



770414

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
3/19/2008	.	
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1 The Committee on Health Regulation (Alexander) recommended the  
 2 following **amendment**:

**Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause  
6 and insert:

8 Section 1. Section 468.80, Florida Statutes, is amended to  
9 read:

10 468.80 Definitions.--As used in this part act, the term:

11 (1) "Agency" means the Agency for Health Care  
12 Administration.

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

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

15 (4) "Internship" means a program in which a person receives  
16 clinical experience under the supervision of a licensed orthotist  
17 or prosthetist as defined by the board by rule.



770414

18       (5) "Mandatory courses" means continuing education courses  
19 that the board has defined by rule and required for license  
20 issuance or renewal.

21       (6) ~~(4)~~ "Orthosis" means any a medical device used to  
22 provide support, correction, or alleviation of neuromuscular or  
23 musculoskeletal dysfunction, disease, injury, or deformity, but  
24 does not include the following assistive technology devices:  
25 upper extremity adaptive equipment used to facilitate the  
26 activities of daily living, including specialized utensils,  
27 combs, and brushes; finger splints; wheelchair seating and  
28 equipment that is an integral part of the wheelchair and not worn  
29 by the patient; elastic abdominal supports that do not have metal  
30 or plastic reinforcing stays; nontherapeutic arch supports;  
31 nontherapeutic accommodative inlays and nontherapeutic  
32 accommodative footwear, regardless of method of manufacture;  
33 unmodified, over-the-counter nontherapeutic shoes; prefabricated  
34 nontherapeutic foot care products; durable medical equipment such  
35 as canes, crutches, or walkers; dental appliances; or devices  
36 implanted into the body by a physician. For purposes of this  
37 subsection, "accommodative" means designed with the primary goal  
38 of conforming to the individual's anatomy, ~~and~~ "inlay" means any  
39 removable material upon which the foot directly rests inside the  
40 shoe and which may be an integral design component of the shoe,  
41 and "musculoskeletal" and "neuromuscular" mean the systems of the  
42 body providing support and movement and include the skeletal,  
43 muscular, circulatory, nervous, and integumentary systems.

44       (7) ~~(5)~~ "Orthotic fitter" means a person who is licensed to  
45 practice orthotics, ~~pursuant to a licensed physician's written~~  
46 ~~prescription,~~ whose scope of practice is limited to fitting  
47 prefabricated cervical orthoses not requiring more than minor



770414

48 modification and not used for the treatment of cervical fractures  
49 or dislocations; custom-made and prefabricated compression  
50 garments ~~pressure gradient hose~~; trusses; custom-molded and  
51 noncustom diabetic therapeutic footwear; prefabricated corset or  
52 frame-type spinal orthoses, except for those used in the  
53 treatment of vertebral fractures or scoliosis, rigid body jackets  
54 made of thermoformable materials, and "halo" devices; and  
55 prefabricated orthoses of the upper and lower extremities, except  
56 for those used in the treatment of bone fractures and open  
57 diabetic ulcers.

58 (8) (6) "Orthotic fitter assistant" means a person who is  
59 licensed to practice orthotics, ~~pursuant to a licensed~~  
60 ~~physician's written prescription~~, whose scope of practice is  
61 limited to fitting, without modification, prefabricated soft  
62 cervical orthoses not used for the treatment of cervical  
63 fractures or dislocations; prefabricated soft spinal supports not  
64 used for treatment of vertebral fractures; prefabricated  
65 compression garments ~~pressure gradient hose~~; trusses; and soft  
66 prefabricated orthoses for the upper and lower extremities not  
67 used in the treatment of bone fractures and open diabetic ulcers.

68 (9) (7) "Orthotics" means the practice, ~~pursuant to a~~  
69 ~~licensed physician's written prescription~~, of evaluating,  
70 treatment formulating, measuring, designing, fabricating,  
71 assembling, fitting, adjusting, servicing, or providing the  
72 initial training necessary to accomplish the fitting of an  
73 orthosis or pedorthic device; ~~however, the repair, replacement,~~  
74 ~~adjustment, or servicing of any existing orthosis may be~~  
75 ~~performed without an additional prescription from the patient's~~  
76 ~~physician, unless the original prescription states otherwise. If~~  
77 ~~a patient is under the care of a licensed occupational therapist~~

Bill No. SB 1696



770414

78 ~~or physical therapist, the orthotist must consult with the~~  
79 ~~therapist if the therapist has requested consultation regarding~~  
80 ~~the fitting, design, or fabrication of an orthosis or regarding~~  
81 ~~treatment with an orthosis.~~

82 ~~(10)-(8)~~ "Orthotist" means a person licensed to practice  
83 orthotics pursuant to this chapter.

