

Record of Public Hearing  
State Board of Orthotics, Prosthetics, and Pedorthics  
Rules Hearing 24 April 2013

This is a record of the public hearing of the State Board of Orthotics, Prosthetics, and Pedorthics called pursuant to Section 119.03 of the Ohio Revised Code concerning the adoption, amendment, or rescission of rules governing the practice of orthotics, prosthetics, and pedorthics. The hearing was convened as scheduled at 10:00 am by Board Director Mark B. Levy. It was noted that the proposed language that is a subject of the hearing is being considered pursuant to the Board's responsibility to conduct regular reviews of its rules, no less frequently than every five years, to comply with Section 119.03 of the Ohio Revised Code; and its general responsibility to assure that the regulatory language within the Board's purview is appropriate to its jurisdiction and the proper conduct and administration of the Practice Act, codified as Chapter 4779 of the Ohio Revised Code.

Mr. Levy noted his role as Director of the Board and responsible for rule filing actions and processes. Also in attendance were Mr. William C. Neu, III, President of the Board; Ms. Meloney Buehl, Office Assistant for the Board; and Ms. Ashley Frustaci, representing the Joint Committee on Agency Rule Review (JCARR).

Mr. Levy stated for the record that the rule being considered was approved for promulgation at a regular meeting of the Board held on March 6, 2013, by a unanimous vote of the members present at that meeting, constituting a quorum. The purpose of the hearing today was explained as to provide an opportunity for any person affected by the proposed Rule to appear to be heard in person, by his or her attorney, or both. An affected person could present his or her positions, arguments or contentions orally or in writing, and may offer and examine witnesses and present evidence tending to show that the proposed adoption of the Rule, if adopted, will be unreasonable or unlawful.

This record shows that consistent with the Public Notices of this hearing, the hearing convened on time at 10:00 am Wednesday, April 24, 2013, in Room 1908, on the 19<sup>th</sup> floor of the Vern Riffe Center for the Government and the Arts, 77 South High Street, in the city of Columbus. Copies of the proposed Rules have been available through the Board office and on the Register of Ohio since being filed in December, 2012, revised filed on January 2, 2013, withdrawn and refilled on March 27, 2013.

Reading of the proposed Rule was waived as no person in attendance stated an objection.

It was noted that the Board is interested in hearing all ideas, comments, and interests regarding these Rules. It was also be noted that written statements of witnesses may be admitted into evidence after they have been marked and designated as an exhibit. Mr. Levy stated that the Board would keep a record of these proceedings open until COB April 30, 2013, for the submission of any supplemental written comments.

No witnesses were in attendance requesting to provide documents or testimony.

Mr. Levy then introduced into the record his two-page affidavit signed, dated and notarized April 23, 2013, in which he attested to his responsibility to process and maintain the following records as regards this matter:

- A. A copy of the Stakeholder Advisory notice dated June 7, 2012, advising the Board's constituent stakeholders of the Five-Year Rule Review process, noting the rules pending review, links to further information at the board's website, and inviting input and feedback.
- B. A copy of the Business Impact Analysis dated October 16, 2012, revised December 5, 2012, filed on the Register January 2, 2013, listing the rule in the package pending.
- C. A copy of the CSI memo dated December 10, 2012, indicating no recommendations regarding the matter and concluding that the Board may go forward with filing the rules with JCARR and on the Register of Ohio.
- D. A copy of the State Board of Orthotics, Prosthetics, and Pedorthics response to the CSI office, advising the Board approved the packages to move forward at its meeting of December 12, 2012.
- E. A copy of the February 14, 2013 certification of the withdrawal To Be Refiled of OAC Rule 4779-6-01 from the package then pending.
- F. The portion of the Draft Minutes of the State Board of Orthotics, Prosthetics & Pedorthics meeting held on March 6, 2013, which at section 9, beginning on document page 5, denotes the Board's action approving the adoption of the rule proposal known as the Re-filed OAC Rule 4779-6-01.
- G. The Public Hearing Notice filed on the Register of Ohio on March 20, 2013, providing legal notice regarding this hearing.
- H. The public notice filed on the Ohio Business Gateway on March 27, 2013, and the confirmation receipt of the filing.
- I. The certification letters generated by the Electronic Rule Filing system and the Register of Ohio, documenting that with this action, the rule was also filed electronically with the agencies and entities required by law, in this case the Secretary of State, the Legislative Service Commission, the Joint Committee on Agency Rule Review, and the Department of Development on March 20, 2013, as well as the certification letter generated documenting the revised filing of rule 4779-6-01 within the package.
- J. The proposed Amended OAC Rule 4779-6-01.

- K. The License application form ID'd as Application for Licensure in Orthotics and/or Prosthetics 2013 revision as referred to in the rule.
- L. The License application form ID'd as Application for Licensure in Pedorthics 2013 revision as referred to in the rule.

The record of this hearing remained open until COB April 30, 2013. No additional documentary evidence and materials relevant to the consideration of this matter were provided, however the Board remains willing to weigh all testimony and evidence presented for this hearing and subsequent thereto before considering any action on this matter. Any future action by the Board on these rules will be at a regular meeting of the Board, which is open to the public. Any formal action will be in compliance with Sections 119.03 and 119.04 of the Revised Code.

The Rules hearing was adjourned at approximately 10:10 am on April 24, 2013, and this record will close as of 5:00 p.m., April 30, 2013, with any supplemental materials or information received added.

Respectfully submitted<sup>1</sup>,

Mark B. Levy  
Board Director  
State Board of Orthotics, Prosthetics, and Pedorthics  
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<sup>1</sup> This is a good-faith rendition of the record of the hearing, not a stenographic record. An audio recording of the hearing remains on file with the Board.