

By the Committee on Health Regulation; and Senator Baker

588-05443-08

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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 the  
5 composition of the Board of Orthotists and Prosthetists;  
6 removing an 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 forms created and provided by the  
16 Department of Health; requiring applicants to submit  
17 fingerprints and a fee to cover department costs for  
18 criminal background checks; requiring board verification  
19 of certain information prior to an applicant's  
20 examination, registration, or licensure; providing  
21 requirements for registration as a resident in orthotics  
22 or prosthetics; providing for registration and renewal  
23 fees for registration; authorizing either the Department  
24 of Health to develop and administer a state examination  
25 for an orthotist or prosthetist license or the board to  
26 approve an existing examination of a national standards  
27 organization; providing examination requirements;  
28 authorizing examination fees; delineating applicant  
29 qualifications for examination; delineating requirements

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

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

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

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

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

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

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

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

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

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

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

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

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

136 (10)~~(8)~~ "Orthotist" means a person licensed to practice  
137 orthotics pursuant to this chapter.

138 (11)~~(9)~~ "Pedorthic device" means therapeutic shoes, shoe  
139 modifications made for therapeutic purposes, nondynamic  
140 prosthetic fillers of the forefoot, and foot orthoses for use on  
141 the human foot limited anatomically to that part distal to the  
142 maleoli from the ankle and below, but does not include arch  
143 supports; ~~nontherapeutic accommodative inlays and nontherapeutic~~  
144 ~~accommodative footwear, regardless of method of manufacture;~~  
145 ~~unmodified, over-the-counter shoes; or prefabricated foot care~~

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146 ~~products. For purposes of this subsection, "accommodative" means~~  
147 ~~designed with the primary goal of conforming to the individual's~~  
148 ~~anatomy and "inlay" means any removable material upon which the~~  
149 ~~foot directly rests inside the shoe and which may be an integral~~  
150 ~~design component of the shoe.~~

151 (12)~~(10)~~ "Pedorthics" means the practice, ~~pursuant to a~~  
152 ~~licensed physician's written prescription,~~ of evaluating,  
153 treatment formulating, measuring, designing, fabricating,  
154 assembling, fitting, adjusting, servicing, or providing the  
155 initial training necessary to accomplish the fitting of a  
156 pedorthic device; ~~however, the repair, replacement, adjustment,~~  
157 ~~or servicing of any existing pedorthic device may be performed~~  
158 ~~without an additional prescription from the patient's physician,~~  
159 ~~unless the original prescription states otherwise. If a patient~~  
160 ~~is under the care of a licensed occupational therapist or~~  
161 ~~physical therapist, the pedorthist must consult with the~~  
162 ~~therapist if the therapist has requested consultation regarding~~  
163 ~~the fitting, design, or fabrication of a pedorthic device or~~  
164 ~~regarding treatment with a pedorthic device.~~

165 (13)~~(11)~~ "Pedorthist" means a person licensed to practice  
166 pedorthics pursuant to this chapter.

167 (14)~~(12)~~ "Prosthesis" means a medical device used to  
168 replace a missing appendage or other external body part,  
169 including an artificial limb, hand, or foot. It does not include  
170 surgically implanted devices or artificial eyes; dental  
171 appliances; ostomy products; or cosmetic devices such as breast  
172 prostheses, eyelashes, or wigs; ~~or other devices that do not have~~  
173 ~~a significant impact on the musculoskeletal functions of the~~  
174 ~~body.~~

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175        (15)~~(13)~~ "Prosthetics" means the practice, ~~pursuant to a~~  
176 ~~licensed physician's written prescription,~~ of evaluating,  
177 treatment formulating, measuring, designing, fabricating,  
178 assembling, fitting, adjusting, servicing, or providing the  
179 initial training necessary to accomplish the fitting of a  
180 prosthesis, ~~except the repair, replacement, adjustment, or~~  
181 ~~servicing of any existing prosthesis may be performed without an~~  
182 ~~additional prescription from the patient's physician, unless the~~  
183 ~~original prescription states otherwise. If a patient is under the~~  
184 ~~care of a licensed occupational therapist or physical therapist,~~  
185 ~~the prosthetist must consult with the therapist if the therapist~~  
186 ~~has requested consultation regarding the fitting, design, or~~  
187 ~~fabrication of a prosthesis or regarding treatment with a~~  
188 ~~prosthesis.~~

189        (16)~~(14)~~ "Prosthetist" means a person licensed to practice  
190 prosthetics pursuant to this chapter.

