

SB 189

1 THE STATE SENATE  
2 Tuesday, February 20, 2001

3 Senate Bill No. 189

4 As Amended

5 SENATE BILL NO. 189 - By: MADDUX of the Senate and MATLOCK of the  
6 House.

7 [ professions and occupations - creating the Orthotics and  
8 Prosthetics Practice Act - effective date ]

9 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

10 SECTION 1. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 3001 of Title 59, unless there  
12 is created a duplication in numbering, reads as follows:

13 This act shall be known and may be cited as the "Orthotics and  
14 Prosthetics Practice Act".

15 SECTION 2. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 3002 of Title 59, unless there  
17 is created a duplication in numbering, reads as follows:

18 As used in the Orthotics and Prosthetics Practice Act:

- 19 1. "Board" means the State Board of Medical Licensure and  
20 Supervision;
- 21 2. "Committee" means the Advisory Committee on Orthotics and  
22 Prosthetics;
- 23 3. "Licensed orthotist" means a person licensed under the  
24 Orthotics and Prosthetics Practice Act to practice orthotics and who

1 is entitled to represent himself or herself to the public by a title  
2 or description of services that includes the term "orthotic" or  
3 "orthotist";

4 4. "Licensed prosthetist" means a person licensed under the  
5 Orthotics and Prosthetics Practice Act to practice prosthetics and  
6 who is entitled to represent himself or herself to the public by a  
7 title or description of services that includes the term "prosthetic"  
8 or "prosthetist";

9 5. "Orthosis" means a custom-fabricated or custom-fitted brace  
10 or support designed to provide for alignment, correction, or  
11 prevention of neuromuscular or musculoskeletal dysfunction, disease,  
12 injury, or deformity, not excluding those of the foot; provided,  
13 however, "orthosis" does not include fabric or elastic supports,  
14 corsets, arch supports, low-temperature plastic splints, trusses,  
15 elastic hose, canes, crutches, soft cervical collars, dental  
16 appliances, or essentially equivalent devices commonly sold as over-  
17 the-counter items requiring no professional advice or judgment in  
18 either size selection or use;

19 6. "Orthotics" means the science and practice of evaluating,  
20 measuring, designing, fabricating, assembling, fitting, adjusting,  
21 or servicing an orthosis under a prescription from a licensed  
22 physician for the correction or alleviation of neuromuscular or  
23 musculoskeletal dysfunction, disease, injury, or deformity;

1       7. "Orthotist" means a person who evaluates, measures, designs,  
2 fabricates, assembles, fits, adjusts, or services an orthosis as  
3 prescribed by a licensed physician for the support or correction of  
4 disabilities caused by neuro-musculoskeletal diseases, injuries, or  
5 deformities;

6       8. "Prosthesis" means an artificial medical device that is not  
7 surgically implanted and that is used to replace a missing limb,  
8 appendage, or another external human body part including an  
9 artificial limb, hand, or foot; provided, however, "prosthesis" does  
10 not include artificial eyes, ears, fingers, toes, dental  
11 applicances, cosmetic devices such as artificial breasts, eyelashes,  
12 or wigs, or other devices that do not have a significant impact on  
13 the musculoskeletal functions of the body;

14       9. "Prosthetics" means the science and practice of evaluating,  
15 measuring, designing, fabricating, assembling, fitting, adjusting,  
16 or servicing prostheses under a prescription from a licensed  
17 physician;

18       10. "Prosthetist" means a person who evaluates, measures,  
19 designs, fabricates, fits, or services a prosthesis as prescribed by  
20 a licensed physician for the replacement of external parts of the  
21 human body lost due to amputation or congenital deformities or  
22 absences;

1        11. "Registered prosthetist/orthotist assistant" means a person  
2 registered under the Orthotics and Prosthetics Practice Act who,  
3 under the direct supervision of a licensed orthotist or prosthetist,  
4 assists with patient care services or the fabrication of orthoses or  
5 prostheses;

6        12. "Registered prosthetic/orthotic technician" means a person  
7 registered under the Orthotics and Prosthetics Practice Act who,  
8 under the direct supervision of a licensed orthotist or prosthetist,  
9 assists with the fabrication of orthoses or prostheses but who does  
10 not provide direct patient care; and

11        13. "Resident" means a person who has completed an education  
12 program in either orthotics or prosthetics recognized by the Board  
13 and is continuing clinical education in a residency recognized by  
14 the Board and accredited by the National Commission on Orthotic and  
15 Prosthetic Education or other accrediting group recognized by the  
16 Board.

17        SECTION 3.        NEW LAW        A new section of law to be codified  
18 in the Oklahoma Statutes as Section 3003 of Title 59, unless there  
19 is created a duplication in numbering, reads as follows:

20        The Orthotics and Prosthetics Practice Act shall not apply to:

21        1. Persons licensed by this state as practitioners of the  
22 healing arts when engaging in the practice or practices for which  
23 licensed;

1           2. A person who is employed by the government of the United  
2 States or any entity thereof while in the discharge of the  
3 employee's assigned duties;

4           3. A student enrolled in a school of orthotics or prosthetics  
5 recognized by the Board of Medical Licensure and Supervision or a  
6 resident as defined by Section 2 of this act who is continuing  
7 clinical education;

8           4. A person licensed by this state as a physical therapist,  
9 occupational therapist, or physician assistant when engaging in the  
10 practice for which licensed; or

11           5. A person certified by the Board for Certification in  
12 Pedorthics when practicing pedorthics at the ankle or below.

