

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2242 Session of 2014

INTRODUCED BY TOOHIL, EVERETT, BAKER, MURT, YOUNGBLOOD, CALTAGIRONE, MILLARD, WATSON, DAVIS, V. BROWN, MAHER, KNOWLES, REED, TRUITT, SAYLOR, BROWNLEE, HEFFLEY, SWANGER, SANTARSIERO, SABATINA, GIBBONS, COHEN, D. COSTA, MULLERY, FLECK, BROOKS, LAWRENCE, ROCK, FARINA, GINGRICH AND SCHLEGEL CULVER, MAY 5, 2014

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 16, 2014

AN ACT

1 Amending the act of December 20, 1985 (P.L.457, No.112),
2 entitled "An act relating to the right to practice medicine
3 and surgery and the right to practice medically related acts;
4 reestablishing the State Board of Medical Education and
5 Licensure as the State Board of Medicine and providing for
6 its composition, powers and duties; providing for the
7 issuance of licenses and certificates and the suspension and
8 revocation of licenses and certificates; providing penalties;
9 and making repeals," further providing for definitions and
10 for prosthetists, orthotists, pedorthists and orthotic
11 fitters.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. The definition of "health care practitioner" in
15 section 2 of the act of December 20, 1985 (P.L.457, No.112),
16 known as the Medical Practice Act of 1985, is amended and the
17 section is amended by adding a definition to read:

18 Section 2. Definitions.

19 The following words and phrases when used in this act shall
20 have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 * * *

3 "Health care practitioner." [An individual, other than a
4 physician assistant, who is authorized to practice some
5 component of the healing arts by a license, permit, certificate
6 or registration issued by a Commonwealth licensing agency or
7 board.] As defined in section 103 of the act of July 19, 1979
8 (P.L.130, No.48), known as the Health Care Facilities Act.

9 * * *

10 "Pharmacist." As defined in section 2(10) of the act of
11 September 27, 1961 (P.L.1700, No.699), known as the Pharmacy
12 Act.

13 * * *

14 Section 2. Section 13.5(d), (f) and (h) of the act, added
15 July 5, 2012 (P.L.873, No.90), are amended to read:

16 Section 13.5. Prosthetists, orthotists, pedorthists and
17 orthotic fitters.

18 * * *

19 (d) Exceptions.--

20 (1) Nothing in this section shall prohibit students
21 enrolled in a prosthetics, orthotics, pedorthics or orthotics
22 fitter educational program from performing prosthetics,
23 orthotics, pedorthics or orthotic fitting in the course of
24 their instruction, provided that a physician or podiatrist is
25 readily available for consultations and that a prosthetist,
26 orthotist, pedorthist or orthotic fitter, respectively, is on
27 site and responsible for the direct supervision of students.

28 (2) Nothing in this section shall prohibit an individual
29 from engaging in the practice for which that individual is
30 licensed, registered or certified to practice or to act

1 within the scope of that license, registration or
2 certification held in this Commonwealth.

3 (3) Nothing in this act shall prohibit an individual who
4 is employed by the Federal Government from engaging in the
5 practice of a prosthetist, orthotist, pedorthist or orthotic
6 fitter while in the discharge of the employee's official
7 duties.

8 (4) Nothing in this section shall prohibit the sale of
9 over-the-counter prostheses, orthoses or pedorthic devices.

10 (5) Nothing in this section shall prohibit a
11 representative of a medical device manufacturer registered
12 with the United States Food and Drug Administration from
13 measuring, fitting and adjusting a medical device when the
14 representative pursuant to a written agreement is supervised
15 by the physician performing the procedure.

16 * * *

17 (f) License without examination.--

18 [(1)] Within two years after the effective date of this
19 section, [an individual may be granted] the board shall grant
20 an individual a prosthetic, orthotic, pedorthotic or orthotic
21 [fitting] fitter license [by the board] if the individual
22 [does all of the following] complies with subsection (a)(1),
23 (5), (6), (7) and (8) and:

24 [(i) Complies with subsection (a)(1), (5), (6) and
25 (7).

