
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2015 Session of 2007

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J. TAYLOR, VEREB, VULAKOVICH, WATERS, WATSON, YOUNGBLOOD AND
YUDICHAK, NOVEMBER 14, 2007

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,
NOVEMBER 14, 2007

AN ACT

1 Regulating the right to practice prosthetics, orthotics and
2 pedorthics; requiring the licensure of prosthetists,
3 orthotists, orthotic fitters and pedorthists; and providing a
4 penalty.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Prosthetist,
9 Orthotist, Orthotic Fitter and Pedorthist Licensure Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Board." The State Board of Podiatry.

1 "Commissioner." The Commissioner of Professional and
2 Occupational Affairs.

3 "Custom-fabricated device." A prosthesis, orthosis or
4 pedorthic device that is fabricated to original measurements or
5 a mold for use by a patient in accordance with a prescription
6 and which requires substantial clinical and technical judgment
7 in its design and fitting.

8 "Custom-fitted device." A prefabricated prosthesis, orthosis
9 or pedorthic device that is sized or modified for use by the
10 patient in accordance with a prescription and which requires
11 substantial clinical judgment and substantive alteration for
12 appropriate use.

13 "Department." The Department of State of the Commonwealth.

14 "Orthotic fitter." An individual who is licensed to practice
15 orthotics, pursuant to a licensed physician's written
16 prescription, whose scope of practice is limited to fitting
17 prefabricated cervical orthoses not requiring more than minor
18 modification; pressure gradient hose; trusses; custom-molded
19 therapeutic footwear; custom-molded foot orthoses; prefabricated
20 spinal orthoses, except for those used in the treatment of
21 scoliosis, rigid body jackets made of thermoformable materials,
22 and "halo" devices; and prefabricated orthoses of the upper and
23 lower extremities, except for those used in the treatment of
24 bone fractures.

25 "Orthotics." Evaluating, measuring, designing, fabricating,
26 assembling, fitting, adjusting or servicing an orthosis for the
27 correction or alleviation of neuromuscular or musculoskeletal
28 dysfunction, disease, injury or deformity, as provided in this
29 act.

30 "Orthotist." An individual other than an orthotic fitter

1 licensed under this act to practice orthotics.

2 "Over-the-counter." A prefabricated, mass-produced item that
3 is prepackaged and requires no professional advice or judgment
4 in either size selection or use, including fabric or elastic
5 supports, corsets, generic arch supports and elastic hoses.

6 "Pedorthic device." Therapeutic footwear, foot orthoses for
7 use at the ankle or below and modified footwear made for
8 therapeutic purposes. The term does not include nontherapeutic
9 accommodative inlays or nontherapeutic accommodative footwear,
10 regardless of method of manufacture, shoe modifications made for
11 nontherapeutic purposes, unmodified, over-the-counter shoes or
12 prefabricated foot care products.

13 "Pedorthics." Evaluating, measuring, designing, fabricating,
14 assembling, fitting, adjusting or servicing a pedorthic device
15 for the correction or alleviation of neuromuscular or
16 musculoskeletal dysfunction, disease, injury or deformity, as
17 provided in this act.

18 "Pedorthist." An individual licensed under this act to
19 practice pedorthics.

20 "Podiatrist." An individual licensed by the State Board of
21 Podiatry under the act of March 2, 1956 (1955 P.L.1206, No.375),
22 known as the Podiatry Practice Act.

23 "Prefabricated orthosis." A brace or support designed to
24 provide for alignment, correction or prevention of neuromuscular
25 or musculoskeletal dysfunction, disease, injury or deformity.
26 The term does not include fabric or elastic support, corsets,
27 arch supports, low-temperature plastic splints, trusses, elastic
28 hoses, canes, crutches, soft cervical collars, dental appliances
29 or other similar devices carried in stock and sold as over-the-
30 counter items by a drug store, department store, corset shop or

1 surgical supply facility.

2 "Prosthesis." A custom-designed, custom-fabricated, custom-
3 fitted or custom-modified device to replace an absent external
4 limb for purposes of restoring physiological function or
5 cosmesis. The term does not include artificial eyes, ears,
6 fingers or toes, dental appliances, cosmetic devices such as
7 artificial breasts, eyelashes or wigs or other devices that do
8 not have a significant impact on the musculoskeletal functions
9 of the body.

10 "Prosthetics." Evaluating, measuring, designing,
11 fabricating, assembling, fitting, adjusting or servicing a
12 prosthesis.

13 "Prosthetist." An individual licensed under this act to
14 practice prosthetics.

15 Section 3. Regulation of the practices of prosthetics,
16 orthotics, orthotic fitters and pedorthics.

17 (a) License required.--Except as provided in subsection (h),
18 an individual shall be licensed with the board before the
19 individual may practice prosthetics, orthotics, orthotic fitting
20 or pedorthics in this Commonwealth. Individuals shall renew
21 their licenses biennially with the board.

