

Title 17. Professions, Occupations, and Businesses
Chapter XI. Department of Health, State Board of Health, Generally
Subchapter A. Generally
Part 45. Rules for Orthotic, Prosthetic, and Pedorthic Providers in Arkansas

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"SECTION 1: AUTHORITY.

These Rules are promulgated under the authority of the Arkansas Orthotics, Prosthetics and Pedorthics Practice Act of 2007, Ark. Code Ann. § 17-107-101 et seq., as amended."

"Revision effective date: February 10, 2024"

"CERTIFICATION

This will certify that the foregoing revisions to the Rules for Orthotic, Prosthetic and Pedorthic Providers in Arkansas were adopted by the State Board of Health of Arkansas at a regular session of said Board held in Little Rock, Arkansas, on the 27th day of July, 2023.

Jennifer Dillaha, M.D.

Director of the Department of Health

Arkansas State Board of Health"

"SECTION 15: SEVERABILITY

If any provision of these Rules or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these Rules which can give effect without the invalid provisions or applications and to this end the provision hereto are declared severable."

Subpart 1. Generally

17 CAR § 45-101. Purpose.

In addition to the purposes provided by the Arkansas Orthotics, Prosthetics, and Pedorthics Practice Act of 2007, Arkansas Code § 17-107-101 et seq., this part is promulgated to protect the health and safety of individuals receiving orthotic, prosthetic, or pedorthic services in Arkansas.

Authority. Arkansas Code § 17-107-204.

17 CAR § 45-102. Definitions.

As used in this part:

(1) "Act" means the Arkansas Orthotics, Prosthetics, and Pedorthics Practice Act of 2007, as may be amended, and codified at Arkansas Code § 17-107-101 et seq.;

(2) "Advisory board" or "board" means the Arkansas Orthotics, Prosthetics, and Pedorthics Advisory Board;

(3)(A) "Automatic licensure" means granting the occupational licensure without an individual having met occupational licensure requirements provided:

(i) Under the Arkansas Code; or

(ii) By other provisions in this part.

(B) "Automatic licensure" means granting the occupational licensure without an individual having met occupational licensure requirements provided by the rules of the occupational licensing entity.

(4) "Board for Certification in Pedorthics" has merged and means the American Board for Certification in Orthotics, Prosthetics, and Pedorthics, Inc.;

(5) "Board of Health" means the State Board of Health;

(6)(A) "Custom fabricated" and "fitted device" means an orthosis, prosthesis, or pedorthic device which:

(i) Is fabricated to original measurements or a mold for use by a patient in accordance with a prescription from a healthcare practitioner authorized by law to write such prescriptions; and

(ii) Requires substantial clinical and technical judgment in its design and fitting.

(B) "Custom fitted device" means a prefabricated orthosis, prosthesis, or pedorthic device:

(i) Sized or modified for use by the patient in accordance with a prescription from a healthcare practitioner authorized by law to write such prescriptions; and

(ii) Which requires substantial clinical judgment and substantive alteration for appropriate use.

(C) "Custom fabricated devices" and "custom fabricated and fitted devices" must be dispensed by a licensed healthcare practitioner or by a person licensed under this part in accordance with a prescription from a licensed healthcare practitioner;

(7) "Department" means the Department of Health;

(8)(A) "Off-the-shelf device" means a prefabricated prosthesis or orthosis sized or modified for use by the patient:

(i) In accordance with a prescription from a healthcare practitioner authorized by law to write such prescriptions; and

(ii) Which does not require substantial clinical judgment and substantive alteration for appropriate use.

(B) The sale of over-the-counter and off-the-shelf devices by nonlicensed persons is not prohibited by this part;

(9)(A) "Orthosis" means an external device that is:

(i) Intended to restore physiological function or cosmesis to a patient;
and

(ii) Custom-designed, fabricated, assembled, fitted, or adjusted for the patient using the device prior to or concurrent with the delivery of the device to the patient.

(B) "Orthosis" does not include a cane, crutch, corset, dental appliance, elastic hose, elastic support, fabric support, generic arch support, low temperature plastic splint, soft cervical collar, truss, or other similar device that:

(i) Is carried in stock and sold without therapeutic modification by a:

- (a) Corset shop;
- (b) Department store;
- (c) Drug store;
- (d) Surgical supply facility; or
- (e) Similar retail entity; and

(ii) Has no significant impact on the neuromuscular, musculoskeletal, or neuromusculoskeletal functions of the body;

(10) "Orthotic assistant" means an individual who is licensed under this part to assist an orthotist or an orthotist/prosthetist with patient care services and fabrication of orthoses or pedorthic devices under the supervision of an orthotist or an orthotist/prosthetist;

(11) "Orthotic education program" means a course of instruction in orthotics:

(A) Accredited by the Commission on Accreditation of Allied Health Education Programs; and

(B) Approved by the Arkansas Orthotics, Prosthetics, and Pedorthics Advisory Board;

(12) "Orthotic resident" means an individual who:

