

GEORGIA COMPOSITE MEDICAL BOARD

EXECUTIVE DIRECTOR
LaSharn Hughes, MBA



BOARD CHAIRPERSON
Charles L. White, DO

2 Peachtree Street, N.W., 36th Floor • Atlanta, Georgia 30303 • Tel: 404.656.3923 • <http://www.medicalboard.georgia.gov>
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GEORGIA COMPOSITE MEDICAL BOARD **NOTICE OF INTENT TO AMEND AND ADOPT RULES**

TO ALL INTERESTED PARTIES:

Notice is hereby given by the Georgia Composite Medical Board that it intends to amend **Rule Chapter 360-31 "Orthotists and Prosthetists."** Exact copies of the proposed amendments are attached to this Notice.

This notice, together with an exact copy of the proposed rules and a synopsis of the proposed rules are being emailed to all persons who have requested, in writing, that they be placed on the mailing list. A copy of this notice, an exact copy of the proposed rules and a synopsis of the proposed rules may be reviewed during normal business hours of 8:00a.m. to 5:00 p.m., Monday through Friday, except official State holidays, at the office of the Georgia Composite Medical Board, 2 Peachtree Street, N.W., 36th Floor, Atlanta, Georgia 30303.

Any interested person who will be affected by these rules may present his or her comments to the Board no later than **April 25, 2012** or make comments at the public hearing. Comments may be directed to Carol Dorsey, Georgia Composite Medical Board, 2 Peachtree Street, N.W., 36th Floor, Atlanta, Georgia 30303-3465 or may be received by the Board by e-mail at cdorsey@dch.ga.gov.

A public hearing is scheduled to begin at **8:15 a.m.** on **May 3, 2012** at the 36th Floor Board Room, 2 Peachtree Street, N.W., Atlanta, Georgia 30303, to provide the public an opportunity to comment upon and provide input into the proposed rules.

The Board voted to adopt this Notice of Intent on **March 1, 2012** meeting. The Board will consider at its meeting on **May 3, 2012** at **8:30 a.m.** the comments from the public hearing whether the formulation and adoption of these proposed rule amendments imposes excessive regulatory costs on any license or entity and whether any cost to comply with the proposed rule amendments could be reduced by a less expensive alternative that accomplishes the objectives of the statutes which are the basis of the proposed rule. Additionally at its meeting on **May 3, 2012**, the Board will consider whether it is legal or feasible in meeting the objectives of the applicable laws to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A)(B)(C)(D).

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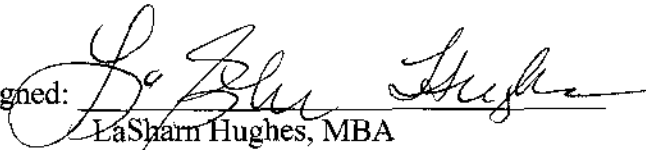
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The authority for promulgation of these rules is O.C.G.A. 43-1-31, 43-34-5, 43-34-8 43-34-194, 43-34-195, 43-34-199, and 43-34-202 the specific statutes cited in the proposed rules.

This Notice is adopted and posted in compliance with O.C.G.A. § 50-13-4 of the Georgia Administrative Procedures Act. A synopsis of the proposed rules and an economic impact statement are attached to this Notice.

Date: 3/6/12

Signed: 
LaSharn Hughes, MBA
Executive Director
Georgia Composite Medical Board

ECONOMIC IMPACT AND SYNOPSIS FOR AMENDMENTS TO RULE CHAPTER 360-31

Orthotists and Prosthetists

ECONOMIC IMPACT:

The attached rules are promulgated under the authority of the Medical Practice Act, Title 43, Chapter 34. The Georgia Composite Medical Board licenses and regulates nine professions. The formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated. Additionally, it is not legal or feasible to meet the objectives of the Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated to adopt or implement differing actions for businesses listed at O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D).

