

**\*OKLAHOMA ADMINISTRATIVE CODE  
TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION  
CHAPTER 50. LICENSED PEDORTHISTS**

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[**Authority:** Title 59 O.S., Section 2301]

*\*This is an unofficial copy of Chapter 50 of Title 435 of the Oklahoma Administrative Code. Official copies may be obtained from the Office of Administrative Rules.*

## SUBCHAPTER 1. GENERAL PROVISIONS

### Section

- 435:50-1-1. Purpose
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#### **435:50-1-1. Purpose**

The rules of this Chapter have been adopted to assist in the implementation and enforcement of the Oklahoma Licensed Pedorthists Act.

[Source: Added at 19 Ok Reg 540, eff 12-28-01 (emergency); Added at 19 Ok Reg 2314, eff 6-28-02]

#### **435:50-1-2. Interpretation of rules and regulations**

If any section, sentence, clause, or phrase of this Chapter shall be held, for any reason, to be inoperative or unconstitutional, void, or invalid, the validity of the remaining portion of the rules shall not be affected thereby, it being the intention of the Oklahoma State Board of Medical Licensure and Supervision in adopting the rules that no portion or provision herein shall become inoperative or fail by reason of the unconstitutionality or invalidity of any portion or provision, and the Oklahoma State Board of Medical Licensure and Supervision does hereby declare it would have severally passed and adopted the provisions contained in this Chapter separately and apart one from another.

[Source: Added at 19 Ok Reg 540, eff 12-28-01 (emergency); Added at 19 Ok Reg 2314, eff 6-28-02]

#### **435:50-1-3. License required**

Effective January 1, 2002, any person who holds him or herself out to be a pedorthists or uses the title pedorthists or common variants of that title must possess a valid license issued by the Board.

[Source: Added at 19 Ok Reg 540, eff 12-28-01 (emergency); Added at 19 Ok Reg 2314, eff 6-28-02]

#### **435:50-1-4. Definitions**

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"ABC" means the American Board for Certification in Orthotics, Prosthetics & Pedorthics.

"Accommodative device" means a device designed with a primary goal of conforming to the individual's anatomy. [59 O.S. ss. 2302]

"BCP" means the Board for Certification in Pedorthics.

"BOC" means the Board for Orthotist/Prosthetist Certification.

*"Board" means the State Board of Medical Licensure and Supervision. [59 O.S. ss. 2302]*

*"Certified Pedorthist (C.Ped.)" means a professional whose competence in the practice of pedorthics is attested to by issuance of a credential by the American Board for Certification in Orthotics, Prosthetics & Pedorthics or the Board for Orthotist/Prosthetist Certification. [59 O.S. ss. 2302]*

**"Committee"** means the Advisory Committee on Pedorthics.

**"Department"** means the State Department of Health. [59 O.S. ss. 2302]

**"Direct supervision"** means personal supervision and specific delineation of tasks and responsibilities by an Oklahoma licensed pedorthist and shall include the responsibility for personally reviewing the work by the supervisee. It is the responsibility of the Oklahoma licensed pedorthist to be on site during treatment to ensure that the supervisee does not perform duties for which he is not trained.

**"Full-time"** means greater than 2,000 hours a year.

**"General supervision"** means responsible supervision and control, with the Oklahoma licensed pedorthist providing both initial direction and periodic inspection of the supervisee's work. Such plan of treatment shall not be altered by the supervised individual without prior consultation with and approval of the supervising pedorthist. The supervising pedorthist need not always be physically present or on the premises when the supervisee is performing services; however, except in cases of emergency, supervision shall require the availability of the supervising pedorthist for consultation with and direction of the supervised individual.

**"Licensed Pedorthist" or "L.Ped."** means a person who is licensed as required by the Oklahoma Licensed Pedorthists Act, who regularly practices pedorthics, and who is therefore entitled to represent himself or herself to the public by a title or description of services that includes the term "pedorthist".

*"Pedorthic device" means therapeutic shoes, shoe modifications made for therapeutic purposes, partial foot prostheses and custom made orthoses, inserts, inlays or variants thereof for use from the ankle and below, but does not include nontherapeutic accommodative inlays or nontherapeutic accommodative footwear, regardless of method of manufacture, unmodified over-the-counter shoes, or prefabricated foot care products. [59 O.S. ss. 2302]*

**"Pedorthist"** means a person who measures, designs, fabricates, fits or services pedorthic devices and assists in the formulation of the order of pedorthic devices as prescribed by a licensed physician, licensed podiatrist, or chiropractor for the support or correction of disabilities caused by diseases, injuries or deformities.

**"Practice of pedorthics"** means the practice, pursuant to a written prescription from a physician when addressing a medical condition, of evaluating, planning treatment, measuring, designing, fabricating, assembling, fitting, adjusting, managing of the patient, or servicing of painful and/or disabling conditions of the foot and ankle.

**"Subtalar – Control Foot Orthosis (SCFO)"** means a lower extremity orthosis designed to manage the function of the anatomy distal to the ankle joint by controlling the range of motion of the subtalar joint. The proximal length of a SCFO does not extend beyond the musculotendonis junction of the gastrocnemius and calcaneal (Achilles) tendon. A SCFO is an improved method of treatment of conditions related to the foot demanding additional surface area to control forces. A SCFO does not include a supramalleoli orthosis.

- (A) Ankle joint as used in this definition includes the following:
  - (i) Ankle joint articulations
    - (I) Talus – Talar trochlea
    - (II) Tibia - Inferior articular surface; Articular surface of the medial malleolus
    - (III) Fibula
    - (IV) Articular surface of the inferior lateral malleolus
  - (ii) Ankle joint function. The ankle joint is a single plane joint consisting of the sagittal motions of plantar flexion and dorsiflexion.
- (B) Subtalar joint as used in this definition includes the following:
  - (i) Subtalar joint articulations
    - (I) Calcaneus - Middle articular surface; Posterior articular surface
    - (II) Talus - Talo-calcaneal; Talo-navicular
  - (ii) Subtalar Joint Function. The subtalar joint is a multi-plane or tri-plane motion joint consisting of the frontal plane motion of inversion/eversion, the transverse plane motion of abduction/adduction, and the sagittal plane motion of flexion/extension.

