

By: Senator(s) Dearing, Simmons

To: Public Health and
Welfare

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 FOR RELATED
5 PURPOSES.

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

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

9 73-22-1. As used in this chapter:

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

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

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

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

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

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

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

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

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

45 73-22-3. (1) No person shall practice orthotics or
46 prosthetics in the state unless he or she is certified as an
47 orthotist, prosthetist, or both, by an organization fully
48 accredited by the National Commission for Certifying Agencies
49 (NCCA). However, nothing in this chapter shall be construed to
50 prevent any person licensed, registered or certified in this state
51 from engaging in the profession or occupation for which he is
52 licensed, registered or certified, as long as he does not
53 represent himself as an orthotist or prosthetist, and nothing in
54 this chapter shall be construed to prevent any physician licensed
55 in this state from performing any activities included within the
56 definition of orthotics or prosthetics in the normal course of his
57 practice as a physician, as long as he does not represent himself
58 as an orthotist or prosthetist. In addition, nothing in this
59 chapter shall be construed to prevent the practice of orthotics or
60 prosthetics by any person who has engaged in the practice of

61 orthotics or prosthetics for a period of twenty-five (25) or more
62 consecutive years before July 1, 1991, and is engaged in the
63 practice of orthotics or prosthetics on July 1, 1991.

64 (2) It is unlawful for any orthotist or prosthetist, or any
65 person on behalf of an orthotist or prosthetist, to solicit the
66 patronage of individual patients for the orthotist or prosthetist
67 by direct contact with a potential customer outside of the place
68 of business of the orthotist or prosthetist.

69 (3) Whenever any person employs or utilizes the services of
70 an orthotist or prosthetist in connection with the person's
71 business, the measuring, fitting, adjusting and approval of any
72 orthotic or prosthetic device furnished to a patient shall be
73 performed only under the direct supervision of a board certified
74 orthotist, in the case of orthotic patients, or under the direct
75 supervision of a board certified prosthetist, in the case of
76 prosthetic patients. "Direct supervision" means involvement by the
77 certified practitioner in each and every case.

78 (4) Any person violating any provision of this section shall
79 be guilty of a misdemeanor and, upon conviction thereof, shall be
80 fined not less than Two Hundred Dollars (\$200.00) nor more than
81 One Thousand Dollars (\$1,000.00), and may be imprisoned in the
82 county jail for not more than six (6) months. In addition, any
83 person sustaining damages as a result of a violation of any
84 provision of this section may recover the amount of those damages,
85 plus a civil penalty of One Thousand Five Hundred Dollars
86 (\$1,500.00) per incident, in any court of competent jurisdiction.

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