Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board

Orthotics, Prosthetics, and Pedorthics Advisory Council

September 11, 2020

2:00 PM Roll Call

To join the meeting, call 1 614-721-2972 and enter Conference ID: 440 142 269#

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1. Administrative Matters

- 1.1 Introductions
- 1.2 Agenda Review
- 1.3 Approval of Minutes

  <u>Action Required</u>
- 1.4 Executive Director's Report
- 1.5 Discussion of Law and Rule Changes
  - 1.5.1 Licensure candidates without a residency
  - 1.5.2 Military licensure
  - 1.5.3 Five year rule review
- 1.6 Board newsletter topic ideas

2. Licensure Applications

- 2.1 Application Review Liaison Report
- 2.2 Continuing Education Liaison Report
- 2.3 Licensure Renewal Report
- 2.4 3-D printing Applications

3. Enforcement Division

- 3.1 Case Review Liaison Report

4. Correspondence

5. OOPA Report

6. Open Forum

7. Old Business

8. New Business

9. Next Meeting Preparation

- 9.1 November meeting date?
- 9.2 Executive Director Assignments

10. Adjournment

Ohio Occupational, Physical Therapy
and Athletic Trainers Board

Orthotics, Prosthetics, and Pedorthics Advisory Committee
April 30, 2020
1:00 pm
Virtual meeting conducted via Microsoft Teams

Members Present
Brian Weaver, LPO, Chair
Derek Kinsella, LPO
Jeffrey Hagman LP
Don Weldon, LO
Beth Ann Ball, OT, *Joint Board OPP Liaison*

Members Absent
Tammy Dalton, LPED, Secretary

Staff
Melissa Anthony, Executive Director
Jeff Duvall, Enforcement Supervisor
Jaklyn Shucofsky, Paralegal
Rosa Avery, Licensure
Debbie Fulk, Licensure
Jan Hills, Executive Assistant

Guests
Dianne Farabi, Ohio O&P Association
Allan Kercher

Call to Order
Brian Weaver, Chair, called the meeting to order at 1:03 PM.

Executive Director's Report
The Executive Director presented the following information to the Board:

- The State issues of plummeting revenue and unemployment,
- Senate Bill 246/House Bill 432- Licensure reciprocity bills.
- The Governor's workgroup on Strauss,
- A reminder of "Duty to Report" will be included in renewal process in November.

Discussion of Laws and Rules

- The 3-D printing and prosthetic services are ready to be final filed and become effective June 2020.
- Licensure candidates without a residency. A motion was made by Brian Weaver to accept **4779.177** as written for review by the Joint Board. No second to the motion. There being no second to the motion, the motion is lost.
- Executive Director Anthony plans on submitting rules to CSI next week and will forward a copy to all members of the committee.
- ELicense is being fixed to accommodate the addition of military licensure.

Enforcement Report

- "New" cases opened since the last meeting: 1
- Cases "closed" since last meeting: 1
- Cases "currently open": 1
- Active consent agreements: 0
- Adjudication orders being monitored: 0

Correspondence
Correspondence was presented to the committee.

OOPA Report
N/A

Open Forum
A temporary license cannot be issued to Mr. Kercher.

Old Business
None

New Business
Covid-19 has the staff working remotely. The entire process is working well, apart from mail handling. A member of the staff comes into the office once a week to process the mail and distribute accordingly.

Questions have been raised by employees required to work at clinics that are open and staff does not feel safe, or a clinic is requesting guidance whether or not they should close. OTPTAT directs those questions to the Governor's Corona Virus website and local health department for answers.

Telehealth guidance is posted as a PDF for each section on the OTPTAT website.

Adjournment

There being no further business and no objections, Brian Weaver adjourned the meeting at 1:54 PM.
Respectfully submitted,

Jan Hills

Brian Weaver, LPO, Chair

Tamara Daulton, LPED, Secretary

Missy Anthony, Executive Director
Ohio Occupational Therapy, Physical Therapy,
and Athletic Trainers Board

EXECUTIVE DIRECTOR REPORT – JULY 2020

LICENSURE STATISTICS

License Type	%	Number of Active licenses as of 7/17/2020	change since last Board mtg	Number of Active licenses as of 9/8/2020	change since last Board mtg
Athletic Trainer	9.05%	3,155	3%	3211	2%
Occupational Therapist	18.93%	6,689	2%	6,786	1%
Occupational Therapy Assistant	14.66%	5,179	1%	5,206	1%
Physical Therapist	30.00%	10,597	2%	10,734	1%
Physical Therapist Assistant	25.09%	8,863	1%	9,012	2%
Orthotist	0.23%	81	0%	82	1%
Pedorthist	0.23%	80	0%	81	1%
Prosthetist	0.20%	70	3%	70	0%
Prosthetist-Orthotist	0.41%	145	1%	146	1%
3-D printing	0.00%	-		1	
Total		34,859	2%	35,329	1%

ELICENSE

- Pending tickets:
  - September – OT/AT meeting dates adjusted
  - September – OT/OTA endorsement/reinstatement licensure application packets updated to include new re-entry program
  - September – licensure renewal dates all adjusted to first of the month with reminder going out same day
  - October – Old temporary military spouse language being removed
  - TBD – Continuing Education course display
  - TBD – Address check when requesting duplicate wall certificate
  - TBD – license picker assistance – checklist (endorsement vs. exam)
  - TBD – LO/LP consolidation to LPO automation

- TBD – JAM integration

PERSONNEL, BUDGET, AND OFFICE REPORT

- Revenue:
  - September 2019 - $21,665.30
  - October 2019 - $18,597.02
  - November 2019 – $168,778.66 (PT renewal)
  - December 2019 – $187,255.00 (PTA renewal
  - January - $383,114.53 (PT renewal)
  - February - $41,410.00
  - March – $11,420.00 (COVID hit)
  - April - $30,198.50 (OTA renewal)
  - May – $69,645.00 (OTA renewal)
  - June - $103,230.00 (OTA renewal)
  - July – $149,447.76 (OTA/AT renewal)
  - August - $68,510 (OTA/AT renewal)
- FY 2020 summary
  - TOTAL REVENUE FY 2020 - $1,174,436.23
    - Revenue exceeded expenses by $198,674.59
    - Revenue exceeded appropriation by $37,039.23
    - This revenue is about $100,000 low. OTA renewals slow coming in due to date change. Revenue will reflect in FY 21 instead.
  - TOTAL EXPENSES FY 2020 - $975,761.64
    - Expenses were $161,635.36 below appropriation
    - Conservative budgeting, several months' open paralegal and investigator positions
  - BUDGETED AMOUNT FY 2020 - $1,137,397.00
  - BUDGETED AMOUNT FY 2021 - $1,168,045.00

- Expenses (Budget overview – FIN):

Account	Dept	Budget Period	Budget	Expense	Encumbrance	Available Budget	Percent Available
500 (payroll)	PYT	2021Q1	$163,424.00	$134,067.15	0	$29,356.85	17.96
510 (personal services)	PYT	2021Q1	$8,000.00	$112.50	$4,887.50	$3,000	37.50
520 (supplies and maintenance)	PYT	2021Q1	$81,975.00	$7,437.65	$219.78	$74,317.57	90.66
530 (computers)	PYT	2021Q1	$4,076.00	0	$4,076.00	0	0

Miscellaneous

- Finishing up OTA/AT 2018 and PTA 2019 audits. Audits are on pause for now. The OT 2019 audit is next – looking to December 1, 2020 to run it.
- Legislative Service Commission "sunrise review" survey due September 30
- National level committee work for 2020:
    - OT Compact drafting workgroup
    - BOCAT Regulatory Affairs Advisory Panel – Chair
    - FSBPT Continuing Competence Committee

Legislative

- Senate Bill 246/House Bill 432: Licensure reciprocity
    - Met with Senate sponsors and Board of Pharmacy to work on amendments.
- House Bill 484: Scope of practice for Athletic Trainers
    - Passed the House – awaiting Senate deliberation
- House Bill 272: PT Licensure Compact
    - Passed the Senate – awaiting House deliberation
- House Bill 263: Fresh Start Act
    - Passed the House – awaiting Senate deliberation
- House Bill 679: Telehealth
    - Passed the House – awaiting Senate deliberation
- OPP alternative path to licensure – amended into a Senate bill pending in the House

Rules

Rule package	#	Status
OT CE	2	OT Section considering
OPP rewrite	Lots	Filed with JCARR
PT licensure by endorsement	1	Filed with JCARR
Concussion rules (2021 FYR)	3	Section consideration
Temporary military license	7	Pending CSI recommendation

Board Member Reminders

- Training:
    - Ethics by 12/31/2020 (https://www.ethics.ohio.gov/education/elearning/ecourses.html)
    - Domestic Violence awareness
    - Disability awareness
    - **NEW – Inclusive Listening: Pushing Through Our Biases (will send instructions)

Outreach

- August 11 – OPTA Lunch and Learn on CE
- August 21 – Ohio University PT class
- September 2 – Cincinnati State OTA class
- September 3 – Center for Rehabilitation and Sports Medicine Ethics
- September 24 – Cleveland State PT class

- October 15 – Xavier University OT class
- October 22 – FSBPT CBA forum
- October 24 – FSBPT Delegate Assembly
- October 28 – OOTA conference
- TBD – School Based Summit (Lynn Busdeker and Beth Ann Ball)
- Recovery Ohio Workforce subcommittee
- Ohio School Health Services Association – associate member

COVID-19

- Staff continue to work from home until at least January 4, 2021
- Purchased four new laptops
- Renewal dates delayed for OTA/AT
- Enforcement dates delayed
- Telehealth
- National exams
- COVID workplace concerns for licensees
- Seeking phone solution

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. B. No.

