

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 255 Session of
2009

INTRODUCED BY SCAVELLO, SIPTROTH, PEIFER, BAKER, BEYER,
DONATUCCI, GEORGE, HELM, HENNESSEY, KILLION, KIRKLAND, KORTZ,
KOTIK, MILLER, MILNE, MOUL, O'NEILL, PASHINSKI, PICKETT,
READSHAW, REICHLEY, VULAKOVICH, WATSON, YOUNGBLOOD AND
ROHRER, FEBRUARY 5, 2009

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 9, 2009

AN ACT

1 ~~Amending the act of March 2, 1956 (1955 P.L.1206, No.375),~~ ←
2 ~~entitled, as reenacted and amended, "An act relating to and~~
3 ~~defining the practice of podiatry; conferring powers and~~
4 ~~imposing duties on the State Board of Podiatry Examiners and~~
5 ~~the Department of State; requiring licensure; providing for~~
6 ~~the granting, cancellation, suspension and revocation of~~
7 ~~licenses; preserving the rights of existing licenses;~~
8 ~~providing for the promulgation of rules and regulations;~~
9 ~~transfer of jurisdiction and records to the board; regulation~~
10 ~~of schools of chiropody and podiatry; reciprocity; and~~
11 ~~providing penalties, and remedies," further providing for~~
12 ~~definitions, for exclusive jurisdiction of the board, for~~
13 ~~reporting of multiple licensure and for practice by~~
14 ~~unregistered persons; providing for prosthetists, orthotists,~~
15 ~~orthotic fitters and pedorthists; further providing for~~
16 ~~penalties, for refusal to grant, suspension and revocation,~~
17 ~~for reinstatement of license, certificate or registration,~~
18 ~~for display of license and certificate and for injunction or~~
19 ~~other process; and providing for expungement.~~

20 AMENDING THE ACT OF DECEMBER 20, 1985 (P.L.457, NO.112), ←
21 ENTITLED "AN ACT RELATING TO THE RIGHT TO PRACTICE MEDICINE
22 AND SURGERY AND THE RIGHT TO PRACTICE MEDICALLY RELATED ACTS;
23 REESTABLISHING THE STATE BOARD OF MEDICAL EDUCATION AND
24 LICENSURE AS THE STATE BOARD OF MEDICINE AND PROVIDING FOR
25 ITS COMPOSITION, POWERS AND DUTIES; PROVIDING FOR THE
26 ISSUANCE OF LICENSES AND CERTIFICATES AND THE SUSPENSION AND
27 REVOCATION OF LICENSES AND CERTIFICATES; PROVIDING PENALTIES;
28 AND MAKING REPEALS," ADDING DEFINITIONS; AND PROVIDING FOR
29 LICENSURE OF PROSTHETISTS, ORTHOTISTS, PEDORTHISTS AND
30 ORTHOTIC FITTERS.

1 The General Assembly of the Commonwealth of Pennsylvania
2 hereby enacts as follows:

3 ~~Section 1. Section 2 of the act of March 2, 1956 (1955 P.L.~~
4 ~~1206, No. 375), known as the Podiatry Practice Act, reenacted~~
5 ~~and amended August 24, 1963 (P.L.1199, No.505) and amended Dec.~~
6 ~~20, 1985 (P.L.384, No.107), is amended by adding subsections to~~
7 ~~read:~~

8 ~~Section 2. Definitions. The following words or phrases,~~
9 ~~unless the context clearly indicates otherwise, shall have the~~
10 ~~meanings ascribed to them in this section:~~

11 * * *

12 ~~(d) "Custom fabricated device" shall mean a prosthesis,~~
13 ~~orthosis or pedorthic device that is fabricated to original~~
14 ~~measurements or a mold for use by a patient in accordance with a~~
15 ~~prescription and which requires substantial clinical and~~
16 ~~technical judgment in its design and fitting.~~

17 ~~(e) "Custom fitted device" shall mean a prefabricated~~
18 ~~prosthesis, orthosis or pedorthic device that is sized or~~
19 ~~modified for use by the patient in accordance with a~~
20 ~~prescription and which requires substantial clinical judgment~~
21 ~~and substantive alteration for appropriate use.~~

22 ~~(f) "Orthotic fitter" shall mean an individual who is~~
23 ~~licensed to practice orthotics, pursuant to a licensed~~
24 ~~physician's written prescription, whose scope of practice is~~
25 ~~limited to fitting:~~

26 ~~(1) Prefabricated cervical orthoses not requiring more than~~
27 ~~minor modification.~~

28 ~~(2) Pressure gradient hose.~~

29 ~~(3) Trusses.~~

30 ~~(4) Custom molded therapeutic footwear.~~

~~(5) Custom molded foot orthoses.~~

~~(6) Prefabricated spinal orthoses, except for those used in the treatment of scoliosis, rigid body jackets made of thermoformable materials, and "halo" devices.~~

~~(7) Prefabricated orthoses of the upper and lower extremities.~~

~~(g) "Orthotics" shall mean evaluating, measuring, designing, fabricating, assembling, fitting, adjusting or servicing an orthosis for the correction or alleviation of neuromuscular or musculoskeletal dysfunction, disease, injury or deformity, as provided in this act.~~

~~(h) "Orthotist" shall mean an individual other than an orthotic fitter licensed under this act to practice orthotics.~~

~~(i) "Over the counter" shall mean a prefabricated, mass produced item that is prepackaged and requires no professional advice or judgment in either size selection or use, including fabric or elastic supports, corsets, generic arch supports and elastic hose.~~

~~(j) "Pedorthic device" shall mean therapeutic shoes, shoe modifications made for therapeutic purposes, partial foot prostheses, foot orthoses and below the knee pedorthic modalities. Pedorthic devices do not include nontherapeutic, accommodative inlays and nontherapeutic accommodative footwear, regardless of method of manufacture; unmodified, nontherapeutic over the counter shoes; or prefabricated unmodified and/or unmodifiable foot care and foot wear products, accommodative means designed with a primary goal of conforming to the individual's anatomy, and therapeutic devices are devices that address a medical condition, while nontherapeutic devices are devices that do not address a medical condition.~~

~~(k) "Pedorthics" shall mean shall mean evaluating, treatment planning, patient managing, measuring, designing, fabricating, assembling, fitting, adjusting or servicing necessary to accomplish the application of a pedorthic device for the prevention or amelioration of painful and/or disabling conditions related to the lower extremities.~~

