

STATE BOARD OF ORTHOTICS, PROSTHETICS, AND PEDORTHICS

PROPOSED COMPLIANCE PLAN – EXECUTIVE ORDER 2013-05K AND AM. SUB. H. B. 98

**Executive Order 2013-05K**

**Directing State Departments, Boards and Commissions to Streamline the State Licensing Process to Take into Account Relevant Military Education and to Direct the Chancellor of the Ohio Board of Regents, in Collaboration with Presidents of the University System of Ohio, to Simplify the Process for Awarding College Credit for Military Education for Veterans and Service Members**

1. State departments, boards and commissions that issue occupational certifications or licenses shall:
  - a. To the extent permitted by law, review and revise policies and procedures to streamline the certification and licensing process to take into account relevant military education, skills training, and service when determining equivalency for purposes of issuing certifications and licenses.
  - b. Identify state and federal laws that are barriers to the revision of policies and procedures to further streamline the issuance of certifications and licenses based upon relevant military education, training, or service, and advise the Governor's Office of Workforce Transformation regarding any such barriers and recommended actions for reform by December 31, 2013.

Proposed findings and action plan:

1. After a diligent search and survey for information, there are no current military occupations known to this agency for which there is a corresponding license issued by this Board. There are no military training programs that correspond directly to educational and experiential protocols required by the Council on Accreditation for Allied Healthcare Educational Programs or the National Commission on Orthotic and Prosthetic Education.
2. Revised Code Chapter 4779 does not grant the Board authority to consider equivalence of education, experience or training when considering statutory qualifications for licensure.
3. It may be within the Board's ability or authority to provide expedited review of license applications from individuals who identify as active military, spouses of active military, military veterans, or spouses of military veterans, and to approve such applications prior to a meeting of the Board,

subject to review and approval by the Board. The Board may be able to develop a form for an applicant to provide information about military education, training, experience and/or status that might be considered during the license application review process.

4. To the extent the Board is granted authority by executive directive or legislative enactment, the Board will utilize the American Council on Education's Guide to the Evaluation of Educational Experiences in the Armed Services to assist in evaluating military experience and training.

### **HB 98 - ORC 5903.03 (B) & (C)**

(B) **Notwithstanding any provision of the Revised Code to the contrary**, a licensing agency shall consider an applicant for a license:

(1) To have met the educational requirement for that license if the applicant has completed a military program of training and has been awarded **a military primary specialty** at a level that is substantially equivalent to or exceeds the educational requirement for that license; and

(2) To have met the experience requirement for that license if the applicant has **served in that military primary specialty** under honorable conditions for a period of time that is substantially equivalent to or exceeds the experience requirement for that license.

(C) **Each licensing agency**, not later than June 30, 2014, **shall adopt** rules under Chapter 119. of the Revised Code regarding **which military programs of training, military primary specialties, and lengths of service** are substantially equivalent to or exceed the educational and experience requirements for each license that agency issues.

Proposed findings/actions:

#### **Compliance with ORC 5903.03(B)**

1. OPP does not issue licenses that correspond to any known primary military specialties.

#### **Compliance with ORC 5903.03(C)**

2. After a diligent search and survey for information, there are no military training programs that are substantially equivalent to educational and experiential protocols required by the Council on Accreditation for Allied Healthcare Educational Programs (CAAHEP) or the National

Commission on Orthotic and Prosthetic Education (NCOPE) for certification or licensure in the fields within this Board's jurisdiction.

3. The Board may be able to consider language such as the following to comply with these requirements within the scope of our authority under ORC Chapter 4779 and the allowances provided by ORC 5903.03.

OAC Agency Rule 4779-5-05

(NEW – PROPOSED)

**REVISED 12.05.2013**Consideration of Military Experience, Education, Training and Term of Service(A) Eligibility for licensure.

In accordance with Revised Code Section 5903, the Board finds that there are no military programs of training, military primary specialties, and lengths of service that are substantially equivalent to or which exceed the educational and experience requirements for licensure as an Orthotist, Prosthetist, Prosthetist-Orthotist, or Pedorthist.

(B) License Renewal.

