

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 AND GINGRICH,
 MAY 5, 2014

AS REPORTED FROM COMMITTEE ON HEALTH, HOUSE OF REPRESENTATIVES,
 AS AMENDED, JUNE 2, 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. Section 13.5(d) and (h) of the act of December <--~~
 15 ~~20, 1985 (P.L.457, No.112), known as the Medical Practice Act of~~
 16 ~~1985, added July 5, 2012 (P.L.873, No.90), are amended and the~~
 17 ~~section is amended by adding a subsection to read:~~

18 SECTION 1. THE DEFINITION OF "HEALTH CARE PRACTITIONER" IN <--
 19 SECTION 2 OF THE ACT OF DECEMBER 20, 1985 (P.L.457, NO.112),
 20 KNOWN AS THE MEDICAL PRACTICE ACT OF 1985, IS AMENDED AND THE

1 SECTION IS AMENDED BY ADDING A DEFINITION TO READ:

2 SECTION 2. DEFINITIONS.

3 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
4 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
5 CONTEXT CLEARLY INDICATES OTHERWISE:

6 * * *

7 "HEALTH CARE PRACTITIONER." [AN INDIVIDUAL, OTHER THAN A
8 PHYSICIAN ASSISTANT, WHO IS AUTHORIZED TO PRACTICE SOME
9 COMPONENT OF THE HEALING ARTS BY A LICENSE, PERMIT, CERTIFICATE
10 OR REGISTRATION ISSUED BY A COMMONWEALTH LICENSING AGENCY OR
11 BOARD.] AS DEFINED IN SECTION 103 OF THE ACT OF JULY 19, 1979
12 (P.L.130, NO.48), KNOWN AS THE HEALTH CARE FACILITIES ACT.

13 * * *

14 "PHARMACIST." AS DEFINED IN SECTION 2(10) OF THE ACT OF
15 SEPTEMBER 27, 1961 (P.L.1700, NO.699), KNOWN AS THE PHARMACY
16 ACT.

17 * * *

18 SECTION 2. SECTION 13.5(D), (F) AND (H) OF THE ACT, ADDED
19 JULY 5, 2012 (P.L.873, NO.90), ARE AMENDED TO READ:

20 Section 13.5. Prosthetists, orthotists, pedorthists and
21 orthotic fitters.

22 * * *

23 (d) Exceptions.--

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

1 site and responsible for the direct supervision of students.

2 (2) Nothing in this section shall prohibit an individual
3 from engaging in the practice for which that individual is
4 licensed, REGISTERED or certified to practice or to act <--
5 within the scope of that license, REGISTRATION or <--
6 certification held in this Commonwealth.

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

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

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

20 ~~(6) Nothing in this section shall prohibit pharmacists, <--~~
21 ~~appropriately trained pharmacy personnel or durable medical~~
22 ~~equipment provider personnel from fitting and patient~~
23 ~~management of off the shelf therapeutic diabetic shoes and~~
24 ~~inserts. This paragraph includes the measuring, fitting or~~
25 ~~adjusting of any device utilizing a crush box impression~~
26 ~~system, scanning or a noncustom fabricated and fitted device,~~
27 ~~including, but not limited to, over the counter devices.~~

28 * * *

29 (F) LICENSE WITHOUT EXAMINATION.-- <--

30 [(1)] WITHIN TWO YEARS AFTER THE EFFECTIVE DATE OF THIS

1 SECTION, [AN INDIVIDUAL MAY BE GRANTED] THE BOARD MAY GRANT
2 AN INDIVIDUAL A PROSTHETIC, ORTHOTIC, PEDORTHOTIC OR ORTHOTIC
3 [FITTING] FITTER LICENSE [BY THE BOARD] IF THE INDIVIDUAL
4 [DOES ALL OF THE FOLLOWING] COMPLIES WITH SUBSECTION (A) (1),
5 (5), (6), (7) AND (8) AND:

6 [(I) COMPLIES WITH SUBSECTION (A) (1), (5), (6) AND
7 (7).

8 (II) MEETS THE FOLLOWING:

9 (A) FOR PROSTHETISTS, 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 PROSTHETICS OR ORTHOTICS AND PROSTHETICS;

14 (II) AN ASSOCIATE'S DEGREE IN PROSTHETICS OR
15 ORTHOTICS AND PROSTHETICS OR TWO OR MORE YEARS OF
16 EDUCATION, TRAINING AND/OR WORK EXPERIENCE IN THE
17 FIELD OF PROSTHETICS; AND

18 (III) A MINIMUM OF TWO YEARS OR 3,800 HOURS
19 OF EXPERIENCE IN PROVIDING DIRECT PATIENT CARE
20 SERVICES.

