

AMENDED IN ASSEMBLY APRIL 4, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2355**

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**Introduced by Assembly Member Granlund**

February 24, 2000

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An act to amend Section 101 of, and to add Chapter 5.61 (commencing with Section 2580) to Division 2 of, the Business and Professions Code, relating to prosthetic and orthotic practitioners.

LEGISLATIVE COUNSEL'S DIGEST

AB 2355, as amended, Granlund. Orthotic and prosthetic devices and services: licensing and regulation of practitioners.

Existing law does not provide for the specific licensure and regulation of prosthetic and orthotic practitioners.

This bill would provide for the licensure and regulation of practitioners of prosthetics and orthotics. It would create the Prosthetic and Orthotic Board in the Department of Consumers Affairs to administer the licensing and regulatory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 101 of the Business and
- 2 Professions Code is amended to read:
- 3 101. The department is comprised of:

- 1 (a) The Dental Board of California.
- 2 (b) The Medical Board of California.
- 3 (c) The State Board of Optometry.
- 4 (d) The California State Board of Pharmacy.
- 5 (e) The Veterinary Medical Board.
- 6 (f) The California Board of Accountancy.
- 7 (g) The California State Board of Architectural
- 8 Examiners.
- 9 (h) The State Board of Barbering and Cosmetology.
- 10 (i) The Board for Professional Engineers and Land
- 11 Surveyors.
- 12 (j) The Contractors' State License Board.
- 13 (k) The State Board of Funeral Directors and
- 14 Embalmers.
- 15 (l) The Structural Pest Control Board.
- 16 (m) The Bureau of Home Furnishings and Thermal
- 17 Insulation.
- 18 (n) The Board of Registered Nursing.
- 19 (o) The Board of Behavioral Sciences.
- 20 (p) The State Athletic Commission.
- 21 (q) The Cemetery Board.
- 22 (r) The State Board of Guide Dogs for the Blind.
- 23 (s) The Bureau of Security and Investigative Services.
- 24 (t) The Court Reporters Board of California.
- 25 (u) The Board of Vocational Nursing and Psychiatric
- 26 Technicians.
- 27 (v) The California State Board of Landscape
- 28 Architects.
- 29 (w) The Bureau of Electronic and Appliance Repair.
- 30 (x) The Division of Investigation.
- 31 (y) The Bureau of Automotive Repair.
- 32 (z) The State Board of Registration for Geologists and
- 33 Geophysicists.
- 34 (aa) The State Board of Nursing Home
- 35 Administrators.
- 36 (ab) The Respiratory Care Board.
- 37 (ac) The Acupuncture Examining Committee.
- 38 (ad) The Board of Psychology.
- 39 (ae) The California Board of Podiatric Medicine.
- 40 (af) The Physical Therapy Board.



- 1 (ag) The Arbitration Review Program.
- 2 (ah) The Committee on Dental Auxiliaries.
- 3 (ai) The Hearing Aid Dispensers Examining
- 4 Committee.
- 5 (aj) The Physician Assistant Examining Committee.
- 6 (ak) The Speech-Language Pathology and Audiology
- 7 Board.
- 8 (al) The Tax Preparers Program.
- 9 (am) Any other boards, offices, or officers subject to its
- 10 jurisdiction by law.
- 11 (an) The California Prosthetic and Orthotic Board.
- 12 SEC. 2. Chapter 5.61 (commencing with Section
- 13 2580) is added to Division 2 of the Business and
- 14 Professions Code, to read:

15  
16 CHAPTER 5.61. PROSTHETIC AND ORTHOTIC  
17 PRACTITIONERS  
18

19 2580. In enacting this chapter, the Legislature finds  
20 that orthotics and prosthetics are applied physical  
21 disciplines that address neuromuscular and structural  
22 skeletal problems in the human body with a treatment  
23 process that includes evaluation and transfer of forces  
24 using orthoses and prostheses to achieve optimum  
25 function, prevent further disability, and provide  
26 cosmesis. Orthotists and prosthetists work directly with  
27 physicians and representatives of other allied health  
28 professions in the rehabilitation of the physically  
29 challenged. The orthotist designs and fits devices, known  
30 as orthoses, to provide care to patients who have disabling  
31 conditions of the limbs and spine. The prosthetist designs  
32 and fits devices, known as prostheses, for patients who  
33 have partial or total absence of a limb.

34 It is the intent of the Legislature that if a prosthetic or  
35 orthotic device or service is provided on the basis of a  
36 licensed medical professional's prescription, then the  
37 person providing the prosthetic or orthotic service or  
38 device shall possess a current and valid prosthetic license,  
39 an orthotic license, or a prosthetic-orthotic license.



