

BEFORE THE STATE BOARD OF ORTHOTICS, PROSTHETICS AND PEDORTHICS
77 S. High Street, 18th floor
Columbus, OH 43215

PUBLIC RULES HEARING – 14 JULY 2010
Room 1938 – Vern Riffe Center for Government and the Arts

STATE OF OHIO:

SS:

COUNTY OF FRANKLIN:

AFFIDAVIT OF MARK B. LEVY

The undersigned, Mark B. Levy, Board Director, State Board of Orthotics, Prosthetics, and Pedorthics, 77 S. High St., 18th floor, Columbus, Ohio 43215, first being duly sworn and cautioned, says:

1. Within the scope of my duties for the Board, I am responsible for the appropriate filing of rule proposals on the Register of the State of Ohio in compliance with the requirements of the electronic rules filing system and Section 119.03 of the Ohio Revised Code and Chapter 4779 of the Ohio Revised Code.
2. Attached or included with this affidavit are the following documents regarding the rule proposals which are subject to public hearing as noticed by the Board for July 14, 2010:
 - A. A copy of the Draft Minutes of the State Board of Orthotics, Prosthetics & Pedorthics held on June 2, 2010, which at Roman Numeral VII, subsection B-2, beginning on page 3, denotes the Board's action approving the original filing for adoption of the rule proposals known as the 2010 Amend-Rescind-Promulgate Current Rules package.
 - B. The public notice filed on the Register of Ohio, on June 10, 2010, providing legal notice regarding this hearing.
 - C. The certification letters generated by the Electronic Rule Filing system and the Register of Ohio, documenting that with this action, the rules were also filed electronically with the agencies and entities required by law, in this case the Secretary of State, the Legislative Service Commission, the Joint Committee on Agency Rule Review, and the Department of Development on June 10, 2010, as well as the certification letter generated documenting the revised filing of rules 4779-3-02 and 4779-5-03 within the package.

D: The set of rule proposals that comprise the 2010 Amend-Rescind-Promulgate Current Rules package, amending and updating rules currently found in Chapter 4779 of the Ohio Administrative Code.

FURTHER AFFIANT SAYETH NAUGHT.



MARK B. LEVY
BOARD DIRECTOR
State Board of Orthotics, Prosthetics, and Pedorthics

Sworn to and subscribed in my presence this

July 14, 2010
(date)



Notary Public, State of Ohio

TRACEY L. FISHER, Notary Public
In and For the State of Ohio
My Commission expires: 11-7-2010

My commission expires _____.

**MINUTES – REGULAR BOARD MEETING
STATE BOARD OF ORTHOTICS, PROSTHETICS AND PEDORTHICS**

June 2, 2010

This regular meeting of the State Board of Orthotics, Prosthetics and Pedorthics (OPP) was held on the above date at 77 South High Street in the Board Room 31st floor of the Riffe Center, 77 South High Street, Columbus, Ohio.

I. Call to Order: The meeting scheduled for 2:00 p.m. was called to order at 2:05 p.m.

Roll Call:

<u>Members present:</u>	David DeLuccia, LPO; Rosalind Batley, M.D. (2:20 p.m.); Elsa Fritts, LPED; Karen Jackman, LPO; Edwin Niehaus, LP; Robert Reed, consumer
<u>Members absent:</u>	Bill Neu, LPO (advised out of town commitment)
<u>Staff present:</u>	Mark B. Levy, Board Director; Sally Ann Steuk, Assistant Attorney General
<u>Guests:</u>	Robert D. Hoskins, C.P., Tracy C. Slemker, LPO

II. Agenda – Amend/Approve: Moved/seconded by Fritts/Reed, no discussion, vote was unanimous.

III. Review/Approve Minutes of 09/09/2009 meeting: Minutes having previously been circulated, moved/seconded by Fritts/Reed. No discussion, vote was unanimous.

IV. Public Testimony: Robert D. Hoskins – Consent Agreement compliance, license status.

At his request, Robert D. Hoskins, Prosthetics license currently under suspension by Consent Agreement with reporting and monitoring conditions due to a history of substance abuse and related concerns including application misrepresentation, appeared for public meeting with the Board. Mr. Levy offered a brief review of the recent actions concerning Mr. Hoskins's license status, noting that he recently experienced a relapse and that the Board received reports from Monitor and supervisors appropriate to the Agreement's conditions. Mr. Hoskins admitted to the relapse, stated he understood as the paperwork indicates that he is "not cured" of his addictions, and stated he is re-engaging in recovery with a new understanding and emphasis, noting that he had entered and completed in-patient treatment for the first time. Stated he is now putting his recovery first, addressing his issues. Stated he is not denying his history. He is not contesting any of the information before the Board.

Ms. Jackman stated she supported his resolve to appear before the Board and his stated commitment to recovery.

Mr. Slemker, who is Mr. Hoskins' employer at Prosthetic Design, Inc., stated he has a long history with Mr. Hoskins, and he understands his struggles. Mr. Slemker stated he had terminated Mr. Hoskins several years ago after "several" incidents and some impaired behavior at work. He stated his recent history and employment record is absent substance abuse during the work week, and sees this as at least some evidence that Mr. Hoskins is moving forward. He stated this has been a learning process for him as an employer, PDI as an organization, as well as Mr. Hoskins. Mr. Levy noted that the Board's records indicate Mr. Hoskins has violated more than one "last chance"

corporate compliance agreements with Mr. Slemker and PDI, and asked how the recent violation is being addressed. Mr. Slemker stated he is not terminating Mr. Hoskins, and is now involving a licensed chemical dependency professional as a monitor serving a compliance supervision role for PDI.

Mr. Levy noted that there have been formal actions taken at the workplace, and he has now apparently violated two agreements with the Board under which he had submitted to random and regular testing, reporting and monitoring, and asked Mr. Hoskins to explain what happened. Mr. Hoskins stated he recognizes and admits that he had tried to “get around” the provisions of his agreements. He characterized it as a failure of personal honesty. He stated that in spite of attending 12-step meetings on a daily basis, he was not really working the program. Stated he understands he has a “thinking disease,” and needs to address significant personality issues. Stated he is now doing what he needs to do, engaging in service work, “getting out of” himself, really participating in the program, working with his sponsor.

Ms. Fritts stated she appreciated Mr. Hoskins making the appearance before the Board, and noted the importance of keeping to the terms of his agreement, that it is an agreement with the public at large, not just the Board.

Mr. DeLuccia commended Mr. Slemker for his willingness to work with and support Mr. Hoskins and facing that challenge, and he commended Mr. Hoskins for showing up to address the Board. Stated he needs to understand this is a challenging situation for the Board, which wants to maintain high standards for the professions and in service to the public. He stated his hope that Mr. Hoskins recognizes and truly appreciates the role Mr. Slemker has taken on his behalf.

Ms. Steuk stated she thought it was important the Board offer this opportunity to Mr. Hoskins, and asked Mr. Hoskins to recognize the extraordinary commitment of time and energy expended by Board staff in dealing appropriately and conscientiously with his case.

V. Executive Session: (2:45 p.m.) Session was convened by unanimous roll call vote (Batley, DeLuccia, Fritts, Jackman, Niehaus, Reed) to consider matters regarding personnel, licensee complaints/discipline, and issues requiring attorney-client privilege and to request Director Levy and AAG Steuk remain in attendance. Members emerged from Executive Session by unanimous roll call vote (Batley, DeLuccia, Jackman, Fritts, Niehaus, Reed) at 3:45 p.m. and took a ten-minute break.

VI. Settlement, Charges, Dispositions (3:55 p.m.)

No motions were offered or actions reported.

VII. Director’s Report (4:00 p.m.)

A. **Fiscal – Revenue and Expense**

- 1. Spreadsheet data was distributed showing actual experience for three quarters plus partial 4th quarter FY2010 experience. FY2010 Budgetary Allocation: \$105,000.

a. On the Expense side, expenses through 3rd Quarter totaled just under \$73.5K, about 70% of the FY10 appropriation. Booked expenses through the end of May total just under \$90K, and we are projecting ending the fiscal year at least \$5K under budget. Revenue booked through the end of May totaled just under \$113K.

b. Annual payroll runs \$75-80K; non-payroll personnel and service-related payables encumber \$2-3K; over \$13K is expensed annually to other State of Ohio agencies for operational costs (IT services and support, building rent, telecom services, fiscal and HR service charge-backs, mailing and postage); and obligations to outside vendors, including credit card processing fees, run upwards of \$3K.

2. Expense projections for FY11 must be submitted in the form of accounting group allotments prior to the start of the fiscal year. The Board reviewed projections of \$80K for payroll expense, \$23K for operations, and \$2K reserved for equipment. Director reported on an opportunity to attend conference/training for the Council for Licensure, Enforcement and Regulation in September. Director’s last out-of-state conference travel occurred seven years prior. E. Fritts moved to approve budget allotment planning and to specifically authorize expenses for the CLEAR conference – registration, lodging, travel – of up to \$1250; seconded by K. Jackman; approved unanimously.

B. Policy Reviews: Rule Packages

1. Director presented the package of new rule language designated as Package #1, addressing Rules on Access to Confidential Personal Information in compliance with Sub. HB 648 of the 127th General Assembly and in conformity to model language and directives issued from the state of Ohio Office of Information Technology, Division of Privacy and Security. It was noted that the rules are being presented under an administrative schedule that includes a public hearing to be held July 14th, a likely hearing at JCARR (Joint Committee on Agency Rule Review) on August 2nd, and which should allow the Board to provide a final review and approval at its September 1st meeting. The Board at that meeting sets an effective date not less than 10 days after approval. The floor was opened for questions and discussion. Hearing no questions, the Chair asked for a motion to approve. Motion by K. Jackman, second by E. Niehaus, vote was unanimous to proceed with the rule filing per the schedule indicated.

