



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 48

PRINTERS NO. 3846

PRIME SPONSOR: Scavello

COST / (SAVINGS)

| FUND | FY 2010/11 | FY 2011/12 |
|--|------------|------------|
| State Board of Medicine Restricted Account | \$0 | \$0 |

SUMMARY: Establishes a state licensure requirement for prosthetists, orthotists, pedorthists and orthotic fitters under the Medical Practice Act. This legislation will take effect immediately.

ANALYSIS: This legislation would amend the Medical Practice Act (Act 112 of 1985) to require licensing of prosthetists, orthotists, pedorthists, and orthotic fitters. The following are major provisions:

- Provides that an individual must be licensed with the Board of Medicine in order to provide prosthetics, orthotics, pedorthics or orthotic fitting.
- Requires for licensure qualification that an applicant be of good moral character and possess the following education:
 - Prosthetists – at least four years of education, training and/or work experience, consisting of a bachelor's degree with a major in prosthetics or orthotics and prosthetics and a minimum of two years (3,800 hours) of experience in providing direct patient care services.
 - Orthotists – at least four years of education, training and/or work experience, consisting of a bachelor's degree with a major in orthotics or orthotics and prosthetics and a minimum of two years (3,800 hours) of experience in providing direct patient care services.
 - Pedorthists – a successfully completed Board-approved entry level pedorthic education program and a minimum of 1,000 hours of supervised patient fitting experience.
 - Orthotic Fitters – a successfully completed Board-approved entry-level education program specific to orthotic fitting and a minimum of 1,000 hours of documented patient care.
- Requires fulfillment of all educational and training requirements for certification; certification by a prosthetic, orthotic, pedorthic and orthotic fitting credentialing organization recognized by the Institute for Credentialing Excellence (ICE) and accredited by the National Commission for Certifying Agencies (NCCA); and the individual must pass all examinations required for certification by a credentialing organization recognized by ICE and accredited by NCCA, as approved by the Board.

- Requires the applicant to submit a Board-approved application and any fees as prescribed by the Board by regulation, keep and make available all patient logs for audit purposes of the experience requirement, and to not be addicted to alcohol, narcotics or other habit-forming drugs, or convicted of a felony under the Controlled Substance, Drug, Device and Cosmetic Act, unless: ten years has elapsed since conviction; the applicant demonstrates to the Board significant progress in rehabilitation; the public health and safety is not at risk; and the applicant satisfies the qualifications required under the act.
- Requires the licensed prosthetist, orthotist, pedorthist, or orthotic fitter prior to administering initial care to ensure the patient has a prescription along with clinical notes from a physician, podiatrist, certified registered nurse practitioner or physician assistant which places conditions and restrictions by the prescribing physician on the course of treatment, to ensure the patient has had a recent medical diagnostic examination, and to retain a copy of the prescription in the patient's file.
- Enables an individual to engage in the practice for which that individual is licensed or certified and to act within the scope of that license or certification, exempts an employee of the federal government who practices as a prosthetist, orthotist, pedorthist or orthotic fitter while in the discharge of the employee's official duties, exempts all over the counter prostheses, orthoses, and pedorthic devices, and exempts a medical device manufacturer registered with the U.S. Food and Drug Administration from measuring, fitting, and adjusting a medical device when the representative pursuant to a written agreement is supervised by the physician performing the procedure.
- Provides a "grandfather clause". Existing practitioners have a two-year window from the act's effective date to acquire licensure by the Board if they:
 - complies with licensure requirements AND
 - meets all of the following:
 - for prosthetists, a combination of at least 4 years of education, training and/or work experience, consisting of a bachelor's degree with a major in prosthetics or orthotics and prosthetics; and associate's degree in prosthetics or orthotics and prosthetics or 2 or more years of education, training and/or work experience in the field of prosthetics; and a minimum of 2 years or 3,800 hours of experience in providing direct patient care services.
 - for orthotists, a combination of at least 4 years of education, training and/or work experience, consisting of a bachelor's degree with a major in orthotics or orthotics and prosthetics; an associate's degree in orthotics or orthotics and prosthetics or 2 or more years of education, training and/or work experience in the field of orthotics; and a minimum of 2 years or 3,800 hours of experience in providing direct patient care services.
 - for pedorthists, a successfully completed Board-approved entry-level pedorthic education program and a minimum of 1,00 hours of supervised patient fitting experience.

- for orthotic fitters, a successfully completed Board-approved entry-level education program specific to orthotic fitting and a minimum of 1,000 hours of documented patient care.
 - Complies with the following: holds a valid national certification from an organization approved by the Board as a prosthetist, orthotist, pedorthist or orthotic fitter; and, has been in active, continuous practice for the 3 years immediately preceding the effective date of this section.
- Requires biennial license renewal upon certification of successful completion of the following continuing education requirements:
 - Prosthetists and Orthotists must have a minimum of 24 hours as approved by the Board and verified as correct and true by the applicant.
 - Orthotic Fitters and Pedorthists must have a minimum of 13 hours as approved by the Board and verified as correct and true by the applicant.
- Establishes the scope of practice of an orthotic fitter.
- Requires a minimum of \$1 million in professional liability insurance coverage for all licensees.
- Provides title protection for licensed prosthetists, orthotists, pedorthists or orthotic fitters.
- Requires the Board to promulgate regulations within 18 months of the effective date with Board enforcement going into effect upon publication of final regulations or 24 months after the effective date, whichever occurs first.

FISCAL IMPACT: The Department of State's estimated personnel and operating costs for existing staff that would be charged to the State Board of Medicine to license and regulate this legislation would be \$91,500 annually. This expense would be offset by the approximate biennial fee of \$406 on the approximate 450 prosthetists, orthotists, orthotic fitters and pedorthists in the Commonwealth. This legislation will have no adverse impact on the General Fund.

PREPARED BY: Tim Rodrigo
House Appropriations Committee (R)

DATE: June 30, 2012

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.