

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

NOVEMBER 07, 2005

This regular meeting of the State Board of Orthotics, Prosthetics and Pedorthics (BOPP) was held on the above date at 77 South High Street on the 31st floor in the Riffe Center, Columbus, Ohio.

I. Call to Order: President Mark Horwitz called the meeting to order at 7:15 p.m.

Roll Call:

Present Board Members: Manuel Garcia; Steve LaForge; Mark Horwitz; James Powers, MD; Jack Reser; Kathleen Simmons; Doug Van Atta

Members Absent: none

Staff: Mark Levy, Board Director
Dominic Chieffo, Assistant Attorney General

II. Amendments to agenda: Motion to approve agenda with amendment to move deliberations regarding hearings held to Executive Session by Reser/Simmons. Passed unanimously.

III. Approval of minutes: **Approval of September 2005 minutes** -- Mr. Horwitz called for any changes or questions. Hearing none, called for a Motion to approve. Reser/Simmons so moved, passed unanimously.

IV. Executive Session was convened by unanimous roll call vote at 7:20 p.m., to consider matters regarding licensee discipline/complaints, and issues requiring privileged attorney-client communications on the Motion of Simmons/Van Atta, and to request Director Levy and AAG Chieffo remain in attendance. The Board emerged from Executive Session at 7:40 p.m. by the same method.

V. Deliberation/decision regarding hearings held this date -- deliberation moved to Executive Session; decision deferred until subsequent meeting.

VI. Director's Report: A. Legislative Update:

HB 117: "Alternative/Complementary Health Services" -- This bill pending with a long list of co-sponsors, led by Linda Reidelbach (R-Central Ohio) would create an allowance for individuals to provide healthcare-related services with no licensing process -- and few restrictions or prohibitions -- in a vaguely-defined scope of practice. Pending in the House Commerce and Labor Committee which is actively holding hearings on the bill, now in its **4th revision**. Proponents assert that the state should affirmatively endorse "freedom of choice" in health care and recognize alternative services as valuable and beneficial to the public; opponents argue that unlicensed, unregulated health care practitioners create an un-level "playing field" and pose untrackable risks to a vulnerable population subject to exploitation. A broad array of healthcare-related associations and regulatory boards have been in the opposition camp.

SB 222: "to repeal Section 315.03 of Am. Sub. H.B. 66 of the 126th General Assembly to eliminate the consolidation of specified health-related regulatory boards within the Department of Health, other specified regulatory boards and commissions within the Department of Commerce, and the Ohio Medical Transportation Board within the Department of Public Safety and to make appropriations to these boards and commissions for fiscal year 2007."

B. Budget -- FY06 status. Revenue year-to-date is running in accordance with expectations, on the low end, with renewal approaching. Expenses are below/within budget parameters.

-- **Board Consolidation.** Work of the Transition Team has been proceeding, although legislative leadership in the Senate has introduced a bill to "undo" the consolidation language (SB 222, see above). Materials from the transition team process were circulated.

C. Complaints/Enforcement -- file statuses and tracking.

Director presented summary information without subject or complainant ID to members on a trio of complaint files regarding allegations of unlicensed practice and/or supervision violations, advising that all named parties had engaged in constructive correspondence with the Board and had provided statements of compliance. Director recommended closing files without formal action as educational encounters. Motion by Powers/Reser, passed unanimously.

D. Report on O&P conference -- October 28-29, 2005

Director reported briefly on attendance at this out of state conference/seminar regarding regulatory compliance in the O&P sector, gained helpful information regarding federal audits, compliance initiatives, and various regulatory details.

VII. Report on Pending License Applications:

A. Recommendations to Approve for Licensure: The following candidates for licensure were approved by unanimous vote (M/S: Van Atta/Garcia):

<u>License Type</u>	<u>Candidate</u>	<u>Conditions, if any</u>	<u>Abstained</u>
Pedorthist - TEMP	CURRAN, Michelle DeVOISE, Natasha JACOB, Chris ZIOLKOWSKI, Joanne WILLIAMS, Jason	Must secure supervision	
Prosthetics-Orthotics	KUIPERS, D. Clark		
Prosthetics	SHAFER, Timothy	Completion of documentation	

VIII. Old Business

A. Consider C. Ped. stratification plan / impact on licensing issues/standards: No formal report; Board may need to explore contracting with BCP as exam vendor, given change in certification process pending through 2010, with new standards fully in effect at that time. Director will report further subsequently.

B. Third Party Credentialing. Director reported continued work to gather mailing lists and compose notification format, considering a survey-type instrument. Will confer with member Garcia and report further subsequently. Work is now being crowded out by OPPCE audit and renewal preparations.

IX. New Business

A. Board Member candidates: Members Garcia and Van Atta expressed their interest in being re-appointed to the Board for second terms; consumer member LaForge is not eligible for re-appointment at this time due to his current second-term status. The statute provides members may only serve two terms consecutively. Ms. Simmons offered to work with Mr. Levy to solicit interest and participation by one or two candidates she would suggest; others were asked to consider persons they know through practice or otherwise.

B. Letter of interest: A letter of interest in Board membership by a practitioner was circulated to the members; the writer has been advised to formalize his interest by means of a letter to the Governor, copied to the association and the Board office.

C. Next Meeting Dates: After a review of calendars, the members reached consensus to hold the next meeting on Wednesday January 18, 2006. No subsequent meeting dates were set.

IX. Adjournment: There was consensus that the meeting adjourn at 8:00 p.m.

Respectfully Submitted,

Approved:

/s/ Mark B. Levy

/s/ Mark E. Horwitz

02/13/2006

Mark B. Levy
Board Director

Mark E. Horwitz
President

Date