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:

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

ARTICLE 169

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.

§ 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.

§ 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:

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;

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

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4. Assisting in the application, maintenance, and adjustment of orthopaedic 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.

§ 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 technologist 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.

§ 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's. examination 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.

§ 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 under the direction of an available licensed or certified orthopaedic technologist or orthopaedic surgeon;

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

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

§ 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.

§ 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.

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