

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.

1 State of Arkansas *As Engrossed: H2/5/07 H2/12/07 H2/14/07*

2 86th General Assembly

A Bill

3 Regular Session, 2007

HOUSE BILL 1229

4

5 By: Representatives Pace, Maloch, Dickinson, L. Evans, Gaskill, Hall, Hawkins, Jeffrey, Maxwell,

6 Medley, Pierce, Rosenbaum, Sample, Walters, Wells, Wyatt

7 By: Senators Steele, J. Jeffress, G. Jeffress

8

9

10 For An Act To Be Entitled

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

14

15 Subtitle

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

18

19

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

21

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

24 Chapter 107. Orthotists, Prosthetists, and Pedorthists.

25 Subchapter 1. General Provisions.

26 17-107-101. Title.

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

29

30 17-107-102. Purpose.

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



1 professional performance for those engaged in the practice of orthotics,
2 prosthetics, and pedorthics.

3
4 17-107-103. Definitions.

5 As used in this chapter:

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

7 (i) Intended to restore physiological function or
8 cosmesis to a patient; and

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

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

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

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

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

25 (3) "Orthotic education program" means a course of instruction
26 in orthotics:

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

29 (B) Approved by the Arkansas Orthotics, Prosthetics, and
30 Pedorthics Advisory Board;

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

34 (A) Accredited by the National Commission on Orthotic and
35 Prosthetic Education; and

36 (B) Approved by the Arkansas Orthotics, Prosthetics, and

1 Pedorthics Advisory Board;

2 (5) "Orthotics" means the science and practice of providing or
3 managing the provision of an orthosis based on clinical assessment, technical
4 judgment, and an order from a health care practitioner authorized by law to
5 write an order for an orthosis;

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

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

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

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

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

20 (i) Nontherapeutic accommodative inlays or
21 nontherapeutic accommodative footwear regardless of method of manufacture;

22 (ii) Shoes modified or made for nontherapeutic
23 purposes;

24 (iii) Unmodified shoes; or

25 (iv) Prefabricated foot care products;

26 (10) "Pedorthic education program" means a course of instruction
27 in pedorthics:

28 (A) Accredited by the American Board for Certification in
29 Orthotics, Prosthetics, and Pedorthics, Inc.; and

30 (B) Approved by the Arkansas Orthotics, Prosthetics, and
31 Pedorthics Advisory Board;

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

36 (12) "Pedorthist" means an individual who is licensed under this

1 chapter to practice pedorthics;

2 (13)(A) "Prefabricated device" means a mass-produced device
3 that:

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

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

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

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

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

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

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

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

29 (16) "Prosthetic education program" means a course of
30 instruction in prosthetics:

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

33 (B) Approved by the Arkansas Orthotics, Prosthetics, and
34 Pedorthics Advisory Board;

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

1 education in a prosthetic residency program:

2 (A) Accredited by the National Commission on Orthotic and
3 Prosthetic Education; and

4 (B) Approved by the Arkansas Orthotics, Prosthetics, and
5 Pedorthics Advisory Board;

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

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

12
13 17-107-104. Exemptions.

14 Nothing in this chapter shall be construed to restrict:

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

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

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

21 (C) An orthotic resident or prosthetic resident; or

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

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

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

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

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

36 (C) Can provide satisfactory evidence of one (1) of the

1 following:

2 (i) The individual has documentation of training
3 from an orthotist, a prosthetist, a pedorthist, or a manufacturer approved by
4 the Arkansas Orthotics, Prosthetics, and Pedorthics Advisory Board;

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

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

13 (4)(A) Any other licensed health care professional within this
14 state, or prevent a member of any health care profession or any person
15 employed by or supervised by a licensed health care professional from doing
16 work of a nature consistent with the person's training, as long as the
17 licensed health care professional does not hold himself or herself out to the
18 public as a licensee under this chapter.

