

## **Sunset Advisory Commission**

Wednesday, June 25, 2014  
Senate Finance Committee Room  
Room E1.036, Capitol Extension

### Orthotic & Prosthetics Requires Professional Regulation

**My name is Catherine Mize and I am a Licensed Orthotist and Prosthetist that has served patients in the State of Texas for over 22 years. I am employed by Hanger Clinics which is the largest single employer in this field in Texas and the USA.**

**This is a highly specialized, technical and expensive field of medicine.**

The education requirement is a Masters level degree with additional Residency and Board exams. We serve a group of patients on an individual basis for Orthotics (designing, fabricating and fitting a brace to portion of the body) or Prosthetics (designing, fabrication and fitting an artificial arm or leg to replace an amputated one).

Orthotics may involve designing, fabricating and fitting a custom back brace to stabilize a fracture, treat a child to try and prevent progression of deforming spinal scoliosis, assist a surgeon in the application of a Halo by setting screws into the skull to stabilize a cervical fracture or design leg braces to allow a child or adult with Cerebral Palsy or paralysis to walk. Depending on the complexity of the device, the cost to the public can range from approximately \$100 to \$5,000 or more for a single orthosis.

Prosthetics is the designing, fabricating, fitting and follow-up care involved in replacing an amputated arm or leg with a prosthesis. This process involves many visits to the Prosthetist and depending on the needs of the patient and their physical abilities; lower or upper limb prosthesis will range in cost to the public from \$3,000 to \$100,000 or more. Even Patients covered under insurance policies have financial responsibility of ten to 40 percent of the cost for just their coinsurance portions. Incredible microprocessor chip or "bionic" advancements have been made in this field that has vastly increased the complexity of caring for the patient.

Our Board is needed to provide oversight and scrutiny to ensure O&P practitioners with the proper credentials and training that are practicing in this State and will be held accountable for the medical necessity and the care they provide and bill for. Rules must have a place to be discussed, created and changed as the field advances to ensure that the patient rights and care is a top priority.

## **Patients can be harmed**

While reimbursement is decreasing in the medical profession including O&P, our field is very attractive for fraud, and physical and fiscal abuse to the patient due to the potential of high end device billing. Patients can be harmed by poor or inappropriate care or fraudulent billing for an expensive device that does not function correctly, does not fit them properly, or is not appropriate for them. Once this had occurred, it is very difficult and sometimes impossible to get another device made for them as the insurance payor will not pay again. It then becomes the patient who must tackle the fight of proving they have been harmed financially and physically.

A diabetic patient may be easily harmed from an orthotic or prosthetic device that does not fit them properly. The device can cause an open wound that will be very slow to heal because of their disease. That wound is susceptible to infection which will lead to a prolonged time of injury to the patient or more medical procedures. A foot wound could result in an amputated foot.

The enforcement aspect of our Board must exist and must be effective to protect this group of Texas citizens that have a physical deficit. There must be an avenue to file a complaint so that a thorough investigation may be performed followed by review of the Board for proper and timely adjudication.

We would like our independent Board to remain in place to govern our profession. To accomplish this, we respectfully request that:

- The Enforcement Committee must have the support and cooperation of DSHS and PLCU to support the requests of the TBOP according to the law, in a timely and thorough manner so that fair and solid investigations and hearings may be conducted followed by fair decisions of remedy that are legally enforceable under SOHA appeal.
- The Rules Committee must have the informed legal guidance from DSHS to guide them in forming legal and fair Rules that follow the Legislative laws and protect the public.
- The Licensure Committee must have the administrative support to collect and vet potential license holders and facilities to protect the public.
- And lastly, the Full Texas Board of Orthotics and Prosthetics volunteer appointees, must be supported by the employees of the State of Texas to assist them in protecting those that have a physical disability or injury return to a productive and fulfilling life in this great State that we live in.

Respectfully Submitted by:

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