

***OKLAHOMA ADMINISTRATIVE CODE**
TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION
CHAPTER 55. LICENSED ORTHOTISTS AND PROSTHETISTS AND REGISTERED
TECHNICIANS AND ASSISTANTS

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**This is an unofficial copy of Chapter 55 of Title 435 of the Oklahoma Administrative Code. Official copies may be obtained from the Office of Administrative Rules.*

SUBCHAPTER 1. GENERAL PROVISIONS

Section

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435:55-1-1. Purpose

The rules of this Chapter have been adopted to assist in the implementation and enforcement of the Oklahoma Licensed Orthotists and/or Prosthetists Act.

[Source: Added at 19 Ok Reg 549, eff 12-28-01 (emergency); Added at 19 Ok Reg 2323, eff 6-28-02]

435:55-1-2. 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 549, eff 12-28-01 (emergency); Added at 19 Ok Reg 2323, eff 6-28-02]

435:55-1-3. License required

Effective July 1, 2002, any person who holds him or herself out to be a Licensed Orthotist and/or Prosthetist or uses the title Orthotist and/or Prosthetist or common variants of that title or Registered Orthotist and/or Prosthetist Technician or Assistant must possess a valid license issued by the Board.

[Source: Added at 19 Ok Reg 549, eff 12-28-01 (emergency); Added at 19 Ok Reg 2323, eff 6-28-02]

435:55-1-4. Definitions

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

"Accommodative device" means a device designed with a primary goal of conforming to the individual's anatomy.

"Board" means the State Board of Medical Licensure and Supervision. [59 O.S., ss 3002]

"Committee" means the Advisory Committee of Orthotists and/or Prosthetists [59 O.S., ss 3002]

"Department" means the State Department of Health.

"Fitter" means a person who, under direct supervision of a licensed Orthotist and/or Prosthetist provides prefabricated fittings in accordance with a scope of practice and credential documented by a licensed Orthotist and/or Prosthetist.

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

"Licensed Orthotist" means a person licensed under the Orthotics and Prosthetics Practice Act to practice orthotics (provision of orthoses) and who is entitled to represent himself or herself to the public by a title or description of services that includes the term "orthotic" or "orthotist" whom evaluates, measures, designs, fabricates, assembles, fits, adjusts, or services an orthosis as prescribed by a licensed physician for the support or correction of disabilities caused by neuromusculoskeletal diseases, injuries, or deformities.

"Licensed Prosthetist" means a person licensed under the Orthotics and Prosthetics Practice Act to practice prosthetics (provision of prostheses) and who is entitled to represent himself or herself to the public by a title or description of services that includes the term "prosthetic" or "prosthetist" who evaluates, measures, designs, fabricates, fits, or services a prosthesis as prescribed by a licensed physician for the replacement of external parts of the human body lost due to amputation or congenital deformities or absences.

"Orthosis" means a custom-fabricated or custom-fitted brace or support designed to provide for alignment, correction, or prevention of neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity, not excluding those of the foot; provided, however, "orthosis" does not include soft goods such as fabric or elastic supports, corsets, arch supports, low-temperature plastic splints, trusses, elastic hose, canes, crutches, soft cervical collars, dental appliances, or essentially equivalent devices commonly sold as over-the-counter items requiring no professional advice or judgment in either size selection or use. [59 O.S., ss 3002]

"Orthotics" means the science and practice of evaluating, measuring, designing, fabricating, assembling, fitting, adjusting, or servicing an orthosis under a prescription from a licensed physician for the correction or alleviation of neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity. [59 O.S., ss 3002]

"Prosthesis" means an artificial medical device that is not surgically implanted and that is used to replace a missing limb, appendage, or another external human body part including an artificial limb, hand, or foot and/or any part thereof; provided, however, "prosthesis" does not include artificial eyes, ears, fingers, toes, dental appliances, cosmetic devices such as artificial breasts, eyelashes, or wigs, or other devices that do not have a significant impact on the musculoskeletal functions of the body.

"Prosthetics" means the science and practice of evaluating, measuring, designing, fabricating, assembling, fitting, adjusting, or servicing prostheses under a prescription from a licensed physician. [59 O.S., ss 3002]

"Registered Orthotic and/or Prosthetic Assistant" means a person registered under the Orthotics and Prosthetics Practice Act who, under direct supervision of a licensed orthotist and/or prosthetist, assists with patient care services or the fabrication of orthoses and/or prostheses.

