

REGULATORY LANGUAGE PERTAINING TO SUPERVISION
IN THE PRACTICE OF ORTHOTICS, PROSTHETICS AND PEDORTHICS
(WITH UPDATES THROUGH NOVEMBER 01, 2010)

The subject of Supervision in the practice of the professions regulated by Ohio Revised Code Chapter 4779 -- and related Administrative Code Rules -- is outlined by language found in the following sections:

ORC §4779.02 -- which prohibits unlicensed practice but specifies exceptions to the prohibition

ORC §4779.04 -- which contains limiting language regarding services provided under supervision

ORC §4779.18 -- which contains the provisions for Temporary Licensure

OAC Rule 4779-3-01 -- which provides Definitions relating to a number of terms, including "supervision" and "direct supervision" and "physically present."

Taken together, this language sets forth as legal policy of the state of Ohio the following principles regarding an Orthotist, Prosthetist, or Pedorthist's authority and responsibility in extending the rights and privileges granted by licensure to the acts of persons providing hands-on consumer care under supervision:

- Except in the case of an employee of the federal government, a professional license is required to offer or perform services in Orthotic, Prosthetic and/or Pedorthic care in the State of Ohio.
- Unlicensed persons may perform services within the scope of Orthotic, Prosthetic and/or Pedorthic care only under the authority of an individual who holds an appropriate professional license.
- A Licensed Orthotist, Prosthetist, Prosthetist-Orthotist, or Pedorthist may supervise no more than four (4) unlicensed persons performing professional services at one time.
- The supervised individual may only perform services in which the supervisor holds appropriate competence. For example:
 - An Orthotist may not supervise the provision of Prosthetic services
 - Either an Orthotist or a Prosthetist may supervise the provision of Pedorthic services, since Pedorthics is within the scopes of practice of both of those professions

- Regardless of the skill level that a license holder may determine an unlicensed supervisee demonstrates, an OPP Board Licensee:
 - ⇒ must be "physically present" [ORC §4779.04(B)], meaning "at the same building, location, or facility as the non-licensed practitioner and patient" [OAC Rule 4779-3-01(C)(1), effective 11/01/2010]
 - ⇒ "[d]uring the initial evaluation of any patient who can reasonably be expected to require orthotic, prosthetic, or pedorthic services and during the fitting and delivery of an orthotic or pedorthic device or prosthesis ..." [ORC §4779.04(B)]
- **A Temporary License** grants the holder and supervisor the responsibility to engage in the provision of services for a time-limited basis under less-restrictive circumstances, eliminating the "physically present" standard by allowing for services to be rendered within a "sixty (60) minutes travel time" region and with a consultation-by-telecommunications back-up plan. [ref: ORC §4779.18 (B); OAC Rule 4779-3-01(C)(3)]

The language cited in this summary is provided for your specific reference on the next page. Copies of all regulatory language from Chapters 4779 of the Revised and Administrative Codes are available from the Board office and on-line at:

<http://codes.ohio.gov/orc/4779> (Practice Act - Revised Code) <http://codes.ohio.gov/oac/4779> (Administrative Code Rules)

ORC § 4779.02 -- License required to practice orthotics, prosthetics or pedorthics; exceptions.

(A) Except as provided in division (B) of this section, no person shall practice or represent that the person is authorized to practice orthotics, prosthetics, or pedorthics unless the person holds a current, valid license issued or renewed under this chapter.

(B) Division (A) of this section does not apply to any of the following:

(3) An individual who provides orthotic, prosthetic, or pedorthic services under the supervision of a licensed orthotist, prosthetist, or pedorthist in accordance with section 4779.04 of the Revised Code;

(5) An individual who provides orthotic, prosthetic, or pedorthic services under the direct supervision of an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

ORC § 4779.04 -- Restrictions on individuals providing services under supervision of licensee.

No individual who provides orthotic, prosthetic, or pedorthic services under the supervision of an individual licensed under this chapter, as provided in division (B)(3) of section 4779.02 of the Revised Code, shall do so unless all of the following are the case:

(A) The individual does not perform any services that the supervising orthotist, prosthetist, orthotist-prosthetist, or pedorthist is not authorized to perform;

(B) During the initial evaluation of any patient who can reasonably be expected to require orthotic, prosthetic, or pedorthic services and during the fitting and delivery of an orthotic or pedorthic device or prosthesis, the supervising orthotist, prosthetist, orthotist-prosthetist, or pedorthist is physically present;

(C) At times other than those described in division (B) of this section, the supervising orthotist, prosthetist, orthotist-prosthetist, or pedorthist is either physically present at the location where the individual is practicing or is readily available to the individual through some means of telecommunication and is in a location that under normal circumstances is not more than sixty minutes travel time away from the location where the individual is practicing.

ORC § 4779.18 Temporary license.

(B) A temporary license issued under this section is valid for one year and may be renewed once in accordance with rules adopted by the board under section 4779.08 of the Revised Code.

An individual who holds a temporary license may practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics only under the supervision of an individual who holds a license issued under section 4779.09 of the Revised Code in the same area of practice.

OAC Rule 4779-3-01 -- Definitions Of Terms. *[with updates effective 11/01/2010]*

(C) Supervision definitions and requirements

(1) "Physically present" as it is used under division (B) of section 4779.04 of the Revised Code means at the same building, location, or facility as the non-licensed practitioner and patient.

(2) "Under the direct supervision", as it is used under division (B)(5) of section 4779.02 of the Revised Code, means the individual who provides orthotic, prosthetic, or pedorthic services under the supervision of an individual authorized to practice medicine or osteopathic medicine, must perform the evaluation, measurement, design, fitting, adjusting, servicing, or training in a building, facility, or location where the physician or osteopathic physician is present at the time the service is provided and pursuant to a professional arrangement whereby the physician or osteopathic physician takes full clinical and consumer care responsibility for the orthotic, prosthetic, or pedorthic services provided.

(3) "Under the supervision" as it is used under division (B) in section 4779.18 of the Revised Code means the temporary license holder who practices under the supervision of an individual who holds a full practitioner license issued under section 4779.09 of the Revised Code may conduct all activities either at a building, location, or facility where the supervising orthotist, prosthetist, or pedorthist is physically present or at a location where the supervising orthotist, prosthetist, or pedorthist is readily available to the individual through some means of telecommunication and is in a location that under normal circumstances is not more than sixty minutes travel time away from the location where the temporary license holder is practicing.