

House Bill 288

By: Representatives Parsons of the 42<sup>nd</sup>, Wilkinson of the 52<sup>nd</sup>, Graves of the 137<sup>th</sup>, and Wix of the 33<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 8 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated,  
2 relating to orthotics and prosthetics practice, as such article was enacted by an Act approved  
3 May 16, 2002 (Ga. L. 2002, p. 1273), which Act becomes effective July 1 of the fiscal year  
4 following the year in which a specific appropriation of funds is made for purposes of  
5 implementing such article, so as to change certain provisions relating to construction of the  
6 article; to change certain provisions relating to supervision of assistants and technicians; to  
7 provide for related matters; to provide for effective dates; to repeal conflicting laws; and for  
8 other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Article 8 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to  
12 orthotics and prosthetics practice, as such article was enacted by an Act approved May 16,  
13 2002 (Ga. L. 2002, p. 1273), which Act becomes effective July 1 of the fiscal year following  
14 the year in which a specific appropriation of funds is made for purposes of implementing  
15 such article, is amended in Code Section 43-34-193, relating to construction of the article,  
16 by striking paragraph (12) and inserting in its place the following:

17 "(12) Employees or authorized representatives of an orthotic manufacturer from engaging  
18 in one or more of the following: evaluating, adjusting, measuring, designing, fabricating,  
19 assembling, fitting, servicing, training, repairing, replacing, or delivering an orthotic device  
20 under the order, direction, or prescription of a physician or health provider operating within  
21 his or her licensed scope of practice and meeting the criteria of the Part II Policy and  
22 Procedures for Orthotics and Prosthetics Services pursuant to Title XIX of the federal  
23 Social Security Act, as amended."

**SECTION 2.**

Said article, as such article was enacted by an Act approved May 16, 2002 (Ga. L. 2002, p. 1273), which Act becomes effective July 1 of the fiscal year following the year in which a specific appropriation of funds is made for purposes of implementing such article, is further amended in Code Section 43-34-197, relating to supervision of assistants and technicians, by striking subsection (b) and inserting in its place the following:

"(b) No person shall work as a technician unless the work is performed under the ~~supervision~~ direction of a person licensed under this article, which shall not require direct supervision."

**SECTION 3.**

(a)(1) For purposes of promulgating rules and regulations, Sections 1 and 2 of this Act shall become effective on July 1 of the fiscal year in which this Act becomes effective as provided by paragraph (3) of this subsection.

(2) For all other purposes, Sections 1 and 2 of this Act shall become effective July 1 of the fiscal year following the year in which this Act becomes effective as provided by paragraph (3) of this subsection.

(3) Sections 1 and 2 of this Act shall become effective only upon the specific appropriation of funds for purposes of said sections of this Act, including without limitation those positions necessary for implementation, as expressed in an appropriations Act enacted by the General Assembly.

(b) All sections of this Act other than Sections 1 and 2 shall become effective July 1, 2005.

**SECTION 4.**

All laws and parts of laws in conflict with this Act are repealed.