

CHAPTER 55

PROSTHETIC AND ORTHOTIC SERVICES

Authority

N.J.S.A. 30:4D-6, 7 and 12, Section 1902 of the Social Security Act (42 U.S.C. § 1396a), Section 1905 of the Social Security Act (42 U.S.C. § 1396d) and Sections 2101 through 2103 of the Social Security Act (42 U.S.C. §§ 1397aa, 1397bb, 1397cc and 1397jj).

Source and Effective Date

R.2005 d.312, effective August 17, 2005.  
See: 37 N.J.R. 933(a), 37 N.J.R. 3697(a).

Chapter Expiration Date

Chapter 55, Prosthetic and Orthotic Services, expires on August 17, 2010.

Chapter Historical Note

Chapter 55, Prosthetic and Orthotic Services Manual, was adopted as R.1971 d.43, effective June 1, 1971. See: 3 N.J.R. 43(d), 3 N.J.R. 63(b).

Pursuant to Executive Order No. 66(1978), Chapter 55, Prosthetic and Orthotic Services Manual, was readopted as R.1990 d.194. See: 22 N.J.R. 4(b), 22 N.J.R. 1140(a).

Pursuant to Executive Order No. 66(1978), Subchapter 1, General Provisions, was readopted as R.1985 d.152. See: 17 N.J.R. 26(a), 17 N.J.R. 817(a).

Subchapter 3, HCFA Common Procedure Coding System (HCPCS), was repealed and Subchapter 3, HCFA Common Procedure Coding System (HCPCS), was adopted as new rules by R.1986 d.52. See: 17 N.J.R. 1519(b), 18 N.J.R. 478(a).

Pursuant to Executive Order No. 66(1978), Chapter 55, Prosthetic and Orthotic Services Manual, expired on March 8, 1995.

Chapter 55, Prosthetic and Orthotic Services, was adopted as new rules by R.1995 d.185, effective April 3, 1995. See: 26 N.J.R. 4979(a), 27 N.J.R. 1446(a).

Pursuant to Executive Order No. 66(1978), Chapter 55, Prosthetic and Orthotic Services, was readopted as R.2000 d.134, effective February 29, 2000. See: 31 N.J.R. 3964(a), 32 N.J.R. 1206(a).

Chapter 55, Prosthetic and Orthotic Services, was readopted by R.2005 d.312, effective August 17, 2005. See: Source and Effective Date. See, also, section annotations.

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APPENDIX A

SUBCHAPTER 1. GENERAL PROVISIONS

10:55-1.1 Introduction

(a) This chapter of the manual N.J.A.C. 10:55 outlines the rules of the New Jersey Medicaid and NJ FamilyCare programs relevant to the provision of prosthetic and orthotic services to Medicaid and NJ FamilyCare fee-for-service beneficiaries. It also lists the specific requirements which must be followed in order to be approved and to participate as a New Jersey Medicaid and NJ FamilyCare provider of prosthetic and orthotic services.

(b) The Prosthetic and Orthotic Services Manual, N.J.A.C. 10:55, does not include rules for the provision to Medicaid and NJ FamilyCare beneficiaries of dentures, artificial eyes, or hearing aids. These services are covered in the New Jersey Medicaid programs' Dental Services Manual, N.J.A.C. 10:56, Vision Care Services Manual, N.J.A.C. 10:62, and the Hearing Aid Services Manual, N.J.A.C. 10:64, respectively.

(c) Unless otherwise stated, the rules of this chapter apply to Medicaid and NJ FamilyCare-Plan A fee-for service beneficiaries. Prosthetic and orthotic services provided to Medicaid and NJ FamilyCare beneficiaries enrolled in a managed care organization (MCO) are governed and administered by that MCO.

1. NJ FamilyCare-Plans B, C, and D beneficiaries are required to be enrolled in managed care organizations. (See N.J.A.C. 10:79.)

Amended by R.2000 d.134, effective April 3, 2000.  
See: 31 N.J.R. 3964(a), 32 N.J.R. 1206(a).

In (a), inserted a reference to NJ KidCare Programs and substituted a reference to Medicaid and NJ KidCare fee-for-service beneficiaries for a reference to Medicaid recipients in the first sentence, and substituted a reference to Medicaid and NJ KidCare providers for a reference to providers in the second sentence; in (b), substituted a reference to Medicaid and NJ KidCare beneficiaries for a reference to Medicaid recipients; and added (c).

