Kirsten J. Gross *Legislative Service Commission*

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(As Passed by the General Assembly)

Sen. **White**

Reps. **Krupinski, Metelsky, Verich, Distel, Cates, Mottley, Householder, Widener, Barrett, Olman, Corbin**

Effective date: *

ACT SUMMARY

- Requires the licensing of persons who practice orthotics, prosthetics, and pedorthics.
- Establishes criteria for the licensing of persons who practice orthotics, prosthetics, and pedorthics, varying the requirements according to date of license application and whether the person possesses an out-of-state license or is seeking a temporary license.
- Creates the State Board of Orthotics, Prosthetics, and Pedorthics consisting of seven members appointed to three-year terms and authorizes the Board to conduct the regulatory duties associated with the act's licensing provisions.
- Requires the Board to maintain certain records and specifies information that the Board must publish.
- Specifies continuing education requirements and other requirements for license renewal.
- Establishes criteria for Board approval of continuing education courses and residency programs and for Board recognition of bachelor degree programs and certificate programs for the licensed professions.

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* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared.*

- Establishes enforcement provisions relative to the act's licensing requirements, including specifying licensing sanctions and procedures for submitting allegations against a licensee, authorizing the Secretary of the Board to enforce the act, and establishing penalties for violations.

- Expands the existing definitions of "physical therapy" for the purposes of the "Occupational and Physical Therapists Licensing Law to include, under certain circumstances, the provision of assistive devices to a person.

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CONTENT AND OPERATION

Overview

The act establishes criteria for the licensing of persons who practice orthotics, prosthetics, and pedorthics. Included are general criteria that all license applicants must satisfy and then specific criteria for each of the four types of licenses designated under the act. Additionally, the act establishes criteria that differ for applicants on the basis of the license application date which criteria are further varied for individuals who hold licenses from other states. Those wishing to obtain temporary licenses also must meet differing criteria.

The act creates the State Board of Orthotics, Prosthetics, and Pedorthics and establishes the duties of the Board. It specifies continuing education requirements for licensees and other requirements for license renewal. Criteria for Board approval of continuing education courses and residency programs and for Board recognition of bachelor degree programs and certificate programs for the licensed professions are outlined by the act. Enforcement provisions also are established under the act. Unless the termination date (i.e. "sunset" provision) is extended or removed from the act on or before December 31, 2004, the act terminates in its entirety on that date.

Definitions

The act defines the terms listed below as follows:

"Accommodative" means designed with the primary goal of conforming to the anatomy of a particular individual.

"Full-time" means not less than 1,600 hours per year.

"Inlay" means any removable material on which the foot rests inside a shoe and that may be an integral design component of the shoe.

"Orthotics" means the evaluation, measurement, design, fabrication, assembly, fitting, adjusting, servicing, or training in the use of an orthotic or pedorthic device, or the repair, replacement, adjustment, or service of an existing orthotic or pedorthic device. It does not include upper extremity adaptive equipment used to facilitate the activities of daily living, finger splints, elastic abdominal supports without metal or plastic reinforcing stays, nontherapeutic accommodative inlays, shoes that are not manufactured or modified for a particular individual, prefabricated foot care products, durable medical equipment, dental appliances, pedorthic devices, or devices implanted into the body by a physician.

"Orthotic device" means a custom fabricated or fitted medical device used to support, correct, or alleviate neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity.

"Pedorthics" means the evaluation, measurement, design, fabrication, assembly, fitting, adjusting, servicing, or training in the use of a pedorthic device, or the repair, replacement, adjustment, or servicing of a pedorthic device.

"Pedorthics device" means a custom fabricated or fitted therapeutic shoe, shoe modification for therapeutic purposes, prosthetic filler of the forefoot, or foot orthosis for use from the apex of the medical malleus and below. It does not include an arch support, a nontherapeutic accommodative inlay, nontherapeutic accommodative footwear, prefabricated footcare products, or unmodified, over-the-counter shoes.

"Prosthetics" means the evaluation, measurement, design, fabrication, assembly, fitting, adjusting, servicing, or training in the use of a prosthesis or pedorthic device, or the repair, replacement, adjustment, or service of a prosthesis or pedorthic device.

"Prosthesis" means a custom fabricated or fitted medical device used to replace a missing appendage or other external body part. It includes an artificial limb, hand, or foot, but does not include devices implanted into the body by a physician, artificial eyes, intraocular lenses, dental appliances, ostomy products, cosmetic devices such as breast prostheses, eyelashes, wigs, or other devices that do not have a significant impact on the musculoskeletal functions of the body.

The act also expands the definition of "physical therapy" as it appears in the existing Occupational Physical Therapists Licensing Law. The current definition of physical therapy means the evaluation and treatment of a person by physical measures and the use of therapeutic exercises and rehabilitative procedures, with or without assistive devices, for the purpose of preventing, correcting, or alleviating any disability. It also includes the establishment and modifications of physical therapy programs, treatment planning, instruction, and consultative services. To this, the act adds that, if performed by a person who is adequately trained, physical therapy includes "the design, fabrication, revision, education, and instruction in the use of various assistive devices including braces, splints, ambulatory or locomotion devices, wheelchairs, prosthetics, and orthotics." (Sec. 4755.40(A).)

