

STATE OF NEW YORK

5557

2019-2020 Regular Sessions

IN ASSEMBLY

February 13, 2019

Introduced by M. of A. GALEF, ORTIZ, D'URSO, HYNDMAN, CROUCH -- Multi-Sponsored by -- M. of A. MORINELLO -- read once and referred to the Committee on Higher Education

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:

1 Section 1. The education law is amended by adding a new article 169 to
2 read as follows:

ARTICLE 169

ORTHOPAEDIC TECHNOLOGISTS

Section 8900. Introduction.

6 8901. Definition of the practice of orthopaedic technology.

7 8902. Use of the title "orthopaedic technologist".

8 8903. Requirements for professional licensure.

9 8904. Limited permits.

10 8905. Exemptions.

11 8906. State board.

12 § 8900. Introduction. This article applies to the profession of ortho-
13 paedic technology and to the use of the title "orthopaedic technolo-
14 gist". The general provisions for all professions contained in article
15 one hundred thirty of this title shall apply to this article.

16 § 8901. Definition of the practice of orthopaedic technology. The
17 practice of orthopaedic technology by an orthopaedic technologist shall
18 mean the performance of the following medical services under the super-
19 vision of a physician or surgeon involved in the musculoskeletal care of
20 patients:

21 1. Patient assessment for purposes of orthopaedic procedures;

22 2. Applying and removing casts;

23 3. Measuring and fitting patients for orthopaedic braces, devices, and
24 ambulatory aids;

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

LBD09785-01-9

1 4. Assisting in the application, maintenance, and adjustment of ortho-
2 paedic traction;

3 5. Fabricating and applying splints and bandages;

4 6. Removing sutures, staples, and pins related to orthopaedic proce-
5 dures;

6 7. Instructing patients in the care of casts, splints, braces, or
7 orthopaedic devices and related skin care; and

8 8. Assisting a physician and surgeon in orthopaedic surgical proce-
9 dures.

10 For the purposes of this article, "supervision" shall mean a licensed
11 physician or surgeon's oversight of the activities of, and responsibil-
12 ity for, the medical services rendered by an orthopaedic technologist.

13 § 8902. Use of the title "orthopaedic technologist". No person, other
14 than one who is currently certified as an orthopaedic technologist,
15 shall practice as an orthopaedic technologist or in a similar capacity
16 or hold himself or herself out as an "orthopaedic technologist," or
17 shall use any other term indicating or implying that he or she is an
18 orthopaedic technologist.

19 § 8903. Requirements for professional licensure. To qualify for
20 certification as a certified orthopaedic technologist, an applicant
21 shall fulfill the following requirements:

22 1. Application: file an application with the department;

23 2. Experience: have experience in the practice of orthopaedic technol-
24 ogy satisfactory to the board and the department in accordance with the
25 commissioner's regulations;

26 3. Examination: pass a National Board for Certification of Orthopaedic
27 Technologists, Inc.'s. examination in accordance with the commissioner's
28 regulations;

29 4. Age: be at least eighteen years of age;

30 5. Character: be of good moral character as determined by the depart-
31 ment; and

32 6. Fee: pay a fee of one hundred seventy-five dollars for an initial
33 license and a fee of eighty-five dollars for each triennial registration
34 period.

35 § 8904. Limited permits. Permits limited as to eligibility, practice
36 and duration shall be issued by the department to eligible applicants,
37 as follows:

38 1. Eligibility. A person who fulfills all requirements for a license
39 as a professional orthopaedic technologist except those relating to
40 examination or experience shall be eligible for a limited permit;

41 2. Limit of practice. A permittee shall be authorized to practice
42 orthopaedic technology under the direction of an available licensed or
43 certified orthopaedic technologist or orthopaedic surgeon;

44 3. Duration. A limited permit shall be valid for two years with the
45 successful completion of forty hours of continuing education units in
46 orthopaedic technology. Continuing education units must be submitted to
47 the National Board for Certification of Orthopaedic Technologists, Inc.
48 At the completion of the forty hours of continuing education, the
49 National Board for Certification of Orthopaedic Technologists, Inc. will
50 present to the limited permittee an official letter confirming continu-
51 ing education has been completed, which will be filed with the state.
52 The limited permit may be renewed biennially at the discretion of the
53 department. The permittee can renew up to three consecutive times; after
54 that timeframe the permittee must pass the National Board for Certif-
55 ication of Orthopaedic Technologists, Inc.'s. examination; and

1 4. Fee. The fee for each limited permit and for each renewal shall be
2 sixty dollars.

3 § 8905. Exemptions. Nothing in this article shall be construed to
4 affect, prevent or in any manner expand or limit the authority of any
5 person otherwise authorized by law or regulation to practice any func-
6 tion of an orthopaedic technologist.

7 § 8906. State board. A state board for orthopaedic technology shall be
8 appointed by the board of regents on recommendation of the commissioner
9 for the purpose of assisting the board of regents and the department on
10 matters of professional licensing and professional conduct in accordance
11 with section sixty-five hundred eight of this title. The board shall be
12 composed of at least three licensed orthopaedic technologists and at
13 least three public representatives who do not hold interests in the
14 organization, financing, or delivery of orthopaedic technologies. Addi-
15 tionally, the board shall contain no less than two orthopedic surgeons.
16 Members of the first board need not be licensed prior to their appoint-
17 ment to the board. The terms of the first appointed members shall not
18 exceed five years and may be renewed for a period of three additional
19 years at the discretion of the commissioner.

20 § 2. This act shall take effect on the first of January next succeed-
21 ing the date on which it shall have become a law.