

Orthotics / Prosthetics Reference Guide
Rev. 03/24/17

TEXAS DEPARTMENT OF LICENSING AND REGULATION



Field Operations Division- Orthotics and Prosthetics

Reference Guide and Checklist

DTE- Direct to Enforcement on first time violation

NC- Needs Corrections on first time violation

FACILITY NAME:	FACILITY LIC. NO.
ADDRESS:	CITY:
PHONE NO.	DATE OF INSPECTION:

Statute	Rules	REQUIREMENTS	
	114.29 (i)(6)	Failure of the facility practitioner in charge or representative to cooperate with the inspector in the performance of the inspection.	DTE
605.353 (a)(3)		Providing false or misleading information to the department	DTE
PATIENT WAITING AREAS			
	114.29(k)(1)	Failure to have patient waiting areas separate from other areas.	NC
	114.29(k)(2)	Failure to have chairs with armrests in waiting rooms. Chairs without armrests or wheels must be provided upon patient request.	NC
	114.29(k)(3)	Failure to have a telephone available for patient use.	NC
	114.29 (f)(3)	An accredited facility must display the accreditation certificate in a prominent location in the facility where it is available for inspection by the public.	NC
	114.29 (f) (9)(a)(b)	An accredited facility must display a visible sign with its hours of operation, including : (a) hours of normal business operation (b) when appropriate; information regarding temporary closure, including holidays, including specific dates and times of the closure and ER contact information.	NC
	114.29 (f)(8)	Facility must display the license certificates of its practitioners in a prominent location in the facility where they are available for inspection by the public.	NC
	114.21 (e)(1)	Licenses shall be displayed appropriately and publicly in the primary office or place of employment of the licensee.	NC
	114.21(e)(3)	No person shall display or carry a copy of a license instead of the original document. (No Copies)	NC
	114.70(d)	All licensees, registrants and accredited Facilities shall prominently display a consumer complaint sign or notice in a waiting room or other area where it is visible to all patients.	NC

FACILITY REQUIREMENTS & CLEANLINESS			
	114.29 (j)	The Facility shall be constructed and maintained appropriately to provide safe and sanitary conditions.	NC
	114.29 (j)(1)	Licensees shall wash their hands with hand sanitizer or soap and water before providing service to each patient .	NC
	114.29(j)(6)	Failure of facility to keep floors, walls, ceilings, shelves, furniture furnishings, and fixtures clean and in good repair.	NC
	114.29(j)(7)	Failure to keep wash basins including toilets clean	NC
	114.29(j)(8)	Failure of facility to have suitable plumbing that provides an adequate and readily available supply of hot and cold running water at all times and that is connected for drainage of sewage and for potable water supply.	NC

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114.29(j)(9)	Failure of facility to provide at least one restroom located on or adjacent to the premises of the facility that is ADA compatible. Chemical supplies shall not be stored in restrooms or other areas that are accessible to public or to patients.	NC
114.29(j)(10)	Facilities shall not be utilized for living or sleeping purposes except as applicable to patients, and may not be used for any other purpose that would tend to make the premises unsanitary, unsafe, or endanger the health and safety of the public.	NC
EXAMINATION/TREATMENT ROOMS		
114.29(l)(1)	Failure to have patient rooms maintain privacy by providing a permanent, floor-to-ceiling wall or dividers and rigid doors that can be closed. Windows must be covered in a way that assures privacy.	NC
114.29(l)(2)	Failure to have a least one set of parallel bars and a mirror that is affixed to the wall or a mirror with a free standing base for patient ambulation trials.	NC
114.29(l)(3)	Chairs with armrest must be provided in exam/treatment rooms. Chairs without armrests or wheels must be provided upon patient request. (Somewhere in Facility)	NC
114.29(j)(2)	Failure to clean patient examination and treatment rooms after patient examination	NC
114.29 (j)(3)	Failure to have Hand sanitizer or hand soap and hand towels or hand dryers available at sinks used by employees and patients. (Can be located somewhere in facility)	NC
114.29(j)(4)	Failure to cover exam table in a material that can be disinfected. Table shall be cleaned and disinfected after providing service to each patient.	NC
114.29(j)(5)	Failure to have appropriate gloves and disinfectants for disease control and must be available in exam rooms and treatment areas.	NC

