

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 3101

By: Cannaday

4  
5  
6 AS INTRODUCED

7 An Act relating to professions and occupations;  
8 creating the Oklahoma Licensed Therapeutic Shoe  
9 Fitter Act; defining terms; providing exceptions;  
10 providing for fees; providing for application for  
11 licensure; providing for continuing education;  
12 providing for renewal of license; authorizing State  
13 Board of Medical Licensure and Supervision to  
14 promulgate rules; providing other duties of the  
15 Board; creating advisory committee; providing for  
16 membership and terms of office; providing duties of  
17 advisory committee; providing for qualifications for  
18 licensure and registration; providing for penalties;  
19 providing public inspection of persons licensed;  
20 providing for codification; and providing an  
21 effective date.

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

23 SECTION 1. NEW LAW A new section of law to be codified  
24 in the Oklahoma Statutes as Section 4101 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 Therapeutic Shoe Fitter Act".

1 SECTION 2. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 4102 of Title 59, unless there  
3 is created a duplication in numbering, reads as follows:

4 As used in the Oklahoma Licensed Therapeutic Shoe Fitter Act:

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

7 2. "Board" means the State Board of Medical Licensure and  
8 Supervision;

9 3. "Certified Fitter of Therapeutic Shoes" means a professional  
10 whose competence in the practice of therapeutic shoe fitting is  
11 attested to by issuance of a credential by the American Board for  
12 Certification in Orthotics, Prosthetics and Pedorthics;

13 4. "Committee" means the Advisory Committee on Therapeutic Shoe  
14 Fitting created by Section 8 of this act;

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

16 6. "Licensed therapeutic shoe fitter" means a person who is  
17 licensed as required by the Oklahoma Licensed Therapeutic Shoe  
18 Fitter Act, who regularly practices therapeutic shoe fitting, and  
19 who is therefore entitled to represent himself or herself to the  
20 public by a title or description of services that includes the term  
21 "therapeutic shoe fitter";

22 7. "Practice of therapeutic shoe fitting" means the practice,  
23 pursuant to a written prescription from a physician when addressing  
24 a medical condition, of evaluating, planning treatment, measuring,

1 fitting, adjusting, managing of the patient, or servicing necessary  
2 to accomplish the application of noncustom therapeutic footwear or  
3 noncustom, heat-molded multidensity inserts for the prevention or  
4 amelioration of painful or disabling conditions of the foot and  
5 ankle associated with diabetes mellitus; and

6 8. "Therapeutic footwear" means unmodified over-the-counter  
7 therapeutic shoes, noncustom, heat-molded therapeutic accommodative  
8 multidensity inserts and prefabricated foot-care products.

9 SECTION 3. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 4103 of Title 59, unless there  
11 is created a duplication in numbering, reads as follows:

12 The Oklahoma Licensed Therapeutic Shoe Fitter Act shall not  
13 apply to:

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

18 2. A person licensed by this state as a physical therapist when  
19 engaging in the practice for which licensed;

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

23 4. The practice of therapeutic shoe fitting by:  
24

- 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 therapeutic shoe fitting recognized by the Board, or
- c. a student participating in a Board-recognized work experience program or internship in therapeutic shoe fitting.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4104 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The annual fee for a license to practice as an Oklahoma licensed therapeutic shoe fitter in this state shall be One Hundred Dollars (\$100.00). The State Board of Medical Licensure and Supervision may increase this fee by not more than an additional One Hundred Dollars (\$100.00).

B. To be considered for licensure, a person shall:

1. File a written application on a form prescribed by the Board;
2. Pay to the secretary-treasurer of the Board in advance the fee for licensure;
3. Satisfy the Board that the person is loyal to the United States of America;
4. Be more than twenty-one (21) years of age;

1 5. Be of good moral character;

2 6. Not have been finally convicted of any crime involving moral  
3 turpitude or of any felony;

4 7. Be currently certified by the American Board of  
5 Certification in Orthotics, Prosthetics and Pedorthics as a  
6 Certified Fitter of Therapeutic Shoes; and

7 8. Have complied with applicable Board rules.