84 ~~(11)-(9)~~ "Pedorthic device" means therapeutic shoes, shoe  
85 modifications made for therapeutic purposes, nondynamic  
86 prosthetic fillers of the forefoot, and foot orthoses for use on  
87 the human foot limited anatomically to that part distal to the  
88 maleoli from the ankle and below, but does not include arch  
89 ~~supports; nontherapeutic accommodative inlays and nontherapeutic~~  
90 ~~accommodative footwear, regardless of method of manufacture;~~  
91 ~~unmodified, over-the-counter shoes; or prefabricated foot care~~  
92 ~~products. For purposes of this subsection, "accommodative" means~~  
93 ~~designed with the primary goal of conforming to the individual's~~  
94 ~~anatomy and "inlay" means any removable material upon which the~~  
95 ~~foot directly rests inside the shoe and which may be an integral~~  
96 ~~design component of the shoe.~~

97 ~~(12)-(10)~~ "Pedorthics" means the practice, ~~pursuant to a~~  
98 ~~licensed physician's written prescription,~~ of evaluating,  
99 treatment formulating, measuring, designing, fabricating,  
100 assembling, fitting, adjusting, servicing, or providing the  
101 initial training necessary to accomplish the fitting of a  
102 pedorthic device; ~~however, the repair, replacement, adjustment,~~  
103 ~~or servicing of any existing pedorthic device may be performed~~  
104 ~~without an additional prescription from the patient's physician,~~  
105 ~~unless the original prescription states otherwise. If a patient~~  
106 ~~is under the care of a licensed occupational therapist or~~  
107 ~~physical therapist, the pedorthist must consult with the~~



770414

108 ~~therapist if the therapist has requested consultation regarding~~  
109 ~~the fitting, design, or fabrication of a pedorthic device or~~  
110 ~~regarding treatment with a pedorthic device.~~

111 (13)~~(11)~~ "Pedorthist" means a person licensed to practice  
112 pedorthics pursuant to this chapter.

113 (14)~~(12)~~ "Prosthesis" means a medical device used to  
114 replace a missing appendage or other external body part,  
115 including an artificial limb, hand, or foot. It does not include  
116 surgically implanted devices or artificial eyes; dental  
117 appliances; ostomy products; or cosmetic devices such as breast  
118 prostheses, eyelashes, or wigs; ~~or other devices that do not have~~  
119 ~~a significant impact on the musculoskeletal functions of the~~  
120 ~~body.~~

121 (15)~~(13)~~ "Prosthetics" means the practice, ~~pursuant to a~~  
122 ~~licensed physician's written prescription,~~ of evaluating,  
123 treatment formulating, measuring, designing, fabricating,  
124 assembling, fitting, adjusting, servicing, or providing the  
125 initial training necessary to accomplish the fitting of a  
126 prosthesis, ~~except the repair, replacement, adjustment, or~~  
127 ~~servicing of any existing prosthesis may be performed without an~~  
128 ~~additional prescription from the patient's physician, unless the~~  
129 ~~original prescription states otherwise. If a patient is under the~~  
130 ~~care of a licensed occupational therapist or physical therapist,~~  
131 ~~the prosthetist must consult with the therapist if the therapist~~  
132 ~~has requested consultation regarding the fitting, design, or~~  
133 ~~fabrication of a prosthesis or regarding treatment with a~~  
134 ~~prosthesis.~~

135 (16)~~(14)~~ "Prosthetist" means a person licensed to practice  
136 prosthetics pursuant to this chapter.



770414

137        ~~(17)-(15)~~ "Prosthetist-orthotist" means a person licensed to  
138 practice as a prosthetist and as an orthotist.

139        (18) "Resident" means a person registered to practice  
140 orthotics or prosthetics under the supervision of a licensed  
141 orthotist or prosthetist as defined by the board by rule.

142        (19) "Therapeutic" means designed and fabricated to provide  
143 support, correction, or alleviation of neuromuscular or  
144 musculoskeletal dysfunction, disease, injury, or deformity. It  
145 does not include devices used solely to increase comfort through  
146 the use of soft materials or spreading out of forces.

