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Kathy Cooper

From: Jeff Hedges <Jeff.Hedges@rjhedges.com>
Sent: Monday, February 01, 2016 3:56 PM
To: Lazo, Teresa; IRRC; info@pops.bz
Cc: 'Eileen Levis'; Wendy Miller; Zack Chait; Claudia Zacharias; Mel Brodsky; 'Greg Drew'; 'Don Smith'
Subject: FW: URGENT: POPS LICENSING ALERT
Attachments: Highlighted Annex Final POPOs.docx; RjHedges Response 20160201.pdf
Importance: High

Ms. Lazo,

Attached are my comments for the PA O&P Regulation being proposed.

R. Jeffrey Hedges, CDME

President & CEO

Office: 724-357-8380 **Fax:** 814-446-6336 **Website:** www.rjhedges.com

From: Eileen Levis [<mailto:eileen@orthologix.com>]
Sent: Monday, February 01, 2016 10:31 AM
To: Jeff Hedges
Subject: Fwd: URGENT: POPS LICENSING ALERT

2016 FEB - 1 PM 4: 23

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On Mon, Feb 1, 2016 at 10:28 AM, Eileen Levis <eileen@orthologix.com> wrote:

Dear POPS Member,

I have attached for your review the final regulations that the attorney for the Medical Board has drafted for licensing of O & P professionals in PA. There are some alarming issues that we at POPS are gravely concerned about. There has been additional classes of providers inserted in to the regulations that are NOT in the licensing law. They are orthotic, prosthetic, pedorthic and orthotic fitter assistants as well as technicians. There has also been an addition of "Delegation" .

The issue is that "Delegation" can ONLY be done ON SITE under direct supervision of the practitioner delegating the task. This INCLUDES fabrication and technical tasks. This provision would effectively remove the ability to outsource ANY fabrication to C fabs including company's like Boston Brace, Ultraflex , Breg, Don Joy, any custom shoe manufacturers, Cascade DAFO and on and on. This would also effect companies with affiliate or satellite offices that utilizing their OWN manufacturing labs if the practitioner is not supervising the on site manufacturing. Another concern is that there seems to be no restriction of what can or cannot be delegated as long as it is on site. This would affect companies who employee ABC certified assistants in that they would now be restricted to work on site under DIRECT supervision. This may create issues for facility accreditation as well. We believe the attorney has overreached her authority in "rewriting" this law. We are asking you please please voice your concerns by e mailing letters to the attorney for the Medical Board as well as the IRRC. Please cc POPS. Any letters we receive today will be distributed to the members of the Medical Board and Allied Health Committee at tomorrows meeting. Please see e mail addresses below:

Teresa Lazo: tlazo@pa.gov
IRRC: irrc@irrc.state.pa.us

POPS: info@pops.bz

THANK YOU FOR YOUR CONTINUED SUPPORT

--

Eileen Levis
President

--

Eileen Levis
President-CEO

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R.J. HEDGES

& ASSOCIATES "YOUR COMPLIANCE EXPERTS FOR TODAY AND TOMORROW"

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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 17105-2649

Subject: Public Comment for the Final Regulations PA 16A-4943

Ms. Lazo:

I am reviewing the final regulation for the Orthotic and Prosthetic regulation which has been written following 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 grave concerns about this regulation, how it is written, omissions from the Act that was passed into law, additions that were added which are outside the scope, and intent of the actual law passed on July 3, 2014.

Eileen Levis is submitting comments on behalf of POPS, which specifically relates to the practice of O&P and how this regulation will actual dramatically, reduce the ability for Pennsylvania citizens to access O&P products. I concur with her submission.

My comments are for my clients, independent pharmacies and Durable Medical Equipment facilities here in Pennsylvania and not from any other professional organizations, which I am affiliated.

The bill passed both the House and Senate with unanimous votes. There are key definitions to protect the rights of licensed pharmacist and other licensed disciplines to dispense diabetic shoes. With out these references in the final regulation, CMS will take the Pennsylvania law at face value and will restrict "licensed professionals" who are working within their scope of practice from dispensing diabetic shoes and certain orthotic products. This type of omission has occurred in other states where pharmacies are restricted from dispensing diabetic.

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I am requesting the following paragraphs that are in the Act be placed in the regulation.

§ 18.802. Definitions.

"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.


This section is NOT listed in the final regulation:

Section 15.5 (d): Exceptions.

(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.

If you have any questions, please contact me at 724-357-8381 or via email: Jeff.Hedges@RJHedges.com.

Respectfully submitted,



R. Jeffrey Hedges, CDME
President & CEO

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

**CHAPTER 16. STATE BOARD OF MEDICINE—
GENERAL PROVISIONS**

**Subchapter B. GENERAL LICENSE, CERTIFICATION AND REGISTRATION
PROVISIONS**

§ 16.11. Licenses, certificates and registrations.

* * * * *

(b) The following nonmedical doctor licenses and certificates are issued by the Board:

* * * * *

(9) Respiratory therapist license.

(10) Genetic counselor license.

(11) Prosthetist license.

(12) Orthotist license.

(13) Pedorthist license.

(14) Orthotic fitter license.

(15) Graduate prosthetist permit.

(16) Provisional prosthetist license.

(17) Graduate orthotist permit.

(18) Provisional orthotist license.

(19) Temporary practice permit—pedorthist.

(20) Temporary practice permit—orthotic fitter.

(c) The following registrations are issued by the Board:

* * * * *

(12) Biennial registration of a perfusionist license.

(13) Biennial registration of a respiratory therapy license.

(14) Biennial registration of a genetic counselor license.

(15) Biennial renewal of a prosthetist.

(16) Biennial renewal of an orthotist.

(17) Biennial renewal of a pedorthist.

(18) Biennial renewal of an orthotic fitter.

§ 16.13. Licensure, certification, examination and registration fees.

* * * * *

(n) *Prosthetists.*

Application for prosthetist license\$50

~~Application for prosthetist license without examination\$100~~

Biennial renewal of prosthetist license.....\$75

Application for reactivation of prosthetist license.....\$50

Application for graduate prosthetist permit.....\$50

Application for provisional prosthetist license.....\$50

(o) Orthotist License ORTHOTISTS.

<u>Application for orthotist license.....</u>	<u>\$50</u>
<u>Application for orthotist license without examination.....</u>	<u>\$100</u>
<u>Biennial renewal of orthotist license.....</u>	<u>\$75</u>
<u>Application for reactivation of orthotist license.....</u>	<u>\$50</u>
<u>Application for graduate orthotist permit.....</u>	<u>\$50</u>
<u>Application for provisional orthotist license.....</u>	<u>\$50</u>

(p) Pedorthists.

<u>Application for pedorthist license.....</u>	<u>\$25</u>
<u>Application for pedorthist license without examination.....</u>	<u>\$25</u>
<u>Biennial renewal of pedorthist license.....</u>	<u>\$75</u>
<u>Application for reactivation of pedorthist license.....</u>	<u>\$25</u>
<u>Application for pedorthist temporary permit.....</u>	<u>\$25</u>

(q) Orthotic Fitters.

<u>Application for orthotic fitter license.....</u>	<u>\$25</u>
<u>Application for orthotic fitter license without examination.....</u>	<u>\$25</u>
<u>Biennial renewal of orthotic fitter license.....</u>	<u>\$75</u>
<u>Application for reactivation of orthotic fitter license.....</u>	<u>\$25</u>
<u>Application for orthotic fitter temporary permit.....</u>	<u>\$25</u>

**CHAPTER 18. STATE BOARD OF MEDICINE—
PRACTITIONERS OTHER THAN MEDICAL DOCTORS**

**Subchapter L. PROSTHETISTS, ORTHOTISTS, PEDORTHISTS AND ORTHOTIC
FITTERS**

GENERAL PROVISIONS

- 18.801. Purpose.
- 18.802. Definitions.

QUALIFICATIONS FOR LICENSURE AS A PROSTHETIST

- 18.811. Graduate permit.
- 18.812. Clinical residency.
- 18.813. Provisional prosthetist license.
- 18.814. Prosthetist license.
- 18.815. Alternate pathway for prosthetist license.
- 18.816. Demonstration of qualifications.

QUALIFICATIONS FOR LICENSURE AS AN ORTHOTIST

- 18.821. Graduate permit.
- 18.822. Clinical residency.
- 18.823. Provisional orthotist license.
- 18.824. Orthotist license.
- 18.825. Alternate pathway for orthotist license.
- 18.826. Demonstration of qualifications.

