ORTHOTICS, PROSTHETICS, AND PEDORTHICS LAWS AND RULES

Effective May 30, 2019

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This document includes the chapters of the Ohio Revised Code (ORC) and Ohio Administrative Code (OAC) related to the practice of physical therapy in Ohio. This is not an official version of the ORC or OAC and may contain errors. Official version may be found on LaWriter:

http://codes.ohio.gov/orc/4779
http://codes.ohio.gov/oac/4779
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**Summary of changes since May 2018**

**Statute Changes**

The Orthotics, Prosthetics, and Pedorthics Board was consolidated into the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers (OTPTAT) Board effective January 21, 2018. Since then, the OTPTAT Board has made several changes to fees, processes, and continuing education through Board action. Read more here:

[https://otptat.ohio.gov/Portals/0/OPP%20licensure%20fact%20sheet.pdf](https://otptat.ohio.gov/Portals/0/OPP%20licensure%20fact%20sheet.pdf)

**Rule Changes**

Please note that the orthotics, prosthetics, and pedorthics rules are undergoing a major overhaul as a result of the consolidation with the OTPTAT Board. Visit [https://otptat.ohio.gov/Rules-Updates](https://otptat.ohio.gov/Rules-Updates) for more information.
Ohio Revised Code Chapter 4779: ORTHOTISTS, PROSTHETISTS, PEDORTHISTS

4779.01 Orthotist, prosthetist and pedorthist definitions.

As used in this chapter:

(A) "Accommodative" means designed with the primary goal of conforming to the anatomy of a particular individual.

(B) "Full-time" means not less than one thousand six hundred hours per year.

(C) "Inlay" means any removable material on which the foot rests inside a shoe and that may be an integral design component of the shoe.

(D) "Orthotics" means the evaluation, measurement, design, fabrication, assembly, fitting, adjusting, servicing, or training in the use of an orthotic or pedorthic device, or the repair, replacement, adjustment, or service of an existing orthotic or pedorthic device. It does not include upper extremity adaptive equipment used to facilitate the activities of daily living, finger splints, wrist splints, prefabricated elastic or fabric abdominal supports with or without metal or plastic reinforcing stays and other prefabricated soft goods requiring minimal fitting, nontherapeutic accommodative inlays, shoes that are not manufactured or modified for a particular individual, prefabricated foot care products, durable medical equipment, dental appliances, pedorthic devices, or devices implanted into the body by a physician.

(E) "Orthotic device" means a custom fabricated or fitted medical device used to support, correct, or alleviate neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity.

(F) "Pedorthics" means the evaluation, measurement, design, fabrication, assembly, fitting, adjusting, servicing, or training in the use of a pedorthic device, or the repair, replacement, adjustment, or servicing of a pedorthic device.

(G) "Pedorthics device" means a custom fabricated or fitted therapeutic shoe, shoe modification for therapeutic purposes, prosthetic filler of the forefoot, or foot orthosis for use from the apex of the medial malleolus and below. It does not include an arch support, a nontherapeutic accommodative inlay, nontherapeutic accommodative footwear, prefabricated footcare products, or unmodified, over-the-counter shoes.

(H) "Prosthetics" means the evaluation, measurement, design, fabrication, assembly, fitting, adjusting, servicing, or training in the use of a prosthesis or pedorthic device, or the repair, replacement, adjustment, or service of a prosthesis or pedorthic device.

(I) "Prosthesis" means a custom fabricated or fitted medical device used to replace a missing appendage or other external body part. It includes an artificial limb, hand, or foot, but does not include devices implanted into the body by a physician, artificial eyes, intraocular lenses, dental appliances, ostomy products, cosmetic devices such as breast prostheses, eyelashes, wigs, or other devices that do not have a significant impact on the musculoskeletal functions of the body.

Effective Date: 06-06-2001.
4779.02 License required.

(A) Except as provided in division (B) of this section, no person shall practice or represent that the person is authorized to practice orthotics, prosthetics, or pedorthics unless the person holds a current, valid license issued or renewed under this chapter.

(B) Division (A) of this section does not apply to any of the following:

(1) An individual who holds a current, valid license, certificate, or registration issued under Chapter 4723., 4729., 4730., 4731., 4734., or 4755. of the Revised Code and is practicing within the individual's scope of practice under statutes and rules regulating the individual's profession;

(2) An individual who practices orthotics, prosthetics, or pedorthics as an employee of the federal government and is engaged in the performance of duties prescribed by statutes and regulations of the United States;

(3) An individual who provides orthotic, prosthetic, or pedorthic services under the supervision of a licensed orthotist, prosthetist, or pedorthist in accordance with section 4779.04 of the Revised Code;

(4) An individual who provides orthotic, prosthetic, or pedorthic services as part of an educational, certification, or residency program approved by the Ohio occupational therapy, physical therapy, and athletic trainers board under sections 4779.25 to 4779.27 of the Revised Code;

(5) An individual who provides orthotic, prosthetic, or pedorthic services under the direct supervision of an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.

Amended by 130th General Assembly File No. TBD, HB 326, §1, eff. 3/23/2015.

Effective Date: 06-06-2001.

4779.03 Unauthorized use of titles.

No person shall use the titles "licensed orthotist," "licensed prosthetist," "licensed orthotist-prosthetist," or "licensed pedorthist," the initials "L.O.," "L.P.," "L.O.P.," or "L.Ped.," or any other title or initials to represent that the person is licensed to practice orthotics, prosthetics, or pedorthics, unless the person holds a current, valid license issued or renewed under this chapter.

No person shall use any title or initials to represent that the person is licensed to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics as a temporarily licensed orthotist, prosthetist, or pedorthist, unless the person holds a current, valid temporary license issued or renewed under this chapter.

Effective Date: 10-27-2001.
4779.04 Supervision by licensee.

