NEED TO ADD: LPO CONSOLIDATION AND TEMP UPGRADE FEE RULES, FOREIGN LICENSURE RULE,

RESCIND AND REPLACE

Chapter 4779-1 Orthotics, Prosthetics, and Pedorthics Board Organization

4779-1-01 Public hearings on adoption, amendment, or rescission of rules: methods of public notice:

(A) Whenever the state board of orthotics, prosthetics, and pedorthics takes an action to propose the adoption, amendment, or rescission of any rule, it shall provide at least thirty days’ notice to the public prior to the date set for the formal public hearing required by section 119.03 of the Revised Code. The notice shall include the following information:

(1) Whether the board intends to adopt, amend, or rescind the rule;

(2) A brief statement regarding the general content of the rule language and, where appropriate, noting if significant changes are proposed;

(3) A statement of the reason or purpose for adopting, amending, or rescinding the rule; and

(4) The date, time, and place of the public hearing regarding the proposed action

(B) Notice to the public shall be made by

(1) Publication in the Register of Ohio, in accordance with the rules governing the Register;

(2) Publication on the state board of orthotics, prosthetics, and pedorthics Ohio occupational therapy, physical therapy, and athletic trainers board’s website;

(3) Notification by email to licensees of the board, applicants for licensure, and any stakeholders or interested parties who have notified the board of their interest in being informed of proposed changes to its regulatory language and/or parties who have subscribed to any listserve offered by the board;

(4) Maintaining one or more paper copies of the notice and the full text of the rules proposals in the board office;

(5) Upon request, the board shall also promptly send a copy of any notice provided for in paragraph (A) of this rule by regular mail or electronic mail to any person not appearing on its mailing list. The board may assess a reasonable fee, not to exceed the cost of copying and mailing, for notices sent to persons in accordance with this rule.

(C) Prior to the effective date of a rule, amendment, or rescission, the board shall make a reasonable effort to inform those affected by the rule, amendment, or rescission. The
The method of notification may include posting the full text of the rule as adopted or amended on the board's web site, publishing the rules in any newsletter published by the board, and/or sending by regular mail or electronic mail a notice of the action to all persons whose name appears on the mailing list maintained by the board pursuant to paragraph (A) of this rule, or to any person or such person's attorney who provided evidence, oral testimony, and/or a written statement which were made part of the record of the public hearing held pursuant to section 119.03 of the Revised Code. The board may assess a reasonable fee, not to exceed the cost of copying and mailing, for notices sent by regular U.S. mail to persons in accordance with this rule.

Replaces: 4779-1-01

R.C. 119.032 review dates: 12/27/2012 and 10/01/2017

Promulgated: Under: 4779.03

Statutory Authority: 4779.08

Rule: Amplifies: 119.03, 4779.08

Prior Effective Dates: 6/29/01 (Emer.), 09/23/02, 11/01/08

REPLACEMENT RULE:

4755-XX-XX Method of public notice in adopting, amending, or rescinding

(A) The Ohio occupational therapy, physical therapy, and athletic trainers board shall consult with the Ohio orthotics, prosthetics, and pedorthics advisory council when adopting, amending, or rescinding rules related to orthotics, prosthetics, and pedorthics.

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

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

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

(E) 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 email or mail.
RESCIND AND REPLACE
4779-1-02 Notice of board meetings:

(A) Any person, organization, or representative of news media may ascertain the time and place of all regularly scheduled meetings of the board, and the time, place, and purpose of all special meetings of the board by any one of the following methods:

1. Calling the board office during normal business hours (no collect calls will be accepted under any circumstance);
2. Contacting the board with a written request for such notification and with a supply of six stamped self-addressed business-size envelopes;

(B) The board shall maintain a list of all persons, organizations, and representatives of news media who have requested, in writing, notice of all meetings of the board. The board shall, no later than five days prior to each regular meeting, send by regular mail or electronic mail an agenda of the meeting to those persons. The board may assess a reasonable fee, not to exceed copying and mailing, for notices sent to persons in accordance with this rule.

(C) Notice of special meetings shall be as follows:

1. If the special meeting is not of an emergency nature, the board shall notify all media representatives on the list mandated in paragraph (B) of this rule by doing at least one of the following:
   a. Sending written notice, which must be sent by regular mail or electronic mail, no later than four calendar days prior to the day of the special meeting;
   b. Notifying representatives by telephone no later than twenty-four hours prior to the special meeting. Telephone notice shall be complete if a message has been left for the representative, or if, after reasonable effort, the board has been unable to provide telephone notice;

2. In the event the special meeting is of an emergency nature, the board shall notify all media representatives on the list of the meeting by providing either the notice described in this rule or notifying the clerk of the State House press room. The notice shall be given as soon as possible, but need not be given twenty-four hours prior to the meeting.

3. In giving the notice of special meetings as required by this rule, the board may rely on assistance provided by any member or employee of the board.

R.C. 119.03 review dates: 12/27/2012 and 10/01/2017
Promulgated Under: 119.03
Statutory Authority: 119.03; 4779.08
Rule Amplies: 119.03; Chapter 4779.
Prior Effective Dates: 08/09/02; 04/09/07, 11/01/08
REPLACEMENT RULE

4755-XX-XX Notice of meetings

(A) The board and the orthotics, prosthetics, and pedorthics advisory council shall 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 shall mail or email to such representatives 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 shall be notified immediately of the time, place, and purpose of the meeting. News media who requested meeting notification shall supply the board with the name, mailing address, email address, and telephone number of the representative to be contacted.
Chapter 4779-2 Board Operations

RESCIND

4779-2-01 Board organization.

(A) The board shall hold an annual meeting in September, at which time it shall elect a president and secretary, both of whom shall serve one year.

(B) The president shall preside at all meetings of the board. However, the president may appoint another board member to serve as vice-president to preside in the president's absence.

(C) The secretary has primary responsibility, pursuant to section 4779.33 of the Revised Code, to enforce the laws relating to the practice of orthotics, prosthetics, and pedorthics. The president of the board in consultation with the secretary may assign other members to supervise the review of individual enforcement matters in process under the board's jurisdiction. The board director with appropriate consultation may affix the secretary's signature to such formal documents as are necessary to carry out the enforcement duties of the board.

(D) The board shall hold regular meetings as often as necessary to carry out its duties. Meetings shall be held in the Vern Riffe center for government and the arts or in such other places as circumstances may require.

(E) In the event of a vacancy in the office of president or secretary, the board shall fill the office from among the members of the board at a regular or special meeting of the board.

(F) The board director, who shall confer with the board president, is granted authority to employ such support staff as are provided for in budgetary allocations, accept employee resignations with written documentation, and sign regular administrative and payroll documents as "appointing authority" on behalf of the board.

Five Year Review (FYR) Dates: 03/30/2016 and 03/01/2021

Promulgated Under: 119.03
Statutory Authority: 4779.08
Rule Ammends: 4779.06
RESCIND

4779-2-02 Personnel.

The board may:

(A) Employ an individual who shall hold a title incorporating the term “director” who shall be the chief administrative officer of the board. The exact title of this position shall be in compliance with requirements of the personnel classification system prescribed by the Ohio department of administrative services. The director shall be in the unclassified service of the state, shall be considered exempt from overtime requirements of the Fair Labor Standards Act and in accordance with the requirements of section 124.18 of the Revised Code, and shall be responsible for the daily activities of the board’s office staff. The director shall assist the board in the administration and enforcement of Chapter 4779. of the Revised Code. If the director is a licensee of the board, he/she shall not engage in active practice of orthotics, prosthetics, or pedorthics while employed in this position.

(B) Authorize the director to employ office staff and contract for services as necessary to carry out its responsibilities under Chapter 4779. of the Revised Code.

(C) Authorize the board director to accept employee resignations with written documentation and sign regular administrative and payroll documents as “appointing authority” on behalf of the board.