~~(l) "Pedorthist" shall mean an individual licensed under this act to practice pedorthics.~~

~~(m) "Podiatrist" shall mean an individual licensed by the board under this act.~~

~~(n) "Prefabricated orthosis" shall mean a brace or support designed to provide for alignment, correction or prevention of neuromuscular or musculoskeletal dysfunction, disease, injury or deformity. The term does not include fabric or elastic support, corsets, arch supports, low temperature plastic splints, trusses, elastic hose, canes, crutches, soft cervical collars, dental appliances or other similar devices carried in stock and sold as over the counter items by a drug store, department store, corset shop or surgical supply facility.~~

~~(o) "Prosthesis" shall mean a custom designed, custom fabricated, custom fitted or custom modified device to replace an absent external limb for purposes of restoring physiological function or cosmesis. The term does not include artificial eyes, ears, fingers or toes, dental appliances, cosmetic devices such as artificial breasts, eyelashes or wigs or other devices that do not have a significant impact on the musculoskeletal functions of the body.~~

~~(p) "Prosthetics" shall mean evaluating, measuring, designing, fabricating, assembling, fitting, adjusting or servicing a prosthesis.~~

~~(g) "Prosthetist" shall mean an individual licensed under this act to practice prosthetics.~~

~~(r) "Expungement" shall mean the removal of a disciplinary record, accomplished by:~~

~~(1) Permanently sealing the affected record from public access.~~

~~(2) Deeming the proceedings to which the affected record refers as not having occurred.~~

~~(3) Except with respect to any subsequent application for expungement, affording the affected party the right to represent that no record exists regarding the subject matter of the affected record.~~

~~(s) "NCCA" shall mean the National Commission for Certifying Agencies.~~

~~(t) "NOCA" shall mean the National Organization for Competency Assurance.~~

~~Section 2. Sections 5, 9.2 and 12 of the act, amended or added December 20, 1985 (P.L.384, No.107), are amended to read:~~

~~Section 5. Exclusive Jurisdiction of Board. From and after the effective date of this act, the board shall exercise exclusive jurisdiction over all persons licensed, or to be licensed, and registered to practice podiatric medicine, prosthetics, orthotics, pedorthics or orthotic fitting in this Commonwealth.~~

~~Section 9.2. Reporting of Multiple Licensure. Any licensed podiatrist, prosthetist, orthotist, pedorthist or orthotic fitter of this Commonwealth who is also licensed to practice podiatric medicine, prosthetics, orthotics, pedorthics, orthotic fitting or surgery in any other state, territory or country shall report this information to the board on the biennial~~

~~registration application. Any disciplinary action taken in other states shall be reported to the board on the biennial registration application or within ninety days of final disposition, whichever is sooner. Multiple licensure shall be noted by the board on the podiatrist's record, and such state, territory or country shall be notified by the board of any disciplinary actions taken against said podiatrist in this Commonwealth.~~

~~Section 12. Practice by Unregistered Persons. Any person who is not a licensed, and registered as a podiatrist, prosthetist, orthotist, pedorthist or orthotic fitter shall not practice podiatric medicine, prosthetics, orthotics, pedorthics or orthotic fitting nor in any written or printed circular or in any business card, letterhead or sign or otherwise assume the title "Chiropodist," "Podiatrist," "Prosthetist," "Orthotist," "Pedorthist," "Orthotic Fitter," "DSC," "DPM," "Doctor of Podiatric Medicine," "Foot Specialist," "Foot Correctionist," "Pedopractor" nor any other title, name or description implying or calculated to lead to the belief that he is qualified to practice podiatric medicine.~~

~~Section 3. The act is amended by adding a section to read:~~

~~Section 12.1. Prosthetists, orthotists, pedorthists and orthotic fitters. (a) To qualify for licensure to practice prosthetics, orthotics, orthotic fitting or pedorthics, an applicant shall:~~

~~(1) Be of good moral character.~~

~~(2) Possess a high school diploma or its equivalent.~~

~~(3) Complete the amount of formal training which shall include any hours of classroom education and clinical practice established and approved by a prosthetic, orthotic and pedorthic~~

~~credentialing organization recognized by NOCA and accredited by
NCCA.~~

~~(4) Complete a qualified work experience program or
internship in prosthetics, orthotics or pedorthics in accordance
with any standards, guidelines or procedures established and
approved by the board.~~

~~(5) Pass all examinations that are required for
certification by a prosthetic, orthotic or pedorthic
credentialing organization recognized by NOCA and accredited by
NCCA.~~

~~(6) Have fulfilled all educational and training requirements
consistent with those required for certification by a
prosthetic, orthotic and pedorthic credentialing organization
recognized by the NOCA and accredited by the NCCA.~~

~~(7) Paid a fee as established by the board by regulation.~~

~~(8) Not be addicted to alcohol, narcotics or other habit-
forming drugs.~~

~~(9) Not been convicted of a felony under the act of April
14, 1972 (P.L.233, No.64), known as "The Controlled Substance,
Drug, Device and Cosmetic Act," or of an offense under the laws
of another jurisdiction which, if committed in this
Commonwealth, would be a felony under "The Controlled Substance,
Drug, Device and Cosmetic Act," unless the following apply:~~

~~(i) Ten years have elapsed from the date of conviction.~~

~~(ii) The applicant satisfactorily demonstrates to the board
that the applicant has made significant progress in personal
rehabilitation since the conviction and the licensure of the
applicant is not expected to create a substantial risk of harm
to the health and safety of the applicant's clients or the
public or a substantial risk of further criminal violations.~~

~~(iii) The applicant otherwise satisfies the qualifications required under this act.~~

~~The term "convicted" shall include a judgment, an admission of guilt or a plea of nolo contendere.~~

~~(b) A license issued pursuant to this section shall be valid for two years and may be renewed biennially with the board as provided in subsection (j). A license and a temporary practice permit are not transferable.~~

~~(c) Prior to administering the first treatment, a prosthetist, orthotist, orthotics fitter or pedorthist shall do all of the following:~~

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

~~(2) Ensure the patient has undergone a medical diagnostic examination or has had the results of a recently performed medical diagnostic examination reviewed by a physician or podiatrist.~~