LAB/FABRICATION AREAS		
114.29 (m)(1)	Failure to make AVAILABLE to persons working in an accredited facility; safety glasses or goggles and dust masks	NC
114.29 (m)(2)	Failure to provide proper machine use training to staff. The facility shall maintain records documenting training, listing the name of the staff person and the date of training for each machine	NC
114.29 (m)(3)	Failure to have safety guards on machines according to manufacturer spec	NC
114.29 (m)(4)	Failure to have Lab/Fabrication areas separated from other areas by walls rigid doors and have adequate lighting.	NC
114.29 (o)(2)	The facility shall have the equipment, tools, and materials to provide casting, measuring, fitting, repairs and adjustments of orthosis and prosthesis, as applicable.	NC

OFFICE RECORDS		
114.29 (n)(1)	Failure of patient records to contain accurate and current progress notes.	NC
114.29 (n)(2)	Failure to keep patient records private.	NC
114.29 (n)(3)	Making patient records available to anyone outside of facility without the Patients signed consent or as required by law.	NC
114.29 (n)(4)	Failure to keep records for a minimum of (5) years	NC
605.2515	114.90 (d)(23) Facility Fitted a prosthesis or orthosis without a prescription	NC
	114.90(d)(10) Facility failed to assess and evaluate a patient's status	NC

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FACILITY UNLICENSED ACTIVITY			
	114.29(f)(1)	Operated an unaccredited facility	DTE
	114.29 (e)(2)	Facilities providing professional clinical residencies shall have a residency program director to provide direct and indirect supervision of residents.	NC
	114.29 (e)(1)(a)	An accredited facility MUST be under the on-site clinical direction of a PRACTITIONER licensed by the department in a discipline(s) for which the facility is accredited.	NC
	114.29 (e)(1)(b)	Facility designated temporary licensee or registered student to serve as the on-site practitioner.	NC
	114.29 (e)(1)C	Failure to notify the department in writing of a change in designation of the on-site practitioner(s) in charge with in (30) days.	NC
	114.29 (3)	An accredited facility must designate at least one person as the SAFETY MANAGER .	NC
	114.29 (3)(a)& (m)(6)	Failure of a SAFETY MANAGER to develop, carry out and monitor the safety program for the accredited facility.	NC
	114.29(3)(b)	Failure to notify the department in writing of a change in designation of the SAFETY MANAGER (s) in charge with in (30) days.	NC
	114.40 (f)(3)	A facility that fails to renew its accreditation shall not represent or imply that the facility is accredited by the department.	NC

VIOLATIONS PERTAINING TO THE INDIVIDUAL			
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INDIVIDUAL LICENSE AND LICENSING REQUIREMENTS			
605.251		A person may not practice, attempt to practice, or offer to practice orthotics or prosthetics unless the person holds a license. Act as an assistant to a person who practices orthotics or prosthetics. In any way hold the person out as being able to practice orthotics or prosthetics unless the person holds a license under this chapter.	DTE
	114.29 (c)(1)	A person licensed under the ACT (Texas Occupations Code Chap. 605), who practices in Texas shall practice only in facilities accredited under the Act (Orthotist working in a prosthetic facility)	DTE
605.351		"USE OF TITLE" A person or an employee, agent, or representative of the person may not use in connection with the person's name or business activities the terms or a combination of the terms or letters described in (Sec. 605.301 -2), indicate orally or in writing, directly or by implication, that an orthotic or prosthetic service is provided or supplied, or extend or provide orthotic or prosthetic services unless the person is an orthotist or prosthetist or an assistant to an orthotist or prosthetist licensed under this chapter.	DTE
	114.21 (e)(2)	Lacking a primary office or place of employment, Licensee failed to carry license, or obtain duplicate license to display at each location.	NC
	114.21 (e)	No person shall make alterations to a license or to a copy of a license.	DTE
	114.40(e)(1)	A person may not practice with an expired license.	DTE

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	114.40 (f)(2)	A person whose license has expired may not use the title or represent or imply that he or she has the title of "Licensed Prosthetist," "Licensed Prosthetist/Orthotist," "Licensed orthotist assistant," "Licensed Prosthetist Assistant," "Licensed Prosthetist Assistant," "Licensed Prosthetist/Orthotist Assistant" or use the letters "LO," "LP," "LOA," "LPA," or "LPOA," and may not use facsimiles	DTE
605.353 (a)(1)	114.90 (b)(1) 114.90(b)(7)	Obtained or attempted to obtain a license by fraud, misrepresentation, or concealment of material fact	DTE
	114.90 (d)(25)	Provided orthotic care in a facility not accredited in orthotics	DTE
	114.90(d)(26)	Provided prosthetic care in a facility not accredited in prosthetics	DTE
605.251	114.90 (c) (10)	Practiced, attempted to practice or offered to practice orthotics/prosthetics, or acted as an assistant without a license	DTE
	114.29 (c)(1) 114.27 (c)(9)	Practicing in a place other than an accredited facility or exempt facility	DTE