_____ moved to amend as follows:

In line _____ of the title, after "_____" insert "4779.08, 4779.10, 4779.11, 4779.12, 4779.17, 4779.18, and 4779.35"

In line _____ of the title, after "_____" insert "to allow an applicant with unique and exceptional qualifications to be issued an orthotics, prosthetics, or orthotics and prosthetics license"

After line _____, insert:

"**Section 1.** That sections 4779.08, 4779.10, 4779.11, 4779.12, 4779.17, 4779.18, and 4779.35 of the Revised Code be amended to read as follows:

Sec. 4779.08. (A) The Ohio occupational therapy, physical therapy, and athletic trainers board shall adopt rules in accordance with Chapter 119. of the Revised Code to carry out the purposes of this chapter, 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) The schedule to be used for biennial renewal of licenses;

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

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

(10) Fines for violations of this chapter;

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

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

(13) The amount, scope, and nature of continuing education activities required for license renewal, including waivers of the continuing education requirements;

(14) Provisions for making available the information described in section 4779.22 of the Revised Code;

(15) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code;

(16) Requirements for an individual who is not licensed under this chapter to practice prosthetics or orthotics and prosthetics to engage in the 3-D printing of open-source

prosthetic kits;

(17) Requirements for an applicant to be eligible for an orthotics, prosthetics, or orthotics and prosthetics license because of the applicant's unique and exceptional qualifications based on the recommendations submitted to the board by the orthotics, prosthetics, and pedorthics advisory council under section 4779.35 of the Revised Code, including standards for satisfactory evidence that demonstrate the applicant's qualifications through the applicant's education, experience, or training.

(B) The board may adopt any other rules necessary for the administration of this chapter.

(C) All fees received by the board under this section shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund established in section 4743.05 of the Revised Code.

Sec. 4779.10. ~~To~~ (A) Except as provided in division (B) of this section, to be eligible for a license to practice orthotics, an applicant must meet the following requirements:

~~(A)~~ (1) On the date of application, the applicant has practiced orthotics for not less than eight months under the supervision of an individual licensed under this chapter to practice orthotics.

~~(B)~~ (2) The applicant has completed an orthotics residency program approved by the Ohio occupational therapy, physical therapy, and athletic trainers board under section 4779.27 of the Revised Code.

~~(C)~~ (3) One of the following is the case:

~~(1)~~ (a) The applicant 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 under section 4779.25 of the Revised Code or an equivalent educational credential from a foreign educational institution recognized by the board.

~~(2)~~ (b) The applicant 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 under section 4779.26 of the Revised Code.

(B) The board may issue a license to practice orthotics to an applicant with unique and exceptional qualifications who meets the requirements to be issued the license established by rules adopted under section 4779.08 of the Revised Code.

Sec. 4779.11. ~~To~~ (A) Except as provided in division (B) of this section, to be eligible for a license to practice prosthetics, an applicant must meet the following requirements:

~~(A)~~ (1) On the date of application, the applicant has practiced prosthetics for not less than eight months under the supervision of an individual licensed under this chapter to practice prosthetics.

~~(B)~~ (2) The applicant has completed a prosthetics residency program approved by the Ohio occupational therapy, physical therapy, and athletic trainers board under section 4779.27 of the Revised Code.

~~(C)~~ (3) One of the following is the case:

~~(1)~~ (a) The applicant 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 under section 4779.25 of the Revised Code or an equivalent educational credential from a foreign educational institution recognized by the board.

~~(2)~~ (b) The applicant 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 under section 4779.26 of the Revised Code.

(B) The board may issue a license to practice prosthetics to an applicant with unique and exceptional qualifications who meets the requirements to be issued the license established by rules adopted under section 4779.08 of the Revised Code.

Sec. 4779.12. ~~To~~ (A) Except as provided in division (B) of this section, to be eligible for a license to practice orthotics and prosthetics, an applicant must meet the following requirements:

~~(A)~~ (1) On the date of application, the applicant has practiced orthotics and prosthetics for not less than eight months under the supervision of an individual licensed under this chapter to practice orthotics and prosthetics.

~~(B)~~ (2) The applicant has completed an orthotics and prosthetics residency program approved by the Ohio occupational therapy, physical therapy, and athletic trainers board under section 4779.27 of the Revised Code.

~~(C)~~ (3) One of the following is the case:

~~(1)~~ (a) The applicant 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 under section 4779.25 of the Revised Code or an equivalent educational credential from a foreign educational institution recognized by the board.

~~(2)~~ (b) The applicant 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 under section 4779.26 of the Revised Code.

(B) The board may issue a license to practice orthotics and prosthetics to an applicant with unique and exceptional qualifications who meets the requirements to be issued the license established by rules adopted under section 4779.08 of the Revised Code.

Sec. 4779.17. The Ohio occupational therapy, physical therapy, and athletic trainers board shall issue a license under section 4779.09 of the Revised Code to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics without examination to an applicant who meets all of the following requirements:

(A) Applies to the board in accordance with section 4779.09 of the Revised Code;

(B) Holds a license to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics issued by the appropriate authority of another state;

(C) One of the following applies:

(1) In the case of an applicant for a license to practice

orthotics, the applicant meets the requirements in divisions ~~(B) and (C)~~ (A)(2) and (3) of section 4779.10 of the Revised Code.

(2) In the case of an applicant for a license to practice prosthetics, the applicant meets the requirements in divisions ~~(B) and (C)~~ (A)(2) and (3) of section 4779.11 of the Revised Code.

(3) In the case of an applicant for a license to practice orthotics and prosthetics, the applicant meets the requirements in divisions ~~(B) and (C)~~ (A)(2) and (3) of section 4779.12 of the Revised Code.

(4) In the case of an applicant for a license to practice pedorthics, the applicant meets the requirements in divisions (B) and (C) of section 4779.13 of the Revised Code.

(D) All fees received by the board under this section shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund established in section 4743.05 of the Revised Code.

Sec. 4779.18. (A) The Ohio occupational therapy, physical therapy, and athletic trainers board shall issue a temporary license to an individual who meets all of the following requirements:

(1) Applies to the board in accordance with rules adopted under section 4779.08 of the Revised Code and pays the application fee specified in the rules;

(2) Is eighteen years of age or older;

(3) Is of good moral character;

(4) One of the following applies:

(a) In the case of an applicant for a license to practice orthotics, the applicant meets the requirements in divisions ~~(B) and (C)~~ (A)(2) and (3) of section 4779.10 of the Revised Code.

(b) In the case of an applicant for a license to practice prosthetics, the applicant meets the requirements in divisions ~~(B) and (C)~~ (A)(2) and (3) of section 4779.11 of the Revised Code.

(c) In the case of an applicant for a license to practice orthotics and prosthetics, the applicant meets the requirements in divisions ~~(B) and (C)~~ (A)(2) and (3) of section 4779.12 of the Revised Code.

(d) In the case of an applicant for a license to practice pedorthics, the applicant meets the requirements in divisions (B) and (C) of section 4779.13 of the Revised Code.

(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.

(C) All fees received by the board under this section shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund established in section 4743.05 of the Revised Code.

Sec. 4779.35. (A) The Ohio occupational therapy, physical therapy, and athletic trainers board shall appoint an orthotics, prosthetics, and pedorthics advisory council for the purpose of

advising the board on issues relating to the practice of orthotics, prosthetics, and pedorthics and the investigation of complaints regarding the practice of orthotics, prosthetics, and pedorthics.

The advisory council shall consist of not more than five individuals knowledgeable in the area of orthotics, prosthetics, and pedorthics. A majority of the council members shall be individuals actively engaged in the practice of orthotics, prosthetics, and pedorthics who meet the requirements for licensure under Chapter 4779. of the Revised Code.

The Ohio orthotics and prosthetics association, or its successor organization, may nominate the names of up to three qualified individuals for consideration by the board in making appointments for each vacancy on the council.

(B) Not later than ninety days after ~~the effective date of this section~~ January 1, 2018, the board shall make initial appointments to the council. Members shall serve three-year staggered terms of office in accordance with rules adopted by the board. Thereafter, terms of office shall be for three years, with each term ending on the same day of the same month as did the term that it succeeds. A council member shall continue in office subsequent to the expiration date of the member's term until a successor is appointed and takes office, or until a period of sixty days has elapsed, whichever occurs first. Each council member shall hold office from the date of appointment until the end of the term for which the member was appointed.

(C) With approval from the director of administrative services, members may receive an amount fixed under division (J) of section 124.15 of the Revised Code for each day the member is performing the member's official duties and be reimbursed for

actual and necessary expenses incurred in performing those duties.

(D) The council shall meet at least four times per year and at such other times as may be necessary to carry out its responsibilities.

(E) The council shall submit to the board recommendations concerning all of the following:

(1) Requirements for issuing a license to practice orthotics, prosthetics, and pedorthics, including the educational and experience requirements that must be met to receive a license;

(2) Existing and proposed rules pertaining to the practice of orthotics, prosthetics, and pedorthics and the administration and enforcement of this chapter;

(3) Standards for the approval of educational programs required to qualify for licensure and continuing education programs for licensure renewal;

(4) Procedures for the issuance and renewal of licenses;

(5) Fees for the issuance and renewal of a license to practice orthotics, prosthetics, and pedorthics;

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

(7) Complaints concerning alleged violation of Chapter 4779. of the Revised Code or grounds for the suspension, revocation, refusal to issue, or issuance of probationary licenses;

(8) The safe and effective practice of orthotics,

prosthetics, and pedorthics;

(9) Requirements for issuing a license to practice orthotics, prosthetics, or orthotics and prosthetics to an applicant with unique and exceptional qualifications, including standards for satisfactory evidence for the applicant to be eligible for the license.

Section 2. That existing sections 4779.08, 4779.10, 4779.11, 4779.12, 4779.17, 4779.18, and 4779.35 of the Revised Code are hereby repealed."

The motion was _____ agreed to.

SYNOPSIS

Licensure because of unique and exceptional qualifications

R.C. 4779.08, 4779.10, 4779.11, 4779.12, 4779.17, 4779.18, and 4779.35

Permits the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board to issue an orthotics, prosthetics, or orthotics and prosthetics license to an applicant with unique and exceptional qualifications.

Requires the Board to adopt rules establishing requirements for an applicant to be eligible for a license because of the applicant's unique and exceptional qualifications, including standards for satisfactory evidence that demonstrate the applicant's qualifications through the applicant's education, experience, or training.

Requires the Orthotics, Prosthetics, and Pedorthics

Advisory Council to issue recommendations to the Board on requirements to issue a license to an applicant with unique and exceptional qualifications.

*** DRAFT - NOT YET FILED ***

4755-61-01 **Notice of meetings.**

(A) The orthotics, prosthetics, and pedorthics advisory council and joint occupational therapy, physical therapy, and athletic trainers board must comply with the public meeting requirements outlined in section 121.22 of the Revised Code.

(B) Any person may obtain the time, place, and purpose of all meetings by:

(1) Visiting the board's website at http://otptat.ohio.gov;

(2) E-mailing the board at board@otptat.ohio.gov;

(3) Writing the board at: "Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board, 77 South High Street, Sixteenth floor, Columbus, Ohio 43215-6108";

(4) Calling the board at 614-466-3774 during normal business hours; or

(5) Appearing in person at the board office during normal business hours.