"Registered Prosthetic and/or Orthotic Technician" means a person registered under the Orthotics and/or Prosthetics Practice Act who, under the direct supervision of a licensed Orthotist and/or Prosthetist, assists with the fabrication of orthoses or prostheses but who does not provide director patient care.

"Resident" means a person who has completed an education program in either orthotics and/or prosthetics recognized by the Board and is continuing clinical education in a residency

recognized by the Board and accredited by the National Commission on Orthotic and Prosthetic Education or other accrediting organization recognized by the Board.

"Student" means a person currently engaged in an education program in either orthotics and/or prosthetics, or directly related to such, recognized by the Board and accredited by the National Commission on Orthotic and Prosthetic Education or other accrediting organization recognized by the Board.

[Source: Added at 19 Ok Reg 549, eff 12-28-01 (emergency); Added at 19 Ok Reg 2323, eff 6-28-02]

435:55-1-5. Advisory Committee on Orthotics and/or Prosthetics

(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 Orthotics and/or Prosthetics.

(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 four (4) members.

(d) **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.

(e) **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.

(f) **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.

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

(h) **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.

(i) **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.

(j) **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.

(k) **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. Following one's term of office on the Advisory committee, if one is reappointed to the committee, he/she may not run for specific office previously held.
- (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.

(l) **Committees.**

- (1) The advisory committee with the approval of the Board may establish sub-committees, members of which may be recommended by the Oklahoma Association of Orthotists and Prosthetists (OAOP) as deemed necessary to assist the advisory committee in carrying out its duties and responsibilities.
- (2) The chairperson may appoint a member of the advisory committee to serve as the sub-committee chairperson and thus act as liaison with advisory committee.
- (3) The chairperson of the advisory committee may appoint non-advisory committee members to serve as sub-committee members from the active OAOP membership.
- (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.

[Source: Added at 19 Ok Reg 549, eff 12-28-01 (emergency); Added at 19 Ok Reg 2323, eff 6-28-02]

435:55-1-6. Hearings

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

[Source: Added at 19 Ok Reg 549, eff 12-28-01 (emergency); Added at 19 Ok Reg 2323, eff 6-28-02]

435:55-1-7. Fees

All fees pertaining to persons licensed under the Orthotics and Prosthetics Practice Act must be approved by the Board as set forth in 435:1-1-7 adopted pursuant to the Administrative Procedures Act, except that fees for initial licensure and registration are as follows:

- (1) Licensed Orthotist/Prosthetist – \$250.00.
- (2) Registered Orthotist/Prosthetist Assistant - \$75.00.
- (3) Registered Orthotist/Prosthetist Technician - \$50.00.

[Source: Added at 19 Ok Reg 549, eff 12-28-01 (emergency); Added at 19 Ok Reg 2323, eff 6-28-02]

SUBCHAPTER 3. LICENSURE/REGISTRATION/REINSTATEMENT

Section

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- 435:55-3-11. Requirements for temporary licensure

435:55-3-1. General licensure provisions

(a) No person shall perform any act prohibited by the Orthotics and Prosthetics Practice Act for any fee or other compensation, or hold himself or herself out as an Orthotist and/or Prosthetist 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 orthotics and/or prosthetics 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 549, eff 12-28-01 (emergency); Added at 19 Ok Reg 2323, eff 6-28-02]

435:55-3-2. Board jurisdiction

The jurisdiction of the Board extends, for the purposes of 59 O.S. 3001 et seq, to orthotic prosthetic practices. It is the duty of the Board to enforce licensure and registration requirements for persons who perform any act contemplated by 59 O.S. 3001 et seq.

[Source: Added at 19 Ok Reg 549, eff 12-28-01 (emergency); Added at 19 Ok Reg 2323, eff 6-28-02]

435:55-3-3. 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 Orthotics and Prosthetics Practice Act.
- (b) Application forms may be obtained upon written request from the Board office.

