

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

4779-2-03

**Board records.**

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

Effective:

Five Year Review (FYR) Dates:

---

Certification

---

Date

Promulgated Under:	119.03
Statutory Authority:	4779.08
Rule Amplifies:	4779.21
Prior Effective Dates:	08/09/2002, 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.b.levy@exchange.state.oh.us  
Email

**4779-2-03**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Board records.**

**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: **4779.21**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:  

The rule states administrative requirements for maintaining records in compliance with statutory language.
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:

Language and changes are written to maintain current documentation requirements but also allows for the adoption of #best practices# protocols with new eLicense system on-boarding, thus : #meets any documentation standards established as best practices for administration of the eLicense database system maintained for the board by the department of administrative service division of information technology. ##

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:

n/a

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**

Some licensees may be required to provide or upload documentation supporting a change in their system ID information if a change is being sought.

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

4779-3-01

**Definition of terms.**

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

(A) General definitions

- (1) "Board" means the state board of ~~orthotic~~orthotics, prosthetics and pedorthics.
- (2) "Temporary license" means a license issued under section 4779.18 of the Revised Code: which renews on its own anniversary date, and which may only be renewed one time.

(B) Licensing language and educational standards

- (1) "Good moral character" as it is used in section 4779.09 and under division (A)(1)(3) in section 4779.18 of the Revised Code, means not having been convicted of a crime of moral turpitude; not having made misstatements or misrepresentation in connection with an application or examination for registration, certification or licensure; and not having willfully violated any of the sections related to conduct required of applicants or licensees and set forth in the statutes or rule.
- (2) "License" as it is used under division (A) of section 4779.20 of the Revised Code, means the authority to practice in the noted profession pursuant to an action of the board granting such authority and as represented by the original license wall certificate or an official copy ~~of the license certificate thereof~~, or the ~~annual renewal card, of the license as issued by~~ as indicated by the license status displayed from the online license verification function available from the board website.
- (3) "Licensee" means a person who holds a license issued under Chapter 4779. of the Revised Code.
- (4) "Nationally accredited college or university in the U.S." means colleges and universities accredited by an accreditation body recognized by the U.S. department of education, including regional accreditation bodies.
- (5) "Provides two semesters or three quarters of instruction" as it is used in divisions (B)(1), (C)(1), and (D)(1) of section 4779.26 of the Revised Code means that the certificate program meets those specific traditional education

duration standards or meets the standards as developed and implemented by the national commission on orthotic and prosthetic education (NCOPE) in effect at the time the applicant was completing his or her formal education for entrance to the referenced professions. Such instruction may include blended learning that allows for a combination of online distance learning, classroom learning, and on-site clinical learning that meets the standards established by the commission on accreditation of allied health education professions (CAAHEP).

- (6) "Provides two semesters or three quarters of instruction" as it is used in divisions (B)(1), (B)(2), and (B)(3) of section 4779.27 of the Revised Code means that the residency program requires as a prerequisite for admission the educational equivalent of learning required by section 4779.26 of the Revised Code or residency admission standards as developed and implemented by the national commission on orthotic and prosthetic education (NCOPE) that were in effect at the time the applicant was completing his or her formal education for entrance to the referenced professions and that meets or met the standards established by the commission on accreditation of allied health education professions (CAAHEP).
- (7) "Residency program" approved by the board, as referenced in section 4779.10 of the Revised Code, section 4779.11 of the Revised Code, and section 4779.12 of the Revised Code means a residency requiring nineteen hundred hours under the direct supervision of a practitioner certified in the same discipline, and which meets the requirements of section 4779.27 of the Revised Code.
- (8) "Suspended" as used in section 4779.31 of the Revised Code means a license that has lapsed or been placed on inactive or non-renewed status due to non-payment of renewal fees, as well as a license placed under suspension as the result of an adjudication pursuant to section 4779.28, 4779.29, or 4779.30 of the Revised Code, or as the result of an agreement entered into between the board and the license holder in lieu of proceeding to adjudication.