(A) Has completed an orthotic education program; and

(B) Is continuing his or her clinical education in an orthotic residency program:

(i) Accredited by the National Commission on Orthotic and Prosthetic Education; and

(ii) Approved by the Arkansas Orthotics, Prosthetics, and Pedorthics Advisory Board;

(13) "Orthotic/prosthetic assistant" means an individual who is licensed under the Arkansas Orthotics, Prosthetics, and Pedorthics Practice Act of 2007, Arkansas Code § 17-107-101 et seq., to assist both an orthotist and a prosthetist with patient care services and fabrication of prostheses, orthoses, or pedorthic devices under the supervision of an orthotist, an orthotist/prosthetist, or a prosthetist as appropriate;

(14) "Orthotics" means the science and practice of providing or managing the provision of an orthosis based on:

(A) Clinical assessment;

(B) Technical judgment; and

(C) An order from a healthcare practitioner authorized by law to write an order for an orthosis;

(15) "Orthotist" means an individual who is licensed under the Arkansas Orthotics, Prosthetics, and Pedorthics Practice Act of 2007, Arkansas Code § 17-107-101 et seq., to practice orthotics and pedorthics;

(16) "Orthotist/prosthetist" means an individual who is licensed to practice:

(A) Orthotics;

(B) Pedorthics; and

(C) Prosthetics;

(17) "Over the counter" means a prefabricated, mass-produced device that is prepackaged and requires no professional advice or judgment in either size, selection, or use, including:

(A) Fabric or elastic supports;

(B) Corsets;

(C) Generic arch supports; and

(D) Elastic hoses;

(18)(A) "Pedorthic device" means therapeutic footwear, foot orthoses for use at the ankle or below, or footwear modified for therapeutic purposes as ordered by a

licensed healthcare practitioner authorized by law to write an order for a pedorthic device.

(B) "Pedorthic device" does not include:

(i) Nontherapeutic accommodative inlays or nontherapeutic accommodative footwear regardless of method of manufacture;

(ii) Shoes modified or made for nontherapeutic purposes;

(iii) Unmodified shoes; or

(iv) Prefabricated foot care products;

(19) "Pedorthic education program" means a course of instruction in pedorthics:

(A) Accredited by the American Board for Certification in Orthotics, Prosthetics, and Pedorthics, Inc.; and

(B) Approved by the Arkansas Orthotics, Prosthetics, and Pedorthics Advisory Board;

(20) "Pedorthics" means the science and practice of providing or managing the provision of a pedorthic device based on:

(A) Clinical assessment;

(B) Technical judgment; and

(C) An order from a healthcare practitioner authorized by law to write an order for a pedorthic device;

(21) "Pedorthist" means an individual who is licensed under the Arkansas Orthotics, Prosthetics, and Pedorthics Practice Act of 2007, Arkansas Code § 17-107-101 et seq., to practice pedorthics;

(22)(A) "Prefabricated device" means a mass-produced device that:

(i) Is prepackaged, carried in stock, and sold off the shelf or over the counter by a:

(a) Corset shop;

(b) Department store;

(c) Drug store;

(d) Surgical supply facility; or

(e) Similar retail entity; and
(ii) Does not require clinical assessment, technical judgment, or therapeutic modification for appropriate use by the customer.

(B) "Prefabricated device" may include:

- (i) A cane;
- (ii) A crutch;
- (iii) A corset;
- (iv) An elastic hose;
- (v) An elastic support;
- (vi) A fabric support;
- (vii) A generic arch support;
- (viii) A low-temperature plastic splint;
- (ix) A soft cervical collar;
- (x) A truss; or
- (xi) Other similar device;

(23)(A) "Prosthesis" means an external device that is:

(i) Intended to replace an absent external body part for the purpose of restoring physiological function or cosmesis to a patient; and

(ii) Custom-designed, fabricated, assembled, fitted, or adjusted for the patient using the device prior to or concurrent with being delivered to the patient.

(B) "Prosthesis" does not include an artificial eye, an artificial ear, a dental appliance, a cosmetic device, such as artificial eyelashes or wigs, an artificial facial device, or other device that does not have a significant impact on the neuromuscular, musculoskeletal, or neuromusculoskeletal functions of the body;

(24) "Prosthetic assistant" means an individual who is licensed under the Arkansas Orthotics, Prosthetics, and Pedorthics Practice Act of 2007, Arkansas Code § 17-107-101 et seq., to assist a prosthetist or orthotist/prosthetist with patient care services and fabrication of prostheses under the supervision of:

- (A) A prosthetist; or
- (B) An orthotist/prosthetist;

(25) "Prosthetic education program" means a course of instruction in prosthetics:

(A) Accredited by the Commission on Accreditation of Allied Health Education Programs; and

(B) Approved by the Arkansas Orthotics, Prosthetics, and Pedorthics Advisory Board;

(26) "Prosthetic resident" means an individual who:

(A) Has completed a prosthetic education program; and

(B) Is continuing his or her clinical education in a prosthetic residency program:

(i) Accredited by the National Commission on Orthotic and Prosthetic Education; and

(ii) Approved by the Arkansas Orthotics, Prosthetics, and Pedorthics Advisory Board;

(27) "Prosthetics" means the science and practice of providing or managing the provision of a prosthesis based on:

(A) Clinical assessment;

(B) Technical judgment; and

(C) An order from a healthcare practitioner authorized to write an order for a prosthesis;

(28) "Prosthetist" means an individual who is licensed under this the Arkansas Orthotics, Prosthetics, and Pedorthics Practice Act of 2007, Arkansas Code § 17-107-101 et seq., to practice prosthetics;

(29) "Returning military veteran" means a former member of the United States Armed Forces who was discharged from active duty under circumstances other than dishonorable;

(30) **Therapeutic footwear.** The following actions with respect to therapeutic footwear and medical devices for the foot and ankle must be performed by a licensed healthcare practitioner who is acting within his or her lawful scope of practice:

(A) Modifications or additions to the interior or exterior of footwear for therapeutic purposes, including but not limited to:

- (i) Heel lifts;
- (ii) Outflare heels;
- (iii) Thomas heels;
- (iv) Full sole lifts;
- (v) Wedged soles;
- (vi) Rocker bottom soles;
- (vii) Metatarsal bars;
- (viii) Metatarsal raises or inserts that have fillers as part of their

construction;

- (ix) Toe fillers; and
- (x) Partial foot fillers;

(B) Permanent or temporary attachment of an orthosis to the footwear;

(C) Addition or modification of a removable or attached therapeutic foot device inside the shoe which was fabricated based on a:

- (i) Cast;
- (ii) Impression;
- (iii) Mold;
- (iv) Scan;
- (v) Imprint; or
- (vi) Tracing;

(D) Creation of an image of a person's foot or ankle through the use of:

- (i) A mold;
- (ii) A cast;
- (iii) A scanning device;
- (iv) A digital appliance;
- (v) A tracing;
- (vi) A pressure sensitive device; or
- (vii) Another similar device; and

(E) Analysis, evaluation, measurement, assessment, or screening of a foot for the purpose of making a therapeutic recommendation;

(31) "Uniformed service member" means an:

(A) Active or reserve component member of the:

(i) United States Air Force;

(ii) United States Army;

(iii) United States Coast Guard;

(iv) United States Marine Corps;

(v) United States Navy;

(vi) United States Space Force; or

(vii) National Guard;

(B) Active component member of the National Oceanic and Atmospheric Administration Commissioned Officer Corps; or

(C) Active or reserve component member of the United States Commissioned Corps of the Public Health Service; and

(32) "Uniformed service veteran" means a former member of the United States uniformed services discharged under conditions other than dishonorable.

Authority. Arkansas Code § 17-107-204.

17 CAR § 45-103. Restrictions on the practice of orthotists, prosthetists, and pedorthists.

(a) A licensed orthotist, prosthetist, or pedorthist may provide care or services only if the care or services are provided pursuant to an order from a licensed healthcare practitioner authorized to issue such an order.

(b) A licensed orthotist, prosthetist, or pedorthist must provide services from a facility that has appropriate clinical and laboratory space and equipment to allow that licensee to provide orthotic, prosthetic, or pedorthic care.

(c)(1) The scope of practice of a licensed orthotist, prosthetist, or pedorthist does not include the right to:

(A) Diagnose a medical problem or condition; or

(B) Give medical advice as to the nature, cause, or treatment for the problem or condition for which the orthosis, prosthesis, or pedorthic device is being dispensed.

(2) However, the scope of practice of a licensed orthotist, prosthetist, or pedorthist does include the right to:

(A) Provide information, demonstration, or training, regarding the proper use and care of the device; and

(B) Make adjustments to the device as needed.

(d) Assistant orthotists/prosthetists must practice within a one-hour radius of the supervising practitioner.

(e) A licensed orthotist, prosthetist, or pedorthist may utilize one (1) or more nonlicensed persons to assist in the provision of services, but the nonlicensed person shall be limited to the performance of minor repairs on devices which have been previously dispensed to a patient.

Authority. Arkansas Code § 17-107-204.

17 CAR § 45-104. Necessity of licensure.

Upon promulgation of this part, no person shall practice orthotics, prosthetics, or pedorthics in Arkansas, or hold himself or herself out as being able to practice such professions, or dispense an orthosis, prosthesis, or pedorthic device, unless such person is licensed in Arkansas.

Authority. Arkansas Code § 17-107-204.

17 CAR § 45-105. Qualifications for licensure.

(a) **Orthotist.** To qualify for a license to practice orthotics, a person shall:

(1) Complete an orthotics education program which is accredited by the Commission on Accreditation of Allied Health Education Programs or its successor organization;

(2) Possess a baccalaureate degree or have successfully completed the number of semester hours equivalent to four (4) years of study at a four-year college or university;

(3) Successfully complete a clinical NCOPE residency in orthotics; and

(4) Successfully complete one (1) of the following national certification examinations:

(A) American Board for Certification in Orthotics, Prosthetics, and Pedorthics, Inc. (ABCOPP);

(B) Board of Certification/Accreditation (BOC); or

(C) Equivalent as determined by the Arkansas Orthotics, Prosthetics, and Pedorthics Advisory Board.