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

~~(d) Nothing in this section shall prohibit students enrolled in a prosthetics, orthotics, orthotics fitter or pedorthics educational program from performing prosthetics, orthotics or pedorthics in the course of their instruction, provided a physician or podiatrist is readily available for consultations and that a prosthetist, orthotist or pedorthist, respectively, is on site and responsible for the direct supervision of students.~~

~~(e) Nothing in this section shall prohibit faculty teaching in a prosthetic, orthotic, orthotics fitter or pedorthic educational program or guest lecturers from performing prosthetics, orthotics or pedorthics in the course of student instruction or during professional development seminars, provided the individuals are licensed as a prosthetist, orthotist or pedorthist in this Commonwealth or another jurisdiction recognized by the Commonwealth and obtain temporary licensure in this Commonwealth.~~

~~(f) Nothing in this section shall be construed to prevent:~~

~~(1) An occupational therapist licensed by the Commonwealth from engaging in the practice in which the occupational therapist is licensed.~~

~~(2) A physical therapist licensed by the Commonwealth from engaging in the practice in which the physical therapist is licensed.~~

~~(3) A physician licensed by the Commonwealth from engaging in the practice in which the physician is licensed.~~

~~(4) A podiatrist licensed by the Commonwealth from engaging in the practice in which the podiatrist is licensed.~~

~~(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.~~

~~(g) Commencing two years after the effective date of this section, individuals shall not practice or hold themselves out as being able to practice prosthetics, orthotics, orthotics fitter or pedorthics in this Commonwealth unless the individuals are licensed in accordance with this section.~~

~~(h) Within two years after the effective date of this section, individuals holding a national certification as a~~

~~prosthetist, orthotist or a prosthetist/orthotist in accordance with this section may apply for and shall be granted prosthetic or orthotic licensure under this section upon payment of the required fee. Beginning two years after the effective date of this section, applicants for licensure as a prosthetist or an orthotist shall meet the requirements of this section.~~

~~(i) The board may issue a temporary practice permit to an applicant in order to permit the applicant to practice prosthetics, orthotics, orthotics fitter or pedorthics under this section during the six month period immediately preceding completion of the applicant's education program. The temporary practice permit shall be nonrenewable and expire on the earlier of six months from the date of issuance, or the date the applicant fails any board required licensing examination.~~

~~(j) To renew a license, a licensee must:~~

~~(1) File a renewal application with the board.~~

~~(2) Pay a fee established by regulation of the board.~~

~~(3) For prosthetists and orthotists, provide certification of successful completion of a minimum of twenty four hours of continuing education during the immediately preceding two years. For orthotic fitters and pedorthists, provide certification of successful completion of a minimum of thirteen hours of continuing education during the immediately preceding two years. Certification of continuing education credit hours submitted by the prosthetist, orthotist, orthotic fitter or pedorthist shall be properly signed as being correct and true. No credit may be given for courses in office management or practice building. The board may waive all or part of the continuing education requirement to a licensee who shows to the satisfaction of the board that the licensee was unable to complete the requirement~~

~~due to illness, emergency or hardship.~~

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

~~(l) An individual licensed to practice prosthetics, orthotics, orthotic fitting or pedorthics in this Commonwealth shall maintain a level of professional liability insurance coverage in the minimum amount of one million dollars (\$1,000,000) per occurrence or claims made. Failure to maintain insurance coverage as required shall subject the licensee to disciplinary proceedings. The board shall accept from a licensee as satisfactory evidence of insurance coverage any of the following:~~

~~(i) self insurance;~~
~~(ii) personally purchased liability insurance; or~~
~~(iii) professional liability insurance coverage provided by the individual licensee's employer or similar insurance coverage acceptable to the board.~~

~~(m) An applicant under this section shall provide proof that the applicant has obtained professional liability insurance in accordance with subsection (l). It is sufficient if the applicant files with the application a copy of a letter from the applicant's professional liability insurance carrier indicating the applicant will be covered against professional liability in~~

~~the required amounts effective upon the issuance of the applicant's license to practice prosthetics, orthotics, orthotic fitting or pedorthics in this Commonwealth. Upon issuance of the license, the licensee has thirty days to submit to the board the certificate of insurance or a copy of the policy declaration page.~~

~~(n) The board may issue a license to practice prosthetics, orthotics, orthotic fitting or pedorthics in this Commonwealth without examination to an applicant holding a license to practice prosthetics, orthotics, orthotic fitting or pedorthics from another state who submits proof satisfactory to the board the applicant:~~

~~(1) Is of good moral character.~~

~~(2) Meets requirements for national certification.~~

~~(3) Holds a license to practice prosthetics, orthotics, orthotic fitting or pedorthics that is in good standing from another state.~~

~~(4) Has, at a minimum, been actively engaged in the practice of prosthetics, orthotics, orthotic fitting or pedorthics for five of the last seven years immediately preceding the filing of the application for licensure by endorsement with the board.~~

~~(5) Has submitted an application accompanied by the application fee.~~

~~(6) Has not been convicted of a felony under "The Controlled Substance, Drug, Device and Cosmetic Act" or an offense under the laws of another jurisdiction, which, if committed in this Commonwealth, would be a felony under "The Controlled Substance, Drug, Device and Cosmetic Act," unless:~~

~~(i) Ten years have elapsed from the date of conviction.~~

~~(ii) The applicant satisfactorily demonstrates to the board~~

~~that the applicant has made significant progress in personal rehabilitation since the conviction such that licensure of the applicant should not be expected to create a substantial risk of harm to the health and safety of the applicant's clients or the public or a substantial risk of further criminal violation.~~

~~(iii) The applicant otherwise satisfies the qualifications contained in or authorized by this act.~~

~~As used in this paragraph, the term "convicted" includes a judgment, an admission of guilt or a plea of nolo contendere.~~

~~Section 4. Sections 13, 16, 16.2, 18 and 19 of the act, amended or added December 20, 1985 (P.L.384, No.107), are amended to read:-~~

~~Section 13. Penalties. (a) Any person violating any of the provisions of this act, or any rule or regulation of the board, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not more than one thousand dollars (\$1,000), or undergo imprisonment for not more than six months for the first violation. On the second and each subsequent conviction, he shall be sentenced to pay a fine of not more than two thousand dollars (\$2,000), or undergo imprisonment for not less than six months nor more than one year in jail, or both.~~

