

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

57 use of titles providing requirements for such licensure;
 58 providing an effective dates.

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

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

64 468.80 Definitions.--As used in this part ~~act~~, the term:

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

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

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

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

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

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

CS/HB 607

2008

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

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

112 extremities, except for those used in the treatment of bone
113 fractures and open diabetic ulcers.

114 ~~(8)(6)~~ "Orthotic fitter assistant" means a person who is
115 licensed to practice orthotics, ~~pursuant to a licensed~~
116 ~~physician's written prescription,~~ whose scope of practice is
117 limited to fitting, without modification, prefabricated soft
118 cervical orthoses not used for the treatment of cervical
119 fractures or dislocations; prefabricated soft spinal supports
120 not used for treatment of vertebral fractures; prefabricated
121 compression garments ~~pressure gradient hose;~~ trusses; and soft
122 prefabricated orthoses for the upper and lower extremities not
123 used in the treatment of bone fractures and open diabetic
124 ulcers.

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

139 ~~(10)(8)~~ "Orthotist" means a person licensed to practice
140 orthotics pursuant to this chapter.

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

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

166 ~~the fitting, design, or fabrication of a pedorthic device or~~
167 ~~regarding treatment with a pedorthic device.~~

168 (13)~~(11)~~ "Pedorthist" means a person licensed to practice
169 pedorthics pursuant to this chapter.

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

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

192 (16)~~(14)~~ "Prosthetist" means a person licensed to practice
193 prosthetics pursuant to this chapter.

194 ~~(17)~~~~(15)~~ "Prosthetist-orthotist" means a person licensed
 195 to practice as a prosthetist and as an orthotist.

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

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

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

206 468.801 Board of Orthotists and Prosthetists; appointment;
 207 membership; terms; headquarters.--

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

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

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

243 Section 3. Section 468.802, Florida Statutes, is amended
 244 to read:

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

249 fitter assistants, pedorthists, prosthetists, and residents
 250 ~~pedorthists.~~

251 Section 4. Section 468.803, Florida Statutes, is amended
 252 to read:

253 468.803 License, registration, and examination ~~Licensure~~
 254 requirements.--

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

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

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

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

299 (b) Is of good moral character;

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

301 (d) Has completed the appropriate educational preparation,
 302 ~~including practical training requirements, and~~

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

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

327 (a) A Bachelor of Science or higher-level postgraduate
328 degree in Orthotics and Prosthetics from a regionally accredited
329 college or university recognized by the Commission on
330 Accreditation of Allied Health Education Programs or, at a

331 minimum, a bachelor's degree from a regionally accredited
332 college or university and a certificate in orthotics from a
333 program recognized by the Commission on Accreditation of Allied
334 Health Education Programs, or its equivalent, as determined by
335 the board; or

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

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

358 (a) For an examination in orthotics:

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

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

371 (b) For an examination in prosthetics:

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

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

384 (5)-(3) In addition to the requirements in subsection (2),
 385 to be licensed as:

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

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

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

397 3. Completed the mandatory courses; and

398 4. Passed the state orthotics examination or the board-
 399 approved orthotics examination.

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

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

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

411 3. Completed the mandatory courses; and

412 4. Passed the state prosthetics examination or the board-
 413 approved prosthetics examination.

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

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

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

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

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

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

437 Section 5. Section 468.806, Florida Statutes, is amended
 438 to read:

439 468.806 Biennial renewal of license.--

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

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

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

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

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

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

467 468.808 Support personnel.--A person must be licensed to
468 practice orthotics, prosthetics, or pedorthics in this state.
469 However, a licensed orthotist, prosthetist, or pedorthist may

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

480 Section 8. Section 468.809, Florida Statutes, is amended
 481 to read:

482 468.809 Prohibitions; penalties.--

483 (1) A person may not:

484 (a) Make a false or fraudulent statement in any
 485 application, affidavit, or statement presented to the board or
 486 in any proceeding before the board.

487 (b) Practice orthotics, prosthetics, or pedorthics without
 488 a license or registration issued pursuant to this part act
 489 unless otherwise exempt.

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

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

495 468.8095 Practitioner and resident identification.--

496 (1) A licensee or person registered with the department
 497 shall post a license or registration and a recent photograph of

498 the licensee or registrant at each facility where patients are
499 seen by the licensee or registrant in a manner determined by the
500 board by rule. This requirement does not extend to areas where
501 the licensee or registrant may visit and normally does not treat
502 patients. The posted license or registration must be valid.

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

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

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

525 468.811 Disciplinary proceedings.--

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

529 (a) Attempting to procure a license by fraudulent
 530 misrepresentation.

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

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

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

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

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

554 (g) Practicing with a revoked, suspended, or inactive
555 license.

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

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

564 (j) Violating any provision of this chapter or chapter
565 456, or any rules adopted pursuant thereto.

566 (k) Making deceptive, untrue, or fraudulent
567 representations in the licensed or unlicensed practice of
568 orthotics, prosthetics, or pedorthics.

569 (l) Practicing orthotics, prosthetics, or pedorthics or
570 practicing as an orthotic fitter or an orthotic fitter assistant
571 without a licensed physician's written prescription. The repair,
572 replacement, adjustment, or servicing of any existing orthosis
573 may be performed without an additional prescription from the
574 patient's physician, unless the original prescription states
575 otherwise.

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

578 468.812 Exemptions from licensure.--

579 (1) This part ~~ææt~~ does not apply to:

580 (a) A person who is licensed under chapter 458, chapter
581 459, chapter 460, or chapter 461;

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

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

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

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

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

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

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

623 Section 12. Section 468.813, Florida Statutes, is amended
 624 to read:

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

CS/HB 607

2008

636 | ~~orthotist, orthotic fitter, orthotic fitter assistant, or~~
637 | ~~pedorthist.~~

638 | Section 13. Except as otherwise expressly provided in this
639 | act, this act shall take effect July 1, 2008.