

No. 2014-104

AN ACT

HB 2242

Amending the act of December 20, 1985 (P.L.457, No.112), entitled "An act relating to the right to practice medicine and surgery and the right to practice medically related acts; reestablishing the State Board of Medical Education and Licensure as the State Board of Medicine and providing for its composition, powers and duties; providing for the issuance of licenses and certificates and the suspension and revocation of licenses and certificates; providing penalties; and making repeals," further providing for definitions and for prosthetists, orthotists, pedorthists and orthotic fitters.

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

Section 1. The definition of "health care practitioner" in section 2 of the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, is amended and the section is amended by adding a definition to read:

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

"Health care practitioner." **[An individual, other than a physician assistant, who is authorized to practice some component of the healing arts by a license, permit, certificate or registration issued by a Commonwealth licensing agency or board.] As defined in section 103 of the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.**

* * *

"Pharmacist." As defined in section 2(10) of the act of September 27, 1961 (P.L.1700, No.699), known as the Pharmacy Act.

* * *

Section 2. Section 13.5(d), (f) and (h) of the act, added July 5, 2012 (P.L.873, No.90), are amended to read:

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

* * *

(d) Exceptions.—

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

(2) Nothing in this section shall prohibit an individual, *including, but not limited to, a pharmacist, podiatrist or physician*, from engaging in the practice for which that individual is licensed, *registered* or certified to practice or to act within the scope of that license, *registration* or certification held in this Commonwealth.

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

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

(5) Nothing in this section shall prohibit a representative of a medical device manufacturer registered with the United States 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.

* * *

(f) License without examination.—

[(1)] Within **[two]** *three* years after the effective date of this section, **[an individual may be granted]** *the board shall grant an individual* a prosthetic, orthotic, pedorthic or orthotic **[fitting]** *fitter* license **[by the board]** if the individual **[does all of the following]** *complies on or before March 31, 2015, with subsection (a)(1), (5), (6), (7) and (8) and:*

[(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*

(III) *a minimum of two years or 3,800 hours of experience in providing direct patient care services.*

(B) *For orthotists, 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 orthotics or orthotics and prosthetics;*

(II) *an associate's 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*

(III) *a minimum of two years or 3,800 hours of experience in providing direct patient care services.*

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

(D) 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.

(iii) Complies with the following:

(A) holds a valid national certification from an organization approved by the board as a prosthetist, orthotist, pedorthist or orthotic fitter; and

(B) has been in active, continuous practice for the three years immediately preceding the effective date of this section.

(2) This subsection shall expire 730 days from the effective date of this subsection.]

(1) For a prosthetic or orthotic license, holds a national certification as a prosthetist or an orthotist issued by a national organization approved by the board.

(2) For a pedorthic or orthotic fitter license, holds a national certification as a pedorthist or orthotic fitter issued by a national organization approved by the board.

(3) For an orthotic fitter license only, has been dispensing over-the-counter prostheses, orthoses or pedorthic devices for two years immediately prior to the effective date of this paragraph under the supervision of a nationally certified pedorthist or be employed by an entity accredited by an accredited organization under the Center for Medicare and Medicaid Services.

* * *

(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.

(9.1) Therapeutic shoes.

[(10) Compression devices:

- (i) Lymphedema garments.**
- (ii) Compression garments.**
- (iii) Burn garments.**

(11) Breast prosthesis and ancillary supplies.]

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Section 3. Notwithstanding section 3 of the act of July 5, 2012 (P.L.873, No.90), entitled "An act amending the act of December 20, 1985 (P.L.457,

No.112), entitled 'An act relating to the right to practice medicine and surgery and the right to practice medically related acts; reestablishing the State Board of Medical Education and Licensure as the State Board of Medicine and providing for its composition, powers and duties; providing for the issuance of licenses and certificates and the suspension and revocation of licenses and certificates; providing penalties; and making repeals,' adding definitions; and providing for licensure of prosthetists, orthotists, pedorthists and orthotic fitters," the State Board of Medicine shall promulgate regulations to implement section 13.5 of the act within 12 months of the effective date of this section.

Section 4. This act shall take effect immediately.

APPROVED—The 2nd day of July, A.D. 2014

TOM CORBETT