

STORAGE NAME: h0337a.hcl

DATE: January 20, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
HEALTH CARE LICENSING & REGULATION
ANALYSIS**

BILL #: HB 337

RELATING TO: Orthotics, Prosthetics, and Pedorthics

SPONSOR(S): Representative Eggelletion

TIED BILL(S): None.

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) HEALTH CARE LICENSING & REGULATION YEAS 3 NAYS 9
 - (2) GOVERNMENTAL RULES & REGULATION
 - (3) HEALTH & HUMAN SERVICES APPROPRIATIONS
 - (4)
 - (5)
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I. SUMMARY:

HB 337 revises the grandfathering requirements for licensure as an orthotist, prosthetist, or pedorthist by allowing experience to substitute for the required examination. If they meet the practice requirements, they would be exempt from both the education and examination requirements of the law.

The bill extends the date for applying for licensure through the grandfather provision. Additionally, the bill clarifies the 90-day period for approval or denial of a license. It deletes a provision enacted in 1999, to allow certain individuals to become licensed if they met part of the national certification requirements at the time of application.

Prior to 1997, the practices of prosthetics, orthotics and pedorthics were not regulated in Florida. Chapter 97-284, Laws of Florida, provided for the creation of a practice act for the regulation of these professions. Under current law, an exemption from the Bachelor of Science requirement and examination is provided for those who had practiced **orthotics** (5 years) or **prosthetics** (5 years) in this state for the required period of time since July 1, 1990, and applied for licensure prior to March 1, 1998. However, only if the applicant has passed a national examination, is he exempt from taking the state examination. The educational requirements for a **pedorthist** are a high school diploma or its equivalent and practice for 2 years prior to March 1, 1998.

To take advantage of this revised "grandfather clause," eligible individuals must file an application before October 1, 2000, and document that they have practiced in this state for the required period between July 1, 1990, and March 1, 1998.

The bill takes effect upon becoming a law.

According to the Department of Health, there is no fiscal impact on the State, local government, or the private sector.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

B. PRESENT SITUATION:

Prior to 1997, the practices of prosthetics, orthotics and pedorthics were not regulated in Florida. Chapter 97-284, Laws of Florida, provided for the creation of a practice act for the regulation of these professions. The Board of Orthotists and Prosthetists was created within the Department of Health, consisting of seven members appointed by the Governor and confirmed by the Senate for four-year staggered terms. The board is responsible for adopting rules relating to administration of this act and standards of practice for orthotists, prosthetists, and pedorthists, and for issuing biennial licenses to practice orthotics and prosthetics.

Two members of the Board of Orthotists and Prosthetists must be prosthetists; one prosthetist member must hold a Bachelor of Science in Prosthetics and Orthotics, and one prosthetist must be a practicing prosthetist with at least six years of experience after receiving certification from a national certifying body. Two members must be practicing orthotists; one with three years' experience after receiving a Bachelor of Science degree in Orthotics and Prosthetics, and the other must have at least six years' experience after certification by a national certifying body. Two members must be prosthetic or orthotic users who have never been an orthotist or prosthetist or a practitioner in any closely related profession. One member of the board must be a physician licensed to practice medicine, osteopathic medicine, chiropractic medicine, or podiatry in Florida.

For each licensure category, applicants must pay an application fee no greater than \$500 and an examination fee no greater than \$500 and take the appropriate licensure examination, including a practical examination demonstrating clinical patient management, and written examinations, to demonstrate orthotic or prosthetic problem-solving skills, and meet certain educational requirements. For example, an orthotist and a prosthetist are required to have a Bachelor of Science degree.

An exemption from the Bachelor of Science requirement and examination is provided for those who had practiced orthotics (5 years) or prosthetics (5 years) in this state for the required period of time since July 1, 1990, and applied for licensure prior to March 1, 1998. Only if the applicant has passed a national examination, is he exempt from taking the state examination. The educational requirements for a pedorthist are a high school diploma or its equivalent and practice for 2 years prior to March 1, 1998.