(b) **Prosthetist.** To qualify for a license to practice prosthetics, a person shall:

(1) Complete a prosthetics education program which is accredited by the Commission on Accreditation of Allied Health Education Programs or its successor organization;

(2) Possess a baccalaureate degree or have successfully completed the number of semester hours equivalent to four (4) years of study at a four-year college or university;

(3) Successfully complete a clinical NCOPE residency in prosthetics; and

(4) Successfully complete one (1) of the following national certification examinations:

(A) ABCOPP;

(B) BOC; or

(C) Equivalent as determined by the Arkansas Orthotics, Prosthetics, and Pedorthics Advisory Board.

(c) **Pedorthist.** To qualify for a license to practice pedorthics a person shall:

(1) Possess a high school diploma or GED;

- (2) Possess the Certified Pedorthist credential from either ABCOPP or BOC; and
- (3) Successfully complete one (1) of the following national certification

examinations:

(A) ABCOPP;

(B) BOC; or

(C) Equivalent as determined by the Arkansas Orthotics, Prosthetics, and Pedorthics Advisory Board.

(d) **Assistant.**

(1) An applicant for certification to practice as an orthotic assistant, prosthetic assistant, or orthotic/prosthetic assistant shall submit the written evidence, verified by oath, that the applicant:

(A) Possesses a high school diploma or GED;

(B) Has a minimum of three (3) years of experience in the field in which the person is seeking licensure as an assistant;

(C) Two (2) years' experience in the field in which the individual is seeking licensure as an assistant and has a minimum of three (3) semester hours of higher education in the subject of human anatomy and physiology and medical terminology and has written documentation from a licensed prosthetist or a licensed orthotist that the applicant is qualified to perform as an assistant in the field in which the person is seeking licensure as the assistant; or

(D) Has graduated from a master's-level orthotic, prosthetic, or orthotic/prosthetic educational program approved by the National Commission on Orthotic and Prosthetic Education and is in a residency program.

(2) An orthotic assistant, an orthotic/prosthetic assistant, or a prosthetic assistant shall maintain certification until the completion of their residency program.

(e) **Reciprocity.** An applicant from another state or jurisdiction qualifies for a reciprocal license if:

(1)(A) The applicant holds a substantially similar license in another United States jurisdiction.

(B) A license from another state is substantially similar to an Arkansas license if the other state's licensure qualifications require:

- (i) **Orthotists.** Items in subsection (a) of this section;
- (ii) **Prosthetists.** Items in subsection (b) of this section;
- (iii) **Pedorthists.** Items in subsection (c) of this section; and
- (iv) **Prosthetic assistants.** Items in subsection (d) of this section;

(2) The applicant holds his or her license in good standing;

(3) The applicant has not had a license revoked for:

- (A) An act of bad faith; or
- (B) A violation of law, rule, or ethics;

(4) The applicant does not hold a suspended or probationary license in a United States jurisdiction;

(5) The applicant is competent in orthotics; and

(6) The applicant submits:

- (A) A fully executed application;
- (B) A fee; and
- (C) The following documentation:

- (i) Evidence of current and active licensure in that state;
- (ii) Evidence that the other state's qualifications match those in

subdivision (e)(1) of this section;

(iii) The names of all states in which the applicant is currently licensed or has been previously licensed; and

(iv) Letters of good standing or other information from each state in which the applicant is currently or has ever been licensed showing that the applicant has not had his or her license revoked for:

- (a) An act of bad faith; or
- (b) A violation of law, rule, or ethics.

(f) **Military.**

(1) This section applies to:

- (A) A uniformed service member stationed in the State of Arkansas;

(B) A uniformed service veteran who resides in or establishes residency in the State of Arkansas; or

(C) The spouse of subdivision (f)(1)(A) or (f)(1)(B) of this section, including a uniformed service member who is:

(i) Assigned a tour of duty that excludes the spouse from accompanying the uniformed service member and the spouse relocates to Arkansas; or

(ii) Killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in Arkansas.

(2) Automatic licensure may be granted to persons listed in this subsection if the person:

(A) Is a holder in good standing of occupational licensure with similar scope of practice issued by another state, territory, or district of the United States; and

(B) Pays the licensure fee in Arkansas Code § 17-107-204.

(3) **Credit toward initial licensure.** Relevant and applicable uniformed service education, training, national certification, or service-issued credential shall be accepted toward initial licensure.

(4) **Expiration dates and continuing education.**

(A) A license expiration date shall be extended for a deployed uniformed service member or spouse for one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

(B) A uniformed service member or spouse shall be exempt from continuing education requirements in 17 CAR § 45-113 for one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

(C) Any uniformed service member or spouse exercising the exemption shall provide evidence of completion of continuing education before renewal or grant of a subsequent license.

