

2 **SSB 5715** - H COMM AMD  
3 By Committee on Health Care

4

5 Strike everything after the enacting clause and insert the  
6 following:

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

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

18 (1) "Advisory committee" means the orthotics and prosthetics  
19 advisory committee.

20 (2) "Department" means the department of health.

21 (3) "Secretary" means the secretary of health or the secretary's  
22 designee.

23 (4) "Orthotics" 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, an orthosis for the support, correction, or  
27 alleviation of neuromuscular or musculoskeletal dysfunction, disease,  
28 injury, or deformity. The practice of orthotics encompasses  
29 evaluation, treatment, and consultation. With basic observational gait  
30 and postural analysis, orthotists assess and design orthoses to  
31 maximize function and provide not only the support but the alignment  
32 necessary to either prevent or correct deformity or to improve the  
33 safety and efficiency of mobility or locomotion, or both. Orthotic  
34 practice includes providing continuing patient care in order to assess

1 its effect on the patient's tissues and to assure proper fit and  
2 function of the orthotic device by periodic evaluation.

3 (5) "Orthotist" means a person licensed to practice orthotics under  
4 this chapter.

5 (6) "Orthosis" means a custom-fabricated, definitive brace or  
6 support that is designed for long-term use. Except for the treatment  
7 of scoliosis, orthosis does not include prefabricated or direct-formed  
8 orthotic devices, as defined in this section, or any of the following  
9 assistive technology devices: Commercially available knee orthoses  
10 used following injury or surgery; spastic muscle tone-inhibiting  
11 orthoses; upper extremity adaptive equipment; finger splints; hand  
12 splints; custom-made, leather wrist gauntlets; face masks used  
13 following burns; wheelchair seating that is an integral part of the  
14 wheelchair and not worn by the patient independent of the wheelchair;  
15 fabric or elastic supports; corsets; arch supports, also known as foot  
16 orthotics; low-temperature formed plastic splints; trusses; elastic  
17 hose; canes; crutches; cervical collars; dental appliances; and other  
18 similar devices as determined by the secretary, such as those commonly  
19 carried in stock by a pharmacy, department store, corset shop, or  
20 surgical supply facility. Prefabricated orthoses, also known as  
21 custom-fitted, or off-the-shelf, are devices that are manufactured as  
22 commercially available stock items for no specific patient. Direct-  
23 formed orthoses are devices formed or shaped during the molding process  
24 directly on the patient's body or body segment. Custom-fabricated  
25 orthoses, also known as custom-made orthoses, are devices designed and  
26 fabricated, in turn, from raw materials for a specific patient and  
27 require the generation of an image, form, or mold that replicates the  
28 patient's body or body segment and, in turn, involves the rectification  
29 of dimensions, contours, and volumes to achieve proper fit, comfort,  
30 and function for that specific patient.

31 (7) "Prosthetics" means the science and practice of evaluating,  
32 measuring, designing, fabricating, assembling, fitting, aligning,  
33 adjusting, or servicing, as well as providing the initial training  
34 necessary to accomplish the fitting of, a prosthesis through the  
35 replacement of external parts of a human body lost due to amputation or  
36 congenital deformities or absences. The practice of prosthetics also  
37 includes the generation of an image, form, or mold that replicates the  
38 patient's body or body segment and that requires rectification of  
39 dimensions, contours, and volumes for use in the design and fabrication

1 of a socket to accept a residual anatomic limb to, in turn, create an  
2 artificial appendage that is designed either to support body weight or  
3 to improve or restore function or cosmesis, or both. Involved in the  
4 practice of prosthetics is observational gait analysis and clinical  
5 assessment of the requirements necessary to refine and mechanically fix  
6 the relative position of various parts of the prosthesis to maximize  
7 the function, stability, and safety of the patient. The practice of  
8 prosthetics includes providing continuing patient care in order to  
9 assess the prosthetic device's effect on the patient's tissues and to  
10 assure proper fit and function of the prosthetic device by periodic  
11 evaluation.

12 (8) "Prosthetist" means a person who is licensed to practice  
13 prosthetics under this chapter.

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

29 (10) "Authorized health care practitioner" means licensed  
30 physicians, physician's assistants, osteopathic physicians,  
31 chiropractors, naturopaths, podiatric physicians and surgeons,  
32 dentists, and advanced registered nurse practitioners.