191        (17)~~(15)~~ "Prosthetist-orthotist" means a person licensed to  
192 practice as a prosthetist and as an orthotist.

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

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

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

203        468.801 Board of Orthotists and Prosthetists; appointment;

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204 membership; terms; headquarters.--

205 (2) The board members ~~of the board~~ must be residents of  
206 this state. Two members ~~One member~~ must be licensed a practicing  
207 prosthetists ~~prosthetist~~ with a minimum of 3 years' clinical or  
208 practical experience, at least one of whom has attained a minimum  
209 of a bachelor's ~~after receiving a Bachelor of Science degree in~~  
210 ~~Orthotics and Prosthetics; one member must be a practicing~~  
211 ~~prosthetist with at least 6 years' experience after certification~~  
212 ~~by a national certifying body; one member must be a licensed~~  
213 practicing orthotist with a minimum of 3 years' clinical or  
214 practical experience who has attained a minimum of a bachelor's  
215 ~~after receiving a Bachelor of Science degree in Orthotics and~~  
216 ~~Prosthetics; one member must be a practicing orthotist with at~~  
217 ~~least 6 years' experience after certification by a national~~  
218 ~~certifying body; two members must be prosthetic or orthotic~~  
219 users, the parents, guardians, or spouses of prosthetic or  
220 orthotic users, or any combination of such users and nonusers who  
221 are not deriving economic benefit from the fitting or dispensing  
222 of orthotic or prosthetic devices and who have never been  
223 orthotists or prosthetists or members of a closely related  
224 profession; ~~and~~ one member must be a physician licensed under  
225 chapter 458, chapter 459, chapter 460, or chapter 461, who has  
226 extensive knowledge of orthotics or prosthetics; and one member  
227 must be a licensed practicing orthotist, orthotic fitter, or  
228 pedorthist with a minimum of 3 years' clinical or practical  
229 experience. ~~One of the prosthetist or orthotist members must have~~  
230 ~~received training in pedorthics and have 3 years of pedorthic~~  
231 ~~experience as part of his or her practice.~~

232 (3) Members of the board shall be appointed for terms of 4



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233 | years each and shall serve until their successors are appointed.  
234 | ~~However, for the purpose of staggering terms, two of the original~~  
235 | ~~board members shall serve terms of 4 years each, two shall serve~~  
236 | ~~terms of 3 years each, two shall serve terms of 2 years each, and~~  
237 | ~~one shall serve a term of 1 year, as designated by the Governor.~~  
238 | Members may be reappointed for additional terms.

239 |       Section 3. Section 468.802, Florida Statutes, is amended to  
240 | read:

241 |       468.802 Authority to adopt rules.--The board shall adopt  
242 | rules pursuant to ss. 120.536(1) and 120.54 to implement the  
243 | provisions of this part act, including rules relating to  
244 | standards of practice for orthotists, orthotic fitters, orthotic  
245 | fitter assistants, pedorthists, prosthetists, and residents  
246 | pedorthists.

247 |       Section 4. Section 468.803, Florida Statutes, is amended to  
248 | read:

249 |       468.803 License, registration, and examination ~~License~~  
250 | requirements.--

251 |       (1) The department shall issue a license to practice  
252 | orthotics, prosthetics, or pedorthics, or a registration for a  
253 | resident to practice orthotics or prosthetics, to qualified  
254 | applicants. Licenses ~~License~~ shall be granted independently in  
255 | orthotics, prosthetics, or pedorthics, but a person may be  
256 | licensed in more than one such discipline and a prosthetist-  
257 | orthotist license may be granted to persons meeting the  
258 | requirements for both a prosthetist and an orthotist license.  
259 | Registrations shall be granted independently in orthotics or  
260 | prosthetics, and a person may be registered in both fields at the  
261 | same time.

