

**CHAPTER 44H**  
**ORTHOTICS AND PROSTHETICS**  
**BOARD OF EXAMINERS**

**Authority**

N.J.S.A. 45:12B-26.

**Source and Effective Date**

R.1998 d.79, effective February 2, 1998.  
See: 29 N.J.R. 310(a), 29 N.J.R. 2259(a), 30 N.J.R. 553(a).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 44H, Orthotics and Prosthetics Board of Examiners, expires on August 1, 2003. See: 35 N.J.R. 1200(a).

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**SUBCHAPTER 1. PURPOSE AND SCOPE;  
DEFINITIONS**

**13:44H-1.1 Purpose and scope**

(a) The rules in this chapter implement the provisions of the Orthotist and Prosthetist Licensing Act (the Act), N.J.S.A. 45:12B-1 et seq. as amended by P.L. 1999, c.115, regulate the practice of orthotics and prosthetics, and offer licensure to certified pedorthists within this State.

(b) Except as set forth in (c) below, this chapter shall apply to all individuals who practice orthotics and prosthetics in New Jersey, and to those pedorthists certified by the American Board for Certification in Pedorthics who voluntarily obtain a license pursuant to N.J.S.A. 45:12B-18(d) and N.J.A.C. 13:44H-3.2.

(c) This chapter shall not apply to:

1. Any person who is licensed to practice medicine and surgery, dentistry or podiatry in this State;

2. A student, fellow or trainee in orthotics or prosthetics who is pursuing a course of study at a college or university accredited by an accrediting agency recognized by the United States Department of Education, or working in a training center or research facility which has a written affiliation agreement with a college or university accredited by an accrediting agency recognized by the United States Department of Education, to the extent

that the activities and services performed are a part of the course of study under the supervision of a licensee pursuant to N.J.A.C. 13:44H-3.6;

3. A student who, pursuant to N.J.A.C. 13:44H-3.5, is training to be a licensed prosthetist assistant, a licensed orthotist assistant or a licensed prosthetist-orthotist assistant to the extent that the activities and services are a part of the course of study under the supervision of a licensee pursuant to N.J.A.C. 13:44H-3.6;

4. A licensed occupational therapist or licensed physical therapist when designing, modifying, fabricating or applying upper extremity adaptive equipment, finger splints and hand splints;

5. A licensed physical therapist in providing corsets and soft cervical collars;

6. A licensed physical therapist in providing lower extremity orthotics made of fabric, canvas, neoprene or elastic with or without metal or plastic insertable or removable hinges or stays;

7. A licensed physical therapist in providing any lower extremity, low temperature splint or ankle foot orthotic when such bracing is for the evaluation or treatment of an adult patient for less than three months or for a pediatric patient for less than one year without the necessity to consult with a licensed orthotist and when the braces do not become the patient's property;

8. A licensed physical therapist in providing any off-the-shelf ankle foot orthosis made of fabric, canvas, neoprene or elastic and any low temperature posterior leaf ankle foot orthosis;

9. A licensed physical therapist in providing any high temperature posterior leaf ankle foot orthosis when the licensed physical therapist is conducting research at a college or university accredited by a regional or national accrediting agency recognized by the United States Department of Education;

10. A licensed physical therapist in managing lower extremity prosthetic volumetric changes, provided that the physical therapist consults with the dispensing prosthetist prior to implementing any non-reversible changes; and

11. A certified pedorthist whose activities are limited to the practice of orthotics and prosthetics for the ankle and below.

Amended by R.2002 d.196, effective June 17, 2002.

See: 33 N.J.R. 1864(a), 34 N.J.R. 2129(a).

In (a), inserted "as amended by P.L. 1999, c.115," preceding "regulate"; rewrote (c).

### 13:44H-1.2 Definitions

The following words and terms, as used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Ankle" means the proximal aspect of the medial malleoli.

"Brace" means any device which supports the trunk or limbs, limits or assists motion in any direction, or immobilizes, stabilizes and protects joints, trunk, head and neck.

