Sec. 1. Short title.
This Act may be cited as the Pedorthics Practice Act.

Sec. 5. Declaration of public policy.
The practice of pedorthics in the State of _________________ is an allied health profession recognized by the American Academy of Orthopaedic Surgeons, with educational standards established by various pedorthic credentialing organizations recognized by the National Organization for Competency Assurance (NOCA) and accredited by the National Commission for Credentialing Agencies (NCCA). The increasing population of elderly and physically challenged individuals who need pedorthic services requires that the pedorthic professions be regulated to ensure the provision of high-quality services and devices.

The people of the State of _________________________ deserve the best care available, and will benefit from the assurance of initial and ongoing professional competence of the pedorthists practicing in this State. The practice of pedorthics serves to improve and enhance the lives of individuals with disabilities by enabling them to resume productive lives following serious illness, injury, or trauma. Unregulated dispensing of pedorthic care does not adequately meet the needs or serve the interests of the public. In keeping with State requirements imposed on similar health disciplines, licensure of the pedorthic professions will help ensure the health and safety of consumers, as well as maximize their functional abilities and productivity levels. This Act shall be liberally construed to best carry out these subjects and purposes.

Sec. 10. Definitions.
As used in this Act:

“Assistant” means a person who assists a Pedorthist with patient care services and fabrication of Pedorthic Devices under the supervision of a Licensed Pedorthist.

“Board” means the Board of Pedorthics.

“Custom” means that a pedorthic device is designed, fabricated, and aligned specifically for one person in accordance with sound biomechanical principles.

“Custom fitted” means that a prefabricated or pedorthic device is modified and aligned specifically for one person in accordance with sound biomechanical principles.

“Department” means the Department of _________________ which regulates professional licenses.

“Director” means the Director of the Department.

“Facility” means the business location where pedorthic care is provided has the appropriate clinical space and equipment to provide pedorthic care. A Licensed Pedorthist must be available to either provide care or supervise the provision of care by registered staff.
“Licensed Pedorthist” or “L. Ped.” means a person licensed under this Act to practice pedorthics and who represents himself or herself to the public by the title or description of services that include the term “pedorthic”, “pedorthist”, or a similar title or description of services.

“Licensed physician” means a person licensed as a medical doctor under the laws of the State of ________________.

“Licensed podiatrist” means a person licensed as a podiatrist under the laws of the State of ________________.

“Over-the-counter” means a prefabricated, mass-produced device that is prepackaged and requires no professional advice or judgment in either size selection or use, including fabric or elastic supports, corsets, generic arch supports, elastic hoses.

“Pedorthic device” means therapeutic shoes, shoe modifications made for therapeutic purposes, partial foot prostheses, foot orthoses, ankle-foot orthoses (AFO) and subtalar-control foot orthoses (SCFO) designed to control the anatomy from the ankle and below. Pedorthic devices do not include non-therapeutic, accommodative inlays and non-therapeutic accommodative footwear, regardless of method of manufacture; unmodified, non-therapeutic over-the-counter shoes; or prefabricated foot care products. For purposes of this bill, “accommodative” means designed with a primary goal of conforming to the individual’s anatomy, and “therapeutic” devices are devices that address a medical condition, while “non-therapeutic” devices are devices that do not address a medical condition.

“Pedorthic education program” means a course of instruction accredited by the Commission for Accreditation on Pedorthic Education (“CAPE”) consisting of: (i) a basic curriculum of instruction in foot-related pathology of diseases, anatomy, and biomechanics and (ii) a specific curriculum in pedorthic courses, including lectures covering shoes, foot orthoses, and shoe modifications, pedorthic components and materials, training and functional capabilities, pedorthic performance evaluation, prescription considerations, etiology of disease processes necessitating use of pedorthic devices, medical management, subject matter related to pediatric and geriatric problems, and lectures, demonstrations, and laboratory experiences related to the entire process of measuring and casting, fitting, fabricating, aligning, and completing pedorthic devices.