2. Director presented the package of new rule language designated as Package #2, to Amend, Rescind and Enact New rules language related to the current rule series under Chapter 4779 of the Administrative Code. It was noted that the rules are being presented under an administrative schedule that includes a public hearing to be held July 14th, a likely hearing at JCARR (Joint Committee on Agency Rule Review) on August 2nd, and which should allow the Board to provide a final review and approval at its September 1st meeting. The Board at that meeting sets an effective date not less than 10 days after approval. The Director pointed out the significant substantive changes reflected by the package, including

a. substantial re-organization, update and expansion of the Definitions rule, including definitions related to device characteristics and custom fitted and custom fabricated as terms related to scope of practice;

b. language to address the problematic manner in which Residency program requirements are set forth in the statute;

- c. provisions to clarify that an application for a Temporary license may stand as an initial application for a full practitioner license and may be the only application a candidate still engaged in his/her educational pathway needs to submit;
- d. criteria for a Supervisor's statement attesting to completion of 8 months' supervision in Pedorthics to assure experience and learning in five (5) broad areas of appropriate pedorthics practice; and
- e. changes to the rule on Fees to require renewals not completed by online payment processing must be paid by official bank or certified check, money order, or business check.

The floor was opened for questions and discussion. Mr. Levy noted that prior to the meeting, some concerns from a licensee had been raised and clarified regarding the Pedorthic supervisor's statement (clarification was that only a minimum of 200 of the 1000 hours of supervision, under Temporary license standards, needed to be on a face-to-face basis). Ms. Fritts raised concern regarding the proposed definition of "arch support." Discussion clarified that the language is meant to better define and differentiate an arch support, which is a device **excluded** from regulatory jurisdiction by the "does not include" language in the statute, from a custom fabricated or fitted therapeutic insole or insert. Further discussion suggested elimination of the "does not extend in the shoe under the heel or toes" language might be helpful and the members agreed by consensus to that change.

Hearing no further questions or discussion, the Chair asked for a motion to approve the language as amended. Motion by R. Batley, second by R. Reed, vote was unanimous to proceed with the rule filing as amended per the schedule indicated.

C. OPPCE Audit

- 1. Director referenced the written report distributed with meeting materials. Of the twenty-five licensees who renewed and were due to report CE, all completed and returned the attest form as requested. Six of those returned their attest form along with satisfactory documentation substantiating the appropriate amount of OPPCE. The remaining seventeen licensees were sent an audit request letter along with CE reporting form. As of this date, we have received five forms in return along with documentation. The deadline for submission per request letter falls on June 14, 2010. A complete report will be provided at the next meeting.
- 2. Next year's renewal will hit a substantial group of licensees for OPPCE reporting – the original and grandfathered group, license issue dates 2001, 2004, and 2007. Reminder email advisories will be issued during the summer, and website information will be updated shortly.

D. Legislative Matters

- 1. Semi-annual reports have been filed with the Office of the Legislative Inspector General / Ohio Lobbying Activity Center and were provided to members for review.
- 2. The docket of bill statuses that the office is tracking was distributed for members' review. Verbal report deferred.

E. NPDB/HIPDB reporting

Director reported that the Board is and has been required to report formal disciplinary and adverse actions regarding applicants and licensees to the National Practitioners Data Bank and/or the Health Information Practitioners Data Bank. Recent news items and a federal push have re-invigorated this initiative, and this Board as well as many other Ohio healthcare regulatory entities have re-visited their procedures and updated their reporting. Data was distributed to Board members showing historical reporting as currently up to date, and Director is working on updating policy and procedure language for complaint and investigative processes that will include reporting as a checklist item for a file to be closed appropriately.

VIII. Report on Pending License Applications and Licenses Issued: (4:40 p.m.)

A total of 6 license issuance actions were recommended for Board action, including 2 in Pedorthics (1 full/reciprocity, 1 Temporary), 1 in Orthotics (by reciprocity), 1 in Prosthetics (Temporary), and 2 in O&P (1 Temporary and 1 reinstatement).

License Applications Recommended				June 2, 2010		State Board of Orthotics, Prosthetics, and Pedorthics						
Orthotics and Prosthetics	Temp? Y/N	Recip? State	Degree	School	Cert Program School	Cert Program Complete	Res Begin date	Res End date	Ohio Residency Y/N	Super-visor	Written Exam	Written Sim
Orthotics												
Eric D. Schopmeyer	N	Y, IL	BS-Mech Eng	Perdue Univ	Northwestern Univ	7/28/2005	6/1/2005	6/1/2006		Ahlstrom, CPO	ABC 2007	
Prosthetics												
Erin E. Meyers	Y	N	BA	Columbia Coll.	Cal State Univ	3/19/2009	3/30/2009	3/30/2010	Y	Busch, LP		
Orth/Pros												
Veerendra K. Shandilya	Y	N	Foreign Equiv BA/P&O				4/1/2002	3/31/2004	N	Mark Horwitz, LPO		
Pedorthics												
Pedorthics	Temp? Y/N	Recip? State	Degree	School	Pre-Cert Ed Program	Pre-Cert Prog Complete	Super- vision Begin Date	Super- vision End Date	Super-visor	C.Ped Exam	Other Status	
Ashley M. Lindley	Y	N	HS Diploma	Spring-field HS	Intl School of Ped	3/19/2010	3/30/2010		Jeffrey Seiler, LPED			
Ellen J. Gates	N	Y, IL	BS, Food & Nutrition	S. Ill Univ.	Enslow Ped Instit.	8/27/2000	N/A	N/A	N/A	C.Ped. Exam Yr. 2000	Pending CRC Receipt	
Reinstatement												
Fernando Lara		TN	LPO.63 (lapsed 2008)				MOVED: E. Fritts SECOND: R. Batley VOTE: unanimous					

A. Medicaid items review task force – status report. Further progress has been made, but due to work on rules has not been finalized. Formal report deferred to September meeting.

X. New Business

A. Expense approval for Director to attend CLEAR September 2010 conference and training – this item was addressed by motion in the Fiscal and Budget report above.

XI. Adjournment -- With no more business raised for discussion, the Board adjourned the meeting at 4:50 p.m. by consensus.

Respectfully submitted,

Mark B. Levy
Board Director

David M. DeLuccia
President

Date

State Board of Orthotics, Prosthetics, and Pedorthics



HTTP://OPP.OHIO.GOV

TED STRICKLAND, GOVERNOR
DAVID M. DELUCCIA, LPO, BOARD PRESIDENT

NOTICE OF PUBLIC HEARING

This notice is being made in accordance with section 119.03 of the Ohio Revised Code and Rule 4779-1-01 of the Ohio Administrative Code.

This is a notice to inform all interested parties that the State Board of Orthotics, Prosthetics, and Pedorthics will conduct a **Public Hearing on WEDNESDAY, JULY 14, 2010 at 11:15 AM in Room 1938 on the 19th floor of the Vern Riffe Center for Government and the Arts located at 77 S. High St., Columbus, Ohio, 43215.**

The following rule **Amendments** (changes), **Rescissions** (elimination, with or without new language proposed for replacement), and **New Language** offerings for the **Board's Current Rule Series** are being proposed for adoption to more effectively and efficiently govern the operations of the State Board of Orthotics, Prosthetics and Pedorthics, and more accurately and clearly define regulatory requirements for its licensees.

4779-2-01 Board Organization. – (Amend)

Changes are proposed to clarify assignment of responsibility among board members to supervise complaint inquiries and authority of board director to act for the board in certain routine administrative matters.

4779-2-02 Personnel. – (Amend)

Minor changes only – administrative matters.

4779-2-03 Board Records. – (Amend)

Clarify that the licensing database shared by many regulatory boards may serve as the "register" of applicants and licensees maintained by the board.

4779-3-01 Definitions. – (Rescind and Adopt New)

Substantial changes to (a) re-organize the rule into logical subgroupings; (b) clarify and update statutory language regarding post-graduate certificate program and residency requirements, making allowances for both long-term practitioners seeking licensure and new programs offering blended online and classroom learning models; (c) clarify existing supervision language and standards; and (d) move language regarding device descriptions and scope of practice to its own rule (4779-3-02, below).

4779-3-02 Device-related and scope of practice definitions. – (New)

Language updated from former/current rule 4779-3-01 (K) -- custom fabrication and custom fit definitions. Changes reflect the most recent CMS Quality Standards descriptions and further refine the unique Ohio statutory delineations under the "does not include" clauses. New language provides further clarification of the difference under the Practice Act as regards use of the terms "accommodative" compared to "custom fabricated and fitted;" and defines "arch support," "non-therapeutic," and "therapeutic."

(Continued . . .)

77 S. High St., 18th floor
Room #1854
Columbus, OH 43215-6108

Phone: 614-466-1157
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Email: bopp@exchange.state.oh.us

4779-4-02 Certificate program requirements. – (Amend)

Minor changes to conform language to the changes proposed in the Definitions section [4779-3-01 (B)(5)] .

4779-5-02 Admission to the examination. – (Amend)

AND

4779-5-03 License application procedure. – (Amend)

Together these changes clarify that the application for a Temporary License may also serve as the application for a full license, so that a second application containing redundant documentation is not required after all requirements are fulfilled; and in 4779-5-03, establishing a range of supervision requirements beyond a simple 8-month period of time for a licensee providing Temporary license supervision in Podiatry to prepare the candidate appropriately for practice as a fully qualified Podiatrist.