License required

The act prohibits a person, except as described below, from practicing or representing that the person is authorized to practice orthotics, prosthetics, or

pedorthics unless the person holds a current, valid license issued or renewed under the act's provisions. (Sec. 4779.02(A).)

Exceptions

The licensing requirement described above does not apply to any of the following individuals:

(1) One who holds a current, valid license, certificate, or registration issued under laws regulating nurses, physician's assistants, physicians, podiatrists, chiropractors, physical therapists, occupational therapists, and athletic trainers (R.C. Chapters 4723., 4730., 4731., 4734., and 4755., respectively) and is practicing within the individual's scope of practice under statutes and rules regulating the individual's profession;

(2) One who practices orthotics, prosthetics, or pedorthics as an employee of the federal government and is engaged in the performance of duties prescribed by statutes and regulations of the United States;

(3) One who provides orthotic, prosthetic, or pedorthic services under the supervision of a licensed orthotist, prosthetist, or pedorthist in accordance with the act's provisions;

(4) One who provides orthotic, prosthetic, or pedorthic services as part of an educational, certification, or residency program approved by the Board. (Sec. 4779.02(B).)

Title protection

The act prohibits a person from using the titles "licensed orthotist," "licensed prosthetist," "licensed orthotist-prosthetist," or "licensed pedorthist," the initials "L.O.," "L.P.," "L.O.P.," or "L.Ped.," or any other title or initials to represent that the person is licensed to practice orthotics, prosthetics, or pedorthics, unless the person holds a current, valid license issued or renewed under the act's provisions.

Similarly, the act prohibits a person from using any title or initials to represent that the person is licensed to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics as a temporarily licensed orthotist, prosthetist, or pedorthist, unless the person holds a current, valid temporary license issued or renewed under the act's provisions. (Sec. 4779.03.)

Licensed supervision

Under the act, an individual who provides orthotic, prosthetic, or pedorthic services under the supervision of an individual licensed under the act may do so only if all of the following conditions are satisfied:

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

(2) 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;

(3) At times other than those described in (2) above, 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 60 minutes travel time away from the location where the individual is practicing.

Persons licensed under the act may supervise not more than four individuals. (Sec. 4779.04.)

State Board of Orthotics, Prosthetics, and Pedorthics

The act creates the State Board of Orthotics, Prosthetics, and Pedorthics, consisting of seven members who must be residents of this state and appointed by the Governor, within 90 days after the act's effective date, with the advice and consent of the Senate.

Of the members initially appointed to the Board, two must be individuals who are certified as an orthotist, prosthetist, or orthotist-prosthetist by the American Board of Certification in Orthotics and Prosthetics or an equivalent successor organization recognized by the State Board of Orthotics, Prosthetics, and Pedorthics. Two initial members must be individuals who are certified as an orthotist, prosthetist, or orthotist-prosthetist by the Board for Orthotist/Prosthetist Certification or an equivalent successor organization recognized by the State Board of Orthotics, Prosthetics, and Pedorthics. One initial member must be an individual who is certified as a pedorthist by the Board for Certification in Pedorthics or an equivalent successor organization recognized by the State Board of Orthotics, Prosthetics, and Pedorthics. One member must be an individual authorized to practice medicine and surgery or osteopathic medicine and surgery,

or podiatry under the Physician's Licensing Law (R.C. Chapter 4731.). One member must be a representative of the public who is a consumer of orthotic or prosthetic goods and services. The act specifies that the five successor members appointed to the Board for those representing the professions licensed by the act must be licensed under the act. One member must be a licensed orthotist, one must be a licensed prosthetist, two must be licensed as either an orthotist or prosthetist or as an orthotist and prosthetist, and one must be a licensed pedorthist. (Sec. 4779.05; Section 4.)

Terms are for three years, except for the staggered terms of initial Board members, and members may not serve more than two consecutive terms. The act contains other standard provisions governing the appointment, terms, and vacancies of members. (Sec. 4779.05.)

Meetings of the Board must be held at times and places established by the Board, except that the Board's annual meeting must be held in Ohio in September. Four members of the Board constitute a quorum for the transaction of business, and the affirmative vote of not fewer than four members is required for the Board to take any official action. The Board annually must select from its membership a President and Secretary.

Members of the Board receive no compensation but are reimbursed for actual and necessary expenses incurred in attending meetings of the Board and in the performance of their official duties. The Board may employ such employees as are necessary to enable it to execute its duties. (Sec. 4779.06.)

The act authorizes the Governor to remove a member of the Board for any of the following reasons:

(1) The member did not have at the time of appointment or has not maintained the qualifications required under the act for appointment;

(2) The member violates any provision of the act or rule adopted under it;

(3) The member is or expects to be unable to discharge the member's official duties for a substantial portion of the member's term;

(4) The member is absent from more than one-half of the regularly scheduled Board meetings that the member is eligible to attend during a calendar year.

The act specifies that removal of a Board member does not affect the validity of any action taken by the Board. (Sec. 4779.07.)

