109TH CONGRESS 1ST SESSION

H. R. 4159

To amend title 38, United States Code, to establish licensure requirements for employees and contractor personnel of the Department of Veterans Affairs performing orthotics services, pedorthics services, or prosthetics services in any State in which there is a State licensure requirement for persons performing those services in private practice.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 27, 2005

Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. Neal of Massachusetts, and Ms. Jackson-Lee of Texas) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to establish licensure requirements for employees and contractor personnel of the Department of Veterans Affairs performing orthotics services, pedorthics services, or prosthetics services in any State in which there is a State licensure requirement for persons performing those services in private practice.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

- This Act may be cited as the "Department of Vet-
- 3 erans Affairs Prosthetics Employees Standards Act of
- 4 2005".
- 5 SEC. 2. EMPLOYMENT STANDARDS FOR PROSTHETICS EM-
- 6 PLOYEES AND CONTRACTOR PERSONNEL OF
- 7 DEPARTMENT OF VETERANS AFFAIRS.
- 8 (a) Professional Standards.—(1) Chapter 74 of
- 9 title 38, United States Code, is amended by inserting after
- 10 section 7411 the following new section:
- 11 "§ 7412. Orthotics, pedorthics, and prosthetics em-
- 12 ployees and contractor personnel
- 13 "(a) Requirement for Observance of State Li-
- 14 CENSURE REQUIREMENTS.—The Secretary shall require
- 15 that an individual may perform orthotics services,
- 16 pedorthics services, or prosthetics services for patients of
- 17 the Department as an employee of the Department, or as
- 18 an employee of a contractor of the Department, at a work
- 19 site in a State in which there is a State licensure require-
- 20 ment applicable to the performance of those services in
- 21 private practice only if the individual is licensed to per-
- 22 form those services in accordance with the licensure re-
- 23 quirements of that State. The purpose of the requirement
- 24 in the preceding sentence is to ensure that veterans receive
- 25 the same quality of service and treatment in orthotics and

- 1 prosthetics services as the public consumer of those serv-
- 2 ices is assured by the State licensure process.
- 3 "(b) Practitioners Providing Services in More
- 4 Than One State.—This section does not require a prac-
- 5 titioner who has a license from a State to obtain an addi-
- 6 tional State license when the practitioner is providing serv-
- 7 ices covered by the license within a single benefits delivery
- 8 region of the Department and the practitioner the State
- 9 from which the practitioner holds a license has substan-
- 10 tially similar licensure requirements as other States within
- 11 that region.
- 12 "(c) Annual Report to Congress.—The Sec-
- 13 retary shall submit to Congress an annual report regard-
- 14 ing the implementation of this section.
- 15 "(d) Definitions.—For purposes of this section:
- 16 "(1) The term 'orthotics' means the science
- that deals with the use of specialized mechanical de-
- vices to support or supplement weakened or abnor-
- mal joints or limbs.
- 20 "(2) The term 'pedorthics' means the science
- 21 concerned with the design, manufacture, fit, and
- 22 modification of foot appliances as prescribed for re-
- lief of painful or disabling conditions of the foot.

- 1 "(3) The term 'prosthetics' means the branch
- of medicine or surgery that deals with the produc-
- 3 tion and application of artificial body parts.
- 4 "(e) Transition.—During the one-year period be-
- 5 ginning on the date of the enactment of this section, the
- 6 Secretary may waive the provisions of subsection (a) for
- 7 any individual who as of that date would otherwise be cov-
- 8 ered by that subsection.".
- 9 (2) The table of sections at the beginning of such
- 10 chapter is amended by inserting after the item relating
- 11 to section 7411 the following new item:
 - "7412. Orthotics, pedorthics, and prosthetics employees and contractor personnel.".
- 12 (b) Effective Date.—The Secretary of Veterans
- 13 Affairs shall prescribe regulations for the purposes of sec-
- 14 tion 7412 of title 38, United States Code, as added by
- 15 subsection (a), not later than 90 days after the date of
- 16 the enactment of this Act.
- 17 (c) Implementation.—The Secretary shall fully im-
- 18 plement regulations referred to in subsection (b) not later
- 19 than one year after the date of the enactment of this Act.

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