*"Therapeutic device" means a device that addresses a medical condition. [59 O.S. ss. 2302]*

[Source: Added at 19 Ok Reg 540, eff 12-28-01 (emergency); Added at 19 Ok Reg 2314, eff 6-28-02; Amended at 20 Ok Reg 2461, eff 7-11-03; Added at 26 Ok Reg 1083, eff 5-11-09]

**435:50-1-5. Advisory Committee on Pedorthics**

- (a) **Purpose.** The rules in this section shall set out the organization and administration and other general procedures and policies governing the operation of the Advisory Committee on Pedorthics.
- (b) **Meetings.**
  - (1) The Committee may convene at the request of the chair, or a majority of the Committee, or as the Committee may determine for such other meetings as may be deemed necessary to transact its business.
  - (2) The chairperson may call special meetings at such times and dates as become necessary for the transaction of advisory committee business.
  - (3) Meetings shall be announced and conducted under the provisions of the Oklahoma Open Meeting Law.
- (c) **Quorum.** A quorum of the advisory committee necessary to conduct official business is three (3) members.
- (d) **Attendance.** The policy of the advisory committee is that members will attend regular committee meetings as scheduled, except that absence from two regular meetings, without acceptable reasons, constitutes self-removal from the committee.
- (e) **Transaction of official business.**
  - (1) The advisory committee may transact official business only when in a legally constituted meeting with a quorum present.

(2) The advisory committee shall not be bound in any way by any statement or action on the part of any advisory committee member except when a statement or action is in pursuance of specific instructions of the advisory committee.

(3) Advisory committee action shall require a majority vote of those members present and voting.

(f) **Policy against discrimination.** The advisory committee shall make decisions in the discharge of its statutory authority without discrimination based on any person's race, creed, sex, religion, national origin, geographical distribution, age, physical condition or economic status.

(g) **Impartiality.** Any advisory committee member who is unable to be impartial in any proceeding before the advisory committee such as that pertaining to an applicant's eligibility for licensure or a complaint against or a violation by a licensee, shall so declare this to the advisory committee and shall not participate in any advisory committee proceedings involving that individual.

(h) **Rules of order.** Roberts Rules of Order Revised shall be the basis of parliamentary decisions except where otherwise provided by this section.

(i) **Agendas.** The executive secretary shall prepare and submit to each member of the advisory committee prior to each meeting an agenda which includes items requested by the State Board of Medical Licensure and Supervision or by members of the advisory committee, items required by law, old business, and other matters of Board business which have been approved by any committee members.

(j) **Minutes.**

(1) Drafts of the minutes of each meeting shall be forwarded to each member of the advisory committee for review and approval.

(2) The official minutes of advisory committee meetings shall be kept in the office of the Board and shall be available to any person desiring to examine them during regular office hours of the Board.

(k) **Official records.**

(1) All official records of the advisory committee including application materials, except files containing investigative information shall be open for inspection during regular office hours of the Board.

(2) A person desiring to examine official records shall be required to identify himself/herself and sign statements listing the records requested and examined.

(3) Official records may not be taken from the Board offices; however, persons may obtain photocopies of files upon written request and by paying the cost per page set by the Board. Payment shall be made prior to release of the records.

(l) **Elections.**

(1) At the meeting held nearest after January 1 of each year, the advisory committee shall elect by a majority vote of those members present a chairperson and vice-chairperson.

(2) A vacancy which occurs in the offices of chairperson and vice-chairperson may be filled by a majority vote of those members present and voting at the next advisory committee meeting.

**(m) Committees.**

- (1) The advisory committee with the approval of the Board may establish sub-committees as deemed necessary to assist the advisory committee in carrying out its duties and responsibilities.
- (2) The chairperson may appoint the members of the advisory committee to serve on sub-committees and may designate the sub-committee chairperson.
- (3) The chairperson of the advisory committee may appoint non-advisory committee members to serve as sub-committee members on a consultant or voluntary basis subject to Board approval.
- (4) Sub-committee chairperson shall make regular reports to the advisory committee in interim written reports and/or at regular meetings, as needed.
- (5) Committees and sub-committees shall direct all reports or other materials to the executive secretary for distribution.
- (6) Sub-committees shall meet when called by the chairperson of the sub-committee or when so directed by the advisory committee.

**(n) Vacancies.** Upon expiration or vacancy of the term of a member, the Oklahoma State Podiatric Association or the Oklahoma Podiatric Association, as appropriate, may submit to the State Board of Medical Licensure and Supervision, a list of three persons qualified to serve on the Committee to fill the expired term of the member. Appointments may be made from these lists by the Board and additional lists may be provided by the respective organizations if requested by the State Board of Medical Licensure and Supervision.

[Source: Added at 19 Ok Reg 540, eff 12-28-01 (emergency); Added at 19 Ok Reg 2314, eff 6-28-02]

**435:50-1-6. Hearings**

The Advisory Committee on Podiatry will assist and advise the Board as directed in conducting necessary hearings and investigations.

[Source: Added at 19 Ok Reg 540, eff 12-28-01 (emergency); Added at 19 Ok Reg 2314, eff 6-28-02]

**435:50-1-7. Fees**

All fees pertaining to podiatrists must be approved by the Board as set forth in 435:1-1-7 adopted pursuant to the Administrative Procedures Act except that the fee for initial licensure is \$150.00.