QUALIFICATIONS FOR LICENSURE AS A PEDORTHIST

- 18.831. Temporary practice permit.
- 18.832. Patient fitting experience.
- 18.833. Pedorthist license.
- 18.834. Alternate pathway for pedorthist license.
- 18.835. Demonstration of qualifications.

QUALIFICATIONS FOR LICENSURE AS AN ORTHOTIC FITTER

- 18.841. Temporary practice permit.

- 18.842. Orthotic fitting care experience.
- 18.843. Orthotic fitter license.
- 18.844. Alternate pathway for orthotic fitter license.
- 18.845. Demonstration of qualifications.

REGULATION OF PRACTICE

- 18.851. Scope and standards of practice.
- 18.852. Delegation.
- 18.853. Unprofessional and immoral conduct.

BIENNIAL RENEWAL AND REACTIVATION

- 18.861. Biennial renewal of license.
- 18.862. Continuing education.
- 18.863. Inactive and expired status of licenses; reactivation of inactive or expired license.
- 18.864. Professional liability insurance coverage for licensed prosthetist, orthotist, pedorthist or orthotic fitter.

GENERAL PROVISIONS

§ 18.801. Purpose.

This subchapter implements section 13.5 of the act (63 P.S. § 422.13e), regarding prosthetists, orthotists, pedorthists and orthotic fitters.

§ 18.802. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

ABC—American Board for Certification in Orthotics, Prosthetics & Pedorthics, Inc., an organization with certification programs accredited by the NCCA. The term includes a successor organization.

Accommodative—Designed with a primary goal of conforming to an individual's anatomy.

BOC—Board of Certification/Accreditation International, Inc., an organization with certification programs accredited by the NCCA. The term includes a successor organization.

CAAHEP—Commission on Accreditation of Allied Health Education Programs, recognized by the Council for Higher Education Accreditation to accredit prosthetic and orthotic education programs.

Custom-designed device—A prosthesis, orthosis or pedorthic device that is designed to comprehensive measurements or a mold for use by a patient in accordance with a prescription and which requires substantial clinical and technical judgment in its design.

Custom-fabricated device—A prosthesis, orthosis or pedorthic device that is fabricated to comprehensive measurements or a patient model or mold for use by a patient in accordance with a prescription and which requires substantial clinical and technical judgment in its design, fabrication and fitting.

Custom-fitted or custom-modified device—A prefabricated prosthesis, orthosis or pedorthic device to accommodate the patient's measurement that is sized or modified for use by the patient in accordance with a prescription and which requires substantial clinical judgment and substantive alteration in its design for appropriate use.

Direct onsite supervision—Supervision wherein the supervisor is physically present on the premises to observe the actions of and to provide consultation or assistance to the individual being supervised.

Hour of continuing education—At least 50 minutes of instruction, including relevant question and answer sessions, in an approved course of continuing education or an equivalent time that an online or correspondence course would be presented live.

ICE—The Institute for Credentialing Excellence, previously known as the National Organization for Competency Assurance.

Licensed prescribing practitioner—A physician, podiatrist, certified registered nurse practitioner or physician assistant, licensed by the practitioner's respective licensing board, who may issue orders and prescriptions to a prosthetist, orthotist, pedorthist or orthotic fitter.

NCCA—The National Commission for Certifying Agencies or its successor.

NCOPE—National Commission on Orthotic and Prosthetic Education, an organization that approves precertification education courses for pedorthists and orthotic fitters and accredits residency programs for prosthetists and orthotists.

Orthosis—A custom-designed, custom-fabricated, custom-fitted or custom-modified device designed to externally provide support, alignment or prevention to the body or a limb for the purposes of correcting or alleviating a neuromuscular or musculoskeletal disease, injury or deformity.

Orthotic fitter—An individual who is licensed by the Board to practice orthotic fitting.

ORTHOTIC FITTER TRAINEE—An individual who holds an orthotic fitter temporary practice permit issued by the Board to practice in accordance with §18.842.

Orthotic fitting—The fitting, dispensing and adjusting ~~pursuant to a written prescription of a licensed prescribing practitioner~~ of prefabricated orthotic devices PURSUANT TO A WRITTEN PRESCRIPTION OF A LICENSED PRESCRIBING PRACTITIONER.

Orthotic and prosthetic assistant—An unlicensed individual who, under the direct, onsite supervision of the orthotist or prosthetist, assists an orthotist or prosthetist with patient care tasks assigned by the supervisor.

Orthotic and prosthetic technician—An unlicensed individual who, under the direct onsite supervision of an orthotist or prosthetist, provides technical support to an orthotist or prosthetist and who may fabricate, assemble, adjust and service devices.

Orthotics—The practice of evaluating, measuring, designing, fabricating, assembling, fitting, adjusting or servicing an orthosis for the correction or alleviation of neuromuscular or musculoskeletal dysfunction, disease, injury or deformity ~~as provided in the act~~ PURSUANT TO A WRITTEN PRESCRIPTION OF A LICENSED PRESCRIBING PRACTITIONER.

Orthotist—An individual who is licensed by the Board to practice orthotics ~~pursuant to a written prescription of a licensed prescribing practitioner~~.

ORTHOTIST – PROVISIONAL—An individual who holds a provisional license issued by the Board to practice in accordance with § 18.823.

ORTHOTIST – RESIDENT—An individual who holds a graduate permit issued by the Board to practice in accordance with §§ 18.821-822.

Over-the-counter orthoses and pedorthic devices—Prefabricated, mass-produced items that are prepackaged and do not require professional advice or judgment in either size selection or use, including fabric or elastic supports, corsets, generic arch supports and elastic hose.

Pedorthic device—

(i) Therapeutic shoes, shoe modifications made for therapeutic purposes, partial foot prostheses, foot orthoses and below-the-knee pedorthic modalities.

(ii) The term does not include the following:

(A) Nontherapeutic, accommodative inlays and nontherapeutic accommodative footwear, regardless of method of manufacture.

(B) Unmodified, nontherapeutic over-the-counter shoes.

(C) Prefabricated, unmodified or unmodifiable foot care and footwear products.

Pedorthic support personnel—An unlicensed individual who, under the direct onsite supervision of a pedorthist, assists a pedorthist in the provision of pedorthic care. Pedorthic support personnel may not practice prosthetics, orthotics, pedorthics or orthotic fitting.

Pedorthics—The practice of evaluating, measuring, designing, fabricating, assembling, fitting, adjusting or servicing necessary to accomplish the application of a pedorthic device for the prevention or amelioration of painful or disabling conditions related to the lower extremities PURSUANT TO A WRITTEN PRESCRIPTION OF A LICENSED PRESCRIBING PRACTITIONER.

Pedorthist—An individual licensed ~~under the act~~ BY THE BOARD to practice pedorthics ~~pursuant to a written prescription of a licensed prescribing practitioner.~~

PEDORTHIST TRAINEE—An individual who holds a temporary practice permit issued by the Board to practice in accordance with §18.831-832.

Podiatrist—An individual licensed under the Podiatry Practice Act (63 P. S. §§ 42.1—42.21c) to practice podiatry.

Prefabricated orthotic devices ORTHOSIS—

(i) A brace or support designed to provide for alignment, correction or prevention of neuromuscular or musculoskeletal dysfunction, disease, injury or deformity.

(ii) The term does not include fabric or elastic supports, corsets, arch supports, low-temperature plastic splints, trusses, elastic hose, canes, crutches, soft cervical collars, dental appliances or other similar devices carried in stock and sold as over-the-counter items.

Prosthesis—

(i) A custom-designed, custom-fabricated, custom-fitted or custom-modified device to replace an absent external limb for purposes of restoring physiological function that is not surgically implanted.

(ii) The term does not include the following:

(A) Artificial eyes, ears, fingers or toes.

(B) Dental appliances.

(C) Cosmetic devices such as breast prostheses, eyelashes or wigs.

(D) Other devices that do not have a significant impact on the musculoskeletal functions of the body.

Prosthetics—The practice of evaluating, measuring, designing, fabricating, assembling, fitting, adjusting or servicing a prosthesis PURSUANT TO A WRITTEN PRESCRIPTION OF A LICENSED PRESCRIBING PRACTITIONER.

Prosthetist—An individual, ~~other than a licensed physical therapist or occupational therapist, WHO IS licensed under the act BY THE BOARD to practice prosthetics pursuant to a written prescription of a licensed prescribing practitioner.~~

PROSTHETIST – PROVISIONAL—An individual who holds a provisional license issued by the Board to practice in accordance with § 18.811.