147        Section 2. Subsections (2) and (3) of section 468.801,  
148 Florida Statutes, are amended to read:

149        468.801 Board of Orthotists and Prosthetists; appointment;  
150 membership; terms; headquarters.--

151        (2) The board members ~~of the board~~ must be residents of  
152 this state. Two members ~~One member~~ must be licensed a practicing  
153 prosthetists ~~prosthetist~~ with a minimum of 3 years' clinical or  
154 practical experience, at least one of whom has attained a minimum  
155 of a bachelor's ~~after receiving a Bachelor of Science degree in~~  
156 ~~Orthotics and Prosthetics; one member must be a practicing~~  
157 ~~prosthetist with at least 6 years' experience after certification~~  
158 ~~by a national certifying body; one member must be a licensed~~  
159 practicing orthotist with a minimum of 3 years' clinical or  
160 practical experience who has attained a minimum of a bachelor's  
161 ~~after receiving a Bachelor of Science degree in Orthotics and~~  
162 ~~Prosthetics; one member must be a practicing orthotist with at~~  
163 ~~least 6 years' experience after certification by a national~~  
164 ~~certifying body; two members must be prosthetic or orthotic~~  
165 users, the parents, guardians, or spouses of prosthetic or  
166 orthotic users, or any combination of such users and nonusers who

Bill No. SB 1696



770414

167 are not deriving economic benefit from the fitting or dispensing  
168 of orthotic or prosthetic devices and who have never been  
169 orthotists or prosthetists or members of a closely related  
170 profession; ~~and~~ one member must be a physician licensed under  
171 chapter 458, chapter 459, chapter 460, or chapter 461, who has  
172 extensive knowledge of orthotics or prosthetics; and one member  
173 must be a licensed practicing orthotist, orthotic fitter, or  
174 pedorthist with a minimum of 3 years' clinical or practical  
175 experience. ~~One of the prosthetist or orthotist members must have~~  
176 ~~received training in pedorthics and have 3 years of pedorthic~~  
177 ~~experience as part of his or her practice.~~

178 (3) Members of the board shall be appointed for terms of 4  
179 years each and shall serve until their successors are appointed.  
180 ~~However, for the purpose of staggering terms, two of the original~~  
181 ~~board members shall serve terms of 4 years each, two shall serve~~  
182 ~~terms of 3 years each, two shall serve terms of 2 years each, and~~  
183 ~~one shall serve a term of 1 year, as designated by the Governor.~~  
184 Members may be reappointed for additional terms.

185 Section 3. Section 468.802, Florida Statutes, is amended to  
186 read:

187 468.802 Authority to adopt rules.--The board shall adopt  
188 rules pursuant to ss. 120.536(1) and 120.54 to implement the  
189 provisions of this part act, including rules relating to  
190 standards of practice for orthotists, orthotic fitters, orthotic  
191 fitter assistants, pedorthists, prosthetists, and residents  
192 pedorthists.

193 Section 4. Section 468.803, Florida Statutes, is amended to  
194 read:

195 468.803 License, registration, and examination licensure  
196 requirements.--



770414

197 (1) The department shall issue a license to practice  
198 orthotics, prosthetics, or pedorthics, or a registration for a  
199 resident to practice orthotics or prosthetics, to qualified  
200 applicants. Licenses ~~Licensure~~ shall be granted independently in  
201 orthotics, prosthetics, or pedorthics, but a person may be  
202 licensed in more than one such discipline and a prosthetist-  
203 orthotist license may be granted to persons meeting the  
204 requirements for both a prosthetist and an orthotist license.  
205 Registrations shall be granted independently in orthotics or  
206 prosthetics, and a person may be registered in both fields at the  
207 same time.

208 (2) An applicant for registration, examination, or  
209 licensure must apply to the department on a form prescribed by  
210 the board for consideration of board approval. Each applicant  
211 shall submit a set of fingerprints to the department on a form  
212 and under procedures specified by the department, along with  
213 payment in an amount equal to the costs incurred by the  
214 department for state and national criminal history checks of the  
215 applicant. The department shall submit the fingerprints provided  
216 by an applicant to the Department of Law Enforcement for a  
217 statewide criminal history check, and the Department of Law  
218 Enforcement shall forward the fingerprints to the Federal Bureau  
219 of Investigation for a national criminal history check of the  
220 applicant. The board shall screen the results to determine if an  
221 applicant meets licensure requirements. The board shall consider  
222 for examination, registration, or licensure ~~it in order to take~~  
223 ~~the appropriate licensure examination, including a practical~~  
224 ~~examination demonstrating clinical patient management, when~~  
225 ~~appropriate, and written examinations, one of which demonstrates~~  
226 ~~orthotic, prosthetic, or pedorthic problem-solving skills. The~~



