
HOUSE BILL 2407

State of Washington

54th Legislature

1996 Regular Session

By Representatives Dyer, Cody, Dickerson, Tokuda, Murray, Mason and Costa

Read first time 01/10/96. Referred to Committee on Health Care.

1 AN ACT Relating to orthotic-prosthetic services; adding a new
2 chapter to Title 18 RCW; creating a new section; and declaring an
3 emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** It is the intent of the legislature that
6 sections 2 through 23 of this act accomplish the following: Safeguard
7 public health, safety, and welfare; protect the public from being
8 misled by unethical, ill-prepared, unscrupulous, and unauthorized
9 persons; assure the highest degree of professional conduct on the part
10 of orthotists and prosthetists as well as orthotic and prosthetic
11 assistants; and assure the availability of orthotic-prosthetic services
12 of high quality to persons in need of the services. It is the purpose
13 of sections 2 through 23 of this act to provide for the regulation of
14 persons offering orthotic-prosthetic services to the public.

15 NEW SECTION. **Sec. 2.** Unless the context clearly requires
16 otherwise, the definitions in this section apply throughout this
17 chapter.

1 (1) "Advisory committee" means orthotics and prosthetics advisory
2 committee.

3 (2) "Department" means department of health.

4 (3) "Person" means an individual, partnership, an unincorporated
5 organization, or corporate body, except that only an individual may be
6 licensed under this chapter.

7 (4) "Secretary" means secretary of health.

8 (5) "Orthotics" means the science and practice of evaluating,
9 measuring, designing, fabricating, assembling, fitting, adjusting, or
10 servicing, as well as providing the initial training necessary to
11 accomplish the fitting of an orthosis for the support, correction, or
12 alleviation of neuromuscular or musculoskeletal dysfunction, disease,
13 injury, or deformity. The practice of orthotics encompasses
14 evaluation, treatment, and consultation.

15 Among classes of orthoses, there exist three major types:

16 (a) Custom-fabricated, also known as custom-made;

17 (b) Prefabricated, also known as custom-fitted, or as off-the-
18 shelf; and

19 (c) Direct formed, also known as direct molded.

20 Using a body of knowledge from biomechanics, pathomechanics,
21 material science, and specialized manufacturing processes, the
22 orthotist uses levers, three-point force systems, hydrostatics, joint
23 axis alignment, and axial loading techniques to achieve the goals of
24 improving both static and dynamic balance as well as stability. As a
25 science, orthotics includes the application of static and dynamic
26 forces to the human frame in pressure tolerant areas and minimization
27 of those forces in pressure intolerant areas. With basic postural and
28 gait analysis, orthotists assess and design orthoses to maximize
29 function, and provide not only the support but the alignment necessary
30 in the sagittal, transverse, and coronal planes to either prevent or
31 correct deformity or to improve the safety and efficiency of mobility
32 or locomotion, or both. The practice of orthotics includes providing
33 continuing patient care in order to assure proper fit and function of
34 the orthotic device by periodic evaluation.

35 (6) "Orthotist" means a person licensed to practice orthotics under
36 this chapter. An orthotist evaluates, measures, designs, fabricates,
37 fits, services, and provides the initial training necessary to
38 accomplish the fitting of orthoses that use static and dynamic forces

1 for the support or correction of disabilities caused by
2 neuro-musculoskeletal diseases, injuries, or deformities.

3 (7) "Orthotic assistant" means a person licensed to assist in the
4 practice of orthotics under the supervision or with the regular
5 consultation of a licensed orthotist.

6 (8) "Orthotic aide" means a person who is trained to perform
7 specific orthotic techniques under professional supervision as defined
8 by the advisory committee but who does not perform activities that
9 require advanced training in the sciences or practices involved in the
10 profession of orthotics.

11 (9) "Orthosis" means a custom-fabricated, definitive brace or
12 support that is designed for long-term use. "Orthosis" does not
13 include the following assistive technology devices: Commercially
14 available knee orthoses used following injury or surgery; spastic
15 muscle tone-inhibiting orthoses; upper extremity adaptive equipment;
16 finger splints; hand splints; face masks used following burns;
17 wheelchair seating that is an integral part of the wheelchair and not
18 worn by the patient; fabric or elastic supports; corsets; arch
19 supports; low temperature-formed plastic splints; trusses; elastic
20 hose; canes; crutches; cervical collars; dental appliances; or other
21 similar devices commonly carried in stock by a pharmacy, department
22 store, corset shop, or surgical supply facility.