No individual who provides orthotic, prosthetic, or pedorthic services under the supervision of an individual licensed under this chapter, as provided in division (B)(3) of section 4779.02 of the Revised Code, shall do so unless all of the following are the case:

(A) The individual does not perform any services that the supervising orthotist, prosthetist, orthotist-prosthetist, or pedorthist is not authorized to perform;

(B) During the initial evaluation of any patient who can reasonably be expected to require orthotic, prosthetic, or pedorthic services and during the fitting and delivery of an orthotic or pedorthic device or prosthesis, the supervising orthotist, prosthetist, orthotist-prosthetist, or pedorthist is physically present;

(C) At times other than those described in division (B) of this section, the supervising orthotist, prosthetist, orthotist-prosthetist, or pedorthist is either physically present at the location where the individual is practicing 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 minutes travel time away from the location where the individual is practicing. No individual licensed under this chapter may supervise more than four individuals not licensed to practice orthotics, prosthetics, or pedorthics who are practicing orthotic, prosthetic, or pedorthic services.

Effective Date: 10-27-2000.

4779.08 Administrative rules.

(A) The Ohio occupational therapy, physical therapy, and athletic trainers board shall adopt rules in accordance with Chapter 119. of the Revised Code to carry out the purposes of this chapter, including rules prescribing all of the following:

(1) The form and manner of filing of applications to be admitted to examinations and for licensure and license renewal;

(2) Standards and procedures for formulating, evaluating, approving, and administering licensing examinations or recognizing other entities that conduct examinations;

(3) The form, scoring, and scheduling of licensing examinations;

(4) Fees for examinations and applications for licensure and license renewal;

(5) Fees for approval of continuing education courses;

(6) Procedures for issuance, renewal, suspension, and revocation of licenses and the conduct of disciplinary hearings;

(7) The schedule to be used for biennial renewal of licenses;

(8) Standards of ethical and professional conduct in the practice of orthotics, prosthetics, and pedorthics;
(9) Standards for approving national certification organizations in orthotics, prosthetics, and pedorthics;

(10) Fines for violations of this chapter;

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

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

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

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

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

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

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

Amended by 132nd General Assembly File No. TBD, HB 111, §1, eff. 9/28/2018.

Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.


4779.09 Applying for license.

An applicant for a license to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics shall apply to the Ohio occupational therapy, physical therapy, and athletic trainers board in accordance with rules adopted under section 4779.08 of the Revised Code and pay the application fee specified in the rules. The board shall issue a license to an applicant who is eighteen years of age or older, of good moral character, and meets either the requirements of divisions (A) and (B) of this section or the requirements of section 4779.17 of the Revised Code.

(A) The applicant must pass an examination conducted pursuant to section 4779.15 of the Revised Code;

(B) The applicant must meet the requirements of one of the following:

(1) In the case of an applicant for a license to practice orthotics, the requirements of section 4779.10 of the Revised Code;

(2) In the case of an applicant for a license to practice prosthetics, the requirements of section 4779.11 of the Revised Code;
(3) In the case of an applicant for a license to practice orthotics and prosthetics, the requirements of section 4779.12 of the Revised Code;

(4) In the case of an applicant for a license to practice pedorthics, the requirements of section 4779.13 of the Revised Code.

Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.

Effective Date: 10-27-2000.

4779.091 License applicant to comply with RC Chapter 4776.

(A) As used in this section, "license" and "applicant for an initial license" have the same meanings as in section 4776.01 of the Revised Code, except that "license" as used in both of those terms refers to the types of authorizations otherwise issued or conferred under this chapter.

(B) In addition to any other eligibility requirement set forth in this chapter, each applicant for an initial license shall comply with sections 4776.01 to 4776.04 of the Revised Code. The Ohio occupational therapy, physical therapy, and athletic trainers board shall not grant a license to an applicant for an initial license unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code and the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4779.09, 4779.17, or 4779.18 of the Revised Code.

Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.

Effective Date: 2007 HB104 03-24-2008.

4779.10 Eligibility for license - orthotics.

To be eligible for a license to practice orthotics, an applicant must meet the following requirements:

(A)

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

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

(C) One of the following is the case:

(1) The applicant holds a bachelor's degree in orthotics and prosthetics from an accredited college or university whose orthotics and prosthetics program is recognized by the board under section 4779.25 of the Revised Code or an equivalent educational credential from a foreign educational institution recognized by the board.
(2) The applicant holds a bachelor's degree in a subject other than orthotics and prosthetics or an equivalent educational credential from a foreign educational institution recognized by the board and has completed a certificate program in orthotics recognized by the board under section 4779.26 of the Revised Code.

Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.

Effective Date: 10-27-2000.

**4779.11 Eligibility for license - prosthetics.**

To be eligible for a license to practice prosthetics, an applicant must meet the following requirements:

(A)

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

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

(C) One of the following is the case:

(1) The applicant holds a bachelor's degree in orthotics and prosthetics from an accredited college or university whose orthotics and prosthetics program is recognized by the board under section 4779.25 of the Revised Code or an equivalent educational credential from a foreign educational institution recognized by the board.

(2) The applicant holds a bachelor's degree in a subject other than orthotics and prosthetics or an equivalent educational credential from a foreign educational institution recognized by the board and has completed a certificate program in prosthetics recognized by the board under section 4779.26 of the Revised Code.

Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.

Effective Date: 10-27-2000.

**4779.12 Eligibility for license - orthotics and prosthetics.**

To be eligible for a license to practice orthotics and prosthetics, an applicant must meet the following requirements:

(A)

On the date of application, the applicant has practiced orthotics and prosthetics for not less than eight months under the supervision of an individual licensed under this chapter to practice orthotics and prosthetics.
(B) The applicant has completed an orthotics and prosthetics residency program approved by the Ohio occupational therapy, physical therapy, and athletic trainers board under section 4779.27 of the Revised Code.

(C) One of the following is the case:

(1) The applicant holds a bachelor's degree in orthotics and prosthetics from an accredited college or university whose orthotics and prosthetics program is recognized by the board under section 4779.25 of the Revised Code or an equivalent educational credential from a foreign educational institution recognized by the board.

(2) The applicant holds a bachelor's degree in a subject other than orthotics and prosthetics or an equivalent educational credential from a foreign educational institution recognized by the board and has completed a certificate program in orthotics and prosthetics recognized by the board under section 4779.26 of the Revised Code.

Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.

Effective Date: 10-27-2000 .