(g) **Apprenticeship.**

(1) An applicant shall receive a pedorthist, orthotist assistant, prosthetist assistant, or orthotist/prosthetist assistant license if they meet the criteria set forth below.

(2)(A) As used in this section, "apprenticeship" means a program that meets the federal guidelines set out in 29 C.F.R. pt. 29, as existing on March 1, 2021, and approved by the United States Office of Apprenticeship as meeting the requirements of an apprenticeship.

(B)(i) An applicant for licensure under this section shall provide satisfactory proof of completion of apprenticeship via official documentation from the apprenticeship program.

(ii) This documentation may be in the form of a:

(a) Certificate, diploma, or similar official credential; or

(b) Letter on official program letterhead.

(C) An applicant for licensure under this section shall provide satisfactory documentation that the:

(i) Completed apprenticeship program meets the federal guidelines set out in 29 C.F.R. pt. 29, as existing on March 1, 2021; and

(ii) Program has been approved by the:

(a) United States Office of Apprenticeship; or

(b) Division of Workforce Services.

(D) An applicant for licensure under this section shall meet all the other noneducational requirements for licensure under this part, including this section.

(E) If an applicant is denied a license for failing to meet the criteria in subdivisions (g)(2)(B) – (D) of this section, the applicant shall be provided the reason for denial in writing.

(h) Prelicensure criminal background check.

(1) Pursuant to Acts 2019, No. 990, an individual may petition for a prelicensure determination of whether:

(A) The individual's criminal record will disqualify the individual from licensure; and

(B) A waiver may be obtained.

(2) The individual must obtain the prelicensure criminal background check petition form from the Arkansas Orthotics, Prosthetics, and Pedorthics Advisory Board.

(3) The Arkansas Orthotics, Prosthetics, and Pedorthics Advisory Board will respond with a decision in writing to a completed petition within a reasonable time.

(4) The Arkansas Orthotics, Prosthetics, and Pedorthics Advisory Board's response will state the reasons for the decision.

(5) All decisions of the Arkansas Orthotics, Prosthetics, and Pedorthics Advisory Board in response to the petition will be determined by the information provided by the individual.

(6) Any and all decisions made by the Arkansas Orthotics, Prosthetics, and Pedorthics Advisory Board in response to a prelicensure criminal background check petition are not subject to appeal.

(7) The Arkansas Orthotics, Prosthetics, and Pedorthics Advisory Board will keep and maintain a copy of the petition and response, which will be reviewed during the formal application process.

(8) **Waiver request.**

(A) If an individual has been convicted of a crime listed in Arkansas Code § 17-3-102(a), the Arkansas Orthotics, Prosthetics, and Pedorthics Advisory Board may waive disqualification of a potential applicant or revocation of a license based on the conviction if a request for a waiver is made by:

- (i) An affected applicant for a license; or
- (ii) An individual holding a license subject to revocation.

(B) The Arkansas Orthotics, Prosthetics, and Pedorthics Advisory Board may grant a waiver upon consideration of the following, without limitation:

- (i) The age at which the offense was committed;
- (ii) The circumstances surrounding the offense;
- (iii) The length of time since the offense was committed;
- (iv) Subsequent work history since the offense was committed;
- (v) Employment references since the offense was committed;
- (vi) Character references since the offense was committed;
- (vii) Relevance of the offense to the occupational license; and

(viii) Other evidence demonstrating that licensure of the applicant does not pose a threat to the health or safety of the public.

(C)(i) A request for a waiver, if made by an applicant, must be in writing and accompany the completed application and fees.

(ii) A request for waiver, if made by a licensee, must be in writing.

(D) The Arkansas Orthotics, Prosthetics, and Pedorthics Advisory Board will respond with a decision in writing and will state the reasons for the decision.

(E) Appeals under this section will be subject to the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

(i) **Initial licensure fee waiver.**

(1)(A) Pursuant to Acts 2021, No. 725, an applicant may receive a waiver of the initial licensure fee, if eligible.

(B) Eligible applicants are applicants who:

(i) Are receiving assistance through the:

(a) Arkansas, or current state of residence equivalent, Medicaid Program;

(b) Supplemental Nutrition Assistance Program(SNAP);

(c) Special Supplemental Nutrition Program for Women, Infants, and Children (WIC);

(d) Temporary Assistance for Needy Families Program (TEA); or

(e) Lifeline Assistance Program (LAP);

(ii) Were approved for unemployment within the last twelve (12) months; or

(iii) Have an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines.

(2)(A) Applicants shall provide documentation showing their receipt of benefits from the appropriate state agency.

(B) For Medicaid, SNAP, WIC, TEA, or LAP, documentation from the Department of Human Services or current state of residence equivalent agency.

(C) For unemployment benefits approval in the last twelve (12) months, the Division of Workforce Services or current state of residence equivalent agency.

