

CS for SB 166

THE STATE SENATE  
Tuesday, February 27, 2001

Committee Substitute for  
Senate Bill No. 166

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 166 - By: SHURDEN of the Senate and LEIST of the House.

[ professions and occupations - Oklahoma Licensed Pedorthists Act - codification - effective date ]

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2301 of Title 59, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Licensed Pedorthists Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2302 of Title 59, unless there is created a duplication in numbering, reads as follows:

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;

1           3. "Certified Pedorthist (C. Ped.)" means a professional whose  
2 competence in the practice of pedorthics is attested to by issuance  
3 of a credential by the Board for Certification in Pedorthics;

4           4. "Committee" means the Advisory Committee on Pedorthics  
5 created by Section 5 of this act;

6           5. "Department" means the State Department of Health;

7           6. "Licensed Pedorthist" means a person who is licensed as  
8 required by the Oklahoma Licensed Pedorthists Act, who regularly  
9 practices pedorthics, and who is therefore entitled to represent  
10 himself or herself to the public by a title or description of  
11 services that includes the term "pedorthist";

12          7. "Pedorthic devices" means therapeutic shoes, shoe  
13 modifications made for therapeutic purposes, partial foot  
14 prostheses, and custom made orthoses, inserts, inlays or variants  
15 thereof for use from the ankle and below, but does not include non-  
16 therapeutic accommodative inlays or non-therapeutic accommodative  
17 footwear, regardless of method of manufacture, unmodified over-the-  
18 counter shoes, or prefabricated foot care products;

19          8. "Practice of pedorthics" means the practice, pursuant to a  
20 written prescription from a physician when addressing a medical  
21 condition, of evaluating, planning treatment, measuring, designing,  
22 fabricating, assembling, fitting, adjusting, managing of the  
23 patient, or servicing necessary to accomplish the application of a

1 pedorthic device for the prevention or amelioration of painful  
2 and/or disabling conditions of the foot and ankle; and

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

5 SECTION 3. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 2303 of Title 59, unless there  
7 is created a duplication in numbering, reads as follows:

8 The Oklahoma Licensed Pedorthists Act shall not apply to:

9 1. Physicians licensed by this state to practice medicine and  
10 surgery (M.D.), chiropractic (D.C.), osteopathy (D.O.), or podiatry  
11 (D.P.M.) when engaging in the practice or practices for which the  
12 person is licensed;

13 2. Persons whose competence is credentialed by a certifying  
14 agency recognized by the State Board of Medical Licensure and  
15 Supervision; or

16 3. The practice of pedorthics by:

17 a. a person who is employed by the United States  
18 government or any entity thereof while in the  
19 discharge of the employee's assigned duties,

20 b. a student enrolled in a school of pedorthics  
21 recognized by the Board, or

22 c. a student participating in a Board-recognized work  
23 experience program or internship in pedorthics.

1 SECTION 4. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 2304 of Title 59, unless there  
3 is created a duplication in numbering, reads as follows:

4 A. The State Board of Medical Licensure and Supervision is  
5 hereby authorized to adopt and promulgate rules, pursuant to the  
6 Oklahoma Administrative Procedures Act, that it deems necessary for  
7 the implementation and enforcement of the Oklahoma Licensed  
8 Pedorthists Act, including but not limited to, qualifications for  
9 licensure, qualifications for registration, renewals,  
10 reinstatements, continuing education requirements, and fees. In  
11 doing so the Board shall give utmost consideration to the  
12 recommendations of the Advisory Committee on Pedorthics.

13 B. The Board is hereby empowered to perform investigations, to  
14 require the production of records and other documents relating to  
15 practices regulated by the Oklahoma Licensed Pedorthists Act, and to  
16 seek injunctive relief.

17 SECTION 5. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 2305 of Title 59, unless there  
19 is created a duplication in numbering, reads as follows:

20 A. There is hereby created, to continue until July 1, 2007, in  
21 accordance with the provisions of the Oklahoma Sunset Law, an  
22 Advisory Committee on Pedorthics, which shall consist of five (5)  
23 voting members to be appointed by the State Board of Medical

1 Licensure and Supervision to three-year terms ending December 31;  
2 provided, initial appointments shall be staggered such that two  
3 members are appointed for one (1) year, two members are appointed  
4 for two (2) years, and one member is appointed for three (3) years.

5 B. One member shall be a licensed physician who is a member of  
6 the State Board of Medical Licensure and Supervision. One member  
7 shall be a physician licensed to practice podiatric medicine by the  
8 Board of Podiatric Medical Examiners. One member shall be a member  
9 of the public who is a consumer of pedorthic services. Two members  
10 shall be pedorthists certified by the Board for Certification in  
11 Pedorthics or pedorthists licensed by the State Board of Medical  
12 Licensure and Supervision.

13 C. Members shall serve until their successors are appointed and  
14 qualified; provided, no member shall serve more than eight (8)  
15 consecutive years or two full terms, whichever is greater.

16 D. The Committee shall annually elect a chair and vice chair  
17 from among the members. The chair or vice chair and two other  
18 members shall constitute a quorum. Members shall be reimbursed from  
19 funds available to the State Board of Medical Licensure and  
20 Supervision pursuant to the State Travel Reimbursement Act.

