

## NOTICE OF PUBLIC HEARING

This notice is being made in accordance with section 119.03 of the Ohio Revised Code and Rule 4779-1-01 of the Ohio Administrative Code.

This is a notice to inform all interested parties that the State Board of Orthotics, Prosthetics, and Pedorthics will conduct a public hearing on WEDNESDAY, JULY 16, 2008 at 1:00 PM in Room 1918 on the 19<sup>th</sup> floor of the Vern Riffe Center for Government and the Arts located at 77 S. High St., Columbus, Ohio, 43215.

The following rule amendments (changes), rescissions (elimination, with or without new language proposed for replacement), and new language offerings are being proposed for adoption to more effectively and efficiently govern the operations of the State Board of Orthotics, Prosthetics and Pedorthics, and more accurately and clearly define regulatory requirements for its licensees.

4779-1-01 Public hearings on adoption, amendment, or rescission of rules: methods of public notice.  
(Rescind and Adopt New)

Rule is being rescinded because so much of the rule language is being changed. The new language clarifies and updates the rule, seeking to use more plain language, fewer technical/legal terms.

4779-1-02 Notice of board meetings. (Amend)

This rule provides information for consumers, stakeholders and licensees to be informed about board meetings. Minor change in wording.

4779-3-01 Definition of terms. (Amend)

This rule defines certain terms used in the Practice Act. Two substantively significant changes are proposed: (1) eliminating language detailing the requirements for a post-graduate Certificate Program in Orthotics and/or Prosthetics, moving that language to its own separate rule number (see proposed 4779-4-02); and (2) adding language to more clearly define the permissible scope of practice for a licensed Pedorthist. Other changes are technical and clarifying.

4779-4-01 Approval of educational programs (Amend)

The rule specifies that the board grants approval to programs accredited by CAAHEP (the Commission on Accreditation of Allied Health Programs). Minor technical, clarifying changes only.

4779-4-02 Certificate program requirements (New)

The rule language is comprised mostly of language that previously appeared in the Definition of Terms rule (4779-3-01) and describes requirements for a post-graduate certificate program in Orthotics and/or Prosthetics. Some technical corrections are included.

4779-5-01 The examinations (Rescind and Adopt New)

Rule is being rescinded because so much of the rule language is being changed. Updates the language to include pedorthics language and to note the change in name of the “ABC” (American Board for Certification in Orthotics, Prosthetics, and Pedorthics).

4779-5-02 Admission to the examination. (Amend)

The rule describes procedures for candidates approved for examination. Changes clarify certain language, updates the name of the exam vendor (ABC), and clarifies the Board’s responsibilities.

4779-5-03 License application procedure (Rescind and Adopt New)

The rule states details for the license application receipt and review process. Old language is being rescinded because so much of the rule language is being changed. The old rule language detailed requirements for licensure pathways that have expired and are no longer in effect. The new language describes a more efficient and consistent process and specifies documentation required for a successful license application, including the new criminal record check requirements.

4779-5-04 Out-of-state practice of orthotics, prosthetics, or pedorthics (Rescind)

4779-5-04 Limited reciprocity (Adopt New)

The rule describes the licensing requirements for a practitioner already licensed in another state. The old rule language is being rescinded because so much of the rule language is being changed. The new language describes a more efficient and consistent process and specifies documentation required for a successful license application, including the new criminal record check requirements.

4779-5-05 Criminal records check requirements (Adopt New)

The rule describes procedures for a license applicant to obtain a criminal records check in compliance with H.B. 104, effective 03/24/2008, and in accordance with Revised Code sections 4776.02 and 4779.091.

4779-6-01 Temporary license application procedure (Rescind and Adopt New)

The old rule language is being rescinded because so much of the rule language is being changed. The new language provides updates and clarifications, reconciles language that previously was not in conformity with statutory language, and describes a more efficient and consistent process and specifies documentation required for a successful license application, including the new criminal record check requirements.

4779-7-01 Original license certificate and wallet identification card (Amend)

The rule provides basic information about license documentation provided by the board to its licensees. Changes clarify certain language and note that Temporary licenses expire/renew on a different cycle than all other licenses.

4779-8-01 Renewal of license (Amend)

The rule provides basic information about license renewal procedures and requirements. Changes reconcile language that did not conform to the statute and updates certain procedural details.

4779-9-01 Continuing education requirements and reporting (OPPCE) (Amend)

The rule details basic requirements for continuing education accrual, documentation and reporting. Changes include updating the rule “tagline” (title), and specifying the amount of OPPCE required for pedorthists during the three-year accrual period.

4779-9-02 Activities which meet the OPPCE requirements (Amend)

The rule states the Board automatically recognizes CE offerings approved by ABC or BOC. Changes update and clarify the language.

4779-9-03 OPPCE accrual deficiency and remediation (Adopt New)

The rule proposal seeks to codify in regulatory language the policy and procedure adopted by the Board to address a first or one-time “miss” of the continuing education accrual requirements. The policy was developed and this rule is proposed because the statute links renewal of the license to the licensee’s certification (without documentation) of appropriate CE coursework; the language provides a method to address the problem without necessarily proceeding to formal board action.

4779-10-01 Ethical and professional conduct (Amend)

The rule sets forth certain basic ethical standards of practice, including non-discrimination, full disclosure of financial considerations, and conflict-of-interest prohibitions. The new language specifies that a licensee referred to treat a patient who appears to have been provided services by another orthotic, prosthetic or pedorthic provider for current concerns has a duty of care to confer with the original provider and the prescribing provider before initiating service or treatment.

4779-10-02 Proper use of credentials (Amend)

The rule language cautions against misuse or misappropriation of credentials. The new language specifies that only degrees or titles gained through appropriately accredited institutions may be used in the professional context.

4779-12-01 Fees (Amend)

The rule language sets forth fees required for license application, renewal, late renewal, and exam. The new language provides for a late fee related to the new OPPCE Accrual Deficiency and Remediation rule.

4779-12-02 Replacement of license or certificate (Amend)

The rule language specifies requirements for the board to issue replacement documents, and the cost. Changes are technical/formatting only.

➤ **Persons intending to testify are encouraged to pre-register by sending an email to [BOPP@exchange.state.oh.us](mailto:BOPP@exchange.state.oh.us). Testimony may be presented in person or in writing; written testimony timely received will be introduced at the hearing. A copy of the referenced rules may be obtained at the board’s website, <http://opp.ohio.gov>, or by contacting the Board by email or fax, or at the Register of Ohio site: <http://www.registerofohio.state.oh.us/>**