“Pedorthic Scope of Practice” means a list of tasks with relative weight given to such factors as importance, criticality, and frequency based on nationally accepted standards of pedorthic care as outlined in a comprehensive analysis with an empirical validation study of the profession performed by an independent testing company on behalf of a pedorthic credentialing organization recognized by the National Organization for Competency Assurance (NOCA) and accredited by the National Commission for Credentialing Agencies (NCCA).

“Pedorthics” means the science and practice of evaluating, measuring, designing, fabricating, assembling, fitting, adjusting, or servicing a pedorthic device under an order from a licensed physician or podiatrist for the correction or alleviation of neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity.

“Pedorthist” means a person who measures, designs, fabricates, fits, or services pedorthic devices and assists in the formulation of the order of pedorthic devices as ordered by a licensed physician for the support or correction of disabilities caused by neuromusculoskeletal diseases, injuries, or deformities.
“Person” means a natural person.

“Technician” means a person who assists a pedorthist with fabrication of pedorthic devices but does not provide direct patient care.

**Sec. 15. Exceptions.**
This Act shall not be construed to prohibit:

1. a physician licensed in this State from engaging in the practice for which he or she is licensed;

2. a person licensed in this State under any other Act from engaging in the practice for which he or she is licensed;

3. the practice of pedorthics by a person who is employed by the federal government or any bureau, division, or agency of the federal government while in the discharge of the employee’s official duties;

4. the practice of pedorthics by
   (i) a student enrolled in a school of pedorthics,
   (ii) a student in a qualified work experience program or internship in pedorthics;

5. the practice of pedorthics by one who is a pedorthist licensed under the laws of another state or territory of the United States or another country and has applied in writing to the Department, in a form and substance satisfactory to the Department, for a license as a pedorthist and who is qualified to receive the license under Section 40 until
   (i) the expiration of 6 months after the filing of the written application,
   (ii) the withdrawal of the application, or
   (iii) the denial of the application by the Department;

6. a person licensed by this State as a physical therapist or occupational therapist from engaging in his or her profession; or

7. a podiatrist licensed in this State of from engaging in his or her profession.

**Sec. 20. Powers and duties of the Department.**
(a) The Department shall exercise the powers and duties prescribed by the State of ____________________ for the administration of licensure Acts and shall exercise other powers and duties necessary for effectuating the purposes of this Act.

(b) The Department may adopt rules to administer and enforce this Act including, but not limited to fees for original licensure and renewal and restoration of licenses and may prescribe forms to be issued to implement its rules. The Department shall exercise the powers and duties prescribed by this Act. At a minimum, the rules adopted by the Department shall include standards and criteria for licensure and for professional conduct and discipline. The Department shall consult with the Board in adopting rules. Notice of proposed rulemaking shall be transmitted to the Board, and the Department shall review the Board’s response and any recommendations made in writing with proper explanation of deviations from the Board’s recommendations and response.
(c) The Department at any time may seek the expert advice and knowledge of the Board on any matter relating to the enforcement of this Act.

(d) The Department may adopt rules as necessary to establish eligibility for facility registration and standards.

**Sec. 25. Board of Pedorthics.**
(a) There is established a Board of Pedorthics, which shall consist of 6 voting members to be appointed by the Director. Three members shall be practicing licensed pedorthists. One member shall be a member of the public who is a consumer of pedorthic professional services. One member shall be a public member who is not licensed under this Act or a consumer of services licensed under this Act. One member shall be a licensed physician.

(b) Each member of the Board shall serve a term of three years, except that of the initial appointments to the Board, two members shall be appointed for one year, two members shall be appointed for two years, and two members shall be appointed for 3 years. Each member shall hold office and execute his or her Board responsibilities until the qualification and appointment of his or her successor. No member of the Board shall serve more than eight consecutive years or two full terms, whichever is greater.

(c) Members of the Board shall receive as compensation a reasonable sum as determined by the Director for each day actually engaged in the duties of the office and shall be reimbursed for reasonable expenses incurred in performing the duties of the office.