(D) For proof of income, copies of all Internal Revenue Service forms indicating applicant's total personal income for the most recent tax year, e.g., W-2, 1099, etc.

(3) Applicants shall attest that the documentation provided under subdivision (i)(2)(B) of this section is a true and correct copy, and fraudulent or fraudulently obtained documentation shall be grounds for denial or revocation of license.

Authority. Arkansas Code § 17-107-204.

Codification Notes. "GED" means General Educational Development test.

"NCOPE" means National Commission on Orthotic and Prosthetic Education.

17 CAR § 45-106. Procedures for licensure.

(a)(1) An applicant shall:

(A) Obtain a current application packet from the Arkansas Orthotics, Prosthetics, and Pedorthics Advisory Board;

(B) Respond truthfully and completely to every question or request for information contained in the application form; and

(C) Submit it, along with all documents and fees required, to the Department of Health.

(2) It is the intent of this part that all:

(A) Steps necessary to accomplish the filing of the required documentation be completed prior to filing an application; and

(B) Materials be filed simultaneously.

(b) An applicant shall complete the application with the supporting documentation prescribed to the department.

(c) An applicant shall disclose the fact of and the circumstances surrounding any of the following:

(1) Conviction of a crime, or plea of guilty or nolo contendere, or a finding of guilt of a felony listed under Arkansas Code § 17-3-102 in any country, state, or municipality, except minor traffic violations;

(2) The denial of certification or licensure application by any other state or country, or the discipline of the certificate holder or licensee in any state or country;

(3) Loss, restriction, or voluntary surrender of certification or licensure privileges; and

(4) Any judgment or settlement in a civil suit in which the applicant was a party defendant, including malpractice, unethical conduct, breach of contract, or any other civil action remedy recognized by the country's or state's:

(A) Statutory law;

(B) Common law; or

(C) Case law.

(d)(1) When necessary, all required documents shall be translated into English and such translation, together with the original document, shall be certified as to authenticity by the issuing source.

(2) Both versions must be submitted simultaneously.

(e) Application review, approval, denial, and interview decisions shall be made by the board.

(f) The requirement for licensure under this part shall not apply to:

(1) A person who is an employee of any bureau, division, or agency of the federal government while in the discharge of the employee's official duties;

(2) A student enrolled in an educational program at a college or university which will enable that student to obtain a license to practice orthotics, prosthetics, or pedorthics upon graduation from the program;

(3) A resident continuing such resident's clinical education in a residency accredited by the National Commission on Orthotic and Prosthetic Education; and

(4) A student in a qualified work experience program or internship in pedorthics.

(g) The licensee shall notify the board within thirty (30) days of any:

- (1) Extension of the discipline of practice; or
- (2) Name and address changes.

Authority. Arkansas Code § 17-107-204.

17 CAR § 45-107. Fees.

(a) License fee for initial licensure and renewal of licensure for the practice of orthotics, prosthetics, or pedorthics, shall be three hundred dollars (\$300) every two (2) years.

(b) License fee for initial licensure and renewal of licensure as an orthotic assistant, an orthotic/prosthetic assistant, or a prosthetic assistant shall be one hundred dollars (\$100) every two (2) years.

(c) Late renewal, one hundred dollars (\$100).

(d) Reinstatement, three hundred dollars (\$300).

(e) Reinstatement for assistant, one hundred dollars (\$100).

(f) All fees are non-refundable.

Authority. Arkansas Code § 17-107-204.

17 CAR § 45-108. Renewal of licensure.

(a) Licenses are valid through December 31 of the expiration year.

(b)(1) Renewal notifications will be sent by the Division of Health Facilities Services of the Department of Health, to the last address on file with the Arkansas Orthotics, Prosthetics, and Pedorthics Advisory Board.

(2) Failure to receive such notification does not relieve the licensee from the responsibility of meeting all requirements for renewal.

(c)(1) A license issued pursuant to this part is renewable by the expiration date.

(2) To be eligible for renewal an individual must submit an application on or before the expiration date the following:

- (A) A completed renewal application form; and
- (B) The renewal fee as required.

(d)(1) To be eligible for renewal an individual must have completed the continuing education requirements and must attest to such completion on the renewal application.

(2) An individual who fails to obtain continuing education hours will be ineligible for renewal.

(3)(A) A uniformed service member may be granted additional time to complete.

(B) See 17 CAR § 45-105(f)(4).

(e) Any licensee who fails to renew his or her license as provided in this section may be reinstated by the board on payment of the renewal fee plus a late fee unless waived by the board.

(f) Reinstatement of a license that has expired as a result of failure to timely renew may be accomplished upon meeting the following conditions:

- (1) Payment of all past due renewal fees;
- (2) Payment of the late renewal fee; and
- (3) Compliance with continuing education requirements.

Authority. Arkansas Code § 17-107-204.

17 CAR § 45-109. Inactivation and reactivation.

(a) Inactive status.