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

287           (a) Has submitted the completed the application and the  
288 fingerprint forms form and has paid the applicable an application  
289 fee, not to exceed \$500, and the cost of the state and national  
290 criminal history checks. The application fee and cost of the

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291 ~~criminal history checks which shall be nonrefundable, an~~  
292 ~~examination fee and the actual per applicant costs to the~~  
293 ~~department for purchase or development of the examination, and a~~  
294 ~~license fee not to exceed \$500;~~

295 (b) Is of good moral character;

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

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

299 ~~(e) Has successfully completed an appropriate clinical~~  
300 ~~internship in the professional area for which the license is~~  
301 ~~sought.~~

302 (3) A person seeking to attain the required orthotics or  
303 prosthetics experience in this state must be approved by the  
304 board and registered as a resident by the department. Although a  
305 registration may be held in both practice fields, the board shall  
306 not approve a second registration until at least 1 year after the  
307 issuance of the first registration. Notwithstanding subsection  
308 (2), an applicant who has been approved by the board and  
309 registered by the department in one practice field may apply for  
310 registration in the second practice field without an additional  
311 state or national criminal history check during the period in  
312 which the first registration is valid. Each registration is valid  
313 for 2 years from the date of issuance unless otherwise revoked by  
314 the department upon recommendation of the board. The board shall  
315 set a registration fee not to exceed \$500 to be paid by the  
316 applicant. A registration may be renewed once by the department  
317 upon recommendation of the board for a period no longer than 1  
318 year, as such renewal is defined by the board by rule. The  
319 registration renewal fee shall not exceed one-half the current

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320 registration fee. To be considered by the board for approval of  
321 registration as a resident, the applicant must have:

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

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

340 (4) The department may develop and administer a state  
341 examination for an orthotist or a prosthetist license, or the  
342 board may approve the existing examination of a national  
343 standards organization. The examination must be predicated on a  
344 minimum of a baccalaureate-level education and formalized  
345 specialized training in the appropriate field. Each examination  
346 must demonstrate a minimum level of competence in basic  
347 scientific knowledge, written problem solving, and practical  
348 clinical patient management. The board shall require an

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349 examination fee not to exceed the actual cost to the board in  
350 developing, administering, and approving the examination, which  
351 fee must be paid by the applicant. To be considered by the board  
352 for examination, the applicant must have:

353 (a) For an examination in orthotics:

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

363 2. An approved orthotics internship of 1 year of qualified  
364 experience, as determined by the board, or an orthotic residency  
365 program recognized by the board.

366 (b) For an examination in prosthetics:

367 1. A Bachelor of Science or higher-level postgraduate  
368 degree in Orthotics and Prosthetics from a regionally accredited  
369 college or university recognized by the Commission on  
370 Accreditation of Allied Health Education Programs or, at a  
371 minimum, a bachelor's degree from a regionally accredited college  
372 or university and a certificate in prosthetics from a program  
373 recognized by the Commission on Accreditation of Allied Health  
374 Education Programs, or its equivalent, as determined by the  
375 board; and

376 2. An approved prosthetics internship of 1 year of  
377 qualified experience, as determined by the board, or a prosthetic

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378 residency program recognized by the board.

379 (5)~~(3)~~ In addition to the requirements in subsection (2),  
380 to be licensed as:

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

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

389 2. An appropriate internship of 1 year of qualified  
390 experience, as determined by the board, or a residency program  
391 recognized by the board;

392 3. Completed the mandatory courses; and

393 4. Passed the state orthotics examination or the board-  
394 approved orthotics examination.