PRACTITIONER & LICENSED ASSISTANT

	114.27 (c)(1)	<i>Failure of a supervising licensed practitioner to sign off on a clinical written notes when services are performed by a licensed assistant within 10 working days of the date the service was performed.</i>	NC
	114.27 (c)(6)	Failure of a licensed assistant to only perform a critical care event while in the presence of the supervising practitioner.	NC

TECHNICIAN

	114.28 (a)	Failure of a technician to be supervised by a licensed prosthetist, orthotist, prosthetist/orthotist, prosthetist assistant, orthotist assistant, or prosthetist/orthotist assistant.	NC
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STANDARDS OF CARE RELATED TO PATIENT TREATMENT

605.353 (a)(3)	114.90 (c) (11)(12)	Persistently or flagrantly over treating a client or patient.	NC
	114.90(d)(5)	Failed to maintain acceptable standards of prosthetics or orthotics practices set forth by the department.	NC
	114.90(d)(6)	Failed or unable to practice prosthetics/orthotics with reasonable skill and safety due to the use of alcohol, drugs, chemicals or from mental or physical conditions.	NC
	114.90(d)(7)	Treated or agreed to treat human ailment by means other than appropriate prosthetic/orthotic treatments	NC
	114.90(d)(8)	Provided prosthetic/orthotic services or products in a way that the person knows or should know violates the act	NC

	114.90 (d)(12)	Delegated functions to an individual lacking the ability, knowledge or license/registration to perform functions	NC
	114.90 (d)(18)	Failed to follow universal precautions or infection control standards as required by the Health and safety code	NC
	114.90 (d)(24)	Fitted a prosthesis or orthosis inaccurately or modifying the prescription without authorization	NC

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603.353 (a)(4)	114.90 (e) (1)	Performed an act or omission constituting gross neglect, such as conduct involving malice, willfulness or wanton and reckless disregard of other's right's	NC
603.353 (a)(4)	114.90 (e)(2)(a)	Performed an act or omission constituting malpractice by failing to perform services or provide products for which compensation has been received or failed to perform services or provide products with reasonable care, skill, expedience, and faithfulness	NC
605.353 (a)(4)	114.90 (e)(2)(b)	Performed an act or omission constituting malpractice by failing to do that which a person or ordinary prudence would have done or would not have done under the same or similar circumstances	NC

MISREPRESENTATION / FRAUD

605.353 (a)(2)	114.90 (c)(1)	Provided false or misleading information to the Department regarding Department inquiry	NC
605.353 (a)(2)	114.90(b)(6)	Placed or caused to be placed false, misleading or deceptive advertising	NC
605.353 (a)(2)	114.90 (c)(2)	made or allowed false, misleading or deceptive representation concerning services or products provided or to be provided	NC
603.353 (a)(2)	114.90 (c)(3)	Forged, Altered or falsified a physician's or healthcare professional's order	NC
603.353 (a)(2)	114.90 (c)(7)	Delivered prosthetic/orthotic services or products through means of misrepresentation deception or subterfuge	NC
603.353 (a)(2)	114.90 (c)(9)	Made , filed or caused another person to make or file a report record the licensee knows to be inaccurate, incomplete, false or illegal	NC
603.353 (a)(2)	114.90 (c)(15)	Other fraud or deceit concerning services provided	NC

UNPROFESSIONAL OR UNETHICAL CONDUCT

603.353 (a)(3)	114.90 (c)(14)	Taking without authorization- medication, supplies, equipment, or personal items belonging to a patient	NC
603.353 (a)(3)	114.90 (c)(8)	Accepted or paying, or agreeing to pay or accept illegal remuneration for the securing or soliciting of patients	NC
603.353 (a)(3)	114.90 (d)(1)	Discrimination based on race, color, national origin, religion, gender, age or disability in a practice of prosthetics/orthotics	NC
603.353 (a)(3)	114.90 (d)(4)	Engaged in conduct prohibited by state, federal or local law	NC
603.353 (a)(3)	114.90 (d)(15)	Assaulted or caused, permitting or allowed physical or emotional injury or impairment of dignity or safety to patient or client	NC
603.353 (a)(3)	114.90 (d)(16)	Made abusive, harassing or seductive remarks to a patient, client or co-worker in a work place	NC
603.353 (a)(3)	114.90 (d)(17)	Engaged in sexual contact as defined by Penal Code 21.01 with a patient or client as a result of patient or client relationship	NC

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