(C) Any person may obtain advance notice of all meetings at which any specific type of public business is to be discussed by identifying the type of public business for which the person desires to be notified and by contacting the Ohio occupational therapy, physical therapy, and athletic trainers board. The board will mail or email to such person a notice of the time and place of the meeting, and the type of business to be discussed, at least four calendar days before the meeting is scheduled unless the meeting is an emergency meeting.

(D) The board will maintain a list of representatives of the news media who requested notice of special or emergency meetings. The board must mail or email to such representatives notice at least four days before special meetings or must telephone or email notice at least twenty-four hours before special meetings. In the event of an emergency meeting, the representatives of the news media who requested notification must be notified immediately of the time, place, and purpose of the meeting. News media who requested meeting notification must supply the board with the name, mailing address, email address, and telephone number of the representative to be contacted.

*** DRAFT - NOT YET FILED ***

4755-61-02 **Method of public notice in adopting, amending, or rescinding rules.**

(A) The Ohio occupational therapy, physical therapy, and athletic trainers board must comply with the provisions of section 119.03 of the Revised Code for the purposes of adoption, amendment, or recission of rules. Compliance must include giving proper and reasonable public notice of rule changes.

(B) The Ohio occupational therapy, physical therapy, and athletic trainers board must comply with the provisions of section 106.03 of the Revised Code when reviewing existing rules.

(C) Pursuant to section 119.0311 of the Revised Code, the Ohio occupational therapy, physical therapy, and athletic trainers board must publish a guide to public participation in rule-making.

(D) Any person may receive notice of a proposed rule, amendment, or rescission by visiting the board website or by contacting the board to receive notice via e-mail.

*** DRAFT - NOT YET FILED ***

4755-61-03 **Definitions governing access to confidential personal information.**

For the purposes of administrative rules promulgated in accordance with section 1347.15 of the Revised Code, the following definitions apply:

(A) "Access" as a noun means an instance of copying, viewing, or otherwise perceiving whereas "access" as a verb means to copy, view, or otherwise perceive.

(B) "Acquisition of a new computer system" means the purchase of a "computer system," as defined in this rule, that is not a computer system currently in place nor one for which the acquisition process has been initiated as of the effective date of the agency rule addressing requirements in section 1347.15 of the Revised Code.

(C) "Agency" means the Ohio occupational therapy, physical therapy, and athletic trainers board.

(D) "Computer system" means a "system," as defined by section 1347.01 of the Revised Code, that stores, maintains, or retrieves personal information using electronic data processing equipment.

(E) "Confidential personal information" (CPI) has the meaning as defined by division (A)(1) of section 1347.15 of the Revised Code and identified by rules promulgated by the Ohio occupational therapy, physical therapy, and athletic trainers board in accordance with division (B)(3) of section 1347.15 of the Revised Code that references the federal or state statutes or administrative rules that make personal information maintained by the agency confidential.

(F) "Employee of the state agency" means each employee of a state agency regardless of whether he/she holds an elected or appointed office or position within the state agency. "Employee of the state agency" is limited to personnel employed by or appointed to the Ohio occupational therapy, physical therapy, and athletic trainers board.

(G) "Incidental contact" means contact with the information that is secondary or tangential to the primary purpose of the activity that resulted in the contact.

(H) "Individual" means a natural person or the natural person's authorized representative, legal counsel, legal custodian, or legal guardian.

(I) "Information owner" means the individual appointed in accordance with division (A) of section 1347.05 of the Revised Code to be directly responsible for a system.

(J) "Person" means a natural person.

(K) "Personal information" has the same meaning as defined in division (E) of section 1347.01 of the Revised Code.

*** DRAFT - NOT YET FILED ***

(L) "Personal information system" means a "system" that "maintains" "personal information" as those terms are defined in section 1347.01 of the Revised Code. "System" has the same meaning as defined by division (F) of section 1347.01 of the Revised Code.

(M) "Research" means a methodical investigation into a subject.

(N) "Routine" means commonplace, regular, habitual, or ordinary.

(O) "Routine information that is maintained for the purpose of internal office administration, the use of which would not adversely affect a person" as that phrase is used in division (F) of section 1347.01 of the Revised Code means personal information relating the employees and maintained by the agency for internal administrative and human resource purposes.

(P) "System" has the same meaning as defined by division (F) of section 1347.01 of the Revised Code.

(Q) "Upgrade" means a substantial redesign of an existing computer system for the purpose of providing a substantial amount of new application functionality, or application modifications that would involve substantial administrative or fiscal resources to implement, but would not include maintenance, minor updates and patches, or modification that entail a limited addition of functionality due to changes in business or legal requirements.

*** DRAFT - NOT YET FILED ***

4755-61-04 **Procedures for accessing confidential personal information.**

For personal information systems, whether manual or computer systems, that contain confidential personal information, the board must do the following:

(A) Criteria for accessing confidential personal information.

Personal information systems of the agency are managed on a "need-to-know" basis whereby the information owner determines the level of access required for an employee of the agency to fulfill his/her job duties. The determination of access to confidential personal information must be agency policy developed pursuant to these rules prior to providing an employee with access to confidential personal information within a personal information system. The agency must establish procedures for determining a revision to an employee's access to confidential personal information upon a change to that employee's job duties including, but not limited to, transfer or termination. Whenever an employee's job duties no longer require access to confidential personal information in a personal information system, the employee's access to confidential personal information must be removed.

(B) Individual's request for a list of confidential personal information.

Upon the signed written request of any individual for a list of confidential personal information about the individual maintained by the agency, the agency must do all of the following:

(1) Verify the identity of the individual by a method that provides safeguards commensurate with the risk associated with the confidential personal information;

(2) Provide to the individual the list of confidential personal information that does not relate to an investigation about the individual or is otherwise not excluded from the scope of Chapter 1347. of the Revised Code; and

(3) If all information relates to an investigation about that individual, inform the individual that the agency has no confidential personal information about the individual that is responsive to the individual's request.

(C) Notice of invalid access.

(1) Upon discovery or notification that confidential personal information of a person has been accessed by an employee for an invalid reason, the agency must notify the person whose information was invalidly accessed as soon as practical and to the extent known at the time. However, the agency must delay notification for a period of time necessary to ensure that the notification would not delay or impede an investigation or jeopardize homeland or national security. Additionally, the agency may delay the notification consistent with any measures necessary to determine the scope of the invalid

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access, including which individuals' confidential personal information invalidly was accessed, and to restore the reasonable integrity of the system.

(2) "Investigation" as used in this rule means a review of the circumstances and involvement of an employee surrounding the invalid access of the confidential personal information. Once the agency determines that notification would not delay or impede an investigation, the agency must disclose the access to confidential personal information made for an invalid reason to the person.

(3) Notification provided by the board must inform the person of the type of confidential personal information accessed and the date(s) of the invalid access.

(4) Notification may be made by any method reasonably designed to accurately inform the person of the invalid access, including written, electronic, or telephone notice.

(D) Appointment of a data privacy point of contact.

The executive director must designate an employee of the agency to serve as the data privacy point of contact. The data privacy point of contact must work with the chief privacy officer within the office of information technology to assist the agency with both the implementation of privacy protections for the confidential personal information that the agency maintains and compliance with section 1347.15 of the Revised Code and the rules adopted pursuant to the authority provided by that chapter.

(E) Completion of a privacy impact assessment.

The agency director must designate an employee of the agency to serve as the data privacy point of contact who must timely complete the privacy impact assessment form developed by the office of information technology.

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4755-61-05 **Valid reasons for accessing confidential personal information.**

Pursuant to the requirements of division (B)(2) of section 1347.15 of the Revised Code, this rule contains a list of valid reasons, directly related to the board's exercise of its powers or duties, for which only employees of the agency may access confidential personal information (CPI) regardless of whether the personal information system is a manual system or computer system:

(A) Performing the following functions constitute valid reasons for authorized employees of the agency to access confidential personal information:

(1) Responding to a public records request;

(2) Responding to a request from an individual for the list of CPI the agency maintains on that individual;

(3) Administering a constitutional provision or duty;

(4) Administering a statutory provision or duty;

(5) Administering an administrative rule provision or duty;

(6) Complying with any state or federal program requirements;

(7) Processing or payment of claims or otherwise administering a program with individual participants or beneficiaries;

(8) Auditing purposes;

(9) License application or renewal or eligibility for examination processes;

(10) Investigation or law enforcement purposes;

(11) Administrative hearings;

(12) Litigation, complying with an order of the court, or subpoena;

(13) Human resource matters (e.g., hiring, promotion, demotion, discharge, salary/compensation issues, leave requests/issues, time card approvals/issues);

(14) Complying with an executive order or policy;

(15) Complying with an agency policy or a state administrative policy issued by the department of administrative services, the office of budget and management or other similar state agency; or

(16) Complying with a collective bargaining agreement provision.

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(B) To the extent that the general processes described in paragraph (A) of this rule do not cover the following circumstances, for the purpose of carrying out specific duties of the Ohio occupational therapy, physical therapy, and athletic trainers board, authorized employees and board members would also have valid reasons for accessing CPI in these following circumstances:

(1) Authorized employees and board members may review CPI of individuals who are subject to investigation for alleged violations of Chapters 4755. or 4779. of the Revised Code or Chapters 4755-1 to 4755-66 of the administrative code that may result in licensure discipline or application denial. Authorized employees may review CPI of individuals who are not the subject of the investigation, but who otherwise may be witnesses with information related to the investigation. CPI may be reviewed by employees and members of the board in disciplinary matters that become the subject of administrative hearings or board action, including reporting disciplinary actions as required by state and federal law.

(2) Employees assigned to the continuing education audit may review CPI of license holders who are being audited for the purpose of carrying out that program.

(3) Authorized employees and board members may review CPI of persons who hold, are applying for, or are renewing a license issued by the board for purposes of verifying licensure, processing licensure and renewal applications, determining eligibility for licensure, performing financial transactions and reporting related to application processing, or any other activities undertaken for the purpose of carrying out that program.

(4) Employees assigned to fiscal and human resource positions may review CPI of vendors billing the board for services rendered and employees of the board for payroll and other human resource activities for the purpose of carrying out the board's daily activities.

