

By the Committees on Health and Human Services Appropriations;
Health Regulation; and Senator Baker

603-07686-08

20081696c2

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

603-07686-08

20081696c2

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; repealing s. 468.807,
40 F.S., relating to the issuance of a temporary license;
41 amending s. 468.808, F.S.; revising duties that can be
42 delegated to unlicensed support personnel; providing
43 requirements for support personnel identification;
44 amending s. 468.809, F.S.; including the practice of
45 orthotics, prosthetics, or pedorthics without registration
46 in certain prohibitions; providing penalties; creating s.
47 468.8095, F.S.; requiring licensees and registrants to
48 post licenses, registrations, recent photographs, and
49 certain notices in a facility and to wear certain
50 identification tags or badges; amending s. 468.811, F.S.;
51 revising grounds for denial of a license or disciplinary
52 action; providing grounds for denial of registration;
53 amending s. 468.812, F.S.; revising provisions exempting
54 certain persons from licensure; amending s. 468.813, F.S.;
55 revising requirements regarding use of titles; providing
56 effective dates.

57
58 Be It Enacted by the Legislature of the State of Florida:

603-07686-08

20081696c2

59 |
60 | Section 1. Section 468.80, Florida Statutes, is amended to
61 | read:

62 | 468.80 Definitions.--As used in this part ~~aet~~, the term:

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

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

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

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

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

73 | (6)~~(4)~~ "Orthosis" means any ~~a~~ medical device used to
74 | provide support, correction, or alleviation of neuromuscular or
75 | musculoskeletal dysfunction, disease, injury, or deformity~~7~~, but
76 | does not include the following assistive technology devices:
77 | upper extremity adaptive equipment used to facilitate the
78 | activities of daily living, including specialized utensils,
79 | combs, and brushes; finger splints; wheelchair seating and
80 | equipment that is an integral part of the wheelchair and not worn
81 | by the patient; elastic abdominal supports that do not have metal
82 | or plastic reinforcing stays; nontherapeutic arch supports;
83 | nontherapeutic accommodative inlays and nontherapeutic
84 | accommodative footwear, regardless of method of manufacture;
85 | unmodified, over-the-counter nontherapeutic shoes; prefabricated
86 | nontherapeutic foot care products; durable medical equipment such
87 | as canes, crutches, or walkers; dental appliances; or devices

603-07686-08

20081696c2

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

96 | ~~(7)(5)~~ "Orthotic fitter" means a person who is licensed to
97 | practice orthotics, ~~pursuant to a licensed physician's written~~
98 | ~~prescription,~~ whose scope of practice is limited to fitting
99 | prefabricated cervical orthoses not requiring more than minor
100 | modification and not used for the treatment of cervical fractures
101 | or dislocations; custom-made and prefabricated compression
102 | garments ~~pressure gradient hose;~~ trusses; custom-molded and
103 | noncustom diabetic therapeutic footwear; prefabricated corset or
104 | frame-type spinal orthoses, except for those used in the
105 | treatment of vertebral fractures or scoliosis, rigid body jackets
106 | made of thermoformable materials, and "halo" devices; and
107 | prefabricated orthoses of the upper and lower extremities, except
108 | for those used in the treatment of bone fractures and open
109 | diabetic ulcers.

110 | ~~(8)(6)~~ "Orthotic fitter assistant" means a person who is
111 | licensed to practice orthotics, ~~pursuant to a licensed~~
112 | ~~physician's written prescription,~~ whose scope of practice is
113 | limited to fitting, without modification, prefabricated soft
114 | cervical orthoses not used for the treatment of cervical
115 | fractures or dislocations; prefabricated soft spinal supports not
116 | used for treatment of vertebral fractures; prefabricated

603-07686-08

20081696c2

117 compression garments ~~pressure gradient hose~~; trusses; and soft
118 prefabricated orthoses for the upper and lower extremities not
119 used in the treatment of bone fractures and open diabetic ulcers.

120 (9)~~(7)~~ "Orthotics" means the practice, ~~pursuant to a~~
121 ~~licensed physician's written prescription,~~ of evaluating,
122 treatment formulating, measuring, designing, fabricating,
123 assembling, fitting, adjusting, servicing, or providing the
124 initial training necessary to accomplish the fitting of an
125 orthosis or pedorthic device; ~~however, the repair, replacement,~~
126 ~~adjustment, or servicing of any existing orthosis may be~~
127 ~~performed without an additional prescription from the patient's~~
128 ~~physician, unless the original prescription states otherwise. If~~
129 ~~a patient is under the care of a licensed occupational therapist~~
130 ~~or physical therapist, the orthotist must consult with the~~
131 ~~therapist if the therapist has requested consultation regarding~~
132 ~~the fitting, design, or fabrication of an orthosis or regarding~~
133 ~~treatment with an orthosis.~~

134 (10)~~(8)~~ "Orthotist" means a person licensed to practice
135 orthotics pursuant to this chapter.

