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February 1, 2016

Pennsylvania Department of State  
Teresa Lazo, Assistant Counsel  
Bureau of Professional and Occupational Affairs  
2601 N Third St  
P.O. Box 2649  
Harrisburg, PA 17105  
**Via email: [tlazo@pa.gov](mailto:tlazo@pa.gov)**

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RE: Final Annex 16A-4943

Dear Ms. Lazo,

I am writing to share a few concerns with the Final Annex that was published earlier today regarding the implementation of Act 90 of 2012 and Act 104 of 2014 governing the practice of orthotics, prosthetics, and pedorthics in the Commonwealth.

First, we see that the rules include clauses that are not referenced in either law. This includes the delegation of duties to orthotic and prosthetic assistants and technicians.

The delegation section is particularly concerning as it lacks clarity and could be interpreted in a manner that would force many orthotic and prosthetic practices in the Commonwealth to change their business models in significant and potentially costly ways. Specifically, one interpretation suggests that orthotists or prosthetists may delegate only to assistants or technicians. This would prove detrimental to any orthotic and prosthetic practices that use the services of a central fabrication laboratory, which is a common practice. Many orthotic and prosthetic locations are too small to maintain a fully functioning manufacturing facility and many of the industry manufacturers accept specifications from these smaller businesses and fabricate the needed modalities as their capabilities allow. Perhaps substituting language that allows delegation within the licensed orthotist or prosthetist practice would offer more clarity.

We suggest that the reference to NCCA in Section 18.824 Orthotist license be struck, as is the reference in Section 18.814 Prosthetist license, so they read consistently. We would also like to point out that NCOPE no longer approves courses for orthotic fitters or pedorthists and those references will need to be amended.

Further, the provisions of Act 104 appear to be missing from the Final Annex, as the exemptions and clarifications therein are notably absent. We would be happy to assist in making these and other changes to the Final Annex and ensuring that licensure in Pennsylvania continues to be implemented in the manner envisioned by the legislature of the Commonwealth.

Thank you for your time and consideration.

Sincerely,

  
Claudia Zacharias, MBA, CAE  
President & CEO

cc: [irrc@irrc.state.pa.us](mailto:irrc@irrc.state.pa.us)  
[info@pops.bz](mailto:info@pops.bz)