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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2242 Session of  
2014

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

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AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 27, 2014

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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  
30 individual, INCLUDING, BUT NOT LIMITED TO, A PHARMACIST,

<--

1 PODIATRIST OR PHYSICIAN, from engaging in the practice for  
2 which that individual is licensed, registered or certified to  
3 practice or to act within the scope of that license, registration  
4 or certification held in this Commonwealth.

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

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

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

18 \* \* \*

19 (f) License without examination.--

20 ~~[(1)]~~ Within ~~[two]~~ THREE years after the effective <--  
21 date of this section, ~~[an individual may be granted]~~ the  
22 board shall grant an individual a prosthetic, orthotic,  
23 pedorthotic or orthotic ~~[fitting]~~ fitter license ~~[by the~~  
24 ~~board]~~ if the individual ~~[does all of the following]~~ complies  
25 ON OR BEFORE MARCH 31, 2015, with subsection (a)(1), (5), <--  
26 (6), (7) and (8) and:

27 [(i) Complies with subsection (a)(1), (5), (6) and  
28 (7).

29 (ii) Meets the following:

30 (A) For prosthetists, a combination of at least

1 four years of education, training and/or work  
2 experience, consisting of:

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

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

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

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

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

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

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

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

28 (D) For orthotic fitters, a successfully  
29 completed board-approved, entry-level education  
30 program specific to orthotic fitting and a minimum of

1 1,000 hours of documented patient care.

2 (iii) Complies with the following:

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

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

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

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

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

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

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

25 ~~(I) FOR A PROSTHETIC OR ORTHOTIC LICENSE, HOLDS A~~ <--

26 ~~(1) FOR A PROSTHETIC OR ORTHOTIC LICENSE, HOLDS A~~ <--  
27 ~~NATIONAL CERTIFICATION AS A PROSTHETIST OR AN ORTHOTIST~~  
28 ~~ISSUED BY A NATIONAL ORGANIZATION APPROVED BY THE BOARD.~~

29 ~~(II) FOR A PEDORTHOTIC OR ORTHOTIC FITTER LICENSE,~~ <--

30 ~~(2) FOR A PEDORTHIC OR ORTHOTIC FITTER LICENSE, HOLDS A~~ <--

1 NATIONAL CERTIFICATION AS A PEDORTHIST OR ORTHOTIC FITTER  
2 ISSUED BY A NATIONAL ORGANIZATION APPROVED BY THE BOARD.

3 ~~(iii) Has FOR AN ORTHOTIC FITTER LICENSE ONLY, HAS~~ <--  
4 (3) FOR AN ORTHOTIC FITTER LICENSE ONLY, HAS been <--  
5 dispensing over-the-counter prostheses, orthoses or pedorthic  
6 devices for two consecutive years occurring within the five <--  
7 years immediately prior to the effective date of this  
8 section.

9 ~~(2) FOR PURPOSES OF THIS SECTION, ANY PHARMACIST,~~ <--  
10 ~~PODIATRIST OR OTHER HEALTH CARE PRACTITIONER WHO HAS BEEN~~  
11 ~~ENGAGED IN A PRACTICE FOR WHICH THE INDIVIDUAL IS LICENSED,~~  
12 ~~REGISTERED OR CERTIFIED TO PRACTICE OR TO ACT WITHIN THE~~  
13 ~~SCOPE OF THAT LICENSE, REGISTRATION OR CERTIFICATION HELD IN~~  
14 ~~THIS COMMONWEALTH SHALL BE DEEMED TO BE LICENSED UNDER THIS~~  
15 ~~SECTION. TWO YEARS IMMEDIATELY PRIOR TO THE EFFECTIVE DATE OF~~ <--  
16 THIS PARAGRAPH UNDER THE SUPERVISION OF A NATIONALLY  
17 CERTIFIED PEDORTHIST OR BE EMPLOYED BY AN ENTITY ACCREDITED  
18 BY AN ACCREDITED ORGANIZATION UNDER THE CENTER FOR MEDICARE  
19 AND MEDICAID SERVICES.

20 \* \* \*

21 (h) Orthotic fitter scope of practice.--The scope of  
22 practice of an orthotic fitter is limited to measuring, fitting,  
23 dispensing and adjusting prefabricated devices not requiring  
24 more than minor modification of:

- 25 (1) Cervical soft foam collars.
- 26 (2) Thoraco-lumbo-sacral orthoses.
- 27 (3) Lumbo-sacral orthoses.
- 28 (4) Knee orthoses.
- 29 (5) Ankle foot orthoses.
- 30 (6) Foot orthoses.

- 1 (7) Elbow orthoses.
- 2 (8) Shoulder orthoses.
- 3 (9) Abdominal and pelvic:
  - 4 (i) Trusses.
  - 5 (ii) Flexible supports.
  - 6 (iii) Maternity supports.

7 (9.1) THERAPEUTIC SHOES. <--

- 8 [(10) Compression devices:
  - 9 (i) Lymphedema garments.
  - 10 (ii) Compression garments.
  - 11 (iii) Burn garments.
- 12 (11) Breast prosthesis and ancillary supplies.]

13 \* \* \*

14 Section 2. Notwithstanding section 3 of the act of July 5,  
15 2012 (P.L.873, No.90), entitled "An act amending the act of  
16 December 20, 1985 (P.L.457, No.112), entitled 'An act relating  
17 to the right to practice medicine and surgery and the right to  
18 practice medically related acts; reestablishing the State Board  
19 of Medical Education and Licensure as the State Board of  
20 Medicine and providing for its composition, powers and duties;  
21 providing for the issuance of licenses and certificates and the  
22 suspension and revocation of licenses and certificates;  
23 providing penalties; and making repeals,' adding definitions;  
24 and providing for licensure of prosthetists, orthotists,  
25 pedorthists and orthotic fitters," the State Board of Medicine  
26 shall promulgate regulations to implement section 13.5 of the  
27 act within 12 months of the effective date of this section.

28 ~~Section 13.5 of the act shall not be enforceable by the State~~ <--  
29 ~~Board of Medicine until the publication of final regulations~~  
30 ~~under this section.~~

1 Section 3. This act shall take effect immediately.