Board rules

Under the act, the Board must adopt rules in accordance with the Administrative Procedure Act to carry out the act's purposes, including rules prescribing all of the following:

(1) The form and manner of filing of applications to be admitted to examinations and for licensure and license renewal;

(2) Standards and procedures for formulating, evaluating, approving, and administering licensing examinations or recognizing other entities that conduct examinations;

(3) The form, scoring, and scheduling of licensing examinations;

(4) Fees for examinations and applications for licensure and license renewal;

(5) Fees for approval of continuing education courses;

(6) Procedures for issuance, renewal, suspension, and revocation of licenses and the conduct of disciplinary hearings;

(7) Standards of ethical and professional conduct in the practice of orthotics, prosthetics, and pedorthics;

(8) Standards for approving national certification organizations in orthotics, prosthetics, and pedorthics;

(9) Fines for violations of the act;

(10) Standards for the recognition and approval of educational programs required for licensure, including standards for approving foreign educational credentials;

(11) Standards for continuing education programs required for license renewal;

(12) Provisions for making available information regarding the Board's regulatory functions, provisions of the act, and procedures for filing complaints with the Board.

The act permits the Board to adopt any other rules necessary for the act's administration. (Sec. 4779.08.)

Public records

The act requires the Board to maintain Board records, including records of the Board's proceedings, a registry of all applicants for licensure that indicates whether the applicant was granted a license, and any other records necessary to carry out the provisions of the act. (Sec. 4779.21.)

Additionally, the Board is required by the act to publish and make available to the public written information regarding both of the following:

(1) The Board's regulatory functions and the provisions of the act;

(2) The procedures by which complaints are filed with the Board, which must include a description of the complaint procedures and the name, mailing address, and telephone number of the Board.

The Board must make the information described in (1) and (2) above available to all of the following:

(1) Consumers of orthotic, prosthetic, and pedorthic goods and services;

(2) Individuals licensed by the Board;

(3) Nationally recognized orthotic, prosthetic, and pedorthic certifying and accrediting organizations;

(4) Nationally recognized orthotic, prosthetic, and pedorthic educational organizations;

(5) Any other entity that may reasonably require the information.

Under the act, the Board may make available information regarding the Board's regulatory functions, provisions of the act, and procedures for filing complaints with the Board by adopting a rule requiring the information to be displayed in any of the following ways:

(1) On each registration form or application prepared by the Board;

(2) On a sign prominently displayed in the place of business of each individual licensed by the Board;

(3) In each bill or written contract for services provided by an individual licensed by the Board. (Sec. 4779.22.)

General license requirements

An applicant for a license to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics must apply to the Board in accordance with the Board's rules and pay the application fee specified in the rules. The Board must issue a license to an applicant who satisfies all the following requirements:

(1) Is 18 years of age or older;

(2) Is of good moral character;

(3) Passes the required examination, if required to take the examination (see "***Examination requirement***" below);

(4) Satisfies the license requirements for the specific license sought (see "***License to practice orthotics, prosthetics, or orthotics and prosthetics***" and "***License to practice pedorthics***" below). (Sec. 4779.09.)

Licenses are valid for not less than three years and not more than four years and expire on January 31. (Sec. 4779.19.)

License to practice orthotics, prosthetics, or orthotics and prosthetics

To be eligible for a license to practice orthotics, prosthetics, or orthotics and prosthetics, an applicant must meet the requirements listed in Chart 1, 2, or 3 for the applicable license. An applicant who applies on or before January 1, 2006 has the option to meet the criteria described in any of the three columns of the appropriate chart. Those who apply on or before January 1, 2008 have the option to meet the criteria described in either the second or third column. Those who apply after January 1, 2008 must meet the criteria described in the third column. Except for being specific to each license type, the criteria for all three licenses is identical. (Secs. 4779.10, 4779.11, and 4779.12.)

CHART 1

Orthotics Licensure Criteria (Sec. 4779.10)		
For applications made **on or before 01/01/06**	For applications made **on or before 01/01/08**	For applications made **before or after 01/01/08**
The applicant holds an	The applicant meets the	On the date of application,

associate's degree or higher from an accredited college or university or an equivalent credential from a foreign educational institution recognized by the Board. The applicant has completed a certificate program in orthotics recognized by the Board. The applicant has three years of documented, full-time experience practicing or teaching orthotics.	criteria described in *Option A* or *Option B* listed below. <u>*Option A:*</u> 1) Holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent credential from a foreign educational institution recognized by the Board; 2) Holds a valid certificate in orthotics issued by the American Board for Certification in Orthotics and Prosthetics, the Board for Orthotist/Prosthetist Certification, or an equivalent successor organization recognized by the Board; 3) Has completed three years of documented, full-time experience practicing or teaching orthotics. <u>*Option B:*</u> 1) Holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent credential from a foreign educational institution recognized by the Board; 2) Has completed a certificate program in orthotics recognized by the Board; 3) Has completed a residency program in orthotics recognized by the Board or has three years of documented, full-time experience practicing or teaching orthotics.	the applicant has practiced orthotics for not less than eight months under the supervision of a licensed orthotist. The applicant has completed an orthotics residency program approved by the Board. The applicant meets either of the following criteria: 1) Holds a bachelor's degree in orthotics and prosthetics from an accredited college or university whose orthotics and prosthetics program is recognized by the Board or an equivalent educational credential from a foreign educational institution recognized by the Board; 2) Holds a bachelor's degree in a subject other than orthotics and prosthetics or an equivalent educational credential from a foreign educational institution recognized by the Board and has completed a certificate program in orthotics recognized by the Board.

