

By: Representative Robinson (63rd)

To: Public Health and Human Services

HOUSE BILL NO. 520

1 AN ACT TO AMEND SECTIONS 73-22-1 AND 73-22-3, MISSISSIPPI
2 CODE OF 1972, TO ALLOW ORTHOTISTS AND PROSTHETISTS WHO HAVE BEEN
3 CERTIFIED BY THE BOARD FOR ORTHOTIST/PROSTHETIST CERTIFICATION TO
4 PRACTICE IN MISSISSIPPI; AND FOR RELATED PURPOSES.

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

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

8 73-22-1. As used in this chapter:

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

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

21 (c) "Orthotist" means a person who is certified by the
22 American Board for Certification in Orthotics and Prosthetics or
23 the Board for Orthotist/Prosthetist Certification as a certified
24 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
41 the American Board for Certification in Orthotics and Prosthetics
42 or the Board for Orthotist/Prosthetist Certification as a
43 certified prosthetist.

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

46 73-22-3. (1) No person shall practice orthotics or
47 prosthetics in the state unless he or she is certified as an
48 orthotist, prosthetist, or both, by the American Board for
49 Certification in Orthotics and Prosthetics or the Board for
50 Orthotist/Prosthetist Certification. However, nothing in this
51 chapter shall be construed to prevent any person licensed,
52 registered or certified in this state from engaging in the
53 profession or occupation for which he is licensed, registered or
54 certified, as long as he does not represent himself as an
55 orthotist or prosthetist, and nothing in this act shall be
56 construed to prevent any physician licensed in this state from
57 performing any activities included within the definition of
58 orthotics or prosthetics in the normal course of his practice as a
59 physician, as long as he does not represent himself as an
60 orthotist or prosthetist. In addition, nothing in this chapter
61 shall be construed to prevent the practice of orthotics or

62 prosthetics by any person who has engaged in the practice of
63 orthotics or prosthetics for a period of twenty-five (25) or more
64 consecutive years before July 1, 1991, and is engaged in the
65 practice of orthotics or prosthetics on July 1, 1991.

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

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

80 (4) Any person violating any provision of this section shall
81 be guilty of a misdemeanor and, upon conviction thereof, shall be
82 fined not less than Two Hundred Dollars (\$200.00) nor more than
83 One Thousand Dollars (\$1,000.00), and may be imprisoned in the
84 county jail for not more than six (6) months. In addition, any
85 person sustaining damages as a result of a violation of any
86 provision of this section may recover the amount of those damages,
87 plus a civil penalty of One Thousand Five Hundred Dollars
88 (\$1,500.00) per incident, in any court of competent jurisdiction.

89 **SECTION 3.** This act shall take effect and be in force from
90 and after July 1, 2007.