

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

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

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56 use of titles; authorizing adoption of rules by the board;
 57 providing effective dates.

58

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

60

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

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

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

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

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

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

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

75 (6)~~(4)~~ "Orthosis" means any ~~a~~ medical device used to
 76 provide support, correction, or alleviation of neuromuscular or
 77 musculoskeletal dysfunction, disease, injury, or deformity~~;~~ but
 78 does not include the following assistive technology devices:
 79 upper extremity adaptive equipment used to facilitate the
 80 activities of daily living, including specialized utensils,
 81 combs, and brushes; finger splints; wheelchair seating and
 82 equipment that is an integral part of the wheelchair and not
 83 worn by the patient; elastic abdominal supports that do not have

84 metal or plastic reinforcing stays; nontherapeutic arch
 85 supports; nontherapeutic accommodative inlays and nontherapeutic
 86 accommodative footwear, regardless of method of manufacture;
 87 unmodified, over-the-counter nontherapeutic shoes; prefabricated
 88 nontherapeutic foot care products; durable medical equipment
 89 such as canes, crutches, or walkers; dental appliances; or
 90 devices implanted into the body by a physician. For purposes of
 91 this subsection, "accommodative" means designed with the primary
 92 goal of conforming to the individual's anatomy, and "inlay"
 93 means any removable material upon which the foot directly rests
 94 inside the shoe and which may be an integral design component of
 95 the shoe, and "musculoskeletal" and "neuromuscular" mean the
 96 systems of the body providing support and movement and include
 97 the skeletal, muscular, circulatory, nervous, and integumentary
 98 systems.

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

112 fractures and open diabetic ulcers. The board may further
 113 describe the scope of practice by rule using nationally
 114 recognized descriptor codes.

115 (8)~~(6)~~ "Orthotic fitter assistant" means a person who is
 116 licensed to practice orthotics, ~~pursuant to a licensed~~
 117 ~~physician's written prescription,~~ whose scope of practice is
 118 limited to fitting, without modification, prefabricated soft
 119 cervical orthoses not used for the treatment of cervical
 120 fractures or dislocations; prefabricated soft spinal supports
 121 not used for treatment of vertebral fractures; prefabricated
 122 compression garments ~~pressure gradient hose;~~ trusses; and soft
 123 prefabricated orthoses for the upper and lower extremities not
 124 used in the treatment of bone fractures and open diabetic
 125 ulcers. The board may further describe the scope of practice by
 126 rule using nationally recognized descriptor codes.

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

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140 ~~therapist has requested consultation regarding the fitting,~~
141 ~~design, or fabrication of an orthosis or regarding treatment~~
142 ~~with an orthosis.~~

143 (10)~~(8)~~ "Orthotist" means a person licensed to practice
144 orthotics pursuant to this chapter.

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

158 (12)~~(10)~~ "Pedorthics" means the practice, ~~pursuant to a~~
159 ~~licensed physician's written prescription,~~ of evaluating,
160 treatment formulating, measuring, designing, fabricating,
161 assembling, fitting, adjusting, servicing, or providing the
162 ~~initial~~ training necessary to accomplish the fitting of a
163 pedorthic device. ~~; however,~~ The repair, replacement, adjustment,
164 or servicing of any existing pedorthic device may be performed
165 without an additional prescription from the patient's physician,
166 unless the original prescription states otherwise. The board may
167 describe the scope of practice by rule using nationally

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168 recognized descriptor codes. ~~If a patient is under the care of a~~
169 ~~licensed occupational therapist or physical therapist, the~~
170 ~~pedorthist must consult with the therapist if the therapist has~~
171 ~~requested consultation regarding the fitting, design, or~~
172 ~~fabrication of a pedorthic device or regarding treatment with a~~
173 ~~pedorthic device.~~

174 (13)~~(11)~~ "Pedorthist" means a person licensed to practice
175 pedorthics pursuant to this chapter.

