

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

State of Arkansas
86th General Assembly
Regular Session, 2007

A Bill

HOUSE BILL 1229

By: Representative Pace

For An Act To Be Entitled

AN ACT TO ESTABLISH THE ARKANSAS ORTHOTICS,
PROSTHETICS, AND PEDORTHICS PRACTICE ACT OF 2007;
AND FOR OTHER PURPOSES.

Subtitle

ARKANSAS ORTHOTICS, PROSTHETICS, AND
PEDORTHICS PRACTICE ACT OF 2007.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 17 is amended to add the following new chapter:

Chapter 107. Orthotists, Prosthetists, and Pedorthists.

Subchapter 1. General Provisions.

17-107-101. Title.

This chapter shall be known and may be cited as the "Arkansas Orthotics, Prosthetics, and Pedorthics Practice Act of 2007".

17-107-102. Purpose.

Since the professions related to orthotics, prosthetics, and pedorthics significantly affect the lives of the people of this state, it is the purpose of this chapter to protect resources available to the Arkansas Medicaid Program and the public in general by setting standards of qualification, training, and experience for those who represent themselves to the public as orthotists, prosthetists, and pedorthists and by promoting high standards of professional performance for those engaged in the practice of orthotics, prosthetics, and pedorthics.



1
2 17-107-103. Definitions.

3 As used in this chapter:

4 (1)(A) "Orthosis" means an external device that is:

5 (i) Intended to restore physiological function or
6 cosmesis to a patient; and

7 (ii) Custom-designed, fabricated, assembled, fitted,
8 or adjusted for the patient using the device prior to or concurrent with the
9 delivery of the device to the patient.

10 (B) "Orthosis" does not include a cane, crutch, corset,
11 dental appliance, elastic hose, elastic support, fabric support, generic arch
12 support, low-temperature plastic splint, soft cervical collar, truss, or
13 other similar device that:

14 (i) Is carried in stock and sold without therapeutic
15 modification by a corset shop, department store, drug store, surgical supply
16 facility, or similar retail entity; and

17 (ii) Has no significant impact on the neuromuscular,
18 musculoskeletal, or neuromusculoskeletal functions of the body;

19 (2) "Orthotic assistant" means an individual who is licensed
20 under this chapter to assist an orthotist or an orthotist/prosthetist with
21 patient care services and fabrication of orthoses under the supervision of an
22 orthotist or an orthotist/prosthetist;

23 (3) "Orthotic education program" means a course of instruction
24 in orthotics:

25 (A) Accredited by the Commission on Accreditation of
26 Allied Health Education Programs; and

27 (B) Approved by the Arkansas Orthotics, Prosthetics, and
28 Pedorthics Licensing Board;

29 (4) "Orthotic resident" means an individual who has completed an
30 orthotic education program and is continuing his or her clinical education in
31 an orthotic residency program:

32 (A) Accredited by the National Commission on Orthotic and
33 Prosthetic Education; and

34 (B) Approved by the Arkansas Orthotics, Prosthetics, and
35 Pedorthics Licensing Board;

36 (5) "Orthotics" means the science and practice of providing or

1 managing the provision of an orthosis based on clinical assessment, technical
2 judgment, and an order from a health care practitioner authorized by law to
3 write an order for an orthosis;

4 (6) "Orthotist" means an individual who is licensed under this
5 chapter to practice orthotics and pedorthics;

6 (7) "Orthotic/prosthetic assistant" means an individual who is
7 licensed under this chapter to assist both an orthotist and a prosthetist
8 with patient care services and fabrication of prostheses, orthoses, or
9 pedorthic devices under the supervision of an orthotist, an
10 orthotist/prosthetist, or a prosthetist as appropriate; and

11 (8) "Orthotist/prosthetist" means an individual who is licensed
12 to practice orthotics, pedorthics, and prosthetics;

13 (9)(A) "Pedorthic device" means therapeutic footwear, foot
14 orthoses for use at the ankle or below, or footwear modified for therapeutic
15 purposes as ordered by a licensed health care practitioner authorized by law
16 to write an order for a pedorthic device.