[Source: Added at 19 Ok Reg 549, eff 12-28-01 (emergency); Added at 19 Ok Reg 2323, eff 6-28-02]

435:55-3-4. 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 Orthotics and Prosthetics Practice Act on forms created for that purpose by staff. In addition, an applicant shall provide either original documents 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 or registration 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 or registration 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 orthotics and/or prosthetics.
- (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 may contact other sources as necessary to verify information provided during the

application process. Should information be found through correspondence 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 549, eff 12-28-01 (emergency); Added at 19 Ok Reg 2323, eff 6-28-02]

435:55-3-5. Standard requirements for orthotic/prosthetic licensure

(a) Every person seeking licensure as an orthotist and/or prosthetist shall meet all requirements established by the Oklahoma Licensed Orthotist and/or Prosthetist Act and the rules of this Chapter.

(b) The Board must be in receipt of correspondence/documentation from the American Board for Certification and/or the Board for Orthotist Prosthetist Certification.

(c) The applicant must provide proof of Current certification by the American Board for Certification in Orthotics and Prosthetics or the Board for Orthotist/Prosthetist Certification.

[Source: Added at 19 Ok Reg 549, eff 12-28-01 (emergency); Added at 19 Ok Reg 2323, eff 6-28-02; Amended at 28 Ok Reg 1753, eff 6-25-11]

435:55-3-6. Alternative requirements for licensure

(a) Pursuant to 59 O.S. ss3006, the Board may issue a provisional license to practice as an orthotist and/or prosthetist under alternative qualifications.

(b) Every person seeking licensure as an orthotist and/or prosthetist under alternative qualifications must comply with the following:

(1) achieve a passing score on a licensure exam approved by the Board; and

(2) execute an alternative qualification contract with the Board. The terms and length of the contract will be set by the Board upon recommendation of the Committee after review of the applicant's experience and the determination of further experience needed or other requirements to be met.

(c) During the length of the contract the Board may renew the provisional license pursuant to the provisions in section 435:55-5-2 and verification that the licensee is making satisfactory progress as required by the contract.

(d) No person shall be permitted to enter into an alternative qualification contract after October 31, 2004. A person who has not done so by October 31, 2004 shall not be issued a license to practice orthotics or prosthetics without meeting standard qualifications.

[Source: Added at 19 Ok Reg 549, eff 12-28-01 (emergency); Added at 19 Ok Reg 2323, eff 6-28-02; Amended eff, 2-8-05 (emergency); Amended at 23 Ok Reg 1103, eff 5-11-06]

435:55-3-7. Grandfather clause

Any person practicing full time during the period of November 1, 1998 through October 31,

2001 in an orthotic prosthetic facility as an orthotist and/or prosthetist 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 3006 (F). The applicant must provide:

- (1) a detailed description of work history and proof of a high school diploma or equivalent;
or
- (2) verifiable proof of active certification as an Orthotist and/or Prosthetist by the American Board for Certification in Orthotics and Prosthetics or by the Board for Orthotist Prosthetist Certification.

[Source: Added at 19 Ok Reg 549, eff 12-28-01 (emergency); Added at 19 Ok Reg 2323, eff 6-28-02]

435:55-3-8. Licensure by endorsement

Requirements for licensure by endorsement for Orthotists and/or Prosthetists are as follows:

- (1) Applicants for licensure by endorsement must meet all Standard requirements for licensure as set forth in the Act and rules. Acknowledging that each individual situation may be diverse, the Board reserves the right to evaluate each candidate's qualifications on a "case by case" basis.
- (2) Any person who is currently licensed in another state of the United States of America, the District of Columbia or Puerto Rico, is eligible for licensure by endorsement provided the weight of requirements for licensure are equal or greater than that of the Oklahoma Orthotics and Prosthetics Practice Act and rules of 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 as an Orthotist and/or Prosthetist and information regarding the applicant's work history and scope of practice.

[Source: Added at 19 Ok Reg 549, eff 12-28-01 (emergency); Added at 19 Ok Reg 2323, eff 6-28-02]

435:55-3-9. Requirements for Registered Orthotic/Prosthetic Assistant

- (a) Applicants who have practiced as an Orthotic and/or Prosthetic Assistant from November 1, 1998 through October 31, 2001 may file an application on forms provided by the Board for permission to continue to practice at his/her identified level of practice. The applicant must provide a detailed description of work history.
- (b) Applicants who are currently certified by the American Board for Certification in Orthotics and Prosthetics or by the Board for Orthotist Prosthetist Certification as an Orthotic and/or Prosthetic Assistant may apply by completing an application provided by the Board and submitting proof of current Certification.