"Established facility" means a facility that:

1. Is primarily devoted to the provision of orthotic or prosthetic devices;

2. Provides a dedicated area for the proper care, treatment and dignity of clients receiving such devices; such area shall be large enough to allow for extended and continuous ambulation; and

3. Is appropriately equipped to design, cast and measure, provide, service, adjust, maintain and replace (when necessary) orthotic and prosthetic devices.

"Orthotic appliance or orthosis" means a brace or support but does not include fabric and elastic supports, corsets, arch supports, trusses, elastic hose, canes, crutches, cervical collars, dental appliances or other similar devices carried in stock and sold by drug stores, department stores, corset shops or surgical supply facilities.

"Orthotist" means any person who practices orthotics and who is representing himself or herself to the public by title or by description of services, incorporating such terms as "orthotics," "orthotists," "orthotic" or "L.O." or any similar title or description of services, provided that the individual has met the eligibility requirements contained in N.J.S.A. 45:12B-11 and N.J.A.C. 13:44H-3.1, and has been licensed pursuant to N.J.S.A. 45:12B-1 et seq. and this chapter.

"Orthotist assistant" means a person licensed pursuant to the provisions of P.L. 1991, c.512 and N.J.A.C. 13:44H-3.5, and who assists, and practices under the supervision of, a licensed orthotist.

"Pedorthist" means a person who is certified by the American Board for Certification in Pedorthics, or its successor, in the design, manufacture, fit and modification of shoes and related foot appliances from the ankle and below as prescribed by a licensed doctor of medicine or podiatry for the amelioration of painful or disabling conditions of the foot.

"Prosthetic appliance" means any artificial device that is not surgically implanted and that is used to replace a missing limb, appendage, or any other external human body part including devices such as artificial limbs, hands, fingers, feet and toes, but excluding dental appliances and largely cosmetic devices such as artificial breasts, eyelashes, wigs and other devices which could not by their use have a significantly detrimental impact upon the musculoskeletal functions of the body.

“Prosthetist” means a person who practices prosthetics and who represents himself or herself to the public by title or by description of services, under a title incorporating such terms as “prosthetics,” “prosthetist,” “prosthetic” or “L.P.” or any similar title or description of services, provided that the individual has met the eligibility requirements contained in N.J.S.A. 45:12B-11 and N.J.A.C. 13:44H-3.1, and has been licensed pursuant to N.J.S.A. 45:12B-1 et seq. and this chapter.

“Prosthetist assistant” means a person who is licensed pursuant to the provisions of P.L. 1991, c.512 and N.J.A.C. 13:44H-3.5, and who assists, and practices under the supervision of, a licensed prosthetist.

“Prosthetist-orthotist” means any person who practices both disciplines of prosthetics and orthotics and who represents himself or herself to the public by title or by description of services, under any title incorporating such terms as “prosthetics-orthotics,” “prosthetist-orthotist,” “prosthetic-orthotic” or “L.P.O.” or any similar title or description of services, provided that the individual has met the eligibility requirements contained in N.J.S.A. 45:12B-11 and N.J.A.C. 13:44H-3.1, and has been duly licensed in both disciplines of prosthetics and orthotics pursuant to N.J.S.A. 45:12B-1 et seq. and this chapter.

“Prosthetist-orthotist assistant” means a person who is licensed pursuant to the provisions of P.L. 1991, c.512 and N.J.A.C. 13:44H-3.5, and who assists, and practices under the supervision of, a licensed prosthetist-orthotist.

“Support” means a device to redistribute the load for, or make stable or secure, a weakened or injured limb, trunk, head or neck.

Amended by R.2002 d.196, effective June 17, 2002.  
See: 33 N.J.R. 1864(a), 34 N.J.R. 2129(a).

Added “Orthotist”, “Orthotist assistant”, “Pedorthist”, “Prosthetist”, “Prosthetist assistant”, “Prosthetist-orthotist” and “prosthetist-orthotist assistant”.