Bill No. SB 1696



770414

227 ~~board may accept the examination results of a national orthotic,~~  
228 ~~prosthetic, or pedorthic standards organization in lieu of~~  
229 ~~administering the state examination. In such cases, the~~  
230 ~~department shall set fees appropriate to the level of~~  
231 ~~practitioner and shall examine each applicant who the board~~  
232 ~~verifies:~~

233       (a) Has submitted the completed the application and the  
234 fingerprint forms ~~form~~ and has paid the applicable an application  
235 fee, not to exceed \$500, and the cost of the state and national  
236 criminal history checks. The application fee and cost of the  
237 criminal history checks ~~which shall be nonrefundable, an~~  
238 ~~examination fee and the actual per applicant costs to the~~  
239 ~~department for purchase or development of the examination, and a~~  
240 ~~license fee not to exceed \$500;~~

241       (b) Is of good moral character;

242       (c) Is 18 years of age or older; and

243       (d) Has completed the appropriate educational preparation,  
244 ~~including practical training requirements; and~~

245       ~~(e) Has successfully completed an appropriate clinical~~  
246 ~~internship in the professional area for which the license is~~  
247 ~~sought.~~

248       (3) A person seeking to attain the required orthotics or  
249 prosthetics experience in this state must be approved by the  
250 board and registered as a resident by the department. Although a  
251 registration may be held in both practice fields, the board shall  
252 not approve a second registration until at least 1 year after the  
253 issuance of the first registration. Notwithstanding subsection  
254 (2), an applicant who has been approved by the board and  
255 registered by the department in one practice field may apply for  
256 registration in the second practice field without an additional



770414

257 state or national criminal history check during the period in  
258 which the first registration is valid. Each registration is valid  
259 for 2 years from the date of issuance unless otherwise revoked by  
260 the department upon recommendation of the board. The board shall  
261 set a registration fee not to exceed \$500 to be paid by the  
262 applicant. A registration may be renewed once by the department  
263 upon recommendation of the board for a period no longer than 1  
264 year, as such renewal is defined by the board by rule. The  
265 registration renewal fee shall not exceed one-half the current  
266 registration fee. To be considered by the board for approval of  
267 registration as a resident, the applicant must have:

268 (a) A Bachelor of Science or higher-level postgraduate  
269 degree in Orthotics and Prosthetics from a regionally accredited  
270 college or university recognized by the Commission on  
271 Accreditation of Allied Health Education Programs or, at a  
272 minimum, a bachelor's degree from a regionally accredited college  
273 or university and a certificate in orthotics from a program  
274 recognized by the Commission on Accreditation of Allied Health  
275 Education Programs, or its equivalent, as determined by the  
276 board; or

277 (b) A Bachelor of Science or higher-level postgraduate  
278 degree in Orthotics and Prosthetics from a regionally accredited  
279 college or university recognized by the Commission on  
280 Accreditation of Allied Health Education Programs or, at a  
281 minimum, a bachelor's degree from a regionally accredited college  
282 or university and a certificate in prosthetics from a program  
283 recognized by the Commission on Accreditation of Allied Health  
284 Education Programs, or its equivalent, as determined by the  
285 board.



770414

286       (4) The department may develop and administer a state  
287 examination for an orthotist or a prosthetist license, or the  
288 board may approve the existing examination of a national  
289 standards organization. The examination must be predicated on a  
290 minimum of a baccalaureate-level education and formalized  
291 specialized training in the appropriate field. Each examination  
292 must demonstrate a minimum level of competence in basic  
293 scientific knowledge, written problem solving, and practical  
294 clinical patient management. The board shall require an  
295 examination fee not to exceed the actual cost to the board in  
296 developing, administering, and approving the examination, which  
297 fee must be paid by the applicant. To be considered by the board  
298 for examination, the applicant must have:

299       (a) For an examination in orthotics:

300       1. A Bachelor of Science or higher-level postgraduate  
301 degree in Orthotics and Prosthetics from a regionally accredited  
302 college or university recognized by the Commission on  
303 Accreditation of Allied Health Education Programs or, at a  
304 minimum, a bachelor's degree from a regionally accredited college  
305 or university and a certificate in orthotics from a program  
306 recognized by the Commission on Accreditation of Allied Health  
307 Education Programs, or its equivalent, as determined by the  
308 board; and

309       2. An approved orthotics internship of 1 year of qualified  
310 experience, as determined by the board, or an orthotic residency  
311 program recognized by the board.

