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Submitted electronically to [tlazo@pa.gov](mailto:tlazo@pa.gov)

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**RE: Regulation #16A-4943: Prosthetists, Orthotists, Pedorthists and Orthotic Fitters**

Dear Ms. Lazo,

The Pennsylvania Pharmacists Association (PPA) has some concerns that provisions of Act 104 of 2014 are not specifically included in the final annex of regulation #16A-4943, specifically the exemptions and clarification language for pharmacists.

Act 104 of 2014 was signed into law on July 2, 2014 and amended Act 90 of 2012 to give pharmacists an exemption so that they could continue to dispense diabetic shoes, both A5512 (non-custom) and A5513 (custom) inserts within the scope of their license. PPA is concerned that without these references in the final regulation, CMS may take this regulation at face value and restrict pharmacists who are working within their scope of practice from dispensing diabetic shoes and certain orthotic products. Unfortunately, when this type of omission has occurred in other states it has caused some issues.

To address this, we request the following provisions be placed in regulation #16A-4943:

§ 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 provision from Act 104 of 2014 also appears to have been excluded from 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.

Please contact us at [pepple@papharmacists.com](mailto:pepple@papharmacists.com) or [dsmith@papharmacists.com](mailto:dsmith@papharmacists.com) should you have any questions.

Sincerely,



Patricia A. Epple, CAE  
CEO



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Government Relations Manager

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