

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 230

Short Title: Pedorthist Licensure.

(Public)

Sponsors: Senator Hartsell.

Referred to: Finance.

March 8, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE PEDORTHIST LICENSURE ACT.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** Chapter 90 of the General Statutes is amended by adding a new
5 Article to read:

6 "Article 12B.
7 "Pedorthist Licensure Act.

8 **"§ 90-202.20. Short title.**

9 This Article shall be known and may be cited as the 'Pedorthist Licensure Act.'

10 **"§ 90-202.21. Legislative findings.**

11 The General Assembly finds that the practice of pedorthics is an area of health care that is
12 continually evolving to include more sophisticated and demanding patient care activities. The
13 General Assembly further finds that the practice of pedorthics by unauthorized, unqualified,
14 unprofessional, and incompetent persons is a threat to public health, safety, and welfare, and
15 therefore it is necessary to establish minimum standards of education, training, and competency
16 for persons engaged in the practice of pedorthics.

17 **"§ 90-202.22. Definitions.**

18 The following definitions apply in this Article:

- 19 (1) 'Board' means the North Carolina Pedorthist Licensure Board.
20 (2) 'License' means a certificate issued by the Board recognizing the person
21 named therein as having met the requirements to practice pedorthics as
22 defined in this Article.
23 (3) 'Licensee' means a person who has been issued a license under this Article.
24 (4) 'Orthosis' means a custom-fabricated, definitive brace or support that is
25 designed for long-term use.
26 (5) 'Orthotics' means the science and practice of evaluating, measuring,
27 designing, fabricating, assembling, fitting, adjusting, or servicing, as well as
28 the provision of initial training necessary to accomplish the fitting of, an
29 orthosis for the support, correction, or alleviation of neuromuscular or
30 musculoskeletal dysfunction, disease, injury, or deformity.
31 (6) 'Pedorthist' means a person who is licensed to practice pedorthics under this
32 Article.
33 (7) 'Practice of pedorthics' means the design, manufacture, modification, or fit of
34 custom shoes, orthoses, and pedorthic devices to prevent or alleviate foot
35 problems caused by disease, congenital defect, overuse, or injury pursuant to
36 a licensed physician's prescription.



1 (8) 'Person' means an individual, corporation, partnership, association, unit of
2 government, or other legal entity.

3 **"§ 90-202.23. License required.**

4 On or after January 1, 2012, no person shall practice or offer to practice pedorthics, as
5 defined in this Article, use the title 'Licensed Pedorthist,' use the letters 'LP,' or otherwise
6 indicate or imply that the person is a licensed pedorthist unless that person is currently licensed
7 as provided in this Article.

8 **"§ 90-202.24. The North Carolina Pedorthist Licensure Board.**

9 (a) Composition and Terms. – The North Carolina Pedorthist Licensure Board is
10 created. The Board shall consist of seven members who shall serve staggered terms. The initial
11 Board members shall be appointed on or before October 1, 2011, as follows:

12 (1) The General Assembly, upon the recommendation of the President Pro
13 Tempore of the Senate, shall appoint two licensed pedorthists, one of whom
14 shall serve a term of three years and one of whom shall serve a term of two
15 years.

16 (2) The General Assembly, upon the recommendation of the Speaker of the
17 House of Representatives, shall appoint two licensed pedorthists, one of
18 whom shall serve a term of two years and one of whom shall serve a
19 one-year term.

20 (3) The General Assembly, upon the recommendation of the President Pro
21 Tempore of the Senate, shall appoint one podiatrist who is licensed under
22 Article 12A of Chapter 90 of the General Statutes, who shall serve a
23 one-year term.

24 (4) The General Assembly, upon the recommendation of the Speaker of the
25 House of Representatives, shall appoint one podiatrist who is licensed under
26 Article 12A of Chapter 90 of the General Statutes, who shall serve a
27 two-year term.

28 (5) The Governor shall appoint one public member who shall serve a three-year
29 term.

30 Upon the expiration of the terms of the initial Board members, members shall be appointed
31 by the appointing authorities designated in subdivisions (1) through (4) of this subsection for a
32 term of three years and shall serve until a successor is appointed. No member may serve more
33 than two consecutive full terms.