Five Year Review (FYR) Dates: 03/30/2016 and 03/01/2021
Promulgated Under: 119.03
Statutory Authority: 4779.08
Rule Amplifies: 4779.06
RESCIND AND REPLACE

4779-2-03 Board records.

(A) The board shall maintain a register of applicants for licenses and permits to practice orthotics, prosthetics, or pedorthics. It shall include the name, method and date the licenses or permits were issued and any other data the board shall require. If the applicant took the examination, the dates of examination shall be recorded and scores attained documented where possible. A computer database system maintained by the board or for the board's use in compliance with state of Ohio information technology policies and procedures may serve as such a register.

(B) The board shall maintain a policy document, available to the public, explaining the procedures by which complaints are filed with the board, which shall include the complaint procedures, and the name, mailing address, and telephone number of the board.

(C) A change in the name of the licensee, permit holder, or applicant shall not be made on the board's records unless the request meets any documentation standards established as best practices for administration of the eLicense database system maintained for the board by the department of administrative service division of information technology. In the absence of such a protocol, the request shall be accompanied by one of the following:

(1) A notarized personal affidavit.

(2) A certified copy of a court record.

(3) A certified copy of a marriage certificate.

(4) The board may accept a photocopy or digital image of the documents referenced in paragraphs (C) (1), (C) (2) and (C) (3) of this rule.

Effective: 7/1/2016
Five Year Review (FYR) Dates: 03/30/2016 and 01/15/2021
Promulgated Under: 119.03
Statutory Authority: 4779.08
Rule Amends: 4779.21

REPLACEMENT

4755-XX-XX Notice of change of name; place of business; address.

A) A licensee shall notify the occupational therapy, physical therapy, and athletic trainers board of any change of name, place of business or employment or mailing address within thirty days after the change.

(B) Notification may be made by:

(1) Mail:

(2) Fax:
(3) E-mail; or

(4) Electronically by logging into the Ohio e-license system.
Chapter 4779-3 Definitions

RENUMBER

4779-3-01 Definition of terms. 4755-XX-XX Definition of terms.

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

(A) General definitions

(1) "Board" means the state board of orthotics, prosthetics and pedorthics 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) (1) (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 licensees 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 granting such authority and as represented by the original license wall certificate or an official copy thereof, or the renewal, of the license as indicated by the license status displayed from the online license verification function available from the board website.

(3) "Licensee" 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 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 individual who provides orthotic, prosthetic, or pedorthic services under the supervision of an individual 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 an individual 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 pedorthist is physically present or at a location where the supervising orthotist, prosthetist, or pedorthist is readily available to the individual 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.
RENUMBER

4755-XX-XX79-3-02 Device-related and scope of practice definitions.

The following definitions shall 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 individual 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 division (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:

(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 an individual with expertise in customizing the item to fit and be used by a specific patient.

A custom fitted item/device as referenced in division (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 individual;

(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.

(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 rule 4779-3-02 of the Administrative Code 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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Five Year Review (FYR) Dates: 03/30/2016 and 01/15/2021
Statutory Authority: 4779.08
Prior Effective Dates: 08/09/02; 04/09/07; 11/01/2008, 11/01/2010
Chapter 4779-4755-XX Educational Programs

4779-4-01 Approval of 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 (CAAHEP) 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 shall 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.

Effective: 04/01/2013
R.C. 119.032 review dates: 12/27/2012 and 01/02/2018
Promulgated Under: 119.03
Statutory Authority: 4779.08
Rule Amplifies: 4779.25; 4779.26
Prior Effective Dates: 08/09/2002; 11/01/2008
"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 shall 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 individuals from a nationally recognized orthotic, prosthetic, or orthotic and prosthetic certifying body.

(B) In addition, a certificate program in orthotics shall 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 4779-3-01, change reference to renumbered rule 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 shall meet all of the following requirements:
(1) Provides two semesters or three quarters of instruction in prosthetics as defined in paragraph (B)(5) of rule 4779-3-01 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 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 shall 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 4779-3-01 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, RGO (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 elbow, and the various joint disarticulations.

Five Year Review (FYR) Dates: 03/30/2016 and 03/01/2021
Promulgated Under: 119.03
Statutory Authority: 4779.08
Rule Amplifies: 4779.26
RENUMBER Chapter 4779-5 Examination; Licensing

RENUMBER 4755-XX-XX4779-5-01 The 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 shall 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.

Replaces: 4779-5-01

Effective: 7/1/2016
Five-Year Review (FYR) Dates: 01/15/2021
Promulgated Under: 119.03
Statutory Authority: 4779.08, 4779.10, 4779.11, 4779.12, 4779.13, 4779.15
Prior Effective Dates: 08/09/02, 11/01/08
 Admission to the examination.

(A) An applicant for Ohio examination must have an approved application for licensure form on file with the board. Before an applicant may be issued a license or endorsement or be approved to sit for the examination as an Ohio candidate, the applicant must demonstrate that the applicant meets the eligibility requirements of section 4779.09 of the Revised Code as well as the requirements for the particular license type.

(B) In the case of an applicant for licensure pursuant to sections 4779.10, 4779.11, and 4779.12 of the Revised Code, if the applicant has not already taken and passed the written and written simulation examinations as administered by the American board for certification in orthotics, prosthetics, and pedorthics (ABCOPP) for the respective practitioner areas of practice, the board shall notify the American board for certification in orthotics, prosthetics, and pedorthics of the applicant's approved status for taking the Ohio license exam in orthotics or prosthetics, whichever is indicated. The applicant is responsible for exam fees and all costs and fees associated with that exam shall be paid to the ABCOPP or its contracted testing agency.

(C) In the case of an applicant for licensure pursuant to section 4779.13 of the Revised Code, if the candidate has not already taken and passed an exam for certification in pedorthics in accordance with the requirements of rule 4779-5.01 of the Administrative Code, the board shall provide the applicant with a statement documenting the applicant's approved status for taking the Ohio license exam in pedorthics and of the board's approval of the candidate's application. The applicant is responsible for exam fees and all costs and fees associated with that exam shall be paid in accordance with the requirements of the testing provider.

(D) In the case of an applicant for a temporary license pursuant to section 4779.18 of the Revised Code, the successful application submitted and processed shall be considered to stand as the application for a full license pursuant to section 4779.10, 4779.11, 4779.12, or 4779.13 of the Revised Code, and the successful applicant shall be issued a statement documenting the applicant's approved status to sit for exam pursuant to any arrangements between the board and the testing provider. Such an approval to sit for exam notice shall be effective for up to two years, in accordance with the statutory limitation of the duration of the temporary license as provided for in section 4779.18 of the Revised Code. An application for a temporary license pursuant to section 4779.18 of the Revised Code shall also comply with the requirements of rule 4779-6.01 of the Administrative Code.

(E) An applicant approved for admission to exam by the board shall comply with any and all deadlines established by the American board for certification in orthotics, prosthetics, and pedorthics (ABC), or other test vendor approved for license exam administration by the board. An approval for admission to exam issued by the board is valid for twenty-four months from date of initial issuance of the approval letter or the associated temporary license, whichever is the later date if different.

(F) An applicant for licensure in orthotics, prosthetics, or prosthetics orthotics who holds a temporary license issued pursuant to section 4779.18 of the Revised Code may renew the license one time in accordance with division (B) of that section. Such an applicant may not have a subsequent application for a temporary license approved unless the
application includes documentation of any attempts to pass the examinations and a plan to address any learning deficits identified in the examinations.

(2) An applicant for licensure in pedorthics who holds a temporary license issued pursuant to section 4779.18 of the Revised Code may renew the license one time in accordance with division (B) of that section. Such an applicant may not have a subsequent application for a temporary license approved unless the application includes documentation of at least two attempts to pass the examination during the two-year lifetime of the renewed temporary license and a plan to address any learning deficits identified in the examinations.

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RENUMBER AND AMEND

4779-5-03 License application procedure. 4755-XX-XX License application procedure.

