

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 48 Session of  
2011

INTRODUCED BY SCAVELLO, BAKER, BOYD, CALTAGIRONE, DeLUCA,  
GEORGE, HELM, HENNESSEY, HORNAMAN, KILLION, KIRKLAND, KORTZ,  
KOTIK, MILLARD, MILLER, MILNE, MOUL, O'NEILL, PASHINSKI,  
PEIFER, PICKETT, READSHAW, REICHLEY, VULAKOVICH, WAGNER,  
WATSON, YOUNGBLOOD, KNOWLES, JOSEPHS, GIBBONS, CREIGHTON AND  
MURT, JANUARY 19, 2011

SENATOR CORMAN, APPROPRIATIONS, IN SENATE, RE-REPORTED AS  
AMENDED, JUNE 27, 2012

## 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," adding definitions; and providing for  
10 licensure of prosthetists, orthotists, pedorthists and  
11 orthotic fitters.

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

14 Section 1. Section 2 of the act of December 20, 1985  
15 (P.L.457, No.112), known as the Medical Practice Act of 1985, is  
16 amended by adding definitions to read:

17 Section 2. Definitions.

18 The following words and phrases when used in this act shall  
19 have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 \* \* \*

3 "Accommodative." Designed with a primary goal of conforming  
4 to an individual's anatomy.

5 \* \* \*

6 "Custom-fabricated device." A prosthesis, orthosis or  
7 pedorthic device that is fabricated to ~~original~~ COMPREHENSIVE ←  
8 measurements or a mold for use by a patient in accordance with a  
9 prescription ~~or work order~~ and which requires substantial ←  
10 clinical and technical judgment in its design FABRICATION and ←  
11 fitting.

12 "Custom-fitted device." A prefabricated prosthesis, orthosis  
13 or pedorthic device TO ACCOMMODATE THE PATIENT'S MEASUREMENT ←  
14 that is sized or modified for use by the patient in accordance  
15 with a prescription ~~or work order~~ and which requires substantial ←  
16 clinical judgment and substantive alteration IN ITS DESIGN for ←  
17 appropriate use.

18 \* \* \*

19 "ICE." The Institute for Credentialing Excellence,  
20 previously known as the National Organization for Competency  
21 Assurance (NOCA).

22 \* \* \*

23 "NCCA." The National Commission for Certifying Agencies or  
24 its successor.

25 ~~"Nontherapeutic devices." Devices that do not address a~~ ←  
26 ~~medical condition.~~

27 "ORTHOISIS." A CUSTOM-FABRICATED OR CUSTOM-FITTED DEVICE ←  
28 DESIGNED TO EXTERNALLY PROVIDE SUPPORT, ALIGNMENT OR PREVENTION  
29 TO THE BODY OR A LIMB FOR THE PURPOSES OF CORRECTING OR  
30 ALLEVIATING A NEUROMUSCULAR OR MUSCULOSKELETAL DISEASE, INJURY

1 OR DEFORMITY.

2 "Orthotic fitter." An individual who is licensed under this  
3 act to ~~practice orthotics~~ PROPERLY FIT, DISPENSE AND ADJUST ←  
4 PREFABRICATED ORTHOTIC DEVICES pursuant to a written  
5 prescription of a physician, podiatrist, certified registered  
6 nurse practitioner or physician assistant ~~or pursuant to a work~~ ←  
7 order.

8 "Orthotics." ~~Evaluating~~ THE PRACTICE OF EVALUATING, ←  
9 measuring, designing, fabricating, assembling, fitting,  
10 adjusting or servicing an orthosis for the correction or  
11 alleviation of neuromuscular or musculoskeletal dysfunction,  
12 disease, injury or deformity, as provided in this act.

13 "Orthotist." An individual other than A LICENSED PHYSICAL ←  
14 THERAPIST, A LICENSED OCCUPATIONAL THERAPIST OR an orthotic  
15 fitter licensed under this act to practice orthotics pursuant to  
16 a written prescription of a physician, podiatrist, certified  
17 registered nurse practitioner or physician assistant ~~or pursuant~~ ←  
18 to a work order.

19 "Over-the-counter prostheses, orthoses and pedorthic  
20 devices." Prefabricated, mass-produced items that are  
21 prepackaged and require no professional advice or judgment in  
22 either size selection or use, including fabric or elastic  
23 supports, corsets, generic arch supports and elastic hose.