(d) A quorum of the Board shall consist of a majority of Board members currently appointed.

(e) The Director may terminate the appointment of any member for cause which, in the opinion of the Director reasonably justifies termination, which may include, but is not limited to, a Board member who does not attend 2 consecutive meetings.

(f) Membership of the Board should reasonably reflect representation from the geographic areas in this State.

**Sec. 30. Board; immunity; chairperson.**
(a) Members of the Board shall be immune from suit in any action based upon any disciplinary proceeding or other activities performed in good faith as members of the Board.

(b) The Board shall annually elect a chairperson and vice chairperson who shall be licensed under this Act.

**Sec. 35. Application for original license.**
An application for an original license shall be made to the Department in writing on a form prescribed by the Department and shall be accompanied by the required fee, which shall not be refundable. An application shall require information that in the judgment of the Department will enable the Department to pass on the qualifications of the applicant for a license.

**Sec. 40. Qualifications for licensure as pedorthist.**
(a) To qualify for a license to practice pedorthics, a person shall:

(1) possess a high school diploma or its equivalent; and
(2) have completed the amount of formal training, including, but not limited to, any hours of classroom education and clinical practice established and approved by a pedorthic credentialing organization recognized by the National Organization for Competency Assurance (NOCA) and accredited by the National Commission for Credentialing Agencies (NCCA); and

(3) complete a qualified work experience program or internship in pedorthics in accordance with any standards, guidelines, or procedures established and approved by the Department; and

(4) pass all examinations that are required for certification by a pedorthic credentialing organization recognized by the National Organization for Competency Assurance (NOCA) and accredited by the National Commission for Credentialing Agencies (NCCA); and

(5) have fulfilled all educational and training requirements consistent with those required for certification by a pedorthic credentialing organization recognized by the National Organization for Competency Assurance (NOCA) and accredited by the National Commission for Credentialing Agencies (NCCA).

Sec. 45. Examination requirement.
(a) The Department may authorize the times and places as it may determine for examinations of applicants as pedorthists by pedorthic credentialing organizations recognized by the National Organization for Competency Assurance (NOCA) and accredited by the National Commission for Credentialing Agencies (NCCA). The examination of applicants shall be of a character to fairly test the qualifications of the applicant to practice pedorthics.

(b) Applicants for examination as pedorthists shall be required to pay, either to the Department or to pedorthic credentialing organization recognized by the National Organization for Competency Assurance (NOCA) and accredited by the National Commission for Credentialing Agencies (NCCA), a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date at the time and place specified after the applicant’s application for examination has been received and acknowledged by the Department or the designated testing service shall result in the forfeiture of the examination fee.

(c) If an applicant neglects, fails, or refuses to take an examination or fails to pass an examination for a license under this Act within five years after filing his or her application, the application shall be denied. All fees are nonrefundable. The applicant may make a new application for examination accompanied by the required fee and must furnish proof of meeting qualifications for licensure in effect at the time of new application.

(d) The applicant may take the examination in pedorthics administered by a pedorthic credentialing organization recognized by the National Organization for Competency Assurance (NOCA) and accredited by the National Commission for Credentialing Agencies (NCCA) a maximum of four (4) times within five years of filing their application. If the applicant fails to pass the examination within this time period, the applicant’s pedorthic pre-certification education will no longer be valid and must be retaken by the applicant. The Department’s most current guidelines for taking the examination will be in effect at the time of the new application. Continuing education programs are not valid towards pre-certification education.

Sec. 50. Assistants; technicians.
(a) No person shall work as an assistant to a licensed pedorthist and provide patient care services or fabrication of pedorthic devices, unless he or she is doing the work under the supervision of a licensed pedorthist.

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(b) No person shall work as a technician, as defined in this Act, unless the work is performed under the supervision of a person licensed under this Act.

