

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

N.J.S.A. 45:12B-19 and 45:12B-26.

**Source and Effective Date**

R.2009 d.8, effective December 3, 2008.  
See: 40 N.J.R. 4293(a), 41 N.J.R. 269(a).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 44H, Orthotics and Prosthetics Board of Examiners, expires on December 3, 2015. See: 43 N.J.R. 1203(a).

**Chapter Historical Note**

Chapter 44H, Orthotics and Prosthetics Board of Examiners, was adopted as 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).

Subchapter 4, Clinical Residency in New Jersey for Orthotics and Prosthetics, was repealed by R.2002 d.196, effective June 17, 2002.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

Chapter 44H, Orthotics and Prosthetics Board of Examiners, was readopted as R.2003 d.310, effective July 3, 2003. See: 35 N.J.R. 1200(a), 35 N.J.R. 3593(b).

Chapter 44H, Orthotics and Prosthetics Board of Examiners, was readopted as R.2009 d.8, effective December 3, 2008. See: Source and Effective Date. See, also, section annotations.

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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 assistant 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. An official transcript 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. An official transcript 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 (b)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.

Amended by R.2003 d.310, effective August 4, 2003.  
See: 35 N.J.R. 1200(a), 35 N.J.R. 3593(b).

In (b)1i and (c)1, substituted "An official transcript" for "Notarized documentation"; in (e), substituted "(b)1" for "(a)1".

#### 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.

**13:44H-3.3 (Reserved)**

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.

Public Notice: Extension of deadline for application for licensure.

See: 35 N.J.R. 1159(a).

Repealed by R.2009 d.8, effective January 5, 2009.

See: 40 N.J.R. 4293(a), 41 N.J.R. 269(a).

Section was "Licensure without examination (grandfathering); orthotists and prosthetists; credential requirements".

**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 which has licensing standards equivalent to those in this State if the individual:

1. Has applied for licensure as an orthotist, prosthetist or prosthetist-orthotist, 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) The temporary license shall authorize its holder to practice in the field in which the holder was licensed in the other state. For example, an individual licensed in another state as an orthotist may only practice as an orthotist in this State pursuant to a temporary license.

(c) The holder of a temporary license shall be supervised by a licensee pursuant to N.J.A.C. 13:44H-3.6(e).

(d) A temporary license shall be issued for a one year period. The holder of a temporary license shall take the first available licensing examination administered after receipt of the temporary license. An applicant who does not take the next administered examination for reasons of hardship such as illness, disability or other good cause may take the examination offered after the next administered examination. At the end of the one year period, the Board may renew the temporary license if the holder has taken the first scheduled examination, shows good cause for the renewal and if the renewal of the temporary license would serve the well-being and interests of the clients of the establishment in which the holder practices. The holder of a renewed temporary license shall be supervised pursuant to N.J.A.C. 13:44H-3.6(d).

(e) An application for renewal of the temporary license shall be sent to the Board at least 90 days before the temporary license expires. The holder of a renewed temporary license shall take the next available examination after the temporary license is renewed. The renewed temporary license shall expire immediately after the results of the second licensing examination are issued.

(f) A person whose temporary license has expired shall cease working as an orthotist, prosthetist or prosthetist-orthotist, but may continue to take the licensing examination. If the person passes the licensing examination he or she shall, within 60 days, apply for licensure pursuant to N.J.A.C. 13:44H-3.1.

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-3.5 Licensure as a prosthetist assistant, orthotist assistant or prosthetist-orthotist assistant**

(a) An applicant for licensure as a prosthetist assistant, orthotist assistant or prosthetist-orthotist assistant shall submit to the Board:

1. A completed application form which shall include:
  - i. Proof that the applicant is at least 18 years of age;
  - ii. Proof of high school diploma or its equivalent;
  - iii. A certification from the applicant's supervising licensee stating that the applicant has completed a course of training in orthotics or prosthetics of at least 40 hours for licensure as an orthotist assistant or a prosthetist assistant, or a course of training of at least 80 hours for licensure as a prosthetist-orthotist assistant;
  - iv. A certification from the applicant's supervising licensee stating that the applicant has completed 1,900 hours of clinical practice in the area of licensure sought under the supervision of a licensed orthotist or prosthetist;
2. Proof that the applicant has passed the written, oral and practical examination; and
3. An application fee as set forth in N.J.A.C. 13:44H-10.1.

(b) A person who applies for licensure as an orthotist assistant, a prosthetist assistant or a prosthetist-orthotist assistant 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 in this State within the three years preceding June 17, 2002 shall qualify for licensure as an orthotist assistant, a prosthetist assistant or a prosthetist-orthotist assistant if he or she is able to demonstrate that the supervisor would qualify for licensure pursuant to N.J.A.C. 13:44H-3.3.

New Rule, R.2002 d.196, effective June 17, 2002.