CHART 2

Prosthetics Licensure Criteria (Sec. 4779.11)		
For applications made **on or before 01/01/06**	For applications made **on or before 01/01/08**	For applications made **before or after 01/01/08**
The applicant holds an associate's degree or higher	The applicant meets the criteria described in *Option A* or	On the date of application, the applicant has practiced

from an accredited college or university or an equivalent credential from a foreign educational institution recognized by the Board. The applicant has completed a certificate program in prosthetics recognized by the Board. The applicant has three years of documented, full-time experience practicing or teaching prosthetics.	*Option B* listed below. *Option A:* 1) Holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent credential from a foreign educational institution recognized by the Board; 2) Holds a valid certificate in prosthetics issued by the American Board for Certification in Orthotics and Prosthetics, the Board for Orthotist/Prosthetist Certification, or an equivalent successor organization recognized by the Board; 3) Has completed three years of documented, full-time experience practicing or teaching prosthetics. *Option B:* 1) Holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent credential from a foreign educational institution recognized by the Board; 2) Has completed a certificate program in prosthetics recognized by the Board; 3) Has completed a residency program in prosthetics recognized by the Board or has three years of documented, full-time experience practicing or teaching prosthetics.	prosthetics for not less than eight months under the supervision of a licensed orthotist. The applicant has completed an prosthetics residency program approved by the Board. The applicant meets either of the following criteria: 1) Holds a bachelor's degree in orthotics and prosthetics from an accredited college or university whose orthotics and prosthetics program is recognized by the Board or an equivalent educational credential from a foreign educational institution recognized by the Board; 2) Holds a bachelor's degree in a subject other than orthotics and prosthetics or an equivalent educational credential from a foreign educational institution recognized by the Board and has completed a certificate program in prosthetics recognized by the Board.

CHART 3

Orthotics and Prosthetics Licensure Criteria (Sec. 4779.12)		
For applications made **on or before 01/01/06**	For applications made **on or before 01/01/08**	For applications made **before or after 01/01/08**
The applicant holds an associate's degree or higher from an accredited college or	The applicant meets the criteria described in *Option A* or *Option B* listed below.	On the date of application, the applicant has practiced orthotics and prosthetics for not less than

university or an equivalent credential from a foreign educational institution recognized by the Board. The applicant has completed a certificate program in orthotics and prosthetics recognized by the Board. The applicant has six years of documented, full-time experience practicing or teaching orthotics or prosthetics.	*Option A:* 1) Holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent credential from a foreign educational institution recognized by the Board; 2) Holds a valid certificate in orthotics and prosthetics issued by the American Board for Certification in Orthotics and Prosthetics, the Board for Orthotist/Prosthetist Certification, or an equivalent successor organization recognized by the Board; 3) Has completed six years of documented, full-time experience practicing or teaching orthotics or prosthetics. *Option B:* 1) Holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent credential from a foreign educational institution recognized by the Board; 2) Has completed a certificate program in orthotics and prosthetics recognized by the Board; 3) Has completed a residency program in orthotics and prosthetics recognized by the Board or has six years of documented, full-time experience practicing or teaching orthotics or prosthetics.	eight months under the supervision of a licensed orthotist. The applicant has completed an orthotics and prosthetics residency program approved by the Board. The applicant meets either of the following criteria: 1) Holds a bachelor's degree in orthotics and prosthetics from an accredited college or university whose orthotics and prosthetics program is recognized by the Board or an equivalent educational credential from a foreign educational institution recognized by the Board; 2) Holds a bachelor's degree in a subject other than orthotics and prosthetics or an equivalent educational credential from a foreign educational institution recognized by the Board and has completed a certificate program in orthotics and prosthetics recognized by the Board.

License to practice pedorthics

To be eligible for a license to practice pedorthics, an applicant must meet all of the following requirements:

(1) On the date of application, has practiced pedorthics for not less than eight months under the supervision of an licensed pedorthist;

(2) Holds a high school diploma or certificate of high school equivalence issued by the State Board of Education or a comparable agency of another state;

(3) Has completed the education, training, and experience required to take the certification examination developed by the Board for Certification in Pedorthics or an equivalent successor organization recognized by the State Board of Orthotics, Prosthetics, and Pedorthics. (Sec. 4779.13.)

Examination requirement

Except for those exempted from the examination requirement (see "***Licenses issued without examination***" below), the act requires the Board to examine or cause to be examined each individual who seeks to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics in Ohio. To be eligible to take an examination conducted by the Board or an entity recognized by the Board, an individual must file an application and pay an examination fee as specified in rules adopted by the Board and meet all the requirements described above under "***General license requirements***," other than the requirement of having passed the examination. Examinations must be conducted at least once a year in accordance with rules adopted by the Board and each applicant must be examined in the subjects the Board requires.

The act permits the Board to use as its examination all or part of a standard orthotics, prosthetics, orthotics and prosthetics, or pedorthics licensing examination established for the purpose of determining the competence of individuals to practice orthotics, prosthetics, or pedorthics in the United States. In lieu of conducting examinations, the Board may accept the results of examinations conducted by entities recognized by the Board. (Sec. 4779.15.)

