

**House Study Bill 34 - Introduced**

HOUSE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CHAIRPERSON COWNIE)

**A BILL FOR**

1 An Act relating to the licensure of orthotists, prosthetists,  
2 and pedorthists and providing for fees and penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 147.1, subsections 3 and 6, Code 2011,  
2 are amended to read as follows:

3 3. "*Licensed*" or "*certified*", when applied to a physician  
4 and surgeon, podiatric physician, osteopathic physician and  
5 surgeon, physician assistant, psychologist, chiropractor,  
6 nurse, dentist, dental hygienist, dental assistant,  
7 optometrist, speech pathologist, audiologist, pharmacist,  
8 physical therapist, physical therapist assistant, occupational  
9 therapist, occupational therapy assistant, orthotist,  
10 prosthetist, pedorthist, respiratory care practitioner,  
11 practitioner of cosmetology arts and sciences, practitioner  
12 of barbering, funeral director, dietitian, marital and  
13 family therapist, mental health counselor, social worker,  
14 massage therapist, athletic trainer, acupuncturist, nursing  
15 home administrator, hearing aid dispenser, or sign language  
16 interpreter or transliterator means a person licensed under  
17 this subtitle.

18 6. "*Profession*" means medicine and surgery, podiatry,  
19 osteopathic medicine and surgery, practice as a physician  
20 assistant, psychology, chiropractic, nursing, dentistry,  
21 dental hygiene, dental assisting, optometry, speech pathology,  
22 audiology, pharmacy, physical therapy, physical therapist  
23 assisting, occupational therapy, occupational therapy  
24 assisting, respiratory care, cosmetology arts and sciences,  
25 barbering, mortuary science, marital and family therapy, mental  
26 health counseling, social work, dietetics, massage therapy,  
27 athletic training, acupuncture, nursing home administration,  
28 hearing aid dispensing, ~~or~~ sign language interpreting or  
29 transliterating, orthotics, prosthetics, or pedorthics.

30 Sec. 2. Section 147.2, subsection 1, Code 2011, is amended  
31 to read as follows:

32 1. A person shall not engage in the practice of medicine  
33 and surgery, podiatry, osteopathic medicine and surgery,  
34 psychology, chiropractic, physical therapy, physical  
35 therapist assisting, nursing, dentistry, dental hygiene,

1 dental assisting, optometry, speech pathology, audiology,  
2 occupational therapy, occupational therapy assisting,  
3 orthotics, prosthetics, pedorthics, respiratory care,  
4 pharmacy, cosmetology arts and sciences, barbering, social  
5 work, dietetics, marital and family therapy or mental health  
6 counseling, massage therapy, mortuary science, athletic  
7 training, acupuncture, nursing home administration, hearing aid  
8 dispensing, or sign language interpreting or transliterating,  
9 or shall not practice as a physician assistant, unless the  
10 person has obtained a license for that purpose from the board  
11 for the profession.

12 Sec. 3. Section 147.13, Code 2011, is amended by adding the  
13 following new subsection:

14 NEW SUBSECTION. 24. For orthotics, prosthetics, and  
15 pedorthics, the board of orthotics, prosthetics, and  
16 pedorthics.

17 Sec. 4. Section 147.14, subsection 1, Code 2011, is amended  
18 by adding the following new paragraph:

19 NEW PARAGRAPH. x. For the board of orthotics, prosthetics,  
20 and pedorthics, three persons licensed to practice orthotics,  
21 prosthetics, or pedorthics who have engaged in the practice  
22 of orthotics, prosthetics, or pedorthics in Iowa for at least  
23 three years immediately preceding their appointment to the  
24 board and two members who are not licensed to practice and who  
25 shall represent the general public.

26 Sec. 5. Section 147.74, Code 2011, is amended by adding the  
27 following new subsection:

28 NEW SUBSECTION. 24. a. An orthotist licensed under chapter  
29 148F may use the words "licensed orthotist" after the person's  
30 name or signify the same by the use of the letters "L.O." after  
31 the person's name.

32 b. A pedorthist licensed under chapter 148F may use the  
33 words "licensed pedorthist" after the person's name or signify  
34 the same by the use of the letters "L.ped." after the person's  
35 name.