SUBCHAPTER 2. SCOPE OF PRACTICE

**13:44H-2.1 Scope of orthotist practice; orthotist assistant**

(a) The scope of practice of a licensed orthotist shall include patient evaluation for, and the measuring, designing, constructing, assembling, fitting, adjusting and servicing of, orthotic appliances or orthoses, which are prescribed by a licensed physician, podiatrist or dentist for the correction or alleviation of musculoskeletal diseases, injuries or deformities.

(b) A licensed orthotist may employ a licensed orthotist assistant for the molding, painting, cutting, mixing, grinding, polishing, sewing, laminating, gluing, screwing, riveting, fastening or vacuum forming of an orthotic appliance or

orthosis, which tasks must be performed under the supervision of a licensed orthotist pursuant to N.J.A.C. 13:44H-3.6.

Amended by R.2002 d.196, effective June 17, 2002.  
See: 33 N.J.R. 1864(a), 34 N.J.R. 2129(a).

Rewrote (a); in (b), substituted “a licensed orthotist assistant for” for “a technician only for” and “a licensed orthotist pursuant to N.J.A.C. 13:44H-3.6” for “a Board licensee”.

**13:44H-2.2 Scope of prosthetist practice; prosthetist assistant**

(a) The scope of practice of a licensed prosthetist shall include patient evaluation for, and the measuring, designing, constructing, assembling, fitting, adjusting and servicing of, any type of upper and lower extremity prosthetic appliance prescribed by a physician licensed to practice medicine or surgery or a licensed doctor of podiatric medicine.

(b) A licensed prosthetist may employ a prosthetist assistant for the molding, painting, cutting, mixing, grinding, polishing, sewing, laminating, gluing, screwing, riveting, fastening or vacuum forming of any type of upper and lower extremity prosthetic appliance which tasks shall be performed under the supervision of a prosthetist pursuant to N.J.A.C. 13:44H-3.6.

Amended by R.2002 d.196, effective June 17, 2002.  
See: 33 N.J.R. 1864(a), 34 N.J.R. 2129(a).

Rewrote the section.

**13:44H-2.3 Limited practice by certified pedorthists**

The scope of practice of a certified pedorthist granted a license pursuant to N.J.A.C. 13:44H-3.2 shall be limited to the design, manufacture, fit and modification of shoes and related foot appliances which extend from the ankle and below and which are prescribed by a physician licensed to practice medicine or surgery or a licensed doctor of podiatric medicine for the amelioration of painful or disabling conditions of the foot. “Foot appliances” for the purposes of this section include prosthetic fillers and orthotic appliances for use from the ankle and below.

Amended by R.2002 d.196, effective June 17, 2002.  
See: 33 N.J.R. 1864(a), 34 N.J.R. 2129(a).

Rewrote the section.

**13:44H-2.4 Prohibited practice; practice as an orthotist assistant, prosthetist assistant or a prosthetist-orthotist assistant**

(a) No person may practice, attempt to practice, or hold oneself out as being able to practice orthotics, prosthetics or prosthetics-orthotics or hold oneself out as being able to act, or act, as an orthotist assistant, prosthetist assistant or a prosthetist-orthotist assistant without having obtained a license pursuant to N.J.S.A. 45:12B-1 et seq. and this chapter.

(b) No licensed orthotist, prosthetist or prosthetist-orthotist may employ a person to practice as an orthotist, prosthetist, prosthetist-orthotist, orthotist assistant, prosthetist assis-

tant or a prosthetist-orthotist assistant unless that person has obtained a license pursuant to N.J.S.A. 45:12B-1 et seq. and this chapter.

New Rule, R.2002 d.196, effective June 17, 2002.  
See: 33 N.J.R. 1864(a), 34 N.J.R. 2129(a).

SUBCHAPTER 3. CREDENTIALS REQUIRED  
FOR LICENSURE; TEMPORARY  
LICENSURE REQUIREMENTS; LICENSURE  
WITHOUT EXAMINATION; ORTHOTISTS  
AND PROSTHETISTS

**13:44H-3.1 Requirements for orthotists, prosthetists and prosthetists-orthotists**

(a) A person who wishes to be licensed as an orthotist, prosthetist or prosthetist-orthotist shall successfully complete the examination given by the American Board for Certification in Orthotics and Prosthetics or its successor.

