

Senate Bill 326

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Creates Orthotics and Prosthetics Board of Examiners in Oregon Health Licensing Agency. Requires that persons who practice orthotics or prosthetics be licensed.

Appropriates certain fees to Oregon Health Licensing Agency Account for use of board.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to Orthotics and Prosthetics Board of Examiners; creating new provisions; amending ORS
3 676.606; appropriating money; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

SECTION 1. As used in sections 1 to 9 of this 2007 Act:

5
6 (1) **"Orthosis" means a device that is designed and fabricated for a specific patient and**
7 **that requires the generation of an image, form, or mold that replicates the patient's body**
8 **or body part.**

9 (2) **"Orthotics" means the practice of evaluation, measurement, design, fabrication, as-**
10 **sembly, adjustment or servicing of an orthosis for the support, correction or alleviation of**
11 **neuromuscular or musculoskeletal dysfunction, disease, injury or deformity.**

12 (3) **"Orthotist" means a person licensed to practice orthotics under section 5 of this 2007**
13 **Act.**

14 (4) **"Prosthesis" means an artificial limb that is not surgically implanted and that is used**
15 **to replace a missing limb, appendage or other external human body part, including an arti-**
16 **ficial limb, hand or foot.**

17 (5) **"Prosthetics" means the practice of evaluation, measurement, design, fabrication,**
18 **assembly, fitting, alignment, adjustment or servicing of a prosthesis for the replacement of**
19 **external parts of a human body lost due to amputation or congenital deformity.**

20 (6) **"Prosthetist" means a person who is licensed to practice prosthetics under section 5**
21 **of this 2007 Act.**

22 **SECTION 2. (1) There is created within the Oregon Health Licensing Agency the**
23 **Orthotics and Prosthetics Board of Examiners consisting of seven members appointed by the**
24 **Governor.**

25 (2) **All members of the board shall be residents of Oregon. Of the members of the board:**

26 (a) **One member shall be an orthotist;**

27 (b) **One member shall be a prosthetist;**

28 (c) **One member shall be licensed to practice medicine under ORS 677.110;**

29 (d) **One member shall be licensed to practice podiatry under ORS 677.825;**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (e) Two members shall be members of the general public, one of whom uses a prosthetic
2 device and one of whom uses an orthotic device; and

3 (f) One member shall be a person who serves in the executive branch of state govern-
4 ment.

5 (3) A member of the board shall serve for a term of three years and is eligible for reap-
6 pointment, but a member may not serve more than two terms or for a total of more than
7 six years. A member holds office until the appointment and qualification of a successor.
8 Vacancies shall be filled for the unexpired term only.

9 (4) A member of the board is entitled to compensation and expenses as provided in ORS
10 292.495.

11 **SECTION 3.** (1) The Orthotics and Prosthetics Board of Examiners shall elect one of its
12 members as chairperson and another as vice chairperson, for the terms and with the duties
13 and powers necessary for the performance of the functions of those offices as the board de-
14 termines.

15 (2) A majority of the members of the board constitutes a quorum for the transaction of
16 business.

17 (3) Regular meetings of the board shall be held at such times and places as the chair-
18 person prescribes, and special meetings may be held upon the call of the chairperson or the
19 vice chairperson in the chairperson's absence. At least one regular meeting shall be held
20 each year.

21 **SECTION 4.** The Orthotics and Prosthetics Board of Examiners shall:

22 (1) Determine the qualifications and fitness of applicants for licensure as an orthotist, a
23 prosthetist, an orthotist-prosthetist, an orthotist assistant, a prosthetist assistant and an
24 orthotist-prosthetist assistant.

25 (2) Establish minimum requirements for orthotist, prosthetist and orthotist-prosthetist
26 licenses and for orthotist assistant, prosthetist assistant and orthotist-prosthetist assistant
27 licenses.

28 (3) Pursuant to ORS 676.607, direct the Oregon Health Licensing Agency to issue licenses
29 to persons determined by the board to be qualified.

30 (4) Establish standards, guidelines and procedures for the completion of clinical
31 internships.

32 (5) Evaluate the qualifications of an applicant for licensure as an orthotist, a prosthetist,
33 an orthotists-prosthetist and as an orthotist assistant, a prosthetist assistant or an
34 orthotist-prosthetist assistant.

35 (6) Supervise the examination of applicants.

36 (7) Establish basic requirements for continuing education.

37 (8) Take any actions at the chairperson's request that may be necessary or appropriate
38 to achieve the purposes of sections 1 to 9 of this 2007 Act.

39 (9) Adopt rules for the administration of sections 1 to 9 of this 2007 Act.

40 (10) Provide for waivers of examinations, grandfathering requirements and temporary li-
41 censes as considered appropriate.

42 **SECTION 5.** The Oregon Health Licensing Agency shall:

43 (1) Issue, deny, revoke, suspend and renew licenses to practice as an orthotist,
44 prosthetist, orthotist assistant, prosthetist assistant and prosthetist-orthotist assistant un-
45 der sections 1 to 9 of this 2007 Act.

1 (2) Maintain a public record of persons licensed by the agency to practice orthotics or
2 prosthetics.

3 (3) Keep a record of its proceedings relating to the issuance, refusal, suspension and re-
4 vocation of licenses under sections 1 to 9 of this 2007 Act.

5 (4) Keep a record of all complaints received, including the date of receipt, name and place
6 of business of each practitioner involved, the name and address of each complainant and the
7 nature of the complaint.

