

By Representative Dawson-White

1                                   A bill to be entitled  
2           An act relating to the regulation of orthotists  
3           and prosthetists; providing definitions;  
4           creating the Board of Orthotists and  
5           Prosthetists; establishing membership  
6           requirements; providing for the adoption of  
7           rules; providing licensure requirements;  
8           providing for fees; providing for licensure  
9           without examination; providing for license  
10          renewal; providing for temporary licenses;  
11          prohibiting certain acts and providing  
12          penalties; providing exemptions from licensure;  
13          prohibiting the use of certain titles by  
14          unlicensed persons; providing an effective  
15          date.

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17 Be It Enacted by the Legislature of the State of Florida:

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19           Section 1. Definitions.--As used in this act, the  
20 term:

21           (1) "Agency" means the Agency for Health Care  
22 Administration.

23           (2) "Board" means the Board of Orthotists and  
24 Prosthetists.

25           (3) "Department" means the Department of Health.

26           (4) "Fitter" means a person licensed to fit, by  
27 prescription, prefabricated cervical orthoses not requiring  
28 modification; prefabricated spinal orthoses, except for those  
29 used in the treatment of scoliosis, body jackets for the  
30 treatment of spinal injury or disease, and "halo" devices;  
31 prefabricated orthoses of the upper and lower extremities;

1 pressure gradient hose; trusses; mastectomy products; and  
2 custom-molded shoes.

3 (5) "Fitter assistant" means a person licensed to fit  
4 prefabricated soft cervical orthoses; prefabricated soft  
5 abdominal supports; pressure gradient hose; trusses; soft  
6 prefabricated orthosis for the upper and lower extremities;  
7 and mastectomy products.

8 (6) "Orthosis" means a device used to provide support,  
9 correction, or alleviation of neuromuscular or musculoskeletal  
10 dysfunction, disease, injury, or deformity, but does not  
11 include the following assistive technology devices: upper  
12 extremity adaptive equipment used to facilitate the activities  
13 of daily living, including specialized utensils, combs, and  
14 brushes; finger splints; wheelchair seating and equipment that  
15 is an integral part of the wheelchair and not worked by the  
16 patient; elastic abdominal supports that do not have metal or  
17 plastic reinforcing stays; premade arch supports and other  
18 over-the-counter adaptive devices for the foot; durable  
19 medical equipment such as canes, crutches, or walkers; dental  
20 appliances; or devices implanted into the body by a physician.

21 (7) "Orthotics" means the practice of evaluating,  
22 treating, formulating, measuring, designing, fabricating,  
23 assembling, fitting, adjusting, or servicing, as well as  
24 providing the initial training necessary to accomplish the  
25 fitting of an orthosis.

26 (8) "Orthotic assistant" means a person licensed to  
27 assist in the practice of orthotics under the direct  
28 supervision of an orthotist. An orthotic assistant may not  
29 evaluate patients or formulate treatment regimes.

30 (9) "Orthotist" means a person licensed to evaluate  
31 patients, formulate treatment regimes, and design, fabricate,

1 fit, and service orthoses that use static or dynamic forces to  
2 support or correct disabilities caused by  
3 neuro-musculoskeletal diseases, injuries, or deformities.

4 (10) "Podiatrist" means a person licensed to treat,  
5 by prescription, maladies of the foot, including custom-made  
6 arch supports; shoe modifications, not including the  
7 attachment of orthoses to shoes or prosthetic inserts; and  
8 custom-made shoes.

9 (11) "Prosthesis" means a medical device that is used  
10 to replace a missing appendage or other external body part,  
11 including an artificial limb, hand, foot, or breast. It does  
12 not include surgically implanted devices or artificial eyes,  
13 dental appliances, ostomy products, cosmetic devices such as  
14 eyelashes or wigs, or other devices that do not have a  
15 significant impact on the musculoskeletal functions of the  
16 body.

17 (12) "Prosthetic assistant" means a person licensed to  
18 assist in the practice of prosthetics under the direct  
19 supervision of a prosthetist. A prosthetic assistant may not  
20 evaluate patients or formulate treatment regimes.

21 (13) "Prosthetics" means the practice of evaluating,  
22 treating, formulating, measuring, designing, fabricating,  
23 assembling, fitting, adjusting, or servicing, as well as  
24 providing the initial training necessary to accomplish the  
25 fitting of a prosthesis.

26 (14) "Prosthetist" means a person licensed to evaluate  
27 patients, formulate treatment regimes, and design, fabricate,  
28 fit, and service prostheses to replace external body parts  
29 that are missing due to amputation or congenital deformities  
30 or absences.

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1           (15) "Prosthetist-Orthotist" means a person licensed  
2 to practice as a prosthetist and as an orthotist.

3           (16) "Qualified experience" means working under the  
4 direct supervision of an orthotist or prosthetist certified by  
5 the American Board for Certification in Orthotics and  
6 Prosthetics or licensed by the state.

7           Section 2. Board of Orthotists and Prosthetists;  
8 appointment, membership, terms, headquarters.--

9           (1) The Board of Orthotists and Prosthetists is  
10 created within the Department of Health and shall consist of  
11 seven members appointed by the Governor and confirmed by the  
12 Senate.

13           (2) The members of the board must be residents of this  
14 state. Two members must be practicing prosthetists possessing  
15 a Bachelors of Science in Prosthetics and Orthotics, two  
16 members must be practicing orthotists possessing a Bachelors  
17 of Science in Prosthetics and Orthotics, two members must be  
18 prosthetic or orthotic users not deriving economic benefit  
19 from the fitting or dispensing of orthotic or prosthetic  
20 devices, and one member must be a layperson who has never been  
21 an orthotist or prosthetist or a member of a closely related  
22 profession.

23           (3) Members of the board shall be appointed for terms  
24 of 4 years each and shall serve until their successors are  
25 appointed. Two of the original board members shall serve terms  
26 of 4 years each, two shall serve terms of 3 years each, two  
27 shall serve terms of 2 years each, and one shall serve a term  
28 of 1 year, as designated by the Governor. Members may be  
29 reappointed for additional terms.

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1       (4) The provisions of chapter 455, Florida Statutes,  
2 relating to activities of regulatory boards apply to the  
3 board.

4       (5) The board shall maintain its official headquarters  
5 in Tallahassee.

6       Section 3. Authority to adopt rules.--The board shall  
7 adopt rules to administer this act, including rules relating  
8 to standards of practice for orthotists and prosthetists.

9       Section 4. Licensure requirements.--

10       (1) The board shall issue a license to practice  
11 orthotics or prosthetics to qualified applicants. Licensure  
12 shall be granted independently in orthotics or prosthetics,  
13 but a person may be licensed in both disciplines.

14       (2) An applicant for licensure must apply to the  
15 department on a form prescribed by it in order to take the  
16 appropriate licensure examination, including a practical  
17 examination demonstrating clinical patient management, when  
18 appropriate, and written exams, one of which demonstrates  
19 orthotic or prosthetic problem-solving skills. The board may  
20 accept the examination results of a national orthotic or  
21 prosthetic standards organization in lieu of administering the  
22 state examination. The department shall examine each applicant  
23 whom the board certifies:

24       (a) Has completed the application form and paid an  
25 application fee, not to exceed \$500, and an examination fee,  
26 not to exceed \$500;

27       (b) Is of good moral character;

28       (c) Is 18 years of age or older;

29       (d) Has completed the appropriate educational  
30 preparation including practical training requirements; and

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1       (e) Has successfully completed an appropriate clinical  
2 internship in the professional area for which the license is  
3 sought.

4       (3) In addition to the requirements in subsection (2),  
5 to be licensed as:

6       (a) An orthotist, the applicant must have:

7       1. A Bachelor of Science degree in Orthotics and  
8 Prosthetics from a regionally accredited college or  
9 university, or a bachelor's degree with an orthotic  
10 certificate from a program recognized by the National  
11 Commission on Orthotic and Prosthetic Education, or its  
12 equivalent, as determined by the board; and

13       2. An appropriate internship of 1 year of qualified  
14 experience, or a residency program recognized by the National  
15 Commission on Orthotic and Prosthetic Education, or its  
16 equivalent.

