



S.B. 280

124th General Assembly
(As Introduced)

Sen. Austria

BILL SUMMARY

- Revises the educational and training requirements for a license to practice orthotics, prosthetics, prosthetics and orthotics, or pedorthics.¹
- Revises the scope of practice of license holders.
- Revises the education and training requirements for an individual licensed in another state to obtain licensure in this state.
- Requires individuals seeking a temporary license to meet the training and education requirements for a regular license.
- Requires the Board to establish a license fee, in addition to the application fee.
- Reduces the number of continuing education units required to renew a license to practice prosthetics and orthotics.
- Establishes procedures for the inactivation and restoration of licenses.
- Revises the sanctions the Board can take against licensees.
- Establishes procedures for the reinstatement of lapsed or suspended licenses.
- Requires the Board to issue a license card and a license certificate when issuing or renewing a license.

¹ *These practices deal with devices used to correct or adapt to deformities of or injuries to the musculoskeletal system.*

- Extends to the bill's provisions the sunset clause that repeals the law governing the Board on December 31, 2004.

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CONTENT AND OPERATION

Background

The fields of orthotics, prosthetics, and pedorthics deal with rehabilitative treatment of conditions affecting the musculoskeletal system. Orthotists use orthotic devices to support, correct, or alleviate neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity. Pedorthists use pedorthic devices, such as custom-fitted shoes or shoe inserts, to treat conditions affecting the feet and lower leg, for example: unusually high or low arches of the feet. Prosthetists use prosthetic devices for individuals who, by amputation or a congenital condition, are missing all or part of a limb, hand, or foot.²

² "Historical Perspectives," *the American Academy of Orthotists and Prosthetists Online*, <http://www.oandp.org/history/history.htm>, visited 08-29-02.

Ohio has only recently begun to regulate the practice of orthotics, prosthetics, and pedorthics.³ Under current law, the State Board of Orthotics, Prosthetics, and Pedorthics issues licenses for the practice of orthotics, prosthetics, orthotics and prosthetics, and pedorthics.⁴ Ohio law prohibits the practice of orthotics, prosthetics, prosthetics and orthotics, or pedorthics without a license issued by the Board.

Orthotics, prosthetics, and pedorthics

(sec. 4779.01)

Orthotics is the evaluation, measurement, design, fitting, adjusting, servicing, or training in the use of an orthotic or pedorthic device. It includes the repair, replacement, adjustment, or service of an orthotic or pedorthic device. Prosthetics is the same actions regarding a prosthesis or pedorthic device, any pedorthics is the same actions regarding only a pedorthic device. Current law provides that these practices also include the fabrication or assembly of an orthotic or pedorthic device or prosthesis, as appropriate. Under the bill, these practices would no longer include fabrication or assembly. Therefore, an individual who fabricates or assembles an orthotic or pedorthic device or prosthesis would not be practicing orthotics, prosthetics, or pedorthics and would not need a license.

Current law provides that orthotics does not include pedorthic devices. The bill provides instead that orthotics does not include *nontherapeutic* pedorthic devices. A pedorthic device is defined in current law as 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 medial malleolus and below. The bill provides that a pedorthic device is any of those things as prescribed by a physician and eliminates current law specifying that a pedorthic device does not include an arch support, nontherapeutic accommodative inlay, nontherapeutic accommodative footwear, prefabricated footcare products, or unmodified over-the-counter shoes.⁵

³ *Am. Sub. S.B. 238 of the 123rd General Assembly.*

⁴ *Whereas current law refers to the practice of orthotics and prosthetics, the bill refers to the practice of prosthetics and orthotics.*

⁵ *The bill defines "physician" as an individual authorized by Ohio law to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine.*

Education and training requirements

The bill revises the educational and training requirements for a license to practice orthotics, prosthetics, prosthetics and orthotics, or pedorthics.

