

CHAPTER 44H
ORTHOTICS AND PROSTHETICS
BOARD OF EXAMINERS

Authority

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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., 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 those individuals exempt from the provisions of the Act pursuant to N.J.S.A. 45:12B-18.

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.

“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.

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

SUBCHAPTER 2. SCOPE OF PRACTICE**13:44H-2.1 Practice as an orthotist; scope; use of a technician**

(a) The scope of practice of a licensed orthotist shall include, but not be limited to, patient evaluation, measuring, designing, constructing, assembling, fitting, adjusting and servicing an orthotic appliance or orthosis, which is prescribed by a licensed physician, podiatrist or dentist for the correction or alleviation of musculoskeletal diseases, pain, injuries or deformities.

(b) A licensed orthotist may employ a technician only 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 Board licensee.

13:44H-2.2 Practice as a prosthetist; scope; use of a technician

(a) The scope of practice of a licensed prosthetist shall include, but not be limited to, patient evaluation, measuring, designing, constructing, assembling, fitting, adjusting and servicing any type of upper and lower extremity prosthetic appliance as defined in N.J.S.A. 45:12B-3, prescribed by a licensed physician or podiatrist.

(b) A licensed prosthetist may employ a technician only 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 as defined in N.J.S.A. 45:12B-3, which tasks must be performed under the supervision of a Board licensee.

13:44H-2.3 Limited practice by certified pedorthists

(a) 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 do not extend above the ankle and which are prescribed by a licensed physician or podiatrist for the amelioration of painful or disabling conditions of the foot. “Foot appliances,” for the purposes of this section include, but are not limited to, prosthetic fillers and orthotic appliances for use from the ankle and below.

(b) A pedorthist licensed pursuant to this chapter may employ a technician only for the molding, painting, cutting, mixing, grinding, polishing, sewing, laminating, gluing, screwing, riveting, fastening or vacuum forming of shoes or foot appliances which do not extend above the ankle, which tasks must be performed under the supervision of a Board licensee.

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) 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. Documentation of applicant's education including transcripts indicating that the applicant received a bachelor's degree or its equivalent from an accredited college or university approved by the Commission on Higher Education or its successor which must be forwarded to the Board directly by the college or university; and

ii. Documentation which indicates the applicant has completed formal training consisting of a certificate program in orthotics or prosthetics from a program accredited by the Commission on Accreditation of Allied Health Education Programs ("CAAHEP") which must be forwarded to the Board directly by the program sponsor. The Board shall recognize programs whose applications in pursuit of accreditation have been accepted by CAAHEP. However, such recognition will be withdrawn if the program fails to gain accreditation within a two year period. An applicant whose bachelor's degree included a CAAHEP-approved major in orthotics and prosthetics shall be deemed to have met this requirement;

2. The application fee set forth in N.J.A.C. 13:44H-12.1;

3. Foreign-trained applicants shall obtain an evaluation of their professional educational and professional experience credentials from a Board-recognized credentialing agency. The Board shall accept only an evaluation which is sent directly to the Board by the credentialing agency. Upon receipt of said evaluation, the Board shall determine whether the applicant's educational and experience credentials are substantially equivalent to those required in (a)1 above;

4. A supervisor's certification indicating that the applicant has completed, subsequent to graduation from an accredited degree or certificate program in orthotics or prosthetics and within the five-year period immediately preceding application, a one-year internship or clinical residency in the professional area for which licensure is sought, pursuant to the standards set forth in N.J.A.C. 13:44H-4. The Board shall accept only a certification which is sent directly to the Board by the internship or residency sponsor. An applicant for a prosthetist-orthotist license shall be required to document completion of a one-year residency or internship in orthotics and a one-year residency or internship in prosthetics; and

5. (Reserved)

(b) If an applicant is unable to obtain a supervisor's certification as required by (a)4 above, the Board may, in its discretion, and for good cause shown, accept the applicant's affidavit in lieu of the supervisor's certification.