8 C. An applicant satisfying the requirements of subsection B of  
9 this section shall receive a license to practice as a therapeutic  
10 shoe fitter in this state, to be issued by the Board, if the  
11 applicant satisfies the Board that the applicant has not violated  
12 any of the provisions of the Oklahoma Licensed Therapeutic Shoe  
13 Fitter Act or any of the rules of the Board.

14 SECTION 5. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 4105 of Title 59, unless there  
16 is created a duplication in numbering, reads as follows:

17 Every year therapeutic shoe fitters seeking to renew licensure  
18 must obtain five (5) hours of continuing education each year. No  
19 continuing education hours may be carried over from one (1) year to  
20 the next. Continuing education requirements for renewal shall  
21 conform to the following:

22 1. Continuing education that is offered or approved by the  
23 American Board for Certification in Orthotics, Prosthetics and  
24 Pedorthics (ABC) or that has been approved by other United States

1 therapeutic shoe fitter licensing bodies which also require  
2 continuing education is automatically accepted by the Committee as  
3 approved continuing education; and

4 2. Preapproval by the ABC or by the Committee is required for  
5 guaranteed credit. Workshops or seminars not preapproved may or may  
6 not be accepted for credit if submitted at the time of audit. To  
7 receive approval for continuing education from the Committee, the  
8 licensee shall provide the following materials regarding the program  
9 or course for which credit is sought:

- 10 a. a program agenda showing a breakdown of time spent in  
11 instruction periods, break time, meals, in the case of  
12 film or tape presentation, duration, title, and a  
13 brief summary of presentation, or in the case of  
14 academic course work, a copy of the course syllabus,
- 15 b. a statement of the course or program's goals and  
16 objectives sufficient to provide information for  
17 evaluation of relevancy and practical application to  
18 the field of therapeutic shoe fitting,
- 19 c. documentation of instructor background or expertise,
- 20 d. location of the program, including the city, state,  
21 and zip code, name and phone number of contact person,
- 22 e. method of certifying attendance, and
- 23 f. copy of published material, if applicable.

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1 SECTION 6. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 4106 of Title 59, unless there  
3 is created a duplication in numbering, reads as follows:

4 A licensee shall renew the license annually. The application  
5 and fee for the renewal of the license shall be postmarked or hand-  
6 delivered to the Board office not later than January 31. Each  
7 licensee is responsible for renewing the license on or before the  
8 required date and shall not be excused from paying additional fees  
9 or penalties.

10 SECTION 7. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 4107 of Title 59, unless there  
12 is created a duplication in numbering, reads as follows:

13 A. The fee for initial licensure is One Hundred Dollars  
14 (\$100.00).

15 B. The annual renewal fee is One Hundred Dollars (\$100.00).

16 SECTION 8. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 4108 of Title 59, unless there  
18 is created a duplication in numbering, reads as follows:

19 A. There is hereby created, to continue until July 1, 2015, in  
20 accordance with the provisions of the Oklahoma Sunset Law, an  
21 Advisory Committee on Therapeutic Shoe Fitting, which shall consist  
22 of five (5) voting members to be appointed by the State Board of  
23 Medical Licensure and Supervision to three-year terms ending  
24 December 31; provided, initial appointments shall be staggered such

1 that two members are appointed for one (1) year, two members are  
2 appointed for two (2) years, and one member is appointed for three  
3 (3) years.

4 B. One member shall be a licensed physician who is a member of  
5 the State Board of Medical Licensure and Supervision. One member  
6 shall be a physician licensed to practice podiatric medicine by the  
7 Board of Podiatric Medical Examiners. One member shall be a member  
8 of the public who is a consumer of therapeutic shoe services. Two  
9 members shall be therapeutic shoe fitters certified by the American  
10 Board for Certification in Orthotics, Prosthetics and Pedorthics or  
11 therapeutic shoe fitters 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  
19 pursuant to State Travel Reimbursement Act from funds available to  
20 the State Board of Medical Licensure and Supervision pursuant to the  
21 State Travel Reimbursement Act.

