

# CSI - Ohio

The Common Sense Initiative

## Business Impact Analysis

Agency Name: State Board of Orthotics, Prosthetics, and Pedorthics (OPP)

Regulation/Package Title: FYR - FY17 - Online Processing

Rule Number(s): 4779-5-03; 4779-6-01; 4779-8-01; 4779-12-01

Date: 06/20/2016

**Rule Type:**

New

5-Year Review

Amended

Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

## **Regulatory Intent**

### **1. Please briefly describe the draft regulation in plain language.**

*Please include the key provisions of the regulation as well as any proposed amendments.*

This is a supplemental, second round of rule revisions aimed primarily at updating administrative code language as it relates to license application processing with those procedures moving to an all-online system scheduled to be implemented during FY17.

**4779-5-03 – License Application Procedure -- TO AMEND** -- the changes address aspects that were not effectively dealt with in the amendments processed earlier this year. Thus, language referring to “a form” on the website refers instead to “a method provided” on the website, and directs that the mail-in form should only be utilized by those “unable to utilize the online application method ...”. An additional change recognizes the expansion of Pedorthic Exam vendors to include another entity whose exam is approved by the National Commission on Orthotic and Prosthetic Education (NCOPE), aligning this language with the exam vendor provisions.

**4779-6-01 – Temporary Application Procedure – TO AMEND** -- these are changes similar in nature and substance to those being advanced in 4779-5-03 as noted above.

**4779-8-01 – Renewal of License – TO AMEND** -- The following process changes are addressed: (1) Establishes a clear requirement that the licensee is responsible to notify the Board of a change in contact information within 30 days of the change; (2) eliminates language requiring a late charge to be set at 50% of the payment due amount, which seems increasingly harsh as fees tend to rise, and instead leaves the matter to the fee schedule established in 4779-12-01; (3) reinforces the move away from production of paper documents to virtual and online-sourced data points; (4) specifies that a license status changes from Active to Inactive if the expiration date passes without a renewal payment being recorded, and sets a 30 day limit to the allowance for a practitioner to continue to practice with an expired license; (5) provides that the Board can require an update to Continuing Education for an applicant seeking to reinstate a lapsed or expired license.

**4779-12-01 – Fees – TO AMEND** – these are changes to the parameters within which the Board must operate when assigning fees. One provides that the cost of a license to be issued or upgraded should not exceed the cost of a license to be renewed, and that the cost to renew a combined license type should not exceed the cost to renew same/similar professional credentials when held as separate licenses.

**2. Please list the Ohio statute authorizing the Agency to adopt this regulation.**

RC 4779.08

**3. Does the regulation implement a federal requirement?**

No.

**Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?**

*If yes, please briefly explain the source and substance of the federal requirement.*

No.

**4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

The rules referenced in this action are focused on internal administration for implementation of Chapter 4779 as a professional practice act for the regulated professions in the state of Ohio.

**5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**

Chapter 4779, Ohio Revised Code, establishes the Board for the general purpose of protecting the public who are consumers of these specialized, customized medical devices. The statute as implemented through the rules seeks to establish minimum standards of education, training and care for the allied healthcare professionals who deliver the services.

[ORC Section 4779.08](#) requires (“shall adopt rules”) the Board to develop and implement rule language to carry out the chapter’s purposes, including all the subjects covered in this rule review.

**6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**

These rules do not implement, modify or expand any programmatic initiative or benefit and thus the proposed changes will not result in any quantifiable outcome-oriented data.

However, many of the changes are intended to comport with or facilitate online processing of licensing applications as well as other licensing functions, and should result in an overall increase in process efficiency.

**Development of the Regulation**

**7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.**

*If applicable, please include the date and medium by which the stakeholders were initially contacted.*

- Published as Agenda item for April 2016 Board meeting in advance of meeting
- Outlined process, presented basic information at O&P Association meeting 04.15.16
- O&P Association Director attended 04.19.17 Board meeting
- Proposed language initially mounted to Rules Review page on website 06.15.2016 and announced in email blast

**8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?**

- No written or submitted stakeholder input received on these rules as of 06.20.2016; this information may be updated after formal comment period published and completed

**9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?**

N/A

**10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?**

Proposed language was carefully considered by the Board at its April 2016 meeting, together with considerations about budget planning and revenue generation required to meet expense obligations. Staff proposal had been focused on increased revenue generation; Board determination was to limit additional fee impacts at this time.