PROSTHETIST – RESIDENT—An individual who holds a graduate permit issued by the Board to practice in accordance with §§ 18.812-813.

QUALIFICATIONS FOR LICENSURE AS A PROSTHETIST

§ 18.811. Graduate permit.

(a) Prior to providing direct patient care during a clinical residency, an individual shall submit an application, on forms made available by the Board, for a graduate permit that authorizes the individual to ~~work~~ PRACTICE PROSTHETICS as a ~~graduate~~ prosthetist RESIDENT. The Board may grant a graduate permit to an individual who submits a completed application including the necessary supporting documents, pays the application fee in § 16.13(n) (relating to licensure, certification, examination and registration fees) and meets the qualifications in subsection (b).

(b) The Board may issue a graduate permit to practice as a prosthetist to an applicant who:

(1) Is of good moral character.

(2) Has earned a bachelor's degree, post-baccalaureate certificate or higher degree from a CAAHEP-accredited education program with a major in prosthetics or prosthetics/orthotics.

(3) Has registered with NCOPE as a prosthetist or prosthetist/orthotist resident.

(4) Has complied with § 18.864 (relating to professional liability insurance coverage for licensed prosthetist, orthotist, pedorthist or orthotic fitter).

~~(5) Otherwise satisfies the requirements for a graduate permit and is not barred from licensure.~~

(c) The Board may deny an application for a graduate permit upon the grounds for disciplinary action in section 41 of the act (63 P.S. § 422.41), or § 18.853 (relating to unprofessional and immoral conduct) OR OTHER APPLICABLE LAW, SUCH AS THE CRIMINAL HISTORY RECORD INFORMATION ACT, 18 PA.C.S.A. § 9124.

(d) A graduate permit is valid during the clinical residency and for up to 90 days after successful completion of the clinical residency or until a provisional license is issued, whichever occurs first. A graduate permit is nonrenewable.

(E) AN INDIVIDUAL HOLDING A GRADUATE PERMIT MAY USE THE TITLE “PROSTHETIST – RESIDENT” AND SHALL INFORM PATIENTS THAT THE INDIVIDUAL IS COMPLETING A RESIDENCY TRAINING PROGRAM AND IS NOT FULLY LICENSED.

§ 18.812. Clinical residency.

(a) A ~~graduate~~ prosthetist RESIDENT shall practice only under the direct supervision of a licensed prosthetist, ABC-certified prosthetist or BOC-certified prosthetist within the clinical residency. For purposes of this section, "direct supervision" means the supervisor is available for consultation throughout the patient care process and is able to visually assess the care being provided. The supervisor shall review the results of care and the documentation of the services rendered by the supervised individual and is responsible for countersigning within 15 days the entries in the patient's clinical record.

(b) The clinical residency shall be accredited by NCOPE.

(c) The clinical residency shall be obtained subsequent to education and be at all levels of prosthetic care.

§ 18.813. Provisional prosthetist license.

(a) An individual shall submit an application, on forms made available by the Board, for a provisional license which will authorize the individual to provide direct patient care, under direct supervision as defined in § 18.812(a) (relating to clinical residency), as a provisionally-licensed prosthetist following completion of a clinical residency. The Board may grant a provisional license to an individual who submits a completed application including the necessary supporting documents, pays the application fee in § 16.13(n) (relating to licensure, certification, examination and registration fees) and meets the qualifications in subsection (b).

(b) The Board may grant a provisional license to an individual who:

(1) Is of good moral character.

(2) Has earned a bachelor's degree, post-baccalaureate certificate or higher degree from a CAAHEP-accredited education program with a major in prosthetics or prosthetics/orthotics.

(3) Has completed an NCOPE-accredited clinical residency in prosthetics or prosthetics/orthotics.

(4) Has complied with § 18.864 (relating to professional liability insurance coverage for licensed prosthetist, orthotist, pedorthist or orthotic fitter).

~~—(5) Otherwise satisfies the requirements for a provisional license is not barred from licensure.~~

(c) The Board may deny an application for a provisional license upon the grounds for disciplinary action in section 41 of the act (63 P.S. § 422.41), or § 18.853 (relating to unprofessional and immoral conduct) OR OTHER APPLICABLE LAW, SUCH AS THE CRIMINAL HISTORY RECORD INFORMATION ACT, 18 PA.C.S.A. § 9124.

(d) A provisional license is valid for a maximum of 2 years and is nonrenewable.

(E) AN INDIVIDUAL HOLDING A PROVISIONAL PROSTHETIST LICENSE MAY USE THE TITLE “PROSTHETIST – PROVISIONAL” AND SHALL INFORM PATIENTS THAT THE INDIVIDUAL IS NOT FULLY LICENSED.

§ 18.814. Prosthetist license.

(a) An applicant for a license to practice as a prosthetist shall submit, on forms made available by the Board, a completed application for licensure, including the necessary supporting documents and pay the application fee in § 16.13(n) (relating to licensure, certification, examination and registration fees).

(b) The Board may issue a license to practice as a prosthetist to an applicant who:

(1) Is of good moral character.

(2) Has earned a bachelor's degree, post-baccalaureate certificate or higher degree from a CAAHEP-accredited education program with a major in prosthetics or prosthetics/orthotics.

(3) Has completed a minimum of 3,800 hours of experience in providing direct patient care services in prosthetics or in prosthetics and orthotics over a 2-year period. ~~In meeting the requirement of this paragraph, an applicant may present documentation from the applicant's employer or supervisor and the director of the applicant's clinical residency in prosthetics or prosthetics/orthotics.~~

(4) ~~Has met the qualifications for certification and received~~ HOLDS CURRENT NATIONAL certification AS A PROSTHETIST OR PROSTHETIST AND ORTHOTIST from ABC OR BOC ~~a prosthetic credentialing organization whose certification program is accredited by NCCA.~~

(5) Has complied with § 18.864 (relating to professional liability insurance coverage for licensed prosthetist, orthotist, pedorthist or orthotic fitter).

~~—(6) Otherwise satisfies the requirements for licensure and is not barred from licensure.~~

(c) The Board may deny an application for licensure as a prosthetist or upon the grounds for disciplinary action in section 41 of the act (63 P.S. § 422.41), or § 18.853 (relating to unprofessional and immoral conduct) OR OTHER APPLICABLE LAW, SUCH AS THE CRIMINAL HISTORY RECORD INFORMATION ACT, 18 PA.C.S.A. § 9124.

(D) AN INDIVIDUAL HOLDING AN ACTIVE, UNSUSPENDED PROSTHETIST LICENSE MAY USE THE TITLE “PROSTHETIST.”

§ 18.815. Alternate pathway for prosthetist license.

~~—(a) Through July 7, 2014, an individual may apply for licensure as a prosthetist without examination by submitting an application for licensure without examination, paying the application fee in § 16.13(n) (relating to licensure, certification, examination and registration fees) and providing documentation acceptable to the Board to demonstrate that the applicant meets the qualifications of section 13.5(a)(8), (f) and (i) of the act (63 P.S. § 422.13e(a)(8), (f) and (i)), as set forth in this section.~~

~~—(b) The Board may issue a license under this section to an applicant for prosthetist licensure who complies with this section and demonstrates the qualifications in section 13.5(a)(1) and (5)–(8) and (f) of the act.~~

~~—(c) To meet the qualifications for licensure in section 13.5(f) of the act, an applicant shall have a combination of at least 4 years of education, training and work experience, consisting of one of the following:~~

~~—(1) A bachelor's degree with a major in prosthetics or prosthetics/orthotics and, if the bachelor's degree was completed in less than 4 academic years, additional training or work experience in providing direct patient care to total 4 years.~~

~~—(2) An associate's degree in prosthetics or prosthetics/orthotics and a minimum of 3,800 hours of experience in providing direct patient services in prosthetics or in prosthetics and orthotics over a 2-year period, to total at least 4 years of education, training and work experience.~~

~~—(3) At least 2 years or more of education, training or work experience in the field of prosthetics and a minimum of 3,800 hours of experience in providing direct patient care services in prosthetics or in prosthetics and orthotics over a 2-year period, to total at least 4 years of education, training and work experience.~~

~~—(d) To meet the qualifications for licensure in section 13.5(f) of the act, an applicant shall demonstrate current National certification from an organization approved by the Board as a prosthetist or prosthetist and orthotist.~~

~~—(e) To meet the qualifications for licensure in section 13.5(f) of the act, an applicant shall demonstrate that the applicant has been in active, continuous practice for the 3-year period between July 5, 2009, and July 5, 2012.~~

~~—(f) The Board may deny an application for licensure as a prosthetist without examination upon the grounds for disciplinary action in section 41 of the act (63 P. S. § 422.41) or § 18.853 (relating to unprofessional and immoral conduct).~~

~~—(g) This section expires at 5 p.m. on July 7, 2014. An application for licensure without examination received after July 7, 2014, will be returned to applicant.~~

THE ALTERNATE PATHWAY FOR OBTAINING A PROSTHETIST LICENSE EXPIRED ON MARCH 31, 2015.

