STATE BOARD OF ORTHOTICS, PROSTHETICS, AND PEDORTHICS

RULE PROMULGATION IN COMPLIANCE WITH AM. SUB. HOUSE BILL 98, THE COMMON SENSE INITIATIVE, AND THE JOINT COMMITTEE ON AGENCY RULE REVIEW

WHAT WE'RE DOING AND WHY

1. Rule Promulgation in compliance with the requirements of Am. Sub. HB 98 of the 130th General Assembly and in compliance with Executive Order 2013-05K and directives/recommendations issued thereto.

2. **Promoting opportunities for and inclusion of veterans and their spouses in the planning and execution of occupational licensing functions of administrative and regulatory agencies.**

3. Providing "one-stop guidance" for veterans seeking entrance to or continuation of service in the professions regulated by this Board

NEW RULE: Proposed OAC Rule 4779-5-05 -- Consideration of Military Experience, Education, Training and Term of Service

-- reports a finding that there are no military programs of training, military primary specialties, and lengths of service that are substantially equivalent to or which exceed the educational and experience requirements for licensure under Chapter 4779.

-- provides allowances for renewal of expired licenses of service members or veterans engaged in active service at the time of license expiration

-- provides allowance for extension of time to comply with continuing education requirements for veterans or service members engaged in active service during the required accrual period

-- allows a veteran to submit documentation demonstrating experience or training gained in military service to support licensing requirements

-- provides a standardized, state of Ohio definition of active military service member or veteran as anyone who is serving or has served under honorable conditions in any component of the Armed Forces, including the National Guard and Reserve

RULE AMENDMENT: OAC 4779-8-01 -- Renewal of License

-- provides for waiver of late renewal penalty fee for service members, veterans or their spouses where member was engaged in active duty at the time of license expiration

-- housekeeping updates: (a) renewal notifications may be by email as well as first class mail; (b) licensees are required to report changes in contact information to the Board; (c) virtual, printable license cards may be provided as an alternative to printing and mailing hard copy cards; (d) language update to bring rule into compliance with Incorporation by Reference requirements

NEW RULE: Proposed OAC 4779-9-04 -- Extension of OPPCE reporting period for licensee called to active duty military

-- provides for the extension of time for Continuing Education reporting and for the extension to equal or exceed the period of time the service member was engaged in active service

*** DRAFT - NOT YET FILED ***

4779-5-05 **Consideration of Military Experience, Education, Training and Term of Service.**

(A) Eligibility for licensure.

In accordance with section 5903 of the Revised Code, the board finds that there are no military programs of training, military primary specialties, and lengths of service that are substantially equivalent to or which exceed the educational and experience requirements for licensure as an orthotist, prosthetist, prosthetist-orthotist, or pedorthist.

(B) License Renewal.

(1) In accordance with section 5903.10 of the Revised Code, a licensee whose license expired due to the licensee's service in the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard or the national guard of any other state, shall be eligible for renewal of the expired license in accordance with section 4779.20 of the Revised Code and rules 4779-8-01 and 4779-9-01 of the Administrative Code, if the following conditions are met:

(a) The licensee presents the board with satisfactory evidence that, not more than twelve months prior to the date the evidence is submitted to the board, the licensee was honorably discharged or separated under honorable conditions;

(b) The licensee is not engaged in the habitual use of drugs or intoxicants, and does not suffer mental illness or incompetence to the extent that it renders the person unfit to practice according to acceptable and prevailing standards of care; and

(c) The licensee meets the requirements for license renewal as set forth in section 4779.20 of the Revised Code and rules 4779-8-01 and 4779-9-01 of the Administrative Code.

(2) The provisions of division (B) of this rule also apply if the licensee's spouse served in the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard or the national guard of any other state and the spouse's service resulted in the licensee's absence from this state.

(C) Continuing Education

(1) In accordance with section 5903.12 of the Revised Code, the provisions of this paragraph apply to a licensee who has been a member of the armed forces of

the United States, the Ohio national guard, the Ohio military reserve, the Ohio naval militia, the national guard of any other state, or a reserve component of the armed forces of the United States who has served on active duty for a period in excess of thirty-one days.

(2) A licensee who meets the provisions contained in division (C)(1) of this rule may submit a statement and supporting documentation to the board requesting an extension of the current continuing education reporting period.