(1) An individual licensed or certified under the Arkansas Orthotics, Prosthetics, and Pedorthics Practice Act of 2007, Arkansas Code § 17-107-101 et seq., may place his or her license or certification on inactive status by notifying the Arkansas Orthotics, Prosthetics, and Pedorthics Advisory Board in writing.

(2) The holder of an inactive license or certification is excused from payment of renewal fees and shall not practice in his or her area of licensure or certification in this state.

(b) A person who holds an active license may apply for inactive status in the following manner:

(1) Obtain, complete, and submit to the board an affidavit of retirement form; and

(2) Submit any supporting documentation which may be required to the board's administrative office.

(c) A licensee whose certificate has been inactivated may re-enter active status by doing the following:

(1) Submit an application and pay the renewal fee; and

(2) Submit verification of successful completion of continuing education hours for the period of inactivity.

(d) Any person who engages in practice while his or her license or certification is inactive shall be considered to be practicing without a license, which shall be grounds for discipline under Arkansas Code § 17-107-310.

Authority. Arkansas Code § 17-107-204.

17 CAR § 45-110. Suspension, revocation, and disciplinary action.

(a) Licenses are subject to denial, suspension, restriction, and revocation as provided by the Arkansas Orthotics, Prosthetics, and Pedorthics Practice Act of 2007, Arkansas Code § 17-107-101 et seq.

(b) See Arkansas Code § 17-107-310.

Authority. Arkansas Code § 17-107-204.

17 CAR § 45-111. Hearings.

(a) Individuals may appeal a disciplinary action within ten (10) calendar days of notice of the action.

(b) A request for appeal shall be made in writing to the Arkansas Orthotics, Prosthetics, and Pedorthics Advisory Board.

(c) Mail or deliver notice to:

OPP Advisory Board,
5800 West 10th Street,
Suite 400 72204.

(d) Hearings will be conducted according to the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

Authority. Arkansas Code § 17-107-204.

17 CAR § 45-112. Advertising.

Advertising shall not be:

- (1) False;
- (2) Fraudulent;
- (3) Deceptive; or
- (4) Misleading.

Authority. Arkansas Code § 17-107-204.

17 CAR § 45-113. Continuing education.

(a) Required hours:

(1)(A) Orthotists and prosthetists must biennially complete thirty (30) hours of continuing education in courses applicable to his or her profession.

(B) A person who is licensed in more than one (1) profession under this part shall biennially complete forty (40) hours of continuing education in courses applicable to the professions in which he or she is licensed;

(2) Pedorthotists must complete twenty-two (22) hours biennially;

(3) Assistants must complete fifteen (15) hours if employed in one (1) discipline or twenty (20) hours if employed in both, biennially; and

(4) At least six (6) hours of the continuing education each year shall be offered to licensees from providers in the state of Arkansas.

(b) Acceptable continuing education shall consist of courses provided, approved, or sponsored by:

(1) The American Board for Certification in Orthotics, Prosthetics, and Pedorthics, Inc.;

(2) The Board for Orthotist/Prosthetist Certification;

(3) The Pedorthic Footwear Association; or

(4) Any other entity whose education programs have been approved by the Arkansas Orthotics, Prosthetics, and Pedorthics Advisory Board.

(c)(1) Each licensee must maintain proof of attendance and completion of all continuing education requirements.

(2) This documentation must be retained for a period of four (4) years from the end of the calendar year in which the continuing education was required.

(3) This documentation must be produced for inspection and verification, if requested in writing by the Arkansas Orthotics, Prosthetics, and Pedorthics Advisory Board during its verification process.

(d)(1) Each licensee must, within thirty (30) days of a request from the Arkansas Orthotics, Prosthetics, and Pedorthics Advisory Board, provide evidence of continuing education activities.

(2) Certificates verifying the individual's attendance or documents from course providers are such evidence.

(e) **Violations.** Any person who falsely attests to attendance and completion of the required hours of continuing education may be subject to disciplinary action.

(f)(1) Continuing education completion timeframe may be extended for a uniformed service member.

(2) See 17 CAR § 45-105(f)(4).

Authority. Arkansas Code § 17-107-204.

17 CAR § 45-114. Code of ethics.

(a) Preamble.

(1) The purpose of a code of ethics is to acknowledge a profession's acceptance of the responsibility and trust conferred upon it by society and to recognize the internal obligations inherent in that trust.

(2) The following paragraphs delineate the standards governing the conduct of orthotic, prosthetic, and pedorthic providers in their professional interactions with:

- (A) Patients;
- (B) Colleagues;
- (C) Other health professionals; and
- (D) The general public.

(3) Realizing that no code can encompass all ethical responsibilities of the orthotic, prosthetic, and pedorthic providers, this enumeration of obligations in the code of ethics:

- (A) Is not comprehensive; and
- (B) Does not constitute a denial of the existence of other obligations, equally imperative, and not specifically mentioned herein.

(4) This code of ethics shall be binding on all orthotic, prosthetic, and pedorthic providers in Arkansas.

(b) Canon 1. Orthotic, prosthetic, and pedorthic providers must:

- (1) Uphold the dignity and honor of the profession;
- (2) Accept its disciplines; and
- (3) Expose, without hesitation, illegal, unethical, and incompetent conduct.

