

**MEMORANDUM**

**TO:** Mark Levy, State Board of Orthotics, Prosthetics and Pedorthics

**FROM:** Sophia Papadimos, Regulatory Policy Advocate

**DATE:** March 9, 2016

**RE:** **CSI Review – Five-Year Rule Review 2015-2016 (OAC 4779-2-01, 4779-2-02, 4779-2-03, 4779-3-01, 4779-3-02, 4779-4-02, 4779-5-01, 4779-5-02, 4779-5-03, 4779-7-01, and 4779-10-01)**

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On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

**Analysis**

This State Board of Orthotics, Prosthetics and Pedorthics (Board) rule package consists of eleven draft rules – eight amended<sup>1</sup> and three no-change rules – being proposed pursuant to the five-year review requirement in statute. The rule package was submitted January 29, 2016, and the public comment period closed on February 12, 2016. Two comments were received during this time.

The proposed rules outline definitions, examination requirements, license application procedures, and license certificates and ID cards. In the BIA, the Board explained that a number of the proposed amendments are in response to the new e-Licensing platform. The draft rules also explain acceptable ethical and professional conduct. The draft rules propose to expand the scope of practitioners in Pedorthics to allow entrance to those who have passed the Board of Certification (BOC) Pedorthics Exam. The draft package also establishes a limit to the issuance of temporary

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<sup>1</sup> Ohio Administrative Code 4779-5-01 is being amended by more than 50 percent; therefore, the Legislative Service Commission requires that the existing rule be rescinded and replaced by a new rule that has the same rule number.

licenses, which serve as a credential meant to be held for a short period of time while other licensing requirements are completed. Additionally, the rule package contains administrative requirements.

The BIA submitted by the Board does explain that the allowance of the BOC exam will require fees for licensure. However, since the rule package is being reviewed pursuant to the five-year review requirement in statute, the rules in their entirety are part of the CSI analysis. Other impacts include the time and qualifications necessary to sit the examination. Additionally, in order to be licensed, there are requirements such as post-secondary education, residency completion, and a letter of attestation from an Ohio-licensed prosthetist-orthotist (the letter is only required if the residency was done outside of Ohio); as well as licensure fees.

The Board conducted extensive stakeholder outreach, in which feedback was incorporated into the rules. The two comments received during the public comment period were in support of the amendments. Therefore, after reviewing the proposed rules and associated BIA, the CSI Office has determined the purpose of the rules is justified.

### **Recommendations**

For the reasons described above, the CSI Office has no recommendations regarding this rule package.

### **Conclusion**

Based on the above comments, the CSI Office concludes that the Board should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

cc: Mark Hamlin, Lt. Governor's Office