26 (ii) Meets the following:

27 (A) For prosthetists, a combination of at least
28 four years of education, training and/or work
29 experience, consisting of:

30 (I) a bachelor's degree with a major in

1 prosthetics or orthotics and prosthetics;

2 (II) an associate's degree in prosthetics or
3 orthotics and prosthetics or two or more years of
4 education, training and/or work experience in the
5 field of prosthetics; and

6 (III) a minimum of two years or 3,800 hours
7 of experience in providing direct patient care
8 services.

9 (B) For orthotists, a combination of at least
10 four years of education, training and/or work
11 experience, consisting of:

12 (I) a bachelor's degree with a major in
13 orthotics or orthotics and prosthetics;

14 (II) an associate's degree in orthotics or
15 orthotics and prosthetics or two or more years of
16 education, training and/or work experience in the
17 field of orthotics; and

18 (III) a minimum of two years or 3,800 hours
19 of experience in providing direct patient care
20 services.

21 (C) For pedorthists, a successfully completed
22 board-approved, entry-level pedorthic education
23 program and a minimum of 1,000 hours of supervised
24 patient fitting experience.

25 (D) For orthotic fitters, a successfully
26 completed board-approved, entry-level education
27 program specific to orthotic fitting and a minimum of
28 1,000 hours of documented patient care.

29 (iii) Complies with the following:

30 (A) holds a valid national certification from an

1 organization approved by the board as a prosthetist,
2 orthotist, pedorthist or orthotic fitter; and

3 (B) has been in active, continuous practice for
4 the three years immediately preceding the effective
5 date of this section.

6 (2) This subsection shall expire 730 days from the
7 effective date of this subsection.]

8 (1) For a prosthetic or orthotic license, an individual
9 who holds a national certification as a prosthetist or an
10 orthotist issued by a national organization approved by the
11 board.

12 (2) For a pedorthotic or orthotic fitters license,
13 complies with one of the following:

14 (i) Is a pharmacist, a podiatrist or other health
15 care practitioner who has been engaged in a practice for
16 which the individual is licensed, registered or certified
17 to practice or to act within the scope of that license,
18 registration or certification held in this Commonwealth.

19 (ii) Holds a national certification as a pedorthist
20 or orthotic fitter issued by a national organization
21 approved by the board.

22 (iii) Has been dispensing over-the-counter
23 prostheses, orthoses or pedorthic devices for two
24 consecutive years occurring within the five years
25 immediately prior to the effective date of this section.

26 * * *

27 (h) Orthotic fitter scope of practice.--The scope of
28 practice of an orthotic fitter is limited to measuring, fitting,
29 dispensing and adjusting prefabricated devices not requiring
30 more than minor modification of:

- 1 (1) Cervical soft foam collars.
- 2 (2) Thoraco-lumbo-sacral orthoses.
- 3 (3) Lumbo-sacral orthoses.
- 4 (4) Knee orthoses.
- 5 (5) Ankle foot orthoses.
- 6 (6) Foot orthoses.
- 7 (7) Elbow orthoses.
- 8 (8) Shoulder orthoses.
- 9 (9) Abdominal and pelvic:
 - 10 (i) Trusses.
 - 11 (ii) Flexible supports.
 - 12 (iii) Maternity supports.
 - 13 [(10) Compression devices:
 - 14 (i) Lymphedema garments.
 - 15 (ii) Compression garments.
 - 16 (iii) Burn garments.
 - 17 (11) Breast prosthesis and ancillary supplies.]

18 * * *

19 Section 2. Notwithstanding section 3 of the act of July 5,
20 2012 (P.L.873, No.90), entitled "An act amending the act of
21 December 20, 1985 (P.L.457, No.112), entitled 'An act relating
22 to the right to practice medicine and surgery and the right to
23 practice medically related acts; reestablishing the State Board
24 of Medical Education and Licensure as the State Board of
25 Medicine and providing for its composition, powers and duties;
26 providing for the issuance of licenses and certificates and the
27 suspension and revocation of licenses and certificates;
28 providing penalties; and making repeals,' adding definitions;
29 and providing for licensure of prosthetists, orthotists,
30 pedorthists and orthotic fitters," the State Board of Medicine

1 shall promulgate regulations to implement section 13.5 of the
2 act within 12 months of the effective date of this section.

3 Section 13.5 of the act ~~shall not apply and~~ shall not be <--
4 enforceable by the State Board of Medicine until the publication
5 of final regulations under this section.

6 Section 3. This act shall take effect immediately.