

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

Prepared By: The Professional Staff of the Health Regulation Committee

BILL: CS/SB 1696

INTRODUCER: Health Regulation Committee and Senator Baker

SUBJECT: Orthotics, prosthetics, and pedorthics

DATE: March 20, 2008      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Garner	Wilson	HR	Fav/CS
2.			HE	
3.			HA	
4.				
5.				
6.				

**Please see Section VIII. for Additional Information:**

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|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

Committee Substitute for SB 1696 makes substantial revisions to part XIV of ch. 468, F.S., relating to the practice of orthotics, prosthetics, and pedorthics. Orthotists and prosthetists design, construct, and fit artificial limbs and orthopedic devices for patients with body deformities and disorders. Prosthetists specialize in designing and making artificial limbs, while orthotists specialize in designing and fitting orthopedic braces such as surgical supports and corrective shoes. Pedorthists specialize in using footwear - which includes shoes, shoe modifications, foot orthoses and other pedorthic devices - to solve problems in, or related to, the foot and ankle.

The committee substitute adds new definitions for part XIV of ch. 468, F.S., and modifies existing definitions to clarify current scope of practice of orthotists, prosthetists, pedorthists, orthotic fitters, and orthotic fitter assistants to more accurately reflect industry practices. The committee substitute modifies the professional and educational requirements of the members of the Board of Orthotists and Prosthetists (board) and expands who can serve as consumer members of the board.

The committee substitute requires registration of residents (persons who practice orthotics or prosthetics under the supervision of a licensed orthotist or prosthetist in order to attain required orthotics or prosthetics experience). Each applicant for registration, examination, or licensure is required to submit fingerprints for a complete criminal history check by the Florida Department of Law Enforcement and the Federal Bureau of Investigation. Licensure renewal applicants are required to submit information for a statewide criminal history check.

The committee substitute modifies minimum educational requirements for applicants for examination in orthotics or prosthetics to include certain advanced degrees in Orthotics and Prosthetics in lieu of a Bachelor's degree as evidence of meeting these educational requirements and allows the Board to require by rule mandatory courses as a pre-licensure requirement.

The committee substitute repeals the authorization for the board to issue temporary licenses. The committee substitute allows, effective January 1, 2009, a licensed orthotist, prosthetist, or pedorthist to delegate duties to support personnel, not to include patient evaluation, treatment formulation, or the final fitting of a device prior to patient use. Other delegated duties must be performed under the supervision of a licensed orthotist, prosthetist, or pedorthist. The committee substitute requires support personnel performing these activities to wear identification so that the public is aware that they are not a licensed professional.

The committee substitute establishes requirements for practitioners and resident identification. The committee substitute creates additional grounds for discipline and exempts from licensure persons engaged exclusively in the fabrication of orthoses, pedorthic devices, or prostheses with no patient contact.

The committee substitute expands the title protection for certain licensed or registered orthotists, prosthetists, prosthetist-orthotist, orthotic fitter, orthotic fitter assistants, pedorthists, prosthetic residents, and orthotic residents.

This committee substitute substantially amends the following sections of the Florida Statutes: 468.80, 468.801, 468.802, 468.803, 468.806, 468.808, 468.809, 468.811, 468.812, and 468.813. The bill repeals s. 468.807, F.S., and creates s. 468.8095, F.S.

## **II. Present Situation:**

### **Orthotist, Prosthetist, Pedorthist**

An orthotist is a healthcare professional who makes and fits orthoses, such as braces, splints, surgical supports, and corrective shoes, for patients who need added support for body parts that have been weakened by injury, disease, or disorders of the nerves, muscles, or bones.<sup>1</sup> A prosthetist is a healthcare professional who designs, makes and fits appliances for missing limbs.<sup>2</sup> A pedorthist is a healthcare professional who is trained in the assessment, design, manufacture, fit and modification of foot appliances and footwear for the purposes of alleviating

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<sup>1</sup> Schools in the U.S.A., "Career Search: Orthotist," [http://www.schoolsintheusa.com/careerprofiles\\_details.cfm?CarID=663](http://www.schoolsintheusa.com/careerprofiles_details.cfm?CarID=663) (last visited March 18, 2008).