Sec. 55. Transition period.
(a) Until 365 days from the enactment of this Act, a person certified as a credentialed pedorthist by a pedorthic credentialing organization recognized by the National Organization for Competency Assurance (NOCA) and accredited by the National Commission for Credentialing Agencies (NCCA) may apply for and shall be granted pedorthic licensure under this Act upon payment of the required fee. After that date, any applicant for licensure as a pedorthist shall meet the requirements of subsection (b) of Section 40 of this Act.

(b) On and after the 366th day from the enactment of this Act, no person shall practice pedorthics in this State or hold himself or herself out as being able to practice either profession, unless he or she is licensed in accordance with Section 40 of this Act.

(c) Notwithstanding any other provision of this Section, a person who has practiced full-time for the past seven years in a pedorthic facility as a pedorthist or pedorthic technician on the effective date of this Act may file an application with the Board within 60 days after the enforcement of this Section begins pursuant to Section 56 of this Act in order to continue to practice pedorthics at his or her identified level of practice. The applicant shall be issued a license or certificate of registration to practice pedorthics under the provisions of this Act without examination upon receipt by the Department of payment of the licensing or registration fee required under Section 70 of this Act and after the Board has completed an investigation of the applicant’s work history. The investigation may include, but is not limited to, completion by the applicant of a questionnaire regarding the applicant’s work history and scope of practice.

Sec. 56. Enforcement.
The licensure requirements of Sections 40, 50, and 55 shall not be enforced until 12 months after the adoption of final administrative rules for this Act.

Sec. 57. Limitation on provision of care and services.
A licensed pedorthist may provide care or services only if the care or services are provided pursuant to an order from a licensed physician, podiatrist or other person qualified by this State to write an order/prescription for pedorthic services.

Sec. 60. Renewal; restoration; military service.
(a) The expiration date and renewal period for each license issued under this Act shall be set by rule of the Department. Continuing education requirements for the renewal of a license shall be:

(i) Proof of current pedorthic certification by a pedorthic credentialing organization recognized by the National Organization for Competency Assurance (NOCA) and accredited by the National Commission for Credentialing Agencies (NCCA); or

(ii) 32 hours of continuing education in the three year period specified by the Department for those individuals who were granted a license under Section 40 Subsection (c) above, without proof of certification by a pedorthic credentialing organization recognized by the National Organization for Competency Assurance
(NOCA) and accredited by the National Commission for Credentialing Agencies (NCCA). These requirements shall be based on established standards of competence.

(b) A person who has permitted his or her license to expire or who has had his or her license on inactive status may have his or her license restored by

(i) making application to the Department,

(ii) filing proof acceptable to the Department of his or her fitness to have his or her license restored including, but not limited to, sworn evidence certifying to active practice in another jurisdiction satisfactory to the Department, and

(iii) paying the required restoration fee.

If the person has not maintained an active practice in another jurisdiction satisfactory to the Department, the Board shall determine, by an evaluation program established by rule, his or her fitness to resume active status and may require the person to complete a period of evaluated clinical experience and may require successful completion of an examination.

(c) A person whose license expired while he or she was

(i) in federal service on active duty within the armed forces of the United States or with the State militia called into service or training or

(ii) in training or education under the supervision of the United States preliminary to induction into military service may have his or her license renewed or restored without paying a lapsed renewal fee if, within two years after termination from the service, training, or education except under conditions other than honorable, he or she furnished the Department with satisfactory evidence that he or she has been so engaged and that his or her service, training, or education has been terminated.

Sec. 65. Elective inactive status.
A person who notifies the Department in writing on forms prescribed by the Department may elect to place his or her license on an inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until he or she notifies the Department in writing of his or her desire to resume active status.

A person requesting restoration from inactive status shall be required to pay the current renewal fee and shall be required to restore his or her license as provided in Section 60 of this Act.

A pedorthist whose license is on inactive status shall not practice pedorthics in this State.