312       (b) For an examination in prosthetics:

313       1. A Bachelor of Science or higher-level postgraduate  
314 degree in Orthotics and Prosthetics from a regionally accredited  
315 college or university recognized by the Commission on

Bill No. SB 1696



770414

316 Accreditation of Allied Health Education Programs or, at a  
317 minimum, a bachelor's degree from a regionally accredited college  
318 or university and a certificate in prosthetics from a program  
319 recognized by the Commission on Accreditation of Allied Health  
320 Education Programs, or its equivalent, as determined by the  
321 board; and

322 2. An approved prosthetics internship of 1 year of  
323 qualified experience, as determined by the board, or a prosthetic  
324 residency program recognized by the board.

325 (5)(3) In addition to the requirements in subsection (2),  
326 to be licensed as:

327 (a) An orthotist, the applicant must pay a license fee not  
328 to exceed \$500 and must have:

329 1. A Bachelor of Science or higher-level postgraduate  
330 degree in Orthotics and Prosthetics from a regionally accredited  
331 college or university, or a bachelor's degree with a certificate  
332 in orthotics from a program recognized by the Commission on  
333 Accreditation of Allied Health Education Programs, or its  
334 equivalent, as determined by the board; and

335 2. An appropriate internship of 1 year of qualified  
336 experience, as determined by the board, or a residency program  
337 recognized by the board;

338 3. Completed the mandatory courses; and

339 4. Passed the state orthotics examination or the board-  
340 approved orthotics examination.

341 (b) A prosthetist, the applicant must pay a license fee not  
342 to exceed \$500 and must have:

343 1. A Bachelor of Science or higher-level postgraduate  
344 degree in Orthotics and Prosthetics from a regionally accredited  
345 college or university, or a bachelor's degree with a certificate

Bill No. SB 1696



770414

346 in prosthetics from a program recognized by the Commission on  
347 Accreditation of Allied Health Education Programs, or its  
348 equivalent, as determined by the board; ~~and~~

349 2. An internship of 1 year of qualified experience, as  
350 determined by the board, or a residency program recognized by the  
351 board;

352 3. Completed the mandatory courses; and

353 4. Passed the state prosthetics examination or the board-  
354 approved prosthetics examination.

355 (c) An orthotic fitter, the applicant must pay a license  
356 fee not to exceed \$500 and must have:

357 1. A high school diploma or its equivalent;

358 2. A minimum of 40 hours of training in orthotics  
359 education, as approved by the board; ~~and~~

360 3. Two years of supervised experience in orthotics acquired  
361 after completion of the required education, as approved by the  
362 board; and

363 4. Completed the mandatory courses.

364 (d) An orthotic fitter assistant, the applicant must pay a  
365 license fee not to exceed \$500 and must have:

366 1. A high school diploma or its equivalent; ~~and~~

367 2. A minimum of 40 hours of training in orthotics  
368 education, as approved by the board; and

369 3. Completed the mandatory courses.

370 (e) A pedorthist, the applicant must pay a license fee not  
371 to exceed \$500 and must have:

372 1. A high school diploma or its equivalent;

373 2. A minimum of 120 hours of training, as approved by the  
374 board; ~~and~~

Bill No. SB 1696



770414

375 3. An internship of 80 hours of qualified working  
376 experience, as determined by the board; and

377 4. Completed the mandatory courses.

378 Section 5. Section 468.806, Florida Statutes, is amended to  
379 read:

380 468.806 Biennial renewal of license.--

381 (1) The department shall renew a license upon receipt of  
382 the required documentation, renewal application, and renewal fee,  
383 not to exceed \$500, as set by the board. The applicant for  
384 license renewal must submit information necessary to conduct a  
385 statewide criminal history check along with payment in an amount  
386 equal to the costs incurred by the department for a statewide  
387 criminal history check. The department shall submit the required  
388 information for a statewide criminal history check of the  
389 applicant to the Department of Law Enforcement.

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

392 (3) The board may by rule prescribe continuing education  
393 requirements and approve course criteria, not to exceed 30 hours  
394 biennially, as a condition for license renewal. The board shall  
395 establish by rule mandatory courses to safeguard the welfare of  
396 the public and licensed practitioners, standards and  
397 qualifications for continuing education courses, standards and  
398 qualifications for course providers, and a procedure for  
399 approving continuing education courses and providers, and shall  
400 may set a fee for continuing education course and provider  
401 approval. The Florida Association of Orthotists and Prosthetists,  
402 Inc., or a successor organization shall be deemed an approved  
403 provider of continuing education courses, including mandatory  
404 courses, that meet the criteria established in this subsection.