176 (14)~~(12)~~ "Prosthesis" means a medical device used to
177 replace a missing appendage or other external body part,
178 including an artificial limb, hand, or foot. It does not include
179 surgically implanted devices or artificial eyes; dental
180 appliances; ostomy products; or cosmetic devices such as breast
181 prostheses, eyelashes, or wigs; ~~or other devices that do not~~
182 ~~have a significant impact on the musculoskeletal functions of~~
183 ~~the body.~~

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

196 ~~must consult with the therapist if the therapist has requested~~
 197 ~~consultation regarding the fitting, design, or fabrication of a~~
 198 ~~prosthesis or regarding treatment with a prosthesis.~~

199 (16)~~(14)~~ "Prosthetist" means a person licensed to practice
 200 prosthetics pursuant to this chapter.

201 (17)~~(15)~~ "Prosthetist-orthotist" means a person licensed
 202 to practice as a prosthetist and as an orthotist.

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

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

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

213 468.801 Board of Orthotists and Prosthetists; appointment;
 214 membership; terms; headquarters.--

215 (2) The board members ~~of the board~~ must be residents of
 216 this state. Two members ~~One member~~ must be a licensed practicing
 217 prosthetists ~~prosthetist~~ with a minimum of 3 years' clinical or
 218 practical experience, at least one of whom has attained a
 219 minimum of a bachelor's after receiving a Bachelor of Science
 220 degree in Orthotics and Prosthetics; one member must be a
 221 practicing prosthetist with at least 6 years' experience after
 222 certification by a national certifying body; one member must be
 223 a licensed practicing orthotist with a minimum of 3 years'

224 clinical or practical experience who has attained a minimum of a
 225 bachelor's ~~after receiving a Bachelor of Science degree in~~
 226 ~~Orthotics and Prosthetics; one member must be a practicing~~
 227 ~~orthotist with at least 6 years' experience after certification~~
 228 ~~by a national certifying body; two members must be prosthetic or~~
 229 ~~orthotic users, the parents, guardians, or spouses of prosthetic~~
 230 ~~or orthotic users, or any combination of such users and nonusers~~
 231 who are not deriving economic benefit from the fitting or
 232 dispensing of orthotic or prosthetic devices and who have never
 233 been orthotists or prosthetists or members of a closely related
 234 profession; ~~and~~ one member must be a physician licensed under
 235 chapter 458, chapter 459, chapter 460, or chapter 461, who has
 236 extensive knowledge of orthotics or prosthetics; and one member
 237 must be a licensed practicing orthotist, orthotic fitter, or
 238 pedorthist with a minimum of 3 years' clinical or practical
 239 experience. One of the prosthetist or orthotist members must
 240 ~~have received training in pedorthics and have 3 years of~~
 241 ~~pedorthic experience as part of his or her practice.~~

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

250 Section 3. Section 468.802, Florida Statutes, is amended
 251 to read:

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

258 Section 4. Section 468.803, Florida Statutes, is amended
 259 to read:

260 468.803 License, registration, and examination ~~Licensure~~
 261 requirements.--

262 (1) The department shall issue a license to practice
 263 orthotics, prosthetics, or pedorthics, or a registration for a
 264 resident to practice orthotics or prosthetics, to qualified
 265 applicants. Licenses ~~Licensure~~ shall be granted independently in
 266 orthotics, prosthetics, or pedorthics, but a person may be
 267 licensed in more than one such discipline and a prosthetist-
 268 orthotist license may be granted to persons meeting the
 269 requirements for both a prosthetist and an orthotist license.
 270 Registrations shall be granted independently in orthotics or
 271 prosthetics, and a person may be registered in both fields at
 272 the same time.