**11. Did the Agency specifically consider a performance-based regulation? Please explain. *Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.***

N/A

**12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?**

Information publication, stakeholder notification, review by OAG/HHS.

**13. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.**

These rules govern standard administrative processes and describe requirements that are applied consistently in relation to all of the agency's stakeholders. Integrating the rules requirements into the IT platform administering the licensing program helps to assure consistent application.

### **Adverse Impact to Business**

**14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:**

**a. Identify the scope of the impacted business community;**

The impacted business community is identified as applicants for licensure, current constituent licensees, and their employers.

**b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and**

The rules addressing application requirements allow for additional licensing opportunities for persons credentialed in the pedorthic profession but who followed a pathway not previously recognized in Ohio. While this may result in an increase in license fee requirements for an employer's personnel, it simultaneously decreases enforcement/compliance conflicts and allows for more independent practice free from otherwise burdensome supervision requirements. The language changes anticipate applicants and licensees gaining more direct control over input of personal information and managing license status without being overly dependent on agency office staff, while still allowing constituents to partner with agency staff when necessary.

**c. Quantify the expected adverse impact from the regulation.**

*The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a "representative business." Please include the source for your information/estimated impact.*

Answer same as for (b) above.

**15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?**

The regulated community sought state licensure when the O&P leadership in the state advocated passage of the Practice Act in the 123<sup>rd</sup> General Assembly. These regulations do not impose any significant additional reporting or process requirements not already factored into the cost of doing business in this sector.

## **Regulatory Flexibility**

### **16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.**

No. Chapter 4779 does not provide for licensing/regulation of the business entity itself per se; it only provides for licensing of individual practitioners. No distinction is or can be fairly drawn between individual practitioners based on the relative size of the business in which they are employed.

### **17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?**

The agency considers licensees' requests for relief from late payment or late filing penalties on a case by case basis, and as reflected in the Board's minutes, such requests are often granted on a one-time basis for good cause shown. In addition, the general orientation of the Board is to seek cooperative compliance. Other rule language establishes a mechanism to minimize the incidence of first-time paperwork violation and to provide for an informal remediation protocol. See [OAC 4779-9-03 OPPCE accrual deficiency and remediation](#).

### **18. What resources are available to assist small businesses with compliance of the regulation?**

Board office staff offer assistance as needed upon contact and request.

### **19. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.**

No. Chapter 4779 does not provide for licensing/regulation of the business entity itself per se; it only provides for licensing of individual practitioners. No distinction is or can be fairly drawn between individual practitioners based on the relative size of the business in which they are employed.

\*\*\* DRAFT - NOT YET FILED \*\*\*

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 section 4779.10, 4779.11, or 4779.12 of the Revised Code, submit proof of successful completion of the examinations as provided by rule 4779-5-02 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 paragraph (E)(2) of this rule of the Administrative Code and successful completion of the examination as provided by rule 4779-5-02 of the Administrative Code.

(1) An applicant shall submit a completed application ~~on a form prescribed by a method provided~~ by the board and accessible on its website at <http://opp.ohio.gov/forms> together with an appropriate fee in accordance with rule 4779-12-01 of the Administrative Code. ~~The application form may be an electronic online application that requires direct applicant entry of data and transamission or subsequent submission of supporting documentation.~~

(a) Only if unable to utilize the online application method, an applicant for a temporary license in orthotics, prosthetics, or prosthetics-orthotics shall utilize the form designated as "application for licensure in orthotics and/or prosthetics" as posted to the agency website at <http://opp.ohio.gov/forms>.

(b) Only if unable to utilize the online application method, an applicant for a temporary license in pedorthics shall utilize the form designated as "application for licensure in pedorthics" as posted to the agency website at <http://opp.ohio.gov/forms>.