33 NEW SECTION. **Sec. 3.** An orthotist or prosthetist may only provide  
34 treatment utilizing new orthoses or prostheses for which the orthotist  
35 or prosthetist is licensed to do so, and only under an order from or  
36 referral by an authorized health care practitioner. A consultation and  
37 periodic review by an authorized health care practitioner is not  
38 required for evaluation, repair, adjusting, or servicing of orthoses by

1 a licensed orthotist and servicing of prostheses by a licensed  
2 prosthetist. Nor is an authorized health care practitioner's order  
3 required for maintenance of an orthosis or prosthesis to the level of  
4 its original prescription for an indefinite period of time if the order  
5 remains appropriate for the patient's medical needs.

6 Orthotists and prosthetists must refer persons under their care to  
7 authorized health care practitioners if they have reasonable cause to  
8 believe symptoms or conditions are present that require services beyond  
9 the scope of their practice or for which the prescribed orthotic or  
10 prosthetic treatment is contraindicated.

11 NEW SECTION. **Sec. 4.** No person may represent himself or herself  
12 as a licensed orthotist or prosthetist, use a title or description of  
13 services, or engage in the practice of orthotics or prosthetics without  
14 applying for licensure, meeting the required qualifications, and being  
15 licensed by the department of health, unless otherwise exempted by this  
16 chapter.

17 A person not licensed with the secretary must not represent himself  
18 or herself as being so licensed and may not use in connection with his  
19 or her name the words or letters "L.O.," "L.P.," or "L.P.O.," or other  
20 letters, words, signs, numbers, or insignia indicating or implying that  
21 he or she is either a licensed orthotist or a licensed prosthetist, or  
22 both. No person may practice orthotics or prosthetics without first  
23 having a valid license. The license must be posted in a conspicuous  
24 location at the person's work site.

25 NEW SECTION. **Sec. 5.** Nothing in this chapter shall be construed  
26 to prohibit or restrict:

27 (1) The practice by individuals listed under RCW 18.130.040 and  
28 performing services within their authorized scopes of practice;

29 (2) The practice by an individual employed by the government of the  
30 United States while engaged in the performance of duties prescribed by  
31 the laws of the United States;

32 (3) The practice by a person who is a regular student in an  
33 orthotic or prosthetic educational program approved by the secretary,  
34 and whose performance of services is pursuant to a regular course of  
35 instruction or assignments from an instructor and under the general  
36 supervision of the instructor, if the person is designated by a title  
37 that clearly indicates the person's status as a student or trainee;

1 (4) A person fulfilling the supervised residency or internship  
2 experience requirements described in section 8 of this act, if the  
3 activities and services constitute a part of the experience necessary  
4 to meet the requirements of this chapter; or

5 (5) A person from performing orthotic or prosthetic services in  
6 this state if: (a) The services are performed for no more than ninety  
7 working days; and (b) the person is licensed in another state or has  
8 met commonly accepted standards for the practice of orthotics or  
9 prosthetics as determined by the secretary.

10 NEW SECTION. **Sec. 6.** In addition to other authority provided by  
11 law, the secretary has the authority to:

12 (1) Adopt rules under chapter 34.05 RCW necessary to implement this  
13 chapter;

14 (2) Establish administrative procedures, administrative  
15 requirements, and fees in accordance with RCW 43.70.250 and 43.70.280.  
16 All fees collected under this section must be credited to the health  
17 professions account as required under RCW 43.70.320;

18 (3) Register applicants, issue licenses to applicants who have met  
19 the education, training, and examination requirements for licensure,  
20 and deny licenses to applicants who do not meet the minimum  
21 qualifications, except that proceedings concerning the denial of  
22 credentials based upon unprofessional conduct or impairment are  
23 governed by the uniform disciplinary act, chapter 18.130 RCW;

24 (4) Hire clerical, administrative, investigative, and other staff  
25 as needed to implement this chapter and hire individuals licensed under  
26 this chapter to serve as examiners for any practical examinations;

27 (5) Determine minimum education requirements and evaluate and  
28 designate those educational programs from which graduation will be  
29 accepted as proof of eligibility to take a qualifying examination for  
30 applicants for licensure;

