

20081696e1

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

20081696e1

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:

20081696e1

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

62 468.80 Definitions.--As used in this part ~~act~~, 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, 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

20081696e1

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

20081696e1

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~~

20081696e1

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,

20081696e1

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

20081696e1

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~~



20081696e1

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 ~~Licensure~~  
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 ~~Licensure~~ 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

20081696e1

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 and has paid the applicable 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~~

20081696e1

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:

20081696e1

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

20081696e1

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),

20081696e1

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.

20081696e1

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

20081696e1

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 these duties must be are performed under the direct  
464 supervision, as defined by the board by rule, of a licensed



20081696e1

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

20081696e1

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

20081696e1

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; ~~or~~  
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

20081696e1

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

20081696e1

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

20081696e1

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.