19 (B) The exemption created in subdivision (4)(A) of this
20 section expressly exempts licensure manufacturers' representatives so long as
21 the process of measuring and fitting of the orthotic, prosthetic, or
22 pedorthic device takes place under the supervision of a qualified member of a
23 licensed health care profession within this state.

24 (5) A licensed athletic trainer from engaging in the full scope
25 of practice of the athletic trainer's profession or from doing work within
26 the standards and ethics of the Arkansas State Board of Athletic Training.

27
28 17-107-105. Criminal penalty.

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

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

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

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

36 (D) Represent himself or herself to the public by title or

1 description of services that includes any of the following terms unless he or
2 she is licensed under this chapter:

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

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

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

9 (E) Practice orthotics, prosthetics, or pedorthics during
10 the time his or her license is suspended; or

11 (F) Otherwise violate any provisions of this chapter or
12 rules promulgated under this chapter.

13 (2) Each day an offense under this section continues is a
14 separate offense.

15 (b) The Arkansas Orthotics, Prosthetics, and Pedorthics Advisory Board
16 and the Department of Health and Human Services shall assist the prosecuting
17 attorney in the enforcement of this chapter.

18
19 17-107-106. Civil penalty and injunction.

20 (a)(1) The Arkansas Orthotics, Prosthetics, and Pedorthics Advisory
21 Board may levy a civil penalty not to exceed one thousand dollars (\$1,000)
22 for each violation of this chapter or rules promulgated under this chapter
23 against any individual found by the board to be in violation of this chapter
24 or rules promulgated under this chapter.

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

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

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

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

36 (b)(1) The board may petition any circuit court having jurisdiction

1 over an individual who is practicing without a license as required by this
2 chapter, an individual to whom a license has been denied, or an individual
3 whose license has been suspended or revoked by action of the board under this
4 chapter to enjoin the individual from continuing to practice within this
5 state.

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

9 (B) The remedy of an injunction under this section is
10 additional to any other penalties that may be imposed by the board or by a
11 circuit court under this chapter.

12
13 Subchapter 2. Arkansas Orthotics, Prosthetics, and Pedorthics Advisory
14 Board.

15 17-107-201. Board -- Creation.

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

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

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

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

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

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

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

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

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

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

9 (2)(A)(i) Except as provided in subdivision (d)(2)(A)(ii) of
10 this section, each successor member shall serve three-year terms.

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

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

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

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

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

24
25 17-107-202. Organization and proceedings.

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

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

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

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

36 (c) The members of the board shall serve without compensation but may

1 receive expense reimbursement in accordance with § 25-16-901 et seq.

2 However, the expenses shall in no case exceed funds available to the board .

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

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

7
8 17-107-203. Power to issue subpoenas and subpoenas duces tecum.

9 (a) In connection with its investigations and hearings, the Arkansas
10 Orthotics, Prosthetics, and Pedorthics Advisory Board may:

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

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

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

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

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

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

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

1
2 17-107-204. State Board of Health – Powers and duties.

3 (a) The State Board of Health shall adopt rules prescribing all of the
4 following:

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

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

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

11 (4) Standards of ethical and professional conduct in the
12 practice of orthotics, prosthetics, and pedorthics;

13 (5) Standards for approving, denying, and withdrawing approval
14 of national certification organizations in orthotics, prosthetics, and
15 pedorthics;

16 (6) Standards for approving, denying, and withdrawing approval
17 of educational programs required for licensure, including standards for
18 foreign educational credentials;

19 (7) Standards for approving, denying, and withdrawing approval
20 of continuing education programs required for license renewal;

21 (8) Standards for regulating advertising by individuals licensed
22 under this chapter;

23 (9)(A) Fees and penalties for services relating to examination,
24 licensing, endorsement, temporary permits, license renewal, and other
25 services reasonably related to the practice of orthotics, prosthetics, or
26 pedorthics as determined by the board.