(C) Supervision definitions and requirements

- (1) "Physically present" as it is used under division (B) of section 4779.04 of the Revised Code means at the same building, location, or facility as the non-licensed practitioner and patient.
- (2) "Under the direct supervision", as it is used under division (B)(5) of section 4779.02 of the Revised Code, means the individual who provides orthotic, prosthetic, or pedorthic services under the supervision of an individual

authorized to practice medicine or osteopathic medicine, must perform the evaluation, measurement, design, fitting, adjusting, servicing, or training in a building, facility, or location where the physician or osteopathic physician is present at the time the service is provided and pursuant to a professional arrangement whereby the physician or osteopathic physician takes full clinical and consumer care responsibility for the orthotic, prosthetic, or pedorthic services provided.

- (3) "Under the supervision" as it is used under division (B) in section 4779.18 of the Revised Code means the temporary license holder who practices under the supervision of an individual who holds a full practitioner license issued under section 4779.09 of the Revised Code may conduct all activities either at a building, location, or facility where the supervising orthotist, prosthetist, or pedorthist is physically present or at a location where the supervising orthotist, prosthetist, or pedorthist is readily available to the individual through some means of telecommunication and is in a location that under normal circumstances is not more than sixty minutes travel time away from the location where the temporary license holder is practicing.

Effective:

Five Year Review (FYR) Dates:

---

Certification

---

Date

Promulgated Under:	119.03
Statutory Authority:	4779.08
Rule Amplifies:	Chapter 4779, various sections
Prior Effective Dates:	08/09/02, 04/09/07, 11/01/2008, 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.b.levy@exchange.state.oh.us**  
Email

**4779-3-01**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Definition of terms.**

**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: **Chapter 4779, various sections**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:  
Five year review
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 (a) correct a typographical error in current rule language; (b) clarifies that a temporary license may only be renewed once; (c) reinforces the discontinuation of issuance of renewal "wallet cards" and points toward online verification as the most secure and accurate method to verify current license status.

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:

n/a

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? No

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

4779-3-02

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

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

- (A) "Accommodative" as defined at division (A) of section 4779.01 of the Revised Code means in addition that the item is designed to conform to the anatomy of the particular individual who purchases and wears the item, ~~but does not have the added value of the capacity to be custom fitted or custom fabricated for use by a particular individual, and is sold off the shelf on a retail basis.~~ "Accommodative" may describe an item sold on a strictly retail basis, but may also describe an item requiring custom fitting or custom fabricating as required by patient presentation and medical order.
- (B) "Arch support" as used in division (G) of section 4779.01 of the Revised Code means an item sold off-the-shelf on a retail basis to be accommodative to the anatomy of the foot for the person who uses it; and which is not custom fitted or custom fabricated, and is not provided to fill a doctor's order or healthcare prescription.
- (C) "Nontherapeutic" as used in divisions (D) and (G) of section 4779.01 of the Revised Code means an item sold off-the-shelf on a retail basis, which is not custom fitted or custom fabricated, and is not delivered to fill a doctor's order or healthcare prescription.
- (D) "Therapeutic" as used in division (A) of section 4779.01 of the Revised Code refers to an item delivered to fill a patient-specific doctor's order or healthcare prescription.
- (E) "Custom fabricated or fitted medical device" as referenced in division (E), (G), or (I) of section 4779.01 of the Revised Code means an orthotic, prosthetic or pedorthic device that is individually made (custom fabricated) or fitted (custom fitted) for a specific patient. Further, it is a device the provision of which requires access to a facility with the equipment necessary to fulfill the ongoing consumer-care responsibility to provide follow-up treatment, including modification, adjustment, maintenance and repair of the item(s).
- (1) A custom fabricated item is defined as a device which is individually made for a specific patient. No other patient would be able to use this item. A custom fabricated item is a device which is fabricated based on clinically derived and rectified castings, tracings, measurements, and/or other images (such as x-rays or digital scans) of the body part. The fabrication may involve using calculations, templates and components. This process requires the use of

basic materials including, but not limited to plastic, metal, leather or cloth in the form of uncut or unshaped sheets, bars, or other basic forms and involves substantial work such as vacuum forming, cutting, bending, molding, sewing, drilling and finishing prior to fitting on the patient.

