

Chapter 18.200 RCW
ORTHOTIC AND PROSTHETIC SERVICES

Sections

18.200.005	Intent—Purpose—1997 c 285.
18.200.010	Definitions.
18.200.020	Treatment limits.
18.200.030	Use of title—Prohibited without license—Posting of license.
18.200.040	Practices not limited by chapter.
18.200.050	Secretary's authority.
18.200.060	Advisory committee—Composition—Terms—Duties.
18.200.070	Application—Requirements—Examination—Alternative standards.
18.200.080	Licensure without examination.
18.200.090	Reciprocity.
18.200.100	Application of uniform disciplinary act.
18.200.900	Short title.
18.200.902	Effective date—1997 c 285 §§ 1-5 and 8-12.

RCW 18.200.005 Intent—Purpose—1997 c 285. It is the intent of the legislature that this act accomplish the following: Safeguard public health, safety, and welfare; protect the public from being misled by unethical, ill-prepared, unscrupulous, and unauthorized persons; assure the highest degree of professional conduct on the part of orthotists and prosthetists; and assure the availability of orthotic and prosthetic services of high quality to persons in need of the services. The purpose of this act is to provide for the regulation of persons offering orthotic and prosthetic services to the public. [1997 c 285 § 1.]

RCW 18.200.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Advisory committee" means the orthotics and prosthetics advisory committee.

(2) "Department" means the department of health.

(3) "Secretary" means the secretary of health or the secretary's designee.

(4) "Orthotics" means the science and practice of evaluating, measuring, designing, fabricating, assembling, fitting, adjusting, or servicing, as well as providing the initial training necessary to accomplish the fitting of, an orthosis for the support, correction, or alleviation of neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity. The practice of orthotics encompasses evaluation, treatment, and consultation. With basic observational gait and postural analysis, orthotists assess and design orthoses to maximize function and provide not only the support but the alignment necessary to either prevent or correct deformity or to improve the safety and efficiency of mobility or locomotion, or both. Orthotic practice includes providing continuing patient care in order to assess its effect on the patient's tissues and to assure proper fit and function of the orthotic device by periodic evaluation.

(5) "Orthotist" means a person licensed to practice orthotics under this chapter.

(6) "Orthosis" means a custom-fabricated, definitive brace or support that is designed for long-term use. Except for the treatment of scoliosis, orthosis does not include prefabricated or direct-formed orthotic devices, as defined in this section, or any of the following assistive technology devices: Commercially available knee orthoses used following injury or surgery; spastic muscle tone-inhibiting orthoses; upper extremity adaptive equipment; finger splints; hand splints; custom-made, leather wrist gauntlets; face masks used following burns; wheelchair seating that is an integral part of the wheelchair and not worn by the patient independent of the wheelchair; fabric or elastic supports; corsets; arch supports, also known as foot orthotics; low-temperature formed plastic splints; trusses; elastic hose; canes; crutches; cervical collars; dental appliances; and other similar devices as determined by the secretary, such as those commonly carried in stock by a pharmacy, department store, corset shop, or surgical supply facility. Prefabricated orthoses, also known as custom-fitted, or off-the-shelf, are devices that are manufactured as commercially available stock items for no specific patient. Direct-formed orthoses are devices formed or shaped during the molding process directly on the patient's body or body segment. Custom-fabricated orthoses, also known as custom-made orthoses, are devices designed and fabricated, in turn, from raw materials for a specific patient and require the generation of an image, form, or mold that replicates the patient's body or body segment and, in turn, involves the rectification of dimensions, contours, and volumes to achieve proper fit, comfort, and function for that specific patient.