(A) Applications shall 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-XX-XX 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 shall 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 shall be considered to be abandoned and no further processing shall 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 shall be neither refundable nor transferable.

(D) The following requirements apply to all applicants seeking licensure under section 4779.09 of the Revised Code. 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. For a license to be issued pursuant to section 4779.13 of the Revised Code, submit proof of completion of supervision as required by paragraph (E)(2) of this rule of the Administrative Code and successful completion of the examination as provided by rule 4779-5-02 of the Administrative Code. A candidate seeking a full license under section 4779.10, 4779.11, or 4779.12 of the Revised Code shall submit proof of successful completion of the examinations as provided by rule 4779-5-02 of the Administrative Code. An applicant shall submit a completed application by a method provided by the board and accessible on its website at http://opp.ohio.gov/forms together with an appropriate fee in accordance with rule 4779-12-01 of the Administrative Code.
(a) Only if unable to utilize the online application method, an applicant for a temporary license in orthotics, prosthetics, or prosthetics-orthotics shall utilize the form designated as “application for licensure in orthotics and/or prosthetics” as posted to the agency website at http://opp.ohio.gov/forms.

(b) Only if unable to utilize the online application method, an applicant for a temporary license in pedorthics shall utilize the form designated as “application for licensure in pedorthics” as posted to the agency website at http://opp.ohio.gov/forms.

(2) If an application is received which appears to be incomplete, the board shall send the applicant within thirty days a notice of incomplete application by email and/or regular first-class mail stating that the application appears to be incomplete and stating the elements or criteria that appear to be missing or insufficient. If an application remains incomplete more than thirty days after the board issues a notice of incomplete application, the board shall send the applicant a notice informing that the application, unless withdrawn, is subject to the board’s proposal to deny by issuance of a notice of opportunity for hearing pursuant to section 119.07 of the Revised Code.

(3) The application shall contain an attestation that the applicant is at least eighteen years old, of good moral character, and meets the requirements of section 4779.10, 4779.11, 4779.12 or 4779.13 of the Revised Code.

(4) An applicant may withdraw an application by submitting a request in writing or through an online method provided by the board. No refund of application fee will be made by the board.

(5) An applicant seeking his or her first license issued by the state board of orthotics, prosthetics, and pedorthics, an applicant seeking a second issuance of a temporary license under section 4779.18 of the Revised Code, and an applicant seeking to re-instate a lapsed or inactive license, shall comply with the criminal record check requirements of section 4779.091 of the Revised Code and rule 4779-5-05 of the Administrative Code.

(EB) 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) 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.
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. 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.

In addition, an application for a license to practice orthotics and 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 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. 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;

6. An applicant who holds a license in orthotics and successfully completes all the requirements for a license in prosthetics shall be issued a new license in prosthetics-orthotics.

7. An applicant who holds a license in prosthetics and successfully completes all the requirements for a license in orthotics shall be issued a new license in prosthetics-orthotics.

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, prostheteist, or prostheteist-orthotist, that the applicant has practiced for eight months under the supervisor’s oversight and direction. The statement shall be provided on a form prescribed by the state board of orthotics, prosthetics, and pedorthicsOhio occupational therapy, physical therapy, and athletic trainers board 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

(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 (NCOPE).

(4) 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.

(F) Each applicant must pass an examination approved by the board pursuant to section 4779.15 of the Revised Code.
NEW RULE

4755-XX-XX Criminal records check.

(A) In addition to the requirements established in rules INSERT RULE REFERENCE of the Administrative Code, all applicants for initial licensure as an orthotist, prosthetist, pedorthist, or orthotist-prosthetist shall 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 shall be received by the board prior to the issuance of a license to practice as an orthotist, prosthetist, pedorthist, or orthotist-prosthetist.

(B) An applicant requesting a criminal records check shall provide the bureau of criminal identification and investigation with the applicant’s name, 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 shall 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 shall 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.
(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) Prior to practicing in Ohio, applicants who are licensed in another jurisdiction must:

1. Complete a profession-specific application form and file this form with the Ohio orthotics, prosthetics, and pedorthics board. Complete an application on the Ohio eLicense system. [http://elicense.ohio.gov](http://elicense.ohio.gov)

2. Submit 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 (B) to (E) of rule 4779-5-03CORRECT REFERENCE of the Administrative Code.

3. An applicant seeking his or her first license issued by the state board of orthotics, prosthetics, and pedorthics shall comply with the criminal record check requirements of section 4779.091 of the Revised Code and rule 4779-5-05 CORRECT REFERENCE of the Administrative Code.

4. Applicants that fail to meet the qualifications for this exemption will be subject to the procedures and requirements contained in paragraphs (A)(1) to (A)(3) of rule 4779-5-03CORRECT REFERENCE of the Administrative Code.

(C) Out-of-state residents shall update the Ohio orthotics, prosthetics, or pedorthics board 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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Amplifies: 4779.17
Prior Effective Dates: 8/9/02, 01/23/03, 11/01/2008
(A) Eligibility for licensure.

In accordance with Chapter 5903. of the Revised Code, the board finds that there are no military programs of training, military primary specialties, and lengths of service that are substantially equivalent to or which exceed the educational and experience requirements for licensure as an orthotist, prosthetist, prosthetist-orthotist, or pedorthist.

(B) Definitions related to military service and veteran status:

1. "Armed forces" means the armed forces of the United States, including the army, navy, air force, marine corps, coast guard, or any reserve components of those forces; the national guard.

2. "Member" means any person who is serving in the armed forces.

3. "Veteran" means any person who has completed service in the armed forces, including the national guard of any state, or a reserve component of the armed forces, who has been discharged under honorable conditions from the armed forces or who has been transferred to the reserve with evidence of satisfactory service.

(C) License renewal.

1. In accordance with section 5903.10 of the Revised Code, a licensee whose license expired due to the licensee's service in the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard or the national guard of any other state, shall be eligible for renewal of the expired license in accordance with section 4779.20 of the Revised Code and rules 4779-8-01 and 4779-9-01 of the Administrative Code, if the following conditions are met:

   a. The licensee presents the board with satisfactory evidence that, not more than twelve months prior to the date the evidence is submitted to the board, the licensee was honorably discharged or separated under honorable conditions;

   b. The licensee is not engaged in the habitual use of drugs or intoxicants, and does not suffer mental illness or incompetence to the extent that it renders the person unfit to practice according to acceptable and prevailing standards of care; and

   c. The licensee meets the requirements for license renewal as set forth in section 4779.20 of the Revised Code and rules 4779-8-01 and 4779-9-01 of the Administrative Code.

2. The provisions of paragraph (B) of this rule also apply if the licensee's spouse served in the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard or the national guard of any other state and the spouse's service resulted in the licensee's absence from this state.
(D) Continuing education

(1) In accordance with section 5903.12 of the Revised Code, the provisions of this paragraph apply to a licensee who has been a member of the armed forces of the United States, the Ohio national guard, the Ohio military reserve, the Ohio naval militia, the national guard of any other state, or a reserve component of the armed forces of the United States who has served on active duty for a period in excess of thirty-one days.

(2) A licensee who meets the provisions contained in paragraph (C)(1) of this rule may submit a statement and supporting documentation to the board requesting an extension of the current continuing education reporting period.

(a) The licensee shall submit proper documentation verifying the active duty service and the length of that active duty service.

(b) Upon receiving the application and proper documentation, the board shall extend the current continuing education reporting period by an amount of time equal to the total number of months that the licensee spent on active duty during the current continuing education reporting period. Any portion of a month served shall be considered one full month. The extension period may exceed the term of active duty for the benefit of the licensee or for administrative convenience to correspond with established continuing education reporting cycles.

(E) An active military service member or veteran who does not directly meet the requirements of section 4779.09 of the Revised Code may submit any documentation, evidence, statement or endorsement that may be available or produced for the board’s consideration.

(F) In the course of processing and considering a license application pursuant to section 4779.09 of the Revised Code, the board shall consider military education, training and experience as elements that may assist an applicant in qualifying for a license to the extent the board is authorized to do so by statute, rule or executive directive.