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4755-61-06 **Confidentiality statutes.**

The following federal statutes or regulations or state statutes and administrative rules make personal information maintained by the board confidential and identify the confidential personal information within the scope of rules promulgated by the board in accordance with section 1347.15 of the Revised Code:

(A) Social security numbers: 5 U.S.C. 552a., unless the individual was told that the number would be disclosed.

(B) Records of reporting required pursuant to 42 U.S.C. section 1320a-7e(b), 5 U.S.C. section 552a, and 45 C.F.R. part 61 for compliance with the U.S. department of health and human services' healthcare integrity and protection data bank (HIPDB).

(C) "Bureau of criminal identification and investigation" criminal records check results: section 4776.04 of the Revised Code.

(D) Records required or allowed to be kept confidential pursuant to section 149.43 of the Revised Code.

(E) Information and records received or generated by the board pursuant to an investigation: division (E) of section 4755.02 of the Revised Code.

(F) Medical records submitted with requests for testing accommodations and/or continuing education waiver requests: 5 C.F.R. 164 (2014).

(G) College and university transcripts: 20 U.S.C. 1232 g(2013).

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4755-61-07 **Restricting and logging access to confidential personal information in computerized personal information systems.**

For personal information systems that are computer systems and contain confidential personal information, the board must do the following:

(A) Access restrictions. Access to confidential personal information that is kept electronically must require a password or other authentication measure.

(B) Acquisition of a new computer system. When the board acquires a new computer system that stores, manages or contains confidential personal information, the board must include a mechanism for recording specific access by employees of the board to confidential personal information in the system.

(C) Upgrading existing computer systems. When the board modifies an existing computer system that stores, manages or contains confidential personal information, the board must make a determination whether the modification constitutes an upgrade. Any upgrades to a computer system must include a mechanism for recording specific access by employees of the board to confidential personal information in the system.

(D) Logging requirements regarding confidential personal information in existing computer systems.

(1) The board must require employees of the board who access confidential personal information within computer systems to maintain a log that records that access.

(2) Access to confidential information is not required to be entered into the log under the following circumstances:

(a) The employee of the board is accessing confidential personal information for official board purposes, including research, and the access is not specifically directed toward a specifically named individual or a group of specifically named individuals.

(b) The employee of the board is accessing confidential personal information for routine office procedures and the access is not specifically directed toward a specifically named individual or a group of specifically named individuals.

(c) The employee of the board comes into incidental contact with confidential personal information and the access of the information is not specifically directed toward a specifically named individual or a group of specifically named individuals.

(d) The employee of the board accesses confidential personal information about an individual based upon a request made under either of the

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following circumstances:

(i) The individual requests confidential personal information about himself/herself.

(ii) The individual makes a request that the board takes some action on that individual's behalf and accessing the confidential personal information is required in order to consider or process that request.

(3) For purposes of this paragraph, the board may choose the form or forms of logging, whether in electronic or paper formats.

(E) Log management. The board must issue a policy that specifies the following:

(1) Who must maintain the log;

(2) What information must be captured in the log;

(3) How the log is to be stores; and

(4) How long information kept in the log is to be retained.

Nothing in this rule limits the board from requiring logging in any circumstance that it deems necessary.

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4755-62-01 **Definition of terms.**

The following definitions must apply to the language of Chapter 4779. of the Revised Code:

(A) General definitions

(1) "Board" means the Ohio occupational therapy, physical therapy, and athletic trainers board.

(2) "Temporary license" means a license issued under section 4779.18 of the Revised Code, which renews on its own anniversary date, and which may only be renewed one time.

(B) Licensing language and educational standards

(1) "Good moral character" as it is used in section 4779.09 and under division (A)(3) in section 4779.18 of the Revised Code, means not having been convicted of a crime of moral turpitude; not having made misstatements or misrepresentation in connection with an application or examination for registration, certification or licensure; and not having willfully violated any of the sections related to conduct required of applicants or license holders and set forth in the statutes or rule.

(2) "License" as it is used under division (A) of section 4779.20 of the Revised Code, means the authority to practice in the noted profession pursuant to an action of the board.

(3) "License holder" means a person who holds a license issued under Chapter 4779. of the Revised Code.

(4) "Nationally accredited college or university in the U.S." means colleges and universities accredited by an accreditation body recognized by the U.S. department of education, including regional accreditation bodies.

(5) "Provides two semesters or three quarters of instruction" as it is used in divisions (B)(1), (C)(1), and (D)(1) of section 4779.26 of the Revised Code means that the certificate program meets those specific traditional education duration standards or meets the standards as developed and implemented by the national commission on orthotic and prosthetic education (NCOPE) in effect at the time the applicant was completing his or her formal education for entrance to the referenced professions. Such instruction may include blended learning that allows for a combination of online distance learning, classroom learning, and on-site clinical learning that meets the standards established by the commission on accreditation of allied health education professions (CAAHEP).

(6) "Provides two semesters or three quarters of instruction" as it is used in

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divisions (B)(1), (B)(2), and (B)(3) of section 4779.27 of the Revised Code means that the residency program requires as a prerequisite for admission the educational equivalent of learning required by section 4779.26 of the Revised Code or residency admission standards as developed and implemented by the national commission on orthotic and prosthetic education (NCOPE) that were in effect at the time the applicant was completing his or her formal education for entrance to the referenced professions and that meets or met the standards established by the commission on accreditation of allied health education professions (CAAHEP).

(7) "Residency program" approved by the board, as referenced in section 4779.10 of the Revised Code, section 4779.11 of the Revised Code, and section 4779.12 of the Revised Code means a residency requiring nineteen hundred hours under the direct supervision of a practitioner certified in the same discipline, and which meets the requirements of section 4779.27 of the Revised Code.

(8) "Suspended" as used in section 4779.31 of the Revised Code means a license that has lapsed or been placed on inactive or non-renewed status due to non-payment of renewal fees, as well as a license placed under suspension as the result of an adjudication pursuant to section 4779.28, 4779.29, or 4779.30 of the Revised Code, or as the result of an agreement entered into between the board and the license holder in lieu of proceeding to adjudication.

(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 person who provides orthotic, prosthetic, or pedorthic services under the supervision of a person 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 a person 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

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pedorthist is physically present or at a location where the supervising orthotist, prosthetist, or pedorthist is readily available to the person 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.

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4755-62-02 **Device-related and scope of practice definitions.**

The following definitions must apply to the language of Chapter 4779. of the Revised Code:

(A) "Accommodative" as defined at division (A) of section 4779.01 of the Revised Code means in addition that the item is designed to conform to the anatomy of the particular person who purchases and wears the item., . "Accommodative" may describe an item sold on a strictly retail basis, but may also describe an item requiring custom fitting or custom fabricating as required by patient presentation and medical order.

(B) "Arch support" as used in division (G) of section 4779.01 of the Revised Code means an item sold off-the-shelf on a retail basis to be accommodative to the anatomy of the foot for the person who uses it; and which is not custom fitted or custom fabricated, and is not provided to fill a doctor's order or healthcare prescription.

(C) "Nontherapeutic" as used in divisions (D) and (G) of section 4779.01 of the Revised Code means an item sold off-the-shelf on a retail basis, which is not custom fitted or custom fabricated, and is not delivered to fill a doctor's order or healthcare prescription.

(D) "Therapeutic" as used in division (A) of section 4779.01 of the Revised Code refers to an item delivered to fill a patient-specific doctor's order or healthcare prescription.

(E) "Custom fabricated or fitted medical device" as referenced in divisions (E), (G), or (I) of section 4779.01 of the Revised Code means an orthotic, prosthetic or pedorthic device that is individually made (custom fabricated) or fitted (custom fitted) for a specific patient. Further, it is a device the provision of which requires access to a facility with the equipment necessary to fulfill the ongoing consumer-care responsibility to provide follow-up treatment, including modification, adjustment, maintenance and repair of the item(s).

(1) A custom fabricated item is defined as a device which is individually made for a specific patient. No other patient would be able to use this item. A custom fabricated item is a device which is fabricated based on clinically derived and rectified castings, tracings, measurements, and/or other images (such as x-rays or digital scans) of the body part. The fabrication may involve using calculations, templates and components. This process requires the use of basic materials including, but not limited to plastic, metal, leather or cloth in the form of uncut or unshaped sheets, bars, or other basic forms and involves substantial work such as vacuum forming, cutting, bending, molding, sewing, drilling and finishing prior to fitting on the patient.

A molded-to-patient-model item is a particular type of custom fabricated device in which either:

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(a) An impression (usually by means of a plaster or fiberglass cast) of the specific body part is made directly on the patient, and this impression is then used to make a positive model of the body part from which the final product is crafted; or

(b) A digital image of the patient's body part is made using computer-aided design-computer aided manufacture (CAD-CAM) systems software. This technology includes specialized probe/digitizers and scanners that create a computerized positive model and then direct milling equipment to carve a positive model. The device is then individually fabricated and molded over the positive model of the patient. The use of CAD/CAM software or digital software packages and hardware to generate a negative model (3D printing) can be used for direct fabrication of intermediate stages of the device up to and including the final or definitive device itself.

(2) A custom fitted item is defined as a prefabricated device which is manufactured in quantity without a specific patient in mind. The device may or may not be supplied as a kit that requires some assembly and/or fitting and adjustment, or a device that may be trimmed, bent, molded (with or without heat), or otherwise modified by a person with expertise in customizing the item to fit and be used by a specific patient.

A custom fitted item/device as referenced in divisions (E), (G), or (I) of section 4779.01 of the Revised Code does not include:

(a) Upper extremity adaptive equipment used to facilitate the activities of daily living;

(b) Finger splints or wrist splints;

(c) Prefabricated elastic or fabric abdominal supports with or without metal or plastic reinforcing stays requiring minimal fitting;

(d) Other prefabricated soft goods requiring minimal fitting;

(e) Nontherapeutic accommodative inlays;

(f) Nontherapeutic or therapeutic over-the-counter or off-the-shelf shoes or boots that are not manufactured or modified for a particular person;

(g) Prefabricated foot care products;

(h) Other durable medical equipment that is not categorized as an orthotic, prosthetic, or pedorthic device; dental appliances; or devices implanted into the body by a physician.

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(F) "For use from the apex of the medial malleolus and below" as used in division (G) of section 4779.01 of the Revised Code means that the pedorthic device does not physically extend proximal to the apex of the medial malleolus, meaning not extending higher than the middle of the ankle bone.

(G) "Minimal fitting" as used in section 4779.01 of the Revised Code and this rule means the prefabricated device is classified as an off the shelf (OTS) device by the U.S. department of health and human services center for medicare/medicaid services.