4779.13 Eligibility for license - pedorthics.

To be eligible for a license to practice pedorthics, an applicant must meet all of the following requirements:

(A) On the date of application, has practiced pedorthics for not less than eight months under the supervision of an individual licensed under this chapter to practice pedorthics;

(B) Holds a high school diploma or certificate of high school equivalence issued by the department of education, or a primary-secondary education or higher education agency of another state;

(C) Has completed the education, training, and experience required to take the certification examination developed by the Ohio occupational therapy, physical therapy, and athletic trainers board for certification in pedorthics or an equivalent successor organization recognized by the board.

Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.

Amended by 131st General Assembly File No. TBD, HB 113, §1, eff. 9/14/2016.

Effective Date: 10-27-2000 .

4779.15 Conducting examinations.

Except as provided in section 4779.17 of the Revised Code, the Ohio occupational therapy, physical therapy, and athletic trainers board shall examine or cause to be examined each individual who seeks to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics in this state.
To be eligible to take an examination conducted by the board or an entity recognized by the board for the purpose of this section, an individual must file an application and pay an examination fee as specified in rules adopted by the board under section 4779.08 of the Revised Code and meet all the requirements of section 4779.09 of the Revised Code other than the requirement of having passed the examination.

Examinations shall be conducted at least once a year in accordance with rules adopted by the board under section 4779.08 of the Revised Code. Each applicant shall be examined in such subjects as the board requires.

The board may use as its examination all or part of a standard orthotics, prosthetics, orthotics and prosthetics, or pedorthics licensing examination established for the purpose of determining the competence of individuals to practice orthotics, prosthetics, or pedorthics in the United States. In lieu of conducting examinations, the board may accept the results of examinations conducted by entities recognized by the board.

Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.

Effective Date: 10-27-2000.

4779.17 Issuing license without examination - nonresidents.

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

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

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

(C) One of the following applies:

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

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

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

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

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

Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.
4779.18 Issuing temporary license.

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

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

(2) Is eighteen years of age or older;

(3) Is of good moral character;

(4) One of the following applies:

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

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

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

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

(B) A temporary license issued under this section is valid for one year and may be renewed once in accordance with rules adopted by the board under section 4779.08 of the Revised Code.

An individual who holds a temporary license may practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics only under the supervision of an individual who holds a license issued under section 4779.09 of the Revised Code in the same area of practice.

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

Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.

Effective Date: 09-26-2003.

4779.19 Term of license.

A license issued under section 4779.09 of the Revised Code or renewed under section 4779.20 of the Revised Code is valid from the date of issuance until the date it expires, unless earlier suspended or revoked. An initial license and each renewed license expires biennially in accordance with the schedule established in rules adopted under section 4779.08 of the Revised Code.
4779.20 Renewing license.

An individual seeking to renew a license issued under section 4779.09 of the Revised Code shall, on or before the day the license expires pursuant to section 4779.19 of the Revised Code, apply for renewal. The Ohio occupational therapy, physical therapy, and athletic trainers board shall send renewal notices at least one month prior to the expiration date. Applications shall be submitted to the board electronically. Each application shall be accompanied by a renewal fee specified in rules adopted by the board under section 4779.08 of the Revised Code, except that the board may waive part of the renewal fee for the first renewal of an initial license that expires one hundred days or less after it is issued.

To be eligible for renewal, an applicant must have completed the continuing education requirements prescribed by the board in rules adopted under section 4779.08 of the Revised Code. On the board’s request, an applicant shall submit evidence satisfactory to the board that the requirements were completed.

4779.21 Maintaining board records.

The Ohio occupational therapy, physical therapy, and athletic trainers board shall maintain records regarding the practice of orthotics, prosthetics, and pedorthics under this chapter, including records of the board’s proceedings, a registry of all applicants for licensure that indicates whether the applicant was granted a license, and any other records necessary to carry out the provisions of this chapter.

4779.22 Publishing and making available to the public written information.

(A) The Ohio occupational therapy, physical therapy, and athletic trainers board shall publish and make available to the public written information regarding both of the following:

(1) The board’s regulatory functions over the practice of orthotics, prosthetics, and pedorthics and the provisions of this chapter;

(2) The procedures by which complaints are filed with the board, which shall include a description of the complaint procedures and the name, mailing address, and telephone number of the board.
(B) The board shall make the information described in division (A) of this section available to all of the following:

(1) Consumers of orthotic, prosthetic, and pedorthic goods and services;

(2) Individuals licensed by the board under this chapter;

(3) Nationally recognized orthotic, prosthetic, and pedorthic certifying and accrediting organizations;

(4) Nationally recognized orthotic, prosthetic, and pedorthic educational organizations;

(5) Any other entity that may reasonably require the information.

(C) The board may make available any of the information described in division (A) of this section by adopting a rule under section 4779.08 of the Revised Code requiring the information to be displayed in any of the following ways:

(1) On each registration form or application prepared by the board;

(2) On a sign prominently displayed in the place of business of each individual licensed under this chapter;

(3) In each bill or written contract for services provided by an individual licensed under this chapter.

Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.

Effective Date: 10-27-2000.

4779.23 Continuing education.

(A) To be eligible for approval by the Ohio occupational therapy, physical therapy, and athletic trainers board, a continuing education course must satisfy all of the following requirements:

(1) Include significant intellectual or practical content and be designed to improve the professional competence of participants;

(2) Deal with matters directly related to the practice of orthotics, prosthetics, or pedorthics, including professional responsibility, ethical obligations, or similar subjects that the board considers necessary to maintain and improve the quality of orthotic and prosthetic services in this state;

(3) Involve in-person instruction, except that a course may use self-study materials if the materials are prepared and presented by a group with appropriate practical experience;

(4) Be presented in a setting that is physically suited to the course;

(5) Include thorough, high-quality written material;

(6) Meet any other requirements the board considers appropriate.
(B) The board shall, in accordance with the standards in division (A) of this section, review and approve continuing education courses. If the board does not approve a course, it shall provide a written explanation of the reason for the denial to the person that requested approval. The board may approve continuing education courses approved by boards of other states that regulate orthotics, prosthetics, and pedorthics if the other board’s standards for approving continuing education courses are equivalent to the standards established pursuant to division (A) of this section.

Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.

Effective Date: 10-27-2000.