4779-7-01 Original license certificate and wallet identification card. - (Amend)

Adds language regarding policy regarding the replacement of license documents from current/former 4779-12-02, which is being rescinded.

4779-8-01 Renewal Of License. – (Amend)

Amended language clarifies policy that a candidate seeking license reinstatement after suspension or lapse of more than two years is required to document successful completion of the licensing examination for the relevant profession.

4779-10-01 Ethical and professional conduct. – (Amend)

New language establishes minimum standards for consumer data maintenance in a licensee's records.

4779-12-01 Fees. - (Rescind and Enact New)

Language clarified and incorporates fee provision of rescinded 4779-12-02.

4779-12-02 Replacement of license or certificate. – (Rescind)

Language reorganized to 4779-12-01 and 4779-7-01

➤ **Persons intending to testify are encouraged to pre-register by sending an email to BOPP@exchange.state.oh.us. Testimony may be presented in person or in writing; written testimony timely received will be introduced at the hearing. A copy of the referenced rules may be obtained at the board's website, <http://opp.ohio.gov>, or by contacting the Board by email or fax, or at the Register of Ohio site: <http://www.registerofohio.state.oh.us/>**



Electronic Rule Filing

The Honorable Jennifer Brunner
Secretary of State
180 E. Broad St., 15th Floor
Columbus, OH 43215

Mark Flanders, Director
Legislative Service Commission
77 South High St., 9th Floor
Columbus, OH 43215

William L. Hills, Executive Director
Joint Committee on Agency Rule Review
77 South High St., Concourse Level
Columbus, OH 43215

Lisa Patt-McDaniel, Director
Department of Development
77 South High St., 27th Floor
Columbus, OH 43215

It is hereby confirmed that the State Board of Orthotics, Prosthetics, and Pedorthics **original** filed the following rule(s) pursuant to section 119.03 of the Ohio Revised Code.

Package Number: 67898

File Date and Time: 06/10/2010 03:24 PM

Confirmation Number: 13de93263719d25234c4caf99255f1a

ORIGINAL FILE

Rule Number	Type	FYR? JE Date	Eff Date	Next FYR	Tagline
4779-2-01	Amendment	Y 08/14/2010			Board organization.
4779-2-02	Amendment	Y 08/14/2010			Personnel.
4779-2-03	Amendment	Y 08/14/2010			Board records.
4779-3-01	Rescission	Y 08/14/2010			Definition of terms.
4779-3-01	New	N 08/14/2010			Definition of terms.
4779-3-02	New	N 08/14/2010			Device-related and scope of practice definitions.
4779-4-02	Amendment	Y 08/14/2010			Certificate program requirements.
4779-5-02	Amendment	Y 08/14/2010			Admission to the examination.
4779-5-03	Amendment	Y 08/14/2010			License application procedure.
4779-7-01	Amendment	Y 08/14/2010			Original license certificate and wallet identification card.
4779-8-01	Amendment	Y 08/14/2010			Renewal of license.
4779-10-01	Amendment	Y 08/14/2010			Ethical and professional conduct.
4779-12-01	Rescission	Y 08/14/2010			Fees.
4779-12-01	New	N 08/14/2010			Fees.
4779-12-02	Rescission	Y 08/14/2010			Replacement of license or certificate.



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It is hereby confirmed that the State Board of Orthotics, Prosthetics, and Pedorthics **revise** filed the following rule(s) pursuant to section 119.03 of the Ohio Revised Code.

Package Number: 67898

File Date and Time: 07/12/2010 02:17 PM

Confirmation Number: 6ea03addae67d33633d14a707e4df652

REVISE

Rule Number	Type	FYR? JE Date	Eff Date	Next FYR	Tagline
4779-3-02	New	N 08/14/2010			Device-related and scope of practice definitions.
4779-5-03	Amendment	Y 08/14/2010			License application procedure.

4779-2-01

Board organization.

- (A) The board shall hold an annual meeting in September, at which time it shall elect a president and secretary, both of whom shall serve one year.
- (B) The president shall preside at all meetings of the board. However, the president may appoint another board member to serve as vice-president to preside in the president's absence.
- (C) The secretary has primary responsibility, pursuant to section 4779.33 of the Revised Code, to enforce the laws relating to the practice of orthotics, prosthetics, and pedorthics. The president of the board in consultation with the secretary may assign other members to supervise the review of individual enforcement matters in process under the board's jurisdiction. The board director with appropriate consultation may affix the secretary's signature to such formal documents as are necessary to carry out the enforcement duties of the board.
- ~~(C)~~(D) The board shall hold regular meetings as often as necessary to carry out its duties. Meetings shall be held in the Vern Riffe center for government and the arts or in such other places as circumstances may require.
- ~~(D)~~(E) In the event of a vacancy in the office of president or secretary, the board shall fill the office from among the members of the board at a regular or special meeting of the board.
- (F) The board director, who shall confer with the board president, is granted authority to employ such support staff as are provided for in budgetary allocations, accept employee resignations with written documentation, and sign regular administrative and payroll documents as "appointing authority" on behalf of the board.

Effective:

R.C. 119.032 review dates: 06/10/2010

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4779.08
Rule Amplifies: 4779.06
Prior Effective Dates: 08/09/2002; 04/09/2007

Rule Summary and Fiscal Analysis (Part A)**State Board of Orthotics, Prosthetics, and Pedorthics**

Agency Name

Division

Mark B. Levy

Contact

77 S. High St. 18th Floor Columbus OH 43215-0000

Agency Mailing Address (Plus Zip)

614-466-1157

Phone

614-387-7347

Fax

4779-2-01

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Board organization.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **4779.08**

5. Statute(s) the rule, as filed, amplifies or implements: **4779.06**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

Clarify assignment of responsibility among board members to supervise complaint inquiries and authority of board director to act for the board in certain routine administrative matters.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

Allows president to assign file oversight to members other than secretary; grants certain administrative authority to board director to act on behalf of board.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Not Applicable.

12. 119.032 Rule Review Date: **6/10/2010**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase /**

decrease either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

00.00

not applicable

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

not applicable

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

not applicable

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

4779-2-02

Personnel.

The board may:

- (A) Employ an individual who shall hold a title incorporating the term "director" who shall be the chief administrative officer of the board. The exact title of this position shall be in compliance with ~~the~~ requirements of the personnel classification system prescribed ~~by the~~ the Ohio department of administrative services ~~at the time~~. The director shall be in the unclassified service of the state, shall be considered exempt from overtime requirements of the Fair Labor Standards Act and in accordance with the requirements of section 124.18 of the Revised Code ~~124.18~~, and shall be responsible for the daily activities of the board's office staff. The director shall assist the board in the administration and enforcement of Chapter 4779. of the Revised Code. If the director is a licensee of the board, he/she shall not engage in active practice of orthotics, prosthetics, or pedorthics while employed in this position.
- (B) Authorize the director to employ office staff and contract for services as necessary to carry out its responsibilities under Chapter 4779. of the Revised Code.
- (C) Authorize the board director to accept employee resignations with written documentation and sign regular administrative and payroll documents as "appointing authority" on behalf of the board.

Effective:

R.C. 119.032 review dates: 06/10/2010

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4779.08
Rule Amplifies: 4779.06
Prior Effective Dates: 8-9-02; 1-23-03

Rule Summary and Fiscal Analysis (Part A)**State Board of Orthotics, Prosthetics, and Pedorthics**

Agency Name

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Mark B. Levy

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4779-2-02

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Personnel.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **4779.08**

5. Statute(s) the rule, as filed, amplifies or implements: **4779.06**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

Clarify authority of board director to act on behalf of board.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; if the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

Authorize board director to act on behalf of board regarding personnel matters.

8. If the rule incorporates a text or other material by reference and the agency

claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Not Applicable.

12. 119.032 Rule Review Date: **6/10/2010**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current

biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

00.00

not applicable

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

not applicable

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

not applicable

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

4779-2-03

Board records.

- (A) The board shall maintain a register of applicants for licenses and permits to practice orthotics, prosthetics, or pedorthics. It shall include the name, method and date the licenses or permits were issued and any other data the board shall require. If the applicant took the examination, the dates of examination shall be shown and scores attained where possible. A computer database system maintained by the board or for the board's use in compliance with state of Ohio information technology policies and procedures may serve as such a register.
- (B) The board shall maintain a policy manual, available to the public, explaining the procedures by which complaints are filed with the board, which shall include the complaint procedures, and the name, mailing address, and telephone number of the board.
- (C) A change in the name of the licensee, permit holder, or applicant shall not be made on the board's records unless the request is accompanied by one of the following:
- (1) A notarized personal affidavit.
 - (2) A certified copy of a court record.
 - (3) A certified copy of a marriage certificate.

Effective:

R.C. 119.032 review dates: 06/10/2010

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4779.08
Rule Amplifies: 4779.21
Prior Effective Dates: 08/09/2002

Rule Summary and Fiscal Analysis (Part A)**State Board of Orthotics, Prosthetics, and Pedorthics**

Agency Name

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4779-2-03

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Board records.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **4779.08**

5. Statute(s) the rule, as filed, amplifies or implements: **4779.21**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

Clarify that an electronic licensing database may serve as the register of licensees and applicants.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

States that an electronic licensing database may serve as the register of licensees and applicants.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Not Applicable.