[Source: Added at 19 Ok Reg 540, eff 12-28-01 (emergency); Added at 19 Ok Reg 2314, eff 6-28-02]

**SUBCHAPTER 3. LICENSURE/REGISTRATION/REINSTATEMENT**

**Section**

- 435:50-3-1. General licensure provisions
- 435:50-3-2. Board jurisdiction
- 435:50-3-3. Application forms
- 435:50-3-4. Application procedure
- 435:50-3-5. Standard requirements for licensure

- 435:50-3-6. Alternative requirements for licensure
- 435:50-3-7. Grandfather clause
- 435:50-3-8. Licensure by endorsement
- 435:50-3-9. Requirements for temporary licensure

**435:50-3-1. General licensure provisions**

(a) No person shall perform any act prohibited by the Oklahoma Licensed Pedorthist Act for any fee or other compensation, or hold himself or herself out as a pedorthist under the Act, unless first licensed by the Board to do so. The Board directs staff to undertake affirmative action to seek the prosecution of any person suspected by the staff to be in criminal violation of any provision of the Act.

(b) No person shall be licensed by the Board unless and until that person first fully complies with all licensure provisions of the Act and this Subchapter and has satisfied the Board of the ability of that person to practice pedorthics with reasonable skill and safety.

(c) The Board shall not engage in any application process with any agent or representative of any applicant except as is specifically approved by the Board at a meeting of the Board and by majority vote. The Board shall entertain a request for authority for an agent or representative to represent an applicant only upon written motion by the applicant and after a personal interview with the applicant by the Secretary of the Board or the Board en banc. It is the purpose of the Board in this regard to prevent any subterfuge in the application process and so requires any person who wishes to employ an agent or representative to meet personally with the Board or Secretary.

[Source: Added at 19 Ok Reg 540, eff 12-28-01 (emergency); Added at 19 Ok Reg 2314, eff 6-28-02]

**435:50-3-2. Board jurisdiction**

The jurisdiction of the Board extends, for the purposed of 59 O.S. 2301 et seq, to pedorthics practices. It is the duty of the Board to enforce licensure requirements for persons who perform any act contemplated by 59 O.S. 2301 et seq.

[Source: Added at 19 Ok Reg 540, eff 12-28-01 (emergency); Added at 19 Ok Reg 2314, eff 6-28-02]

**435:50-3-3. Application forms**

(a) The Board directs staff to prepare and create new forms, or modify existing forms, to be used in the application process for licensure, registration and temporary licensure or registration.

Application forms shall require applicants to submit all information required by the Act.

(b) Application forms may be obtained upon written request from the Board office.

[Source: Added at 19 Ok Reg 540, eff 12-28-01 (emergency); Added at 19 Ok Reg 2314, eff 6-28-02]

**435:50-3-4. Application procedure**

(a) An applicant for licensure by the Board, whether by standard qualifications, alternative qualifications, Grandfather Clause or by endorsement, shall provide the Board with all information required pursuant to the Oklahoma Licensed Pedorthist Act on forms created for that purpose by staff. In addition, an applicant shall provide either original documents required or

notarized or certified duplicates.

(b) The application and forms shall be submitted to the Board accompanied by fees as set by the Board. Any incomplete or missing information, documentation or fees shall render the application incomplete. No license shall be issued unless all application requirements have been met. Incomplete applications will be considered abandoned after one year. Any applicable fees paid shall not be refunded.

(c) The applicant shall be forthright and open in the provision of information to the Board in the application process. No applicant shall be awarded a license who does not provide the Board with complete, open and honest responses to all requests for information.

(d) Any Board or Committee member, based on any response to any question or request for information on the application form, may request an applicant to provide any additional information that the Board or Committee member feels is necessary or useful to determine the applicant's ability to practice pedorthics.

(e) The applicant shall be candid in regard to the provision of information related to any academic misconduct or disciplinary action.

(f) The applicant shall be provided a copy of the Act and Board rules on unprofessional conduct. The applicant shall review such rules and state candidly and honestly whether the applicant has committed any act which would constitute grounds for disciplinary action by the Board under the Act and rules of the Board.

(g) The applicant shall pay all necessary fees related to the application.

(h) It is the responsibility of the applicant to verify the applicant's identity and the validity of all documents or information submitted to the Board in the licensure process.

(i) The Board must be in receipt of correspondence from the Board of Certification in Pedorthics prior to issuance of any pedorthic license according to standard qualifications. The Board may also contact other sources as necessary. Should information be found through correspondence with the ABC, BOC or other sources that was previously unknown to the Board, the application will be held until such time as the Secretary of the Board is satisfied that the information has been validated by the staff.

(j) An applicant may withdraw an application for licensure at any time prior to the submission of the application for consideration by members of the Committee. No application may be withdrawn by an applicant after it has been submitted to members of the Committee.

(k) A foreign applicant shall provide the Board with written proof of the applicant's ability to work in the United States as authorized by the United States Immigration and Naturalization Service.

[Source: Added at 19 Ok Reg 540, eff 12-28-01 (emergency); Added at 19 Ok Reg 2314, eff 6-28-02; Amended at 26 Ok Reg 1083, eff 5-11-09]

#### **435:50-3-5. Standard requirements for licensure**

(a) Every person seeking licensure as a pedorthist shall meet all requirements established by the Oklahoma Licensed Pedorthist Act and the rules of this Chapter.

(b) Applicants holding pedorthic credentials conferred by the American Board for Certification in Orthotics, Prosthetics & Pedorthics (ABC) or the Board for Orthotist/Prosthetist Certification (BOC) shall submit to the Board verification of Certification directly from the ABC or BOC (proof of ABC or BOC certification in pedorthics shall constitute satisfactory evidence of



applicant meeting educational requirements for licensure).

(c) Applicants who have never held an Oklahoma license and who have not practiced within the previous twelve months wishing to obtain a license, in addition to meeting requirements set out in 435:50-3-5(a), may be required to meet one or more of the following guidelines:

(1) Practice under the direct supervision of a licensed Pedorthist for up to ninety (90) days.

