

45:12B-1

LEGISLATIVE HISTORY CHECKLIST
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(Orthodontist & Prosthetist^{et}
Licensing Act)

NJSA: 45:12B-1

LAWS OF: 1991 CHAPTER: 512

BILL NO: A2704

SPONSOR(S): Girgenti

DATE INTRODUCED: May 21, 1990

COMMITTEE: ASSEMBLY: _____

SENATE: Labor

AMENDED DURING PASSAGE: Yes Amendments during passage denoted
by asterisks

DATE OF PASSAGE: ASSEMBLY: January 6, 1992

SENATE: December 16, 1991

DATE OF APPROVAL: January 19, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: No

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

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Sponsor STATEMENT

This bill provides for the regulation and licensure of orthotists and prosthetists. It establishes a nine member Advisory Committee on Orthotics and Prosthetics in the Division of Consumer Affairs. Second, it authorizes the Director of the Division to set specific licensure requirements and standards, to issue, suspend, and revoke licenses, and to execute and enforce the licensing provisions of the bill. Third, it requires that the licensing system be financially self-sufficient. All costs associated with the operation of the Advisory Committee and the licensing system must be covered by fees, charges, or fines from the licensing system itself. Fourth, the bill prohibits anyone from practicing orthotics and prosthetics without a State issued license. Finally, the bill defines the penalties for violations of the licensure requirements.

REGULATED PROFESSIONS

The "Orthotist and Prosthetist Licensing Act."

SENATE LABOR, INDUSTRY AND PROFESSIONS COMMITTEE

STATEMENT TO

SENATE, No. 2704

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JUNE 17, 1991

The Senate Labor, Industry and Professions Committee reports favorably and with committee amendments Senate, No. 2704.

This bill, designated the "Orthotist and Prosthetist Licensing Act," provides for the regulation and licensure of orthotists, prosthetists and prosthetist-orthotists under the newly-created Orthotist and Prosthetist Board of Examiners. The bill defines orthotics as the science or practice of measuring, designing, constructing, assembling, fitting, adjusting or servicing orthotic appliances for the correction or alleviation of musculoskeletal diseases, injuries, or deformities as permitted by prescriptions from a licensed doctor of medicine, dentist, or podiatrist. Orthotic appliance is defined, for the purposes of the bill, as a brace or support, not including fabric and elastic supports, corsets, arch supports, trusses, elastic hose, canes, crutches, cervical collars, dental appliances, or other similar devices carried in stock and sold by drug stores, department stores, corset shops or surgical supply facilities. The bill defines prosthetics as the science or practice of measuring, designing, constructing, assembling, fitting, adjusting or servicing prosthetic appliances as permitted by prescriptions from a licensed doctor of medicine or podiatry. Prosthetic appliance is defined, for the purposes of the bill, as any artificial device that is not surgically implanted and that is used to replace a missing limb, appendage, or any other external human body part including devices such as artificial limbs, hands, fingers, feet and toes, but excluding dental appliances and largely cosmetic devices such as artificial breasts, eyelashes, wigs, or other devices which could not by their use have a significantly detrimental impact upon the musculoskeletal functions of the body.

The bill creates the Orthotist and Prosthetist Board of Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety. The board is to consist of 11 residents of the State, 10 of whom are to be appointed by the Governor, with the advice and consent of the Senate, as follows: two members are to be orthotists; two members are to be prosthetists; two members are to be prosthetist-orthotists; one member is to be licensed to practice medicine and surgery in this State; one member is to be licensed to practice podiatry in this State; and two are to be public members, one of whom is a prosthetic user and one of whom is an orthotic user. One member representing the executive branch is to

be appointed by the Governor. Members are to serve without compensation and are to be reimbursed for their actual expenses arising out of their service on the board. The initial orthotist, prosthetist and prosthetist-orthotist members are to meet all requirements for licensure under this bill within 18 months of appointment. Thereafter, all orthotist, prosthetist and prosthetist-orthotist members are to be so qualified. The bill provides that the board is to annually elect a chairperson and vice-chairperson from among its members. In addition, the Director of the Division of Consumer Affairs is to appoint an Executive Director of the board.