§ 18.816. Demonstration of qualifications.

~~An~~ IN MEETING THE REQUIREMENTS FOR A PERMIT, TEMPORARY LICENSE OR LICENSE, AN applicant ~~for prosthetist licensure~~ shall, AS APPROPRIATE, demonstrate:

(1) The degree or other education and training by having the educational institution submit, directly to the Board, verification of the degree and official transcript or certificates of attendance at other training.

(2) Direct patient care by having the applicant's supervisor, employer or a referral source file an attestation on a form provided by the Board. If attestation is from a referral source, it must include a copy of the applicant's Federal EIN and evidence of the date the applicant received the EIN.

(3) National certification by having the National certification body send verification of National certification directly to the Board.

(4) Compliance with § 18.864 (relating to professional liability insurance coverage for licensed prosthetist, orthotist, pedorthist or orthotic fitter) by verification and, if requested, a copy of an insurance binder, certificate, policy, declarations page or other documentation acceptable to the Board.

~~(5) That the applicant has been in active, continuous practice for the 3-year period between July 5, 2009, and July 5, 2012, by attestation and one of the following:~~

~~—(i) The applicant's Federal tax returns from 2009–2012 listing the applicant's occupation as prosthetist or orthotist, as appropriate.~~

~~—(ii) Attestation from the applicant's employer or health care referral source, including the Federal EIN information in paragraph (2) demonstrating that the applicant has been in active, continuous practice.~~

QUALIFICATIONS FOR LICENSURE AS AN ORTHOTIST

§ 18.821. Graduate permit.

(a) Prior to providing direct patient care during a clinical residency, an individual shall submit an application, on forms made available by the Board, for a graduate permit that authorizes the individual to ~~work~~ PRACTICE ORTHOTICS as a ~~graduate~~ AN orthotist RESIDENT. The Board may grant a graduate permit to an individual who submits a completed application including the necessary supporting documents, pays the application fee in § 16.13(o) (relating to licensure, certification, examination and registration fees) and meets the qualifications in subsection (b).

(b) The Board may issue a graduate permit to practice as an orthotist to an applicant who:

(1) Is of good moral character.

(2) Has earned a bachelor's degree, post-baccalaureate certificate or higher degree from a CAAHEP-accredited education program with a major in orthotics or prosthetics/orthotics.

(3) Has registered with NCOPE as an orthotist or prosthetist/orthotist resident.

(4) Has complied with § 18.864 (relating to professional liability insurance coverage for licensed prosthetist, orthotist, pedorthist or orthotic fitter).

~~—(5) Otherwise satisfies the requirements for a graduate permit and is not barred from licensure.~~

(c) The Board may deny an application for ~~licensure as an orthotist~~ A GRADUATE PERMIT upon the grounds for disciplinary action in section 41 of the act (63 P. S. § 422.41), ~~or~~ § 18.853 (relating to unprofessional and immoral conduct) OR OTHER APPLICABLE LAW, SUCH AS THE CRIMINAL HISTORY RECORD INFORMATION ACT, 18 PA.C.S.A. § 9124.

(d) A graduate permit is valid during the clinical residency and for up to 90 days after successful completion of the clinical residency or until a provisional license is issued, whichever occurs first. A graduate permit is nonrenewable.

(E) AN INDIVIDUAL HOLDING A GRADUATE PERMIT MAY USE THE TITLE “ORTHOTIST – RESIDENT” AND SHALL INFORM PATIENTS THAT THE INDIVIDUAL

IS COMPLETING A RESIDENCY TRAINING PROGRAM AND IS NOT FULLY LICENSED.

§ 18.822. Clinical residency.

(a) A ~~graduate~~ orthotist RESIDENT shall practice only under the direct supervision of a licensed orthotist, ABC-certified orthotist or BOC-certified orthotist within the clinical residency. For purposes of this section, "direct supervision" means the supervising licensed individual is available for consultation throughout the patient care process and is able to visually assess the care being provided. The supervisor shall review the results of care and the documentation of the services rendered by the supervised individual and is responsible for countersigning within 15 days the entries in the patient's clinical record.

(b) A clinical residency shall be accredited by NCOPE.

(c) A clinical residency shall be obtained subsequent to education and be at all levels of orthotic care.

§ 18.823. Provisional orthotist license.

(a) Following completion of the clinical residency, an individual may submit an application, on forms made available by the Board, for a provisional license which will authorize the individual to provide direct patient care under DIRECT supervision as defined in § 18.822(a) (relating to clinical residency). The Board may grant a provisional license to an individual who submits a completed application including the necessary supporting documents, pays the application fee in § 16.13(o) (relating to licensure, certification, examination and registration fees) and meets the qualifications in subsection (b).

(b) The Board may grant a provisional license to an individual who:

(1) Is of good moral character.

(2) Has earned a bachelor's degree, post-baccalaureate certificate or higher degree from a CAAHEP-accredited education program with a major in orthotics or prosthetics/orthotics.

(3) Has completed an NCOPE-accredited clinical residency in orthotics or prosthetics/orthotics.

(4) Has complied with § 18.864 (relating to professional liability insurance coverage for licensed prosthetist, orthotist, pedorthist or orthotic fitter).

~~(5) Otherwise satisfies the requirements for a provisional license and is not barred from licensure.~~

(c) The Board may deny an application for a provisional license ~~as an orthotist~~ upon the grounds for disciplinary action in section 41 of the act (63 P. S. § 422.41), ~~or~~ § 18.853 (relating to unprofessional and immoral conduct) OR OTHER APPLICABLE LAW, SUCH AS THE CRIMINAL HISTORY RECORD INFORMATION ACT, 18 PA.C.S.A. § 9124.

(d) A provisional license is valid for a maximum of 2 years and is nonrenewable.

(E) AN INDIVIDUAL HOLDING A PROVISIONAL ORTHOTIST LICENSE MAY USE THE TITLE "ORTHOTIST – PROVISIONAL" AND SHALL INFORM PATIENTS THAT THE INDIVIDUAL IS NOT FULLY LICENSED.

§ 18.824. Orthotist license.

(a) An applicant for a license to practice as an orthotist shall submit, on forms made available by the Board, a completed application for licensure, including the necessary supporting documents, and pay the application fee in § 16.13(o) (relating to licensure, certification, examination and registration fees).

(b) The Board may issue a license to practice as an orthotist to an applicant who:

(1) Is of good moral character.

(2) Has earned a bachelor's degree, post-baccalaureate certificate or higher degree from a CAAHEP-accredited education program with a major in orthotics or prosthetics/orthotics.

(3) Has completed a minimum of 3,800 hours of experience in providing direct patient care services in orthotics or in prosthetics and orthotics over a 2-year period.

(4) Has met the qualifications for certification and received certification from an orthotic credentialing organization whose certification program is accredited by NCCA.

(5) Has complied with § 18.864 (relating to professional liability insurance coverage for licensed prosthetist, orthotist, pedorthotist or orthotic fitter).

~~(6) Otherwise satisfies the requirements for licensure and is not barred from licensure.~~

(c) The Board may deny an application for licensure as an orthotist upon the grounds for disciplinary action in section 41 of the act (63 P. S. § 422.41), ~~or~~ § 18.853 (relating to unprofessional and immoral conduct) OR OTHER APPLICABLE LAW, SUCH AS THE CRIMINAL HISTORY RECORD INFORMATION ACT, 18 PA.C.S.A. § 9124.

(D) AN INDIVIDUAL HOLDING AN ACTIVE, UNSUSPENDED ORTHOTIST LICENSE MAY USE THE TITLE "ORTHOTIST."

§ 18.825. Alternate pathway for orthotist license.