(E) Determining fulfillment of continuing education.

(1) In accordance with section 5903.121 of the Revised Code, the board shall consider relevant education, training, or service completed by a licensee as a member of the armed forces in determining whether a licensee has met the continuing education requirements needed to renew the license.

(2) For the board to consider relevant education, training, or service completed by the licensee in accordance with paragraph (E) of this rule, the licensee shall submit a request for consideration and documentation of the education, training, or service to the board at least ninety days prior to the expiration of the license.

(F) Waiver of license application fee.

(1) The application fee shall be waived for an applicant who is a current member of the armed forces.

(2) Paragraph (F) of this rule applies to the following application fee types:
(a) Initial licensure by examination, outlined in rule 4779.09 of the Administrative Code.

(b) Initial licensure by endorsement, outlined in rule 4779.09 of the Administrative Code.

(c) Reinstatement of an expired license, outlined in rule 4779.09 of the Administrative Code.

(G) Application process.

(1) The board’s applications shall include a question to identify if the applicant is a member of the armed forces, a veteran, or a spouse or surviving spouse of a member of the armed forces or veteran. This status shall be stored in the licensing system.

(2) When the board receives an application from an individual identified in paragraph (G)(1) of this rule, the processing of that application shall be prioritized, with a goal of ensuring that a license is issued the same day that the application is complete.

(H) In the course of processing and considering a license application pursuant to section 4779.09 of the Revised Code, the board shall consider military education, training and experience as elements that may assist an applicant in qualifying for a license to the extent the board is authorized to do so by statute, rule or executive directive.
Chapter 4779-6 Temporary License

AMEND AND RENUMBER

4755-XX-XX4779-6-01 Temporary license application procedure.

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

Applications shall 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-XX-XX 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 shall 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 shall be considered to be abandoned and no further processing shall 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 shall be neither refundable nor transferable.

(a) An applicant shall submit a completed application by a method provided by the board and accessible on its website at http://opp.ohio.gov/forms together with an appropriate fee in accordance with rule 4779-12-01 of the Administrative Code.

(b) Only if unable to utilize the online application method, an applicant for a temporary license in orthotics, prosthetics, or prosthetics-orthotics shall utilize the form designated as "application for licensure in orthotics and/or prosthetics as posted to the agency website at http://opp.ohio.gov/forms.

(b) Only if unable to utilize the online application method, an applicant for a temporary license in pedorthics shall utilize the form designated as "application for licensure in pedorthics as posted to the agency website at http://opp.ohio.gov/forms.
(2) If an application is received which appears to lack the documentation or other information required under section 4779.18 of the Revised Code, the board shall send the applicant within thirty days a notice of incomplete application by email and/or regular first-class mail stating that the application appears to be incomplete and stating the elements or criteria that appear to be missing or insufficient. If an application remains incomplete more than thirty days after the board issues a notice of incomplete application, the board shall send the applicant a notice informing that the application, unless withdrawn, is subject to the board’s proposal to deny by issuance of a notice of opportunity for hearing pursuant to section 119.07 of the Revised Code.

(3) The application shall 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.

(4) An applicant seeking his or her first license issued by the state board of orthotics, prosthetics, and pedorthics Ohio occupational therapy, physical therapy, and athletic trainers board shall comply with the criminal record check requirements of section 4779.091 of the Revised Code and rule 4779-5-05 of the Administrative Code.

(5) An applicant may withdraw an application by submitting a request in writing or through an online method provided by the board. No refund of application fee will be made by the board.

(B) 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;

(5) If the applicant does not already hold a license issued by this board, 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).

(C) 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;

(5) If the applicant does not already hold a license issued by this board, 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).

(D) 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 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;

(5) If the applicant does not already hold a license issued by this board, 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).

(E) 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).

(4) If the applicant does not already hold a license issued by this board, 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).

(F) When the board approves a temporary license to practice orthotics, prosthetics, or prosthetics-orthotics, the board shall provide the applicant with a notice advising that the
applicant has been approved for exam in the specific profession. When the board receives a report of passing scores on the exam, the board shall issue the applicant a full profession-specific practitioner license in accordance with section 4779.10, 4779.11, or 4779.12 of the Revised Code.

(G) When the board approves a temporary license to practice pedorthics, the board shall provide the applicant with a notice advising that the applicant has been approved for exam in pedorthics if the applicant has not already tested successfully in pedorthics. When the board receives a report of passing scores on the exam and the successful completion of eight months of practice under the supervision of a licensee of this board, the board shall issue the applicant a full pedorthist practitioner license in accordance with section 4779.13 of the Revised Code.

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Prior Effective Dates: 08/09/02, 11/01/08, 7/1/13
Chapter 4779-7 License Certificate and ID Card

4779-7-01 Original license documents.

(A) The board shall maintain accurate license identification information available to the public for each successful applicant for licensure. Data shall include the person’s name, license or permit number, license type, and date of first issuance as well as license expiration.

(B) Official license wall certificates shall bear the signatures of the board president and/or the executive director.

(C) Neither the holder nor anyone else shall make any alterations on a certificate or identification document issued by the board.

(D) Regardless of the original issue date, all licenses issued pursuant to sections 4779.10, 4779.11, 4779.12, 4779.13, 4779.16, and 4779.17 of the Revised Code shall expire on the thirty-first day of January following issuance of the license.

(E) A license issued pursuant to section 4779.18 of the Revised Code expires one year after issuance, and may only be renewed once.

(F) Data maintained and accessible through the license lookup or verification process available from the board’s website at http://opp.ohio.gov is valid proof of current authorization and license status.

(G) The state board of orthotics, prosthetics, or pedorthics may replace a wall certificate due to loss, theft, or destruction. A wall certificate may also be reprinted due to name change, provided the original is returned to the board and documentation verifying the change and acceptable to the board is submitted by the individual. A replacement fee as provided for in rule 4779-12-01 of the Administrative Code may be required for a certificate issued in addition to those documents issued for initial issuance or renewal.

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REPLACEMENT RULE

4755-XX-XX Certificate of license; display; copies

(A) Each applicant who is approved for licensure shall electronically receive a certificate of licensure for office display upon initial approval. Additional copies of the certificate shall be made available to orthotics, prosthetics, pedorthics, and orthotics-prosthetics license holders for a fee as prescribed by rule REFERENCE of the Administrative Code.
(B) The orthotist, prosthetist, pedorthics, or orthotist-prosthetist shall 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 verification page (http://elicense.ohio.gov)
Chapter 4779-8 License Renewal

4779-8-01 Renewal of license.

(A) Renewal applications.

At least one month prior to the license expiration date, the board shall send each licensee or temporary licensee a renewal notice by electronic mail or first class mail to the last known address. It is a licensee’s responsibility to report any changes in contact information to the board. Failure to notify the board of any change in preferred mailing address or primary email contact address within thirty days of the change is a violation of this provision.

(B) License renewal.

On or before January thirty-first in the year following the issuance of the original license, and on or before the unique license expiration date for the holder of a temporary license who has not completed the requirements to be issued a full license and who has not already renewed the temporary license previously, each person holding a license to practice orthotics, prosthetics, or pedorthics shall apply for renewal in accordance with section 4779.20 of the Revised Code.

(1) Renewal applicants will be assessed a renewal penalty as provided for in rule 4779-12-01 of the Administrative Code for any renewal application submitted after the license expiration date.

(2) Licensees shall comply with the continuing education requirements for licensure renewal specified in sections 4779.20, 4779.23, and 4779.24 of the Revised Code.

(3) Any late renewal penalty fee shall be waived if the license holder or the license holder’s spouse served in the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard or the national guard of any other state, and the service resulted in the holder’s absence from this state or the holder was otherwise prevented from engaging in approved continuing education activities due to service or location. Such a waiver may not be granted if the service member or veteran was discharged under less than honorable conditions. A licensee requesting a waiver shall submit a statement and documentation as required by paragraph (B) of rule 4779-5-05 of the Administrative Code.