8 **SECTION 6.** Unless a person holds a valid license issued under section 5 of this 2007 Act,
9 a person may not:

10 (1) Engage, or offer to engage, in the practice of orthotics or prosthetics; or

11 (2) Use in connection with the name of the person the word “orthotist,” “prosthetist”
12 or “orthotist-prosthetist” or any other words, letters or abbreviations or insignia tending to
13 indicate that the person is engaged in the practice of orthotics or prosthetics.

14 **SECTION 7.** (1) The Director of the Oregon Health Licensing Agency shall fix the quali-
15 fications of and appoint an administrator for the board who may not be a member of the
16 board. Subject to the applicable provisions of the State Personnel Relations Law, the direc-
17 tor shall fix compensation of the administrator who shall be in the unclassified service.

18 (2) The director shall provide the board with the services and employees as the board
19 requires to carry out its duties.

20 **SECTION 8.** In the manner prescribed in ORS chapter 183 for contested cases and at the
21 direction of the Orthotics and Prosthetics Board of Examiners, the Oregon Health Licensing
22 Agency may impose discipline as described in ORS 676.612 against a licensed orthotist,
23 prosthetist or prosthetist-orthotist for any of the grounds listed in ORS 676.612 or for any
24 violation of the provisions of sections 1 to 9 of this 2007 Act or the rules adopted under
25 sections 1 to 9 of this 2007 Act.

26 **SECTION 9.** (1) The Oregon Health Licensing Agency, in consultation with the Orthotics
27 and Prosthetics Board of Examiners shall establish by rule and collect fees related to the
28 practice of orthotics and prosthetics under sections 1 to 9 of this 2007 Act.

29 (2) All moneys received by the Oregon Health Licensing Agency under this section shall
30 be paid into the General Fund of the State Treasury and credited to the Oregon Health Li-
31 censing Agency Account, and are appropriated continuously to and shall be used by the
32 agency only for the administration and enforcement of sections 1 to 9 of this 2007 Act.

33 (3) The fees established by the Oregon Health Licensing Agency under subsection (1) of
34 this section are subject to the prior approval of the Oregon Department of Administrative
35 Services. The fees may not exceed the cost of administering sections 1 to 9 of this 2007 Act
36 pertaining to the purpose for which the fee is established, as authorized by the Legislative
37 Assembly within the budget of the agency, as that budget may be modified by the Emergency
38 Board.

39 (4) In addition to the fees established under subsection (1) of this section, the Oregon
40 Health Licensing Agency may assess fees for providing copies of official documents or re-
41 cords and for recovering administrative costs associated with compiling, photocopying or
42 preparing and delivering the records.

43 **SECTION 10.** ORS 676.606 is amended to read:

44 676.606. Pursuant to ORS 676.607, the Oregon Health Licensing Agency shall provide adminis-
45 trative and regulatory oversight and centralized service for the following boards, advisory councils

1 and program:

- 2 (1) Board of Athletic Trainers, as provided in ORS 688.701 to 688.734;
- 3 (2) Board of Cosmetology, as provided in ORS 690.005 to 690.235;
- 4 (3) State Board of Denture Technology, as provided in ORS 680.500 to 680.570;
- 5 (4) State Board of Direct Entry Midwifery, as provided in ORS 687.405 to 687.495;
- 6 (5) Respiratory Therapist Licensing Board, as provided in ORS 688.800 to 688.840;
- 7 (6) Environmental Health Registration Board, as provided in ORS chapter 700;
- 8 (7) Advisory Council for Electrologists and Permanent Color Technicians and Tattoo Artists, as
9 provided in ORS 690.350 to 690.430;
- 10 (8) Advisory Council on Hearing Aids, as provided in ORS 694.015 to 694.185; *[and]*
- 11 (9) Body piercing licensing program, as provided in ORS 690.500 to 690.570[.]; **and**
- 12 (10) **Orthotics and Prosthetics Board of Examiners, as provided in sections 1 to 9 of this**
13 **2007 Act.**

14 **SECTION 11. (1) Notwithstanding the term of office specified by section 2 of this 2007**
15 **Act, of the members first appointed to the Orthotics and Prosthetics Board of Examiners:**

- 16 (a) **Two members shall serve for terms ending January 1, 2009.**
- 17 (b) **Two members shall serve for terms ending January 1, 2010.**
- 18 (c) **Three members shall serve for terms ending January 1, 2011.**

19 (2) **A board member appointed under this section who is a practitioner of orthotics or**
20 **prosthetics, as defined in section 1 of this 2007 Act, must meet all requirements for licensure**
21 **under section 5 of this 2007 Act and shall obtain a license within 12 months of appointment.**

22 **SECTION 12. (1) Any person actively engaged in the practice of orthotics or prosthetics**
23 **on the effective date of this 2007 Act is considered licensed under sections 1 to 9 of this 2007**
24 **Act if the person submits an application for a license and the appropriate fee as determined**
25 **by rule adopted by the Orthotics and Prosthetics Board of Examiners as provided under**
26 **sections 1 to 9 of this 2007 Act.**

27 (2) **A person described in subsection (1) of this section must submit an application for a**
28 **license and the appropriate fee within 90 days after the operative date of section 4 of this**
29 **2007 Act.**

30 **SECTION 13. The members of the Orthotics and Prosthetics Board of Examiners shall**
31 **meet as soon as possible after appointment to the board to carry out their duties under**
32 **section 4 of this 2007 Act.**

33 **SECTION 14. The Oregon Health Licensing Agency shall adopt rules that are necessary**
34 **to conduct its business related to, carry out its duties under and administer sections 1 to 9**
35 **of this 2007 Act.**

36 **SECTION 15. Sections 1, 4 to 6, 8 and 9 become operative on January 1, 2008.**

37 **SECTION 16. This 2007 Act being necessary for the immediate preservation of the public**
38 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**
39 **on its passage.**

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