

By: Senator(s) Dearing, Simmons

To: Public Health and  
Welfare

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2146

1 AN ACT TO AMEND SECTIONS 73-22-1 AND 73-22-3, MISSISSIPPI  
2 CODE OF 1972, TO PROVIDE THAT CERTIFICATION TO PRACTICE ORTHOTICS  
3 OR PROSTHETICS SHALL BE BY AN ORGANIZATION FULLY ACCREDITED BY THE  
4 NATIONAL COMMISSION FOR CERTIFYING AGENCIES AND TO DEFINE  
5 "PEDORTHIC DEVICE," "PEDORTHICS" AND "PEDORTHIST" FOR  
6 CERTIFICATION PURPOSES; AND FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 SECTION 1. Section 73-22-1, Mississippi Code of 1972, is  
9 amended as follows:

10 73-22-1. As used in this chapter:

11 (a) "Orthotic device" means a brace or support, but  
12 does not include fabric and elastic supports, corsets, arch  
13 supports, trusses, elastic hose, canes, crutches, cervical  
14 collars, dental appliances or other similar devices carried in  
15 stock and sold by drug stores, department stores, corset shops or  
16 surgical supply facilities.

17 (b) "Orthotics" means the science or practice of  
18 measuring, designing, constructing, assembling, fitting, adjusting  
19 or servicing orthotic devices for the support, correction or  
20 alleviation of musculoskeletal diseases, injuries, disabilities or  
21 deformities as permitted by prescriptions from a licensed doctor  
22 of medicine.

23 (c) "Orthotist" means a person who is certified by an  
24 organization fully accredited by the National Commission for  
25 Certifying Agencies (NCCA) as a certified orthotist.

26 (d) "Person" means any individual, corporation,  
27 partnership, association or other organization.

28 (e) "Prosthetic device" means any artificial device

29 that is not surgically implanted and that is used to replace a  
30 missing limb, appendage or any other external human body part,  
31 including devices such as artificial limbs, hands, fingers, feet,  
32 toes, but excluding artificial eyes or appliances for the eyes,  
33 dental plates, and largely cosmetic devices such as wigs,  
34 artificial breasts, eyelashes, ears and noses or other devices  
35 which could not by their use have a significantly detrimental  
36 impact upon the musculoskeletal functions of the body.

37 (f) "Prosthetics" means the science or practice of  
38 measuring, designing, constructing, assembling, fitting, adjusting  
39 or servicing prosthetic devices as permitted by prescriptions from  
40 a licensed doctor of medicine.

41 (g) "Prosthetist" means a person who is certified by an  
42 organization fully accredited by the National Commission for  
43 Certifying Agencies (NCCA) as a certified prosthetist.

44 (h) "Pedorthic device" means a therapeutic shoe, shoe  
45 modification made for therapeutic purposes, partial foot  
46 prosthesis and foot orthosis for use from the ankle and below, but  
47 does not include a non-therapeutic, accommodative inlay and  
48 non-therapeutic accommodative footwear, regardless of method of  
49 manufacture; an unmodified, over-the-counter shoe; or  
50 prefabricated foot care products. For purposes of this document,  
51 "therapeutic" devices are devices that address a medical condition  
52 and "accommodative" means designed with a primary goal of  
53 conforming to the individual's anatomy.

54 (i) "Pedorthics" means the science or practice of  
55 measuring, designing, constructing, assembling, fitting, adjusting  
56 or servicing pedorthic devices for the support, correction or  
57 alleviation of musculoskeletal diseases, injuries, disabilities or  
58 deformities as permitted by prescriptions from a licensed doctor  
59 of medicine or doctor of podiatry.

60 (j) "Pedorthist" means a person who is certified by an  
61 organization fully accredited by the National Commission for

62 Certifying Agencies (NCCA) as a certified pedorthist.

63 SECTION 2. Section 73-22-3, Mississippi Code of 1972, is  
64 amended as follows:

65 73-22-3. (1) No person shall practice orthotics,  
66 prosthetics or pedorthics in the state unless he or she is  
67 certified as an orthotist, prosthetist, or both, or pedorthist by  
68 an organization fully accredited by the National Commission for  
69 Certifying Agencies (NCCA). However, nothing in this chapter  
70 shall be construed to prevent any person licensed, registered or  
71 certified in this state from engaging in the profession or  
72 occupation for which he is licensed, registered or certified, as  
73 long as he does not represent himself as an orthotist, prosthetist  
74 or pedorthist, and nothing in this chapter shall be construed to  
75 prevent any physician licensed in this state from performing any  
76 activities included within the definition of orthotics,  
77 prosthetics or pedorthics in the normal course of his practice as  
78 a physician, as long as he does not represent himself as an  
79 orthotist, prosthetist or pedorthist. In addition, nothing in  
80 this chapter shall be construed to prevent the practice of  
81 orthotics, prosthetics or pedorthics by any person who has engaged  
82 in the practice of orthotics, prosthetics or pedorthics for a  
83 period of twenty-five (25) or more consecutive years before July  
84 1, 1991, and is engaged in the practice of orthotics, prosthetics  
85 or pedorthics on July 1, 1991.

86 (2) It is unlawful for any orthotist, prosthetist or  
87 pedorthist, or any person on behalf of an orthotist, prosthetist  
88 or pedorthist, to solicit the patronage of individual patients for  
89 the orthotist, prosthetist or pedorthist by direct contact with a  
90 potential customer outside of the place of business of the  
91 orthotist, prosthetist or pedorthist.

92 (3) Whenever any person employs or utilizes the services of  
93 an orthotist, prosthetist or pedorthist in connection with the  
94 person's business, the measuring, fitting, adjusting and approval

95 of any orthotic, prosthetic or pedorthic device furnished to a  
96 patient shall be performed only under the direct supervision of a  
97 board certified orthotist, in the case of orthotic patients, or  
98 under the direct supervision of a board certified prosthetist, in  
99 the case of prosthetic patients, or under the direct supervision  
100 of a board certified prosthetist, or a board certified orthotist,  
101 in the case of prosthetic patients. "Direct supervision" means  
102 involvement by the certified practitioner in each and every case.

103 (4) Any person violating any provision of this section shall  
104 be guilty of a misdemeanor and, upon conviction thereof, shall be  
105 fined not less than Two Hundred Dollars (\$200.00) nor more than  
106 One Thousand Dollars (\$1,000.00), and may be imprisoned in the  
107 county jail for not more than six (6) months. In addition, any  
108 person sustaining damages as a result of a violation of any  
109 provision of this section may recover the amount of those damages,  
110 plus a civil penalty of One Thousand Five Hundred Dollars  
111 (\$1,500.00) per incident, in any court of competent jurisdiction.

112 SECTION 3. This act shall take effect and be in force from  
113 and after July 1, 1999.