



OPP Board Decision and Action Agenda  
Meeting: December 9, 2014 [published 01.13.2015]

State Board Of Orthotics, Prosthetics, & Pedorthics

**Legislative Update: Diabetic Patients' Rights to Appropriately Fitted  
Therapeutic Shoes Preserved**

[House Bill 326](#) as introduced and as passed by the Ohio House of Representatives sought to fully exempt diabetic therapeutic shoe fitting from the scope of regulated Orthotic and Pedorthic services. While it set forth certain baseline standards for persons providing the service, it would have removed this Board's authority to assure minimum standards are observed and would have opened up the service to anyone who has taken a 20-hour manufacturer's training course. The Board approved a [Position Paper](#) as regards the proposal, tracked the legislation closely in the Senate, and engaged in an interested party negotiation with legislative sponsors and proponents. The version of the bill that passed the Ohio Senate adopted an amendment that removed all of the previously proposed new language and simply added Revised Code Chapter 4729, the Pharmacy chapter, to the list of licensed healthcare professionals exempt from Chapter 4779 licensing when "practicing within the individual's scope of practice under statutes and rules regulating the individual's profession." The Board testified as an interested party and withdrew its opposition to the bill. The bill passed the Senate, the House concurred in the changes, and the governor has signed it into law.

**New Rules Review Package Moving Forward – 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 Proposed elimination (**rescission**) of a set of [Rules of Procedure for Administrative Hearings](#), which may be out of date and which the Board may not have the authority to impose.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.

At the December meeting, the Board amended the proposed new fee rule language to clarify that a “fine for violation of any provision of RC Chapter 4779 shall not exceed five hundred dollars per violation.”

**Represent!**

**Terms of service on the Board 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, or just see and submit the application (we appreciate being notified of your submission, but that’s not a requirement):

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

One O&P Practitioner seat has “timed out” as of December 6, 2014: **Bill Neu, LPO**, has served two terms and is not eligible for reappointment. **Jason Macedonia, LPO**, has requested re-appointment, and **Robert Reed, Consumer Member**, has served for two consecutive terms as well. We are aware of applicants for the Consumer position, but the process is still open to those who may be interested and willing. We are unaware of an applicant for the open practitioner seat being vacated by Mr. Neu (should be filled by either an orthotist or a prosthetist-orthotist).

Current Board Members and their terms are:

<b><u>President</u></b>	<b><u>Secretary</u></b>
<b><u>Brian M. Weaver, LPO</u></b>	<b><u>Tamara A. Daulton, LPED</u></b>
<u>Grove City, Ohio</u>	<u>Batavia, Ohio</u>
<u>(first term)</u>	<u>(first term)</u>
<u>Term Ends: 12/06/2015</u>	<u>Term Ends: 12/06/2015</u>
<b><u>Animesh S. Bhatia, DPM</u></b>	<b><u>Jeffrey Hagman, LP</u></b>
<u>New Albany, Ohio</u>	<u>Warrensville Heights, Ohio</u>
<u>(first term)</u>	<u>(first term)</u>
<u>Term Ends: 12/06/2015</u>	<u>Term Ends: 12/06/2016</u>
<b><u>Robert R. Reed (consumer)</u></b>	<b><u>William C. Neu, III, LPO</u></b>
<u>Columbus, Ohio</u>	<u>Delaware, Ohio</u>
<u>(second term)</u>	<u>(second term)</u>
<u>Term Ends: 12/06/2014*</u>	<u>Term Ends: 12/06/2014*</u>
<b><u>Jason Macedonia, LPO</u></b>	* Members serve for up to 60 days past the term expiration date when no new appointment has been made.
<u>Columbus, Ohio</u>	
<u>(first term)</u>	
<u>Term Ends: 12/06/2014*</u>	

## Licenses Issued/Upgraded

### Orthotics

- Laura A. Hodge – LO.321
- Justin D. Fernandez – LO.322-Temp
- Benjamin H. Hogan – LO.323 –Temp
- Steve Kulifaj – LO.324
- Timothy G. Wagner -- LPO.324

### Prosthetics

- Jacquelyn Greer – LP.317 –Temp  
(holds LO.318)

### Prosthetics & Orthotics

- Sarah R. Stilley – LPO.325 Temp

### Pedorthics

- Michelle S. Curran – LPED.238

## OPPCE Non-Compliance leads to formal actions

*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 taken or reported at the December meeting:

- 15 C 01 – James Milner, LPED – The Board accepted a Consent Agreement in which the licensee **surrendered his license in lieu of revocation**, and acknowledged failure to comply with OPPCE accrual and reporting requirements and filing a false statement
- 15 C 03 – Pamela S. Walker, LPED – Charge issued in October cites one count, failure to comply with OPPCE accrual and reporting and filing a false statement. **Record hearing is scheduled** for March.
- 15 C 04 – Jeffrey Kuehn, LP – The Board accepted a Consent Agreement in which the licensee accepted a **Reprimand**, agreed to pay a **late fee**, and acknowledged failure to timely file a response to OPPCE audit request.

### **AVOID CE COMPLIANCE PROBLEMS BY INCORPORATING CE LEARNING INTO YOUR ANNUAL PRACTICE PROTOCOLS**

Although national credentialing bodies in O&P allow certified individuals to gain mandatory Continuing Education over a 5-year time span, the state of Ohio accounting runs on a 3-year cycle. To stay compliant with both state and national credentialing partners, ***the State Board of Orthotics Prosthetics and Pedorthics urges its licensees to think of CE as an annual requirement:***

- ✓ 25 units per year for an LPO or dual-licensed LO/LP
- ✓ 15 units per year for an LO or LP
- ✓ 11 units per year for an LPED

## **Board Sets Meeting Schedule for 2015**

March 3, 2015 – 12:30 p.m. – Riffe 31<sup>st</sup> Floor Boardroom  
June 9, 2015 – 12:30 p.m. – Riffe 31<sup>st</sup> Floor Boardroom  
September 15, 2015 – 12:30 p.m. – Riffe 31<sup>st</sup> Floor, East B  
December 8, 2015 – 12:30 p.m. – Riffe 31<sup>st</sup> Floor, Boardroom

## **Pedorthist Training for AFO competence**

Should Pedorthists be able to provide Ankle-Foot-Orthotics in Ohio?

Current [statutory language](#) (RC 4779.01 (F) states that a pedorthic device is “a custom fabricated or fitted ... foot orthosis ***for use from the apex of the medial malleolus and below.***”

The Board has further clarified the definition in the rules. [OAC Agency Rule 4779-3-02](#) provides at Division (F): "For use from the apex of the medial malleolus and below" as used in division (G) of section [4779.01](#) of the Revised Code means that the pedorthic device does not physically extend proximal to the apex of the medial malleolus, meaning ***not extending higher than the middle of the ankle bone.***

Ohio O&P leadership has suggested the current educational protocols for pedorthists do not include adequate learning and training in the biomechanics behind or application of AFO devices. It has been noted however that both ABC and BOC scopes of practice make some allowance for pedorthists to fit certain AFO devices in certain circumstances. Board Member Tammy Daulton agreed to form and head a workgroup of other CPED and orthotic professionals in and out of Ohio and return to the Board in March with information and/or recommendations regarding education and testing standards that may form a basis for a further initiative in this regard. To provide information or get involved, [send an email](#) or contact the Board office.

## **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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