



Ohio Legislative Service Commission

Bill Analysis

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Am. H.B. 326*

130th General Assembly

(As Reported by S. Commerce and Labor)

Reps. Roegner and Reece, Hood, Stebelton, Wachtmann, Thompson, Huffman, Becker, Mallory, Buchy, Sheehy, DeVitis, Young, Duffey, Landis, R. Adams, Amstutz, Anielski, Antonio, Ashford, Baker, Barborak, Barnes, Beck, Blair, Blessing, Brown, Budish, Burkley, Celebrezze, Cera, Curtin, Damschroder, Driehaus, Fedor, Gerberry, Green, Hackett, R. Hagan, Hall, Letson, Milkovich, O'Brien, Patterson, Perales, Pillich, Rogers, Scherer, Sears, Slesnick, Smith, Sprague, Stinziano, Strahorn, Williams, Winburn, Batchelder

BILL SUMMARY

- Exempts from the requirement to be licensed by the State Board of Orthotics, Prosthetics, and Pedorthics a licensed pharmacist, licensed pharmacist intern, registered wholesale distributor of dangerous drugs, or licensed terminal distributor of dangerous drugs who is acting within the respective scope of practice.

CONTENT AND OPERATION

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 is licensed or registered under the Pharmacists and Dangerous Drug Law and is practicing within the individual's scope of practice under that Law.¹ All of the following are licensed or registered under that Law:

- A pharmacist;

* This analysis was prepared before the report of the Senate Commerce and Labor Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

¹ R.C. 4729.02(B).

- A pharmacist intern;
- A wholesale distributor of dangerous drugs (a person engaged in the sale of dangerous drugs at wholesale, including any agent or employee of that person authorized by the person to engage in the sale of dangerous drugs at wholesale);
- A terminal distributor of dangerous drugs (a pharmacy).

The practice of pharmacy includes providing pharmacist care requiring specialized knowledge, judgment, and skill derived from the principles of biological, chemical, behavioral, social, pharmaceutical, and clinical sciences. "Pharmacist care" includes the following:

- Interpreting prescriptions;
- Dispensing drugs and drug therapy related devices;
- Compounding drugs;
- Counseling individuals with regard to their drug therapy, recommending drug therapy-related devices, and assisting in the selection of drugs and appliances for treatment of common diseases and injuries and providing instruction in the proper use of the drugs and appliances;
- Performing drug regimen reviews with individuals by discussing all of the drugs that the individual is taking and explaining the interactions of the drugs;
- Performing drug utilization reviews with licensed health professionals authorized to prescribe drugs when the pharmacist determines that an individual with a prescription has a drug regimen that warrants additional discussion with the prescriber;
- Advising an individual and the health care professionals treating an individual with regard to the individual's drug therapy;
- Acting pursuant to a consult agreement with a physician, if an agreement has been established with the physician;
- Engaging in the administration of immunizations.²

² R.C. 4729.01, 4729.07, 4729.11, 4729.28, 4729.51, 4729.52, and 4729.54, not in the bill.

Under continuing law, unless exempt from the licensure requirement, an individual who practices orthotics, prosthetics, and pedorthics 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.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).

"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

"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

³ R.C. 4779.02(A) and R.C. 4779.99 and 2929.24 to 2929.28, not in the bill.

⁴ R.C. 4779.01(D), not in the bill.

⁵ R.C. 4779.01(E), not in the bill.

⁶ R.C. 4779.01(F), not in the bill.

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
Passed House (94-0)	01-15-14
Reported, S. Commerce & Labor	---

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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.