273 (2) An applicant for registration, examination, or
 274 licensure must apply to the department on a form prescribed by
 275 the board for consideration of board approval. Each applicant
 276 shall submit a set of fingerprints to the department on a form
 277 and under procedures specified by the department, along with
 278 payment in an amount equal to the costs incurred by the
 279 department for a national criminal history check of the

280 applicant. The department shall submit the fingerprints provided
 281 by an applicant to the Department of Law Enforcement for a
 282 statewide criminal history check, and the Department of Law
 283 Enforcement shall forward the fingerprints to the Federal Bureau
 284 of Investigation for a national criminal history check of the
 285 applicant. The board shall consider for examination,
 286 registration, or licensure it in order to take the appropriate
 287 ~~licensure examination, including a practical examination~~
 288 ~~demonstrating clinical patient management, when appropriate, and~~
 289 ~~written examinations, one of which demonstrates orthotic,~~
 290 ~~prosthetic, or pedorthic problem solving skills. The board may~~
 291 ~~accept the examination results of a national orthotic,~~
 292 ~~prosthetic, or pedorthic standards organization in lieu of~~
 293 ~~administering the state examination. In such cases, the~~
 294 ~~department shall set fees appropriate to the level of~~
 295 ~~practitioner and shall examine each applicant who the board~~
 296 ~~verifies:~~

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

304 (b) Is of good moral character;

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

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

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308 ~~(e) Has successfully completed an appropriate clinical~~
309 ~~internship in the professional area for which the license is~~
310 ~~sought.~~

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

331 (a) A Bachelor of Science or higher-level postgraduate
332 degree in Orthotics and Prosthetics from a regionally accredited
333 college or university recognized by the Commission on
334 Accreditation of Allied Health Education Programs or, at a
335 minimum, a bachelor's degree from a regionally accredited

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336 college or university and a certificate in orthotics from a
337 program recognized by the Commission on Accreditation of Allied
338 Health Education Programs, or its equivalent, as determined by
339 the board; or

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

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

362 (a) For an examination in orthotics:

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

372 2. An approved orthotics internship of 1 year of qualified
 373 experience, as determined by the board, or an orthotic residency
 374 program recognized by the board.

375 (b) For an examination in prosthetics:

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

385 2. An approved prosthetics internship of 1 year of
 386 qualified experience, as determined by the board, or a
 387 prosthetic residency program recognized by the board.

388 (5)-(3) In addition to the requirements in subsection (2),
 389 to be licensed as:

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

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

398 2. An appropriate internship of 1 year of qualified
 399 experience, as determined by the board, or a residency program
 400 recognized by the board;

401 3. Completed the mandatory courses; and

402 4. Passed the state orthotics examination or the board-
 403 approved orthotics examination.

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

406 1. A Bachelor of Science or higher-level postgraduate
 407 degree in Orthotics and Prosthetics from a regionally accredited
 408 college or university, or a bachelor's degree with a certificate
 409 in prosthetics from a program recognized by the Commission on
 410 Accreditation of Allied Health Education Programs, or its
 411 equivalent, as determined by the board; ~~and~~

412 2. An internship of 1 year of qualified experience, as
 413 determined by the board, or a residency program recognized by
 414 the board;

415 3. Completed the mandatory courses; and

416 4. Passed the state prosthetics examination or the board-
 417 approved prosthetics examination.

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

- 420 1. A high school diploma or its equivalent;
- 421 2. A minimum of 40 hours of training in orthotics
 422 education, as approved by the board; ~~and~~
- 423 3. Two years of supervised experience in orthotics
 424 acquired after completion of the required education, as approved
 425 by the board; and
- 426 4. Completed the mandatory courses.

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

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

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

- 435 1. A high school diploma or its equivalent;
- 436 2. A minimum of 120 hours of training, as approved by the
 437 board; ~~and~~
- 438 3. An internship of 80 hours of qualified working
 439 experience, as determined by the board; and
- 440 4. Completed the mandatory courses.

441 Section 5. Section 468.806, Florida Statutes, is amended
 442 to read:

443 468.806 Biennial renewal of license.--

444 (1) The department shall renew a license upon receipt of
 445 the required documentation, renewal application, and renewal

446 fee, not to exceed \$500, as set by the board. The applicant for
 447 license renewal must submit information necessary to conduct a
 448 statewide criminal history check along with payment in an amount
 449 equal to the costs incurred by the department for a statewide
 450 criminal history check. The department shall submit the required
 451 information for a statewide criminal history check of the
 452 applicant to the Department of Law Enforcement.

