

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).

Executive Order No. 66(1978) Expiration Date

Chapter 44H, Rules of Practice, expires on February 2, 2003.

CHAPTER TABLE OF CONTENTS**SUBCHAPTER 1. PURPOSE AND SCOPE;
DEFINITIONS**

- 13:44H-1.1 Purpose and scope
13:44H-1.2 Definitions

SUBCHAPTER 2. SCOPE OF PRACTICE

- 13:44H-2.1 Scope of orthotist practice; orthotist assistant
13:44H-2.2 Scope of prosthetist practice; prosthetist assistant
13:44H-2.3 Limited practice by certified pedorthists
13:44H-2.4 Prohibited practice; practice as an orthotist assistant,
prosthetist assistant or a prosthetist-orthotist assistant

**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
13:44H-3.2 Requirements for licensure of certified pedorthist
13:44H-3.3 Licensure without examination (grandfathering); orthotists and prosthetists; credential requirements
13:44H-3.4 Requirements for temporary license for licensees of other jurisdictions
13:44H-3.5 Licensure as a prosthetist assistant, orthotist assistant or prosthetist-orthotist assistant
13:44H-3.6 Supervision of an orthotist assistant, prosthetist assistant, prosthetist-orthotist assistant, student or holder of a temporary license

SUBCHAPTER 4. (RESERVED)**SUBCHAPTER 5. ORTHOTIC AND PROSTHETIC
ESTABLISHED FACILITY REQUIREMENTS**

- 13:44H-5.1 Minimum requirement

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

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

- 13:44H-7.1 Display of notice of licensure; notification of availability of fee information
13:44H-7.2 Excessive fees
13:44H-7.3 Fees for services; client notification
13:44H-7.4 Professional interactions with clients
13:44H-7.5 Prohibition on solicitation; unlawful referrals and kick-backs

SUBCHAPTER 8. ADVERTISING

- 13:44H-8.1 Definitions
13:44H-8.2 Advertising; general requirements
13:44H-8.3 Minimum content of advertisements and professional representations
13:44H-8.4 Use of professional credentials and certification
13:44H-8.5 Advertisements regarding fees; required disclosures
13:44H-8.6 Prohibited types or methods of advertising
13:44H-8.7 Use of testimonials
13:44H-8.8 Retention of advertisements

SUBCHAPTER 9. CLIENT RECORDS

- 13:44H-9.1 Preparation and maintenance of client records
13:44H-9.2 Release of client record

SUBCHAPTER 10. FEES

- 13:44H-10.1 Fee schedule

**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.

Sec: 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.