Prosthetists write specifications for, make, fit, and repair braces, artificial limbs, and prosthetic devices (protheses) following a prescription by a physician for patients with a total or partial absence of a limb. Orthotists provide care to patients with disabling conditions of the limbs and spine by fitting and preparing supportive devices (orthoses) under the direction of a physician. Pedorthists deal with therapeutic shoes, shoe modifications made for therapeutic purposes, prosthetic fillers of the forefoot, and foot orthoses for use from the ankle and below under the direction of a physician.

In 1999, SB 248 (chapter 99-158, Laws of Florida) provided an exception for applicants that did not meet the grandfather date of March 1, 1998. It allowed qualifying applications to be filed up to July 1, 1999. This allowed a period of approximately 50 days for anyone who failed to apply by March 1, 1998, to apply for licensure without meeting the educational and state examination requirements.

In addition, HB 2125 (ch. 99-397, Laws of Florida) provided a "grandfather" provision for certain other professionals. Applicants who successfully completed, prior to March 1, 1998, at least half of the examination requirements for national certification, and completed the remaining portion prior to July 1, 1998, were "grandfathered" in and considered as nationally certified by March 1, 1998.

C. EFFECT OF PROPOSED CHANGES:

The bill revises the grandfathering requirements for licensure as an orthotist, prosthetist, or pedorthist by allowing experience to substitute for the required examination. It removes the requirement that such applicants must take a board authorized examination or meet the educational requirements.

To take advantage of this "grandfather clause," an eligible individual must file an application before October 1, 2000, and document that they have practiced in this state for the required period between July 1, 1990, and March 1, 1998.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends s. 468.805, Florida Statutes, to extend the period for applying for application under the revised "grandfather clause" from March 1, 1998, until October 1, 2000. It deletes the requirement that individuals who met the experience requirements must take a state examination if they have not passed a national certification examination.

It deletes the provisions contained in HB 2125 (ch. 99-397, Laws of Florida), which provided a "grandfather" provision for certain other professionals. It provided for applicants who successfully completed, prior to March 1, 1998, at least half of the examination requirements for national certification, and completed the remaining portion prior to July 1, 1998, were "grandfathered" in and considered as nationally certified by March 1, 1998. This provision is obsolete.

Section 2. Repeals s. 1 of ch. 99-158, Laws of Florida, which amended s. 468.805, Florida Statutes, to provide an exception for applicants that did not meet the grandfather date of March 1, 1998. It allowed qualifying applications to be filed up to July 1, 1999. This section is obsolete.

Section 3. Provides an effective date of upon becoming law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

According to the Department of Health, there is no fiscal impact to the Department of Health. However, they state that there would be a minimal increase in revenues based on the estimated number of applicants that would be eligible to re-apply under the provisions of this bill. The department was unable to provide an estimate of the number of practitioners that would be eligible to take advantage of the proposed change.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill allows additional practitioners who are working in this field to qualify for licensure by extending the "grandfather clause" until October 1, 2000. The Department of Health was unable to provide an estimate of the number of practitioners that would be eligible to take advantage of this change in the law.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to expend funds or take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

This legislation does not provide specific rulemaking authority; however, s. 468.802, F.S., provides the Board of Orthotists and Prosthetists authority to adopt rules pursuant to ss. 120.536(1) and 120.54, F.S., to implement the provisions of the act, including rules relating to the standards of practice.

C. OTHER COMMENTS:

When the original legislation establishing regulation of orthotists and prosthetists passed the House of Representatives in 1997, it contained a "grandfather clause" similar to the provisions in this bill and was supported by the Florida Association of Orthotists and Prosthetists. It exempted those individuals who met the experience requirements from both the education and examination requirements of the law. However, in the Senate, this provision was amended to include the requirement for an examination. When the bill was returned to the House in the closing days of the Session, the bill passed with minimal discussion of this change.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON HEALTH CARE LICENSING & REGULATION:

Prepared by:

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