27 (B) The fee for initial licensure and renewal of licensure
28 for the practice of orthotics, pedorthics, or prosthetics shall be three
29 hundred dollars (\$300) every two (2) years;

30 (C) The fee for initial certification and renewal of
31 certification as an orthotic assistant, an orthotic/prosthetic assistant, or
32 a prosthetic assistant shall be one hundred dollars (\$100) every two (2)
33 years; and

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

35 (b) The board may adopt other rules that are reasonably related to the
36 safe and competent performance of prosthetics, orthotics, and pedorthics and

1 necessary for the administration of this chapter.

2
3 17-107-205. Deposit of funds.

4 All funds received by the Arkansas Orthotics, Prosthetics, and
5 Pedorthics Advisory Board shall be deposited into the Health Facility
6 Services Revolving Fund.

7
8 Subchapter 3. Licensing.

9 17-107-301. Orthotists.

10 (a) An applicant for a license to practice orthotics shall submit to
11 the Arkansas Orthotics, Prosthetics, and Pedorthics Advisory Board written
12 evidence verified by oath that the applicant:

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

16 (2) Has completed an orthotic education program;

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

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

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

22 (b) The board may issue a license to practice orthotics to an
23 applicant:

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

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

29
30 17-107-302. Pedorthists.

31 (a) An applicant for a license to practice pedorthics shall submit to
32 the Arkansas Orthotics, Prosthetics, and Pedorthics Advisory Board written
33 evidence verified by oath that the applicant:

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

36 (2) Has completed a pedorthic education program;

1 (3) Has completed a qualified work experience program or
2 internship in pedorthics;

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

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

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

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

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

13
14 17-107-303. Prosthetists.

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

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

21 (2) Has completed a prosthetic education program;

22 (3) Has completed a clinical residency in prosthetics;

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

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

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

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

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

34
35
36

1 17-107-304. Orthotic assistants, prosthetic assistants,
2 orthotic/prosthetic assistants.

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

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

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

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

14
15 17-107-305. Temporary permits.

16 (a)(1) The Arkansas Orthotics, Prosthetics, and Pedorthics Advisory
17 Board may issue a temporary permit to practice orthotics, prosthetics, or
18 pedorthics to a qualified applicant who has:

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

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

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

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

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

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

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

36

1 17-107-306. License -- Renewal.

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

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

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

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

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

15 (3) The individual shall complete the renewal application and
16 return it to the board with the required renewal fee by the renewal date of
17 the individual's license or certification.

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

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

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

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

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

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

30 (2) The board determines that the renewal application is not
31 accurate; or

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

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

36 (1) The individual submits to the board:

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

3 (B) A renewal application and the board determines that
4 the renewal application is accurate; and

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

7
8 17-107-307. License -- Display.

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

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

12 (2) Store his or her license in a place from which the license
13 can be immediately produced upon request of a patient or a representative of
14 the Arkansas Orthotics, Prosthetics, and Pedorthics Advisory Board.

15
16 17-107-308. License -- Replacement.

17 (a) An individual licensed or certified under this chapter whose
18 license has been lost or destroyed may apply to the Arkansas Orthotics,
19 Prosthetics, and Pedorthics Advisory Board for a replacement. The
20 application shall be accompanied by an affidavit setting out the facts
21 concerning the loss or destruction of the original license.

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

25
26 17-107-309. License -- Inactive status.

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

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

33 (2) Any individual who engages in the practice of orthotics,
34 pedorthics, or prosthetics or serves as an orthotic assistant,
35 orthotic/prosthetic assistant, or prosthetic assistant while his or her
36 license or certification under this chapter is inactive is considered to be

1 practicing without a license or certification. Practicing without a license
2 or certification is grounds for discipline under § 17-107-310.

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

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

6 (A) Successfully completes the continuing education
7 requirements established by the board; and

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

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

11
12 17-107-310. Disciplinary action.

13 The Arkansas Orthotics, Prosthetics, and Pedorthics Advisory Board may
14 deny, suspend, revoke, or restrict any license or certification issued under
15 this chapter or otherwise discipline an individual licensed or certified
16 under this chapter upon proof that the individual:

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

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

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

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

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

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

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

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

34 (9) Has advertised in a false, fraudulent, deceptive, or
35 misleading manner;

36 (10) Has knowingly betrayed a professional secret;

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

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

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

7
8 17-107-311. Grandfather provisions.

9 (a)(1) Until December 31, 2007, the Arkansas Orthotics, Prosthetics,
10 and Pedorthics Advisory Board may issue a license to practice orthotics under
11 this chapter to:

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

15 (i) The American Board for Certification in
16 Orthotics and Prosthetics, Inc., as a Certified Orthotist or Certified
17 Orthotist/Prosthetist;

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

20 (iii) Any other accrediting body with equivalent
21 educational requirements and examination standards that is approved by the
22 Arkansas Orthotics, Prosthetics, and Pedorthics Advisory Board; and

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

27 (ii) Licensure under this subdivision (a)(1) may
28 require an investigation by the board of the applicant's work history and
29 completion by the applicant of a questionnaire regarding the applicant's work
30 history and scope of practice.

31 (2) Until December 31, 2007, the Arkansas Orthotics,
32 Prosthetics, and Pedorthics Advisory Board may issue a license to practice
33 pedorthics under this chapter to:

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

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

3 (ii) The American Board for Certification in
4 Orthotics and Prosthetics as a Certified Orthotist, Certified Prosthetist, or
5 Certified Orthotist/Prosthetist;

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

8 (iv) Any other accrediting body with equivalent
9 educational requirements and examination standards that is approved by the
10 Arkansas Orthotics, Prosthetics, and Pedorthics Advisory Board; and

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

16 (ii) Licensure under this subdivision (a)(2) may
17 include an investigation by the board of the applicant's work history and
18 completion by the applicant of a questionnaire regarding the applicant's work
19 history and scope of practice.

20 (3) Until December 31, 2007, the Arkansas Orthotics,
21 Prosthetics, and Pedorthics Advisory Board may issue a license to practice
22 prosthetics under this chapter to:

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

26 (i) The American Board for Certification in
27 Orthotics and Prosthetics, Inc. as a Certified Prosthetist or Certified
28 Orthotist/Prosthetist;

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

31 (iii) Any other accrediting body with equivalent
32 educational requirements and examination standards that is approved by the
33 Arkansas Orthotics, Prosthetics, and Pedorthics Advisory Board; and

34 (B)(i) An individual who makes application for licensure
35 as a prosthetist, pays the required licensure fee, and submits evidence
36 satisfactory to the board of a full-time practice in prosthetics for a

1 minimum of five (5) of the seven (7) years immediately prior to the date of
2 application.

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

7 (b) Beginning January 1, 2008, the Arkansas Orthotics, Prosthetics,
8 and Pedorthics Advisory Board shall issue a license only to:

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

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

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

15
16 *SECTION 2. Arkansas Code § 19-5-1089 is amended to read as follows:*
17 *19-5-1089. Health Facility Services Revolving Fund.*

18 *There is to be established on the books of the Treasurer of State,*
19 *Auditor of State, and the Chief Fiscal Officer of the State a special revenue*
20 *fund to be known as the Health Facility Services Revolving Fund. The Health*
21 *Facility Services Revolving Fund shall consist of those fees collected under*
22 *§§ 17-107-205, 20-9-214(b), 20-10-812(a), 20-7-117(e), and 20-9-222 and*
23 *deposited as nonrevenue receipts, to be used by the ~~Department of Health~~*
24 *Division of Health of the Department of Health and Human Services, Section of*
25 *Health Facility Services for the purpose of supporting and operating programs*
26 *through which these fees were collected. Any unexpended balance of such fees*
27 *at the end of each state fiscal year shall be carried forward to the next*
28 *fiscal year to be used for the same intent and purposes as set forth in §§*
29 *17-107-205, 20-9-214(b), 20-10-812(a), 20-7-117(e) and 20-9-222.*

30
31 */s/ Pace, et al*
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