(b) An applicant for licensure as an orthotist, prosthetist or prosthetist-orthotist shall submit to the Board the following:

1. A completed application which shall include:

i. Notarized documentation indicating that the applicant received a bachelor's degree or its equivalent from a college or university accredited by a regional or national accrediting agency recognized by the United States Department of Education which shall be forwarded to the Board by the college or university; and

ii. Notarized documentation which indicates that the applicant has completed a clinical internship in the professional area for which a license is sought of at least 1,900 hours under the supervision of a licensee pursuant to N.J.A.C. 13:44H-3.6;

2. The application fee set forth in N.J.A.C. 13:44H-10.1; and

3. Proof that the applicant has successfully completed the licensing examination required by (a) above.

(c) An applicant for licensure as an orthotist, prosthetist or prosthetist-orthotist, who applies by June 17, 2007, may qualify for licensure by submitting the following to the Board:

1. Notarized documentation of an associates degree, with satisfactory completion of course work in biology, anatomy and physiology, physics, and chemistry, from a college or university accredited by a regional or national accrediting agency recognized by the United States Department of Education;

2. Notarized documentation that the applicants has completed a clinical internship, in the professional area for which licensure is sought, of at least 1,900 hours under the supervision of a licensee pursuant to N.J.A.C. 13:44H-3.6;

3. The application fee set forth in N.J.A.C. 13:44H-10.1; and

4. Proof that the applicant has successfully completed the licensing examination required in (a) above.

(d) A person who applies for licensure as an orthotist, a prosthetist or a prosthetist-orthotist by June 17, 2003 and who has completed 1,900 hours of clinical practice under the supervision of a person who is not a licensed orthotist, a licensed prosthetist or a licensed prosthetist-orthotist within the three years preceding June 17, 2002 shall qualify for licensure as an orthotist, a prosthetist or a prosthetist-orthotist if he or she can show that the supervisor would qualify for licensure pursuant to N.J.A.C. 13:44H-3.3.

(e) Foreign-trained applicants shall obtain an evaluation of their professional educational and professional experience credentials from a credentialing agency recognized by the American Board for Certification in Orthotics and Prosthetics, its successor or the International Society of Prosthetists and Orthotists. The Board shall accept only an evaluation which is sent to the Board by the credentialing agency. Upon receipt of the evaluation by the Board, the Board shall review the evaluation and determine whether the applicant's education and experience credentials are substantially equivalent to those required in (a)1 above.

Amended by R.2002 d.196, effective June 17, 2002.  
See: 33 N.J.R. 1864(a), 34 N.J.R. 2129(a).

Rewrote the section.

**13:44H-3.2 Requirements for licensure of certified pedorthist**

(a) A certified pedorthist who seeks licensure shall submit to the Board the following:

1. A completed and notarized application form;

2. The application fee set forth in N.J.A.C. 13:44H-10.1; and

3. Proof of certification by the American Board for Certification of Pedorthists or its successor sent to the Board by the American Board for Certification of Pedorthists.

Amended by R.2002 d.196, effective June 17, 2002.  
See: 33 N.J.R. 1864(a), 34 N.J.R. 2129(a).

In (a), substituted "who seeks" for "seeking", deleted "pursuant to this chapter" and inserted "to the Board" preceding "submit", in the introductory paragraph, rewrote 1, in 2, amended N.J.A.C. reference in 2, deleted "directly" in 3.

Sec: 33 N.J.R. 1864(a), 34 N.J.R. 2129(a).  
 Section was "Failure of examination; when retaking permitted".

**13:44H-3.7 Licensing and biennial renewal**

(a) Once the Board has determined that an applicant should be issued a license, it shall send notification to the applicant that he or she should send the Board the licensing fee pursuant to N.J.A.C. 13:44H-10.1(a)3, for orthotists, prosthetists and prosthetist-orthotists, or N.J.A.C. 13:44H-10.1(a)4, for orthotist assistants, prosthetist assistants or prosthetist-orthotist assistants. The Board shall send a license to the applicant upon receipt of this fee.