4779.24 Continuing education units.

The Ohio occupational therapy, physical therapy, and athletic trainers board shall grant continuing education units to individuals licensed under this chapter on the following basis:

(A) For completing a continuing education course approved by the board under section 4779.23 of the Revised Code, one unit for each hour of instruction received;

(B) For teaching as a faculty member a course in orthotics, prosthetics, or pedorthics that is part of the curriculum of an institution of higher education, one-half unit for each semester hour of the course, or an equivalent unit for each quarter or trimester hour of the course;

(C) For teaching other than as a faculty member a course that is part of an institution of higher education’s orthotics, prosthetics, or pedorthics curriculum, one unit for each hour teaching the course;

(D) For teaching a continuing education course that is approved by the board under section 4779.23 of the Revised Code that is not part of an institution of higher education’s orthotics, prosthetics, or pedorthics curriculum, three units for each hour teaching the course for the first time and one-half unit for each hour teaching the course each time thereafter.

Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.

Effective Date: 10-27-2000.

4779.25 Recognizing bachelor's degree program.

The Ohio occupational therapy, physical therapy, and athletic trainers board shall recognize an institution of higher education's bachelor's degree program in orthotics and prosthetics if the program satisfies 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 entry a high school diploma or certificate of high school equivalence;

(C) Includes a written description of the program that includes learning goals, course objectives, and competencies for graduation;
(D) Requires frequent, documented evaluation of students to assess their acquisition of knowledge, problem identification and solving skills, and psychomotor, behavioral, and clinical competencies;

(E) Requires as a condition of entry successful completion of courses in biology, chemistry, physics, psychology, computer science, algebra or higher math, human anatomy with a laboratory section, and physiology with a laboratory section;

(F) Requires formal instruction in biomechanics, gait analysis and pathometrics, kinesiology, pathology, materials science, research methods, and diagnostic imaging techniques;

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

(H) Requires students as a condition of graduation to complete training in orthotic systems, including foot orthosis, ankle-foot orthosis, knee orthosis, knee-ankle-foot orthosis, hip-knee-ankle orthosis, hip orthosis, wrist-hand orthosis, cervical-thoracic-lumbo-sacral orthosis, thoracolumbo-sacral orthosis, lumbo-sacral orthosis, HALO, fracture management, RGO, standing frames, and seating;

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

(J) Requires as a condition of graduation students to complete not less than five hundred hours of supervised clinical experience that focus on patient-related activities, including recommendation, measurement, impression-taking, model rectification, fabrication, fitting, and evaluating patients in the use and function of orthotics and prosthetics;

(K) Provides for the evaluation of the program’s compliance with the requirements of this section through regular, on-site visits conducted by a team of qualified individuals from a nationally recognized orthotic, prosthetic, or orthotic and prosthetic certifying body;

(L) Meets any other standards adopted by the board under section 4779.08 of the Revised Code.

Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.

Amended by 131st General Assembly File No. TBD, HB 113, §1, eff. 9/14/2016.

Effective Date: 10-27-2000.

4779.26 Recognizing certificate program.

The Ohio occupational therapy, physical therapy, and athletic trainers board shall recognize a certificate program in orthotics, prosthetics, or orthotics and prosthetics if the program satisfies all of the following requirements:

(A) Meets the requirements in divisions (B), (C), (D), (E), (F), (K), and (L) of section 4779.25 of the Revised Code;
(B) In the case of a certificate program in orthotics, the program does all of the following:

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

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

(3) Meets the requirements in divisions (G) and (H) of section 4779.25 of the Revised Code.

(C) In the case of a certificate program in prosthetics, the program does all of the following:

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

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

(3) Meets the requirements in divisions (F) and (I) of section 4779.25 of the Revised Code.

(D) In the case of a certificate program in orthotics and prosthetics, the program does both of the following:

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

(2) Meets the requirements in divisions (H) and (I) of section 4779.25 of the Revised Code.

Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.

Effective Date: 06-06-2001.

4779.27 Residency programs approval.

The Ohio occupational therapy, physical therapy, and athletic trainers board shall approve a residency program in orthotics, prosthetics, or orthotics and prosthetics if the program does all of the following:

(A) Requires a bachelor's degree as a condition of entry;

(B) Does one of the following:

(1) In the case of a residency program in orthotics, provides two semesters or three quarters of instruction in orthotics;

(2) In the case of a residency program in prosthetics, provides two semesters or three quarters of instruction in prosthetics;
(3) In the case of a residency program in orthotics and prosthetics, provides two semesters or three quarters of instruction in orthotics and two semesters or three quarters of instruction in prosthetics.

(C) Meets the requirements in divisions (K) and (L) of section 4779.25 of the Revised Code;

(D) Provides residents with a sufficient variety and volume of clinical experiences to give them adequate educational experience in the acute, rehabilitative, and chronic aspects of orthotics and prosthetics, including recommendation, measurement, impression-taking, model rectification, fabrication, fitting, and evaluating patients in the use and function of orthotics and prosthetics;

(E) Provides residents with sufficient training in clinical assessment, patient management, technical implementation, practice management, and professional responsibility.

Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.

Effective Date: 10-27-2000 .

4779.28 Disciplinary actions.

(A) The Ohio occupational therapy, physical therapy, and athletic trainers board may, pursuant to an adjudication under Chapter 119. of the Revised Code, limit, revoke, or suspend a license issued under this chapter, refuse to issue a license to an applicant, or reprimand or place on probation a license holder for any of the following reasons:

(1) Conviction of, or a plea of guilty to, a misdemeanor or felony involving moral turpitude;

(2) Any violation of this chapter;

(3) Committing fraud, misrepresentation, or deception in applying for or securing a license issued under this chapter;

(4) Habitual use of drugs or intoxicants to the extent that it renders the person unfit to practice;

(5) Violation of any rule adopted by the board under section 4779.08 of the Revised Code;

(6) A departure from, or failure to conform to, minimal standards of care of similar orthotists, prosthetists, orthotists-prosthetists, or pedorthists under the same or similar circumstances, regardless of whether actual injury to a patient is established;

(7) Obtaining or attempting to obtain money or anything of value by fraudulent misrepresentation in the course of practice;

(8) Publishing a false, fraudulent, deceptive, or misleading statement;

(9) Waiving the payment of all or part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan, would otherwise be required to pay, if the waiver is used as an enticement to a patient or group of patients to receive health care services from a person who holds a license issued under this chapter;

(10) Advertising that a person who holds a license issued under this chapter will waive the payment of all or part of a deductible or copayment that a patient, pursuant to a health
insurance or health care policy, contract, or plan, that covers the person’s services, would otherwise be required to pay.

