

SENATE, No. 2186

STATE OF NEW JERSEY

INTRODUCED JUNE 12, 1997

By Senator SINGER

1 AN ACT concerning orthotists and prosthetists and amending and  
2 supplementing P.L.1991, c.512.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

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7 1. Section 3 of P.L.1991, c.512 (C.45:12B-3) is amended to read  
8 as follows:

9 3. As used in this act:

10 "Board" means the Orthotics and Prosthetics Board of Examiners  
11 created by section 4 of this act.

12 "Chairperson" means the member that is elected yearly by the  
13 board.

14 "Director" means the Director of the Division of Consumer Affairs  
15 in the Department of Law and Public Safety.

16 "Orthotic appliance" means, solely for the purposes of this act, a  
17 brace or support but does not include fabric and elastic supports,  
18 corsets, arch supports, trusses, elastic hose, canes, crutches, cervical  
19 collars, dental appliances or other similar devices carried in stock and  
20 sold by drug stores, department stores, corset shops or surgical supply  
21 facilities.

22 "Orthotics" means the science or practice of measuring, designing,  
23 constructing, assembling, fitting, adjusting or servicing orthotic  
24 appliances for the correction or alleviation of musculoskeletal diseases,  
25 injuries, or deformities as permitted by prescriptions from a licensed  
26 doctor of medicine, dentist, or podiatrist.

27 "Licensed orthotist" means any person who practices orthotics and  
28 who represents himself to the public by title or by description of  
29 services, under any title incorporating such terms as "orthotics,"  
30 "orthotists," "orthotic," or "L.O." or any similar title or description of  
31 services, provided that the individual has met the eligibility  
32 requirements contained in section 11 of this act and has been duly  
33 licensed under this act.

34 "Licensed orthotist assistant" means a person who is licensed

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 pursuant to the provisions of this amendatory and supplementary act  
2 and who assists a licensed orthotist under his direct supervision.

3 "Person" means any individual, corporation, partnership,  
4 association, or other organization.

5 "Prosthetic appliance" means, solely for the purposes of this act,  
6 any artificial device that is not surgically implanted and that is used to  
7 replace a missing limb, appendage, or any other external human body  
8 part including devices such as artificial limbs, hands, fingers, feet and  
9 toes, but excluding dental appliances and largely cosmetic devices such  
10 as artificial breasts, eyelashes, wigs, or other devices which could not  
11 by their use have a significantly detrimental impact upon the  
12 musculoskeletal functions of the body.

13 "Prosthetics" means the science or practice of measuring, designing,  
14 constructing, assembling, fitting, adjusting or servicing prosthetic  
15 appliances as permitted by prescriptions from a licensed doctor of  
16 medicine or podiatry.

17 "Licensed prosthetist" means a person who practices prosthetics  
18 and who represents himself to the public by title or by description of  
19 services, under any title incorporating such terms as "prosthetics,"  
20 "prosthetist," "prosthetic," or "L.P." or any similar title or description  
21 of services, provided that the individual has met the eligibility  
22 requirements contained in section 11 and has been duly licensed under  
23 this act.

24 "Licensed prosthetist assistant" means a person who is licensed  
25 pursuant to the provisions of this amendatory and supplementary act  
26 and who assists a licensed prosthetist under his direct supervision.

27 "Licensed prosthetist-orthotist" means any person who practices  
28 both disciplines of prosthetics and orthotics and who represents  
29 himself to the public by title or by description of services, under any  
30 title incorporating such terms as "prosthetics-orthotics,"  
31 "prosthetist-orthotist," "prosthetic- orthotic," or "L.P.O." or any  
32 similar title or description of services, provided that the individual has  
33 met the eligibility requirements contained in section 11 and has been  
34 duly licensed in both disciplines of prosthetics and orthotics under this  
35 act.

36 "Licensed prosthetist-orthotist assistant" means a person who is  
37 licensed pursuant to the provisions of this amendatory and  
38 supplementary act and who assists a licensed prosthetist-orthotist  
39 under his direct supervision.

40 (cf: P.L.1991, c.512, s.3)

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42 2. Section 4 of P.L.1991, c.512 (C.45:12B-4) is amended to read  
43 as follows:

44 4. There is created within the Division of Consumer Affairs in the  
45 Department of Law and Public Safety the Orthotics and Prosthetics  
46 Board of Examiners. The board shall be responsible for the licensure

1 of orthotists and prosthetists and persons eligible to be licensed in both  
2 disciplines of prosthetics and orthotics as licensed  
3 prosthetist-orthotists and for the licensure of orthotist assistants,  
4 prosthetist assistants, and prosthetist-orthotist assistants.

