

**MINUTES
STATE BOARD OF ORTHOTICS, PROSTHETICS AND PEDORTHICS
ANNUAL BOARD MEETING**

March 3, 2015

This Regular Meeting of the State Board of Orthotics, Prosthetics and Pedorthics (OPP) was held on the above date in the Executive Board Room, 31st floor of the Riffe Center, 77 South High Street, Columbus, Ohio.

I. Call to Order: The meeting scheduled for 12:30 p.m. was called to order at 12:30 p.m.

Roll Call:

Members present: Animesh Bhatia, DPM (12:35pm);
Jason Macedonia, LPO
Brian Weaver, LPO – Board President;
Tammy Daulton, LPED – Board Secretary;
Jeff Hagman, LP;

Members absent: None

Staff present: Mark B. Levy, Board Director
Meloney Buehl, Office Assistant
Matt Lampke, Assistant Attorney General

Guests: None

II. Agenda – Amend/Approve: The agenda as distributed was briefly reviewed. Motion to approve agenda by Daulton/Hagman, no further discussion, approved by unanimous vote.

III. Review/Approve Minutes of December 9, 2014, meeting: Minutes having previously been circulated, it was moved/seconded by Hagman/Bhatia to approve without amendment or correction. No further discussion, vote was unanimous in favor.

IV. Executive Session [ORC § 121.22(G)] -- The regular meeting of the Board was reconvened, and it was moved/seconded by Bhatia/Macedonia to enter Executive Session pursuant to ORC Section 121.22 (G), to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official; to consider the investigation of charges or complaints against licensees; and to consider matters required to be kept confidential by federal law or regulations or state statutes. Roll Call vote was taken with Daulton, Hagman, Macedonia, Bhatia and Weaver affirming the motion. At about 1:00 p.m. staff were asked to leave Executive Session for discussion of personnel matters. Unanimous roll call vote to come out of Executive Session occurred at 1:15 p.m.

V. 1:15 p.m. Settlements / Charges / Dispositions / Complaints

- A. Notices of Opportunity for Hearing - None
- B. Consent Agreements for Consideration – having previously been circulated, it was moved/seconded by Hagman/Daulton to approve a Consent Agreement with Pamela Walker, LPED.202. No further discussion, vote was unanimous in favor.

C. Complaint statuses and tracking

Ms. Buehl was asked to review the status and tracking metrics related to the statistics backing up the charts and graphs presented for the Board's review. Information is presented as tracked by fiscal year, and it was noted that Board staff continues to work toward resolution of older complaints with most open issues being from the current fiscal year, and that the most frequent basis for complaint continues to be Unlicensed Practice. Relevant charts and graphs are appended to these minutes and incorporated by reference.

File 15 C 05 regarding a DME without an appropriately licensed professional on staff who had since corrected the issue was presented for the Board's consideration to approve for closure. It was moved/seconded by Daulton/Hagman that the file be closed as educative and approved by unanimous vote.

VI. 1:30 p.m. Ethics Review

A. Statewide training opportunities were referenced and reviewed. Board members are encouraged to avail themselves of offerings as their schedules may allow.

1. OEC trainings – schedule distributed - <http://www.ethics.ohio.gov/education/executiveordertraining.shtml>
2. OEC Webinars: <http://www.ethics.ohio.gov/education/webinars.shtml>
3. Auditor of State – Fiduciary Responsibility Webinar- <http://www.ohiochannel.org/MedicalLibrary/Media.aspx?fileId=142395>

B. OEC Financial Disclosure Filing requirements and review - In compliance with current directives, the Board engages in a review of topics addressing Ethics in government at each meeting. Director presented information from the Ohio Ethics Commission, reviewing the statutory language, Financial Disclosure requirements, and Frequently Asked Questions. Basic reporting requirements and access issues were reviewed. Members were encouraged to notify the board office upon completion of filing, and were advised that the Board pays the filing fees.