(7) "Prosthetics" means the science and practice of evaluating, measuring, designing, fabricating, assembling, fitting, aligning, adjusting, or servicing, as well as providing the initial training necessary to accomplish the fitting of, a prosthesis through the replacement of external parts of a human body lost due to amputation or congenital deformities or absences. The practice of prosthetics also includes the generation of an image, form, or mold that replicates the patient's body or body segment and that requires rectification of dimensions, contours, and volumes for use in the design and fabrication of a socket to accept a residual anatomic limb to, in turn, create an artificial appendage that is designed either to support body weight or to improve or restore function or cosmesis, or both. Involved in the practice of prosthetics is observational gait analysis and clinical assessment of the requirements necessary to refine and mechanically fix the relative position of various parts of the prosthesis to maximize the function, stability, and safety of the patient. The practice of prosthetics includes providing continuing patient care in order to assess the prosthetic device's effect on the patient's tissues and to assure proper fit and function of the prosthetic device by periodic evaluation.

(8) "Prosthetist" means a person who is licensed to practice prosthetics under this chapter.

(9) "Prosthesis" means a definitive artificial limb that is alignable or articulated, or, in lower extremity applications, capable of weight bearing. Prosthesis means an artificial medical device that is not surgically implanted and that is used to replace a missing limb, appendage, or other external human body part including an artificial limb, hand, or foot. The term does not include artificial eyes, ears, fingers or toes, dental appliances, ostomy products,

devices such as artificial breasts, eyelashes, wigs, or other devices as determined by the secretary that do not have a significant impact on the musculoskeletal functions of the body. In the lower extremity of the body, the term prosthesis does not include prostheses required for amputations distal to and including the transmetatarsal level. In the upper extremity of the body, the term prosthesis does not include prostheses that are provided to restore function for amputations distal to and including the carpal level.

(10) "Authorized health care practitioner" means licensed physicians, physician's assistants, osteopathic physicians, chiropractors, naturopaths, podiatric physicians and surgeons, dentists, and advanced registered nurse practitioners. [1997 c 285 § 2.]

RCW 18.200.020 Treatment limits. An orthotist or prosthetist may only provide treatment utilizing new orthoses or prostheses for which the orthotist or prosthetist is licensed to do so, and only under an order from or referral by an authorized health care practitioner. A consultation and periodic review by an authorized health care practitioner is not required for evaluation, repair, adjusting, or servicing of orthoses by a licensed orthotist and servicing of prostheses by a licensed prosthetist. Nor is an authorized health care practitioner's order required for maintenance of an orthosis or prosthesis to the level of its original prescription for an indefinite period of time if the order remains appropriate for the patient's medical needs.

Orthotists and prosthetists must refer persons under their care to authorized health care practitioners if they have reasonable cause to believe symptoms or conditions are present that require services beyond the scope of their practice or for which the prescribed orthotic or prosthetic treatment is contraindicated. [1997 c 285 § 3.]

RCW 18.200.030 Use of title—Prohibited without license—Posting of license. No person may represent himself or herself as a licensed orthotist or prosthetist, use a title or description of services, or engage in the practice of orthotics or prosthetics without applying for licensure, meeting the required qualifications, and being licensed by the department of health, unless otherwise exempted by this chapter.

A person not licensed with the secretary must not represent himself or herself as being so licensed and may not use in connection with his or her name the words or letters "L.O.," "L.P.," or "L.P.O.," or other letters, words, signs, numbers, or insignia indicating or implying that he or she is either a licensed orthotist or a licensed prosthetist, or both. No person may practice orthotics or prosthetics without first having a valid license. The license must be posted in a conspicuous location at the person's work site. [1997 c 285 § 4.]

RCW 18.200.040 Practices not limited by chapter. Nothing in this chapter shall be construed to prohibit or restrict:

(1) The practice by individuals listed under RCW 18.130.040 and performing services within their authorized scopes of practice;

(2) The practice by an individual employed by the government of the United States while engaged in the performance of duties prescribed by the laws of the United States;

(3) The practice by a person who is a regular student in an orthotic or prosthetic educational program approved by the secretary, and whose performance of services is pursuant to a regular course of instruction or assignments from an instructor and under the general supervision of the instructor, if the person is designated by a title that clearly indicates the person's status as a student or trainee;

(4) A person fulfilling the supervised residency or internship experience requirements described in RCW 18.200.070, if the activities and services constitute a part of the experience necessary to meet the requirements of this chapter; or

(5) A person from performing orthotic or prosthetic services in this state if: (a) The services are performed for no more than ninety working days; and (b) the person is licensed in another state or has met commonly accepted standards for the practice of orthotics or prosthetics as determined by the secretary. [1997 c 285 § 5.]

RCW 18.200.050 Secretary's authority. In addition to other authority provided by law, the secretary has the authority to:

(1) Adopt rules under chapter 34.05 RCW necessary to implement this chapter;

(2) Establish administrative procedures, administrative requirements, and fees in accordance with RCW 43.70.250 and 43.70.280. All fees collected under this section must be credited to the health professions account as required under RCW 43.70.320;

(3) Register applicants, issue licenses to applicants who have met the education, training, and examination requirements for licensure, and deny licenses to applicants who do not meet the minimum qualifications, except that proceedings concerning the denial of credentials based upon unprofessional conduct or impairment are governed by the uniform disciplinary act, chapter 18.130 RCW;

(4) Hire clerical, administrative, investigative, and other staff as needed to implement this chapter and hire individuals licensed under this chapter to serve as examiners for any practical examinations;

(5) Determine minimum education requirements and evaluate and designate those educational programs from which graduation will be accepted as proof of eligibility to take a qualifying examination for applicants for licensure;

(6) Establish the standards and procedures for revocation of approval of education programs;

(7) Utilize or contract with individuals or organizations having expertise in the profession or in education to assist in the evaluations;

(8) Prepare and administer, or approve the preparation and administration of, examinations for applicants for licensure;

(9) Determine whether alternative methods of training are equivalent to formal education, and establish forms, procedures, and criteria for evaluation of an applicant's alternative training to determine the applicant's eligibility to take any qualifying examination;

(10) Determine which jurisdictions have licensing requirements equivalent to those of this state and issue licenses without examinations to individuals licensed in those jurisdictions;

- (11) Define and approve any experience requirement for licensing;
- (12) Implement and administer a program for consumer education;
- (13) Adopt rules implementing continuing competency requirements for renewal of the license and relicensing;
- (14) Maintain the official department records of all applicants and licensees;
- (15) Establish by rule the procedures for an appeal of an examination failure;
- (16) Establish requirements and procedures for an inactive license; and
- (17) With the advice of the advisory committee, the secretary may recommend collaboration with health professions, boards, and commissions to develop appropriate referral protocols. [1997 c 285 § 6.]

RCW 18.200.060 Advisory committee—Composition—Terms—Duties.

- (1) The secretary has the authority to appoint an advisory committee to further the purposes of this chapter. The secretary may consider the persons who are recommended for appointment by the orthotic and prosthetic associations of the state. The committee is composed of five members, one member initially appointed for a term of one year, two for a term of two years, and two for a term of three years. Subsequent appointments are for terms of three years. No person may serve as a member of the committee for more than two consecutive terms. Members of the advisory committee must be residents of this state. The committee is composed of three individuals licensed in the category designated and engaged in rendering services to the public. Two members must at all times be holders of licenses for the practice of either prosthetics or orthotics, or both, in this state, except for the initial members of the advisory committee, all of whom must fulfill the requirements for licensure under this chapter. One member must be a practicing orthotist. One member must be a practicing prosthetist. One member must be licensed by the state as a physician licensed under chapter 18.57 or 18.71 RCW, specializing in orthopedic medicine or surgery or physiatry. Two members must represent the public at large and be unaffiliated directly or indirectly with the profession being credentialed but, to the extent possible, be consumers of orthotic and prosthetic services. The two members appointed to the advisory committee representing the public at large must have an interest in the rights of consumers of health services and must not be or have been a licensee of a health occupation committee or an employee of a health facility, nor derive his or her primary livelihood from the provision of health services at any level of responsibility.
- (2) The secretary may remove any member of the advisory committee for cause as specified by rule. In the case of a vacancy, the secretary shall appoint a person to serve for the remainder of the unexpired term.
- (3) The advisory committee may provide advice on matters specifically identified and requested by the secretary, such as applications for licenses.
- (4) The advisory committee may be requested by the secretary to approve an examination required for licensure under this chapter.
- (5) The advisory committee may be requested by the secretary to review and monitor the exemptions to requirements of certain orthoses

and prostheses in this chapter and recommend to the secretary any statutory changes that may be needed to properly protect the public.