(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, 4779.11, 4779.12 or 4779.13 of the Revised Code.
  - (4) An applicant may withdraw an application by submitting a request in writing or through an online method provided by the board. 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, ~~and~~ an applicant seeking a second issuance of a temporary license under 4779.18 of the Revised Code, and an applicant seeking to re-instate a lapsed or inactive license, 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). This requirement is waived for applicants who meet the requirements of section 4779.17 of the Revised Code;
  - (5) ~~Proof~~Attestation and ~~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). This requirement is waived for applicants who meet the requirements of section 4779.17 of the Revised Code;
  - (5) ~~Proof~~ Attestation and ~~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 ~~supervisionsupervisor~~ supervisor). This requirement is waived for applicants who meet the requirements of section 4779.17 of the Revised Code;
  - (5) ~~Proof~~ Attestation and ~~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 one thousand hours of pedorthic care practice under supervision by the licensed supervisor, including at least one hundred 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 board for certification in orthotics, prosthetics, and pedorthics (ABC) in accordance with standards established by the national commission on orthotic and prosthetic education (NCOPE).~~
- (4) ~~Proof~~ Attestation and ~~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:

Five Year Review (FYR) Dates:

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Certification

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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, 11/01/2010, 7/1/2016

\*\*\* DRAFT - NOT YET FILED \*\*\*

**Rule Summary and Fiscal Analysis (Part A)**

**State Board of Orthotics, Prosthetics, and Pedorthics**

Agency Name

Division Mark B. Levy  
Contact

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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 for five year review (FYR)? **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:  
Update rule language in preparation for online application processing.
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 changes address aspects that were not effectively dealt with in the amendments processed earlier this year. Thus, language referring to #a form# on the website refers instead to #a method provided# on the website, and directs that the mail-in form should only be utilized by those #unable to utilize the online application method ##. An additional change recognizes the expansion of Pedorthic Exam vendors to include another entity whose exam is approved by the National Commission on Orthotic and Prosthetic Education (NCOPE), aligning this language with the recent changes in the exam vendor provisions.

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. Five Year Review (FYR) 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.

n/a

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:

\$150 - fee for license application. Reference Fee rule OAC 4779-12-01.

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**

The rule governs the license application procedure. A license application requires payment of an application fee and submission of data and documentation specific to the application.

\*\*\* DRAFT - NOT YET FILED \*\*\*

4779-6-01

**Temporary license application procedure.**

(A) The following requirements apply to all applicants seeking licensure under section 4779.18 of the Revised Code.

(1) An applicant shall submit a completed application ~~on a form prescribed by a method provided~~ by the board and accessible on its website at <http://opp.ohio.gov/forms> together with an appropriate fee in accordance with rule 4779-12-01 of the Administrative Code.

(a) Only if unable to utilize the online application method, ~~An~~ an applicant for a temporary license in orthotics, prosthetics, or prosthetics-orthotics shall utilize the form designated as "application for licensure in orthotics and/or prosthetics ~~2013 revision~~" ~~document identification "O.P.App.2013"~~ as posted to the agency website at <http://opp.ohio.gov/forms>. ~~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.~~

(b) Only if unable to utilize the online application method, ~~An~~ an applicant for a temporary license in pedorthics shall utilize the form designated as "application for licensure in pedorthics ~~2013 revision~~" ~~document identification "Ped.App.2013"~~ as posted to the agency website at <http://opp.ohio.gov/forms>. ~~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 an application is received which appears to lack the documentation or other information required under section 4779.18 of the Revised Code, 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 in accordance with section 4779.09 of the Revised Code, and meets the requirements of section 4779.18 of the Revised Code.

- (4) 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.
  - (5) An applicant may withdraw an application by submitting a request in writing or through an online method provided by the board. No refund of application fee will be made by the board.
- (B) In addition, an application for a temporary license to practice orthotics must document compliance with the requirements of division (A) of section 4779.18 of the Revised Code as follows:
- (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 statement co-signed by the applicant and the current or prospective Ohio-licensed supervisor affirming that both are aware of and will abide by the law and rules governing supervision for a temporary license;
  - (5) If the applicant does not already hold a license issued by this board, proof of attestation and ~~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).
- (C) In addition, an application for a temporary license to practice prosthetics must document compliance with the requirements of division (A) of section 4779.18 of the Revised Code as follows:
- (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 statement co-signed by the applicant and the current or prospective Ohio-licensed supervisor affirming that both are aware of and will abide by the law and rules governing supervision for a temporary license;
  - (5) If the applicant does not already hold a license issued by this board, ~~proof~~ attestation and ~~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).
- (D) In addition, an application for a temporary license to practice orthotics and prosthetics must document compliance with the requirements of division (A) of section 4779.18 of the Revised Code as follows:
- (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 statement co-signed by the applicant and the current or prospective Ohio-licensed supervisor affirming that both are aware of and will abide by the law and rules governing supervision for a temporary license;
  - (5) If the applicant does not already hold a license issued by this board, ~~proof~~ attestation and ~~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).
- (E) In addition, an application for a temporary license to practice pedorthics must document compliance with the requirements of division (A) of section 4779.18 of the Revised Code as follows:
- (1) A high school diploma or a certificate of high school equivalence;