[Source: Added at 19 Ok Reg 549, eff 12-28-01 (emergency); Added at 19 Ok Reg 2323, eff 6-28-02]

435:55-3-10. Requirements for Registered Orthotic/Prosthetic Technician

- (a) Applicants who have practiced as an Orthotic and/or Prosthetic Technician from November 1, 1998 through October 31, 2001 may file an application on forms provided by the Board for permission to continue to practice at his/her identified level of practice. The applicant must provide a detailed description of work history.
- (b) Applicants who are currently certified by the American Board for Certification in Orthotics

and Prosthetics or by the Board for Orthotist Prosthetist Certification as an Orthotic and/or Prosthetic Technician may apply by completing an application provided by the Board and submitting proof of current Certification.

[Source: Added at 19 Ok Reg 549, eff 12-28-01 (emergency); Added at 19 Ok Reg 2323, eff 6-28-02]

435:55-3-11. 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 indirect supervision of a licensed Orthotist and/or Prosthetist, in the interim between acceptance of completed application and issuance of a license.

[Source: Added at 19 Ok Reg 549, eff 12-28-01 (emergency); Added at 19 Ok Reg 2323, eff 6-28-02]

SUBCHAPTER 5. ANNUAL RENEWAL/CONTINUING EDUCATION

Section

- 435:55-5-1. Definitions
- 435:55-5-2. Requirements for renewal of license or registration
- 435:55-5-3. Continuing education requirements for renewal
- 435:55-5-4. Approval of continuing education
- 435:55-5-5. Methods for obtaining continuing education

435:55-5-1. 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 November 1, 2001 through October 31, 2003 and each successive two year period.

"Continuing education" means those appropriate learning experiences Orthotists and/or Prosthetists undertake to expand their scope of knowledge beyond the basic preparation for the profession of Orthotics and Prosthetics and should be related to one of four areas: administration, education, patient care, or research with focus on the health, safety and welfare of the public. And must meet continuing education requirements accepted by the American Board for Certification.

"One (1) continuing education hour" means one 60-minute instructional period.

[Source: Added at 19 Ok Reg 549, eff 12-28-01 (emergency); Added at 19 Ok Reg 2323, eff 6-28-02]

435:55-5-2. Requirements for renewal of license or registration

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

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

- (1) A licensee or registrant must renew the license or registration every two years.
- (2) The application and fee for the renewal shall be postmarked or hand delivered to the Board office not later than December 31st.

(3) Each applicant for renewal is responsible for renewing 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 December 31st, the Board will send an application for renewal and the amount of the renewal fee due. The applicant 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 renewal form for all applicants shall require in addition to other information, the preferred mailing address and primary practice address.

(3) The Board shall not consider the applicant to be renewed until it receives both the completed renewal form and the required fees set by the Board.

(4) The Board shall issue to a licensee or registrant who has met all requirements for renewal a renewal identification card.

(d) Late renewal.

(1) The Board shall notify a person who has not renewed after a period of more than thirty (30) days that their license or registration is inactive.

(2) A person whose license or registration is inactive for not more than thirty (30) days may renew 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 or registration has been inactive for more than thirty (30) days but less than one (1) year from the last day for renewal may renew by paying to the Board the unpaid renewal fees, plus a late penalty as established by the Board in OAC 435:1-1-7. Fees.

(4) A person whose license or registration has been lapsed more than twelve months wishing to re-enter the practice of Orthotics and Prosthetics must submit an application in accordance with OAC 435:55-3-4 and may be required to meet one or more of the following:

(A) Practice under the direct supervision of a licensed Orthotist and/or Prosthetist for up to ninety (90) days.

(i) The supervising Orthotists and/or Prosthetist(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 indirect supervision.

(B) Provide proof of continued education as required or obtain such before reinstatement.

(C) Retake and pass the Oklahoma Orthotic/Prosthetic state licensure exam.

(D) Make personal appearance before the Advisory Committee.