<sup>2</sup> Schools in the U.S.A., "Career Search: Prosthetist," [http://www.schoolsintheusa.com/careerprofiles\\_details.cfm?carId=665](http://www.schoolsintheusa.com/careerprofiles_details.cfm?carId=665) (last visited March 16, 2008).

painful or debilitating conditions and providing assistance for abnormalities or limited actions of the lower limb.<sup>3</sup>

Once a doctor writes a prescription, the patient visits the orthotist, prosthetist, or pedorthist who then designs and fits the appliance or device that has been prescribed. Orthotists, prosthetists, and pedorthists work together with physicians, surgeons, physical and occupational therapists and social workers to form a multi-disciplinary team to provide the most comprehensive care possible for each individual.

### **Licensure of Orthotists, Prosthetists, and Pedorthists**

Prior to 1997, the practices of orthotics and prosthetics were not regulated in Florida. Chapter 97-284, Laws of Florida, created the Orthotists, Prosthetists, and Pedorthists Practice Act for the regulation of these professions. There have been no substantive amendments to this practice act since its creation in 1997. The regulatory provisions for orthotics, prosthetics, and pedorthics are contained in part XIV, ch. 468, F.S.

### **Board of Orthotists and Prosthetists**

Section 468.801, F.S., establishes the Board of Orthotists and Prosthetists. The board consists 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 the administration of the practice act and standards of practice for orthotists, prosthetists, and pedorthists, and for issuing biennial licenses to practice orthotics and prosthetics. The board is comprised of the following members:

- Two prosthetists
  - One must have three years of experience after receiving a Bachelor of Science degree in Orthotics and Prosthetics.
  - One must be a practicing prosthetist with at least six years of experience after receiving certification from a national certifying body.
- Two orthotists
  - One must have three years of experience after receiving a Bachelor of Science degree in Orthotics and Prosthetics.
  - One must be a practicing orthotist with at least six years of experience after receiving certification from a national certifying body.
- Two users of prosthetic or orthotic devices
  - May not derive economic benefit from the fitting or dispensing of orthotic or prosthetic devices.
  - May not have ever been an orthotist or prosthetist or a member of a closely related profession.
- One physician who is licensed as a medical doctor, osteopathic doctor, chiropractor, or podiatrist with extensive knowledge of orthotics or prosthetics.

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<sup>3</sup> Pedorthic Association of Canada, "What is a Pedorthist?" <http://www.pedorthic.ca/public/what.html> (last visited March 18, 2008).

One of the prosthetist or orthotist members must have received training in pedorthics and have 3 years of pedorthic experience as part of his or her practice.

### **The Path to Licensure**

A person applying for licensure must first apply to the Department of Health (DOH or department) to take the appropriate licensure examination. The board may accept the exam results of a national orthotic, prosthetic, or pedorthic standards organization in lieu of administering the state examination.<sup>4</sup> The board has approved the American Board for Certification in Orthotics, Prosthetics, and Pedorthics (ABC) exam for orthotist and prosthetist applicants; the Board for Certification in Pedorthics exam for pedorthists; and the Surgical Appliance Institute and Trulife Healthcare examinations for orthotic fitter and orthotic fitter assistant applicants.<sup>5</sup>

The board must verify that an applicant for licensure examination meets the following requirements:<sup>6</sup>

- Has completed the application form and paid all applicable fees;
- Is of good moral character;
- Is 18 years of age or older;
- Has completed the appropriate educational preparation, including practical training requirements; and
- Has successfully completed an appropriate clinical internship in the professional area for which the license is sought.

In addition to the requirements listed above, an applicant must meet the following requirements for each license he or she is seeking:

- Orthotist
  - A Bachelor of Science degree in Orthotics and Prosthetics from a regionally accredited college or university, or a bachelor's degree with a certificate in orthotics from a program recognized by the Commission on Accreditation of Allied Health Education Programs, or its equivalent; and
  - An appropriate internship of one year of qualified experience or a residency program recognized by the board.<sup>7</sup>
- Prosthetist
  - A Bachelor of Science degree in Orthotics and Prosthetics from a regionally accredited college or university, or a bachelor's degree with a certificate in prosthetics from a program recognized by the Commission on Accreditation of Allied Health Education Programs, or its equivalent; and

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<sup>4</sup> Section 468.803(2), F.S.

