

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

S

D

SENATE DRS35303-LUfqq-63 (03/01)

Short Title: Pedorthist Licensure.

(Public)

Sponsors: Senator Hartsell.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE PEDORTHIST LICENSURE ACT.

The General Assembly of North Carolina enacts:

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

"Article 12B.

"Pedorthist Licensure Act.

**"§ 90-202.20. Short title.**

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

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

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

**"§ 90-202.22. Definitions.**

The following definitions apply in this Article:

(1) 'Board' means the North Carolina Pedorthist Licensure Board.

(2) 'License' means a certificate issued by the Board recognizing the person named therein as having met the requirements to practice art therapy as defined in this Article.

(3) 'Licensee' means a person who had been issued a license under this Article.

(4) 'Orthosis' means a custom-fabricated, definitive brace or support that is designed for long-term use.

- 1           (5) 'Orthotics' means the science and practice of evaluating, measuring,  
2 designing, fabricating, assembling, fitting, adjusting, or servicing, as  
3 well as the provision of initial training necessary to accomplish the  
4 fitting of, an orthosis for the support, correction, or alleviation of  
5 neuromuscular or musculoskeletal dysfunction, disease, injury, or  
6 deformity.
- 7           (6) 'Pedorthist' means a person who is licensed to practice pedorthics  
8 under this Article.
- 9           (7) 'Practice of pedorthics' means the design, manufacture, modification,  
10 or fit of custom shoes, orthoses, and pedorthic devices to prevent or  
11 alleviate foot problems caused by disease, congenital defect, overuse,  
12 or injury pursuant to a licensed physician's prescription.
- 13           (8) 'Person' means an individual, corporation, partnership, association, unit  
14 of government, or other legal entity.

15 **"§ 90-202.23. License required.**

16       On or after January 1, 2008, no person shall practice or offer to practice pedorthics,  
17 as defined in this Article, use the title 'Licensed Pedorthist', use the letters 'LP', or  
18 otherwise indicate or imply that the person is a licensed pedorthist unless that person is  
19 currently licensed as provided in this Article.

20 **"§ 90-202.24. The North Carolina Pedorthist Licensure Board.**

21       (a) Composition and Terms. – The North Carolina Pedorthist Licensure Board is  
22 created. The Board shall consist of seven members who shall serve staggered terms. The  
23 initial Board members shall be appointed on or before October 1, 2007, as follows:

- 24           (1) The General Assembly, upon the recommendation of the President Pro  
25 Tempore of the Senate, shall appoint two licensed pedorthists, one of  
26 whom shall serve a term of three years and one of whom shall serve a  
27 term of two years.
- 28           (2) The General Assembly, upon the recommendation of the Speaker of  
29 the House of Representatives, shall appoint two licensed pedorthists,  
30 one of whom shall serve a term of two years and one of whom shall  
31 serve a one-year term.
- 32           (3) The General Assembly, upon the recommendation of the President Pro  
33 Tempore of the Senate, shall appoint one podiatrist who is licensed  
34 under Article 12A of Chapter 90 of the General Statutes, who shall  
35 serve a one-year term.
- 36           (4) The General Assembly, upon the recommendation of the Speaker of  
37 the House of Representatives, shall appoint one podiatrist who is  
38 licensed under Article 12A of Chapter 90 of the General Statutes, who  
39 shall serve a two-year term.
- 40           (5) The Governor shall appoint one public member who shall serve a  
41 three-year term.

42       Upon the expiration of the terms of the initial Board members, members shall be  
43 appointed by the appointing authorities designated in subdivisions (1) through (4) of this

1 subsection for a term of three years and shall serve until a successor is appointed. No  
2 member may serve more than two consecutive full terms.

