S T A T E O F N E W Y O R K

7498

I N S E N A T E

May 5, 2016

Introduced by Sen. BOYLE -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to creating a license requirement for the profession of prosthetics

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The education law is amended by adding a new article 168 to read as follows:

ARTICLE 168
PROSTHETICS

SECTION 8820. INTRODUCTION.
8821. DEFINITION OF THE PRACTICE OF PROSTHETICS.
8822. STATE BOARD FOR PROSTHETICS.
8823. REQUIREMENTS FOR A PROFESSIONAL LICENSE.
8824. LIMITED PERMITS.
8825. EXEMPT PERSONS; SPECIAL PROVISIONS.

S 8820. INTRODUCTION. THIS ARTICLE APPLIES TO THE PROFESSION OF PROSTHETICS. THE GENERAL PROVISIONS FOR ALL PROFESSIONS CONTAINED IN ARTICLE ONE HUNDRED THIRTY OF THIS TITLE APPLY TO THIS ARTICLE.

S 8821. DEFINITION OF THE PRACTICE OF PROSTHETICS. THE PRACTICE OF THE PROFESSION OF PROSTHETICS IS DEFINED AS THE PRACTICE OF EVALUATING, TREATMENT FORMULATING, MEASURING, DESIGNING, FABRICATING, ASSEMBLING, FITTING, ADJUSTING, SERVICING, OR PROVIDING THE INITIAL TRAINING NECESSARY TO ACCOMPLISH THE FITTING OF A PROSTHESIS. A PROSTHESIS IS A CUSTOM-FABRICATED OR CUSTOM-FITTED MEDICAL DEVICE USED TO REPLACE A MISSING LIMB, APPENDAGE, OR OTHER EXTERNAL HUMAN BODY PART. IT DOES NOT INCLUDE SURGICALLY IMPLANTED DEVICES, ARTIFICIAL EYES, DENTAL APPLIANCES, OR COSMETIC DEVICES SUCH AS ARTIFICIAL BREASTS, EYELASHES, OR WIGS.

S 8822. STATE BOARD FOR PROSTHETICS. A STATE BOARD FOR PROSTHETICS SHALL BE APPOINTED BY THE BOARD OF REGENTS ON RECOMMENDATION OF THE COMMISSIONER FOR THE PURPOSE OF ASSISTING THE BOARD OF REGENTS AND THE DEPARTMENT ON MATTERS OF PROFESSIONAL LICENSING AND PROFESSIONAL CONDUCT IN ACCORDANCE WITH SECTION SIXTY-FIVE HUNDRED EIGHT OF THIS TITLE. THE

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD15130-01-6

BOARD SHALL BE COMPOSED OF NOT LESS THAN SEVEN PROSTHETISTS WHO SHALL HAVE BEEN RESIDENTS OF THIS STATE ENGAGED IN THE PRACTICE OF PROSTHETICS FOR AT LEAST FIVE YEARS IN THIS STATE. AN EXECUTIVE SECRETARY TO THE BOARD SHALL BE APPOINTED BY THE BOARD OF REGENTS ON RECOMMENDATION OF THE COMMISSIONER.

S 8823. REQUIREMENTS FOR A PROFESSIONAL LICENSE. TO QUALIFY FOR A LICENSE AS AN PROSTHETIST, AN APPLICANT SHALL FULFILL THE FOLLOWING REQUIREMENTS:

1. APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;

2. EDUCATION: HAVE RECEIVED A BACHELOR OF SCIENCE OR HIGHER-LEVEL POSTGRADUATE DEGREE IN PROSTHETICS FROM AN ACCREDITED COLLEGE OR UNIVERSITY RECOGNIZED BY THE COMMISSION ON ACCREDITATION OF ALLIED HEALTH EDUCATION PROGRAMS OR, AT A MINIMUM, A BACHELOR'S DEGREE FROM AN ACCREDITED COLLEGE OR UNIVERSITY AND A CERTIFICATE IN PROSTHETICS FROM A PROGRAM RECOGNIZED BY THE COMMISSION ON ACCREDITATION OF ALLIED HEALTH EDUCATION PROGRAMS, OR ITS EQUIVALENT, AS DETERMINED BY THE BOARD;