RULE SYNOPSIS:

Rule 360-31-.01 “Applications.”

Purpose/Main Feature: The purpose of this rule is to change authority of the rule.

Rule 360-31-.02 “Licensure”

Purpose/Main Feature: The purpose of this rule is to update the qualifications to reflect the expiration of the grandfather provision and to renumber the rule.

Rule 360-31-.03 “Reciprocal Licensure Requirements.”

Rule 360-31-.04 “Change of Name or Address.”

Rule 360-31-.05 “Duplicate Licenses.”

Purpose/Main Feature: The purpose of these rule changes are to renumber the sections.

Rule 360-31-.06 “Renewal”

Purpose/Main Feature: This rule was previously numbered 360-31-.08. This rule provides for renewal of licenses and restoration of licenses and to correct an incorrect reference inasmuch as it refers to Rule 360-31-.04, but the correct rule is 360-31-.07.

Rule 360-31-.07 “Continuing Education Requirements.”

Purpose/Main Feature: This rule was previously numbered 360-31-.09 and concerns continuing education requirements and to provide provisions to waive the continuing education requirements.

Rule 360-31-.08 “Inactive Status.”

Purpose/Main Feature: This rule was previously numbered 360-31-.10 and provides for inactive status.

Rule 360-31-.09 “Unlicensed Practice.”

Purpose/Main Feature: This rule was previously numbered 360-31-.12. It is deleted in its entirety as it is not consistent with the law.

Rule 360-31-.10 “Assistants and Technicians.”

Purpose/Main Feature: This rule references the duties of assistants and technicians. This rule was previously numbered 360-31-.13, and is numbered Rule 360-31-.10.

Rule 360-31-.11 “Prerequisite to Providing Care or Services”

Purpose/Main Feature: The rule references the requirement of a physician or podiatrist order for services. This rule was previously numbered 360-31-.14, and it should be 360-31-.11.

Rule 360-31-.12 “Composition and Responsibilities of the Orthotists and Prosthetist Advisory Committee.”

Purpose/Main Feature: This rule provides for the composition and responsibilities of the advisory committee. This rule was previously numbered 360-31-.15 and is numbered 360-31-.14.

Authority O.C.G.A. Sections 43-34-5, 43-34-66, 43-34-67, 43-34-194, 43-34-195, 43-34-196, 43-34-198, 43-34-201, and 43-34-202.

**RULES
OF
~~COMPOSITE STATE BOARD OF MEDICAL EXAMINERS~~
GEORGIA COMPOSITE MEDICAL BOARD**

**CHAPTER 360-31
ORTHOTISTS AND PROSTHETISTS**

360-31-.01 Applications.

- (1) The application form shall be completed according to the instructions provided in the application.
- (2) Reference forms shall be valid for up to six (6) months from the date of signature. If the application is not approved during the six-month period, the Board may require a new and more current reference.
- (3) Applications must be complete, including all required documentation, signatures and seals. Application files are not considered completed until all required information, documentation and fees have been received by the Board. No application will be considered by the Board until the application is complete.
- (4) Applicants shall inform the Board in writing within 10 days of a change of address while an application is pending.
- (5) Application fees are nonrefundable.
- (6) Deposit of an application fee by the Board does not indicate acceptance of the application or that any other licensing requirements have been fulfilled.
- (7) Incomplete applications that have been on file with the Board for more than one year shall be deemed invalid. No further action will take place on applications that have been incomplete for more than a year until a new application is received in accordance with the provisions of this chapter with the appropriate application fee.