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

- (a) An impression (usually by means of a plaster or fiberglass cast) of the specific body part is made directly on the patient, and this impression is then used to make a positive model of the body part from which the final product is crafted; or
  - (b) A digital image of the patient's body part is made using computer-aided design-computer aided manufacture (CAD-CAM) systems software. This technology includes specialized probe/digitizers and scanners that create a computerized positive model and then direct milling equipment to carve a positive model. The device is then individually fabricated and molded over the positive model of the patient. The use of CAD/CAM software or digital software packages and hardware to generate a negative model (3D printing) can be used for direct fabrication of intermediate stages of the device up to and including the final or definitive device itself.
- (2) A custom fitted item is defined as a prefabricated device which is manufactured in quantity without a specific patient in mind. The device may or may not be supplied as a kit that requires some assembly and/or fitting and adjustment, or a device that may be trimmed, bent, molded (with or without heat), or otherwise modified by an individual with expertise in customizing the item to fit and be used by a specific patient.

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

- (a) Upper extremity adaptive equipment used to facilitate the activities of daily living;
- (b) Finger splints or wrist splints;
- (c) Prefabricated elastic or fabric abdominal supports with or without metal or plastic reinforcing stays requiring minimal fitting;
- (d) Other prefabricated soft goods requiring minimal fitting;

- (e) Nontherapeutic accommodative inlays;
  - (f) Nontherapeutic or therapeutic over-the-counter or off-the-shelf shoes or boots that are not manufactured or modified for a particular individual;
  - (g) Prefabricated foot care products;
  - (h) Other durable medical equipment that is not categorized as an orthotic, prosthetic, or pedorthic device; dental appliances; or devices implanted into the body by a physician.
- (F) "For use from the apex of the medial malleolus and below" as used in division (G) of section 4779.01 of the Revised Code means that the pedorthic device does not physically extend proximal to the apex of the medial malleolus, meaning not extending higher than the middle of the ankle bone.
- (G) "Minimal fitting" as used in section 4779.01 of the Revised Code and rule 4779-3-02 of the Administrative Code means ~~at the~~ prefabricated device ~~which is fit for size by use of not more than two simple body size measurements; which is sized as small, medium, large, extra large, 2xl, 3xl; which is fastened or fit to the body or body part by use of elastic or self fastening straps, buttons or strips; which is not molded by the consumer care provider to fit the consumer; and which is not provided by the manufacturer with items or component parts which are intended or designed to be custom molded, heat moldable or custom fitted.~~ is classified as an off-the-shelf (OTS) device by the U.S. department of health and human services center for medicare/medicaid services.

Replaces: part of current 4779-3-01

Effective:

Five Year Review (FYR) Dates:

---

Certification

---

Date

Promulgated Under:	119.03
Statutory Authority:	4779.08
Rule Amplifies:	4779.01
Prior Effective Dates:	08/09/02; 04/09/07; 11/01/2008, 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.b.levy@exchange.state.oh.us**  
Email

**4779-3-02**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

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

**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: **4779.01**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:  

Five year review, language updates
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:

(A) Per stakeholder feedback, expanding the definition of "Accommodative" to encompass the various practice scenarios where the term may be utilized

(E)(1) Adding language to clarify that digital imaging and 3-D printing may be appropriately incorporated in the provisioning of custom fabricated devices

(G) This language change more closely aligns the definition of orthotic devices dispensed as-is ("off-the-shelf") with no customization with the current federal standard.

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:

n/a

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? **No**

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

TO BE RESCINDED

4779-5-01

**The examinations.**

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

Replaces: 4779-5-01

Effective:

Five Year Review (FYR) Dates:

---

Certification

---

Date

Promulgated Under: 119.03  
Statutory Authority: 4779.08  
Rule Amplifies: 4779.10, 4779.11, 4779.12, 4779.13, 4779.15  
Prior Effective Dates: 08/09/02, 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**

Phone

**614-387-7347**

Fax

**mark.b.levy@exchange.state.oh.us**

Email

**4779-5-01**

Rule Number

**RESCISSION**

TYPE of rule filing

Rule Title/Tag Line

**The examinations.**

**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: **4779.10, 4779.11, 4779.12, 4779.13, 4779.15**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:  

Five year review, rescission and promulgate new. Identifies entrance exam vendors acceptable to the Board.
7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE,

then summarize the content of the rule:

Specifies entrance exam vendor.