The board is charged with the following duties under the bill: the establishment of minimum requirements for orthotist, prosthetist and prosthetist-orthotist licenses and standards, guidelines and procedures for the completion of clinical internships; evaluation of the qualifications of applicants for licensure as orthotists, prosthetists and prosthetist-orthotists; supervising the examination of applicants; establishing basic continuing education requirements; and, at the chairperson's request, taking such action as is necessary or appropriate to achieve the purposes of this bill.

The bill provides that beginning on the first day of the thirteenth month after enactment, no person is to practice, or hold himself out as being able to practice, orthotics or prosthetics in this State without a license. Licenses are to be valid for a two-year period and may be renewed upon expiration. The bill provides that to be eligible for licensure a person must: have the amount of formal training, including any hours of classroom education and clinical practice, in any areas of study as the board deems necessary and appropriate; complete a clinical internship in the professional area for which license is sought in accordance with any standards, guidelines or procedures for clinical internships inside or outside this State established by the board; and pass all written, practical and oral examinations, which are approved and required by the board.

The bill provides for licensure without examination for those persons who practiced as an orthotist, prosthetist or prosthetist-orthotist in an established prosthetic-orthotic facility for five years prior to enactment of the bill upon filing of an application for licensure within 180 days of the effective date of the licensing requirement, payment of the licensing fee and completion by the board of an investigation into the practitioner's work history. In addition, the board is permitted to accept, in lieu of written examination, proof that an applicant holds a current license in another state which has standards essentially equivalent to those of this State. The bill permits the board to issue a temporary license to individuals who were engaged in the practice in this State of orthotics, prosthetics, or both, for two of the five years immediately preceding enactment of this bill or who are recent residents of, and have applied for licensure in, this State and

have been licensed by their former state of residence. Temporary licenses are valid for one year and may be renewed for up to one additional year. The bill also provides for the issuance of a student registration to any person who is working toward fulfillment of the requirements for licensure as an orthotist, prosthetist or prosthetist-orthotist. Student registrants may only work under the direct and immediate supervision of a licensed orthotist or prosthetist. Student registrations are valid for two years and may be renewed once for an additional two-year period.

The bill provides that the board may, upon notice and opportunity to be heard, revoke, suspend or refuse to renew any license, temporary license or student registration upon a finding: that the license or registration was obtained by means of fraud, misrepresentation or concealment of material facts; of fraud or deceit in the connection with services rendered; of unprofessional or unethical conduct; of gross negligence or malpractice; or of any violation of this bill or any regulations promulgated hereunder. In addition, any person who violates any provision of this bill is subject to a penalty of \$200 for the first offense and \$500 for each subsequent offense.

The bill specifically exempts from its provisions any person licensed to practice medicine and surgery, dentistry or podiatry in this State. Also exempt are the activities of persons studying orthotics or prosthetics which are within the scope of study at an accredited college or university or a recognized training center or research facility. Finally, the bill provides that its provisions do not apply to the application of upper extremity adaptive equipment, finger splints and hand splints by an occupational therapist or the use of generic braces for evaluation purposes by a licensed physical therapist when such bracing is for a term of less than three months and the braces do not become the patient's property.

The board is to be financially self-sufficient through the collection of applicable fees, charges and fines.

[THIRD REPRINT]

SENATE, No. 2704

STATE OF NEW JERSEY

INTRODUCED MAY 21, 1990

By Senator GIRGENTI

1 AN ACT providing for the licensing of orthotists and prosthetists
2 by the ³[¹Orthotist and Prosthetist] Orthotics and Prosthetics³
3 Board of Examiners within the¹ Division of Consumer Affairs
4 ¹[of] in¹ the Department of Law and Public Safety ¹ ²[and] ²
5 supplementing Title 45 of the Revised Statutes¹ ²and making
6 an appropriation².

7
8 BE IT ENACTED by the Senate and General Assembly of the
9 State of New Jersey:

10 1. This act shall be known and may be cited as the "Orthotist
11 and Prosthetist Licensing Act."

12 2. The Legislature finds and declares that:

13 a. The practice of orthotics and prosthetics may, if
14 unregulated, seriously harm or endanger the health, safety, and
15 well-being of the citizens of this State;

16 b. Citizens of this State need, and will benefit from, an
17 assurance of initial and ongoing professional competence among
18 orthotists and prosthetists practicing in this State;

19 c. The present unregulated system for dispensing orthotic and
20 prosthetic care does not adequately meet the needs or serve the
21 interests of the public; and

22 d. It is necessary for this State to regulate and license the
23 practice of orthotics and prosthetics for the purpose of
24 protecting the citizens of this State from injury or harm caused
25 by ill-prepared, incompetent, unscrupulous, or unauthorized
26 practitioners and to assure the highest degree of professional
27 conduct on the part of orthotists and prosthetists practicing in
28 this State.

