

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 255 Session of 2009

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 FEBRUARY 5, 2009

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, FEBRUARY 5,  
 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 The General Assembly of the Commonwealth of Pennsylvania  
 21 hereby enacts as follows:

22 Section 1. Section 2 of the act of March 2, 1956 (1955 P.L.  
 23 1206, No. 375), known as the Podiatry Practice Act, reenacted  
 24 and amended August 24, 1963 (P.L.1199, No.505) and amended Dec.

1 20, 1985 (P.L.384, No.107), is amended by adding subsections to  
2 read:

3 Section 2. Definitions.--The following words or phrases,  
4 unless the context clearly indicates otherwise, shall have the  
5 meanings ascribed to them in this section:

6 \* \* \*

7 (d) "Custom-fabricated device" shall mean a prosthesis,  
8 orthosis or pedorthic device that is fabricated to original  
9 measurements or a mold for use by a patient in accordance with a  
10 prescription and which requires substantial clinical and  
11 technical judgment in its design and fitting.

12 (e) "Custom-fitted device" shall mean a prefabricated  
13 prosthesis, orthosis or pedorthic device that is sized or  
14 modified for use by the patient in accordance with a  
15 prescription and which requires substantial clinical judgment  
16 and substantive alteration for appropriate use.

17 (f) "Orthotic fitter" shall mean an individual who is  
18 licensed to practice orthotics, pursuant to a licensed  
19 physician's written prescription, whose scope of practice is  
20 limited to fitting:

21 (1) Prefabricated cervical orthoses not requiring more than  
22 minor modification.

23 (2) Pressure gradient hose.

24 (3) Trusses.

25 (4) Custom-molded therapeutic footwear.

26 (5) Custom-molded foot orthoses.

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

30 (7) Prefabricated orthoses of the upper and lower

1 extremities.

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

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

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

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

26 (k) "Pedorthics" shall mean shall mean evaluating, treatment  
27 planning, patient managing, measuring, designing, fabricating,  
28 assembling, fitting, adjusting or servicing necessary to  
29 accomplish the application of a pedorthic device for the  
30 prevention or amelioration of painful and/or disabling

1 conditions related to the lower extremities.

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

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

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

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

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

26 (q) "Prosthetist" shall mean an individual licensed under  
27 this act to practice prosthetics.

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

30 (1) Permanently sealing the affected record from public

1 access.

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

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

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

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

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

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

20 Section 9.2. Reporting of Multiple Licensure.--Any licensed  
21 podiatrist, prosthetist, orthotist, pedorthist or orthotic  
22 fitter of this Commonwealth who is also licensed to practice  
23 podiatric medicine, prosthetics, orthotics, pedorthics, orthotic  
24 fitting or surgery in any other state, territory or country  
25 shall report this information to the board on the biennial  
26 registration application. Any disciplinary action taken in other  
27 states shall be reported to the board on the biennial  
28 registration application or within ninety days of final  
29 disposition, whichever is sooner. Multiple licensure shall be  
30 noted by the board on the podiatrist's record, and such state,

1 territory or country shall be notified by the board of any  
2 disciplinary actions taken against said podiatrist in this  
3 Commonwealth.

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

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

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

21 (1) Be of good moral character.

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

23 (3) Complete the amount of formal training which shall  
24 include any hours of classroom education and clinical practice  
25 established and approved by a prosthetic, orthotic and pedorthic  
26 credentialing organization recognized by NOCA and accredited by  
27 NCCA.

28 (4) Complete a qualified work experience program or  
29 internship in prosthetics, orthotics or pedorthics in accordance  
30 with any standards, guidelines or procedures established and

1 approved by the board.

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

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

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

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

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

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

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

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

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

30 (b) A license issued pursuant to this section shall be valid

1 for two years and may be renewed biennially with the board as  
2 provided in subsection (j). A license and a temporary practice  
3 permit are not transferable.

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

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

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

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

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

26 (e) Nothing in this section shall prohibit faculty teaching  
27 in a prosthetic, orthotic, orthotics fitter or pedorthic  
28 educational program or guest lecturers from performing  
29 prosthetics, orthotics or pedorthics in the course of student  
30 instruction or during professional development seminars,



1 provided the individuals are licensed as a prosthetist,  
2 orthotist or pedorthist in this Commonwealth or another  
3 jurisdiction recognized by the Commonwealth and obtain temporary  
4 licensure in this Commonwealth.

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

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

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

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

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

16 (5) The practice of prosthetics, orthotics or pedorthics by  
17 an individual who is employed by the Federal Government while in  
18 the discharge of the employee's official duties.

