatric physician, who shall treat or offer to treat any disease or disorder, physical injury, or deformity, or ailment of the human foot by any system or method.

(3) Prior to administering hyperbaric oxygen, a podiatric physician must have on file with the Texas State Board of Podiatric Medical Examiners documentation certifying compliance with the above requirements.

(4) Annual Renewal

(A) HBO certificates shall be renewed annually by submitting a registration application, and paying a \$25 fee to the Board by cashier's check or money order. All HBO certificates shall be renewed by January 31 of each calendar year.

(B) If the annual registration fee is not received on or prior to the expiration date of the registration, the following penalty will be imposed:

(i) one to 90 days late--\$5.00 plus the annual registration fee;

(ii) over 90 days late--registration may not be renewed. The person may obtain a new registration by complying with the requirements and procedures for obtaining an original certification.

(C) Registrants shall inform the Board of any address change or change of hospital setting no later than 10 business days after the change is made.

(5) When a certificate is issued, it must be clearly displayed in the office alongside the original license.

(6) A copy of the published recommendations of the Undersea and Hyperbaric Medical Society, Inc.,

: Texas Administrative Code

are available from the Texas State Board of Podiatric Medical Examiners, P.O. Box 12216, Austin, Texas 78711-2216.

**Source Note:** The provisions of this §375.5 adopted to be effective July 5, 2006, 31 TexReg 5289

[Next Page](#)

[Previous Page](#)

[List of Titles](#)

[Back to List](#)

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