

TO: House Health and Human Services Policy Committee  
Chair Rep. Tina Liebling

FROM: Minnesota Society of Orthotists, Prosthetists & Pedorthists (MSOPP)  
Kevin Hines, CPO, President  
Sam Walseth, Capitol Hill

BILL: HF 1836 Orthotics, Prosthetics, and Pedorthics Practice Act

RE: Legislative Questionnaire for New or Expanded Regulation of Health Occupations (Licensing)

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In the 2014 session, no bill for “new or expanded regulation of an occupation” will be heard by the HHS policy committee unless the proponent first submits a written report as required by Minn. Stat. 214.002 subd. 1.

Subd. 2. Contents of report. A report in support of the regulation of a health-related or non-health-related occupation must address the following issues as specifically as possible:

- (1) the harm to the public that is or could be posed by the unregulated practice of the occupation or by continued practice at its current degree of regulation;
  - a. The unregulated practice of orthotics, prosthetics and pedorthics (O,P&P) may cause physical harm or endanger the health, safety and welfare of citizens of the state.
  - b. The potential for harm is recognizable and not remote.
- (2) any reason why existing civil or criminal laws or procedures are inadequate to prevent or remedy any harm to the public;
  - a. Existing laws do not prevent an unlicensed practitioner from providing services to this population, nor are citizens effectively protected by other means
  - b. There is currently no formal recognized avenue for investigation, recourse, or collection of damages on behalf of the public should there be unscrupulous or dangerous actions from any provider of these services.
- (3) why the proposed level of regulation is being proposed and why, if there is a lesser degree of regulation, it was not selected;
  - a. Regulation is being proposed to provide level of protection to citizens of state.
- (4) any associations, organizations, or other groups representing the occupation seeking regulation and the approximate number of members in each in Minnesota;
  - a. Minnesota Society of Orthotists, Prosthetists & Pedorthists (MSOPP) represents the entire O,P&P community in Minnesota and has approximately 60 members.
- (5) the functions typically performed by members of this occupational group and whether they are identical or similar to those performed by another occupational group or groups;
  - a. Orthotists, prosthetists and pedorthists provide orthotic, prosthetic and pedorthic services to citizens of the state. Limited provisions of these services are performed by

other licensed healthcare providers in some settings (I.E., physicians or physical therapists.)

- (5) whether any specialized training, education, or experience is required to engage in the occupation and, if so, how current practitioners have acquired that training, education, or experience;
  - a. Orthotists, prosthetists and pedorthists are specially trained practitioners and each carries educational and experiential requirements. These practitioners are certified by two national certifying bodies including the American Board for Certification in Orthotics & Prosthetics (ABC) and the Board for Certification in Orthotics & Prosthetics (BOC). Please see the attached for more specifics. The public needs and will benefit by assurances of initial and continuing occupational ability
- (6) whether the proposed regulation would change the way practitioners of the occupation acquire any necessary specialized training, education, or experience and, if so, why;
  - a. The proposed regulation would not change current education or training.
  - b. The licensing proposal is being pursued to require the specialized training and certification in order to practice the profession in the State of Minnesota.
- (7) whether any current practitioners of the occupation in Minnesota lack whatever specialized training, education, or experience might be required to engage in the occupation and, if so, how the proposed regulation would address that lack;
  - a. The current certified O,P&P practitioners in the state are certified by either ABC or BOC. The proposed legislation requires that certified practitioners become licensed with the state.
- (8) whether new entrants into the occupation would be required to provide evidence of any necessary training, education, or experience, or to pass an examination, or both;
  - a. New entrants would be required to be certified by a nationally recognized certifying body and maintain certifications.
- (9) whether current practitioners would be required to provide evidence of any necessary training, education, or experience, or to pass an examination, and, if not, why not; and
  - a. Current practitioners would be required to maintain national certification.
- (10) the expected impact of the proposed regulation on the supply of practitioners of the occupation and on the cost of services or goods provided by the occupation.
  - a. The proposed regulation will not affect the supply of certified practitioners nor will it affect the costs of services or goods.

Subd. 3. Additional contents; health-related occupations. In addition to the contents listed in subdivision 2, a report submitted by supporters of regulation of a health-related occupation must address the following issues as specifically as possible:

- (1) typical work settings and conditions for practitioners of the occupation; and
  - a. O,P&P practitioners work in healthcare settings including private facilities, clinics, care facilities and hospitals and do so under the direct order generated by a prescribing healthcare professional of the State of Minnesota.

- (2) whether practitioners of the occupation work without supervision or are supervised and monitored by a regulated institution or by regulated health professionals.
  - a. Certified O,P&P practitioners work without supervision, and under the direct order generated by a prescribing healthcare professional of the State of Minnesota.

The report must succinctly address the questions set forth in Minn. Stat. 214.002 subd. 2 and subd. 3 (attached) and the following:

1. What other professions are likely to be impacted by the proposed regulatory changes?
  - a. Persons likely to be impacted by the proposed regulations include individuals who are not certified to provide the services of O,P&P.
2. What position, if any, have professional associations of the impacted professions taken with respect to your proposal?
  - a. Unknown.
3. Please describe what efforts you have undertaken to minimize or resolve any conflict or disagreement described above.
  - a. None anticipated.

Legislative Questionnaire for Expanded Scope of Practice of Health Occupations  
House Health and Human Services Policy Committee  
Chair: Rep. Tina Liebling

In the 2014 session, no bill to expand the scope of an occupation's practice will be heard by the committee unless the proponent first submits a written report succinctly addressing the following:

1. How is this profession's scope of practice in the area of proposed change currently defined and what failings or shortcomings are being addressed by the proposed changes to the profession's scope?
  - a. Please see O,P&P scope of practice as defined in the HF 1836.
2. Does specialized skill or training support the expansion of this occupation into the proposed areas of practice? If so, what skills or training?
  - a. Yes, specialized skill and training required of certified O,P&P practitioners support the induction of this regulation. Please see attached educational and certification requirements.
3. How would the public benefit by the occupation's ability to practice in the new proposed areas of practice? Is there any potential detriment to the public? Who would monitor practitioners to insure high quality service?
  - a. The public would benefit by being served by licensed and certified O,P&P practitioners.
4. Could Minnesotans effectively receive the impacted services by a means other than the proposed changes to scope of practice?
  - a. Some individuals would continue to be able to receive O,P&P services from other providers acting within their current scope of practice, as indicated by Minnesota statutes.
5. How would the new or expanded services be compensated? What other costs and what savings would accrue and to whom? (E.g., the state, providers, patients)
  - a. O,P &P services will continue to be reimbursed by private and third party (insurance) means. The only additional costs imposed would be the licensing fees paid by the O,P&P practitioners, as itemized in the proposed regulation.
6. What, if any, economic impact is foreseeable as a result of the proposed change?
  - a. None is foreseeable. The overall cost effectiveness and economic impact would be positive for citizens of the state.
7. What other professions are likely to be impacted by the proposed changes?
  - a. Unknown as overlap of services occurs with physicians, occupational therapists and physical therapists who work within their respective scopes of practice.
8. What position, if any, have professional associations of the impacted professions taken with respect to your proposal?
  - a. Receptive.
9. Please describe what efforts you have undertaken to minimize or resolve any conflict or disagreement described above.
  - a. Copies of the proposed legislation have been provided to physician, occupational and physical therapy groups, who are excepted if and when they work within their respective scope of practice.