13           SECTION 4.           NEW LAW           A new section of law to be codified  
14 in the Oklahoma Statutes as Section 3004 of Title 59, unless there  
15 is created a duplication in numbering, reads as follows:

16           A. The State Board of Medical Licensure and Supervision is  
17 hereby authorized to adopt and promulgate rules, pursuant to the  
18 Administrative Procedures Act, that it deems necessary for the  
19 implementation and enforcement of the Orthotics and Prosthetics  
20 Practice Act, including but not limited to, qualifications for  
21 licensure, qualifications for registration, renewals,  
22 reinstatements, continuing education requirements, and fees. In so  
23 doing the Board shall give utmost consideration to the

1 recommendations of the Advisory Committee on Orthotics and  
2 Prosthetics created by Section 5 of this act.

3 B. The Board is hereby empowered to perform investigations,  
4 require the production of records and other documents relating to  
5 practices regulated by the Orthotics and Prosthetics Practice Act,  
6 and seek injunctive relief.

7 SECTION 5. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 3005 of Title 59, unless there  
9 is created a duplication in numbering, reads as follows:

10 A. There is hereby created, to continue until July 1, 2007, in  
11 accordance with the provisions of the Oklahoma Sunset Law, an  
12 Advisory Committee on Orthotics and Prosthetics, which shall consist  
13 of seven (7) voting members to be appointed by the State Board of  
14 Medical Licensure and Supervision to three-year terms ending  
15 December 31; provided, initial appointments shall be staggered such  
16 that two members are appointed for one (1) year, two members are  
17 appointed for two (2) years, and three members are appointed for  
18 three (3) years.

19 B. One member shall be a licensed physician who is a member of  
20 the State Board of Medical Licensure and Supervision. Two members  
21 shall be lay persons who are consumers of orthotic or prosthetic  
22 services. Two members shall be licensed orthotists, not more than  
23 one of whom may also be a licensed prosthetist. Two members shall

1 be licensed prosthetists, not more than one of whom may also be a  
2 licensed orthotist; provided, licensure under the Orthotics and  
3 Prosthetics Practice Act not being possible until the act is  
4 implemented, two of the initial appointees to positions requiring  
5 licensure as an orthotist or prosthetist shall, in lieu of  
6 licensure, be certified by the American Board for Certification in  
7 Orthotics and Prosthetics and two shall be certified by the Board  
8 for Orthotist/Prosthetist Certification.

9 C. Members shall serve until their successors are appointed and  
10 qualified; provided, no member shall serve more than eight (8)  
11 consecutive years or two full terms, whichever is greater.

12 D. The Committee shall annually elect a chair and vice chair  
13 from among the members required to be licensed. The chair or vice  
14 chair and three other members shall constitute a quorum. Members  
15 shall be reimbursed from funds available to the State Board of  
16 Medical Licensure and Supervision pursuant to the State Travel  
17 Reimbursement Act.

18 E. 1. The Committee shall advise the Board on matters  
19 pertaining to orthotics and prosthetics, including but not limited  
20 to:

- 21 a. scope and standards of practice,
- 22 b. licensure and registration requirements, examination  
23 requirements, exceptions thereto, renewal

- 1 requirements, temporary licensure or registration, and  
2 endorsement or reciprocity requirements,  
3 c. methods and requirements for ensuring the continued  
4 competence of licensed and registered persons,  
5 d. grounds for probation, revocation, or suspension of  
6 license or registration, reinstatement provisions,  
7 e. fees, and  
8 f. all other matters which may pertain to the practice of  
9 orthotics or prosthetics.

10 2. The Committee shall review and make recommendations to the  
11 Board on all applications for licensure and registration.

12 3. The Committee shall assist and advise the Board in all  
13 hearings related to the enforcement of the Orthotics and Prosthetics  
14 Practice Act.

15 SECTION 6. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 3006 of Title 59, unless there  
17 is created a duplication in numbering, reads as follows:

18 A. The State Board of Medical Licensure and Supervision, with  
19 the assistance of the Advisory Committee on Orthotics and  
20 Prosthetics, shall establish qualifications for licensure and  
21 registration under the Orthotics and Prosthetics Practice Act.  
22 Until November 1, 2004, the Board shall provide, as set forth  
23 herein, an alternative qualification licensure opportunity for



1 current practitioners in this state who are unable to meet standard  
2 qualifications. Persons meeting the qualifications of more than one  
3 discipline may be licensed in more than one discipline.

