

NARRATIVE SUMMARY OF PROPOSED CHANGES/UPDATES

STATE BOARD OF ORTHOTICS PROSTHETICS AND PEDORTHICS RULE REVIEW FY16

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.

A prime example is **4779-2-03 Board records**, which is written to maintain current documentation requirements but also allows for the adoption of "best practices" protocols with 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. ... "

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

4779-3-02 – Device-related and Scope of Practice Definitions -- AMEND

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."

Finally 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. Thus,

"(G) "Minimal fitting" as used in section 4779.01 of the Revised Code and rule 4779-3-02 of the Administrative Code means a 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."

4779-5-01 The examinations - RESCIND/PROMULGATE NEW, and

4779-5-02 Admission to exam - AMEND

This language is being updated to serve two primary purposes: (a) to expand the scope of practitioners in Pedorthics to allow entrance to those who have passed the “BOC” pedorthic certification exam, as the Board has determined there is general consensus that the educational and testing standards governing the BOC administration for Pedorthics is functionally equivalent to the ABC regimen; (b) 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. 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.

4779-5-03 License application procedure - AMEND

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.

4779-7-01 License certificate and ID card - AMEND

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.

4779-10-01 Ethical and Professional Conduct - AMEND

Language is being added to clarify that cooperation with a Board investigation is a matter of professional conduct subject to enforcement action.

(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.

Two of the **NO CHANGE** rules in this package deal specifically and only with administrative operations of the Board and have no adverse impact on licensees or their employers (**4779-2-01 Board Organization** and **4779-2-02 Personnel**). The third no-change rule, 4779-4-02 Certificate Program Requirements, clarifies and facilitates employers' and applicants' understanding as to how the Board interprets statutory language that has become somewhat outdated since its passage 15 years ago.