17 (B) "Pedorthic device" does not include:

18 (i) Nontherapeutic accommodative inlays or
19 nontherapeutic accommodative footwear regardless of method of manufacture;

20 (ii) Shoes modified or made for nontherapeutic
21 purposes;

22 (iii) Unmodified shoes; or

23 (iv) Prefabricated foot care products;

24 (10) "Pedorthic education program" means a course of instruction
25 in pedorthics:

26 (A) Accredited by the Board for Certification in
27 Pedorthics, Inc.; and

28 (B) Approved by the Arkansas Orthotics, Prosthetics, and
29 Pedorthics Licensing Board;

30 (11) "Pedorthics" means the science and practice of providing or
31 managing the provision of a pedorthic device based on clinical assessment,
32 technical judgment, and an order from a health care practitioner authorized
33 by law to write an order for a pedorthic device;

34 (12) "Pedorthist" means an individual who is licensed under this
35 chapter to practice pedorthics;

36 (13)(A) "Prefabricated device" means a mass-produced device

1 that:

2 (i) Is prepackaged, carried in stock, and sold off
3 the shelf or over the counter by a corset shop, department store, drug store,
4 surgical supply facility, or similar retail entity; and

5 (ii) Does not require clinical assessment, technical
6 judgment, or therapeutic modification for appropriate use by the customer.

7 (B) "Prefabricated device" may include a cane, a crutch, a
8 corset, a dental appliance, an elastic hose, an elastic support, a fabric
9 support, a generic arch support, a low-temperature plastic splint, a soft
10 cervical collar, a truss, or other similar device;

11 (14)(A) "Prosthesis" means an external device that is:

12 (i) Intended to replace an absent external body part
13 for the purpose of restoring physiological function or cosmesis to a patient;
14 and

15 (ii) Custom-designed, fabricated, assembled, fitted,
16 or adjusted for the patient using the device prior to or concurrent with
17 being delivered to the patient;

18 (B) "Prosthesis" does not include an artificial eye, an
19 artificial ear, a dental appliance, a cosmetic device, such as artificial
20 eyelashes or wigs, an artificial facial device, or other device that does not
21 have a significant impact on the neuromuscular, musculoskeletal, or
22 neuromusculoskeletal functions of the body;

23 (15) "Prosthetic assistant" means an individual who is licensed
24 under this chapter to assist a prosthetist or orthotist/prosthetist with
25 patient care services and fabrication of prostheses under the supervision of
26 a prosthetist or an orthotist/prosthetist; and

27 (16) "Prosthetic education program" means a course of
28 instruction in prosthetics;

29 (A) Accredited by the Commission on Accreditation of
30 Allied Health Education Programs; and

31 (B) Approved by the Arkansas Orthotics, Prosthetics, and
32 Pedorthics Licensing Board;

33 (17) "Prosthetic resident" means an individual who has completed
34 a prosthetic education program and is continuing his or her clinical
35 education in a prosthetic residency program;

36 (A) Accredited by the National Commission on Orthotic and

Prosthetic Education; and

(B) Approved by the Arkansas Orthotics, Prosthetics, and Pedorthics Licensing Board;

(18) "Prosthetics" means the science and practice of providing or managing the provision of a prosthesis based on clinical assessment, technical judgment, and an order from a health care practitioner authorized to write an order for a prosthesis; and

(19) "Prosthetist" means an individual who is licensed under this chapter to practice prosthetics.

17-107-104. Exemptions.

Nothing in this chapter shall be construed to restrict:

(1) The practice of orthotics, prosthetics, or pedorthics by:

(A) An individual who is employed by the federal government or any bureau, division, or agency of the federal government while in the discharge of the employee's official duties;

(B) A student enrolled in an orthotic education program, prosthetic education program, or pedorthic education program;

(C) An orthotic resident or prosthetic resident; or

(D) A student participating in a pedorthic work experience program or internship approved by the Arkansas Orthotics, Prosthetics, and Pedorthics Licensing Board;

(2) A licensed health care practitioner from engaging in the full scope of practice of the practitioner's profession or from doing work within the standards and ethics of his or her respective professions;

(3) An individual from sizing a prefabricated device, including without limitation, diabetic shoes and similar devices, for a customer if the individual:

(A) Is acting under the supervision and control of a pharmacist or pharmacy licensed under § 17-92-101 et seq.;