O.C.G.A. 43-34-5, 43-34-194, 43-34-195, 43-34-196 and 43-34-202

~~360-31-.02 Provisional Licensure.~~

- ~~(1) To qualify for a provisional license, pursuant to O.C.G.A. § 43-34-198 (c), without satisfying the examination and education requirements of O.C.G.A. § 43-34-195, a person shall meet the requirements listed below.~~

~~(a) Submit a completed application required by the Board and the requisite fee no later than August 30, 2006;~~

~~(c) Complete an applicant's work history form that provides information regarding the applicant's work history and scope of practice to establish that the applicant has practiced for a minimum of the past seven (7) years in this state in a prosthetic-orthotic facility as an orthotist or prosthetist.~~

~~(2) The Board shall investigate the work history, qualification and fitness of applicant and said investigation shall be completed within six (6) months of receipt of a fully completed application.~~

~~(3) If, after receipt of the fully completed application and completion of the investigation, the Board determines that the applicant satisfied the work history requirements and met all other qualifications for licensure, except the examination and education requirements, the Board shall issue a license to practice orthotics or prosthetics.~~

~~(4) A provisional license issued to a person, pursuant to and in accordance with O.C.G.A. § 43-34-198(c), shall be valid through June 30, 2007 and shall not be renewed without compliance with requirements of O.C.G.A. § 43-34-195.~~

~~(5) Nothing in this rule shall be construed to prevent the Board from denying or conditionally granting an application for licensure pursuant to the provisions of O.C.G.A. § 43-34-203 and/or O.C.G.A. § 43-1-19.~~

~~360-31-.03 Licensure for Applicants Currently Practicing Orthotics or Prosthetics Who Are Certified As an Orthotist or Prosthetist.~~

~~(1) To qualify for a license, a person who is certified as an orthotist, prosthetist or prosthetist orthotist by the American Board for Certification in Orthotics and Prosthetics, Incorporated (ABC) or the Board of Orthotist/Prosthetist Certification (BOC), or holding similar certifications from other accrediting bodies with equivalent educational requirements and currently practicing orthotics and prosthetics in this State shall meet the requirements listed below to qualify for license.~~

~~(a) Submit a completed application and the requisite fee before July 1, 2007.~~

~~(b) Provide evidence satisfactory to the Board that the person is certified as an orthotist, prosthetist or prosthetist orthotist by ABC, BOC or holds similar certifications from other accrediting bodies with equivalent educational requirements.~~

~~(2) On or after July 1, 2007, any applicant for licensure as an orthotist, prosthetist or prosthetist orthotist shall meet the requirements of O.C.G.A. § 43-34-195.~~

~~(3) Nothing in this rule shall be construed to prevent the Board from denying or conditionally granting an application for licensure pursuant to the provisions of O.C.G.A. § 43-34-8, 43-34-203 and/or O.C.G.A. § 43-1-19.~~

~~360-31-.04~~ 360-31-.02 Licensure Pursuant to Qualifications Established by O.C.G.A. § ~~43-34-195~~.

~~(1) Except as provided in Rule 360-31-.03, to~~ To qualify for a license to practice orthotics and/or prosthetics, a person ~~shall meet the requirements listed below:~~ must complete an application, pay an application fee, and meet the qualifications listed below:

(a) An applicant must meet one of the following education and experience requirements:

1. Possess a baccalaureate or higher degree from a college or university; have completed a nationally accredited program in orthotics, prosthetics, or orthotics and prosthetics that meets or exceeds the requirements, including clinical practice, of the Commission on Accreditation of Allied Health Programs ("CAAHEP"); and have completed a clinical residency in the professional area for which the license is sought in according with the standards, guidelines or procedures for residencies inside or outside this state approved by the Board

(a) The majority of the training in the clinical residency must have been under the supervision of a person licensed in orthotics or prosthetics, or if the training was prior to July 1, 2005, it must have been under the supervision of a person certified as an orthotist, prosthetist, or prothetist and orthotist or

2. Possess an associate or higher degree from a college or university with successful completion of courses in human anatomy, physiology, physics, chemistry; and have completed at least five (5) years of continued work experience in the discipline for which the license is sought under the supervision of a practitioner licensed in such discipline or certified in such discipline by an agency accredited by the National Commission for Certifying Agencies.

