

[Ohio Revised Code Section 119.032](#) requires the Board to review each rule in its series at least every five years and consider whether it is still appropriate to its purpose, requires updating, or should be replaced or rescinded. In particular, the Board is charged to determine:

- (1) Whether the rule should be continued without amendment, be amended, or be rescinded, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted;
- (2) Whether the rule needs amendment or rescission to give more flexibility at the local level;
- (3) Whether the rule needs amendment or rescission to eliminate unnecessary paperwork, or whether the rule incorporates a text or other material by reference and, if so, whether the text or other material incorporated by reference is deposited or displayed as required by section [121.74](#) of the Revised Code and whether the incorporation by reference meets the standards stated in sections [121.72](#), [121.75](#), and [121.76](#) of the Revised Code;
- (4) Whether the rule duplicates, overlaps with, or conflicts with other rules;
- (5) Whether the rule has an adverse impact on businesses, reviewing the rule as if it were a draft rule being reviewed under sections [107.52](#) and [107.53](#) of the Revised Code, and whether any such adverse impact has been eliminated or reduced.

The Rules listed and detailed in this Package (package # 96577, designated “language updates 2012”) are being proposed for amendment or elimination.

Rule 4779-4-01, proposed for amendment, updates language on standards for the Board to approve certain educational programs. The changes reflect changes in the external credentialing community and clarification of existing language.

Rule 4779-5-01, proposed for amendment, updates language on standards for the Board to approve licenses in pedorthics. The changes reflect changes in the external credentialing community and clarification of existing language.

Rule 4779-5-02, the amendment is proposed to allow the Board to designate additional license exam vendors, and to provide for the “timing out” after 36 months of an Approval to Sit for Exam authorization.

Rule 4779-5-04, the amendment is proposed to eliminate redundant language that appears twice in the same rule.

Rule 4779-9-01, proposed for amendment, updates language on standards for completion of OPPCE to include one-unit on the subject of human trafficking recognition and response.

Rule 4779-9-02, proposed for amendment, updates language on OPPCE coursework to include offerings by the Ohio Department of Health or the Ohio Department of Education on the subject of human trafficking recognition and response.

Rule 4779-11-01, the amendment is a technical change correcting a citation to a section of the Ohio Revised Code.

AS A STAKEHOLDER, YOUR OPINION MATTERS. Please review the rules listed here, or any one or more rules of interest to you, and if you have a different perspective, let us know. For your convenience, the last page of this document has a sample Stakeholder Response Form you could copy or extract to identify the rule with which you may be concerned, the deficiency you have identified, and any remedy or alternative language you might suggest.

Thank you for your willingness to be involved in the governance of your profession.

THE STATE BOARD OF ORTHOTICS, PROSTHETICS AND PEDORTHICS

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4779-4-01 Approval of educational programs.

(A) The board hereby approves orthotics, ~~and prosthetics, or pedorthics~~ educational programs that are accredited by or are under a letter of review from the committee on accreditation for orthotics, ~~and prosthetics, or pedorthics~~ under the auspices of the commission of accreditation of allied health educational programs (CAAHEP) or their successor organization(s); for pedorthic educational programs, the board hereby approves programs accredited by the national commission on orthotic and prosthetic education or its successor organization; and

(B) The board shall recognize ~~an~~ a post-secondary educational program that complies with the requirements of section 4779.25 of the Revised Code.

(C) The board may recognize an educational program that meets these standards upon request of an officer or official of the educational program; upon request of an applicant for licensure; or upon request of any person that has a recognized interest in the fields of orthotics, prosthetics, or pedorthics.

Effective: 11/01/2008

R.C. [119.032](#) review dates: 06/12/2008 and 01/01/2012

Promulgated Under: [119.03](#)

Statutory Authority: 4779.08

Rule Amplifies: 4779.25 ; 4779.26

Prior Effective Dates: 08/09/02

4779-5-01 The examinations.

For applicants for licensure by Ohio examination, the board recognizes the orthotics and prosthetics and pedorthics practitioner-level examinations offered by the American board for certification in orthotics, prosthetics, and pedorthics (ABC). These examinations shall be administered in accordance with the provisions of the agreement between the board and the ABC. In the case of the orthotic and prosthetic examinations, the board shall only require passing scores for the “written” and “written simulation” practitioner examinations.

For applicants for licensure in pedorthics by Ohio examination, the board also recognizes the pedorthic practitioner-level examination offered by the Board for Certification International, formerly known as the Board for Orthotic/Prosthetic Certification for dates of administration on or after January [enter date reference].

Replaces: 4779-5-01

Effective: 11/01/2008

R.C. [119.032](#) review dates: 01/01/2012

Promulgated Under: [119.03](#)

Statutory Authority: 4779.08

Rule Amplifies: 4779.10, 4779.11, 4779.12, 4779.13, 4779.15

Prior Effective Dates: 08/09/02

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 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 rule 4779-6-01 of the Administrative Code.