(C) Each licensee or temporary license holder who complies with the renewal requirements shall receive an electronic notification of license renewal containing license status and verification information. The board may provide a virtual, printable license card as generated by the state of Ohio “eLicense” database platform as an alternative to a hard-copy card.

(D) A licensee who fails to renew in accordance with the schedule established under paragraphs (A) and (B) of this rule shall have the license placed on inactive status by the board. The board shall send a notice of inactive license status and the requirements for reinstatement by email to the primary email contact address most recently supplied by the licensee to all affected licensees.
(E) It is a violation of this rule for a licensee to continue to engage in the practice of orthotics, prosthetics, or pedorthics in Ohio for more than thirty days after license expiration. In such a case, a licensee may be subject to action under section 4779.99 of the Revised Code.

REPLACEMENT RULE

4755-XX-XX Biennial renewal of license.

(A) Renewal of an orthotist, prosthetist, pedorthist, or orthotist-prosthetist license shall be in accordance with section 4779.20 of the Revised Code.

(1) The entire licensure renewal application, including any required forms, compliance with the continuing education requirement specified in rule CORRECT REFERENCE of the Administrative Code, and payment of the renewal fee prescribed by rule CORRECT REFERENCE of the Administrative Code, shall be completed to satisfy the requirements of the renewal procedure.

(2) The licensure renewal notice shall be sent to the email address on file with the board.

(B) All persons licensed as an orthotist, prosthetist, pedorthist, and orthotist-prosthetist shall renew their license by the thirty-first day of January in each odd-numbered year. When a license to practice as an orthotist, prosthetist, pedorthist, and orthotist-prosthetist is issued by the board on or after November first of an even-numbered year through January 31 of an odd-numbered year, that license shall 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 information, and/or comply with the continuing education requirement specified in rule REFERENCE of the Administrative Code by the thirtieth day of June of the appropriate year shall have their license automatically expire.

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

(2) A license holder who continues to practice occupational therapy with an expired license shall be subject to disciplinary action pursuant to section 4755.11 of the Revised Code.

(D) For the purposes of filing an electronic renewal application via the elicense system, the applicant shall 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 shall constitute the legally recognized signature for the purposes of this rule and may not be transferred, distributed, or shared with any other person.
REINSTATEMENT NEW RULE

4755-XX-XX Application for reinstatement

(A) Pursuant to rule CORRECT REFERENCE of the Administrative Code, the occupational therapist or occupational therapy assistant license of an person who fails to comply with the renewal requirements shall automatically expire on the thirty-first day of January of the odd-numbered year.

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

(1) Submitted electronically via the elicense system;

(2) Electronically signed via the elicense system;

(3) Contain the fee prescribed by rule CORRECT REFERENCE 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:

(g) For reinstatement applications submitted on or after March first of the year in which the applicant’s license expired, the applicant shall complete contact hours of continuing education in accordance with rule CORRECT REFERENCE of the Administrative Code within the two year period immediately preceding the application for reinstatement. Contact hours used to meet the requirements of this paragraph shall not be used to renew the reinstated license; or

(b) Notwithstanding paragraph (D)(1)(g) FIX REFERNECE of this rule, for reinstatement applications submitted before March first of the year in which the applicant’s license expired, the applicant shall 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 shall be earned in accordance with rule CORRECT REFERENCE of the Administrative Code. Contact hours used to meet the requirements of this paragraph shall not be used to renew the reinstated license.

(C) All applications, statements, and other documents so submitted shall be retained by the board.

(D) If the license is inactive more than two years, the applicant may be required to document the following:

(1a) Proof of successful completion of the licensing examination or examinations required by section 4779.15 of the Revised Code and rule 4779-5-01 CORRECT REFERENCE of the Administrative Code; or
(2b) Proof of current licensure in another state whose standards for licensure are at least equal to those in effect in the state of Ohio at the time of reinstatement application;

(3e) Proof of completion of continuing education consistent with the standards provided for in section 4779.20 of the Revised Code and Chapter 4779-9 of the Administrative Code.

(E) 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 shall constitute the legally recognized signature for the purposes of this rule and may not be transferred, distributed, or shared with any other person.

(F) Any application received in accordance with this rule that remains incomplete one year after the initial application filing shall be considered to be abandoned and no further processing shall 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 shall be neither refundable nor transferable.

(F) An inactive license may be reinstated to active status by completing the following:

(1) A complete license reinstatement application. An applicant for a reinstated license in orthotics, prosthetics, pedorthics, or prosthetics-orthotics shall utilize the license reinstatement protocol provided for in the elicense platform linked to the agency website at http://opp.ohio.gov. Any form referenced in this rule and available for download from the agency website shall not be used on or after December 1, 2016.

(2) If the license is inactive more than two years, the applicant may be required to document the following:

(a) Proof of successful completion of the licensing examination or examinations required by section 4779.15 of the Revised Code and rule 4779-5-01 of the Administrative Code;

(b) Proof of current licensure in another state whose standards for licensure are at least equal to those in effect in the state of Ohio at the time of reinstatement application;

(c) Proof of completion of continuing education consistent with the standards provided for in section 4779.20 of the Revised Code and Chapter 4779-9 of the Administrative Code.

(2) Payment of the appropriate renewal fees and late fees in accordance with rule 4779-12-01 of the Administrative Code. The reinstatement fee shall not exceed the cost of a current year renewal plus the late renewal fee, unless a formal agreement between the agency and the licensee provides otherwise.
Chapter 4779-9 Continuing Education

AMEND AND RENUMBER

4779-9-014775-XX-XX Continuing education requirements and reporting (OPPCE):

(A) Pursuant to sections ORC REFERENCE of the Revised Code, no person shall qualify for license renewal as a orthotist, prosthetist, pedorthist, or orthotist-prosthetist unless the individual completed the required continuing education units outlined in paragraph (A) of this rule. All licensees shall verify the successful attainment of approved OPPCE as set forth in rule 4779-9-02 of the Administrative Code.

(1) A licensed orthotist or prosthetist must achieve twenty-five OPPCE continuing education units during each three-year accrual period within the two-year renewal cycle.

(2) A licensed orthotist and prosthetist or licensed prosthetist-orthotist must achieve thirty-seven OPPCE continuing education units during each three-year accrual period within the two-year renewal cycle.

(3) A licensed pedorthist must achieve thirty-seven OPPCE continuing education units during each three-year accrual period within the two-year renewal cycle.

(B) Accumulated CEU's may not be carried over from one renewal period to another. (B) OPPCE hours must be earned no later than thirty days prior to the license expiration date for that renewal period. An excess of approved hours attained during a renewal period will not be applied towards future requirements, unless they are carried after signature date on the renewal application for that period.

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

A licensee who falsifies a renewal application may be disciplined by the physical therapy section for violating section 4779.XX of the Revised Code.

The application for renewal shall include a section for verification of OPPCE compliance. Licensees shall complete the section to certify the completion of the required hours of OPPCE for the current renewal period.

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

(1) Licensees chosen for the audit shall 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.

(D) As a condition of license renewal beginning with the license expiration and renewal date of January 31, 2014, an individual renewing an active license issued by this board, if attesting to completion of required OPPCE for the renewal to process in accordance with the requirements of section 4779.20 of the Revised Code, may be required to verify subject to documentation completion of at least a one-unit or one hour continuing education course approved by the Ohio department of health or the Ohio department of education or such other coursework as the board may determine is appropriate for the professions it licenses on the subject of human trafficking recognition and response training for allied healthcare professionals. The board shall include on its website information regarding such approved training and a link to state of Ohio authorized online resources for the attainment requirements of section 4779.20 of the Revised Code or the requirements of paragraph (A) of this rule.

