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 File Date: 11/2/17

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission: Board of Podiatric Medical Examiners
Division:
Contact Person: Andrea Huddleston, Deputy General Counsel
Address: 665 Mainstream Drive, Nashville, Tennessee 37243
Phone: (615) 741-1611
Email: Andrea.Huddleston@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact: ADA Coordinator
 710 James Robertson Parkway,
Address: Andrew Johnson Building, 5th Floor, Nashville, Tennessee 37243
Phone: (615) 741-6350
Email: Tina.M.Harris2@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Metro Center
Address 2:	665 Mainstream Drive, Poplar Conference Room
City:	Nashville
Zip:	37228
Hearing Date :	02/07/18
Hearing Time:	9:00 a.m. <input checked="" type="checkbox"/> CST/CDT <input type="checkbox"/> EST/EDT

Additional Hearing Information:

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only ONE Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
1155-04	General Rules and Regulations Governing the Practice of Podiatry
Rule Number	Rule Title
1155-04-.04	Restrictions on the Practice of Orthotists, Prosthetists, and Pedorthists
1155-04-.05	Necessity of Licensure

Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to http://sos-tn-gov-files.s3.amazonaws.com/forms/Rulemaking%20Guidelines_September2016.pdf.

Chapter 1155-04
General Rules Governing Orthotists, Prosthetists, and Pedorthists

Amendments

Rule 1155-04-.04 Restrictions on the Practice of Orthotists, Prosthetists, and Pedorthists is amended by adding new paragraph (4) and renumbering the remaining paragraph accordingly, and is further amended by deleting newly re-numbered paragraph (5) in its entirety and substituting instead the following language, so that as amended, the new paragraphs shall read:

- (4) An individual holding a certification from the American Board of Certification in Orthotics and Prosthetics (ABC) as an orthotic assistant, prosthetic assistant, or orthotist/prosthetist assistant may perform orthotic and/or prosthetic duties and related tasks set forth by the 2012 ABC Scope of Practice for certified orthotic and prosthetic assistants. However, a certified assistant may not deliver a definitive custom-made prosthesis or orthosis or perform an initial evaluation of a patient.
- (5) A licensed orthotist, prosthetist, or pedorthist may utilize one or more non-certified persons to assist in the performance of minor repairs of devices which have been previously dispensed to a patient.

Authority: T.C.A. §§ 63-3-106, 63-3-201, 63-3-202, 63-3-206, and 63-3-207.

Rule 1155-04-.05 Necessity of Licensure is amended by deleting the rule, including the rule title, in its entirety, and substituting instead the following language so the new rule title and rule shall read:

1155-04-.05 Necessity of Licensure and Registration of Residency.

- (1) On and after January 1, 2008, except as provided in Tennessee Code Annotated, Title 63, Chapter 3, Sections 205, 208 and 209, no person shall practice orthotics, prosthetics, or pedorthics in Tennessee, 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 or registered in accordance with the requirements of this chapter.
- (2) Pursuant to T.C.A. § 63-3-209(2)(B), persons seeking to provide services in Tennessee as a resident in an orthotics and/or prosthetics residency program shall register with the Board, on a form notice available through the Board, at least thirty (30) days before providing such services, and the notice shall include the following information:
 - (a) The full name of the resident;
 - (b) The date of birth of the resident;
 - (c) The social security number of the resident;
 - (d) The mailing and physical address of the resident;
 - (e) The home telephone or cell phone number of the resident;
 - (f) Any other health related licenses, certificates, or permits the resident holds in Tennessee or any another state;
 - (g) The name and address of the facility or facilities where the residency is to be completed;
 - (h) The name of the resident's direct supervisor who accepts responsibility for the services provided by the resident and written acknowledgment on signed letterhead from the supervisor accepting such responsibility;

- (i) Proof of a completed orthotic and/or prosthetic education program as described in Rule 1155-04-.06;
 - (j) Proof of a baccalaureate degree (or proof of successfully completing the number of semester hours which is equivalent to four years of study at a four-year college or university), as described in Rule 1155-04-.06;
 - (k) Proof of successful completion of all examinations required by Rule 1155-04-.08; and
 - (l) Payment of the ten dollar (\$10) Orthotic/ Prosthetic Residency Registration Fee.
- (3) Orthotic and prosthetic residents already in a clinical residency when Rule 1155-04-.05(2) takes effect shall register with the Board, on a form notice available through the Board, within sixty (60) days of Rule 1155-04.05(2) taking effect, and such notice shall include all the information listed in Rule 1155-04.05(2).
- (4) Registration under this rule shall authorize only such practice in Tennessee as is authorized by and under the supervision of the residency program which must be accredited by the National Commission on Orthotic and Prosthetic Education. Termination from the residency program terminates the registration and any authority to practice in Tennessee. The director of the residency program shall immediately notify the Board in writing of any registrant's termination from the program.
- (5) Registrations shall expire twenty-four (24) months from the date of issuance and may be renewed only once, for good cause and subject to Board approval. Residency registrants shall submit to the Board written confirmation of residency status once every six (6) months, containing the signature of the direct supervisor who accepts responsibility for the services provided by that resident.

Authority: T.C.A. §§ 63-3-106, 63-3-202, 63-3-203, 63-3-205, 63-3-208, and 63-3-209.

Rule 1155-04-.09 Fees is amended by adding new paragraph (8) which shall read:

- (8) Orthotic/ Prosthetic Residency Registration \$10.00

Authority: T.C.A. §§ 63-3-106, 63-3-106(1), 63-3-202, 63-3-203, and 63-3-205.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 11-2-17

Signature: [Handwritten Signature]

Name of Officer: Andrea Huddleston

Deputy General Counsel

Title of Officer: Department of Health

Subscribed and sworn to before me on: 11-2-17

Notary Public Signature: [Handwritten Signature]

My commission expires on: January 26, 2021



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Filed with the Department of State on: 11/2/17

[Handwritten Signature]

Tre Hargett
Secretary of State

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