

March 16, 2009

S 619. PEDORTHIST LICENSURE. Filed 3/16/09. *TO ESTABLISH THE PEDORTHIST LICENSURE ACT.*

Adds new Article 12B, *Pedorthist Licensure Act*, to GS Chapter 90. Presents legislative findings that the practice of pedorthics is a continually evolving area of health care and that the unauthorized, unqualified, and unprofessional practice of pedorthics is a threat to public safety, health, and welfare. Defines the *practice of pedorthics* to mean the design, manufacture, modification, or fit of custom shoes, orthoses, and pedorthic devices pursuant to a licensed physician's prescription to prevent or alleviate foot problems caused by disease, congenital defect, overuse, or injury. Provides additional definitions for terms as used in this proposed Article.

Creates the North Carolina Pedorthist Licensure Board (NC Board). Provides that the NC Board is to have seven members serving staggered terms, with four members who are licensed pedorthists, two members who are licensed podiatrists, and one public member. Provides that the initial members of the NC Board are to serve specified terms of one, two, or three years, with subsequent appointees upon the expiration of the terms of the initial NC Board members serving three-year terms, with a limit of no member serving more than two consecutive full terms. Provides criteria for the filling of vacancies, removal of members, compensation for members, the election of officers, and holding meetings.

Provides criteria for qualifications for membership on the NC Board, requiring that the members who are pedorthists hold current licenses from the NC Board, except that the initial pedorthists appointed to the NC Board do not have to meet the licensure qualifications under the proposed new GS 90-202.26, but (1) must be certified by the *Board for Certification in Pedorthics* (BCP) and (2) must apply for and obtain a license from the NC Board within 90 days after the NC Board begins issuing licenses.

Also provides qualifications for licensure to practice pedorthics, requiring that an applicant (1) be at least 18 years old, (2) of good moral character, (3) have a high school diploma or its equivalent, (4) complete an application on a form provided by the NC Board, (5) be certified as a pedorthist by the BCP, and (6) pay the required fee under proposed GS 90-202.28. Provides that a person who submits proof to the NC Board that the person has been actively engaged in business as a pedorthist for at least three consecutive years before the effective date of this proposed act and pays the required licensing fee can be licensed without having to satisfy the requirements of new GS 90-202.26 (Qualifications for licensure). Provides that any person who does not make application for licensing to the NC Board within one year of the effective date of this proposed act is required to meet all of the licensing requirements of the NC Board and the provisions of new GS 90-202.26.

Presents the powers and duties of the NC Board, among which are included the authority to (1) administer the proposed new Article; (2) adopt, amend, or appeal rules as necessary to carry out the provisions of the proposed Article; (3) issue, deny, renew, suspend, or revoke licenses; (4) set fees for licensure; and (5) establish a code of ethics for licensees. Provides criteria under which the NC Board may engage in reciprocity in the granting of a license to an applicant who holds a valid pedorthist license, certificate, or registration from another state. Sets fees for licensing and license renewal. Provides criteria for license renewal. Authorizes the NC Board to engage in disciplinary actions, including revoking and suspending an application or license, and provides actions and/or behaviors that may serve as the basis for a disciplinary action. Also provides that the NC Board has the authority to reinstate a revoked license if it finds that the reason for the revocation no longer exists.

Prohibits a person on or after January 1, 2010, from practicing pedorthics or from implying that the person is a licensed pedorthist, unless that person is licensed under the new Article.

Provides that the NC Board may apply to the superior court for injunctive relief against a person who is in violation of or about to violate the proposed Article. Also provides that a violation of the proposed Article is a Class 1 misdemeanor with a civil penalty of not more than \$1,000 for each violation.

Intro. by Hartsell.

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