<sup>5</sup> Rule 64B14-4.001, F.A.C.

<sup>6</sup> Section 468.803(2)(a)-(e), F.S.

<sup>7</sup> Section 468.803(3)(a), F.S.

- An appropriate internship of one year of qualified experience or a residency program recognized by the board.<sup>8</sup>
- Orthotic Fitter
  - A high school diploma or its equivalent;
  - A minimum of 40 hours of training in orthotics education; and
  - Two years of experience in orthotics.<sup>9</sup>
- Orthotic Fitter Assistant
  - A high school diploma or its equivalent; and
  - A minimum of 40 hours of training in orthotics education.<sup>10</sup>
- Pedorthist
  - A high school diploma or its equivalent;
  - A minimum of 120 hours of training;
  - An internship of 80 hours of qualified working experience.<sup>11</sup>

The board specifies in rule that an approved internship must:<sup>12</sup>

- Consist of orthotic or prosthetic clinical experience practicing under the supervision of a licensed or ABC-certified orthotist or prosthetist;
- Consist of a minimum of 1,900 hours and may not exceed 2,700 hours;
- Be completed at facilities primarily engaged in providing orthotic and prosthetic patient care; and
- Meet specific objectives regarding clinical assessment, patient management, professional responsibility, practice management, and technical implementation.

St. Petersburg College is the only educational institution in Florida that offers a bachelor's degree in orthotics and prosthetics. The department is authorized to renew a license upon receipt of the \$500 renewal fee.

The board is also authorized in s. 468.806, F.S., to adopt rules to prescribe continuing education (CE) requirements for licensure renewal. Within 24 months immediately preceding the license renewal date, orthotists, prosthetists, and pedorthists are required to complete 30 hours of CE; orthotic fitters are required to complete 20 hours of CE; and orthotic fitter assistants are required to complete 10 hours of CE.<sup>13</sup>

The board is authorized in s. 468.807, F.S., to issue a temporary license to:

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<sup>8</sup> Section 468.803(3)(b), F.S.

<sup>9</sup> Section 468.803(3)(c), F.S.

<sup>10</sup> Section 468.803(3)(d), F.S.

<sup>11</sup> Section 468.803(3)(e), F.S.

<sup>12</sup> Rule 64B14-4.100, F.A.C.

<sup>13</sup> Rule 64B14-5.002, F.A.C.

- An applicant for licensure who has recently moved to this state and has applied for a license, if the applicant is licensed in another state with comparable licensure standards; or
- An applicant certified by a national certifying organization whose highest current educational and training requirements are equal to or exceed the requirements in statute, and who presents proof that he or she has been actively engaged in the practice of orthotics, prosthetics, or pedorthics within five years prior to the application.

According to the department, there are currently no temporary licenses issued in Florida.

### **Support Personnel**

A licensed orthotist, prosthetist, or pedorthist is authorized to delegate duties to non-licensed supportive personnel if the duties are performed under the direct supervision of a licensed orthotist, prosthetist, or pedorthist. The supervising licensee is responsible for all acts performed by the support personnel.<sup>14</sup>

### **Disciplinary Actions**

The following acts constitute grounds for denial of a license or disciplinary action:<sup>15</sup>

- Attempting to procure a license by fraudulent misrepresentation;
- Having a license to practice orthotics, prosthetics, or pedorthics revoked, suspended, or otherwise acted against, including the denial of licensure in another jurisdiction;
- Being convicted or found guilty of or pleading nolo contendere to a crime that directly relates to the practice of orthotics, prosthetics, or pedorthics;
- Filing a report or record that the licensee knows is false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing;
- Advertising goods or services in a fraudulent, false, deceptive, or misleading manner;
- Violation of an order of the board, agency, or department previously entered in a disciplinary hearing or failure to comply with a subpoena issued by the board, agency, or department;
- Practicing with a revoked, suspended, or inactive license;
- Gross or repeated malpractice or the failure to deliver orthotic, prosthetic, or pedorthic services with that level of care and skill which is recognized by a reasonably prudent licensed practitioner with similar professional training as being acceptable under similar conditions and circumstances;
- Failing to provide written notice of any applicable warranty for an orthosis, prosthesis, or pedorthic device that is provided to a patient; or
- Violating any provision of ch. 468, F.S., or ch. 456, F.S., or any rules adopted pursuant to those chapters.