17       (b) An orthotic assistant, the applicant must have:

18       1. An associate degree in a related field from a  
19 regionally accredited community college, as determined by the  
20 board; and

21       2. An appropriate internship of 3 years of qualified  
22 experience. However, 2 years of the internship may be waived  
23 if the applicant holds an orthotic assistant certificate from  
24 a program recognized by the National Commission on Orthotic  
25 and Prosthetic Education or its equivalent, as determined by  
26 the board.

27       (c) A prosthetist, the applicant must have:

28       1. A Bachelor of Science degree in Orthotics and  
29 Prosthetics from a regionally accredited college or  
30 university, or a bachelor's degree with a certificate in  
31 prosthetics from a program recognized by the National

1 Commission on Orthotic and Prosthetic Education, or its  
2 equivalent; and  
3 2. An internship of 1 year qualified experience or a  
4 residency program recognized by the National Commission on  
5 Orthotic and Prosthetic Education.  
6 (d) A prosthetic assistant, the applicant must have:  
7 1. An associate degree in a related field, as  
8 determined by the board, from a regionally accredited  
9 community college; and  
10 2. An internship of 3 years qualified experience.  
11 However, 2 years of the experience may be waived if the  
12 applicant has a prosthetic assistant certificate from a  
13 program recognized by the National Commission on Orthotic and  
14 Prosthetic Education.  
15 (e) A fitter, the applicant must have:  
16 1. A high school diploma or its equivalent;  
17 2. A minimum of 40 hours training in orthotics as  
18 approved by the board; and  
19 3. Two years of experience in orthotics, as approved  
20 by the board.  
21 (f) A fitter assistant, the applicant must have:  
22 1. A high school diploma or its equivalent; and  
23 2. A minimum of 40 hours training in orthotics  
24 education, as approved by the board.  
25 (g) A pedorthotist, the applicant must have:  
26 1. A high school diploma or its equivalent; and  
27 2. A minimum of 10 hours of training as approved by  
28 the board.  
29 Section 5. Licensure without examination.--A person  
30 who has practiced orthotics or prosthetics full-time  
31 continuously since July 1, 1992, in an established prosthetic

1 or orthotic facility, who, before January 1, 1998, applies for  
2 a license to practice orthotics or prosthetics and who meets  
3 the requirements for the appropriate license, shall be  
4 licensed without taking an examination, upon receipt of the  
5 licensing fee and after the board has completed an  
6 investigation into the applicant's work history. The board  
7 shall complete its investigation within 6 months after receipt  
8 of the application.

9 Section 6. Biennial renewal of license.--

10 (1) The department shall renew a license upon receipt  
11 of the renewal application fee, not to exceed \$500, as set by  
12 the board.

13 (2) The board shall adopt rules establishing a  
14 procedure for the biennial license renewal.

15 (3) The board may by rule prescribe continuing  
16 education requirements and approve course criteria, not to  
17 exceed 30 hours biennially, as a condition for license  
18 renewal. The board shall establish a procedure for approving  
19 continuing education courses and may set a fee for continuing  
20 education course approval.

21 Section 7. Temporary license.--The board may adopt  
22 rules governing the issuance of temporary licenses.

23 (1) The board may issue a temporary license to:

24 (a) An applicant for licensure who has recently moved  
25 to this state and has applied for a license, if the applicant  
26 is licensed in the state of his former residence, and that  
27 state has comparable standards to this state.

28 (b) An applicant who presents proof that he was  
29 actively engaged in the full-time practice of orthotics or  
30 prosthetics in this state for 5 years between July 1, 1992,  
31 and July 1, 1997.



1           (2) A temporary license shall be issued for a limited  
2 period of time, not to exceed 1 year, and is renewable for up  
3 to 1 additional year for a licensee who is certified by the  
4 American Board of Certification of Orthotics and Prosthetics.

5           Section 8. Support personnel.--A person must be  
6 licensed to practice orthotics or prosthetics in this state.  
7 However, a licensed orthotist or prosthetist may delegate  
8 duties to nonlicensed supportive personnel if those duties are  
9 performed under the direct supervision of a licensed orthotist  
10 or prosthetist. In such instances the supervising licensee is  
11 responsible for all acts performed by such persons.

