

By Senator Baker

20-02593-08

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1 A bill to be entitled

2 An act relating to orthotics, prosthetics, and pedorthics;
3 amending s. 468.80, F.S.; providing and revising
4 definitions; amending s. 468.801, F.S.; changing
5 composition of the Board of Orthotists and Prosthetists;
6 removing obsolete requirement for initial staggering of
7 terms; amending s. 468.802, F.S.; expanding the authority
8 for rule adoption to include standards of practice for
9 orthotic fitters, orthotic fitter assistants, and
10 residents; amending s. 468.803, F.S.; providing for
11 registration for a resident to practice orthotics or
12 prosthetics; authorizing licensure as a prosthetist-
13 orthotist; providing requirements for such licensure;
14 requiring applicants for registration, examination, or
15 licensure to apply on Department of Health forms;
16 requiring applicants to submit fingerprints and a fee to
17 cover department costs for criminal background checks;
18 requiring board verification of certain information prior
19 to an applicant's examination, registration, or licensure;
20 providing requirements for registration as a resident in
21 orthotics or prosthetics; providing for registration and
22 renewal fees for registration; authorizing either the
23 Department of Health to develop and administer a state
24 examination for an orthotist or prosthetist license or the
25 board to approve an existing examination of a national
26 standards organization; providing examination
27 requirements; authorizing examination fees; delineating
28 applicant qualifications for examination; delineating
29 requirements for licensure and licensure fees for an

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30 orthotist, a prosthetist, an orthotic fitter, an orthotic
31 fitter assistant, and a pedorthist; amending s. 468.806,
32 F.S.; revising materials required for submission for
33 biennial license renewal, including information necessary
34 to conduct a statewide criminal history check and payment
35 of costs therefor; requiring certain mandatory courses,
36 standards and qualifications for continuing education
37 courses, and standards and qualifications for course
38 providers to be established by rule; deeming the Florida
39 Association of Orthotists and Prosthetists, Inc., an
40 approved course provider; repealing s. 468.807, F.S.,
41 relating to issuance of a temporary license; amending s.
42 468.808, F.S.; revising duties that can be delegated to
43 unlicensed support personnel; providing requirements for
44 support personnel identification; amending s. 468.809,
45 F.S.; including the practice of orthotics, prosthetics, or
46 pedorthics without registration in certain prohibitions;
47 providing penalties; creating s. 468.8095, F.S.; requiring
48 licensees and registrants to post licenses, registrations,
49 recent photographs, and certain notices in a facility and
50 to wear certain identification tags or badges; amending s.
51 468.811, F.S.; revising grounds for denial of a license or
52 disciplinary action; providing grounds for denial of
53 registration; amending s. 468.812, F.S.; revising
54 provisions exempting certain persons from licensure;
55 amending s. 468.813, F.S.; revising requirements regarding
56 use of titles; authorizing adoption of rules by the board;
57 providing effective dates.

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

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61 Section 1. Section 468.80, Florida Statutes, is amended to
62 read:

63 468.80 Definitions.--As used in this part act, the term:

64 (1) "Agency" means the Agency for Health Care
65 Administration.

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

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

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

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

74 (6) ~~(4)~~ "Orthosis" means any a medical device used to
75 provide support, correction, or alleviation of neuromuscular or
76 musculoskeletal dysfunction, disease, injury, or deformity, but
77 does not include the following assistive technology devices:
78 upper extremity adaptive equipment used to facilitate the
79 activities of daily living, including specialized utensils,
80 combs, and brushes; finger splints; wheelchair seating and
81 equipment that is an integral part of the wheelchair and not worn
82 by the patient; elastic abdominal supports that do not have metal
83 or plastic reinforcing stays; nontherapeutic arch supports;
84 nontherapeutic accommodative inlays and nontherapeutic
85 accommodative footwear, regardless of method of manufacture;
86 unmodified, over-the-counter nontherapeutic shoes; prefabricated
87 nontherapeutic foot care products; durable medical equipment such

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88 as canes, crutches, or walkers; dental appliances; or devices
89 implanted into the body by a physician. For purposes of this
90 subsection, "accommodative" means designed with the primary goal
91 of conforming to the individual's anatomy, ~~and~~ "inlay" means any
92 removable material upon which the foot directly rests inside the
93 shoe and which may be an integral design component of the shoe,
94 and "musculoskeletal" and "neuromuscular" mean the systems of the
95 body providing support and movement and include the skeletal,
96 muscular, circulatory, nervous, and integumentary systems.