Orthotics, prosthetics, and prosthetics and orthotics

(secs. 4779.09, 4779.10, 4779.11, and 4779.12)

Current law establishes four sets of educational and training requirements for a license to practice orthotics, prosthetics, or prosthetics and orthotics. The sets are labeled A through D below. An individual who applies for a license on or before January 1, 2006, and meets any of the sets of requirements is eligible for a license. An individual who applies after that date but on or before January 1, 2008, and meets the requirements of sets B, C, or D is eligible. An individual who applies after January 1, 2008, must meet the requirements of set D.⁶

Existing educational and training requirements

A.

1. Hold an associate's degree or higher.
2. Have completed a certificate program in the field for which the license is sought.
3. Have three, or, in the case of an individual seeking a license to practice prosthetics and orthotics, six years of full-time experience practicing or teaching in the field for which the license is sought.

B.

1. Hold a bachelor's degree or higher.
2. Hold a valid certificate in the field for which the license is sought.
3. Have completed three, or, in the case of an individual seeking to practice prosthetics and orthotics, six years of full-time experience practicing or teaching in the field for which the license is sought.

⁶ Current law includes the 2006 and 2008 dates even though the law governing the licensure of persons who practice orthotics, prosthetics, prosthetics and orthotics, and pedorthics expires December 31, 2004. See "**Sunset clause**" below.

C.

1. Hold a bachelor's degree or higher.
2. Have completed a certificate program in the field for which the license is sought.
3. Have completed a residency program in the field for which the license is sought or have three, or, in the case of an individual seeking a license to practice prosthetics and orthotics, six years of full-time experience practicing or teaching in the field for which the license is sought.

D.

1. On the day of application, have practiced in the field for which the license is sought for not less than eight months under the supervision of an individual licensed to practice in that field.
2. Have completed a residency program in the field for which the license is sought.
3. Hold either (a) a bachelor's degree in orthotics and prosthetics or (b) a bachelor's degree in a different subject and have completed a certificate program in the field for which the license is sought.

Under the bill there are five sets of educational and training requirements for a license to practice orthotics, prosthetics, or prosthetics and orthotics. The sets are labeled A through E below. An individual who applies for a license on or before January 1, 2004, and meets any of the sets of requirements is eligible for a license. An individual who applies after that date must meet the requirements of C, D, or E. The requirements must be met on the day the Board receives the individual's license application.

Education and training requirements under the bill

A.

1. Hold an associate's degree or higher.
2. Have at least two, or, in the case of an individual seeking a license to practice prosthetics and orthotics, three years of full-time experience practicing in the field for which the license is sought, including at least six, or in the case of an individual seeking a license to practice prosthetics and orthotics, ten months experience practicing in the field for which the license is sought under the direct supervision of an individual licensed to practice in that field.

B.

1. Hold a high school diploma or high school equivalence diploma.⁷
2. Hold a valid certificate in the field for which the license is sought.
3. Have at least three, or, in the case of an individual seeking a license to practice prosthetics and orthotics, five years of full-time experience in the field for which the license is sought.

C.

1. Either (a) hold a bachelor's degree in the field for which the license is sought or (b) hold a bachelor's degree in a different field and have completed a certificate program in the field for which the license is sought.
2. Have completed a residency program in the field for which the license is sought.
3. Have practiced in the field for which the license is sought for not less than eight months under the supervision of an individual licensed to practice in that field.

D.

1. Hold a bachelor's degree or higher.
2. Hold a valid certificate in the field for which the license is sought.
3. Have completed at least three, or, in the case of an individual seeking a license to practice prosthetics and orthotics, six years of full-time experience practicing or teaching in the field for which the license is sought.

E.

1. Hold a bachelor's degree or higher.

⁷ *The bill defines "high school equivalence diploma" as a diploma attesting to the achievement of the equivalence of a high school education as measured by scores obtained on the tests of general educational development published by the American Council on Education. "High school equivalence diploma" includes a certificate of high school equivalence issued prior to January 1, 1994, attesting to the achievement of the equivalence of a high school education as measured by scores obtained on tests of general educational development.*

2. Have completed a certificate program in the field for which the license is sought.

3. Either (a) have completed a residency program in the field for which the license is sought or (b) have at least three, or, in the case of an individual seeking a license to practice prosthetics and orthotics, six years of full-time experience practicing or teaching in the field for which the license is sought.