23 (10) "Prosthetics" means the science and practice of evaluating,
24 measuring, designing, fabricating, assembling, fitting, adjusting, or
25 servicing as well as providing the initial training necessary to
26 accomplish the fitting of a prosthesis through the replacement of
27 external parts of a human body lost due to amputation or congenital
28 deformities or absences. As a science, prosthetics includes the
29 application of static and dynamic forces to human tissues in pressure-
30 tolerant areas and minimization of pressures in pressure-intolerant
31 areas. The practice of prosthetics also includes the generation of an
32 image, form, or mold that replicates the patient's body or body segment
33 and that requires rectification of dimensions, contours, and volumes
34 for use in the design and fabrication of a socket to accept a residual
35 anatomic limb to, in turn, create an artificial appendage that is
36 designed to support either body weight or improve or restore function
37 or cosmesis, or both. Involved in the practice of prosthetics is the
38 clinical assessment of the requirements necessary for the most
39 efficient center of gravity pathway using a knowledge of moments and

1 torque to accomplish optimum alignment of joint axes and weightbearing
2 load lines for safety and efficient function. The practice of
3 prosthetics includes providing continuing patient care in order to
4 assure proper fit and function of the prosthetic device by periodic
5 evaluation.

6 (11) "Prosthetist" means a person who is licensed to evaluate,
7 measure, design, fabricate, fit, and service as well as provide the
8 initial training necessary to accomplish the fitting of prostheses to
9 either improve or restore function or cosmesis, or both, through the
10 replacement of external parts of the human body due to amputation or
11 congenital deformities or absences.

12 (12) "Prosthetic assistant" means a person licensed to assist in
13 the practice of prosthetics under the supervision or with the regular
14 consultation of a licensed prosthetist.

15 (13) "Prosthetic aide" means a person who is trained to perform
16 specific prosthetic techniques under professional supervision as
17 defined by the advisory committee, but who does not perform activities
18 that require advanced training in the sciences or practices that are
19 involved in the profession of prosthetics.

20 (14) "Prosthesis" means a definitive artificial limb that is
21 alignable, or articulated, or, in lower extremity applications, capable
22 of weightbearing. "Prosthesis" means an artificial medical device that
23 is not surgically implanted and that is used to replace a missing limb,
24 appendage, or other external human body part including an artificial
25 limb, hand, or foot. The term does not include artificial eyes, ears,
26 fingers or toes, dental appliances, ostomy products, cosmetic devices
27 such as artificial breasts, eyelashes, or wigs, or other devices that
28 do not have a significant impact on the musculoskeletal functions of
29 the body. In the lower extremity of the body, the term "prosthesis"
30 does not include prostheses required for amputations distal to and
31 including the transmetatarsal level. In the upper extremity of the
32 body, the term "prosthesis" does not include prostheses that are
33 provided to restore function for amputations distal to and including
34 the carpal level.

35 (15) "Definitive" means a class of orthoses-prostheses that are
36 durable in nature, whose design is appropriate for the duration of
37 medical need.

38 (16) "Custom-made" means the design and fabrication from raw
39 materials of a device for a specific patient and requires the

1 generation of an image, form, or mold that replicates the patient's
2 body or body segment, and, in turn, involves the rectification of
3 dimensions, contours, and volumes to achieve proper fit, comfort, and
4 function for that specific patient.

5 (17) "Temporary" means for a period of no more than six months with
6 no repeats.

7 (18) "Short term" means designed or intended for a temporary,
8 interim period of treatment, characterized usually by the early phase
9 or initial treatment of disability, injury, or recovery, and generally
10 fabricated of less-durable materials and does not apply to definitive
11 orthoses or prostheses.

12 (19) "Long term" means designed or intended for use for the period
13 of injury, disability, or recovery until the orthosis-prosthesis
14 becomes unusable due to wear or patient body change.