31 (6) Establish the standards and procedures for revocation of  
32 approval of education programs;

33 (7) Utilize or contract with individuals or organizations having  
34 expertise in the profession or in education to assist in the  
35 evaluations;

36 (8) Prepare and administer, or approve the preparation and  
37 administration of, examinations for applicants for licensure;

1 (9) Determine whether alternative methods of training are  
2 equivalent to formal education, and establish forms, procedures, and  
3 criteria for evaluation of an applicant's alternative training to  
4 determine the applicant's eligibility to take any qualifying  
5 examination;

6 (10) Determine which jurisdictions have licensing requirements  
7 equivalent to those of this state and issue licenses without  
8 examinations to individuals licensed in those jurisdictions;

9 (11) Define and approve any experience requirement for licensing;

10 (12) Implement and administer a program for consumer education;

11 (13) Adopt rules implementing continuing competency requirements  
12 for renewal of the license and relicensing;

13 (14) Maintain the official department records of all applicants and  
14 licensees;

15 (15) Establish by rule the procedures for an appeal of an  
16 examination failure;

17 (16) Establish requirements and procedures for an inactive license;  
18 and

19 (17) With the advice of the advisory committee, the secretary may  
20 recommend collaboration with health professions, boards, and  
21 commissions to develop appropriate referral protocols.

22 NEW SECTION. **Sec. 7.** (1) The secretary has the authority to  
23 appoint an advisory committee to further the purposes of this chapter.  
24 The secretary may consider the persons who are recommended for  
25 appointment by the orthotic and prosthetic associations of the state.  
26 The committee is composed of five members, one member initially  
27 appointed for a term of one year, two for a term of two years, and two  
28 for a term of three years. Subsequent appointments are for terms of  
29 three years. No person may serve as a member of the committee for more  
30 than two consecutive terms. Members of the advisory committee must be  
31 residents of this state and citizens of the United States. The  
32 committee is composed of three individuals licensed in the category  
33 designated and engaged in rendering services to the public. Two  
34 members must at all times be holders of licenses for the practice of  
35 either prosthetics or orthotics, or both, in this state, except for the  
36 initial members of the advisory committee, all of whom must fulfill the  
37 requirements for licensure under this chapter. One member must be a  
38 practicing orthotist. One member must be a practicing prosthetist.

1 One member must be licensed by the state as a physician licensed under  
2 chapter 18.57 or 18.71 RCW, specializing in orthopedic medicine or  
3 surgery or physiatry. Two members must represent the public at large  
4 and be unaffiliated directly or indirectly with the profession being  
5 credentialed but, to the extent possible, be consumers of orthotic and  
6 prosthetic services. The two members appointed to the advisory  
7 committee representing the public at large must have an interest in the  
8 rights of consumers of health services and must not be or have been a  
9 licensee of a health occupation committee or an employee of a health  
10 facility, nor derive his or her primary livelihood from the provision  
11 of health services at any level of responsibility.

12 (2) The secretary may remove any member of the advisory committee  
13 for cause as specified by rule. In the case of a vacancy, the  
14 secretary shall appoint a person to serve for the remainder of the  
15 unexpired term.

16 (3) The advisory committee may provide advice on matters  
17 specifically identified and requested by the secretary, such as  
18 applications for licenses.

19 (4) The advisory committee may be requested by the secretary to  
20 approve an examination required for licensure under this chapter.

21 (5) The advisory committee may be requested by the secretary to  
22 review and monitor the exemptions to requirements of certain orthoses  
23 and prostheses in this chapter and recommend to the secretary any  
24 statutory changes that may be needed to properly protect the public.

25 (6) The advisory committee, at the request of the secretary, may  
26 recommend rules in accordance with the administrative procedure act,  
27 chapter 34.05 RCW, relating to standards for appropriateness of  
28 orthotic and prosthetic care.

29 (7) The advisory committee shall meet at the times and places  
30 designated by the secretary and hold meetings during the year as  
31 necessary to provide advice to the secretary. The committee may elect  
32 a chair and a vice-chair. A majority of the members currently serving  
33 constitute a quorum.

34 (8) Each member of an advisory committee shall be reimbursed for  
35 travel expenses as authorized in RCW 43.03.050 and 43.03.060. In  
36 addition, members of the committees shall be compensated in accordance  
37 with RCW 43.03.240 when engaged in the authorized business of their  
38 committees.