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

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

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

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

470 468.808 Support personnel.--A person must be licensed to
 471 practice orthotics, prosthetics, or pedorthics in this state.
 472 However, a licensed orthotist, prosthetist, or pedorthist may
 473 delegate duties, not to include patient evaluation, treatment

474 formulation, or the final fitting of a device prior to patient
 475 use, to nonlicensed support ~~supportive~~ personnel. All other
 476 delegated if these duties must be are performed under the direct
 477 supervision, as defined by the board by rule, of a licensed
 478 orthotist, prosthetist, or pedorthist, and the persons acting as
 479 support personnel must be identified as such by wearing an
 480 identification tag as defined by the board by rule. In such
 481 instances the supervising licensee is responsible for all acts
 482 performed by such persons.

483 Section 8. Section 468.809, Florida Statutes, is amended
 484 to read:

485 468.809 Prohibitions; penalties.--

486 (1) A person may not:

487 (a) Make a false or fraudulent statement in any
 488 application, affidavit, or statement presented to the board or
 489 in any proceeding before the board.

490 (b) Practice orthotics, prosthetics, or pedorthics without
 491 a license or registration issued pursuant to this part act
 492 unless otherwise exempt.

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

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

498 468.8095 Practitioner and resident identification.--

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

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

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

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

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

528 468.811 Disciplinary proceedings.--

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

532 (a) Attempting to procure a license by fraudulent
533 misrepresentation.

534 (b) Having a license to practice orthotics, prosthetics,
535 or pedorthics revoked, suspended, or otherwise acted against,
536 including the denial of licensure in another state or
537 jurisdiction.

538 (c) Being convicted or found guilty of or pleading nolo
539 contendere to, regardless of adjudication, in any jurisdiction,
540 a crime that directly relates to the practice of orthotics,
541 prosthetics, or pedorthics, including violations of federal laws
542 or regulations regarding orthotics, prosthetics, or pedorthics.

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

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

553 (f) Violation of an order of the board, agency, or
554 department previously entered in a disciplinary hearing or
555 failure to comply with a subpoena issued by the board, agency,
556 or department.

557 (g) Practicing with a revoked, suspended, or inactive
 558 license.

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

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

567 (j) Violating any provision of this chapter or chapter
 568 456, or any rules adopted pursuant thereto.

569 (k) Making deceptive, untrue, or fraudulent
 570 representations in the licensed or unlicensed practice of
 571 orthotics, prosthetics, or pedorthics.

572 (l) Practicing orthotics, prosthetics, or pedorthics or
 573 practicing as an orthotic fitter or an orthotic fitter assistant
 574 without a licensed physician's written prescription for those
 575 orthotic or pedorthic devices or prostheses that require such
 576 prescription.

577 Section 11. Section 468.812, Florida Statutes, is amended
 578 to read:

579 468.812 Exemptions from licensure.--

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

581 (a) A person who is licensed under chapter 458, chapter
 582 459, chapter 460, or chapter 461. This exemption does not apply
 583 to a person under the supervision of the licensed person;

584 (b) A person performing services for the Federal
 585 Government, if the person provides orthotic, prosthetic, or
 586 pedorthic care solely under the direction or control of the
 587 organization by which that person is employed;

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

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

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

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

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

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611 ~~does not hold himself or herself out to the public as a licensee~~
 612 ~~under this act.~~

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

627 Section 12. Section 468.813, Florida Statutes, is amended
 628 to read:

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

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639 described in this part ~~an orthotist, prosthetist, prosthetist~~
640 ~~orthotist, orthotic fitter, orthotic fitter assistant, or~~
641 ~~pedorthist~~. The board may adopt rules relating to the allowable
642 uses and abbreviations of titles.

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