(B) For the purpose of investigating whether a person is engaging or has engaged in conduct described in division (A) of this section, the board may administer oaths, order the taking of depositions, issue subpoenas, examine witnesses, and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and testimony.

Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.

Effective Date: 10-27-2000 .

4779.29 Suspension of license without adjudicatory hearing.

If the Ohio occupational therapy, physical therapy, and athletic trainers board determines that there is clear and convincing evidence that an individual licensed under this chapter is engaging or has engaged in conduct described in division (A) of section 4779.28 of the Revised Code and that the license holder's continued practice presents a danger of immediate and serious harm to the public, the board may suspend the individual's license without an adjudicatory hearing. A telephone conference call may be used for reviewing the matter and taking the vote.

If the board votes to suspend an individual's license, the board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. The order is not subject to suspension by a court during pendency of any appeal filed under section 119.12 of the Revised Code. If the license holder requests an adjudicatory hearing by the board, the date set for the hearing shall be not later than fifteen days, but not earlier than seven days, after the request, unless otherwise agreed to by the board and the license holder.

Any suspension imposed under this section shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to section 119.12 of the Revised Code becomes effective. The board shall issue its final adjudicative order within sixty days after completion of its hearing. A failure to issue an order within sixty days shall result in the dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.

Effective Date: 10-27-2000 .

4779.30 Allegation of mental incompetence or illness.

If the Ohio occupational therapy, physical therapy, and athletic trainers board has reason to believe that a person who holds a license issued under this chapter is mentally ill or mentally incompetent, it may file in the probate court of the county in which the person has a legal residence an affidavit in the form prescribed in section 5122.11 of the Revised Code and signed by the secretary of the board, whereupon the same proceeding shall be had as provided in Chapter 5122. of the Revised Code. The attorney general may represent the board in any proceeding commenced under this section.

If an individual who has been granted a license under this chapter is adjudicated by a probate court to be mentally ill or mentally incompetent, the individual’s license shall be automatically suspended until the individual has filed with the board a certified copy of an adjudication by a
probate court of the individual's subsequent restoration to competency or has submitted to the board proof, satisfactory to the board, of having been restored to competency in the manner and form provided in section 5122.38 of the Revised Code. The judge of the court shall immediately notify the board of an adjudication of incompetence and note any suspension of a license in the margin of the court's record of the certificate. In the absence of fraud or bad faith, neither the board nor any agent, representative, or employee of the board shall be held liable in damages by any person by reason of the filing of the affidavit referred to in this section.

Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.

Effective Date: 10-27-2000.

4779.31 Reinstating licenses.

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

Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.

Effective Date: 10-27-2000.

4779.32 Allegations to be written and verified.

If any person makes an allegation against an individual who holds a license issued under this chapter, the allegation shall be reduced to writing and verified by a person who is familiar with the facts underlying the allegation. The person making the allegation shall file the allegation with the Ohio occupational therapy, physical therapy, and athletic trainers board. If a person alleges that a license holder is engaging or has engaged in conduct described in division (A) of section 4779.28 of the Revised Code, the board may proceed with an adjudication hearing under Chapter 119. of the Revised Code. The board shall retain the information filed under this section in accordance with rules adopted by the board under section 4779.08 of the Revised Code.

Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.

Effective Date: 10-27-2000.

4779.33 Enforcement.

The Ohio occupational therapy, physical therapy, and athletic trainers board shall enforce the laws relating to the practice of orthotics, prosthetics, and pedorthics. If the secretary of the board has knowledge of a violation, the secretary shall investigate the violation and notify the prosecuting attorney of the proper county.

Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.

Effective Date: 10-27-2000.
4779.34 Compliance with law regarding sanctions for human trafficking.

The Ohio occupational therapy, physical therapy, and athletic trainers board shall comply with section 4776.20 of the Revised Code.

Amended by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.

Added by 129th General Assembly File No.169, HB 247, §1, eff. 3/22/2013.

4779.35 Orthotics, prosthetics, and pedorthics advisory council.

(A) The Ohio occupational therapy, physical therapy, and athletic trainers board shall appoint an orthotics, prosthetics, and pedorthics advisory council for the purpose of advising the board on issues relating to the practice of orthotics, prosthetics, and pedorthics and the investigation of complaints regarding the practice of orthotics, prosthetics, and pedorthics.

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

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

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

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

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

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

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

(2) Existing and proposed rules pertaining to the practice of orthotics, prosthetics, and pedorthics and the administration and enforcement of this chapter;
(3) Standards for the approval of educational programs required to qualify for licensure and continuing education programs for licensure renewal;

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

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

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

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

(8) The safe and effective practice of orthotics, prosthetics, and pedorthics.

Added by 132nd General Assembly File No. TBD, HB 49, §130.11, eff. 1/21/2018.

**4779.99 Penalty.**

Whoever violates section 4779.02, 4779.03, or 4779.04 of the Revised Code is guilty of a minor misdemeanor on the first offense; on each subsequent offense, the individual is guilty of a misdemeanor of the fourth degree.

Effective Date: 10-27-2000.
Ohio Administrative Code Chapter 4779: ORTHOTISTS, PROSTHETISTS, PEDORTHISTS

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

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

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

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

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

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

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

(B) Notice to the public shall be made by

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

(2) Publication on the state board of orthotics, prosthetics, and pedorthics' website;

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

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

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

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

Replaces: 4779-1-01

R.C. 119.03 review dates: 12/27/2012 and 10/01/2017
Promulgated Under: 119.03
Statutory Authority: 4779.08
Rule Amplifies: 119.03, 4779.08
Prior Effective Dates: 6/29/01 (Emer.), 09/23/02, 11/01/08

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;

(3) Accessing the information posted on the board’s website at http://opp.ohio.gov.