1 c. A prosthetist licensed under chapter 148F may use the  
2 words "licensed prosthetist" after the person's name or signify  
3 the same by the use of the letters "L.P." after the person's  
4 name.

5 Sec. 6. NEW SECTION. 148F.1 Title and purpose.

6 1. This chapter may be cited and referred to as the  
7 "*Orthotics, Prosthetics, and Pedorthics Practice Act*".

8 2. The purpose of this chapter is to provide for the  
9 regulation of persons offering orthotic, prosthetic, and  
10 pedorthic services to the public in order to safeguard the  
11 public health, safety, and welfare.

12 Sec. 7. NEW SECTION. 148F.2 Definitions.

13 As used in this chapter:

14 1. "*Board*" means the board of orthotics, prosthetics, and  
15 pedorthics.

16 2. "*Orthotic and prosthetic scope of practice*" means a  
17 list of tasks, with relative weight given to such factors  
18 as importance, criticality, and frequency, based on  
19 internationally accepted standards of orthotic and prosthetic  
20 care as outlined by the international society of prosthetics  
21 and orthotics' professional profile for category I and category  
22 III orthotic and prosthetic personnel.

23 3. "*Orthotics*" means the science and practice of evaluating,  
24 measuring, designing, fabricating, assembling, fitting,  
25 adjusting, or servicing an orthosis under an order from a  
26 licensed physician or podiatric physician for the correction or  
27 alleviation of neuromuscular or musculoskeletal dysfunction,  
28 disease, injury, or deformity.

29 4. "*Orthotist*" means a health care professional,  
30 specifically educated and trained in orthotic patient care,  
31 who measures, designs, fabricates, fits, or services orthoses  
32 and may assist in the formulation of the order and treatment  
33 plan of orthoses for the support or correction of disabilities  
34 caused by neuromusculoskeletal diseases, injuries, or  
35 deformities.

1 5. "*Pedorthic scope of practice*" means a list of tasks  
2 with relative weight given to such factors as importance,  
3 criticality, and frequency based on nationally accepted  
4 standards of pedorthic care as outlined by the national  
5 commission on orthotic and prosthetic education comprehensive  
6 analysis with an empirical validation study of the profession  
7 performed by an independent testing company.

8 6. "*Pedorthics*" means the science and practice of  
9 evaluating, measuring, designing, fabricating, assembling,  
10 fitting, adjusting, or servicing a pedorthic device under an  
11 order from a licensed physician or podiatric physician for the  
12 correction or alleviation of neuromuscular or musculoskeletal  
13 dysfunction, disease, injury, or deformity.

14 7. "*Pedorthist*" means a health care professional,  
15 specifically educated and trained in pedorthic patient  
16 care, who measures, designs, fabricates, fits, or services  
17 pedorthic devices and may assist in the formulation of the  
18 order and treatment plan of pedorthic devices for the support  
19 or correction of disabilities caused by neuromusculoskeletal  
20 diseases, injuries, or deformities.

21 8. "*Prosthesis*" means an artificial medical device that  
22 is not surgically implanted and that is used to replace a  
23 missing limb, appendage, or any other external human body part  
24 including an artificial limb, hand, or foot. "*Prosthesis*"  
25 does not include artificial eyes, ears, fingers, or toes,  
26 dental appliances, cosmetic devices such as artificial breasts,  
27 eyelashes, or wigs, or other devices that do not have a  
28 significant impact on the musculoskeletal functions of the  
29 body.

30 9. "*Prosthetics*" means the science and practice of  
31 evaluating, measuring, designing, fabricating, assembling,  
32 fitting, adjusting, or servicing a prosthesis under an order  
33 from a licensed physician.

34 10. "*Prosthetist*" means a health care professional,  
35 specifically educated and trained in prosthetic patient care,

1 who measures, designs, fabricates, fits, or services prostheses  
2 and may assist in the formulation of the order and treatment  
3 plan of prostheses for the replacement of external parts of the  
4 human body lost due to amputation or congenital deformities or  
5 absences.