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

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

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

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

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

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

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

n/a

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? No

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

4779-5-01

The examinations.

(A) The board recognizes the following practitioner-level examinations to qualify an applicant for licensure pursuant to sections 4779.09 and 4779.15 of the Revised Code.

(1) For licensure in orthotics, the orthotics written examination and the orthotics written simulation examination administered by the American board for certification in orthotics, prosthetics, and pedorthics (ABCOPP).

(2) For licensure in prosthetics, the prosthetics written examination and the prosthetics written simulation examination administered by the ABCOPP.

(3) For licensure in pedorthics, either:

(a) The certified pedorthist examination (CPED) administered by the ABCOPP, or

(b) The pedorthist certification examination (BOCPD) administered by the board of certification/accreditation international (BOC) formerly known as the board of orthotist/prosthetist certification.

(B) These examinations shall be administered in accordance with the provisions of any agreement between the respective parties.

(C) The board will accept results of examinations previously administered if other qualifications required by Chapter 4779, of the Revised Code are evident in application documentation.

Replaces: 4779-5-01

Effective:

Five Year Review (FYR) Dates:

---

Certification

---

Date

Promulgated Under: 119.03  
Statutory Authority: 4779.08  
Rule Amplifies: 4779.10, 4779.11, 4779.12, 4779.13, 4779.15  
Prior Effective Dates: 08/09/02, 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** **614-466-1157** **614-387-7347**  
Agency Mailing Address (Plus Zip) Phone Fax

**mark.b.levy@exchange.state.oh.us**  
Email

**4779-5-01**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**The examinations.**

**RULE SUMMARY**

1. Is the rule being filed for five year review (FYR)? No
2. Are you proposing this rule as a result of recent legislation? No
3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**
4. Statute(s) authorizing agency to adopt the rule: **4779.08**
5. Statute(s) the rule, as filed, amplifies or implements: **4779.10, 4779.11, 4779.12, 4779.13, 4779.15**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

Five year review, language update to be more inclusive for candidates who have engaged in appropriate educational and training opportunities. Re-organization of rule information. BOC did not offer the exam in its portfolio when the rule language was first mounted.

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 expand the scope of practitioners in Podorthics to allow entrance to those who have passed the #BOC# podorthic certification exam, as the Board has determined there is general consensus that the educational and testing standards governing the BOC administration for Podorthics is functionally equivalent to the ABC regimen.

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 increase revenues.

less than \$5000.

By report of national credentialing organization, there may be a certain but small number of candidates who would qualify for licensure with this change in admission test vendor allowances. Application fees at \$150 per candidate; renewal fees at \$400 per licensee.

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:

Application fees at \$150 per candidate; renewal fees at \$400 per licensee.

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? **Yes**

The rule governs an aspect of the pathway toward licensure in pedorthics.

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**

No extra assessment or report; only fees and data required of all candidates and licensees.

