
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

SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL
LICENSURE, IN SENATE, AS AMENDED, JUNE 24, 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

1 have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 * * *

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

10 * * *

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

14 * * *

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

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

19 * * *

20 (d) Exceptions.--

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

29 (2) Nothing in this section shall prohibit an individual
30 from engaging in the practice for which that individual is

1 licensed, registered or certified to practice or to act
2 within the scope of that license, registration or
3 certification held in this Commonwealth.

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

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

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

17 * * *

18 (f) License without examination.--

19 †(1)† Within two years after the effective date of this <--
20 section, [an individual may be granted] the board shall grant
21 an individual a prosthetic, orthotic, pedorthotic or orthotic
22 [fitting] fitter license [by the board] if the individual
23 [does all of the following] complies with subsection (a)(1),
24 (5), (6), (7) and (8) and:

25 [(i) Complies with subsection (a)(1), (5), (6) and
26 (7).

27 (ii) Meets the following:

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

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

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

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

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

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

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

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

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

26 (D) For orthotic fitters, a successfully
27 completed board-approved, entry-level education
28 program specific to orthotic fitting and a minimum of
29 1,000 hours of documented patient care.

30 (iii) Complies with the following:

1 (A) holds a valid national certification from an
2 organization approved by the board as a prosthetist,
3 orthotist, pedorthist or orthotic fitter; and

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

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

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

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

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

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

23 ~~(I) FOR A PROSTHETIC OR ORTHOTIC LICENSE, HOLDS A <--~~
24 ~~NATIONAL CERTIFICATION AS A PROSTHETIST OR AN ORTHOTIST~~
25 ~~ISSUED BY A NATIONAL ORGANIZATION APPROVED BY THE BOARD.~~

26 ~~(II) FOR A PEDORTHOTIC OR ORTHOTIC FITTER LICENSE,~~
27 ~~HOLDS A NATIONAL CERTIFICATION AS A PEDORTHIST OR~~
28 ~~ORTHOTIC FITTER ISSUED BY A NATIONAL ORGANIZATION~~
29 ~~APPROVED BY THE BOARD.~~

30 ~~(iii) Has FOR AN ORTHOTIC FITTER LICENSE ONLY, HAS <--~~

1 been dispensing over-the-counter prostheses, orthoses or
2 pedorthic devices for two consecutive years occurring
3 within the five years immediately prior to the effective
4 date of this section.

5 (2) FOR PURPOSES OF THIS SECTION, ANY PHARMACIST, <--
6 PODIATRIST OR OTHER HEALTH CARE PRACTITIONER WHO HAS BEEN
7 ENGAGED IN A PRACTICE FOR WHICH THE INDIVIDUAL IS LICENSED,
8 REGISTERED OR CERTIFIED TO PRACTICE OR TO ACT WITHIN THE
9 SCOPE OF THAT LICENSE, REGISTRATION OR CERTIFICATION HELD IN
10 THIS COMMONWEALTH SHALL BE DEEMED TO BE LICENSED UNDER THIS
11 SECTION.

12 * * *

13 (h) Orthotic fitter scope of practice.--The scope of
14 practice of an orthotic fitter is limited to measuring, fitting,
15 dispensing and adjusting prefabricated devices not requiring
16 more than minor modification of:

- 17 (1) Cervical soft foam collars.
- 18 (2) Thoraco-lumbo-sacral orthoses.
- 19 (3) Lumbo-sacral orthoses.
- 20 (4) Knee orthoses.
- 21 (5) Ankle foot orthoses.
- 22 (6) Foot orthoses.
- 23 (7) Elbow orthoses.
- 24 (8) Shoulder orthoses.
- 25 (9) Abdominal and pelvic:
 - 26 (i) Trusses.
 - 27 (ii) Flexible supports.
 - 28 (iii) Maternity supports.

29 (9.1) THERAPEUTIC SHOES. <--

30 [(10) Compression devices:

- 1 (i) Lymphedema garments.
- 2 (ii) Compression garments.
- 3 (iii) Burn garments.
- 4 (11) Breast prosthesis and ancillary supplies.]

5 * * *

6 Section 2. Notwithstanding section 3 of the act of July 5,
7 2012 (P.L.873, No.90), entitled "An act amending the act of
8 December 20, 1985 (P.L.457, No.112), entitled 'An act relating
9 to the right to practice medicine and surgery and the right to
10 practice medically related acts; reestablishing the State Board
11 of Medical Education and Licensure as the State Board of
12 Medicine and providing for its composition, powers and duties;
13 providing for the issuance of licenses and certificates and the
14 suspension and revocation of licenses and certificates;
15 providing penalties; and making repeals,' adding definitions;
16 and providing for licensure of prosthetists, orthotists,
17 pedorthists and orthotic fitters," the State Board of Medicine
18 shall promulgate regulations to implement section 13.5 of the
19 act within 12 months of the effective date of this section.
20 Section 13.5 of the act shall not be enforceable by the State
21 Board of Medicine until the publication of final regulations
22 under this section.

23 Section 3. This act shall take effect immediately.