

- SUBJECT:** Licensing requirements for persons measuring or fitting orthoses
- COMMITTEE:** Public Health — favorable, without amendment
- VOTE:** 7 ayes — Kolkhorst, Naishtat, Collier, Cortez, S. Davis, Guerra, J.D. Sheffield
- 3 nays — S. King, Laubenberg, Zedler
- 1 absent — Coleman
- SENATE VOTE:** On final passage, April 8 — 30-1 (Seliger)
- WITNESSES:** *(On House companion bill, HB 1161)*
For — Edward Correia, Orthotic Coalition for Patient and Physician Choice; Bobby Hillert, Texas Orthopaedic Association; *(Registered, but did not testify:* Jennifer Banda, Texas Hospital Association; Jaime Capelo, Texas Academy of Physician Assistants; Patricia Conradt; Dan Finch, Texas Medical Association; J. Pete Laney, Orthotic Coalition for Patient and Physician Choice; David Williams, Texas Nurse Practitioners; Eric Woomer, Federation of Texas Psychiatry)
- Against — Mike Allen; Katie Brinkley; Snapper Carr, Texas Association of Orthotists and Prosthetists; Scott Jameson, American Academy of Orthotists and Prosthetists, Texas Chapter; Mark Kirchner; Amy Mehary, Texas Association of Orthotists and Prosthetists; Robb Walker; *(Registered, but did not testify:* Sheron Archie, Hanger Clinic; Frieda Borth, Hanger Clinic; Michael Brown; Gary Crowe; Ninfa Gonzales, Hanger Clinic, ABC; Amanda Ischy, Hanger Clinic; Jennifer Marchel, Hanger Clinic, ABC; Allison Neil, Hanger Clinic, ABC; Shawn Schroeder, Hanger Clinic; Mark Scott, Hanger Clinic; Rose Scott, Hanger Clinic)
- On — Mari Robinson, Texas Medical Board; *(Registered, but did not testify:* David Olvera, Texas Board of Orthotics and Prosthetics)
- BACKGROUND:** Chapter 605 of the Occupations Code governs the licensing and regulation of orthotists, persons licensed to practice orthotics, which is the science

and practice of measuring, designing, fitting, or servicing an orthosis. An orthosis is a custom-fabricated or custom-fitted medical device designed to provide for the support, alignment, prevention, or correction of a neuromuscular or musculoskeletal disease, injury, or deformity.

DIGEST: SB 505 would exempt from the licensing and regulatory requirements in ch. 605, Occupations Code, persons measuring or fitting an orthosis under the supervision of a physician licensed to practice in Texas. This exemption would not apply to the measuring and fitting of a custom-fabricated device if its measuring and fitting required substantial clinical judgment as determined by the treating physician.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2013.

SUPPORTERS SAY: SB 505 would improve patient access to orthotic health care devices and services by allowing supervised employees to measure and fit orthoses without requiring they be licensed orthotists. Many orthotics are simple, standardized, and safe. Requiring special degrees or licenses to provide access to these devices reduces the number who would otherwise assist clients in obtaining them.

The bill would save money for individuals and the health care system. Currently, those available to fit and measure orthoses are limited by burdensome licensing restrictions, which raises the cost of orthotic devices and service. Increasing the number of orthotic assistants would remove this source of health care inflation and allow the free market to more accurately determine the costs of orthotics.

SB 505 would protect consumers' health by requiring a licensed physician oversee any measuring or fitting of clients that required substantial clinical judgment.

OPPONENTS SAY: SB 505 would put patient health at risk. The Texas Board of Orthotics and Prosthetics' current licensing requirements are reasonable and ensure a safe experience for patients. Although the bill would require a non-licensed employee be supervised by a physician, it would not specify the degree or frequency of this supervision. In a lax environment where physicians and licensed orthotists provided only background oversight over non-specialized employees, there would be a higher risk that

situations requiring substantial clinical judgment would go undetected.