15 (20) "Direct-formed" means a process of fabricating a device made
16 of materials, usually of low-temperature moldability, so that it can be
17 formed or shaped during the molding process directly on the patient's
18 body or body segment without risk of injury to the patient's tissues.

19 (21) "Low temperature" means moldable or formable below one hundred
20 sixty degrees Fahrenheit.

21 (22) "Prefabricated" means manufactured as a commercially available
22 stock item for no specific patient. The fitting of prefabricated
23 devices does not involve a separate interim process of generating an
24 image form, or mold that replicates that specific patient's body or
25 body segment and does not require the design and fabrication of the
26 device from raw materials for that specific patient; the fitting of
27 prefabricated devices involves only the adjustment or custom-fitting,
28 to the extent possible, of commercially available off-the-shelf devices
29 to treat patients' biomechanical and medical needs.

30 (23) "Authorized health care practitioner" means licensed
31 physicians, osteopathic physicians, chiropractors, naturopaths,
32 podiatric physicians and surgeons, and dentists. However, nothing in
33 this section alters the scope of practice of these practitioners as
34 defined in their licensure laws.

35 NEW SECTION. **Sec. 3.** Notwithstanding the provisions of chapter
36 18.130 RCW, a consultation and periodic review by an authorized health
37 care practitioner is not required for evaluation, repair, adjusting, or
38 servicing orthoses and prostheses by a licensed orthotist-prosthetist;

1 nor is an authorized health care practitioner's order required for
2 maintenance of an orthosis or prosthesis to the level of its original
3 prescription for an indefinite period of time if the order remains
4 appropriate for the patient's medical needs. However, an orthotist-
5 prosthetist may only provide treatment utilizing new orthoses-
6 prostheses for which the orthotist-prosthetist is licensed to do so and
7 only under an order from or referral by an authorized health care
8 practitioner.

9 NEW SECTION. **Sec. 4.** (1) Orthotists-prosthetists must refer
10 persons under their care to authorized health care practitioners if
11 they have reasonable cause to believe symptoms or conditions are
12 present that require services beyond the scope of their practice or for
13 which the prescribed orthotic-prosthetic treatment is contraindicated.

14 (2) A violation of this section is unprofessional conduct under
15 this chapter and chapter 18.130 RCW.

16 NEW SECTION. **Sec. 5.** No person may practice or represent himself
17 or herself as either an orthotist or prosthetist, or both, without a
18 valid license.

19 NEW SECTION. **Sec. 6.** This chapter does not prevent or restrict
20 the practice, services, or activities of:

21 (1) A person licensed in this state under any law from engaging in
22 a profession or occupation for which the person is licensed;

23 (2) A person directly employed as an orthotist-prosthetist or
24 orthotic-prosthetic assistant by the government of the United States,
25 if the person provides either orthotic or prosthetic care, or both,
26 solely under the direction or control of the organization by which the
27 person is directly employed;

28 (3) A person pursuing a course of study leading to a degree or
29 certificate in orthotics-prosthetics in an accredited or approved
30 educational program if the activities and services constitute a part of
31 a supervised course of study, if the person is designated by a title
32 that clearly indicates the person's status as a student or trainee;

33 (4) A person fulfilling the supervised residency or internship
34 experience requirements described in section 13 of this act, if the
35 activities and services constitute a part of the experience necessary
36 to meet the requirements of this chapter;

1 (5) A person performing orthotic-prosthetic services in this state
2 if the services are performed for no more than ninety working days and
3 if:

4 (a) The person is licensed under the laws of another state that has
5 licensure requirements at least as stringent as the requirements of
6 this chapter, as determined by the advisory committee; or

7 (b) The person has met commonly accepted standards for the practice
8 of orthotics-prosthetics as specifically defined by the advisory
9 committee;

10 (6) A person employed by or supervised by an orthotist-prosthetist
11 as an orthotic-prosthetic assistant;

12 (7) A person with a limited permit. A limited permit may be
13 granted to a person who has completed the educational and experience
14 requirements of this chapter, or educational and experience
15 requirements that the advisory committee deems equivalent to those
16 specified as requirements for licensure. The limited permit allows the
17 applicant to practice in association with an orthotist-prosthetist.
18 The limited permit is valid until the results of the next examination
19 have been made public. One extension of this permit may be granted if
20 the applicant has failed the examination, but during this period the
21 person must be under the direct supervision of an orthotist-
22 prosthetist;