(E) It shall be the responsibility of the licensee to maintain and keep all records to serve as documentation for any audit pertaining to the completion of OPPCE requirements; including, but not limited to certificates of completion, transcripts, letters of attendance, or attendance registers. Records shall be maintained for a period of four years beyond the renewal date requiring attestation of OPPCE compliance for the holders of a license issued under sections 4779.10, 4779.11, 4779.12, 4779.13, 4779.16, and 4779.17 of the Revised Code. Legible copies shall be sent to the board only in response to an audit.

(F) Failure to meet OPPCE requirements or failure to provide attestation of completion of necessary OPPCE hours may result in disciplinary action including suspension of the license, pursuant to sections 4779.20 and 4779.28 of the Revised Code. Failure to verify completion of necessary OPPCE hours within thirty days after receipt of an audit request from the board may result in disciplinary action pursuant to section 4779.28 of the Revised Code. If reinstatement is desired, such individual shall be required to submit a formal request for reinstatement of licensure.

Effective: 9/1/2015
Five Year Review (FYR) Dates: 05/05/2015 and 06/01/2020
Promulgated Under: 119.03
Statutory Authority: 4779.08
Rule Amends: 4779.20, 4743.07
AMEND AND RENUMBER

4779-9-024755-XX-XX Activities which meet the Continuing Education requirements.

Applicants for renewal shall successfully complete the required number of continuing education hours according to section 4779.20 of the Revised Code and rule 4779-9-01 CORRECT REFERENCE of the Administrative Code. 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 accept continuing education units as specified by section 4779.24 of the Revised Code.

Effective: 04/01/2013
R.C. 119.032 review dates: 12/27/2012 and 01/02/2018
Promulgated Under: 119.03
Statutory Authority: 4779.08
Rule Amended: 4779.20, 4743.07
Prior Effective Dates: 8/9/02, 1/23/2003, 11/01/2008
RESCIND
4779-9-03 OPPCE accrual deficiency and remediation.

In the case of a licensee who determines that the licensee cannot truthfully attest to having completed the OPPCE accrual as required by section 4779.20 of the Revised Code at the time the licensee is completing an annual license renewal application, or in the case of a licensee who for the first time has failed to document appropriate OPPCE accrual for a renewal period in which the licensee has mistakenly certified appropriate OPPCE accrual, such licensee may correct the non-compliance through the following protocol:

(A) Notify the board office of the problem in writing by mail, email or fax.

(B) If the OPPCE deficiency is recognized prior to the license expiration date, the licensee may make up the deficiency by the license expiration date. In such a case, the licensee shall certify to the board the number of OPPCE units accrued during the appropriate three-year period, and the amount accrued during the month of January in the renewal year. In such a case, the OPPCE units accrued during January of the renewal year shall not be allowed to count toward the OPPCE accrual required for the accrual period that began on the first of January of that month.

(C) If the OPPCE deficiency is recognized or discovered when the option allowed by paragraph (B) of this rule is not available, or is discovered pursuant to an OPPCE audit, and is the first such occurrence of such a deficiency in that individual’s license history, the following protocol may be employed:

(1) Sign off on an OPPCE remediation agreement worksheet form as provided by the board office;

(2) In the case of a licensed orthotist or licensed prosthetist, the licensee will make up the deficiency and accrue an additional fifteen OPPCE units as an augmented requirement by a date certain no later than six months from the date of the discovery of the deficiency, and pay the OPPCE late certification fee as provided for in rule 4779-12-01 of the Administrative Code.

(3) In the case of a licensed pedorthist, the licensee will make up the deficiency and accrue an additional eleven OPPCE units as an augmented requirement by a date certain no later than six months from the date of the discovery of the deficiency, and pay the OPPCE late certification fee as provided for in rule 4779-12-01 of the Administrative Code.

(4) In the case of a licensed prosthetist-orthotist, or an individual who holds licenses in both orthotics and prosthetics, the licensee will make up the deficiency and accrue an additional twenty OPPCE units as an augmented requirement by a date certain no later than six months from the date of the discovery of the deficiency, and pay the OPPCE late certification fee as provided for in rule 4779-12-01 of the Administrative Code.

R.C. 119.032 review dates: 12/27/2012 and 10/01/2017
Promulgated dates: 12/27/2012 and 10/01/2017
Authority: 4779.08
Amplifies: 4779.20
Prior Effective Dates: 11/01/08
NEW RULE

4755-XX-XX Waivers for continuing education.

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. In the case of illness or disability, a physician’s statement is required. All completed forms must be received by the section for consideration no later than the first day of October of the year preceding the renewal date. 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.

Should a waiver be granted due to disability or illness, the board may require the individual to provide appropriate documentation from a physician or another qualified and appropriate practitioner to verify the individual’s competency and ability to orthotics, prosthetics, and pedorthics in the state of Ohio prior to the return to active practice of in Ohio.
REPEAL – SEE MILITARY LICENSURE RULE

4779-9-04 Extension of OPPCE reporting period for licensee called to active duty military.

(A) The board shall extend the relevant OPPCE reporting period for a renewing licensee who has been called to active duty in the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard or the national guard of any other state, as described in division (A)(3)(c) of section 5903.12 of the Revised Code.

(B) A licensee seeking such an extension shall provide the board with documentation verifying that the licensee or spouse of the licensee has been called to active duty or that the licensee or spouse of the licensee served active duty during the OPPCE accrual period. The extension shall equal or exceed the period of time the applicant or spouse of the applicant was engaged in active duty service in the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard or the national guard of any other state.

Effective: 06/23/2014
R.C. 119.032 review dates: 01/15/2019
Promulgated Under: 119.03
Statutory Authority: 4779.08, 5903.12
Rule Amplifies: 4779.00, 4779.23
A licensee shall provide professional services with objectivity and with respect for the unique needs and values of the health care recipient, as follows:

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

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

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

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

(H) A licensee shall practice orthotics, prosthetics, or pedorthics in accordance with prevailing professional standards or guidelines and shall 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.

(I) A licensee shall not carry out a prescribed service that he knows to be harmful to a patient.

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

(K) 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.

(L) Maintenance of consumer care information

(1) A licensee shall 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 shall be maintained with privacy and security safeguards appropriate to the data retained in file.

(3) The licensee 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.

(M) A license holder, or an applicant for licensure, shall 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 licensee 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.

Effective: 7/1/2016
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Rule Amplifies: 4779.28, 4779.29, 4779.30, 4779.99
Prior Effective Dates: 8/9/02, 11/01/2008, 11/01/2010
RENUNMBER

4779-10-02 Proper use of credentials.4755-XX-XX Proper use of credentials.

(A) A licensee shall 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 licensee shall 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 individual for such documentation, or unless he/she appropriately supervised those services.

(C) A licensee shall 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.

R.C. 119.032 review dates: 12/27/2012 and 10/01/2017
Promulgated Under: 119.03
Statutory Authority: 4779.08
Rule Amplifies: 4779.09, 4779.28
Prior Effective Dates: 08/09/02, 11/01/08
Chapter 4779-12 Fees RESCIND AND REPLACE

4779-12-01 Fees:

The following fee schedule shall apply:

(A) The application fee for a license to be issued pursuant to section 4779.10, 4779.11, 4779.12, 4779.13 or 4779.17 of the Revised Code which is not presented as an initial application for a temporary license to be issued pursuant to section 4779.18 of the Revised Code shall not exceed two hundred dollars. The prescribed fee shall be submitted with the application for initial licensure.

(B) The application fee for a temporary license to be issued pursuant to section 4779.18 of the Revised Code shall not exceed two hundred dollars. The prescribed fee shall be submitted with the application for initial licensure.

(C) Examination fees will be paid directly to the appropriate testing agencies by the applicant as provided for in rule 4779-5-02 of the Administrative Code.

(D) The fee for an approved license to be issued pursuant to section 4779.10, 4779.11, 4779.12, 4779.13 or 4779.17 of the Revised Code shall not exceed three hundred dollars. The prescribed fee shall be submitted upon application for the initial license documents to issue after approval has been recorded.

