

45:12B-18

**LEGISLATIVE HISTORY CHECKLIST**  
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(Pedorthists exempt from  
"Orthotist & Prosthetist  
Licensing Act")

NJSA: 45:12B-18

LAWS OF: 1992 CHAPTER: 134

BILL NO: A879

SPONSOR(S) Zecker

DATE INTRODUCED: February 13, 1992

COMMITTEE: ASSEMBLY: Commerce

SENATE: Commerce

AMENDED DURING PASSAGE: Yes Amendments during passage  
denoted by asterisks

DATE OF PASSAGE: ASSEMBLY: March 16, 1992

SENATE: August 3, 1992

DATE OF APPROVAL: October 30, 1992

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

**FOLLOWING WERE PRINTED:**

REPORTS: No

HEARINGS: No

KBG:pp

[FIRST REPRINT]  
ASSEMBLY, No. 879

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 13, 1992

By Assemblymen ZECKER, IMPREVEDUTO and Pascrell

1 AN ACT exempting certified pedorthists from the provisions of  
2 the "Orthotist and Prosthetist Licensing Act" and amending  
3 P.L.1991, c.512.

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

7 1. Section 18 of P.L.1991, c.512 (C.45:12B-18) is amended to  
8 read as follows:

9 18. The provisions of this act shall not apply to:

10 a. The activities and services of any person who is licensed to  
11 practice medicine and surgery, dentistry or podiatry by this State;

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

18 c. The application of upper extremity adaptive equipment,  
19 finger splints and hand splints by an occupational therapist or the  
20 use of generic braces for evaluation purposes by a licensed  
21 physical therapist when such bracing is for a term of less than  
22 three months and the braces do not become the patient's  
23 property; or

24 d. The activities and services of a certified pedorthist<sup>1</sup>;  
25 except that this subsection shall not prevent any certified  
26 pedorthist from applying for and obtaining a license under the  
27 provisions of P.L.1991, c.512 (C.45:12B-1 et seq.) limiting that  
28 person's practice of orthotics and prosthetics to the ankle and  
29 below<sup>1</sup>. As used in this subsection: "certified pedorthist" means  
30 a person certified by the American Board for Certification in  
31 Pedorthics, or its successor, in the design, manufacture, fit and  
32 modification of shoes and related foot appliances from the ankle  
33 and below as prescribed by a licensed doctor of medicine or  
34 podiatry for the amelioration of painful or disabling conditions of  
35 the foot; and "foot appliances" includes, but is not limited to,  
36 prosthetic fillers and orthotic appliances for use from the ankle  
37 and below.

38 (cf: P.L.1991, c.512, s.18)

39 <sup>1</sup>2. Section 2 of P.L. 1991, c. 512 (C. 45:12B-2) is amended to  
40 read as follows:

41 2. The Legislature finds and declares that:

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

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:

<sup>1</sup> Senate SCM committee amendment adopted June 18, 1992.

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

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

7     d. It is necessary for this State to regulate and license the  
8 practice of orthotics and prosthetics for the purpose of  
9 protecting the citizens of this State from injury or harm caused  
10 by ill-prepared, incompetent, unscrupulous, or unauthorized  
11 practitioners and to assure the highest degree of professional  
12 conduct on the part of orthotists and prosthetists practicing in  
13 this State.

14     [The Legislature further finds and declares that peer regulation  
15 and the creation of a new board of examiners to carry out the  
16 provisions of this act are not in the public interest, and it is thus  
17 necessary to devise a regulatory mechanism which is consonant  
18 with the licensing policies of this State.]<sup>1</sup>

19 (cf: P.L.1991, c.512, s.2)

20     <sup>1</sup>[2.] 3.<sup>1</sup> This act shall take effect immediately and shall be  
21 retroactive to January 19, 1992.

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26     Exempts certified pedorthists from the provisions of the  
27 "Orthotist and Prosthetist Licensing Act."

ASSEMBLY, No. 879  
STATE OF NEW JERSEY

INTRODUCED FEBRUARY 13, 1992

By Assemblymen ZECKER, IMPREVEDUTO and Pascrell

1 AN ACT exempting certified pedorthists from the provisions of  
2 the "Orthotist and Prosthetist Licensing Act" and amending  
3 P.L.1991, c.512.