21 E. 1. The Committee shall advise the Board on matters  
22 pertaining to pedorthics, including but not limited to:

23 a. scope and standards of practice,

- 1           b.    licensure and registration requirements, examination  
2                    requirements, exceptions thereto, renewal  
3                    requirements, temporary licensure or registration, and  
4                    endorsement or reciprocity requirements,  
5           c.    methods and requirements for ensuring the continued  
6                    competence of licensed and registered persons,  
7           d.    grounds for probation, revocation or suspension of  
8                    license or registration, reinstatement provisions,  
9           e.    fees, and  
10          f.    all other matters which may pertain to the practice of  
11                    pedorthics.

12           2.    The Committee shall review and make recommendations to the  
13 Board on all applications for licensure and registration.

14           3.    The Committee shall assist and advise the Board in all  
15 hearings related to the enforcement of the Oklahoma Licensed  
16 Pedorthists Act.

17           SECTION 6.        NEW LAW        A new section of law to be codified  
18 in the Oklahoma Statutes as Section 2306 of Title 59, unless there  
19 is created a duplication in numbering, reads as follows:

20           A.    The State Board of Medical Licensure and Supervision, with  
21 the assistance of the Advisory Committee on Pedorthics, shall  
22 establish qualifications for licensure and registration under the  
23 Oklahoma Licensed Pedorthists Act. The Board shall also provide, as

1 set forth herein, an alternative qualification licensure opportunity  
2 for current practitioners in this state and for practitioners coming  
3 into this state prior to November 1, 2004, who are unable to meet  
4 standard qualifications.

5 B. To be licensed to practice pedorthics according to standard  
6 qualifications, a person shall have passed all examinations required  
7 for certification by the Board for Certification in Pedorthics  
8 (BCP). Once licensed, a pedorthist shall meet continuing education  
9 and annual renewal requirements to maintain pedorthic licensure.  
10 The licensed pedorthist shall also adhere to a code of ethics  
11 adopted by the Board upon recommendation of the Committee. Absent  
12 another professional certification or credential, a licensed  
13 pedorthist shall not diagnose, prescribe, provide prognosis, perform  
14 invasive procedures, or make, without a prescription, any custom or  
15 customized shoe, device, or modification addressing a medical  
16 condition.

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

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

22 2. Enter into an alternative qualification contract with the  
23 State Board of Medical Licensure and Supervision, the conditions of

1 which shall be based on the Board's evaluation of the applicant's  
2 experience and the Board's determination of further experience  
3 needed or other requirements to be met, which contract shall specify  
4 a period of time not to exceed ten (10) years for completion of the  
5 further experience or requirements.

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

12 E. No person shall be permitted to enter into an alternative  
13 qualification contract after October 31, 2004. A person who has not  
14 done so by October 31, 2004, shall not be issued a license to  
15 practice pedorthics without meeting standard qualifications.

16 F. Notwithstanding any other provision of this section, a  
17 person who has practiced full time during the three-year period  
18 immediately preceding the effective date of this act in a pedorthic  
19 facility as a pedorthist, may file an application with the Board  
20 within ninety (90) days from the effective date of this act for  
21 permission to continue to practice at his or her identified level of  
22 practice. The Board, after verifying the applicant's work history  
23 and receiving payment of the application fee as established pursuant

1 to this act, shall without examination of the applicant, issue the  
2 applicant a license or certificate of registration. For making  
3 investigations necessary to verify the work history, the Board may  
4 require that the applicant complete a questionnaire regarding the  
5 work history and scope of practice. The Board shall take no more  
6 than six (6) months to make the investigations necessary to verify  
7 the work history. Applicants applying after the ninety-day  
8 application period of this subsection has expired, shall meet the  
9 qualifications elsewhere set forth for standard or alternative  
10 qualification for licensure or for registration as determined by the  
11 Board.

12 SECTION 7. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 2307 of Title 59, unless there  
14 is created a duplication in numbering, reads as follows:

15 A. A licensed pedorthist may only provide care or services  
16 pursuant to an order from a licensed podiatrist, physician, or  
17 chiropractor, when addressing a medical condition, or when  
18 evaluating, planning treatment, measuring, designing, fabricating,  
19 assembling, fitting, adjusting, managing of the patient, or  
20 servicing necessary to accomplish the application of a pedorthic  
21 device for the prevention or amelioration of painful or disabling  
22 conditions of the foot and ankle.

1           B. Effective January 1, 2002, any person who holds himself or  
2 herself out to be a pedorthist or uses the title pedorthist or  
3 common variants of that title without holding an appropriate license  
4 issued by the State Board of Medical Licensure and Supervision, or  
5 who, without being registered by the Board, dispenses pedorthic  
6 devices, or who is in violation of any provision of the Oklahoma  
7 Licensed Pedorthists Act shall be subject to an administrative fine  
8 for each day found to be in violation. The amount of any fine shall  
9 be determined by the Board within limits set by the Board pursuant  
10 to rules adopted and promulgated by the Board and may be in addition  
11 to any other penalty provided by the Board or otherwise provided by  
12 law.

13           SECTION 8.           NEW LAW           A new section of law to be codified  
14 in the Oklahoma Statutes as Section 2308 of Title 59, unless there  
15 is created a duplication in numbering, reads as follows:

16           The State Board of Medical Licensure and Supervision shall  
17 maintain a current roster of the names and addresses of all persons  
18 licensed or registered pursuant to the Oklahoma Licensed Pedorthists  
19 Act and of all persons whose licenses or registrations have been  
20 suspended or revoked pursuant to the act. This roster shall be a  
21 public document available pursuant to the Oklahoma Open Records Act.

22           SECTION 9. This act shall become effective November 1, 2001.

23 COMMITTEE REPORT BY: COMMITTEE ON HUMAN RESOURCES, dated 2-15-01 -  
24 DO PASS, As Amended.