770414

405 Section 6. Section 468.807, Florida Statutes, is repealed.

406 Section 7. Effective January 1, 2009, section 468.808,  
407 Florida Statutes, is amended to read:

408 468.808 Support personnel.--A person must be licensed to  
409 practice orthotics, prosthetics, or pedorthics in this state.  
410 However, a licensed orthotist, prosthetist, or pedorthist may  
411 delegate duties, not to include patient evaluation, treatment  
412 formulation, or the final fitting of a device prior to patient  
413 use, to nonlicensed support ~~supportive~~ personnel. All other  
414 delegated ~~if those~~ duties must be ~~are~~ performed under the ~~direct~~  
415 supervision, as defined by the board by rule, of a licensed  
416 orthotist, prosthetist, or pedorthist, and the persons acting as  
417 support personnel must be identified as such by wearing an  
418 identification tag as defined by the board by rule. In such  
419 instances the supervising licensee is responsible for all acts  
420 performed by such persons.

421 Section 8. Section 468.809, Florida Statutes, is amended to  
422 read:

423 468.809 Prohibitions; penalties.--

424 (1) A person may not:

425 (a) Make a false or fraudulent statement in any  
426 application, affidavit, or statement presented to the board or in  
427 any proceeding before the board.

428 (b) Practice orthotics, prosthetics, or pedorthics without  
429 a license or registration issued pursuant to this part ~~act~~ unless  
430 otherwise exempt.

431 (2) A person who violates any provision of this section  
432 commits a misdemeanor of the second degree, punishable as  
433 provided in s. 775.082 or s. 775.083.

Bill No. SB 1696



770414

434 Section 9. Effective January 1, 2009, section 468.8095,  
435 Florida Statutes, is created to read:

436 468.8095 Practitioner and resident identification.--

437 (1) A licensee or person registered with the department  
438 shall post a license or registration and a recent photograph of  
439 the licensee or registrant at each facility where patients are  
440 seen by the licensee or registrant in a manner determined by the  
441 board by rule. This requirement does not extend to areas where  
442 the licensee or registrant may visit and normally does not treat  
443 patients. The posted license or registration must be valid.

444 (2) A licensee or person registered with the department  
445 shall post in close proximity to the posted license or  
446 registration a notice stating the department's Consumer Services  
447 Unit address, Internet website, and telephone number. The notice  
448 shall state that a patient may file a complaint of unlicensed or  
449 substandard practice by contacting the Consumer Services Unit. A  
450 single notice may be used for multiple licensees or registrants  
451 in a facility.

452 (3) During patient contact, each licensee or person  
453 registered with the department shall prominently wear an  
454 identification tag or badge with the name, recent photograph, and  
455 license or registration number, as applicable, of the licensee or  
456 registrant. The size and appearance of the identification tag or  
457 badge shall be determined by the board by rule. Persons licensed  
458 in more than one practice field under this part may list both  
459 license numbers. Licensees or registrants working in facilities  
460 requiring the wearing of a specific identification tag may  
461 substitute the identification tag or badge required by this  
462 subsection with the facility's design as determined by the board.



Bill No. SB 1696



770414

463 Section 10. Subsection (1) of section 468.811, Florida  
464 Statutes, is amended to read:

465 468.811 Disciplinary proceedings.--

466 (1) The following acts constitute grounds for denial of a  
467 registration or license or for disciplinary action, as specified  
468 in s. 456.072(2):

469 (a) Attempting to procure a license by fraudulent  
470 misrepresentation.

471 (b) Having a license to practice orthotics, prosthetics, or  
472 pedorthics revoked, suspended, or otherwise acted against,  
473 including the denial of licensure in another state or  
474 jurisdiction.

475 (c) Being convicted or found guilty of or pleading nolo  
476 contendere to, regardless of adjudication, in any jurisdiction, a  
477 crime that directly relates to the practice of orthotics,  
478 prosthetics, or pedorthics, including violations of federal laws  
479 or regulations regarding orthotics, prosthetics, or pedorthics.