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

(f) Dual license holders. A person who holds both an Orthotist license and a Prosthetist license will be required to pay one renewal fee in order to renew both licenses.

[Source: Added at 19 Ok Reg 549, eff 12-28-01 (emergency); Added at 19 Ok Reg 2323, eff 6-28-02; Amended at 20 Ok Reg 986, eff 5-21-03; Amended at 24 Ok Reg 2250, eff 6-25-07]

435:55-5-3. Continuing education requirements for renewal

(a) Every two years individuals seeking to renew licensure/registration must show proof of

current certification by the American Board for Certification in Orthotics, Prosthetics and Pedorthics (ABC) or the Board for Orthotist/Prosthetist Certification (BOC), or obtain continuing education hours as follows:

- (1) Orthotists and/or prosthetists must obtain thirty (30) continuing education hours. Dual disciplined licensees must obtain at least fifteen (15) hours in each discipline.
- (2) Registered assistants must obtain ten (10) continuing education hours.
- (3) Registered technicians must obtain six (6) continuing education hours.
- (4) 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 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 applicant is responsible for maintaining evidence/proof/record of participation in a continuing education experience for a minimum of six years. Such proof shall include documented evidence as provided by the American Board for Certification or Board for Orthotist/Prosthetist Certification or evidence submitted by the applicant including:

- (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) New licensees or registrants will be required to obtain continuing education hours on a pro rata basis based upon when the license or registration was issued during the accounting period. Furthermore, no continuing education hours will be required during the full calendar year of initial licensure or registration.

(e) The Advisory Committee on Orthotics and Prosthetics shall conduct random audits of the continuing education records of the number of licensees or registrants 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 hours, probation, suspension, or revocation of license or registration.

[Source: Added at 19 Ok Reg 549, eff 12-28-01 (emergency); Added at 19 Ok Reg 2323, eff 6-28-02; Amended at 20 Ok Reg 986, eff 5-21-03; Amended at 26 Ok Reg 2577, eff 7-11-09]

435:55-5-4. Approval of continuing education

(a) **Pre-approval by the Committee is not required for guaranteed credit.** Continuing education that is offered or approved by the American Board for Certification in Orthotics and Prosthetics will automatically be accepted for credit.

(b) **Pre-approval 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 continuing education hours 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 orthotics and/or prosthetics;
- (3) Documentation of instructor background/expertise;
- (4) location of the program, including 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 549, eff 12-28-01 (emergency); Added at 19 Ok Reg 2323, eff 6-28-02]

435:55-5-5. Methods for obtaining continuing education

(a) **Traditional methods** - as accepted and outlined by the American Board for Certification or other committee approved organizations.

(b) **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. Limited to four hours annually.

(c) **Research**

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

(d) **Formal course work**

- (1) College and university course work directly relating to improvement, advancement or extension of one's skills as an Orthotist and/or Prosthetist. (ie, kinesiology, anatomy, physiology) Each credit hour earned equals six continuing education hours.
- (2) College and university courses that are indirectly related yet support skills and knowledge will be evaluated individually by the committee.

(e) **Correspondence courses and Computer Based Instruction** - organized course content in a text or computer-generated format related to orthotics and/or prosthetics at college/university level.

(f) **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) Teaching personnel, students or staff within one's job requirement.
- (4) Non-educational meetings, entertainment or recreational activities at professional

meetings.

[Source: Added at 19 Ok Reg 549, eff 12-28-01 (emergency); Added at 19 Ok Reg 2323, eff 6-28-02]

SUBCHAPTER 7. REGULATION OF PRACTICE

Section

435:55-7-1. Supervision

435:55-7-2. Grounds for disciplinary action

435:55-7-2.1. Administrative fines

435:55-7-3. Standards of Ethics and Professional Conduct

435:55-7-1. Supervision

Unlicensed personnel (assistants, technicians, residents, or students) may provide orthotic and/or prosthetic services only under the supervision of an Oklahoma licensed orthotist and/or prosthetist. The licensed orthotist and/or prosthetist is responsible for personally reviewing the work by the supervisee. It is the responsibility of the Oklahoma licensed orthotist and/or prosthetist to be available to ensure that the supervisee does not perform duties for which he is not trained, educated and registered.