(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 representative on the list mandated in paragraph (B) of this rule by doing at least one of the following:

(a) Sending written notice, which must be sent by regular mail or electronic mail, no later than four calendar days prior to the day of the special meeting;

(b) Notifying representatives by telephone no later than twenty-four hours prior to the special meeting. Telephone notice shall be complete if a message has been left for the representative, or if, after reasonable effort, the board has been unable to provide telephone notice;

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

(3) In giving the notice of special meetings as required by this rule, the board may rely on assistance provided by any member or employee of the board.
Chapter 4779-2 Board Operations

4779-2-01 Board organization.

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

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

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

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

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

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

The board may:

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

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

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

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

4779-2-03 Board records.

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

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

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

(1) A notarized personal affidavit.

(2) A certified copy of a court record.

(3) A certified copy of a marriage certificate.

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

Effective: 7/1/2016
Five Year Review (FYR) Dates: 03/30/2016 and 01/15/2021
Promulgated Under: 119.03
Statutory Authority: 4779.08
Rule Amplifies: 4779.21
Chapter 4779-3 Definitions

4779-3-01 Definition of terms.

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

(A) General definitions

(1) "Board" means the state board of orthotics, prosthetics and pedorthics.

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

(B) Licensing language and educational standards

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

(2) "License" as it is used under division (A) of section 4779.20 of the Revised Code, means the authority to practice in the noted profession pursuant to an action of the board granting such authority and as represented by the original license wall certificate or an official copy thereof, or the renewal, of the license as indicated by the license status displayed from the online license verification function available from the board website.

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

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

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

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

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

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

(C) Supervision definitions and requirements

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

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

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

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4779-3-02 Device-related and scope of practice definitions.

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

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

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

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

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

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

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

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

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

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

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

A custom fitted item/device as referenced in division (E), (G), or (I) of section 4779.01 of the Revised Code does not include:
(a) Upper extremity adaptive equipment used to facilitate the activities of daily living;

(b) Finger splints or wrist splints;

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

(d) Other prefabricated soft goods requiring minimal fitting;

(e) Nontherapeutic accommodative inlays;

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

(g) Prefabricated foot care products;

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

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

(G) "Minimal fitting" as used in section 4779.01 of the Revised Code and rule 4779-3-02 of the Administrative Code means the prefabricated device is classified as an off the shelf (OTS) device by the U.S. department of health and human services center for medicare/medicaid services.

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Chapter 4779-4 Educational Programs

4779-4-01 Approval of educational programs.

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

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

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

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Prior Effective Dates: 08/09/2002; 11/01/2008

4779-4-02 Certificate program requirements.

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

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

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

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

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

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

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

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

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

1. Provides two semesters or three quarters of instruction in orthotics as defined in paragraph (B)(5) of rule 4779-3-01 of the Administrative Code;

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

3. Requires as a condition of graduation that students demonstrate orthotic skills, including measurement, impression-taking, model rectification, and fitting and alignment of orthoses for the lower limbs, upper limbs, and spines;
(C) In addition, a certificate program in prosthetics shall meet all of the following requirements:

(1) Provides two semesters or three quarters of instruction in prosthetics as defined in paragraph (B)(5) of rule 4779-3-01 of the Administrative Code;

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

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

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

(1) Provides two semesters or three quarters of instruction in orthotics and two semesters or three quarters of instruction in prosthetics as defined in paragraph (B)(5) of rule 4779-3-01 of the Administrative Code;

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

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

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Chapter 4779-5 Examination; Licensing

4779-5-01 The examinations.

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

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

(3) For licensure in pedorthics, either:

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

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

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

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

Replaces: 4779-5-01

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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 endorsement or be approved to sit for the examination as an Ohio candidate, the applicant must demonstrate that the applicant meets the eligibility requirements of section 4779.09 of the Revised Code as well as the requirements for the particular license type.

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

(C) In the case of an applicant for licensure pursuant to section 4779.13 of the Revised Code, if the candidate has not already taken and passed an exam for certification in pedorthics in accordance with the requirements of rule 4779-5-01 of the Administrative Code, the board shall provide the applicant with a statement documenting the applicant's approved status for taking the Ohio license exam in pedorthics, and of the board's approval of the candidate's application. The applicant is responsible for exam fees and all costs and fees associated with that exam shall be paid in accordance with the requirements of the testing provider.

(D) In the case of an applicant for a temporary license pursuant to section 4779.18 of the Revised Code, the successful application submitted and processed shall be considered to stand as
the application for a full license pursuant to section 4779.10, 4779.11, 4779.12, or 4779.13 of the Revised Code, and the successful applicant shall be issued a statement documenting the applicant's approved status to sit for exam pursuant to any arrangements between the board and the testing provider. Such an approval to sit for exam notice shall be effective for up to two years, in accordance with the statutory limitation of the duration of the temporary license as provided for in section 4779.18 of the Revised Code. An application for a temporary license pursuant to section 4779.18 of the Revised Code shall also comply with the requirements of rule 4779-6-01 of the Administrative Code.

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

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

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

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4779-5-03 License application procedure.

(A) The following requirements apply to all applicants seeking licensure under section 4779.09 of the Revised Code. A candidate for a full license in orthotics, prosthetics, prosthetics-orthotics, or pedorthics who has already been granted a temporary license under section 4779.18 of the Revised Code and is practicing under that license may advance the temporary license to full license status by documenting completion of the remaining requirements without submitting a new license application. For a license to be issued pursuant to section 4779.10, 4779.11, or 4779.12 of the Revised Code, submit proof of successful completion of the examinations as provided by rule 4779-5-02 of the Administrative Code. For a license to be issued pursuant to section 4779.13 of the Revised Code, submit proof of completion of supervision as required by paragraph (E)(2) of this rule of the Administrative Code and successful completion of the examination as provided by rule 4779-5-02 of the Administrative Code.

(1) An applicant shall submit a completed application by a method provided by the board and accessible on its website at http://opp.ohio.gov/forms together with an appropriate fee in accordance with rule 4779-12-01 of the Administrative Code.
(a) Only if unable to utilize the online application method, an applicant for a temporary license in orthotics, prosthetics, or prosthetics-orthotics shall utilize the form designated as "application for licensure in orthotics and/or prosthetics" as posted to the agency website at http://opp.ohio.gov/forms.