(a) The licensee shall submit proper documentation verifying the active duty service and the length of that active duty service.

(b) Upon receiving the application and proper documentation, the board shall extend the current continuing education reporting period by an amount of time equal to the total number of months that the licensee spent on active duty during the current continuing education reporting period. Any portion of a month served shall be considered one full month. The extension period may exceed the term of active duty for the benefit of the licensee or for administrative convenience to correspond with established continuing education reporting cycles.

(D) An active military service member or veteran who does not directly meet the requirements of section 4779.09 of the Revised Code may submit any documentation, evidence, statement or endorsement that may be available or produced for the board's consideration.

(E) In the course of processing and considering a license application pursuant to section 4779.09 of the Revised Code, the board shall consider military education, training and experience as elements that may assist an applicant in qualifying for a license to the extent the board is authorized to do so by statute, rule or executive directive.

(F) An active military service member or veteran is defined as anyone who is serving or has served under honorable conditions in any component of the armed forces, including the national guard and reserve.

Effective:

R.C. 119.032 review dates:

_____

Certification

_____

Date

Promulgated Under:	119.03
Statutory Authority:	4779.08, 5903.10, 5903.12
Rule Amplifies:	4779.09, 4779.20, 5903.10

*** DRAFT - NOT YET FILED ***

Rule Summary and Fiscal Analysis (Part A)

State Board of Orthotics, Prosthetics, and Pedorthics
Agency Name

Division

Mark B. Levy
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4779-5-05
Rule Number

NEW
TYPE of rule filing

Rule Title/Tag Line **Consideration of Military Experience, Education, Training and Term of Service.**

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? **Yes**

Bill Number: **HB98** General Assembly: **130** Sponsor: **Gonzales, Retherford**

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, 5903.10, 5903.12**

5. Statute(s) the rule, as filed, amplifies or implements: **4779.09, 4779.20, 5903.10**

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

Compliance with HB 98 and RC 5903 regarding the identification of military training programs, military primary specialties, and lengths of service that may be

substantially equivalent to Chapter 4779 licensing requirements.

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:

1. States finding that there are no military programs of training, primary specialties or lengths of service that are substantially equivalent to Chapter 4779 licensing requirements.

2. Provides for renewal of expired license if held by active military or veteran, or spouse thereof.

3. Provides for extension of time for CE compliance with appropriate documentation.

4. Provides for the consideration of military training and experience in qualifications toward licensure under Chapter 4779.

5. Adopts a state of Ohio standard definition of active military service member or veteran as anyone who is serving or has served under honorable conditions in any component of the US military including the national guard and reserves.

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. If applicable, indicate each specific paragraph of the rule that has been modified:

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.

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Based on the finding of a lack of matchup between military primary specialties and Chapter 4779 licensing requirements, fiscal impact is none or negligible.

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

N/A

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:

No cost for compliance beyond regular licensing costs and fees as experienced by all applicants.

There may be incidental costs to obtain and provide documentation for the Board's consideration during a license review process.

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**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **No**

B.) Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? **No**

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **Yes**

Applicant must provide documentation demonstrating the applicant meets the requirements of the rule and the accomodation.

*** DRAFT - NOT YET FILED ***

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 electronic mail or first class mail to the last known address. It is a licensee's responsibility to report any changes in contact information to the board.

(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 or paid for 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.

(3) Any late renewal penalty fee shall be waived if the license holder or the license holder's spouse served in the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard or the national guard of any other state, and the service resulted in the holder's absence from this state or the holder was otherwise prevented from engaging in approved continuing education activities due to service or location. Such a waiver may not be granted if the service member or veteran was discharged under less than honorable conditions. A licensee requesting a waiver shall submit a statement and documentation as required by OAC Rule 4779-5-05 (B).

(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. The Board may provide a virtual, printable license card as generated by the state of Ohio eLicense database platform as an alternative to a hard copy card.

(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; An applicant for a reinstated license in orthotics, prosthetics, or prosthetics-orthotics shall utilize the form designated as "license reinstatement application 2014 revision," document identification "OPP.Reinstatement.Appn.2014" as posted to the agency website at http://opp.ohio.gov/forms/aspx. The form referenced in this rule shall be used on or after the effective date of this rule and no other forms will be accepted after the effective date of this rule.