(B) Does not cast, measure, mold, or scan a part of the human body for the purpose of constructing an external device intended to treat a customer's medical condition; and

(C) Can provide satisfactory evidence of one (1) of the following:

(i) The individual has documentation of training

from an orthotist, a prosthetist, a pedorthist, or a manufacturer approved by the Arkansas Orthotics, Prosthetics, and Pedorthics Licensing Board;

(ii) The individual is certified or registered as an orthotic fitter or a pedorthic fitter by a nationally recognized board or association approved by the Arkansas Orthotics, Prosthetics, and Pedorthics Licensing Board; or

(iii) The individual works under the direct supervision of an orthotic fitter or pedorthic fitter who is certified or registered by a nationally recognized board or association approved by the Arkansas Orthotics, Prosthetics, and Pedorthics Licensing Board; and

(4) A licensed health care practitioner from dispensing or selling a prefabricated device based on an image of the patient's limb captured by the licensed health care practitioner through a cast, digital appliance, measurement, mold, pressure sensitive device, or scanning device if the patient has first presented to the licensed health care practitioner a written order for the prefabricated device from a health care practitioner authorized by law to write the order.

17-107-105. Criminal penalty.

(a)(1) It is a Class C misdemeanor for any individual to:

(A) Practice orthotics, prosthetics, or pedorthics in this state unless he or she is licensed under this chapter;

(B) Hold himself or herself out as being able to practice orthotics, prosthetics, or pedorthics in this state;

(C) Dispense an orthosis, a prosthesis, or a pedorthic device unless he or she is licensed under this chapter;

(D) Represent himself or herself to the public by title or description of services that includes any of the following terms unless he or she is licensed under this chapter:

(i) "Orthotic", "orthotist", "brace", or a similar title or description of services;

(ii) "Pedorthic", "pedorthist", or a similar title or description of services; or

(iii) "Prosthetic", "prosthetist", "artificial limb", or a similar title or description of services;

(E) Practice orthotics, prosthetics, or pedorthics during

1 the time his or her license is suspended; or

2 (F) Otherwise violate any provisions of this chapter or
3 rules promulgated under this chapter.

4 (2) Each day an offense under this section continues is a
5 separate offense.

6 (b) The Arkansas Orthotics, Prosthetics, and Pedorthics Licensing
7 Board and the Department of Health and Human Services shall assist the
8 prosecuting attorney in the enforcement of this chapter.

9
10 17-107-106. Civil penalty and injunction.

11 (a)(1) The Arkansas Orthotics, Prosthetics, and Pedorthics Licensing
12 Board may levy a civil penalty not to exceed one thousand dollars (\$1,000)
13 for each violation of this chapter or rules promulgated under this chapter
14 against any individual found by the board to be in violation of this chapter
15 or rules promulgated under this chapter.

16 (2) Each day a violation continues is a separate offense.

17 (3) Unless the civil penalty imposed under this section is paid
18 within fifteen (15) calendar days following the date for an appeal from the
19 order, the board may file suit in the Pulaski County Circuit Court to obtain
20 a judgment for the amount of the unpaid civil penalty.

21 (4)(A) The imposition of a civil penalty under this section does
22 not relieve an individual from criminal prosecution under this chapter or
23 from the imposition of an injunction under this section.

24 (B) The remedy of a civil penalty under this section is
25 additional to any other penalties that may be imposed by the board or by a
26 circuit court under this chapter.

27 (b)(1) The board may petition any circuit court having jurisdiction
28 over an individual who is practicing without a license as required by this
29 chapter, an individual to whom a license has been denied, or an individual
30 whose license has been suspended or revoked by action of the board under this
31 chapter to enjoin the individual from continuing to practice within this
32 state.

33 (2)(A) The issuance of an injunction under this section shall
34 not relieve an individual from criminal prosecution under this chapter or the
35 imposition of civil penalties under this section.

36 (B) The remedy of an injunction under this section is

additional to any other penalties that may be imposed by the board or by a circuit court under this chapter.

Subchapter 2. Arkansas Orthotics, Prosthetics, and Pedorthics Licensing Board.

17-107-201. Board -- Creation.

