

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 166

By: Shurden of the Senate

and

Leist of the House

AS INTRODUCED

An Act relating to professions and occupations; creating the Oklahoma Licensed Pedorthists Act; providing for short title; defining terms; stating persons to whom act does not apply; providing for rules; requiring licensure for certain activities; stating powers of State Board of Medical Licensure and Supervision; creating Advisory Committee on Pedorthics; requiring certain qualifications; requiring examinations; providing exemptions; authorizing alternative qualification licenses; limiting practice of pedorthists; providing for fees; authorizing use of certain designations and representations; providing exemptions to act; stating duties of Advisory Committee relating to denial, suspension, revocation and refusal to renew licenses; providing grounds; specifying penalties; authorizing administrative penalties; requiring notice and opportunity for hearing; providing for appointments, qualifications, meetings, officers, quorum, expense reimbursement, and membership; providing for removal; providing for meetings and specifying duties; requiring maintenance of specified roster; providing for codification; and providing an 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;
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 of this act;
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 non-therapeutic accommodative inlays or non-therapeutic 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 when addressing a medical condition, of evaluating, measuring, designing, fabricating, assembling, fitting, adjusting, 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; and
9. "Therapeutic device" means a device that addresses a medical condition.

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

The Oklahoma Licensed Pedorthists Act shall not apply to:

1. Persons licensed by this state as practitioners of the healing arts when engaging in the practice or practices for which the person is licensed;

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

3. The practice of pedorthics by:

- a. a person who is employed by the United States government or any entity thereof while in the discharge of the employee's assigned duties,
- b. a student enrolled in a school of pedorthics recognized by the Board, or
- c. a student participating in a Board-recognized work experience program or internship in pedorthics.

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

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

B. The Board is hereby empowered to perform investigations, to require the production of records and other documents relating to

practices regulated by the Oklahoma Licensed Pedorthists Act, and to seek injunctive relief.

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

A. There is hereby created, to continue until July 1, 2007, in accordance with the provisions of the Oklahoma Sunset Law, an Advisory Committee on Pedorthics, which shall consist of five (5) voting members to be appointed by the State Board of Medical Licensure and Supervision to three-year terms ending December 31; provided, initial appointments shall be staggered such that two members are appointed for one (1) year, two members are appointed for two (2) years, and one member is appointed for three (3) years.

B. One member shall be a licensed physician who is a member of the State Board of Medical Licensure and Supervision. One member shall be a member of the public who is a consumer of pedorthic services. Three members shall be certified pedorthists who shall be appointed from a list submitted by the Oklahoma Pedorthic Association.

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

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

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

- a. scope and standards of practice,
- b. licensure and registration requirements, examination requirements, exceptions thereto, renewal

requirements, temporary licensure or registration, and endorsement or reciprocity requirements,

- c. methods and requirements for ensuring the continued competence of licensed and registered persons,
- d. grounds for probation, revocation or suspension of license or registration, reinstatement provisions,
- e. fees, and
- f. all other matters which may pertain to the practice of pedorthics.

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

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

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

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; and

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.

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.

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

A. A licensed pedorthist may only provide care or services pursuant to an order from a podiatrist, licensed physician,

chiropractor, or other prescriptive authority when addressing a medical condition, or when evaluating a patient, planning treatment, or when engaging in measuring, designing, fabricating, assembling, fitting, adjusting, or servicing necessary to accomplish the application of a pedorthic device for the prevention or amelioration of painful or disabling conditions of the foot and ankle.

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

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

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

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