24 "Pedorthic device." Includes therapeutic shoes, shoe  
25 modifications made for therapeutic purposes, partial foot  
26 prostheses, foot orthoses and below-the-knee pedorthic  
27 modalities. The term does not include nontherapeutic,  
28 accommodative inlays and nontherapeutic accommodative footwear,  
29 regardless of method of manufacture; unmodified, nontherapeutic  
30 over-the-counter shoes; or prefabricated unmodified or

1 unmodifiable foot care and footwear products.

2 "Pedorthics." ~~Evaluating~~ THE PRACTICE OF EVALUATING, ←  
3 measuring, designing, fabricating, assembling, fitting,  
4 adjusting or servicing necessary to accomplish the application  
5 of a pedorthic device for the prevention or amelioration of  
6 painful or disabling conditions related to the lower  
7 extremities.

8 "Pedorthist." An individual licensed under this act to  
9 practice pedorthics pursuant to a written prescription of a  
10 physician, podiatrist, certified registered nurse practitioner  
11 or physician assistant ~~or pursuant to a work order.~~ ←

12 \* \* \*

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

25 "Prosthesis." A custom-designed, custom-fabricated, custom-  
26 fitted or custom-modified device to replace an absent external  
27 limb for purposes of restoring physiological function ~~or~~ ←  
28 cosmesis THAT IS NOT SURGICALLY IMPLANTED. The term does not ←  
29 include artificial eyes, ears, fingers or toes, dental  
30 appliances, cosmetic devices, such as artificial breasts,

1 eyelashes or wigs, or other devices that do not have a  
2 significant impact on the musculoskeletal functions of the body.

3 "Prosthetics." ~~Evaluating~~ THE PRACTICE OF EVALUATING, ←  
4 measuring, designing, fabricating, assembling, fitting,  
5 adjusting or servicing a prosthesis.

6 "Prosthetist." An individual, OTHER THAN A LICENSED PHYSICAL ←  
7 THERAPIST OR OCCUPATIONAL THERAPIST, licensed under this act to  
8 practice prosthetics pursuant to a written prescription of a  
9 physician, podiatrist, certified registered nurse practitioner  
10 or physician assistant ~~or pursuant to a work order.~~ ←

11 \* \* \*

12 ~~"Therapeutic devices." Devices that address a medical~~ ←  
13 ~~condition.~~

14 \* \* \*

15 Section 2. The act is amended by adding a section to read:  
16 Section ~~13.4~~ 13.5. Prosthetists, orthotists, pedorthists and ←  
17 orthotic fitters.

18 (a) Licensure qualifications.--To qualify for licensure to  
19 practice prosthetics, orthotics, pedorthics or orthotic fitting,  
20 an applicant shall:

21 (1) Be of good moral character.

22 (2) Possess the following education:

23 ~~(i) For prosthetists, at least four years of~~ ←  
24 ~~education, training and/or work experience, consisting of~~  
25 ~~a bachelor's degree with a major in prosthetics or~~  
26 ~~orthotics and prosthetics, an associate degree in~~  
27 ~~prosthetics or orthotics and prosthetics or two or more~~  
28 ~~years of education, training and/or work experience in~~  
29 ~~the field of prosthetics; and a minimum of two years~~  
30 ~~(3,800 hours) of experience in providing direct patient~~

~~care services. Patient logs must be kept and available for audit purposes.~~

~~(ii) For 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, an associate degree in orthotics or orthotics and prosthetics or two or more years of education, training and/or work experience in the field of orthotics; and a minimum of two years (3,800 hours) of experience in providing direct patient care services. Patient logs must be kept and available for audit purposes.~~

(I) FOR PROSTHETISTS, AT LEAST FOUR YEARS OF EDUCATION, TRAINING AND/OR WORK EXPERIENCE, CONSISTING OF:

(A) A BACHELOR'S DEGREE WITH A MAJOR IN PROSTHETICS OR ORTHOTICS AND PROSTHETICS; AND

(B) A MINIMUM OF TWO YEARS (3,800 HOURS) OF EXPERIENCE IN PROVIDING DIRECT PATIENT CARE SERVICES.

(II) FOR ORTHOTISTS, AT LEAST FOUR YEARS OF EDUCATION, TRAINING AND/OR WORK EXPERIENCE, CONSISTING OF:

(A) A BACHELOR'S DEGREE WITH A MAJOR IN ORTHOTICS OR ORTHOTICS AND PROSTHETICS; AND

(B) A MINIMUM OF TWO YEARS (3,800 HOURS) OF EXPERIENCE IN PROVIDING DIRECT PATIENT CARE SERVICES.