6 Sec. 8. NEW SECTION. 148F.3 Duties of the board.

7 The board shall administer this chapter. The board's duties  
8 shall include but are not limited to the following:

9 1. Adoption of rules to administer and interpret this  
10 chapter, chapter 147, and chapter 272C with respect to the  
11 education and licensing of orthotists, prosthetists, and  
12 pedorthists.

13 2. Adoption of rules to establish accepted standards of  
14 orthotic and prosthetic scope of practice.

15 3. Adoption of rules relating to professional conduct and  
16 licensing and the establishment of ethical and professional  
17 standards of practice.

18 4. Acting on matters concerning licensure and the process  
19 of applying for, granting, suspending, imposing supervisory  
20 or probationary conditions upon, reinstating, revoking, or  
21 renewing a license.

22 5. Establishing and collecting licensure fees as provided  
23 in section 147.80.

24 6. Developing continuing education requirements as a  
25 condition of license renewal.

26 7. Evaluating requirements for licensure in other states to  
27 determine if reciprocity may be granted.

28 Sec. 9. NEW SECTION. 148F.4 Persons and practices not  
29 affected.

30 This chapter does not prevent or restrict the practice,  
31 services, or activities of any of the following:

32 1. A person licensed in this state by any other law from  
33 engaging in the profession or occupation for which the person  
34 is licensed.

35 2. A person employed as an orthotics, prosthetics, or

1 pedorthics practitioner by the government of the United States  
2 if that person practices solely under the direction or control  
3 of the organization by which the person is employed.

4 3. A person pursuing a course of study leading to a degree  
5 or certificate in recreational therapy in an educational  
6 program accredited or approved according to rules adopted by  
7 the board, if the activities and services constitute a part of  
8 a supervised course of study and the person is designated by a  
9 title which clearly indicates the person's status as a student  
10 or trainee.

11 Sec. 10. NEW SECTION. 148F.5 **Qualifications for licensure**  
12 **as orthotist, prosthetist, or pedorthist.**

13 1. To qualify for a license to practice orthotics or  
14 prosthetics, a person shall meet the following requirements:

15 a. Possess a baccalaureate degree from a college or  
16 university.

17 b. Have completed the amount of formal training including  
18 but not limited to any hours of classroom education and  
19 clinical practice established and approved by the board.

20 c. Complete a clinical residency in the professional area  
21 for which a license is sought in accordance with standards,  
22 guidelines, or procedures for residencies established and  
23 approved by the board. The majority of training must be  
24 devoted to services performed under the supervision of a  
25 licensed practitioner of orthotics or prosthetics or a person  
26 certified as a certified orthotist, certified prosthetist,  
27 or certified prosthetist orthotist whose practice is located  
28 outside the state.

29 d. Pass all written, practical, and oral examinations that  
30 are required and approved by the board.

31 e. Be qualified to practice in accordance with accepted  
32 standards of orthotic and prosthetic care as established by the  
33 board.

34 2. To qualify for a license to practice pedorthics, a person  
35 shall meet the following requirements:

- 1     *a.* Submit proof of a high school diploma or its equivalent.  
2     *b.* Have completed the amount of formal training including  
3 but not limited to any hours of classroom education and  
4 clinical practice established and approved by the board.  
5     *c.* Complete a qualified work experience program or  
6 internship in pedorthics that has a minimum of one thousand  
7 hours of pedorthic patient care experience in accordance  
8 with any standards, guidelines, or procedures established  
9 and approved by the board. The majority of training must  
10 be devoted to services performed under the supervision of a  
11 licensed practitioner of pedorthics or a person certified as  
12 a certified pedorthist whose practice is located outside the  
13 state.  
14     *d.* Pass all examinations that are required and approved by  
15 the board.  
16     *e.* Be qualified to practice in accordance with accepted  
17 standards of pedorthic care as established by the board.  
18     3. The standards and requirements for licensure established  
19 by the board shall be substantially equal to or in excess of  
20 standards commonly accepted in the professions of orthotics,  
21 prosthetics, or pedorthics, as applicable. The board shall  
22 adopt rules as necessary to set the standards and requirements.  
23     4. A person may be licensed in more than one discipline.  
24     Sec. 11. NEW SECTION. **148F.6 Assistants and technicians.**  
25     1. *a.* A person shall not work as an assistant to an  
26 orthotist or prosthetist or provide patient care services or  
27 fabrication of orthoses or prostheses, unless the work is  
28 performed under the supervision of a licensed orthotist or  
29 prosthetist.  
30     *b.* An assistant may perform orthotic or prosthetic  
31 procedures and related tasks in the management of patient care.  
32 An assistant may also fabricate, repair, and maintain orthoses  
33 and prostheses.  
34     2. *a.* A person shall not work as a technician unless  
35 the work is performed under the supervision of a licensed