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

24 (h) Within two years after the effective date of this  
25 section, individuals holding a national certification as a  
26 prosthetist, orthotist or a prosthetist/orthotist in accordance  
27 with this section may apply for and shall be granted prosthetic  
28 or orthotic licensure under this section upon payment of the  
29 required fee. Beginning two years after the effective date of  
30 this section, applicants for licensure as a prosthetist or an

1 orthotist shall meet the requirements of this section.

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

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

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

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

13 (3) For prosthetists and orthotists, provide certification  
14 of successful completion of a minimum of twenty-four hours of  
15 continuing education during the immediately preceding two years.  
16 For orthotic fitters and pedorthists, provide certification of  
17 successful completion of a minimum of thirteen hours of  
18 continuing education during the immediately preceding two years.  
19 Certification of continuing education credit hours submitted by  
20 the prosthetist, orthotist, orthotic fitter or pedorthist shall  
21 be properly signed as being correct and true. No credit may be  
22 given for courses in office management or practice building. The  
23 board may waive all or part of the continuing education  
24 requirement to a licensee who shows to the satisfaction of the  
25 board that the licensee was unable to complete the requirement  
26 due to illness, emergency or hardship.

27 (k) The Department of Education shall approve any  
28 prosthetics, orthotics, orthotics fitter or pedorthics  
29 educational program that meets the relevant and appropriate  
30 requirements of 22 Pa. Code (relating to education) and 24

1 Pa.C.S. Ch. 65 (relating to private colleges, universities and  
2 seminaries) and that meets or exceeds the standards required for  
3 prosthetics, orthotics, orthotics fitter or pedorthics programs  
4 established by an accrediting agency recognized by the United  
5 States Department of Education.

6 (l) An individual licensed to practice prosthetics,  
7 orthotics, orthotic fitting or pedorthics in this Commonwealth  
8 shall maintain a level of professional liability insurance  
9 coverage in the minimum amount of one million dollars  
10 (\$1,000,000) per occurrence or claims made. Failure to maintain  
11 insurance coverage as required shall subject the licensee to  
12 disciplinary proceedings. The board shall accept from a licensee  
13 as satisfactory evidence of insurance coverage any of the  
14 following:

15 (i) self-insurance;

16 (ii) personally purchased liability insurance; or

17 (iii) professional liability insurance coverage provided by  
18 the individual licensee's employer or similar insurance coverage  
19 acceptable to the board.

20 (m) An applicant under this section shall provide proof that  
21 the applicant has obtained professional liability insurance in  
22 accordance with subsection (l). It is sufficient if the  
23 applicant files with the application a copy of a letter from the  
24 applicant's professional liability insurance carrier indicating  
25 the applicant will be covered against professional liability in  
26 the required amounts effective upon the issuance of the  
27 applicant's license to practice prosthetics, orthotics, orthotic  
28 fitting or pedorthics in this Commonwealth. Upon issuance of the  
29 license, the licensee has thirty days to submit to the board the  
30 certificate of insurance or a copy of the policy declaration

1 page.

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

8 (1) Is of good moral character.

9 (2) Meets requirements for national certification.

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

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

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

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

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

25 (ii) The applicant satisfactorily demonstrates to the board  
26 that the applicant has made significant progress in personal  
27 rehabilitation since the conviction such that licensure of the  
28 applicant should not be expected to create a substantial risk of  
29 harm to the health and safety of the applicant's clients or the  
30 public or a substantial risk of further criminal violation.

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

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

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

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

18 (b) In addition to any other civil remedy or criminal  
19 penalty provided for in this act, the board, by a vote of the  
20 majority of the maximum number of the authorized membership of  
21 the board as provided by law, or by a vote of the majority of  
22 the duly qualified and confirmed membership or a minimum of four  
23 members, whichever is greater, may levy a civil penalty of up to  
24 [one thousand dollars (\$1,000)] ten thousand dollars (\$10,000)  
25 on any current licensee who violates any provision of this act  
26 or on any person who practices podiatric medicine without being  
27 properly licensed to do so under this act. The board shall levy  
28 this penalty only after affording the accused party the  
29 opportunity for a hearing, as provided in Title 2 of the  
30 Pennsylvania Consolidated Statutes (relating to administrative

1 law and procedure).

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

9 Section 16. Refusal to Grant, Suspension and Revocation.--

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

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

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

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

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

25 (5) Loaning, borrowing or using the registration or license  
26 to practice podiatry of another, or knowingly aiding or abetting  
27 in any way the granting of an improper license or registration.

