

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

FEBRUARY 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 5:10 p.m. Noted that members Garcia and Van Atta were re-appointed as of 2/10/2006

Roll Call:

Present Board Members: Manuel Garcia; Mark Horwitz; Kathleen Simmons; Doug Van Atta

Members Absent: James Powers, MD; Jack Reser (Consumer seat vacant)

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

Guests: David Kozersky

II. Amendments to agenda: By consensus, the agenda was amended to move item VIII-B: "Third party credentialing" to follow item III: "Approval of Minutes".

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

VIII. B. Third party credentialing: David Kozersky, LPO.60, who had requested permission to address the Board, was recognized by Pres. Horowitz. Mr. Kozersky expressed strong concerns regarding the activities of sales representatives for medical equipment companies or providers performing dispensation and fitting activities with orthotic devices. He stated this occurs not only in doctors' offices, as allowed by the exemption language in the statute, but also in long-term care facilities and in cooperation with home healthcare agencies. He also expressed concern about the alleged practice of some of these providers to "up-code" the items they dispense in order to gain a higher reimbursement. He stated he had a long list of companies engaged in these activities.

Mr. Levy acknowledged discussing these issues recently with Mr. Kozersky, and that the Board had recently received complaint information from Mr. Kozersky in this regard. Mr. Levy noted that a specific complaint under active investigation should not be discussed by the Board as the Board may need to take an action in that regard at a later date. However, Mr. Kozersky was encouraged to forward information that would make an appropriate basis for investigation to the Board office for review and follow-up. Pres. Horwitz noted that a notification mailing to various third party credentialers -- hospitals, long-term care facilities, home health care agencies, health insurers -- was identified last year as a priority for the Board by then-Pres. Garcia, and that he has been working with Mr. Levy toward completing this goal. The process was somewhat stalled by competing demands on staff time, notably the OPPCE audit and the annual renewal process, but initial mailings are currently targeted for the 2nd quarter of calendar year 2006 (4th quarter FY06).

IV. Executive Session was convened by unanimous roll call vote at 6:30 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. Mr. Levy was excused from the session at 7:15 p.m. for discussion of personnel matters. The Board emerged from Executive Session at 7:25 p.m. by the same method.

V. Deliberation/decision regarding hearings held 11/7/2005

1. In re: Nikolai Dimitrov -- Motion was made (Simmons/Garcia) that the Board find that Mr. Dimitrov's educational degree from a foreign educational institution constitutes the equivalent of an United States Associates Degree with a Certificate Program, satisfying the requirements of R.C. 4779.11 (B) (1), and to issue an order granting a license in Prosthetics. Passed unanimously.

2. In re: George Mansell -- Motion (Garcia/Simmons) to table until next meeting passed unanimously.

VI. Director's Report:

A. Legislative Update -- deferred to information circulated previously

HB 117: "Alternative/Complementary Health Services" -- Bill is 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. 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 booked fiscal year-to-date was reported at just over \$101,000, with some renewal dollars still expected. Expenses are below/within budget parameters.

-- **Board Consolidation.** No new information to report. Transition team report was finalized in December; recommendation is to proceed with consolidation beginning FY08 with all affected Boards to be re-structured within the Department of Commerce, provide funding per status quo for FY07. Legislation has not been introduced.

C. **Complaints/Enforcement** -- report deferred.

D. **Renewal Processing** -- Revenue reported previously; numbers of licensees are running generally even, although numbers of newly licensed pedorthists are increasing more rapidly than orthotists or prosthetists.

E. **OPPCE Audit -- status report and recommendation for remediation policy** --

It was reported that during the last quarter of calendar year 2005, the Board office sent out 277 audit requests. Of these:

- 223 initial responses were received, 175 of which provided satisfactory documentation. After further communication, an additional 22 responses provided complete and satisfactory documentation, providing proof of compliance for 197 licensees out of the initial pool of 223.
- 20 licensees have responded indicating a deficiency that they would like to address in cooperation with the Board.

Mr. Levy reported that he has been working with member Simmons in reviewing OPPCE issues and processes, and suggested the following protocol for licensees who need to address deficiencies for this first round of OPPCE reporting/auditing:

1. Undertake or designate OPPCE coursework accrued in 2005, and if necessary 2006, as needed to supplement the requirement certified for the 2005 renewal.
2. Undertake or designate OPPCE coursework accrued in 2005 and if necessary 2006 in addition to the supplemental minimum as follows:

for single license holders in Orthotics or Prosthetics -	15 more units
for dual Prosthetist-Orthotist license holders -	20 more units
3. Pay the late filing fee of \$150
4. Sign off on a Memorandum of Understanding which specifies a cut-off date for OPPCE attributed to the 2002-2004 accrual requirements, clarifying that only OPPCE accrued after that date will be allowable for the accrual required to renew the license(s) in 2008 (the 2005-2007 accrual period).
5. Encourage completion of these requirements by June 30, 2006.

Motion (Simmons/Van Atta) to approve this protocol for cooperative OPPCE remediation "first-timers" **passed unanimously**.

F. **Ethics Seminar for Board and Commission Members**: Members were reminded about the Governor's announcement/invitation to attend a half-day seminar on ethics issues. Date: March 2, 2006. Members who have not attended in the past were encouraged to register and attend.

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>
Pedorthist - TEMP	HENSON, Gary L. WEINSCHNEIDER, Raphael	completion of documentation
Pedorthist	BROWN, Rosemary S	
<u>License Type</u>	<u>Candidate</u>	<u>Conditions, if any</u>
	DOVE, Simon P. (Pete) SOLOMON, Judy L.	
Prosthetics-Orthotics	TEMEKI, Kenneth	APPROVAL TO SIT FOR EXAM
Prosthetics - TEMP	BERMAN, Jeremy	APPROVAL TO SIT FOR EXAM
Orthotics	DOMB, Andrew	

VIII. Old Business

A. Consider C. Ped. stratification plan / impact on licensing issues/standards: report deferred

B. Third Party Credentialing. (reported above -- agenda amended)

C. Residency Program - Statutory language -- It was noted that the statutory language regarding residency program requirements requires some modification, as the language indicates that a residency program should incorporate a coursework component. Discussion indicated an appropriate amendment might state that certain coursework should be a prerequisite for admission to a residency program. It was also clarified that although residency programs in O&P are generally those approved by NCOPE, an Ohio license candidate may not be required to register such a residency with NCOPE in order for the residency to be recognized by this Board for licensing purposes.

IX. New Business

A. Consumer Member -- new call for candidates: It was reported that new information was circulated in the interest of securing one or more candidates for the consumer seat. Director Levy shared a letter of interest received from one candidate, and reported receiving a telephone call of interest from a second candidate but no letter of interest as yet.

B. Involuntary Military Service -- request for reduced fee allowance: The Board received a request from a licensee for consideration of a reduction in renewal fee requirements due to a call up to active duty from the Reserves. While researching available statutory language (none exists in the OPP Practice Act), Mr. Levy reported having been able to facilitate a work-around for the requesting

individual at this time. It was noted that the Board is on record in favor of creating an allowance for an inactive license status through statutory amendment or revision.

C. Next Meeting Dates: After a review of calendars, the members reached consensus to hold the next meeting on Wednesday April 12, 2006. No subsequent meeting dates were set.

IX. Adjournment: There was consensus that the meeting adjourn at 8:15 p.m.

Respectfully Submitted,

Approved:

/s/ Mark B. Levy

Mark B. Levy
Board Director

/s/ Mark E. Horwitz

Mark E. Horwitz
President

04/12/2006

Date