Rules Pending Review – September 2014 – March 2015

Five-Year Rule Review

In accordance with the Periodic Review of Rules requirement, the State Board of Orthotics, Prosthetics, and Pedorthics will be processing two chapters of its Administrative Rules series for review plus two single rules as follows:

CONFIDENTIAL PERSONAL INFORMATION RULES – OAC 4779-13 series – NO CHANGE

We are proposing to process OAC Rules 4779-13-01 through 13-05 as NO CHANGE rules. This rule series imposes administrative requirements on the Board and its staff to comply with Revised Code Section 1347.15 regarding access to Confidential Personal Information within the Board's records and record systems. These rules present no adverse impact on businesses.

ADMINISTRATIVE HEARING RULES – OAC 4779-11 series -- RESCIND

In addition, we are proposing to RESCIND entirely and not replace OAC Rules Chapter 4779-11 (13 rules). The series sets forth procedural requirements for administrative hearings held by the Board.

The rule series was developed and adopted in 2003 based on advice from the Office of the Attorney General of Ohio. Administrative law procedural requirements are subject to change based on legislative enactment and case law development. Based on current advice from the Office of the Attorney General of Ohio, Health and Human Services Section, the rules are suggested as appropriate to RESCIND as no longer timely, relevant or complete; and to the extent they reference procedural requirements beyond the Board's enabling statute, they can also be seen as exceeding the Board's authority.

Rescission of the rules presents no adverse impact to businesses, as any business engaged in an administrative hearing process before this Board would be subject to the procedural requirements established under Ohio law that are not within the purview of this agency. Maintaining the rules might present an adverse impact on business if the rules were relied upon as authoritative but were found not to be conforming to current legal requirements.

OPPCE REQUIREMENTS AND REPORTING – OAC 4779-9-01 -- AMEND

The proposed change removes a reference to "automatic" suspension of license for failure to comply with requirements, substituting a reference to the sections of the Revised Code that appropriately delineate the Board's authority for disciplinary or adverse actions against a license or licensee. Current language is unenforceable and thus confusing and extraneous and ripe for amendment as incomplete and in conflict with other language.

FEES – OAC 4779-12-01 – AMEND [RESCIND AND REPLACE]

RC 4779.08 directs the board to adopt a rule or rules setting fees for licensing activities: application, issuance, renewal, and related functions; as well as fines for "violations of this chapter." License application and renewal fees have not been adjusted since the Board's inception in 2001. Going into budgeting for the FY16-17 biennium, the agency is facing an imbalance between revenues and expenses. The proposed language would allow the board to adjust fees within a defined range with a ceiling, giving some flexibility to respond to budget requirements as they are clarified. Language also requires notice to stakeholders of license fee increases under consideration allowing for comment and feedback, as well as posting the Board's fee schedule on its website.

The following ranges/limits are proposed:

	Current Fee	**Proposed maximum fee**
Full license application	$125	$200
Temporary license application	$150	$200
License renewal (annual)	$300	$500
Reinstatement/late renewal fee	$300 + $150	$250
OPPCE late filing	$150	$250
Replace license card	$5	$ 25
Replace wall certificate	$10	$ 50
Upgrade LO-TEMP, LP-TEMP, LPED-TEMP or LPO-TEMP to full	$ - 0 -	$200
Upgrade LP or LO to LPO	$ - 0 -	$200
Certified license verification	$ -0-	$ 50
License issuance	$ - 0 -	$300
Name Change in Database	$ - 0 -	$ 50
Review/approval of OPPCE activity	$ - 0 -	$ 50
Fines for violation of chapter	$ - 0 -	$500

Fee Waiver language: The board may grant waivers of the fee requirements listed in this chapter in cases of undue hardship including, but not limited to, natural disasters and acts of terrorism. Waivers may also be granted to veterans and active military personnel and their spouses.

WHAT DO YOU THINK?

Provide feedback regarding these rules or this process. We want to hear from you. Email the board using this link, or download and send by mail or fax a Stakeholder Response Form.