97 (7)(5) "Orthotic fitter" means a person who is licensed to
98 practice orthotics, ~~pursuant to a licensed physician's written~~
99 ~~prescription,~~ whose scope of practice is limited to fitting
100 prefabricated cervical orthoses not requiring more than minor
101 modification and not used for the treatment of cervical fractures
102 or dislocations; custom-made and prefabricated compression
103 garments ~~pressure gradient hose~~; trusses; custom-molded and
104 noncustom diabetic therapeutic footwear; prefabricated corset or
105 frame-type spinal orthoses, except for those used in the
106 treatment of vertebral fractures or scoliosis, rigid body jackets
107 made of thermoformable materials, and "halo" devices; and
108 prefabricated orthoses of the upper and lower extremities, except
109 for those used in the treatment of bone fractures and open
110 diabetic ulcers. The board may further describe the scope of
111 practice by rule using nationally recognized descriptor codes.

112 (8)(6) "Orthotic fitter assistant" means a person who is
113 licensed to practice orthotics, ~~pursuant to a licensed~~
114 ~~physician's written prescription,~~ whose scope of practice is
115 limited to fitting, without modification, prefabricated soft
116 cervical orthoses not used for the treatment of cervical

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117 fractures or dislocations; prefabricated soft spinal supports not
118 used for treatment of vertebral fractures; prefabricated
119 compression garments ~~pressure gradient hose~~; trusses; and soft
120 prefabricated orthoses for the upper and lower extremities not
121 used in the treatment of bone fractures and open diabetic ulcers.
122 The board may further describe the scope of practice by rule
123 using nationally recognized descriptor codes.

124 (9)~~(7)~~ "Orthotics" means the practice, ~~pursuant to a~~
125 ~~licensed physician's written prescription,~~ of evaluating,
126 treatment formulating, measuring, designing, fabricating,
127 assembling, fitting, adjusting, servicing, or providing the
128 ~~initial~~ training necessary to accomplish the fitting of an
129 orthosis or pedorthic device. ~~;~~ ~~however,~~ The repair, replacement,
130 adjustment, or servicing of any existing orthosis may be
131 performed without an additional prescription from the patient's
132 physician, unless the original prescription states otherwise. The
133 board may further describe the scope of practice by rule using
134 nationally recognized descriptor codes. ~~If a patient is under the~~
135 ~~care of a licensed occupational therapist or physical therapist,~~
136 ~~the orthotist must consult with the therapist if the therapist~~
137 ~~has requested consultation regarding the fitting, design, or~~
138 ~~fabrication of an orthosis or regarding treatment with an~~
139 ~~orthosis.~~

140 (10)~~(8)~~ "Orthotist" means a person licensed to practice
141 orthotics pursuant to this chapter.

142 (11)~~(9)~~ "Pedorthic device" means therapeutic shoes, shoe
143 modifications made for therapeutic purposes, nondynamic
144 prosthetic fillers of the forefoot, and foot orthoses for use on
145 the human foot limited anatomically to that part distal to the

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146 ~~maleoli from the ankle and below, but does not include arch~~
147 ~~supports; nontherapeutic accommodative inlays and nontherapeutic~~
148 ~~accommodative footwear, regardless of method of manufacture;~~
149 ~~unmodified, over-the-counter shoes; or prefabricated foot care~~
150 ~~products. For purposes of this subsection, "accommodative" means~~
151 ~~designed with the primary goal of conforming to the individual's~~
152 ~~anatomy and "inlay" means any removable material upon which the~~
153 ~~foot directly rests inside the shoe and which may be an integral~~
154 ~~design component of the shoe.~~

155 ~~(12)-(10)~~ "Pedorthics" means the practice, ~~pursuant to a~~
156 ~~licensed physician's written prescription,~~ of evaluating,
157 treatment formulating, measuring, designing, fabricating,
158 assembling, fitting, adjusting, servicing, or providing the
159 ~~initial~~ training necessary to accomplish the fitting of a
160 pedorthic device. ~~;~~ ~~however,~~ The repair, replacement, adjustment,
161 or servicing of any existing pedorthic device may be performed
162 without an additional prescription from the patient's physician,
163 unless the original prescription states otherwise. The board may
164 describe the scope of practice by rule using nationally
165 recognized descriptor codes. ~~If a patient is under the care of a~~
166 ~~licensed occupational therapist or physical therapist, the~~
167 ~~pedorthist must consult with the therapist if the therapist has~~
168 ~~requested consultation regarding the fitting, design, or~~
169 ~~fabrication of a pedorthic device or regarding treatment with a~~
170 ~~pedorthic device.~~

171 ~~(13)-(11)~~ "Pedorthist" means a person licensed to practice
172 pedorthics pursuant to this chapter.