(iii) For pedorthists, a successfully completed board-approved entry-level pedorthic education program and a minimum of 1,000 hours of supervised patient fitting experience.



1           (iv) For orthotic fitters, a successfully completed  
2           board-approved entry-level education program specific to  
3           orthotic fitting and a minimum of 1,000 hours of  
4           documented patient care.

5           (3) Have fulfilled all educational and training required  
6           for certification AND RECEIVED CERTIFICATION by a prosthetic, ←  
7           orthotic, pedorthic and orthotic fitting credentialing  
8           organization recognized by ICE, accredited by NCCA and  
9           approved by the board.

10          (4) Pass all examinations that are required for  
11          certification by a prosthetic, orthotic, pedorthic or  
12          orthotic fitting credentialing organization recognized by  
13          ICE, accredited by NCCA and approved by the board.

14          (5) Submit a board-approved application and any fees as  
15          prescribed by the board by regulation.

16          (6) KEEP AND MAKE AVAILABLE ALL PATIENT LOGS FOR AUDIT ←  
17          PURPOSES OF THE EXPERIENCE REQUIREMENT.

18          ~~(6)~~ (7) Not be addicted to alcohol, narcotics or other ←  
19          habit-forming drugs.

20          ~~(7)~~ (8) Not been convicted of a felony under the act of ←  
21          April 14, 1972 (P.L.233, No.64), known as The Controlled  
22          Substance, Drug, Device and Cosmetic Act, or of an offense  
23          under the laws of another jurisdiction which, if committed in  
24          this Commonwealth, would be a felony under The Controlled  
25          Substance, Drug, Device and Cosmetic Act, unless the  
26          following apply:

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

29                (ii) The applicant satisfactorily demonstrates to  
30                the board that the applicant has made significant

1 progress in personal rehabilitation since the conviction  
2 and the licensure of the applicant is not expected to  
3 create a substantial risk of harm to the health and  
4 safety of the applicant's clients or the public or a  
5 substantial risk of further criminal violations.

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

8 (b) Term of license.--A license issued pursuant to this  
9 section shall be valid for two years and may be renewed  
10 biennially with the board as provided in subsection (g).

11 (c) Prosthetic, orthotic, pedorthic and orthotic fitting  
12 treatment requirements.--Prior to administering the first  
13 prosthetic, orthotic, pedorthic or orthotic fitting treatment, a ←  
14 prosthetist, orthotist, pedorthist or orthotics fitter shall do  
15 all of the following:

16 (1) Ensure the patient has secured a prescription ~~or~~ ←  
17 ~~work order~~ along with clinical notes for treatment BY THE ←  
18 PRESCRIBING AUTHORITY using prosthetics, orthotics,  
19 pedorthics or orthotic fitting from a physician, podiatrist,  
20 certified registered nurse practitioner or physician  
21 assistant. A prescription ~~or work order~~ under this paragraph ←  
22 shall place conditions and restrictions BY THE PRESCRIBING ←  
23 AUTHORITY on the course of treatment if required as a matter  
24 of sound medical practice.

25 (2) Ensure the patient has undergone a medical  
26 diagnostic examination or has had the results of a recently  
27 performed medical diagnostic examination reviewed by a  
28 physician, podiatrist, certified registered nurse  
29 practitioner or physician assistant.

30 (3) ~~Keep~~ RETAIN a copy of the prescription ~~or work order~~ ←



1 and the results of the medical diagnostic examination in the  
2 patient's file.

3 (d) Exceptions.--

4 (1) Nothing in this section shall prohibit students  
5 enrolled in a prosthetics, orthotics, pedorthics or orthotics  
6 fitter educational program from performing prosthetics,  
7 orthotics, pedorthics or orthotic fitting in the course of  
8 their instruction, provided that a physician or podiatrist is  
9 readily available for consultations and that a prosthetist,  
10 orthotist, pedorthist or orthotic fitter, respectively, is on  
11 site and responsible for the direct supervision of students.

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

16 Nothing in this act shall prohibit an individual who is ←

17 (3) NOTHING IN THIS ACT SHALL PROHIBIT AN INDIVIDUAL WHO ←  
18 IS employed by the Federal Government from engaging in the  
19 practice of a prosthetist, orthotist, pedorthist or orthotic  
20 fitter while in the discharge of the employee's official  
21 duties.