VII. 1:45 p.m. – Consent Agenda: Director's Report

A. Fiscal – Revenue and Expense
Spreadsheet data as presented to the Board is appended.

1. FY15 Performance data & projections – Revenue and Expense
FY15 Revenue YTD, 8 months (26th of Feb): \$105,971.00
FY15 Expense YTD, 8 months (26th of Feb): \$104,406.43
2. Minority Business Enterprise (MBE) Spending (15% goal)
FY15 Actual MBE Spend YTD, 8 months (24th of Feb): 28.2%
FY15 Actual EDGE Spend YTD, 8 months (24th of Feb): 5.35%

B. Renewal report; approve OPPCE Remediation Agreements – Ms. Buehl was asked to review the status of Board renewals. Approximately 375 licensees went into ‘Active in Renewal’ status effective December 1, 2014. Online renewals ended on February 15, 2015. 345 Licensees have responded or renewed as of March 2, 2015. 17 Licensees did not respond or renew through either online or paper channels.

1. It was moved/seconded by Daulton/Hagman to set the **license status of the following licenses to ‘Lapsed’**. No further discussion, vote was unanimous in favor.

Kathleen C. Simmons, LO.192
Andrew M. Heffron, LO.289
Etta M. Ray, LPED.117
Michael Roytas, LPED. 196
Frank E. Denton, LPED.217
Holly M. Todd, LPED.55
Stephen A. Waite, LPO.132
Megan M. Albury, LPO.244
David A. Nelson, LPO.79

Joseph M. Yanke, Jr. LO.223
Sierra K. Jones, LO.309
Connie Yorko, LPED.149
Ellen J. Gates, LPED.200
Michelle S. Curran, LPED.238
Michael J. Adams, LP.247
Joseph N. Yanke, LPO.16
Andrew Mathias, LPO.296

One licensee renewed after the January 31, 2015 deadline and requested a waiver of the late filing fee. After a brief discussion, it was moved / seconded by Weaver / Daulton and agreed unanimously by the Board to deny the waiver of late fee penalty to Richard Grope, LPO.40.

2. OPPCE Remediation Agreements (OAC Rule 4779-9-03) - It was moved/seconded by Weaver/Daulton to ratify staff’s approval of the twenty (3) OPPCE Remediation Agreements indicated below, including waiver of the penalty fee under the first-time paperwork violation allowance for two licensees. Two licensees also requested a waiver of augmentation hours; the requests for a waiver of augmentation hours were denied. No further discussion, vote was unanimous in favor.
 - **Margaret A. McMullen, LPED.211** submitted worksheets advising utilization of the 4779-9-03(B) option, completing OPPCE accrual before 1/31/2014 and thus avoiding the late filing fee and the augmentation requirement.
 - **Mark Malinowski, LPED.160 and Janet Malinowski, LPED.159** each filed a worksheet requesting an extension until April 30, 2015 to make up their deficiencies of 29 and 24 units respectively in addition to 11 OPPCE augmentation hours each. They also requested and were granted a waiver of the late filing penalty fee under the cited provisions of ORC § 119.14 “Waiver of penalties for first-time paperwork offenses.”
3. Review Requests for Military Benefits – The Board recently adopted language and rules offering limited benefits to active and former military personnel and their spouses in the form of relief from renewal late fees and / or OPPCE filing requirements due to active military service. Several licensees requested the benefits in error with their renewal and later withdrew their requests. One licensee requested military benefits with renewal and did not respond to communications from Board staff indicating that he should withdraw his request as he was not eligible for any benefits at this time due to his timely filing of his renewal and being in a non-OPPCE-reporting group this year. His

request was brought to the Board for formal review and after a brief discussion it was agreed that the request should be denied as moot.

A brief break was taken at approximately 2:25 p.m.

- C. Legislative Report – appended as presented. Mr. Levy reported on HB66 for which there was no discussion, and SB31. The sense of the Board was that SB31 should continue to be tracked and shared.

- D. Administrative Docket
 - 1. ODM – Rule Revisions and statuses – no new activity to report.