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

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

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

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

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

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

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

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

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

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

(5) Attestation and submission of fingerprints for criminal record checks by the Ohio bureau of criminal identification and investigation (BCII) and the federal bureau of investigation (FBI), if the application is for the first issuance of a license.
(C) In addition, an application for a license to practice prosthetics must document compliance with the following requirements:

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

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

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

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

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

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

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

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

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

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

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

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

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

(E) 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 shall 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 (NCOPE).

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

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

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4779-5-04 Limited reciprocity.

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

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

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

(B) Prior to practicing in Ohio, applicants who are licensed in another jurisdiction must:

(1) Complete a profession-specific application form and file this form with the Ohio orthotics, prosthetics, and pedorthics board.

(2) Submit any documentation necessary to support the qualifications mentioned in paragraph (A)(1) or (A)(2) of this rule, and pursuant to the profession-specific requirements of paragraphs (B) to (E) of rule 4779-5-03 of the Administrative Code.

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

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

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4779-5-05 Consideration of military experience, education, training and term of service.

(A) Eligibility for licensure.

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

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

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

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

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

(C) License renewal.

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

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

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

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

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

(D) Continuing education

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

(2) A licensee who meets the provisions contained in paragraph (C)(1) of this rule may submit a statement and supporting documentation to the board requesting an extension of the current continuing education reporting period.
(a) The licensee shall submit proper documentation verifying the active duty service and the length of that active duty service.

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

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

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

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Chapter 4779-6 Temporary License

4779-6-01 Temporary license application procedure.

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

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

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

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

(2) If an application is received which appears to lack the documentation or other information required under section 4779.18 of the Revised Code, the board shall send the applicant within thirty days a notice of incomplete application by email and/or regular first class mail stating that the application appears to be incomplete and stating the elements or criteria that appear to be missing or insufficient. If an application remains incomplete more than thirty days after the board issues a notice of incomplete application, the board shall send the applicant a notice informing that the application, unless withdrawn, is subject to the board's proposal to deny by issuance of a notice of opportunity for hearing pursuant to section 119.07 of the Revised Code.
(3) The application shall contain an attestation that the applicant is at least eighteen years old, of good moral character in accordance with section 4779.09 of the Revised Code, and meets the requirements of section 4779.18 of the Revised Code.

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

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

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

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

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

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

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

(5) If the applicant does not already hold a license issued by this board, attestation and submission of fingerprints for criminal record checks by the Ohio bureau of criminal identification and investigation (BCII) and the federal bureau of investigation (FBI).

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

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

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

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

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

(5) If the applicant does not already hold a license issued by this board, attestation and submission of fingerprints for criminal record checks by the Ohio bureau of criminal identification and investigation (BCII) and the federal bureau of investigation (FBI).
(D) In addition, an application for a temporary license to practice orthotics and prosthetics must document compliance with the requirements of division (A) of section 4779.18 of the Revised Code as follows:

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

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

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

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

(5) If the applicant does not already hold a license issued by this board, attestation and submission of fingerprints for criminal record checks by the Ohio bureau of criminal identification and investigation (BCII) and the federal bureau of investigation (FBI).

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

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

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

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

(4) If the applicant does not already hold a license issued by this board, attestation and submission of fingerprints for criminal record checks by the Ohio bureau of criminal identification and investigation (BCII) and the federal bureau of investigation (FBI).

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

(G) When the board approves a temporary license to practice pedorthics, the board shall provide the applicant with a notice advising that the applicant has been approved for exam in pedorthics if the applicant has not already tested successfully in pedorthics. When the board receives a report of passing scores on the exam and the successful completion of eight months of practice under the supervision of a licensee of this board, the board shall issue the applicant a full pedorthist practitioner license in accordance with section 4779.13 of the Revised Code.
Chapter 4779-7 License Certificate and ID Card

4779-7-01 Original license documents.

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

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

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

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

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

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

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

Chapter 4779-8 License Renewal

4779-8-01 Renewal of license.

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

(B) License renewal:

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

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

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

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

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

(D) A licensee who fails to renew in accordance with the schedule established under paragraphs (A) and (B) of this rule shall have the license placed on inactive status by the board. The board shall send a notice of inactive license status and the requirements for reinstatement by email to the primary email contact address most recently supplied by the licensee to all affected licensees.

(E) It is a violation of this rule for a licensee to continue to engage in the practice of orthotics, prosthetics, or pedorthics in Ohio for more than thirty days after license expiration. In such a case, a licensee may be subject to action under section 4779.99 of the Revised Code.

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

(1) A complete license reinstatement application; An applicant for a reinstated license in orthotics, prosthetics, pedorthics, or prosthetics-orthotics shall utilize the license reinstatement protocol provided for in the eLicense platform linked to the agency website at http://opp.ohio.gov. Any form referenced in this rule and available for download from the agency website shall not be used on or after December 1, 2016.
(2) If the license is inactive more than two years, the applicant may be required to document the following:

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

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

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

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

(G) A license issued in accordance with paragraph (F) of this rule will expire in accordance with the renewal schedule established for the license type.

Effective: 11/14/2016
Five Year Review (FYR) Dates: 08/29/2016 and 01/15/2021
Promulgated Under: 119.03
Statutory Authority: 4779.08
Rule Amplifies: 4779.15, 4779.20, 4779.23, 4779.24, 4779.99

Chapter 4779-9 Continuing Education

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

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

(1) A licensed orthotist or prosthetist must achieve forty-five OPPCE units during each three-year accrual period.

(2) A licensed orthotist and prosthetist or licensed prosthetist-orthotist must achieve seventy-five OPPCE units during each three-year accrual period.

(3) A licensed pedorthist must achieve thirty-three OPPCE units during each three-year accrual period.

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

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

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

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Five Year Review (FYR) Dates: 05/05/2015 and 06/01/2020  
Promulgated Under: 119.03  
Statutory Authority: 4779.08  
Rule Amplifies: 4779.20, 4743.07  

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 and rule 4779-9-01 of the Administrative Code. The board will accept as continuing education units all courses approved by the board for orthotist/prosthetist certification (BOC), and the American board for certification in orthotics, prosthetics, and pedorthics (ABC).