13:44H-3.2 Requirements for licensure; certified pedorthist

(a) A certified pedorthist seeking licensure pursuant to this chapter shall submit the following:

1. A completed application form which shall include an official transcript indicating that the applicant has received a bachelor's degree or its equivalent from an accredited college or university approved by the Commission on Higher Education or its successor which must be forwarded to the Board directly by the college or university.

2. The application fee set forth in N.J.A.C. 13:44H-12.1(a); and

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

13:44H-3.3 Credential requirements; licensure without examination (grandfathering); orthotists and prosthetists

(a) (Reserved)

(b) For consideration for licensure under this section, the applicant shall submit to the Board:

1. A completed application which shall include:

i. Documentation of the applicant's education including transcripts from all educational institutions and certificate programs attended, which must be sent directly to the Board by the institution or program sponsor;

ii. Documentation of applicant's employment history including Employers Statement Form (supplied by the Board), which must be sent directly to the Board by the employer; and

iii. A minimum of four Physician Reference Forms (supplied by the Board) completed by physicians who have medical rehabilitation/ orthopedic experience, which must be sent directly to the Board by the physician; and

2. The required fee.

(c) The Board shall complete its investigation within six months of the date of receipt of the completed application.

13:44H-3.4 Requirements for temporary license for licensees of other jurisdictions

(a) The Board shall issue a temporary license to an individual licensed in another state who:

1. Has applied for licensure as an orthotist, prosthetist or both, in the State of New Jersey; and

2. Is a licensee in good standing in any state in which he or she is licensed.

(b) A temporary license shall be issued for a one-year period and may be renewed once for an additional year upon presentation to the Board of evidence of good cause for renewal.

13:44H-3.5 (Reserved)

13:44H-3.6 Failure of examination; when retaking permitted

(a) If an applicant fails any part of the examination, the applicant may retake that part of the examination required by N.J.A.C. 13:44H-3.1(a)5 within a two-year period, provided that the applicant has satisfied all of the requirements of N.J.A.C. 13:44H-3.1.

(b) The Board, in its discretion, may require applicants who fail any part of the examination within a two-year period to take remedial courses acceptable to the Board before the applicant shall be permitted to retake the examination.

SUBCHAPTER 4. CLINICAL RESIDENCY IN NEW JERSEY FOR ORTHOTICS AND PROSTHETICS

13:44H-4.1 Definitions

(a) For purposes of this subchapter, the following words shall have the following meanings:

1. "Clinical internship or residency" means at least one-year of full time, post-graduate professional practitioner level experience, under direct supervision in an established facility, in orthotics or prosthetics as required by N.J.S.A. 45:12B-11(c).

2. "Full time" means a minimum of 1,900 hours in no more than 18 months.

3. "Supervisor" means that the orthotist, prosthetist or prosthetist-orthotist providing the supervision to residents or interns is NCOPE-approved and for clinical internships and residency programs conducted in New Jersey, shall maintain a current New Jersey license in good standing.

13:44H-4.2 Clinical internship or residency requirements for Board recognition; orthotists and prosthetists

(a) The Board shall recognize only those internships or residency programs accredited by the National Commission on Orthotic and Prosthetic Education (NCOPE) or its successor.

(b) The internship or residency shall be designed to be completed within 18 months.

(c) The Board or its representative may conduct a site visit prior to granting recognition to an internship or residency.

(d) The applicant shall submit proof that the internship or residency maintained NCOPE accreditation throughout the internship or residency.

(e) An applicant wishing to obtain licensure as a prosthetist-orthotist shall complete two separate clinical internships or residencies.

13:44H-4.3 Clinical site sponsor; qualifications and responsibilities; orthotist and prosthetist

(a) The clinical residency program sponsor shall submit to the Board at least two months prior to the time in which the sponsor wishes to commence a clinical internship or residency:

1. Proof that the program is accredited by NCOPE; and
2. A description of the:
 - i. Program including the program goals;
 - ii. Facility where the program shall take place; and
 - iii. Qualifications of staff who shall provide assistance.

