



October 19, 2016

**VIA ELECTRONIC MAIL**  
***[sunset@sunset.texas.gov](mailto:sunset@sunset.texas.gov)***

Sunset Advisory Commission  
Post Office Box 13066  
Austin, Texas 78711

*Re: Sunset Review of the  
Texas State Board of Podiatric Medical Examiners*

Dear Sunset Advisory Commission Members and Staff:

The Texas Podiatric Medical Association (TPMA) is a professional association with more than 675 members who are Doctors of Podiatric Medicine, often referred to as "DPMs", "podiatrists", or "podiatric physicians." The purpose of this correspondence is to provide comments on the Sunset Staff Report on the Texas State Board of Podiatric Medical Examiners (TSBPME, Board, or Agency). Accordingly, we submit the following comments for your consideration.

- ***Sunset Staff***

TPMA would like to commend the Sunset Staff for the extensive research and analysis that they have conducted in reviewing the need for, performance of, and improvements to the TSBPME. As a stakeholder in this important process, TPMA appreciates the opportunity for meaningful input, open discussion, and fair consideration afforded to us by the Sunset Staff.

- ***Issue 1 – Key Elements of the Texas State Board of Podiatric Medical Examiners’ Licensing and Regulatory Functions Do Not Conform to Common Licensing Standards.***

TPMA agrees with each of the Findings regarding Issue 1 included in the Sunset Staff Report which highlight areas where the Agency’s statute and rules do not match model standards or common practices observed through Sunset reviews of many regulatory agencies. Further, TPMA also agrees with the potential benefits of conforming to standard practices as enumerated in the Sunset Staff Report (see Staff Report, pages 9-14).

TPMA supports the Staff Recommendations for Change in Statute (Items 1.1 through 1.8) and Management Action (Items 1.9 through 1.16) as enumerated in the Sunset Staff Report (see Staff Report, pages 9-14).

It is important to note that the TSBPME has requested an additional position for a medical director as an exceptional item in its 2018-2019 legislative appropriations request (*LAR*). TPMA strongly supports this *LAR* because we are confident that the addition of a medical director will provide the increased manpower and expertise that will allow the TSBPME to successfully implement and achieve the changes necessary to conform to model licensing standards and best practices as enumerated in the Sunset Staff Report.

As it relates to Management Action 1.4, the TPMA has had a Peer Review process in place for over 20 years to address issues or complaints brought against members of TPMA by others including patients. A few years ago, TPMA was approached by the TSBPME to assist in resolving minor jurisdictional complaints. Our Association agreed without hesitation. Though TPMA did not seek this responsibility, we support the recommendation for discontinuing the use of TPMA’s peer review process by the TSBPME to eliminate the possible appearance of bias.

- ***Issue 2 – Texas Should Continue Regulating Podiatrists, but Decisions on the Structure of the Texas State Board of Podiatric Medical Examiners Await Further Review.***

As stated in the Staff Report, Podiatry has evolved into a complex profession in the last several decades, and podiatrists now perform surgery, admit patients to hospitals, and have full prescriptive authority. Some podiatrists complete three-year residencies to become certified to perform complex reconstructive surgeries, others are joining medical practices to work alongside orthopedic medical doctors, and many are recognized in the treatment of diabetic wound care.

These services could have serious consequences to patients if performed incorrectly, justifying the need for licensing podiatrists to ensure their competence. Licensing ensures a podiatrist has completed 90 hours of undergraduate coursework, four years at an approved podiatry school, and at least a one-year residency. A podiatrist also must pass both a three-part national podiatry exam and a state jurisprudence exam. Therefore, **Texas has a continuing need to regulate the practice of podiatry.**

However, pursuant to Recommendation 2.1, Sunset staff has recommended that the Sunset Commission's decision on the status of the Board as a separate agency be postponed until completion of the Sunset reviews of other licensing agencies under review this biennium.

Additionally, if the Sunset Advisory Commission members determine that agency consolidation is necessary in order to improve administrative efficiencies and economies of scale, TPMA strongly believes that it is in the State's best interest to accomplish this result by retaining the TSBPME as currently constituted (6 DPMs and 3 consumers appointed by the Governor) which going forward would (1) retain its current statutory authority to regulate the practice of podiatry and the podiatric medical profession in the State of Texas and (2) be

directed by an additional Management Action, or by change in statute if necessary, to outsource certain administrative tasks and responsibilities to another existing professional licensing agency with a compatible mission as may be necessary to achieve the improved administrative efficiencies and economies of scale. We firmly believe this model of peer regulation and licensing is necessary to maintain safe guards on patient safety and public health.

Thank you for your consideration. Please call if you have questions or require additional information at this time.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "G. Liu", written in a cursive style.

George T. Liu, DPM, FACFAS  
President  
Texas Podiatric Medical Association