23 (8) A person who provides services that include designing,
24 fabricating, or applying temporary orthoses designed strictly for
25 short-term, temporary use or evaluation purposes, or a person providing
26 the following assistive technology devices: Commercially available
27 knee orthoses for use following injury or surgery; spastic muscle tone-
28 inhibiting orthoses; face masks used following burns; upper extremity
29 adaptive equipment; finger splints; hand splints; wheelchair seating
30 that is an integral part of the wheelchair and not worn by the patient;
31 fabric or elastic supports; corsets; arch supports; low temperature-
32 formed plastic splints; trusses; elastic hose; canes; crutches;
33 cervical collars; dental appliances; or other similar devices commonly
34 carried in stock by a pharmacy, department store, corset shop, or
35 surgical supply facility;

36 (9) A person providing, designing, fabricating, or applying
37 temporary, nonalignable, nonarticulated, or nonweightbearing
38 prostheses;

1 (10) A person providing, designing, fabricating, or applying
2 temporary, nonalignable, or nonarticulated prostheses including upper
3 limb prostheses intended to restore function for amputations distal to
4 and including the carpals; or

5 (11) A person providing, designing, fabricating, or applying
6 weightbearing lower limb prostheses for amputations distal to and
7 including the transmetatarsal level.

8 NEW SECTION. **Sec. 7.** (1) There is established an orthotics and
9 prosthetics advisory committee. The advisory committee consists of
10 five members appointed by the governor. The governor may consider the
11 persons who are recommended for appointment by the orthotic and
12 prosthetic associations of the state. The members of the advisory
13 committee must be residents of the state. Three of the members must
14 have been engaged in rendering services to the public. One member must
15 be a practicing orthotist. One member must be a practicing
16 prosthetist. Two members must be members of the public, including
17 consumers of orthotic and prosthetic professional services. One member
18 must be licensed by the state as a doctor of medicine or doctor of
19 osteopathy, specializing in orthopedic medicine or surgery or a
20 podiatric physician or surgeon. Two of these five members must at all
21 times be holders of licenses for the practice of either prosthetics or
22 orthotics, or both, in this state, except for the initial members of
23 the advisory committee, all of whom must fulfill the requirements for
24 licensure under this chapter.

25 (2) The governor must, within sixty days after the effective date
26 of this act, appoint one member for a term of one year, two members for
27 a term of two years, and two members for a term of three years.
28 Appointments made thereafter are for three-year terms, but no person
29 may be appointed to serve more than two consecutive full terms. A term
30 begins on the first day of the calendar year and ends on the last day
31 of the calendar year or until a successor is appointed, except for the
32 initial appointed members, who serve through the last calendar day of
33 the year in which they are appointed before commencing the terms
34 prescribed by this section. The governor must make an appointment for
35 a vacancy in an unexpired term within ninety days after the vacancy
36 occurred.

37 (3) The advisory committee must meet each January to select a chair
38 and for other purposes. At least one additional meeting must be held

1 before the end of each calendar year. Further meetings may be convened
2 at the call of the chair or upon the written request of two advisory
3 committee members. A majority of the members of the advisory committee
4 constitutes a quorum for all purposes. All meetings of the advisory
5 committee are open to the public, except that the advisory committee
6 may hold closed sessions to prepare, approve, grade, or administer
7 examinations, or, upon request of an applicant who fails an
8 examination, to prepare a response indicating the reasons for the
9 applicant's failure.

10 (4) Members of the advisory committee are compensated in the amount
11 of fifty dollars for each day's attendance at proper meetings of the
12 committee.

13 (5) A member may be removed from the advisory committee by the
14 governor for:

15 (a) Loss of license as an orthotist, prosthetist, or orthotist-
16 prosthetist;

17 (b) Loss of license as a doctor of medicine, doctor of osteopathy,
18 or podiatric physician or surgeon;

19 (c) Failure to fulfill his or her duties and responsibilities as an
20 advisory committee member; or

21 (d) Having been found to be culpable for committing acts of moral
22 turpitude, malfeasance in office, or criminal behavior.