(b) An applicant must obtain a passing score on the examination given by the American Board for Certification in Orthotics and Prosthetics Incorporated ("ABC") or its successor or other examination as approved by the Board for certification in the discipline for which the license is sought.

(2) Nothing in this rule shall be construed to prevent the Board from denying or conditionally granting an application for licensure.

~~(a) Possess a baccalaureate degree from a college or university.~~

~~(b) Have completed nationally accredited program in orthotics, prosthetics, or orthotics and prosthetics that meets or exceeds the requirements, including clinical practice, of the Commission on Accreditation of Allied Health Programs (CAAHEP).~~

~~(c) Complete a clinical residency in the professional area for which a license is sought in accordance with standards, guidelines, or procedures for residencies inside or outside this state established and approved by the board. The majority of training must be devoted to services performed in the discipline for which the license will be sought and under the supervision of a practitioner licensed in orthotics or prosthetics or a person certified as an orthotist, prosthetist, or prosthetist orthotist, provided that the certification was obtained before the date this article becomes effective; or~~

~~(2)(a) Possess an associate's degree from a college or university with successfully completed courses in human anatomy, physiology, physics, chemistry and biology and have completed at least five (5) years of work experience in the discipline for which the license is sought, under the supervision of a practitioner licensed or certified in such discipline by an agency accredited by the National Commission for Certifying Agencies. It will be recognized that a candidate who possesses a bachelor's degree instead of an associates degree will be considered to have met the pathway of this section because it is recognized that a bachelor's degree exceeds an associate's degree in level of education.~~

~~(b) Successfully complete the examination(s) given by ABC or its successor for certification in the discipline for which the license is sought; and~~

~~(c) Submit a fully completed application and the requisite fee.~~

~~(3) Nothing in this rule shall be construed to prevent the Board from denying or conditionally granting an application for licensure.~~

O.C.G.A. Sections 43-34-5, 43-34-8, and 43-34-195

360-31-05 360-31-.03 Reciprocal Licensure Requirements.

The Board may, at its discretion, waive the examination requirements for an applicant who is an orthotist and prosthetist and is:

(a) Is licensed under the laws of another state, territory or country, if the requirements for licensure at the date of his or her licensure were equal to or more stringent than the requirements in force in the State of Georgia; or

(b) Is certified as an orthotist or prosthetist by a national certifying organization that is accredited by the National Commission for Certifying Agencies, and has educational and testing standards equal to or more stringent than the licensing requirements of the State of Georgia.

O.C.G.A. 43-34-5 and 43-34-202

~~360-31-.06~~ 360-31-.04 Change of Name or Address.

(1) A licensee shall notify the Board in writing within 30 days after the licensee's name is legally changed. At the time of notification, the licensee shall submit a certified copy of the official document evidencing the name change. If the name change occurred during naturalization, the application must also include the naturalization number, the name and address of the court, the date of naturalization, and the name change. After receipt of the required notification and documentation, the Board will issue a duplicate license in the new name.

(2) A licensee shall notify the Board in writing within 30 days after a change in the licensee's address of record. Failure to so notify the Board of an address change is a violation of this rule and grounds for disciplinary action.

(3) A licensee who utilizes a post office box as the address of record shall also provide a street address where the Board may contact the licensee.

O.C.G.A. 43-34-5, 43-34-194 and 43-34-196

~~360-31-.07~~ 360-31-.05 Duplicate Licenses.

(1) Duplicate licenses may be issued upon approval by the Board if the original license is lost, stolen, or destroyed, or if the licensee has had a legal change of name.

(2) To request a duplicate license, the licensee must submit a notarized application stating the reason the duplicate license is requested. If the application is based on a name change, the licensee must provide the documentation required by Rule 360-31-.04. ~~360-31-.06~~.

(3) All applications must include the duplicate license fee. The duplicate license fee shall be designated in the fee schedule.

O.C.G.A. 43-34-5

~~360-31-.08~~ 360-31-.06 Renewal.