173 ~~(14)-(12)~~ "Prosthesis" means a medical device used to
174 replace a missing appendage or other external body part,

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175 including an artificial limb, hand, or foot. It does not include
176 surgically implanted devices or artificial eyes; dental
177 appliances; ostomy products; or cosmetic devices such as breast
178 prostheses, eyelashes, or wigs; ~~or other devices that do not have~~
179 ~~a significant impact on the musculoskeletal functions of the~~
180 ~~body.~~

181 ~~(15)-(13)~~ "Prosthetics" means the practice, ~~pursuant to a~~
182 ~~licensed physician's written prescription,~~ of evaluating,
183 treatment formulating, measuring, designing, fabricating,
184 assembling, fitting, adjusting, servicing, or providing the
185 ~~initial~~ training necessary to accomplish the fitting of a
186 prosthesis. ~~, except~~ The repair, replacement, adjustment, or
187 servicing of any existing prosthesis may be performed without an
188 additional prescription from the patient's physician, unless the
189 original prescription states otherwise. The board may describe
190 the scope of practice by rule using nationally recognized
191 descriptor codes. ~~If a patient is under the care of a licensed~~
192 ~~occupational therapist or physical therapist, the prosthetist~~
193 ~~must consult with the therapist if the therapist has requested~~
194 ~~consultation regarding the fitting, design, or fabrication of a~~
195 ~~prosthesis or regarding treatment with a prosthesis.~~

196 ~~(16)-(14)~~ "Prosthetist" means a person licensed to practice
197 prosthetics pursuant to this chapter.

198 ~~(17)-(15)~~ "Prosthetist-orthotist" means a person licensed to
199 practice as a prosthetist and as an orthotist.

200 ~~(18)~~ "Resident" means a person registered to practice
201 orthotics or prosthetics under the supervision of a licensed
202 orthotist or prosthetist as defined by the board by rule.

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

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

210 468.801 Board of Orthotists and Prosthetists; appointment;
211 membership; terms; headquarters.--

212 (2) The board members ~~of the board~~ must be residents of
213 this state. Two members ~~One member~~ must be a licensed practicing
214 prosthetists ~~prosthetist~~ with a minimum of 3 years' clinical or
215 practical experience, at least one of whom has attained a minimum
216 of a bachelor's ~~after receiving a Bachelor of Science degree in~~
217 ~~Orthotics and Prosthetics; one member must be a practicing~~
218 ~~prosthetist with at least 6 years' experience after certification~~
219 ~~by a national certifying body; one member must be a licensed~~
220 practicing orthotist with a minimum of 3 years' clinical or
221 practical experience who has attained a minimum of a bachelor's
222 ~~after receiving a Bachelor of Science degree in Orthotics and~~
223 ~~Prosthetics; one member must be a practicing orthotist with at~~
224 ~~least 6 years' experience after certification by a national~~
225 ~~certifying body; two members must be prosthetic or orthotic~~
226 users, the parents, guardians, or spouses of prosthetic or
227 orthotic users, or any combination of such users and nonusers who
228 are not deriving economic benefit from the fitting or dispensing
229 of orthotic or prosthetic devices and who have never been
230 orthotists or prosthetists or members of a closely related
231 profession; ~~and~~ one member must be a physician licensed under

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232 chapter 458, chapter 459, chapter 460, or chapter 461, who has
233 extensive knowledge of orthotics or prosthetics; and one member
234 must be a licensed practicing orthotist, orthotic fitter, or
235 pedorthist with a minimum of 3 years' clinical or practical
236 experience. ~~One of the prosthetist or orthotist members must have~~
237 ~~received training in pedorthics and have 3 years of pedorthic~~
238 ~~experience as part of his or her practice.~~

239 (3) Members of the board shall be appointed for terms of 4
240 years each and shall serve until their successors are appointed.
241 ~~However, for the purpose of staggering terms, two of the original~~
242 ~~board members shall serve terms of 4 years each, two shall serve~~
243 ~~terms of 3 years each, two shall serve terms of 2 years each, and~~
244 ~~one shall serve a term of 1 year, as designated by the Governor.~~
245 Members may be reappointed for additional terms.