Licenses issued without examination

Under the act, the Board must issue a license without requiring the applicant to pass an examination under two scenarios: (1) when an applicant applies not later than 180 days after the act's effective date and meets additional specified criteria, (2) when an applicant possesses an out-of-state license and meets additional specified criteria. For those who apply not later than 180 days after the act's effective date, Chart 4 lists the criteria those applicants must satisfy for licensure. For those who hold a license to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics issued by the appropriate authority of another state, Chart 5 lists the criteria those applicants must satisfy for licensure. (Secs. 4779.16 and 4779.17.)

CHART 4

Requirements for Licensure Without Examination (for applicants not possessing out-of-state license) (Sec. 4779.16)

For a license to practice orthotics by an applicant who is actively practicing or teaching orthotics on the act's effective date, the applicant must satisfy the requirements of Option A or Option B listed below:	***For a license to practice prosthetics by an applicant who is actively practicing or teaching prosthetics on the act's effective date, the applicant must satisfy the requirements of Option A or Option B listed below:***	***For a license to practice orthotics and prosthetics, the applicant must satisfy the requirements of Option A or Option B listed below:***	***For a license to practice pedorthics, by an applicant who is actively practicing or teaching pedorthics on the effective date of this section:***
Option A: Holds a bachelor's degree or higher from a nationally accredited college or university in the United States; Has completed a certificate program in orthotics approved by the Board; Is certified in orthotics by the American Board for Certification in Orthotics and Prosthetics, the Board of Orthotist/ Prosthetist Certification, or an equivalent successor organization recognized by the Board; Has completed a residency program approved by the Board. *Option B:* Has a minimum of three years of documented, full-time experience practicing or teaching orthotics; Has passed the	*Option A:* Holds a bachelor's degree or higher from a nationally accredited college or university in the United States; Has completed a certificate program in prosthetics approved by the Board; Is certified in prosthetics by the American Board for Certification in Orthotics and Prosthetics, the Board of Orthotist/ Prosthetist Certification, or an equivalent successor organization recognized by the Board; Has completed a residency program approved by the Board. *Option B:* Has a minimum of three years of documented, full-time experience practicing or teaching prosthetics;	*Option A:* Holds a bachelor's degree or higher from a nationally accredited college or university in the United States; Has completed a certificate program in orthodics and prosthetics approved by the Board; Is certified in orthotics and prosthetics by the American Board for Certification in Orthotics and Prosthetics, the Board of Orthotist/Prosthetist Certification, or an equivalent successor organization recognized by the Board; Has completed a residency program in orthotics and prosthetics approved by the Board. *Option B:* Has a minimum of six years of documented, full-time experience practicing or teaching orthotics and prosthetics; Has passed the	Is certified in pedorthics by the Board for Certification in Pedorthics.

Requirements for Licensure Without Examination (for applicants not possessing out-of-state license) (Sec. 4779.16)			
For a license to practice orthotics by an applicant who is actively practicing or teaching orthotics on the act's effective date, the applicant must satisfy the requirements of Option A or Option B listed below:	***For a license to practice prosthetics by an applicant who is actively practicing or teaching prosthetics on the act's effective date, the applicant must satisfy the requirements of Option A or Option B listed below:***	***For a license to practice orthotics and prosthetics, the applicant must satisfy the requirements of Option A or Option B listed below:***	***For a license to practice pedorthics, by an applicant who is actively practicing or teaching pedorthics on the effective date of this section:***
certification examination in orthotics developed by the American Board of Certification in Orthotics and Prosthetics, the Board of Orthotist/ Prosthetist Certification, or an equivalent organization recognized by the Board.	Has passed the certification examination in prosthetics developed by the American Board of Certification in Orthotics and Prosthetics, the Board of Orthotist/ Prosthetist Certification, or an equivalent organization recognized by the Board.	orthotics and prosthetics certification examination requirements of the American Board of Certification in Orthotics and Prosthetics, the Board of Orthotist/Prosthetist Certification, or an equivalent organization recognized by the Board.	

CHART 5

Requirements for Licensure Without Examination of Applicants Possessing Out-of-State License and Requirements for Temporary License (Secs. 4779.17 and 4779.18)			
For a license to practice orthotics:	***For a license to practice prosthetics:***	***For a license to practice orthotics and prosthetic:***	***For a license to practice pedorthic:***
The applicant has completed an orthotics residency program approved by the Board. The applicant	The applicant has completed a prosthetics residency program approved by the Board. The applicant meets	The applicant has completed an orthotics and prosthetics residency program approved by the Board.	The applicant holds a high school diploma or certificate of high school equivalence issued by the State Board of Education or