~~—(a) Through July 7, 2014, an individual may apply for licensure as an orthotist without examination by submitting an application for licensure without examination, paying the application fee in § 16.13(e) (relating to licensure, certification, examination and registration fees), and providing documentation acceptable to the Board to demonstrate that the applicant meets the qualifications of section 13.5(a)(8), (f) and (i) of the act (63 P. S. § 422.13e(a)(8), (f) and (i)), as set forth in this section.~~

~~—(b) The Board may issue a license under this section to an applicant for orthotist licensure who complies with this section and demonstrates the qualifications in section 13.5(a)(1) and (5)–(8) and (f) of the act.~~

~~—(c) To meet the qualifications for licensure in section 13.5(f) of the act, an applicant must have a combination of at least 4 years of education, training and work experience, consisting of one of the following:~~

~~—(1) A bachelor's degree with a major in orthotics or prosthetics/orthotics and, if the bachelor's degree was completed in less than 4 academic years, additional training or work experience in providing direct patient care to total 4 years.~~

~~—(2) An associate's degree in orthotics or prosthetics/orthotics and a minimum of 3,800 hours of experience in providing direct patient care in orthotics or in prosthetics and orthotics over a 2-year period, to total at least 4 years of education, training and work experience.~~

~~—(3) At least 2 years or more of education, training or work experience in the field of orthotics and a minimum of 3,800 hours of experience in providing direct patient care in orthotics or in prosthetics and orthotics over a 2-year period, to total at least 4 years of education, training and work experience.~~

~~—(d) To meet the qualifications for licensure in section 13.5(f) of the act, an applicant shall demonstrate current National certification from an organization approved by the Board as a orthotist or prosthetist and orthotist.~~

~~—(e) To meet the qualifications for licensure in section 13.5(f) of the act, an applicant shall demonstrate that the applicant has been in active, continuous practice for the 3 year period between July 5, 2009, and July 5, 2012.~~

~~—(f) The Board may deny an application for licensure as an orthotist without examination upon the grounds for disciplinary action in section 41 of the act (63 P. S. § 422.41) or § 18.853 (relating to unprofessional and immoral conduct).~~

~~—(g) This section expires at 5 p.m. on July 7, 2014. An application for licensure without examination received after July 7, 2014, will be returned to the applicant.~~

THE ALTERNATE PATHWAY FOR OBTAINING AN ORTHOTIST LICENSE EXPIRED ON MARCH 31, 2015.

§ 18.826. Demonstration of qualifications.

~~AN~~ IN MEETING THE REQUIREMENTS FOR A PERMIT, TEMPORARY LICENSE OR LICENSE, AN applicant ~~for orthotist licensure~~ shall, AS APPROPRIATE, demonstrate:

(1) The degree or other education and training by having the educational institution submit, directly to the Board, verification of the degree and official transcript or certificates of attendance at other training.

(2) Direct patient care by having the applicant's supervisor, employer or a referral source file an attestation on a form provided by the Board. If attestation is from a referral source, it must include a copy of the applicant's Federal EIN and evidence of the date the applicant received the EIN.

(3) National certification by having the National certification body send verification of National certification directly to the Board.

(4) Compliance with § 18.864 (relating to professional liability insurance coverage for licensed prosthetist, orthotist, pedorthist or orthotic fitter) by verification and, if requested, a copy of an insurance binder, certificate, policy, declarations page or other documentation acceptable to the Board.

~~(5) That the applicant has been in active, continuous practice for the 3-year period between July 5, 2009, and July 5, 2012, by attestation and one of the following:~~

~~(i) The applicant's Federal tax returns from 2009–2012 listing the applicant's occupation as prosthetist or orthotist, as appropriate.~~

~~(ii) Attestation from the applicant's employer or health care referral source, including the Federal EIN information in paragraph (2) demonstrating that the applicant has been in active, continuous practice.~~

QUALIFICATIONS FOR LICENSURE AS A PEDORTHIST**§ 18.831. Temporary practice permit.**

(a) Prior to providing pedorthic patient care and after completion of an approved pedorthic education program, an individual shall submit an application for a temporary practice permit authorizing the individual to ~~work~~ PRACTICE as a ~~graduate~~ pedorthist TRAINEE on forms made available by the Board. The Board may grant a temporary practice permit to an applicant who submits a completed application including the necessary supporting documents, pays the application fee in § 16.13(p) (relating to licensure, certification, examination and registration fees) and meets the qualifications in subsection (b).

(b) The Board may issue a temporary practice permit to an applicant who:

(1) Is of good moral character.

(2) Has successfully completed an NCOPE-accredited precertification education program or its equivalent as determined by the Board.

~~(3) Otherwise satisfies the requirements for a temporary practice permit and is not barred from licensure.~~

(c) The Board may deny an application for a temporary practice permit ~~as a graduate pedorthist~~ upon the grounds for disciplinary action in section 41 of the act (63 P. S. § 422.41), ~~or~~ § 18.853 (relating to unprofessional and immoral conduct) OR OTHER APPLICABLE LAW, SUCH AS THE CRIMINAL HISTORY RECORD INFORMATION ACT, 18 P.A.C.S.A. § 9124.

(d) A temporary practice permit is valid for a maximum of 1 year and is nonrenewable. A temporary practice permit automatically expires if the permit holder fails the examination.

(E) AN INDIVIDUAL HOLDING A TEMPORARY PRACTICE PERMIT MAY USE THE TITLE “PEDORTHIST TRAINEE” AND SHALL INFORM PATIENTS THAT THE INDIVIDUAL IS COMPLETING A TRAINING PROGRAM AND IS NOT FULLY LICENSED.

§ 18.832. Patient fitting experience.

(a) A ~~graduate~~ pedorthist TRAINEE with a temporary practice permit shall practice only under the direct supervision of a licensed ORTHOTIST, PROSTHETIST OR pedorthist within the work experience. For purposes of this section, "direct supervision" means the supervisor is available for consultation throughout the patient care process and is able to visually assess the care being provided. The supervisor shall review the results of care and the documentation of the services rendered by the supervised individual and is responsible for countersigning within 15 days the entries in the patient's clinical record.

(b) The supervised patient fitting experience must be obtained subsequent to education and must encompass all aspects of pedorthic care.

§ 18.833. Pedorthist license.

(a) An applicant for a license to practice as a pedorthist shall submit, on forms made available by the Board, a completed application for licensure, including the necessary supporting documents, and pay the application fee in § 16.13(p) (relating to licensure, certification, examination and registration fees).

(b) The Board may issue a license to practice as a pedorthist to an applicant who:

(1) Is of good moral character.

(2) Has successfully completed an NCOPE-accredited pedorthic education program or its equivalent as determined by the Board.

(3) Has completed a minimum of 1,000 hours of supervised patient fitting experience.

(4) Holds current National certification AS A PEDORTHIST from the ABC or the BOC.

(5) Has complied with § 18.864 (relating to professional liability insurance coverage for licensed prosthetist, orthotist, pedorthist or orthotic fitter).

~~—(6) Otherwise satisfies the requirements for licensure and is not barred from licensure.~~

(c) The Board may deny an application for licensure as ~~a pedorthist~~ upon the grounds for disciplinary action in section 41 of the act (63 P. S. § 422.41), ~~or~~ § 18.853 (relating to unprofessional and immoral conduct) OR OTHER APPLICABLE LAW, SUCH AS THE CRIMINAL HISTORY RECORD INFORMATION ACT, 18 PA.C.S.A. § 9124.

(D) AN INDIVIDUAL HOLDING AN ACTIVE, UNSUSPENDED PEDORTHIST LICENSE MAY USE THE TITLE “PEDORTHIST.”

§ 18.834. Alternate pathway for pedorthist license.

~~—(a) Through July 7, 2014, an individual may apply for licensure as a pedorthist without examination by submitting an application for licensure without examination, paying the application fee in § 16.13(p) (relating to licensure, certification, examination and registration fees) and providing documentation acceptable to the Board to demonstrate that the applicant meets the qualifications of section 13.5(a)(8), (f), (i) of the act (63 P. S. § 422.13e(a)(8),(f) and (i)).~~

~~—(b) The Board may issue a license under this section to an applicant for pedorthist licensure without examination who complies with this section and:~~

~~—(1) Meets the qualifications of section 13.5(a)(1) and (5) — (8) of the act.~~

~~—(2) Has successfully completed an NCOPE-accredited pedorthic education program or its equivalent as determined by the Board.~~

~~—(3) Has completed a minimum of 1,000 hours of supervised patient fitting experience.~~

~~—(4) Holds current National certification as a pedorthist from a certification organization recognized by the Board.~~

~~—(5) Has been in active continuous practice for the 3-year period between July 5, 2009, and July 5, 2012.~~

~~—(6) Has complied with § 18.864 (relating to professional liability insurance coverage for licensed prosthetist, orthotist, pedorthist or orthotic fitter).~~

~~—(e) The Board may deny an application for licensure as a pedorthist without examination upon the grounds for disciplinary action in section 41 of the act (63 P.S. § 422.41) or § 18.853 (relating to unprofessional and immoral conduct).~~

~~—(d) This section expires at 5 p.m. on July 7, 2014. An application for licensure without examination received after July 7, 2014, will be returned to the applicant.~~

THE ALTERNATE PATHWAY FOR OBTAINING A PEDORTHIST LICENSE EXPIRED ON MARCH 31, 2015.