~~(b) In addition to any other civil remedy or criminal penalty provided for in this act, the board, by a vote of the majority of the maximum number of the authorized membership of the board as provided by law, or by a vote of the majority of the duly qualified and confirmed membership or a minimum of four members, whichever is greater, may levy a civil penalty of up to [one thousand dollars (\$1,000)] ten thousand dollars (\$10,000) on any current licensee who violates any provision of this act~~

~~or on any person who practices podiatric medicine without being properly licensed to do so under this act. The board shall levy this penalty only after affording the accused party the opportunity for a hearing, as provided in Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure).~~

~~(c) As part of its sanction, the board may assess the costs of investigation underlying a disciplinary action against a respondent found in violation of the disciplinary provisions administered by the board in a disciplinary proceeding pending before the board for final determination. The cost of investigation shall not include any associated legal fees or any cost of prosecution.~~

~~Section 16. Refusal to Grant, Suspension and Revocation.~~

~~(a) The board may refuse to grant and may suspend or revoke or cancel a license or a registration for the following reasons:~~

~~(1) The practice of fraud or deceit in obtaining or attempting to obtain a license or in obtaining admission to a school of podiatric medicine or surgery.~~

~~(2) Pleading guilty or nolo contendere to, or being found guilty, or receiving probation without verdict, disposition in lieu of trial, or an Accelerated Rehabilitative Disposition in the disposition of felony charges or an offense in connection with the practice of podiatric medicine or involving moral turpitude by a court of competent jurisdiction, or a jury.~~

~~(3) Gross incompetency, gross immorality, negligence or misconduct in carrying on of such profession.~~

~~(4) Violation of any of the provisions of this act, or the rules and regulations of the board.~~

~~(5) Loaning, borrowing or using the registration or license~~

~~to practice podiatry of another, or knowingly aiding or abetting
in any way the granting of an improper license or registration.~~

~~(6) That said applicant or licensee is addicted to alcohol~~

~~or drugs or has been convicted of a felonious act prohibited by~~

~~the act of April 14, 1972 (P.L.233, No.64), known as "The~~

~~Controlled Substance, Drug, Device and Cosmetic Act," or~~

~~convicted of a felony relating to a controlled substance in a~~

~~court of law of the United States or any other state, territory~~

~~or country, or if he or she is or shall become mentally~~

~~incompetent. An applicant's statement on the application~~

~~declaring the absence of a conviction shall be deemed~~

~~satisfactory evidence of the absence of a conviction unless the~~

~~board has some evidence to the contrary. In enforcing this~~

~~paragraph, the board shall, upon probable cause, have authority~~

~~to compel a podiatrist to submit to a mental or physical~~

~~examination by a physician or a psychologist approved by the~~

~~board. Failure of a podiatrist to submit to such examination~~

~~when directed by the board, unless such failure is due to~~

~~circumstances beyond his or her control, shall constitute an~~

~~admission of the allegations against him or her, consequent upon~~

~~which a default and final order may be entered without the~~

~~taking of testimony or presentation of evidence. A podiatrist~~

~~affected under this paragraph shall at reasonable intervals be~~

~~afforded an opportunity to demonstrate that he or she can resume~~

~~a competent practice of podiatry with reasonable skill and~~

~~safety to patients.~~

~~(7) Knowingly making substantial misrepresentations.~~

~~(8) Unethical conduct or misleading, fraudulent or unethical~~

~~advertising.~~

~~(9) Soliciting patronage other than by legitimate~~

~~advertisement, or paying a commission or agreeing to pay a
commission to any person or persons for soliciting or for
business secured, or paying any gratuity to any person with
intent to have such person aid in securing business, or like
unprofessional conduct.~~

~~(10) Having a license to practice podiatric medicine, prosthodontics, orthotics, pedorthics or orthotic fitting
suspended, revoked or refused or receiving other disciplinary
action by the proper podiatry, prosthodontics, orthotics,
pedorthics or orthotic fitting licensing authority of another
state, territory or country.~~

~~(11) Acting in such a manner as to present an immediate and
clear danger to the public health or safety.~~

~~(12) Failing to provide information, documents or records
requested by the board, or a representative of the board, in
connection with the investigation or prosecution of a
disciplinary matter under this act.~~

~~(b) When the board finds that the license of any person may
be refused, revoked or suspended under the terms of subsection
(a), the board may:~~

~~(1) Deny the application for a license.~~

~~(2) Administer a public reprimand.~~

~~(3) Revoke, suspend, limit or otherwise restrict a license
as determined by the board.~~

~~(4) Require a licensee to submit to the care, counseling or
treatment of a physician or a psychologist designated by the
board.~~

~~(5) Suspend enforcement of its finding thereof and place a
licensee on probation with the right to vacate the probationary
order for noncompliance.~~

1 ~~(6) Restore or reissue, in its discretion, a suspended~~
2 ~~license to practice podiatric medicine and impose any~~
3 ~~disciplinary or corrective measure which it might originally~~
4 ~~have imposed.~~

5 ~~Section 16.2. Reinstatement of License, Certificate or~~
6 ~~Registration. Unless ordered to do so by Commonwealth Court or~~
7 ~~an appeal therefrom, the board shall not reinstate the license,~~
8 ~~certificate or registration of a person to practice podiatric~~
9 ~~medicine, prosthetics, orthotics, pedorthics or orthotic fitting~~
10 ~~pursuant to this act which has been revoked. Any person whose~~
11 ~~license, certificate or registration has been revoked may apply~~
12 ~~for reinstatement after a period of at least five years but must~~
13 ~~meet all of the licensing qualifications of this act for the~~
14 ~~license applied for, including the examination requirement, if~~
15 ~~he or she desires to practice at any time after such revocation.~~

16 ~~Section 18. Display of License and Certificate. Every~~
17 ~~holder of a license or certificate of registration shall display~~
18 ~~the same in a conspicuous place wherein such person shall~~
19 ~~practice podiatric medicine, prosthetics, orthotics, pedorthics~~
20 ~~or orthotic fitting.~~

21 ~~Section 19. Injunction or Other Process. It shall be~~
22 ~~unlawful for any person to practice or attempt to offer to~~
23 ~~practice podiatric medicine, prosthetics, orthotics, pedorthics~~
24 ~~or orthotic fitting as defined in this act, without having at~~
25 ~~the time of so doing a valid, unexpired, unrevoked and~~
26 ~~unsuspended license issued under this act. The unlawful practice~~
27 ~~of podiatric medicine, prosthetics, orthotics, pedorthics or~~
28 ~~orthotic fitting, as defined in this act may be enjoined by the~~
29 ~~courts on petition of the board or the Commissioner of~~
30 ~~Professional and Occupational Affairs. In any such proceeding,~~

