

By: Shurden of the Senate  
and  
Leist of the House

An Act relating to professions and occupations;  
amending 59 O.S. 2001, Sections 2302 and 2306, which  
relate to the Oklahoma Licensed Pedorthists Act;  
providing for licensure of certain persons under  
alternative qualifications; modifying definition;  
deleting obsolete language; and declaring an  
emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 59 O.S. 2001, Section 2302, is  
amended to read as follows:

Section 2302. As used in the Oklahoma Licensed Pedorthists Act:

1. "Accommodative device" means a device designed with a  
primary goal of conforming to the individual's anatomy;
2. "Board" means the State Board of Medical Licensure and  
Supervision;
3. "Certified Pedorthist (C. Ped.)" means a professional whose  
competence in the practice of pedorthics is attested to by issuance  
of a credential by the Board for Certification in Pedorthics;
4. "Committee" means the Advisory Committee on Pedorthics  
created by Section ~~5~~ 2305 of this ~~act~~ title;
5. "Department" means the State Department of Health;
6. "Licensed Pedorthist" 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";
7. "Pedorthic devices" 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;

8. "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 necessary to accomplish the application of a pedorthic device for the prevention or amelioration of painful and/or disabling conditions of the foot and ankle; provided, however, the practice of pedorthics does not include the practice of fitting a patient with over-the-counter shoes that are modified with heat-treated, prefabricated insoles; and

9. "Therapeutic device" means a device that addresses a medical condition.

SECTION 2. AMENDATORY 59 O.S. 2001, Section 2306, is amended to read as follows:

Section 2306. A. The State Board of Medical Licensure and Supervision, with the assistance of the Advisory Committee on Pedorthics, shall establish qualifications for licensure and registration under the Oklahoma Licensed Pedorthists Act. The Board shall also provide, as set forth herein, an alternative qualification licensure opportunity for current practitioners in this state and for practitioners coming into this state prior to November 1, 2004, who are unable to meet standard qualifications.

B. To be licensed to practice pedorthics according to standard qualifications, a person shall have passed all examinations required for certification by the Board for Certification in Pedorthics (BCP). Once licensed, a pedorthist shall meet continuing education and annual renewal requirements to maintain pedorthic licensure.

The licensed pedorthist shall also adhere to a code of ethics adopted by the Board upon recommendation of the Committee. Absent another professional certification or credential, a licensed pedorthist shall not diagnose, prescribe, provide prognosis, perform invasive procedures, or make, without a prescription, any custom or customized shoe, device, or modification addressing a medical condition.

C. To be licensed under alternative qualification a person shall:

1. Pass an examination, which may be an available examination designated by the State Board of Medical Licensure and Supervision or an examination developed by the Board; ~~or~~

2. Enter into an alternative qualification contract with the State Board of Medical Licensure and Supervision, the conditions of which shall be based on the Board's evaluation of the applicant's experience and the Board's determination of further experience needed or other requirements to be met, which contract shall specify a period of time not to exceed ten (10) years for completion of the further experience or requirements; or

3. Prior to October 31, 2004, verify to the State Board of Medical Licensure and Supervision that the person has continuously practiced pedorthics full-time in this state for at least three (3) years prior to November 1, 2001.

D. Upon execution of the alternative qualification contract, the Board shall issue a license and shall renew the license subject to the licensee's making satisfactory progress as required by the contract. Persons who satisfactorily complete the alternative qualification contract shall be thereafter considered as having met the qualification necessary for license renewal.

E. 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 pedorthics without meeting standard qualifications.

F. ~~Notwithstanding any other provision~~ To be licensed under paragraph 3 of subsection C of this section, a person who has practiced ~~full-time~~ full-time during the three-year period immediately preceding ~~the effective date of this act~~ November 1, 2001, in a pedorthic facility as a pedorthist, ~~may~~ shall file an application with the Board ~~within ninety (90) days from the effective date of this act~~ for permission to continue to practice at his or her identified level of practice. The Board, after verifying the applicant's work history and receiving payment of the application fee as established pursuant to this act, shall without examination of the applicant, issue the applicant a license or certificate of registration. For making investigations necessary to verify the work history, the Board may require that the applicant complete a questionnaire regarding the work history and scope of practice. The Board shall take no more than six (6) months to make the investigations necessary to verify the work history. ~~Applicants applying after the ninety-day application period of this subsection has expired, shall meet the qualifications elsewhere set forth for standard or alternative qualification for licensure or for registration as determined by the Board.~~

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 18th day of March, 2002.

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Presiding Officer of the Senate

Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
2002.

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Presiding Officer of the House  
of Representatives