(a) There is created the Arkansas Orthotics, Prosthetics, and Pedorthics Licensing Board consisting of seven (7) members as follows:

(1)(A) Five (5) individuals, each of whom is eligible for licensure as an orthotist, prosthetist, or pedorthist.

(B) One (1) of the five (5) individuals appointed under subdivision (a)(1)(A) of this section may be a retired orthotist, prosthetist, or pedorthist;

(2) One (1) member who is a representative of the Division of Medical Services of the Department of Health and Human Services; and

(3) One (1) member who is a representative of the public at large.

(b) The Governor shall appoint the members subject to confirmation by the Senate.

(c)(1) Each initial member who is eligible for licensure as an orthotist, a prosthetist, or a pedorthist shall be selected from a list of fifteen (15) candidates who have practiced orthotics, prosthetics, or pedorthics for at least three (3) years. The Arkansas Orthotic Prosthetic Association shall submit the list of candidates to the Governor no later than July 1, 2007.

(2)(A) Each successor member shall be selected from a list of three (3) individuals per position submitted to the Governor by the board.

(B) Each successor member shall have practiced orthotics, prosthetics, or pedorthics for at least three (3) years preceding his or her appointment and shall be licensed under this chapter as an orthotist, a prosthetist, or a pedorthist.

(d)(1) The Governor shall designate the terms of the initial appointees so that three (3) members shall serve three-year terms, two (2) members shall serve two-year terms, and two (2) members shall serve one-year terms.

(2)(A)(i) Except as provided in subdivision (d)(2)(A)(ii) of

this section, each successor member shall serve three-year terms.

(ii) An individual appointed to fill a vacancy resulting in an unexpired term shall only serve for the remainder of the unexpired term.

(B) The Governor shall fill any vacancy on the board in the same manner as other appointments.

(3)(A) Except as provided in subdivision (d)(3)(B) of this section, no member shall serve more than two (2) consecutive terms.

(B) The member who is a representative of the Division of Medical Services of the Department of Health and Human Services may succeed himself or herself.

(e) Upon recommendation of the board made after notice and hearing, the Governor may remove any member for incompetence, neglect of duty, or malfeasance in office.

17-107-202. Organization and proceedings.

(a)(1) Within thirty (30) days after the initial appointment of the members of the Arkansas Orthotics, Prosthetics, and Pedorthics Licensing Board, the Governor shall call the first meeting of the board for the purpose of organization.

(2) The board shall elect a chair and vice chair at its first regularly scheduled meeting of each calendar year.

(3) The board shall meet as frequently as it deems necessary, at such times and places as the board designates. Additional meetings may be held upon call of the chair or upon written request of four (4) members.

(b) A quorum of the board shall consist of four (4) members.

(c) The members of the board shall serve without compensation but may receive expense reimbursement in accordance with § 25-16-901 et seq. However, the expenses shall in no case exceed funds available to the board .

(d) All proceedings of the board shall be conducted in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(e) The Division of Medical Services of the Department of Health and Human Services shall provide staff support for the board.

17-107-203. Power to issue subpoenas and subpoenas duces tecum.

(a) In connection with its investigations and hearings, the Arkansas

Orthotics, Prosthetics, and Pedorthics Licensing Board may:

(1) Issue a subpoena to require any individual who has information germane to an investigation or hearing conducted by the board to testify before the board; and

(2) Issue a subpoena duces tecum to require to be transmitted to the board any book, writing, document, or other paper or thing which is germane to an investigation or hearing conducted by the board.

(b)(1) Service of a subpoena or a subpoena duces tecum shall be as provided by law for the service of a subpoena or a subpoena duces tecum in a civil case in a circuit court of this state. The fees and mileage of an officer serving a subpoena or a subpoena duces tecum and a witness appearing in answer to a subpoena shall be the same as provided by law for a proceeding in a civil case in a circuit court of this state.

(2)(A) The board shall issue a subpoena or a subpoena duces tecum upon the request of any party to a hearing before the board.

(B) The fees and mileage of an officer serving a subpoena or a subpoena duces tecum and a witness appearing in answer to a subpoena shall be paid by the party at whose request the witness is subpoenaed.

