

**MINUTES – REGULAR BOARD MEETING
STATE BOARD OF ORTHOTICS, PROSTHETICS AND PEDORTHICS**

December 03, 2008

This regular meeting of the State Board of Orthotics, Prosthetics and Pedorthics (OPP) was held on the above date at 77 South High Street in Room 1910 on the 19th floor of the Riffe Center, Columbus, Ohio. Due to administrative issues, it was re-scheduled from the previously announced date 12/10/2008.

I. Call to Order: The meeting scheduled for 2:00 p.m. was called to order at 3:01 p.m. An accident on I-71 delayed arrival of two members.

II. Roll Call: Members present: Rosalind Batley, M.D.; David DeLuccia, LPO; Elsa Fritts, LPED; Manuel Garcia, LPO; Edwin Niehaus, LP; Douglas VanAtta, LPO

Members Absent: Howard H. Harcha, Jr.

Staff: Mark Levy, Board Director
 Harvey Sukienik, Assistant Attorney General

III. Newly appointed member **Edwin Niehaus, LP/CPO**, was welcomed to the Board.

Amend/adopt agenda: Niehaus/Batley moved the agenda as presented and updated for approval. No discussion. Vote was unanimous.

Approval of minutes: **Approval of September minutes -**

President DeLuccia requested a motion to approve the September minutes, with the addition of today's action reconvening that meeting for the annual election of officers and those results. Niehaus/Batley moved approval. No discussion. Vote was unanimous.

3:10 IV. Executive Session Session was convened by unanimous roll call vote (Batley, DeLuccia, Fritts, Garcia, Niehaus, Van Atta) to consider matters regarding personnel, licensee complaints/discipline, and issues requiring attorney-client privilege on consensus and to request Director Levy and AAG Harvey Sukienik remain in attendance. Mr. Levy was excused from the session at about 4:40 p.m.

4:35 The Board emerged from Executive Session by unanimous roll call vote (Batley, DeLuccia, Fritts, Garcia, Niehaus, Van Atta).

4:45 V. Settlements / Charges / Dispositions

1. **In re Carlos Owens:** Fritts **motion to deny license**, adopting the Report and Recommendation of Hearing Examiner Murphy, and based on the evidence set forth in the hearing transcript and exhibits. Van Atta seconded with a friendly amendment noting that the

transcript incorrectly identifies on the title page Mr. Owens as Carlos Evans. With the understanding that Board staff will seek a corrected file copy of the transcript from the court reporter, and no further discussion, motion with the friendly amendment **passed unanimously**.

2. In re Farah Ghazala: Fritts **motion to accept the Consent Agreement** between Mr. Ghazala and the Board, settling NOH file 08-OPP-L-03. Under the terms of the Agreement, Mr. Ghazala may document a completed Bachelors degree by June 30, 2012, in order to complete his application for licensure in Orthotics, having already met other requirements including the exam. Seconded by Garcia. Without further discussion, **passed unanimously**.

(Director's note upon drafting minutes: no Item VI on the agenda)

4:55 VII. Director's Report:

Mark Levy

A. Fiscal:

1. Results of Auditor's report/recommendations briefly discussed. Mr. Levy is working to conform internal bookkeeping to state expectations, which is made difficult by the small scale of the operation. Reporting to the Board, and formats for reporting, is cited as a concern; the new state accounting system is challenging to format reports appropriately. No action taken.

2. FY09 expense and revenue:

Expenses FY09, July – October, totaled nearly \$37,900, of which about \$7500 represented encumbered FY08 monies.

Revenue FY09, July – November, totaled just over \$3000. Mr. Levy reported the agency expects to book in excess of \$95,000 December 2008 – February 2009, due to license renewal activity.

3. Expense reimbursements: OBM has announced it will enforce a 30-day limit on travel expense reimbursement requests; requests received more than 30 days after travel will require separate justification and approval. Staff will seek to assure Board members receive reimbursement paperwork timely.

B. OPPCE audit in process -- written report provided, audit in process, activity may be on hold pending renewal process completion.

C. Renewal preparations -- Mr. Levy reported renewal mailing is being prepared and will be mailed week of December 15th.

5:05 VIII. Report On Pending License applications and Licenses Issued

Report submitted. Motion/second by Fritts/Batley, license actions Approved by unanimous vote.

Prosthetics – Temporary

ADAMS, Michael -- exam waived, needs supervision time

Pedorthics -- Temporary

DUTTON, Benjamin L. -- second issuance, approved for exam

5:15 **IX. Old Business**

A. Board continuity –

Mr. Levy stated that there are 2 known candidates being considered by the Governor's office for the three vacancies that will exist as of December 6th, when the terms of Van Atta, Garcia and Harcha end. Board leadership and staff continue seeking appropriate candidates for consideration; information included in renewal newsletter.

B. Testing Contract with the American Board for Certification In Orthotics, Prosthetics and Pedorthics – no new information at this time; item tabled.

5:20 **X. New Business**

A. Ohio Medicaid request for advice: O/P supply list

Ohio Medicaid has asked for Board input on the classification of devices in the O&P allowed services reimbursement list. Intent is to separate out items not appropriately within O&P domain. Brief discussion indicating general agreement this is an important role and relationship for the Board to foster and develop. **Motion** by Fritts/Niehaus to form a committee to be chaired by DeLuccia, invite licensees and association members to participate, report back at next meeting. Passed unanimously.

B. Set Meeting dates: After brief discussion, next meeting set for February 11, 2009, 2:00 p.m.

C. (item added) Director pay: Motion by Van Atta/Fritts to authorize a 3% increase as of January 1, 2009. Passed unanimously. Director Levy expressed his appreciation for the action, but noted that societal economic circumstances and a controlling governor's directive indicate it is unlikely an increase would be approved.

5:30 **XI. Adjournment**

Van Atta/Garcia moved adjournment, by unanimous consent.

Respectfully submitted,

Mark B. Levy

Mark B. Levy
Board Director

David M. DeLuccia

David M. DeLuccia
President

03/11/2009
Date