12. 119.032 Rule Review Date: **6/10/2010**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase /**

decrease either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

00.00

not applicable

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

not applicable

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

not applicable

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

TO BE RESCINDED

4779-3-01 **Definition of terms.**

The following definitions shall apply to the language of Chapter 4779. of the Revised Code:

- (A) "Board" means the state board of orthotics, prosthetics and pedorthics
- (B) "Good moral character" as it is used in section 4779.09 and under division (A)(1)(3) in section 4779.18 of the Revised Code, means not having been convicted of a crime of moral turpitude; not having made misstatements or misrepresentation in connection with an application or examination for registration, certification or licensure; and not having willfully violated any of the sections related to conduct required of applicants or licensees and set forth in the statutes or rule.
- (C) "License", as it is used under division (A) of section 4779.20 of the Revised Code, means the license certificate or a notarized copy of the license certificate as issued by the board.
- (D) "Licensee" means a person who holds a license issued under Chapter 4779. of the Revised Code.
- (E) "Nationally accredited college or university in the U.S." means colleges and universities accredited by an accreditation body recognized by the U.S. department of education, including regional accreditation bodies.
- (F) "Physically present" as it is used under division (B) of section 4779.04 of the Revised Code means at the same building, location, or facility as the non-licensed practitioner and patient.
- (G) "Temporary license" means a license issued under section 4779.18 of the Revised Code.
- (H) "Under the direct supervision", as it is used under division (B)(5) of section 4779.02 of the Revised Code, means the individual who provides orthotic, prosthetic, or pedorthics services under the supervision of an individual authorized to practice medicine or osteopathic medicine, must perform the evaluation, measurement, design, fitting, adjusting, servicing, or training in a location where the physician or osteopathic physician is present.
- (I) "Under the supervision" as it is used under division (B) in section 4779.18 of the Revised Code means the individual who practices under the supervision of an individual who holds a license issued under section 4779.09 of the Revised Code

may conduct the initial evaluation or all activities at a building, location, or facility where the supervising orthotist, prosthetist, or pedorthist is physically present or is readily available to the individual through some means of telecommunication and is in a location that under normal circumstances is not more than sixty minutes travel time away from the location where the non-licensed individual is practicing.

(J) "Residency program" approved by the board, as referenced in section 4779.10 of the Revised Code, section 4779.11 of the Revised Code, and section 4779.12 of the Revised Code means a residency requiring nineteen hundred hours under the direct supervision of a practitioner certified in the same discipline.

(K) "Custom fabricated or fitted medical device" as referenced in division (E) of section 4779.01 of the Revised Code means an orthotic, prosthetic or pedorthic device that is individually made (custom fabricated) or fitted (custom fitted) for a specific patient. No other patient would be able to use this item after fabrication or fitting.

(1) A custom fabricated item is defined as a device which is fabricated based on a clinically derived rectified casting, tracings, measurements, and/or other images (such as x-rays) of the body part. It may involve using calculations, templates, and components. The process starts with basic materials including, but not limited to plastic, metal, leather, or cloth in the form of uncut or unshaped sheets, bars, or other basic forms. It involves substantial work such as vacuum forming, cutting, bending, molding, sewing, drilling, and finishing prior to fitting on the patient.

(a) A molded-to-patient-model item is a particular type of custom fabricated device in which either:

(i) An impression (usually by means of a plaster or fiberglass cast) of the specific body part is made directly on the patient, and this impression is then used to make a positive model of the body part from which the final product is crafted; or

(ii) A digital image of the patient's body part is made using computer-aided design-computer aided manufacture (CAD-CAM) systems software. This technology includes specialized probe/digitizers and scanners that create a computerized positive model and then direct milling equipment to carve a positive model. The device is then individually fabricated and molded over the positive model of the patient.

(2) A custom fitted item is defined as a prefabricated device which is manufactured in quantity without a specific patient in mind. The device may be supplied as

a kit of prefabricated parts that require some assembly and/or fitting and adjustment, or a device that must be trimmed, bent, molded (with or without heat), or otherwise modified for use by a specific patient.

(a) A custom fitted item/device as referenced in division (E) of section 4779.01 of the Revised Code does not include:

- (i) Upper extremity adaptive equipment used to facilitate the activities of daily living;
- (ii) Finger splints;
- (iii) Wrist splints;
- (iv) Prefabricated elastic or fabric abdominal supports with or without metal or plastic reinforcing stays;
- (v) Other prefabricated soft goods requiring minimal fitting;
- (vi) Nontherapeutic accommodative inlays;
- (vii) Shoes that are not manufactured or modified for a particular individual;
- (viii) Prefabricated foot care products;
- (ix) Other durable medical equipment;
- (x) Dental appliances;
- (xi) Pedorthic devices;
- (xii) Devices implanted into the body by a physician.

(L) The phrase "for use from the apex of the medial malleolus and below" as used in division (G) of section 4779.01 of the Revised Code means that the pedorthic device does not physically extend proximal to the apex of the medial malleolus, meaning not extending higher than the middle of the ankle bone.

Effective:

R.C. 119.032 review dates: 06/10/2010

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4779.08
Rule Amplifies: Chapter 4779, various sections
Prior Effective Dates: 08/09/02; 04/09/07; 11/01/2008

Rule Summary and Fiscal Analysis (Part A)**State Board of Orthotics, Prosthetics, and Pedorthics**

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4779-3-01

Rule Number

RESCISSION

TYPE of rule filing

Rule Title/Tag Line

Definition of terms.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **4779.08**

5. Statute(s) the rule, as filed, amplifies or implements: **Chapter 4779, various sections**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

Rescinding current rule, enacting new language because changing more than 50% of the text.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

Definitions clarifying language in the statute particular to the Chapter.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other materials by reference.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Not Applicable.

12. 119.032 Rule Review Date: **6/10/2010**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

00.00

not applicable

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

not applicable

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

not applicable

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

4779-3-01

Definition of terms.

The following definitions shall apply to the language of Chapter 4779. of the Revised Code:

(A) General Definitions

- (1) "Board" means the state board of orthotic, prosthetics and pedorthics.
- (2) "Temporary license" means a license issued under section 4779.18 of the Revised Code.

(B) Licensing language and educational standards

- (1) "Good moral character" as it is used in section 4779.09 and under division (A)(1)(3) in section 4779.18 of the Revised Code, means not having been convicted of a crime of moral turpitude; not having made misstatements or misrepresentation in connection with an application or examination for registration, certification or licensure; and not having willfully violated any of the sections related to conduct required of applicants or licensees and set forth in the statutes or rule.
- (2) "License" as it is used under division (A) of section 4779.20 of the Revised Code, means the authority to practice in the noted profession pursuant to an action of the board granting such authority and as represented by the original license wall certificate or an official copy of the license certificate, or the annual renewal card, as issued by the board.
- (3) "Licensee" means a person who holds a license issued under Chapter 4779. of the Revised Code.
- (4) "Nationally accredited college or university in the U.S." means colleges and universities accredited by an accreditation body recognized by the U.S. department of education, including regional accreditation bodies.
- (5) "Provides two semesters or three quarters of instruction" as it is used in subdivisions (B)(1), (C)(1), and (D)(1) of section 4779.26 of the Revised Code means that the certificate program meets those specific traditional education duration standards or meets the standards as developed and implemented by the national commission on orthotic and prosthetic education (NCOPE) in effect at the time the applicant was completing his or her formal education for entrance to the referenced professions. Such instruction may include blended learning that allows for a combination of online distance learning, classroom learning, and on-site clinical learning that meets the standards established by the commission on accreditation of allied health education professions (CAAHEP).
- (6) "Provides two semesters or three quarters of instruction" as it is used in

subdivisions (B)(1), (B)(2), and (B)(3) of section 4779.27 of the Revised Code means that the residency program requires as a prerequisite for admission the educational equivalent of learning required by section 4779.26 of the Revised Code or residency admission standards as developed and implemented by the national commission on orthotic and prosthetic education (NCOPE) that were in effect at the time the applicant was completing his or her formal education for entrance to the referenced professions and that meets or met the standards established by the commission on accreditation of allied health education professions (CAAHEP).

(7) "Residency program" approved by the board, as referenced in section 4779.10 of the Revised Code, section 4779.11 of the Revised Code, and section 4779.12 of the Revised Code means a residency requiring nineteen hundred hours under the direct supervision of a practitioner certified in the same discipline, and which meets the requirements of section 4779.27 of the Revised Code.

(8) "Suspended" as used in section 4779.31 of the Revised Code means a license that has lapsed or been placed on inactive or non-renewed status due to non-payment of renewal fees, as well as a license placed under suspension as the result of an adjudication pursuant to section 4779.28, 4779.29, or 4779.30 of the Revised Code, or as the result of an agreement entered into between the board and the license holder in lieu of proceeding to adjudication.

(C) Supervision definitions and requirements

(1) "Physically present" as it is used under division (B) of section 4779.04 of the Revised Code means at the same building, location, or facility as the non-licensed practitioner and patient.

(2) "Under the direct supervision", as it is used under division (B)(5) of section 4779.02 of the Revised Code, means the individual who provides orthotic, prosthetic, or pedorthic services under the supervision of an individual authorized to practice medicine or osteopathic medicine, must perform the evaluation, measurement, design, fitting, adjusting, servicing, or training in a building, facility, or location where the physician or osteopathic physician is present at the time the service is provided and pursuant to a professional arrangement whereby the physician or osteopathic physician takes full clinical and consumer care responsibility for the orthotic, prosthetic, or pedorthic services provided.

(3) "Under the supervision" as it is used under division (B) in section 4779.18 of the Revised Code means the temporary license holder who practices under the supervision of an individual who holds a full practitioner license issued under section 4779.09 of the Revised Code may conduct all activities either at a building, location, or facility where the supervising orthotist, prosthetist, or

pedorthist is physically present or at a location where the supervising orthotist, prosthetist, or pedorthist is readily available to the individual through some means of telecommunication and is in a location that under normal circumstances is not more than sixty minutes travel time away from the location where the temporary license holder is practicing.