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4755-63-01 **Applications for initial licensure by examination.**

(A) Applications must be:

(1) Submitted electronically via the Ohio e-license system;

(2) Electronically signed via the Ohio e-license system;

(3) Accompanied by the fee prescribed by rule 4755-66-01 of the Administrative Code; and

(4) Accompanied by such evidence, statements, or documents as specified on the application.

(B) For the purposes of filing an electronic application via the Ohio e-license system, the applicant will create a "UserID" and password. The use of the "UserID" and password is solely the responsibility of the person to whom it is issued . The "UserID" and password will constitute the legally recognized signature for the purposes of this rule and may not be transferred, distributed, or shared with any other person.

(C) Any application received in accordance with this rule that remains incomplete one year after the initial application filing will be considered to be abandoned and no further processing will be undertaken with respect to that application.

(1) If the application process extends for a period longer than one year, the board may require updated information as it deems necessary.

(2) No application for licensure may be withdrawn without approval of the board. An applicant may request to withdraw an application by submitting a request through eLicense Ohio.

(3) Submitted fees are neither refundable nor transferable.

(D) The applicant seeking licensure under section 4779.09 of the Revised Code must:

(1) Submit an attestation that the applicant is at least eighteen years old, of good moral character, and meets the requirements of sections 4779.10, 4779.11, 4779.12, or 4779.13 of the Revised Code.

(2) Pass an examination approved by the board pursuant to section 4779.15 of the Revised Code.

(3) Attestation and submission of fingerprints for criminal record checks by the Ohio bureau of criminal identification and investigation (BCII) and the federal bureau of investigation (FBI), if the application is for the first issuance of a license.

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(E) In addition, an application for a license to practice orthotics must document compliance with the following requirements:

(1) A post-secondary educational credential of at least a bachelors degree;

(2) A certificate of completion of a post-graduate certificate program in orthotics, unless the applicant's post-secondary educational credential is a bachelors or masters degree specifically in orthotics and prosthetics;

(3) Completion of a residency program in orthotics consisting of nineteen hundred hours supervised by a practitioner certified in orthotics;

(4) A letter or statement from an Ohio-licensed orthotist or prosthetist-orthotist, attesting to having conducted supervision for at least an eight-month period (required if residency not conducted under Ohio-licensed supervisor). This requirement is waived for applicants who meet the requirements of section 4779.17 of the Revised Code;

(5) An applicant with an educational credential from a foreign educational institution must show educational equivalence according to rule 4755-63-14 of the Administrative Code.

(F) In addition, an application for a license to practice prosthetics must document compliance with the following requirements:

(1) A post-secondary educational credential of at least a bachelors degree;

(2) A certificate of completion of a post-graduate certificate program in prosthetics, unless the applicant's post-secondary educational credential is a bachelors or masters degree specifically in orthotics and prosthetics;

(3) Completion of a residency program in prosthetics consisting of nineteen hundred hours supervised by a practitioner certified in prosthetics;

(4) A letter or statement from an Ohio-licensed prosthetist or prosthetist-orthotist, attesting to having conducted supervision for at least an eight-month period (required if residency not conducted under Ohio-licensed supervisor). This requirement is waived for applicants who meet the requirements of section 4779.17 of the Revised Code;

(5) An applicant with an educational credential from a foreign educational institution must show educational equivalence according to rule 4755-63-14 of the Administrative Code.

(G) In addition, an application for a license to practice orthotics and prosthetics must document compliance with the following requirements:

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(1) A post-secondary educational credential of at least a bachelors degree;

(2) A certificate of completion of post-graduate certificate programs in prosthetics and orthotics, unless the applicant's post-secondary educational credential is a bachelors or masters degree specifically in orthotics and prosthetics;

(3) Completion of a residency program in prosthetics and orthotics, consisting of nineteen hundred hours supervised by a practitioner certified in prosthetics, and nineteen hundred hours supervised by a practitioner certified in orthotics;

(4) A letter or statement from an Ohio-licensed prosthetist-orthotist, attesting to having conducted supervision for at least an eight-month period (required if residency not conducted under Ohio-licensed supervision). This requirement is waived for applicants who meet the requirements of section 4779.17 of the Revised Code;

(5) An applicant who holds a license in orthotics and successfully completes all the requirements for a license in prosthetics will be issued a new license in prosthetics-orthotics;

(6) An applicant who holds a license in prosthetics and successfully completes all the requirements for a license in orthotics will be issued a new license in prosthetics-orthotics;

(7) An applicant with an educational credential from a foreign educational institution must show educational equivalence according to rule 4755-63-14 of the Administrative Code.

(H) In addition, an application for a license to practice pedorthics must document compliance with the following requirements:

(1) A high school diploma or a certificate of high school equivalence.

(2) A statement from the supervising pedorthist, orthotist, prosthetist, or prosthetist-orthotist, that the applicant has practiced for eight months under the supervisor's oversight and direction. The statement must be provided on a form prescribed by the state board of orthotics, prosthetics, and pedorthics which requires attestation of completion of one thousand hours of pedorthic care practice under supervision by the licensed supervisor, including at least one hundred hours devoted to each of the following five general areas of service delivery:

(a) Comprehensive assessment and evaluation of patients requiring the full spectrum of pedorthic care, including:

(i) Custom fabricated and custom fitted foot orthoses

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(ii) Therapeutic/diabetic shoes, depth shoes and custom shoes

(iii) Prefabricated inserts, custom fitted, moldable and rigid

(iv) Shoe modifications

(v) Retail, non-therapeutic shoes and foot orthoses

(b) Development of a comprehensive treatment plan to provide appropriate pedorthic care.

(c) Selection of materials and components to meet the treatment plan. On-site fabrication of the device where facilities are available. Working knowledge of how various devices are fabricated if fabrication is not done at the facility.

(d) Fitting and appropriate follow-up of the pedorthic device to assure optimal fit and function of the device. This includes modifications and adjustments of the device to ensure proper and continued function and instructing patient on the use and care of the device with verbal and take-home instructions where indicated or required.

(e) Appropriate documentation of patient care and interaction, including records are accurate, current and complete, and that principles and procedures of practice management are understood.

(3) Completion of the training, education, and/or experience requirements necessary to sit for a certification in pedorthics examination in accordance with standards established by the national commission on orthotic and prosthetic education.

(I) A candidate for a full license in orthotics, prosthetics, prosthetics-orthotics, or pedorthics who has already been granted a temporary license under section 4779.18 of the Revised Code and is practicing under that license may advance the temporary license to full license status by documenting completion of the remaining requirements without submitting a new license application. Documentation must include:

(1) Proof of successful passage of the examination as provided by section 4779.15 of the Revised Code; and

(2) Proof that the applicant has practiced for not less than eight months under the supervision of a person licensed under chapter 4779. to practice orthotics, prosthetics, or pedorthics as required by division (A) of section 4779.10, division (A) of section 4779.11, division (A) of section 4779.12, or division (A) of section 4779.13.

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4755-63-02 **Licensure by endorsement.**

(A) In accordance with division (A)(4) of section 4779.17 of the Revised Code, an applicant who holds a license issued by another state may obtain a license to practice orthotics, prosthetics, or pedorthics in the state of Ohio if the out-of-state applicant:

(1) Qualifies for licensure in the state of Ohio, except for the passage of the examination as required under sections 4779.09 and 4779.15 of the Revised Code; and

(2) Holds a valid license issued by the appropriate licensing entity of another state and has not been issued a license in another state that has been revoked or is currently under suspension or probation or remains under the effect of any other current disciplinary action.

(B) Applications must be:

(1) Submitted electronically via the Ohio e-license system;

(2) Electronically signed via the Ohio e-license system;

(3) Accompanied by the fee prescribed by rule 4755-66-01 of the Administrative Code; and

(4) Accompanied by such evidence, statements, or documents as specified on the application, including any documentation necessary to support the qualifications mentioned in paragraph (A)(1) or (A)(2) of this rule, and pursuant to the profession-specific requirements of paragraphs (E) to (H) of rule 4775-63-01 of the Administrative Code.

(C) Out-of- state residents must update the Ohio occupational therapy, physical therapy, and athletic trainers board within thirty working days of any change in orthotics, prosthetics, or pedorthics employment in the state of Ohio or any change in state-of-residence or state-of-employment status.

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4755-63-03 **Educational programs.**

(A) The board hereby approves orthotics and prosthetics educational programs that are accredited by or are under a letter of review from the committee on accreditation for orthotics and prosthetics under the auspices of the commission of accreditation of allied health educational programs or their successor organization(s); for pedorthic educational programs, the board hereby approves programs accredited by the national commission on orthotic and prosthetic education or its successor organization; and

(B) The board must recognize a post-secondary educational program that complies with the requirements of section 4779.25 of the Revised Code.

(C) The board may recognize an educational program that meets these standards upon request of an officer or official of the educational program; upon request of an applicant for licensure; or upon request of any person that has a recognized interest in the fields of orthotics, prosthetics, or pedorthics.

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4755-63-04 **Certificate program requirements.**

"Certificate program" as referenced in section 4779.26 of the Revised Code, means a post-graduate certificate program that meets the following requirements, as applicable:

(A) All certificate programs must meet all of the following requirements:

(1) Admission standards require at least a high school diploma or certificate of high school equivalence issued by the state board of education;

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

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

(4) Admits only persons who have successfully completed courses in biology, chemistry, physics, psychology, computer science, algebra or higher math, human anatomy with a laboratory section, and physiology with a laboratory section;

(5) Requires students to complete formal instruction in biomechanics, gait analysis and pathomechanics, kinesiology, pathology, material science, research methods, and diagnostic imaging techniques;

(6) Provides for the evaluation of the program through regular, on-site visits conducted by qualified people from a nationally recognized orthotic, prosthetic, or orthotic and prosthetic certifying body.

(B) In addition, a certificate program in orthotics must meet all of the following requirements:

(1) Provides two semesters or three quarters of instruction in orthotics as defined in paragraph (B)(5) of rule 4755-62-01 of the Administrative Code;

(2) Requires students to complete not less than two hundred fifty hours of supervised clinical experience that focuses on patient-related activities, including recommendation, measurement, impression-taking, model rectification, fabrication, fitting, and evaluating patients in the use and function of orthotic systems;

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

(C) In addition, a certificate program in prosthetics must meet all of the following requirements:

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(1) Provides two semesters or three quarters of instruction in prosthetics as defined in paragraph (B)(5) of rule 4755-62-01 of the Administrative Code;

(2) Requires students to complete not less than two hundred fifty 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) Requires as a condition of graduation that students demonstrate prosthetic skills that include measurement, impression taking, model rectification, diagnostic fitting, definitive fitting, postoperative management, external power, and static and dynamic alignment of prostheses related to various amputation levels, including partial foot, syme's below the knee, above knee, below elbow, above elbow, and the various joint disarticulations.