13:44H-4.4 Registration during clinical internship or residency

(a) The Board shall issue a certificate of registration to any person who:

1. Has received a bachelor's degree from an accredited college or university approved by the New Jersey Commission on Higher Education; and
2. Is working towards fulfillment of the requirements for licensure.

(b) A certificate holder shall work only under the direct and immediate supervision of a Board licensee.

(c) A certificate of registration shall be in effect for a period of two years and may be renewed once for an additional two years.

13:44H-4.5 Supervisor responsibility

(a) A supervisor in any internship or residency program conducted in New Jersey shall be a New Jersey licensee.

(b) A supervisor shall be directly responsible for all work completed by those under his or her supervision.

(c) If a supervisor can no longer carry out the responsibilities of supervision, he or she shall notify the Board in writing within five business days.

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 or by a licensed

professional acting within his or her scope of practice and exempt pursuant to N.J.S.A. 45:12B-18.

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.

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-orthotists 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:

1. "ORTHOTISTS, PROSTHETISTS AND PROSTHETIST-ORTHOTISTS 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 OR A CERTIFIED PEDORTHIST LICENSED BY THE ORTHOTICS AND PROSTHETIC BOARD OF EXAMINERS. THE BOARD'S ADDRESS IS:

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

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

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, but are not limited to, the following:

1. The time and effort required to perform the service or treatment;
2. The skill required to properly perform the service or treatment;
3. The experience, reputation and expertise of the licensee performing the service;
4. The nature and circumstances under which the service is provided; and
5. Whether the fee was set by an institution or agency.

13:44H-7.3 Fees for services; client notification

(a) A licensee providing orthotic, prosthetic or pedorthic services shall prepare and maintain a written list of current fees for standard services and, upon request, shall provide the list to clients.

(b) The licensee shall include all of the following information on the list:

1. The current fees for standard services;
2. Whether the licensee is a participating Medicare provider; and
3. Insurance plans in which the licensee participates.

(c) Prior to providing services to a client or potential client, a licensee shall advise the patient of all potential costs associated with the services to be rendered.

13:44H-7.4 Professional interactions with clients

(a) A licensee shall advise the patient, in terms which the client can understand, of the nature and purpose of the services to be rendered.

(b) A licensee shall advise the patient of the techniques for use and care of a prescribed device.

(c) (Reserved)

13:44H-7.5 Prohibition on solicitation; unlawful referrals and kickbacks

(a) A licensee shall not pay, offer to pay or receive any fee or other form of compensation for referral of a client for professional services or for the purchase of goods.

(b) A licensee shall not participate in the division of fees for professional services other than among other licensees engaged in a bona fide partnership or professional service corporation or employment relationship.

SUBCHAPTER 8. ADVERTISING

13:44H-8.1 Definitions

For purposes of this subchapter, the following terms shall have the following meanings, unless the context clearly indicates otherwise:

“Advertisement” means any attempt, directly or indirectly, by publication, dissemination or circulation in print or electronic media which, directly or indirectly, induces or attempts to induce any person or entity to purchase or enter into an agreement to purchase services, treatment or goods related thereto from a Board licensee.

“Electronic media” includes, but is not limited to, radio, television, telephone, facsimile machine, computer or other electronic means of communication.

“Print media” includes, but is not limited to, business cards, newspapers, magazines, periodicals, professional journals, telephone directories, circulars, handbills, flyers, billboards, signs, direct mail, matchbook covers, and other items and publications, the context of which is disseminated by means of the printed word.

“Range of fees” means a statement of fees containing an upper and lower limit on the fees charged for services or goods offered by a licensee.

13:44H-8.2 Advertising; general requirements

(a) A licensee shall be able to substantiate the truthfulness of any material, objective assertion or representation set forth in an advertisement when requested by the Board to do so.

(b) A licensee who is a principal, partner or officer of a firm or entity identified in an advertisement as offering services or goods shall be responsible for the form and content of any advertisement disseminated by or on behalf of a licensee affiliated with the firm.

(c) A licensee shall assure that an advertisement disseminated by or on behalf of the licensee does not misrepresent, mislead, suppress, deceive, omit or conceal a material fact.