22 (b) Qualifications for licensing as a prosthetist,
23 orthotist, orthotic fitter and pedorthist.--To qualify for
24 licensure to practice prosthetics, orthotics, orthotic fitting
25 or pedorthics, an individual shall:

26 (1) possess a high school diploma or its equivalent;

27 (2) have completed the amount of formal training,
28 including, but not limited to, any hours of classroom
29 education and clinical practice established and approved by a
30 prosthetic, orthotic and pedorthic credentialing organization

1 recognized by the National Organization for Competency
2 Assurance (NOCA) and accredited by the National Commission
3 for Certifying Agencies (NCCA);

4 (3) complete a qualified work experience program or
5 internship in prosthetics, orthotics or pedorthics in
6 accordance with any standards, guidelines or procedures
7 established and approved by the department;

8 (4) pass all examinations that are required for
9 certification by a prosthetic, orthotic or pedorthic
10 credentialing organization recognized by the National
11 Organization for Competency Assurance (NOCA) and accredited
12 by the National Commission for Certifying Agencies (NCCA);
13 and

14 (5) have fulfilled all educational and training
15 requirements consistent with those required for certification
16 by a prosthetic, orthotic and pedorthic credentialing
17 organization recognized by the National Organization for
18 Competency Assurance (NOCA) and accredited by the National
19 Commission for Certifying Agencies (NCCA).

20 (c) Regulations to be promulgated.--The board shall
21 promulgate regulations requiring the proper training of
22 individuals before they may be licensed in the practice of
23 prosthetics, orthotics, orthotics fitter or pedorthics in this
24 Commonwealth. Proper training shall include, to the extent
25 determined by the board, education or demonstrated experience in
26 the practice of prosthetics, orthotics, orthotics fitter or
27 pedorthics. If the board requires successful completion of a
28 written, oral or practical examination in order to qualify for
29 licensure under this act, the examination shall be prepared and
30 administered by a qualified and approved professional testing

1 organization in the manner required for written examinations by
2 section 812.1 of the act of April 9, 1929 (P.L.177, No.175),
3 known as The Administrative Code of 1929. The board may
4 promulgate such other regulations as are deemed proper and
5 necessary regarding the practice of prosthetics, orthotics,
6 orthotics fitter or pedorthics.

7 (d) Practice of certain prosthetists, orthotists, orthotics
8 fitter or pedorthists.--A prosthetist, orthotist, orthotics
9 fitter or pedorthist shall, prior to administering the first
10 treatment, do all of the following:

11 (1) Ensure that the patient has secured a written
12 referral for treatment by prosthetics, orthotics or
13 pedorthics from a physician or podiatrist. A referral under
14 this paragraph shall place conditions and restrictions on the
15 course of treatment if required as a matter of sound medical
16 practice.

17 (2) Ensure that the patient has undergone a medical
18 diagnostic examination or has had the results of a recently
19 performed medical diagnostic examination reviewed by a
20 physician or podiatrist.

21 (3) Keep a copy of the referral and the results of the
22 medical diagnostic examination in the patient's file.

23 (e) Supervision of students in prosthetics, orthotics,
24 orthotics fitter or pedorthics educational programs.--Nothing in
25 this act shall prohibit students enrolled in a prosthetics,
26 orthotics, orthotics fitter or pedorthics educational program
27 from performing prosthetics, orthotics or pedorthics in the
28 course of their instruction, provided that a physician or
29 podiatrist is readily available for consultations and that a
30 prosthetist, orthotist or pedorthist, respectively, is on site

1 and responsible for the direct supervision of students.

2 (f) Faculty in prosthetics, orthotics or pedorthics
3 educational programs.--Nothing in this act shall prohibit
4 faculty teaching in a prosthetic, orthotic, orthotics fitter or
5 pedorthic educational program or visiting guest lecturers from
6 performing prosthetics, orthotics or pedorthics in the course of
7 student instruction or during professional development seminars,
8 provided that such individuals are licensed as a prosthetist,
9 orthotist or pedorthist in this Commonwealth or licensed as a
10 prosthetist, orthotist or pedorthist in another jurisdiction
11 recognized by this Commonwealth and obtain temporary licensure
12 in this Commonwealth.

13 (g) Disciplinary and corrective measures.--Prosthetists,
14 orthotists, orthotic fitters or pedorthists licensed with the
15 board shall be subject to all disciplinary provisions applicable
16 to podiatrists as set forth in the act of March 2, 1956 (1955
17 P.L.1206, No.375), known as the Podiatry Practice Act.

18 (h) Exception.--Nothing in this section shall be construed
19 to prevent:

20 (1) An occupational therapist licensed in this
21 Commonwealth from engaging in the practice in which the
22 occupational therapist is licensed.

23 (2) A physical therapist licensed in this Commonwealth
24 from engaging in the practice in which the physical therapist
25 is licensed.

26 (3) A physician licensed in this Commonwealth from
27 engaging in the practice in which the physician is licensed.

28 (4) A podiatrist licensed in this Commonwealth from
29 engaging in the practice in which the podiatrist is licensed.

30 (5) The practice of prosthetics, orthotics or pedorthics

by an individual who is employed by the Federal Government
while in the discharge of the employee's official duties.

Section 4. Licensure requirement and transition period.

(a) Registration required.--Commencing two years after the
effective date of this section, no individual shall practice or
hold himself or herself out as being able to practice
prosthetics, orthotics, orthotics fitter or pedorthics in this
Commonwealth unless he or she is licensed in accordance with
section 3.

(b) Transition period for prosthetist and orthotist
registration.--Within two years after the effective date of
section 8, an individual certified as a prosthetist, orthotist
or a prosthetist/orthotist in accordance with section 3(b) may
apply for and shall be granted prosthetic or orthotic licensure
under this act upon payment of the required fee. Beginning two
years after the effective date of section 8, any applicant for
licensure as a prosthetist or an orthotist shall meet the
requirements of section 3.

(c) Transition period for orthotics fitter licensure.--
Within two years after the effective date of section 8, an
individual certified as an orthotics fitter may apply for and
shall be granted orthotics fitter licensure under this act upon
payment of the required fee. Beginning two years after the
effective date of section 8, any applicant for licensure as an
orthotics fitter shall meet the requirements of section 3.

(d) Transition period for pedorthist licensure.--Within two
years after the effective date of section 8, an individual
certified as a pedorthist in accordance with section 3(c) may
apply for and shall be granted pedorthic licensure under this
act upon payment of the required fee. Beginning two years after

1 the effective date of section 8, any applicant for licensure as
2 a pedorthist shall meet the requirements of section 3.

3 (e) Transition period for experienced practitioners.--Within
4 two years of the effective date of section 8, an individual who
5 has practiced full time for at least three years in a
6 prosthetic/orthotic facility as a prosthetist, orthotist,
7 prosthetist/orthotist or orthotic fitter, or in a pedorthic
8 facility as a pedorthist on the effective date of section 8 may
9 file an application with the board to continue to practice
10 prosthetics, orthotics, orthotics fitter or pedorthics at the
11 applicant's identified level of practice. The applicant shall be
12 licensed to practice prosthetics, orthotics, orthotics fitter or
13 pedorthics under this act without examination upon receipt by
14 the board of payment of a licensure fee and after the board has
15 conducted an investigation of the applicant's work history. The
16 board shall complete its investigation within six months of the
17 date of the application. The investigation shall include, but
18 not be limited to, completion by the applicant of a
19 questionnaire regarding the applicant's work history and scope
20 of practice.

21 Section 5. Fee.

22 The board may charge a reasonable fee, fixed by the board by
23 regulation, for all licenses, renewals and examinations
24 authorized by this act or the regulations promulgated under
25 section 3.

26 Section 6. Penalties.

27 (a) Licensure.--Except as provided for in section 3(e), it
28 shall be unlawful for an individual to practice prosthetics,
29 orthotics, orthotics fitter or pedorthics in this Commonwealth
30 unless the individual is licensed as a prosthetist, orthotist,

1 orthotics fitter or pedorthist by the board. An individual
2 willfully violating the provisions of this act commits a
3 misdemeanor of the third degree.

4 (b) Injunction.--The unlawful practice of prosthetics,
5 orthotics, orthotics fitter or pedorthics as defined may be
6 enjoined by the courts on petition of the board or by the
7 commissioner. In any such proceeding, it shall not be necessary
8 to show that any person is individually injured by the actions
9 complained of. If the respondent is found guilty of the unlawful
10 practice of prosthetics, orthotics, orthotics fitter or
11 pedorthics, the court shall enjoin him or her from so practicing
12 unless he or she has been duly licensed. Procedure in such cases
13 shall be the same as in any other injunction suit. The remedy of
14 injunction shall be in addition to criminal prosecution and
15 punishment.

16 Section 7. Disposition of certain moneys.

17 All fees, fines and civil penalties imposed in accordance
18 with this act and subsequently collected shall be for the
19 exclusive use by the board in carrying out the provisions of
20 this act.

21 Section 8. Approval of prosthetics, orthotics, orthotics fitter
22 or pedorthics educational programs.

23 The Department of Education shall approve any prosthetics,
24 orthotics, orthotics fitter or pedorthics educational program
25 that meets the relevant and appropriate requirements of 22 Pa.
26 Code (relating to education) and 24 Pa.C.S. Ch. 65 (relating to
27 private colleges, universities and seminaries) and that meets or
28 exceeds the standards required for prosthetics, orthotics,
29 orthotics fitter or pedorthics programs established by an
30 accrediting agency recognized by the United States Department of

1 Education.

2 Section 20. Effective date.

3 This act shall take effect as follows:

4 (1) The following provisions shall take effect
5 immediately:

6 (i) Section 3(b).

7 (ii) This section.

8 (2) The remainder of this act shall take effect in six
9 months.