(2) If the license is lapsed more than two years;

(a) Proof of successful completion of the licensing examination or examinations required by section 4779.15 of the Revised Code and rule 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:

_____

Certification

_____

Date

Promulgated Under:	119.03
Statutory Authority:	4779.08, 5903.10
Rule Amplifies:	4779.15, 4779.20, 4779.23, 4779.24, 4779.99
Prior Effective Dates:	11/01/2010

*** DRAFT - NOT YET FILED ***

Rule Summary and Fiscal Analysis (Part A)

State Board of Orthotics, Prosthetics, and Pedorthics
Agency Name

Division

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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? **Yes**

Bill Number: **HB98** General Assembly: **130** Sponsor: **Gonzales, Retherford**

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, 5903.10**

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:

Compliance with requirements of HB 98 of 130th GA.

Providing accomodation and waiver of late fees for active military and veterans regarding license renewal.

Since the rule language came up for review, also including housekeeping updates, including:

(a) the option for the Board to eliminate the expense of printing and mailing license cards if the licensing system utilized by the state of Ohio can provide a virtual/printable license card document on demand.

(b) language bringing the rule into compliance with the Incorporation by Reference requirement.

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:

The Rule governs license renewal processes.

The updates:

(a) waive renewal late fee penalty for qualifying licensees

(b) allows the Board to provide a virtual/printable license card as alternative to hard copy

(c) brings the rule language into compliance with Incorporation by Reference 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:

The text incorporates a form by reference and provides specific directory information to locate the form.

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:

The text incorporates a form by reference and provides specific directory information to locate the form.

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. If applicable, indicate each specific paragraph of the rule that has been modified:

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.

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N/A

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

N/A

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:

License application fee of $125-$150; private testing agency testing fee of $250; costs of producing, reproducing and providing documentation supporting allowances.

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**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **No**

The rule itself does not require a license based on the rule; the rule language governs license renewal.

B.) Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? **Yes**

The rule language prescribes a late renewal penalty, but the proposed amendment allows for a waiver of the penalty if appropriate application and documentation is supplied.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **Yes**

Documentation is required to support application for the accomodation.

*** DRAFT - NOT YET FILED ***

4779-9-04 **Extension of OPPCE reporting period for licensee called to active duty military.**

(A) The board shall extend the relevant OPPCE reporting period for a renewing licensee who has been called to active duty in the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard or the national guard of any other state, as described in division (A)(3)(c) of section 5903.12 of the Revised Code.

(B) A licensee seeking such an extension shall provide the board with documentation verifying that the licensee or spouse of the licensee has been called to active duty or that the licensee or spouse of the licensee served active duty during the OPPCE accrual period. The extension shall equal or exceed the period of time the applicant or spouse of the applicant was engaged in active duty service in the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard or the national guard of any other state.

Effective:

R.C. 119.032 review dates:

_____

Certification

_____

Date

Promulgated Under:	119.03
Statutory Authority:	4779.08, 5903.12
Rule Amplifies:	4779.20, 4779.23

*** DRAFT - NOT YET FILED ***

Rule Summary and Fiscal Analysis (Part A)

State Board of Orthotics, Prosthetics, and Pedorthics
Agency Name

Division

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4779-9-04
Rule Number

NEW
TYPE of rule filing

Rule Title/Tag Line

Extension of OPPCE reporting period for licensee called to active duty military.

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? **Yes**

Bill Number: **HB98** General Assembly: **130** Sponsor: **Gonzales, Retherford**

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, 5903.12**

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

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

Compliance with HB 98 130th GA. Accomodation for military service members or veterans regarding continuing education requirements.

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 for an extension of time for OPPCE compliance equal to or greater than the time spent in active service.

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. If applicable, indicate each specific paragraph of the rule that has been modified:

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.

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Rule is revenue neutral.

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

N/A

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:

No extra cost for compliance. Continuing Education is a requirement for private credentialing, and the requirements in Chapter 4779 generally parallel the private sector requirements.

The provision relieves the licensee of the possibility of being charged a late filing fee.

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**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **No**

A license must be held to trigger the rule provisions, but the rule does not require someone to get a license if not already held.

B.) Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? **No**

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **No**

No expenditure beyond usual and customary for others engaged in the same field of practice, and allows for forgiveness of conditions that might cause an extra expenditure.