### **Exemptions from Licensure**

Section 488.812, F.S., specifies that the licensure requirements do not apply to:

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<sup>14</sup> Section 468.808, F.S.

<sup>15</sup> Section 468.811, F.S.

- A person who is licensed under ch. 458, F.S. (medical physician), ch. 459, F.S. (osteopathic physician), ch. 460, F.S. (chiropractic physician), or ch. 461, F.S. (podiatric physician);
- A person performing services for the federal government;
- A person fulfilling the supervised residency or internship experience requirements;
- A student, fellow, or trainee in orthotics, prosthetics, or pedorthics pursuing a course of study at a college or university, if done under a licensed supervisor;
- An instructor in a regionally accredited university or college, while performing regularly assigned work under the curriculum of the school;
- A person engaged exclusively in the fabricating, fitting, or servicing of devices.

Licensed healthcare professionals are permitted to perform work that may fall under orthotics, prosthetics, or pedorthics, as long as they do not hold themselves out to be a licensed orthotist, prosthetist, or pedorthist.

A licensed pharmacist or person acting under the supervision of a licensed pharmacist is allowed to practice orthotics or pedorthics. According to s. 468.812(3), F.S., the Board of Pharmacy is required to develop rules to govern the practice of orthotics and pedorthics by a pharmacist. The Board of Pharmacy adopted such rules to specify that a pharmacist must act pursuant to a licensed physician's written prescription and must assume the responsibility for assessing the patient, planning the patient's treatment program, and directing the program. The pharmacist's professional responsibilities include:<sup>16</sup>

- Ongoing consultation with the prescribing physician regarding information that will impact the patient's medical and functional outcomes;
- Orthotic and/or pedorthic evaluation of the patient;
- Identification and documentation of precautions, special problems, and contraindications;
- Development of a treatment plan including the short and long term goals;
- Implementation of a treatment plan;
- Periodic review and update of the treatment plan;
- Collaboration with members of the healthcare team when appropriate;
- Advising the patient of the nature and purpose of the services to be rendered and the techniques for use and care of an orthosis or pedorthic device; and
- Determination of the appropriateness of proper fit and function of any orthosis or pedorthic device.

### III. Effect of Proposed Changes:

**Section 1.** Amends s. 468.80, F.S., which provides definitions for part XIV of ch. 468, F.S. The bill provides definitions for the terms "internship," "mandatory courses," "resident," and "therapeutic." The term "therapeutic" is defined to mean designed and fabricated to provide support, correction, or alleviation of neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity. It does not include devices used solely to increase comfort through the use of soft materials or spreading out of forces.

<sup>16</sup> Rule 64B16-27.850, F.A.C.

The committee substitute modifies the definition of “orthosis,” which is currently defined to mean a medical device used to provide support, correction, or alleviation of neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity, but excluding certain assistive technology devices. The list of excluded devices is modified to exclude nontherapeutic arch supports, shoes, and prefabricated foot care products, thereby including these devices under the term orthosis if they are therapeutic in nature. The definition of orthosis is also modified to define “musculoskeletal” and “neuromuscular” to mean the systems of the body providing support and movement and include the skeletal, muscular, circulatory, nervous, and integumentary systems.

The definitions of “orthotic fitter” and “orthotic fitter assistant” are modified to remove the requirement that the practice of orthotics be pursuant to a licensed physician’s written prescription (see section 10 of the bill) and to expand and clarify the orthoses that an orthotic fitter or orthotic fitter assistant may fit within his or her scope of practice.

The definitions of “orthotics,” “pedorthics,” and “prosthetics” are modified to transfer the requirement that the practice of orthotics, pedorthics, and prosthetics be pursuant to a licensed physician’s written prescription (see section 10 of the bill which maintains written prescription requirements). The committee substitute deletes the requirement that, if a patient is under the care of a licensed occupational therapist or physical therapist, the orthotist, pedorthist, or prosthetist must consult with the therapist if the therapist has requested consultation regarding the fitting, design, or fabrication of an orthosis, pedorthic device, or prosthesis or regarding treatment with an orthosis, pedorthic device, or prosthesis.