Replaces: prior 4779-3-01

Effective:

R.C. 119.032 review dates:

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4779.08
Rule Amplifies: Chapter 4779, various sections
Prior Effective Dates: 08/09/02; 04/09/07; 11/01/2008

Rule Summary and Fiscal Analysis (Part A)**State Board of Orthotics, Prosthetics, and Pedorthics**

Agency Name

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4779-3-01

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Definition of terms.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **4779.08**

5. Statute(s) the rule, as filed, amplifies or implements: **Chapter 4779, various sections**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

Re-organizing and updating former 4779-3-01 Definitions

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

Organizing Definitions rule in three categories in this section: General Definitions, Licensing Language and Educational Standards, and Supervision Definitions and Requirements

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Not Applicable.

12. 119.032 Rule Review Date:

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase /**

decrease either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

00.00

not applicable

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

not applicable

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

not applicable

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

4779-3-02

Device-related and scope of practice definitions.

The following definitions shall apply to the language of Chapter 4779. of the Revised Code:

(A) "Accommodative" as defined at division (A) of section 4779.01 of the Revised Code means in addition that the item is designed to conform to the anatomy of the particular individual who purchases and wears the item, but does not have the added value of the capacity to be custom fitted or custom fabricated for use by a particular individual, and is sold off-the-shelf on a retail basis.

(B) "Arch support" as used in division (G) of section 4779.01 of the Revised Code means an item sold off-the-shelf on a retail basis to be accommodative to the anatomy of the foot for the person who uses it; and which is not custom fitted or custom fabricated, and is not provided to fill a doctor's order or healthcare prescription.

(C) "Nontherapeutic" as used in division (D) and (G) of section 4779.01 of the Revised Code means an item sold off-the-shelf on a retail basis, which is not custom fitted or custom fabricated, and is not delivered to fill a doctor's order or healthcare prescription.

(D) "Therapeutic" as used in division (A) of section 4779.01 of the Revised Code refers to an item delivered to fill a patient-specific doctor's order or healthcare prescription.

(E) "Custom fabricated or fitted medical device" as referenced in division (E) of section 4779.01 of the Revised Code means an orthotic, prosthetic or pedorthic device that is individually made (custom fabricated) or fitted (custom fitted) for a specific patient. Further, it is a device the provision of which requires access to a facility with the equipment necessary to fulfill the ongoing consumer-care responsibility to provide follow-up treatment, including modification, adjustment, maintenance and repair of the item(s).

(1) A custom fabricated item is defined as a device which is individually made for a specific patient. No other patient would be able to use this item. A custom fabricated item is a device which is fabricated based on clinically derived and rectified castings, tracings, measurements, and/or other images (such as x-rays) of the body part. The fabrication may involve using calculations, templates and components. This process requires the use of basic materials including, but not limited to plastic, metal, leather or cloth in the form of uncut or unshaped sheets, bars, or other basic forms and involves substantial work such as vacuum forming, cutting, bending, molding, sewing, drilling and finishing prior to fitting on the patient.

(a) A molded-to-patient-model item is a particular type of custom fabricated device in which either:

(i) An impression (usually by means of a plaster or fiberglass cast) of

the specific body part is made directly on the patient, and this impression is then used to make a positive model of the body part from which the final product is crafted; or

(ii) A digital image of the patient's body part is made using computer-aided design-computer aided manufacture (CAD-CAM) systems software. This technology includes specialized probe/digitizers and scanners that create a computerized positive model and then direct milling equipment to carve a positive model. The device is then individually fabricated and molded over the positive model of the patient.

(2) A custom fitted item is defined as a prefabricated device which is manufactured in quantity without a specific patient in mind. The device may or may not be supplied as a kit that requires some assembly and/or fitting and adjustment, or a device that must be trimmed, bent, molded (with or without heat), or otherwise modified by an individual with expertise in customizing the item to fit and be used by a specific patient.

(a) A custom fitted item/device as referenced in division (E) of section 4779.01 of the Revised Code does not include:

(i) Upper extremity adaptive equipment used to facilitate the activities of daily living;

(ii) Finger splints or wrist splints;

(iii) Prefabricated elastic or fabric abdominal supports with or without metal or plastic reinforcing stays requiring minimal fitting;

(iv) Other prefabricated soft goods requiring minimal fitting;

(v) Nontherapeutic accommodative inlays;

(vi) Nontherapeutic shoes that are not manufactured or modified for a particular individual;

(vii) Prefabricated foot care products;

(viii) Other durable medical equipment that is not categorized as an orthotic, prosthetic, or pedorthic device; dental appliances; or devices implanted into the body by a physician.

(F) "For use from the apex of the medial malleolus and below" as used in division (G) of section 4779.01 of the Revised Code means that the pedorthic device does not physically extend proximal to the apex of the medial malleolus, meaning not extending higher than the middle of the ankle bone.

(G) "Minimal fitting" as used in Section 4779.01 of the Revised Code and Section 4779-3-02 of the Administrative Code means a prefabricated device which is fit for size by use of not more than two simple body size measurements; which is sized as small, medium, large, extra large, 2xl, 3xl; which is fastened or fit to the body or body part by use of elastic or self-fastening straps, buttons or strips; which is not trimmed, bent, molded, assembled, or otherwise customized by the consumer-care provider to fit the consumer; and which is not provided by the manufacturer with items or component parts which are intended or designed to be custom molded, heat moldable or custom fitted.

Replaces: part of current 4779-3-01

Effective:

R.C. 119.032 review dates:

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4779.08
Rule Amplifies: 4779.01
Prior Effective Dates: 08/09/02; 04/09/07; 11/01/2008

Rule Summary and Fiscal Analysis (Part A)**State Board of Orthotics, Prosthetics, and Pedorthics**

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4779-3-02

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Device-related and scope of practice definitions.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **4779.08**

5. Statute(s) the rule, as filed, amplifies or implements: **4779.01**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

Re-organizing, updating portion of former/current Definitions rule 4779-3-01

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

Device-related and scope of practice definitions: accomodative, apex of medial malleolus, arch support, custom fabricated, custom fitted, non-therapeutic, therapeutic

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Added definition of "minimal fitting" at Paragraph (G): "Minimal fitting" as used in Section 4779.01 of the Revised Code and Section 4779-3-02 of the Administrative Code means a prefabricated device which is fit for size by use of not more than two simple body size measurements; which is sized as small, medium, large, extra large, XXL, XXXL; which is fastened or fit to the body or body part by use of elastic or self-fastening straps, buttons or strips; which is not trimmed, bent, molded, assembled, or otherwise customized by the consumer-care provider to fit the consumer; and which is not provided by the manufacturer with items or component parts which are intended or designed to be custom molded, heat moldable or custom fitted."

12. 119.032 Rule Review Date:

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

00.00

not applicable

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

not applicable

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

not applicable

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

4779-4-02

Certificate program requirements.

"Certificate program" as referenced in section 4779.26 of the Revised Code, means a post-graduate certificate program that meets the following requirements, as applicable:

(A) All certificate programs shall meet all of the following requirements:

- (1) Admission standards require at least a high school diploma or certificate of high school equivalence issued by the state board of education;
- (2) Has a written description of the program that includes learning goals, course objectives, and competencies for graduation;
- (3) Requires frequent, documented evaluations of students to assess their acquisition of knowledge, problem identification and solving skills, and psychomotor, behavioral, and clinical competencies;
- (4) Admits only persons who have successfully completed courses in biology, chemistry, physics, psychology, computer science, algebra or higher math, human anatomy with a laboratory section, and physiology with a laboratory section;
- (5) Requires students to complete formal instruction in biomechanics, gait analysis and pathomechanics, kinesiology, pathology, material science, research methods, and diagnostic imaging techniques;
- (6) Provides for the evaluation of the program through regular, on-site visits conducted by qualified individuals from a nationally recognized orthotic, prosthetic, or orthotic and prosthetic certifying body.

(B) In addition, a certificate program in orthotics shall meet all of the following requirements:

- (1) Provides ~~not less than~~ two semesters or three quarters of instruction in orthotics as defined in division (B)(5) of section 4779-3-01 of the Administrative Code;
- (2) Requires students to complete not less than two hundred fifty hours of supervised clinical experience that focuses on patient-related activities, including recommendation, measurement, impression-taking, model rectification, fabrication, fitting, and evaluating patients in the use and function of orthotic systems;

- (3) Requires as a condition of graduation that students demonstrate orthotic skills, including measurement, impression-taking, model rectification, and fitting and alignment of orthoses for the lower limbs, upper limbs, and spines;
- (C) In addition, a certificate program in prosthetics shall meet all of the following requirements:
- (1) Provides ~~not less than~~ two semesters or three quarters of instruction in prosthetics as defined in division (B)(5) of section 4779-3-01 of the Administrative Code;
 - (2) Requires students to complete not less than two hundred fifty hours of supervised clinical experience that focuses on patient-related activities, recommendation, measurement, impression-taking, model rectification, fabrication, fitting, and evaluating patients in the use and function of prosthetics;
 - (3) Requires as a condition of graduation that students demonstrate prosthetic skills that include measurement, impression taking, model rectification, diagnostic fitting, definitive fitting, postoperative management, external power, and static and dynamic alignment of prostheses related to various amputation levels, including partial foot, syme's below the knee, above knee, below elbow, above elbow, and the various joint disarticulations.
- (D) In addition, a certificate program in orthotics and prosthetics shall meet all of the following requirements:
- (1) Provides ~~not less than~~ two semesters or three quarters of instruction in orthotics and two semesters or three quarters of instruction in prosthetics as defined in division (B)(5) of section 4779-3-01 of the Administrative Code;
 - (2) Requires as a condition of graduation that students complete training in orthotic systems, including foot orthoses, ankle-foot orthoses, knee orthoses, knee-ankle-foot orthoses, hip-knee orthoses, wrist-hand orthoses, cervical-thoracic-lumbo-sacral orthoses, thoracolumbar orthoses, lumbarsacral orthoses, halo, fracture management, RGO (reciprocal gait orthoses), standing frames, and seating;
 - (3) Requires as a condition of graduation that students demonstrate prosthetic skills that include measurement, impression taking, model rectification, diagnostic fitting, definitive fitting, postoperative management, external power, and static and dynamic alignment of prostheses related to various amputation

levels, including partial foot, syme's below the knee, above knee, below elbow, above elbows, and the various joint disarticulations.