23 NEW SECTION. **Sec. 8.** (1) The secretary must prescribe and publish
24 fees in amounts determined by the secretary as provided in RCW
25 43.70.110 for the following purposes:

26 (a) Application for examination;

27 (b) Initial license fee;

28 (c) Renewal of license fee;

29 (d) Late renewal fee; and

30 (e) Limited permit fee.

31 (2) The fees must be set in such an amount as to reimburse the
32 state, to the extent feasible, for the cost of the services rendered.

33 NEW SECTION. **Sec. 9.** (1) The advisory committee administers,
34 coordinates, and enforces this chapter, evaluates qualifications under
35 this chapter, and provides for supervision of examinations of
36 applicants for licensure under this chapter.

1 (2) The advisory committee is responsible for the licensure of
2 orthotists, prosthetists, and orthotists-prosthetists, orthotic or
3 prosthetic assistants, and persons eligible to be licensed in the
4 disciplines of either orthotics or prosthetics, or both, as licensed
5 orthotists, prosthetists, orthotists-prosthetists, or assistants.

6 (3) The advisory committee must review applications for licenses at
7 least once a year. The advisory committee may collect license
8 application fees, renewal fees, examination fees, and other
9 administrative fees. The advisory committee must set the fees in
10 amounts reasonable and necessary to carry out the program.

11 (4) The advisory committee must approve an examination required for
12 a license under this chapter.

13 (5) The advisory committee may:

14 (a) Investigate complaints;

15 (b) Issue, renew, suspend, deny, and revoke licenses;

16 (c) Reprimand license holders and place them on probation;

17 (d) Issue subpoenas;

18 (e) Hold hearings;

19 (f) Delegate authority for all or a portion of the activities in
20 (a) through (e) of this subsection to a qualified contractor; and

21 (g) Determine fines.

22 (6) The advisory committee must maintain an information file about
23 each complaint filed with the advisory committee. The advisory
24 committee must also notify parties to the complaint quarterly as the
25 status of the complaint unless this action would jeopardize an ongoing
26 investigation.

27 (7) The advisory committee must assist legal authorities in the
28 prosecution of a person violating this chapter.

29 (8) The advisory committee must prepare or approve continuing
30 education programs for license holders and adopt rules requiring
31 license holders to participate in the programs as a condition of
32 renewing a license under this chapter.

33 (9) The advisory committee may make arrangements to accept
34 practitioners who have been duly licensed by another state without
35 further examination.

36 (10) The advisory committee may adopt rules as it deems necessary
37 in the administration of this chapter.

1 NEW SECTION. **Sec. 10.** The secretary must provide administrative
2 and investigative staff as are necessary for the advisory committee to
3 carry out its duties under this chapter.

4 NEW SECTION. **Sec. 11.** The two members appointed to the advisory
5 committee representing the public at large must have an interest in the
6 rights of consumers of health services, and must not be or have been a
7 member of another licensing committee, a licensee of a health
8 occupation committee, an employee of a health facility, nor derive his
9 or her primary livelihood from the provision of health services at any
10 level of responsibility.

11 NEW SECTION. **Sec. 12.** The advisory committee may adopt rules in
12 accordance with the administrative procedure act, chapter 34.05 RCW,
13 relating to standards for appropriateness of orthotic-prosthetic care.
14 A violation of the standards adopted by rule under this section is
15 unprofessional conduct under this chapter and chapter 18.130 RCW.

16 NEW SECTION. **Sec. 13.** (1) An applicant applying for a license as
17 an orthotist-prosthetist or as an orthotic-prosthetic assistant must
18 file a written application on forms provided by the department showing
19 to the satisfaction of the advisory committee that the applicant meets
20 the following requirements:

21 (a) The applicant is of good moral character;

22 (b) The applicant possesses a baccalaureate degree from an
23 accredited college or university;

24 (c) The applicant has the amount of formal training, including the
25 hours of classroom education and clinical practice, in areas of study
26 as the advisory committee deems necessary and appropriate;

27 (d) The applicant has completed a clinical internship or residency
28 in the professional area for which a license is sought in accordance
29 with the standards, guidelines, or procedures for clinical internships
30 or residencies inside or outside the state established by the advisory
31 committee; and

32 (e) An applicant for licensure as either an orthotist or
33 prosthetist, or both, must:

34 (i) Pass all written, practical, and oral examinations that are
35 required and approved by the advisory committee; or

1 (ii) Be qualified to practice in accordance with the American board
2 for certification in orthotics and prosthetics.