(1) All active licenses must be renewed on a biennial basis. Orthotist and/or Prosthetist licenses will expire on the last day of the month in which the applicant's birthday falls.

(2) Approximately 60 days prior to the expiration date, the Board may as a courtesy, mail a notice for license renewal to the last address on file in the Board's records to every person holding a current license. Failure to receive such notification shall not relieve the licensee of the obligation to renew and pay the required fee prior to the expiration date of the license. Deposit of the renewal fee by the Board does not indicate acceptance of the renewal application or that any licensing requirements have been fulfilled.

(3) To be eligible for renewal, licensees must answer questions on their biennial renewal form which establish satisfaction of Board approved continuing education requirements or eligibility for waiver or variance pursuant to Rule ~~360-31-.07~~ 360-31-.06. Failure to meet the continuing education requirements is a basis for nonrenewal.

(4) Failure to renew a license by the expiration date shall result in a ~~penalty~~ restoration fee for late renewal as required by the Board. Licenses that have ~~been expired less than two years~~ for not more than ninety (90) days may be renewed by submitting a renewal application, establishing compliance with the continuing professional education requirements prescribed by the Board, and paying the ~~renewal fee and the penalty~~ restoration fee prescribed by the Board.

~~(5) Licenses that are not renewed within 90 days of expiration shall be revoked for failure to renew and may be reinstated only as provided in Rule 360-31-.11, rule 360-31-.11.~~

(5) Licenses not renewed for a period greater than two years may be restored by,

(a) fulfilling the requirements of 360-31-.06(4) and,

(b) filing proof acceptable to the Board of his or her fitness to have his or her license restored by either completing a period of evaluated clinical experience and successful completion of an examination approved by the Board or by other method as approved by the Board.

(6) Notwithstanding the provisions of paragraphs (4) and (5) of this rule, a person whose license expired while he or she was in active duty with the regular or reserve component of the United States armed forces, the United States Coast Guard, the Georgia National Guard, or the Georgia Air National Guard on ordered federal duty for a period of ninety (90) days or longer, whose license expired while serving on active duty outside the state shall be permitted to practice in accordance with the expired license and shall not be charged with a violation relating to such practice on an expired license for a period of six (6) months from the date of his or her discharge from active duty or reassignment to a location within the state.

(7) Notwithstanding the provisions of paragraph (5) of this rule, a person whose license expired while he or she was:

(a) in federal service on active duty with the armed forces of the United States or with the state militia and called into service or training;

(b) in training or education under the supervision of the United States preliminary to induction into military service. May have his or her license renewed or restored without paying a lapsed renewal fee if, within two (2) years after termination from the service or training, except under conditions other than honorable, he or she furnishes the Board with satisfactory evidence that he or she has been so engaged and that his or her service, training or education has been terminated.

(8) Except as provided in paragraph (6) of this rule, a person with an expired orthotist and/or prosthetist license shall not engage in the practice of orthotics and/or prosthetics and hold himself or herself out as being able to practice such professions until such time as the Board has approved his or her application for renewal or reinstatement.

~~(9) An applicant who was granted licensure pursuant to O.C.G.A. § 43-34-198(e) shall not be renewed unless the applicant has complied with the requirements of O.C.G.A. § 43-34-195.~~

O.C.G.A. 43-1-31, 43-34-5, 43-34-198, 43-34-200 and 43-34-201

~~360-31-.09~~ 360-31-.07 Continuing Education Requirements.

(1) To be eligible to renew a license, each licensee must complete ~~30 hours~~ forty (40) hours of Board approved continuing education during the two years preceding license renewal. Persons who hold licenses in both orthotics and prosthetics must obtain at least ~~fifteen (15)~~ 20 hours in each discipline. An applicant for renewal of an individual license to practice orthotics or prosthetics who has been initially licensed by the Board for less than two years shall not be required to complete the continuing education hours in order to renew for the first biennium.