(c)(1) If an individual has been served with a subpoena or a subpoena duces tecum as provided in this section and fails to comply with the subpoena or the subpoena duces tecum, the board may apply to the circuit court of the county in which the board is conducting its investigation or hearing for an order causing the arrest of the individual and directing that the individual be brought before the court.

(2) The circuit court may punish the disobedient individual for contempt as provided by law for a proceeding of a civil case in a circuit court of this state.

17-107-204. Powers and duties.

(a) The Arkansas Orthotics, Prosthetics, and Pedorthics Licensing Board shall adopt rules prescribing all of the following:

(1) Procedures for the issuance, renewal, inactivation, restoration, suspension, and revocation of a license or certification;

(2) Standards and procedures for formulating, evaluating, approving, and administering licensing examinations or recognizing other entities that conduct examinations;

1 (3) Procedures for the conduct of a disciplinary hearing;

2 (4) Standards of ethical and professional conduct in the

3 practice of orthotics, prosthetics, and pedorthics;

4 (5) Standards for approving, denying, and withdrawing approval

5 of national certification organizations in orthotics, prosthetics, and

6 pedorthics;

7 (6) Standards for approving, denying, and withdrawing approval

8 of educational programs required for licensure, including standards for

9 foreign educational credentials;

10 (7) Standards for approving, denying, and withdrawing approval

11 of continuing education programs required for license renewal;

12 (8) Standards for regulating advertising by individuals licensed

13 under this chapter;

14 (9) Fees and penalties for services relating to examination,

15 licensing, endorsement, temporary permits, license renewal, and other

16 services reasonably related to the practice of orthotics, prosthetics, or

17 pedorthics as determined by the board; and

18 (10) Civil money penalties for violations of this chapter.

19 (b) The board may adopt other rules that are reasonably related to the

20 safe and competent performance of prosthetics, orthotics, and pedorthics and

21 necessary for the administration of this chapter.

22
23 17-107-205. Deposit of funds.

24 All funds received by the Arkansas Orthotics, Prosthetics, and

25 Pedorthics Licensing Board shall be deposited into the State Treasury to the

26 credit of the board.

27
28 Subchapter 3. Licensing.

29 17-107-301. Orthotists.

30 (a) An applicant for a license to practice orthotics shall submit to

31 the Arkansas Orthotics, Prosthetics, and Pedorthics Licensing Board written

32 evidence verified by oath that the applicant:

33 (1) Possesses a baccalaureate degree or has completed semester

34 hours equivalent to four (4) years of study at a four-year college or

35 university;

36 (2) Has completed an orthotic education program;

1 (3) Has completed a clinical residency in orthotics;

2 (4) Is qualified to practice in accordance with commonly
3 accepted standards of orthotic care; and

4 (5) Satisfies any other requirements established by the board
5 that are reasonably related to the practice of orthotics.

6 (b) The board may issue a license to practice orthotics to an
7 applicant:

8 (1) By examination, if the applicant passes an examination
9 approved by the board; or

10 (2) By endorsement, if the applicant has been licensed as an
11 orthotist under the laws of another state, territory, or foreign country and
12 meets the qualifications required of orthotists in this state.

13
14 17-107-302. Pedorthists.

15 (a) An applicant for a license to practice pedorthics shall submit to
16 the Arkansas Orthotics, Prosthetics, and Pedorthics Licensing Board written
17 evidence verified by oath that the applicant:

18 (1) Possesses a high school diploma or comparable credential
19 approved by the board;

20 (2) Has completed a pedorthic education program;

21 (3) Has completed a qualified work experience program or
22 internship in pedorthics;

23 (4) Is qualified to practice in accordance with commonly
24 accepted standards of pedorthic care acceptable to the board; and

25 (5) Satisfies any other requirements established by the board
26 that are reasonably related to the practice of pedorthics.

27 (b) The board may issue a license to practice pedorthics:

28 (1) By examination, if the applicant passes an examination
29 approved by the board; or

30 (2) By endorsement, if an applicant has been licensed as a
31 pedorthist under the laws of another state, territory, or foreign country and
32 meets the qualifications required of pedorthists in this state.

33
34 17-107-303. Prosthetists.