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

The board will also accept any continuing education coursework authorized or offered by the Ohio department of health or the Ohio department of education on the subject of human trafficking recognition and response training for allied healthcare professionals.

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R.C. 119.032 review dates: 12/27/2012 and 01/02/2018  
Promulgated Under: 119.03  
Statutory Authority: 4779.08
Rule Amplifies: 4779.20, 4743.07
Prior Effective Dates: 8/9/02, 1/23/2003, 11/01/2008

4779-9-03 OPPCE accrual deficiency and remediation.

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

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

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

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

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

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

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

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

R.C. 119.032 review dates: 12/27/2012 and 10/01/2017
Promulgated Under: 119.03
Statutory Authority: 4779.08
Rule Amplifies: 4779.20
Prior Effective Dates: 11/01/08
4779-9-04 Extension of OPPCE reporting period for licensee called to active duty military.

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

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

Effective: 06/23/2014
R.C. 119.032 review dates: 01/15/2019
Promulgated Under: 119.03
Statutory Authority: 4779.08, 5903.12
Rule Amplifies: 4779.20, 4779.23

Chapter 4779-10 Ethics

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.

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

(L) Maintenance of consumer care information

(1) A licensee shall maintain consumer care documentation which includes, at minimum:

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

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

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

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

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

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

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

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

Effective: 7/1/2016
Five Year Review (FYR) Dates: 03/30/2016 and 01/15/2021
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.

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

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Rule Amplifies: 4779.09, 4779.28
Prior Effective Dates: 08/09/02, 11/01/08

Chapter 4779-12 Fees

4779-12-01 Fees.

The following fee schedule shall apply:

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

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

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

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

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

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

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

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

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

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

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

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

(M) The cost of a certified license verification shall not exceed fifty dollars. The prescribed fee shall be submitted with the request.

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

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

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

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

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

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

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Prior Effective Dates: 8/9/02, 1/23/03, 11/01/08, 11/01/2010, 9/1/05

Chapter 4779-13 Accessing Confidential Personal Information

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

For the purposes of administrative rules promulgated by the state board of orthotics, prosthetics, and pedorthics governing access to confidential personal information in accordance with section 1347.15 of the Revised Code, the following definitions apply:

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

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

(C) "Agency" means the state board of orthotics, prosthetics, and pedorthics.

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

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

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

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

For personal information systems, whether manual or computer systems, that contain confidential personal information, the state board of orthotics, prosthetics, and pedorthotics shall do the following:

(A) Criteria for accessing confidential personal information. Personal information systems of the agency are managed on a "need-to-know" basis whereby the information owner determines the level of access required for an employee of the agency to fulfill his/her job duties. The
determination of access to confidential personal information shall be agency policy developed pursuant to these rules prior to providing an employee with access to confidential personal information within a personal information system. The agency shall establish procedures for determining a revision to an employee's access to confidential personal information upon a change to that employee's access to confidential personal information within a personal information system. Whenever an employee's job duties no longer require access to confidential personal information in a personal information system, the employee's access to confidential personal information shall be removed.

(B) Individual's request for a list of confidential personal information. Upon the signed written request of any individual for a list of confidential personal information about the individual maintained by the agency, the agency shall do all of the following:

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

(2) Provide to the individual the list of confidential personal information that does not relate to an investigation about the individual or is otherwise not excluded from the scope of Chapter 1347. of the Revised Code; and (3) If all information relates to an investigation about that individual, inform the individual that the agency has no confidential personal information about the individual that is responsive to the individual's request.

(C) Notice of invalid access.

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

(2) "Investigation" as used in paragraph (C)(1) of rule 4779-13-02 of the Administrative Code means a review of the circumstances and involvement of an employee surrounding the invalid access of the confidential personal information. Once the agency determines that notification would not delay or impede an investigation, the agency shall disclose the access to confidential personal information made for an invalid reason to the person.

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

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

(D) Appointment of a data privacy point of contact. The agency director shall designate an employee of the agency to serve as the data privacy point of contact. The data privacy point of contact shall work with the chief privacy officer within the office of information technology to assist the agency with both the implementation of privacy protections for the confidential personal information that the agency maintains and compliance with section 1347.15 of the Revised Code and the rules adopted pursuant to the authority provided by that chapter.
(E) Completion of a privacy impact assessment. The agency director shall designate an employee of the agency to serve as the data privacy point of contact who shall timely complete the privacy impact assessment form developed by the office of information technology.

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4779-13-03 Valid reasons for accessing confidential personal information.

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

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

(1) Responding to a public records request;

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

(3) Administering a constitutional provision or duty;

(4) Administering a statutory provision or duty;

(5) Administering an administrative rule provision or duty;

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

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

(8) Auditing purposes;

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

(10) Investigation or law enforcement purposes;

(11) Administrative hearings;

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

(13) Human resource matters (e.g., hiring, promotion, demotion, discharge, salary/compensation issues, leave requests/issues, time card approvals/issues);
(14) Complying with an executive order or policy;

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

(16) Complying with a collective bargaining agreement provision.

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4779-13-04 Confidentiality statutes.

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

(A) Social security numbers: 5 U.S.C. 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-7 e(b), 42 U.S.C. section 5 U.S.C.

section 552a, and 45 C.F.R. part 61 for compliance with the U.S. department of health and human services' healthcare integrity and protection data bank (HIPDB).

(C) "Bureau of criminal identification and investigation" criminal records check results:

section 4776.04 of the Revised Code.

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

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4779-13-05 Restricting and logging access to confidential personal information in computerized personal information systems.

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

(A) Access restrictions. Access to confidential personal information that is kept electronically shall require a password or other authentication measure.
(B) Acquisition of a new computer system. When the agency acquires a new computer system that stores, manages or contains confidential personal information, the agency shall include a mechanism for recording specific access by employees of the agency to confidential personal information in the system.

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

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

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

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

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

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

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

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

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

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

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

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

(1) Who shall maintain the log;

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

(3) How the log is to be stored; and
(4) How long information kept in the log is to be retained.

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

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