

HOUSE RESEARCH

Bill Summary

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Subject: Licensure of orthotists, prosthetists, pedorthists, orthotic fitters, and orthotic-prosthetic assistants

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Overview

This bill, if enacted, would require licensure of orthotists, prosthetists, prosthetic orthotists, orthotic-prosthetic assistants, and orthotic fitters. A table of other states' licensing requirements is attached to the back of this summary.

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- 1 **Short title.** Creates § 153B.10. Provides the title for this act.
- 2 **Definitions.** Creates § 153B.15. Defines the following terms: “advisory council,” “board,” “custom-fabricated device,” “licensed orthotic-prosthetic assistant,” “licensed orthotic fitter,” “licensed orthotist,” “licensed pedorthist,” “licensed prosthetist,” “licensed prosthetist orthotist,” “NCOPE,” “orthosis,” “orthotics,” “over-the-counter,” “off-the-shelf,” “pedorthic device,” “pedorthics,” “prescription,” “prosthesis,” “prosthetics,” “resident,” “residency,” and “supervisor.”
- 3 **Exceptions.** Creates § 153B.20. Exempts the following from the provisions of this act:
 - licensed physicians, osteopathic physicians, or podiatric physicians who are providing service within the scope of their practice;
 - professionals, such as physical therapists and occupational therapists, who are providing services within the scope of their practice;
 - individuals who practice orthotics, prosthetics, or pedorthics as part of their employment by the federal government or federal agency;

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- orthotic, prosthetic, or pedorthic students, residents, and interns; or
- an orthotist, prosthetist, pedorthist, prosthetic orthotist, assistant, or fitter who is licensed in another state or another country that has equivalent licensure requirements, and has applied for licensure under this act.

4 Orthotics, Prosthetics, and Pedorthics Advisory Council. Creates § 153B.25.

Subd. 1. Creation; membership. Paragraph (a) establishes the seven member advisory council. Requires five members to be professionals licensed under this act, one member to be a licensed podiatrist, and one to be a public member.

Paragraph (b) provides that the council is to be organized under section 15.059.

Subd. 2. Duties. Requires the advisory council to:

- advise the board on enforcement of this practice act;
- review investigations and complaints related to applicants and licensees and make recommendations to the board on disposition of these issues;
- advise the board on licensure standards for professionals under this act; and
- perform other duties authorized for advisory councils under chapter 214.

5 Licensure. Creates § 153B.30.

Subd. 1. Application. Requires applicants to submit a license application in the format required by the board, accompanied by the required nonrefundable fee.

Subd. 2. Qualifications. Requires applicants to meet the certification requirements of applicable national certifying board at the time of application and to be in good standing with the certifying board.

Subd. 3. License term. Provides that a license is valid for a term of up to 24 months beginning on January 1, or commencing after fulfilling the license requirements and ending on December 31 of the following year.

6 Employment by an accredited facility; scope of practice. Creates § 153B.35. Allows a licensee to provide limited, supervised patient care beyond their scope of practice if:

- the licensee is employed by a facility that is accredited by a national accrediting organization in orthotics, prosthetics, and pedorthics;
- written objective criteria are provided by the facility to describe the knowledge and skills required by the licensee to demonstrate competence to provide services outside the licensee's scope of practice;
- the licensee is under the direction of supervisor licensed as an orthotist, prosthetist, or pedorthist who is employed by the facility; and
- the patient care occurs in compliance with facility accreditation standards.

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7 Continuing education. Creates § 153B.40.

Subd. 1. Requirement. Requires each licensee to comply with the continuing education requirements imposed by their certifying board.

Subd. 2. Proof of attendance. Requires each licensee to submit to the board proof of attendance at approved continuing education programs during the licensure period.

Subd. 3. Extension of continuing education requirements. Allows a licensee, for good cause, to apply for a six-month extension in order to complete continuing education requirements. Allows up to two consecutive extensions. “Good cause” is defined as unforeseen hardship.

8 License renewal. Creates § 153B.45.

Subd. 1. Submission of license renewal form. Requires a licensee to submit a signed renewal application to the board that is postmarked no later than January 1.

Subd. 2. Renewal application postmarked after January 1. Requires the applicant to pay a late renewal fee if the application is postmarked after January 1.

Subd. 3. Failure to submit renewal application. Paragraph (a) requires the board to mail a notice to a licensee who fails to apply for license renewal. Provides that the notice must contain information on the steps that must be taken by the licensee to renew the license or to voluntarily terminate the license.

Paragraph (b) provides that a licensee’s failure to respond to the notice shall result in expiration of the license and termination of the right to practice.

Paragraph (c) provides that an expired license may be reinstated.

9 Name and address change. Creates § 153B.50. Paragraph (a) instructs a licensee to notify the board of any name change within 90 days of the change.

