

## ENROLLED

CS/HB 607, Engrossed 2

2008 Legislature

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

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

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85 accommodative footwear, regardless of method of manufacture;  
 86 unmodified, over-the-counter nontherapeutic shoes; prefabricated  
 87 nontherapeutic foot care products; durable medical equipment  
 88 such as canes, crutches, or walkers; dental appliances; or  
 89 devices implanted into the body by a physician. For purposes of  
 90 this subsection, "accommodative" means designed with the primary  
 91 goal of conforming to the individual's anatomy, ~~and~~ "inlay"  
 92 means any removable material upon which the foot directly rests  
 93 inside the shoe and which may be an integral design component of  
 94 the shoe, and "musculoskeletal" and "neuromuscular" mean the  
 95 systems of the body providing support and movement and include  
 96 the skeletal, muscular, circulatory, nervous, and integumentary  
 97 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  
 103 fractures or dislocations; custom-made and prefabricated  
 104 compression garments ~~pressure gradient hose;~~ trusses; custom-  
 105 molded and noncustom diabetic therapeutic footwear;  
 106 prefabricated corset or frame-type spinal orthoses, except for  
 107 those used in the treatment of vertebral fractures or scoliosis,  
 108 rigid body jackets made of thermoformable materials, and "halo"  
 109 devices; and prefabricated orthoses of the upper and lower  
 110 extremities, except for those used in the treatment of bone  
 111 fractures and open diabetic ulcers.

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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  
 117 fractures or dislocations; prefabricated soft spinal supports  
 118 not 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  
 122 ulcers.

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

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

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139        ~~(11)(9)~~ "Pedorthic device" means therapeutic shoes, shoe  
 140 modifications made for therapeutic purposes, nondynamic  
 141 prosthetic fillers of the forefoot, and foot orthoses for use on  
 142 the human foot limited anatomically to that part distal to the  
 143 malleoli from the ankle and below, but does not include arch  
 144 supports; nontherapeutic accommodative inlays and nontherapeutic  
 145 accommodative footwear, regardless of method of manufacture;  
 146 unmodified, over the counter shoes; or prefabricated foot care  
 147 products. For purposes of this subsection, "accommodative" means  
 148 designed with the primary goal of conforming to the individual's  
 149 anatomy and "inlay" means any removable material upon which the  
 150 foot directly rests inside the shoe and which may be an integral  
 151 design component of the shoe.

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

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

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

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

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

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

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

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

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

204           468.801 Board of Orthotists and Prosthetists; appointment;  
 205 membership; terms; headquarters.--

206           (2) The board ~~members of the board~~ must be residents of  
 207 this state. Two members ~~One member~~ must be a licensed practicing  
 208 prosthetists ~~prosthetist~~ with a minimum of 3 years' clinical or  
 209 practical experience, at least one of whom has attained a  
 210 minimum of a bachelor's after receiving a Bachelor of Science  
 211 degree in Orthotics and Prosthetics; one member must be a  
 212 practicing prosthetist with at least 6 years' experience after  
 213 certification by a national certifying body; one member must be  
 214 a licensed practicing orthotist with a minimum of 3 years'  
 215 clinical or practical experience who has attained a minimum of a  
 216 bachelor's after receiving a Bachelor of Science degree in  
 217 Orthotics and Prosthetics; one member must be a practicing  
 218 orthotist with at least 6 years' experience after certification  
 219 by a national certifying body; two members must be prosthetic or  
 220 orthotic users, the parents, guardians, or spouses of prosthetic  
 221 or orthotic users, or any combination of such users and nonusers



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222 who are not deriving economic benefit from the fitting or  
 223 dispensing of orthotic or prosthetic devices and who have never  
 224 been orthotists or prosthetists or members of a closely related  
 225 profession; ~~and~~ one member must be a physician licensed under  
 226 chapter 458, chapter 459, chapter 460, or chapter 461, who has  
 227 extensive knowledge of orthotics or prosthetics; and one member  
 228 must be a licensed practicing orthotist, orthotic fitter, or  
 229 pedorthist with a minimum of 3 years' clinical or practical  
 230 experience. ~~One of the prosthetist or orthotist members must~~  
 231 ~~have received training in pedorthics and have 3 years of~~  
 232 ~~pedorthic experience as part of his or her practice.~~