1 2580.1. A provider of orthotic services and devices  
2 shall be called an orthotist. A provider of prosthetic  
3 services and devices shall be called a prosthetist. A  
4 prosthetist licensed in this state shall be termed a  
5 Licensed Prosthetist or L.P., an orthotist licensed in this  
6 state shall be a Licensed Orthotist or L.O., an individual  
7 licensed in both orthotics and prosthetics shall be a  
8 Licensed Prosthetist Orthotist or L.P.O.

9 2580.2. The prosthetic and orthotic licensure  
10 requirements of this chapter shall not apply to the  
11 following persons:

12 (a) Physicians licensed within this state for all  
13 prosthetic and orthotic services and devices that their  
14 medical specialty requires.

15 (b) Podiatrists licensed within this state for orthotic  
16 devices and services of the foot and ankle.

17 (c) Persons making or selling shoes and shoe  
18 modifications.

19 (d) Persons making or selling elastic compression  
20 stockings and sleeves.

21 (e) Persons making or selling breast prostheses for  
22 postmastectomy services and devices.

23 ~~(f) Persons who receive reimbursement from  
24 Medi-Cal for providing prosthetic or orthotic services or  
25 devices.~~

26 *(f) Other licensed medical professionals who, within  
27 the scope of the practice authorized by their licenses,  
28 receive reimbursement from Medi-Cal for providing  
29 prosthetic or orthotic services or devices. This exemption  
30 shall not be construed to expand the existing  
31 authorization of these persons to provide prosthetic or  
32 orthotic services or devices.*

33 2580.3. (a) A Prosthetic and Orthotic Board is hereby  
34 created in the Department of Consumer Affairs to  
35 administer the prosthetic and orthotic licensure  
36 requirements of this chapter. The board shall be  
37 completely self-funded through the licensing fees, testing  
38 fees, continuing education class fees, and penalty fees it  
39 may collect.



1 (b) The board shall consist of five members: three  
2 members shall be licensed in California in either  
3 prosthetics or orthotics or both; one member shall be a  
4 member of the public; and one member shall be a  
5 physician licensed in the State of California whose  
6 specialty has given him or her a knowledge of prosthetics  
7 and orthotics. The board members shall be appointed by  
8 the Governor to four-year terms, and each member shall  
9 serve until a successor is appointed. Members may be  
10 reappointed. For the initial appointment of licensee  
11 members, the members shall only be required to be  
12 eligible for licensure in California in prosthetics or  
13 orthotics or both in California.

14 (c) Members of the board shall not be compensated,  
15 but shall be reimbursed for actual expenses incurred in  
16 performing necessary board duties. They shall be  
17 immune to lawsuits or prosecution arising from any  
18 official acts of the board.

19 (d) The board shall be responsible for the  
20 development and enforcement of the licensure  
21 requirements of this chapter. It shall conduct and oversee  
22 the necessary testing, verify eligibility, issue and track  
23 licenses and renewals, collect fees, and discipline  
24 violations. Its disciplinary powers shall include warnings,  
25 reprimands, fines, license suspensions, and license  
26 revocations for licensed prosthetic and orthotic  
27 providers. Its disciplinary powers shall also include  
28 warnings and fines for nonlicensed prosthetic and  
29 orthotic providers. The board shall have full powers to  
30 question, subpoena, and otherwise investigate violations  
31 of this chapter.

32 (e) The board shall set standards for continuing  
33 education, for determining what services can be  
34 provided by a nonlicensed individual under the  
35 supervision of a licensed practitioner, and for the type of  
36 examinations to be given. At a minimum, these standards  
37 shall be the same or more stringent than those of the  
38 recognized certification bodies for orthotists and  
39 prosthetists.



1 (f) The board shall hear and attempt to resolve  
2 consumer complaints regarding prosthetic and orthotic  
3 providers within this state.

4 (g) The board shall set the amount of fees to be  
5 collected from licensees; however, the annual licensing  
6 fee shall not exceed six hundred dollars (\$600) for each  
7 licensee. Testing and continuing education fees shall be  
8 set in a reasonable amount to cover the board's expenses.

9 2580.4. Initial licensure in prosthetics, orthotics, or  
10 prosthetics and orthotics shall only be granted to an  
11 individual who meets the following qualifications:

12 (a) Demonstrates eligibility to take the applicable  
13 board examination.

14 (b) Successfully completes the required examination  
15 in the applicable field of prosthetics or orthotics, or both.

16 (c) Pays all testing and licensing fees.

17 2580.5. Continued licensure in prosthetics, orthotics,  
18 or prosthetics and orthotics shall only be granted to a  
19 current licensee who meets the following requirements:

20 (a) Satisfies any continuing education requirements  
21 established by the board.

22 (b) Satisfies all applicable certification standards.

23 (c) Pays all annual license fees and other required fees.

24 (d) Is not the subject of a license suspension or  
25 revocation imposed by the board.

26 (e) Is not the subject of a suspension of participation  
27 for cause from Medicare or Medi-Cal.

28 2580.6. An exemption from the requirement that the  
29 Prosthetic and Orthotic Board examination be taken and  
30 passed to gain licensure shall be granted for a period of  
31 one year following the operative date of this chapter to an  
32 individual who meets the following requirements:

33 (a) Is certified by the American Board for  
34 Certification in Orthotics and Prosthetics or the Board for  
35 Orthotist Certification in the applicable licensed field of  
36 prosthetics, orthotics, or prosthetics and orthotics for  
37 each of the seven preceding years with no interruptions  
38 in certification, and is currently certified in good  
39 standing.



1 (b) Completes and submits the license application  
2 with all necessary documentation and fees within the  
3 one-year exemption period.

4 (c) Maintains a current certification for the time  
5 licensed. If the certification lapses, is suspended, or is  
6 revoked, the individual is no longer eligible for licensure  
7 in this state and he or she shall be required to take the  
8 board examination when eligible.

9 (d) Maintains the California prosthetics, orthotics, or  
10 prosthetics and orthotics license current without  
11 interruption. If the license is allowed to lapse or expire,  
12 the individual shall be required to pass the board  
13 examination before the license may be reissued.

14 2580.7. The following requirements shall be met by an  
15 individual to be eligible for the board examination:

16 (a) The individual shall hold a current and valid  
17 certification from a recognized certification body in the  
18 specific field of prosthetics, orthotics, or prosthetics and  
19 orthotics that is to be tested. The only recognized  
20 certification bodies are the American Board for  
21 Certification in Orthotics and Prosthetics and the Board  
22 for Orthotist Certification.

23 ~~(b) The individual shall meet the general and  
24 professional education requirements, as established by  
25 that Commission on Accreditation of Allied Health  
26 Education Programs, which include a four-year bachelor  
27 of arts or bachelor of science degree that includes the  
28 completion of the core classes group and the completion  
29 of coursework necessary to satisfy the specific technical  
30 education requirements set by the commission.~~

31 *(b) (1) The individual shall hold a baccalaureate  
32 degree from a college or university accredited by the  
33 Western Association of Schools and Colleges or other  
34 regional accreditation agency that required the  
35 completion of the following core classes for the award of  
36 this degree:*

37 *(A) Biology with an associated laboratory component.*

38 *(B) Chemistry with an associated laboratory  
39 component.*

40 *(C) Physics with an associated laboratory component.*



1 (D) *Psychology.*

2 (E) *Computer science.*

3 (F) *Advanced mathematics, consisting, at minimum,*  
4 *of college-level algebra.*

5 (G) *Human anatomy with an associated laboratory*  
6 *component.*

7 (H) *Physiology with an associated laboratory*  
8 *component.*

9 (2) *The individual shall also complete the following*  
10 *technical education requirements, either as part of the*  
11 *curriculum required to obtain a baccalaureate degree or*  
12 *as part of the courses taken in his or her other professional*  
13 *education:*

14 (A) *Biomechanics.*

15 (B) *Gait analysis and pathomechanics.*

16 (C) *Kinesiology.*

17 (D) *Materials science.*

18 (E) *Research methodology.*

19 (c) The required examination fees and  
20 documentation shall have been accepted and approved  
21 by the board.

22 2580.8. On or before January 1, 2002, the following  
23 exceptions shall apply with regard to eligibility to take the  
24 board examination:

25 (a) An individual who is not certified, but has been  
26 actively practicing as an orthotist, prosthetist, or  
27 orthotist/prosthetist for the past 10 years within the State  
28 of California may take the applicable examination if all  
29 documentation and fees are submitted to and accepted  
30 by the Prosthetic and Orthotic Board within the one-year  
31 period. The board shall verify documentation as to the  
32 individual's experience in the specific field of  
33 examination.

34 (b) If the noncertified individual does not pass the  
35 examination during the one-year exemption period, he or  
36 she shall be allowed to take the examination for a second  
37 time, provided the second attempt occurs no later than  
38 one year after the first attempt.

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