29 The Legislature further finds and declares that peer regulation
30 and the creation of a new board of examiners to carry out the
31 provisions of this act are not in the public interest, and it is thus
32 necessary to devise a regulatory mechanism which is consonant
33 with the licensing policies of this State.

34 3. As used in this act:

35 ¹[a. "Committee" means the Orthotics and Prosthetics
36 Advisory Committee] "Board" means the ³[Orthotist and
37 Prosthetist] Orthotics and Prosthetics³ Board of Examiners
38 created by section 4 of this act¹.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SLI committee amendments adopted June 17, 1991.

² Senate floor amendments adopted June 24, 1991.

³ Senate floor amendments adopted December 12, 1991.

1 ¹"Chairperson" means the member that is elected yearly by
2 the board.¹

3 ¹[b.]¹ "Director" means the Director of the Division of
4 Consumer Affairs ¹[or the director's designee] in the Department
5 of Law and Public Safety¹.

6 ¹[c.]¹ "Orthotic appliance" means, solely for the purposes of
7 this act, a brace or support but does not include fabric and elastic
8 supports, corsets, arch supports, trusses, elastic hose, canes,
9 crutches, cervical collars, ¹dental appliances¹ or other similar
10 devices carried in stock and sold by drug stores, department
11 stores, ¹[or]¹ corset shops ¹or surgical supply facilities¹.

12 ¹[d.]¹ "Orthotics" means the science or practice of measuring,
13 designing, constructing, assembling, fitting, adjusting¹[,]¹ or
14 servicing orthotic appliances for the correction or alleviation of
15 musculoskeletal diseases, injuries, or deformities as permitted by
16 prescriptions from a licensed doctor of medicine, dentist, or
17 podiatrist.

18 ¹[e. "Orthotist"] "Licensed orthotist"¹ means any person who
19 practices orthotics and who represents himself to the public by
20 title or by description of services, under any title incorporating
21 such terms as "orthotics," "orthotists," ¹[or]¹ "orthotic," ¹or
22 "L.O."¹ or any similar title or description of services, provided
23 that the individual has met the eligibility requirements contained
24 in section ¹[10] 11¹ of this act and has been duly licensed under
25 this act.

26 ¹[f.]¹ "Person" means any individual, corporation, partnership,
27 association, or other organization.

28 ¹[g.]¹ "Prosthetic appliance" means, solely for the purposes of
29 this act, any artificial device that is not surgically implanted and
30 that is used to replace a missing limb, appendage, or any other
31 external human body part including devices such as artificial
32 limbs, hands, fingers, feet ¹[,] and¹ toes, but excluding ¹dental
33 appliances and¹ largely cosmetic devices such as artificial
34 breasts, eyelashes, wigs, or other devices which could not by their
35 use have a significantly detrimental impact upon the
36 ¹[musculo-skeletal] musculoskeletal¹ functions of the body.

37 ¹[h.]¹ "Prosthetics" means the science or practice of
38 measuring, designing, constructing, assembling, fitting, adjusting
39 ¹[,]¹ or servicing prosthetic appliances as permitted by
40 prescriptions from a licensed doctor of medicine ¹or podiatry¹.

41 ¹[i. "Prosthetist"] "Licensed prosthetist"¹ means a person who
42 practices prosthetics and who ¹[represent] represents¹ himself to
43 the public by title or by description of services, under any title
44 incorporating such terms as "prosthetics," "prosthetist," ¹[or]¹
45 "prosthetic," ¹or "L.P."¹ or any similar title or description of
46 services, provided that the individual has met the eligibility
47 requirements contained in section ¹[10] 11¹ and has been duly
48 licensed under this act.

49 ¹"Licensed prosthetist-orthotist" means any person who

1 practices both disciplines of prosthetics and orthotics and who
2 represents himself to the public by title or by description of
3 services, under any title incorporating such terms as
4 "prosthetics-orthotics," "prosthetist-orthotist," "prosthetic-
5 orthotic," or "L.P.O." or any similar title or description of
6 services, provided that the individual has met the eligibility
7 requirements contained in section 11 and has been duly licensed
8 in both disciplines of prosthetics and orthotics under this act.¹

9 4. ¹[An Orthotics and Prosthetics Advisory Committee] ¹There¹
10 is created ¹[in] ¹within¹ the Division of Consumer Affairs ¹[of] ¹in¹
11 the Department of Law and Public Safety ¹the ³[Orthotist and
12 Prosthetist] ³Orthotics and Prosthetics³ ¹Board of Examiners¹.
13 The ¹[committee] ¹board¹ shall ¹[serve as an advisory body to the
14 director with respect to] ¹be responsible for¹ the licensure of
15 orthotists and prosthetists and ¹[may perform, at the discretion
16 of the director, any duties or functions assigned to the director
17 under this act] ¹persons eligible to be licensed in both disciplines
18 ¹of prosthetics and ³[orthotist] ³orthotics³ ¹as licensed
19 ¹prosthetist-orthotists¹.

20 5. The ¹[committee] ¹board¹ shall consist of ¹[nine] ¹¹11¹
21 residents of this State ¹[who], ¹⁰10 of whom¹ shall be appointed by
22 the Governor ¹with the advice and consent of the Senate, ¹as
23 ¹follows¹. Two members shall be orthotists who shall fulfill the
24 licensure requirements of this act, and two members shall be
25 prosthetists who shall fulfill the licensure requirements of this
26 act. Two members shall be ¹[persons who are]
27 ¹prosthetist-orthotists who shall fulfill the licensure requirements
28 ¹of this act. One member shall be¹ licensed to practice medicine
29 and surgery in this State ¹pursuant to chapter 9 of Title 45 of the
30 ¹Revised Statutes and one member shall be a doctor of podiatric
31 ¹medicine licensed to practice podiatry pursuant to chapter 5 of
32 ¹Title 45 of the Revised Statutes¹. Two members shall be public
33 members, ¹[and one] ¹one of whom is a prosthetic user and one of
34 ¹whom is an orthotic user. One¹ member shall be a member of the
35 executive branch who shall ¹[also serve as the chairperson of the
36 committee] ¹be appointed by the Governor. Members shall be
37 ¹appointed to affect balanced geographic representation from the
38 ¹central, northern and southern areas of the State. The board
39 shall annually elect from its members a chairperson and a
40 ¹vice-chairperson¹.

41 6. Each member of the ¹[committee] ¹board¹, except the
42 members first appointed, shall serve for a term of ¹[five] ^{three}3¹
43 years and shall hold office until the appointment and qualification
44 of his successor. The initial appointments to the ¹[committee]
45 ¹board¹ shall be: ¹[two] ^{three}3¹ members for ¹[terms of two years]
46 ¹a term of one year¹, ¹[two] ^{four}4¹ members for terms of ¹[three]
47 ^{two}2¹ years, ¹[two] ^{and four}4¹ members for terms of ¹[four] ^{three}3¹
48 years ¹[, and three members for terms of five years] . ¹No
49 ¹member shall serve more than two terms or for a total of more

1 than six years¹.

2 The orthotist ¹[and] ,¹ prosthetist ¹and prosthetist-orthotist¹
3 members of the initial ¹[committee] board¹ shall be deemed to be
4 and shall become licensed practicing orthotists ¹[and] ,¹
5 prosthetists ¹and prosthetist-orthotists¹ immediately upon their
6 appointment and qualification as members of the ¹[committee]
7 board¹, provided that these members meet all other requirements
8 for licensure under this act within 18 months of their
9 appointment. Vacancies shall be filled for the unexpired term
10 only. ¹[No member may be appointed for more than two
11 consecutive terms.]¹

12 7. The members of the ¹[committee] board¹, before entering
13 the discharge of their duties, and within 30 days of their
14 appointment, shall take and subscribe to an oath before an officer
15 authorized to administer oaths in this State for the faithful
16 performance of their duties and shall file the oath with the
17 Secretary of State.

18 Regular meetings of the ¹[committee] board¹ shall be held at
19 such times and places as the ¹[director] chairperson¹ prescribes,
20 and special meetings may be held upon the call of the ¹[director]
21 chairperson¹ or the ¹[committee chairperson] vice-chairperson in
22 the chairperson's absence¹. At least one regular meeting shall
23 be held each year.

24 8. The members of the ¹[committee] board¹ shall serve
25 without compensation. Members shall be reimbursed by the State
26 Treasurer for their actual expenses arising out of their service on
27 the ¹[committee] board¹. All reimbursements shall be paid from
28 the revenues of the ¹[committee] board¹.

29 No officer or employee of the State shall be deemed to have
30 forfeited or shall forfeit his office or employment or any benefits
31 or emoluments by reason of his appointment to the ¹[committee]
32 board¹ or his appointment as a consultant to the ¹[committee]
33 board¹ or his performance of other services for the ¹[committee]
34 board¹.

35 9. The ¹[committee] board¹ shall have the following duties ¹[if
36 delegated by the director]¹:

37 a. To ¹[recommend] establish¹ minimum requirements for
38 ¹[othotist and] orthotist, ¹ prosthetist ¹and prosthetist-orthotist¹
39 licenses;

40 b. To ¹[recommend] establish¹ standards, guidelines, and
41 procedures for the completion of clinical internships;

42 c. To evaluate the qualifications of all applicants for licensure
43 as orthotists ¹[or] ,¹ prosthetists ¹and prosthetist-orthotists¹;

44 d. To supervise the examination of applicants ¹[and advise the
45 director on the licensure of qualified individuals]¹;

46 e. To ¹[recommend] establish¹ basic requirements for
47 continuing education; and

48 f. To take any actions at the ¹[director's] chairperson's¹
49 request which may be necessary or appropriate to achieve the

1 purposes of this act.

2 ¹10. There shall be an Executive Director of the board
 3 appointed by the director who shall serve at the director's
 4 pleasure. The salary of the Executive Director shall be
 5 determined by the director within the limits of available funds.
 6 The director shall be empowered within the limits of available
 7 funds to hire any assistants as are necessary to administer this
 8 act.¹

9 ¹[10.] ^{11.}¹ To be eligible for a license to practice orthotics or
 10 prosthetics in this State, an individual shall:

11 a. ¹[Possess a bachelor's degree or its equivalent from an
 12 accredited college or university approved by the Department of
 13 Higher Education;

14 b.]¹ ³Possess a bachelor's degree or its equivalent from an
 15 accredited college or university approved by the Department of
 16 Higher Education;

17 b.]³ Have the amount of formal training, including any hours of
 18 classroom education and clinical practice, in any areas of study
 19 as the ¹[director, in consultation with the committee, the
 20 Department of Health, and the Department of Higher Education,]
 21 board¹ deems necessary and appropriate;

22 ¹[c.] ³[b.]¹ c.]³ Complete a clinical internship in the
 23 professional area for which license is sought in accordance with
 24 any standards, guidelines, or procedures for clinical internships
 25 inside or outside this State established by the ¹[director in
 26 consultation with the committee] board¹;

27 ¹[d.] ³[c.]¹ d.]³ Pass all written ¹[and] ¹ practical ¹and oral¹
 28 examinations, which shall be approved and required by the
 29 ¹[director, in consultation with the committee,] board¹ and which
 30 shall be administered at least once each year.

31 ¹[The standards and requirements for licensure established by
 32 the director shall be substantially equal to or in excess of
 33 standards commonly accepted at the national level in the fields
 34 of orthotics and prosthetics.]¹

35 ³The standards and requirements for licensure established by
 36 the board shall be substantially equal to or in excess of standards
 37 commonly accepted in the fields of orthotics and prosthetics.]³

38 ¹12. Any person who has practiced ³full-time³ for the past
 39 five years in an established prosthetic-orthotic facility as an
 40 orthotist, prosthetist, or prosthetist-orthotist as of the effective
 41 date of this act may file an application with the board within
 42 180 days of the effective date of this act in order to continue to
 43 practice orthotics or prosthetics under the provisions of this act.
 44 The applicant may obtain a license to practice orthotics or
 45 prosthetics under the provisions of this act without taking an
 46 examination, as required in subsection ³[c.] d.]³ of section 11 of
 47 this act, upon receipt of payment of the licensing fee required
 48 pursuant to section 21 of this act and after the board has
 49 completed an investigation into the applicant's work history.