34 (b) Qualifications. – Members of the Board shall be citizens of the United States and
35 residents of this State. The pedorthist members shall hold current licenses from the Board and
36 shall remain in good standing with the Board during their terms. Public members of the Board
37 shall not be (i) trained or experienced in the practice of pedorthics, (ii) an agent or employee of
38 a person engaged in the practice of pedorthics, (iii) a health care professional licensed under
39 this Chapter or a person enrolled in a program to become a licensed health care professional,
40 (iv) an agent or employee of a health care institution, a health care insurer, or a health care
41 professional school, (v) a member of an allied health profession or a person enrolled in a
42 program to become a member of an allied health profession, or (vi) a spouse of an individual
43 who may not serve as a public member of the Board.

44 (c) Vacancies. – Any vacancy shall be filled by the authority originally filling that
45 position. Appointees to fill vacancies shall serve the remainder of the unexpired term and until
46 their successors have been duly appointed and qualified.

47 (d) Removal. – The Board may remove any of its members for neglect of duty,
48 incompetence, or unprofessional conduct. A member subject to disciplinary proceedings in his
49 or her capacity as a licensed pedorthist shall be disqualified from participating in the official
50 business of the Board until the charges have been resolved.

1 (e) Compensation. – Each member of the Board shall receive per diem and
2 reimbursement for travel and subsistence as provided in G.S. 93B-5.

3 (f) Officers. – The officers of the Board shall be a chair, a vice-chair, and other officers
4 deemed necessary by the Board to carry out the purposes of this Article. All officers shall be
5 elected annually by the Board for one-year terms and shall serve until their successors are
6 elected and qualified.

7 (g) Meetings. – The Board shall hold its first meeting within 30 days after the
8 appointment of its members and shall hold at least two meetings each year to conduct business
9 and to review the standards and rules previously adopted by the Board. The Board shall
10 establish the procedures for calling, holding, and conducting regular and special meetings. A
11 majority of Board members constitutes a quorum.

12 **"§ 90-202.25. Powers and duties of the Board.**

13 The Board shall have the powers and duties to:

- 14 (1) Administer this Article.
- 15 (2) Issue interpretations of this Article.
- 16 (3) Adopt, amend, or repeal rules as may be necessary to carry out the
17 provisions of this Article.
- 18 (4) Employ and fix the compensation of personnel that the Board determines is
19 necessary to carry into effect the provisions of this Article and incur other
20 expenses necessary to effectuate this Article.
- 21 (5) Determine the qualifications and fitness of applicants for licensure, licensure
22 renewal, and reciprocal licensure.
- 23 (6) Issue, renew, deny, suspend, or revoke licenses, order probation, issue
24 reprimands, and carry out any other disciplinary actions authorized by this
25 Article.
- 26 (7) Set fees for licensure, reciprocal licensure, licensure renewal, and other
27 services deemed necessary to carry out the purposes of this Article.
- 28 (8) Establish continuing education requirements for licensees.
- 29 (9) Establish a code of ethics for licensees.
- 30 (10) Maintain a current list of all persons who have been licensed under this
31 Article.
- 32 (11) Conduct investigations for the purpose of determining whether violations of
33 this Article or grounds for disciplining licensees exist.
- 34 (12) Maintain a record of all proceedings and make available to all licensees and
35 other concerned parties an annual report of all Board action.
- 36 (13) Adopt a seal containing the name of the Board for use on all official
37 documents and reports issued by the Board.

38 **"§ 90-202.26. Qualifications for licensure.**

39 An applicant shall be licensed to practice pedorthics if the applicant meets all of the
40 following qualifications:

- 41 (1) Is at least 18 years old.
- 42 (2) Is of good moral character.
- 43 (3) Possesses a high school diploma or its equivalent.
- 44 (4) Completes an application on a form provided by the Board.
- 45 (5) Is certified as a pedorthist by the Board for Certification in Pedorthics
46 (BCP).
- 47 (6) Pays the required fee under G.S. 90-202.28.

48 **"§ 90-202.27. Reciprocity.**

49 The Board may grant, upon application and the payment of proper fees, a license to a
50 person who, at the time of application holds a valid license, certificate, or registration as a
51 pedorthist issued by another state if, in the Board's determination, the requirements for that

1 license, certificate, or registration are substantially the same as the requirements for licensure
2 under this Article.

3 **"§ 90-202.28. Expenses; fees.**

4 (a) All fees shall be payable to the Board and deposited in the name of the Board in
5 financial institutions designated by the Board as official depositories. These fees shall be used
6 to carry out the purposes of this Article.

7 (b) All salaries, compensation, and expenses incurred or allowed to carry out the
8 purposes of this Article shall be paid by the Board exclusively out of the fees received by the
9 Board as authorized by this Article or funds received from other sources. In no case shall any
10 salary, expense, or other obligation authorized by this Article be charged against the State
11 treasury.

