

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

**March 11, 2009**

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 EAST B on the 31<sup>st</sup> floor of the Riffe Center, Columbus, Ohio. Due to administrative delays in new member appointments, it was re-scheduled from the previously-assigned February 11<sup>th</sup> date.

**I. Call to Order:** The meeting scheduled for 2:00 p.m. was called to order at 2:15 p.m.

**Roll Call:** Members present: Rosalind Batley, M.D. (arrived @ 2:50 p.m. during Executive Session); David DeLuccia, LPO; Elsa Fritts, LPED; Edwin Niehaus, LP; Bill Neu, LPO; Robert Reed, consumer. Newly appointed members Reed and Neu were welcomed to the effort.

**II. Agenda – Amend/Approve:** Moved/seconded by Niehaus/Fritts, no discussion, vote was unanimous.

**III. Review/Approve Minutes of 12/3/2008 meeting:** Minutes having previously been circulated, moved/seconded by Neu/Reed. No discussion, vote was unanimous.

**IV. Brief Orientation for New Members:** (2:20 p.m.)

a. Board Organization and Goals: Mr. DeLuccia offered a perspective indicating that the Board is organized to oversee the administration and enforcement of its responsibilities under the OPP Practice Act, Chapter 4779 of the Ohio Revised Code, reminding members that the Board does not in most cases set new standards of practice and/or standards of care, but rather seeks to assure that the minimum standards as stated in the Act or as existing in the profession are recognized and maintained as a “floor.” Current goals are focused generally on improving internal processes, and forging effective partnerships with other agencies, public and private, clarifying state of Ohio policy as regards licensure for these professions. He noted that we have a minimal staff for a large responsibility, and asked for the members’ understanding and assistance.

b. Responsibilities and Public Role: Mr. Sukienik discussed the public nature of the Board as an agency and a decision-making body, reviewing the requirements of open meeting and public records laws. He discussed the standards that guide whether a discussion is appropriate to be held in Executive Session (personnel, litigation, complaints, discipline, matters confidential by law or rule, issues requiring attorney-client privilege), and noted that board members as a group should avoid policy discussions outside of board meetings. Questions about compliance with standards and requirements may be raised with him directly.

**V. Executive Session:** (2:40 p.m.) Session was convened by unanimous roll call vote (DeLuccia, Fritts, Neu, Niehaus, Reed) 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. Members emerged from Executive Session by the same method, with Dr. Batley participating, at 4:00 p.m.

**VI. Settlement, Charges, Dispositions** (4:05 p.m.)

1. In re: Michael P. Marmer, file # 07-OPP-SS-01

Having reviewed the matter in Executive Session, the Board considered a Consent Agreement negotiated with licensee currently under an order for summary suspension dating from March 2007. Terms of the agreement include: admission to violations as cited in Notice of Opportunity for Hearing; noting a 2-year suspension of record (“time served”); 5 years probation; allowance for return to practice with a Temporary License, under supervision; monitoring with quarterly reports to the Board; random screens; re-exam. **Motion/second to accept the Agreement as presented** by Niehaus/Neu; no discussion; **passed unanimously.**

2. Status review: Consent Agreement with Jeff Luke

File pending based on a Consent Agreement reached in 2006, settling complaints of unlicensed practice and imposing a 2-year suspension, held in abeyance, and a term of Probation requiring quarterly declarations of compliance, and a provision for site visit to confirm. Under the terms of the Agreement, licensee Luke, a prosthetist, could only provide orthotic services under appropriate supervision as an unlicensed person, or by employing an appropriately licensed orthotist to perform the services. The two-year probationary term ended, and a site inspection found him in compliance. Counsel requested a letter from the Board noting the terms of the Agreement had been met, the time period expired, and that the Board considers the matter closed. Correspondence and documentation subsequently exchanged indicates licensee remains in compliance. **Motion to close the file** by Fritts/Reed noting compliance **passed unanimously.**

**VII. Director’s Report** (4:10 p.m.)

A. Renewal Report

Distributed eLicense system printouts showing \$100,650 in renewal revenue banked December 2008 – February 2009, representing regular and late renewals from 334 active licensees.

Designate Lapsed Licenses

Distributed list of licensees not renewing during this cycle; subjects either indicated their intent not to renew or were non-responsive to mail and email. OAC Rule 4779-8-01 states at section (E): **“A licensee who fails to renew in accordance with the schedule established under paragraphs (A) and (B) of this rule shall have the license or permit placed on lapsed status by the board.”** Motion by Fritts/Niehaus to designate licensees on the list presented as lapsed; no discussion; vote was unanimous.