(6) The advisory committee, at the request of the secretary, may recommend rules in accordance with the administrative procedure act, chapter 34.05 RCW, relating to standards for appropriateness of orthotic and prosthetic care.

(7) The advisory committee shall meet at the times and places designated by the secretary and hold meetings during the year as necessary to provide advice to the secretary. The committee may elect a chair and a vice chair. A majority of the members currently serving constitute a quorum.

(8) Each member of an advisory committee shall be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060. In addition, members of the committees shall be compensated in accordance with RCW 43.03.240 when engaged in the authorized business of their committees.

(9) The secretary, members of advisory committees, or individuals acting on their behalf are immune from suit in any action, civil or criminal, based on any credentialing or disciplinary proceedings or other official acts performed in the course of their duties. [2022 c 240 § 30; 1997 c 285 § 7.]

RCW 18.200.070 Application—Requirements—Examination—

Alternative standards. (1) An applicant must file a written application on forms provided by the department showing to the satisfaction of the secretary, in consultation with the advisory committee, that the applicant meets the following requirements:

(a) The applicant possesses a baccalaureate degree with coursework appropriate for the profession approved by the secretary, or possesses equivalent training as determined by the secretary pursuant to subsections (3) and (5) of this section;

(b) The applicant has the amount of formal training, including the hours of classroom education and clinical practice, in areas of study as the secretary deems necessary and appropriate;

(c) The applicant has completed a clinical internship or residency in the professional area for which a license is sought in accordance with the standards, guidelines, or procedures for clinical internships or residencies inside or outside the state as established by the secretary, or that are otherwise substantially equivalent to the standards commonly accepted in the fields of orthotics and prosthetics as determined by the secretary pursuant to subsections (3) and (5) of this section. The secretary must set the internship as at least one year.

(2) An applicant for licensure as either an orthotist or prosthetist must pass all written and practical examinations that are required and approved by the secretary in consultation with the advisory committee.

(3) The standards and requirements for licensure established by the secretary must be substantially equal to the standards commonly accepted in the fields of orthotics and prosthetics.

(4) An applicant failing to make the required grade in the first examination may take up to three subsequent examinations as the applicant desires upon prepaying a fee, determined by the secretary under RCW 43.70.250, for each subsequent examination. Upon failing four examinations, the secretary may invalidate the original

application and require remedial education before the person may take future examinations.

(5) The secretary may waive some of the education, examination, or experience requirements of this section if the secretary determines that the applicant meets alternative standards, established by the secretary through rule, that are substantially equivalent to the requirements in subsections (1) and (2) of this section. [1997 c 285 § 8.]

RCW 18.200.080 Licensure without examination. The secretary may grant a license without an examination for those applicants who have practiced full time for five of the six years prior to *the effective date of this act and who have provided comprehensive orthotic or prosthetic, or orthotic and prosthetic, services in an established practice. This section applies only to those individuals who apply within one year of *the effective date of this act. [1997 c 285 § 9.]

***Reviser's note:** 1997 c 285 has two different effective dates. The effective date for sections 1 through 5 and 8 through 12 is December 1, 1998, and the effective date for the remainder of the act is July 27, 1997.

RCW 18.200.090 Reciprocity. An applicant holding a license in another state or a territory of the United States may be licensed to practice in this state without examination if the secretary determines that the other jurisdiction's credentialing standards are substantially equivalent to the standards in this jurisdiction. [1997 c 285 § 10.]

RCW 18.200.100 Application of uniform disciplinary act. The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses, unauthorized practice, and the discipline of persons licensed under this chapter. The secretary is the disciplining authority under this chapter. [1997 c 285 § 11.]

RCW 18.200.900 Short title. This chapter is known and may be cited as the orthotics and prosthetics practice act. [1997 c 285 § 12.]

RCW 18.200.902 Effective date—1997 c 285 §§ 1-5 and 8-12. Sections 1 through 5 and 8 through 12 of this act take effect December 1, 1998. [1997 c 285 § 16.]