(1) **Registered Orthotic/Prosthetic Assistants** are qualified to provide patient care under the direct supervision of an Oklahoma licensed orthotist and/or prosthetist; however, the licensed supervisor is responsible for determining the appropriate level of supervision based on the complexity of the item to be provided or serviced in direct relation to the Assistant's current scope of practice. The Assistant's current scope of practice must be documented and kept on file by the supervising orthotist/prosthetist. At a minimum, the licensed supervisor must review and countersign all entries in the patient's clinical record within 15 working days following the delivery of care and the supervisor must be available for consultation within 24 hours of the delivery of care.

(2) The **Registered Orthotic/Prosthetic Technician** must practice under the direct supervision of an Oklahoma Licensed Orthotist and/or Prosthetist. The technician must have tasks and responsibilities specifically delineated by an Oklahoma licensed orthotist and/or prosthetist and those tasks and responsibilities must be confined to fabrication duties. The supervisor is responsible for personally reviewing the work by the technician.

[Source: Added at 19 Ok Reg 549, eff 12-28-01 (emergency); Added at 19 Ok Reg 2323, eff 6-28-02]

435:55-7-2. Grounds for disciplinary action

(a) The Advisory Committee on Orthotics and Prosthetics may recommend to the Board to reprimand or place on probation any holder of an Orthotist and/or Prosthetist license (LO, LP, LPO), Registered Orthotist/Prosthetist Assistant, or Registered Orthotist/Prosthetist Technician or to limit, suspend or revoke privileges, or to revoke or suspend any license issued to an LO, LP, LPO, Registered Orthotist/Prosthetist Assistant, or Registered Orthotist/Prosthetist Technician or deny a license to an applicant for unprofessional conduct. Acts which constitute unprofessional conduct include, but are not limited to:

(1) Habitual intemperance or the habitual use of any habit forming drug, chemical or substance that could result in behavior that interferes with the practice of orthotics and/or

prosthetics 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 an orthotic and/or prosthetic device, or presenting a forged prescription
- (5) Violation of orthotic/prosthetic standards of ethical conduct as outlined in OAC 435:55-7-3.
- (6) Failing to adhere to Medicare supplier Standards.
- (7) Failing to adhere to a legitimate scope of practice within one's license and/or making false or misleading statements to patients or the public.
- (8) Failing to properly supervise assistants, technicians and fitters.
- (9) Conviction of, or confession, plea of guilty or no contest to a felony or a crime involving moral turpitude.
- (10) Conviction of, or confession or plea of no contest to, a drug related offense.
- (11) Falsifying documents submitted to the Advisory Committee on Orthotics and Prosthetics or the Oklahoma State Board of Medical Licensure and Supervision.
- (12) Obtaining or attempting to obtain a license, certificate or documents of any form by fraud or deception.
- (13) Aiding, abetting or assisting any other person to violate or circumvent any law or rule or regulation.
- (14) Failure to report the unsafe or illegal practice of any person who is licensed under this act.
- (15) Negligence while in practice.
- (16) Engaging in fraudulent billing practices and/or violation of federal Medicare and Medicaid laws or state medical assistance laws.
- (17) Being adjudged mentally incompetent by a court of competent jurisdiction.
- (18) Failing to timely make application for license renewal.
- (19) Verbally or physically abusing patients.
- (20) Discriminating in the rendering of patient care and orthotic/prosthetic assignment(s).
- (21) Inaccurate recording, falsifying or altering of patient records.
- (22) Leaving a patient care assignment or patient without properly advising appropriate personnel.
- (23) Violating the confidentiality of information or knowledge concerning a patient.
- (24) 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.
- (25) Violating any provision of the Oklahoma Licensed Orthotist Prosthetist Act or the rules promulgated by the Board.
- (26) Failure to furnish the Board, its investigators or representatives, information lawfully requested by the Board.
- (27) Failure to cooperate with a lawful investigation conducted by the Board.
- (28) 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.

- (29) Lodging a false complaint.
- (b) An Orthotist and/or Prosthetist on probation with the Board will be prohibited from supervision of other temporary license holders, technicians and assistants.

