

Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board
Orthotics, Prosthetics, and Pedorthics Advisory Council

May 10, 2023

9:00 AM Roll Call

77 South High Street, 19th Floor, Room 1924, Columbus, OH 43215

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 222 850 400 090

Passcode: cjZoEJ

Or call in (audio only)

[+1 614-721-2972](tel:+16147212972).,361285723# United States, Columbus

Phone Conference ID: 361 285 723#

1. Administrative Matters

1.1 Introductions

1.2 Agenda Review

1.3 Approval of Minutes

Action Required

1.4 Executive Director's Report

1.5 Discussion of Law and Rule Changes

1.5.1 Five year rule review – OPP

1.5.2 House Bill 509 – occupational license review rule changes

1.5.3 Senate Bill 131 – universal reciprocity

1.6 Board newsletter topic ideas

2. Licensure Applications

2.1 Application Review Liaison Report

2.1.1 Unique Circumstances Candidates

2.2 Continuing Education Liaison Report

2.3 Licensure Renewal Report

2.4 3-D Printing Applications

3. Enforcement Division

3.1 Case Review Liaison Report

4. Correspondence

5. OOPA Report

6. Open Forum

7. Old Business

7.1 Pedorthist Appointment

8. New Business

9. Next Meeting Preparation – September 21 (scheduled)

9.1 Executive Director Assignments

10. Adjournment



Ohio Occupational, Physical Therapy
and Athletic Trainers Board

*Orthotics, Prosthetics, and Pedorthics Advisory Committee
March 16, 2023*

*Riffe Center, 77 South High Street, 19th Floor, Columbus, OH
43215*

Members Present

Alan Kercher, LP
Derek Kinsella, LPO
Nicholas Sellas, LPO
Brian Weaver, LPO, Chair

Members Absent

None

Legal Counsel

Not present

Staff

Melissa Anthony, Executive Director
Aariann Felix, Administrative Assistant

Guest

Nichole Dearth, OT Section
Nancy Barbour
Pamela Brannen

Call to Order

Brian Weaver, Chair, called the meeting to order at 9:06 AM.

Brian Weaver moved that the minutes from the February 8, 2023 meeting be approved as submitted. Derek Kinsella seconded. All in favor. Motion passes

Executive Director Report

The Executive Director gave updates licensure statistics, and updates to the website and the Board's budget.

Discussion of Laws and Rules

Brian Weaver moved to have the Executive Director file rules related to House Bill 509 with the Common Sense Initiative. Derek Kinsella seconded. All in favor. Motion passes.

Brian Weaver moved to submit budget language changes as discussed to the legislature. Alan Kercher seconded. All in favor. Motion passes.

The Council had a lengthy discussion about House Bill 131 and licensure under universal reciprocity. Draft rules will be presented at the next meeting.

Licensure by Unique and Exceptional Qualifications

Brian Weaver moved to ask for additional information for licensure candidate Pamela Brannen for licensure under unique and exceptional qualifications. Derek Kinsella seconded. All in favor. Motion passes.

Brian Weaver moved to ask for additional information for licensure candidate Nancy Barbour for licensure under unique and exceptional qualifications. Derek Kinsella seconded. All in favor. Motion passes.

The Orthotics, Prosthetics, and Pedorthics Advisory Committee recessed at 10:06AM and returned at 10:15AM.

Enforcement Report

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

Correspondence

No report.

OOPA Report

No report.

Open Forum

No items.

Old Business

The advisory committee discussed the possibility of doing virtual meetings.

New Business

None

Next Meeting Preparation

Executive Director Assignments

Next meeting is scheduled for May 10, 2023.

Adjournment

There being no further business and no objections, Brian Weaver adjourned the meeting at 11:06AM.

Respectfully submitted,

Aariann Felix



Brian Weaver, LPO, Chair



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

EXECUTIVE DIRECTOR REPORT - MAY 2023

LICENSURE STATISTICS

License Type	%	Number of Active licenses as of 3/2/2023	change since last Board mtg	Number of Active licenses as of 5/5/2023	change since last Board mtg
Athletic Trainer	8.45%	2,980	0%	3,001	1%
Occupational Therapist	21.22%	7,484	1%	7,533	1%
Occupational Therapy Assistant	13.47%	4,757	0%	4,784	1%
Physical Therapist	32.08%	11,341	1%	11,390	0%
Physical Therapist Assistant	23.17%	8,206	-10%	8,226	0%
PT Compact privilege	0.59%	172	11%	211	23%
PTA Compact privilege	0.08%	27	8%	27	0%
Orthotist	0.21%	75	-14%	75	0%
Pedorthist	0.17%	59	-20%	59	0%
Prosthetist	0.16%	58	-17%	58	0%
Prosthetist-Orthotist	0.39%	139	-12%	140	1%
3-D printing	0.00%	1	0%	1	0%
Total	100.00%	35,299	-2%	35,505	1%

ELICENSE

- Pending tickets:
 - May 2023 - Upgrade of eLicense system to Salesforce "Lightning"
 - March and June 2023 - OPP application changes based on HB 509
 - September 2023 - Switch out human trafficking video - pending board input
 - TBD -automation of PT Compact privilege entry into eLicense (will be a grant request from FSBPT)
 - TBD - automation of sending of license verification requests
 - TBD - license picker assistance - checklist (endorsement vs. exam)

- TBD - autogeneration of wall certs on name change
- TBD - add service request for "additional documentation"
- TBD - Adding a Minimum Data Set to be collected on renewal
- TBD - adding a licensure checklist for OPP and making minor adjustments to licensure logic

PERSONNEL, BUDGET, AND OFFICE REPORT

- Website project - Progress continues
- Customer service survey - staff kudos
 - eLicense upgrade
 - switch to Kronos for payroll
 - OhioBuys, new email list serve...lots of change
- Revenue:
 - February 2022 - \$51,475.01 (no renewals except tail end of PT)
 - March 2022 - \$14,328.80 (no renewals)
 - April 2022 - \$45,977.80 (OTA renewals)
 - May 2022 - \$97,673.00 (OTA renewals)
 - June 2022 - \$177,245.01 (OTA renewals)
 - July 2022 - \$126,750 (AT renewals)
 - August 2022 - \$75,546.30 (AT renewals)
 - September 2022 - \$122,425 (AT renewals)
 - October 2022 - \$30,617 (no renewals)
 - November 2022 - \$80,398.76 (PTA and OPP renewals)
 - December 2022 - \$116,540.00 (PTA and OPP renewals)
 - January 2023 - \$378,780 (PTA and OPP renewals)
 - February 2023 - \$98,136.91 (no renewals except the tail end of PTA plus FSBPT grant receipt (\$22,000))
- Total revenue FY 2023 revenue (through Feb. 28) - \$1,029,193.97
- Total appropriation for FY 2023 - \$1,218,762.60. The Board has collected 84% of the revenue needed to cover the appropriation.
- Expenses (Budget overview - FIN):

Account	Account Description	Budget Period	Budget	Expense	Encumbrance	Available Budget*	Percent Available
500	Personal Services	2023Q1	188,777.22	188,777.22	0	0	0
500	Personal Services	2023Q2	237,858.81	237,858.81	0	0	0
500	Personal Services	2023Q3	201,887.40	201,887.40	0	0	0
500	Personal Services	2023Q4	230,796.00	100,474.47	0	130,321.53	56.47
510	Purchased Personal Services	2023	20,000.00	13,341.20	3,745.00	2,913.80	14.57
520	Supplies and Maintenance	2023	339,443.17	269,318.14	1,206.60	68,918.43	20.3
	Total		1,218,762.60	1,011,657.24	4,951.60	202,153.76	91.34

MISCELLANEOUS

- Currently auditing the PTA 2021, OT 2021, PT 2022 renewal (with the JAM), OTA 2022, and AT 2022. Next will be PT and OPP 2023.
- National level committee work:
 - BOCAT Regulatory Affairs Advisory Panel - Chair
 - FSBPT Educator Licensure Task Force (complete)
 - FSBPT membership task force and CBA chair
 - PT Compact Fiscal Committee
 - PT Compact Education task force
 - OT Compact Executive Committee, Education Committee, Finance Committee

LEGISLATIVE

- House Bill 33 - FY 24-25 budget - pending in House Finance Committee

RULES

Rule package	#	Status
OT Applications for Initial Licensure and OT CE Safe Haven	3	Filed with JCARR
AT CE and licensure requirements for Safe Haven, reinstatement CE requirement change	3	Received early stakeholder feedback
OPP HB 509 changes	6	Filed with Common Sense Initiative
Rule Restructuring	Many	ESR - will file with CSI after Board review
SB 131	4	Will send ESR after Board review

BOARD MEMBER REMINDERS

- Training:
 - Ethics by 12/31/2023
 - (<https://www.ethics.ohio.gov/education/elearning/ecourses.html>)
 - If we need you to conduct other training, we are in touch
 - Contact Missy or Ariann if you are unsure what you have completed

OUTREACH

- Safe Haven implementation - Monthly emails about free CE and social media, plus newsletter
- OT Ethics presentation - available online
- April 10 - Cleveland State PT class (Missy/McIntyre)
- April 14 - OPTA conference (Board booth)
- May 5-6 - OATA conference (AT Section presentation)
- May 9 - Owens Community College OTA (Heldmann)
- June 9 - Mercy Health athletic trainers (Sczpanski)
- July 10 - Mount St. Joseph PT class

- July 12 - Cincinnati State OTA classes
- July 22-23 - FSBPT LIF (Missy/Campbell)
- August 7-8 - School Based Summit (Missy/VanHoose/Dearth)
- August 9 - FSBPT webinar on military spouse licensure
- October 18-22 - FSBPT annual conference and PT Compact meeting (Missy/Campbell/VanHoose) - will include a Safe Haven/impaired practitioner session
- October 20-21 - OOTA conference (OT Section/Safe Haven preconference)

4755-61-01

Notice of meetings.

- (A) The ~~orthotics, prosthetics, and pedorthics advisory council and joint occupational therapy, physical therapy, and athletic trainers~~ board and orthotics, prosthetics, and pedorthics advisory council ~~must~~will comply with the public meeting requirements outlined in section 121.22 of the Revised Code.
- (B) Any person ~~may~~can 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 its business address: "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~~can 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 as indicated in section (B) of this rule. The board will ~~mail or email~~e-mail to such person a notice of the time and place of the meeting, and the type of business to be discussed, at least four calendar days before the meeting is scheduled unless the meeting is an emergency meeting.
- (D) The board will maintain a list of representatives of the news media who requested notice of special or emergency meetings. The board ~~must mail or email to such representatives~~will e-mail notice ~~to this list at least four days before special meetings or must telephone or email notice~~ at least twenty-four hours before special meetings. In the event of an emergency meeting, the representatives of the news media who requested notification ~~must~~will be notified immediately of the time, place, and purpose of the meeting. News media who requested meeting notification must supply the board with the name, mailing address, ~~email~~e-mail address, and telephone number of the representative to be contacted.

4755-61-02

Method of public notice in adopting, amending, or rescinding rules.

- (A) The Ohio occupational therapy, physical therapy, and athletic trainers board ("board") ~~must~~will comply with the provisions of section 119.03 of the Revised Code for the purposes of adoption, amendment, or rescission of rules. Compliance ~~must include~~ includes giving proper and reasonable public notice of rule changes.
- (B) The ~~Ohio occupational therapy, physical therapy, and athletic trainers~~ board ~~must~~ will comply with the provisions of section 106.03 of the Revised Code when reviewing existing rules.
- (C) The board will complete the common sense initiative process for proposed rules and rule changes as required by section 107.53 of the Revised Code and any rules promulgated by that office prior to filing board rules with the legislative service commission.
- ~~(C)~~(D) Pursuant to section 119.0311 of the Revised Code, the ~~Ohio occupational therapy, physical therapy, and athletic trainers~~ board ~~must~~ will publish a guide to public participation in rule-making.
- ~~(D)~~(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 e-mail.

4755-61-03

Definitions governing access to confidential personal information.

No changes - will be renumbered

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

- (A) "Access" as a noun means an instance of copying, viewing, or otherwise perceiving whereas "access" as a verb means to copy, view, or otherwise perceive.
- (B) "Acquisition of a new computer system" means the purchase of a "computer system," as defined in this rule, that is not a computer system currently in place nor one for which the acquisition process has been initiated as of the effective date of the agency rule addressing requirements in section 1347.15 of the Revised Code.
- (C) "Agency" means the Ohio occupational therapy, physical therapy, and athletic trainers board.
- (D) "Computer system" means a "system," as defined by section 1347.01 of the Revised Code, that stores, maintains, or retrieves personal information using electronic data processing equipment.
- (E) "Confidential personal information" (CPI) has the meaning as defined by division (A)(1) of section 1347.15 of the Revised Code and identified by rules promulgated by the Ohio occupational therapy, physical therapy, and athletic trainers board in accordance with division (B)(3) of section 1347.15 of the Revised Code that references the federal or state statutes or administrative rules that make personal information maintained by the agency confidential.
- (F) "Employee of the state agency" means each employee of a state agency regardless of whether he/she holds an elected or appointed office or position within the state agency. "Employee of the state agency" is limited to personnel employed by or appointed to the Ohio occupational therapy, physical therapy, and athletic trainers board.
- (G) "Incidental contact" means contact with the information that is secondary or tangential to the primary purpose of the activity that resulted in the contact.
- (H) "Individual" means a natural person or the natural person's authorized representative, legal counsel, legal custodian, or legal guardian.
- (I) "Information owner" means the individual appointed in accordance with division (A) of section 1347.05 of the Revised Code to be directly responsible for a system.

- (J) "Person" means a natural person.
- (K) "Personal information" has the same meaning as defined in division (E) of section 1347.01 of the Revised Code.
- (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.

4755-61-04

Procedures for accessing confidential personal information.

No changes - will be renumbered

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

(A) Criteria for accessing confidential personal information.

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

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

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

- (1) Verify the identity of the individual by a method that provides safeguards commensurate with the risk associated with the confidential personal information;
- (2) Provide to the individual the list of confidential personal information that does not relate to an investigation about the individual or is otherwise not excluded from the scope of Chapter 1347. of the Revised Code; and
- (3) If all information relates to an investigation about that individual, inform the individual that the agency has no confidential personal information about the individual that is responsive to the individual's request.

(C) Notice of invalid access.

- (1) Upon discovery or notification that confidential personal information of a person has been accessed by an employee for an invalid reason, the agency must notify the person whose information was invalidly accessed as soon as practical and to the extent known at the time. However, the agency must

delay notification for a period of time necessary to ensure that the notification would not delay or impede an investigation or jeopardize homeland or national security. Additionally, the agency may delay the notification consistent with any measures necessary to determine the scope of the invalid access, including which individuals' confidential personal information invalidly was accessed, and to restore the reasonable integrity of the system.

- (2) "Investigation" as used in this rule means a review of the circumstances and involvement of an employee surrounding the invalid access of the confidential personal information. Once the agency determines that notification would not delay or impede an investigation, the agency must disclose the access to confidential personal information made for an invalid reason to the person.
- (3) Notification provided by the board must inform the person of the type of confidential personal information accessed and the date(s) of the invalid access.
- (4) Notification may be made by any method reasonably designed to accurately inform the person of the invalid access, including written, electronic, or telephone notice.

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

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

(E) Completion of a privacy impact assessment.

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

4755-61-05

Valid reasons for accessing confidential personal information.

No changes - will be renumbered

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

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

- (1) Responding to a public records request;
- (2) Responding to a request from an individual for the list of CPI the agency maintains on that individual;
- (3) Administering a constitutional provision or duty;
- (4) Administering a statutory provision or duty;
- (5) Administering an administrative rule provision or duty;
- (6) Complying with any state or federal program requirements;
- (7) Processing or payment of claims or otherwise administering a program with individual participants or beneficiaries;
- (8) Auditing purposes;
- (9) License application or renewal or eligibility for examination processes;
- (10) Investigation or law enforcement purposes;
- (11) Administrative hearings;
- (12) Litigation, complying with an order of the court, or subpoena;
- (13) Human resource matters (e.g., hiring, promotion, demotion, discharge, salary/compensation issues, leave requests/issues, time card approvals/issues);

- (14) Complying with an executive order or policy;
 - (15) Complying with an agency policy or a state administrative policy issued by the department of administrative services, the office of budget and management or other similar state agency; or
 - (16) Complying with a collective bargaining agreement provision.
- (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 4755. or 4779. of the Revised Code or Chapters 4755-1 to 4755-66 of the Administrative Code that may result in licensure discipline or application denial. Authorized employees may review CPI of individuals who are not the subject of the investigation, but who otherwise may be witnesses with information related to the investigation. CPI may be reviewed by employees and members of the board in disciplinary matters that become the subject of administrative hearings or board action, including reporting disciplinary actions as required by state and federal law.
 - (2) Employees assigned to the continuing education audit may review CPI of license holders who are being audited for the purpose of carrying out that program.
 - (3) Authorized employees and board members may review CPI of persons who hold, are applying for, or are renewing a license issued by the board for purposes of verifying licensure, processing licensure and renewal applications, determining eligibility for licensure, performing financial transactions and reporting related to application processing, or any other activities undertaken for the purpose of carrying out that program.
 - (4) Employees assigned to fiscal and human resource positions may review CPI of vendors billing the board for services rendered and employees of the board for payroll and other human resource activities for the purpose of carrying out the board's daily activities.

4755-61-06

Confidentiality statutes.

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

- (A) Social security numbers: 5 U.S.C. 552a., unless the individual was told that the number would be disclosed.
- (B) Records of reporting required pursuant to 42 U.S.C. section 1320a-7e(b), 5 U.S.C. section 552a, and 45 C.F.R. part 61 for compliance with the U.S. department of health and human services' healthcare integrity and protection data bank (HIPDB).
- (C) "Bureau of criminal identification and investigation" criminal records check results: section 4776.04 of the Revised Code.
- (D) Records required or allowed to be kept confidential pursuant to section 149.43 of the Revised Code.
- (E) Information and records received or generated by the board pursuant to an investigation: division (E) of section 4755.02 [and division \(B\) of section 4779.33](#) of the Revised Code.
- (F) Medical records submitted with requests for testing accommodations and/or continuing education waiver requests: 5 C.F.R. 164 (2014).
- (G) College and university transcripts: 20 U.S.C. 1232 g(2013).

4755-61-07

Restricting and logging access to confidential personal information in computerized personal information systems.

No changes - will be renumbered

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

- (A) Access restrictions. Access to confidential personal information that is kept electronically must require a password or other authentication measure.
- (B) Acquisition of a new computer system. When the board acquires a new computer system that stores, manages or contains confidential personal information, the board must include a mechanism for recording specific access by employees of the board to confidential personal information in the system.
- (C) Upgrading existing computer systems. When the board modifies an existing computer system that stores, manages or contains confidential personal information, the board must make a determination whether the modification constitutes an upgrade. Any upgrades to a computer system must include a mechanism for recording specific access by employees of the board to confidential personal information in the system.
- (D) Logging requirements regarding confidential personal information in existing computer systems.
 - (1) The board must require employees of the board who access confidential personal information within computer systems to maintain a log that records that access.
 - (2) Access to confidential information is not required to be entered into the log under the following circumstances:
 - (a) The employee of the board is accessing confidential personal information for official board purposes, including research, and the access is not specifically directed toward a specifically named individual or a group of specifically named individuals.
 - (b) The employee of the board is accessing confidential personal information for routine office procedures and the access is not specifically directed toward a specifically named individual or a group of specifically named individuals.
 - (c) The employee of the board comes into incidental contact with confidential personal information and the access of the information is not specifically directed toward a specifically named individual or a group

of specifically named individuals.

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

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

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

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

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

(1) Who must maintain the log;

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

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

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

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

4755-64-01

Ethical and professional conduct.

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

- (A) A license holder ~~must~~ 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 license holder entering into a contractual relationship with a health care recipient, the license holder ~~must~~ shall provide sufficient information to enable the health care recipient to make an informed decision to enter into a contractual relationship. Sufficient information ~~must include~~ includes any fees and arrangements for payment which might affect the decision.
- (C) A license holder ~~must~~ shall not mislead the public and/or colleagues about services and ~~must~~ shall not advertise in a misleading manner.
- (D) A license holder ~~must~~ 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 license holder ~~must~~ 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 license holder ~~must~~ shall disclose to health care recipients any financial interest in commercial orthotics, prosthetics, or pedorthics device which the license holder promotes for the purpose of direct or indirect personal gain or profit.
- (G) A license holder ~~must~~ shall not accept gratuities for any reason including, but not limited to, preferential consideration of the health care recipient.
- (H) A license holder ~~must~~ shall report to the board any unprofessional, incompetent, unethical, or illegal behavior of an orthotist, prosthetist, prosthetist-orthotist, or pedorthist of which the person has knowledge. An obligation to report is inherent in the professions. Where the alleged violation involves impairment issues and no other provisions of Chapters 4755. or 4779. of the Revised Code or other provisions or rules adopted under them, the license holder may make a referral to the safe haven program in lieu of making report to the board.
- (I) A license holder ~~must~~ shall practice orthotics, prosthetics, or pedorthics in accordance with prevailing professional standards or guidelines and ~~must~~ 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.

- (J) A license holder ~~must~~ shall not carry out a prescribed service that he knows to be harmful to a patient.
- (K) A license holder ~~must~~ 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.
- (L) When responding to a consumer's, prescriber's or provider's request for orthotic, prosthetic, or pedorthic services, if it is evident from the initial evaluation and a review of patient history and/or chart information that another licensed orthotic, prosthetic, or pedorthic service provider is currently providing services based on the same or similar medical orders, the second provider has a professional duty of care to the consumer and the prescriber to contact the first provider and offer the opportunity to complete or clarify the appropriate provision of services.
- (M) Maintenance of consumer care information
- (1) A license holder ~~must~~ 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 ~~must~~ shall be maintained with privacy and security safeguards appropriate to the data retained in file.
 - (3) The license holder responsible for provision of care should take steps to assure the consumer file data is maintained a minimum of five years from last date of service unless a longer period is required by federal or state law or

conditions imposed by any third-party payer.

- (N) A license holder, or an applicant for licensure, ~~must~~ 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 license holder or an applicant for licensure may not withhold or refuse to provide copies of any records requested by the board or its representative unless otherwise ordered by a court.
- (O) A license holder ~~must~~ shall self report to the board, within thirty days, any of the items outlined in paragraphs (O)(1) to (O)(7) of this rule. Failure to comply with paragraphs (O)(1) to (O)(7) of this rule may be grounds for disciplinary action pursuant to section 4779.28 of the Revised Code and in accordance with Chapter 119. of the Revised Code.
- (1) Impairment due to abuse of or dependency on alcohol, drugs, or other medical condition or illness that affects the applicant's or license holder's ability to practice with reasonable skill and safety. This reporting requirement shall not be applicable where the applicant or license holder is a participant in the board's safe haven program and complies with the same.
 - (2) Conviction of a felony.
 - (3) Conviction of a misdemeanor when the act that constituted the misdemeanor occurred during the practice of orthotics, prosthetics, or pedorthics.
 - (4) The termination, revocation, or suspension of membership by a state or national orthotics, prosthetics, or pedorthics professional association.
 - (5) The termination, revocation, suspension, or sanctioning of a credential issued by a state or national orthotics, prosthetics, or pedorthics credentialing organization.
 - (6) A positive drug and/or alcohol screening.
 - (7) A finding of malpractice by a court of competent jurisdiction.
- (P) License holders ~~must~~ shall not document or bill for services not actually provided.
- (Q) License holders ~~must~~ shall not falsify, alter, or destroy patient records, medical

- records, or billing records without authorization. The license holder ~~must~~ shall maintain accurate patient and billing records.
- (R) A license holder ~~must~~ shall not abandon a patient by inappropriately terminating the practitioner-patient relationship.
- (S) A license holder ~~must~~ shall not engage in any sexual relationship, contact, or conduct, including dating, with any patient, or engage in any conduct that may reasonably be interpreted by the patient to be sexual, whether consensual or nonconsensual, while a ~~licensee~~license holder-patient relationship exists.
- (1) A license holder ~~must~~ shall not intentionally expose or view a completely or partially disrobed patient in the course of treatment if the exposure or viewing is not related to the patient diagnosis or treatment under current practice standards.
- (2) A license holder ~~must~~ shall not engage in a conversation with a patient that is sexual in nature or sexually demeaning and unrelated to the plan of care.
- (T) A license holder ~~must~~ shall not engage in sexual harassment of patients, students, and/or colleagues. Sexual harassment includes, but is not limited to, making unwelcome sexual advances, requesting sexual favors, and engaging in other verbal or physical conduct of a sexual nature that results in:
- (1) Withholding services to a patient;
- (2) Creating an intimidating, hostile, or offensive environment; or
- (3) Interfering with the patient's ability to recover.
- (U) License holders ~~must~~ shall cooperate with an investigation by the board. Failure to cooperate is conduct detrimental to the best interest of the public and grounds for disciplinary action. Cooperation includes responding fully and promptly to any questions raised by the board and providing copies of the medical records and other documents requested by the board,
- (1) A license holder ~~must~~ shall respond fully and truthfully to a request for information from the board.
- (2) A license holder ~~must~~ shall comply with a subpoena issued by the board.

- (3) A license holder ~~must~~ shall provide information or document within the time frame specified by the board.
 - (4) A license holder ~~must~~ shall appear and provide information at an interview requested by the board.
 - (5) A license holder ~~must~~ shall not deceive, or attempt to deceive, the board regarding any matter, including by altering or destroying any record or document.
 - (6) A license holder ~~must~~ shall not interfere with an investigation or disciplinary proceeding by willful misrepresentation of facts before the agency or the board, or by use of threats or harassment against any patient or witness to prevent the patient or witness from providing evidence in a disciplinary proceeding or any other legal action.
 - (7) A license holder ~~must~~ shall not refuse to provide testimony in an administrative hearing.
- (V) A license holder ~~must~~ shall not practice orthotics, prosthetics, or pedorthics while the ability to practice is impaired by alcohol, controlled substances, narcotic drugs, physical disability, mental disability, or emotional disability. If a license holder's or applicant's ability to practice is in question, and the license holder or applicant is not a participant in the board's safe haven program, the license holder or applicant ~~must~~ shall submit to a physical or mental examination or drug/alcohol screen as requested by the board to determine the applicant's or license holder's qualifications to practice orthotics, prosthetics, and pedorthics.

4755-64-02

Proper use of credentials.

- (A) A license holder ~~must~~ 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 license holder ~~must~~ 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 person for such documentation, or unless he/she appropriately supervised those services.
- (C) A license holder ~~must~~ 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.

4755-64-03

Investigations.

- (A) ~~Pursuant to sections 4779.28 and 4779.33 of the Revised Code, the~~ Ohio occupational therapy, physical therapy, and athletic trainers board ~~must~~ shall investigate compliance with Chapter 4755. and 4779. of the Revised Code or any rule or order adopted by the board. ~~The board must also investigate~~ Investigations shall include alleged grounds for the suspension, revocation, or refusal to issue or renew licenses, or reprimand, fine, or place a license holder on probation.
- (B) Board investigators may conduct ~~routine~~ inspections at the work site of license holders to determine compliance with the laws and rules ~~governing the practice of orthotics, prosthetics, and pedorthics~~of the board. Investigators will carry proper identification to be shown upon request.
- (C) ~~Routine inspections~~Inspections include, ~~but are not limited to, checking the display of wall certificates,~~ verifying proper supervision of and delegation of tasks performed by unlicensed personnel, ~~supervised by orthotics, prosthetics, and pedorthics staff,~~ documentation, ~~and/or~~and medical records, ~~relating to orthotics, prosthetics, and pedorthics~~and checking for authorized licensed practitioner referrals.
- (D) Investigations of complaints must include search for specific evidence regarding ~~the a~~ case. In accordance with division (A) of section 4755.02 and division ~~(B)~~(C) of section 4779.28 of the Revised Code, the ~~section~~ board may issue subpoenas to obtain copies of patient records, ~~and~~ personnel files of license holders, and other documents in connection with its investigations.
- (E) All ~~investigations/inspections~~ investigations and inspections ~~must~~ shall be conducted pursuant to the laws and rules of the state of Ohio and are confidential subject of division (E) of section 4755.02 and division (B) of section 4779.33 of the Revised Code.

4755-64-04

Denial and disciplinary action procedures.

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

(1) Pursuant to ~~section 119.07~~[Chapter 119.](#) of the Revised Code, a request for an administrative hearing on the proposed action must be received by the board within thirty days of ~~the mailing~~[service](#) of the notice of opportunity for a hearing.

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

(3) Pursuant to sections 4755.031 and 4779.281 of the Revised Code, a person sanctioned under sections 4755.11, 4755.47, 4755.482, 4755.64, or 4779.28 of the Revised Code shall pay a fee in the amount of the actual cost of the administrative hearing, including the cost of the court reporter, the hearing officer, transcripts, and any witness fees for lodging and travel.

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

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

(D) In the event a license issued by the board is suspended or revoked by the board pursuant to violation of any provision of Chapters 4775. or 4779. of the Revised Code or violation of any lawful order or rule of the board, the license holder shall, upon receipt of the final order or rule of the board, immediately surrender to the board office all evidence of the person's license, including the wall certificate.

Any photocopies of the wall certificate maintained in offices of employment shall be retrieved by the license holder and destroyed.

This paragraph shall apply in the case of consent agreements which may result in the voluntary surrender of a license issued by the board.

~~(D)~~(E) In accordance with ~~section~~ [sections 4755.11, 4755.47, 4755.64, or 4779.29](#) of the Revised Code, if the board determines that a license holder poses an immediate

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

~~(E)~~(F) The hearings and investigations related to ~~Chapter~~ Chapters 4755. and 4779. of the Revised Code must be considered civil actions for the purposes of section 3123.43 of the Revised Code. Notwithstanding section 121.22 of the Revised Code, proceedings of the board relative to the investigation of a complaint or the determination whether there are reasonable grounds to believe that a violation of ~~Chapter~~ Chapters 4755. or 4779. of the Revised Code occurred are confidential and are not subject to discovery in any civil action.

~~(F)~~(G) If requested by the board, the prosecuting attorney of a county, the village solicitor, or the city director of law of a municipal corporation, whenever a violation of ~~Chapter~~ Chapters 4755. or 4779. of the Revised Code allegedly occurs, must take charge of and conduct the prosecution.

~~(G)~~(H) In addition to any other remedy provided in ~~Chapter~~ Chapters 4755. or 4779. of the Revised Code, the board may request the attorney general or an appropriate prosecuting attorney to apply to an appropriate court for an order enjoining the violation of ~~Chapter~~ Chapters 4755. or 4779. of the Revised Code. On a showing that a person has violated or is about to violate ~~Chapter~~ Chapters 4755. or 4779. of the Revised Code, the court must grant an injunction, restraining order, or other order as appropriate. The injunction proceedings are in addition to all penalties and other remedies provided in ~~Chapter~~ Chapters 4755. or 4779. of the Revised Code.

*** DRAFT - NOT YET FILED ***

4755-64-05

Notice of change of name, place of employment, e-mail, and mailing address.

- (A) A license holder must notify the board of any change of name, place of business or employment, e-mail address or mailing address within thirty days after the change.
- (B) Notification ~~may be~~ is made ~~electronically by logging into the eLicense system~~ by making the change in eLicense Ohio or its successor licensing system.

4755-62-01

Definition of terms.

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

~~(A) General definitions~~

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

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

~~(B) Licensing language and educational standards~~

~~(1)(B)~~ "License" as it is used under ~~division (A) of section 4779.20~~ Chapter 4779. of the Revised Code, means the authority to practice in the noted profession pursuant to an action of the board.

~~(2)(C)~~ "License holder" means a person who holds a license issued under Chapter 4779. of the Revised Code.

~~(3)(D)~~ "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.

~~(4)(E)~~ "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).

~~(5)(F)~~ "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).

~~(G)~~(G) "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.

~~(H)~~(H) "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.

~~(I)~~(I) Supervision definitions and requirements

(1) "Physically present" as it is used under division (B) of section 4779.04 of the Revised Code means at the same building, location, or facility as the non-licensed practitioner and patient.

(2) "Under the direct supervision", as it is used under division (B)(5) of section 4779.02 of the Revised Code, means the person who provides orthotic, prosthetic, or pedorthic services under the supervision of a person authorized to practice medicine or osteopathic medicine, must perform the evaluation, measurement, design, fitting, adjusting, servicing, or training in a building, facility, or location where the physician or osteopathic physician is present at the time the service is provided and pursuant to a professional arrangement whereby the physician or osteopathic physician takes full clinical and consumer care responsibility for the orthotic, prosthetic, or pedorthic services provided.

~~(3) "Under the supervision" as it is used under division (B) in section 4779.18 of the Revised Code means the temporary license holder who practices under the supervision of a person who holds a full practitioner license issued under section 4779.09 of the Revised Code may conduct all activities either at a building, location, or facility where the supervising orthotist, prosthetist, or pedorthist is physically present or at a location where the supervising orthotist, prosthetist, or pedorthist is readily available to the person through some means of telecommunication and is in a location that under normal circumstances is not more than sixty minutes travel time away from the location where the temporary license holder is practicing.~~

4755-63-01

Applications for initial licensure by examination.

(A) Applications must be:

- (1) Submitted electronically via the Ohio e-license system;
- (2) Electronically signed via the Ohio e-license system;
- (3) Accompanied by the fee prescribed by rule 4755-66-01 of the Administrative Code; and
- (4) Accompanied by such evidence, statements, or documents as specified on the application.

(B) ~~For the purposes of filing an electronic application via the Ohio e-license system, the applicant will create a "UserID" and password. The use of the "UserID" and password is solely the responsibility of the person to whom it is issued. The "UserID" and password will constitute the legally recognized signature for the purposes of this rule and may not be transferred, distributed, or shared with any other person.~~ For purposes of filing an electronic renewal application via eLicense Ohio or its successor licensing system, the applicant shall create log-in credentials. The use of these credentials is solely the responsibility of the license holder who created it. The credentials constitute the legally recognized signature for the purposes of this rule and may not be transferred, distributed, or shared with any person.

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

- (1) If the application process extends for a period longer than one year, the board may require updated information as it deems necessary.
- (2) No application for licensure may be withdrawn without approval of the board. An applicant may request to withdraw an application by submitting a request through eLicense Ohio.
- (3) Submitted fees are neither refundable nor transferable.

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

- (1) Submit an attestation that the applicant is at least eighteen years old and meets

the requirements of section 4779.10, 4779.11, 4779.12, or 4779.13 of the Revised Code.

- (2) Pass an examination approved by the board pursuant to section 4779.15 of the Revised Code.
 - (3) Attestation and submission of fingerprints for criminal record checks by the Ohio bureau of criminal identification and investigation (BCII) and the federal bureau of investigation (FBI), if the application is for the first issuance of a license.
- (E) In addition, an application for a license to practice orthotics must document compliance with the following requirements:
- (1) A post-secondary educational credential of at least a bachelors degree;
 - (2) A certificate of completion of a post-graduate certificate program in orthotics, unless the applicant's post-secondary educational credential is a bachelors or masters degree specifically in orthotics and prosthetics;
 - (3) Completion of a residency program in orthotics consisting of nineteen hundred hours supervised by a practitioner certified in orthotics;
 - ~~(4) A letter or statement from an Ohio licensed orthotist or prosthetist-orthotist, attesting to having conducted supervision for at least an eight month period (required if residency not conducted under Ohio licensed supervisor). This requirement is waived for applicants who meet the requirements of section 4779.17 of the Revised Code;~~
 - ~~(5)~~(4) An applicant with an educational credential from a foreign educational institution must show educational equivalence according to rule 4755-63-14 of the Administrative Code.
- (F) In addition, an application for a license to practice prosthetics must document compliance with the following requirements:

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

- (3) Completion of a residency program in prosthetics consisting of nineteen hundred hours supervised by a practitioner certified in prosthetics;
 - ~~(4) A letter or statement from an Ohio licensed prosthetist or prosthetist orthotist, attesting to having conducted supervision for at least an eight month period (required if residency not conducted under Ohio licensed supervisor). This requirement is waived for applicants who meet the requirements of section 4779.17 of the Revised Code;~~
 - ~~(5)~~(4) An applicant with an educational credential from a foreign educational institution must show educational equivalence according to rule 4755-63-14 of the Administrative Code.
- (G) In addition, an application for a license to practice orthotics and prosthetics must document compliance with the following requirements:
- (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)~~(4) An applicant who holds a license in orthotics and successfully completes all the requirements for a license in prosthetics will be issued a new license in prosthetics-orthotics;
 - ~~(6)~~(5) An applicant who holds a license in prosthetics and successfully completes all the requirements for a license in orthotics will be issued a new license in prosthetics-orthotics;
 - ~~(7)~~(6) An applicant with an educational credential from a foreign educational institution must show educational equivalence according to rule 4755-63-14

of the Administrative Code.

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

- (1) A high school diploma or a certificate of high school equivalence.
- (2) A statement from the supervising pedorthist, orthotist, prosthetist, or prosthetist-orthotist; that the applicant has practiced ~~for eight months~~ under the supervisor's oversight and direction. The statement must be provided on a form prescribed by the state board of orthotics, prosthetics, and pedorthics which requires attestation of completion of one thousand hours of pedorthic care practice under supervision by the licensed supervisor, including at least one hundred hours devoted to each of the following five general areas of service delivery:
 - (a) Comprehensive assessment and evaluation of patients requiring the full spectrum of pedorthic care, including:
 - (i) Custom fabricated and custom fitted foot orthoses
 - (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.
- ~~(1) A candidate for a full license in orthotics, prosthetics, prosthetics-orthotics, or pedorthics who has already been granted a temporary license under section 4779.18 of the Revised Code and is practicing under that license may advance the temporary license to full license status by documenting completion of the remaining requirements without submitting a new license application. Documentation must include:
 - ~~(1) Proof of successful passage of the examination as provided by section 4779.15 of the Revised Code; and~~
 - ~~(2) Proof that the applicant has practiced for not less than eight months under the supervision of a person licensed under Chapter 4779. of the Revised Code to practice orthotics, prosthetics, or pedorthics as required by division (A) of section 4779.10, division (A) of section 4779.11, division (A) of section 4779.12, or division (A) of section 4779.13 of the Revised Code.~~~~

(A) Applications must be:

- (1) Submitted electronically via the Ohio e-license system;
- (2) Electronically signed via the Ohio e-license system;
- (3) Accompanied by the fee prescribed by rule 4755-66-01 of the Administrative Code; and
- (4) Accompanied by such evidence, statements, or documents as specified on the application.

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

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

- (1) If the application process extends for a period longer than one year, the board may require updated information as it deems necessary.
- (2) No application for licensure may be withdrawn without approval of the board. An applicant may request to withdraw an application by submitting a request through eLicense Ohio.
- (3) Submitted fees are neither refundable nor transferable.

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

- (1) The application must contain an attestation that the applicant is at least eighteen years old and meets the requirements of section 4779.18 of the Revised Code.
- (2) An applicant seeking a first license issued by the state board of orthotics, prosthetics, and pedorthics must comply with the criminal record check

requirements of section 4779.091 of the Revised Code and rule 4755-63-12 of the Administrative Code.

- (3) A license issued pursuant to section 4779.18 of the Revised Code expires one year after issuance, and may only be renewed once.
- (E) In addition, an application for a temporary license to practice orthotics must document compliance with the requirements of division (A) of section 4779.18 of the Revised Code as follows:
- (1) A post-secondary educational credential of at least a bachelors degree;
 - (2) A certificate of completion of a post-graduate certificate program in orthotics, unless the applicant's post-secondary educational credential is a bachelors or masters degree specifically in orthotics and prosthetics;
 - (3) Completion of a residency program in orthotics consisting of nineteen hundred hours supervised by a practitioner certified in orthotics;
 - (4) A statement co-signed by the applicant and the current or prospective Ohio-licensed supervisor affirming that both are aware of and will abide by the law and rules governing supervision for a temporary license;
- (F) In addition, an application for a temporary license to practice prosthetics must document compliance with the requirements of division (A) of section 4779.18 of the Revised Code as follows:
- (1) A post-secondary educational credential of at least a bachelors degree;
 - (2) A certificate of completion of a post-graduate certificate program in prosthetics, unless the applicant's post-secondary educational credential is a bachelors or masters degree specifically in orthotics and prosthetics;
 - (3) Completion of a residency program in prosthetics consisting of nineteen hundred hours supervised by a practitioner certified in prosthetics;
 - (4) A statement co-signed by the applicant and the current or prospective Ohio-licensed supervisor affirming that both are aware of and will abide by the law and rules governing supervision for a temporary license;

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

- (1) A post-secondary educational credential of at least a bachelors degree;
- (2) A certificate of completion of post-graduate certificate programs in prosthetics and orthotics, unless the applicant's post-secondary educational credential is a bachelors or masters degree specifically in orthotics and prosthetics;
- (3) Completion of a residency program in prosthetics and orthotics, consisting of nineteen hundred hours supervised by a practitioner certified in prosthetics, and nineteen hundred hours supervised by a practitioner certified in orthotics;
- (4) A statement co-signed by the applicant and the current or prospective Ohio-licensed supervisor affirming that both are aware of and will abide by the law and rules governing supervision for a temporary license;

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

- (1) A high school diploma or a certificate of high school equivalence;
- (2) A statement co-signed by the applicant and the current or prospective Ohio-licensed supervisor affirming that both are aware of and will abide by the law and rules governing supervision for a temporary license;
- (3) Completion of the training, education, and/or experience requirements necessary to sit for the certification in pedorthics examination in accordance with standards established by the national commission on orthotic and prosthetic education (NCOPE).

4755-63-15

Unique and exceptional qualifications.

- (A) "Unique and exceptional qualifications" as used in division (A) of section 4779.08 of the Revised Code means education, training, or experience that qualify a person to perform orthotic or prosthetic care outside of the traditional pathway outlined in sections 4779.10, 4779.11, 4779.12, [or 4779.17](#), ~~or 4779.18~~ of the Ohio Revised Code.
- (B) The Occupational Therapy, Physical Therapy, and Athletic Trainers Joint Board will determine whether a person is uniquely and exceptionally qualified on a case-by-base basis based on the information supplied by the applicant and other information deemed relevant by the Board. The joint board shall consult with a member of the Orthotics, Prosthetics, and Pedorthics Advisory Committee in determining whether an applicant meets the unique and exceptional qualifications.
- (C) Applicants may apply for licensure by unique and exceptional qualifications via one of the following paths:
- (1) Experiential
 - (a) Applicants with at least fifteen years of extensive orthotic or prosthetic experience, including direct patient care, in the discipline for which they have applied. Applicants must demonstrate proof of 50 continuing education hours within the five years prior to submission of application. 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; or
 - (b) Applicants with at least fifteen years of extensive orthotic and prosthetic experience, including direct patient care, when applying to be a licensed prosthetist-orthotist. Applicants must demonstrate proof of 70 continuing education hours within the five years prior to submission of application. 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.
 - (2) Applicants who meet the academic requirements described in division (A)(3) of section 4779.10 of the Revised Code, division (A)(3) of section 4779.11 of the Revised Code, division (A)(3) of section 4779.12 of the Revised Code, or

division (A)(3) of section 4779.17 of the Revised Code, but have not completed a professional clinical residency meeting national commission on orthotic and prosthetic education requirements. These applicants shall submit proof of at least two years of applicable orthotic or prosthetic experience within the five years before application that was obtained under supervision of a licensed or certified orthotist or prosthetist in the discipline for which they have applied. ~~An applicant may be granted a temporary license for up to two years to work under the supervision in Ohio in order to meet the requirements of this division.~~

- (D) In addition to the requirements described in division (C) of this rule, an applicant must submit:
- (1) Two letters of recommendation to the board demonstrating qualifications for licensure; and
 - (2) Proof of current and unrestricted active certification from either BOC or ABC.
- (E) Any applicant applying for licensure under division (C)(2) of this rule must comply with rule 4755-63-14 of the Administrative Code.

*** DRAFT - NOT YET FILED ***

4755-66-02

Temporary license fee - [To Be Rescinded](#).

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

*** DRAFT - NOT YET FILED ***

4755-66-05

Fee to upgrade from temporary to full license - To Be Rescinded.

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

4755-63-02

Licensure ~~by endorsement~~ for out-of-state applicants.

(A) In accordance with ~~division (A)(4) of section 4779.17~~ Chapter 4796. 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 qualifies under one of the following paths:

(1) Meets the same standard as for Ohio licensure by:

~~(1)(a)~~ Qualifies Qualifying 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)(b)~~ Holds Holding 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.

(2) Holds a substantially similar out-of-state occupational license or government certification according to Chapter 4795.03 (A) of the Revised Code and the applicant:

(a) Has held the out-of state license or government certification for at least one year immediately preceding the date of application; and

(b) Is in good standing in all jurisdictions in which the applicant holds an out-of-state occupational license or government certification to practice the same profession, occupation, or occupational activity for which the applicant is applying in this state; and

(c) Was required to satisfy minimum education, training, or experience requirements or pass an examination to receive the out-of-state occupational license or government certification; and

(d) Has not surrendered or had revoked a license, out-of-state occupational license, or government certification because of negligence or intentional misconduct related to the applicant's work in the same profession, occupation, or occupational activity for which the applicant is applying in this state; and

(e) Has not been convicted of, found guilty pursuant to a judicial finding of, or plead guilty to a criminal offense for which a licensing authority may deny an application for a license or government certification or that would otherwise disqualify the applicant for the license or government certification under the applicable law of this state governing the profession, occupation, or occupational activity for which the applicant

is applying.

(3) Holds a private certification and the applicant:

(a) Has held a private certification for at least two years immediately preceding the date the application is submitted and has been actively engaged in the same profession, occupation, or occupational activity as the license or government certification for which the applicant is applying in this state in a state that does not issue an out-of-state occupational license or government certification for the respective profession, occupation, or occupational activity for at least two of the five years immediately preceding the date the application is submitted; and

(b) Is in good standing with the private organization that issued the private certification; and

(c) Has not surrendered or had revoked a license, out-of-state occupational license, or government certification because of negligence or intentional misconduct related to the applicant's work in the same profession, occupation, or occupational activity for which the applicant is applying in this state; and

(d) Has not been convicted of, found guilty pursuant to a judicial finding of, or plead guilty to a criminal offense for which a licensing authority may deny an application for a license or government certification or that would otherwise disqualify the applicant for the license or government certification under the applicable law of this state governing the profession, occupation, or occupational activity for which the applicant is applying.

(B) Applications must be:

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

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

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

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

~~rule 4775-63-01~~ [in Chapter 4755.](#) of the Administrative Code.

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

Newly issued OPP licenses – May meeting

LP.00384	John Edward Haas
LPO.00407TEMP	Karen Roth
LPO.00409	Katherine Williamson
LPO.00408	Kurt Richard Rocco

ENFORCEMENT STATISTICS FOR OPP

Date: 05/10/2023

Statistics:

“New” cases opened since the last meeting: 00

Cases “closed” at the last meeting: 00

Cases “currently open”: 00

Active consent agreements: 00

Adjudication orders being monitored: 00

***Statistics as of 05/08/2023**