(b) Licenses shall be valid for two years. Prior to the expiration of a license, the Board shall send out notification to licensees that the license will expire unless renewed. The Board shall renew the license upon receipt of a completed renewal form and the renewal fee pursuant to N.J.A.C. 13:44H-10.1(a)5, for orthotists, prosthetists and prosthetist-orthotists, or N.J.A.C. 13:44H-10.2(a)6, for orthotist assistants, prosthetist assistants or prosthetist-orthotist assistants.

New Rule, R.2002 d.196, effective June 17, 2002.  
 Sec: 33 N.J.R. 1864(a), 34 N.J.R. 2129(a).

**SUBCHAPTER 4. (RESERVED)**

**Subchapter Historical Note**

Subchapter 4, Clinical Residency in New Jersey for Orthotics and Prosthetics, was repealed by R.2002 d.196, effective June 17, 2002.  
 Sec: 33 N.J.R. 1864(a), 34 N.J.R. 2129(a).

**SUBCHAPTER 5. ORTHOTIC AND PROSTHETIC ESTABLISHED FACILITY REQUIREMENTS**

**13:44H-5.1 Minimum requirement**

(a) Every established orthotic facility which utilizes centralized fabrication services shall, at a minimum, be equipped with the following:

1. A Trautman router (or similar);
2. A machinist vise;
3. A drill press;
4. Compressed air;
5. A sewing machine;
6. A plaster modification area;
7. Plaster tools;
8. A work bench;
9. A sanding machine;

10. A band saw or alternate cutting device;
11. A heat gun;
12. A cast cutter;
13. Bending irons;
14. One full length mirror; and
15. One set of parallel bars at least seven feet long.

(b) Every established orthotic facility which engages in on-site fabrication shall, in addition to the equipment listed in (a) above, be equipped with the following:

1. An oven;
2. Exhaust equipment;
3. A molding station;
4. A vacuum pump;
5. Joint alignment tools;
6. A shoe jack; and
7. A sandblaster or polishing equipment.

(c) Every established prosthetic facility which utilizes centralized fabrication services shall, in addition to the equipment listed in (a) above, be equipped with the following:

1. A limb vise; and
2. A sanding disc.

(d) Every established prosthetic facility which engages in on-site fabrication shall, in addition to the equipment listed in (a) above, be equipped with the following:

1. A limb transfer jig;
2. An oven;
3. A molding station;
4. A vacuum pump;
5. Compressed air;
6. A limb vise;
7. A sanding disc; and
8. Exhaust equipment.

(e) Every established pedorthic facility, wherein a licensed pedorthist engages in the practice of pedorthics, shall meet the facility accreditation requirements set forth by the American Board for Certification in Pedorthics ("BCP").

**SUBCHAPTER 6. GENERAL OBLIGATIONS OF  
LICENSEES AND CERTIFICATE HOLDERS;  
UNLICENSED PRACTICE**

**13:44H-6.1 Notification of change of address; service of  
process; duty to cooperate**

(a) Every licensee shall notify the Board of the licensee's office address. Each licensee shall notify the Board, in writing, within 30 days of any change in the office address on file with the Board.

(b) Service of an administrative complaint or other process initiated by the Board, the Attorney General or the Division of Consumer Affairs at the licensed practitioner's address on file with the Board shall be deemed adequate notice for the commencement of any inquiry or disciplinary proceeding against the licensed practitioner.

(c) Every licensee shall cooperate in any inquiry, inspection or investigation conducted by or on behalf of the Board or the Director pursuant to N.J.A.C. 13:45C.