1 (9) The secretary, members of advisory committees, or individuals  
2 acting on their behalf are immune from suit in any action, civil or  
3 criminal, based on any credentialing or disciplinary proceedings or  
4 other official acts performed in the course of their duties.

5 NEW SECTION. **Sec. 8.** (1) An applicant must file a written  
6 application on forms provided by the department showing to the  
7 satisfaction of the secretary, in consultation with the advisory  
8 committee, that the applicant meets the following requirements:

9 (a) The applicant possesses a baccalaureate degree with coursework  
10 appropriate for the profession approved by the secretary, or possesses  
11 equivalent training as determined by the secretary pursuant to  
12 subsections (3) and (5) of this section;

13 (b) The applicant has the amount of formal training, including the  
14 hours of classroom education and clinical practice, in areas of study  
15 as the secretary deems necessary and appropriate;

16 (c) The applicant has completed a clinical internship or residency  
17 in the professional area for which a license is sought in accordance  
18 with the standards, guidelines, or procedures for clinical internships  
19 or residencies inside or outside the state as established by the  
20 secretary, or that are otherwise substantially equivalent to the  
21 standards commonly accepted in the fields of orthotics and prosthetics  
22 as determined by the secretary pursuant to subsections (3) and (5) of  
23 this section. The secretary must set the internship as at least one  
24 year.

25 (2) An applicant for licensure as either an orthotist or  
26 prosthetist must pass all written and practical examinations that are  
27 required and approved by the secretary in consultation with the  
28 advisory committee.

29 (3) The standards and requirements for licensure established by the  
30 secretary must be substantially equal to the standards commonly  
31 accepted in the fields of orthotics and prosthetics.

32 (4) An applicant failing to make the required grade in the first  
33 examination may take up to three subsequent examinations as the  
34 applicant desires upon prepaying a fee, determined by the secretary  
35 under RCW 43.70.250, for each subsequent examination. Upon failing  
36 four examinations, the secretary may invalidate the original  
37 application and require remedial education before the person may take  
38 future examinations.



1 (5) The secretary may waive some of the education, examination, or  
2 experience requirements of this section if the secretary determines  
3 that the applicant meets alternative standards, established by the  
4 secretary through rule, that are substantially equivalent to the  
5 requirements in subsections (1) and (2) of this section.

6 NEW SECTION. **Sec. 9.** The secretary may grant a license without an  
7 examination for those applicants who have practiced full time for five  
8 of the six years prior to the effective date of this act and who have  
9 provided comprehensive orthotic or prosthetic, or orthotic and  
10 prosthetic, services in an established practice. This section applies  
11 only to those individuals who apply within one year of the effective  
12 date of this act.

13 NEW SECTION. **Sec. 10.** An applicant holding a license in another  
14 state or a territory of the United States may be licensed to practice  
15 in this state without examination if the secretary determines that the  
16 other jurisdiction's credentialing standards are substantially  
17 equivalent to the standards in this jurisdiction.

18 NEW SECTION. **Sec. 11.** The uniform disciplinary act, chapter  
19 18.130 RCW, governs the issuance and denial of licenses, unauthorized  
20 practice, and the discipline of persons licensed under this chapter.  
21 The secretary is the disciplining authority under this chapter.

22 NEW SECTION. **Sec. 12.** This chapter is known and may be cited as  
23 the orthotics and prosthetics practice act.

24 **Sec. 13.** RCW 18.130.040 and 1996 c 200 s 32 and 1996 c 81 s 5 are  
25 each reenacted and amended to read as follows:

26 (1) This chapter applies only to the secretary and the boards and  
27 commissions having jurisdiction in relation to the professions licensed  
28 under the chapters specified in this section. This chapter does not  
29 apply to any business or profession not licensed under the chapters  
30 specified in this section.