(a) the Board is authorized to waive the continuing education required for renewal in cases of hardship, disability, illness, service in the United States Congress or Georgia General Assembly, military service or other circumstances as the Board deems appropriate if supported by adequate documentation acceptable to the Board.

1. Applicant seeking such an exemption must submit a written request and documentation to support their eligibility for such an exemption.

2. Said request for an exemption shall be submitted to the Board not less than 60 days prior to the expiration of the license to receive a determination from the Board as to whether an exemption would be granted.

(2) Each licensee shall be required to answer questions on their biennial renewal application form that establish compliance with Board approved continuing education requirements. Licensees will not be required to send documentation of compliance with continuing education requirements for renewal, unless requested by the Board pursuant to Rule ~~360-31-.07(4)~~ 360-31-.09(4). False statements regarding satisfaction of continuing education on the renewal form or any other document connected with the practice of orthotics and/or prosthetics may subject the licensee to disciplinary action by the Board.

(3) Each licensee who must meet the requirements of this chapter must maintain a record of attendance and supporting documents for Board approved continuing education for a

period of five (5) years from the date of attendance. At a minimum, the following information must be kept:

- (a) name of provider;
- (b) name of program;
- (c) hours of continuing education units completed; and
- (d) date of completion.

(4) The Board will audit a fixed percentage of randomly selected renewal applications to monitor compliance with the continuing education requirements. Any licensee so audited shall be required to furnish documentation of compliance including name of provider, name of program, hours/continuing education units completed and date of completion. Any licensee so audited that has been found to be out of compliance with the Board's continuing education requirements may be subject to disciplinary action.

~~(5) If the licensee has not complied with the continuing education requirement by the expiration of the license, his/her license shall not be renewed and the licensee shall not engage in the practice of orthotics and/or prosthetics. A licensee may late renew during the three months following the expiration date of his or her license by presenting satisfactory evidence to the Board of completion of the required continuing education units of Board approved continuing education and the late renewal fee. Licenses not renewed within 3 months following the expiration date of the license shall be revoked for failure to renew. In order to obtain a valid license after revocation for failure to renew, an applicant must apply for reinstatement in accordance with Rule 360-31-.09 360-31-.11.~~

(6) Continuing education hours that are used to satisfy a deficiency may not be used for purposes of renewal of the applicant's license for the next biennium.

(7) Any applicant seeking renewal of a license without having fully complied with the Board's continuing education requirement who wishes to seek a waiver or variance of this rule shall file with the Board.

(a) a renewal application and fee and

(b) a statement that complies with the provisions of O.C.G.A. § 50-13-9.1 setting forth the specific facts of substantial hardship which would justify a variance or waiver, including the alternative standards which the person seeking a waiver or variance agrees to meet and a showing that such alternative standards will afford adequate protection for the public health, safety and welfare; and the reason why the variance would serve the purpose of the underlying statute.

O.C.G.A. 43-34-5, 43-34-11, and 43-34-200

360-31-.10 360-31-.08 Inactive Status.

(1) A licensee who does not intend to practice orthotics and/or prosthetics may apply to the Board for inactive status by submitting an application and the fee. An individual with an inactive license shall not practice prosthetics or orthotics in this State.

(2) In order to ~~reinstate~~ restore a license to practice orthotics and/or prosthetics, an applicant must complete an application and pay the current renewal fee and file proof acceptable to the Board of his or her fitness to have his or her license restored as provided in Rule 360-31-.06. ~~Rule 360-31-11.~~

O.C.G.A. 43-34-4 and 43-34-201

~~360-31-11 Reinstatement.~~

~~(1) A minimum of two (2) years shall pass from the date of any revocation of a license before the Board will consider an application for reinstatement. This requirement shall only apply to those instances in which the license in question was revoked for reasons other than failure to renew. For purposes of this rule, a voluntary surrender shall be considered a revocation for reasons other than failure to renew.~~