- (2) A statement co-signed by the applicant and the current or prospective Ohio-licensed supervisor affirming that both are aware of and will abide by the law and rules governing supervision for a temporary license;
  - (3) Completion of the training, education, and/or experience requirements necessary to sit for the certification in pedorthics examination, ~~known generally as "the C.Ped. exam", conducted by the American board for certification in orthotics, prosthetics, and pedorthics (ABC);~~ in accordance with standards established by the national commission on orthotic and prosthetic education (NCOPE).
  - (4) If the applicant does not already hold a license issued by this board, ~~proof of~~ attestation and ~~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).
- (F) When the board approves a temporary license to practice orthotics, prosthetics, or prosthetics-orthotics, the board shall ~~provide~~ notify the American board for certification in orthotics, prosthetics, and pedorthics that the applicant ~~is~~ with a notice advising that the applicant has been approved for exam in the specific profession. When the board receives a report of passing scores on the exam, the board shall issue the applicant a full profession-specific practitioner license in accordance with section 4779.10, 4779.11, or 4779.12 of the Revised Code.
- (G) When the board approves a temporary license to practice pedorthics, the board shall ~~provide~~ notify the American board for certification in orthotics, prosthetics, and pedorthics that the applicant ~~is~~ with a notice advising that the applicant has been approved for exam in pedorthics if the applicant has not already tested successfully received certification in pedorthics. When the board receives a report of passing scores on the exam and the successful completion of eight months of practice under the supervision of a licensee of this board, the board shall issue the applicant a full pedorthist practitioner license in accordance with section 4779.13 of the Revised Code.

Effective:

Five Year Review (FYR) Dates:

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Certification

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Date

|                        |                    |
|------------------------|--------------------|
| Promulgated Under:     | 119.03             |
| Statutory Authority:   | 4779.08            |
| Rule Amplifies:        | 4779.18            |
| Prior Effective Dates: | 08/09/02, 11/01/08 |

\*\*\* DRAFT - NOT YET FILED \*\*\*

**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**

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**614-387-7347**

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Email

**4779-6-01**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Temporary license application procedure.**

**RULE SUMMARY**

1. Is the rule being filed for five year review (FYR)? **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: **4779.18**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:  
Update rule language in preparation for online application processing.
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 changes address aspects that were not effectively dealt with in the amendments processed earlier this year. Thus, language referring to #a form# on the website refers instead to #a method provided# on the website, and directs that the mail-in form should only be utilized by those #unable to utilize the online application method ##. An additional change recognizes the expansion of Pedorthic Exam vendors to include another entity whose exam is approved by the National Commission on Orthotic and Prosthetic Education (NCOPE), aligning this language with the recent changes in the exam vendor provisions.

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. Five Year Review (FYR) 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.

n/a

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:

\$150 -- cost for a Temporary License application per Fee Rule 4779-12-01

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**

The rule governs the license application procedure. License application requires payment of fee and submission of data and documentation supporting the application.

\*\*\* 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~~notice 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. Failure to notify the board of any change in preferred mailing address or primary email contact address within 30 days of the change is a violation of this provision.