(A) The supervising pedorthist(s) shall provide to the Committee a report on the applicant's performance prior to licensure.

(B) Upon a personal appearance by the applicant the Committee has the discretion to change the level of supervision to general supervision.

(2) Provide proof of at least two (2) continuing education points for each month out of practice.

(3) Retake and pass the American Board for Certification in Orthotics, Prosthetics & Pedorthics or the Board for Orthotist/Prosthetist Certification pedorthic examination.

(4) Personal appearance before the Advisory Committee.

[Source: Added at 19 Ok Reg 540, eff 12-28-01 (emergency); Added at 19 Ok Reg 2314, eff 6-28-02; Amended at 26 Ok Reg 1083, eff 5-11-09]

#### **435:50-3-6. Alternative requirements for licensure**

A person who is unable to meet standard qualifications for licensure as set out in 435:50-3-5 of this subsection may file an application for licensure based upon successful completion of the terms of a contract as provided in Title 59 O.S., Section 2306. The application shall include the "Allied Health" application form and appropriate fee(s), verification of licensure from each state from which a license is currently or has been held to practice in a medically related field, and information regarding the applicant's work history and scope of practice. The Board upon recommendation of the Committee shall establish the terms of the contract after review of the applicant's experience or other qualifications. Terms of the contract may include additional experience, education or other requirements to be achieved within a specified period of time not to exceed ten (10) years.

[Source: Added at 19 Ok Reg 540, eff 12-28-01 (emergency); Added at 19 Ok Reg 2314, eff 6-28-02]

#### **435:50-3-7. Grandfather clause [requirements for registration]**

Any person practicing full time during the period of November 1, 1998 through October 31, 2001 in a pedorthic facility as a pedorthist may file an application for licensure prior to January 30, 2002 for permission to continue practice at his or her identified level of practice as set out in Title 59 O.S., Section 2306 (F). The application shall include the "Allied Health" application form and appropriate fee(s), verification of licensure from each state from which a license is currently or has been held to practice in a medically related field, and information regarding the applicant's work history and scope of practice. Verification of work history will be completed by the Board within six months of the date the application is received by the Board.

[Source: Added at 19 Ok Reg 540, eff 12-28-01 (emergency); Added at 19 Ok Reg 2314, eff 6-28-02]

### **435:50-3-8. Licensure by endorsement**

Requirements for licensure by endorsement for Pedorthists are as follows:

- (1) Applicants for licensure by endorsement must meet all Standard requirements for licensure as set forth in the Act and rules.
- (2) Any person who is currently licensed by examination as a pedorthist in another state of the United States of America, the District of Columbia or Puerto Rico, is eligible for licensure by endorsement provided the written examination and grade standard were that of the American Board for Certification in Orthotics, Prosthetics & Pedorthics (ABC) or the Board for Orthotist/Prosthetist Certification (BOC) or any other group approved by the Board.
- (3) The application shall include the "Allied Health" application form and appropriate fee(s), verification of licensure from each state from which a license is currently or has been held to practice in a medically related field, and information regarding the applicant's work history and scope of practice.

[Source: Added at 19 Ok Reg eff 540, 12-28-01 (emergency); Added at 19 Ok Reg 2314, eff 6-28-02; Amended at 26 Ok Reg 1083, eff 5-11-09]

### **435:50-3-9. Requirements for temporary licensure**

For the purpose of safeguarding the health, safety and welfare of the public, the Secretary of the Board may authorize the temporary practice, under the supervision of a licensed pedorthist, in the interim between acceptance of completed application and issuance of a license. The applicant will practice under the direct supervision of a licensed pedorthist unless proof of current certification by the American Board for Certification in Orthotics, Prosthetics & Pedorthics (ABC) or the Board for Orthotist/Prosthetist Certification (BOC) is presented. If proof of current ABC or BOC certification is presented, the applicant may practice under the general supervision of a licensed pedorthist.

[Source: Added at 19 Ok Reg 540, eff 12-28-01 (emergency); Added at 19 Ok Reg 2314, eff 6-28-02; Amended at 26 Ok Reg 1083, eff 5-11-09]

## **SUBCHAPTER 5. ANNUAL RENEWAL/CONTINUING EDUCATION**

### Section

- 435:50-5-1. Definitions
- 435:50-5-2. Requirements for renewal of license
- 435:50-5-3. Continuing education requirements for renewal
- 435:50-5-4. Approval of continuing education
- 435:50-5-5. Methods for obtaining continuing education.

### **435:50-5-1. Definitions**

The following words and terms, when used in this Subchapter, shall have the following meaning, unless the content clearly indicates otherwise:

**"Compliance period"** means the initial compliance period from January 1, 2003 through December 31, 2003 and each successive calendar year.

**"Continuing education"** means those appropriate learning experiences pedorthists undertake to expand their scope of knowledge beyond the basic preparation for the profession of pedorthics and should be related to pedorthic technique and application, pedorthic assessment, patient management, practice management and professional responsibility.

**"One (1) contact hour"** means one 60 minute instructional period.

**"One (1) Continuing Education Point or CEP"** means one contact hour.

**"Pre-approval"** means the continuing education experience has received approval prior to the end of the compliance period by the American Board for Certification in Orthotics, Prosthetics & Pedorthics (ABC), the Board for Orthotist/Prosthetist Certification (BOC) or the Advisory Committee on Pedorthics.

[Source: Added at 19 Ok Reg 540, eff 12-28-01 (emergency); Added at 19 Ok Reg 2314, eff 6-28-02; Amended at 26 Ok Reg 1083, eff 5-11-09]

### **435:50-5-2. Requirements for renewal of license**

(a) **Purpose.** The purpose of this section is to set out the rules governing pedorthist license renewal and replacement.

(b) **Date required to renew.**

- (1) A licensee must renew the license annually.
- (2) The application and fee for the renewal of the license shall be postmarked or hand delivered to the Board office not later than January 31st.
- (3) Each licensee is responsible for renewing the license on or before the required date and shall not be excused from paying additional fees or penalties.

(c) **Renewal procedure.**

- (1) At least thirty (30) days prior to January 31st, the Board will send an application for renewal of the license, and the amount of the renewal fee due. The licensee must complete the application and return it to the Board office with the required fee. The timely return of the completed renewal form shall be considered confirmation of the receipt of renewal notification.
- (2) The license renewal form for all licensees shall require in addition to other information, the preferred mailing address and primary practice address.
- (3) The Board shall not consider a license to be renewed until it receives the completed license renewal form, the required fees set by the Board and proof of eleven continuing education points.
- (4) The Board shall issue to a licensee who has met all requirements for renewal a renewal of license identification card.

(d) **Late renewal.**

- (1) The Board shall notify a person who has not renewed a license after a period of more than thirty (30) days that their license is inactive.
- (2) A person whose license is inactive for not more than thirty (30) days may renew the license by paying to the Board the required renewal fee and a penalty fee as established by the Board in **OAC 435:1-1-7. Fees.**
- (3) A person whose license has been inactive for more than thirty (30) days but less than one (1) year from the last day for renewal of the license may renew the license by paying

to the Board the unpaid licensure renewal fees, plus a late penalty as established by the Board in **OAC 435:1-1-7. Fees.**

(4) A person whose license has been lapsed more than twelve months wishing to re-enter the practice of pedorthics shall meet all application requirements in effect at the time reinstatement is requested. In addition, the pedorthists may be required to meet one or more of the following:

(A) Practice under the direct supervision of a licensed Pedorthist for up to ninety (90) days.

(i) The supervising pedorthist(s) shall provide to the Committee a report on the applicant's performance prior to licensure.

(ii) Upon a personal appearance by the applicant the Committee has the discretion to change the level of supervision to general supervision.

(B) Provide proof of at least two (2) continuing education points for each month out of practice.

(C) Retake and pass the Board for Certification in Pedorthists examination.

(D) Personal appearance before the Advisory Committee.

(e) **Replacement of license.** The Board will replace a lost, damaged or destroyed license certificate or license identification card upon application by the licensee and payment of fees established by the Board. Applications must include an affidavit detailing the loss or destruction of the licensee's original license or license identification card, or be accompanied by the damaged certificate or card.

[Source: Added at 19 Ok Reg 540, eff 12-28-01 (emergency); Added at 19 Ok Reg 2314, eff 6-28-02]

#### **435:50-5-3. Continuing education requirements for renewal**

(a) Every year pedorthists seeking to renew licensure must show proof of current certification by the American Board for Certification in Orthotics, Prosthetics and Pedorthics or obtain 11 continuing education points as set out in 435:50-5-4 and 435:50-5-5 of this subsection. No continuing education hours may be carried over from one compliance period to another.

(b) Any applicant for renewal who cannot meet the requirements for continuing education may make a written request for an extension from the Board. The request shall include a plan for completion of the continuing education requirements within the requested extension period. An extension with a temporary license for a period of up to one calendar year may be granted if circumstances make it impossible or extremely difficult for the applicant to obtain the required continuing education hours. Such circumstances may include, but are not limited to, extended illness, family emergency, etc.

(c) Each licensee is responsible for maintaining evidence/proof/record of participation in a continuing education experience for a minimum of six years. Such proof shall include:

(1) date, place, course title, schedule, presenter(s), etc.,

(2) number of contact hours for activity,

(3) proof of completion, such as abstracts, certificates of attendance, or other certification of completion.

(d) Individuals licensed between June 1 and January 31 will not be required to obtain continuing

education points for their first renewal period.

(e) The Advisory Committee on Pedorthics shall conduct random audits of the continuing education records of the number of licensees that time and resources permit. The Committee may appoint a sub-committee to review audits and requests for approval of continuing education experiences and make recommendations to the Committee for disposition.

(f) Penalties for failure to comply with continuing education requirements may be assessed after notice and hearing as required by law. Penalties may include imposition of additional continuing education contact hours, probation of license, suspension of license, or revocation of license.

[Source: Added at 19 Ok Reg 540, eff 12-28-01 (emergency); Added at 19 Ok Reg 2314, eff 6-28-02; Amended at Ok Reg , Eff 5-12-11]

#### **435:50-5-4. Approval of continuing education**

(a) Pedorthic-related continuing education that is offered or approved by the American Board for Certification in Orthotics, Prosthetics & Pedorthics (ABC), Board for Orthotist/Prosthetist Certification (BOC) or Pedorthic Footwear Association or that has been approved by other U.S. pedorthics licensing bodies which also require continuing education is automatically accepted by the Committee as approved continuing education points.

(b) Pre-approval by the ABC, BOC or by the Committee is required for guaranteed credit. Workshops or seminars not pre-approved may or may not be accepted for credit if submitted at the time of audit. To receive approval for CEPs from the Committee, the licensee must provide the following materials regarding the program or course for which credit is sought:

- (1) A program agenda showing a breakdown of time spent in instruction periods, break time, meals, etc., in the case of film or tape presentation, duration, title, and a brief summary of presentation, or in the case of academic course work, a copy of the course syllabus;
- (2) A statement of the course or program's goals and objectives sufficient to provide information for evaluation of relevancy and practical application to the field of pedorthics;
- (3) Documentation of instructor background/expertise;
- (4) location of the program, include the location city, state, and zip, name and phone number of contact person.
- (5) method of certifying attendance
- (6) copy of published material (if applicable).

[Source: Added at 19 Ok Reg 540, eff 12-28-01 (emergency); Added at 19 Ok Reg 2314, eff 6-28-02; Amended at 26 Ok Reg 1083, eff 5-11-09]

#### **435:50-5-5. Methods for obtaining continuing education**

(a) **Traditional methods.** Traditional methods for obtaining continuing education are listed below. One sixty (60) minute session equals one CEP:

- (1) Workshops
- (2) Seminars
- (3) Conferences

(b) **Presentation of pedorthics programs.** One sixty (60) minute presentation of original

material equals two CEPs. No additional points for subsequent presentations will be granted. Reiteration of information obtained from attendance at a continuing education program will not qualify.

(c) **Publication.** Writing for professional publication or production of other media such as videotape, slide/tape presentation, etc. that is available for general viewing may be awarded continuing education credit. Actual number of points granted will be determined by the Committee.

- (1) Each published paper and/or chapter may receive a maximum of fifteen CEPs.
- (2) Each published abstract and/or book review may receive a maximum of ten CEPs.
- (3) Each published case study/report may receive a maximum of ten CEPs.
- (4) Each published production may receive a maximum of fifteen CEPs.

(d) **Research.**

- (1) Principal or co-investigator, project director or research assistant. Research proposal and final results submitted to Committee for approval. Maximum of ten CEPs.
- (2) Quality assurance studies completed and published in a journal, newsletter or professional magazine. Maximum of five CEPs.

(e) **Formal course work.**

- (1) College and university course work directly relating to improvement, advancement or extension of one's skills as a pedorthist. Maximum of eleven CEPs.
- (2) College and university courses that are indirectly related, yet support skills and knowledge will be evaluated individually and assigned value accordingly by the Committee (i.e. business, improving human relations, etc.). Maximum of ten CEPs.

(f) **Study groups.** Study groups are defined as a series of meetings designed for intense study in a pedorthics related topic. A minimum of four participants and four hours of participation are required for continuing education eligibility. Those seeking approval for a group study project shall submit a full description including an outline of the topics and subtopics, bibliographical citations or copies of the printed materials, a time and place of study, the methods to be used, the number of hours of credit sought, and any other information relevant to the evaluation of the proposed projects. A sixty (60) minute instructional period will equal one contact hour.

(g) **Self-instruction.** Self-instruction may include but not be limited to activities such as reading professional literature, reviewing video programs and listening to audio programs relating to pedorthics. Video and audio programs – 60 minutes of running time equals one contact hour. One professional article or each chapter in a book will equal one contact hour. Limit two (2) contact hours per compliance period.

(h) **In-service training.** In-service training is an educational presentation pertaining to pedorthics in evaluation, assessment or treatment of patients, provided by a practice setting. Job required training sessions such as HIV, safety, CPR, etc. will not qualify. One sixty (60) minute instructional period equals one contact hour.

(i) **Correspondence courses and Computer Based Instruction.** Correspondence courses and computer based instruction is defined as organized course content in a test or computer-generated format. Hours awarded to be determined by the Committee after review.

(j) **Activities not accepted.** Learning opportunities not listed above may be considered for continuing education credit, but will require preapproval. However, the following are some examples of activities that will not be accepted:

- (1) Regularly scheduled education opportunities provided within an institution, such as rounds.
- (2) Staff meetings.
- (3) Meetings, workshops or seminars held by personnel with less medical training than licensed pedorthists.
- (4) Teaching personnel, students or staff within one's job requirement.
- (5) Non-educational meetings, entertainment or recreational activities at professional meetings.

[Source: Added at 19 Ok Reg 540, eff 12-28-01 (emergency); Added at 19 Ok Reg 2314, eff 6-28-02]

## **SUBCHAPTER 7. REGULATION OF PRACTICE**

435:50-7-1. Grounds for disciplinary action

435:50-7-1.1. Administrative fines

435:50-7-2. Standards of Ethics and Professional Conduct

### **435:50-7-1. Grounds for disciplinary action**

(a) The Advisory Committee on Pedorthics may recommend to the Board to reprimand or place on probation any holder of a Pedorthics license (L. Ped.), or to limit, suspend or revoke privileges, or to revoke or suspend any license issued to an L.Ped. or to deny a license to an applicant for unprofessional conduct. Acts which constitute unprofessional conduct include, but are not limited to:

- (1) Habitual intemperance or habitual use of any habit forming drug, chemical or substance that could result in behavior that interferes with the practice of pedorthics and the responsibilities of the licensee.
- (2) Unauthorized possession or use of illegal or controlled substances or pharmacologic agents without lawful authority or prescription by an authorized and licensed practitioner of the healing arts.
- (3) Any conduct which potentially or actually jeopardizes a patient's life, health or safety.
- (4) Falsely manipulating patient records, or forging a prescription for a pedorthic device, or presenting a forged prescription.
- (5) Conviction of, or confession, plea of guilty or plea of no contest to a felony or a crime involving moral turpitude.
- (6) Conviction of, or confession or plea of guilty or plea of no contest to, a drug related offense.
- (7) Falsifying documents submitted to the Advisory Committee on Pedorthics or the Oklahoma State Board of Medical Licensure and Supervision.
- (8) Obtaining or attempting to obtain a license, certificate or documents of any form by fraud or deception.
- (9) Aiding, abetting or assisting any other person to violate or circumvent any law or rule or regulation.
- (10) Failure to report the unsafe or illegal practice of any person who is licensed under this act.

- (11) Negligence while in practice as a pedorthist or violating the “Standards of Ethics and Professional Conduct” adopted by the Board.
  - (12) Engaging in fraudulent billing practices and/or violation of federal Medicare and Medicaid laws or state medical assistance laws.
  - (13) Being adjudged mentally incompetent by a court of competent jurisdiction.
  - (14) Failing to timely make application for license renewal.
  - (15) Verbally or physically abusing patients.
  - (16) Discriminating in the rendering of patient care and pedorthic assignment(s).
  - (17) Inaccurate recording, falsifying or altering of patient records.
  - (18) Leaving a patient care assignment or patient without properly advising appropriate personnel.
  - (19) Violating the confidentiality of information or knowledge concerning a patient.
  - (20) While engaged in the care of a patient, engaging in conduct with a patient, patient family member or significant other which is seductive or sexually demeaning/exploitive in nature.
  - (21) Violating any provision of the Oklahoma Licensed Pedorthists Act or the rules promulgated by the Board.
  - (22) Failure to furnish the Board, its investigators or representatives, information lawfully requested by the Board.
  - (23) Failure to cooperate with a lawful investigation conducted by the Board.
  - (24) Violation of any provision(s) of the medical practice act or the rules and regulations of the Board or of an action, stipulation, agreement or order of the Board.
- (b) A pedorthist on probation with the Board will be prohibited from supervision of other pedorthists or temporary license holders for so long as the Board deems appropriate.

[Source: Added at 19 Ok Reg 540, eff 12-28-01 (emergency); Added at 19 Ok Reg 2314, eff 6-28-02]

#### **435:50-7-1.1. Administrative fines**

The Advisory Committee on Pedorthics shall recommend to the Board an appropriate administrative fine to be levied upon anyone who is in violation of any provision of the Oklahoma Licensed Pedorthists Act or who holds himself or herself out to be a pedorthist without being duly licensed. In accordance with 59 O.S., Section 2307, a fine of up to Five Hundred Dollars (\$500.00) per day may be assessed based upon the severity of the offense.

[Source: Added at 22 Ok Reg 957, eff 5-12-05]

#### **435:50-7-2. Standards of ethics and professional conduct**

- (a) **Purpose.** The rules in this section on the profession of pedorthics shall be to establish the standards of professional conduct and code of ethics required of a licensee.
- (b) In the conduct of their professional activities the pedorthist shall be bound by the following ethical and professional principles.
  - (1) **Responsibilities to the patient.**
    - (A) **Services.** The pedorthist shall provide the initial evaluation and recommendation for pedorthic devices in an effective, dignified and efficient manner in accordance with the direction of patient’s physician.



(B) **Recognition of foot problems.** The pedorthist shall assist lay people to recognize foot health problems and the need for appropriate medical care only out of a desire to protect one who would not otherwise seek or obtain proper medical attention. Such assistance should recommend that the patient have a physician diagnose any foot pathology.

(C) **Confidential information.**

(i) The pedorthist shall keep all information relating to a patient's background, condition, treatment, management plan or other areas relating to the pedorthist-patient relationship confidential unless prior written consent of the patient or the patient's legal guardian is received.

(ii) The pedorthist shall keep patient information that may be derived as a result of any pedorthist's peer review process confidential by all participants unless written permission to release the information is obtained from the patient or the patient's legal guardian.

(iii) The pedorthist shall keep all patient information that is derived in a workplace from a working relationship among pedorthists relating to any patient confidential.

(iv) The pedorthist shall strictly adhere to the confidentiality requirements set forth in the subsection unless the release is ordered by a court of law or release is necessary to protect the welfare of the patient and/or the community in accordance with applicable legal requirements.

(D) **Competency.**

(i) The pedorthist shall provide services that reflect the best practices in the profession and use best efforts to meet the patient's pedorthic requirements.

(ii) Upon accepting an individual for pedorthic services, the pedorthist shall assume the responsibility for evaluating that individual; planning, implementing and supervising the patient's care; reevaluating and changing the pedorthic program; and maintaining adequate records of the case, including progress reports.

(iii) The pedorthist shall not fill a prescription that is beyond his/her degree of expertise.

(E) **Research.** The pedorthist shall ensure that all research projects or studies are done in accordance with standards of the American Board for Certification in Orthotics, Prosthetics & Pedorthics (ABC) or the Board for Orthotist/Prosthetist Certification (BOC).

(F) **Trust and honesty.** The pedorthist shall always be truthful and honest in pedorthic matters to the patient, physician, Board and the public in general.

(G) **Fees and compensation.**

(i) The pedorthist shall not engage in false, misleading or deceptive representations in relation to the cost of the services undertaken or furnished.

(ii) The pedorthist shall not recommend or provide continued pedorthic services to a patient when the pedorthist is aware that the services are

being recommended or provided more frequently than necessary, or that pedorthic service has already progressed beyond the point at which further benefit to the patient is possible.

(iii) The pedorthist shall not submit false or misleading information in requesting reimbursement from third-party payers, including Medicare and private insurers.

**(H) Practice arrangements.**

(i) Except for fees earned for services performed for the patient, the pedorthist shall not give or receive valuable consideration solely because of referrals.

(ii) Participation in the business, partnership, corporation or other entity does not exempt the pedorthist, whether employer, partner or stockholder, either individually or collectively, from the obligation of complying with this Code of Ethics and the rules of the Board.

(iii) The pedorthist shall advise the Board of any employer or employee practice that is in contradiction with this Code of Ethics.

**(I) Delay in services.** The pedorthist shall not accept any prescription when the pedorthist knows or believes the pedorthic device cannot be furnished within a reasonable period of time unless the pedorthist has advised the patient in advance the approximate length of time it will take to fill the prescription. In such instances, the pedorthist must discuss the situation with the patient and prescribing health care practitioner.

**(J) Compliance with laws and regulations.** The pedorthist shall provide consultation, evaluation, treatment, business practices, and preventive care, in accordance with the laws and regulations of the State of Oklahoma.

**(K) Consumer protection.** The pedorthist shall report to the Board any conduct that appears to be unethical, incompetent or illegal. Failure to report any such behavior that is known to the pedorthist shall be unethical.

**(L) Maintenance of patient records.** The pedorthist shall initiate and maintain appropriate records about his/her service with each patient. The pedorthist has the duty to maintain patient files in a safe manner and ensure the confidentiality of the patient's records.

**(M) Delegation of responsibility.** The pedorthist shall exercise adequate supervision over persons to whom the pedorthist has delegated certain responsibilities requiring unique skills, knowledge or judgment. The pedorthist is responsible for pedorthic care performed by support personnel under his/her supervision. The pedorthist is responsible for assuring that adequate supervision of support personnel occurs to ensure the patient receives the necessary and appropriate care.

**(N) Illegal discrimination.** The pedorthist shall not decline to accept a patient on the basis of race, gender, color, religion or national origin or on any basis that would constitute illegal discrimination.

**(O) Discontinuing service.**

(i) The pedorthist has a duty to inform the physician if the patient fails to follow the physician's plan for pedorthic treatment or discontinues the physician's plan for pedorthic treatment prematurely.

(ii) The pedorthist may at his/her discretion discontinue or refuse pedorthic service to any patient or customer only if the laws and regulations of the State of Oklahoma are not violated.

**(2) Practitioner responsibilities to the physician.**

**(A) Diagnosis and prescription.** The pedorthist must receive a prescription from a physician before providing any pedorthic device to a patient.

**(B) Pedorthic evaluation and recommendation.**

(i) The pedorthist shall recognize that each individual patient is different and deserves specific and responsible guidance from the pedorthist.

(ii) The pedorthist, after evaluating a patient, may recommend to the physician specific pedorthic device designs along with the reasoning for such recommendation.

(iii) The pedorthist has the responsibility for the final design for the pedorthic device.

(iv) The pedorthist should only dispense pedorthic devices that are in accordance with the prescription and that meet the needs of the patient.

(v) The pedorthist shall be guided at all times by concern for the physical, emotional, social and economic welfare of the patient.

**(C) Changes in patient's condition.**

(i) When requested by the patient and/or the patient's physician, the pedorthist shall monitor and observe the patient's physical condition in connection with the pedorthic care and the prescribed pedorthic device.

(ii) The pedorthist must notify the referring physician and the patient as soon as possible of any change in the patient's condition related to the pedorthic management plan.

**(D) Altering pedorthic devices.** The pedorthist may repair or adjust a pedorthic device without notifying the prescribing physician. However, such repairs or adjustments must conform to the original prescription. Any repairs, adjustments, modifications and/or replacements that alter the original prescription must be authorized by the physician.

**(3) Responsibilities to colleagues and the profession.**

**(A) Dignity and stature.**

(i) The pedorthist has the personal responsibility to conduct his or herself in a manner that will assure the dignity and stature of the profession of pedorthics.

(ii) The pedorthist should discharge his/her responsibilities with honor and integrity, making the greatest possible effort to satisfy the patient's pedorthic requirements.

(iii) Examples of unacceptable behavior include, but are not limited to, the misuse of the license and misrepresentation of capacity as a provider of services.

(B) **Commercialization.** The pedorthist primary professional function is to develop the pedorthic device as part of a medical treatment team. However, the pedorthist is not prohibited from providing other commercial services, such as furnishing non-therapeutic footwear, non-therapeutic custom-comfort or prefabricated foot care products, as long as each patient and the public in general are made aware of the differences between the pedorthist's professional and commercial services.

(C) **Solicitation.**

(i) It is unethical for a pedorthist to either directly or indirectly solicit the patronage of individual patients by way of intimidation, threats, harassing conduct, undue influence, coercion, duress, or solicitation of a patient who is apparently in a mental condition that impairs his/her personal judgment to make decisions concerning the products or services being offered.

(ii) The pedorthist shall abide by current Medicare or comparable government regulations regarding patient solicitations.

(D) **Board review.** The Advisory Committee on Pedorthics will determine whether the pedorthist is practicing in accordance with the laws and rules of the Board. In the event that the Committee determines that there are violations of these laws or rules, the Committee will refer the matter to the Board who shall handle the matter as a complaint and proceed in accordance with the Oklahoma Administrative Procedures Act.

(E) **Education.**

(i) The pedorthist is encouraged to support quality educational programs.

(ii) It is unethical for the pedorthist to participate in any programs, educational or otherwise, that falsely or deceptively represent the rights and privileges of the profession.

(iii) It is unethical for the pedorthist to falsify his/her continuing education units.

(iv) A pedorthist shall teach only in areas of service within his/her credentials.

(F) **Standards of practice.** The pedorthist should adhere to a standard of practice as outlined in the Act and rules and as guided by the Board for Certification in Orthotics, Prosthetics & Pedorthics (ABC) and the Board for Orthotist/Prosthetist Certification (BOC). The pedorthist can engage in practice beyond the standards of practice if the pedorthist is directly supervised by a practitioner certified to perform those services or if the pedorthist holds credentials in that profession.

(4) **Patient care by other professionals.**

(A) The pedorthist should conduct himself/herself in a professional manner.

(B) Concerns regarding patient care provided by physicians or other medical professionals should be addressed directly to the professional rather than to the patient. In the event that such concerns rise to the level of criminal violation, incompetency, malpractice or a violation of the Oklahoma law or the rules of the Board, then the pedorthist must immediately notify the Board or other appropriate

regulatory agency.

(C) It is unethical for a pedorthist to indulge in action or statements that can be construed by the patient or another as critical of the patient's case.

(5) **Licensure.** The pedorthist shall use the fact that they are licensed only as evidence of meeting the requisite standard of knowledge and competency in the profession as defined by the Board. It is unethical for a non-licensed pedorthist to represent, directly or indirectly, that he or she is licensed.

[Source: Added at 19 Ok Reg 540, eff 12-28-01 (emergency); Added at 19 Ok Reg 2314, eff 6-28-02; Amended at 26 Ok Reg 1083, eff 5-11-09]