480 (d) Filing a report, claim, or record that the licensee  
481 knows is false; or intentionally or negligently failing to file a  
482 report, claim, or record required by state or federal law; or  
483 willfully impeding or obstructing such filing; or inducing  
484 another person to impede or obstruct such filing. Such reports, l  
485 claims, or records include only reports, claims, or records that  
486 are signed in a person's capacity as a licensee under this part  
487 ~~act~~.

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

490 (f) Violation of an order of the board, agency, or  
491 department previously entered in a disciplinary hearing or

Bill No. SB 1696



770414

492 failure to comply with a subpoena issued by the board, agency, or  
493 department.

494 (g) Practicing with a revoked, suspended, or inactive  
495 license.

496 (h) Gross or repeated malpractice or the failure to deliver  
497 orthotic, prosthetic, or pedorthic services with that level of  
498 care and skill which is recognized by a reasonably prudent  
499 licensed practitioner with similar professional training as being  
500 acceptable under similar conditions and circumstances.

501 (i) Failing to provide written notice of any applicable  
502 warranty for an orthosis, prosthesis, or pedorthic device that is  
503 provided to a patient.

504 (j) Violating any provision of this chapter or chapter 456,  
505 or any rules adopted pursuant thereto.

506 (k) Making deceptive, untrue, or fraudulent representations  
507 in the licensed or unlicensed practice of orthotics, prosthetics,  
508 or pedorthics.

509 (l) Practicing orthotics, prosthetics, or pedorthics or  
510 practicing as an orthotic fitter or an orthotic fitter assistant  
511 without a licensed physician's written prescription. The repair,  
512 replacement, adjustment, or servicing of any existing orthosis  
513 may be performed without an additional prescription from the  
514 patient's physician, unless the original prescription states  
515 otherwise.

516 Section 11. Section 468.812, Florida Statutes, is amended  
517 to read:

518 468.812 Exemptions from licensure.--

519 (1) This part ~~act~~ does not apply to:

520 (a) A person who is licensed under chapter 458, chapter  
521 459, chapter 460, or chapter 461;



770414

522 (b) A person performing services for the Federal  
523 Government, if the person provides orthotic, prosthetic, or  
524 pedorthic care solely under the direction or control of the  
525 organization by which that person is employed;

526 ~~(c) A person fulfilling the supervised residency or  
527 internship experience requirements of this act;~~

528 (c) ~~(d)~~ A student, fellow, or trainee in orthotics,  
529 prosthetics, or pedorthics pursuing a course of study at a  
530 regionally accredited college or university or working in a  
531 recognized training center or research facility, provided ~~if~~ the  
532 activities and services are part of a regular course of study  
533 under a supervisor licensed under this part ~~act~~;

534 (d) ~~(e)~~ An instructor in a regionally accredited university  
535 or college, while performing regularly assigned work under the  
536 curriculum of such a school; or

537 (e) ~~(f)~~ A person engaged exclusively in the fabrication of  
538 orthoses, pedorthic devices, or prostheses as defined in this  
539 part, provided there is no patient contact ~~fabricating, fitting,~~  
540 ~~or servicing of devices excluded under this act.~~

541 (2) This part ~~act~~ does not require an additional license  
542 of, or regulate the practice of, any other licensed health care  
543 professional ~~within the state, or prevent a qualified member of~~  
544 ~~any other profession or any person employed under the supervision~~  
545 ~~of such a licensed professional from doing work of a nature~~  
546 ~~consistent with that person's training, as long as the person~~  
547 ~~does not hold himself or herself out to the public as a licensee~~  
548 ~~under this act.~~

549 (3) The provisions of this act relating to orthotics or  
550 pedorthics do not apply to any licensed pharmacist or to any  
551 person acting under the supervision of a licensed pharmacist. The



770414

552 | practice of orthotics or pedorthics by a pharmacist or any of the  
 553 | pharmacist's employees acting under the supervision of a  
 554 | pharmacist shall be construed to be within the meaning of the  
 555 | term "practice of the profession of pharmacy" as set forth in s.  
 556 | 465.003(13), and shall be subject to regulation in the same  
 557 | manner as any other pharmacy practice. The Board of Pharmacy  
 558 | shall develop rules regarding the practice of orthotics and  
 559 | pedorthics by a pharmacist. Any pharmacist or person under the  
 560 | supervision of a pharmacist engaged in the practice of orthotics  
 561 | or pedorthics shall not be precluded from continuing that  
 562 | practice pending adoption of these rules.

