

Comments of the Independent Regulatory Review Commission



State Board of Medicine Regulation #16A-4947 (IRRC #3286)

Orthotic Fitter Temporary Permits and Training

March 10, 2021

We submit for your consideration the following comments on the proposed rulemaking published in the January 9, 2021 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P.S. § 745.5b). Section 5.1(a) of the RRA (71 P.S. § 745.5a(a)) directs the State Board of Medicine (Board) to respond to all comments received from us or any other source.

1. Section 18.841. Temporary practice permit. – Clarity; Implementation procedures.

Subsection (b)

Regarding licensure as an orthotic fitter, the Board states in the Preamble, “[S]ection 13.5(a)(3) of the [Medical Practice Act of 1985 (Act)] requires fulfillment of education and training required for certification by an orthotic fitting **credentialing organization** recognized by the Institute for Credentialing Excellence (ICE) and accredited by the National Commission for Certifying Agencies (NCCA) and approved by the Board.” [Emphasis added.]

63 P.S. § 422.13e(a)(3). The Board proposes to amend Subsection (b) as follows:

- (b) The Board may grant a temporary practice permit to an individual who: . . .
 - (2) Has successfully completed an [American Board of Certification (ABC)]-approved or [Board of Certification/Accreditation (BOC)]-approved orthotic fitter precertification education program **or other precertification education program whose credentialing is recognized by the ICE, accredited by the NCCA and approved by the Board.** An applicant shall demonstrate completion of an ABC-approved or BOC-approved orthotic fitter precertification education program **or other orthotic fitter precertification education program whose credentialing is recognized by ICE, accredited by the NCCA and approved by the Board** by having the educational institution submit, directly to the Board, verification of completion.

The BOC submitted comments suggesting that orthotic fitters seeking licensure cannot comply with the Board’s amended language because “neither ICE nor NCCA recognize or accredit precertification courses.” Should the amended language track the Act to say a “precertification

education program **approved by a credentialing organization** recognized by the ICE, accredited by the NCCA and approved by the Board”? We ask the Board to clarify how an individual would comply with this requirement for licensure.

Subsection (d)

The Preamble regarding Subsection (d) states that the Board “proposes to allow an individual who has failed the certification examination **at least three times**, and whose permit has expired, to apply for a second permit after completing a second approved precertification education program.” [Emphasis added.] We note, however, that the actual text of Subsection (d) simply states, “An individual who has failed the certification examination **three times . . .**” [Emphasis added.] We ask the Board to clarify that the provision applies to an individual who has failed the examination at least three times.

2. Section 18.842. Orthotic fitting care experience. – Clarity; Implementation procedures.

New language added to Subsection (b) requires that orthotic fitting care experience “shall include **all facets** of orthotic fitting care.” [Emphasis added.] What does “all facets” include? How will the regulated community know if the standard has been met? How is this requirement verified? We ask the Board to clarify in the final regulation how this new provision will be implemented.