<b>Credential ▲</b>	<b>Status (Reason)</b>	<b>Name</b>	<b>Reg Thru Date</b>
LPO.223	LAPSED	Aguirre, Evelyn G.	1/31/2009
LPO.275	LAPSED	Baty, David J.	1/31/2009
LO.199	LAPSED	Bunton, Robin S.	1/31/2009
LP.17	LAPSED	Coppolino, Frank T.	1/31/2009
LPO.232	LAPSED	Delahanty, Timothy C.	1/31/2009
LO.268	LAPSED	Egli, Laura S.	1/31/2009
LP.229	LAPSED	Fichtel, Wayne C.	1/31/2009
LPO.32	LAPSED	Frankovitch, Frank John	1/31/2009
LPO.167	LAPSED	Georg, Hans Josef	1/31/2009
LPED.146	LAPSED	Hawk, Eric N.	1/31/2009
LPO.54	LAPSED	Hoy, David J.	1/31/2009
LO.265	LAPSED	Kailiponi, Robyn M.	1/31/2009
LP.221	LAPSED	Mantini, Dennis A.	1/31/2009
LP.212	LAPSED	Mantini, Roch A.	1/31/2009
LPED.34	LAPSED	Meehan, Mary K.	1/31/2009
LO.266	LAPSED	Parsons, Sarah R.	1/31/2009
LPED.116	LAPSED	Purtan, Kim L.	1/31/2009
LPO.235	LAPSED	Sawers, Andrew B.	1/31/2009
LPO.115	LAPSED	Sommers, Daniel L.	1/31/2009
LO.278	LAPSED	Sorci, Elena M	1/31/2009
LPED.55	LAPSED	Todd, Holly M.	1/31/2009
LO.161	LAPSED	Zehms, Kay	1/31/2009
LO.271	LAPSED	Zillich, Evan P.	1/31/2009

B. Fiscal – Revenue and Expense

Revenue booked 7/1/2008 – 02/28/2009: \$105,187.00

Expenses: through 12/31/2009:

Payroll		\$ 44,320.25
Operations:	DAS:	\$ 6,029.08
	Vendors:	\$ 7,343.82

C. Budget - Legislative Activity:

Discussed budget testimony presented in House Primary and Secondary Education Subcommittee of the House Finance Committee on 26 February 2009, and reported that we are scheduled to testify in the Senate on 21 April 2009. Testimony provided before meeting for review and open for discussion during meeting. Director Levy advised he expects to modify the text somewhat for the Senate, emphasizing that the nature of these professions is to provide rehabilitation and mobility support to Ohioans disabled due to injury, accident or disease.

Director Levy also provided text of the proposed language and amendment which would allow and/or instruct boards and commissions to work together with the DAS/Central Services Agency to continue to improve efficiencies by consolidating certain routine fiscal and

administrative support operations and functions, allowing staff to focus more on program and policy implementation. He reported a general posture in support of the initiative, although noting there is concern and some resistance across the professional licensing spectrum focused on individual program integrity and watchfulness for preservation of resources within the “self-funded” model of professions supporting their own programs through license fees.

D. Other activities

1. EEO/EOD: Governor’s directive requires every agency to appoint and support training for an EEO officer. We are participating in trainings and other programmatic initiatives, and are supporting DAS/CSA efforts to provide a unified focus for development and implementation.

2. Investigator/Fraud Examiner seminar: Director reminded members that he participates in the Ohio Investigator Association, including attendance at this year’s joint conference with the Association of Fraud Examiners which presents a one-day, low-cost (no cost to members) annual training presenting a number of speakers on topics of common concern. This year’s session was held on 13 February 2009.

3. Board/Commission Management Group: Continuing participation in this somewhat ad-hoc group of regulatory board and commission directors and other management staff sharing information on best practices and developing strategies for appropriate compliance with various governmental directives which often are more tailored/targeted to much larger state of Ohio agency operations.

4. Strong focus of the Board/Commission Management Group presently on budget processes and compliance with HB 648 from the last legislative session, the so-called “Joe the Plumber” legislation, which among other provisions appears to require all agencies to create and maintain an identifiable log which records access, whether electronic or manual, to any confidential information maintained about any individual with a record in a record-keeping system. Also requires agencies to promulgate rules detailing how they will comply with the legislation, and governing access to agency records.

**VIII. Report on Pending License Applications and Licenses Issued:** (4.25 pm)

Motion by Fritts/Neu: As documentation seems in order, approval of licenses in current report as presented. Unanimous vote, adopted. Staff noted some applications require additional documentation, no new licenses issued without Criminal Record Check completed.

Orthotics – Temporary:	Montgomery, Rosemary Dresser, Michael	(2 <sup>nd</sup> issuance) approved for exam
Prosthetics – Temporary:	McKenney, Megan	approved for exam
Pedorthics - Temporary:	Angerer, Charlotte Victor, Sharon	(2 <sup>nd</sup> issuance) completing superv’n



D. Legislative reporter subscription: Mr. Levy reported that the Board has subscribed through a group rate purchase to the “Gongwer” statehouse news reporting service for the past 2-3 years. The Boards and Commissions were made an offer at a slightly higher rate and have been subscribed on a trial basis to a competing service called the “Hannah” report. Although they offer generally similar services, Levy noted that the Hannah report includes a “50-state search” feature for legislation passed/pending in other jurisdictions. Cost differential is about \$300/year. The Hannah offer is priced at \$1050/year, contingent on a certain number of agencies subscribing. Batley/Fritts motion to authorize Levy to enter into subscription agreement with either service, depending on preference and pricing not to exceed \$1050/year. Passed unanimously.

E. CLEAR membership renewal: The Board has maintained a membership with the Council for Licensure, Enforcement and Regulation for several years. The not-for-profit professional association shares resources, information, best practices, data, and offers training to staff and board members in the regulatory arenas. On the web at [www.clearhq.org](http://www.clearhq.org). Cost is \$240/year. Motion to authorize expenditure by Batley/Fritts, passed unanimously.

XI. Adjournment

5:05 pm

Respectfully submitted,

*Mark B. Levy*

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Mark B. Levy  
Board Director

*David M. DeLuccia*

David M. DeLuccia  
President

06/10/2009  
Date