[Source: Added at 19 Ok Reg 549, eff 12-28-01 (emergency); Added at 19 Ok Reg 2323, eff 6-28-02]

435:55-7-2.1. Administrative fines

The Advisory Committee on Orthotics and Prosthetics shall recommend to the Board an appropriate administrative fine to be levied upon anyone who is in violation of any provision of the Oklahoma Orthotics and Prosthetics Practice Act or who holds himself or herself out to be a orthotist or prosthetist without being duly licensed or who holds himself or herself out to be a prosthetic/orthotic technician, or prosthetist/orthotist assistant without being duly registered. In accordance with 59 O.S., Section 3007, 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]

435:55-7-3. Standards of ethics and professional conduct

(a) Purpose. The rules in this section on the profession of Orthotics and Prosthetics 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 Orthotist and/or Prosthetist shall be bound by the following ethical and professional principles in conjunction with the canons of ethical conduct as published by the American Board for Certification and the Board for Orthotist Prosthetist Certification.

(1) **Responsibilities to the patient.**

(A) **Services.** The Orthotist and/or Prosthetist shall provide orthotic and/or prosthetic devices in an effective, dignified and efficient manner in accordance with the direction of patient's physician.

(B) **Recognition of possible pathologies requiring orthotic and/or prosthetic intervention.** The Orthotist and/or Prosthetist shall assist lay people to recognize 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 orthopedic/vascular pathology.

(C) **Confidential information.**

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

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

(iii) The Orthotist and/or Prosthetist shall keep all patient information that is derived in a workplace from a working relationship among orthotists and/or prosthetists relating to any patient confidential.

- (iv) The Orthotist and/or Prosthetist 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 Orthotist and/or Prosthetist shall provide services that reflect the best practices in the profession and use best efforts to meet the patient's orthotic and/or prosthetic requirements.
- (ii) Upon accepting an individual for orthotic and/or prosthetic services, the orthotist and/or prosthetist shall assume the responsibility for evaluating that individual; planning, implementing and supervising the patient's care; reevaluating and changing the orthotic and/or prosthetic program; and maintaining adequate records of the case, including progress reports.
- (iii) The orthotist and/or prosthetist shall not fill a prescription that is beyond his/her degree of expertise.
- (E) Research.** The Orthotist and/or Prosthetist shall ensure that all research projects or studies are done in accordance with standards accepted by the Board.
- (F) Trust and honesty.** The orthotist and/or prosthetist shall always be truthful and honest in orthotic and/or prosthetic matters to the patient, physician, Board and the public in general.
- (G) Fees and compensation.**
- (i) The orthotist and/or prosthetist shall not provide services solely for personal financial gain.
- (ii) The orthotist and/or prosthetist shall not engage in false, misleading or deceptive representations in relation to the cost of the services undertaken or furnished.
- (iii) The orthotist and/or prosthetist shall not recommend or provide continued orthotic and/or prosthetic services to a patient when the orthotist and/or prosthetist is aware that the services are being recommended or provided more frequently than necessary, or that orthotic and/or prosthetic service has already progressed beyond the point at which further benefit to the patient is possible.
- (iv) The orthotist and/or prosthetist 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 orthotist and/or prosthetist 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 orthotist and/or prosthetist, 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 orthotist and/or prosthetist shall advise the Board and/or the advisory council of any employer or employee practice that is in contradiction with this Code of Ethics.
- (I) Delay in services.** The orthotist and/or prosthetist shall not accept any prescription when the orthotist and/or prosthetist knows or believes the orthotic and/or prosthetic

device cannot be furnished within a reasonable period of time unless the orthotist and/or prosthetist has advised the patient in advance the approximate length of time it will take to fill the prescription. In such instances, the orthotist and/or prosthetist must discuss the situation with the patient and prescribing health care practitioner.

(J) **Compliance with laws and regulations.** The orthotist and/or prosthetist 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 orthotist and/or prosthetist 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 orthotist and/or prosthetist shall be unethical.

(L) **Maintenance of patient records.** The orthotist and/or prosthetist shall initiate and maintain appropriate records about his/her service with each patient. The orthotist and/or prosthetist 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 orthotist and/or prosthetist shall exercise adequate supervision over persons to whom the orthotist and/or prosthetist has delegated certain responsibilities requiring unique skills, knowledge or judgment. The orthotist and/or prosthetist is responsible for orthotic and/or prosthetic care performed by support personnel under his/her supervision. The orthotist and/or prosthetist is responsible for assuring that adequate supervision of support personnel (assistants, fitters, technicians) occurs to ensure the patient receives the necessary and appropriate care. Additionally, the orthotist and/or prosthetist is responsible in ensuring that said personnel receive annual continuing education in order to perform their responsibilities at the highest level of public protection.