**13:44H-6.2 Unlicensed practice of prosthetics, orthotics  
and prosthetics-orthotics**

(a) The following acts or practices shall be deemed to be the unlicensed practice of prosthetics, orthotics and prosthetics-orthotics:

1. Offering or rendering orthotics or prosthetics services by any person other than a licensed orthotist, licensed prosthetist, licensed prosthetist-orthotist, certified pedorthist, pedorthist licensed to the practice of orthotics and prosthetics on the ankle and below, licensed orthotist assistant, a licensed prosthetist, a licensed prosthetist-orthotist assistant or by a licensed professional acting within his or her scope of practice and exempt pursuant to N.J.A.C. 13:44H-1.1(c).

2. The use by any person other than a licensed orthotist, prosthetist or prosthetist-orthotist of:

i. Any title or designation which includes the words orthotist, prosthetist or prosthetist-orthotist which may mislead the public; or

ii. The abbreviations L.O., L.P., L.P.O. or any similar abbreviations.

(b) A licensee shall use only the title or designation corresponding to his or her license.

Amended by R.2002 d.196, effective June 17, 2002.

See: 33 N.J.R. 1864(a), 34 N.J.R. 2129(a).

In (a)1, inserted " , licensed orthotist assistant, a licensed prosthetist, a licensed prosthetist-orthotist assistant" preceding "or by a licensed professional" and amended N.J.A.C. reference.

**SUBCHAPTER 7. BUSINESS PRACTICES;  
PROFESSIONAL CONDUCT**

**13:44H-7.1 Display of notice of licensure; notification of  
availability of fee information**

(a) All licensed orthotists, prosthetists, prosthetist-orthotist, licensed orthotist assistants, licensed prosthetist assistants, licensed prosthetist-orthotist assistants and pedorthists licensed to practice orthotics and prosthetics to the ankle and below shall ensure that the following notices are prominently displayed in a waiting room or other area where they will be visible to patients to provide actual notice to the patient:

1. "ORTHOTISTS, PROSTHETISTS, PROSTHETIST-ORTHOTISTS, ORTHOTIST ASSISTANTS, PROSTHETIST ASSISTANTS AND PROSTHETIST-ORTHOTIST ASSISTANTS ARE LICENSED BY THE ORTHOTICS AND PROSTHETICS BOARD OF EXAMINERS, AN AGENCY OF THE DIVISION OF CONSUMER AFFAIRS. CERTIFIED PEDORTHISTS MAY OBTAIN VOLUNTARY LICENSURE TO PRACTICE ORTHOTICS AND PROSTHETICS TO THE ANKLE AND BELOW. ANY MEMBER OF THE PUBLIC MAY NOTIFY THE BOARD OF ANY COMPLAINT RELATIVE TO THE PRACTICE CONDUCTED BY AN ORTHOTIST, PROSTHETIST, PROSTHETIST-ORTHOTIST, ORTHOTIST ASSISTANT, PROSTHETIST ASSISTANT, PROSTHETIST-ORTHOTIST ASSISTANT OR A CERTIFIED PEDORTHIST LICENSED BY THE ORTHOTICS AND PROSTHETICS BOARD OF EXAMINERS. THE BOARD'S ADDRESS IS:

NEW JERSEY DIVISION OF CONSUMER AFFAIRS  
ORTHOTICS AND PROSTHETICS BOARD  
OF EXAMINERS  
PO BOX 45034  
124 HALSEY STREET  
NEWARK, NEW JERSEY 07101"

2. "INFORMATION ON PROFESSIONAL FEES IS AVAILABLE UPON REQUEST FROM THIS OFFICE."

Amended by R.2002 d.196, effective June 17, 2002.

See: 33 N.J.R. 1864(a), 34 N.J.R. 2129(a).

In (a), inserted " , licensed orthotist assistants, licensed prosthetist assistants, licensed prosthetist-orthotist assistants" preceding "and pedorthists" and "to provide actual notice to the patient" following "patients" in the introductory paragraph and inserted references to orthotist assistants, prosthetist assistants and prosthetist-orthotist assistants throughout in 1.

**13:44H-7.2 Excessive fees**

(a) A licensee shall not charge an excessive fee for services. Factors which the Board may consider in determining whether a fee is excessive include the following: