

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 SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 10, 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 may SHALL <--  
20 grant an individual a prosthetic, orthotic, pedorthotic or  
21 orthotic [fitting] fitter license [by the board] if the  
22 individual [does all of the following] complies with  
23 subsection (a)(1), (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, complies with~~ <--  
9 ~~one of the following:~~

10 ~~(i) Holds a national certification as a prosthetist~~  
11 AN INDIVIDUAL WHO HOLDS A NATIONAL CERTIFICATION AS A <--  
12 PROSTHETIST or an orthotist issued by a national organization  
13 approved by the board.

14 ~~(ii) Is a representative of a medical device~~ <--  
15 ~~manufacturer registered with the United States Food and~~  
16 ~~Drug Administration who has been measuring, fitting and~~  
17 ~~adjusting custom fabricated devices or custom fitted~~  
18 ~~devices for two consecutive years occurring within the~~  
19 ~~five years immediately prior to the effective date of~~  
20 ~~this section.~~

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

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

28 (ii) Holds a national certification as a pedorthist  
29 or orthotic fitter issued by a national organization  
30 approved by the board.

1                   (III) HAS BEEN DISPENSING OVER-THE-COUNTER  
 2                   PROSTHESES, ORTHOSES OR PEDORTHIC DEVICES FOR TWO  
 3                   CONSECUTIVE YEARS OCCURRING WITHIN THE FIVE YEARS  
 4                   IMMEDIATELY PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.

5                   \* \* \*

6                   (h) Orthotic fitter scope of practice.--The scope of  
 7 practice of an orthotic fitter is limited to measuring, fitting,  
 8 dispensing and adjusting prefabricated devices not requiring  
 9 more than minor modification of:

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

27                   \* \* \*

28                   Section 2. Notwithstanding section 3 of the act of July 5,  
 29 2012 (P.L.873, No.90), entitled "An act amending the act of  
 30 December 20, 1985 (P.L.457, No.112), entitled 'An act relating

1 to the right to practice medicine and surgery and the right to  
2 practice medically related acts; reestablishing the State Board  
3 of Medical Education and Licensure as the State Board of  
4 Medicine and providing for its composition, powers and duties;  
5 providing for the issuance of licenses and certificates and the  
6 suspension and revocation of licenses and certificates;  
7 providing penalties; and making repeals,' adding definitions;  
8 and providing for licensure of prosthetists, orthotists,  
9 pedorthists and orthotic fitters," the State Board of Medicine  
10 shall promulgate regulations to implement section 13.5 of the  
11 act within 12 months of the effective date of this section.  
12 Section 13.5 of the act shall not apply and shall not be  
13 enforceable by the State Board of Medicine until the publication  
14 of final regulations under this section.  
15 Section 3. This act shall take effect immediately.