Sec. 70. Endorsement.
The Department may, at its discretion, license as a pedorthist, without examination and on payment of the required fee, an applicant who is a pedorthist who is

(i) licensed under the laws of another state, territory, or country, if the requirements for licensure in that state, territory, or country in which the applicant was licensed were, at the date of his or her licensure, substantially equal to the requirements in force in this State on that date or
(ii) certified by a national certification organization with educational and testing standards equal to or more stringent than the licensing requirements of this State.

Sec. 75. Fees.
(a) The Department shall provide by rule for a schedule of fees to be paid for licenses by all applicants. All fees are not refundable.

(b) The fees for the administration and enforcement of this Act including, but not limited to, original licensure, renewal, and restoration shall be set by rule by the Department.

(c) All fees and fines collected under this Act shall be deposited into the General Professions Dedicated Fund (or similarly name fund for your State).

Sec. 80. Roster of licensees and registrants.
The Department shall maintain a current roster of the names and addresses of all licensees, registrants, and all persons whose licenses have been suspended or revoked within the previous year. This roster shall be available upon written request and payment of the required fee.

Sec. 85. Practice by corporations.
Nothing in this Act shall restrict licensees from forming professional service corporations under the provisions of the Professional Service Corporation Act.

Sec. 90. Grounds for discipline.
(a) The Department may refuse to issue or renew a license, may revoke or suspend a license, or may suspend, place on probation, censure, or reprimand a licensee for one or any combination of the following:

(i) Making a material misstatement in furnishing information to the Department or the Board.

(ii) Violations of or negligent or intentional disregard of this Act or its rules.

(iii) Conviction of any crime that under the laws of the United States or of a state or territory of the United States is a felony or a misdemeanor, an essential element of which is dishonesty, or of a crime that is directly related to the practice of the profession.

(iv) Making a misrepresentation for the purpose of obtaining a license.

(v) A pattern of practice or other behavior that demonstrates incapacity or incompetence to practice under this Act.

(vi) Gross negligence under this Act.

(vii) Aiding or assisting another person in violating a provision of this Act or its rules.

(viii) Failing to provide information within 60 days in response to a written request made by the Department.

(ix) Engaging in dishonorable, unethical, or unprofessional conduct or conduct of a character likely to deceive, defraud, or harm the public.
(x) Habitual intoxication or addiction to the use of drugs or alcohol.

(xii) Directly or indirectly giving to or receiving from a person, firm, corporation, partnership, or association a fee, commission, rebate, or other form of compensation for professional services not actually or personally rendered.

(xiii) A finding by the Board that the licensee or registrant, after having his or her license placed on probationary status, has violated the terms of probation.

(xiv) Abandonment of a patient or client.

(xv) Willfully making or filing false records or reports in his or her practice including, but not limited to, false records filed with State agencies or departments.

(xvi) Physical illness including, but not limited to, deterioration through the aging process or loss of motor skill that results in the inability to practice the profession with reasonable judgment, skill, or safety.

(xvii) Solicitation of professional services using false or misleading advertising.

(b) The determination by a circuit court that a licensee or registrant is subject to involuntary admission or judicial admission, as provided in the Mental Health and Developmental Disabilities Code, operates as an automatic suspension. The suspension will end only upon:

(i) a finding by a court that the patient is no longer subject to involuntary admission or judicial admission and the issuance of a court order so finding and discharging the patient and

(ii) the recommendation of the Board to the Director that the licensee or registrant be allowed to resume his or her practice.

(c) In enforcing this Section, the Department or Board upon a showing of a possible violation may compel an individual licensed to practice under this Act, or who has applied for licensure under this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The Department or Board may order the examining physician to present testimony concerning the mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Board or Department. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of this examination. The examination shall be performed by a physician licensed to practice medicine in all its branches. Failure of an individual to submit to a mental or physical examination, when directed, shall be grounds for suspension of his or her license until the individual submits to the examination if the Department finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Department or Board finds an individual unable to practice because of the reasons set forth in this Section the Department or Board may require that individual to submit to care, counseling, or treatment by physicians approved or designated by the Department or Board, as a condition, term, or restriction for
continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Department may file, or the Board may recommend to the Department to file, a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual. An individual whose license was granted, continued, reinstated, renewed, disciplined or supervised subject to such terms, conditions, or restrictions, and who fails to comply with such terms, conditions, or restrictions, shall be referred to the Director for a determination as to whether the individual shall have his or her license suspended immediately, pending a hearing by the Department.