5 (cf: P.L.1991, c.512, s.4)

6  
7 3. Section 9 of P.L.1991, c.512 (C.45:12B-9) is amended to read  
8 as follows:

9 9. The board shall have the following duties:

10 a. To establish minimum requirements for orthotist, prosthetist and  
11 prosthetist-orthotist licenses and for orthotist assistant, prosthetist  
12 assistant and prosthetist-orthotist assistant licenses;

13 b. To establish standards, guidelines, and procedures for the  
14 completion of clinical internships;

15 c. To evaluate the qualifications of all applicants for licensure as  
16 orthotists, prosthetists and prosthetist-orthotists and as orthotist  
17 assistants, prosthetist assistants and prosthetist-orthotist assistants;

18 d. To supervise the examination of applicants;

19 e. To establish basic requirements for continuing education; and

20 f. To take any actions at the chairperson's request which may be  
21 necessary or appropriate to achieve the purposes of this act.

22 (cf: P.L.1991, c.512, s.9)

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24 4. Section 11 of P.L.1991, c.512 (C.45:12B-11) is amended to  
25 read as follows:

26 11. To be eligible for a license to practice orthotics or prosthetics  
27 in this State, an individual shall:

28 a. Possess a bachelor's degree or its equivalent from an accredited  
29 college or university approved by the [Department of] Commission on  
30 Higher Education;

31 b. Have [the amount of] formal training [, including] consisting of  
32 a certificate program in orthotics or prosthetics from a program  
33 accredited by the National Commission for Certifying Agencies  
34 (NCCA) and any additional hours of classroom education and clinical  
35 practice, in any areas of study as the board deems necessary and  
36 appropriate;

37 c. Complete a clinical internship in the professional area for which  
38 a license is sought in accordance with any standards, guidelines, or  
39 procedures for clinical internships inside or outside this State  
40 established by the board, provided the supervision of interns is  
41 approved by the National Commission for Certifying Agencies  
42 (NCCA); and

43 d. Pass all written, practical and oral examinations, which shall be  
44 approved and required by the board and which shall be administered  
45 at least once each year.

46 The standards and requirements for licensure established by the

1 board shall be substantially equal to or in excess of standards  
2 commonly accepted in the fields of orthotics and prosthetics.

3 (cf: P.L.1991, c.512, s.11)

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5 5. Section 12 of P.L.1991, c.512 (C.45:12B-12) is amended to  
6 read as follows:

7 12. a. Any person who [has] practiced full-time for the [past] five  
8 years immediately prior to January 19, 1992 in an established  
9 prosthetic-orthotic facility as an orthotist, prosthetist, or  
10 prosthetist-orthotist [ as of the effective date of this act] may file an  
11 application with the board within 180 days [of the effective date of this  
12 act in order] after the date procedures are established by the board for  
13 applying for licensure to continue to practice orthotics or prosthetics  
14 under the provisions of this act. The applicant may obtain a license to  
15 practice orthotics or prosthetics under the provisions of this act  
16 without taking an examination, as required in subsection d. of section  
17 11 of this act, upon receipt of payment of the licensing fee required  
18 pursuant to section 21 of this act and after the board has completed an  
19 investigation into the applicant's work history. The board shall  
20 complete its investigation for the purposes of this section within six  
21 months of the date of receipt of the application.

22 b. For 360 days after the date procedures are established by the  
23 board for applying for licensure, any person who has practiced full-  
24 time for not less than five years prior to the effective date of this  
25 amendatory and supplementary act in an established prosthetic-  
26 orthotic facility as an orthotist, prosthetist, or prosthetist-orthotist and  
27 who has satisfactorily completed a certificate program in orthotics or  
28 prosthetics accredited by the National Commission for Certifying  
29 Agencies (NCCA) may obtain a license to practice orthotics or  
30 prosthetics without satisfying the requirements of subsection a. of  
31 section 11 of P.L.1991, c.512 (C.45:12B-11).

