

Senate Bill 290

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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**.

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

Continuously appropriates certain fees credited to Oregon Health Licensing Agency Account to agency for administration and enforcement of Act.

Makes provisions of Act relating to licensing of orthotists and prosthetists operative on January 1, 2010.

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:**

5 **SECTION 1. As used in sections 1 to 9 of this 2009 Act:**

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 2009**
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 2009 Act.**

22 **SECTION 2. (1) There is established 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 must be residents of Oregon. Of the members of the board:**

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

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

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 (c) One member must be licensed to practice medicine under ORS 677.110;

2 (d) One member must be licensed to practice podiatry under ORS 677.825;

3 (e) Two members must be members of the general public, one of whom uses an orthotic
4 device and one of whom uses a prosthetic device; and

5 (f) One member must be a person who serves in the executive branch of state govern-
6 ment.

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

11 (4) A member of the board is entitled to compensation and expenses as provided in ORS
12 292.495.

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

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

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

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

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

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

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

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

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

37 (6) Supervise the examination of applicants.

38 (7) Establish basic requirements for continuing education.

39 (8) Take any actions at the chairperson's request that may be necessary or appropriate
40 to achieve the purposes of sections 1 to 9 of this 2009 Act.

41 (9) Adopt rules for the administration of sections 1 to 9 of this 2009 Act.

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

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

45 (1) Issue, deny, revoke, suspend and renew licenses to practice as an orthotist,

1 prosthetist, orthotist assistant, prosthetist assistant and prosthetist-orthotist assistant un-
2 der sections 1 to 9 of this 2009 Act.

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

5 (3) Keep a record of its proceedings relating to the issuance, refusal, suspension and re-
6 vocation of licenses under this section.

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

10 **SECTION 6.** Unless a person holds a valid license issued under section 5 of this 2009 Act,
11 a person may not:

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

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

16 **SECTION 7.** (1) The Director of the Oregon Health Licensing Agency shall fix the quali-
17 fications of and appoint an administrator for the Orthotics and Prosthetics Board of Exam-
18 iners. The administrator may not be a member of the board. Subject to the applicable
19 provisions of the State Personnel Relations Law, the director shall fix compensation of the
20 administrator. For purposes of the State Personnel Relations Law, the administrator is as-
21 signed to the unclassified service.

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

24 **SECTION 8.** In the manner prescribed in ORS chapter 183 for contested cases and at the
25 direction of the Orthotics and Prosthetics Board of Examiners, the Oregon Health Licensing
26 Agency may impose discipline as described in ORS 676.612 against a licensed orthotist,
27 prosthetist or orthotist-prosthetist for any of the grounds listed in ORS 676.612 or for any
28 violation of sections 1 to 9 of this 2009 Act or rules adopted under sections 1 to 9 of this 2009
29 Act.

30 **SECTION 9.** (1) The Oregon Health Licensing Agency, in consultation with the Orthotics
31 and Prosthetics Board of Examiners, shall establish by rule and collect fees related to the
32 practice of orthotics or prosthetics under sections 1 to 9 of this 2009 Act.

33 (2) All moneys received by the Oregon Health Licensing Agency under this section shall
34 be paid into the General Fund of the State Treasury and credited to the Oregon Health Li-
35 censing Agency Account, and are continuously appropriated to and shall be used by the
36 agency only for the administration and enforcement of sections 1 to 9 of this 2009 Act.

37 (3) The fees established by the Oregon Health Licensing Agency under subsection (1) of
38 this section are subject to the prior approval of the Oregon Department of Administrative
39 Services. The fees may not exceed the cost of administering sections 1 to 9 of this 2009 Act
40 for which purpose the fees are established, as authorized by the Legislative Assembly within
41 the budget of the agency and as that budget may be modified by the Emergency Board.

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

SECTION 10. ORS 676.606 is amended to read:

676.606. Pursuant to ORS 676.607, the Oregon Health Licensing Agency shall provide administrative and regulatory oversight and centralized service for the following boards, advisory councils and program:

- (1) Board of Athletic Trainers, as provided in ORS 688.701 to 688.734;
- (2) Board of Cosmetology, as provided in ORS 690.005 to 690.235;
- (3) State Board of Denture Technology, as provided in ORS 680.500 to 680.570;
- (4) State Board of Direct Entry Midwifery, as provided in ORS 687.405 to 687.495;
- (5) Respiratory Therapist Licensing Board, as provided in ORS 688.800 to 688.840;
- (6) Environmental Health Registration Board, as provided in ORS chapter 700;
- (7) Advisory Council for Electrologists and Permanent Color Technicians and Tattoo Artists, as provided in ORS 690.350 to 690.430;
- (8) Advisory Council on Hearing Aids, as provided in ORS 694.015 to 694.185;
- (9) Body piercing licensing program, as provided in ORS 690.500 to 690.570; [and]
- (10) Sex Offender Treatment Board, as provided in ORS 675.360 to 675.410[.]; and
- (11) **Orthotics and Prosthetics Board of Examiners, as provided in sections 1 to 9 of this 2009 Act.**

SECTION 11. (1) **Notwithstanding the term of office specified by section 2 of this 2009 Act, of the members first appointed to the Orthotics and Prosthetics Board of Examiners:**

- (a) **Two members shall serve for terms ending January 1, 2011.**
- (b) **Two members shall serve for terms ending January 1, 2012.**
- (c) **Three members shall serve for terms ending January 1, 2013.**

(2) **A board member appointed under this section who is a practitioner of orthotics or prosthetics, both as defined in section 1 of this 2009 Act, must meet all requirements for licensure under section 5 of this 2009 Act and shall obtain a license within 12 months of appointment.**

SECTION 12. (1) **Any person actively engaged in the practice of orthotics or prosthetics on the effective date of this 2009 Act is considered licensed under sections 1 to 9 of this 2009 Act if the person submits an application for a license and the appropriate fee as established by rule of the Oregon Health Licensing Agency in consultation with the Orthotics and Prosthetics Board of Examiners under section 9 of this 2009 Act.**

(2) **A person described in subsection (1) of this section must submit an application for a license and the appropriate fee within 90 days after the operative date of section 4 of this 2009 Act.**

SECTION 13. **The members first appointed to the Orthotics and Prosthetics Board of Examiners shall meet as soon as possible after appointment to the board to carry out their duties under section 4 of this 2009 Act.**

SECTION 14. **The Oregon Health Licensing Agency shall adopt rules that are necessary to conduct its business related to, carry out its duties under and administer sections 1 to 9 of this 2009 Act.**

SECTION 15. **Sections 1, 4 to 6, 8 and 9 of this 2009 Act become operative on January 1, 2010.**

SECTION 16. **This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect on its passage.**