In instances in which the Director immediately suspends a person’s license under this Section, a hearing on that person’s license must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department and Board shall have the authority to review the subject individual’s record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Department or Board that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license.

(D) Willfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act (if required by your State, identify correct statute name here).

Sec. 95. Injunction; cease and desist order.
(a) If any person violates a provision of this Act, the Director may, in the name of the People of the State of ______________ and through the Attorney General of the State of ______________, petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) If a person practices as a pedorthist or holds himself or herself out as a pedorthist without being licensed or registered under the provisions of this Act, then any other licensed or registered pedorthist, any interested party, or any person injured by the person may, in addition to the Director, petition for relief as provided in subsection (a) of this Section.

(c) Whenever in the opinion of the Department a person violates a provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against him or her. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately.

Sec. 100. Investigations; notice and hearing.
The Department may investigate the actions of an applicant or of a person or persons holding or claiming to hold a license. Before refusing to issue or renew a license, the Department shall, at least 10 days prior to the date set for the hearing, notify in writing the applicant for or holder of a license of the nature of the charges and that a hearing will be held on the date designated. The written notice may be served by personal delivery or by certified or registered mail to the respondent at the address disclosed on his or her last notification to the Department. At the time and place fixed in the notice, the Board shall proceed to hear the charges. The parties or their counsel shall be afforded ample opportunity to present statements, testimony, evidence, and argument.
that may be pertinent to the charges or to the defense to the charges. The Board may continue the hearing from
time to time.

Sec. 105. Transcript.
The Department, at its own expense, shall preserve a record of all proceedings at the formal hearing of a case
involving the refusal to issue or renew a license. The notice of hearing, complaint, and all other documents in the
nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the
Board, and orders of the Department shall be in the record of the proceeding.

Sec. 110. Compelling testimony.
A court may, upon application of the Director or his or her designee or the applicant or licensee against whom
proceedings under Section 100 of this Act are pending, enter an order requiring the attendance of witnesses and
their testimony and requiring the production of documents, papers, files, books, and records in connection with
a hearing or investigation. The court may compel obedience to its order through contempt proceedings.

Sec. 115. Board findings and recommendations.
At the conclusion of a hearing, the Board shall present to the Director a written report of its findings and
recommendations. The report shall contain a finding of whether or not the accused person violated this Act or
failed to comply with the conditions required in this Act. The Board shall specify the nature of the violation or
failure to comply and shall make its recommendations to the Director. The report of findings and
recommendations of the Board shall be the basis for the Department’s order for the refusal or for the granting of
a license, unless the Director determines that the Board report is contrary to the manifest weight of the evidence,
in which case the Director may issue an order in contravention to the Board report. A Board finding is not
admissible in evidence against the person in a criminal prosecution brought for a violation of this Act, but the
hearing and finding are not a bar to a criminal prosecution brought for a violation of this Act.

Sec. 120. Motion for rehearing.
In any case involving the refusal to issue or renew a license or the discipline of a licensee, a copy of the Board’s
report shall be served upon the respondent by the Department, either personally or as provided in this Act for
the service of the notice of hearing. Within 20 days after service, the respondent may present to the Department
a motion in writing for a rehearing, which shall specify the particular grounds for rehearing. If no motion for
rehearing is filed, then upon the expiration of the time specified for filing the motion, or if a motion for rehearing
is denied, upon the denial, the Director may enter an order in accordance with recommendations of the Board,
except as provided in Section 115 of this Act. If the respondent orders from the reporting service and pays for a
transcript of the record within the time for filing a motion for rehearing, the 20-day period within which the
motion may be filed shall commence upon the delivery of the transcript to the respondent.

