

# SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

**BILL NO.** House Bill 48

**PRINTER'S NO.** 3846

**AMOUNT**

No Fiscal Impact

**FUND**

State Board of Medicine Restricted Revenue Account

**DATE INTRODUCED**

January 11, 2011

**PRIME SPONSOR**

Representative Scavello

**HISTORY OF BILL**

Referred to PROFESSIONAL LICENSURE, Jan. 19, 2011

Reported as committed, April 6, 2011

First consideration, April 6, 2011

Laid on the table, April 6, 2011

Removed from table, April 26, 2011

Second consideration, April 27, 2011

Re-committed to APPROPRIATIONS, April 27, 2011

Re-reported as committed, May 2, 2011

Third consideration and final passage, May 2, 2011 (174-20)

(Remarks see House Journal Page 802-803), May 2, 2011

In the Senate

Referred to CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, May 6, 2011

Reported as amended, April 3, 2012

First consideration, April 3, 2012

Re-referred to APPROPRIATIONS, May 1, 2012

Re-reported as amended, June 27, 2012

**DESCRIPTION AND PURPOSE OF BILL**

House Bill 48 amends the Medical Practice Act by requiring the licensing of prosthetists, orthosists, pedorthists, and orthotic fitters. The bill specifies licensing qualifications for applicants; educational requirements vary with the type of practice category. All applicants are required to fulfill all education and training requirements for certification and must receive certification from an accredited and approved credentialing organization. For purposes of verifying fulfillment of the experience requirement, the applicant is required to keep and make available all patient logs for audit purposes.

# **SENATE APPROPRIATIONS COMMITTEE**

## **FISCAL NOTE**

The applicant may not be addicted to alcohol or habit-forming drugs nor may an applicant be convicted of a felony under the Controlled Substance, Drug, Device and Cosmetic Act, unless ten years have elapsed from the date of the conviction and the applicant demonstrates progress in personal rehabilitation.

The license will be valid for two years and may be renewed biennially with the Board.

Prior to the first fitting, the licensee must ensure the patient has a prescription or work order along with clinical notes from a licensed health care provider which places conditions and restrictions on the course of treatment; he must ensure the patient has had a recent medical diagnostic examination; and he must retain a copy of the prescription and results of the medical diagnostic examination in the patient's files.

The legislation does not prohibit the sale of over-the-counter prostheses. It permits a representative of a medical device manufacturer to measure, fit and adjust an orthosis when the representative is supervised by the physician performing the procedure.

All individuals must be licensed within two years of the effective date. The legislation allows an individual to be licensed without examination if certain requirements are met. Existing practitioners have a two-year window to acquire licensure if they meet certain education and experience requirements. An orthotic fitter's scope of practice is limited by the bill.

All licensees must maintain professional liability insurance.

The Board must promulgate regulations within 18 months of the effective date.

The act shall take effect immediately.

### **FISCAL IMPACT:**

The Department of State estimates that annual personnel and operating expenses of existing staff to implement the provisions of this legislation will be about \$91,500. These costs will be charged to the State Board of Medicine and will be offset by an approximate biennial fee of \$406 charged to the approximate 450 prosthetists, orthotists, pedorthists, and orthotic fitters in the Commonwealth. Therefore, there will be no adverse fiscal impact to the Commonwealth and the State Board of Medicine.