meets either of the following criteria: 1) Holds a bachelor's degree in orthotics and prosthetics from an accredited college or university whose orthotics and prosthetics program is recognized by the Board or an equivalent educational credential from a foreign educational institution recognized by the Board; 2) Holds a bachelor's degree in a subject other than orthotics and prosthetics or an equivalent educational credential from a foreign educational institution recognized by the Board and has completed a certificate program in orthotics recognized by the Board.	either of the following criteria: 1) Holds a bachelor's degree in orthotics and prosthetics from an accredited college or university whose orthotics and prosthetics program is recognized by the Board or an equivalent educational credential from a foreign educational institution recognized by the Board; 2) Holds a bachelor's degree in a subject other than orthotics and prosthetics or an equivalent educational credential from a foreign educational institution recognized by the Board and has completed a certificate program in prosthetics recognized by the Board.	The applicant meets either of the following criteria: 1) Holds a bachelor's degree in orthotics and prosthetics from an accredited college or university whose orthotics and prosthetics program is recognized by the Board or an equivalent educational credential from a foreign educational institution recognized by the Board; 2) Holds a bachelor's degree in a subject other than orthotics and prosthetics or an equivalent educational credential from a foreign educational institution recognized by the Board and has completed a certificate program in orthotics and prosthetics recognized by the Board.	a comparable agency of another state. The applicant has completed the education, training, and experience requirement to take the certification examination developed by the Board for Certification in Pedorthics or an equivalent successor organization recognized by the Board.

Temporary licenses

The act requires the Board to issue a temporary license to an individual who meets all of the following requirements:

(1) Applies to the Board in accordance with rules adopted by the Board;

(2) Pays the application fee specified in rules adopted by the Board;

(3) Is 18 years of age or older;

(4) Is of good moral character;

(5) Meets the requirements listed in Chart 5 for the applicable license.

Under the act, a temporary license is valid for one year and may be renewed once in accordance with rules adopted by the Board. 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 in the same area of practice. (Sec. 4779.18.)

License renewal

The act requires that an individual seeking to renew a license must, on or before the 31st day of January of the year in which the license expires, apply for renewal. The Board must send renewal notices at least one month prior to the expiration date. Applications must be submitted to the Board on forms the Board prescribes and furnishes. Each application must be accompanied by a renewal fee specified in rules adopted by the Board. (Sec. 4779.20.)

Continuing education

Amount required

To be eligible for license renewal other than a first renewal, the act requires the license holder to certify to the Board one of the following:

(1) In the case of an individual licensed as an orthotist or prosthetist, the individual has completed within the preceding three years 45 continuing education units granted by the Board;

(2) In the case of an individual licensed as a prosthetist and orthotist, the individual has completed within the preceding three years 75 continuing education units granted by the Board;

(3) In the case of an individual licensed as a pedorthist, the individual has completed within the previous three years the continuing education courses required by the Board for Certification in Pedorthics or an equivalent organization recognized by the State Board of Orthotics, Prosthetics, and Pedorthics. (Sec. 4779.20.)

Approval of courses offered

To be eligible for approval by the Board, a continuing education course must satisfy all of the following requirements:

(1) Include significant intellectual or practical content and be designed to improve the professional competence of participants;

(2) Deal with matters directly related to the practice of orthotics, prosthetics, or pedorthics including professional responsibility, ethical obligations, or similar subjects that the Board considers necessary to maintain and improve the quality of orthotic and prosthetic services in Ohio;

(3) Involve in-person instruction, except that a course may use self-study materials if the materials are prepared and presented by a group with appropriate practical experience;

(4) Be presented in a setting that is physically suited to the course;

(5) Include thorough, high-quality written material;

(6) Meet any other requirements the Board considers appropriate.

The act requires that the Board must, in accordance with the standards described above, review and approve continuing education courses. If the Board does not approve a course, it must provide a written explanation of the reason for the denial to the person that requested approval. The Board may approve continuing education courses approved by boards of other states that regulate orthotics, prosthetics, and pedorthics if the other board's standards for approving continuing education courses are equivalent to the standards described in (1) through (6) above. (Sec. 4779.23.)

Standards for determining units

The Board must grant continuing education units to licensees on the following basis in accordance with the act:

(1) For completing a continuing education course approved by the Board, one unit for each hour of instruction received;

(2) For teaching as a faculty member a course in orthotics, prosthetics, or pedorthics that is part of the curriculum of an institution of higher education, one-half unit for each semester hour of the course, or an equivalent unit for each quarter or trimester hour of the course;

(3) For teaching other than as a faculty member a course that is part of an institution of higher education's orthotics, prosthetics, or pedorthics curriculum, one unit for each hour teaching the course;

(4) For teaching a continuing education course that is approved by the Board that is not part of an institution of higher education's orthotics, prosthetics, or pedorthics curriculum, three units for each hour teaching the course for the first

time and one-half unit for each hour teaching the course each time thereafter. (Sec. 4779.24.)