§ 18.835. Demonstration of qualifications.

~~—An~~ IN MEETING THE REQUIREMENTS FOR A PERMIT OR LICENSE, AN applicant for pedorthist licensure shall, AS APPROPRIATE, demonstrate:

(1) Demonstrate compliance with § 18.864 (relating to professional liability insurance coverage for licensed prosthetist, orthotist, pedorthist or orthotic fitter) by verification and, if requested, a copy of an insurance binder, certificate, policy, declarations page or other documentation acceptable to the Board.

(2) Demonstrate National certification by having the National certification body send verification of National certification directly to the Board.

(3) Demonstrate completion of an NCOPE accredited pedorthic education program by having the educational institution submit, directly to the Board, verification of completion or demonstrate completion of an equivalent educational program by submitting an official transcript, course syllabi or other information to demonstrate equivalence as requested by the Board.

(4) Demonstrate 1,000 hours of supervised patient fitting experience PROVIDING DIRECT PATIENT CARE IN PEDORTHICS by having the applicant's supervisor, employer or a referral source file an attestation on a form provided by the Board. If attestation is from a referral source, it must include a copy of the applicant's Federal EIN and evidence of the date the applicant received the EIN.

~~—(5) Demonstrate that the applicant has been in active, continuous practice for the 3-year period between July 5, 2009, and July 5, 2012, by attestation and one of the following:~~

~~—(i) The applicant's Federal tax returns from 2009—2012 listing the applicant's occupation as pedorthist.~~

~~—(ii) Attestation from the applicant's employer or health care referral source, including the Federal EIN information in paragraph (4) demonstrating that the applicant has been in active, continuous practice.~~

QUALIFICATIONS FOR LICENSURE AS AN ORTHOTIC FITTER

§ 18.841. Temporary practice permit.

(a) Prior to providing orthotic fitting care, an individual shall obtain a temporary practice permit authorizing the individual to ~~work~~ PRACTICE ORTHOTIC FITTING as a ~~graduate~~ AN orthotic fitter TRAINEE. An individual shall submit an application for a temporary practice permit on forms made available by the Board. The Board may grant a temporary practice permit to an individual who submits a completed application including the necessary supporting documents, pays the application fee in § 16.13(q) (relating to licensure, certification, examination and registration fees) and meets the qualifications in subsection (b).

(b) The Board may grant a temporary practice permit to an individual who:

(1) Is of good moral character.

(2) Has successfully completed ~~an~~ A BOC-APPROVED OR NCOPE-approved orthotic fitter education program or its equivalent as determined by the Board.

~~—(3) Otherwise satisfies the requirements for a temporary practice permit and is not barred from licensure.~~

(c) The Board may deny an application for a temporary practice permit upon the grounds for disciplinary action in section 41 of the act (63 P.S. § 422.41), ~~or~~ § 18.853 (relating to unprofessional and immoral conduct) OR OTHER APPLICABLE LAW, SUCH AS THE CRIMINAL HISTORY RECORD INFORMATION ACT, 18 PA.C.S.A. § 9124.

(d) A temporary practice permit is valid for a maximum of 1 year and is nonrenewable. A temporary practice permit automatically expires if the permit holder fails the examination.

(E) AN INDIVIDUAL HOLDING A TEMPORARY PRACTICE PERMIT MAY USE THE TITLE “ORTHOTIC FITTER TRAINEE” AND SHALL INFORM PATIENTS THAT THE INDIVIDUAL IS COMPLETING A TRAINING PROGRAM AND IS NOT FULLY LICENSED.

§ 18.842. Orthotic fitting care experience.

(a) ~~A graduate~~ AN orthotic fitter TRAINEE with a temporary practice permit shall practice only under the direct supervision of an orthotist or orthotic fitter licensed by the Board or an orthotist or orthotic fitter certified by the ABC or the BOC. For purposes of this section, "direct supervision" means the supervising licensed individual is available for consultation throughout the patient care process and is able to visually assess the care being provided. The supervisor shall review the results of care and the documentation of the services rendered by the supervised individual and is responsible for countersigning within 15 days the entries in the patient's clinical record.

(b) The orthotic fitting care experience must be obtained subsequent to education.

§ 18.843. Orthotic fitter license.

(a) An applicant for a license to practice as an orthotic fitter shall submit, on forms made available by the Board, a completed application for licensure, including the necessary supporting documents, and pay the application fee in § 16.13(q) (relating to licensure, certification, examination and registration fees).

(b) The Board may issue a license to practice as an orthotic fitter to an applicant who:

(1) Is of good moral character.

(2) Has successfully completed a BOC-approved or NCOPE-approved orthotic fitter education program or its equivalent as determined by the Board.

(3) Has completed a minimum of 1,000 hours of documented supervised orthotic fitting care experience.

(4) Holds current National certification AS AN ORTHOTIC FITTER from ~~the~~ ABC or ~~the~~ BOC.

(5) Has complied with § 18.864 (relating to professional liability insurance coverage for licensed prosthetist, orthotist, pedorthist or orthotic fitter).

~~(6) Otherwise satisfies the requirements for licensure and is not barred from licensure.~~

(c) The Board may deny an application for licensure ~~as an orthotic fitter~~ upon the grounds for disciplinary action in section 41 of the act (63 P.S. § 422.41), ~~or~~ § 18.853 (relating to unprofessional and immoral conduct) OR OTHER APPLICABLE LAW, SUCH AS THE CRIMINAL HISTORY RECORD INFORMATION ACT, 18 PA.C.S.A. § 9124.

(D) AN INDIVIDUAL HOLDING AN ACTIVE, UNSUSPENDED ORTHOTIC FITTER LICENSE MAY USE THE TITLE "ORTHOTIC FITTER."

§ 18.844. Alternate pathway for orthotic fitter license.

~~—(a) Through July 7, 2014, an individual may apply for licensure as an orthotic fitter without examination by submitting an application for licensure without examination, paying the application fee in § 16.13(q) (relating to licensure, certification, examination and registration fees) and providing documentation acceptable to the Board to demonstrate that the applicant meets the qualifications of section 13.5(a)(8), (f) and (i) of the act (63 P. S. § 422.13e(a)(8),(f) and (i)).~~

~~—(b) The Board may issue a license under this section to an applicant for orthotic fitter licensure without examination who complies with this section and:~~

~~—(1) Meets the qualifications of section 13.5(a)(1), (5) (8) of the act.~~

~~—(2) Has successfully completed a Board approved entry level orthotic fitter education program.~~

~~—(3) Has completed a minimum of 1,000 hours of supervised orthotic fitting care experience.~~

~~—(4) Holds current National certification as an orthotic fitter from a certification organization recognized by the Board.~~

~~—(5) Has been in active continuous practice for the 3 year period between July 5, 2009, and July 5, 2012.~~

~~—(6) Has complied with § 18.864 (relating to professional liability insurance coverage for licensed prosthetist, orthotist, pedorthist or orthotic fitter).~~

~~—(c) The Board may deny an application for licensure as an orthotic fitter without examination upon the grounds for disciplinary action in section 41 of the act (63 P. S. § 422.41) or § 18.853 (relating to unprofessional and immoral conduct).~~

~~—(d) This section expires at 5 p.m. on July 7, 2014. An application for licensure without examination received after July 7, 2014, will not be accepted and will be returned to the applicant.~~

THE ALTERNATE PATHWAY FOR OBTAINING AN ORTHOTIC FITTER LICENSE EXPIRED ON MARCH 31, 2015.

§ 18.845. Demonstration of qualifications.