31 (2)(a) The secretary has authority under this chapter in relation  
32 to the following professions:

33 (i) Dispensing opticians licensed under chapter 18.34 RCW;

34 (ii) Naturopaths licensed under chapter 18.36A RCW;

1 (iii) Midwives licensed under chapter 18.50 RCW;  
2 (iv) Ocularists licensed under chapter 18.55 RCW;  
3 (v) Massage operators and businesses licensed under chapter 18.108  
4 RCW;  
5 (vi) Dental hygienists licensed under chapter 18.29 RCW;  
6 (vii) Acupuncturists licensed under chapter 18.06 RCW;  
7 (viii) Radiologic technologists certified and X-ray technicians  
8 registered under chapter 18.84 RCW;  
9 (ix) Respiratory care practitioners certified under chapter 18.89  
10 RCW;  
11 (x) Persons registered or certified under chapter 18.19 RCW;  
12 (xi) Persons registered as nursing pool operators under chapter  
13 18.52C RCW;  
14 (xii) Nursing assistants registered or certified under chapter  
15 18.79 RCW;  
16 (xiii) Health care assistants certified under chapter 18.135 RCW;  
17 (xiv) Dietitians and nutritionists certified under chapter 18.138  
18 RCW;  
19 (xv) Sex offender treatment providers certified under chapter  
20 18.155 RCW;  
21 (xvi) Persons licensed and certified under chapter 18.73 RCW or RCW  
22 18.71.205;  
23 (xvii) Persons registered as adult family home providers and  
24 resident managers under RCW 18.48.020; (~~and~~)  
25 (xviii) Denturists licensed under chapter 18.30 RCW; and  
26 (xix) Orthotists and prosthetists licensed under chapter 18.-- RCW  
27 (sections 2 through 12 of this act).  
28 (b) The boards and commissions having authority under this chapter  
29 are as follows:  
30 (i) The podiatric medical board as established in chapter 18.22  
31 RCW;  
32 (ii) The chiropractic quality assurance commission as established  
33 in chapter 18.25 RCW;  
34 (iii) The dental quality assurance commission as established in  
35 chapter 18.32 RCW;  
36 (iv) The board of hearing and speech as established in chapter  
37 18.35 RCW;  
38 (v) The board of examiners for nursing home administrators as  
39 established in chapter 18.52 RCW;

1 (vi) The optometry board as established in chapter 18.54 RCW  
2 governing licenses issued under chapter 18.53 RCW;

3 (vii) The board of osteopathic medicine and surgery as established  
4 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and  
5 18.57A RCW;

6 (viii) The board of pharmacy as established in chapter 18.64 RCW  
7 governing licenses issued under chapters 18.64 and 18.64A RCW;

8 (ix) The medical quality assurance commission as established in  
9 chapter 18.71 RCW governing licenses and registrations issued under  
10 chapters 18.71 and 18.71A RCW;

11 (x) The board of physical therapy as established in chapter 18.74  
12 RCW;

13 (xi) The board of occupational therapy practice as established in  
14 chapter 18.59 RCW;

15 (xii) The nursing care quality assurance commission as established  
16 in chapter 18.79 RCW governing licenses issued under that chapter;

17 (xiii) The examining board of psychology and its disciplinary  
18 committee as established in chapter 18.83 RCW; and

19 (xiv) The veterinary board of governors as established in chapter  
20 18.92 RCW.

21 (3) In addition to the authority to discipline license holders, the  
22 disciplining authority has the authority to grant or deny licenses  
23 based on the conditions and criteria established in this chapter and  
24 the chapters specified in subsection (2) of this section. This chapter  
25 also governs any investigation, hearing, or proceeding relating to  
26 denial of licensure or issuance of a license conditioned on the  
27 applicant's compliance with an order entered pursuant to RCW 18.130.160  
28 by the disciplining authority.

29 (4) All disciplining authorities shall adopt procedures to ensure  
30 substantially consistent application of this chapter, the Uniform  
31 Disciplinary Act, among the disciplining authorities listed in  
32 subsection (2) of this section.

33 NEW SECTION. **Sec. 14.** If any provision of this act or its  
34 application to any person or circumstance is held invalid, the  
35 remainder of the act or the application of the provision to other  
36 persons or circumstances is not affected.

1        NEW SECTION.    **Sec. 15.**    Sections 2 through 12 of this act  
2    constitute a new chapter in Title 18 RCW.

3        NEW SECTION.    **Sec. 16.**    Sections 1 through 5 and 8 through 12 of  
4    this act take effect December 1, 1998."

5        Correct the title accordingly.

--- END ---