Amended by R.2004 d.406, effective November 1, 2004.  
See: 35 N.J.R. 4417(a), 36 N.J.R. 4963(a).

Case Notes

In re Horst Oertel, 167 N.J.Super. 557, 558, n. 1 (App.Div.1979). "Orthotic appliances" defined.

10:55-1.2 Definitions

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

“Accredited” means those facilities that have met the standards of qualification as established by the American Board of Certification in Orthotics and Prosthetics, Incorporated, 1650 King Street, Suite 500, Alexandria, VA 22314-2747.

“Certified” means those individuals that have met the standards of qualification and the requirements as established by the American Board of Certification in Orthotics and Prosthetics, Incorporated (see address above).

“Custom-made” means a device or appliance fabricated (constructed and/or assembled) in an approved facility (see N.J.A.C. 10:55-1.3) and designed to fit and perform a useful function solely for that individual for whom it was ordered.

“Facility” means the work area of operation of the prosthetist, orthotist or pedorthist.

“Orthotic appliances” means a device or brace prescribed by a physician or other practitioner, within the scope of his or her practice as defined by State law, for the purpose of providing support, increased function, and overcoming physical impairment or defects.

1. A brace includes rigid and semi-rigid devices used for the purpose of supporting a weak or deformed body member or restricting or eliminating motion in a diseased or injured part of the body.

“Orthotist” means one certified by the American Board of Certification in Orthotics and Prosthetics, Incorporated in the profession of measuring, designing, fabricating and fitting of orthotic devices.

“Pedorthist” means one certified by the American Board of Certification in Orthotics and Prosthetics, Incorporated in the profession of designing, manufacturing, fitting and modification of footwear and related appliances or certified by the Board for Certification in Pedorthics, 7150 Columbia Gateway Drive, Suite G, Columbia, MD 21046-1151, if the practice is limited as described in N.J.A.C. 10:55-1.3(a)2ii(1).

“Practitioner” means a physician or other medical care individual licensed or certified under State law to practice his or her profession.

“Prosthetic appliances” means functional replacement, corrective, or supportive devices prescribed by a physician or other licensed practitioner within the scope of his or her practice as defined by State law to:

1. Artificially replace a missing portion of the body; or
2. Prevent or correct physical deformity or malfunction; or
3. Support a weak or deformed portion of the body.

“Prosthetist” means one certified by the American Board of Certification in Orthotics and Prosthetics, Incorporated in the profession of making of artificial parts to replace a missing

body part or to augment the performance of a natural function externally.

Amended by R.2000 d.134, effective April 3, 2000.  
Sec: 31 N.J.R. 3964(a), 32 N.J.R. 1206(a).  
Rewrote “Pedorthist”.

#### Case Notes

In re Horst Oertel, 167 N.J.Super. 557, 558, n. 1 (App.Div.1979).  
“Orthotic appliances” defined.

### 10:55-1.3 Requirements for approval as a provider of prosthetic and orthotic services

(a) In order to be a fully approved New Jersey Medicaid and NJ FamilyCare fee-for-service provider of prosthetic and orthotic services, the applicant shall:

1. Submit a completed application (see N.J.A.C. 10:49-3.2) together with a copy of the facility and personnel accreditation/certification by the American Board for Certification in Orthotics and Prosthetics. (The applicant may be applying for either orthotics or prosthetics or both) and;

2. Meet the following criteria:

i. Appliances shall be fabricated in the facility and not sent out to another facility;

ii. The facility shall employ personnel (owner and/or employee(s)) certified in the field of specialty of the appliance(s) being produced by that facility;

(1) Exception: If the provider or facility limits the scope of practice to shoe orthotics, custom molded shoes, and shoe modifications, accreditation/certification by the Board for Certification in Pedorthics may be accepted in lieu of accreditation/certification by the American Board for Certification in Orthotics and Prosthetics.

iii. Facilities and their qualified personnel shall maintain current accreditation/certification by the American Board for Certification in Orthotics and Prosthetics, Incorporated or the Board for Certification in Pedorthics, as appropriate.

(b) In order to be granted “provisional” approval by the New Jersey Medicaid and NJ FamilyCare fee-for-service programs, facilities and/or personnel whose application for accreditation/certification is pending with the American Board for Certification in Orthotics and Prosthetics, Incorporated, the applicant shall:

1. Submit a letter requesting “provisional” provider status together with a copy of the American Board for Certification in Orthotics and Prosthetics, Incorporated accreditation/certification acceptance letter and;

2. Meet the following criteria: