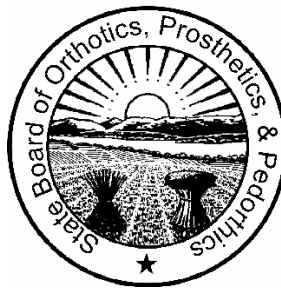


# THE STATE BOARD OF ORTHOTICS, PROSTHETICS AND PEDORTHICS

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## Administrative Rules Currently Effective – updated to April 9, 2007

*Public Notices, Administration, Licensure and Continuing Education*

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**4779-1-01 Public Hearings On Adoption, Amendment, Or Rescission Of Rules:  
Methods Of Public Notice.**

(A) Prior to the proposed adoption, amendment or rescission of any rule by the state board of orthotics, prosthetics and pedorthics, public notice thereof shall be given at least thirty days prior to the date set for the public hearing thereon, by publication of that notice in the Register of Ohio. Such notice shall include a statement of the board's intention to consider adopting, amending, or rescinding the rule; a synopsis of the proposed rule, amendment, or rule to be rescinded or a general statement of the subject matter to which the proposed rule, amendment or rescission relates; a statement of the reason or purpose for adopting, amending, or rescinding the rule; and the date, time, and place of the public hearing on said proposed action.

(B) The board may give whatever other notice it reasonably considers necessary including, but not limited to, the following:

(1) The board shall post the notice of the public rules hearing on the board's web site. The board may also post the full text of the proposed rules on its web site.

(2) The board may maintain a mailing list of all persons who have made a prior written request to receive a copy of each public notice provided for in paragraph (A) of this rule, and copies of such notices shall be sent by regular mail or electronic mail to each person on the mailing list at least thirty days prior to the date set for the hearing. 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.

(3) Copies of the notice of the public rules hearing and the full text of the proposed rules shall be available at the board's offices at least thirty days prior to the date of the public rules hearing.

(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 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.

Effective: 09/23/02

**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 paragraphs (1) (B) or (C) of 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.

Effective: 08/09/2002; 04/09/2007

#### **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 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.

(D) 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.

Effective: 08/09/02; 04/09/2007

**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 the requirements of the personnel classification system prescribed by the Ohio department of administrative services at the time. 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 Revised Code 124.18, 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.

Effective: 08/09/2002; 01/23/03

**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 shown and scores attained where possible.

(B) The Board shall maintain a policy manual, 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 is 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.

Effective: 08/09/2002

**4779-3-01 Definitions Of Terms.**

The following definitions shall apply to the State Board of Orthotics, Prosthetics, and Pedorthics Board:

(A) "Board" means the State Board of Orthotics, Prosthetics and Pedorthics

(B) "Certificate program" as referenced in section 4779.29 of the Revised Code, means a post-graduate certificate program that meets the following requirements, as applicable:

- (1) All certificate programs shall meet all of the following requirements:
  - (a) Admission standards require at least a high school diploma or certificate of high school equivalence issued by the State Board of Education;
  - (b) Has a written description of the program that includes learning goals, course objectives, and competencies for graduation;
  - (c) Requires frequent, documented evaluations of students to assess their acquisition of knowledge, problem identification and solving skills, and psychomotor, behavioral, and clinical competencies;
  - (d) 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;
  - (e) Requires students to complete formal instruction in biomechanics, gait, analysis and pathomechanics, kinesiology, pathology, material science, research methods, and diagnostic imaging techniques;
  - (f) 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.
- (2) In addition, a certificate program in orthotics shall meet all of the following requirements:
  - (a) Provides not less than two semesters or three quarters of instruction in orthotics;
  - (b) 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 the orthotics systems;
  - (c) 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;
- (3) In addition, a certificate program in prosthetics shall meet all of the following requirements:
  - (a) Provides not less than two semesters or three quarters of instruction in prosthetics;
  - (b) Requires students to complete not less than two hundred fifty hours of supervised clinical experience that focuses on patient-related activities, recommendation, measurement, impression-taking, model rectification, fabrication, fitting, and evaluating patients in the use and function of prosthetics;
  - (c) Requires 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.
- (4) In addition, a certificate program in orthotics and prosthetics shall meet all of the following requirements:

(a) Provides not less than two semesters or three quarters of instruction in orthotics and two semesters or three quarters of instruction in prosthetics;

(b) 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, lumbar-sacral orthoses, halo, fracture management, RGO (reciprocal gait orthoses), standing frames, and seating;

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

(C) "Good moral character" as it is used in Section 4779.09 of the Revised Code, and under division (A)(1)(3) in Section 4779.18, 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 a qualification certificate; and not having willfully violated any of the sections related to conduct required of qualification certificate holders and set forth in the statutes or rule.

(D) "License", as it is used under division (A) of Section 4779.20 of the Revised Code, means the license certificate or a notarized copy of the license certificate as issued by the Board.

(E) "Licensee" means a person who holds a license issued under Chapter 4779 of the Revised Code.

(F) "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.

(G) "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.

(H) "Temporary license" means a person who holds a temporary license issued under Chapter 4779.18 of the Revised Code.

(I) "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 pedorthics 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 location where the physician or osteopathic physician is present.

(J) "Under the supervision" as it is used under division (B) in Section 4779.18 of the Revised Code means the individual who practices under the supervision of an individual who holds a license issued under Section 4779.09 of the Revised Code may conduct the initial evaluation or all activities at a building, location or facility where the supervising orthotist, prosthetist, or pedorthist is physically present or 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 (60) minutes travel time away from the location where the non-licensed individual is practicing.

(K) "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 period requiring nineteen hundred hours under the direct supervision of a practitioner certified in the same discipline.

(L) "Custom fabricated or fitted medical device" as referenced in division (E) 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. No other patient would be able to use this item after fabrication or fitting.

(1) A custom fabricated item is defined as a device which is fabricated based on a clinically derived rectified casting, tracings, measurements, and/or other images (such as x-rays) of the body part. It may involve using calculations, templates, and components. The process starts with 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. It involves substantial work such as vacuum forming, cutting, bending, molding, sewing, drilling, and finishing prior to fitting on the patient.

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

(i) 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

(ii) 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.

(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 be supplied as a kit of prefabricated parts that require some assembly and/or fitting and adjustment, or a device that must be trimmed, bent, molded (with or without heat), or otherwise modified for use by a specific patient.

(a) A custom fitted item/device as referenced in division (E) of section 4779.01 of the Revised Code does not include:

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

(ii) Finger splints;

(iii) Wrist splints;

(iv) Prefabricated elastic or fabric abdominal supports with or without metal or plastic reinforcing stays;

(v) Other prefabricated soft goods requiring minimal fitting;

(vi) Nontherapeutic accommodative inlays;

(vii) Shoes that are not manufactured or modified for a particular individual;

(viii) Prefabricated foot care products;

- (ix) Other durable medical equipment;
- (x) Dental appliances;
- (xi) Pedorthic devices;
- (xii) Devices implanted into the body by a physician.

Effective: 08/09/2002; 04/09/2007

#### **4779-4-01 Approval Of Educational Programs.**

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

(B) The board shall recognize an educational program that complies with the requirements of R.C. Section 4779.25.

(C) The board may recognize an educational program 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: 8/09/2002

#### **4779-5-01 The Examinations.**

For applicants for licensure by Ohio examination, the board recognizes the orthotics and prosthetics examinations offered by ABC. These examinations -- written and written simulation -- shall be administered in accordance with the provisions of the agreement between the board and the ABC. In order to attain a passing score on the examination, the applicant shall attain a scaled score to be determined by the Board.

Effective: 8/09/2002

#### **4779-5-02 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 be approved to sit for the examination, the applicant must demonstrate that the applicant meets the eligibility requirements of section 4779.09 of the Revised Code.

(B) In the case of an applicant for licensure pursuant to sections 4779.10, 4779.11, and 4779.12 of the Revised Code, the board shall notify the American Board for Certification in Orthotics and Prosthetics (ABC) of an applicant's interest in taking the Ohio license exam in

orthotics or prosthetics, 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 to the ABC or its contracted testing agency.

(C) In the case of an applicant for licensure pursuant to section 4779.13 of the Revised Code, the board shall notify the board for certification in pedorthics (BCP) of the applicant's interest in taking the 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 to the BCP or its contracted testing agency.

(D) An applicant for Ohio examination approved for admission to exam by the state board of orthotics, prosthetics, and pedorthics, shall comply with any and all deadlines established by the ABC, the BCP, or their respective contracted testing agencies.

Effective date: 04/09/2007

#### 4779-5-03 License application procedure.

(A) The following requirements apply to all applicants seeking licensure under Revised Code section 4779.09.

(1) An applicant shall submit a completed application, prescribed by the board, no later than thirty days prior to the deadline for the board's certification of candidates for examination to ABC as established by the procedures agreed to between ABC and the board for this purpose pursuant to R.C. section 4779.15.

(2) Incomplete applications shall not be processed for final consideration by the board. Applications that are incomplete will be held open for ninety days following notification of incomplete requirements by regular mail. After sixty days, a final notice of incomplete applications will be mailed by certified mail, return-receipt requested. If, by the end of the ninety day period, the application remains incomplete, it will be considered abandoned. After thirty days following the certified mail notice of incomplete application, if desired, the applicant must submit a new application, including fee.

(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 R.C. section 4779.10, 11, 12 or 13.

(B) In addition, an application for a license to practice **orthotics** must establish compliance with one of the following options:

(1) For applications received before and beyond January 1, 2008:

(a) Option one

(i) Provide a reference from the supervising orthotist that the applicant has practiced for eight months under the supervising orthotist's license (documentation demonstrating successful completion of a residency program will also be accepted.)

(ii) Documentation of successful completion of a residency program in orthotics approved by the board

(iii) A copy of the diploma showing receipt of a bachelor's degree

(a) In orthotics and prosthetics, or

(b) In another field, then an applicant must present documentation of completion of a board approved certificate in orthotics.

- (b) Option two -- for applications received on or before January 1, 2006
  - (i) Documentation that the applicant holds an associates degree or higher from an accredited college or university.
  - (ii) Documentation of completion of a board approved certificate in orthotics.
  - (iii) Documentation of a minimum of three years of full-time experience actively practicing or teaching orthotics.
- (c) Option three -- for applications received on or before January 1, 2008
  - (i) Documentation that the applicant holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent credential from a foreign educational institution.
  - (ii) Documentation of certification in orthotics by the ABC or BOC. This requirement may be met by the board's receipt of an official listing of Ohio certified practitioners sent by the certifying organization.
  - (iii) Documentation of a minimum of three years of full-time experience actively practicing or teaching orthotics.
- (d) Option four -- for applications received on or before January 1, 2008
  - (i) Documentation that the applicant holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent credentials from a foreign educational institution.
  - (ii) Documentation of certification in orthotics by the ABC or BOC. This requirement may be met by the board's receipt of an official listing of Ohio certified practitioners sent by the certifying organization.
  - (iii) Documentation of a completion of a residency program in orthotics approved by the board, or documentation of a minimum of three years of full-time experience actively practicing or teaching orthotics.
- (e) Option five -- for applications received on or before January 1, 2008
  - (i) Documentation that the applicant holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent credential from a foreign educational institution.
  - (ii) Documentation of completion of a board approved certificate in orthotics.
  - (iii) Documentation of successful completion of a residency program in orthotics approved by the board, or documentation of a minimum of three years of full-time experience actively practicing or teaching orthotics.

(C) In addition, an application for a license to practice **prosthetics** must establish compliance with one of the following options:

- (1) For applications received before and beyond January 1, 2008:
  - (a) Option one

- (i) Provide a reference from the supervising prosthetist that the applicant has practiced for eight months under the supervising prosthetist's license (documentation demonstrating successful completion of a residency program will also be accepted.)
  - (ii) Documentation of successful completion of a residency program in prosthetics approved by the Board
  - (iii) A copy of the diploma showing receipt of a bachelor's degree
    - (a) In orthotics and prosthetics, or
    - (b) In another field, then an applicant must present documentation of completion of a board approved certificate in prosthetics.
- (b) Option two -- for applications received on or before January 1, 2006
- (i) Documentation that the applicant holds an associates degree or higher from an accredited college or university.
  - (ii) Documentation of completion of a board approved certificate in prosthetics.
  - (iii) Documentation of a minimum of three years of full-time experience actively practicing or teaching prosthetics.
- (c) Option three -- for applications received on or before January 1, 2008
- (i) Documentation that the applicant holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent credential from a foreign educational institution.
  - (ii) Documentation of certification in prosthetics by the ABC or BOC. This requirement may be met by the board's receipt of an official listing of Ohio certified practitioners sent by the certifying organization.
  - (iii) Documentation of a minimum of three years of full-time experience actively practicing or teaching prosthetics.
- (d) Option four -- for applications received on or before January 1, 2008
- (i) Documentation that the applicant holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent credential from a foreign educational institution.
  - (ii) Documentation of certification in prosthetics by the ABC or BOC. This requirement may be met by the board's receipt of an official listing of Ohio certified practitioners sent by the certifying organization.
  - (iii) Documentation of a completion of a residency program in orthotics approved by the board, or documentation of a minimum of three years of full-time experience actively practicing or teaching prosthetics.
- (e) Option five -- for applications received on or before January 1, 2008
- (i) Documentation that the applicant holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent credential from a foreign educational institution.
  - (ii) Documentation of completion of a board approved certificate in prosthetics.

(iii) Documentation of a completion of a residency program in prosthetics approved by the Board, or documentation of a minimum of three years of full-time experience actively practicing or teaching orthotics.

(D) In addition, an application for a license to practice **orthotics and prosthetics** must establish compliance with one of the following options:

(1) For applications received before and beyond January 1, 2008

(a) Option one

(i) Provide a reference from the supervising prosthetist-orthotist that the applicant has practiced for eight months under the supervising prosthetist-orthotist's license (documentation demonstrating successful completion of a residency program will also be accepted.)

(ii) Documentation of successful completion of a residency program in orthotics and prosthetics approved by the board

(iii) A copy of the diploma showing receipt of a bachelor's degree

(a) In orthotics and prosthetics, or

(b) In another field, then an applicant must present documentation of completion of a board approved certificate in orthotics and prosthetics.

(b) Option two -- for applications received on or before January 1, 2006

(i) Documentation that the applicant holds an associates degree or higher from an accredited college or university.

(ii) Documentation of completion of a board approved certificate in orthotics and prosthetics.

(iii) Documentation of a minimum of six years of full-time experience actively practicing or teaching orthotics or prosthetics.

(c) Option three -- for applications received on or before January 1, 2008

(i) Documentation that the applicant holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent credential from a foreign educational institution.

(ii) Documentation of certification in orthotics and prosthetics by the ABC or BOC. This requirement may be met by the board's receipt of an official listing of Ohio certified practitioners sent by the certifying organization.

(iii) Documentation of a minimum of six years of full-time experience actively practicing or teaching orthotics and prosthetics.

(d) Option four -- for applications received on or before January 1, 2008

(i) Documentation that the applicant holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent credential from a foreign educational institution.

(ii) Documentation of certification in orthotics and prosthetics by the ABC or BOC. This requirement may be met by the board's receipt of an official listing of Ohio certified practitioners sent by the certifying organization.

(iii) Documentation of successful completion of a residency program in orthotics and prosthetics approved by the board, or documentation of a minimum of six years of full-time experience actively practicing or teaching orthotics and prosthetics.

(e) Option five -- for applications received on or before January 1, 2008

(i) Documentation that the applicant holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent credential from a foreign educational institution.

(ii) Documentation of completion of a board approved certificate in orthotics and prosthetics.

(iii) Documentation of completion of a residency program in orthotics and prosthetics approved by the board, or documentation of a minimum of six years of full-time experience actively practicing or teaching orthotics or prosthetics.

(E) In addition, an application for a license to practice **pedorthics** must establish compliance with the following:

(1) Provide a reference from the supervising pedorthist that the applicant has practiced for eight months under the supervising pedorthist's license

(2) Demonstrate that the applicant holds a high school diploma or a certificate of high school equivalence.

(3) Has completed the training, education, or experience requirements necessary to take the certification examination developed by the board for certification in pedorthics.

(F) Each applicant must pass an examination approved by the board as provided in R.C. section 4779.15

Effective: 01/23/2003

#### 4779-5-04 **Out-of state practice of orthotics, prosthetics, or pedorthics.**

(A) In accordance with division (A)(4) of section 4779.17 of the Revised Code, an applicant 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, non-residents must complete an out-of-state application form and file this form with the Ohio orthotics, prosthetics, or pedorthics board. Applicants must submit any documentation necessary to support the qualifications mentioned in paragraph (A)(1) or (A)(2) of this rule. Qualified applicants will be mailed a license to practice in the state of Ohio. Applicants that fail to meet the qualifications for this exemption will be refused authorization to practice in the state of Ohio, unless they otherwise qualify for an exemption under sections 4779.02 and 4779.04 of the Revised Code.

(C) Out-of- state residents shall update the Ohio orthotics, prosthetics, or pedorthics board within thirty working days of any change in orthotics, prosthetics, or pedorthics employment in the state of Ohio or any change in residency status.

Effective: 01/23/2003

#### **4779-6-01 Temporary License Application Procedure.**

(A) Temporary License - the board may issue a temporary license, to any applicant who is of good moral character, files an initial temporary license application form approved by the board, and pays the initial application fee prescribed by the board. In addition to the initial application fee, prior to January 31<sup>st</sup> of the following year, a temporary license applicant shall submit a renewal fee for the next licensing year. If the board refuses to issue a temporary license, the renewal fee will be refunded to the applicant.

(1) An applicant for a temporary license must provide proof of meeting the requirements of 4779.18(A)(4);

(2) An applicant meeting the educational requirements of 4779.18 shall submit an official transcript.

(3) An applicant meeting the requirements of 4779.18 of this rule shall submit proof of his/her record of employment as a provider of orthotics, prosthetics, or pedorthics in this state.

(B) A person issued a temporary license under paragraph (A) of this rule shall practice orthotics, prosthetics, or pedorthics only under the supervision of a orthotics, prosthetics, or pedorthics professional.

(C) Applications that are incomplete will be held open for ninety days following notification of incomplete requirements by regular mail. After sixty days, a final notice of incomplete application will be mailed by certified mail, return-receipt requested. If, by the end of the ninety day period, the application remains incomplete, it will be considered abandoned. After ninety days, if desired, the applicant must submit a new application, including fee. In the event notice is not deliverable by certified mail, return-receipt requested, the application will be considered abandoned after one hundred twenty days.

(D) A person issued a temporary license in accordance with this rule must file a completed supervisor registration form within fifteen days of the beginning date of employment in the practice of orthotics, prosthetics, or pedorthics. A temporary license holder must file a new form for any change in orthotics, prosthetics, or pedorthics employment or upon being employed by more than one orthotics, prosthetics, or pedorthics employer.

Effective: 08/09/2002

#### **4779-7-01 Original License Certificate And Wallet Identification Card.**

(A) The board shall prepare and provide to each licensee an identification card. Each identification card shall contain the person's name, license or permit number, information as to the type of authorization under which they practice, and date of expiration.

(B) Official license 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 card issued by the board.

(D) Regardless of the original issue date, all licenses shall expire on the thirty-first day of January following issuance of the license.

(E) Original license identification cards are valid proof of current authorization.

Effective: 08/09/2002

### **4779-8-01 Renewal Of License.**

(A) Renewal applications: At least one month prior to the application deadline date established under paragraphs (B) (1) and (C) (1) of this rule the board shall send each licensee or temporary licensee a renewal application by first class mail to the last known address.

(B) License renewal: On or before January 31 in the year following the issuance of the original license, 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 equal of one half the renewal fee for any renewal application post marked after January 31 of the year following the issuance of the license.

(2) Licensees shall comply with the continuing education requirements for licensure renewal specified in paragraph (A) of rule 4779-9-04 of the Administrative Code.

(C) Temporary license renewal: On or before January 31 in the year following the issuance of the original license each person holding a temporary license shall apply for renewal in accordance with section 4779.18 of the Revised Code.

(D) Each licensee or temporary license holder who complies with the renewal requirements shall receive a new identification card or renewal sticker with a new expiration date.

(E) A licensee who fails to renew in accordance with the schedule established under paragraphs (A) and (B) of this rule shall have the license or permit placed on lapsed status by the board.

(F) A licensee who continues to practice orthotics, prosthetics, or pedorthics in Ohio for more than thirty days with a lapsed license shall be subject to action under section 4779.99 of the Revised Code.

(G) A lapsed license may be reinstated to active status by completing the following:

(1) A complete license reinstatement application;

(2) If the license is lapsed more than two years, proof of successful completion of any examination or 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 renewal application;

(3) Payment of the appropriate renewal fees and late fees in accordance with rule 4779-12-01 of the Administrative Code.

(H) A license issued in accordance with paragraph (G) of this rule will expire on the 31<sup>st</sup> of January following the issuance of the license.

Effective: 08/09/2002

**4779-9-01 General OPPCE requirements and reporting mechanism for continuing education for orthotists, prosthetists and pedorthists (OPPCE).**

(A) All licensees shall verify the successful attainment of approved OPPCE as set forth in rule 4779-9-02 of the Administrative Code.

(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 earned after signature date on the renewal application for that period.

(C) 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) 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.

(E) Failure to meet OPPCE requirements or failure to provide attestation of completion of necessary OPPCE hours sent to the board by January thirty-first of any relevant renewal year may result in automatic suspension of license by April first of that year, pursuant to section 4779.20 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: 01/23/2003; 04/09/2007

**4779-9-02 Activities which meet the OPPCE requirements.**

Applicants for renewal shall successfully complete the required number of OPPCE hours according to section 4779.20 of the Revised Code. The board will accept as continuing educating units all courses approved by the board of orthotist/prosthetist certification, American board for certification in orthotics and prosthetics, and the board for certification in pedorthics.

The board will also accept continuing education units as specified by Revised Code section 4779.24.

Effective: 01/23/2003

### **4779-10-01 Ethical And Professional Conduct.**

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.

Effective: 8/9/2002

### **4779-10-02 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.

Effective: 08/09/2002

**4779-12-01 Fees.**

The following fee schedule shall apply:

(A) The application fee for an applicant submitting one or more license applications simultaneously shall be one hundred twenty-five dollars. Applications submitted separately or subsequently by an applicant shall require a one hundred and twenty-five dollar fee for each application submitted.

(B) The application fee for a temporary license shall be one hundred fifty dollars.

(C) Renewal fee is three hundred dollars per licensee.

(D) Reinstatement fee is one hundred and fifty dollars, in addition to the renewal fee.

(E) Examination fees will be paid directly to appropriate testing agencies by the applicant.

Effective: 08/09/2002; 01/23/2003

**4779-12-02 Replacement Of License Or Certificate.**

The State Board of Orthotics, Prosthetics, or Pedorthics board may replace an identification card or certificate due to loss, theft, or destruction for the cost to print and mail this material. A certificate may also be reprinted due to name change, provided the original is returned to the board. A replacement fee will be required for an identification card or certificate issued in addition to those issued for initial application or renewal.

(A) A license card - four dollars;

(B) A license certificate - six dollars.

Effective: 08/09/2002