(E) The cost for a license to be issued pursuant to section 4779.10, 4779.11, 4779.12, 4779.13 or 4779.17 of the Revised Code by upgrade from a temporary license previously issued pursuant to section 4779.18 of the Revised Code shall not exceed the cost for renewal of the same license type. The prescribed fee shall be submitted with the upgrade application.

(F) The cost for a license to be issued pursuant to section 4779.12 of the Revised Code by consolidation of licenses previously issued under sections 4779.10 and 4779.11 or 4779.18 of the Revised Code shall not exceed the cost for renewal of the same license type. The prescribed fee shall be submitted with the consolidation application.

(G) The annual license renewal fee for a license in pedorthics, a license in orthotics, or a license in prosthetics shall not exceed five hundred dollars per license. The annual license renewal fee for a license in prosthetics and orthotics shall not exceed one thousand dollars. The prescribed fee shall be submitted with the renewal application.

(H) The license reinstatement fee and/or late renewal fee shall not exceed an amount that is fifty per cent of the license renewal fee established pursuant to paragraph (C) of this rule, and shall be payable in addition to the renewal fee. The prescribed fee shall be submitted with the renewal or reinstatement application.

(I) The OPPCE accrual certification late fee shall not exceed an amount that is fifty per cent of the license renewal fee established pursuant to paragraph (C) of this rule, and shall be payable in addition to the renewal fee and any late renewal fee.

(J) The fee to review an application for approval of OPPCE units for a continuing education course pursuant to section 4779.23 of the Revised Code or for approval of OPPCE credits for teaching pursuant to section 4779.24 of the Revised Code shall not
exceed fifty dollars per activity. The fee shall be submitted with the application for approval of continuing education coursework or teaching activities.

(K) The cost for a replacement license card shall not exceed twenty-five dollars. The fee shall be submitted with the request.

(L) The cost for a replacement license wall certificate shall not exceed fifty dollars. The prescribed fee shall be submitted with the request.

(M) The cost for a replacement license wall certificate shall not exceed fifty dollars. The prescribed fee shall be submitted with the request.

(N) The cost to complete a name change shall not exceed fifty dollars. The prescribed fee shall be submitted with the request.

(O) The cost to apply for licensure or registration, or for renewal of licensure or registration, of subordinate license or provider types allowed by Chapter 4779. of the Revised Code shall not exceed the costs for application or renewal of license for provider types as provided for in this rule.

(P) No personal checks will be accepted as license renewal fees. Renewal fees not paid through any online or electronic payment method provided for by the board will only be accepted if remitted by official bank check, certified check, money order, or business check.

(Q) All agency fees that are not established precisely by this rule must be approved by the board at a regular meeting of the board where at least sixty days’ notice has been provided by posting to the Board's website information regarding the proposed fee schedule. All agency fees established pursuant to this rule shall be listed on the board’s website.

(R) The fine for violation of any provision of Chapter 4779. of the Revised Code shall not exceed five hundred dollars per violation.

(S) The board may grant waivers or reductions of the fee requirements listed in this chapter in cases of undue hardship including, but not limited to, natural disasters and acts of terrorism. Waivers may also be granted to veterans and active military personnel and their spouses.

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Five Year Review (FYR) Dates: 08/29/2016 and 01/15/2021
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Statutory Authority: 4779.08
Rule Amended: 4779.99, 4779.10, 4779.11, 4779.12, 4779.13, 4779.17, 4779.18
Prior Effective Dates: 8/9/02, 1/23/03, 11/01/08, 11/01/2010, 9/1/05

4779-12-02 [Rescinded] Replacement of license or certificate.

Effective: 11/01/2010
R.C. 119.032 review dates: 06/10/2010
Promulgated Under: 119.03
Statutory Authority: 4779.08
REPLACEMENT RULES

4755-XX-XX Fee for initial licensure.

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

4755-XX-XX Fee for copies of certificate of licensure.

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

4755-XX-XX Fees for renewal.

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

4755-XX-XX 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 holders’ address. The fee for the list of license holders shall 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.

4755-XX-XX Administrative processing charge for verification of licensure.

The administrative processing charge to verify a license shall not exceed thirty dollars. The charge shall be submitted in a manner determined by the board. Verification of licensure administrative processing charges are not refundable.
4755-XX-XX Fee for reinstatement.

The reinstatement fee shall not exceed one hundred dollars. The prescribed fee shall be submitted to the board with the reinstatement application.

4755-XX-XX 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.

4755-XX-XX Fee for continuing education review.

The fee for review of a continuing education activity shall be twenty-five dollars. The fee shall be submitted to board with the application for continuing education approval.
RESCIND AND REPLACE Chapter 4779-13 Accessing Confidential Personal Information

4779-13-01 Definitions for language in rules governing access to confidential personal information:

For the purposes of administrative rules promulgated by the state board of orthotics, prosthetics, and pedorthics Ohio occupational therapy, physical therapy, and athletic trainers board governing access to confidential personal information 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 state board of orthotics, prosthetics, and pedorthics 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 state board of orthotics, prosthetics, and pedorthics 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 state board of orthotics, prosthetics, and pedorthics 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.

(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.

Five Year Review (FYR) Dates: 05/05/2015 and 05/01/2020
Promulgated Under: 119.03
Statutory Authority: 1347.15, 4779.08
Rule Amplifies: 1347.15, 4779.21
Prior Effective Dates: 10/01/2010

4779-13-02 Procedures for accessing confidential personal information.

For personal information systems, whether manual or computer systems, that contain confidential personal information, the state board of orthotics, prosthetics, and pedorthics Ohio occupational therapy, physical therapy, and athletic trainers board shall 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 shall 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 shall 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 shall 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 shall 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 shall notify the person whose information was invalidly accessed as soon as practical and to the extent known at the time. However, the agency shall 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 access, including which individuals' confidential personal information invalidly was accessed, and to restore the reasonable integrity of the system.

2. "Investigation" as used in paragraph (C)(1) of rule 4779-13-02 of the Administrative Code 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 shall disclose the access to confidential personal information made for an invalid reason to the person.

3. Notification provided by the agency shall 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 agency director shall designate an employee of the agency to serve as the data privacy point of contact. The data privacy point of contact shall 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 shall designate an employee of the agency to serve as the data privacy point of contact who shall timely complete the privacy impact assessment form developed by the office of information technology.
4779-13-03 Valid reasons for accessing confidential personal information:

(A) 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 state board of orthotics, prosthetics, and pedorthics, Ohio occupational therapy, physical therapy, and athletic trainers board 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:

(B) 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.

Five Year Review (FVR) Dates: 05/05/2015 and 05/01/2020

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Prior Effective Dates: 10/01/2010

4779-12-04 Confidentiality statutes.

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

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

(B) Records of reporting required pursuant to 42 U.S.C. section 1320a-7 e(b), 42 U.S.C. section 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.

Five Year Review (FVR) Dates: 05/05/2015 and 05/01/2020

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Prior Effective Dates: 10/01/2010

4779-13-05 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 agency shall do the following:

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

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

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

1. The agency shall require employees of the agency 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 agency is accessing confidential personal information for official agency 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 agency 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 agency 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 agency accesses confidential personal information about an individual based upon a request made under either of the following circumstances:

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

(ii) The individual makes a request that the agency 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 agency may choose the form or forms of logging, whether in electronic or paper formats.

(E) Log management. The agency shall issue a policy that specifies the following:

1. Who shall maintain the log;

2. What information shall be captured in the log;

3. How the log is to be stored; and

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

Nothing in this rule limits the agency from requiring logging in any circumstance that it deems necessary.
Five Year Review (FYR) Dates: 05/05/2015 and 05/01/2020
Promulgated Under: 119.03
Statutory Authority: 1347.15, 4779.08
Rule Amplifies: 1347.15, 4779.21
Prior Effective Dates: 10/01/2010
REPLACEMENT RULES

Chapter 4755-XX Personal Information Systems

4755-XX-XX Personal information systems.