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

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

(b) The licensee is not suffering a mental or physical illness, including physical deterioration that adversely affects cognitive, motor, or perception skills, that affect the licensee's ability to practice according to acceptable and prevailing standards of care; and

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

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

(C) Continuing Education

(1) In accordance with section 5903.12 of the Revised Code, the provisions of this paragraph apply to a licensee who has been a member of the armed forces of the United States, the Ohio national guard, the Ohio military reserve, the Ohio naval militia, the national guard of any other state, or a reserve component of the armed forces of the United States who has served on active duty for a period in excess of thirty-one days.

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

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

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

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

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

F. The Board may utilize as a reference the "Guide to the Evaluation of Educational Experiences in the Armed Services," published by the American Council on Education, or any other similar accredited data source.

**4779-8-01 Renewal of license. – AMEND** (to comply with RC 5903.10)

(A) Renewal applications:

At least one month prior to the license expiration date, the board shall send each licensee or temporary licensee a renewal application by first class mail to the last known address.

(B) License renewal:

On or before January thirty-first in the year following the issuance of the original license, and on or before the unique license expiration date for the holder of a temporary license who has not completed the requirements to be issued a full license and who has not already renewed the temporary license previously, each person holding a license to practice orthotics, prosthetics, or pedorthics shall apply for renewal in accordance with section [4779.20](#) of the Revised Code.

(1) Renewal applicants will be assessed a renewal penalty equal to one-half of the renewal fee for any renewal application postmarked **or paid for** after the license expiration date.

(2) Licensees shall comply with the continuing education requirements for licensure renewal specified in sections [4779.20](#), [4779.23](#), and [4779.24](#) of the Revised Code.

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

(C) Each licensee or temporary license holder who complies with the renewal requirements shall receive a new identification card or renewal sticker with a new expiration date. **The Board may provide a virtual, printable license card as generated by the state of Ohio eLicense database platform as an alternative to a hard copy card.**

(D) A licensee who fails to renew in accordance with the schedule established under paragraphs (A) and (B) of this rule shall have the license placed on lapsed status by the board. The board shall send a notice of lapsed license status and the requirements for reinstatement by certified mail to all affected licensees with business or residential addresses in Ohio within twenty days after the license expiration date. A licensee who informs the board of an intent not to renew before the renewal expiration date shall have the license placed on non-renewal status.

(E) A licensee who continues to practice orthotics, prosthetics, or pedorthics in Ohio for more than thirty days with a lapsed license shall be subject to action under section [4779.99](#) of the Revised Code.

(F) A lapsed license may be reinstated to active status by completing the following:

(1) A complete license reinstatement application. **An applicant for a reinstated license in orthotics, prosthetics, or prosthetics-orthotics shall utilize the form designated as**

**"License Reinstatement Application 2013 revision," document identification "OPP Reinstatement App .2013" as posted to the agency website at <http://opp.ohio.gov/forms>. The form referenced in this rule shall be used on or after the effective date of this rule and no other forms will be accepted after the effective date of this rule.**

- (2) If the license is lapsed more than two years;
  - (a) Proof of successful completion of the licensing examination or examinations required by section [4779.15](#) of the Revised Code and rule [4779-5-01](#) of the Administrative Code; or
  - (b) Proof of current licensure in another state whose standards for licensure are at least equal to those in effect in the state of Ohio at the time of reinstatement application;
- (3) Payment of the appropriate renewal fees and late fees in accordance with rule [4779-12-01](#) of the Administrative Code.
- (G) A license issued in accordance with paragraph (F) of this rule will expire on the thirty-first of January following the issuance of the license.

Effective: 11/01/2010

R.C. [119.032](#) review dates: 06/10/2010 and 10/01/2015

Promulgated Under: [119.03](#)

Statutory Authority: [4779.08](#)

Rule Amplifies: [4779.15](#), [4779.20](#), [4779.23](#), [4779.24](#), [4779.99](#)

Prior Effective Dates: 8/9/2002; 11/01/2008

OAC Agency Rule 4779-9-04 (NEW – PROPOSED) (comply with RC 5903.12)

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

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

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