(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 fees~~ provided for in agency rule 4779-12-01 for any renewal application ~~postmarked or paid for~~ submitted 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 paragraph (B) of rule 4779-5-05 of the Administrative 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~~ an electronic notification of license renewal containing license status

and verification information. 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~~ inactive status by the board. The board shall send a notice of ~~lapsed~~ inactive license status and the requirements for reinstatement by ~~certified mail~~ email to the primary email contact address most recently supplied by the licensee 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) ~~It is a violation of this section for a~~ A licensee ~~who continues to~~ continue to engage in the practice of orthotics, prosthetics, or pedorthics in Ohio for more than thirty days ~~with a lapsed~~ after license expiration. In such a case, a licensee ~~shall~~ may be subject to action under section 4779.99 of the Revised Code.
- (F) ~~A lapsed~~ An inactive 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, pedorthics, 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 license reinstatement protocol provided for in the eLicense platform linked to the agency website at <http://opp.ohio.gov>. Any form referenced in this rule and available for download from the agency website shall not 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~~ December 1, 2016.
  - (2) If the license is ~~lapsed~~ inactive more than two years, the applicant may be required to document the following:
    - (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;

(c) Proof of completion of continuing education consistent with the standards provided for in Section 4779.20 of the Revised Code and agency rule Chapter 4779-9 of the Administrative Code.

(3) Payment of the appropriate renewal fees and late fees in accordance with rule 4779-12-01 of the Administrative Code. The reinstatement fee shall not exceed the cost of a current year renewal plus the late renewal fee, unless a formal agreement between the agency and the licensee provides otherwise.

(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~~in accordance with the renewal schedule established for the license type.

Effective:

Five Year Review (FYR) Dates:

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Certification

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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, 11/1/2008, 11/01/2010             |

\*\*\* DRAFT - NOT YET FILED \*\*\*

**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 614-466-1157 614-387-7347  
Agency Mailing Address (Plus Zip) Phone Fax

mark.levy@opp.ohio.gov  
Email

**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 for five year review (FYR)? **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:  

To align administrative process language with new online application processing platform.
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 language governs procedures regarding license renewal. The following process changes are addressed:

- (1) Establishes licensee responsibility to notify the Board of a change in contact information within 30 days of the change;
- (2) eliminates language requiring a late charge to be set at 50% of the payment due amount; fees are set pursuant to the fee schedule established in 4779-12-01;
- (3) reinforces the move away from production of paper documents to virtual and online-sourced data points;
- (4) specifies that a license status changes from Active to Inactive if the expiration date passes without a renewal payment being recorded, and sets a 30 day limit to the allowance for a practitioner to continue to practice with an expired license;
- (5) provides that the Board can require an update to Continuing Education for an applicant seeking to reinstate a lapsed or expired license.

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. Five Year Review (FYR) 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.

n/a

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:

This rule does not establish renewal cost, only process. Costs are established pursuant to the language of OAC 4779-12-01 and by the fee schedule approved by the Board and posted to the website in accordance with the requirements of 4779-12-01.

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 does not itself require attaining a license not already held, but the language governs the license renewal process.

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**

The rule does not itself impose a criminal penalty, a civil penalty, or another sanction, but the language governs the license renewal process which includes provisions for assessing a late fee for late compliance.

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

The language governs the license renewal process which entails payment of a fee as set by rule 4779-12-01 and board policy, and the license renewal process requires the confirmation, updating and reporting of data and can require submission of documentation.

\*\*\* DRAFT - NOT YET FILED \*\*\*

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 not exceed two hundred dollars. The prescribed fee shall be submitted with the application for initial licensure.
- (B) The application fee for a temporary license to be issued pursuant to section 4779.18 of the Revised Code shall not exceed two hundred dollars. The prescribed fee shall be submitted with the application for initial licensure.
- (C) Examination fees will be paid directly to the appropriate testing agencies by the applicant as provided for in rule 4779-5-02 of the Administrative Code.
- (D) The fee for an approved license to be issued pursuant to section 4779.10, 4779.11, 4779.12, 4779.13 or 4779.17 of the Revised Code shall not exceed three hundred dollars. The prescribed fee shall be submitted upon application for the initial license documents to issue after approval has been recorded.
- (E) The cost for a license to be issued pursuant to section 4779.10, 4779.11, 4779.12, 4779.13 or 4779.17 of the Revised Code by upgrade from a temporary license previously issued pursuant to section 4779.18 of the Revised Code shall not exceed ~~two hundred dollars~~ the cost for renewal of the same license type. The prescribed fee shall be submitted with the upgrade application.
- (F) The cost for a license to be issued pursuant to section 4779.12 of the Revised Code by consolidation of licenses previously issued under sections 4779.10 and 4779.11 or 4779.18 of the Revised Code shall not exceed ~~two hundred dollars~~ the cost for renewal of the same license type. The prescribed fee shall be submitted with the consolidation application.
- (G) The annual license renewal fee for a license in pedorthics, a license in orthotics, or a license in prosthetics shall not exceed five hundred dollars per license. The annual license renewal fee for a license in prosthetics and orthotics shall not exceed one thousand dollars. The prescribed fee shall be submitted with the renewal application.
- (H) The license reinstatement fee and/or late renewal fee shall not exceed an amount that

is fifty per cent of the license renewal fee established pursuant to paragraph (C) of this rule, and shall be payable in addition to the renewal fee. The prescribed fee shall be submitted with the renewal or reinstatement application.