~~—An~~ IN MEETING THE REQUIREMENTS FOR A PERMIT, TEMPORARY LICENSE OR LICENSE, AN applicant for orthotic fitter licensure shall, AS APPROPRIATE, demonstrate:

(1) Demonstrate compliance with § 18.864 (relating to professional liability insurance coverage for licensed prosthetist, orthotist, pedorthist or orthotic fitter) by verification and, if

requested, a copy of an insurance binder, certificate, policy, declarations page or other documentation acceptable to the Board.

(2) Demonstrate National certification by having ~~the National certification body~~ ABC OR BOC send verification of National certification directly to the Board.

(3) Demonstrate completion of a Board-approved entry level orthotic fitter education program by having the educational institution submit, directly to the Board, verification of completion.

(4) Demonstrate 1,000 hours of supervised orthotic fitting care experience by having the applicant's supervisor, employer or a referral source file an attestation on a form provided by the Board. If attestation is from a referral source, it must include a copy of the applicant's Federal EIN and evidence of the date the applicant received the EIN.

~~(5) Demonstrate that the applicant has been in active, continuous practice for the 3 year period between July 5, 2009, and July 5, 2012, by attestation and one of the following:~~

~~(i) The applicant's Federal tax returns from 2009–2012 listing the applicant's occupation as pedorthist.~~

(ii) Attestation from the applicant's employer or health care referral source, including the Federal EIN information in paragraph (4) demonstrating that the applicant has been in active, continuous practice.

REGULATION OF PRACTICE

§ 18.851. Scope and standards of practice.

(a) Prior to providing services to a patient, a prosthetist, orthotist, pedorthist or orthotic fitter shall review the prescription and referral or valid order of the licensed prescribing practitioner and understand conditions or restrictions placed on the course of treatment by the licensed prescribing practitioner.

(b) Prior to providing services to a patient, a prosthetist, orthotist, pedorthist or orthotic fitter shall ensure the patient has undergone a medical diagnostic examination or has had the results of a recently performed medical diagnostic examination reviewed by a licensed prescribing practitioner by obtaining a copy of the prescription and relevant clinical notes.

(c) A prosthetist, orthotist, pedorthist or orthotic fitter shall retain a copy of the prescription and referral or valid order, clinical notes and results of the relevant medical diagnostic examination in the patient's file.

(d) A prosthetist, orthotist, pedorthist or orthotic fitter may not accept a prescription and referral or order when the prosthetist, orthotist, pedorthist or orthotic fitter knows, or has good cause to believe, that the device cannot be furnished within a reasonable period of time AS

WOULD BE CONSISTENT WITH THE STANDARD OF CARE OF THE AVERAGE PROFESSIONAL PROVIDING THE SERVICE IN THIS COMMONWEALTH. In these instances, the prosthetist, orthotist, pedorthist or orthotic fitter shall consult with the licensed prescribing practitioner who wrote the prescription and referral or order and disclose the issue to the patient.

(e) For purposes of this section, the results of the medical diagnostic examination must include, at a minimum, diagnosis, prognosis, medical necessity and duration of need relevant to the practice of the prosthetist, orthotist, pedorthist or orthotic fitter.

§ 18.852. Delegation.

(a) A prosthetist or orthotist may delegate THE PERFORMANCE OF TASKS RELATED TO THE PRACTICE OF PROSTHETICS OR ORTHOTICS to an orthotic and prosthetic assistant or orthotic and prosthetic technician, and a pedorthist may delegate to pedorthic support personnel, the performance of tasks RELATED TO THE PRACTICE OF PEDORTHICS if the following conditions are met:

(1) The delegation is consistent with the standards of acceptable prosthetic, orthotic and pedorthic practice embraced by the prosthetic, orthotic and pedorthic community in this Commonwealth.

(2) The practitioner delegating the task has knowledge that the delegatee has education, training, experience and competency to safely perform the task being delegated.

(3) The practitioner delegating the task has determined, by reviewing the case, that the delegation to the delegatee does not create an undue risk to the particular patient.

(4) The nature of the task and the delegation of the task has been explained to the patient by the practitioner delegating the task, and the patient does not object to the performance by the delegatee.

(5) The practitioner delegating the task assumes the responsibility for the delegated task, including the performance of the task, and is available to the delegatee for additional direction or assistance.

(6) The practitioner DELEGATING THE TASK provides direct, onsite supervision of the tasks performed by a delegatee.

(7) The practitioner delegating the task assumes the responsibility for ensuring that the delegatee does not state or in any way imply, including through the use of titles, that the delegatee is licensed to practice orthotics, prosthetics, pedorthics or orthotic fitting.

(b) A prosthetist, orthotist or pedorthist may not delegate a task if the performance of the task is restricted by law to performance by a prosthetist, orthotist, pedorthist or orthotic fitter, or if the

performance of the task requires knowledge and skill not ordinarily possessed by assistive personnel, including knowledge of complications and risks associated with the delegated task.

(c) A prosthetist, orthotist or pedorthist is responsible for the delegated task and may be disciplined for improperly delegating a task, for improperly supervising a delegatee and for the improper performance of a delegated task performed by the delegatee.

§ 18.853. Unprofessional and immoral conduct.

(a) A licensee under this subchapter is subject to refusal of license or permit or disciplinary action under sections 22 and 41 of the act (63 P. S. §§ 422.22 and 422.41). Following a final determination subject to the right of notice, hearing and adjudication, and the right of appeal therefrom in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), this chapter and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), the Board may refuse licensure or impose any of the corrective actions in section 42 of the act (63 P. S. § 422.42).

(b) Unprofessional conduct includes:

(1) Engaging in conduct prohibited under § 16.61(A) OR § 16.110 (relating to sexual misconduct).

(2) Performing an act in a health care profession in a fraudulent, incompetent or negligent manner.

(3) Violating a provision of the act or this chapter setting a standard of professional conduct.

(4) Engaging in health care practice beyond the licensee's authority to practice.

(5) Representing oneself to be a physician or other health care practitioner whose profession the licensee is not licensed to practice.

(6) Practicing while the licensee's ability to do so is impaired by alcohol, drugs, physical disability or mental instability.

(7) Revealing personally identifiable facts obtained as the result of a practitioner-patient relationship without the prior consent of the patient, except as authorized or required under statute or regulation.

(8) Misconduct in the practice of the licensee's profession or performing tasks fraudulently, incompetently or negligently, or by use of methods of treatment which are not in accordance with treatment processes accepted by a reasonable segment of the profession.

(9) The promotion of the sale of services and devices in a manner as to exploit the patient or client for the financial gain of the practitioner or a third party.

(10) Directly or indirectly offering, giving, soliciting or receiving, or agreeing to receive a fee or other consideration to or from a third party for the referral of a patient or client.

(11) Delegating professional services contrary to § 18.852 (relating to delegation).

(12) Over-utilizing services by providing excessive evaluation or treatment procedures not warranted by the condition of the patient or by continuing treatment beyond the point of possible benefit.

(13) Making gross ~~or~~ MISREPRESENTATIONS, deliberate misrepresentations or misleading claims as to THE LICENSEE'S professional qualifications. ~~or~~ ~~of~~ MAKING GROSS MISREPRESENTATIONS, DELIBERATE MISREPRESENTATIONS OR MISLEADING CLAIMS AS TO the efficacy or value of the treatments ~~or remedies~~ given TO A PATIENT. MAKING GROSS MISREPRESENTATIONS, DELIBERATE MISREPRESENTATIONS OR MISLEADING CLAIMS AS TO THE REMEDIES GIVEN TO A PATIENT. ~~or~~ MAKING GROSS MISREPRESENTATIONS, DELIBERATE MISREPRESENTATIONS OR MISLEADING CLAIMS AS TO ~~recommended or those of~~ THE TREATMENTS GIVEN TO A PATIENT BY another practitioner. MAKING GROSS MISREPRESENTATIONS, DELIBERATE MISREPRESENTATIONS OR MISLEADING CLAIMS AS TO THE RECOMMENDATIONS GIVEN TO A PATIENT BY ANOTHER PRACTITIONER.

(14) Overcharging for professional services, including filing false statements for collection of fees for which services are not rendered.

(15) Failing to maintain a record for each patient that accurately reflects the evaluation and treatment of the patient.

(16) Advertising or soliciting for patronage in a manner that is fraudulent or misleading. Examples of advertising or soliciting which is considered fraudulent or misleading include:

(i) Advertising by means of testimonials, anecdotal reports of orthotics, prosthetics or pedorthics practice successes, or claims of superior quality of care to entice the public.