246 Section 3. Section 468.802, Florida Statutes, is amended to
247 read:

248 468.802 Authority to adopt rules.--The board shall adopt
249 rules pursuant to ss. 120.536(1) and 120.54 to implement the
250 provisions of this part act, including rules relating to
251 standards of practice for orthotists, orthotic fitters, orthotic
252 fitter assistants, pedorthists, prosthetists, and residents
253 pedorthists.

254 Section 4. Section 468.803, Florida Statutes, is amended to
255 read:

256 468.803 License, registration, and examination ~~Licensure~~
257 requirements.--

258 (1) The department shall issue a license to practice
259 orthotics, prosthetics, or pedorthics, or a registration for a
260 resident to practice orthotics or prosthetics, to qualified

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261 applicants. Licenses ~~Licensure~~ shall be granted independently in
262 orthotics, prosthetics, or pedorthics, but a person may be
263 licensed in more than one such discipline and a prosthetist-
264 orthotist license may be granted to persons meeting the
265 requirements for both a prosthetist and an orthotist license.
266 Registrations shall be granted independently in orthotics or
267 prosthetics, and a person may be registered in both fields at the
268 same time.

269 (2) An applicant for registration, examination, or
270 licensure must apply to the department on a form prescribed by
271 the board for consideration of board approval. Each applicant
272 shall submit a set of fingerprints to the department on a form
273 and under procedures specified by the department, along with
274 payment in an amount equal to the costs incurred by the
275 department for a national criminal history check of the
276 applicant. The department shall submit the fingerprints provided
277 by an applicant to the Department of Law Enforcement for a
278 statewide criminal history check, and the Department of Law
279 Enforcement shall forward the fingerprints to the Federal Bureau
280 of Investigation for a national criminal history check of the
281 applicant. The board shall consider for examination,
282 registration, or licensure ~~it in order to take the appropriate~~
283 ~~licensure examination, including a practical examination~~
284 ~~demonstrating clinical patient management, when appropriate, and~~
285 ~~written examinations, one of which demonstrates orthotic,~~
286 ~~prosthetic, or pedorthic problem-solving skills. The board may~~
287 ~~accept the examination results of a national orthotic,~~
288 ~~prosthetic, or pedorthic standards organization in lieu of~~
289 ~~administering the state examination. In such cases, the~~

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290 ~~department shall set fees appropriate to the level of~~
291 ~~practitioner and shall examine~~ each applicant who the board
292 verifies:

293 (a) Has submitted the ~~completed the~~ application and the
294 fingerprint forms ~~form~~ and has paid the applicable an application
295 fee, not to exceed \$500, and cost of a national criminal history
296 check, both of which shall be nonrefundable, ~~an examination fee~~
297 ~~and the actual per applicant costs to the department for purchase~~
298 ~~or development of the examination, and a license fee not to~~
299 ~~exceed \$500;~~

300 (b) Is of good moral character;

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

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

304 ~~(e) Has successfully completed an appropriate clinical~~
305 ~~internship in the professional area for which the license is~~
306 ~~sought.~~

307 (3) A person seeking to attain the required orthotics or
308 prosthetics experience in this state must be approved by the
309 board and registered as a resident by the department. Although a
310 registration may be held in both practice fields, the board shall
311 not approve a second registration until at least 1 year after the
312 issuance of the first registration. Notwithstanding subsection
313 (2), an applicant who has been approved by the board and
314 registered by the department in one practice field may apply for
315 registration in the second practice field without an additional
316 national criminal history check during the period in which the
317 first registration is valid. Each registration is valid for 2
318 years from the date of issuance unless otherwise revoked by the

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319 department upon recommendation of the board. The board shall set
320 a registration fee not to exceed \$500 to be paid by the
321 applicant. A registration may be renewed once by the department
322 upon recommendation of the board for a period no longer than 1
323 year, as such renewal is defined by the board by rule. The
324 registration renewal fee shall not exceed one-half the current
325 registration fee. To be considered by the board for approval of
326 registration as a resident, the applicant must have:

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

336 (b) A Bachelor of Science or higher-level postgraduate
337 degree in Orthotics and Prosthetics from a regionally accredited
338 college or university recognized by the Commission on
339 Accreditation of Allied Health Education Programs or, at a
340 minimum, a bachelor's degree from a regionally accredited college
341 or university and a certificate in prosthetics from a program
342 recognized by the Commission on Accreditation of Allied Health
343 Education Programs, or its equivalent, as determined by the
344 board.