22 E. 1. The Committee shall advise the Board on matters  
23 pertaining to therapeutic shoe fitting, including but not limited  
24 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 therapeutic shoe fitting.

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 Therapeutic Shoe Fitter Act.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4109 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 Therapeutic Shoe Fitting, shall establish qualifications for licensure and registration under the Oklahoma Licensed Therapeutic Shoe Fitter

1 Act. The Board shall also provide, pursuant to subsection C of this  
2 section, an alternative qualification licensure opportunity for  
3 current practitioners in this state and for practitioners coming  
4 into this state prior to November 1, 2011, who are unable to meet  
5 standard qualifications.

6 B. To be licensed to practice therapeutic shoe fitting  
7 according to standard qualifications, a person shall have passed all  
8 examinations required for certification by an entity approved by the  
9 Board as a certification organization for licensure purposes. Once  
10 licensed, a therapeutic shoe fitter shall meet continuing education  
11 and annual renewal requirements to maintain therapeutic shoe fitter  
12 licensure. The licensed therapeutic shoe fitter shall also adhere  
13 to a code of ethics adopted by the Board upon recommendation of the  
14 Committee. Absent another professional certification or credential,  
15 a licensed therapeutic shoe fitter shall not diagnose, prescribe,  
16 provide prognosis, perform invasive procedures, or dispense, without  
17 a prescription, any noncustom therapeutic shoe or noncustom, heat-  
18 molded therapeutic accommodative multidensity inserts addressing a  
19 medical condition.

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

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

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

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

14           E. No person shall be permitted to enter into an alternative  
15 qualification contract after October 31, 2012. A person who has not  
16 done so by October 31, 2012, shall not be issued a license to  
17 practice therapeutic shoe fitting without meeting standard  
18 qualifications.

19           F. Notwithstanding any other provision of this section, a  
20 person who has practiced therapeutic shoe fitting full-time during  
21 the three-year period immediately preceding November 1, 2010, in a  
22 therapeutic shoe fitting facility as a therapeutic shoe fitter, may  
23 file an application with the Board on or before February 1, 2011,  
24 for permission to continue to practice at his or her identified

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

14 SECTION 10. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 4110 of Title 59, unless there  
16 is created a duplication in numbering, reads as follows:

17 A. A licensed therapeutic shoe fitter may only provide care or  
18 services pursuant to an order from a licensed podiatrist, physician,  
19 or chiropractor when addressing a medical condition, or when  
20 evaluating, planning treatment, measuring, fitting, adjusting,  
21 managing of the patient, or servicing necessary to accomplish the  
22 application of a noncustom therapeutic shoe or noncustom, heat-  
23 molded multidensity inserts for the prevention or amelioration of  
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1 painful or disabling conditions of the foot and ankle associated  
2 with diabetes mellitus.

3 B. Effective January 1, 2011, any person who holds himself or  
4 herself out to be a therapeutic shoe fitter or uses the title  
5 pedorthist or common variants of that title without holding an  
6 appropriate license issued by the State Board of Medical Licensure  
7 and Supervision, or who, without being registered by the Board,  
8 dispenses pedorthic devices, or is in violation of any provision of  
9 the Oklahoma Licensed Therapeutic Shoe Fitter Act shall be subject  
10 to a five-hundred-dollar administrative fine for each day found to  
11 be in violation.

12 SECTION 11. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 4111 of Title 59, unless there  
14 is created a duplication in numbering, reads as follows:

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

22 SECTION 12. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 4112 of Title 59, unless there  
24 is created a duplication in numbering, reads as follows:

1       A. The State Board of Medical Licensure and Supervision is  
2 hereby authorized to adopt and promulgate rules, pursuant to the  
3 Administrative Procedures Act, that it deems necessary for the  
4 implementation and enforcement of the Oklahoma Licensed Therapeutic  
5 Shoe Fitter Act.

6       B. The Board is hereby empowered to perform investigations, to  
7 require the production of records and other documents relating to  
8 practices regulated by the Oklahoma Licensed Therapeutic Shoe Fitter  
9 Act, and to seek injunctive relief.

10       SECTION 13. This act shall become effective November 1, 2010.

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