~~it shall not be necessary to show that any person is individually injured by the actions complained of. If it is found that the respondent has engaged in the unlawful practice of podiatric medicine, prosthetics, orthotics, pedorthics or orthotic fitting, the court shall enjoin him or her from so practicing unless and until he or she has been duly licensed. Procedure in such cases shall be the same as in any other injunction suit. The remedy by injunction hereby given is in addition to any other civil or criminal prosecution and punishment.~~

~~Section 5. The act is amended by adding a section to read:~~

~~Section 23. Expungement. To expunge a disciplinary record of a certificate holder, registrant or licensee subject to the following conditions:~~

~~(1) The certificate holder, registrant or licensee shall make written application to the board for expungement no earlier than four years from the effective date of the disciplinary record.~~

~~(2) The disciplinary record shall be the only disciplinary record the certificate holder, registrant or licensee has with the board.~~

~~(3) The certificate holder, registrant or licensee shall have no disciplinary record previously expunged.~~

~~(4) The disciplinary record shall have involved either the imposition of a civil penalty against the certificate holder, registrant or licensee for a violation under authority of section 5(a) of the act of July 2, 1993 (P.L.345, No.48), entitled "An act empowering the General Counsel or his designee to issue subpoenas for certain licensing board activities; providing for hearing examiners in the Bureau of Professional~~

~~and Occupational Affairs; providing additional powers to the
Commissioner of Professional and Occupational Affairs; and
further providing for civil penalties and license suspension",
or the imposition of discipline against the certificate holder,
registrant or licensee for a violation that, at the time of
application for expungement, would be prosecuted under authority
of section 5(a) of the act of July 2, 1993 (P.L.345, No.48).~~

~~Section 6. This act shall take effect in 60 days.~~

SECTION 1. SECTION 2 OF THE ACT OF DECEMBER 20, 1985
(P.L.457, NO.112), KNOWN AS THE MEDICAL PRACTICE ACT OF 1985, IS
AMENDED BY ADDING DEFINITIONS TO READ:

SECTION 2. DEFINITIONS.

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

* * *

"ACCOMMODATIVE." DESIGNED WITH A PRIMARY GOAL OF CONFORMING
TO AN INDIVIDUAL'S ANATOMY.

* * *

"CUSTOM-FABRICATED DEVICE." A PROSTHESIS, ORTHOSIS OR
PEDORTHIC DEVICE THAT IS FABRICATED TO ORIGINAL MEASUREMENTS OR
A MOLD FOR USE BY A PATIENT IN ACCORDANCE WITH A PRESCRIPTION OR
WORK ORDER AND WHICH REQUIRES SUBSTANTIAL CLINICAL AND TECHNICAL
JUDGMENT IN ITS DESIGN AND FITTING.

"CUSTOM-FITTED DEVICE." A PREFABRICATED PROSTHESIS, ORTHOSIS
OR PEDORTHIC DEVICE THAT IS SIZED OR MODIFIED FOR USE BY THE
PATIENT IN ACCORDANCE WITH A PRESCRIPTION OR WORK ORDER AND
WHICH REQUIRES SUBSTANTIAL CLINICAL JUDGMENT AND SUBSTANTIVE
ALTERATION FOR APPROPRIATE USE.

* * *

1 "NCCA." THE NATIONAL COMMISSION FOR CERTIFYING AGENCIES OR
2 ITS SUCCESSOR.

3 "NOCA." THE NATIONAL ORGANIZATION FOR COMPETENCY ASSURANCE
4 OR ITS SUCCESSOR.

5 "NONTHERAPEUTIC DEVICES." DEVICES THAT DO NOT ADDRESS A
6 MEDICAL CONDITION.

7 "ORTHOTIC FITTER." AN INDIVIDUAL WHO IS LICENSED UNDER THIS
8 ACT TO PRACTICE ORTHOTICS PURSUANT TO A WRITTEN PRESCRIPTION OF
9 A PHYSICIAN, PODIATRIST, CERTIFIED REGISTERED NURSE PRACTITIONER
10 OR PHYSICIAN ASSISTANT OR PURSUANT TO A WORK ORDER.

11 "ORTHOTICS." EVALUATING, MEASURING, DESIGNING, FABRICATING,
12 ASSEMBLING, FITTING, ADJUSTING OR SERVICING AN ORTHOSIS FOR THE
13 CORRECTION OR ALLEVIATION OF NEUROMUSCULAR OR MUSCULOSKELETAL
14 DYSFUNCTION, DISEASE, INJURY OR DEFORMITY, AS PROVIDED IN THIS
15 ACT.

16 "ORTHOTIST." AN INDIVIDUAL OTHER THAN AN ORTHOTIC FITTER
17 LICENSED UNDER THIS ACT TO PRACTICE ORTHOTICS PURSUANT TO A
18 WRITTEN PRESCRIPTION OF A PHYSICIAN, PODIATRIST, CERTIFIED
19 REGISTERED NURSE PRACTITIONER OR PHYSICIAN ASSISTANT OR PURSUANT
20 TO A WORK ORDER.

21 "OVER-THE-COUNTER PROSTHESES, ORTHOSES AND PEDORTHIC
22 DEVICES." PREFABRICATED, MASS-PRODUCED ITEMS THAT ARE
23 PREPACKAGED AND REQUIRE NO PROFESSIONAL ADVICE OR JUDGMENT IN
24 EITHER SIZE SELECTION OR USE, INCLUDING FABRIC OR ELASTIC
25 SUPPORTS, CORSETS, GENERIC ARCH SUPPORTS AND ELASTIC HOSE.

26 "PEDORTHIC DEVICE." INCLUDES THERAPEUTIC SHOES, SHOE
27 MODIFICATIONS MADE FOR THERAPEUTIC PURPOSES, PARTIAL FOOT
28 PROSTHESES, FOOT ORTHOSES AND BELOW-THE-KNEE PEDORTHIC
29 MODALITIES. THE TERM DOES NOT INCLUDE NONTHERAPEUTIC,
30 ACCOMMODATIVE INLAYS AND NONTHERAPEUTIC ACCOMMODATIVE FOOTWEAR,

1 REGARDLESS OF METHOD OF MANUFACTURE; UNMODIFIED, NONTHERAPEUTIC
2 OVER-THE-COUNTER SHOES; OR PREFABRICATED UNMODIFIED OR
3 UNMODIFIABLE FOOT CARE AND FOOTWEAR PRODUCTS.

