Amended: July 1, 2024

Oklahoma Licensed Pedorthists Act
Title 59 O.S., Section 2301 - 2308

2301. Short title.

2302. Definitions.

2303. Persons to whom act does not apply.

2304. Powers of Board of Medical Licensure and Supervision.

2305. Advisory Committee on Pedorthics – Members – Duties.

2306. Licensure and registration – Qualifications – Alternative qualification contracts – Licensure and registration without examination.

2307. Circumstances under which care or services may be provided – Practice without license or registration – Fines.

2308. Public roster of names and addresses.

Section 2301. Short title.

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

Added by Laws 2001, SB 166, c. 190, § 1, eff. November 1, 2001.

Section 2302. Definitions.

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 2035 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 nontherapeutic accommodative inlays or nontherapeutic 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 from a physician when addressing a medical condition, of evaluating, planning treatment, measuring, designing, fabricating, assembling, fitting, adjusting, managing of the patient, 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.

Added by Laws 2001, SB 166, c. 190, § 2, eff. November 1, 2001.

Section 2303. Persons to whom act does not apply.

The Oklahoma Licensed Pedorthists Act shall not apply to:

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

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

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

4. 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.

Added by Law 2001, SB 166, c. 190, § 3, eff. November 1, 2001.

Section 2304. Powers of Board of Medical Licensure and Supervision.

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.

Added by Laws 2001, SB 166, c. 190, § 4, eff. November, 2001.

Section 2305. Advisory Committee on Pedorthics – Members – Duties.

A. There is hereby established 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 physician licensed to practice podiatric medicine by the Board of Podiatric Medical Examiners. One member shall be a member of the public who is a consumer of pedorthic services. Two members shall be pedorthists certified by the American Board for Certification in Orthotics, Prosthetics and Pedorthics or pedorthists licensed by the State Board of Medical Licensure and Supervision.

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.

Added by Laws 2001, SB 166, c. 190, § 4, eff. November 1, 2001; Amended by Laws 2007, HB 1069, c. 21, § 1; Amended by Laws 2013, HB 1688, c. 346.

Section 2306. Licensure and registration – Qualifications – Alternative qualification contracts – Licensure and registration without examination.

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 an entity approved by the Board as a certification organization for licensure purposes. 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; or

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.

F. Notwithstanding any other provision of this section, a person who has practiced full time during the three-year period immediately preceding the effective date of this act in a pedorthic facility as a pedorthist, may file an application with the Board within ninety (90) days from the effective date of this act for permission to continue to practice at his or her identified level of practice. The Board, after verifying the applicant's work history and receiving payment of the application fee as established pursuant to this act, shall without examination of the applicant, issue the applicant a license or certificate of registration. For making investigations necessary to verify the work history, the Board may require that the applicant complete a questionnaire regarding the work history and scope of practice. The Board shall take no more than six (6) months to make the investigations necessary to verify the work history. Applicants applying after the ninety-day application period of this subsection has expired, shall meet the

qualifications elsewhere set forth for standard or alternative qualification for licensure or for registration as determined by the Board.

Added by Laws 2001, SB 166, c. 190, § 6, eff. November 1, 2001; Amended by Laws 2008, HB 2763, c. 149, § 4, emerg. eff. May 12, 2008.

Section 2307. Circumstances under which care or services may be provided – Practice without license or registration – Fines.

A. A licensed pedorthist may only provide care or services pursuant to an order from a licensed podiatrist, physician, or chiropractor, when addressing a medical condition, or when evaluating, planning treatment, measuring, designing, fabricating, assembling, fitting, adjusting, managing of the patient, 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.

Added by Laws 2001, SB 166, c. 190, § 7, eff. November 1, 2001.

Section 2308. Public roster of names and addresses.

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 who 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.

This act shall become effective November 1, 2001.

Added by Laws 2001, SB 166, c. 190, § 8, eff. November 1, 2001.