345 (4) The department may develop and administer a state
346 examination for an orthotist or a prosthetist license, or the
347 board may approve the existing examination of a national

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348 standards organization. The examination must be predicated on a
349 minimum of a baccalaureate-level education and formalized
350 specialized training in the appropriate field. Each examination
351 must demonstrate a minimum level of competence in basic
352 scientific knowledge, written problem solving, and practical
353 clinical patient management. The board shall require an
354 examination fee not to exceed the actual cost to the board in
355 developing, administering, and approving the examination, which
356 fee must be paid by the applicant. To be considered by the board
357 for examination, the applicant must have:

358 (a) For an examination in orthotics:

359 1. A Bachelor of Science or higher-level postgraduate
360 degree in Orthotics and Prosthetics from a regionally accredited
361 college or university recognized by the Commission on
362 Accreditation of Allied Health Education Programs or, at a
363 minimum, a bachelor's degree from a regionally accredited college
364 or university and a certificate in orthotics from a program
365 recognized by the Commission on Accreditation of Allied Health
366 Education Programs, or its equivalent, as determined by the
367 board; and

368 2. An approved orthotics internship of 1 year of qualified
369 experience, as determined by the board, or an orthotic residency
370 program recognized by the board.

371 (b) For an examination in prosthetics:

372 1. A Bachelor of Science or higher-level postgraduate
373 degree in Orthotics and Prosthetics from a regionally accredited
374 college or university recognized by the Commission on
375 Accreditation of Allied Health Education Programs or, at a
376 minimum, a bachelor's degree from a regionally accredited college

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377 or university and a certificate in prosthetics from a program
378 recognized by the Commission on Accreditation of Allied Health
379 Education Programs, or its equivalent, as determined by the
380 board; and

381 2. An approved prosthetics internship of 1 year of
382 qualified experience, as determined by the board, or a prosthetic
383 residency program recognized by the board.

384 (5)(3) In addition to the requirements in subsection (2),
385 to be licensed as:

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

388 1. A Bachelor of Science or higher-level postgraduate
389 degree in Orthotics and Prosthetics from a regionally accredited
390 college or university, or a bachelor's degree with a certificate
391 in orthotics from a program recognized by the Commission on
392 Accreditation of Allied Health Education Programs, or its
393 equivalent, as determined by the board; ~~and~~

394 2. An appropriate internship of 1 year of qualified
395 experience, as determined by the board, or a residency program
396 recognized by the board;

397 3. Completed the mandatory courses; and

398 4. Passed the state orthotics examination or the board-
399 approved orthotics examination.

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

402 1. A Bachelor of Science or higher-level postgraduate
403 degree in Orthotics and Prosthetics from a regionally accredited
404 college or university, or a bachelor's degree with a certificate
405 in prosthetics from a program recognized by the Commission on

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- 406 Accreditation of Allied Health Education Programs, or its
407 equivalent, as determined by the board; ~~and~~
- 408 2. An internship of 1 year of qualified experience, as
409 determined by the board, or a residency program recognized by the
410 board;
- 411 3. Completed the mandatory courses; and
- 412 4. Passed the state prosthetics examination or the board-
413 approved prosthetics examination.
- 414 (c) An orthotic fitter, the applicant must pay a license
415 fee not to exceed \$500 and must have:
- 416 1. A high school diploma or its equivalent;
- 417 2. A minimum of 40 hours of training in orthotics
418 education, as approved by the board; ~~and~~
- 419 3. Two years of supervised experience in orthotics acquired
420 after completion of the required education, as approved by the
421 board; and
- 422 4. Completed the mandatory courses.
- 423 (d) An orthotic fitter assistant, the applicant must pay a
424 license fee not to exceed \$500 and must have:
- 425 1. A high school diploma or its equivalent; ~~and~~
- 426 2. A minimum of 40 hours of training in orthotics
427 education, as approved by the board; and
- 428 3. Completed the mandatory courses.
- 429 (e) A pedorthist, the applicant must pay a license fee not
430 to exceed \$500 and must have:
- 431 1. A high school diploma or its equivalent;
- 432 2. A minimum of 120 hours of training, as approved by the
433 board; ~~and~~

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

436 4. Completed the mandatory courses.