Sec. 125. Rehearing on order of Director.
Whenever the Director is not satisfied that substantial justice has been done in the revocation, suspension, or
refusal to issue or renew a license the Director may order a rehearing by the same or other examiners.

Sec. 130. Appointment of hearing officer.
The Director shall have the authority to appoint an attorney licensed to practice law in the State of
___________ to serve as a hearing officer in an action for refusal to issue or renew a license or to
discipline a licensee. The hearing officer shall have full authority to conduct the hearing. The hearing officer shall
report his or her findings and recommendations to the Board and the Director. The Board shall have 60 days
from receipt of the report to review the report of the hearing officer and present its findings of fact, conclusions
of law, and recommendations to the Director. If the Board fails to present its report within the 60-day period, the Director shall issue an order based on the report of the hearing officer. If the Director determines that the Board’s report is contrary to the manifest weight of the evidence, he or she may issue an order in contravention of the Board’s report.

Sec. 135. Order or certified copy.
An order or a certified copy of an order, over the seal of the Department and purporting to be signed by the Director, shall be prima facie proof:

(1) that the signature is the genuine signature of the Director;

(2) that the Director is duly appointed and qualified; and

(3) that the Board and its members are qualified to act.

Sec. 140. Restoration of suspended or revoked license.
At any time after the suspension or revocation of any license, the Department may restore the license to the accused person upon the written recommendation of the Board unless, after an investigation and a hearing, the Board determines that restoration is not in the public interest.

Sec. 145. Surrender of license.
Upon the revocation or suspension of a license, the licensee shall immediately surrender the license to the Department, and if the licensee fails to do so, the Department shall have the right to seize the license.

Sec. 150. Temporary suspension of a license.
The Director may temporarily suspend the license of a pedorthist without a hearing simultaneously with the institution of proceedings for a hearing provided for in Section 95 of this Act if the Director finds that evidence in his or her possession indicates that a licensee’s continuation in practice would constitute an imminent danger to the public. If the Director temporarily suspends a license without a hearing, a hearing by the Board must be held within 30 days after the suspension.

Sec. 155. Administrative review law; venue.
All final administrative decisions of the Department are subject to judicial review pursuant to the provisions of the administrative laws of the State of ______________ and its rules. Proceedings for judicial review shall be commenced in the court of the county in which the party applying for review resides, but if the party is not a resident of this State, the venue shall be in the county of __________ in the State of ______________.

Sec. 160. Certifications of record; costs.
The Department shall not be required to certify any record to the court or file any answer in court or otherwise appear in any court in a judicial review proceeding unless there is filed in the court with the complaint a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record, which shall be computed at the rate of 20 cents per page of the record. Failure on the part of a plaintiff to file a receipt in court shall be grounds for dismissal of the action.

Sec. 165. Penalties.
A person who is found to have violated a provision of this Act is guilty of a Class A misdemeanor for a first offense and is guilty of a Class 4 felony for a second or subsequent offense.
Sec. 170. The State of ____________’s Administrative Procedure Act (or similarly titled act).
The State of ______________ Administrative Procedure Act is hereby expressly adopted and incorporated in this Act as if all of the provisions of that Act were included in this Act, except that the provision of subsection (d) of (Appropriate State and section number here) Administrative Procedure Act, which provides that at hearings the licensee has the right to show compliance with all lawful requirements for retention, continuation, or renewal of the license, is specifically excluded and for purposes of this Act.

Sec. 175. Home rule preemption.
It is declared to be the public policy of this State, pursuant to the State of ______________’s Constitution, that a power or function set forth in this Act to be exercised by the State is an exclusive State power or function. No power or function granted under this Act shall be exercised concurrently, either directly or indirectly, by a unit of local government, including home rule units, except as otherwise provided in this Act.

Sec. 999. Effective date.
This Act takes effect January 1, 200X.