Interpretive statements.

Orthotic, prosthetic, and pedorthic providers are part of a collaborative effort to deliver proper health care to the patient under the Orthotic, Prosthetic, and Pedorthic Provider's care.

The orthotic, prosthetic, and pedorthic provider has a personal, as well as a professional, obligation to protect and safeguard the patients from illegal and/or unethical actions or the incompetence of any person.

The orthotic, prosthetic, and pedorthic provider must maintain personal integrity and establish the appropriate means to fully protect his or her freedom of conscience for the delivery of services to the patient.

The orthotic, prosthetic, and pedorthic provider who demonstrates incompetence or illegal conduct as it pertains to the code of ethics shall be exposed to the proper authorities.

(c) **Canon 2.** Orthotic, prosthetic, and pedorthic providers shall:

- (1) Respect the patient's rights and dignity; and
- (2) Uphold the doctrine of confidentiality regarding privileged patient information.

Interpretive statements.

Information about the patient's clinical situation will be kept confidential, unless otherwise required by law, in order to protect the welfare of an individual or community.

Written guidelines or protocols of an institution or department may be instrumental in deciding the manner in which confidential information is handled for release.

(d) **Canon 3.**

- (1) Orthotic, prosthetic, and pedorthic providers shall provide only those services for which they are qualified.
- (2) Orthotic, prosthetic, and pedorthic providers shall not misrepresent in any manner, either directly or indirectly, their:
 - (A) Skills;
 - (B) Training;
 - (C) Professional credentials;
 - (D) Identity; or
 - (E) Services.

Interpretive statements.

Orthotic, prosthetic, and pedorthic providers will accept responsibility for the exercise of sound judgment in the delivery of services to the patient and shall be accountable for the quality of the service provided.

Orthotic, prosthetic, and pedorthic providers will provide accurate information about the profession, and services they provide, as well as the prosthetic, and pedorthic provider's own qualifications.

Orthotic, prosthetic, and pedorthic providers shall not engage in practices beyond their competence or training.

Orthotic, prosthetic, and pedorthic providers shall not delegate to a less qualified person any activity, which requires the unique skill, knowledge, and judgment of a formally educated orthotic, prosthetic, and pedorthic provider. Services rendered by supportive personnel will be under the supervision of a formally educated orthotic, prosthetic, and pedorthic provider.

(e) **Canon 4.** Orthotic, prosthetic, and pedorthic providers shall strive to improve their medical knowledge and skills on a continuing basis.

Interpretive statements.

Orthotic, prosthetic, and pedorthic providers shall support quality didactic and clinical education.

Professional conduct will be maintained toward orthotic, prosthetic, and pedorthic providers' peers, students, medical staff, and patients.

Orthotic, prosthetic, and pedorthic providers shall participate in educational activities, either by individual study or through continuing education, which will enhance their basic knowledge in order to continue to provide quality health care to the patient.

(f) **Canon 5.** Orthotic, prosthetic, and pedorthic providers shall maintain and promote high standards for their practice and include education, research, and scientific presentations and/or publications.

(g) **Canon 6.**

(1) An orthotic, prosthetic, and pedorthic provider shall:

(A) At all times hold the well-being of the patient to be paramount; and
(B) Not act in such a way as to bring the member's interests into conflict with the patient's interests.

(2) An orthotic, prosthetic, and pedorthic provider shall deliver healthcare services without regard to:

- (A) Race;
- (B) Color;
- (C) Creed;
- (D) National origin;
- (E) Sex;
- (F) Age;
- (G) Religion;
- (H) Sexual preference; or
- (I) Physical and/or mental condition.

Interpretive statements.

Orthotic, prosthetic, and pedorthic providers' practice and adherence to ethical principles shall take preference over business practices. Orthotic, prosthetic, and pedorthic providers shall place service before material gain.

Orthotic, prosthetic, and pedorthic providers shall fully disclose to clientele other business practices that may appear as conflicts of interest to clientele and/or the public. These may include but are not limited to:

- 1) Consultant for fee;
- 2) Clinical instructor (support staff for industry);
- 3) Sales representative;
- 4) Technical advisor;
- 5) Lecture for fee; or
- 6) Acceptance of fees, gratuities, funding from industry.

(h) To this end, the State Board of Health holds that each orthotic, prosthetic, and pedorthic provider has the following ethical and professional responsibilities:

(1) The orthotic, prosthetic, and pedorthic provider will always attempt to fairly evaluate all competing products and services, with the principal selection criteria being that of regard for patient safety and well-being; and

(2) The orthotic, prosthetic, and pedorthic provider shall always base any decision on product and service selection on clinical evaluations and documented clinical and scientific data.

(g) In conclusion, it is the responsibility of the orthotic, prosthetic, and pedorthic provider to make decisions regarding the selection of clinical products with the patient as the primary concern.

Authority. Arkansas Code § 17-107-204.