3 (b) Qualifications. – Members of the Board shall be citizens of the United States  
4 and residents of this State. The pedorthist members shall hold current licenses from the  
5 Board and shall remain in good standing with the Board during their terms. Public  
6 members of the Board shall not be: (i) trained or experienced in the practice of  
7 pedorthics, (ii) an agent or employee of a person engaged in the practice of pedorthics,  
8 (iii) a health care professional licensed under this Chapter or a person enrolled in a  
9 program to become a licensed health care professional, (iv) an agent or employee of a  
10 health care institution, a health care insurer, or a health care professional school, (v) a  
11 member of an allied health profession or a person enrolled in a program to become a  
12 member of an allied health profession, or (vi) a spouse of an individual who may not  
13 serve as a public member of the Board.

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

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

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

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

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

32 **"§ 90-202.25. Powers and duties of the Board.**

33 The Board shall have the power and duty to:

- 34 (1) Administer this Article.
- 35 (2) Issue interpretations of this Article.
- 36 (3) Adopt, amend, or repeal rules as may be necessary to carry out the  
37 provisions of this Article.
- 38 (4) Employ and fix the compensation of personnel that the Board  
39 determines is necessary to carry into effect the provisions of this  
40 Article and incur other expenses necessary to effectuate this Article.
- 41 (5) Determine the qualifications and fitness of applicants for licensure,  
42 licensure renewal, and reciprocal licensure.

- 1           (6) Issue, renew, deny, suspend, or revoke licenses, order probation, issue  
 2 reprimands, and carry out any other disciplinary actions authorized by  
 3 this Article.
- 4           (7) Set fees for licensure, reciprocal licensure, licensure renewal, and  
 5 other services deemed necessary to carry out the purposes of this  
 6 Article.
- 7           (8) Establish continuing education requirements for licensees.
- 8           (9) Establish a code of ethics for licensees.
- 9           (10) Maintain a current list of all persons who have been licensed under this  
 10 Article.
- 11          (11) Conduct investigations for the purpose of determining whether  
 12 violations of this Article or grounds for disciplining licensees exist.
- 13          (12) Maintain a record of all proceedings and make available to all  
 14 licensees and other concerned parties an annual report of all Board  
 15 action.
- 16          (13) Adopt a seal containing the name of the Board for use on all official  
 17 documents and reports issued by the Board.

18 **"§ 90-202.26. Qualifications for licensure.**

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

- 21           (1) Is at least 18 years old.
- 22           (2) Is of good moral character.
- 23           (3) Possesses a high school diploma or its equivalent.
- 24           (4) Completes an application on a form provided by the Board.
- 25           (5) Is certified as a pedorthist by the Board for Certification in Pedorthics  
 26 (BCP).
- 27           (6) Pays the required fee under G.S. 90-202.28.

28 **"§ 90-202.27. Reciprocity.**

29 The Board may grant, upon application and the payment of proper fees, a license to  
 30 a person who, at the time of application holds a valid license, certificate, or registration  
 31 as a pedorthist issued by another state if, in the Board's determination, the requirements  
 32 for that license, certificate, or registration are substantially the same as the requirements  
 33 for licensure under this Article.

34 **"§ 90-202.28. Expenses; fees.**

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

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

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

- 44           (1) License application                                 \$350.00

1	(2)	<u>Biennial renewal of license</u>	<u>\$350.00</u>
2	(3)	<u>Late renewal of license</u>	<u>\$100.00</u>
3	(4)	<u>Copies of rules</u>	<u>Cost.</u>

4 **"§ 90-202.29. License renewal.**

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

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

18 **"§ 90-202.31. Disciplinary action by the Board.**

19 (a) The Board may deny, refuse to renew, suspend, or revoke an application or  
20 license or order probation or issue a reprimand if the applicant or licensee:

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

40 (b) The taking of any action authorized under subsection (a) of this section may  
41 be ordered by the Board after a hearing is held in accordance with Article 3A of Chapter  
42 150B of the General Statutes. The Board may reinstate a revoked license if it finds that  
43 the reasons for revocation no longer exist and that the person can reasonably be  
44 expected to perform the services authorized under this Article in a safe manner.

1 **"§ 90-202.32. Violations of this Article; injunctive relief.**

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

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

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

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

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