Effective:

R.C. 119.032 review dates: 06/10/2010

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4779.08
Rule Amplifies: 4779.26
Prior Effective Dates: /09/2002; 04/09/2007; 11/01/2008

Rule Summary and Fiscal Analysis (Part A)**State Board of Orthotics, Prosthetics, and Pedorthics**

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4779-4-02

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Certificate program requirements.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **4779.08**

5. Statute(s) the rule, as filed, amplifies or implements: **4779.26**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

Clarify/update language consistent with changes being made to Division (B)(5) of section 4779-3-01 of the Administrative Code

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

Provides reference to related language in section 4779-3-01 of the Administrative code

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Not Applicable.

12. 119.032 Rule Review Date: **6/10/2010**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase /**

decrease either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

00.00

not applicable

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

not applicable

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

not applicable

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

4779-5-02

Admission to the examination.

- (A) An applicant for Ohio examination must have an approved application for licensure form on file with the board. Before an applicant may be issued a license or be approved to sit for the examination as an Ohio candidate, the applicant must demonstrate that the applicant meets the eligibility requirements of section 4779.09 of the Revised Code as well as the requirements for the particular license type.
- (B) In the case of an applicant for licensure pursuant to sections 4779.10, 4779.11, and 4779.12 of the Revised Code, if the applicant has not already taken and passed the written and written simulation examinations as administered by the American board for certification in orthotics prosthetics, and pedorthics (ABC) for the respective practitioner areas of practice, the board shall notify the American board for certification in orthotics, prosthetics, and pedorthics (~~ABC~~) of the applicant's approved status for taking the Ohio license exam in orthotics or prosthetics, whichever is indicated. The applicant is responsible for exam fees and all costs and fees associated with that exam shall be paid to the ABC or its contracted testing agency.
- (C) In the case of an applicant for licensure pursuant to section 4779.13 of the Revised Code, if the candidate has not already taken and passed the exam for certification in pedorthics, the board shall notify the American board for certification in orthotics, prosthetics, and pedorthics (ABC) of the applicant's approved status for taking the Ohio license exam in pedorthics, and of the board's approval of the candidate's application. The applicant is responsible for exam fees and all costs and fees associated with that exam shall be paid to the ABC or its contracted testing agency.
- (D) In the case of an applicant for a temporary license pursuant to section 4779.18 of the Revised Code, the successful application submitted and processed shall be considered to stand as the application for a full license pursuant to section 4779.10, 4779.11, 4779.12, or 4779.13 of the Revised Code, and the successful applicant shall be issued an approval to sit for exam notice pursuant to the arrangements between the state board of orthotics, prosthetics, and pedorthics, and the American board for certification in orthotics, prosthetics and pedorthics. Such an approval to sit for exam notice shall be effective for up to two years, in accordance with the statutory limitation of the duration of the temporary license as provided for in section 4779.18 of the Revised Code. An application for a temporary license pursuant to section 4779.18 of the Revised Code shall also comply with the requirements of section 4779-6-01 of the Administrative Code.
- ~~(D)~~(E) An applicant for Ohio examination approved for admission to exam by the state board of orthotics, prosthetics, and pedorthics, shall comply with any and all deadlines established by the American board for certification in orthotics, prosthetics, and pedorthics (ABC), and any contracted testing agencies.

Effective:

R.C. 119.032 review dates: 06/10/2010

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4779.08
Rule Amplifies: 4779.09, 4779.10, 4779.11, 4779.12, 4779.13,
4779.15, 4779.18
Prior Effective Dates: 8/9/02, 04/09/2007; 11/01/2008

Rule Summary and Fiscal Analysis (Part A)**State Board of Orthotics, Prosthetics, and Pedorthics**

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4779-5-02

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Admission to the examination.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **4779.08**

5. Statute(s) the rule, as filed, amplifies or implements: **4779.09, 4779.10, 4779.11, 4779.12, 4779.13, 4779.15, 4779.18**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

Clarify license application/admission to exam policy and procedure. Reduces paperwork and administrative processing burden on both applicant and agency.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

Allows a license application for a Temporary License pursuant to section 4779.18 of the Revised Code to stand as initial application for admission to exam for a full

license pursuant to 4779.10, 4779.11, 4779.12, or 4779.13 without requiring an additional application to be filed.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Not Applicable.

12. 119.032 Rule Review Date: **6/10/2010**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase /decrease** either **revenues/ expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will decrease revenues.

\$1900 - \$3800

By eliminating the requirement for an additional application with repetitive information to be filed, the application fees that would accompany such an application are not realized by the agency. Dollar amount estimated based on number of applications generally processed over a biennium.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

not applicable

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

Costs are decreased for both applicant and agency

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

4779-5-03

License application procedure.

- (A) The following requirements apply to all applicants seeking licensure under section 4779.09 of the Revised Code. A candidate for a full license in orthotics, prosthetics, prosthetics-orthotics, or pedorthics who has already been granted a temporary license under section 4779.18 of the Revised Code and is practicing under that license may advance the temporary license to full license status by documenting completion of the remaining requirements without submitting a new license application. For a license to be issued pursuant to sections 4779.10, 4779.11, or section 4779.12 of the Revised Code, submit proof of successful completion of the examinations as provided by section 4779-5-02 (B) of the Administrative Code. For a license to be issued pursuant to section 4779.13 of the Revised Code, submit proof of completion of supervision as required by division (E) (2) of this section of the Administrative Code and successful completion of the examination as provided by section 4779-5-02 (C) of the Administrative Code.
- (1) An applicant shall submit a completed application on a form prescribed by the board together with an appropriate fee in accordance with rule 4779-12-01 of the Administrative Code.
 - (2) If an application is received which appears to be incomplete, the board shall send the applicant within thirty days a notice of incomplete application by email and/or regular first class mail stating that the application appears to be incomplete and stating the elements or criteria that appear to be missing or insufficient. If an application remains incomplete more than thirty days after the board issues a notice of incomplete application, the board shall send the applicant a notice informing that the application, unless withdrawn, is subject to the board's proposal to deny by issuance of a notice of opportunity for hearing pursuant to section 119.07 of the Revised Code.
 - (3) The application shall contain an attestation that the applicant is at least eighteen years old, of good moral character, and meets the requirements of section 4779.10, 11, 12 or 13 of the Revised Code.
 - (4) An applicant may withdraw an application by submitting a request in writing. No refund of application fee will be made by the board.
 - (5) An applicant seeking his or her first license issued by the state board of orthotics, prosthetics, and pedorthics shall comply with the criminal record check requirements of section 4779.091 of the Revised Code and rule 4779-5-05 of the Administrative Code.
- (B) In addition, an application for a license to practice orthotics must document compliance with the following requirements:

- (1) A post-secondary educational credential of at least a bachelors of arts degree;
 - (2) A certificate of completion of a post-graduate certificate program in orthotics, unless the applicant's post-secondary educational credential is a bachelors or masters degree specifically in orthotics and prosthetics;
 - (3) Completion of a residency program in orthotics consisting of nineteen hundred hours supervised by a practitioner certified in orthotics;
 - (4) A letter or statement from an Ohio-licensed orthotist or prosthetist-orthotist, attesting to having conducted supervision for at least an eight-month period (required if residency not conducted under Ohio-licensed supervisor);
 - ~~(4)~~(5) Proof of submission of fingerprints for criminal record checks by the Ohio bureau of criminal identification and investigation (BCII) and the federal bureau of investigation (FBI), if the application is for the first issuance of a license.
- (C) In addition, an application for a license to practice prosthetics must document compliance with the following requirements:
- (1) A post-secondary educational credential of at least a bachelors of arts degree;
 - (2) A certificate of completion of a post-graduate certificate program in prosthetics, unless the applicant's post-secondary educational credential is a bachelors or masters degree specifically in orthotics and prosthetics;
 - (3) Completion of a residency program in prosthetics consisting of nineteen hundred hours supervised by a practitioner certified in prosthetics;
 - (4) A letter or statement from an Ohio-licensed prosthetist or prosthetist-orthotist, attesting to having conducted supervision for at least an eight-month period (required if residency not conducted under Ohio-licensed supervisor);
 - (5) Proof of submission of fingerprints for criminal record checks by the Ohio bureau of criminal identification and investigation (BCII) and the federal bureau of investigation (FBI), if the application is for the first issuance of a license.
- (D) In addition, an application for a license to practice orthotics and prosthetics must document compliance with the following requirements:

- (1) A post-secondary educational credential of at least a bachelors of arts degree;
 - (2) A certificate of completion of post-graduate certificate programs in prosthetics and orthotics, unless the applicant's post-secondary educational credential is a bachelors or masters degree specifically in orthotics and prosthetics;
 - (3) Completion of a residency program in prosthetics and orthotics, consisting of nineteen hundred hours supervised by a practitioner certified in prosthetics, and nineteen hundred hours supervised by a practitioner certified in orthotics;
 - (4) A letter or statement from an Ohio-licensed prosthetist-orthotist, attesting to having conducted supervision for at least an eight-month period (required if residency not conducted under Ohio-licensed supervisor);
 - (5) Proof of submission of fingerprints for criminal record checks by the Ohio bureau of criminal identification and investigation (BCII) and the federal bureau of investigation (FBI), if the application is for the first issuance of a license;
 - (6) An applicant who holds a license in orthotics and successfully completes all the requirements for a license in prosthetics shall be issued a new license in prosthetics-orthotics.
 - (7) An applicant who holds a license in prosthetics and successfully completes all the requirements for a license in orthotics shall be issued a new license in prosthetics-orthotics.
- (E) In addition, an application for a license to practice pedorthics must document compliance with the following requirements:
- (1) A high school diploma or a certificate of high school equivalence.
 - (2) A statement from the supervising pedorthist, orthotist, prosthetist, or prosthetist-orthotist, that the applicant has practiced for eight months under the supervisor's oversight and direction. The statement shall be provided on a form prescribed by the state board of orthotics, prosthetics, and pedorthics which requires attestation of completion of 1000 hours of pedorthic care practice under supervision by the licensed supervisor, including at least 100 hours devoted to each of the following five general areas of service delivery:
 - (a) Comprehensive assessment and evaluation of patients requiring the full

spectrum of pedorthic care, including:

(i) Custom fabricated and custom fitted foot orthoses

(ii) Therapeutic/diabetic shoes, depth shoes and custom shoes

(iii) Prefabricated inserts, custom fitted, moldable and rigid

(iv) Shoe modifications

(v) Retail, non-therapeutic shoes and foot orthoses

(b) Development of a comprehensive treatment plan to provide appropriate pedorthic care.

(c) Selection of materials and components to meet the treatment plan. On-site fabrication of the device where facilities are available. Working knowledge of how various devices are fabricated if fabrication is not done at the facility.

(d) Fitting and appropriate follow-up of the pedorthic device to assure optimal fit and function of the device. This includes modifications and adjustments of the device to ensure proper and continued function and instructing patient on the use and care of the device with verbal and take-home instructions where indicated or required.

(e) Appropriate documentation of patient care and interaction, including records are accurate, current and complete, and that principles and procedures of practice management are understood.

(3) Completion of the training, education, and/or experience requirements necessary to sit for the certification in pedorthics ("C.Ped.") examination conducted by the American ~~american~~ board for certification in orthotics, prosthetics, and pedorthics (ABC).

(4) Proof of submission of fingerprints for criminal record checks by the Ohio bureau of criminal identification and investigation (BCII) and the federal bureau of investigation (FBI), if the application is for the first issuance of a license

(F) Each applicant must pass an examination approved by the board pursuant to section 4779.15 of the Revised Code.

Effective:

R.C. 119.032 review dates: 06/10/2010

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4779.08
Rule Amplifies: 4779.09, 4779.10, 4779.11, 4779.12, 4779.13,
4779.15, 4779.18
Prior Effective Dates: 8/9/02, 01/23/2003; 11/01/2008

Rule Summary and Fiscal Analysis (Part A)**State Board of Orthotics, Prosthetics, and Pedorthics**

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4779-5-03

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

License application procedure.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **4779.08**

5. Statute(s) the rule, as filed, amplifies or implements: **4779.09, 4779.10, 4779.11, 4779.12, 4779.13, 4779.15, 4779.18**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

Reference corresponding changes to section 4779-5-02 of Administrative Code; clarify and specify requirements for supervision training standards and learning areas under a temporary license in pedorthics issued pursuant to section 4779.13 and 4779.18 of the Revised Code.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; if the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

Detail and outline requirements for supervision training standards and learning areas under a temporary license in pedorthics issued pursuant to section 4779.13 and 4779.18 of the Revised Code.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

1. Corrected omission of full statutory reference to "4779.09" in question #5 of rule summary
2. Added language to paragraph (B) consistent with the language added to paragraphs (C), (D), and (E) in the prior revision of the rule, to wit: "(4) A letter or statement from an Ohio-licensed orthotist or prosthetist-orthotist, attesting to having conducted supervision for at least an eight-month period (required if residency not conducted under Ohio-licensed supervisor);"

12. 119.032 Rule Review Date: **6/10/2010**

(If the rule is not exempt and you answered NO to question No. 1, provide the

scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

00.00

not applicable

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

not applicable

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

not applicable

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

4779-7-01

Original license certificate and wallet identification card.

- (A) The board shall prepare and provide to each licensee an identification card. Each identification card shall contain the person's name, license or permit number, license type, and date of expiration.
- (B) Official license wall certificates shall bear the signatures of the board president and/or the executive director.
- (C) Neither the holder nor anyone else shall make any alterations on a certificate or identification card issued by the board.
- (D) Regardless of the original issue date, all licenses issued pursuant to sections 4779.10, 4779.11, 4779.12, 4779.13, 4779.16, and 4779.17 of the Revised Code shall expire on the thirty-first day of January following issuance of the license.
- (E) A license issued pursuant to section 4779.18 of the Revised Code expires one year after issuance, and may only be renewed once.
- (F) Original license identification cards are valid proof of current authorization.
- (G) The state board of orthotics, prosthetics, or pedorthics may replace an identification card or wall certificate due to loss, theft, or destruction. A wall certificate may also be reprinted due to name change, provided the original is returned to the board. A replacement fee as provided for in section 4779-12-01 of the Administrative Code will be required for an identification card or certificate issued in addition to those documents issued for initial issuance or renewal.

Replaces: 4779-12-02

Effective:

R.C. 119.032 review dates: 06/10/2010

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4779.08
Rule Amplifies: 4779.10, 4779.11, 4779.12, 4779.13, 4779.16,
4779.17, 4779.18
Prior Effective Dates: 8/9/2002; 11/01/2008

Rule Summary and Fiscal Analysis (Part A)**State Board of Orthotics, Prosthetics, and Pedorthics**

Agency Name

Division

Mark B. Levy

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4779-7-01

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Original license certificate and wallet identification card.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **4779.08**

5. Statute(s) the rule, as filed, amplifies or implements: **4779.10, 4779.11, 4779.12, 4779.13, 4779.16, 4779.17, 4779.18**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

Clarify administrative process for document issuance and replacement

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

Specify reasons why a document may be replaced and that a fee may be charged consistent with fee schedule established by rule

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Not Applicable.

12. 119.032 Rule Review Date: **6/10/2010**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase /**

decrease either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

00.00

not applicable

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

not applicable

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

not applicable

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

4779-8-01 **Renewal of license.**

(A) Renewal applications:

At least one month prior to the license expiration date, the board shall send each licensee or temporary licensee a renewal application by first class mail to the last known address.

(B) License renewal:

On or before January thirty-first in the year following the issuance of the original license, and on or before the unique license expiration date for the holder of a temporary license who has not completed the requirements to be issued a full license and who has not already renewed the temporary license previously, each person holding a license to practice orthotics, prosthetics, or pedorthics shall apply for renewal in accordance with section 4779.20 of the Revised Code.

(1) Renewal applicants will be assessed a renewal penalty equal to one-half of the renewal fee for any renewal application postmarked after the license expiration date.

(2) Licensees shall comply with the continuing education requirements for licensure renewal specified in sections 4779.20, 4779.23, and 4779.24 of the Revised Code.

(C) Each licensee or temporary license holder who complies with the renewal requirements shall receive a new identification card or renewal sticker with a new expiration date.

(D) A licensee who fails to renew in accordance with the schedule established under paragraphs (A) and (B) of this rule shall have the license placed on lapsed status by the board. The board shall send a notice of lapsed license status and the requirements for reinstatement by certified mail to all affected licensees with business or residential addresses in Ohio within twenty days after the license expiration date. A licensee who informs the board of an intent not to renew before the renewal expiration date shall have the license placed on non-renewal status.

(E) A licensee who continues to practice orthotics, prosthetics, or pedorthics in Ohio for more than thirty days with a lapsed license shall be subject to action under section 4779.99 of the Revised Code.

(F) A lapsed license may be reinstated to active status by completing the following:

(1) A complete license reinstatement application;

(2) If the license is lapsed more than two years, ~~proof of successful completion of any entrance examination appropriate to the profession that the board may require, or proof of current licensure in another state whose standards for licensure are at least equal to those in effect in the state of Ohio at the time of renewal application;~~

(a) proof of successful completion of the licensing examination or examinations required by section 4779.15 of the Revised Code and section 4779-5-01 of the Administrative Code; or

(b) proof of current licensure in another state whose standards for licensure are at least equal to those in effect in the state of Ohio at the time of reinstatement application;

(3) Payment of the appropriate renewal fees and late fees in accordance with rule 4779-12-01 of the Administrative Code.

(G) A license issued in accordance with paragraph (F) of this rule will expire on the thirty-first of January following the issuance of the license.

Effective:

R.C. 119.032 review dates: 06/10/2010

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4779.08
Rule Amplifies: 4779.15, 4779.20, 4779.23, 4779.24, 4779.99
Prior Effective Dates: 8/9/2002; 11/01/2008

Rule Summary and Fiscal Analysis (Part A)**State Board of Orthotics, Prosthetics, and Pedorthics**

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4779-8-01

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Renewal of license.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **4779.08**

5. Statute(s) the rule, as filed, amplifies or implements: **4779.15, 4779.20, 4779.23, 4779.24, 4779.99**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

clarify license reinstatement policy and procedure

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

specify that a license reinstatement application must include documentation that applicant has passed current license examination.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Not Applicable.