35 (a) An applicant for a license to practice prosthetics shall submit to
36 the Arkansas Orthotics, Prosthetics, and Pedorthics Licensing Board written

evidence verified by oath that the applicant:

(1) Possesses a baccalaureate degree or has completed semester hours equivalent to four (4) years of study at a four-year college or university;

(2) Has completed a prosthetic education program;

(3) Has completed a clinical residency in prosthetics;

(4) Is qualified to practice in accordance with commonly accepted standards of prosthetic care; and

(5) Satisfies any other requirements established by the board that are reasonably related to the practice of prosthetics.

(b) The board may issue a license to practice prosthetics to an applicant:

(1) By examination, if the applicant passes an examination approved by the board; or

(2) By endorsement, if the applicant has been licensed as a prosthetist under the laws of another state, territory, or foreign country and meets the qualifications required of prosthetists in this state.

17-107-304. Orthotic assistants, prosthetic assistants, orthotic/prosthetic assistants.

An applicant for certification to practice as an orthotic assistant, an orthotic/prosthetic assistant, or a prosthetic assistant shall submit to the Arkansas Orthotics, Prosthetics, and Pedorthics Licensing Board written evidence verified by oath that the applicant:

(1) Possesses a high school diploma or comparable credential approved by the board;

(2) Has a minimum of five (5) years of experience in the field in which the individual is seeking licensure as an assistant; and

(3) Has written documentation from a licensed prosthetist or a licensed orthotist that the applicant is qualified to perform as an assistant in the field in which the individual is seeking licensure as an assistant.

17-107-305. Temporary permits.

(a)(1) The Arkansas Orthotics, Prosthetics, and Pedorthics Licensing

Board may issue a temporary permit to practice orthotics, prosthetics, or pedorthics to a qualified applicant who has:

(A) Satisfactorily completed an approved education program in the field in which the individual is seeking licensure; and

(B) Applied for or is awaiting results of the first examination he or she is eligible to take after the permit is issued.

(2) The temporary permit to practice orthotics, prosthetics, or pedorthics becomes invalid upon notification to the applicant of the results of the first examination he or she is eligible to take after the permit is issued.

(b)(1) The board may issue a temporary permit to practice orthotics, prosthetics, or pedorthics to a qualified applicant awaiting endorsement and holding a current license to practice orthotics, prosthetics, or pedorthics or the equivalent from another jurisdiction, state, or territory.

(2) The temporary permit to practice orthotics, prosthetics, or pedorthics shall:

(A) Specify the date it was issued and its expiration date; and

(B) Not be valid for more than six (6) months.

17-107-306. License -- Renewal.

(a) An individual licensed or certified under this chapter shall renew his or her license or certification with the Arkansas Orthotics, Prosthetics, and Pedorthics Licensing Board in accordance with this section and procedures established by the board.

(b)(1) At least sixty (60) days prior to the renewal date of a individual's license or certification under this chapter, the board shall:

(A) Mail to the individual a renewal application for his or her license or certification; and

(B) Notify the individual of the renewal date of his or her license or certification.

(2) The board shall mail the renewal application to the most recent address of the individual as the address appears in the records of the board.

(3) The individual shall complete the renewal application and return it to the board with the required renewal fee by the renewal date of

1 the individual's license or certification.

2 (c) The board shall renew the individual's license or certification
 3 for the next licensure or certification period if:

4 (1) The board receives the individual's renewal application by
 5 the renewal date of the individual's license or certification;

6 (2) The board determines that the individuals' renewal
 7 application is accurate; and

8 (3) The renewal fee is paid by the renewal date of the
 9 individual's license or certification.

10 (d) An individual's license or certification under this chapter
 11 automatically expires and is forfeited if:

12 (1) The board does not receive the individual's renewal
 13 application by the renewal date of the individual's license or certification;

14 (2) The board determines that the renewal application is not
 15 accurate; or

16 (3) The renewal fee is not paid by the renewal date of the
 17 individual's license or certification.

18 (e) Any individual who fails to renew his or her license or
 19 certification as provided in this section may be reinstated by the board if:

20 (1) The individual submits to the board:

21 (A) Written evidence verified by oath that the
 22 individual's renewal application was submitted in a timely manner; or

23 (B) A renewal application and the board determines that
 24 the renewal application is accurate; and

25 (2) The renewal fee plus a penalty is paid by a date specified
 26 by the board.