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

241 Section 3. Section 468.802, Florida Statutes, is amended  
 242 to read:

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

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249 Section 4. Section 468.803, Florida Statutes, is amended  
 250 to read:

251 468.803 License, registration, and examination ~~Licensure~~  
 252 requirements.--

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

264 (2) An applicant for registration, examination, or  
 265 licensure must apply to the department on a form prescribed by  
 266 the board for consideration of board approval. Each initial  
 267 applicant shall submit a set of fingerprints to the department  
 268 on a form and under procedures specified by the department,  
 269 along with payment in an amount equal to the costs incurred by  
 270 the department for state and national criminal history checks of  
 271 the applicant. The department shall submit the fingerprints  
 272 provided by an applicant to the Department of Law Enforcement  
 273 for a statewide criminal history check, and the Department of  
 274 Law Enforcement shall forward the fingerprints to the Federal  
 275 Bureau of Investigation for a national criminal history check of  
 276 the applicant. The board shall screen the results to determine

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277 if an applicant meets licensure requirements. The board shall  
 278 consider for examination, registration, or licensure ~~it in order~~  
 279 ~~to take the appropriate licensure examination, including a~~  
 280 ~~practical examination demonstrating clinical patient management,~~  
 281 ~~when appropriate, and written examinations, one of which~~  
 282 ~~demonstrates orthotic, prosthetic, or pedorthic problem-solving~~  
 283 ~~skills. The board may accept the examination results of a~~  
 284 ~~national orthotic, prosthetic, or pedorthic standards~~  
 285 ~~organization in lieu of administering the state examination. In~~  
 286 ~~such cases, the department shall set fees appropriate to the~~  
 287 ~~level of practitioner and shall examine each applicant who the~~  
 288 board verifies:

289 (a) Has submitted the completed the application and the  
 290 fingerprint forms ~~form~~ and has paid the applicable an  
 291 application fee, not to exceed \$500, and the cost of the state  
 292 and national criminal history checks. The application fee and  
 293 cost of the criminal history checks ~~which shall be~~  
 294 ~~nonrefundable, an examination fee and the actual per applicant~~  
 295 ~~costs to the department for purchase or development of the~~  
 296 ~~examination, and a license fee not to exceed \$500;~~

297 (b) Is of good moral character;

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

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

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

304 (3) A person seeking to attain the required orthotics or

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

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

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

343 (4) The department may develop and administer a state  
 344 examination for an orthotist or a prosthetist license, or the  
 345 board may approve the existing examination of a national  
 346 standards organization. The examination must be predicated on a  
 347 minimum of a baccalaureate-level education and formalized  
 348 specialized training in the appropriate field. Each examination  
 349 must demonstrate a minimum level of competence in basic  
 350 scientific knowledge, written problem solving, and practical  
 351 clinical patient management. The board shall require an  
 352 examination fee not to exceed the actual cost to the board in  
 353 developing, administering, and approving the examination, which  
 354 fee must be paid by the applicant. To be considered by the board  
 355 for examination, the applicant must have:

356 (a) For an examination in orthotics:  
 357 1. A Bachelor of Science or higher-level postgraduate  
 358 degree in Orthotics and Prosthetics from a regionally accredited  
 359 college or university recognized by the Commission on  
 360 Accreditation of Allied Health Education Programs or, at a

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361 minimum, a bachelor's degree from a regionally accredited  
 362 college or university and a certificate in orthotics from a  
 363 program recognized by the Commission on Accreditation of Allied  
 364 Health Education Programs, or its equivalent, as determined by  
 365 the board; and

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

369 (b) For an examination in prosthetics:

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

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

382 (5)(3) In addition to the requirements in subsection (2),  
 383 to be licensed as:

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

386 1. A Bachelor of Science or higher-level postgraduate  
 387 degree in Orthotics and Prosthetics from a regionally accredited  
 388 college or university, or a bachelor's degree with a certificate

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389 in orthotics from a program recognized by the Commission on  
 390 Accreditation of Allied Health Education Programs, or its  
 391 equivalent, as determined by the board; ~~and~~

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

395 3. Completed the mandatory courses; and

396 4. Passed the state orthotics examination or the board-  
 397 approved orthotics examination.

