

**REMOVE RESTRICTIONS AND ALLOW PHYSICIAN ASSISTANTS AND NURSE PRACTITIONERS
TO ORDER ORTHOTICS & PROSTHETICS**

The Texas Association of Orthotists and Prosthetists has undertaken a legislative initiative to remove the restrictive prescription requirements in the Practice Act. The change would remove unnecessary restrictions and allow any healthcare practitioner with prescriptive authority to order orthoses and prostheses. This will allow your patients to obtain valid prescriptions from healthcare practitioners with whom they have entrusted their care.

Currently, Sections 821.2 (27) & (33) of the Texas O&P Practice Act require the practice of Orthotics and Prosthetics to occur under the order of only a licensed physician, chiropractor, or podiatrist.

§821.2 (27) Orthotics--The science and practice of measuring, designing, fabricating, assembling, fitting, adjusting, or servicing an orthosis under an order from a licensed physician, chiropractor, or podiatrist for the correction or alleviation of neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity.

§821.2 (33) Prosthetics--The science and practice of measuring, designing, fabricating, assembling, fitting, adjusting, or servicing a prosthesis under an order from a licensed physician, chiropractor, or podiatrist.

On June 16, 2010, the Texas Board of Orthotics and Prosthetics issued the following public notice:

The Texas Orthotics and Prosthetics Act (Texas Occupations Code, Chapter 605) establishes the legal sources of orthotic and prosthetic prescriptions as licensed physicians, chiropractors, or podiatrists. These prescription sources are defined by Board statute §605.002(14) and (18).

As a result, licensed orthotic and prosthetic professionals cannot measure, design, fabricate, assemble, fit, adjust, or service an orthosis or prosthesis without an order from a licensed physician, chiropractor, or podiatrist.

Any licensed individual who is discovered to be practicing orthotics or prosthetics without an appropriate prescription from a licensed physician, chiropractor, or podiatrist will be subject to enforcement action which may include administrative, civil, and criminal penalties.

The Centers for Medicare and Medicaid Services (CMS) recognizes Physician Assistants' (PA) and Nurse Practitioners' (NP) abilities to order orthoses and prostheses covered by the Medicare program. Their prescriptive authority is vested when they meet the requirements defined in the Medicare Benefit Policy Manual, their services are within the scope of practice defined by their state and they are treating the Medicare beneficiary for a condition in which the item is needed.

In Texas, the prescriptive authority of PAs and NPs occur as an extension of their supervising Physician and is within the scope of their State licenses. Further, their prescriptive delegation is governed by the Texas Medical Board. Although CMS does not recognize PAs or NPs as Physicians, they do recognize them as Providers who have prescriptive authority.

CMS' standards have established a reasonable basis to assist the public in acquiring necessary healthcare.
These standards are good for CMS and they are good for Texas.