27
 28 17-107-307. License -- Display.

29 (a) An individual licensed or certified under this chapter shall:

30 (1) Keep his or her license prominently displayed in his or her
 31 office or in a place in which he or she practices; or

32 (2) Store his or her license in a place from which the license
 33 can be immediately produced upon request of a patient or a representative of
 34 the Arkansas Orthotics, Prosthetics, and Pedorthics Licensing Board.

35
 36 17-107-308. License -- Replacement.

1 (a) An individual licensed or certified under this chapter whose
2 license has been lost or destroyed may apply to the Arkansas Orthotics,
3 Prosthetics, and Pedorthics Licensing Board for a replacement. The
4 application shall be accompanied by an affidavit setting out the facts
5 concerning the loss or destruction of the original license.

6 (b) An individual licensed or certified under this chapter whose name
7 is changed by marriage or court order may surrender his or her license and
8 apply to the board for a replacement license.

9
10 17-107-309. License -- Inactive status.

11 (a) An individual licensed or certified under this chapter may place
12 his or her license or certification on inactive status by notifying the
13 Arkansas Orthotics, Prosthetics, and Pedorthics Licensing Board in writing.

14 (b)(1) The holder of an inactive license or certification is excused
15 from payment of renewal fees and shall not practice in his or her area of
16 licensure or certification in this state.

17 (2) Any individual who engages in the practice of orthotics,
18 pedorthics, or prosthetics or serves as an orthotic assistant,
19 orthotic/prosthetic assistant, or prosthetic assistant while his or her
20 license or certification under this chapter is inactive is considered to be
21 practicing without a license or certification. Practicing without a license
22 or certification is grounds for discipline under § 17-107-310.

23 (c) The board may restore an inactive license or certification under
24 this chapter if:

25 (1) The holder of the inactive license or certification:

26 (A) Successfully completes the continuing education
27 requirements established by the board; and

28 (B) Complies with rules established by the board; and

29 (2) The current renewal fee is paid by a date specified by the
30 board.

31
32 17-107-310. Disciplinary action.

33 The Arkansas Orthotics, Prosthetics, and Pedorthics Licensing Board may
34 deny, suspend, revoke, or restrict any license or certification issued under
35 this chapter or otherwise discipline an individual licensed or certified
36 under this chapter upon proof that the individual:

1 (1) Has plead guilty or nolo contendere to or has been found
 2 guilty of a felony;

3 (2) Has used intoxicating liquors, narcotics, controlled
 4 substances, or other drugs in a manner that adversely affects the license or
 5 certificate holder's ability to practice;

6 (3) Has become physically or mentally incompetent to practice to
 7 the extent that the license or certificate holder's professional competence
 8 is impaired and the public is endangered;

9 (4) Has committed fraud or deceit in the procuring or attempting
 10 to procure a license or certification under this chapter;

11 (5) Has aided or abetted an unlicensed or uncertified individual
 12 to perform the duties of a license or certificate holder under this chapter;

13 (6) Has engaged in any practice beyond the scope of duties
 14 permitted a license or certificate holder under this chapter;

15 (7) Is incompetent or grossly negligent in his or her
 16 performance as a license or certification holder;

17 (8) Has engaged in unprofessional or unethical conduct;

18 (9) Has advertised in a false, fraudulent, deceptive, or
 19 misleading manner;

20 (10) Has knowingly betrayed a professional secret;

21 (11) Has violated a regulation of the board;

22 (12) Has violated a term of probation or an order previously
 23 imposed by the board; or

24 (13) Has had a license, certificate, or registration revoked or
 25 suspended or has been placed on probation or under disciplinary order in any
 26 jurisdiction.

27
 28 17-107-311. Grandfather provisions.