3 (2) The standards and requirements for licensure established by the
4 advisory committee must be substantially equal to or in excess of
5 standards commonly accepted in the fields of orthotics and prosthetics.

6 (3) The advisory committee may adopt rules in accordance with the
7 administrative procedure act, chapter 34.05 RCW, that are necessary to
8 effectuate the requirements of this section.

9 (4) The advisory committee may waive the educational requirements
10 specified under subsection (1)(b) of this section for an orthotic-
11 prosthetic assistant who has met the experience and other requirements
12 established by the advisory committee. Upon successful completion of
13 the examination required of either the orthotist or the prosthetist, or
14 both, the individual must be granted a license for that discipline.

15 NEW SECTION. **Sec. 14.** (1) A person applying for licensure must
16 demonstrate eligibility in accordance with section 13 of this act and
17 must apply for the examination upon a form and in a manner as the
18 department prescribes. The application must be accompanied by the fee
19 prescribed. The fee is nonrefundable. A person who fails an
20 examination may apply for reexamination. The reapplication must be
21 accompanied by the prescribed fee.

22 (2) An applicant for licensure under this chapter must be given a
23 written examination to test the applicant's knowledge of the basic and
24 clinical sciences relating to orthotics-prosthetics and orthotics-
25 prosthetics theory and practice including the applicant's professional
26 skills of orthotic-prosthetic techniques and methods, and other
27 subjects as the advisory committee deems useful to determine the
28 applicant's fitness to practice. The advisory committee approves the
29 examination and establishes standards for acceptable performance.

30 (3) Applicants for licensure must be examined at a time and place
31 and under such supervision as the advisory committee may determine.
32 The examination must be given at least once each year at those places
33 as the advisory committee determines, and the advisory committee must
34 give reasonable public notice of the examinations in accordance with
35 its rules at least sixty days prior to the administration of the
36 examination.

1 (4) Applicants may obtain their examination scores and may review
2 their papers in accordance with rules established by the advisory
3 committee.

4 NEW SECTION. **Sec. 15.** (1) The advisory committee may waive the
5 examination and grant a license to a person engaged in the profession
6 of either an orthotist or prosthetist, or both, or either an orthotic
7 or prosthetic assistant, or both, if the advisory committee determines
8 that the person meets commonly accepted standards for the profession,
9 as established by rule by the advisory committee. The advisory
10 committee may waive the examination, education, or experience
11 requirements and grant a license to a person meeting the standards
12 adopted by the advisory committee under this section, if the advisory
13 committee determines that the requirements for licensure in this
14 chapter have been met.

15 (2) The advisory committee may grant a license to an applicant who
16 presents proof of current licensure as either an orthotist or
17 prosthetist, or both, or either an orthotic or prosthetic assistant, or
18 both, in another state, the District of Columbia, or a territory of the
19 United States, that requires standards for licensure considered by the
20 advisory committee to be equivalent to the requirements for licensure
21 under this chapter.

22 (3) The advisory committee must waive the education and experience
23 requirements for licensure under section 13(1)(c) and (d) of this act
24 for applicants for licensure who present evidence to the advisory
25 committee that they have practiced full time for the past five years
26 and have provided comprehensive orthotic-prosthetic, or orthotic and
27 prosthetic care in an established orthotic and prosthetic facility for
28 the five years immediately prior to the effective date of this act.
29 The application must be filed with the advisory committee within one
30 hundred eighty days of the effective date of this act in order to
31 continue to practice either orthotics or prosthetics, or both, under
32 the provisions of this chapter without taking an examination as
33 required under this chapter. The applicant must pay all licensing fees
34 required under this chapter. The advisory committee must complete an
35 investigation into the applicant's work history. The investigation may
36 include, but is not limited to, completion by the applicant of a
37 questionnaire regarding his or her work history and scope of practice.

1 (4) For the purposes of this section, the advisory committee must
2 complete its investigation of the applicant within one hundred eighty
3 days of the date of the application.