(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), or other test vendor approved for license exam administration by the state board of orthotics, prosthetics, and pedorthics, and any contracted testing agencies. An approval for admission to exam issued by the state board of orthotics, prosthetics, and pedorthics is valid for 36 months from date of initial issuance of the approval letter or the associated temporary license, whichever is the later date if different.

Effective: 11/01/2010

R.C. 119.032 review dates: 06/10/2010 and 10/01/2015

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

4779-5-04 Limited reciprocity.

(A) In accordance with division (A)(4) of section 4779.17 of the Revised Code, an applicant who holds a license issued by another state may obtain a license to practice orthotics, prosthetics, or pedorthics in the state of Ohio if the out-of-state applicant:

(1) Qualifies for licensure in the state of Ohio, except for the passage of the examination as required under sections 4779.09 and 4779.15 of the Revised Code; and

(2) Holds a valid license issued by the appropriate licensing entity of another state and has not been issued a license in another state that has been revoked or is currently under suspension or probation or remains under the effect of any other current disciplinary action.

(B) Prior to practicing in Ohio, ~~non-residents~~ out-of-state applicants licensed in another jurisdiction must:

(1) Complete a profession-specific application form and file this form with the Ohio orthotics, prosthetics, and pedorthics board.

(2) Submit any documentation necessary to support the qualifications mentioned in paragraph (A)(1) or (A)(2) of this rule, and pursuant to the profession-specific requirements of paragraphs (B) to (E) of rule [4779-5-03](#) of the Administrative Code.

(3) 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.

(4) Applicants that fail to meet the qualifications for this exemption will be subject to the procedures and requirements contained in paragraphs (A)(1) to (A)(3) of rule [4779-5-03](#) of the Administrative Code.

(C) Out-of- state residents shall update the Ohio orthotics, prosthetics, or pedorthics board within thirty working days of any change in orthotics, prosthetics, or pedorthics employment in the state of Ohio or any change in state-of-residence or state-of-employment status.

~~(D) 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.~~ {SAME LANGUAGE AS IN DIVISION (B) (3) ABOVE}

Replaces: 4779-5-04

Effective: 11/01/2008

R.C. [119.032](#) review dates: 01/01/2012

Promulgated Under: [119.03](#)

Statutory Authority: 4779.08

Rule Amplifies: 4779.17

Prior Effective Dates: 8/9/02, 01/23/03

4779-9-01 Continuing education requirements and reporting (OPPCE).

(A) All licensees shall verify the successful attainment of approved OPPCE as set forth in rule [4779-9-02](#) of the Administrative Code.

(1) A licensed orthotist or prosthetist must achieve forty-five OPPCE units during each three-year accrual period.

(2) A licensed orthotist and prosthetist or licensed prosthetist-orthotist must achieve seventy-five OPPCE units during each three-year accrual period.

(3) A licensed pedorthist must achieve thirty-three OPPCE units during each three-year accrual period.

(B) OPPCE hours must be earned no later than thirty days prior to the license expiration date for that renewal period. An excess of approved hours attained during a renewal period will not be applied towards future requirements, unless they are earned after signature date on the renewal application for that period.

(C) The application for renewal shall include a section for verification of OPPCE compliance. Licensees shall complete the section to certify the completion of the required hours of OPPCE for the current renewal period.

(D) As a condition of license renewal beginning with the license expiration and renewal date of January 31, 2014, an individual renewing an active license issued by this board, if attesting to completion of required OPPCE for the renewal to process in accordance with the requirements of Section 4779.20 of the Ohio Revised Code, must verify subject to documentation completion of at least a one-unit or one hour continuing education course approved by the Ohio Department of Health or the Ohio Department of Education on the subject of human trafficking recognition and response training for allied healthcare professionals. The Board shall include on its website information regarding such approved training and a link to state of Ohio authorized online resources for the attainment of such training. This section does not increase the minimum OPPCE attainment requirements of Section 4779.20 of the Ohio Revised Code or the requirements of Section (A) of this rule.

(DE) It shall be the responsibility of the licensee to maintain and keep all records to serve as documentation for any audit pertaining to the completion of OPPCE requirements; including, but not limited to certificates of completion, transcripts, letters of attendance, or attendance registers. Records shall be maintained for a period of four years beyond the renewal date requiring attestation of OPPCE compliance for the holders of a license issued under sections 4779.10, 4779.11, 4779.12, 4779.13, 4779.16, and 4779.17 of the Revised Code. Legible copies shall be sent to the board only in response to an audit.

Language Updates

(EF) Failure to meet OPPCE requirements or failure to provide attestation of completion of necessary OPPCE hours sent to the board by January thirty-first of any relevant renewal year may result in automatic suspension of license by April first of that year, pursuant to section 4779.20 of the Revised Code. Failure to verify completion of necessary OPPCE hours within thirty days after receipt of an audit request from the board may result in disciplinary action pursuant to section 4779.28 of the Revised Code. If reinstatement is desired, such individual shall be required to submit a formal request for reinstatement of licensure.

