

DOCTORS:
PRACTICE OF MEDICINE:
MEDICINE:
HEALING ARTS:
BOARD OF HEALING ARTS:
CHIROPODISTS:
PODIATRISTS:

Chiropodists prohibited from
treating systemic diseases
including "nerves" even though
such diseases affect patient's
foot.

Opinion No. 312

September 18, 1964

Mr. John A. Hailey
Executive Secretary
State Board of Registration
for the Healing Arts
P. O. Box 4
Jefferson City, Missouri



Dear Mr. Hailey:

This is in response to your recent request for an opinion
of this office which request reads as follows:

"I have been requested by the State Board
of Registration for the Healing Arts to
request an opinion of your office on the
following set of facts:

"It has come to the attention of the Board
that a duly licensed Missouri podiatrist
has treated a patient by the prescription of
internal medicine to correct a rash on the
bottom of the patient's foot. The diagnosis
of the podiatrist as communicated to the
patient was that the patient was suffering
from 'nerves' and that the rash on the patient's
foot was a symptom of this condition.
Accordingly, the podiatrist wrote two prescrip-
tions, one for Ataraxoid, one for Temaril.
These are potent drugs which are taken
orally. They are tranquilizers and must be
used cautiously. Both of the drugs prescribed
are 'legend' drugs; that is, they may be
obtained only on prescription.

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"As you know, the State Board of Registration for the Healing Arts is charged not only with regulating the professions it licenses but also with halting the unauthorized practice of the healing arts. Section 334.230, RSMo 1959. Since podiatrists enjoy certain privileges relating to the prescription of drugs under the provisions of Section 330.010, RSMo Cum. Supp. 1963, the Board requests your opinion as to whether the podiatrist in question is exceeding the privileges granted to him by that or by any other statutory section and therefore unlawfully invading the practice of the healing arts."

The statute applicable to your inquiry is Section 330.010, RSMo Cum. Supp. 1963, which reads in part:

"The definitions of the words 'chiropody' and 'podiatry' shall be synonymous and interchangeable and, for the purpose of this chapter, be held to be the local, medical, mechanical or surgical treatments of the ailments of the human foot, and massage in connection therewith. It shall not include amputation of the foot and toes or the use of anesthetics other than local. The use of drugs or medicines shall be limited to the prescription or administration of nonnarcotic analgesics, antipyretics, sedatives, fungicides and antibacterials only when specifically indicated for the treatment of ailments of the human foot. The use of such drugs and medicines in the treatment of ailments of the human foot shall not include the treatment of any systemic diseases. Wherever 'chiropody' is used in this chapter it shall be construed to mean either chiropody or podiatry."

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Although the foregoing statute has never been interpreted by an appellate court, we believe its import is clear as to the circumstances under which a chiroprapist may prescribe and administer drugs:

1. When "specifically indicated for the treatment of ailments of the human foot," nonnarcotic analgesics, antipyretics, sedatives, fungicides and antibacterials may be prescribed by chiroprapists;

2. Chiroprapists may not prescribe or use such drugs in the treatment of systemic diseases.

According to your letter, both of the drugs prescribed in the instant case are tranquilizers. Although tranquilizers are not specifically authorized for use by chiroprapists in the above quoted section, we will assume, for purposes of this opinion only, that tranquilizers are included within the term "sedatives" as used in that section.

Therefore, the determinative issue herein is whether the chiroprapist exceeded the privileges granted to him by his license in attempting to treat a "systemic" disease with otherwise permissible drugs. His diagnosis of the patient's problem was "nerves" which we take to mean that, in his opinion, the patient was in a state of excessive emotional agitation and was unduly excitable. Indeed, this interpretation is certainly consistent with the chiroprapist's prescription of tranquilizing drugs.

Having made his diagnosis of the patient's basic problem, the chiroprapist proceeded to treat the rash on the patient's foot by relieving the anxiety which gave rise to the physical condition complained of. Under these circumstances, it is necessary to determine whether the condition referred to as "nerves" is a systemic disease, and therefore beyond the legitimate scope of the chiroprapist's professional powers.

"Systemic" is defined by Webster's Third New International Dictionary, 1963, as "of, relating to, or common to a system: as a: affecting the body generally--distinguished from local" In view of this definition, we believe that there can be no argument that the condition commonly referred to as "nerves" is a systemic disease in that it affects the entire being, rather than a part thereof.

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We do not regard as significant the fact that this case of "nerves" may have manifested itself by a rash on the patient's foot. If the location of the symptom were determinative of a chiropodist's authority to treat a disease, chiropodists would be authorized to treat diabetes, polio, or any other disease which produced a disability of the foot.

It has been clearly established in the case of State ex rel. Gibson v. Missouri Board of Chiropractic Examiners, (Mo. App., 1963) 365 SW2d 773, 779, that when a chiropractor, in his treatment of a patient, goes beyond the type of treatment authorized by his license, he enters into the unauthorized practice of medicine. We think that the same would be true with regard to a chiropodist who undertakes to treat a systemic disease. Therefore, the activities of the chiropodist in question here are a matter of legitimate concern to the State Board of Registration for the Healing Arts in its fulfillment of the duties imposed on it by Sections 334.230 and 334.240, RSMo 1959.

In the Gibson case, supra, the revocation of a chiropractor's license was affirmed by the Kansas City Court of Appeals where the chiropractor had exceeded the privileges as to authorized treatment granted by his license. Accordingly, we would suggest that you advise the State Board of Chiropody of all details of this matter so that that Board may consider appropriate corrective action.

CONCLUSION

Therefore, it is the opinion of this office that the condition commonly referred to as "nerves" is a systemic disease and therefore beyond the authorized area of treatment by chiropodists even though such "nerves" may cause a rash on a patient's foot.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Albert J. Stephan, Jr.

Very truly yours,


THOMAS F. EAGLETON
Attorney General