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

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

406 2. An internship of 1 year of qualified experience, as  
 407 determined by the board, or a residency program recognized by  
 408 the board;

409 3. Completed the mandatory courses; and

410 4. Passed the state prosthetics examination or the board-  
 411 approved prosthetics examination.

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

414 1. A high school diploma or its equivalent;

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

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417           3. Two years of supervised experience in orthotics  
 418 acquired after completion of the required education, as approved  
 419 by the board; and

420           4. Completed the mandatory courses.

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

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

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

426           3. Completed the mandatory courses.

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

429           1. A high school diploma or its equivalent;

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

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

434           4. Completed the mandatory courses.

435           Section 5. Section 468.806, Florida Statutes, is amended  
 436 to read:

437           468.806 Biennial renewal of license.--

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



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445 information for a statewide criminal history check of the  
 446 applicant to the Department of Law Enforcement.

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

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

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

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

461 468.808 Support personnel.--A person must be licensed to  
 462 practice orthotics, prosthetics, or pedorthics in this state.  
 463 However, a licensed orthotist, prosthetist, or pedorthist may  
 464 delegate duties, not to include patient evaluation, treatment  
 465 formulation, or the final fitting of a device prior to patient  
 466 use, to nonlicensed support ~~supportive~~ personnel. All other  
 467 delegated ~~if these~~ duties ~~must be~~ are performed under the ~~direct~~  
 468 supervision, as defined by the board by rule, of a licensed  
 469 orthotist, prosthetist, or pedorthist, and the persons acting as  
 470 support personnel must be identified as such by wearing an  
 471 identification tag as defined by the board by rule. In such

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472 instances the supervising licensee is responsible for all acts  
 473 performed by such persons.

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

476 468.809 Prohibitions; penalties.--

477 (1) A person may not:

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

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

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

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

489 468.8095 Practitioner and resident identification.--

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

497 (2) A licensee or person registered with the department  
 498 shall post in close proximity to the posted license or  
 499 registration a notice stating the department's Consumer Services

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500 Unit address, Internet website, and telephone number. The notice  
 501 shall state that a patient may file a complaint of unlicensed or  
 502 substandard practice by contacting the Consumer Services Unit. A  
 503 single notice may be used for multiple licensees or registrants  
 504 in a facility.

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

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

525 (b) Having a license to practice orthotics, prosthetics,  
 526 or pedorthics revoked, suspended, or otherwise acted against,

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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,  
 531 a 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; ;  
 537 willfully impeding or obstructing such filing; ; or inducing  
 538 another person to impede or obstruct such filing. Such reports,   
 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,  
 547 or department.

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

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

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

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

560 (k) Making deceptive, untrue, or fraudulent  
 561 representations in the licensed or unlicensed practice of  
 562 orthotics, prosthetics, 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 act 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~~  
 581 ~~internship experience requirements of this act;~~

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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  
 599 supervision of such a licensed professional from doing work of a  
 600 nature consistent with that person's training, as long as the  
 601 person does not hold himself or herself out to the public as a  
 602 licensee under this act.

603        (3) The provisions of this part ~~act~~ relating to orthotics  
 604 or pedorthics do not apply to any licensed pharmacist or to any  
 605 person acting under the supervision of a licensed pharmacist.  
 606 The practice of orthotics or pedorthics by a pharmacist or any  
 607 of the 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  
 621 as a licensed or registered orthotist, ~~or~~ prosthetist,  
 622 prosthetist-orthotist, orthotic fitter, orthotic fitter  
 623 assistant, pedorthist, prosthetic resident, or orthotic resident  
 624 or use in 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.