(A) The Ohio occupational therapy, physical therapy, and athletic trainers board shall appoint one employee to be directly responsible for each personal information system maintained by the section. Said employee shall:

(1) Inform all employees who have any responsibility for the operation or maintenance of said system or the use of personal information maintained in the system, of the applicable provisions of Chapter 1347. of the Revised Code and rules adopted thereunder; and,

(2) Inform all persons requested to supply personal information for a system whether or not he/she is legally required to provide such information; and,

(3) Restrict the collection, maintenance and use of personal information to only that which is necessary and relevant to functions of the physical therapy section as required or authorized by statute, ordinance, code or rule; and,

(4) Provide all persons, asked to supply personal information that will be placed in an interconnected or combined system, with information relevant to the system, including the identity of all other agencies or organizations that have access to the information in the system; and,

(5) Allow a person who is the subject of a record in a personal information system to inspect the record pursuant to section 1347.08 of the Revised Code. Upon the request and verification that the person requesting access to the record is the subject of information contained in the system, the employee shall:

(a) Inform the person of any personal information in the system of which he/she is the subject;

(b) Permit the person, or his/her legal guardian, or an attorney who presents a signed authorization made by the person, to inspect all personal information in the system of which he/she is the subject, except where prohibited by law;

(c) Inform the person of the uses made of the personal information and identify other users who have access to the system;

(d) Allow a person who wishes to exercise his/her rights as provided by the rule to be accompanied by an individual of his/her choice;

(e) Provide, for a reasonable charge, copies of any personal information the person is authorized to inspect.

(6) Investigate disputes concerning the accuracy, relevance, timeliness or completeness of personal information pursuant to section 1347.09 of the Revised Code and paragraph (D) of this rule.
(B) The board shall reprimand in writing any employee who initiates or otherwise contributes to any disciplinary or other punitive action taken against another individual who brings to the attention of appropriate authorities, the press, or a member of the public, any evidence of unauthorized use of any material contained in the personal information system. A copy of the reprimand shall be entered in the employee's personal file.

(C) The board shall monitor its personal information system by:

1. Maintaining the personal information system with the accuracy, relevance, timeliness, and completeness necessary to assure fairness in any determination made by the physical therapy section which is based on information contained in the system; and,

2. Eliminating unnecessary information from the system.

(D) The board shall investigate, upon request, the accuracy, relevance, timeliness or completeness of personal information, which is disputed by the subject of a record contained in the system, within ninety days after receipt of a request from the disputant; and,

1. Notify the disputant of the results of the investigation and any action the physical therapy section intends to take with respect to the disputed information; and,

2. Delete any information that the section cannot verify or finds to be inaccurate; and,

3. Permit the disputant, if he/she is not satisfied with the determination made by the physical therapy section, to include within the system:
   a. A brief statement of his/her position on the disputed information; or,
   b. A brief statement that he/she finds the information in the system to be inaccurate, irrelevant, outdated, or incomplete.

4. The board shall maintain a copy of all statements made by a disputant.

(E) The board shall not place personal information into an interconnected and combined system, unless said system contributes to the efficiency of the agencies or organizations authorized to use the system in implementing programs which are required or authorized by law.

(F) The board shall not use personal information placed into an interconnected or combined system by another state or local agency or an organization, unless the personal information is necessary and relevant to the performance of a lawful function of the section.

(G) The board shall make available, upon request, all information concerning charges made by the board for reproduction of materials contained in its personal information system.

**4755-XX-XX Definitions.**
For the purposes of the administrative rules promulgated in accordance with section 1347.15 of the Revised Code, the following definitions apply:

(A) "Access" as a noun means an opportunity to copy, view, or otherwise perceive 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 paragraph (D) of 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 rule 4755-XX-xx of the Administrative Code.

(C) "Board" 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" has the meaning as defined by division (A)(1) of section 1347.01 of the Revised Code and identified in Chapter 4755-26 of the Administrative Code that reference the federal or state statutes or administrative rules that make personal information maintained by the board confidential.

(F) "CPI" means confidential personal information, as defined in paragraph (E) of this rule.

(G) "Employee of the board" means each employee of the board regardless of whether the employee holds an elected or appointed office or position within the board. "Employee of the board" is limited to the employing state agency.

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

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

(J) "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.

(K) "Person" means natural person.

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

(M) "Personal information system" means a system that maintains personal information, as those terms are defined in section 1347.01 of the Revised Code. System includes manual and computer systems.

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

(O) "Routine" means common place, regular, habitual, or ordinary.
(P) “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 to the board’s employees that is maintained by the board for administrative and human resource purposes.

(O) “System” has the same meaning as defined by division (F) of section 1347.01 of the Revised Code.

(R) “Upgrade” means a substantial redesign of an existing 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 modifications that entail a limited addition of functionality due to changes in business or legal requirements.

4755-XX-XX Procedures for accessing confidential personal information.

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

(A) Criteria for accessing confidential personal information.

Personal information systems of the board are managed on a “need-to-know” basis whereby the information owner determines the level of access required for an employee of the board to fulfill the employee’s job duties. The determination of access to confidential personal information shall be approved by the employee’s supervisor and the information owner prior to providing the employee with access to confidential personal information within a personal information system. The board shall 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 shall 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 board, the board shall 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 board 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 board shall notify the person whose information was invalidly accessed as soon as practical and to the extent known at the time. However, the board shall 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 board may delay the notification consistent with any measures necessary to determine the scope of the invalid access, including which individuals' confidential personal information was invalidly accessed, and to restore the reasonable integrity of the system.

(g) "Investigation" as used in this paragraph means the investigation of the circumstances and involvement of an employee surrounding the invalid access of the confidential personal information.

(b) Once the board determines that notification would not delay or impede an investigation, the board shall disclose the access to confidential personal information made for an invalid reason to the person.

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

(3) 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 of the board shall designate an employee of the board to serve as the data privacy point of contact. The data privacy point of contact shall work with the chief privacy officer within the office of information technology to assist the board with both implementation of privacy protection for the confidential personal information that the board maintains and compliance with section 1347.15 of the Revised Code an the rules adopted pursuant to the authority provided by that chapter.

(E) Completion of a privacy impact assessment.

The employee appointed as the board's data privacy point of contact, in accordance with paragraph (D) of this rule, shall timely complete the privacy impact assessment form developed by the office of information technology.

4755-xx-XX 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 and duties, for which only employees of the agency may access confidential personal information, regardless of whether the personal information system is a manual system or a computer system:

(A) Performing the following functions constitute valid reasons for authorized employees of the board 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 board maintains on that individual;

(3) Administering a constitutional provision or duty;

(4) Administering a statutory provision or duty;

(5) Administering an administrative rule provision rule 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) Licensure 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, including, but not limited to, 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.

(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 Chapter 4779. of the Revised Code or Chapters 4755-1 to 4755-XX 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 licensees 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.

4755-XX-XX Confidentiality statutes.

The following federal statutes or regulations or state statutes and administrative rules make personal information maintained by the agency 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. 552 a(2010), unless the individual was told that the number would be disclosed.

(B) Information and records received or generated by the board pursuant to an investigation: division (E) of section 4779.33 of the Revised Code.

(C) The results of any criminal records checks conducted pursuant to Chapter 4776. of the Revised Code: section 4776.04 of the Revised Code.

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


4755-XX-XX Restricting and logging access to CPI in computerized personal information systems.

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

(A) Access restrictions.

Access to confidential personal information that is kept electronically shall 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 shall 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 shall make a determination whether the modification constitutes an upgrade. Any upgrades to a computer system shall 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 shall 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 personal 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 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 following circumstances:

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

      (ii) The individual makes a request that the board take 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 the purposes of this paragraph of this rule, the board may choose the form or forms of logging, whether in electronic or paper formats.

(E) Log management.

The board shall issue a policy that specifies the following:

(1) Who shall maintain the log;
(2) What information shall be captured in the log;

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

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

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