12 (c) The Board shall establish fees not exceeding the following amounts:

13 (1)	<u>License application</u>	<u>\$350.00</u>
14 (2)	<u>Biennial renewal of license</u>	<u>\$350.00</u>
15 (3)	<u>Late renewal of license</u>	<u>\$100.00</u>
16 (4)	<u>Copies of rules</u>	<u>Cost.</u>

17 **"§ 90-202.29. License renewal.**

18 (a) All licenses to practice pedorthics shall expire two years after the date they were
19 issued. The Board shall send a notice of expiration to each licensee at his or her last known
20 address at least 30 days before the expiration of his or her license. All applications for renewal
21 of unexpired licenses shall be filed with the Board and accompanied by proof satisfactory to the
22 Board that the applicant has completed any continuing education requirements established by
23 the Board and paid the renewal fee as required by G.S. 90-202.28.

24 (b) An application for renewal of a license that has been expired for less than three
25 years shall be accompanied by proof satisfactory to the Board that the applicant has satisfied
26 the continuing education requirements established by the Board and the renewal and late fees
27 required by G.S. 90-202.28. A license that has been expired for more than three years shall not
28 be renewed, but the applicant may apply for a new license by complying with the current
29 requirements for licensure under this Article.

30 **"§ 90-202.30. Disciplinary action by the Board.**

31 (a) The Board may deny, refuse to renew, suspend, or revoke an application or license
32 or order probation or issue a reprimand if the applicant or licensee does any of the following:

- 33 (1) Gives false information or withholds material information from the Board in
34 procuring or attempting to procure a license.
- 35 (2) Gives false information or withholds material information from the Board
36 during the course of an investigation conducted by the Board.
- 37 (3) Has been convicted of or pled guilty or no contest to a crime that indicates
38 the person is unfit or incompetent to practice pedorthics as defined in this
39 Article or that indicates the person has deceived, defrauded, or endangered
40 the public.
- 41 (4) Has a habitual substance abuse or mental impairment that interferes with his
42 or her ability to provide appropriate care as established by this Article or
43 rules adopted by the Board.
- 44 (5) Has demonstrated gross negligence, incompetency, or misconduct in the
45 practice of pedorthics as defined in this Article.
- 46 (6) Has had an application for licensure, certification, or registration as a
47 pedorthist or a license, certificate, or registration to practice pedorthics in
48 another jurisdiction denied, suspended, or revoked for reasons that would be
49 grounds for similar action in this State.
- 50 (7) Has willfully violated any provision of this Article or rules adopted by the
51 Board.

1 (b) The taking of any action authorized under subsection (a) of this section may be
2 ordered by the Board after a hearing is held in accordance with Article 3A of Chapter 150B of
3 the General Statutes. The Board may reinstate a revoked license if it finds that the reasons for
4 revocation no longer exist and that the person can reasonably be expected to perform the
5 services authorized under this Article in a safe manner.

6 **"§ 90-202.31. Violations of this Article; injunctive relief.**

7 (a) Any person who violates any provision of this Article shall be guilty of a Class 1
8 misdemeanor and may be subject to a civil penalty of not more than one thousand dollars
9 (\$1,000) for each violation of this Article.

10 (b) The Board may apply to the superior court for an order enjoining violations of this
11 Article, and upon a showing by the Board that any person has violated or is about to violate this
12 Article, the court may grant an injunction or restraining order or take other appropriate action."

13 **SECTION 2.** Any person who submits proof to the Board that the person has been
14 actively engaged in business as a pedorthist in this State for at least three consecutive years
15 before the effective date of this act and pays the required fee for the issuance of a license shall
16 be licensed without having to satisfy the requirements of G.S. 90-202.26, as enacted by Section
17 1 of this act. All persons who do not make application to the Board within one year of the
18 effective date of this act shall be required to complete all requirements prescribed by the Board
19 and to otherwise comply with the provisions of G.S. 90-202.26.

20 **SECTION 3.** Notwithstanding G.S. 90-202.24(a)(1) and (2), as enacted by Section
21 1 of this act, the initial pedorthists appointed to the North Carolina Pedorthist Licensure Board
22 do not have to meet the licensure qualifications established under G.S. 90-202.26, as enacted by
23 Section 1 of this act. The appointees must be pedorthists certified by the Board for Certification
24 in Pedorthics and must apply for and obtain a license from the Board within 90 days after the
25 Board begins issuing licenses.

26 **SECTION 4.** This act is effective when it becomes law.