The definitions of “pedorthic device” and “prosthesis” are modified to clarify the devices that are included or excluded. Under the definition of “pedorthic device,” foot orthoses for use on the human foot are limited anatomically to that part distal to (below) the maleoli (ankle bones).

**Section 2.** Amends s. 468.801, F.S., to change the composition of the Board of Orthotists and Prosthetists and to modify the professional and educational requirements of the board members who are licensed orthotists and prosthetists. The committee substitute expands who can serve as consumer members on the board to include certain individuals who have a familial relationship to orthotics or prosthetics users.

The committee substitute deletes the staggering of terms of board members related to the terms of the original board members. Terms would still be staggered due to current expiration dates.

**Section 3.** Amends s. 468.802, F.S., to authorize the board to adopt rules relating to standards of practice for orthotic fitters, orthotic fitter assistants, and residents.

**Section 4.** Amends s. 468.803, F.S., to require registration of residents who practice orthotics or prosthetics who meet certain educational requirements as specified in the committee substitute. The committee substitute defines “resident” to mean a person registered to practice orthotics or prosthetics under the supervision of a licensed orthotist or prosthetist as defined by the board by rule.



The committee substitute requires each applicant for registration, examination, or licensure to submit fingerprints for a complete criminal history check by the Florida Department of Law Enforcement and the Federal Bureau of Investigation. The committee substitute requires the applicant to pay for the costs of the state and national criminal history check.

A person seeking to attain required orthotics or prosthetics experience in Florida must be approved by the board and registered as a resident by the department. An applicant who has been approved by the board and registered by the department in one practice field may apply for registration in the second practice field without an additional national criminal history check during the period in which the first registration is valid. However, the board can not approve a second registration until 1 year after the issuance of the first registration. Each registration is valid for 2 years from the date of issuance unless otherwise revoked by the department upon recommendation of the board. The committee substitute also allows the registrations to be renewed once by the department upon recommendation by the board for a period of no longer than 1 year. The committee substitute authorizes the board to set a registration fee not to exceed \$500.

The committee substitute establishes minimum educational requirements for applicants for examination in orthotics or prosthetics to include certain advanced degrees in Orthotics and Prosthetics in lieu of a Bachelor's degree as evidence of meeting these educational requirements and requires mandatory courses as a pre-licensure requirement. Mandatory courses are continuing education courses that the board has defined by rule and required for license issuance or renewal.

The committee substitute codifies the current rule for the orthotic fitter licensure requirements to include 2 years of "supervised experience in orthotics after completing the educational requirements.

**Section 5.** Amends s. 468.806, F.S., to require a statewide criminal history check of applicants for license renewal. The committee substitute allows the board to define types of continuing education requirements to include courses to safeguard the welfare of the public and licensed practitioners, and grants the board rulemaking authority to establish standards and qualifications for continuing education courses and providers. The Florida Association of Orthotists and Prosthetists, Inc., is deemed an approved provider of continuing education courses, including the mandatory courses.

**Section 6.** Repeals s. 468.807, F.S., which authorizes the board to issue temporary licenses to certain applicants. According to the DOH, the board currently has no temporary licenses issued.

**Section 7.** Amends s. 468.808, F.S., effective January 1, 2009, to allow a licensed orthotist, prosthetist, or pedorthist to delegate duties to support personnel, not to include patient evaluation, treatment formulation, or the final fitting of a device prior to patient use. Other delegated duties must be performed under the supervision, as defined by the board by rule, of a licensed orthotist, prosthetist, or pedorthist, and the persons acting as support personnel must be identified as such by wearing an identification tag.

**Section 8.** Amends s. 468.809, F.S., to add prohibitions and penalties for persons who practice orthotics, prosthetics, or pedorthics without being registered, as well as without being licensed. The prohibitions and penalties currently only apply if the person is not licensed since there is no statutory provision for registration.

**Section 9.** Creates s. 468.8095, F.S., effective January 1, 2009, to establish requirements for practitioner and resident identification. A licensee or person registered with the DOH must:

- Post a valid license or registration and a recent photograph at each facility where patients are seen;
- Post in proximity to the posted license or registration a notice stating the department's Consumer Services Unit address, Internet website, and telephone number. The notice must state that a patient may file a complaint of unlicensed or substandard practice by contacting the Consumer Services Unit; and
- Prominently wear an identification tag or badge with their name, recent photograph, and license or registration number during patient contact. The size and appearance of the tag or badge must be determined by the board by rule.