22 ~~(3)~~ (4) Nothing in this section shall prohibit the sale ←  
23 of over-the-counter prostheses, orthoses or pedorthic  
24 devices.

25 ~~(4)~~ (5) Nothing in this section shall prohibit a ←  
26 representative of a ~~medical~~ AN ORTHOSIS A MEDICAL device ←  
27 manufacturer registered with the United States Food and Drug  
28 Administration from measuring, fitting and adjusting ~~orthoses~~ ←  
29 AN ORTHOSIS A MEDICAL DEVICE when the representative PURSUANT ←  
30 TO A WRITTEN AGREEMENT is supervised by a THE physician or ←

~~other licensed health care professional PERFORMING THE  
PROCEDURE PURSUANT TO A WRITTEN AGREEMENT.~~

~~(e) License requirement effective.--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, pedorthics or orthotic fitting in this  
Commonwealth unless the individuals are licensed in accordance  
with this section.~~

~~(f) License without examination. Within two years after the  
(F) LICENSE WITHOUT EXAMINATION.--~~

~~(1) WITHIN TWO YEARS AFTER THE effective date of this  
section, an individual may be granted a prosthetic, orthotic,  
pedorthotic or orthotic fitting license by the board if the  
individual DOES ALL OF THE FOLLOWING:~~

~~(1) Complies with subsection (a) (1), (2), (5), (6) and  
(7); and~~

~~(2) Complies with the following:~~

~~(i) holds a valid national certification as a~~

~~(I) COMPLIES WITH SUBSECTION (A) (1), (5), (6) AND  
(7).~~

~~(II) MEETS THE FOLLOWING:~~

~~(A) FOR PROSTHETISTS, A COMBINATION OF AT LEAST  
FOUR YEARS OF EDUCATION, TRAINING AND/OR WORK  
EXPERIENCE, CONSISTING OF:~~

~~(I) A BACHELOR'S DEGREE WITH A MAJOR IN  
PROSTHETICS OR ORTHOTICS AND PROSTHETICS;~~

~~(II) AN ASSOCIATE'S DEGREE IN PROSTHETICS OR  
ORTHOTICS AND PROSTHETICS OR TWO OR MORE YEARS OF  
EDUCATION, TRAINING AND/OR WORK EXPERIENCE IN THE  
FIELD OF PROSTHETICS; AND~~

1                   (III) A MINIMUM OF TWO YEARS OR 3,800 HOURS  
2                   OF EXPERIENCE IN PROVIDING DIRECT PATIENT CARE  
3                   SERVICES.

4                   (B) FOR ORTHOTISTS, A COMBINATION OF AT LEAST  
5                   FOUR YEARS OF EDUCATION, TRAINING AND/OR WORK  
6                   EXPERIENCE, CONSISTING OF:

7                   (I) A BACHELOR'S DEGREE WITH A MAJOR IN  
8                   ORTHOTICS OR ORTHOTICS AND PROSTHETICS;

9                   (II) AN ASSOCIATE'S DEGREE IN ORTHOTICS OR  
10                   ORTHOTICS AND PROSTHETICS OR TWO OR MORE YEARS OF  
11                   EDUCATION, TRAINING AND/OR WORK EXPERIENCE IN THE  
12                   FIELD OF ORTHOTICS; AND

13                   (III) A MINIMUM OF TWO YEARS OR 3,800 HOURS  
14                   OF EXPERIENCE IN PROVIDING DIRECT PATIENT CARE  
15                   SERVICES.

16                   (C) FOR PEDORTHISTS, A SUCCESSFULLY COMPLETED  
17                   BOARD-APPROVED ENTRY-LEVEL PEDORTHIC EDUCATION  
18                   PROGRAM AND A MINIMUM OF 1,000 HOURS OF SUPERVISED  
19                   PATIENT FITTING EXPERIENCE.

20                   (D) FOR ORTHOTIC FITTERS, A SUCCESSFULLY  
21                   COMPLETED BOARD-APPROVED ENTRY-LEVEL EDUCATION  
22                   PROGRAM SPECIFIC TO ORTHOTIC FITTING AND A MINIMUM OF  
23                   1,000 HOURS OF DOCUMENTED PATIENT CARE.