4 "PEDORTHICS." EVALUATING, MEASURING, DESIGNING, FABRICATING,
5 ASSEMBLING, FITTING, ADJUSTING OR SERVICING NECESSARY TO
6 ACCOMPLISH THE APPLICATION OF A PEDORTHIC DEVICE FOR THE
7 PREVENTION OR AMELIORATION OF PAINFUL OR DISABLING CONDITIONS
8 RELATED TO THE LOWER EXTREMITIES.

9 "PEDORTHIST." AN INDIVIDUAL LICENSED UNDER THIS ACT TO
10 PRACTICE PEDORTHICS PURSUANT TO A WRITTEN PRESCRIPTION OF A
11 PHYSICIAN, PODIATRIST, CERTIFIED REGISTERED NURSE PRACTITIONER
12 OR PHYSICIAN ASSISTANT OR PURSUANT TO A WORK ORDER.

13 "PODIATRIST." AN INDIVIDUAL LICENSED UNDER THE ACT OF MARCH
14 2, 1956 (1955 P.L.1206, NO.375), KNOWN AS THE PODIATRY PRACTICE
15 ACT, TO PRACTICE PODIATRY.

16 * * *

17 "PREFABRICATED ORTHOSIS." A BRACE OR SUPPORT DESIGNED TO
18 PROVIDE FOR ALIGNMENT, CORRECTION OR PREVENTION OF NEUROMUSCULAR
19 OR MUSCULOSKELETAL DYSFUNCTION, DISEASE, INJURY OR DEFORMITY.
20 THE TERM DOES NOT INCLUDE FABRIC OR ELASTIC SUPPORT, CORSETS,
21 ARCH SUPPORTS, LOW-TEMPERATURE PLASTIC SPLINTS, TRUSSES, ELASTIC
22 HOSE, CANES, CRUTCHES, SOFT CERVICAL COLLARS, DENTAL APPLIANCES
23 OR OTHER SIMILAR DEVICES CARRIED IN STOCK AND SOLD AS OVER-THE-
24 COUNTER ITEMS BY A DRUG STORE, DEPARTMENT STORE, CORSET SHOP OR
25 SURGICAL SUPPLY FACILITY.

26 * * *

27 "PROSTHESIS." A CUSTOM-DESIGNED, CUSTOM-FABRICATED, CUSTOM-
28 FITTED OR CUSTOM-MODIFIED DEVICE TO REPLACE AN ABSENT EXTERNAL
29 LIMB FOR PURPOSES OF RESTORING PHYSIOLOGICAL FUNCTION OR
30 COSMESIS. THE TERM DOES NOT INCLUDE ARTIFICIAL EYES, EARS,

FINGERS OR TOES, DENTAL APPLIANCES, COSMETIC DEVICES, SUCH AS
ARTIFICIAL BREASTS, EYELASHES OR WIGS, OR OTHER DEVICES THAT DO
NOT HAVE A SIGNIFICANT IMPACT ON THE MUSCULOSKELETAL FUNCTIONS
OF THE BODY.

"PROSTHETICS." EVALUATING, MEASURING, DESIGNING,
FABRICATING, ASSEMBLING, FITTING, ADJUSTING OR SERVICING A
PROSTHESIS.

"PROSTHETIST." AN INDIVIDUAL LICENSED UNDER THIS ACT TO
PRACTICE PROSTHETICS PURSUANT TO A WRITTEN PRESCRIPTION OF A
PHYSICIAN, PODIATRIST, CERTIFIED REGISTERED NURSE PRACTITIONER
OR PHYSICIAN ASSISTANT OR PURSUANT TO A WORK ORDER.

* * *

"THERAPEUTIC DEVICES." DEVICES THAT ADDRESS A MEDICAL
CONDITION.

* * *

SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ:
SECTION 13.4. PROSTHETISTS, ORTHOTISTS, PEDORTHISTS AND
ORTHOTIC FITTERS.

(A) LICENSURE QUALIFICATIONS.--TO QUALIFY FOR LICENSURE TO
PRACTICE PROSTHETICS, ORTHOTICS, PEDORTHICS OR ORTHOTIC FITTING,
AN APPLICANT SHALL:

(1) BE OF GOOD MORAL CHARACTER.

(2) POSSESS A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT.

(3) HAVE FULFILLED ALL EDUCATIONAL AND TRAINING REQUIRED
FOR CERTIFICATION BY A PROSTHETIC, ORTHOTIC, PEDORTHIC AND
ORTHOTIC FITTING CREDENTIALING ORGANIZATION RECOGNIZED BY
NOCA AND ACCREDITED BY NCCA AND ANY ADDITIONAL REQUIREMENTS
AS REQUIRED BY THE BOARD.

(4) PASS ALL EXAMINATIONS THAT ARE REQUIRED FOR
CERTIFICATION BY A PROSTHETIC, ORTHOTIC, PEDORTHIC OR

1 ORTHOTIC FITTING CREDENTIALING ORGANIZATION RECOGNIZED BY
2 NOCA AND ACCREDITED BY NCCA.

3 (5) SUBMIT AN APPLICATION AND FEE AS PRESCRIBED BY THE
4 BOARD BY REGULATION.

5 (6) NOT BE ADDICTED TO ALCOHOL, NARCOTICS OR OTHER
6 HABIT-FORMING DRUGS.

7 (7) NOT BEEN CONVICTED OF A FELONY UNDER THE ACT OF
8 APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS THE CONTROLLED
9 SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT, OR OF AN OFFENSE
10 UNDER THE LAWS OF ANOTHER JURISDICTION WHICH, IF COMMITTED IN
11 THIS COMMONWEALTH, WOULD BE A FELONY UNDER THE CONTROLLED
12 SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT, UNLESS THE
13 FOLLOWING APPLY:

14 (I) TEN YEARS HAVE ELAPSED FROM THE DATE OF
15 CONVICTION.