(ii) Advertising which contains false, fraudulent, deceptive or misleading materials, warranties or guarantees of success, statements which play upon vanities or fears of the public, or statements which promote or produce unfair competition.

(c) ~~Immoral~~ IN ADDITION TO THE CONDUCT LISTED IN § 16.61(b) or 16.110, IMMORAL conduct includes:

(1) Misrepresenting or concealing a material fact in obtaining a license issued by the Board or renewal, reactivation or reinstatement thereof.

(2) Being convicted of a crime involving moral turpitude, dishonesty or corruption in the courts of the Commonwealth, the United States, another state, the District of Columbia, a territory of the United States or another country.

(3) Committing an act involving moral turpitude, dishonesty or corruption.

BIENNIAL RENEWAL AND REACTIVATION

§ 18.861. Biennial renewal of license.

(a) The license of a prosthetist, orthotist, pedorthist or orthotic fitter will expire biennially on December 31 of each even-numbered year in accordance with § 16.15 (relating to biennial registration; inactive status and unregistered status). A prosthetist, orthotist, pedorthist or orthotic fitter may not practice after December 31 of an even-numbered year unless the prosthetist, orthotist, pedorthist or orthotic fitter has completed the biennial renewal process and the Board has issued a current license.

(b) As a condition of biennial registration, a prosthetist, orthotist, pedorthist or orthotic fitter shall:

(1) Submit a completed application, including payment of the biennial renewal fee in § 16.13 (relating to licensure, certification, examination and registration fees) for application for biennial renewal of prosthetist, orthotist, pedorthist or orthotic fitter license.

(2) Disclose on the application a license to practice as a prosthetist, orthotist, pedorthist or orthotic fitter in another state, territory, possession or country.

(3) Disclose on the application disciplinary action pending before or taken by an appropriate health care licensing authority in another jurisdiction or the licensee's National credentialing body since the most recent application for biennial renewal, whether or not licensed to practice in that other jurisdiction.

(4) Disclose on the application any pending criminal charges and any finding or verdict of guilt, admission of guilt, plea of nolo contendere, probation without verdict, disposition instead of trial or accelerated rehabilitative disposition in any criminal matter since the most recent application for biennial renewal.

(5) Verify on the application that the licensed prosthetist, orthotist, pedorthist or orthotic fitter has completed the continuing education mandated by section 13.5(g)(1) OR (2) of the act (63 P. S. § 422.13e(g)(1) OR (2)) during the biennial period immediately preceding the period for which renewal is sought in accordance with § 18.862 (relating to continuing education).

(6) Verify on the application that the licensee maintains professional liability insurance coverage in accordance with section 13.5(i) of the act and § 18.864 (relating to professional liability insurance coverage for licensed prosthetist, orthotist, pedorthist or orthotic fitter).

§ 18.862. Continuing education.

(a) *Credit hour requirements.* A licensed prosthetist, orthotist, pedorthist or orthotic fitter shall satisfy the following continuing education credit hour requirements:

(1) As a condition for biennial renewal, a prosthetist shall complete at least 24 hours of ABC-approved or BOC-approved continuing education applicable to the practice of prosthetics and an orthotist shall complete at least 24 hours of continuing education applicable to the practice of orthotics.

(2) As a condition for biennial renewal, a pedorthist shall complete at least 13 hours of continuing education applicable to the practice of pedorthics and an orthotic fitter shall complete at least 13 hours of continuing education applicable to the practice of orthotic fitting.

(3) Credit for continuing education will not be given for courses in office management or practice building.

(4) A licensee is not required to complete continuing education during the biennium in which the licensee was first licensed if licensure occurred within 3 years of completion of the approved educational program.

(5) Except when reactivating an inactive license, when the Board has granted a waiver, or when ordered by the Board, continuing education credits may be used to satisfy the continuing education credit hour requirements only for the biennial period in which the credits were earned. An hour of continuing education may not be used to satisfy the requirements of paragraph (1) or (2) for more than one biennium.

(6) A licensee may request a waiver of the continuing education credit hour requirements because of serious illness, emergency, military service or other demonstrated hardship by submitting a request for waiver with supporting documentation to the Board at least 90 days prior to the end of the biennial renewal period for which the waiver is sought. The Board may grant the waiver request in whole or in part and may extend the deadline by which the credit hour requirements must be met.

(b) *Disciplinary action.* A licensee may be subject to disciplinary action if the licensee submits false information to the Board regarding completion of the continuing education credit hour requirements to complete biennial renewal or fails to complete the continuing education hour requirements and practices as a prosthetist, orthotist, pedorthist or orthotic fitter after the end of the biennial period.

(c) *Documentation of continuing education.* A licensee shall maintain documentation of completion of continuing education by maintaining the certificate of attendance or completion issued by the course provider. A licensee shall maintain the certificates for at least 5 years after the end of the biennial renewal period in which the continuing education was completed. A certificate must include the name of the course provider, the name and date of the course, the

name of the licensee, the number of credit hours based on a 50-minute hour and the category of continuing education, if applicable.

§ 18.863. Inactive and expired status of licenses; reactivation of inactive or expired license.

(a) A prosthetist, orthotist, pedorthist or orthotic fitter license will become inactive if the licensee requests in writing that the Board place the license on inactive status. The Board will provide written confirmation of inactive status to the licensee at the licensee's last known address on file with the Board.

(b) A prosthetist, orthotist, pedorthist or orthotic fitter license will be classified as expired if the licensee fails to renew the license by the expiration of the biennial renewal period on December 31 of each even-numbered year. The Board will provide written notice to a licensee who fails to make biennial renewal by sending a notice to the licensee's last known address on file with the Board.

(c) A prosthetist, orthotist, pedorthist or orthotic fitter whose license has become inactive or expired may not practice in this Commonwealth until the license has been reactivated.

(d) To reactivate an inactive or expired license, the licensee shall apply on forms made available by the Board and fully answer the questions. The licensee shall:

(1) Include the documentation required under § 18.862(c) (relating to continuing education) for the immediately preceding biennium. Unless waived by the Board under section 13.5(g)(7) of the act (63 P. S. § 422.13e(g)(7)), the Board will not reactivate a license until the required continuing education for the preceding biennium has been successfully completed.

(2) Pay the current biennial renewal fee and the reactivation fee in § 16.13 (relating to licensure, certification, examination and registration fees).

(3) Verify that the licensee did not practice as a prosthetist, orthotist, pedorthist or orthotic fitter in this Commonwealth while the license was inactive or expired except as provided in subsection (e).

(e) A licensee who has practiced with an inactive or expired license and who cannot make the verification required under subsection (d)(3) shall also pay the fees required under section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. § 1401-225), as described in this subsection. Payment of a late fee does not preclude the Board from taking disciplinary action for practicing as a prosthetist, orthotist, pedorthist or orthotic fitter without a currently renewed license.

(1) A licensee whose license was active at the end of the immediately preceding biennial renewal period and who practiced after the license became inactive or expired shall pay a late fee of \$5 for each month or part of a month from the beginning of the current biennium until the date the reactivation application is filed.

(2) A licensee whose license has been inactive or expired since before the beginning of the current biennium shall pay the biennial renewal fee for each biennial renewal period during which the licensee practiced and shall pay a late fee of \$5 for each month or part of a month from the first date the licensee practiced as a prosthetist, orthotist, pedorthist or orthotic fitter in this Commonwealth after the license became inactive or expired until the date the reactivation application is filed.

(f) A licensee whose license has been inactive for more than 2 years and who has not been engaged in practice in another jurisdiction shall demonstrate continued competence 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.

§ 18.864. Professional liability insurance coverage for licensed prosthetist, orthotist, pedorthist or orthotic fitter.

(a) A licensed prosthetist, orthotist, pedorthist or orthotic fitter shall maintain a level of professional liability insurance coverage in the minimum amount of \$1 million per occurrence or claims made as required under section 13.5(i) of the act (63 P. S. § 422.13e(i)) and provide proof of coverage upon request.

(b) Proof of professional liability insurance coverage includes:

(1) A certificate of insurance or copy of the declaration page from the insurance policy setting forth the effective date, expiration date and dollar amounts of coverage.

(2) Evidence of a plan of self-insurance approved by the Insurance Commissioner of the Commonwealth under regulations of the Insurance Department in 31 Pa. Code Chapter 243 (relating to medical malpractice and health-related self-insurance plans).

(c) A licensee who does not have professional liability insurance coverage as required under section 13.5(i) of the act may not practice as a prosthetist, orthotist, pedorthist or orthotic fitter in this Commonwealth.