Ohio Legislative Service Commission

Bill Analysis

Amy J. Rinehart

H.B. 326

130th General Assembly
(As Reported by H. Commerce, Labor, and Technology)

Reps. Roegner and Reece, Hood, Stebelton, Wachtmann, Thompson, Huffman, Becker, Mallory, Buchy, Sheehy, DeVitis, Young, Duffey, Landis

BILL SUMMARY

- Exempts diabetic shoe fitters who complete specified training from the requirement to be licensed by the State Board of Orthotics, Prosthetics, and Pedorthics.

CONTENT AND OPERATION

Diabetic shoe fitters – exemption from licensure

The bill exempts from the requirement to be licensed to practice orthotics, prosthetics, or pedorthics by the State Board of Orthotics, Prosthetics, and Pedorthics an individual who fits and measures individuals for therapeutic diabetic shoes and shoe inserts and dispenses those shoes and shoe inserts to individuals but provides no other services that are authorized in the law governing orthotics, prosthetics, and pedorthics.[1] Under current law, only an individual licensed by the Board may perform these services, as they fall under the scope of practice of an individual licensed by the Board (see "**Scope of practice – orthotics, prosthetics, and pedorthics**," below). Under continuing law, unless exempt from the licensure requirement, an individual who performs these services without a license is guilty of a minor misdemeanor for the first offense, which is punishable by a fine of not more than $150 and other possible sanctions. For each subsequent offense, the individual is guilty of a fourth degree misdemeanor, which is punishable by a possible jail term of not more than 30 days, a possible fine of not more than $250, and other possible sanctions.[2]

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[1] R.C. 4779.02(B)(6).

[2] R.C. 4779.02(A) and R.C. 4779.99 and 2929.24 to 2929.28, not in the bill.

To qualify for the licensure exemption, the bill requires an individual to have successfully completed either of the following:

(1) A manufacturer's training course that consists of instruction in the fitting of therapeutic diabetic shoes and shoe inserts and that requires the individual to undergo an assessment to determine whether the course has been successfully completed;

(2) A course of study that covers both the fitting of therapeutic diabetic shoes and shoe inserts and patient management of those shoes and inserts and is either (a) approved by the National Commission on Orthotic and Prosthetic Education or (b) provided through a certification program offered by an orthotic and prosthetic certification organization accredited by The National Commission for Certifying Agencies.[3]

Scope of practice – orthotics, prosthetics, and pedorthics

Continuing law defines the scope of practice of an individual licensed to practice orthotics, prosthetics, or pedorthics. It also defines "orthotic device," "pedorthics," "pedorthics device," and "prosthesis" (see definitions below). Current law requires a diabetic shoe fitter to be licensed by the State Board of Orthotics, Prosthetics, and Pedorthics because the services provided by a diabetic shoe fitter currently fall under the scope of practice of an individual licensed by the Board.

"Orthotics" is defined as 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, wrist splints, prefabricated elastic or fabric abdominal supports with or without metal or plastic reinforcing stays and other prefabricated soft goods requiring minimal fitting, 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.[4]

"Orthotic device" is defined as a custom fabricated or fitted medical device used to support, correct, or alleviate neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity.[5]

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[3] R.C. 4779.02(B)(6)(a) and (b).

[4] R.C. 4779.01(D), not in the bill.

[5] R.C. 4779.01(E), not in the bill.

"Pedorthics" is defined as 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.[6]

"Pedorthics device" is defined 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. It does not include an arch support, a nontherapeutic accommodative inlay, nontherapeutic accommodative footwear, prefabricated footcare products, or unmodified, over-the-counter shoes.[7]

"Prosthetics" is defined as 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.[8]

"Prosthesis" is defined as 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.[9]

HISTORY

ACTION	DATE
Introduced	10-30-13
Reported, H. Commerce, Labor & Technology	12-11-13

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[6] R.C. 4779.01(F), not in the bill.

[7] R.C. 4779.01(G), not in the bill.

[8] R.C. 4779.01(H), not in the bill.

[9] R.C. 4779.01(I), not in the bill.