

# State Board of Orthotics, Prosthetics, and Pedorthics



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**Persons intending to testify are encouraged to pre-register by sending an email to [bopp@opp.ohio.gov](mailto:bopp@opp.ohio.gov). Testimony may be presented in person or in writing; written testimony timely received will be introduced at the hearing. A copy of the referenced rules may be obtained at the board's website, <http://opp.ohio.gov>, or by contacting the Board by email or fax, or by searching at the Register of Ohio site: <http://www.registerofohio.state.oh.us/>**

## **NOTICE OF INTENT TO FILE RULES**

This notice is being made in accordance with section 119.03 of the Ohio Revised Code and Rule 4779-1-01 of the Ohio Administrative Code.

This is a notice to inform all interested parties that the State Board of Orthotics, Prosthetics, and Pedorthics will conduct a **Public Hearing on TUESDAY, 03 MAY, 2016 at 2:00 PM on the 19th floor of the Vern Riffe Center for Government and the Arts, Room 1914, located at 77 S. High St., Columbus, Ohio, 43215.**

The following sets of rule language and amendments to the [Board's Current Rule Series](#) is being proposed for adoption to more effectively and efficiently govern the operations of the State Board of Orthotics, Prosthetics and Pedorthics, and to more accurately and clearly define regulatory requirements for its licensees and other stakeholders.

The Board is proposing changes to nine (9) rules and no changes to three (3) rules. The "No Change" rules are not subject to hearing but are included in this notice for general informational purposes.

### **Language Updates:**

The Rules listed and detailed in Package 163281, designated "FY16 FYR – Amend, Rescind, New", are being proposed for amendment.

A number of the rules for AMENDMENT in this package are being updated to prepare the Board's regulatory language within its authority to be capable to address the innovations and opportunities that a new eLicensing platform developed by DAS/IT Services in cooperation with the licensing Boards and Commissions consortium offers both agencies and their constituent licensees.

**Rule 4779-2-03, Board Records**, proposed for amendment, is written to maintain current documentation requirements but also allows for the adoption of "best practices" protocols with system on-boarding, thus the language includes: "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. ..."

**Rule 4779-3-01, Definition of Terms**, proposed for amendment, in addition to housekeeping updates includes a reference to online license lookup as the preferred system of license verification, and the elimination of pre-printed wallet ID cards

**Rule 4779-3-02 – Device-related and Scope of Practice Definitions**, In addition to a change in the definition of “accommodative” to address confusion created by differential use of the term brought to the Board’s attention by one of its constituent licensees, the language of the rule is being updated to recognize the development and innovation of 3D printing as it is being experienced in this health care device fabricating sector. “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.” Also in this rule, we are seeking to more closely align the definition of orthotic devices dispensed-as-is with no customization with the federal standard of “off-the-shelf.”

**Rule 4779-5-01 – RESCIND current and promulgate NEW – The examinations** -- to expand the scope of practitioners in Podiatry to allow entrance to those who have passed the “BOC” podiatric certification exam, as the Board has determined there is general consensus that the educational and testing standards governing the BOC administration for Podiatry is functionally equivalent to the ABC regimen;

**Rule 4779-5-02 – Admission to exam**, proposed for amendment, to establish a limit to serial issuance of Temporary licenses, which the Board understands as a credential meant to be held for a short period of time while other licensing requirements are completed.

**Rule 4779-5-03, License application procedure** -- proposed for amendment, 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.

**Rule 4779-7-01, License documents** -- 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.

**Rule 4779-10-01, Ethical and professional conduct** -- Language is being added to clarify that **cooperation with a Board investigation is a matter of professional conduct subject to enforcement action.**

### **No-Change Rules:**

The Rules listed and detailed in Package 162757, designated “FY16 FYR No Change rules” deal specifically and only with administrative operations of the Board and have no adverse impact on licensees or their employers

Rule 4779-2-01 – Board Organization

Rule 4779-2-02 – Personnel

Rule 4779-4-02 – Certificate Program Requirements