(d) A licensee shall not omit, suppress or conceal a material fact, including, directly or indirectly, obscuring a material fact, under circumstances which the licensee knows, or should know is improper or prevents a prospective client from making a full and informed judgment on the basis of the information set forth in the advertisement.

13:44H-8.3 Minimum content of advertisements and professional representations

(a) A licensee shall include the following information in all advertisements and professional representations (other than an office entry sign), including advertisements in a

classified directory as well as on business cards and professional stationery:

1. Name, identification of licensure and licensee number of at least one principal of the corporation; and
2. The street address and telephone number of the practice.

13:44H-8.4 Use of professional credentials and certification

(a) A licensee shall accurately and objectively represent his or her competence, education, training and experience.

(b) An advertisement which includes information on professional credentials shall contain the highest academic degrees or certifications attained related to the regulated practice of orthotics, prosthetics, or prosthetic-orthotics and shall refer only to degrees obtained from academic institutions accredited by the New Jersey Commission on Higher Education or its successor.

(c) An advertisement which includes information on orthotic, prosthetic, prosthetic-orthotic or pedorthic certification shall include the full name of the agency conferring the certification or the recognized name or abbreviation of the certification.

(d) In addition to the information required to appear pursuant to (b) and (c) above, letters or abbreviations which may appear immediately adjacent to the orthotist's, prosthetist's, prosthetist-orthotist's or pedorthist's name shall be limited to those representing the following:

1. The highest academic degrees earned related to the practice of orthotics, prosthetics, prosthetic-orthotics or pedorthics; and
2. Other licenses or certifications issued by another state or Federal agency.

(e) Nothing in this section shall preclude any truthful and non-deceptive statement in regard to education or experience in a particular area of orthotics, prosthetics, prosthetic-orthotics or pedorthics.

13:44H-8.5 Advertisements regarding fees; required disclosures

(a) Advertisements regarding fees shall be limited to those which contain a fixed or a stated range of fees for specifically described professional services.

(b) A licensee shall include the following disclosures in advertisements referring to fees:

1. All relevant and material variables and considerations which are ordinarily included in the advertised services so that the fee will be clearly understood by prospective clients. In the absence of such disclosures,

the stated fees shall be presumed to include everything ordinarily required for the advertised services;

2. Any additional services contemplated and the fee to be charged therefor. In the absence of such disclosures, the licensee shall be prohibited from charging an additional fee for the advertised service; and

3. The period during which the advertised fee will remain in effect. In the absence of such disclosure, the advertisement shall be deemed to be effective for 30 days from the date of its initial publication.

(c) The advertisement of a fee shall not preclude the licensee from adjusting the fee downward or waiving a fee in individual circumstances.

13:44H-8.6 Prohibited types or methods of advertising

(a) A licensee shall not guarantee that satisfaction or a cure will result from the performance of professional services.

(b) A licensee shall not offer a professional service which the orthotist, prosthetist, prosthetist-orthotist or pedorthist knows, or should know, is beyond his or her ability to perform.

(c) A licensee shall not advertise any technique which is intended to intimidate, exert undue pressure or unduly influence a prospective client.

13:44H-8.7 Use of testimonials

(a) An advertisement containing a lay or expert testimonial shall be based upon the testimonial-giver's personal knowledge or experience obtained from a client-provider relationship with the licensee.

(b) Prior to using the testimonial, the licensee shall obtain a signed, notarized statement and release indicating the testimonial-giver's willingness to have his or her testimonial used in the advertisement.

(c) A layperson's testimonial shall not attest or comment upon any technical matter beyond the layperson's competence.

(d) An expert testimonial shall be rendered only by an individual possessing specialized expertise sufficient to allow the rendering of a bona fide statement or opinion.

(e) A licensee shall be able to substantiate any objective, statement of fact appearing in a testimonial. The failure to do so, if required by the Board, may be deemed professional misconduct by the Board.