28 (6) That said applicant or licensee is addicted to alcohol  
29 or drugs or has been convicted of a felonious act prohibited by  
30 the act of April 14, 1972 (P.L.233, No.64), known as "The

1 Controlled Substance, Drug, Device and Cosmetic Act," or  
2 convicted of a felony relating to a controlled substance in a  
3 court of law of the United States or any other state, territory  
4 or country, or if he or she is or shall become mentally  
5 incompetent. An applicant's statement on the application  
6 declaring the absence of a conviction shall be deemed  
7 satisfactory evidence of the absence of a conviction unless the  
8 board has some evidence to the contrary. In enforcing this  
9 paragraph, the board shall, upon probable cause, have authority  
10 to compel a podiatrist to submit to a mental or physical  
11 examination by a physician or a psychologist approved by the  
12 board. Failure of a podiatrist to submit to such examination  
13 when directed by the board, unless such failure is due to  
14 circumstances beyond his or her control, shall constitute an  
15 admission of the allegations against him or her, consequent upon  
16 which a default and final order may be entered without the  
17 taking of testimony or presentation of evidence. A podiatrist  
18 affected under this paragraph shall at reasonable intervals be  
19 afforded an opportunity to demonstrate that he or she can resume  
20 a competent practice of podiatry with reasonable skill and  
21 safety to patients.

22 (7) Knowingly making substantial misrepresentations.

23 (8) Unethical conduct or misleading, fraudulent or unethical  
24 advertising.

25 (9) Soliciting patronage other than by legitimate  
26 advertisement, or paying a commission or agreeing to pay a  
27 commission to any person or persons for soliciting or for  
28 business secured, or paying any gratuity to any person with  
29 intent to have such person aid in securing business, or like  
30 unprofessional conduct.

1 (10) Having a license to practice podiatric medicine, 2  
3 prosthetics, orthotics, pedorthics or orthotic fitting  
4 suspended, revoked or refused or receiving other disciplinary  
5 action by the proper podiatry, prosthetics, orthotics,  
6 pedorthics or orthotic fitting licensing authority of another  
7 state, territory or country.

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

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

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

17 (1) Deny the application for a license.

18 (2) Administer a public reprimand.

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

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

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

27 (6) Restore or reissue, in its discretion, a suspended  
28 license to practice podiatric medicine and impose any  
29 disciplinary or corrective measure which it might originally  
30 have imposed.

Section 16.2. Reinstatement of License, Certificate or



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

11 Section 18. Display of License and Certificate.--Every  
12 holder of a license or certificate of registration shall display  
13 the same in a conspicuous place wherein such person shall  
14 practice podiatric medicine, prosthetics, orthotics, pedorthics  
15 or orthotic fitting.

16 Section 19. Injunction or Other Process.--It shall be  
17 unlawful for any person to practice or attempt to offer to  
18 practice podiatric medicine, prosthetics, orthotics, pedorthics  
19 or orthotic fitting as defined in this act, without having at  
20 the time of so doing a valid, unexpired, unrevoked and  
21 unsuspended license issued under this act. The unlawful practice  
22 of podiatric medicine, prosthetics, orthotics, pedorthics or  
23 orthotic fitting, as defined in this act may be enjoined by the  
24 courts on petition of the board or the Commissioner of  
25 Professional and Occupational Affairs. In any such proceeding,  
26 it shall not be necessary to show that any person is  
27 individually injured by the actions complained of. If it is  
28 found that the respondent has engaged in the unlawful practice  
29 of podiatric medicine, prosthetics, orthotics, pedorthics or  
30 orthotic fitting, the court shall enjoin him or her from so

1 practicing unless and until he or she has been duly licensed.  
2 Procedure in such cases shall be the same as in any other  
3 injunction suit. The remedy by injunction hereby given is in  
4 addition to any other civil or criminal prosecution and  
5 punishment.

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

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

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

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

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

19 (4) The disciplinary record shall have involved either the  
20 imposition of a civil penalty against the certificate holder,  
21 registrant or licensee for a violation under authority of  
22 section 5(a) of the act of July 2, 1993 (P.L.345, No.48),  
23 entitled "An act empowering the General Counsel or his designee  
24 to issue subpoenas for certain licensing board activities;  
25 providing for hearing examiners in the Bureau of Professional  
26 and Occupational Affairs; providing additional powers to the  
27 Commissioner of Professional and Occupational Affairs; and  
28 further providing for civil penalties and license suspension",  
29 or the imposition of discipline against the certificate holder,  
30 registrant or licensee for a violation that, at the time of

1 application for expungement, would be prosecuted under authority  
2 of section 5(a) of the act of July 2, 1993 (P.L.345, No.48).

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