Individuals licensed in another state

(secs. 4779.09 and 4779.17)

The bill also changes the education and training requirements for an individual who holds a license to practice orthotics, prosthetics, or prosthetics and orthotics in another state and seeks such a license in this state. Under current law, the individual must have completed a residency program in the field for which the license is sought and either (1) hold a bachelor's degree in orthotics and prosthetics or (2) hold a bachelor's degree in a different subject and have completed a certificate program in the field for which the license is sought. The bill requires instead that the individual meet any of the five sets of requirements discussed above, except that the individual is not required to meet the eight months of supervised practice requirement to meet the requirements of set C.

Pedorthics

(secs. 4779.09 and 4779.13)

Under current law, there are three education and training requirements for a license to practice pedorthics. An individual seeking such a license must, on the date of application, have practiced pedorthics for not less than eight months under the supervision of an individual licensed to practice pedorthics. The individual must hold a high school diploma or its equivalent. The individual must also have completed the education, training, and experience required to take the certification examination developed by the Board for Certification in Pedorthics or its equivalent, successor organization.

The bill decreases from eight to four the number of months of supervised practice in pedorthics needed for a license. It also provides that an individual seeking a pedorthics license must meet all of the education and training requirements on the day the State Board of Orthotics, Prosthetics, and Pedorthics receives the license application.

Temporary license

(secs. 4779.08 and 4779.18)

Current law requires the Board to issue a temporary license to an individual who meets certain requirements.⁸ A temporary license is good for one year and may be renewed once. An individual issued a temporary license is to practice only under the supervision of an individual licensed in the same area of practice.

Under current law, one of the requirements for a temporary license to practice orthotics, prosthetics, or prosthetics and orthotics is to (1) have completed a residency program in the field for which the license is sought or (2) either (a) hold a bachelor's degree in the field for which the license is sought or (b) hold a bachelor's degree in a different field and have completed a certificate program in the field for which the license is sought. For an application submitted before January 1, 2004, the bill requires instead that the individual meet any of the education and training requirements an individual must meet to be eligible for a regular license. If the individual applies for a temporary license after January 1, 2004, the individual must meet the education and training requirements for a regular license issued after that date. (See "**Education and training requirements**" above.)

Current law requires the Board to adopt rules establishing procedures for issuance, renewal, suspension, and revocation of licenses. The bill provides that the rulemaking requirements also apply to temporary licenses.

Licensure fees

(secs. 4779.08, 4779.09, and 4779.18)

Current law requires an individual seeking a license or temporary license to practice orthotics, prosthetics, prosthetics and orthotics, or pedorthics to pay an application fee specified in rules adopted by the Board. The bill requires that the individual also pay a fee for the license or temporary license also. That fee, like the application fee, is to be specified in rules adopted by the Board.

⁸ *Current law does not indicate the circumstances under which a temporary license might be issued.*

Continuing education units for license renewal

(sec. 4779.20)

An individual licensed by the Board must complete a certain number of units of continuing education to have the license renewed the fourth time and every third time thereafter.⁹ The bill reduces the number of units an individual licensed as a prosthetist-orthotist must complete from 75 units to 60 units.¹⁰

Reinstatement of a lapsed license

(secs. 4779.08 and 4779.201)

The bill provides that, if an individual fails to renew a license issued by the Board on or before the day that the license expires, the license automatically lapses. To have the license reinstated, the individual must apply to the Board for reinstatement in accordance with rules the Board adopts, pay the reinstatement fee established by Board rule, and certify to the Board that the individual has completed the continuing education units the individual would have to have completed if the individual was seeking to renew the license.

Inactive licenses

(secs. 4779.02, 4779.03, 4779.04, and 4779.202)

Request for inactivation of a license

Under the bill, a holder of a current, valid license issued by the Board who is not under any disciplinary investigation may submit a written request to have the Board classify the license inactive. The Board is required to classify the license inactive if it receives the request before the license's renewal date. The license is inactive immediately on the Board's classification of the license as inactive.