Paragraph (b) requires a licensee to maintain a correct address with the board. Instructs a licensee to notify the board of any address change within 90 days of the change.

10 Inactive status. Creates § 153B.55. Paragraph (a) allows a licensee to place the licensee’s credential on active status.

Paragraph (b) requires a licensee who requests restoration of a credential to complete a license renewal application and pay the current renewal fee.

Paragraph (c) provides that a person whose license is on inactive status cannot practice.

11 License lapse due to military service. Creates § 153B.60. Allows service members whose license expire while on active duty or while in training or education prior to induction, to have their license renewed or restored without paying a late fee or a restoration fee.

12 Endorsement. Creates § 153B.65. Allows the board to issue a license, without examination, to applicants who are certified by a national certification organization.

13 Grounds for disciplinary action. Creates § 153B.70. Paragraph (a) lists the grounds for adverse action by the board against an applicant or licensee.

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Paragraph (b) provides that a license to practice is automatically suspended if a guardian is appointed for the licensee or the licensee is committed by an order of the court under the Minnesota Commitment Act. Allows a licensee to be reinstated upon proof by clear and convincing evidence that the licensee has been rehabilitated.

Paragraph (c) allows the board to require a licensee to submit to a mental or physical examination when the board has probable cause to believe the licensee is unable to practice due to intoxication, addiction to drugs, or mental or physical illness. Provides that the failure of a licensee to submit to an examination constitutes an admission of the allegations.

Paragraph (d) allows the board to obtain a licensee's medical data and health records, without the consent of the licensee, if the board has probable cause to believe the licensee is unable to practice due to intoxication, addiction to drugs, or mental or physical illness.

Paragraph (e) requires the board to hold a hearing within 30 days when the board issues an order of immediate suspension of a license.

- 14 Investigation; notice and hearings.** Creates § 153B.75. Authorizes the board to investigate alleged violations of the practice act, conduct hearings, and impose corrective or disciplinary action as provided in section 214.103 (Health-related licensing boards; complaint, investigation, and hearing.)
- 15 Unlicensed practice.** Creates § 153B.80.
- Requires individuals to hold a license in order to practice one of the professions regulated by this act;
 - prohibits any individual from holding oneself out as a professional regulated by this act if the person is not regulated; and
 - makes it a misdemeanor for a person to practice or hold oneself out as an orthotist, prosthetist, prosthetist orthotist, pedorthist, assistant, or fitter without a license. Grants the board the authority to seek a cease and desist order.
- 16 Fees.** Creates § 153B.85. Lists various application and renewal fees.
- 17 First appointments, first meeting, and first chair of the Orthotics, Prosthetics, and Pedorthics Advisory Council.** Instructs the board to make appointments to the council by September 1, 2016. Requires the council to convene by November 1, 2016.
- 18 Effective date.** Provides that this act is effective January 1, 2017.

State	Assistant	Orthotic Fitter	Orthotist	Mastectomy Fitter	Pedorthist	Prosthetist	Prosthetist Orthotist	Technician	Therapeutic Shoe Fitter
Minnesota (proposed)	Licensed	Licensed	Licensed		Licensed	Licensed	Licensed		
North Dakota¹			Certified			Certified			
Mississippi²			Certified			Certified			
Kentucky		Licensed	Licensed		Licensed	Licensed			
Washington			Licensed			Licensed			
Iowa			Licensed		Licensed	Licensed			
Illinois			Licensed		Licensed	Licensed			
Texas	Licensed		Licensed			Licensed		Licensed	
Oklahoma	Licensed		Licensed		Licensed	Licensed		Licensed	
Arkansas	Licensed		Licensed		Licensed	Licensed			
Tennessee			Licensed		Licensed	Licensed			
Alabama	Licensed	Licensed	Licensed	Licensed	Licensed	Licensed			Licensed
Georgia			Licensed			Licensed	Licensed		
Florida	Licensed	Licensed ³	Licensed		Licensed	Licensed			
Ohio			Licensed		Licensed	Licensed			
Pennsylvania		Licensed	Licensed		Licensed	Licensed			
New Jersey	Licensed		Licensed		Certified ⁴	Licensed			
Rhode Island			Licensed			Licensed			

Data compiled from information obtained on February 12, 2016, from American Board for Certification in Orthotics, Prosthetics and Pedorthics, <https://www.abcop.org/Pages/default.aspx>.

¹ Board certification by ABC or BOC required, but no licensure requirement.

² Board certification by ABC or BOC required, but no licensure requirement.

³ Orthotic fitter assistants also are required to be licensed in Florida.

⁴ Pedorthists in New Jersey can obtain a voluntary limited orthotics license, otherwise they must be ABC certified to practice pedorthics.