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

**13:44H-3.6 Supervision of an orthotist assistant, prosthetist assistant, prosthetist-orthotist assistant, student or holder of a temporary license**

(a) From June 17, 2002 until June 17, 2003, a licensed orthotist assistant, licensed prosthetist assistant, licensed prosthetist-orthotist assistant, student or holder of a temporary license shall be supervised, pursuant to (b) through (k) below, by either a licensed orthotist, licensed prosthetist, licensed prosthetist-orthotist or by a person who has a pending appli-

cation for licensure as an orthotist, prosthetist or prosthetist-orthotist, which demonstrates that the supervisor would qualify for licensure. After that time period, the licensed orthotist assistant, licensed prosthetist assistant, licensed prosthetist-orthotist assistant, student or holder of a temporary license shall only be supervised by a licensed orthotist, licensed prosthetist or licensed prosthetist-orthotist pursuant to (b) through (k) below.

(b) A licensed orthotist assistant, orthotist student or holder of a temporary orthotist license shall be supervised by a licensed orthotist. A licensed prosthetist assistant, prosthetist student or holder of a temporary prosthetist license shall be supervised by a licensed prosthetist. A licensed prosthetist-orthotist assistant, prosthetist-orthotist student or holder of a temporary prosthetist-orthotist license shall be supervised by a licensed prosthetist-orthotist.

(c) A licensed orthotist assistant, licensed prosthetist assistant, licensed prosthetist-orthotist assistant, student or holder of a temporary license shall not render nor continue to perform laboratory or clinical work unless he or she has obtained close or routine supervision from his or her supervising licensee. For purposes of this section, a "supervising licensee" is a licensed orthotist, licensed prosthetist or licensed prosthetist-orthotist who provides close or routine supervision in the same facility as, and who provides direction to a licensed orthotist assistant, licensed prosthetist assistant, licensed prosthetist-orthotist assistant, student or holder of a temporary license.

(d) A supervising licensee shall be responsible for the close supervision of a licensed orthotist assistant, licensed prosthetist assistant, licensed prosthetist-orthotist assistant, or student. For purposes of this section, "close supervision" means daily, face-to-face contact and observation of the performance of the laboratory and clinical work of the licensed orthotist assistant, licensed prosthetist assistant, licensed prosthetist-orthotist assistant or student at the location where his or her services are being performed.

(e) A supervising licensee shall be responsible for the routine supervision of the holder of a temporary license. For purposes of this section, "routine supervision" means face-to-face contact with and observation of the performance of the laboratory and clinical work of the holder of a temporary license at least once a week at the location where his or her services are being performed.

(f) The supervising licensee shall be personally responsible for the laboratory and clinical work of the licensed orthotist assistant, licensed prosthetist assistant, licensed prosthetist-orthotist assistant, student or holder of a temporary license.

(g) A supervising licensee shall not supervise more than three licensed orthotist assistants, licensed prosthetist assistants, licensed prosthetist-orthotist assistants, students or

holders of a temporary license, or any combination thereof, at a time.

(h) The supervising licensee shall be physically present at both the initial evaluation of the patient and the final provision of the orthotic or prosthetic device by a licensed orthotist assistant, licensed prosthetist assistant, licensed prosthetist-orthotist assistant, student or holder of a temporary license to determine the appropriateness of the device delivered.

(i) The supervising licensee shall provide direction to the licensed orthotist assistant, licensed prosthetist assistant, licensed prosthetist-orthotist assistant, student or holder of a temporary license.

(j) A licensed orthotist assistant, licensed prosthetist assistant, licensed prosthetist-orthotist assistant, student or holder of a temporary license, shall maintain a daily record which shall contain the name and license number of the supervising licensee, the date when any services were performed and the clinical or laboratory services performed. The supervising licensee shall initial this record daily.

(k) The supervising licensee shall designate another licensee who shall perform the appropriate level of supervision, as detailed above, of licensed orthotist assistants, licensed prosthetist assistants, licensed prosthetist-orthotist assistants, students or holders of a temporary license in his or her absence.

Repeal and New Rule, R.2002 d.196, effective June 17, 2002.

See: 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

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.

New Rule, R.2002 d.196, effective June 17, 2002.

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

Amended by R.2009 d.8, effective January 5, 2009.

See: 40 N.J.R. 4293(a), 41 N.J.R. 269(a).

Section was "Licensing and biennial renewal". Deleted designation (a); and deleted (b).

### 13:44H-3.8 Biennial renewal of licenses

(a) Licenses shall be renewed biennially on a form provided by the Board. Each applicant shall attest that the continuing education requirements of N.J.A.C. 13:44H-6.3 have been completed during the prior biennial period.

(b) The Board shall send a notice of renewal to each licensee, at least 60 days prior to the expiration of the license.

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.

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), deleted “, but are not limited to,” in the introductory paragraph.

### 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 standards 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 a national or regional accrediting agency recognized by the United States Department of Education.

(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 name of an orthotist, prosthetist, prosthetist-orthotist, orthotist assistant, prosthetist assistant, prosthetist-orthotist assistant or pedorthist 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.

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

In (b), substituted "a national or regional accrediting agency recognized by the United States Department of Education" for "the New Jersey Commission on Higher Education or its successor"; rewrote (d).

#### 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, orthotist assistant, prosthetist assistant, prosthetist-orthotist assistant or pedorthist knows, or should know, is beyond his or her ability to perform.

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

In (b), inserted "orthotist assistant, prosthetist assistant, prosthetist-orthotist assistant" following "prosthetist-orthotist"; deleted (c).

#### 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.