1 The board shall complete its investigation for the purposes of this
2 section within six months of the date of receipt of the
3 application.¹

4 ¹[11.] 13.¹ The ¹[director, in consultation with the
5 committee,] board¹ shall issue a license to practice orthotics
6 ¹[,]¹ or prosthetics ¹[,]¹ to all applicants who meet the
7 qualifications established pursuant to this act. Licenses shall be
8 effective for a two year period and may be renewed biennially.

9 Licensure shall be granted independently in orthotics or
10 prosthetics. An individual may be licensed in both ¹[areas, if that
11 person is qualified in both areas] disciplines if that person meets
12 the standards set forth by the board¹.

13 ¹[12.] 14.¹ The ¹[director, in consultation with the
14 committee,] board¹ may issue a temporary license to:

15 a. Any individual who presents bona fide proof that he was
16 actively engaged in the ³full-time³ practice of orthotics,
17 prosthetics, or both ¹[,]¹ in this State for two of the last five years
18 immediately preceding the date of enactment of this act; or

19 b. Any individual who has recently become a resident of this
20 State, who has applied for licensure as an orthotist, prosthetist,
21 or both, and who has been licensed by the state of his former
22 residence.

23 A temporary license shall expire in one year ¹[and shall not be
24 renewed] . A temporary license may be renewed for up to one
25 year if an applicant presents sufficient evidence of good cause
26 for renewal¹.

27 ¹[13.] 15.¹ The ¹[director, in consultation with the
28 committee,] board¹ may issue a ¹[provisional license] student
29 registration¹ to any person ¹[who has received a bachelor's
30 degree from an accredited college or university approved by the
31 Department of Higher Education and]¹ ³who has received a
32 bachelor's degree from an accredited college or university
33 approved by the Department of Higher Education and³ who is
34 working toward fulfillment of the requirements for licensure as
35 an orthotist ¹[or,]¹ prosthetist ¹or prosthetist-orthotist¹. A
36 ¹[provisional licensee] student registrant¹ shall work only under
37 the direct and immediate supervision of a licensed orthotist
38 ¹[or,]¹ prosthetist ¹or prosthetist-orthotist¹, who shall be
39 responsible for the actions of the ¹[licensee] registrant¹.
40 ¹[Provisional licenses] Student registrations¹ shall be in effect
41 for a period of two years and may be renewed once ¹for an
42 additional two years¹.

43 ¹[14.] 16.¹ The ¹[director, in consultation with the committee,
44 shall] board may¹ accept in lieu of a written examination proof
45 that an applicant for licensure holds a current license in a state
46 which has standards essentially equivalent to those of this State.

47 ¹[15.] 17.¹ No person shall practice, attempt to practice, or
48 hold himself or itself out as being able to practice orthotics or

1 prosthetics in this State unless that person is licensed in
2 accordance with the provisions of this act.

3 ¹[16.] 18.¹ The provisions of this act shall not apply to:

4 a. The activities and services of any person who is licensed to
5 practice medicine and surgery ¹, dentistry or podiatry¹ by this
6 State ¹[, or a person under the supervision and control of a person
7 who is licensed to practice medicine and surgery.];¹

8 b. The activities and services of a student, fellow, or trainee
9 in orthotics or prosthetics pursuing a course of study at an
10 accredited college or university, or working in a recognized
11 training center or research facility, if these activities and
12 services constitute a part of his course of study under a
13 supervisor licensed pursuant to this act; or

14 c. The ¹[activities and services of any person who is
15 registered, certified, or licensed by this State under any other
16 law to engage in the profession or occupation for which that
17 person is registered, certified, or licensed] application of upper
18 extremity adaptive equipment, finger splints and hand splints by
19 an occupational therapist or the use of generic braces for
20 evaluation purposes by a licensed physical therapist when such
21 bracing is for a term less than three months and the braces do not
22 become the patient's property¹.

23 ¹[17.] 19.¹ All applicants for license renewal shall submit to
24 the ¹[director] board¹ evidence of satisfactory completion of the
25 continuing education requirements established and published by
26 the ¹[director] board¹.

27 The ¹[director] board¹ shall notify each licensed individual of
28 any failure to comply with this requirement, and shall further
29 notify such a person that upon continued failure to comply within
30 three months of the date of the notice, the ¹[director] board¹
31 may take any action authorized by section ¹[21] 23¹ of this act,
32 concerning the suspension or revocation of a license.