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

4779-5-02

**Admission to the examination.**

- (A) An applicant for Ohio examination must have an approved application for licensure form on file with the board. Before an applicant may be issued a license or endorsement or be approved to sit for the examination as an Ohio candidate, the applicant must demonstrate that the applicant meets the eligibility requirements of section 4779.09 of the Revised Code as well as the requirements for the particular license type.
- (B) In the case of an applicant for licensure pursuant to sections 4779.10, 4779.11, and 4779.12 of the Revised Code, if the applicant has not already taken and passed the written and written simulation examinations as administered by the American board for certification in ~~orthotics~~orthotics, prosthetics, and pedorthics ~~(ABC)~~(ABCOPP) for the respective practitioner areas of practice, the board shall notify the American board for certification in orthotics, prosthetics, and pedorthics of the applicant's approved status for taking the Ohio license exam in orthotics or prosthetics, whichever is indicated. The applicant is responsible for exam fees and all costs and fees associated with that exam shall be paid to the ~~ABC~~ABCOPP or its contracted testing agency.
- (C) In the case of an applicant for licensure pursuant to section 4779.13 of the Revised Code, if the candidate has not already taken and passed ~~the an~~ exam for certification in pedorthics in accordance with the requirements of agency rule 4779-5-01, the board shall ~~notify the American board for certification in orthotics, prosthetics, and pedorthics (ABC) of the~~provide the applicant with a statement documenting the applicant's approved status for taking the Ohio license exam in pedorthics, and of the board's approval of the candidate's application. The applicant is responsible for exam fees and all costs and fees associated with that exam shall be paid to the ABC or its contracted testing agency in accordance with the requirements of the testing provider.
- (D) In the case of an applicant for a temporary license pursuant to section 4779.18 of the Revised Code, the successful application submitted and processed shall be considered to stand as the application for a full license pursuant to section 4779.10, 4779.11, 4779.12, or 4779.13 of the Revised Code, and the successful applicant shall be issued ~~an approval to sit for exam notice~~ a statement documenting the applicant's approved status to sit for exam pursuant to ~~the any~~ arrangements between the ~~state board of orthotics, prosthetics, and pedorthics, and the American board for certification in orthotics, prosthetics and pedorthics~~ testing provider. Such an approval to sit for exam notice shall be effective for up to two years, in accordance with the statutory limitation of the duration of the temporary license as provided for in section 4779.18 of the Revised Code. An application for a

temporary license pursuant to section 4779.18 of the Revised Code shall also comply with the requirements of rule 4779-6-01 of the Administrative Code.

(E) An applicant for ~~Ohio examination~~ approved for admission to exam by the ~~state board of orthotics, prosthetics, and pedorthics~~, shall comply with any and all deadlines established by the American board for certification in orthotics, prosthetics, and pedorthics (ABC), or other test vendor approved for license exam administration by the ~~state board of orthotics, prosthetics, and pedorthics~~, and ~~any contracted testing agencies~~. An approval for admission to exam issued by the ~~state board of orthotics, prosthetics, and pedorthics~~ is valid for ~~thirty-six~~ twenty-four months from date of initial issuance of the approval letter or the associated temporary license, whichever is the later date if different.

(1) An applicant for licensure in orthotics, prosthetics, or prosthetics-orthotics who holds a temporary license issued pursuant to Section 4779.18 of the Revised Code may renew the license one time in accordance with Division (B) of the Section. Such an applicant may not have a subsequent application for a temporary license approved unless the application includes documentation of any attempts to pass the examinations and a plan to address any learning deficits identified in the examinations.

(2) An applicant for licensure in pedorthics who holds a temporary license issued pursuant to Section 4779.18 of the Revised Code may renew the license one time in accordance with Division (B) of that Section. Such an applicant may not have a subsequent application for a temporary license approved unless the application includes documentation of at least two attempts to pass the examination during the two-year lifetime of the renewed temporary license and a plan to address any learning deficits identified in the examinations.

Effective:

Five Year Review (FYR) Dates:

---

Certification

---

Date

Promulgated Under: 119.03  
Statutory Authority: 4779.08  
Rule Amplifies: 4779.09, 4779.10, 4779.11, 4779.12, 4779.13,  
4779.15, 4779.18  
Prior Effective Dates: 8/9/02, 04/09/2007; 11/01/2008, 11/01/2010,  
04/01/2013

\*\*\* 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**

Phone

**614-387-7347**

Fax

**mark.b.levy@exchange.state.oh.us**

Email

**4779-5-02**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Admission to the examination.**

**RULE SUMMARY**

1. Is the rule being filed 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:  

Five year review, conform language of this rule with companion rules.
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 provides detail to the protocol for admission to exam. This language amends language to allow for an additional vendor for the exam for licensure in Podiatry, and establishes limitations on serial issuance of a Temporary license, which the Board understands as a credential meant to be held for a short period of time while other licensing requirements are completed. While the statute is not specific, the Board suggests that a candidate who is unable to pass the exam should not be allowed to continue to engage in practice indefinitely without close supervision.

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:

exam fees are established by the private credentialing bodies that offer the exams; the only additional cost for licensure in the application process is the application fee, presently \$150.

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**

Chapter 4779 requires a license; the rule language details some of the administrative and testing requirements attendant thereto.

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**

Applicants must report exam results.