12. 119.032 Rule Review Date: **6/10/2010**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase /**

decrease either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

00.00

not applicable

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

not applicable

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

not applicable

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

4779-10-01

Ethical and professional conduct.

A licensee shall provide professional services with objectivity and with respect for the unique needs and values of the health care recipient, as follows:

- (A) A licensee shall not discriminate on the basis of factors that are irrelevant to the provision of professional services including, but not limited to, race, creed, sex, national origin, age, or medical condition.
- (B) Prior to a licensee entering into a contractual relationship with a health care recipient, the licensee shall provide sufficient information to enable the health care recipient to make an informed decision to enter into a contractual relationship. Sufficient information shall include any fees and arrangements for payment which might affect the decision.
- (C) A licensee shall not mislead the public and/or colleagues about services and shall not advertise in a misleading manner.
- (D) A licensee shall not engage in any activities that seek to meet his or her personal needs at the expense or detriment of the health care recipient.
- (E) A licensee shall not receive or give a commission, rebate, or any other form of direct or indirect remuneration or benefit for the referral of patients/clients for professional services.
- (F) A licensee shall disclose to health care recipients any financial interest in commercial orthotics, prosthetics, or pedorthics device which the licensee promotes for the purpose of direct or indirect personal gain or profit.
- (G) A licensee shall not accept gratuities for any reason including, but not limited to, preferential consideration of the health care recipient.
- (H) A licensee shall practice orthotics, prosthetics, or pedorthics in accordance with prevailing professional standards or guidelines and shall not endeavor to extend his/her practice beyond his/her competence and the authority vested in him/her under division (B) of section 4779.02 of the Revised Code.
- (I) A licensee shall not carry out a prescribed service that he knows to be harmful to a patient.
- (J) A licensee shall only access health care recipient information which is necessary and relevant to his/her function and authority as a orthotics, prosthetics, or pedorthics provider.

(K) When responding to a consumer's, prescriber's or provider's request for orthotic, prosthetic, or pedorthic services, if it is evident from the initial evaluation and a review of patient history and/or chart information that another licensed orthotic, prosthetic, or pedorthic service provider is currently providing services based on the same or similar medical orders, the second provider has a professional duty of care to the consumer and the prescriber to contact the first provider and offer the opportunity to complete or clarify the appropriate provision of services.

(L) Maintenance of consumer care information

(1) A licensee shall maintain consumer care documentation which includes, at minimum:

(a) Medical presentation/history data appropriate to the service provided;

(b) Evaluation and measurement data supporting device choice and recommendation;

(c) All dates of service with narrative progress notes describing presenting problem and service/procedure performed;

(d) Medical orders and therapist notes supporting services provided;

(e) Documentation required by third party payers including assignment of benefits, privacy notices, delivery receipts, financial arrangements, and records reflecting contacts for and provision of follow-up care;

(2) Consumer care data shall be maintained with privacy and security safeguards appropriate to the data retained in file.

(3) The licensee responsible for provision of care should take steps to assure the consumer file data is maintained a minimum of five years from last date of service unless a longer period is required by federal or state law or conditions imposed by any third-party payer.

Effective:

R.C. 119.032 review dates: 06/10/2010

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4779.08
Rule Amplifies: 4779.28, 4779.29, 4779.30, 4779.99
Prior Effective Dates: 8/9/02; 11/01/2008

Rule Summary and Fiscal Analysis (Part A)**State Board of Orthotics, Prosthetics, and Pedorthics**

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4779-10-01

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Ethical and professional conduct.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **4779.08**

5. Statute(s) the rule, as filed, amplifies or implements: **4779.28, 4779.29, 4779.30, 4779.99**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

Detail standards for consumer file maintenance as minimum standard for professional conduct.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

Adds "Maintenance of consumer care information" requirements to rule on ethical and professional conduct.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Not Applicable.

12. 119.032 Rule Review Date: **6/10/2010**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase /**

decrease either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

00.00

not applicable

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

not applicable

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

not applicable -- sets forth minimum standards that should already be observed.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

4779-12-01**Fees.**

The following fee schedule shall apply:

(A) The application fee for a license to be issued pursuant to section 4779.10, 4779.11, 4779.12, 4779.13 or 4779.17 of the Revised Code which is not presented as an initial application for a temporary license to be issued pursuant to section 4779.18 of the Revised Code shall be one hundred twenty-five dollars.

(B) The application fee for a temporary license to be issued pursuant to section 4779.18 of the Revised Code shall be one hundred fifty dollars.

(C) The annual license renewal fee is three hundred dollars per licensee.

(D) No personal checks will be accepted as license renewal fees. Renewal fees not paid through any online or electronic payment method provided for by the board will only be accepted if remitted by official bank check, certified check, money order, or business check.

(E) The license reinstatement fee and/or late renewal fee is one hundred fifty dollars, in addition to the renewal fee.

(F) Examination fees will be paid directly to the appropriate testing agencies by the applicant as provided for in section 4779-5-02 of the Administrative Code.

(G) The OPPCE accrual certification late fee shall be one hundred fifty dollars.

(H) The cost for a replacement license card shall be five dollars.

(I) The cost for a replacement license wall certificate shall be ten dollars.

Replaces: 4779-12-01, 4779-12-02

Effective:

R.C. 119.032 review dates:

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4779.08
Rule Amplifies: 4779.09, 4779.10, 4779.11, 4779.12, 4779.13,
4779.17, 4779.18
Prior Effective Dates: 8/9/02, 1/23/03, 11/01/08

Rule Summary and Fiscal Analysis (Part A)**State Board of Orthotics, Prosthetics, and Pedorthics**

Agency Name

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4779-12-01

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Fees.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **4779.08**

5. Statute(s) the rule, as filed, amplifies or implements: **4779.09, 4779.10, 4779.11, 4779.12, 4779.13, 4779.17, 4779.18**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

Re-organize to a single rule all fee schedule information; establish requirements for renewal fees not paid through online process

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

Set forth fees for applications, license renewals, document replacement, method of payment

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Not Applicable.

12. 119.032 Rule Review Date:

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase/**

decrease either **revenues /expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will increase expenditures.

800.00

Rule language likely to result in increased use of online payment processes, thus increasing bank fee and credit card processing fee costs, with offsetting benefit of less staff time to process payments

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

973609

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

Costs generally to agency, not to licensees; minimal processing or finance charge by credit card processing entity

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

TO BE RESCINDED

4779-12-01 **Fees.**

The following fee schedule shall apply:

- (A) The application fee for an applicant submitting one or more license applications simultaneously shall be one hundred twenty-five dollars. Applications submitted separately or subsequently by an applicant shall require a one hundred twenty-five dollar fee for each application submitted.
- (B) The application fee for a temporary license shall be one hundred fifty dollars.
- (C) Renewal fee is three hundred dollars per licensee.
- (D) Reinstatement fee is one hundred fifty dollars, in addition to the renewal fee.
- (E) Examination fees will be paid directly to appropriate testing agencies by the applicant.
- (F) OPPCE accrual certification late fee shall be one hundred fifty dollars.

Effective:

R.C. 119.032 review dates: 06/10/2010

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4779.08
Rule Amplifies: 4779.09, 4779.17, 4779.18, 4779.20
Prior Effective Dates: 8/9/02, 1/23/03

Rule Summary and Fiscal Analysis (Part A)**State Board of Orthotics, Prosthetics, and Pedorthics**

Agency Name

Division

Mark B. Levy

Contact

77 S. High St. 18th Floor Columbus OH 43215-0000

Agency Mailing Address (Plus Zip)

614-466-1157

Phone

614-387-7347

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4779-12-01

Rule Number

RESCISSION

TYPE of rule filing

Rule Title/Tag Line

Fees.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **4779.08**

5. Statute(s) the rule, as filed, amplifies or implements: **4779.09, 4779.17, 4779.18, 4779.20**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

Rescinding and enacting new per rule filing 50% change standard

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

Fees for application, renewal, document replacement

8. If the rule incorporates a text or other material by reference and the agency

claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other materials by reference.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Not Applicable.

12. 119.032 Rule Review Date: **6/10/2010**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase /**

decrease either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

00.00

not applicable -- minimal

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

not applicable

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

negligible

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

TO BE RESCINDED

4779-12-02

Replacement of license or certificate.

The state board of orthotics, prosthetics, or pedorthics may replace an identification card or certificate due to loss, theft, or destruction for the cost to print and mail this material. A certificate may also be reprinted due to name change, provided the original is returned to the board. A replacement fee will be required for an identification card or certificate issued in addition to those issued for initial application or renewal.

(A) The cost for a replacement license card shall be four dollars;

(B) The cost for a replacement license certificate shall be six dollars.

Effective:

R.C. 119.032 review dates: 06/10/2010

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4779.08
Rule Amplifies: 4779.09, 4779.19, 4779.21
Prior Effective Dates: 08/09/2002; 11/01/2008

Rule Summary and Fiscal Analysis (Part A)**State Board of Orthotics, Prosthetics, and Pedorthics**

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Division

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4779-12-02

Rule Number

RESCISSION

TYPE of rule filing

Rule Title/Tag Line

Replacement of license or certificate.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **4779.08**

5. Statute(s) the rule, as filed, amplifies or implements: **4779.09, 4779.19, 4779.21**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

Rescinding and re-organizing language in two other rules based on content

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

Part of rule addresses policy process; part of rule addresses fees

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections

121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other materials by reference.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Not Applicable.

12. 119.032 Rule Review Date: **6/10/2010**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current

biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

00.00

negligible

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

not applicable

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

negligible

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**