(f) Where an advertiser directly or indirectly provides compensation to a testimonial-giver, the fact of such compensation shall be conspicuously disclosed in a legible and readable manner in any advertisement in the following language or its substantial equivalent:

“COMPENSATION HAS BEEN PROVIDED FOR THIS TESTIMONIAL.”

13:44H-8.8 Retention of advertisements

(a) A licensee shall retain, for a period of three years from the date of initial publication or dissemination, a copy of every advertisement appearing in print media as well as a video or audio tape of every advertisement communicated by telephonic or electronic media. The orthotist, prosthetist, prosthetist-orthotist or pedorthist shall indicate on all advertisements in his or her possession the date and place of publication.

(b) Documentation relating to the use of testimonials shall be retained for a period of three years from the date of last use of the testimonial. Documentation shall include, but not be limited to:

1. The name, address and telephone number of the testimonial-giver;
2. The type and amount or value of compensation; and
3. The notarized statement and release required pursuant to N.J.A.C. 13:44H-8.7(b).

SUBCHAPTER 9. CLIENT RECORDS

13:44H-9.1 Preparation and maintenance of client records

(a) A licensee shall prepare and maintain for each client a contemporaneous, permanent client record which accurately reflects the client contact with the orthotist, prosthetist, prosthetist-orthotist, or pedorthist, whether in an office, hospital or other evaluation or consultation setting.

(b) A licensee shall include at least the following information in the client record:

1. The client name (on each page of the record), address and telephone number;
2. The location and dates of all treatment, evaluation or consultation settings;
3. The identity of each provider of treatment, evaluation or consultation and the supervisor, if any;
4. The presenting situation;
5. The name and address of the referring physician, podiatrist or dentist;
6. All prescriptions relevant to the client;

- 7. A treatment or service plan;
- 8. Contemporaneous progress notes for each session;
- 9. Fees charged and paid unless a separate financial record is kept; and
- 10. The name of the manufacturer of any device not made by the licensee.

(c) The licensee shall periodically review and update the treatment or service plan.

(d) The licensee shall retain the permanent client record for at least seven years from the date of last entry, unless otherwise provided by law.

(e) All licensees shall comply with this section notwithstanding an employer's recordkeeping requirements.

13:44H-9.2 Release of client record

(a) A licensee shall provide the client record within 15 days of the request of, and directly to, the client, the client's guardian or any other party designated by the client or the client's guardian.

(b) A licensee may require that a record request be made in writing and may charge a fee for the reproduction of records, which shall be no greater than \$1.00 per page or \$100.00 for the entire record, whichever is less. (If the record requested is less than 10 pages, the licensee may charge up to \$10.00 to cover postage and the miscellaneous costs associated with retrieval of the record.)

(c) A licensee shall not charge a fee for completion of health insurance claim forms.

(d) A licensee may charge a reasonable fee for completion of reports required for third-party reimbursement of client treatment expenses or for use in judicial proceedings.

(e) When a report is needed to enable a client to receive ongoing care by another practitioner or for use in judicial proceedings, a licensee shall not require advance payment as a condition for releasing the report; except that a licensee may require advance payment for release of a report prepared by the licensee, for use by the licensee as an expert witness on behalf of the client.

SUBCHAPTER 10. FEES

13:44H-10.1 Fee schedule

(a) The following fees shall be charged by the Orthotics and Prosthetics Board of Examiners:

- 1. Application fee \$125.00
- 2. Examination fee \$200.00
(plus cost charged by examination administrator)
- 3. Initial license fee:
 - i. If paid during the first year of the biennial renewal period \$350.00
 - ii. If paid during the second year of the biennial renewal period \$175.00
- 4. Biennial license renewal \$350.00
- 5. Temporary license \$175.00
(one-year expiration)
- 6. Registration during clinical internship \$200.00
(two-year expiration)
- 7. Late renewal (up to 60 days) \$100.00
- 8. Reinstatement fee \$150.00
- 9. Written verification of licensure \$ 25.00
- 10. Duplicate or replacement of renewal certificate \$ 25.00
- 11. Duplicate or replacement of wall license .. \$ 40.00