1 orthotist, prosthetist, or pedorthist.

2     *b.* A technician may assist a person licensed under this  
3 chapter with fabrication of orthoses, prostheses, or pedorthic  
4 devices but does not provide direct patient care.

5     Sec. 12. NEW SECTION. 148F.7 Limitation on provision of  
6 care and services.

7     A licensed orthotist, prosthetist, or pedorthist may provide  
8 care or services only if the care or services are provided  
9 pursuant to an order from a licensed physician, a licensed  
10 podiatric physician, an advanced registered nurse practitioner  
11 who has a written collaborative agreement with a collaborating  
12 physician or podiatric physician that specifically authorizes  
13 ordering the services of an orthotist, prosthetist, or  
14 pedorthist, an advanced registered nurse practitioner who  
15 practices in a hospital or ambulatory surgical treatment center  
16 and possesses clinical privileges to order services of an  
17 orthotist, prosthetist, or pedorthist, or a physician assistant  
18 who has been delegated the authority to order the services of  
19 an orthotist, prosthetist, or pedorthist by the assistant's  
20 supervising physician. A licensed podiatric physician or an  
21 advanced registered nurse practitioner collaborating with a  
22 podiatric physician may only order care or services concerning  
23 the foot from a licensed prosthetist.

24     Sec. 13. Section 272C.1, subsection 6, Code 2011, is amended  
25 by adding the following new paragraph:

26     NEW PARAGRAPH. *ag.* The board of orthotics, prosthetics, and  
27 pedorthics, created pursuant to chapter 147.

28     Sec. 14. INITIAL BOARD. The initial members of the board of  
29 orthotics, prosthetics, and pedorthics established pursuant to  
30 this Act shall be appointed to the following terms:

31     1. Two professional members eligible for licensure and one  
32 public member shall be appointed for a term of two years.

33     2. One professional member eligible for licensure and one  
34 public member shall be appointed for a term of one year.

35

EXPLANATION

1 This bill creates new Code chapter 148F that requires  
2 the licensure of persons offering orthotic, prosthetic, or  
3 pedorthic services. The bill provides for the establishment of  
4 a five-member licensing board consisting of three professional  
5 members and two members who represent the general public.

6 The bill provides for fees to fund the board and provides  
7 penalties for violation of the practice requirement. The  
8 penalties, including criminal penalties, are set out for all  
9 health-related boards in Code chapters 147 and 272C. The board  
10 is similar in composition and responsibilities to the other  
11 health-related licensing boards.

12 Orthotics is the science and practice of evaluating,  
13 measuring, designing, fabricating, assembling, fitting,  
14 adjusting, or servicing a custom-fabricated or custom-fitted  
15 brace or support for the correction or alleviation of  
16 neuromuscular or musculoskeletal dysfunction, disease, injury,  
17 or deformity.

18 Pedorthics is the science and practice of evaluating,  
19 measuring, designing, fabricating, assembling, fitting,  
20 adjusting, or servicing a specially designed shoe or shoe  
21 insert for the correction or alleviation of neuromuscular or  
22 musculoskeletal dysfunction, disease, injury, or deformity.

23 Prosthetics is the science and practice of evaluating,  
24 measuring, designing, fabricating, assembling, fitting,  
25 adjusting, or servicing an artificial medical device that is  
26 not surgically implanted and that is used to replace a missing  
27 limb, appendage, or any other external human body part.

28 The bill provides qualifications for licensure as an  
29 orthotist, prosthetist, or pedorthist and requirements for  
30 assistants and technicians to be supervised by such licensees.