32 (cf: P.L.1991, c.512, s.12)

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34 6. Section 13 of P.L.1991, c.512 (C.45:12B-13) is amended to  
35 read as follows:

36 13. The board shall issue a license to practice orthotics or  
37 prosthetics or act as an orthotist assistant, prosthetist assistant or  
38 prosthetist-orthotist assistant to all applicants who meet the  
39 qualifications established pursuant to this act. Licenses shall be  
40 effective for a two-year period and may be renewed biennially.

41 Licensure shall be granted independently in orthotics or prosthetics.  
42 An individual may be licensed in both disciplines if that person meets  
43 the standards set forth by the board.

44 (cf: P.L.1991, c.512, s.13)

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46 7. Section 17 of P.L.1991, c.512 (C.45:12B-17) is amended to

1 read as follows:

2 17. No person shall practice, attempt to practice, or hold himself  
3 or itself out as being able to practice orthotics or prosthetics or act as  
4 an orthotist assistant, prosthetist assistant or prosthetist-orthotist  
5 assistant in this State unless that person is licensed in accordance with  
6 the provisions of this act.

7 (cf: P.L.1991, c.512, s.17)

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9 8. Section 20 of P.L.1991, c.512 (C.45:12B-20) is amended to  
10 read as follows:

11 20. Every licensed practitioner of orthotics, prosthetics, or both,  
12 and every licensed orthotist assistant, prosthetist assistant, and  
13 prosthetist-orthotist assistant in this State shall notify the board of the  
14 practitioner's or assistant's office address. Every practitioner and  
15 assistant shall promptly notify the board of any change of office  
16 address. The board shall annually publish complete lists of the names  
17 and office addresses of all orthotists, prosthetists and  
18 prosthetist-orthotists, and all orthotist assistants, prosthetist assistants  
19 and prosthetist-orthotist assistants, licensed and practicing or assisting  
20 licensed practitioners in this State.

21 (cf: P.L.1991, c.512, s.20)

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23 9. (New section) To be eligible for licensure as an orthotist  
24 assistant, prosthetist assistant or prosthetist-orthotist assistant, an  
25 individual shall submit satisfactory evidence to the board that he:

26 a. Is at least 18 years of age;

27 b. Is of good moral character;

28 c. Has completed formal training, including any hours of classroom  
29 education in any areas of study as the board deems necessary and  
30 appropriate; and

31 d. Passes all written, practical and oral examinations, which shall  
32 be approved and required by the board and which shall be administered  
33 at least once each year.

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35 10. This act shall take effect immediately.

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#### STATEMENT

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40 This bill amends the "Orthotist and Prosthetist Licensing Act,"  
41 enacted in 1991. That act provided that certain persons with prior  
42 experience as orthotists, prosthetists or prosthetist-orthotists who filed  
43 an application with the Orthotics and Prosthetics Board of Examiners  
44 within 180 days of the effective date of the act would be exempt from  
45 the requirement to take an examination in order to be licensed.  
46 Inasmuch as the board has yet to promulgate regulations concerning

1 the original act, this bill extends the aforementioned "grandfather"  
2 provision based on the date procedures are established by the board  
3 for applying for licensure as an orthotist, prosthetist or prosthetist-  
4 orthotist. In addition, the bill exempts certain persons from the  
5 requirement of possessing a bachelor's degree in order to be licensed  
6 for a period of 360 days after the board establishes procedures for  
7 licensure. Persons eligible for this exemption shall have practiced full-  
8 time for not less than five years prior to the effective date of this bill  
9 in an established prosthetic-orthotic facility as an orthotist, prosthetist,  
10 or prosthetist-orthotist and have satisfactorily completed a certificate  
11 program in orthotics or prosthetics accredited by the National  
12 Commission for Certifying Agencies (NCAA).

13 The bill also specifies that to be eligible to practice orthotics or  
14 prosthetics in this State, an individual shall have formal training  
15 consisting of a certificate program in orthotics or prosthetics  
16 accredited by the National Commission for Certifying Agencies  
17 (NCCA). The bill further stipulates that the clinical internship in the  
18 professional area for which an orthotist, prosthetist or prosthetist-  
19 orthotist license is sought shall conform to the standards of the NCCA  
20 in regard to the supervision of interns.

21 Finally, the bill establishes a new category of licensed orthotist  
22 assistants, prosthetist assistants and prosthetist-orthotist assistants.  
23 These individuals shall assist and be under the direct supervision of  
24 licensed orthotists, prosthetists, and prosthetist-orthotists, as the case  
25 may be.

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30 Revises licensing provisions for orthotists and prosthetists.