



State Board of Orthotics, Prosthetics and Pedorthics

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May 21, 2014

Senator Kevin Bacon
Senate Building
1 Capitol Square, Ground Floor
Columbus, OH 43215

RE: HB 326
Therapeutic Shoe Fitter Licensing
Military Experience as Credit Toward Licensing
Cultural Competence and Continuing Education

Dear Senator Bacon:

As you are aware, HB 326 has a direct effect on this agency's scope of regulatory jurisdiction. While we were offered the opportunity to attend an interested party process with primary House sponsor Rep. Roegner, it appears that process has run its course after one meeting of all parties with Rep. Roegner and one attended between parties. We were afforded no opportunity to review and discuss amendment language and have only been presented with it this week. Therefore we have to assume our input in that process has been discounted and our only recourse is with the committee.

This Board has pursued a careful and respectful process in seeking to assure appropriate implementation of Ohio's Orthotics, Prosthetics and Pedorthics Practice Act. By establishing licensing, Ohio has recognized these allied healthcare practitioners as partners in clinically-oriented physical rehabilitation solutions and treatments. This is not the case in the majority of the states. Left to the whims of the federal bureaucracy, with no regard to the education, training and clinical experience required by credentialing and licensing in these professions, the practice tends to be treated as little more than equipment sales.

In Ohio, we have been very effective in leveraging the State's authority granted under the federal Facility Accreditation protocol to differentiate Ohio from other jurisdictions. Rather than just serve a registration desk function, quite frequently the model in other jurisdictions, we have brought a value-added component to the licensing and regulation process by establishing clear standards and definitions to eliminate the grey areas that cause confusion and conflict. We also partner with other state agencies to assure appropriate regulatory language is enacted to the benefit of our licensees and the consumers they serve.

I will tell you in no uncertain terms: removal of diabetic therapeutic shoe fitting from the scope of license-required practice will irreparably harm the ability of this Board to fulfill its larger mission to provide effective public/consumer protection for this class of healthcare interventions. I don't believe that is the goal of the legislation, but I am quite certain that will be the effect. Effective regulation of any field of endeavor cannot be carried out in a fair and balanced manner if services central to the field are excised from the regulator's authority.

Thus, we wish to share with the Committee a proposal to address the overarching and appropriate policy concerns the legislature may wish to consider, assuming it is not intent on dismantling the foundation that was laid in Ohio through the work of the 123rd General Assembly. We respectfully request this Committee consider the following:

(1) The Board is in favor of licensing, as opposed to exempting from licensing, Therapeutic Shoe Fitters within the scope of Chapter 4779 of the Revised Code.

(2) The Board believes Ohioans with qualifying conditions as diabetics are entitled to have their therapeutic shoe services provided by suppliers and professionals who are educated, trained and equipped to offer the full scope of diabetic therapeutic shoe services that the benefit allows. This is in the interest of the consumers and their prescribers, as well as the treasuries of the state and federal governments who pay the tab. Requiring that providers are qualified to service all the DTS shoe needs of a beneficiary in and of itself limits the incidence of over-utilization prompted by some business models that focus sales-oriented prescribing on the most easily-filled benefit option.

(3) However, we also recognize where we are in this process and how the market has developed over the years. The Board is interested, as we indicated in our budget testimony provided to both chambers in March and April of 2013, in pursuing a comprehensive revision of the Practice Act. That proposal in draft form contains provisions for licensing Therapeutic Shoe Fitters as well as other credentialed personnel in Orthotics, Prosthetics and Pedorthics.

(4) We have a proposal, based on LSC guidance from our larger draft in process, that we believe addresses the major policy goals of service expansion and inclusion that are contained in the House version. The Board's proposal also advances other policy goals that have been put forward during current and recent sessions of the General Assembly. The current proposal from the House would do harm both to our current licensees and to the Board as a viable regulatory agency going forward. The Board's proposal is fashioned to do no harm, expand opportunities, provide for accountability, and advance broader goals of the legislature and the healthcare community.

The major elements of the Board's proposal are as follows:

A. Provide for licensing of Therapeutic Shoe Fitters in accordance with current national credentialing standards. By including provisions for grandfathering, those who already hold the TSF credential will be able to serve as a base for growth and development of the specialty within those businesses where they are currently employed.

-- This also provides an opportunity to eliminate a lengthy section of grandfathering language in Chapter 4779 which is no longer applicable

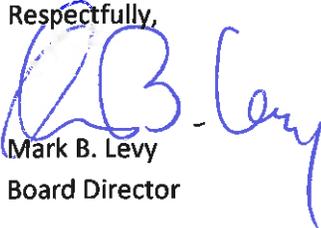
B. Provide for consideration of Military training and education for qualifications for the new license type.

C. Establish requirements that OPP Board licensees engage in Continuing Education activities that address Cultural Competence initiatives as well as Recognizing and Reporting Abuse and Neglect (including Human Trafficking) in a Healthcare Setting.

The Board has been challenged by the General Assembly and the administration to consider Common Sense principles and costs to stakeholders for compliance with standards. This Board has sought to do so through careful, respectful and measured regulatory activities. We want to partner with other regulators and provider types to assure safe and effective delivery of these allied healthcare services to Ohioans in need.

We appreciate the Committee's careful consideration in this regard, and pledge to work diligently with the Committee or any member to improve our regulatory processes. I would be happy to provide the committee with our draft language, and welcome further discussion in this regard.

Respectfully,



Mark B. Levy
Board Director

Cc: Senator Eklund
Senator Brown
Senator Jones
Senator Jordan
Senator Kearney
Senator Oelslager
Senator Seitz
Senator Turner
Senator Uecker