136 (11)~~(9)~~ "Pedorthic device" means therapeutic shoes, shoe
137 modifications made for therapeutic purposes, nondynamic
138 prosthetic fillers of the forefoot, and foot orthoses for use on
139 the human foot limited anatomically to that part distal to the
140 maleoli from the ankle and below, but does not include arch
141 ~~supports; nontherapeutic accommodative inlays and nontherapeutic~~
142 ~~accommodative footwear, regardless of method of manufacture;~~
143 ~~unmodified, over-the-counter shoes; or prefabricated foot care~~
144 ~~products. For purposes of this subsection, "accommodative" means~~
145 ~~designed with the primary goal of conforming to the individual's~~

603-07686-08

20081696c2

146 ~~anatomy and "inlay" means any removable material upon which the~~
147 ~~foot directly rests inside the shoe and which may be an integral~~
148 ~~design component of the shoe.~~

149 (12)~~(10)~~ "Pedorthics" means the practice, ~~pursuant to a~~
150 ~~licensed physician's written prescription,~~ of evaluating,
151 treatment formulating, measuring, designing, fabricating,
152 assembling, fitting, adjusting, servicing, or providing the
153 initial training necessary to accomplish the fitting of a
154 pedorthic device; ~~however, the repair, replacement, adjustment,~~
155 ~~or servicing of any existing pedorthic device may be performed~~
156 ~~without an additional prescription from the patient's physician,~~
157 ~~unless the original prescription states otherwise. If a patient~~
158 ~~is under the care of a licensed occupational therapist or~~
159 ~~physical therapist, the pedorthist must consult with the~~
160 ~~therapist if the therapist has requested consultation regarding~~
161 ~~the fitting, design, or fabrication of a pedorthic device or~~
162 ~~regarding treatment with a pedorthic device.~~

163 (13)~~(11)~~ "Pedorthist" means a person licensed to practice
164 pedorthics pursuant to this chapter.

165 (14)~~(12)~~ "Prosthesis" means a medical device used to
166 replace a missing appendage or other external body part,
167 including an artificial limb, hand, or foot. It does not include
168 surgically implanted devices or artificial eyes; dental
169 appliances; ostomy products; or cosmetic devices such as breast
170 prostheses, eyelashes, or wigs; ~~or other devices that do not have~~
171 ~~a significant impact on the musculoskeletal functions of the~~
172 ~~body.~~

173 (15)~~(13)~~ "Prosthetics" means the practice, ~~pursuant to a~~
174 ~~licensed physician's written prescription,~~ of evaluating,

603-07686-08

20081696c2

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

187 (16)~~(14)~~ "Prosthetist" means a person licensed to practice
188 prosthetics pursuant to this chapter.

189 (17)~~(15)~~ "Prosthetist-orthotist" means a person licensed to
190 practice as a prosthetist and as an orthotist.

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

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

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

201 468.801 Board of Orthotists and Prosthetists; appointment;
202 membership; terms; headquarters.--

203 (2) The board members ~~of the board~~ must be residents of

603-07686-08

20081696c2

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

230 | (3) Members of the board shall be appointed for terms of 4
231 | years each and shall serve until their successors are appointed.
232 | ~~However, for the purpose of staggering terms, two of the original~~

603-07686-08

20081696c2

233 ~~board members shall serve terms of 4 years each, two shall serve~~
234 ~~terms of 3 years each, two shall serve terms of 2 years each, and~~
235 ~~one shall serve a term of 1 year, as designated by the Governor.~~
236 Members may be reappointed for additional terms.

237 Section 3. Section 468.802, Florida Statutes, is amended to
238 read:

239 468.802 Authority to adopt rules.--The board shall adopt
240 rules pursuant to ss. 120.536(1) and 120.54 to implement the
241 provisions of this part act, including rules relating to
242 standards of practice for orthotists, orthotic fitters, orthotic
243 fitter assistants, pedorthists, prosthetists, and residents
244 ~~pedorthists~~.