4 B. To be licensed to practice orthotics or prosthetics  
5 according to standard qualifications, a person shall:

6 1. Possess a baccalaureate degree from an institution of higher  
7 education accredited by a general accrediting agency recognized by  
8 the Oklahoma State Regents for Higher Education;

9 2. Have completed an orthotic or prosthetic education program  
10 that meets or exceeds the requirements, including clinical practice,  
11 of the Commission on Accreditation of Allied Health Education  
12 Programs;

13 3. Have completed a clinical residency in the professional area  
14 for which the license is sought that meets or exceeds the standards,  
15 guidelines, and procedures for residencies of the National  
16 Commission on Orthotic and Prosthetic Education or of any other such  
17 group that is recognized by the State Board of Medical Licensure and  
18 Supervision; and

19 4. Demonstrate attainment of internationally accepted standards  
20 of orthotic and prosthetic care as outlined by the International  
21 Society of Prosthetics and Orthotics professional profile for  
22 Category I orthotic and prosthetic personnel.

1 C. To be licensed to practice orthotics or prosthetics under  
2 alternative qualification requirements, a person shall:

3 1. Pass an examination in the area of licensure, which may be  
4 an available examination designated by the State Board of Medical  
5 Licensure and Supervision or an examination developed by the Board;  
6 and

7 2. Execute an alternative qualification contract with the State  
8 Board of Medical Licensure and Supervision the conditions of which  
9 shall be based on the Board's evaluation of the applicant's  
10 experience and the Board's determination of further experience  
11 needed or other requirements to be met, which contract shall specify  
12 a period of time not to exceed ten (10) years for completion of the  
13 further experience or requirements.

14 D. Upon execution of the alternative qualification contract,  
15 the Board shall issue a license and shall renew the license subject  
16 to the licensee's making satisfactory progress as required by the  
17 contract. Persons who satisfactorily complete the alternative  
18 qualification contract shall be thereafter considered as having met  
19 the qualifications necessary for license renewal.

20 E. No person shall be permitted to enter into an alternative  
21 qualification contract after October 31, 2004. A person who has not  
22 done so by October 31, 2004, shall not be issued a license to

1 practice orthotics or prosthetics without meeting standard  
2 qualifications.

3 F. Notwithstanding any other provision of this section, a  
4 person who has practiced full time during the three-year period  
5 preceding the effective date of this act in a prosthetic or orthotic  
6 facility as a prosthetist or orthotist and has a high school diploma  
7 or equivalent, or who has practiced as an assistant or technician,  
8 may file an application with the Board within ninety (90) days from  
9 the effective date of this act for permission to continue to  
10 practice at his or her identified level of practice. The Board,  
11 after verifying the applicant's work history and receiving payment  
12 of the application fee as established pursuant to this act, shall,  
13 without examination of the applicant, issue the applicant a license  
14 or certificate of registration. To make the investigations  
15 necessary to verify the applicant's work history, the Board may  
16 require that the applicant complete a questionnaire regarding the  
17 work history and scope of practice. The Board shall take no more  
18 than six (6) months to verify the work history. Applicants applying  
19 after the ninety-day application period of this subsection has  
20 expired shall meet the qualifications elsewhere set forth for  
21 standard or alternative qualification for licensure or for  
22 registration as determined by the Board.

1 SECTION 7. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 3007 of Title 59, unless there  
3 is created a duplication in numbering, reads as follows:

4 A. A licensed orthotist may only provide care or services  
5 pursuant to a prescription from a licensed physician. A licensed  
6 prosthetist may only provide care or services pursuant to a  
7 prescription from a licensed physician.

8 B. Effective July 1, 2002, any person who holds himself or  
9 herself out as an orthotist or prosthetist or uses the titles  
10 Orthotist, Prosthetist, Orthotist/Prosthetist, or common variants of  
11 those titles without holding an appropriate license issued by the  
12 State Board of Medical Licensure and Supervision, or who, without  
13 being registered by the Board, represents himself or herself to be a  
14 prosthetic/orthotic technician, or prosthetist/orthotist assistant,  
15 or who is in violation of any provision of the Orthotics and  
16 Prosthetics Practice Act shall be subject to an administrative fine  
17 for each day found to be in violation. The amount of any fine shall  
18 be determined by the Board within limits set by the Board pursuant  
19 to rules adopted and promulgated by the Board and may be in addition  
20 to any other penalty provided by the Board or otherwise provided by  
21 law.

1 SECTION 8. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 3008 of Title 59, unless there  
3 is created a duplication in numbering, reads as follows:

4 The State Board of Medical Licensure and Supervision shall  
5 maintain a current roster of the names and addresses of all persons  
6 licensed or registered pursuant to the Orthotics and Prosthetics  
7 Practice Act and of all persons whose licenses or registrations have  
8 been suspended or revoked. This roster shall be a public document  
9 available pursuant to the Oklahoma Open Records Act.

10 SECTION 9. This act shall become effective November 1, 2001.

11 COMMITTEE REPORT BY: COMMITTEE ON SMALL BUSINESS, dated 2-15-01 - DO  
12 PASS, As Amended and Coauthored.