**Section 10.** Amends s. 468.811, F.S., to modify the disciplinary guidelines to apply disciplinary action for those who are registered as well as to those who are licensed. The ground for discipline relating to filing false reports or records is expanded to include claims. The committee substitute adds to the disciplinary guidelines:

- Making deceptive, untrue, or fraudulent representations in the licensed or unlicensed practice of orthotics, prosthetics, or pedorthics; and
- Practicing orthotics, prosthetics, or pedorthics or practicing as an orthotic fitter or an orthotic fitter assistant without a licensed physician's written prescription for those orthotic or pedorthic devices or prostheses. A prescription is not required for the purpose of adjusting orthotic or pedorthic devices or prostheses, after the initial fitting.

**Section 11.** Amends s. 468.812, F.S., to exempt from licensure a person engaged exclusively in the fabrication of orthoses, pedorthic devices, or prostheses as defined with no patient contact and to clarify that this part does not require an additional license of, or regulate the practice of, any other licensed health care professional.

**Section 12.** Amends s. 468.813, F.S., to expand the title protection for certain licensed or registered orthotists, prosthetists, prosthetist-orthotists, orthotic fitters, orthotic fitter assistants, pedorthists, prosthetic residents, and orthotic residents.

**Section 13.** Provides that, except as otherwise expressly provided, the committee substitute takes effect July 1, 2008. Sections 7 and 9 of the bill take effect January 1, 2009.

**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 Article VII, Section 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 Article I, Section 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 Article III, Subsection 19(f) of the Florida Constitution.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

Persons who apply to register as a resident will be required to pay a registration fee set by the board, not to exceed \$500. A person seeking to attain the required orthotics or prosthetics experience must register as a resident.

**B. Private Sector Impact:**

Applicants for registration, examination, or licensure must submit fingerprints and undergo statewide and national criminal history checks. Licensure renewal applicants must undergo a statewide criminal history check. Applicants must pay the costs for the screening. The DOH is required to reimburse the Florida Department of Law Enforcement for all statewide and national fingerprint screenings submitted for processing. The cost of this service is based on a \$42.25 per screening rate (\$23 statewide check and \$19.25 national check) for initial applicants and \$23 per screening for renewal applicants.

**C. Government Sector Impact:**

The DOH will not require additional staff, but will require increased operating budget to implement the registration of orthotist and prosthetist residents. The DOH will need to update the COMPAS licensure system to accommodate an additional class of professional known as orthotist and prosthetist resident. Currently, the DOH contracts services for processing of initial and renewal applications and related fees. The cost of the contracted service is based on a per application rate. The new requirement for residents to register will increase the number of initial and renewal applications processed under the contract.

The DOH estimates expenditures for the first year of \$4,954 (fee processing costs and background screening costs) and \$26,524 for the second year. The DOH estimates

revenues for the first year of \$10,859 (initial registration fees and background screening fees) and \$26,524 for the second year. There will be an estimated \$5,905 cash balance for both years.

**VI. Technical Deficiencies:**

Lines 269 - 282 establish a requirement for applicants for registration, examination, or licensure to undergo background screening, including the submission of fingerprints, a statewide criminal history check, and a national criminal history check. Lines 440 - 448 require license renewal applicants to submit information necessary to conduct a statewide criminal history check. It is unclear whether licensure applicants must submit fingerprints and undergo both statewide and national criminal history checks if they have already done so for registration or examination.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Health Regulation on March 19, 2008:**

The committee substitute: removes language that authorized the Board of Orthotists and Prosthetists to describe the scope of practice for each of the licensure categories by rule using nationally recognized descriptor codes; makes applicants pay for the costs of a statewide criminal history check in addition to paying the costs of the national criminal history check; requires the board to screen applicants against the criminal history check results; removes a provision that would have brought persons working for physicians under the licensure requirements for orthotists and prosthetists; and reinserts current statute that was struck in the original bill that exempts pharmacists from licensure as orthotists or prosthetists.

- B. **Amendments:**

None.