245 Section 4. Section 468.803, Florida Statutes, is amended to
246 read:

247 468.803 License, registration, and examination ~~License~~
248 requirements.--

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

260 (2) An applicant for registration, examination, or
261 licensure must apply to the department on a form prescribed by

603-07686-08

20081696c2

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

285 (a) Has submitted the completed the application and the
286 fingerprint forms form ~~form~~ and has paid the applicable an ~~an~~ application
287 fee, not to exceed \$500, and the cost of the state and national
288 criminal history checks. The application fee and cost of the
289 criminal history checks ~~which shall be nonrefundable, an~~
290 ~~examination fee and the actual per applicant costs to the~~

603-07686-08

20081696c2

291 ~~department for purchase or development of the examination, and a~~
292 ~~license fee not to exceed \$500;~~

293 (b) Is of good moral character;

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

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

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

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

603-07686-08

20081696c2

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

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

338 (4) The department may develop and administer a state
339 examination for an orthotist or a prosthetist license, or the
340 board may approve the existing examination of a national
341 standards organization. The examination must be predicated on a
342 minimum of a baccalaureate-level education and formalized
343 specialized training in the appropriate field. Each examination
344 must demonstrate a minimum level of competence in basic
345 scientific knowledge, written problem solving, and practical
346 clinical patient management. The board shall require an
347 examination fee not to exceed the actual cost to the board in
348 developing, administering, and approving the examination, which

603-07686-08

20081696c2

349 fee must be paid by the applicant. To be considered by the board
350 for examination, the applicant must have:

351 (a) For an examination in orthotics:

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

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

364 (b) For an examination in prosthetics:

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

374 2. An approved prosthetics internship of 1 year of
375 qualified experience, as determined by the board, or a prosthetic
376 residency program recognized by the board.

377 (5)-(3)- In addition to the requirements in subsection (2),

603-07686-08

20081696c2

378 | to be licensed as:

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

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

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

390 | 3. Completed the mandatory courses; and

391 | 4. Passed the state orthotics examination or the board-
392 | approved orthotics examination.

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

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

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

404 | 3. Completed the mandatory courses; and

405 | 4. Passed the state prosthetics examination or the board-
406 | approved prosthetics examination.

603-07686-08

20081696c2

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

- 409 1. A high school diploma or its equivalent;
410 2. A minimum of 40 hours of training in orthotics
411 education, as approved by the board; ~~and~~
412 3. Two years of supervised experience in orthotics acquired
413 after completion of the required education, as approved by the
414 board; and
415 4. Completed the mandatory courses.

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

- 418 1. A high school diploma or its equivalent; ~~and~~
419 2. A minimum of 40 hours of training in orthotics
420 education, as approved by the board; and
421 3. Completed the mandatory courses.

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

- 424 1. A high school diploma or its equivalent;
425 2. A minimum of 120 hours of training, as approved by the
426 board; ~~and~~
427 3. An internship of 80 hours of qualified working
428 experience, as determined by the board; and
429 4. Completed the mandatory courses.

430 Section 5. Section 468.806, Florida Statutes, is amended to
431 read:

432 468.806 Biennial renewal of license.--

433 (1) The department shall renew a license upon receipt of
434 the required documentation, renewal application, and renewal fee,
435 not to exceed \$500, as set by the board. The applicant for

603-07686-08

20081696c2

436 license renewal must submit information necessary to conduct a
437 statewide criminal history check along with payment in an amount
438 equal to the costs incurred by the department for a statewide
439 criminal history check. The department shall submit the required
440 information for a statewide criminal history check of the
441 applicant to the Department of Law Enforcement.

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

444 (3) The board may by rule prescribe continuing education
445 requirements and approve course criteria, not to exceed 30 hours
446 biennially, as a condition for license renewal. The board shall
447 establish by rule mandatory courses to safeguard the welfare of
448 the public and licensed practitioners, standards and
449 qualifications for continuing education courses, standards and
450 qualifications for course providers, and a procedure for
451 approving continuing education courses and providers, and shall
452 ~~may~~ set a fee for continuing education course and provider
453 approval.

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

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

457 468.808 Support personnel.--A person must be licensed to
458 practice orthotics, prosthetics, or pedorthics in this state.
459 However, a licensed orthotist, prosthetist, or pedorthist may
460 delegate duties, not to include patient evaluation, treatment
461 formulation, or the final fitting of a device prior to patient
462 use, to nonlicensed support ~~supportive~~ personnel. All other
463 delegated ~~if those~~ duties must be ~~are~~ performed under the ~~direct~~
464 supervision, as defined by the board by rule, of a licensed

603-07686-08

20081696c2

465 orthotist, prosthetist, or pedorthist, and the persons acting as
466 support personnel must be identified as such by wearing an
467 identification tag as defined by the board by rule. In such
468 instances the supervising licensee is responsible for all acts
469 performed by such persons.

470 Section 8. Section 468.809, Florida Statutes, is amended to
471 read:

472 468.809 Prohibitions; penalties.--

473 (1) A person may not:

474 (a) Make a false or fraudulent statement in any
475 application, affidavit, or statement presented to the board or in
476 any proceeding before the board.

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

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

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

485 468.8095 Practitioner and resident identification.--

486 (1) A licensee or person registered with the department
487 shall post a license or registration and a recent photograph of
488 the licensee or registrant at each facility where patients are
489 seen by the licensee or registrant in a manner determined by the
490 board by rule. This requirement does not extend to areas where
491 the licensee or registrant may visit and normally does not treat
492 patients. The posted license or registration must be valid.

