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

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2015-2016 Regular Sessions

I N A S S E M B L Y

April 2, 2015

Introduced by M. of A. GALEF, LAWRENCE -- Multi-Sponsored by -- M. of A. CROUCH -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to state licensure of orthopaedic technologists

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

ORTHOPAEDIC TECHNOLOGISTS

SECTION 8900. INTRODUCTION.
8901. DEFINITION OF THE PRACTICE OF ORTHOPAEDIC TECHNOLOGY.
8902. USE OF THE TITLE "ORTHOPAEDIC TECHNOLOGIST".
8903. REQUIREMENTS FOR PROFESSIONAL LICENSURE.
8904. LIMITED PERMITS.
8905. EXEMPTIONS.
8906. STATE BOARD.

S 8900. INTRODUCTION. THIS ARTICLE APPLIES TO THE PROFESSION OF ORTHOPAEDIC TECHNOLOGY AND TO THE USE OF THE TITLE "ORTHOPAEDIC TECHNOLOGIST". THE GENERAL PROVISIONS FOR ALL PROFESSIONS CONTAINED IN ARTICLE ONE HUNDRED THIRTY OF THIS TITLE SHALL APPLY TO THIS ARTICLE.

S 8901. DEFINITION OF THE PRACTICE OF ORTHOPAEDIC TECHNOLOGY. THE PRACTICE OF ORTHOPAEDIC TECHNOLOGY BY AN ORTHOPAEDIC TECHNOLOGIST SHALL MEAN THE PERFORMANCE OF THE FOLLOWING MEDICAL SERVICES UNDER THE SUPERVISION OF A PHYSICIAN OR SURGEON INVOLVED IN THE MUSCULOSKELETAL CARE OF PATIENTS:

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

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1. PATIENT ASSESSMENT FOR PURPOSES OF ORTHOPAEDIC PROCEDURES;
2. APPLYING AND REMOVING CASTS;
3. MEASURING AND FITTING PATIENTS FOR ORTHOPAEDIC BRACES, DEVICES, AND AMBULATORY AIDS;
4. ASSISTING IN THE APPLICATION, MAINTENANCE, AND ADJUSTMENT OF SKELETAL TRACTION;
5. FABRICATING AND APPLYING SPLINTS AND BANDAGES;
6. REMOVING SUTURES, STAPLES, AND PINS RELATED TO ORTHOPAEDIC PROCEDURES;
7. INSTRUCTING PATIENTS IN THE CARE OF CASTS, SPLINTS, BRACES, OR ORTHOPAEDIC DEVICES AND RELATED SKIN CARE; AND
8. ASSISTING A PHYSICIAN AND SURGEON IN ORTHOPAEDIC SURGICAL PROCEDURES.

FOR THE PURPOSES OF THIS ARTICLE, "SUPERVISION" SHALL MEAN A LICENSED PHYSICIAN OR SURGEON'S OVERSIGHT OF THE ACTIVITIES OF, AND RESPONSIBILITY FOR, THE MEDICAL SERVICES RENDERED BY AN ORTHOPAEDIC TECHNOLOGIST.

S 8902. USE OF THE TITLE "ORTHOPAEDIC TECHNOLOGIST". NO PERSON, OTHER THAN ONE WHO IS CURRENTLY CERTIFIED AS AN ORTHOPAEDIC TECHNOLOGIST, SHALL PRACTICE AS AN ORTHOPAEDIC TECHNICIAN OR IN A SIMILAR CAPACITY OR HOLD HIMSELF OR HERSELF OUT AS AN "ORTHOPAEDIC TECHNOLOGIST," OR SHALL USE ANY OTHER TERM INDICATING OR IMPLYING THAT HE OR SHE IS AN ORTHOPAEDIC TECHNOLOGIST.

S 8903. REQUIREMENTS FOR PROFESSIONAL LICENSURE. TO QUALIFY FOR CERTIFICATION AS A CERTIFIED ORTHOPAEDIC TECHNOLOGIST, AN APPLICANT SHALL FULFILL THE FOLLOWING REQUIREMENTS:

1. APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;
2. EXPERIENCE: HAVE EXPERIENCE IN THE PRACTICE OF ORTHOPAEDIC TECHNOLOGY SATISFACTORY TO THE BOARD AND THE DEPARTMENT IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;
3. EXAMINATION: PASS A NATIONAL BOARD FOR CERTIFICATION OF ORTHOPAEDIC TECHNOLOGISTS, INC. EXAMINATION ACCEPTABLE TO THE BOARD AND THE DEPARTMENT IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;
4. AGE: BE AT LEAST EIGHTEEN YEARS OF AGE;
5. CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPARTMENT; AND
6. FEE: PAY A FEE OF ONE HUNDRED SEVENTY-FIVE DOLLARS FOR AN INITIAL LICENSE AND A FEE OF EIGHTY-FIVE DOLLARS FOR EACH TRIENNIAL REGISTRATION PERIOD.

S 8904. LIMITED PERMITS. PERMITS LIMITED AS TO ELIGIBILITY, PRACTICE AND DURATION SHALL BE ISSUED BY THE DEPARTMENT TO ELIGIBLE APPLICANTS, AS FOLLOWS:

1. ELIGIBILITY. A PERSON WHO FULFILLS ALL REQUIREMENTS FOR A LICENSE AS A PROFESSIONAL ORTHOPAEDIC TECHNOLOGIST EXCEPT THOSE RELATING TO EXAMINATION OR EXPERIENCE SHALL BE ELIGIBLE FOR A LIMITED PERMIT;
2. LIMIT OF PRACTICE. A PERMITTEE SHALL BE AUTHORIZED TO PRACTICE ORTHOPAEDIC TECHNOLOGY ONLY UNDER THE DIRECT AND IMMEDIATE SUPERVISION OF A LICENSED OR CERTIFIED ORTHOPAEDIC TECHNOLOGIST OR ORTHOPEDIC SURGEON;
3. DURATION. A LIMITED PERMIT SHALL BE VALID FOR TWO YEARS. IT MAY BE RENEWED BIENNIALLY AT THE DISCRETION OF THE DEPARTMENT; AND
4. FEE. THE FEE FOR EACH LIMITED PERMIT AND FOR EACH RENEWAL SHALL BE SIXTY DOLLARS.

S 8905. EXEMPTIONS. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO AFFECT, PREVENT OR IN ANY MANNER EXPAND OR LIMIT THE AUTHORITY OF ANY PERSON OTHERWISE AUTHORIZED BY LAW OR REGULATION TO PRACTICE ANY FUNCTION OF AN ORTHOPAEDIC TECHNOLOGIST.

S 8906. STATE BOARD. A STATE BOARD FOR ORTHOPAEDIC TECHNOLOGY 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 BOARD SHALL BE COMPOSED OF AT LEAST THREE LICENSED ORTHOPAEDIC TECHNOLOGISTS AND AT LEAST THREE PUBLIC REPRESENTATIVES WHO DO NOT HOLD INTERESTS IN THE ORGANIZATION, FINANCING, OR DELIVERY OF ORTHOPAEDIC TECHNOLOGIES. ADDITIONALLY, THE BOARD SHALL CONTAIN NO LESS THAN TWO ORTHOPEDIC SURGEONS. MEMBERS OF THE FIRST BOARD NEED NOT BE LICENSED PRIOR TO THEIR APPOINTMENT TO THE BOARD. THE TERMS OF THE FIRST APPOINTED MEMBERS SHALL NOT EXCEED FIVE YEARS AND MAY BE RENEWED FOR A PERIOD OF THREE ADDITIONAL YEARS AT THE DISCRETION OF THE COMMISSIONER.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.