

**\*\*\* 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 ~~paragraph (B)~~ of 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 ~~paragraph (C)~~ of rule 4779-5-02 of the Administrative Code.

- (1) An applicant shall submit a completed application on a form prescribed by the board together with an appropriate fee in accordance with rule 4779-12-01 of the Administrative Code. The application form may be an electronic online application that requires direct applicant entry of data and transmission or subsequent submission of supporting documentation.
- (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a notice of incomplete application, the board shall send the applicant a notice informing that the application, unless withdrawn, is subject to the board's proposal to deny by issuance of a notice of opportunity for hearing pursuant to section 119.07 of the Revised Code.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. 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 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 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 of submission of fingerprints for criminal record checks by the Ohio bureau of criminal identification and investigation (BCII) and the federal bureau of investigation (FBI), if the application is for the first issuance of a license.
- (D) In addition, an application for a license to practice orthotics and prosthetics must document compliance with the following requirements:
- (1) A post-secondary educational credential of at least a bachelors of arts degree;
  - (2) A certificate of completion of post-graduate certificate programs in prosthetics and orthotics, unless the applicant's post-secondary educational credential is a bachelors or masters degree specifically in orthotics and prosthetics;
  - (3) Completion of a residency program in prosthetics and orthotics, consisting of nineteen hundred hours supervised by a practitioner certified in prosthetics, and nineteen hundred hours supervised by a practitioner certified in orthotics;
  - (4) A letter or statement from an Ohio-licensed prosthetist-orthotist, attesting to having conducted supervision for at least an eight-month period (required if residency not conducted under Ohio-licensed supervisor); This requirement is waived for applicants who meet the requirements of section 4779.17 of the Revised Code;
  - (5) Proof of submission of fingerprints for criminal record checks by the Ohio bureau of criminal identification and investigation (BCII) and the federal bureau of investigation (FBI), if the application is for the first issuance of a license;
  - (6) An applicant who holds a license in orthotics and successfully completes all the requirements for a license in prosthetics shall be issued a new license in prosthetics-orthotics.
  - (7) An applicant who holds a license in prosthetics and successfully completes all the requirements for a license in orthotics shall be issued a new license in prosthetics-orthotics.
- (E) In addition, an application for a license to practice pedorthics must document compliance with the following requirements:

- (1) A high school diploma or a certificate of high school equivalence.
- (2) A statement from the supervising pedorthist, orthotist, prosthetist, or prosthetist-orthotist, that the applicant has practiced for eight months under the supervisor's oversight and direction. The statement shall be provided on a form prescribed by the state board of orthotics, prosthetics, and pedorthics which requires attestation of completion of 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).
  - (4) Proof of submission of fingerprints for criminal record checks by the Ohio bureau of criminal identification and investigation (BCII) and the federal bureau of investigation (FBI), if the application is for the first issuance of a license
- (F) Each applicant must pass an examination approved by the board pursuant to section 4779.15 of the Revised Code.

Effective:

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

\*\*\* 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**  
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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:  

Five year review, the rule details procedures for filing and processing license applications.
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 minor housekeeping changes to keep language consistent with other changes being made in related rules; to anticipate changes that will be put in place with the onboarding of the new eLicense platform; and to clarify that the limited reciprocity licensing track prescribed by Section 4779.17 of the Revised Code provides a waiver of the Ohio-licensed supervision requirement.

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:

Application fee = \$150. reference agency 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

Provides some detail of the documentation required to support a license application

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

4779-7-01

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

- (A) The board shall maintain accurate license identification information available to the public ~~prepare and provide to for~~ each licensee ~~an identification card~~ successful applicant for licensure. ~~Each identification card~~ Data shall ~~contain~~ include the person's name, license or permit number, license type, and date of first issuance as well as license expiration.
- (B) Official license wall certificates shall bear the signatures of the board president and/or the executive director.
- (C) Neither the holder nor anyone else shall make any alterations on a certificate or ~~card~~ document issued by the board.
- (D) Regardless of the original issue date, all licenses issued pursuant to sections 4779.10, 4779.11, 4779.12, 4779.13, 4779.16, and 4779.17 of the Revised Code shall expire on the thirty-first day of January following issuance of the license.
- (E) A license issued pursuant to section 4779.18 of the Revised Code expires one year after issuance, and may only be renewed once.
- (F) ~~Original license identification cards~~ Data maintained and accessible through the license lookup or verification process available from the Board's website at <http://opp.ohio.gov> is ~~are~~ valid proof of current authorization: and license status.
- (G) The state board of orthotics, prosthetics, or pedorthics may replace ~~an identification card or a~~ wall certificate due to loss, theft, or destruction. A wall certificate may also be reprinted due to name change, provided the original is returned to the board: and documentation verifying the change and acceptable to the Board is submitted by the individual. A replacement fee as provided for in rule 4779-12-01 of the Administrative Code ~~will~~ may be required for ~~an identification card or a~~ certificate issued in addition to those documents issued for initial issuance or renewal.

