

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

DECEMBER 13, 2006

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 4:40 p.m.

Roll Call:

Present Board Members: Manuel Garcia, LPO; Howard H. Harcha, Esq.; Mark Horwitz, LPO; James Powers, MD; Kathleen Clark Simmons, LO; Doug Van Atta, LPO

Members Absent: John Reser, LPED.

Staff: Mark Levy, Board Director

Guests: (none)

II. Amendments to agenda: Powers/Harcha moved approval; no discussion; vote was unanimous.

III. Approval of minutes: **Approval of September 2006 minutes** -- Mr. Horwitz called for any changes or questions. Hearing none, called for a Motion to approve. Harcha/Garcia so moved, passed unanimously.

IV. Executive Session Session was convened by unanimous roll call vote at 4:42 p.m., to consider matters regarding applicant/licensee discipline/complaints, personnel, and issues requiring privileged attorney-client communications on the Motion of Simmons/Garcia, and to request Director Levy remain in attendance. The Board emerged from Executive Session at 5:20 p.m. by the same method.

V. Settlements / Charges:

A. Application Withdrawal, request withdrawal of NOH, file 07-OPP-L-03, Richard Mittica. Mr. Levy reported Mr. Mittica has withdrawn his application for Temporary Licensure in Pedorthics, requested Board withdraw related Notice issued. So moved Van Atta / Powers, passed unanimously.

B. New Notices of Opportunity for Hearing presented (ID revealed after vote):

07-OPP-L-04 In re: Timothy J. Shafer, application for Orthotics

07-OPP-L-05 In re: Ronald G. Elliot, application for Orthotics

07-OPP-L-07 In re: Richard A. Mittica, application for Pedorthics

Approval moved by Van Atta / Harcha, passed unanimously.

VI. Director's Report:

A. Rules Review and Promulgation:

Mr. Levy gave a brief overview of the rules promulgation and review process. The Board is required by statute to review all rules within its series no less frequently than every five years to assure they are accurate, complete and not out of date. The Board recently set forth an inventory of its rules indicating some that need updating, some that require no change, and indicating certain areas that may need to be addressed through regulatory language. Services of outside counsel have been engaged to make recommendations to the Board on some technically difficult or involved aspects of this review. For today's meeting, Mr. Levy presented a set of rules changes that may represent the first tier of this current effort, grouped into a "no-change" set and a "revision" set, with the revisions language addressing mostly minor, housekeeping type changes.

The rules set for no-change filing:

- 4779-1-01 Public Hearings on adoption, amendment or rescission of rules: ... public notice.
- 4779-10-02 Proper use of credentials.
- 4779-12-02 Replacement of license or certificate.

The rules proposed for certain revisions at this time:

- 4779-1-02 Notice of board meetings (clarify procedure; eliminate specific subject matter notification)
- 4779-2-01 Board organization (clarify board may only fill a board officer vacancy, not member vacancy)
- 4779-3-01 Definition of terms (define "physically present" for supervision purposes; define "custom fabricated" and "custom fitted" to conform to CMS guidelines)
- 4779-5-02 Admission to the examination. (clarify procedures)
- 4779-9-01 General OPPCE requirements ... (eliminate language for Temporary license holders)

Board discussion centered on whether appropriate to go forward with this package now or wait for comprehensive report. Since some items are housekeeping only and there is a strong concern in the community regarding the supervision language, general consensus was to move forward with the understanding that further refinements to the supervision scheme would be addressed in the next round. Motion to proceed by Garcia / Harcha, passed unanimously.

B. Legislative update: Mr. Levy reported on and distributed copies or summaries of two bills that are seeing heavy hearing action in the post-election period, on public records and JCARR (rules review) processes.

C. Fiscal: Revenue and expenses are running within budgetary parameters. Basic data was distributed. FY08 - FY09: OBM approved OPP's appeal of its budget cap limitation at FY07 levels, allowing the Board to submit a budget request for FY2008 of \$111,000, and for FY2009 of \$116,500. That process is completed but awaits action of the new administration.

D. Complaints/enforcement: discussion deferred

E. Meetings/trainings: deferred

F. Renewal: a basic report was provided. The mailing was issued early this month, along with a newsletter.

VII. Report on Pending License Applications:

A. **Recommendations to Approve for Licensure:** The following candidates for licensure were approved by unanimous vote. Motion/second by Powers/Reser.

<u>License Type</u>	<u>Candidate</u>	<u>Conditions, if any</u>
Orthotics - TEMP	SUNDARAKRISHNAN, Saravan	
Orthotics	IGEL, Nicholas J. WEAVER, Brian M.	
Prosthetics-Orthotics	GODLEWSKI, Leo R. WICKER, Kevin A.	
Prosthetics	FICHTEL, Wayne C.	
Pedorthics – TEMP	GROVES-COPLIN, Denise G. ANGERER, Charlotte L. SCHEETZ, Lisa	
Pedorthics	SGRO, Anthony HOWELL, Sarah E.	

VIII. Old Business

A. **Licensing and Security:** (1) Criminal record checks – no update
(2) Website information -- status and actions -- deferred

B. **Third Party Credentialing** -- report deferred

IX. New Business

A. **Schedule meeting dates/hearings:**

Wednesday, February 21, 2007

X. **Adjournment:** There was consensus that the meeting adjourn at 7:00 p.m.

Respectfully Submitted,

Approved:

/s/ Mark B. Levy

/s/ Mark E. Horwitz

03/27/2007

Mark B. Levy
Board Director

Mark E. Horwitz
President

Date