3. EXPERIENCE: HAVE EXPERIENCE SATISFACTORY TO THE BOARD AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

4. EXAMINATION: PASS AN EXAMINATION SATISFACTORY TO THE BOARD AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

5. AGE: BE AT LEAST EIGHTEEN YEARS OF AGE;

6. CITIZENSHIP: MEET NO REQUIREMENT AS TO UNITED STATES CITIZENSHIP;

7. CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPARTMENT; AND

8. FEES: PAY A FEE OF ONE HUNDRED SEVENTY DOLLARS TO THE DEPARTMENT FOR ADMISSION TO A DEPARTMENT CONDUCTED EXAMINATION AND FOR AN INITIAL LICENSE, A FEE OF EIGHTY-FIVE DOLLARS FOR EACH REEXAMINATION, A FEE OF ONE HUNDRED FIFTEEN DOLLARS FOR AN INITIAL LICENSE FOR PERSONS NOT REQUIRING ADMISSION TO A DEPARTMENT CONDUCTED EXAMINATION, AND A FEE OF ONE HUNDRED FIFTY-FIVE DOLLARS FOR EACH TRIENNIAL REGISTRATION PERIOD.

S 8824. LIMITED PERMITS. ON RECOMMENDATION OF THE BOARD, THE DEPARTMENT MAY ISSUE A LIMITED PERMIT TO PRACTICE AS A PROSTHETIST TO AN APPLICANT HOLDING A CERTIFICATE OR LICENSE TO PRACTICE PROSTHETICS ISSUED BY ANOTHER STATE OR COUNTRY, AND WHOSE QUALIFICATIONS HAVE BEEN APPROVED FOR ADMISSION TO THE EXAMINATION FOR A LICENSE AS A PROSTHETIST AND WHO HAS RESIDED IN THIS STATE FOR A PERIOD OF NOT MORE THAN SIX MONTHS PRIOR TO THE FILING OF SUCH APPLICATION. THE LIMITED PERMIT SHALL BE VALID FOR A PERIOD OF NOT MORE THAN TWELVE MONTHS, OR UNTIL TEN DAYS AFTER NOTIFICATION TO THE APPLICANT OF FAILURE OF THE PROFESSIONAL LICENSING EXAMINATION OR UNTIL THE RESULTS OF A LICENSING EXAMINATION FOR WHICH THE APPLICANT IS ELIGIBLE ARE OFFICIALLY RELEASED, WHICHEVER COMES FIRST.

S 8825. EXEMPT PERSONS; SPECIAL PROVISIONS. THIS ARTICLE SHALL NOT BE CONSTRUED TO AFFECT OR PREVENT:

1. A PERSON PERFORMING SERVICES FOR THE FEDERAL GOVERNMENT, IF THE PERSON PROVIDES PROSTHETIC CARE SOLELY UNDER THE DIRECTION OR CONTROL OF THE ORGANIZATION BY WHICH THAT PERSON IS EMPLOYED;

2. A STUDENT, FELLOW, OR TRAINEE IN PROSTHETICS PURSUING A COURSE OF STUDY AT AN ACCREDITED COLLEGE OR UNIVERSITY OR WORKING IN A RECOGNIZED TRAINING CENTER OR RESEARCH FACILITY, PROVIDED THE ACTIVITIES AND SERVICES ARE PART OF A REGULAR COURSE OF STUDY UNDER A SUPERVISOR LICENSED UNDER THIS ARTICLE;

3. AN INSTRUCTOR IN A REGIONALLY ACCREDITED UNIVERSITY OR COLLEGE, WHILE PERFORMING REGULARLY ASSIGNED WORK UNDER THE CURRICULUM OF SUCH A SCHOOL; OR

4. THIS ARTICLE DOES NOT REQUIRE AN ADDITIONAL LICENSE OF, OR REGULATE THE PRACTICE OF, ANY OTHER LICENSED HEALTH CARE PROFESSIONAL WITHIN THE STATE, OR PREVENT A QUALIFIED MEMBER OF ANY OTHER PROFESSION OR ANY PERSON EMPLOYED UNDER THE SUPERVISION OF SUCH A LICENSED PROFESSIONAL FROM DOING WORK OF A NATURE CONSISTENT WITH THAT PERSON'S TRAINING, AS LONG AS THE PERSON DOES NOT HOLD HIMSELF OR HERSELF OUT TO THE PUBLIC AS A LICENSEE UNDER THIS ARTICLE.

S 2. This act shall take effect immediately.