33 ¹[18.] 20.¹ Every licensed practitioner of orthotics ¹[or],¹
34 prosthetics ¹, or both,¹ in this State shall notify the ¹[director]
35 board¹ of the practitioner's office address. Every practitioner
36 shall promptly notify the ¹[director] board¹ of any change of
37 office address. The ¹[director] board¹ shall annually publish
38 complete lists of the names and office addresses of all orthotists
39 ¹[and],¹ prosthetists ¹and prosthetist-orthotists¹ licensed and
40 practicing in this State.

41 ¹[19.] 21.¹ All applicants for licenses, temporary licenses,
42 ¹[provisional licenses,] student registrations¹ ^{3,3} or renewals
43 under this act shall pay a fee for the issuance or renewal. Fees
44 shall be determined by the ¹[director in consultation with the
45 committee] board¹. The revenue generated from these fees shall
46 not exceed the operating costs incurred by the ¹[director and the
47 committee] board¹ under this act.

48 ¹[20.] 22.¹ All fees and fines imposed by the ¹[director] board¹
49 shall be forwarded to the State Treasurer for deposit in the

1 General Fund. Any expenditure deemed necessary to carry out
 2 the provisions of this act shall be paid by the State Treasurer
 3 from the funds collected and forwarded by the ¹[director]
 4 board¹. The expenditures made pursuant to this act shall not
 5 exceed the revenues from the operation of this act during any
 6 fiscal year.

7 ¹[21.] 23.¹ The ¹[director, in consultation with the committee]
 8 board¹ may, upon notice and opportunity for a hearing, revoke,
 9 suspend, or refuse to renew any license, temporary license, or
 10 ¹[provisional license,] student registration¹ issued pursuant to
 11 this act ¹,¹ upon a finding:

12 a. That the license ¹or student registration¹ was obtained by
 13 means of fraud, misrepresentation, or concealment of material
 14 facts;

15 b. Of fraud or deceit in connection with services rendered;

16 c. Of unprofessional or unethical conduct;

17 d. Of gross negligence or malpractice; or

18 e. That any provision of this act, or any rule or regulation
 19 promulgated pursuant to this act, has been violated.

20 ¹[22.] 24.¹ A license ¹or student registration¹ may be restored
 21 after one year from the date of its revocation by the ¹[director,
 22 in consultation with the committee,] board¹ on whatever
 23 conditional terms the ¹[director] board¹ deems necessary.

24 ¹[23.] 25.¹ A person who violates any provision of this act shall
 25 be subject to a penalty of \$200 for the first offense and \$500 for
 26 each subsequent offense, to be sued for and recovered by and in
 27 the name of the ¹[director] board¹ pursuant to the provisions of
 28 "the penalty enforcement law" (N.J.S.2A:58-1 et seq.).

29 If any person practices or attempts to practice orthotics or
 30 prosthetics or holds himself or herself out as being able to
 31 practice orthotics or prosthetics in violation of section ¹[15] 17¹
 32 of this act, each day during which the violation continues shall
 33 constitute an additional, separate, and distinct offense for the
 34 purposes of this section.

35 ¹[24.] 26.¹ The ¹[director] board¹ shall adopt, amend, or repeal
 36 any regulation as the ¹[director] board¹ deems necessary or
 37 desirable to protect the public interest, provided that any
 38 regulation adopted, amended, or repealed shall be consistent with
 39 the purposes of this act, with the provisions of the
 40 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
 41 seq.), and with any other federal or State statute, rule, or
 42 regulation concerning the use or distribution of orthotic and
 43 prosthetic appliances ¹, except that the initial rules and
 44 regulations shall be promulgated by the director¹.

45 27. There is appropriated from the General Fund a sum of
 46 \$10,000 to the ³[Orthotist and Prosthetist] Orthotics and
 47 Prosthetics³ Board of Examiners for the implementation of this
 48 act. The amount collected by the board for fees and other
 49 charges pursuant to the provisions of this act during the first 18

1 months after the effective date of this act shall be used to
2 reimburse the General Fund for the amount appropriated from
3 the General Fund pursuant to this section.²

4 ¹[25.] ²[27.1] 28.² This act shall take effect immediately, but
5 section ¹[15] 17¹ shall take effect on the first day of the
6 ¹[nineteenth] 13th¹ month after the effective date of this act.

7

8

9

REGULATED PROFESSIONS

10

11 The "Orthotist and Prosthetist Licensing Act;" appropriates
12 \$10,000.