The holder of an inactive license is not required to pay the annual license renewal fee and may engage in orthotics, prosthetics, prosthetics and orthotics, or pedorthics under the supervision of a licensed orthotist, prosthetist, prosthetist-orthotist, or pedorthist. The bill specifies that an inactive license is not considered to be a current, valid license.

⁹ A license is to be renewed each January 31.

¹⁰ The continuing education units must have been completed within the three years preceding the renewal.

Restoration of an inactive license

To have an inactive license reactivated, an individual must do all of the following:

- (1) Apply to Board for license reactivation in accordance with rules the Board adopts;
- (2) Pay the restoration fee specified in Board rules;
- (3) Certify to the Board that the individual has completed the continuing education units the individual would have to have completed if the individual was seeking renewal of the license;
- (4) Certify to the Board that the individual has completed any training the Board requires;
- (5) If required by the Board, pass a licensure examination. The Board may require the individual to take the examination if the individual's license has been classified inactive for more than two years or if, during the period the license is classified inactive, the individual does not engage in orthotics, prosthetics, prosthetics and orthotics, or pedorthics under professional supervision.

Disciplinary actions

Licensing sanctions

(sec. 4779.28)

Under current law, 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 for certain reasons. The reasons include a violation of the law governing the practice of orthotics, prosthetics, prosthetics and orthotics, and pedorthics; committing fraud, misrepresentation, or deception in applying for or securing a license from the Board; and habitual use of drugs or intoxicants to the extent that it renders the person unfit to practice. The bill provides that a limitation, revocation, or suspension takes effect on the date that the Board serves the license holder a certified copy of the adjudicative order.

Suspended license without an adjudicatory hearing

(sec. 4779.29)

The Board is permitted by current law to suspend an individual's license without an adjudicatory hearing if the Board determines that there is clear and

convincing evidence that the individual is engaging in or has engaged in conduct that may lead to license suspension and that the individual's continued practice presents a danger of immediate and serious harm to the public. The bill provides that such an emergency suspension take effect immediately on the Board's vote to impose the suspension. Continuing law authorizes the individual to request an adjudicatory hearing. The suspension remains in effect, unless reversed on appeal, until a final adjudicative order issued by the Board becomes effective.

Restoration of a suspended license

(secs. 4779.08 and 4779.31)

The bill permits an individual whose license is suspended pursuant to an adjudication to apply to the Board in accordance with rules the Board adopts to have the license restored. The Board is permitted to restore the license if the individual does all of the following:

- (1) Pays the license restoration fee established by Board rules;
- (2) Certifies to the Board that the individual has completed the continuing education units the individual would have to have completed if the individual was seeking renewal of the license;
- (3) Certifies to the Board that the individual has completed any training that the Board requires as a condition of restoring the license;
- (4) If required by the Board, passes a licensure examination. The Board may require the individual to take the examination if the individual's license has been suspended for more than two years.

License cards and certificates

(secs. 4779.01, 4779.08, and 4779.34)

The bill requires the Board, when issuing or renewing a license to issue to the licensee two forms of documentation of the license: a license card and a license certificate. The bill defines "license card" as documentation of a license that is a size and shape suitable for keeping in a wallet or purse. "License certificate" is defined as documentation of a license that is a size and shape suitable for framing and placement on a wall.

The Board is also required by the bill to provide to a licensee a replacement copy of the license card or license certificate if, on requesting the replacement copy, the licensee provides proper identification and pays the license replacement

fee. The Board is required to adopt rules prescribing the proper identification that a licensee must provide to the Board and the fee for the replacement copy.

Sunset clause

(Sections 3 and 4)

Current law contains a sunset clause that repeals the law governing the Board on December 31, 2004.¹¹ The bill maintains the current sunset clause for the existing law and provides for the bill's provisions to sunset on December 31, 2004.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	06-13-02	p. 1902

S0280-I.124/jc

¹¹ Enacted in Section 3 of Am. Sub. S.B. 238 of the 123rd General Assembly.