12           Section 9. Prohibitions; penalties.--

13           (1) A person may not:

14           (a) Make a false or fraudulent statement in any  
15 application, affidavit, or statement presented to the board or  
16 in any proceeding before the board.

17           (b) Practice orthotics or prosthetics without a  
18 license.

19           (2) A person who violates this section is guilty of a  
20 misdemeanor of the second degree, punishable as provided in  
21 section 775.082 or section 775.083, Florida Statutes.

22           Section 10. Disciplinary proceedings.--

23           (1) The following acts are grounds for disciplinary  
24 action against a licensee and the issuance of cease and desist  
25 orders or other related action by the department, pursuant to  
26 section 455.227, Florida Statutes, against any person who  
27 engages in or aids in a violation.

28           (a) Attempting to procure a license by fraudulent  
29 misrepresentation.

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1           (b) Having a license to practice orthotics or  
2 prosthetics revoked, suspended, or otherwise acted against,  
3 including the denial of licensure in another jurisdiction.

4           (c) Being convicted or found guilty of or pleading  
5 nolo contendere to, regardless of adjudication, in any  
6 jurisdiction, a crime that directly relates to the practice of  
7 orthotics or prosthetics, including violations of federal laws  
8 or regulations regarding prosthetics or orthotics.

9           (d) Filing a report or record that the licensee knows  
10 is false, intentionally or negligently failing to file a  
11 report or record required by state or federal law, willfully  
12 impeding or obstructing such filing, or inducing another  
13 person to impede or obstruct such filing. Such reports or  
14 records include only reports or records that are signed in a  
15 person's capacity as a licensee under this act.

16           (e) Advertising goods or services in a fraudulent,  
17 false, deceptive, or misleading manner.

18           (f) Violation of this act or chapter 455, Florida  
19 Statutes, or any rules adopted thereunder.

20           (g) Violation of an order of the board, agency, or  
21 department previously entered in a disciplinary hearing or  
22 failure to comply with a subpoena issued by the board, agency,  
23 or department.

24           (h) Practicing with a revoked, suspended, or inactive  
25 license.

26           (i) Gross or repeated malpractice or the failure to  
27 deliver orthotic or prosthetic services with that level of  
28 care and skill which is recognized by a reasonably prudent  
29 licensed practitioner with similar professional training as  
30 being acceptable under similar conditions and circumstances.

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1           (2) The board may enter an order imposing one or more  
2 of the penalties in section 455.227(2), Florida Statutes,  
3 against any person who violates subsection (1).

4           Section 11. Exemptions from licensure.--This act does  
5 not apply to:

6           (1) A person who is licensed to practice medicine or  
7 podiatry in this state;

8           (2) A person performing services for the Federal  
9 Government, if the person provides orthotic or prosthetic care  
10 solely under the direction or control of the organization by  
11 which that person is employed;

12           (3) A person fulfilling the supervised residency or  
13 internship experience requirements of this act; or

14           (4) A student, fellow, or trainee in orthotics or  
15 prosthetics pursuing a course of study at a regionally  
16 accredited college or university or working in a recognized  
17 training center or research facility, if the activities and  
18 services are part of a course of study under a supervisor  
19 licensed under this act.

20           Section 12. Use of titles.--

21           (1) A person must be licensed under this act to  
22 represent himself as a licensed orthotist or prosthetist or  
23 use in connection with his name the words "orthotist,"  
24 "prosthetist," "fitter," or other abbreviations, titles, or  
25 insignia indicating that he is an orthotist, prosthetist, or  
26 fitter.

27           (2) This act does not prohibit a person licensed in  
28 this state under another law from engaging in the scope of  
29 practice for which he is licensed.

30           Section 13. This act shall take effect July 1, 1997.

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SENATE SUMMARY

Establishes regulatory provisions for orthotists and  
prosthetists. Creates the Board of Orthotists and  
Prosthetists in the Department of Health and provides  
membership requirements and powers and duties of the  
board. Provides licensure requirements for orthotists,  
prosthetists and related professions. Sets fees and  
provides for examinations, fees, temporary licenses,  
licensure without examination, and license renewal.  
Prohibits certain acts and provides penalties for  
violations. Provides exemptions from licensure and  
prohibits the use of certain titles by unlicensed  
persons. (See bill for details.)