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"YOUR COMPLIANCE EXPERTS FOR TODAY AND TOMORROW"

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August 7, 2014

Pennsylvania Department of State
Teresa Lazo, Assistant Counsel
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Subject: Public Comment for Act 90

Ms. Lazo:

2014 AUG 19 AM 10:26

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IRRC

The following comments are for the original Act 90 law enacted on July 6, 2012 and not Act 104 (HB 2242) (signed into law on July 3, 2014). I have coordinated these comments with the Pharmacy, Durable Medical Equipment, and Mastectomy organizations within the Commonwealth. The Board of Certification/Accreditation Int'l (BOC)'s comments are also included within this letter.

I have also communicated with PAMS, but they wish to submit their own comments. POPS has received these comments, but has not responded to my inquiries.

If you have any questions, please contact me at 724-357-8381 or via email: Jeff@RJHedges.com. I look forward working with you, your department as these regulations are constructed, and the additional comment period with Act 104 later in the regulation editing process.

Comments on PA O&P Licensure Regulations

1. Definitions: (ADD)

- a. Facility means the business location where orthotic, prosthetic, or pedorthic care is provided and has the appropriate clinical and laboratory space and equipment to provide comprehensive orthotic, prosthetic, or pedorthic care. Licensed orthotists, prosthetists, and pedorthists must be available to either provide care or supervise the provision of care by orthotic fitters or non-licensed staff.

- i. **Reason:** This clarifies that the licensed individual is a legally operating business within the Commonwealth.
 - b. Level of competence means a hierarchical position that an individual occupies within a field or profession relative to other practitioners in the profession.
 - i. **Reason:** Clarifies the profession to the practitioner
2. The type of certification required is stated inconsistently throughout the rules:
- a. 18.815.d, 18.825.d – “...shall demonstrate current National certification from an organization approved by the Board”
 - b. 18.834.b.4, 18.844.b.4 – “...holds current National certification as a [pedorthist, orthotic fitter] from a certification organization recognized by the Board.”
 - c. 18.333.b.4, 18.843.b.4 – “...holds current National certification from the ABC or the BOC.)
 - d. 18.814.8.4, 18.824.b.4 – “...credentialing organization whose certification program is accredited by NCCA.”
 - e. 18.842.a -- “... or orthotic fitter certified by the ABC or the BOC.”
 - f. 18.863.f -- “... by passing the certification examinations offered by either the ABC or the BOC. For prosthetists or orthotists, the applicable examinations are the ABC or BOC examinations required for initial certification. For pedorthists or orthotic fitters, the applicable examinations are the ABC or BOC pedorthist or orthotic fitter examination required for initial certification.”
 - i. **Proposed solution:** In 18.802, the definitions for BOC and ABC could be amended as follows (edited text in bold)
 - 1. ABC— American Board for Certification in Orthotics, Prosthetics & Pedorthics, Inc., **an National certification organization approved and recognized by the Board**, with certification programs accredited by the NCCA. The term includes a successor organization.
 - 2. BOC— Board of Certification/Accreditation International, Inc., a **National certification organization approved and recognized by the Board**, with certification programs accredited by the NCCA. The term includes a successor organization.
3. 18.832.a currently states “...shall practice only under the direct supervision of licensed Pedorthist.” In our opinion, a Pedorthist, Prosthetist, or Orthotist could supervise this individual, as therapeutic footwear is in their scopes of practice.

This would allow the candidate a larger pool of options. A precedent for including supervisors who have different certifications appears in 18.842, where an Orthotist is included as one of two options for supervision for an Orthotic Fitter's "patient fitting experience."

4. The July 7 date needs to be changed throughout.
5. 18.835.4 says that a Pedorthist needs 1,000 hours of "supervised patient fitting experience...." That is not the correct term for the experience needed by a Pedorthist. We would suggest: "supervised experience providing direct patient care in Pedorthics."

Respectfully submitted,

R. Jeffrey Hedges, CDME
President & CEO