(N) **Quality Assurance.** The Orthotist and/or Prosthetist will conduct and maintain a quality assurance program involving all treated patients.

(O) **Illegal discrimination.** The orthotist and/or prosthetist 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.

(P) **Discontinuing service.** The orthotist and/or prosthetist has a duty to inform the physician if the patient fails to follow the physician's plan for orthotic and/or prosthetic treatment or discontinues the physician's plan for orthotic and/or prosthetic treatment prematurely.

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

(A) **Diagnosis and prescription.** The orthotist and/or prosthetist must receive a prescription from a physician before providing any orthotic and/or prosthetic device to a patient.

(B) **Orthotic and/or prosthetic evaluation and recommendation.**

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

(ii) The orthotist and/or prosthetist, after evaluating a patient, may recommend to the physician specific orthotic and/or prosthetic device designs along with the reasoning for such recommendation.

(iii) The orthotist and/or prosthetist has the responsibility for the final design for

the orthotic and/or prosthetic device.

(iv) The orthotist and/or prosthetist should only dispense orthotic and/or prosthetic devices that are in accordance with the prescription and that meet the needs of the patient.

(v) The orthotist and/or prosthetist 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 orthotist and/or prosthetist shall monitor and observe the patient's physical condition in connection with the orthotic and/or prosthetic care and the prescribed device.

(ii) The orthotist and/or prosthetist must notify the referring physician and the patient as soon as possible of any change in the patient's condition related to the orthotic and/or prosthetic management plan.

(D) Altering orthotic and/or prosthetic devices. The orthotist and/or prosthetist may repair or adjust an orthotic and/or prosthetic 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 orthotist and/or prosthetist has the personal responsibility to conduct himself or herself in a manner that will assure the dignity and stature of the profession of orthotics and/or prosthetics.

(ii) The orthotist and/or prosthetist should discharge his/her responsibilities with honor and integrity, making the greatest possible effort to satisfy the patient's orthotic and/or prosthetic 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 orthotist and/or prosthetist's primary professional function is to develop the orthotic and/or prosthetic device as part of a medical treatment team. However, the orthotist and/or prosthetist is not prohibited from providing non-custom, prefabricated orthosis' and prosthesis' as long as each patient and the public in general are made aware of the differences between the "off the shelf" and custom fitted and fabricated orthosis and prosthesis.

(C) Solicitation.

(i) It is unethical for an orthotist and/or prosthetist 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 orthotist and/or prosthetist shall abide by current Medicare or comparable government regulations regarding patient solicitations.

(D) Board review. The Advisory Committee on Orthotics and Prosthetics will determine whether the orthotist and/or prosthetist 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 orthotist and/or prosthetist is encouraged to support quality educational programs.
- (ii) It is unethical for the orthotist and/or prosthetist 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 orthotist and/or prosthetist to falsify his/her continuing education units and may lead to permanent license revocation.
- (iv) An orthotist and/or prosthetist shall teach only in areas of service within his/her credential and scope of practice.

(F) Standards of practice. The orthotist and/or prosthetist should adhere to a standard of practice as outlined in the Act and rules and as recommended by the American Board for Certification and/or the Board for Orthotic Prosthetic Certification. The orthotist and/or prosthetist can engage in practice beyond the standards of practice if the orthotist and/or prosthetist's scope of practice includes such (i.e.: pedorthics, etc.) or if the Orthotist and/or Prosthetist holds credentials in that profession.

(4) Patient care by other professionals.

(A) The orthotist and/or prosthetist 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 orthotist and/or prosthetist must immediately notify the Board or other appropriate regulatory agency.

(5) **Licensure.** The orthotist and/or prosthetist 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 orthotist and/or prosthetist to represent, directly or indirectly, that he or she is licensed or equally qualified.

[Source: Added at 19 Ok Reg 549, eff 12-28-01 (emergency); Added at 19 Ok Reg 2323, eff 6-28-02]