437 Section 5. Section 468.806, Florida Statutes, is amended to
438 read:

439 468.806 Biennial renewal of license.--

440 (1) The department shall renew a license upon receipt of
441 the required documentation, renewal application, and renewal fee,
442 not to exceed \$500, as set by the board. The applicant for
443 license renewal must submit information necessary to conduct a
444 statewide criminal history check along with payment in an amount
445 equal to the costs incurred by the department for a statewide
446 criminal history check. The department shall submit the required
447 information for a statewide criminal history check of the
448 applicant to the Department of Law Enforcement.

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

451 (3) The board may by rule prescribe continuing education
452 requirements and approve course criteria, not to exceed 30 hours
453 biennially, as a condition for license renewal. The board shall
454 establish by rule mandatory courses to safeguard the welfare of
455 the public and licensed practitioners, standards and
456 qualifications for continuing education courses, standards and
457 qualifications for course providers, and a procedure for
458 approving continuing education courses and providers and may set
459 a fee for continuing education course and provider approval. The
460 Florida Association of Orthotists and Prosthetists, Inc., shall
461 be deemed an approved provider of continuing education courses,
462 including mandatory courses.

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

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

466 468.808 Support personnel.--A person must be licensed to
467 practice orthotics, prosthetics, or pedorthics in this state.
468 However, a licensed orthotist, prosthetist, or pedorthist may
469 delegate duties, not to include patient evaluation, treatment
470 formulation, or the final fitting of a device prior to patient
471 use, to nonlicensed support ~~supportive~~ personnel. All other
472 delegated if these duties must be ~~are~~ performed under the ~~direct~~
473 supervision, as defined by the board by rule, of a licensed
474 orthotist, prosthetist, or pedorthist, and the persons acting as
475 support personnel must be identified as such by wearing an
476 identification tag as defined by the board by rule. In such
477 instances the supervising licensee is responsible for all acts
478 performed by such persons.

479 Section 8. Section 468.809, Florida Statutes, is amended to
480 read:

481 468.809 Prohibitions; penalties.--

482 (1) A person may not:

483 (a) Make a false or fraudulent statement in any
484 application, affidavit, or statement presented to the board or in
485 any proceeding before the board.

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

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

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

494 468.8095 Practitioner and resident identification.--

495 (1) A licensee or person registered with the department
496 shall post a license or registration and a recent photograph of
497 the licensee or registrant at each facility where patients are
498 seen by the licensee or registrant in a manner determined by the
499 board by rule. This requirement does not extend to areas where
500 the licensee or registrant may visit and normally does not treat
501 patients. The posted license or registration must be valid.

502 (2) A licensee or person registered with the department
503 shall post in close proximity to the posted license or
504 registration a notice stating the department's Consumer Services
505 Unit address, Internet website, and telephone number. The notice
506 shall state that a patient may file a complaint of unlicensed or
507 substandard practice by contacting the Consumer Services Unit. A
508 single notice may be used for multiple licensees or registrants
509 in a facility.

510 (3) During patient contact, each licensee or person
511 registered with the department shall prominently wear an
512 identification tag or badge with the name, recent photograph, and
513 license or registration number, as applicable, of the licensee or
514 registrant. The size and appearance of the identification tag or
515 badge shall be determined by the board by rule. Persons licensed
516 in more than one practice field under this part may list both
517 license numbers. Licensees or registrants working in facilities
518 requiring the wearing of a specific identification tag may
519 substitute the identification tag or badge required by this
520 subsection with the facility's design as determined by the board.

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

523 468.811 Disciplinary proceedings.--

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

527 (a) Attempting to procure a license by fraudulent
528 misrepresentation.

529 (b) Having a license to practice orthotics, prosthetics, or
530 pedorthics revoked, suspended, or otherwise acted against,
531 including the denial of licensure in another state or
532 jurisdiction.

533 (c) Being convicted or found guilty of or pleading nolo
534 contendere to, regardless of adjudication, in any jurisdiction, a
535 crime that directly relates to the practice of orthotics,
536 prosthetics, or pedorthics, including violations of federal laws
537 or regulations regarding orthotics, prosthetics, or pedorthics.

