



OPP Board Decision and Action Agenda Meeting: September 9, 2014 [published 10.14.2014]

State Board Of Orthotics, Prosthetics, & Pedorthics

New Officers Elected

On September 9, 2014, **Brian M. Weaver**, a Licensed Prosthetist-Orthotist, co-owner of [American Orthopedics](#), located at **1151 W. 5th Avenue**, was chosen by the Board to take over the role of President. Brian is in his first term of service on the Board which ends December 6, 2015 and is subject to reappointment by the Governor.

Mr. Weaver earned a BS Degree in Biology from Oregon State University. His post-grad work in Prosthetics was gained at Northwestern University and in Orthotics, from the Newington Program in Connecticut. Brian is an active member of the [American Academy of Orthotists and Prosthetists](#), as well as its Ohio Chapter.

Brian is a frequent lecturer to various healthcare professionals, including Physical Medicine & Rehabilitation resident physicians and Physical Therapy Masters Degree students at The Ohio State University Medical Center, as well as to local physical therapy groups. He also serves as a consultant to the Orthotic and Prosthetic clinic at THE Ohio State University Medical Center.

Tamara Daulton, a Licensed Pedorthist at [BioWorks](#) in **Southwest Ohio**, has signed on to the Secretary's role on the Board. Ms. Daulton is one of the Board's newest members, appointed by Gov. Kasich in December 2013. A 1996 graduate of the University of **Akron**, Tammy completed her pre-certification education at Northwestern University. She also served on the Board of the National Pedorthic Footcare Association from 2008 to 2013, has presented at numerous PFA Symposia, and continues to serve on various PFA committees. She resides in **Batavia** with her husband and teenage son.

Represent!

Another O&P Practitioner seat "times out" near the end of this year, as does the Consumer members' spot – **Bill Neu, LPO**, and **Robert Reed, Consumer Member**, will have served for two consecutive terms. We are aware of applicants for the Consumer position, but the process is still open to those who may be interested and willing.

Terms are for three years and an initial term is subject to re-appointment at the discretion of the Governor. Appointment authority is vested in the Governor, and the Governor's office is interested in the active involvement of stakeholders and professional associations in forwarding candidates for consideration. Active, informed and committed-to-service licensees are encouraged to consider the leadership opportunity. Contact the office for further information, and see the application:

<http://www.governor.ohio.gov/Portals/0/Boards%20and%20Commissions%20Application.pdf>

Budget Issues Loom, Fee Increases Likely

The Board is in a difficult posture approaching budgeting for FY16-17 (July 2015-June 2017). **Revenues are generally flat or decreasing** year over year. Projections are that FY15 revenues will come in at about \$105K. FY14 booked at just under \$109K. FY12-13 averaged about \$110K/year.

Meanwhile, expenses have reached about \$150K/year and clearly will climb. Various factors influenced the growth since FY2012, when we spent \$111K: position re-classifications; a vacancy in the Office Assistant position for much of FY12 was filled in the last quarter of that year; benefit pickups by staff; and ever-increasing assessments from other state of Ohio agencies with which the Board is required to conduct business.

The Board is actively exploring **options**, including seeking **expanded licensing/registration** authority, the possibility of **fee increases** (application and renewal fees have not been adjusted since they were established in 2001), and whether the Board could continue operations in another configuration.

New Rules Review Package Being Prepped – Tell Us What You Think

WHAT WE'RE DOING AND WHY

1. Rule Review in compliance with the **Periodic Review of Rules Act** (requires review of rules at least **every five years**).
2. Proposed elimination (**rescission**) of a set of [Rules of Procedure for Administrative Hearings](#), which may be out of date and which the Board may not have the authority to impose.
3. Continuation on a “**No Change**” basis of a set of rules governing the Board’s treatment and handling of [Confidential Personal Information](#), required by [RC 1347.15](#).
4. Amendment of the [Fee Schedule rule](#) to allow the Board to adjust fees upwards within a certain range defined by a top end cap.
5. Amendment of [OPPCE Requirements and Reporting rule](#) to remove a reference to “automatic” suspension of license for failure to comply with requirements. The Practice Act does not empower the Board to issue a “summary suspension” except in cases where a clear, immediate threat to the public is present (such as with an impaired professional).

To read the exact language of the rule proposals and the documentation supporting, please click to the “[Rules Pending Review](#)” tab on the website. Use the Stakeholder Response Form there to provide feedback or input to the Board on these issues.

Legislative Alert: Bill to Exempt Diabetic Therapeutic Shoe Fitters Still in Senate

[House Bill 326](#) seeks to fully exempt diabetic therapeutic shoe fitting from the scope of regulated Orthotic and Pedorthic services. While it sets forth certain baseline standards for persons providing the service, it would remove this Board's authority to assure minimum standards are observed and would open up the service to anyone who has taken a 20-hour manufacturer's training course. The Board has approved a [Position Paper](#) as regards the proposal, click the link to download. Activity in the Statehouse has stalled during the run-up to the November elections, but a strong press of business on pending matters is expected to begin after the first Tuesday in November.

Licenseses and stakeholders are encouraged to contact the bill sponsors and Senate Commerce and Labor Committee members, and their own state representatives and senators at the following links:

House: <http://www.ohiohouse.gov/> or call 1-800-282-0253

Senate: <http://www.ohiosenate.gov/senate/index> or call 1-800-282-0253

Board Issues Citations on OPPCE Compliance

For the first time in the nine (9) OPPCE reporting and auditing cycles the Board has administered since its startup in 2001, Notices of Opportunity for Hearing have been issued to three licensees for compliance-related concerns. "We have sought diligently to avoid formal CE enforcement through administrative efforts and innovative strategies such as the OPPCE Remediation protocol," said Board Director Mark Levy. "However, when administrative diversion becomes unavailable, formal enforcement is a necessary fact of professional licensing life."