21 (B) FOR ORTHOTISTS, A COMBINATION OF AT LEAST
22 FOUR YEARS OF EDUCATION, TRAINING AND/OR WORK
23 EXPERIENCE, CONSISTING OF:

24 (I) A BACHELOR'S DEGREE WITH A MAJOR IN
25 ORTHOTICS OR ORTHOTICS AND PROSTHETICS;

26 (II) AN ASSOCIATE'S DEGREE IN ORTHOTICS OR
27 ORTHOTICS AND PROSTHETICS OR TWO OR MORE YEARS OF
28 EDUCATION, TRAINING AND/OR WORK EXPERIENCE IN THE
29 FIELD OF ORTHOTICS; AND

30 (III) A MINIMUM OF TWO YEARS OR 3,800 HOURS

1 OF EXPERIENCE IN PROVIDING DIRECT PATIENT CARE
2 SERVICES.

3 (C) FOR PEDORTHISTS, A SUCCESSFULLY COMPLETED
4 BOARD-APPROVED, ENTRY-LEVEL PEDORTHIC EDUCATION
5 PROGRAM AND A MINIMUM OF 1,000 HOURS OF SUPERVISED
6 PATIENT FITTING EXPERIENCE.

7 (D) FOR ORTHOTIC FITTERS, A SUCCESSFULLY
8 COMPLETED BOARD-APPROVED, ENTRY-LEVEL EDUCATION
9 PROGRAM SPECIFIC TO ORTHOTIC FITTING AND A MINIMUM OF
10 1,000 HOURS OF DOCUMENTED PATIENT CARE.

11 (III) COMPLIES WITH THE FOLLOWING:

12 (A) HOLDS A VALID NATIONAL CERTIFICATION FROM AN
13 ORGANIZATION APPROVED BY THE BOARD AS A PROSTHETIST,
14 ORTHOTIST, PEDORTHIST OR ORTHOTIC FITTER; AND

15 (B) HAS BEEN IN ACTIVE, CONTINUOUS PRACTICE FOR
16 THE THREE YEARS IMMEDIATELY PRECEDING THE EFFECTIVE
17 DATE OF THIS SECTION.

18 (2) THIS SUBSECTION SHALL EXPIRE 730 DAYS FROM THE
19 EFFECTIVE DATE OF THIS SUBSECTION.]

20 (1) FOR A PROSTHETIC OR ORTHOTIC LICENSE, COMPLIES WITH
21 ONE OF THE FOLLOWING:

22 (I) HOLDS A NATIONAL CERTIFICATION AS A PROSTHETIST
23 OR AN ORTHOTIST ISSUED BY A NATIONAL ORGANIZATION
24 APPROVED BY THE BOARD.

25 (II) IS A REPRESENTATIVE OF A MEDICAL DEVICE
26 MANUFACTURER REGISTERED WITH THE UNITED STATES FOOD AND
27 DRUG ADMINISTRATION WHO HAS BEEN MEASURING, FITTING AND
28 ADJUSTING CUSTOM-FABRICATED DEVICES OR CUSTOM-FITTED
29 DEVICES FOR TWO CONSECUTIVE YEARS OCCURRING WITHIN THE
30 FIVE YEARS IMMEDIATELY PRIOR TO THE EFFECTIVE DATE OF

1 THIS SECTION.

2 (2) FOR A PEDORTHOTIC OR ORTHOTIC FITTERS LICENSE,
3 COMPLIES WITH ONE OF THE FOLLOWING:

4 (I) IS A PHARMACIST, A PODIATRIST OR OTHER HEALTH
5 CARE PRACTITIONER WHO HAS BEEN ENGAGED IN A PRACTICE FOR
6 WHICH THE INDIVIDUAL IS LICENSED, REGISTERED OR CERTIFIED
7 TO PRACTICE OR TO ACT WITHIN THE SCOPE OF THAT LICENSE,
8 REGISTRATION OR CERTIFICATION HELD IN THIS COMMONWEALTH.

9 (II) HOLDS A NATIONAL CERTIFICATION AS A PEDORTHIST
10 OR ORTHOTIC FITTER ISSUED BY A NATIONAL ORGANIZATION
11 APPROVED BY THE BOARD.

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 [(10) Compression devices:

30 (i) Lymphedema garments.

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

4 * * *

5 ~~(k) Definition. As used in this section, the term~~ <--
6 ~~"appropriately trained" means the satisfactory completion of one~~
7 ~~of the following:~~

8 ~~(1) A course of study approved by the National~~
9 ~~Commission of Orthotic and Prosthetic Education (NCOPE) that~~
10 ~~covers fitting and patient management of therapeutic diabetic~~
11 ~~shoes and inserts.~~

12 ~~(2) An appropriate manufacturer's training course~~
13 ~~consisting of fitting of therapeutic shoes and inserts with~~
14 ~~documented satisfactory completion of an assessment.~~

15 ~~(3) A course of study that covers fitting and patient~~
16 ~~management of therapeutic diabetic shoes and inserts that is~~
17 ~~approved by a nationally recognized orthotic and prosthetic~~
18 ~~certification or accreditation organization.~~

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.