~~(2) If the Board denies any application for reinstatement, the Board may require that a minimum of two (2) years pass from the date of the denial before the Board will consider subsequent applications for reinstatement.~~

~~(3) In order to reinstate a license to practice orthotics and/or prosthetics, an applicant must complete an application and pay a reinstatement fee as shall be designated in the fee schedule. Furthermore, the applicant must file proof acceptable to the Board of his or her fitness to have his or her license restored, including but not limited to:~~

~~(a) Sworn evidence certifying to active practice in another jurisdiction satisfactory to the Board;~~

~~(b) Verification of completion of continuing education requirements as provided in Rule 360-31-.07 360-31-.09 for each biennial period that the applicant was not licensed;~~

~~(c) If the applicant for reinstatement has not maintained an active practice in another jurisdiction satisfactory to the Board, such applicant shall be required to successfully complete an examination required by the Board and may be required to complete a period of evaluated clinical experience.~~

~~(4) Notwithstanding the provisions of this rule, a person whose license expired while he or she was on active duty within the armed forces of the United States or with the state militia and called into service or training or was in training or education under the supervision of the United States preliminary to induction into military service may have his or her license restored without paying a reinstatement fee if:~~

~~(a) application is made within two years after the termination from the service, training or education, except under conditions other than honorable;~~

~~(b) the applicant furnishes the Board with satisfactory evidence that the applicant has been so engaged and that his or her service, training, or education has been terminated.~~

~~(5) Reinstatement of the license is within the discretion of the Board.~~

~~(6) The Board may deny reinstatement for failure to demonstrate current knowledge, skill and proficiency in the practice of orthotics and/or prosthetics or for being mentally or physically unable to practice orthotics and/or prosthetics with reasonable skill and safety or for any ground set forth in O.C.G.A. § 43-34-8 43-1-19 or 43-34-203.~~

~~(7) The denial of reinstatement is not a contested case, but the applicant shall be entitled to an appearance before the Board.~~

Authority: O.C.G.A. §§ 43-34-8 and 43-34-195

360-31-12 360-31-.09 Unlicensed Practice.

~~(1) On and after July 1, 2007, no~~ No person shall practice orthotics or prosthetics in this state and hold himself or herself out as being able to practice such or engage or offer to engage in such professions unless he or she is licensed pursuant to the Orthotics and Prosthetics Practice Act or is exempt from such licensing pursuant to O.C.G.A. § 43-34-193.

(2) The Board may refuse to grant the license of any applicant who has engaged in the unlicensed practice of orthotics or prosthetics or administer other discipline pursuant to O.C.G.A. §§ ~~43-1-19~~ 43-34-8 or 43-34-196 upon the issuance of a license to an applicant who has engaged in the unlicensed practice of orthotics or prosthetics.

Authority O.C.G.A. Secs. 43-34-5, 43-34-8, 43-34-193, 43-34-195, 43-34-196 and 43-34-198

360-31-13 360-31-.10 Assistants and Technicians.

(1) No person shall work as an assistant to an orthotist, prosthetist or prosthetist orthotist and provide patient care services of fabrication of an orthosis or prosthesis, unless he or she is doing the work under the supervision of a licensed orthotist, prosthetist or prosthetist orthotist.

(a) Patient Care Services is the assessment, measuring, molding, casting, fitting, or delivering a prosthesis or orthoses.

(b) Supervision means the supervising licensed orthotist, prosthetist or prosthetist orthotist is physically present in the same building and available to lend assistance if needed.

(2) No person shall work as a technician unless the work is performed under the supervision of a person licensed under this article.

(a) Supervision of a technician means the licensed practitioner will give direction and instruction to the technician as to how the device is to be fabricated. The technician will build the device according to the given specifications. The technician will not provide direct patient care services. The licensed practitioner is responsible for the quality of the fabrication of the device that is delivered to the patient.