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

397 1. A Bachelor of Science or higher-level postgraduate  
398 degree in Orthotics and Prosthetics from a regionally accredited  
399 college or university, or a bachelor's degree with a certificate  
400 in prosthetics from a program recognized by the Commission on  
401 Accreditation of Allied Health Education Programs, or its  
402 equivalent, as determined by the board; ~~and~~

403 2. An internship of 1 year of qualified experience, as  
404 determined by the board, or a residency program recognized by the  
405 board;

406 3. Completed the mandatory courses; and

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407        4. Passed the state prosthetics examination or the board-  
408 approved prosthetics examination.

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

411            1. A high school diploma or its equivalent;

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

414            3. Two years of supervised experience in orthotics acquired  
415 after completion of the required education, as approved by the  
416 board; and

417            4. Completed the mandatory courses.

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

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

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

423            3. Completed the mandatory courses.

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

426            1. A high school diploma or its equivalent;

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

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

431            4. Completed the mandatory courses.

432        Section 5. Section 468.806, Florida Statutes, is amended to  
433 read:

434            468.806 Biennial renewal of license.--

435            (1) The department shall renew a license upon receipt of

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436 the required documentation, renewal application, and renewal fee,  
437 not to exceed \$500, as set by the board. The applicant for  
438 license renewal must submit information necessary to conduct a  
439 statewide criminal history check along with payment in an amount  
440 equal to the costs incurred by the department for a statewide  
441 criminal history check. The department shall submit the required  
442 information for a statewide criminal history check of the  
443 applicant to the Department of Law Enforcement.

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

446 (3) The board may by rule prescribe continuing education  
447 requirements and approve course criteria, not to exceed 30 hours  
448 biennially, as a condition for license renewal. The board shall  
449 establish by rule mandatory courses to safeguard the welfare of  
450 the public and licensed practitioners, standards and  
451 qualifications for continuing education courses, standards and  
452 qualifications for course providers, and a procedure for  
453 approving continuing education courses and providers, and shall  
454 may set a fee for continuing education course and provider  
455 approval. The Florida Association of Orthotists and Prosthetists,  
456 Inc., or a successor organization shall be deemed an approved  
457 provider of continuing education courses, including mandatory  
458 courses, that meet the criteria established in this subsection.

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

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

462 468.808 Support personnel.--A person must be licensed to  
463 practice orthotics, prosthetics, or pedorthics in this state.  
464 However, a licensed orthotist, prosthetist, or pedorthist may



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465 delegate duties, not to include patient evaluation, treatment  
466 formulation, or the final fitting of a device prior to patient  
467 use, to nonlicensed support ~~supportive~~ personnel. All other  
468 delegated ~~if these~~ duties must be ~~are~~ performed under the ~~direct~~  
469 supervision, as defined by the board by rule, of a licensed  
470 orthotist, prosthetist, or pedorthist, and the persons acting as  
471 support personnel must be identified as such by wearing an  
472 identification tag as defined by the board by rule. In such  
473 instances the supervising licensee is responsible for all acts  
474 performed by such persons.

475 Section 8. Section 468.809, Florida Statutes, is amended to  
476 read:

477 468.809 Prohibitions; penalties.--

478 (1) A person may not:

479 (a) Make a false or fraudulent statement in any  
480 application, affidavit, or statement presented to the board or in  
481 any proceeding before the board.

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

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

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

490 468.8095 Practitioner and resident identification.--

491 (1) A licensee or person registered with the department  
492 shall post a license or registration and a recent photograph of  
493 the licensee or registrant at each facility where patients are

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494 seen by the licensee or registrant in a manner determined by the  
495 board by rule. This requirement does not extend to areas where  
496 the licensee or registrant may visit and normally does not treat  
497 patients. The posted license or registration must be valid.

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

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

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

519 468.811 Disciplinary proceedings.--

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

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523 (a) Attempting to procure a license by fraudulent  
524 misrepresentation.

525 (b) Having a license to practice orthotics, prosthetics, or  
526 pedorthics revoked, suspended, or otherwise acted against,  
527 including the denial of licensure in another state or  
528 jurisdiction.

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

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

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

544 (f) Violation of an order of the board, agency, or  
545 department previously entered in a disciplinary hearing or  
546 failure to comply with a subpoena issued by the board, agency, or  
547 department.

548 (g) Practicing with a revoked, suspended, or inactive  
549 license.

550 (h) Gross or repeated malpractice or the failure to deliver  
551 orthotic, prosthetic, or pedorthic services with that level of

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552 care and skill which is recognized by a reasonably prudent  
553 licensed practitioner with similar professional training as being  
554 acceptable under similar conditions and circumstances.

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

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

560 (k) Making deceptive, untrue, or fraudulent representations  
561 in the licensed or unlicensed practice of orthotics, prosthetics,  
562 or pedorthics.

563 (l) Practicing orthotics, prosthetics, or pedorthics or  
564 practicing as an orthotic fitter or an orthotic fitter assistant  
565 without a licensed physician's written prescription. The repair,  
566 replacement, adjustment, or servicing of any existing orthosis  
567 may be performed without an additional prescription from the  
568 patient's physician, unless the original prescription states  
569 otherwise.

570 Section 11. Section 468.812, Florida Statutes, is amended  
571 to read:

572 468.812 Exemptions from licensure.--

573 (1) This part ~~aet~~ does not apply to:

574 (a) A person who is licensed under chapter 458, chapter  
575 459, chapter 460, or chapter 461;

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

580 ~~(c) A person fulfilling the supervised residency or~~

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581 | ~~internship experience requirements of this act;~~

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

588 |     ~~(d)-(e)~~ An instructor in a regionally accredited university  
589 | or college, while performing regularly assigned work under the  
590 | curriculum of such a school; or

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

595 |     (2) This part ~~act~~ does not require an additional license  
596 | of, or regulate the practice of, any other licensed health care  
597 | professional ~~within the state, or prevent a qualified member of~~  
598 | ~~any other profession or any person employed under the supervision~~  
599 | ~~of such a licensed professional from doing work of a nature~~  
600 | ~~consistent with that person's training, as long as the person~~  
601 | ~~does not hold himself or herself out to the public as a licensee~~  
602 | ~~under this act.~~

603 |     (3) The provisions of this act relating to orthotics or  
604 | pedorthics do not apply to any licensed pharmacist or to any  
605 | person acting under the supervision of a licensed pharmacist. The  
606 | practice of orthotics or pedorthics by a pharmacist or any of the  
607 | pharmacist's employees acting under the supervision of a  
608 | pharmacist shall be construed to be within the meaning of the  
609 | term "practice of the profession of pharmacy" as set forth in s.

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610 465.003(13), and shall be subject to regulation in the same  
611 manner as any other pharmacy practice. The Board of Pharmacy  
612 shall develop rules regarding the practice of orthotics and  
613 pedorthics by a pharmacist. Any pharmacist or person under the  
614 supervision of a pharmacist engaged in the practice of orthotics  
615 or pedorthics shall not be precluded from continuing that  
616 practice pending adoption of these rules.

617 Section 12. Section 468.813, Florida Statutes, is amended  
618 to read:

619 468.813 Use of titles.--A person must be licensed or  
620 registered under this part ~~act~~ to represent himself or herself as  
621 a licensed or registered orthotist, ~~or~~ prosthetist, prosthetist-  
622 orthotist, orthotic fitter, orthotic fitter assistant,  
623 pedorthist, prosthetic resident, or orthotic resident or use in  
624 connection with his or her name the words "orthotist,"  
625 "prosthetist," "prosthetist-orthotist," "orthotic fitter,"  
626 "orthotic fitter assistant," "pedorthist," or "resident" or  
627 abbreviations, titles, or insignia indicating or suggesting that  
628 he or she is able to legally provide services or devices  
629 described in this part ~~an orthotist, prosthetist, prosthetist-~~  
630 ~~orthotist, orthotic fitter, orthotic fitter assistant, or~~  
631 ~~pedorthist.~~

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