

By Senator Diaz de la Portilla

34-737-01

See HB 87

1                                   A bill to be entitled  
 2           An act relating to orthotics, prosthetics, and  
 3           pedorthics; amending s. 468.805, F.S.; revising  
 4           grandfathering requirements for licensure to  
 5           practice orthotics, prosthetics, or pedorthics  
 6           without meeting statutory educational  
 7           requirements; repealing s. 1, ch. 99-158, Laws  
 8           of Florida, relating to a deadline to apply for  
 9           licensure to practice orthotics, prosthetics,  
 10          or pedorthics without meeting statutory  
 11          educational requirements; providing an  
 12          effective date.

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

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 16           Section 1. Section 468.805, Florida Statutes, is  
 17 amended to read:

18           468.805 Grandfathering.--

19           (1)(a) A person who has practiced orthotics,  
 20 prosthetics, or pedorthics in this state for the required  
 21 period between ~~since~~ July 1, 1990, and March 1, 1998, who,  
 22 before March 1, 1998, applied ~~applies~~ to the department for a  
 23 license to practice orthotics, prosthetics, or pedorthics, and  
 24 who received certification in orthotics, prosthetics, or  
 25 pedorthics from a national certifying body and had his or her  
 26 application fully approved by the board before October 1,  
 27 2000, may be licensed as a prosthetist, an orthotist, a  
 28 prosthetist-orthotist, an orthotic fitter, an orthotic fitter  
 29 assistant, or a pedorthist, as applicable ~~determined from the~~  
 30 ~~person's experience, certification, and educational~~  
 31 ~~preparation~~, without meeting the educational requirements set

1 | ~~forth in s. 468.803, upon receipt of the application fee and~~  
2 | ~~licensing fee and after the board has completed an~~  
3 | ~~investigation into the applicant's background and experience.~~  
4 | ~~The board shall require an application fee not to exceed \$500,~~  
5 | ~~which shall be nonrefundable. The board shall complete its~~  
6 | ~~investigation within 6 months after receipt of the completed~~  
7 | ~~application.~~

8 |       **(b)** ~~The period of experience required for licensure~~  
9 | ~~under this subsection~~ **section** ~~is 5 years for a prosthetist or~~  
10 | ~~an orthotist and~~ **2 years** ~~for an orthotic fitter, an orthotic~~  
11 | ~~fitter assistant, or a pedorthist. Each applicant shall~~  
12 | ~~document experience in the~~ **and 5 years for an orthotist whose**  
13 | ~~scope of practice for the profession applied for as is defined~~  
14 | ~~under s. 468.80(7).~~

15 |       **(2)(a)** ~~An applicant for licensure as an orthotist, a~~  
16 | ~~prosthetist, or a prosthetist-orthotist who cannot demonstrate~~  
17 | ~~5 years of experience as required by subsection (1), but who~~  
18 | ~~has practiced as an orthotist, a prosthetist, or a~~  
19 | ~~prosthetist-orthotist in this state for at least 2 years~~  
20 | ~~between July 1, 1990, and March 1, 1998, and~~ **A person** ~~who has~~  
21 | ~~received certification as an orthotist, a prosthetist, or a~~  
22 | ~~prosthetist-orthotist from a national certifying body before~~  
23 | ~~July 1, 1998, and who has practiced orthotics or prosthetics~~  
24 | ~~in this state for at least 2 years but less than 5 years is~~  
25 | ~~eligible for a provisional license.~~

26 |       **(b)** ~~An applicant for provisional licensure shall~~  
27 | ~~submit proof that he or she has been actively practicing as a~~  
28 | ~~nationally certified orthotist, prosthetist, or~~  
29 | ~~prosthetist-orthotist, an application fee, and a provisional~~  
30 | ~~license fee.~~

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1           ~~(b)(c)~~ A provisional licensee is required to practice  
2 under supervision of a fully licensed orthotist, prosthetist,  
3 or prosthetist-orthotist for up to 3 years in order to meet  
4 the 5-year experience requirement of subsection (1) to be  
5 licensed as an orthotist, a prosthetist, or a  
6 prosthetist-orthotist. The provisional licensee must  
7 demonstrate that the supervised practice includes experience  
8 in the scope of practice of the profession as defined under s.  
9 468.80.

10           ~~(d) After appropriate investigation, the board shall~~  
11 ~~license as an orthotist, prosthetist, or prosthetist-orthotist~~  
12 ~~the provisional licensee who has successfully completed the~~  
13 ~~period of experience required and otherwise meets the~~  
14 ~~requirements of subsection (1).~~

15           ~~(e) The board shall require an application fee, not to~~  
16 ~~exceed \$500, which is nonrefundable, and a provisional~~  
17 ~~licensure fee, not to exceed \$500.~~

18           (3) Upon receipt of the nonrefundable application fee  
19 and the appropriate licensing fee, the board shall complete an  
20 investigation into the applicant's background and experience.  
21 The board shall complete its investigation within 6 months  
22 after receipt of the completed application. The 90-day period  
23 for approval or denial of a license required under s. 120.60  
24 does not apply to applications for licensure or provisional  
25 licensure under this section.

26           (4) The board by rule shall establish the following  
27 fees not to exceed \$500 each:

28           (a) Application fee for licensure under subsection  
29 (1).

30           (b) Application fee for provisional licensure under  
31 subsection (2).

1           (c) Application fee for licensure following  
2 provisional licensure under subsection (2).

3           (d) Initial licensure fee.

4           (e) Provisional licensure fee.

5           ~~(5)(3)~~ An applicant who has received certification as  
6 an orthotist, a prosthetist, a prosthetist-orthotist, or a  
7 pedorthist from a national certifying body which requires the  
8 successful completion of an examination, may be licensed under  
9 this section without taking an additional examination. An  
10 applicant who has not received certification from a national  
11 certifying body which requires the successful completion of an  
12 examination shall be required to take an examination as  
13 determined by the board. This examination shall be designed to  
14 determine if the applicant has the minimum qualifications  
15 needed to be licensed under this section. The board may charge  
16 an examination fee and the actual per applicant cost to the  
17 department for purchase or development of the examination.

18           ~~(6)(4)~~ An applicant who successfully completed prior  
19 to March 1, 1998, at least one-half of the examination  
20 required for national certification and successfully completed  
21 the remaining portion of the examination and became certified  
22 prior to October 1, 2000 ~~July 1, 1998~~, shall be considered as  
23 nationally certified by March 1, 1998, for purposes of this  
24 section.

25           ~~(7)(5)~~ This section is repealed July 1, 2002.

26           Section 2. Section 1 of chapter 99-158, Laws of  
27 Florida, is repealed.

28           Section 3. This act shall take effect upon becoming a  
29 law.

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HOUSE SUMMARY

Revises grandfathering requirements for licensure to practice orthotics, prosthetics, or pedorthics without meeting statutory educational requirements, to extend the period within which original applicants had to complete their certification requirements to qualify for such licensure. See bill for details.