Authority O.C.G.A. Secs. 43-34-196, 43-34-197.

360-31-14 360-31-.11 Prerequisite to Providing Care or Services.

A licensed orthotist or a licensed prosthetist may provide care or services only if the care or services are provided pursuant to an order from a licensed physician or podiatrist.

Authority O.C.G.A. Secs. 43-34-5 and 43-34-199.

360-31-15 360-31-.13 Composition and Responsibilities of the Orthotist and Prosthetist Advisory Committee.

(1) The intention and policy of the Board is to reflect the cultural diversity of the citizens of Georgia in the composition of the Orthotist and Prosthetist Advisory Committee ("Advisory Committee"). The Advisory Committee shall be comprised as follows:

(a) At least four (4) appointees, who are licensed orthotists and/or prosthetists and representative of such professions, and such other individuals as the Board, in its discretion, may determine.

~~(b) At the time of appointment by the Board, such individuals shall be licensed pursuant to the Orthotics and Prosthetics Practice Act, except that the appointees to the original Advisory Committee shall obtain a license to practice no later than July 1, 2007;~~

(c) All appointees to the Advisory Committee shall have on file with the Executive Director of the Board, or his/her designee, a resume and three (3) letters of recommendation, one of which may be from a physician familiar with the appointee's practice of orthotics or prosthetics.

(d) In order to preserve continuity on the Advisory Committee, two appointees shall serve a two-year term and two appointees shall serve a one-year term which will be considered a partial term. At the time of the appointment, each appointee will be notified in writing by the Executive Director of the Board as to the beginning and ending dates of his or her respective appointment terms. Each may reapply to the full Board to serve an additional term but may not serve more than two consecutive two-year terms.

(e) In the event an Advisory Committee member is replaced during a term, the replacement member will serve the remaining time of that term as a partial term. An

Advisory Committee member who serves a partial term will, after the completion of the partial term, be eligible to serve two consecutive two-year terms.

(f) Appointees shall serve without compensation from the State of Georgia for their time and expenses.

~~(g) As of July 1, 2007:~~

~~(i) all appointees to the Advisory Committee shall have a license to practice as an orthotist and/or prosthetist in order to be considered for appointment to the Advisory Committee; and~~

~~(ii) failure to obtain a license to practice as an orthotist and/or prosthetist by July 1, 2007 shall result in the automatic removal from the Advisory Committee.~~

(2) The Advisory Committee shall advise the Board on matters pertaining to the appointment of the Advisory Committee members and matters within the purview of the Orthotics and Prosthetics Practice Act. The Board, in consultation with the Advisory Committee, shall:

(a) Determine the qualifications and fitness of applicants for licensure and renewal of licensure;

(b) Adopt and revise rules consistent with the laws of the State of Georgia that are necessary to conduct its duties and administer the Act; and

(c) Examine for, approve, issue, deny revoke, suspend and renew the license of applicants and licensees and conduct hearings in connection with all duties to be performed pursuant to the Act;

(3) Advisory Committee members, who are not members of the Board, must be available to meet on as an needed basis and may not miss more than three (3) consecutive meetings of the Advisory Committee, or four (4) meetings in a calendar year, without an excused absence from either the Executive Director of the Board or the Board President.

(a) The Advisory committee may recommend to the Board the removal of a member for violation of the attendance rule. Such a recommendation shall be by majority vote of the Advisory Committee.

(b) Upon receipt of such recommendation for removal, the Board may remove a member of the Advisory Committee by a majority vote.

(4) Advisory Committee vacancies may be filled by the Board upon recommendation from the Advisory Committee. All applicants must meet any deadline set by the Board and shall have on file with the Executive Director of the Board, or with his/her designee,

a resume and three (3) letters of recommendation, one of which may be from a physician familiar with the applicant's practice of orthotics or prosthetics.

Authority O.C.G.A. Secs. 43-34-5, 43-34-196, and 43-34-203