Effective: 11/01/2008

R.C. [119.032](#) review dates: 03/31/2012

Promulgated Under: [119.03](#)

Statutory Authority: 4779.08

Rule Amplifies: 4779.20

Prior Effective Dates: 8/9/02, 1/23/03, 4/9/2007

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4779-9-02 Activities which meet the OPPCE requirements.

Applicants for renewal shall successfully complete the required number of OPPCE hours according to section 4779.20 of the Revised Code and rule [4779-9-01](#) of the Administrative Code. The board will accept as continuing education units all courses approved by the board for orthotist/prosthetist certification (BOC), and the American board for certification in orthotics, prosthetics, and pedorthics (ABC).

The board will also accept continuing education units as specified by section 4779.24 of the Revised Code.

The board will also accept any Continuing Education coursework authorized or offered by the Ohio Department of Health or the Ohio Department of Education on the subject of human trafficking recognition and response training for allied healthcare professionals.

Effective: 11/01/2008

R.C. [119.032](#) review dates: 06/12/2008 and 01/01/2012

Promulgated Under: [119.03](#)

Statutory Authority: 4779.08

Rule Amplifies: 4779.20

Prior Effective Dates: 8/9/02, 1/23/2003

4779-11-01 General information and definitions.

(A) For the purpose of this chapter of the Administrative Code:

(1) "Respondent" means the person to whom the board has issued a notice of opportunity for hearing as provided in Chapter 119. of the Revised Code.

(2) "Hearing examiner" means the attorney appointed by the board to conduct a hearing pursuant to section [119.09](#) of the Revised Code.

(3) "Representative of record" means the respondent or legal counsel for respondent who has filed a notice of appearance in accordance with rule [4779-11-02](#) of the Administrative Code and the assistant attorney general representing the state of Ohio.

(B) The compilation of all time periods set forth in this chapter of the Administrative Code shall be in accordance with section [1.14](#) [119](#) of the Revised Code.

(C) Filing or mailing a motion or notice for a board adjudication proceeding shall be in accordance with the following:

(1) Any notice specifying the date, time, and place for a hearing shall be mailed by certified mail to respondent and, if applicable, to counsel for respondent who has filed a notice of appearance in accordance with rule [4779-11-02](#) of the Administrative Code.

(2) The date of mailing any document concerning a board adjudication proceeding, including, but not limited to, a notice of opportunity or adjudication order, shall be the date appearing on the certified mail receipt, if inscribed by the USPS, or the next business day following the date mailed as indicated by board records.

(3) A document is filed with the board when the document is received and time stamped at the board office located in Columbus, Ohio.

(D) A certified copy of a conviction, plea of guilty to, or a judicial finding of guilt of any crime from a court of competent jurisdiction shall be conclusive proof of the commission of all elements of that crime.

(E) The "Ohio rules of evidence" may be taken into consideration by the board or the hearing examiner in determining the admissibility of evidence but shall not be controlling. The board or hearing examiner may permit the use of electronic or photographic means for presentation of evidence.

(F) The board may consider circumstances when making a decision regarding charges or disciplinary action. Circumstances the board may consider include, but are not limited to the following:

(1) Whether the act is willful, intentional, irresponsible, or unintentional;

(2) The frequency of the occurrence of the act at issue;

(3) Whether the act represents a pattern of commissions or omissions;

(4) The outcome of a licensee's or applicant's actions; or

(5) The level of harm or potential harm to a client.

Eff 1-23-03

Rule promulgated under: RC [119.03](#)

Rule authorized by: RC 4779.08

Rule amplifies: RC [119.06](#), [119.09](#), 4779.08, 4779.28

R.C. [119.032](#) review dates: 01/23/2008

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STAKEHOLDER RESPONSE FORM

STATE BOARD OF ORTHOTICS, PROSTHETICS, AND PEDORTHICS

RULES PENDING REVIEW

PACKAGE NUMBER # 96577, DESIGNATED "LANGUAGE UPDATES 2012"

EMAIL TO: BOPP@OPP.OHIO.GOV

FAX TO: 614-387-7347

RULE NUMBER: 4779 - ____ - ____

RULE TITLE: _____

GENERAL CONCERN IDENTIFIED: (CHECK BOXES THAT APPLY)

- (1) The rule should be continued without amendment, be amended, or be rescinded, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted;
- (2) The rule needs amendment or rescission to give more flexibility at the local level;
- (3) The rule needs amendment or rescission to eliminate unnecessary paperwork, or
 the rule incorporates a text or other material by reference and, if so, whether the text or other material incorporated by reference is not deposited or displayed as required or does not meet the standards
- (4) The rule duplicates, overlaps with, or conflicts with other rules;
- (5) The rule has an adverse impact on businesses, and any such adverse impact has not been eliminated or reduced.

Narrative explaining or supporting above concerns, or any other concerns: _____

(add additional pages if necessary)

Submitted by: Name: _____ email: _____
Address: _____
City, St, Zip: _____ date: _____