538 (d) Filing a report, claim, or record that the licensee
539 knows is false;; intentionally or negligently failing to file a
540 report, claim, or record required by state or federal law;;
541 willfully impeding or obstructing such filing;; or inducing
542 another person to impede or obstruct such filing. Such reports,
543 claims, or records include only reports, claims, or records that
544 are signed in a person's capacity as a licensee under this part
545 ~~act~~.

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

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

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550 failure to comply with a subpoena issued by the board, agency, or
551 department.

552 (g) Practicing with a revoked, suspended, or inactive
553 license.

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

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

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

564 (k) Making deceptive, untrue, or fraudulent representations
565 in the licensed or unlicensed practice of orthotics, prosthetics,
566 or pedorthics.

567 (l) Practicing orthotics, prosthetics, or pedorthics or
568 practicing as an orthotic fitter or an orthotic fitter assistant
569 without a licensed physician's written prescription for those
570 orthotic or pedorthic devices or prostheses that require such
571 prescription.

572 Section 11. Section 468.812, Florida Statutes, is amended
573 to read:

574 468.812 Exemptions from licensure.--

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

576 (a) A person who is licensed under chapter 458, chapter
577 459, chapter 460, or chapter 461. This exemption does not apply
578 to a person under the supervision of the licensed person;

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579 (b) A person performing services for the Federal
580 Government, if the person provides orthotic, prosthetic, or
581 pedorthic care solely under the direction or control of the
582 organization by which that person is employed;

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

585 (c) ~~(d)~~ A student, fellow, or trainee in orthotics,
586 prosthetics, or pedorthics pursuing a course of study at a
587 regionally accredited college or university or working in a
588 recognized training center or research facility, provided ~~if~~ the
589 activities and services are part of a regular course of study
590 under a supervisor licensed under this part ~~act~~;

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

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

598 (2) This part ~~act~~ does not require an additional license
599 of, or regulate the practice of, any other licensed health care
600 professional whose scope of practice allows the use of devices
601 defined as orthoses, pedorthic devices, or prostheses within this
602 part within the state, or prevent a qualified member of any other
603 profession or any person employed under the supervision of such a
604 licensed professional from doing work of a nature consistent with
605 that person's training, as long as the person does not hold
606 himself or herself out to the public as a licensee under this
607 act.

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608 ~~(3) The provisions of this act relating to orthotics or~~
609 ~~pedorthics do not apply to any licensed pharmacist or to any~~
610 ~~person acting under the supervision of a licensed pharmacist. The~~
611 ~~practice of orthotics or pedorthics by a pharmacist or any of the~~
612 ~~pharmacist's employees acting under the supervision of a~~
613 ~~pharmacist shall be construed to be within the meaning of the~~
614 ~~term "practice of the profession of pharmacy" as set forth in s.~~
615 ~~465.003(13), and shall be subject to regulation in the same~~
616 ~~manner as any other pharmacy practice. The Board of Pharmacy~~
617 ~~shall develop rules regarding the practice of orthotics and~~
618 ~~pedorthics by a pharmacist. Any pharmacist or person under the~~
619 ~~supervision of a pharmacist engaged in the practice of orthotics~~
620 ~~or pedorthics shall not be precluded from continuing that~~
621 ~~practice pending adoption of these rules.~~

622 Section 12. Section 468.813, Florida Statutes, is amended
623 to read:

624 468.813 Use of titles.--A person must be licensed or
625 registered under this part ~~act~~ to represent himself or herself as
626 a licensed or registered orthotist, ~~or~~ prosthetist, prosthetist-
627 orthotist, orthotic fitter, orthotic fitter assistant,
628 pedorthist, prosthetic resident, or orthotic resident or use in
629 connection with his or her name the words "orthotist,"
630 "prosthetist," "prosthetist-orthotist," "orthotic fitter,"
631 "orthotic fitter assistant," "pedorthist," or "resident" or
632 abbreviations, titles, or insignia indicating or suggesting that
633 he or she is able to legally provide services or devices
634 described in this part ~~an orthotist, prosthetist, prosthetist-~~
635 ~~orthotist, orthotic fitter, orthotic fitter assistant, or~~

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636 ~~pederthist.~~ The board may adopt rules relating to the allowable
637 uses and abbreviations of titles.

638 Section 13. Except as otherwise expressly provided in this
639 act, this act shall take effect July 1, 2008.