4

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

7 1. Section 18 of P.L.1991, c.512 (C.45:12B-18) is amended to  
8 read as follows:

9 18. The provisions of this act shall not apply to:

10 a. The activities and services of any person who is licensed to  
11 practice medicine and surgery, dentistry or podiatry by this State;

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

18 c. The application of upper extremity adaptive equipment,  
19 finger splints and hand splints by an occupational therapist or the  
20 use of generic braces for evaluation purposes by a licensed  
21 physical therapist when such bracing is for a term of less than  
22 three months and the braces do not become the patient's  
23 property ; or

24 d. The activities and services of a certified pedorthist. As  
25 used in this subsection: "certified pedorthist" means a person  
26 certified by the American Board for Certification in Pedorthics,  
27 or its successor, in the design, manufacture, fit and modification  
28 of shoes and related foot appliances from the ankle and below as  
29 prescribed by a licensed doctor of medicine or podiatry for the  
30 amelioration of painful or disabling conditions of the foot; and  
31 "foot appliances" includes, but is not limited to, prosthetic fillers  
32 and orthotic appliances for use from the ankle and below.

33 (cf: P.L.1991, c.512, s.18)

34 2. This act shall take effect immediately and shall be  
35 retroactive to January 19, 1992.

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STATEMENT

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40 This bill exempts certified pedorthists from the provisions of  
41 the "Orthotist and Prosthetist Licensing Act," P.L.1991, c.512  
42 (C.45:12B-1 et seq.). A "certified pedorthist" is defined as

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.

1 a person certified by the American Board of Certification in  
2 Pedorthics, or its successor, in the design, manufacture, fit and  
3 modification of shoes and related foot appliances, from the ankle  
4 and below, as prescribed by a licensed doctor of medicine or  
5 podiatry for the amelioration of painful or disabling conditions of  
6 the foot. "Foot appliances" as used in the bill includes, but is not  
7 limited to, prosthetic fillers and orthotic appliances for use from  
8 the ankle and below.

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13 Exempts certified pedorthists from the provisions of the  
14 "Orthotist and Prosthetist Licensing Act."

ASSEMBLY COMMERCE AND REGULATED  
PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 879

STATE OF NEW JERSEY

DATED: MARCH 2, 1992

The Assembly Commerce and Regulated Professions Committee reports favorably Assembly, No. 879.

This bill exempts certified pedorthists from the provisions of the "Orthotist and Prosthetist Licensing Act," P.L.1991, c.512 (C.45:12B-1 et seq.). A "certified pedorthist" is defined as a person certified by the American Board of Certification in Pedorthics, or its successor, in the design, manufacture, fit and modification of shoes and related foot appliances from the ankle and below as prescribed by a licensed doctor of medicine or podiatry for the amelioration of painful or disabling conditions of the foot. "Foot appliances" as used in the bill includes, but is not limited to, prosthetic fillers and orthotic appliances for use from the ankle and below.

SENATE COMMERCE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 879

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 18, 1992

The Senate Commerce Committee reports favorably and with  
2 committee amendments Assembly, No. 879.

This bill, as amended by the committee, exempts certified  
4 pedorthists from the provisions of the "Orthotist and Prosthetist  
Licensing Act," P.L.1991, c.512 (C.45:12B-1 et seq.), but specifies  
6 that a certified pedorthist may apply for and obtain a license under  
that act limiting that person's practice of orthotics and prosthetics  
8 to the ankle and below. A "certified pedorthist" is defined as a  
person certified by the American Board of Certification in  
10 Pedorthics, or its successor, in the design, manufacture, fit and  
modification of shoes and related foot appliances from the ankle  
12 and below as prescribed by a licensed doctor of medicine or  
podiatry for the amelioration of painful or disabling conditions of  
14 the foot. "Foot appliances" as used in the bill includes, but is not  
limited to, prosthetic fillers and orthotic appliances for use from  
16 the ankle and below.

In addition, the committee made a technical amendment to that  
18 act.