

## 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 prosthetists,  
10 orthotists, pedorthists and orthotic fitters.

11 The General Assembly of the Commonwealth of Pennsylvania  
12 hereby enacts as follows:

13 Section 1. Section 13.5(d) and (h) of the act of December  
14 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of  
15 1985, added July 5, 2012 (P.L.873, No.90), are amended and the  
16 section is amended by adding a subsection to read:

17 Section 13.5. Prosthetists, orthotists, pedorthists and  
18 orthotic fitters.

19 \* \* \*

20 (d) Exceptions.--

21 (1) Nothing in this section shall prohibit students

1 enrolled in a prosthetics, orthotics, pedorthics or orthotics  
2 fitter educational program from performing prosthetics,  
3 orthotics, pedorthics or orthotic fitting in the course of  
4 their instruction, provided that a physician or podiatrist is  
5 readily available for consultations and that a prosthetist,  
6 orthotist, pedorthist or orthotic fitter, respectively, is on  
7 site and responsible for the direct supervision of students.

8 (2) Nothing in this section shall prohibit an individual  
9 from engaging in the practice for which that individual is  
10 licensed or certified to practice or to act within the scope  
11 of that license or certification held in this Commonwealth.

12 (3) Nothing in this act shall prohibit an individual who  
13 is employed by the Federal Government from engaging in the  
14 practice of a prosthetist, orthotist, pedorthist or orthotic  
15 fitter while in the discharge of the employee's official  
16 duties.

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

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

25 (6) Nothing in this section shall prohibit pharmacists,  
26 appropriately trained pharmacy personnel or durable medical  
27 equipment provider personnel from fitting and patient  
28 management of off-the-shelf therapeutic diabetic shoes and  
29 inserts. This paragraph includes the measuring, fitting or  
30 adjusting of any device utilizing a crush box impression

system, scanning or a noncustom fabricated and fitted device,  
including, but not limited to, over-the-counter devices.

\* \* \*

(h) Orthotic fitter scope of practice.--The scope of  
practice of an orthotic fitter is limited to measuring, fitting,  
dispensing and adjusting prefabricated devices not requiring  
more than minor modification of:

(1) Cervical soft foam collars.

(2) Thoraco-lumbo-sacral orthoses.

(3) Lumbo-sacral orthoses.

(4) Knee orthoses.

(5) Ankle foot orthoses.

(6) Foot orthoses.

(7) Elbow orthoses.

(8) Shoulder orthoses.

(9) Abdominal and pelvic:

(i) Trusses.

(ii) Flexible supports.

(iii) Maternity supports.

[(10) Compression devices:

(i) Lymphedema garments.

(ii) Compression garments.

(iii) Burn garments.

(11) Breast prosthesis and ancillary supplies.]

\* \* \*

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

(1) A course of study approved by the National

Commission of Orthotic and Prosthetic Education (NCOPE) that

1 covers fitting and patient management of therapeutic diabetic  
2 shoes and inserts.

3 (2) An appropriate manufacturer's training course  
4 consisting of fitting of therapeutic shoes and inserts with  
5 documented satisfactory completion of an assessment.

6 (3) A course of study that covers fitting and patient  
7 management of therapeutic diabetic shoes and inserts that is  
8 approved by a nationally recognized orthotic and prosthetic  
9 certification or accreditation organization.

10 Section 2. Notwithstanding section 3 of the act of July 5,  
11 2012 (P.L.873, No.90), entitled "An act amending the act of  
12 December 20, 1985 (P.L.457, No.112), entitled 'An act relating  
13 to the right to practice medicine and surgery and the right to  
14 practice medically related acts; reestablishing the State Board  
15 of Medical Education and Licensure as the State Board of  
16 Medicine and providing for its composition, powers and duties;  
17 providing for the issuance of licenses and certificates and the  
18 suspension and revocation of licenses and certificates;  
19 providing penalties; and making repeals,' adding definitions;  
20 and providing for licensure of prosthetists, orthotists,  
21 pedorthists and orthotic fitters," the State Board of Medicine  
22 shall promulgate regulations to implement section 13.5 of the  
23 act within 12 months of the effective date of this section.  
24 Section 13.5 of the act shall not be enforceable by the State  
25 Board of Medicine until the publication of final regulations  
26 under this section.

27 Section 3. This act shall take effect immediately.