

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 962

SPONSOR: Health, Aging and Long-Term Care Committee and Senator Diaz de la Portilla

SUBJECT: Orthotics, Prosthetics and Pedorthics

DATE: March 22, 2001 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Munroe	Wilson	HC	Favorable/CS
2.	_____	_____	GO	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill revises grandfathering provisions in s. 468.805(3), F.S., to extend the deadline from July 1, 2002, to July 1, 2003, to allow certain applicants for licensure as an orthotist, a prosthetist, a prosthetist-orthotist, or a pedorthist who have not received certification from a certifying body which requires successful completion of an examination before March 1, 1998, to waive the education requirements for licensure and to sit for the state licensure examination until July 1, 2003. The bill provides the Board of Orthotists and Prosthetists may not limit the number of times that an applicant may sit for the examination. An applicant has until July 1, 2003, to complete the examination process. To conform, the repeal date of section 468.805, F.S., is extended from July 1, 2002, to July 1, 2003.

This bill amends section 468.805, Florida Statutes.

II. Present Situation:

Part XIV of chapter 468, F.S., provides for the regulation of the practice of orthotics, prosthetics, and pedorthics. The part specifies definitions of practice and creates the Board of Orthotists and Prosthetists. The part establishes education and experience requirements for the following licensing categories: orthotist, prosthetist, prosthetic assistant, orthotic assistant, fitter, fitter assistant, and pedorthist.

Section 468.803, F.S., requires each applicant to take the appropriate licensure examination, including a practical examination and when appropriate, a written examination that demonstrates orthotic, prosthetic, or pedorthic problem-solving skills. The board may accept the examination results of a national orthotic, prosthetic, or pedorthic standards organization instead of administering the state examination. To become a licensed orthotist, an applicant must have a

Bachelor of Science degree in Orthotics and Prosthetics from an accredited college, or a bachelor's degree with an orthotic certificate from a program recognized by the Commission on Accreditation of Allied Health Education Programs (CAAHEP), or its equivalent, as determined by the newly-created Board of Orthotists and Prosthetists, and complete a 1-year internship or residency program recognized by the board. To become a licensed prosthetist, an applicant must have a Bachelor of Science degree in Orthotics and Prosthetics from an accredited college, or a bachelor's degree with a prosthetic certificate from a program recognized by CAAHEP, or its equivalent, as determined by the board, and complete a 1-year internship or residency program recognized by the board. An orthotic fitter must have a high school diploma or its equivalent, complete a minimum of 40 hours of training in orthotics and 2 years of experience in orthotics, as approved by the board. An orthotic fitter assistant must have a high school diploma or its equivalent, and complete a minimum of 40 hours of training in orthotics, as approved by the board. To become a pedorthist, an applicant must have a high school diploma or its equivalent and complete a minimum of 120 hours of training and an internship of 80 hours of experience, as approved by the board. Alternative licensure requirements for orthotists and prosthetists may be satisfied by persons with an associate degree, including courses in the anatomical, biological or physical sciences and a minimum of 3 years' clinical experience under a licensed professional. This alternative is available only until July 1, 2002.

Subsection (1) of section 468.805, F.S., allows a person to become licensed without meeting the educational requirements for the appropriate licensing category: orthotist, prosthetist, prosthetic assistant, orthotic assistant, fitter, fitter assistant, or pedorthist if the person has practiced orthotics, prosthetics, or pedorthics for the required period since July 1, 1990, and applies to the department before March 1, 1998, pays the application fee no greater than \$500, and satisfies an investigation by the Board of Orthotists and Prosthetists into the applicant's background and experience. The board must complete its investigation of the applicant's work history within 6 months after receipt of the application for the person wishing to be licensed without meeting the statutory education requirements. The subsection specifies the period of experience required for any person to obtain licensure to practice orthotics, prosthetics, or pedorthics without meeting the statutory educational requirements: 5 years for either a prosthetist or an orthotist whose scope of practice includes all activities under the practice definition for prosthetics or the practice definition for orthotics, as appropriate; and 2 years for an orthotic fitter, orthotic fitter assistant, or pedorthist.

Subsection (2) of section 468.805, F.S., authorizes the Board of Orthotists and Prosthetists to issue a provisional license to a person who has received certification as an orthotist, a prosthetist, or a prosthetist-orthotist from a national certifying body and who has practiced orthotics or prosthetics in Florida for at least 2 years but less than 5 years. The applicant must submit proof that he or she has been actively practicing as a nationally certified orthotist, prosthetist, or prosthetist-orthotist, an application fee, and a provisional license fee. The provisional licensee may practice under the supervision of a fully licensed orthotist, prosthetist, or prosthetist-orthotist for up to 3 years in order to meet the 5-year experience required for full licensure. A provisional licensee who has completed the experience and otherwise met requirements for licensure may obtain a full license to practice.

Subsection (3) of section 468.805, F.S., allows an applicant who has received certification as an orthotist, a prosthetist, a prosthetist-orthotist, or a pedorthist from a national certifying body that

requires an examination to become licensed without taking an additional examination. An applicant who has certification from a national certifying body that does not require an examination may be licensed after taking an examination. In addition, in 1999, s. 468.805, F.S., was amended to allow an applicant who before March 1, 1998, successfully completed at least one-half of the required national certification examination and successfully completed the remaining portion of the examination and became certified before July 1, 1998, to be considered as nationally certified by March 1, 1998, for purposes of the grandfathering provisions under s. 468.805, F.S.

The Legislature enacted chapter 99-158, Laws of Florida, to extend the licensure application deadline established in s. 468.805(1), F.S., from March 1, 1998, to July 1, 1999, to allow a person who has met the experience requirements to practice orthotics, prosthetics, and pedorthics before March 1, 1998, to apply for licensure, based on the person's experience and educational preparation, without meeting the statutory educational requirements for licensure.

III. Effect of Proposed Changes:

This bill revises grandfathering provisions in s. 468.805(3), F.S., to extend the deadline from July 1, 2002, to July 1, 2003, to allow certain applicants for licensure as an orthotist, a prosthetist, a prosthetist-orthotist, or a pedorthist who have not received certification from a certifying body which requires successful completion of an examination before March 1, 1998, to waive the education requirements for licensure and to sit for the state licensure examination. The bill provides the Board of Orthotists and Prosthetists may not limit the number of times that an applicant may sit for the examination. An applicant has until July 1, 2003, to complete the examination process. To conform, the repeal date of section 468.805, F.S., is extended from July 1, 2002, to July 1, 2003.

The effective date of the bill is upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Art. VII, s. 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Art. I, s. 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Art. III, s. 19(f) of the Florida Constitution.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Under the bill, those persons who have met the appropriate certification requirements after March 1, 1998, to become licensed to practice orthotics, prosthetics, or pedorthics after successful passage of the state licensure examination will benefit.

C. Government Sector Impact:

The Department of Health has indicated that this bill will have no fiscal impact.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