Replaces: part of 4779-12-02

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: 4779.10, 4779.11, 4779.12, 4779.13, 4779.16,  
4779.17, 4779.18  
Prior Effective Dates: 8/9/2002; 1/23/03; 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

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**4779-7-01**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

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

**RULE SUMMARY**

1. Is the rule being filed 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, 4779.16, 4779.17, 4779.18**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:  
Five year review, language update to reflect current best practices
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 changes are all focused on the enhancements available in the new eLicense platform and to clarify that the Board has discontinued issuance of annual license renewal wallet ID cards. License renewal cards are only reliably accurate as to status on the day they are printed; real time online license verification is available through the eLicense Center license lookup function.

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 \*\*\***

4779-10-01

**Ethical and professional conduct.**

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

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

- (J) A licensee shall only access health care recipient information which is necessary and relevant to his/her function and authority as a orthotics, prosthetics, or pedorthics provider.
- (K) When responding to a consumer's, prescriber's or provider's request for orthotic, prosthetic, or pedorthic services, if it is evident from the initial evaluation and a review of patient history and/or chart information that another licensed orthotic, prosthetic, or pedorthic service provider is currently providing services based on the same or similar medical orders, the second provider has a professional duty of care to the consumer and the prescriber to contact the first provider and offer the opportunity to complete or clarify the appropriate provision of services.
- (L) Maintenance of consumer care information
- (1) A licensee shall maintain consumer care documentation which includes, at minimum:
    - (a) Medical presentation/history data appropriate to the service provided;
    - (b) Evaluation and measurement data supporting device choice and recommendation;
    - (c) All dates of service with narrative progress notes describing presenting problem and service/procedure performed;
    - (d) Medical orders and therapist notes supporting services provided;
    - (e) Documentation required by third party payers including assignment of benefits, privacy notices, delivery receipts, financial arrangements, and records reflecting contacts for and provision of follow-up care;
  - (2) Consumer care data shall be maintained with privacy and security safeguards appropriate to the data retained in file.
  - (3) The licensee responsible for provision of care should take steps to assure the consumer file data is maintained a minimum of five years from last date of service unless a longer period is required by federal or state law or conditions imposed by any third-party payer.
- (M) A license holder, or an applicant for licensure, shall provide a written response within a reasonable period of time not to exceed thirty days to any written inquiry

regarding compliance with law or rule received from the board. A licensee or an applicant for licensure may not withhold or refuse to provide copies of any records requested by the board or its representative unless otherwise ordered by a court.

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:	4779.28, 4779.29, 4779.30, 4779.99
Prior Effective Dates:	8/9/02, 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

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**4779-10-01**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Ethical and professional conduct.**

**RULE SUMMARY**

1. Is the rule being filed 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: **4779.28, 4779.29, 4779.30, 4779.99**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:  

Five year review, clarify professional responsibility to cooperate with board investigation.
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:

Establishes within rules of professional conduct obligation of licensee to respond appropriately and in a timely manner to request for records and response to board inquiry.

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? Yes

Violation of rule language could result in citation under disciplinary process.

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

Requires a licensee to respond to an inquiry from the board and provide records requested in a timely manner.

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

4779-2-01

**Board organization.**

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

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: 4779.06  
Prior Effective Dates: 11/01/2010, 04/09/2007, 08/09/2002

\*\*\* 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**

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**4779-2-01**

Rule Number

**NO CHANGE**

TYPE of rule filing

Rule Title/Tag Line

**Board organization.**

**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: **4779.06**
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 rule provides detail to basic administrative functions of the Board's operations and organization.

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:

the rule imposes no costs on agency licensees.

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 \*\*\*

4779-2-02

**Personnel.**

The board may:

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

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:	4779.06
Prior Effective Dates:	08/09/2002, 01/23/2003, 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**

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**4779-2-02**

Rule Number

**NO CHANGE**

TYPE of rule filing

Rule Title/Tag Line

**Personnel.**

**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: **4779.06**
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:

States the Board employs a Director to oversee its administrative functions, authorizes the director to oversee staff and contract for services, and authorizes the Director to act on behalf of the Board.

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

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

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

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

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

*Not Applicable.*

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

Language does not impose additional operational costs beyond those already established. Arguably, expenditures will be increased or decreased as staff payroll increases or decreases with attrition, retirement, or new hires.

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

All agency funding is at ALI 973609

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

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

4779-4-02

**Certificate program requirements.**

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

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

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

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

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

function of orthotic systems;

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

static and dynamic alignment of prostheses related to various amputation levels, including partial foot, syme's below the knee, above knee, below elbow, above elbows, and the various joint disarticulations.

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: 4779.26  
Prior Effective Dates: 8/09/2002, 04/09/2007, 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

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**4779-4-02**

Rule Number

**NO CHANGE**

TYPE of rule filing

Rule Title/Tag Line

**Certificate program requirements.**

**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: **4779.26**
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:

Delineates the content requirements and expectations for post-graduate certificate programs that qualify a candidate for practice and licensure in the respective professions, in accordance with statutory language.

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:

No additional costs beyond what is required by educational standards set by private sector credentialing authorities.

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 requirement is established by Chapter 4779.02. This rule language provides more definition to the requirement, but does not establish new requirements.

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**

For certain licensure candidates, may require documentation to be provided to demonstrate having met program requirements.