- (I) The OPPCE accrual certification late fee shall not exceed an amount that is fifty per cent of the license renewal fee established pursuant to paragraph (C) of this rule, and shall be payable in addition to the renewal fee and any late renewal fee.
- (J) The fee to review an application for approval of OPPCE units for a continuing education course pursuant to section 4779.23 of the Revised Code or for approval of OPPCE credits for teaching pursuant to section 4779.24 of the Revised Code shall not exceed fifty dollars per activity. The fee shall be submitted with the application for approval of continuing education coursework or teaching activities.
- (K) The cost for a replacement license card shall not exceed twenty-five dollars. The fee shall be submitted with the request.
- (L) The cost for a replacement license wall certificate shall not exceed fifty dollars. The fee shall be submitted with the request.
- (M) The cost of a certified license verification shall not exceed fifty dollars. The prescribed fee shall be submitted with the request.
- (N) The cost to complete a name change shall not exceed fifty dollars. The prescribed fee shall be submitted with the request.
- (O) The cost to apply for licensure or registration, or for renewal of licensure or registration, of subordinate license or provider types allowed by Chapter 4779. of the Revised Code shall not exceed the costs for application or renewal of license ~~or~~ for provider types as provided for in this rule.
- (P) 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.
- (Q) All agency fees that are not established precisely by this rule must be approved by the board at a regular meeting of the board where at least sixty days' notice has been provided by posting to the Board's website information regarding the proposed fee schedule. All agency fees established pursuant to this rule shall be listed on the board's website.

- (R) The fine for violation of any provision of Chapter 4779. of the Revised Code shall not exceed five hundred dollars per violation.
  
- (S) The board may grant waivers or reductions of the fee requirements listed in this chapter in cases of undue hardship including, but not limited to, natural disasters and acts of terrorism. Waivers may also be granted to veterans and active military personnel and their spouses.

Effective:

Five Year Review (FYR) Dates:

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Certification

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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, 11/01/2010

\*\*\* DRAFT - NOT YET FILED \*\*\*

**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)

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**614-387-7347**

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**mark.levy@opp.ohio.gov**

Email

**4779-12-01**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Fees.**

**RULE SUMMARY**

1. Is the rule being filed for five year review (FYR)? **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, 4779.17, 4779.18**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule underwent a major revision by rescission-promulgate new for the version effective 09.01.2015. These changes represent refinements for the current configuration.
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:

These are changes to the parameters within which the Board must operate when assigning fees. One change provides that the cost of a license to be issued or upgraded should not exceed the cost of a license to be renewed; another, that the cost to renew a combined license type should not exceed the cost to renew same/similar professional credentials when held as separate licenses. Unchanged is the language that allows the Board to set fees by formal board action with requirements for prior notice and publication to the website with at least a 60-day window for stakeholder input.

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. Five Year Review (FYR) 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.

n/a

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:

This rule language sets limits and provides parameters for Board action in adjusting fees, but no specific fee amounts are imposed by the rule language itself. Current Board approved fee schedule is as follows:

Initial License Application # All Types # Full - \$150

Initial License Application # All Types # TEMP - \$150

Annual License Renewal # All Types # Full - \$400

One-time License Renewal # All Types # TEMP - \$400

Late Fee # License Renewal - \$200

Late Fee # OPPCE - \$200

License Upgrade # TEMP > Full - \$100

License Consolidate # LO or LP > LPO - \$100

License Issuance - \$100

New OPPCE Activity Review - \$ 50

Certified license verification OR Replace wall certificate - \$ 25

Fine, per violation - \$250

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, but is an administrative rule governing fee processes for an occupational licensing statute

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**

These are changes to the language describing the parameters within which the Board must operate when assigning fees.