4 NEW SECTION. **Sec. 16.** The secretary must issue a license to a
5 person who meets the licensing requirements of this chapter upon
6 payment of the prescribed license fee. The license must be posted in
7 a conspicuous location at the person's work site.

8 NEW SECTION. **Sec. 17.** The secretary must furnish a license upon
9 the authority of the advisory committee to a person who applies and is
10 qualified under the provisions of this chapter. At the time of
11 application the applicant must pay to the state treasurer a fee
12 determined by the secretary as provided under section 8 of this act.

13 NEW SECTION. **Sec. 18.** (1) Licenses under this chapter must be
14 renewed at the time and in the manner determined by the secretary and
15 with the payment of a renewal fee. The advisory committee must
16 establish requirements for license renewal that provide evidence of
17 continued competency. The secretary may provide for the late renewal
18 of a license upon the payment of a late fee, additional continuing
19 education or examination requirements, or other requirements as
20 determined by the advisory committee by rule.

21 (2) A suspended license is subject to expiration and may be renewed
22 as provided in this section, but the renewal does not entitle the
23 licensee, while the license remains suspended and until it is
24 reinstated, to engage in the licensed activity, or in other conduct or
25 activity in violation of the order or judgment by which the license was
26 suspended. If a license that was revoked on disciplinary grounds is
27 reinstated, the licensee, as a condition of reinstatement, must pay the
28 renewal fee and an applicable late fee.

29 (3) Either an orthotist or a prosthetist, or both, and orthotic or
30 prosthetic assistant, or both, licensed under this chapter not
31 practicing orthotics-prosthetics or providing services may place his or
32 her license on an inactive status. The secretary may set by rule
33 requirements for maintaining an inactive status and converting from an
34 inactive or active status.

1 NEW SECTION. **Sec. 19.** A person who is not licensed with the
2 secretary as either an orthotist or a prosthetist, or both, under the
3 requirements of this chapter must not represent him or herself as being
4 so licensed and may not use in connection with his or her name the
5 words or letters "L.O.," "L.P.," or "L.P.O.," or other letters, words,
6 signs, numbers, or insignia indicating or implying that he or she is
7 either an orthotist or a prosthetist, or both. No person may practice
8 orthotics-prosthetics without first having a valid license. Nothing in
9 this chapter prohibits a person licensed in this state under another
10 law from engaging in the practice for which he or she is licensed. It
11 is the duty of the prosecuting attorney of each county to prosecute all
12 cases involving a violation of this chapter arising within his or her
13 county. The attorney general may assist in the prosecution and must
14 appear at all hearings when requested to do so by the advisory
15 committee.

16 NEW SECTION. **Sec. 20.** If a person violates the provisions of this
17 chapter, the attorney general, the prosecuting attorney, the secretary,
18 the advisory committee, or a citizen of the same county, may maintain
19 an action in the name of the state to enjoin a person from practicing
20 or holding himself or herself out as practicing orthotics-prosthetics.
21 The injunction does not relieve criminal prosecution but the remedy by
22 injunction is in addition to the liability of the offender for criminal
23 prosecution and the suspension or revocation of his or her license.

24 NEW SECTION. **Sec. 21.** The secretary must keep a record of
25 proceedings under this chapter and a register of all persons licensed
26 under it. The register must show the name of every living licensed
27 orthotist or prosthetist, and his or her last known license as an
28 orthotist or prosthetist.

29 NEW SECTION. **Sec. 22.** This chapter is known and may be cited as
30 the orthotics-prosthetics practice act.

31 NEW SECTION. **Sec. 23.** The uniform disciplinary act, chapter
32 18.130 RCW, governs unlicensed practice, the issuance and denial of
33 licenses, and the discipline of licensees under this chapter.

1 NEW SECTION. **Sec. 24.** Sections 2 through 23 of this act shall
2 constitute a new chapter in Title 18 RCW.

3 NEW SECTION. **Sec. 25.** If any provision of this act or its
4 application to any person or circumstance is held invalid, the
5 remainder of the act or the application of the provision to other
6 persons or circumstances is not affected.

7 NEW SECTION. **Sec. 26.** This act is necessary for the immediate
8 preservation of the public peace, health, or safety, or support of the
9 state government and its existing public institutions, and shall take
10 effect immediately.

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