563 |       Section 12. Section 468.813, Florida Statutes, is amended  
 564 | to read:

565 |       468.813 Use of titles.--A person must be licensed or  
 566 | registered under this part act to represent himself or herself as  
 567 | a licensed or registered orthotist, ~~or~~ prosthetist, prosthetist-  
 568 | orthotist, orthotic fitter, orthotic fitter assistant,  
 569 | pedorthist, prosthetic resident, or orthotic resident or use in  
 570 | connection with his or her name the words "orthotist,"  
 571 | "prosthetist," "prosthetist-orthotist," "orthotic fitter,"  
 572 | "orthotic fitter assistant," "pedorthist," or "resident" or  
 573 | abbreviations, titles, or insignia indicating or suggesting that  
 574 | he or she is able to legally provide services or devices  
 575 | described in this part ~~an orthotist, prosthetist, prosthetist-~~  
 576 | ~~orthotist, orthotic fitter, orthotic fitter assistant, or~~  
 577 | ~~pedorthist.~~

578 |       Section 13. Except as otherwise expressly provided in this  
 579 | act, this act shall take effect July 1, 2008.

580 |  
 581 | ===== T I T L E   A M E N D M E N T =====

Bill No. SB 1696



770414

582 | And the title is amended as follows:

583 |       Delete everything before the enacting clause  
584 | and insert:

585 |                       A bill to be entitled  
586 |       An act relating to orthotics, prosthetics, and  
587 |       pedorthics; amending s. 468.80, F.S.; providing and  
588 |       revising definitions; amending s. 468.801, F.S.;  
589 |       changing the composition of the Board of Orthotists and  
590 |       Prosthetists; removing an obsolete requirement for  
591 |       initial staggering of terms; amending s. 468.802, F.S.;  
592 |       expanding the authority for rule adoption to include  
593 |       standards of practice for orthotic fitters, orthotic  
594 |       fitter assistants, and residents; amending s. 468.803,  
595 |       F.S.; providing for registration for a resident to  
596 |       practice orthotics or prosthetics; authorizing  
597 |       licensure as a prosthetist-orthotist; providing  
598 |       requirements for such licensure; requiring applicants  
599 |       for registration, examination, or licensure to apply on  
600 |       forms created and provided by the Department of Health;  
601 |       requiring applicants to submit fingerprints and a fee  
602 |       to cover department costs for criminal background  
603 |       checks; requiring board verification of certain  
604 |       information prior to an applicant's examination,  
605 |       registration, or licensure; providing requirements for  
606 |       registration as a resident in orthotics or prosthetics;  
607 |       providing for registration and renewal fees for  
608 |       registration; authorizing either the Department of  
609 |       Health to develop and administer a state examination  
610 |       for an orthotist or prosthetist license or the board to  
611 |       approve an existing examination of a national standards

Bill No. SB 1696



770414

612 organization; providing examination requirements;  
613 authorizing examination fees; delineating applicant  
614 qualifications for examination; delineating  
615 requirements for licensure and licensure fees for an  
616 orthotist, a prosthetist, an orthotic fitter, an  
617 orthotic fitter assistant, and a pedorthist; amending  
618 s. 468.806, F.S.; revising the list of materials  
619 required for submission for biennial license renewal,  
620 including information necessary to conduct a statewide  
621 criminal history check and payment of associated costs;  
622 requiring certain mandatory courses, standards, and  
623 qualifications for continuing education courses, and  
624 standards and qualifications for course providers, to  
625 be established by rule; deeming the Florida Association  
626 of Orthotists and Prosthetists, Inc., or a successor  
627 organization an approved course provider; repealing s.  
628 468.807, F.S., relating to the issuance of a temporary  
629 license; amending s. 468.808, F.S.; revising duties  
630 that can be delegated to unlicensed support personnel;  
631 providing requirements for support personnel  
632 identification; amending s. 468.809, F.S.; including  
633 the practice of orthotics, prosthetics, or pedorthics  
634 without registration in certain prohibitions; providing  
635 penalties; creating s. 468.8095, F.S.; requiring  
636 licensees and registrants to post licenses,  
637 registrations, recent photographs, and certain notices  
638 in a facility and to wear certain identification tags  
639 or badges; amending s. 468.811, F.S.; revising grounds  
640 for denial of a license or disciplinary action;  
641 providing grounds for denial of registration; amending

Bill No. SB 1696



770414

642 | s. 468.812, F.S.; revising provisions exempting certain  
643 | persons from licensure; amending s. 468.813, F.S.;  
644 | revising requirements regarding use of titles;  
645 | providing effective dates.