16 (II) THE APPLICANT SATISFACTORILY DEMONSTRATES TO
17 THE BOARD THAT THE APPLICANT HAS MADE SIGNIFICANT
18 PROGRESS IN PERSONAL REHABILITATION SINCE THE CONVICTION
19 AND THE LICENSURE OF THE APPLICANT IS NOT EXPECTED TO
20 CREATE A SUBSTANTIAL RISK OF HARM TO THE HEALTH AND
21 SAFETY OF THE APPLICANT'S CLIENTS OR THE PUBLIC OR A
22 SUBSTANTIAL RISK OF FURTHER CRIMINAL VIOLATIONS.

23 (III) THE APPLICANT OTHERWISE SATISFIES THE
24 QUALIFICATIONS REQUIRED UNDER THIS ACT.

25 (B) TERM OF LICENSE.--A LICENSE ISSUED PURSUANT TO THIS
26 SECTION SHALL BE VALID FOR TWO YEARS AND MAY BE RENEWED
27 BIENNIALY WITH THE BOARD AS PROVIDED IN SUBSECTION (G).

28 (C) TREATMENT REQUIREMENTS.--PRIOR TO ADMINISTERING THE
29 FIRST TREATMENT, A PROSTHETIST, ORTHOTIST, PEDORTHIST OR
30 ORTHOTICS FITTER SHALL DO ALL OF THE FOLLOWING:

1 (1) ENSURE THE PATIENT HAS SECURED A PRESCRIPTION OR
2 WORK ORDER FOR TREATMENT USING PROSTHETICS, ORTHOTICS,
3 PEDORTHICS OR ORTHOTIC FITTING FROM A PHYSICIAN, PODIATRIST,
4 CERTIFIED REGISTERED NURSE PRACTITIONER OR PHYSICIAN
5 ASSISTANT. A PRESCRIPTION OR WORK ORDER UNDER THIS PARAGRAPH
6 SHALL PLACE CONDITIONS AND RESTRICTIONS ON THE COURSE OF
7 TREATMENT IF REQUIRED AS A MATTER OF SOUND MEDICAL PRACTICE.

8 (2) ENSURE THE PATIENT HAS UNDERGONE A MEDICAL
9 DIAGNOSTIC EXAMINATION OR HAS HAD THE RESULTS OF A RECENTLY
10 PERFORMED MEDICAL DIAGNOSTIC EXAMINATION REVIEWED BY A
11 PHYSICIAN, PODIATRIST, CERTIFIED REGISTERED NURSE
12 PRACTITIONER OR PHYSICIAN ASSISTANT.

13 (3) KEEP A COPY OF THE PRESCRIPTION OR WORK ORDER AND,
14 IF PROVIDED, THE RESULTS OF THE MEDICAL DIAGNOSTIC
15 EXAMINATION IN THE PATIENT'S FILE.

16 (D) EXCEPTIONS.--

17 (1) NOTHING IN THIS SECTION SHALL PROHIBIT STUDENTS
18 ENROLLED IN A PROSTHETICS, ORTHOTICS, PEDORTHICS OR ORTHOTICS
19 FITTER EDUCATIONAL PROGRAM FROM PERFORMING PROSTHETICS,
20 ORTHOTICS, PEDORTHICS OR ORTHOTIC FITTING IN THE COURSE OF
21 THEIR INSTRUCTION, PROVIDED THAT A PHYSICIAN OR PODIATRIST IS
22 READILY AVAILABLE FOR CONSULTATIONS AND THAT A PROSTHETIST,
23 ORTHOTIST, PEDORTHIST OR ORTHOTIC FITTER, RESPECTIVELY, IS ON
24 SITE AND RESPONSIBLE FOR THE DIRECT SUPERVISION OF STUDENTS.

25 (2) NOTHING IN THIS SECTION SHALL PROHIBIT AN INDIVIDUAL
26 FROM ENGAGING IN THE PRACTICE FOR WHICH THAT INDIVIDUAL IS
27 LICENSED OR CERTIFIED TO PRACTICE OR TO ACT WITHIN THE SCOPE
28 OF THAT LICENSE OR CERTIFICATION HELD IN THIS COMMONWEALTH.
29 NOTHING IN THIS ACT SHALL PROHIBIT AN INDIVIDUAL WHO IS
30 EMPLOYED BY THE FEDERAL GOVERNMENT FROM ENGAGING IN THE

1 PRACTICE OF A PROSTHETIST, ORTHOTIST, PEDORTHIST OR ORTHOTIC
2 FITTER WHILE IN THE DISCHARGE OF THE EMPLOYEE'S OFFICIAL
3 DUTIES.

4 (3) NOTHING IN THIS SECTION SHALL PROHIBIT THE SALE OF
5 OVER-THE-COUNTER PROSTHESES, ORTHOSES OR PEDORTHIC DEVICES.

6 (4) NOTHING IN THIS SECTION SHALL PROHIBIT A
7 REPRESENTATIVE OF A MEDICAL DEVICE MANUFACTURER REGISTERED
8 WITH THE UNITED STATES FOOD AND DRUG ADMINISTRATION FROM
9 MEASURING, FITTING AND ADJUSTING ORTHOSES WHEN THE
10 REPRESENTATIVE IS SUPERVISED BY A PHYSICIAN OR OTHER LICENSED
11 HEALTH CARE PROFESSIONAL.

12 (E) LICENSE REQUIREMENT EFFECTIVE.--COMMENCING TWO YEARS
13 AFTER THE EFFECTIVE DATE OF THIS SECTION, INDIVIDUALS SHALL NOT
14 PRACTICE OR HOLD THEMSELVES OUT AS BEING ABLE TO PRACTICE
15 PROSTHETICS, ORTHOTICS, PEDORTHICS OR ORTHOTIC FITTING IN THIS
16 COMMONWEALTH UNLESS THE INDIVIDUALS ARE LICENSED IN ACCORDANCE
17 WITH THIS SECTION.

18 (F) LICENSE WITHOUT EXAMINATION.--WITHIN TWO YEARS AFTER THE
19 EFFECTIVE DATE OF THIS SECTION, AN INDIVIDUAL MAY BE GRANTED A
20 PROSTHETIC, ORTHOTIC, PEDORTHOTIC OR ORTHOTIC FITTING LICENSE BY
21 THE BOARD IF THE INDIVIDUAL:

22 (1) COMPLIES WITH SUBSECTION (A) (1), (2), (5), (6) AND
23 (7); AND

24 (2) COMPLIES WITH ONE OF THE FOLLOWING:

25 (I) HOLDS A NATIONAL CERTIFICATION AS A PROSTHETIST,
26 ORTHOTIST, PEDORTHIST OR ORTHOTIC FITTER.