(D) In addition, a certificate program in orthotics and prosthetics must meet all of the following requirements:

(1) Provides two semesters or three quarters of instruction in orthotics and two semesters or three quarters of instruction in prosthetics as defined in paragraph (B)(5) of rule 4755-62-01 of the Administrative Code;

(2) Requires as a condition of graduation that students complete training in orthotic systems, including foot orthoses, ankle-foot orthoses, knee orthoses, knee-ankle-foot orthoses, hip-knee orthoses, wrist-hand orthoses, cervical-thoracic-lumbo-sacral orthoses, thoracolumbar orthoses, lumbarsacral orthoses, halo, fracture management, reciprocal gait orthoses, standing frames, and seating;

(3) Requires as a condition of graduation that students demonstrate prosthetic skills that include measurement, impression taking, model rectification, diagnostic fitting, definitive fitting, postoperative management, external power, and static and dynamic alignment of prostheses related to various amputation levels, including partial foot, syme's below the knee, above knee, below elbow, above elbows, and the various joint disarticulations.

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4755-63-05 **Examinations.**

(A) The board recognizes the following practitioner-level examinations to qualify an applicant for licensure pursuant to sections 4779.09 and 4779.15 of the Revised Code.

(1) For licensure in orthotics, the orthotics written examination and the orthotics written simulation examination administered by the American board for certification in orthotics, prosthetics, and pedorthics (ABCOPP).

(2) For licensure in prosthetics, the prosthetics written examination and the prosthetics written simulation examination administered by the ABCOPP.

(3) For licensure in pedorthics, either:

(a) The certified pedorthist examination (CPED) administered by the ABCOPP, or

(b) The pedorthist certification examination (BOCPD) administered by the board of certification/accreditation international (BOC) formerly known as the board of orthotist/prosthetist certification.

(B) These examinations must be administered in accordance with the provisions of any agreement between the respective parties.

(C) The board will accept results of examinations previously administered if other qualifications required by Chapter 4779. of the Revised Code are evident in application documentation.

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4755-63-06 **Temporary license application procedure.**

(A) Applications must be:

(1) Submitted electronically via the Ohio e-license system;

(2) Electronically signed via the Ohio e-license system;

(3) Accompanied by the fee prescribed by rule 4755-66-01 of the Administrative Code; and

(4) Accompanied by such evidence, statements, or documents as specified on the application.

(B) For the purposes of filing an electronic application via the Ohio e-license system, the applicant will create a "UserID" and password. The use of the "UserID" and password is solely the responsibility of the person to whom it is issued . The "UserID" and password will constitute the legally recognized signature for the purposes of this rule and may not be transferred, distributed, or shared with any other person.

(C) Any application received in accordance with this rule that remains incomplete one year after the initial application filing will be considered to be abandoned and no further processing will be undertaken with respect to that application.

(1) If the application process extends for a period longer than one year, the board may require updated information as it deems necessary.

(2) No application for licensure may be withdrawn without approval of the board. An applicant may request to withdraw an application by submitting a request through eLicense Ohio.

(3) Submitted fees are neither refundable nor transferable.

(D) The following requirements apply to all applicants seeking licensure under section 4779.18 of the Revised Code.

(1) The application must contain an attestation that the applicant is at least eighteen years old, of good moral character in accordance with section 4779.09 of the Revised Code, and meets the requirements of section 4779.18 of the Revised Code.

(2) An applicant seeking a first license issued by the state board of orthotics, prosthetics, and pedorthics must comply with the criminal record check requirements of section 4779.091 of the Revised Code and rule 4755-63-12 of the Administrative Code.

(3) A license issued pursuant to section 4779.18 of the Revised Code expires one

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year after issuance, and may only be renewed once.

(E) In addition, an application for a temporary license to practice orthotics must document compliance with the requirements of division (A) of section 4779.18 of the Revised Code as follows:

(1) A post-secondary educational credential of at least a bachelors degree;

(2) A certificate of completion of a post-graduate certificate program in orthotics, unless the applicant's post-secondary educational credential is a bachelors or masters degree specifically in orthotics and prosthetics;

(3) Completion of a residency program in orthotics consisting of nineteen hundred hours supervised by a practitioner certified in orthotics;

(4) A statement co-signed by the applicant and the current or prospective Ohio-licensed supervisor affirming that both are aware of and will abide by the law and rules governing supervision for a temporary license;

(F) In addition, an application for a temporary license to practice prosthetics must document compliance with the requirements of division (A) of section 4779.18 of the Revised Code as follows:

(1) A post-secondary educational credential of at least a bachelors degree;

(2) A certificate of completion of a post-graduate certificate program in prosthetics, unless the applicant's post-secondary educational credential is a bachelors or masters degree specifically in orthotics and prosthetics;

(3) Completion of a residency program in prosthetics consisting of nineteen hundred hours supervised by a practitioner certified in prosthetics;

(4) A statement co-signed by the applicant and the current or prospective Ohio-licensed supervisor affirming that both are aware of and will abide by the law and rules governing supervision for a temporary license;

(G) In addition, an application for a temporary license to practice orthotics and prosthetics must document compliance with the requirements of division (A) of section 4779.18 of the Revised Code as follows:

(1) A post-secondary educational credential of at least a bachelors degree;

(2) A certificate of completion of post-graduate certificate programs in prosthetics and orthotics, unless the applicant's post-secondary educational credential is a bachelors or masters degree specifically in orthotics and prosthetics;

(3) Completion of a residency program in prosthetics and orthotics, consisting of

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nineteen hundred hours supervised by a practitioner certified in prosthetics, and nineteen hundred hours supervised by a practitioner certified in orthotics;

(4) A statement co-signed by the applicant and the current or prospective Ohio-licensed supervisor affirming that both are aware of and will abide by the law and rules governing supervision for a temporary license;

(H) In addition, an application for a temporary license to practice pedorthics must document compliance with the requirements of division (A) of section 4779.18 of the Revised Code as follows:

(1) A high school diploma or a certificate of high school equivalence;

(2) A statement co-signed by the applicant and the current or prospective Ohio-licensed supervisor affirming that both are aware of and will abide by the law and rules governing supervision for a temporary license;

(3) Completion of the training, education, and/or experience requirements necessary to sit for the certification in pedorthics examination in accordance with standards established by the national commission on orthotic and prosthetic education (NCOPE).

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4755-63-07 **Certificate of license; display.**

(A) Each applicant who is approved for full licensure in orthotics, prosthetics, prosthetics-orthotics, or pedorthics will electronically receive a certificate of full licensure for office display upon initial approval.

(B) The license orthotist, licensed prosthetist, licensed prosthetist-orthotist, and licensed pedorthist must display the original license certificate at their principal place of business and all locations of service delivery. Display of the original license certificate includes the ability to show the copy that is available through Ohio eLicense. (http://elicense.ohio.gov).

(C) Verification of current licensure can be obtained from the Ohio eLicense center verification page (http://elicense.ohio.gov).

(D) Additional copies of the certificate may be request by orthotics, prosthetics, prosthetics-orthotics, and pedorthics license holders by logging into Ohio eLicense (http://elicense.ohio.gov) and paying the fee prescribed by rule 4755-66-08.

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4755-63-08 **Biennial renewal of license.**

(A) Renewal of an orthotics, prosthetics, orthotics-prosthetics, and pedorthics license must be in accordance with section 4779.20 of the Revised Code.

(1) The renewal notice will be sent to the e-mail address on file with the board.

(2) The entire licensure renewal application, including any required forms, compliance with the continuing education requirement specified in rule 4755-65-01 of the Administrative Code, and payment of the renewal fee prescribed by rule 4755-66-04 of the Administrative Code, must be completed to satisfy the requirements of the renewal procedure.

(B) All persons licensed as an orthotist, prosthetist, prosthetist-orthotist, and pedorthist must renew their license by the thirty-first day of January in each odd-numbered year. When a license to practice as an orthotist, prosthetist, prosthetist-orthotist, or pedorthist is issued by the board on or after June first of an even-numbered year, that license will be valid through the thirty-first day of January of the next odd-numbered year.

(C) Persons who fail to submit the renewal fee, completed application, any other required forms, and/or comply with the continuing education requirement specified in rule 4755-65-01 of the Administrative Code by the thirty-first day of January of the odd-numbered year will have their license automatically expire.

(1) A license holder whose license expires for failure to renew must submit a reinstatement application in accordance with rule 4755-63-09 of the Administrative Code. The occupational therapy, physical therapy, and athletic trainers joint board must approve the reinstatement application before the person may legally practice as an orthotist, prosthetist, prosthetist-orthotist, or pedorthist in Ohio.

(2) A license holder who continues to practice as an orthotist, prosthetist, prosthetist-orthotist, or pedorthist with an expired license will be subject to disciplinary action pursuant to section 4779.28 or 4779.99 of the Revised Code.

(D) For the purposes of filing an electronic renewal application via the Ohio eLicense system, the applicant must create a "UserID" and password. The use of the "UserID" and password is solely the responsibility of the license holder who created it . The "UserID" and password must constitute the legally recognized signature for the purposes of this rule and may not be transferred, distributed, or shared with any other person.

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4755-63-09 **Reinstatement of licensure.**

(A) Reinstatement is mandatory for any person wishing to practice who held a license to practice as an orthotist, prosthetist, prosthetist-orthotist, or pedorthist in the state of Ohio according to chapter 4779 of the Revised Code.

(B) All applicants for reinstatement must submit a completed application on the forms specified by the section. All applications must be:

(1) Submitted electronically via the elicense system;

(2) Electronically signed via the elicense system;

(3) Contain the fee prescribed by rule 4755-66-03 of the Administrative Code;

(4) Be accompanied by such evidence, statements, or documents as specified on the application ; and

(5) Contain proof that the applicant met the appropriate continuing education requirement:

(a) For reinstatement applications submitted before March first of the year in which the applicant's license expired, the applicant must complete the number of contact hours of continuing education that were required to renew the expired license. All contact hours used to reinstate the license must be in accordance with rule 4755-65-01 of the Administrative Code. Contact hours used to meet the requirement of this paragraph must not be used to renew the reinstated license.