Recognition of bachelor's degree programs

The Board is required by the act to recognize an institution of higher education's bachelor's degree program in orthotics and prosthetics if the program satisfies all of the following requirements:

(1) Provides not less than two semesters or three quarters of instruction in orthotics and two semesters or three quarters of instruction in prosthetics;

(2) Requires as a condition of entry a high school diploma or certificate of high school equivalence issued by the State Board of Education;

(3) Includes a written description of the program that includes learning goals, course objectives, and competencies for graduation;

(4) Requires frequent, documented evaluation of students to assess their acquisition of knowledge, problem identification and solving skills, and psychomotor, behavioral, and clinical competencies;

(5) Requires as a condition of entry successful completion of courses in biology, chemistry, physics, psychology, computer science, algebra or higher math, human anatomy with a laboratory section, and physiology with a laboratory section;

(6) Requires formal instruction in biomechanics, gait analysis and pathometrics, kinesiology, pathology, materials science, research methods, and diagnostic imaging techniques;

(7) Requires students as a condition of graduation to demonstrate orthotics skills, including measurement, impression-taking, model rectification, and fitting and alignment of orthoses for the lower limbs, upper limbs, and spines;

(8) Requires students as a condition of graduation to complete training in orthotic systems, including foot orthosis, ankle-foot orthosis, knee orthosis, knee-ankle-foot orthosis, hip-knee-ankle orthosis, hip orthosis, wrist-hand orthosis, cervical-thoracic-lumbo-sacral orthosis, thoracolumbo-sacral orthosis, lumbo-sacral orthosis, HALO, fracture management, RGO, standing frames, and seating;

(9) Requires students as a condition of graduation to demonstrate prosthetic skills that include measurement, impression taking, model rectification, diagnostic fitting, definitive fitting, postoperative management, external power, and static and dynamic alignment of sockets related to various amputation levels,

including partial foot, Syme's below knee, above knee, below elbow, above elbow, and the various joint disarticulations;

(10) Requires as a condition of graduation students to complete not less than 500 hours of supervised clinical experience that focus on patient-related activities, including recommendation, measurement, impression-taking, model rectification, fabrication, fitting, and evaluating patients in the use and function of orthotics and prosthetics;

(11) Provides for the evaluation of the program's compliance with the requirements described in (1) through (10) above and other standards adopted by rule of the Board through regular, on-site visits conducted by a team of qualified individuals from a nationally recognized orthotic, prosthetic, or orthotic and prosthetic certifying body;

(12) Meets any other standards adopted by rule by the Board. (Sec. 4779.25.)

Recognition of certificate programs

The Board must recognize a certificate program in orthotics, prosthetics, or orthotics and prosthetics if the program meets the requirements described in (2), (3), (4), (5), (6), (11), and (12) above. The act specifies the following additional requirements each specific program must satisfy:

In the case of a certificate program in orthotics, the program must do all of the following:

(1) Provide not less than two semesters or three quarters of instruction in orthotics;

(2) Require students to complete not less than 250 hours of supervised clinical experience that focuses on patient-related activities, recommendation, measurement, impression-taking, model rectification, fabrication, fitting, and evaluating patients in the use and function of orthotics;

(3) Meet the requirements described in (7) and (8) above under "***Recognition of bachelor's degree programs***."

In the case of a certificate program in prosthetics, the program must do all of the following:

(1) Provide not less than two semesters or three quarters of instruction in prosthetics;

(2) Require students to complete not less than 250 hours of supervised clinical experience that focuses on patient-related activities, recommendation, measurement, impression-taking, model rectification, fabrication, fitting, and evaluating patients in the use and function of prosthetics;

(3) Meet the requirements described in (6) and (9) above under "***Recognition of bachelor's degree programs***."

In the case of a certificate program in orthotics and prosthetics, the program must do both of the following:

(1) Provide not less than two semesters or three quarters of instruction in orthotics and two semesters or three quarters of instruction in prosthetics;

(2) Meet the requirements described in (8) and (9) above under "***Recognition of bachelor's degree programs***." (Sec. 4779.26.)

Approval of residency programs

The act requires the Board to approve a residency program in orthotics, prosthetics, or orthotics and prosthetics if the program does all of the following:

(1) Requires a bachelor's degree as a condition of entry;

(2) Meets the requirements described in (11) and (12) above under "***Recognition of bachelor's degree programs***";

(3) Provides residents with a sufficient variety and volume of clinical experiences to give them adequate educational experience in the acute, rehabilitative, and chronic aspects of orthotics and prosthetics, including recommendation, measurement, impression-taking, model rectification, fabrication, fitting, and evaluating patients in the use and function of orthotics and prosthetics;

(4) Provides residents with sufficient training in clinical assessment, patient management, technical implementation, practice management, and professional responsibility;

(5) In the case of a residency program in orthotics, provides two semesters or three quarters of instruction in orthotics; in the case of a residency program in prosthetics, provides two semesters or three quarters of instruction in prosthetics; in the case of a residency program in orthotics and prosthetics, provides two semesters or three quarters of instruction in orthotics and two semesters or three quarters of instruction in prosthetics. (Sec. 4779.27.)

Enforcement

Licensing sanctions

The Board may, pursuant to an adjudication under the Administrative Procedure Act and by a vote of not fewer than four of its members, limit, revoke, or suspend a license, refuse to issue a license to an applicant, or reprimand or place on probation a license holder for any of the following reasons:

(1) Conviction of, or a plea of guilty to, a misdemeanor or felony involving moral turpitude;

(2) Any violation of the act;

(3) Committing fraud, misrepresentation, or deception in applying for or securing a license;

(4) Habitual use of drugs or intoxicants to the extent that it renders the person unfit to practice;

(5) Violation of any rule adopted by the Board;

(6) A departure from, or failure to conform to, minimal standards of care of similar orthotists, prosthetists, orthotists-prosthetists, or pedorthists under the same or similar circumstances, regardless of whether actual injury to a patient is established;

(7) Obtaining or attempting to obtain money or anything of value by fraudulent misrepresentation in the course of practice;

(8) Publishing a false, fraudulent, deceptive, or misleading statement;

(9) Waiving the payment of all or part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan, would otherwise be required to pay, if the waiver is used as an enticement to a patient or group of patients to receive health care services from a person who holds a license issued under the act;

(10) Advertising that a person who holds a license issued under the act will waive the payment of all or part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan, that covers the person's services, would otherwise be required to pay.