 - 2. New eLicense Database setup – Mr. Levy reported that matters have failed to progress successfully with the initial vendor selected by Dept of Admin Services IT division, and a newer team has been assembled. We should not expect a new system to be up and running before mid-FY16; we continue to participate in the planning and configuration requirements strategy group Steering Committee as the small board representative.

VIII. 2:50 p.m. – Pending License Applications/Licenses Issued:

It was moved/seconded (Daulton/Weaver) to approve the issuance of licenses as follows:

Orthotics

- **Danica Reding – Temp** – Bachelor of Science from Marquette University, NUPOC certification, Aarti Deshpandr LPO.289 supervisor, exam results in file, CRC results in file – Macedonia abstained

- **Katie Jo Myers** – Masters O&P from Eastern Michigan University, Pam Lupo LO.77 supervisor, exam results in file, CRC results in file – Hagman abstained

- **Louis Sprague – Reciprocity** – Bachelor of Science from The Ohio University, NUPOC certification, Kentucky license verified, exam results in file, CRC results in file – Hagman abstained

It was further moved/seconded (Daulton/Macedonia) to approve the issuance of the following license:

- **Michael J. Phillips – Temp** – Bachelor of Science from Bowling Green State University, NUPOC certification, David DeLuccia LPO.153 supervisor, needs approval to sit for exams, holds current LP – Weaver abstained

Prosthetics

- **None**

Prosthetics & Orthotics

- **None**

Pedorthics

- **None**

No discussion, vote to approve was unanimous with abstentions as noted.

IX. 3:00 p.m. – Old Business

- A. Board Continuity – One O&P Practitioner and one consumer position each remain open since 12/6/2014. Members are greatly encouraged to consider colleagues who may be interested and to assist in recruitment efforts.
- B. Social Media Update – Ms. Buehl presented the current results of the Board’s social media program. Data as presented to the Board is appended. After a brief discussion, it was determined that the sense of the Board is to continue with the social media program and updates, and that the Board members should leverage staff in order to improve public relations of the Board and professions via social media.
- C. 5-Year Rule Review – Mr. Levy reviewed the rule making process and presented a proposed fee schedule for the Board’s consideration in line with budget submission data and which would require adoption in accordance with the language of the new fee rule proposed in the new rule package.
- D. Pedorthist Training for AFO Competence – Ms. Daulton presented preliminary findings regarding educational opportunities for Pedorthists seeking to gain these skills and as adjunct to the proposal to offer an Advanced Pedorthist credential. The Robert M. Palmer, M.D. Institute of Biomechanics, Inc. appears to be the only established pedorthic education provider approved or under review by NCOPE addressing this scope of practice piece, perhaps limited to AFO and SCAFO devices. Some information about specialized training in Arizona AFO’s by a known provider was recognized. It was further noted that there is a general lack of training opportunities for Pedorthics seeking to advance their skills in Ohio, and that the Board might consider developing curriculum to be offered and how to work past the challenges associated with such a task. No action was taken.

X. 3:20 p.m. – New Business

- A. Statement regarding Classification of MyoPro – Having been previously circulated and after a brief discussion regarding the clarification of ‘consideration’ vs. ‘reconsideration’, it was moved / seconded by Weaver / Macedonia to send the statement as written with minor adjustments to the final bullet point. There was no further discussion and the motion was approved by unanimous vote.

At 3:25, Ms. Daulton departed and was not present for the remainder of the meeting.

- B. Constituent Complaint, Review and Response – Brief discussion, no motion for any further action.
- C. September Meeting Date – It was noted that one of the Board members has now noted a conflict with the previously scheduled September 15, 2015 meeting date. After a brief discussion, members present agreed that September 22, 2015 should be considered after staff consult with Ms. Daulton to confirm that changing the date would not conflict with her schedule.

XI. 4:00 p.m. – Adjournment
discussion.

Motion by Hagman/Macedonia, passed unanimously without

Respectfully submitted,

Mark Levy

Mark B. Levy
Board Director

Brian M. Weaver

Brian M. Weaver
President

06/09/15

Date