(b) For reinstatement applications submitted on or after March first of the year in which the applicant's license expired, the applicant must complete the number of contact hours specified in paragraph (A) of rule 4755-65-01 of the Administrative Code within the two year period immediately preceding the date the board receives the application for reinstatement. All contact hours used to reinstate the license must be in accordance with rule 4755-65-01 of the Administrative Code. Contact hours used to meet the requirement of this paragraph must not be used to renew the reinstated license.

(C) The board may require persons filing reinstatement applications to appear in person before the board.

(D) For the purposes of filing an electronic application via the elicense system, the applicant will create a "UserID" and password. The use of the "UserID" and password is solely the responsibility of the person to whom it is issued . The "UserID" and password will constitute the legally recognized signature for the purposes of this rule and may not be transferred, distributed, or shared with any other person.

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(E) Any application received in accordance with this rule that remains incomplete one year after the initial application filing will be considered to be abandoned and no further processing will be undertaken with respect to that application.

(1) If the application process extends for a period longer than one year, the board may require updated information as it deems necessary.

(2) No application for licensure may be withdrawn without approval of the board.

(3) Submitted fees are neither refundable nor transferable.

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4755-63-10 **Reinstatement or reconsideration of denied/revoked license.**

(A) In evaluating an application for reinstatement of a license or reconsideration of denial of a license, the joint board must consider the following:

(1) The nature and severity of the acts that resulted in revocation or denial of license;

(2) The time elapsed since the commission of the acts;

(3) Possible additional violations occurring after the revocation or denial;

(4) Compliance with previous orders of the board; and

(5) Any evidence of rehabilitation that the applicant may submit to the board.

(B) Before reinstating a license issued under this chapter that has been suspended for more than two years, the Ohio occupational therapy, physical therapy, and athletic trainers board may require an individual to pass the appropriate licensing examination.

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4755-63-11 **Verification of licensure.**

(A) The occupational therapy, physical therapy, and athletic trainers board will officially verify to another regulatory entity the status of a person's license to practice orthotics, prosthetics, and pedorthics in the state of Ohio upon both of the following:

(1) Receipt of an official verification request submitted electronically via the Ohio elicense system; and

(2) Payment of the verification of license charge specified in rule 4755-66-07 of the Administrative Code.

(B) Official verification issued by the board must include, but not be limited to:

(1) The license number and status of the license;

(2) Any disciplinary action taken against the license; and

(3) The initial issue date and expiration date of the license.

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4755-63-12 **Criminal records check.**

(A) In addition to the requirements established in rules 4755-63-01, 4755-63-02, and 4755-63-06 of the Administrative Code, all applicants for initial licensure as an orthotist, prosthetist, prosthetist-orthotist, and pedorthist must submit to a criminal records check completed by the bureau of criminal identification and investigation in accordance with section 4779.091 of the Revised Code. The results of the criminal records check must be received by the board prior to the issuance of a license to practice as an orthotist, prosthetist, prosthetist-orthotist, and pedorthist.

(B) An applicant requesting a criminal records check must provide the bureau of criminal identification and investigation with the applicant's name, and address, and any other information required by the bureau of criminal identification and investigation for the purpose of completing the criminal records checks. The applicant must cause the results of the criminal records checks to be forwarded to the Ohio occupational therapy, physical therapy, and athletic trainers board at "77 South High Street, 16th Floor, Columbus, Ohio 43215-6108."

(C) In the request, the applicant must ask the superintendent of the bureau of criminal identification and investigation to obtain from the federal bureau of investigation any information it has pertaining to the applicant.

(D) The occupational therapy, physical therapy, and athletic trainers board will only accept the results of a criminal records check that is submitted to the board directly by the bureau of criminal identification and investigation in compliance with this rule.

(E) A criminal records check will not be required if the applicant has caused the results of a criminal records check to be filed with the board in accordance with the requirements of this rule within six months of the date that the board received the results of the criminal records check. A new criminal records check will be required if the applicant's criminal records check on file with the board is greater than six months old based on the date the board received the report.

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4755-63-14 **Foreign education licensure.**

(A) The occupational therapy, physical therapy, and athletic trainers board may consider acceptance of foreign educational credentials for licensure as an orthotist, prosthetist, or prosthetist-orthotist as follows:

(1) The applicant must complete an education credentials review from an entity approved by the board to be used by the board to determine if the applicant's foreign education was substantially equivalent pursuant to Ohio Revised Code section 4779.10, 4779.11, or 4779.12.

(2) The applicant must demonstrate that the person met the requirements to practice orthotics or prosthetics in the country of education and evidence of eligible licensure and/or certification credentialing in that country.

(B) Educational evaluations reflect only the findings and conclusions of the evaluating service and must not be binding upon the board.

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4755-64-01 **Ethical and professional conduct.**

A license holder must provide professional services with objectivity and with respect for the unique needs and values of the health care recipient, as follows:

(A) A license holder must not discriminate on the basis of factors that are irrelevant to the provision of professional services including, but not limited to, race, creed, sex, national origin, age, or medical condition.

(B) Prior to a license holder entering into a contractual relationship with a health care recipient, the license holder must provide sufficient information to enable the health care recipient to make an informed decision to enter into a contractual relationship. Sufficient information must include any fees and arrangements for payment which might affect the decision.

(C) A license holder must not mislead the public and/or colleagues about services and must not advertise in a misleading manner.

(D) A license holder must not engage in any activities that seek to meet his or her personal needs at the expense or detriment of the health care recipient.

(E) A license holder must not receive or give a commission, rebate, or any other form of direct or indirect remuneration or benefit for the referral of patients/clients for professional services.

(F) A license holder must disclose to health care recipients any financial interest in commercial orthotics, prosthetics, or pedorthics device which the license holder promotes for the purpose of direct or indirect personal gain or profit.

(G) A license holder must not accept gratuities for any reason including, but not limited to, preferential consideration of the health care recipient.

(H) A license holder must report to the board any unprofessional, incompetent, unethical, or illegal behavior of an orthotist, prosthetist, prosthetist-orthotist, or pedorthist of which the person has knowledge. An obligation to report is inherent in the professions.

(I) A license holder must practice orthotics, prosthetics, or pedorthics in accordance with prevailing professional standards or guidelines and must not endeavor to extend his/her practice beyond his/her competence and the authority vested in him/her under division (B) of section 4779.02 of the Revised Code.

(J) A license holder must not carry out a prescribed service that he knows to be harmful to a patient.

(K) A license holder must only access health care recipient information which is necessary and relevant to his/her function and authority as a orthotics, prosthetics, or pedorthics provider.

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(L) When responding to a consumer's, prescriber's or provider's request for orthotic, prosthetic, or pedorthic services, if it is evident from the initial evaluation and a review of patient history and/or chart information that another licensed orthotic, prosthetic, or pedorthic service provider is currently providing services based on the same or similar medical orders, the second provider has a professional duty of care to the consumer and the prescriber to contact the first provider and offer the opportunity to complete or clarify the appropriate provision of services.

(M) Maintenance of consumer care information

(1) A license holder must maintain consumer care documentation which includes, at minimum:

(a) Medical presentation/history data appropriate to the service provided;

(b) Evaluation and measurement data supporting device choice and recommendation;

(c) All dates of service with narrative progress notes describing presenting problem and service/procedure performed;

(d) Medical orders and therapist notes supporting services provided;

(e) Documentation required by third party payers including assignment of benefits, privacy notices, delivery receipts, financial arrangements, and records reflecting contacts for and provision of follow-up care;

(2) Consumer care data must be maintained with privacy and security safeguards appropriate to the data retained in file.

(3) The license holder responsible for provision of care should take steps to assure the consumer file data is maintained a minimum of five years from last date of service unless a longer period is required by federal or state law or conditions imposed by any third-party payer.

(N) A license holder, or an applicant for licensure, must provide a written response within a reasonable period of time not to exceed thirty days to any written inquiry regarding compliance with law or rule received from the board. A license holder or an applicant for licensure may not withhold or refuse to provide copies of any records requested by the board or its representative unless otherwise ordered by a court.

(O) A license holder must self report to the occupational therapy section, within thirty days, any of the items outlined in paragraphs (O)(1) to ())(7) of this rule. Failure to comply with paragraphs (O)(1) to (O)(7) of this rule may be grounds for disciplinary action pursuant to section 4779.28 of the Revised Code and in

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accordance with Chapter 119. of the Revised Code.

(1) Impairment by physical or mental illness, chemical use, or chemical dependency, that affects the applicant's or license holder's ability to practice with reasonable skill and safety.

(2) Conviction of a felony.

(3) Conviction of a misdemeanor when the act that constituted the misdemeanor occurred during the practice of orthotics, prosthetics, or pedorthics.

(4) The termination, revocation, or suspension of membership by a state or national orthotics, prosthetics, or pedorthics professional association.

(5) The termination, revocation, suspension, or sanctioning of a credential issued by a state or national orthotics, prosthetics, or pedorthics credentialing organization.

(6) A positive drug and/or alcohol screening.

(7) A finding of malpractice by a court of competent jurisdiction.

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4755-64-02 **Proper use of credentials.**

(A) A license holder must not misrepresent any professional qualifications or credentials or provide any information that is false, deceptive or misleading in connection with his/her own application for employment or work as an orthotics, prosthetics, or pedorthics practitioner.

(B) A license holder must not delegate the use of his/her name or signature on documentation for services unless he/she actually provided these services and has given permission to another person for such documentation, or unless he/she appropriately supervised those services.

(C) A license holder must not use any title, initials or acronym indicating ownership or possession of an advanced educational credential or degree unless such educational credential or degree was earned through the auspices of an institution recognized by an appropriate national or regional accrediting agency.

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4755-64-03 **Investigations.**

(A) Pursuant to sections 4779.28 and 4779.33 of the Revised Code, the Ohio occupational therapy, physical therapy, and athletic trainers board must investigate compliance with chapter 4779 of the Revised Code or any rule or order adopted by the board. The board must also investigate alleged grounds for the suspension, revocation, or refusal to issue or renew licenses, or reprimand, fine, or place a license holder on probation.

(B) Board investigators may conduct routine inspections at the work site of license holders to determine compliance with the laws and rules governing the practice of orthotics, prosthetics, and pedorthics. Investigators will carry proper identification to be shown upon request.