29 (a)(1) Until December 31, 2007, the Arkansas Orthotics, Prosthetics,
 30 and Pedorthics Licensing Board may issue a license to practice orthotics
 31 under this chapter to:

32 (A) An individual who makes application for licensure as
 33 an orthotist, pays the required licensure fee, and submits evidence of
 34 certification from one (1) of the following:

35 (i) The American Board for Certification in
 36 Orthotics and Prosthetics, Inc., as a Certified Orthotist or Certified

1 Orthotist/Prosthetist;

2 (ii) The Board for Orthotist/Prosthetist

3 Certification as a BOC – Orthotist; or

4 (iii) Any other accrediting body with equivalent
 5 educational requirements and examination standards that is approved by the
 6 Arkansas Orthotics, Prosthetics, and Pedorthics Licensing Board; and

7 (B)(i) An individual who makes application for licensure,
 8 pays the required licensure fee, and submits evidence satisfactory to the
 9 board of a full-time practice in orthotics for a minimum of five (5) of the
 10 seven (7) years immediately prior to the date of application.

11 (ii) Licensure under this subdivision (a)(1) may
 12 require an investigation by the board of the applicant's work history and
 13 completion by the applicant of a questionnaire regarding the applicant's work
 14 history and scope of practice.

15 (2) Until December 31, 2007, the Arkansas Orthotics,
 16 Prosthetics, and Pedorthics Licensing Board may issue a license to practice
 17 pedorthics under this chapter to:

18 (A) An individual who makes application for licensure as a
 19 pedorthist, pays the required licensure fee, and submits evidence of
 20 certification from one (1) of the following:

21 (i) The Board for Certification in Pedorthics, Inc.
 22 as a Certified Pedorthist;

23 (ii) The American Board for Certification in
 24 Orthotics and Prosthetics as a Certified Orthotist, Certified Prosthetist, or
 25 Certified Orthotist/Prosthetist;

26 (iii) The Board for Orthotist/Prosthetist
 27 Certification as a BOC – Orthotist or BOC – Prosthetist; or

28 (iv) Any other accrediting body with equivalent
 29 educational requirements and examination standards that is approved by the
 30 Arkansas Orthotics, Prosthetics, and Pedorthics Licensing Board; and

31 (B)(i) An individual who makes application for licensure
 32 as a pedorthist, pays the required licensure fee, and submits evidence
 33 satisfactory to the board of a full-time practice in pedorthics for a minimum
 34 of five (5) years of the seven (7) years immediately prior to the date of
 35 application.

36 (ii) Licensure under this subdivision (a)(2) may

1 include an investigation by the board of the applicant's work history and
 2 completion by the applicant of a questionnaire regarding the applicant's work
 3 history and scope of practice.

4 (3) Until December 31, 2007, the Arkansas Orthotics,
 5 Prosthetics, and Pedorthics Licensing Board may issue a license to practice
 6 prosthetics under this chapter to:

7 (A) An individual who makes application for licensure as a
 8 prosthetist, pays the required licensure fee, and submits evidence of
 9 certification from one (1) of the following:

10 (i) The American Board for Certification in
 11 Orthotics and Prosthetics, Inc. as a Certified Prosthetist or Certified
 12 Orthotist/Prosthetist;

13 (ii) The Board for Orthotist/Prosthetist
 14 Certification as a BOC – Prosthetist; or

15 (iii) Any other accrediting body with equivalent
 16 educational requirements and examination standards that is approved by the
 17 Arkansas Orthotics, Prosthetics, and Pedorthics Licensing Board; and

18 (B)(i) An individual who makes application for licensure
 19 as a prosthetist, pays the required licensure fee, and submits evidence
 20 satisfactory to the board of a full-time practice in prosthetics for a
 21 minimum of five (5) of the seven (7) years immediately prior to the date of
 22 application.

23 (ii) Licensure under this subdivision (a)(3) may
 24 include an investigation by the board of the applicant's work history and
 25 completion by the applicant of a questionnaire regarding the applicant's work
 26 history and scope of practice.

27 (b) Beginning January 1, 2008, the Arkansas Orthotics, Prosthetics,
 28 and Pedorthics Licensing Board shall issue a license only to:

29 (1) An applicant for licensure as an orthotist who satisfies the
 30 requirements of § 17-107-301;

31 (2) An applicant for licensure as a pedorthist who satisfies the
 32 requirements of § 17-107-302; and

33 (3) An applicant for licensure as a prosthetist who satisfies
 34 the requirements of § 17-107-303.