For the purpose of investigating whether a person is engaging or has engaged in conduct described above, the Board may administer oaths, order the taking of depositions, issue subpoenas, examine witnesses, and compel the

attendance of witnesses and production of books, accounts, papers, records, documents, and testimony. (Sec. 4779.28.)

If the Board determines that there is clear and convincing evidence that a license holder has engaged or is engaging in conduct described above and that the license holder's continued practice presents a danger of immediate and serious harm to the public, the Board may suspend the individual's license without an adjudicatory hearing. A telephone conference call may be used for reviewing the matter and taking the vote.

If the Board votes to suspend an individual's license, the Board must issue a written order of suspension by certified mail or in person in accordance with the Administrative Procedure Act. The order is not subject to suspension by a court during pendancy of any appeal filed under that Act. If the license holder requests an adjudicatory hearing by the Board, the date set for the hearing must be not later than 15 days, but not earlier than seven days, after the request, unless otherwise agreed to by the Board and the license holder.

Any suspension imposed must remain in effect, unless reversed on appeal, until a final adjudicative order issued by the Board pursuant to the Administrative Procedure Act becomes effective. The Board must issue its final adjudicative order within 60 days after completing its hearing. A failure to issue an order within 60 days results in the dissolution of the summary suspension order, but does not invalidate any subsequent, final adjudicative order. (Sec. 4779.29.)

Allegations

If any person makes an allegation against a license holder, the allegation must be reduced to writing and verified by a person who is familiar with the facts underlying the allegation. The person making the allegation must file three copies of the allegation with the Board. If a person alleges that a license holder is engaging or has engaged in conduct described above (see "***Licensing sanctions***"), the Board may proceed with an adjudication hearing under the Administrative Procedure Act. The Board must retain the filed information in accordance with rules the Board adopts. (Sec. 4779.32.)

Authority of the Board's Secretary

The Secretary of the Board must enforce the laws relating to the practice of orthotics, prosthetics, and pedorthics. If the Secretary has knowledge of a violation, the Secretary must investigate the violation and notify the prosecuting attorney of the proper county. (Sec. 4779.33.)

Mental illness or mental incompetence

If the state Board of orthotics, prosthetics, and pedorthics has reason to believe that a license holder is mentally ill or mentally incompetent, it may file in the probate court of the county in which the license holder has a legal residence, an affidavit in the form prescribed under the Hospitalization of the Mentally Ill Law (R.C. Chapter 5122.) and signed by the secretary of the Board, whereupon the same proceeding must be had as provided under that Law. The Attorney General may represent the Board in such a proceeding.

If a license holder is adjudicated by a probate court to be mentally ill or mentally incompetent, the holder's license must be automatically suspended until the license holder has filed with the Board a certified copy of an adjudication by a probate court of the license holder's subsequent restoration to competency or has submitted to the Board proof, satisfactory to the Board, of having been restored to competency in the manner and form provided under the Hospitalization of the Mentally Ill Law. The judge of the court must immediately notify the Board of an adjudication of incompetence and note any suspension of a license in the margin of the court's record of the certificate. In the absence of fraud or bad faith, neither the Board nor any agent, representative, or employee of the Board must be held liable in damages by any person by reason of the filing of such an affidavit. (Sec. 4779.30.)

Before reinstating a license that has been suspended for more than two years, the Board may require an individual to pass the appropriate licensing examination. (Sec. 4779.31.)

Penalties

Whoever violates the act's provisions that prohibit practicing without a license and using specified titles or initials without holding the appropriate license and that place limitations on individuals who provide orthotic, prosthetic, or pedorthic services under the supervision of a license holder, is guilty of a minor misdemeanor on the first offense. On each subsequent offense, the individual is guilty of a misdemeanor of the fourth degree. (Sec. 4779.99.)

Delayed effective date for specified provisions

The act's provisions that prohibit practicing without a license and using specified titles or initials without holding the appropriate license and that place limitations on individuals who provide orthotic, prosthetic, or pedorthic services under the supervision of a license holder take effect one year after the act's effective date. (Section 2.)

For purposes of the supervision requirement to obtain a license as an orthotist, prosthetist, or orthotist-prosthetist, practice prior to one year after the act's effective date under the supervision of a person who qualifies for a license under the act is considered supervision by a license holder. (Section 3.)

HISTORY

ACTION	DATE	JOURNAL ENTRY	
Introduced	01-12-00	p.	1306
Reported, S. Insurance, Commerce, & Labor	03-22-00	p.	1500
Passed Senate (32-1)	03-22-00	p.	1500-1501
Reported, H. Commerce & Labor	05-17-00	p.	1993
Passed House (91-6)	05-24-00	p.	2077
Concurrence (23-1)	05-25-00	p.	1858

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