493 (2) A licensee or person registered with the department

603-07686-08

20081696c2

494 shall post in close proximity to the posted license or
495 registration a notice stating the department's Consumer Services
496 Unit address, Internet website, and telephone number. The notice
497 shall state that a patient may file a complaint of unlicensed or
498 substandard practice by contacting the Consumer Services Unit. A
499 single notice may be used for multiple licensees or registrants
500 in a facility.

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

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

514 468.811 Disciplinary proceedings.--

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

518 (a) Attempting to procure a license by fraudulent
519 misrepresentation.

520 (b) Having a license to practice orthotics, prosthetics, or
521 pedorthics revoked, suspended, or otherwise acted against,
522 including the denial of licensure in another state or

603-07686-08

20081696c2

523 | jurisdiction.

524 | (c) Being convicted or found guilty of or pleading nolo
525 | contendere to, regardless of adjudication, in any jurisdiction, a
526 | crime that directly relates to the practice of orthotics,
527 | prosthetics, or pedorthics, including violations of federal laws
528 | or regulations regarding orthotics, prosthetics, or pedorthics.

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

537 | (e) Advertising goods or services in a fraudulent, false,
538 | deceptive, or misleading manner.

539 | (f) Violation of an order of the board, agency, or
540 | department previously entered in a disciplinary hearing or
541 | failure to comply with a subpoena issued by the board, agency, or
542 | department.

543 | (g) Practicing with a revoked, suspended, or inactive
544 | license.

545 | (h) Gross or repeated malpractice or the failure to deliver
546 | orthotic, prosthetic, or pedorthic services with that level of
547 | care and skill which is recognized by a reasonably prudent
548 | licensed practitioner with similar professional training as being
549 | acceptable under similar conditions and circumstances.

550 | (i) Failing to provide written notice of any applicable
551 | warranty for an orthosis, prosthesis, or pedorthic device that is

603-07686-08

20081696c2

552 provided to a patient.

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

555 (k) Making deceptive, untrue, or fraudulent representations
556 in the licensed or unlicensed practice of orthotics, prosthetics,
557 or pedorthics.

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

565 Section 11. Section 468.812, Florida Statutes, is amended
566 to read:

567 468.812 Exemptions from licensure.--

568 (1) This part act does not apply to:

569 (a) A person who is licensed under chapter 458, chapter
570 459, chapter 460, or chapter 461;

571 (b) A person performing services for the Federal
572 Government, if the person provides orthotic, prosthetic, or
573 pedorthic care solely under the direction or control of the
574 organization by which that person is employed;

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

577 (c)-(d) A student, fellow, or trainee in orthotics,
578 prosthetics, or pedorthics pursuing a course of study at a
579 regionally accredited college or university or working in a
580 recognized training center or research facility, provided if the

603-07686-08

20081696c2

581 activities and services are part of a regular course of study
582 under a supervisor licensed under this part ~~act~~;

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

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

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

598 (3) The provisions of this act relating to orthotics or
599 pedorthics do not apply to any licensed pharmacist or to any
600 person acting under the supervision of a licensed pharmacist. The
601 practice of orthotics or pedorthics by a pharmacist or any of the
602 pharmacist's employees acting under the supervision of a
603 pharmacist shall be construed to be within the meaning of the
604 term "practice of the profession of pharmacy" as set forth in s.
605 465.003(13), and shall be subject to regulation in the same
606 manner as any other pharmacy practice. The Board of Pharmacy
607 shall develop rules regarding the practice of orthotics and
608 pedorthics by a pharmacist. Any pharmacist or person under the
609 supervision of a pharmacist engaged in the practice of orthotics

603-07686-08

20081696c2

610 or pedorthics shall not be precluded from continuing that
611 practice pending adoption of these rules.

612 Section 12. Section 468.813, Florida Statutes, is amended
613 to read:

614 468.813 Use of titles.--A person must be licensed or
615 registered under this part ~~act~~ to represent himself or herself as
616 a licensed or registered orthotist, ~~or~~ prosthetist, prosthetist-
617 orthotist, orthotic fitter, orthotic fitter assistant,
618 pedorthist, prosthetic resident, or orthotic resident or use in
619 connection with his or her name the words "orthotist,"
620 "prosthetist," "prosthetist-orthotist," "orthotic fitter,"
621 "orthotic fitter assistant," "pedorthist," or "resident" or
622 abbreviations, titles, or insignia indicating or suggesting that
623 he or she is able to legally provide services or devices
624 described in this part ~~an orthotist, prosthetist, prosthetist-~~
625 ~~orthotist, orthotic fitter, orthotic fitter assistant, or~~
626 ~~pedorthist.~~

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