(C) Routine inspections include, but are not limited to, checking the display of wall certificates, verifying proper delegation of tasks performed by unlicensed personnel supervised by orthotics, prosthetics, and pedorthics staff, documentation, and/or medical records relating to orthotics, prosthetics, and pedorthics.

(D) Investigations of complaints must include search for specific evidence regarding the case. In accordance with division (B) of section 4779.28 of the Revised Code, the section may issue subpoenas to obtain copies of patient records and personnel files of license holders.

(E) All investigations/inspections must be conducted pursuant to the laws and rules of the state of Ohio.

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4755-64-04 **Denial and disciplinary action procedures.**

(A) Denial of an application for licensure or examination or any proposed action against a license must be in accordance with Chapter 119. of the Revised Code.

(1) Pursuant to section 119.07 of the Revised Code, a request for an administrative hearing on the proposed action must be received by the board within thirty days of the mailing of the notice of opportunity for a hearing.

(2) If a request for an administrative hearing is not received by the board within thirty days of the mailing of the notice of opportunity for a hearing, the board, upon consideration of the charges cited, may take appropriate action in the absence of the applicant or license holder.

(B) The board may deny, limit, suspend, or revoke the license of any person or reprimand, fine, or place a license holder on probation for violation of any provision of Chapter 4779. of the Revised Code or any lawful order or rule of the board.

(C) If the physical or mental condition of a license holder is at issue in a disciplinary proceeding, the board may order the license holder to submit to reasonable examinations by a health care practitioner designated or approved by the board at the cost of the license holder.

(D) In accordance with section 4779.29 of the Revised Code, if the board determines that a license holder poses an immediate threat to the public, the board must immediately suspend the license of the orthotist, prosthetist, prosthetist-orthotist, or pedorthist prior to holding a hearing in accordance with Chapter 119. of the Revised Code. The board must notify the license holder of the suspension in accordance with board 119.07 of the Revised Code. If the license holder fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board must enter a final order permanently revoking the person's license.

(E) The hearings and investigations related to chapter 4779. of the Revised Code must be considered civil actions for the purposes of section 3123.43 of the Revised Code. Notwithstanding section 121.22 of the Revised Code, proceedings of the board relative to the investigation of a complaint or the determination whether there are reasonable grounds to believe that a violation of Chapter 4779. of the Revised Code occurred are confidential and are not subject to discovery in any civil action.

(F) If requested by the board, the prosecuting attorney of a county, the village solicitor, or the city director of law of a municipal corporation, whenever a violation of Chapter 4779. of the Revised Code allegedly occurs, must take charge of and conduct the prosecution.

(G) In addition to any other remedy provided in Chapter 4779. of the Revised Code, the board may request the attorney general or an appropriate prosecuting attorney to apply to an appropriate court for an order enjoining the violation of Chapter 4779.

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of the Revised Code. On a showing that a person has violated or is about to violate Chapter 4779. of the Revised Code, the court must grant an injunction, restraining order, or other order as appropriate. The injunction proceedings are in addition to all penalties and other remedies provided in Chapter 4779. of the Revised Code.

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4755-64-05 **Notice of change of name, place of employment, e-mail, and mailing address.**

(A) A license holder must notify the board of any change of name, place of business or employment, e-mail address or mailing address within thirty days after the change.

(B) Notification may be made electronically by logging into the elicense system.

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4755-65-01 **Continuing education requirements and reporting.**

(A) Pursuant to section 4779.20 of the Revised Code, no person will qualify for license renewal as a orthotist, prosthetist, pedorthist, or orthotist-prosthetist unless the person completed the required continuing education units outlined in paragraph (A) of this rule.

(1) A licensed orthotist or prosthetist must achieve twenty-five continuing education units within the two-year renewal cycle.

(2) A licensed prosthetist-orthotist must achieve thirty-five continuing education units within the two-year renewal cycle.

(3) A licensed pedorthist must achieve eighteen continuing education units within the two-year renewal cycle.

(B) Accumulated CEU's may not be carried over from one renewal period to another.

(C) An orthotist, prosthetist, pedorthist, or orthotist-prosthetist license must not be renewed unless the license holder certifies that the person completed the required number of continuing education hours specified in paragraph (A) of this rule.

A license holder who falsifies a renewal application may be disciplined by the board for violating section 4779.20 of the Revised Code.

(D) The occupational therapy, physical therapy, and athletic trainers board must conduct an audit of the continuing education records of a number of the license holders to be determined by the board each renewal year. The board will notify license holders who are selected for the audit to determine compliance with the continuing education requirement specified in this rule.

(1) License holders chosen for the audit must submit to the board by the date specified by the board copies of all records and documentation of proof of completion of the continuing education activities used to meet the continuing education requirements of this rule.

(2) Failure to provide proof of the required number of continuing education hours for the specified time period will result in the commencement of disciplinary action.

(3) Failure to respond to or acknowledge receipt of an audit notice will result in the commencement of disciplinary action.

(E) Applicants for renewal must successfully complete the required number of continuing education hours according to section 4779.20 of the Revised Code and this rule. The board will accept as continuing education units all courses approved by the board for orthotist/prosthetist certification (BOC), and the American board for certification in orthotics, prosthetics, and pedorthics (ABC). The board will also

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accept continuing education units as specified by section 4779.24 of the Revised Code.

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4755-65-02 **Waivers for continuing education.**

(A) The Ohio occupational therapy, physical therapy and athletic trainers board may grant a waiver of the continuing education requirements in the case of illness, disability, or undue hardship. A request for waiver form, as provided by the board, must be completed in full and submitted via eLicense. In the case of illness or disability, a physician's statement is required. All completed forms must be received by the board for consideration no later than the first day of October of the year preceding the renewal date, unless this date is waived at the board's discretion. A waiver may be granted for any period of time not to exceed one renewal cycle. In the event that the illness, disability, or hardship continues to the next renewal cycle, then a new waiver request is required.

(B) Should a waiver be granted due to disability or illness, the board may require the person to provide appropriate documentation from a physician or another qualified and appropriate practitioner to verify the person's competency and ability to orthotics, prosthetics, and pedorthics in the state of Ohio prior to the return to active practice of in Ohio.

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4755-66-01 **Initial license fee.**

The initial licensing fee for an orthotist, prosthetist, pedorthist, and orthotist-prosthetist must not exceed one hundred dollars. The prescribed fee must be submitted to the board with the application for initial licensure.

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4755-66-02 **Temporary license fee.**

The temporary licensing fee for an orthotist, prosthetist, pedorthist, and orthotist-prosthetist must not exceed one hundred dollars. The prescribed fee must be submitted to the board with the application for temporary licensure.

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4755-66-03 **Reinstatement fee.**

The reinstatement licensing fee for an orthotist, prosthetist, pedorthist, and orthotist-prosthetist must not exceed one hundred dollars. The prescribed fee must be submitted to the board with the application for license reinstatement.

*** DRAFT - NOT YET FILED ***

4755-66-04 **License renewal fee.**

The biennial renewal fee must not exceed one hundred twenty dollars for an orthotist, prosthetist, pedorthist, or orthotist-prosthetist license. The prescribed fee must be submitted to the board with the renewal application.

*** DRAFT - NOT YET FILED ***

4755-66-05 **Fee to upgrade from temporary to full license.**

The fee to upgrade a temporary license to a full license shall not exceed fifty dollars. The prescribed fee shall be submitted to the board with the application for full licensure.

*** DRAFT - NOT YET FILED ***

4755-66-06 **Fee to consolidate a license.**

The fee to consolidate an orthotist or prosthetist license into a prosthetist-orthotist license must not exceed fifty dollars. The prescribed fee must be submitted to the board with the application for license consolidation.

*** DRAFT - NOT YET FILED ***

4755-66-07 **License verification fee.**

The administrative processing charge to verify a license must not exceed thirty dollars. The charge must be submitted via eLicense. Verification of licensure administrative processing charges are not refundable.

*** DRAFT - NOT YET FILED ***

4755-66-08 **Duplicate wall certificate fee.**

The fee for each additional copy of a certificate of licensure must not exceed thirty dollars and must be submitted to the board with the request via eLicense.

*** DRAFT - NOT YET FILED ***

4755-66-09 **Fee for mailing lists.**

(A) The board will maintain separate and combined listings of orthotist, prosthetist, pedorthist, or orthotist-prosthetist license holders along with the license holder's address. The fee for the list of license holders must not exceed the actual cost of duplication and mailing.

(B) Any person may obtain a copy of a licensee list by:

(1) Writing the board at: "Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board, 77 South High Street, Sixteenth Floor, Columbus, Ohio, 43215-6108," and submitting a check or money order made payable to "Ohio Treasurer of State" in the appropriate amount.

(2) E-mailing the board at Board@otptat.ohio.gov. No fee is required for a request fulfilled electronically.

*** DRAFT - NOT YET FILED ***

4755-66-10 **Fee for continuing education review.**

The fee for review of a continuing education activity must be twenty-five dollars. The fee must be submitted to the board with the application for continuing education approval.

*** DRAFT - NOT YET FILED ***

4755-66-11 **Waiver of fees.**

The board may grant waivers of the fee requirements listed in this chapter in cases of undue hardship including, but not limited to, natural disasters and acts of terrorism.

Joint Board
Licensure Applicants
September 17, 2020

Orthotist- Temporary- 1

LO.00374TEMP	Michael Ball	Licensed Orthotist

Prosthetist-Orthotist- Temporary- 1

LPO.00375TEMP	Austin David Goff	Licensed Prosthetist-Orthotist

Prosthetist-Orthotist- Examination- 1

LPO.00376	Brooke Iames	Licensed Prosthetist-Orthotist

Prosthetist- Reciprocity- 1

LP.00358	Steven A Peterson	Licensed Prosthetist

Prosthetist- Orthotist- Endorsement- 1

LPO.00374	Adam Roth	Licensed Prosthetist-Orthotist

Pedorthist- Endorsement- 1

LPED.00269	David W. Smith	Licensed Pedorthist

3-D Printing of open source prosthetic kits

3D000001	Connor William Hart	General Application

OPP Section Withdrawals
September 11, 2020

OPP Withdrawals

Megan Shepherd - APP-000321940

ENFORCEMENT STATISTICS FOR OPP

Date: 09/17/2020

Statistics:

"New" cases opened since the last meeting: 00

Cases "closed" at the last meeting: 01

Cases "currently open": 01

Active consent agreements: 00

Adjudication orders being monitored: 00

***Statistics as of 09/02/2020**