24                   (III) COMPLIES WITH THE FOLLOWING:

25                   (A) HOLDS A VALID NATIONAL CERTIFICATION FROM AN  
26                   ORGANIZATION APPROVED BY THE BOARD AS A prosthetist,  
27                   orthotist, pedorthist or orthotic fitter; and

28                   ~~(ii) has been in active, continuous practice for the~~     ←

29                   (B) HAS BEEN IN ACTIVE, CONTINUOUS PRACTICE FOR     ←  
30                   THE three years immediately preceding the effective

1 date of this section.

2 (2) THIS SUBSECTION SHALL EXPIRE 730 DAYS FROM THE  
3 EFFECTIVE DATE OF THIS SUBSECTION.

4 (g) Biennial license renewal.--For biennial renewal of a  
5 license:

6 (1) A prosthetist and orthotist must provide  
7 certification of successful completion of a minimum of 24  
8 hours of continuing education as approved by the board.

9 (2) An orthotic fitter and a pedorthist must provide  
10 certification of successful completion of a minimum of 13  
11 hours of continuing education as approved by the board.

12 (3) Certification of continuing education credit hours  
13 submitted by the prosthetist, orthotist, pedorthist or  
14 orthotic fitter shall be verified as being correct and true  
15 by the applicant.

16 (4) A licensee must file a completed board-approved  
17 renewal application.

18 (5) A licensee must pay any fees established by  
19 regulation by the board.

20 (6) No credit for continuing education may be given for  
21 courses in office management or practice building.

22 (7) The board may waive all or part of the continuing  
23 education requirements to a licensee who shows to the  
24 satisfaction of the board that the licensee was unable to  
25 complete the requirement due to illness, emergency or  
26 hardship.

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

- 1           (1) Cervical soft foam collars.
- 2           (2) Thoraco-lumbo-sacral orthoses.
- 3           (3) Lumbo-sacral orthoses.
- 4           (4) Knee orthoses.
- 5           (5) Ankle foot orthoses.
- 6           (6) Foot orthoses.
- 7           (7) Elbow orthoses.
- 8           (8) Shoulder orthoses.
- 9           (9) Abdominal and pelvic:
  - 10           (i) Trusses.
  - 11           (ii) Flexible supports.
  - 12           (iii) Maternity supports.
- 13          (10) Compression devices:
  - 14           (i) Lymphedema garments.
  - 15           (ii) Compression garments.
  - 16           (iii) Burn garments.
- 17          (11) Breast prosthesis and ancillary supplies.
  - 18           (i) Liability insurance coverage.--An individual licensed to  
19 practice prosthetics, orthotics, pedorthics or orthotic fitting  
20 in this Commonwealth shall maintain a level of professional  
21 liability insurance coverage in the minimum amount of \$1,000,000  
22 per occurrence or claims made and shall verify to the board the  
23 required coverage. Failure to maintain insurance coverage as  
24 required shall subject the licensee to disciplinary proceedings.  
25 The licensee must provide proof of coverage to the board upon  
26 request. The board shall accept from a licensee as satisfactory  
27 evidence of insurance coverage any of the following:
    - 28           (1) Personally purchased liability insurance.
    - 29           (2) Professional liability insurance coverage provided  
30 by the individual licensee's employer or similar insurance

1 coverage acceptable to the board.

2 (j) Practice by unregistered persons.--Any person who is not  
3 licensed as a prosthetist, orthotist, pedorthist or orthotic  
4 fitter shall not practice prosthetics, orthotics, pedorthics or  
5 orthotic fitting nor in any written or printed circular or in  
6 any business card, letterhead or sign or otherwise assume the  
7 title "Prosthetist," "Orthotist," "Pedorthist" or "Orthotic  
8 Fitter" nor any other title, abbreviation, name or description  
9 implying or calculated to lead to the belief that he is  
10 qualified to practice prosthetics, orthotics, pedorthics or  
11 orthotic fitting.

12 Section 3. The board shall promulgate regulations to  
13 implement the amendment or addition of sections 2 and ~~13.4~~ 13.5 ←  
14 of the act within 18 months of the effective date of this  
15 section. The amendment or addition of sections 2 and ~~13.4~~ 13.5 ←  
16 of the act shall not be enforceable by the State Board of  
17 Medicine until the publication of final regulations under this  
18 section or 24 months following the effective date of this  
19 section, whichever occurs first.

20 Section 4. This act shall take effect immediately.