27 (II) HAS BEEN IN ACTIVE, CONTINUOUS PRACTICE FOR THE
28 THREE YEARS IMMEDIATELY PRECEDING THE EFFECTIVE DATE OF
29 THIS SECTION.

30 (G) LICENSE RENEWAL.--TO RENEW A LICENSE, A LICENSEE MUST:

1 (1) FILE A RENEWAL APPLICATION WITH THE BOARD.
2 (2) PAY A FEE ESTABLISHED BY REGULATION BY THE BOARD.
3 (3) COMPLETE CONTINUING EDUCATION AS REQUIRED BY THE
4 BOARD. THE FOLLOWING APPLY:

5 (I) CERTIFICATION OF CONTINUING EDUCATION CREDIT
6 HOURS SUBMITTED BY THE PROSTHETIST, ORTHOTIST, PEDORTHIST
7 OR ORTHOTIC FITTER SHALL BE VERIFIED AS BEING CORRECT AND
8 TRUE.

9 (II) NO CREDIT MAY BE GIVEN FOR COURSES IN OFFICE
10 MANAGEMENT OR PRACTICE BUILDING.

11 (III) THE BOARD MAY WAIVE ALL OR PART OF THE
12 CONTINUING EDUCATION REQUIREMENTS TO A LICENSEE WHO SHOWS
13 TO THE SATISFACTION OF THE BOARD THAT THE LICENSEE WAS
14 UNABLE TO COMPLETE THE REQUIREMENT DUE TO ILLNESS,
15 EMERGENCY OR HARDSHIP.

16 (H) ORTHOTIC FITTER SCOPE OF PRACTICE.--THE SCOPE OF
17 PRACTICE OF AN ORTHOTIC FITTER IS LIMITED TO MEASURING, FITTING,
18 DISPENSING AND ADJUSTING PREFABRICATED DEVICES NOT REQUIRING
19 MORE THAN MINOR MODIFICATION OF:

- 20 (1) CERVICAL SOFT FOAM COLLARS.
21 (2) THORACO-LUMBO-SACRAL ORTHOSES.
22 (3) LUMBO-SACRAL ORTHOSES.
23 (4) KNEE ORTHOSES.
24 (5) ANKLE FOOT ORTHOSES.
25 (6) FOOT ORTHOSES.
26 (7) ELBOW ORTHOSES.
27 (8) SHOULDER ORTHOSES.
28 (9) ABDOMINAL AND PELVIC:
29 (I) TRUSSES.
30 (II) FLEXIBLE SUPPORTS.

1 (III) MATERNITY SUPPORTS.

2 (10) COMPRESSION DEVICES:

3 (I) LYMPHEDEMA GARMENTS.

4 (II) COMPRESSION GARMENTS.

5 (III) BURN GARMENTS.

6 (11) BREAST PROSTHESIS AND ANCILLARY SUPPLIES.

7 (I) LIABILITY INSURANCE COVERAGE.--AN INDIVIDUAL LICENSED TO
8 PRACTICE PROSTHETICS, ORTHOTICS, PEDORTHICS OR ORTHOTIC FITTING
9 IN THIS COMMONWEALTH SHALL MAINTAIN A LEVEL OF PROFESSIONAL
10 LIABILITY INSURANCE COVERAGE IN THE MINIMUM AMOUNT OF \$1,000,000
11 PER OCCURRENCE OR CLAIMS MADE AND SHALL VERIFY TO THE BOARD THE
12 REQUIRED COVERAGE. FAILURE TO MAINTAIN INSURANCE COVERAGE AS
13 REQUIRED SHALL SUBJECT THE LICENSEE TO DISCIPLINARY PROCEEDINGS.
14 THE LICENSEE MUST PROVIDE PROOF OF COVERAGE TO THE BOARD UPON
15 REQUEST. THE BOARD SHALL ACCEPT FROM A LICENSEE AS SATISFACTORY
16 EVIDENCE OF INSURANCE COVERAGE ANY OF THE FOLLOWING:

17 (1) PERSONALLY PURCHASED LIABILITY INSURANCE.

18 (2) PROFESSIONAL LIABILITY INSURANCE COVERAGE PROVIDED
19 BY THE INDIVIDUAL LICENSEE'S EMPLOYER OR SIMILAR INSURANCE
20 COVERAGE ACCEPTABLE TO THE BOARD.

21 (J) PRACTICE BY UNREGISTERED PERSONS.--ANY PERSON WHO IS NOT
22 LICENSED AS A PROSTHETIST, ORTHOTIST, PEDORTHIST OR ORTHOTIC
23 FITTER SHALL NOT PRACTICE PROSTHETICS, ORTHOTICS, PEDORTHICS OR
24 ORTHOTIC FITTING NOR IN ANY WRITTEN OR PRINTED CIRCULAR OR IN
25 ANY BUSINESS CARD, LETTERHEAD OR SIGN OR OTHERWISE ASSUME THE
26 TITLE "PROSTHETIST," "ORTHOTIST," "PEDORTHIST" OR "ORTHOTIC
27 FITTER" NOR ANY OTHER TITLE, ABBREVIATION, NAME OR DESCRIPTION
28 IMPLYING OR CALCULATED TO LEAD TO THE BELIEF THAT HE IS
29 QUALIFIED TO PRACTICE PROSTHETICS, ORTHOTICS, PEDORTHICS OR
30 ORTHOTIC FITTING.

1 SECTION 3. THE BOARD SHALL PROMULGATE REGULATIONS TO
2 IMPLEMENT THE AMENDMENT OR ADDITION OF SECTIONS 2 AND 13.4 OF
3 THE ACT WITHIN 18 MONTHS OF THE EFFECTIVE DATE OF THIS SECTION.
4 THE AMENDMENT OR ADDITION OF SECTIONS 2 AND 13.4 OF THE ACT
5 SHALL NOT BE ENFORCEABLE BY THE STATE BOARD OF MEDICINE UNTIL
6 THE PUBLICATION OF FINAL REGULATIONS UNDER THIS SECTION OR 24
7 MONTHS FOLLOWING THE EFFECTIVE DATE OF THIS SECTION, WHICHEVER
8 OCCURS FIRST.

9 SECTION 4. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.