The following formal actions were approved to move forward:

15 C 01 – James Milner, LPED – One count, failure to comply with OPPCE accrual and reporting, filing a false statement.

15 C 03 – Pamela S. Walker, LPED – One count, failure to comply with OPPCE accrual and reporting, filing a false statement.

15 C 04 – Jeffrey Kuehn, LP – One count, failure to timely file response to OPPCE audit request

The Notices issued provide detailed information to the recipient licensees of their rights to a hearing, the steps that must be taken to preserve and effect those rights, and the manner in which the Board will proceed if no request for hearing is timely received. The Board maintains its posture that favors cooperative compliance over formal enforcement.

Work Continues with Ohio Department of Medicaid on Orthopedic Shoe Rule

The Board continues to foster a mutually-beneficial relationship with the Ohio Health Plans Policy staff at ODM (Medicaid) to assure appropriate regulatory language to benefit consumers and to address concerns of practitioners. One current focus is the [Orthopedic Shoe Rule](#), which as presently constituted restricts reimbursement to a shoe that is “an integral part of a brace” with a limited range of exceptions. The Board approved language in June and September seeking the following changes to the reimbursement requirements language:

- creating an allowance for “beneficiaries ages eight and above with documented diagnoses of moderate or severe peripheral neuropathy or peripheral arterial disease.”
- updating reimbursement language to remove the criteria that reimbursement for the device “shall only be billed by the individual who performs the actual casting,” a provision which is not in conformity with current reimbursement policy and is not currently enforced; and to more appropriately qualify that the reimbursement amount includes all casting or patient model rectification services.

Board Addresses Functional Electrical Stimulation/Foot Drop Device Dispensation

As with the Orthopedic shoe rule noted above, the Board remains focused on assuring that state of Ohio policies that may address elements of the professional practices or Orthotists, Prosthetists and Pedorthists recognize and maintain consistency with the requirements of Revised Code Chapter 4779.

Noting that the Respiratory Care/Home Medical Equipment Board recently revised its rule defining Home Medical Equipment, which includes foot drop stimulators among its checklist items, Board Director Mark Levy recently attended a meeting of the HME Rules Committee and suggested a revision to its rule on Personnel that would address the cross-jurisdictional concerns and maintain consistency with the requirements of Revised Code Chapter 4779. The suggested update would add language to the effect that the regulated business may not sell a drop foot stimulator, or other orthotic, pedorthic or prosthetic device as defined under R.C. Chapter 4779, unless the licensed entity reasonably ensures that the drop foot stimulator, or other orthotic, pedorthic or prosthetic device, is fitted and dispensed by a person licensed appropriately pursuant to the OPP Practice Act.

New “e-License” System Roll Out Pushed to 2015

If it seems to you like we have been discussing a new e-License database system for more than a few fiscal quarters, you’re not hearing echoes. A state-wide enterprise-wide system has been subjected to RFP Competitive Bid and procurement. Licensing agencies are partnering closely with state of Ohio IT Services to assure a good fit and a system that will be compatible with widely-varying licensing requirements. OPP staff has been actively engaged to assure the system meets OPP Board licensees’ needs at initiation. It is a detail-intensive, complex web of interrelated information and functions that need to be configured for each agency’s unique requirements. The end product should allow end users (applicants, licensees and employers) to enter and update their own personal data and manage license status and function in an automated environment. Goals

include decreasing staff time devoted to data entry and back office financial functions and documentation and thus freeing up human resources for more substantive programmatic agency initiatives.

OPPCE Reminder for All Licensees

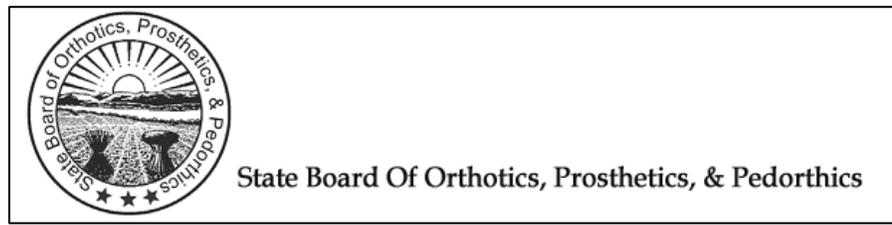
Continuing Education compliance reporting occurs in conjunction with annual license renewal, with licensees required to affirm understanding and accrual of sufficient OPPCE to support license renewal in accordance with statutory dictates. See guidance on [OPPCE requirements](#) at the website “Licensees” tab or CE Quick Link. Since national credentialing bodies in O&P account for CE on a 5-year cycle, **the Ohio Board urges its licensees to think of their CE responsibility as an annual requirement, and to target the pro-rated equivalent for completion each and every year.** “Waiting three or four years between CE engagements is way outside the norm for publicly-licensed healthcare professionals,” said Mark Levy, Board Director. “Technical innovations and regulatory updates occur much more frequently.” The Board respectfully suggests its licensees adopt a pro-active plan for integrating Continuing Education into annual practice parameters.

Human Trafficking Awareness – Ohio Steps Up

Persons interested in tapping into the resources of the campaign and engaging in professional education to recognize signs of victimization and learn how to effectively report suspected cases may wish to bookmark the page established by the Ohio Department of Public Safety at this link:

<http://www.publicsafety.ohio.gov/ht/index.html#>

For a two-sheet summary of Human Trafficking Educational and Training Opportunities, click to: <http://www.publicsafety.ohio.gov/ht/links/Human%20Trafficking%20Resources.pdf>



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