

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

JUNE 21, 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: Acting President Steven G. LaForge called the meeting to order at 6:30 p.m.

Roll Call:

Present Board Members: Steve LaForge; Jack Reser; Kathleen Simmons; Doug Van Atta

Members Absent: Manuel Garcia; Mark Horwitz; James Powers, MD

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

II. Amendments to agenda: Move Executive Session to the next order of business, with other items remaining in sequence, by Reser/Van Atta. Approved unanimously

III. Executive Session was convened by unanimous roll call vote at 6:31 p.m., to hold deliberations regarding *Goldman* hearings held at 5:00 and 5:30 p.m.; consider matters regarding licensee discipline/complaints, and issues requiring privileged attorney-client communications on the Motion of Reser/Van Atta, and to request Director Levy and AAG Chieffo remain in attendance. The Board emerged from Executive Session at 6:55 p.m. by the same method.

IV. Approval of minutes: **Approval of April 2005 minutes** -- Mr. LaForge called for any changes or questions. Hearing none, called for a Motion to approve. Simmons/Reser so moved, passed unanimously. Mr. Van Atta moved approval upon incorporating this correction. Seconded by Mr. LaForge. Passed unanimously.

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

HB 66: Mr. Levy provided an update regarding the status of the biennial state budget bill, now pending in Conference Committee. Action in the Senate retained final House action exempting the following licensing/regulatory Boards from the Governor's consolidation proposal: Accountancy, Architects and Landscape Architects, Dental, Engineers and Surveyors, Medical, Nursing, Pharmacy. Language provides funding for FY06, and charges a transition team composed of representatives of Depts of Health, Commerce, Public Safety, and Budget and Management, and including three directors from the affected Boards, to devise a plan to be submitted by 12/31/2006 for action during the last half of FY06 to implement the plan and provide for funding in FY07. The group of Directors have conducted a selection process over the past 2-3 weeks, and have chosen their three representatives: Ann Cunningman, from Funeral Directors and Embalmers (representing the Commerce Group); Jeffrey Rosa, from Occupational Therapists, Physical Therapists, and Athletic Trainers (representing the Health Group); and Chris Logsdon, from Respiratory Care/Home Medical Equipment (At Large/Health).

HB 117: "Alternative/Complementary Health Services" -- This bill pending with a long list of co-sponsors, led by Linda Reidelbach (R-Central Ohio) would provide 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. An "interested parties" meeting was convened by Rep. Tim Shaffer, R-Lancaster, Chair of the Commerce and Labor committee which is hearing the bill. Purpose of the meeting was stated as seeking consensus or common ground upon which the bill might proceed with agreement of the parties, but such consensus did not crystallize. 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.

B. Budget -- FY05 status. Revenue year-to-date is running in accordance with general estimates, about \$106,500 at the present time. Expenses are below/within budget parameters. Funds have been encumbered and allocations transferred per authority given in April for the purchase of a new multi-function fax-scanner-copier to increase office efficiency. Other encumbrances have been effected for known FY05 expenditures that may not be invoiced/paid until after 6/30/2005. Responding to a question from Mr. Reser, Mr. Levy replied that no more encumbrances can be effected from this point forward.

C. Complaints/Enforcement -- Director distributed file status sheet showing updated activity on most open files. Status summaries with recommendations for closure from Director and supervising board members were provided for consideration; all identifying data was removed. On Motion of Reser/Simmons, the Board accepted unanimously recommendation to close complaint files as follows: **05 C 03; 05 C 09**

D. OPPCE Update -- Director reported the office has begun the process of auditing/verifying OPPCE as reported during the recent license renewal cycle. Some difficulties have been experienced regarding office and review processes, but are being addressed. No action items presented for the Board at this time.

VI. Old Business

A. Continuing Education -- Coursework requiring board approval: No action required at this time; deferred to next meeting.

B. Approval of Residency Programs: Director Levy presented as an Action Item that the Board take a formal action in accordance with requirements of ORC § 4779.27 -- that the Board shall approve residency programs that (a) require a Bachelors degree; (b) provides two semesters or three quarters of instruction in orthotics or prosthetics, respectively for each; and (c) provides for evaluation of these requirements through regular on-site compliance monitoring by a recognized national organization as required by cross-reference to § 4779.25(K). It was noted that such programs are separate from and usually conducted subsequent to the completion of a certificate program, and in accordance with the Board's rules, must require "1900 hours under the direct supervision of a practitioner certified in the same discipline [ref: OAC Rule 4779-3-01 (K)]. Upon Motion of Reser/Van Atta, the Board approved unanimously "That the State Board of Orthotics, Prosthetics and Pedorthics approve residency programs approved by the National Committee on Orthotic & Prosthetic Education, as they are known to meet the standards of Ohio law and rule."

C. **Consider C. Ped. stratification plan:** No report; defer until next meeting.

D. **Designate Licenses as Lapsed:** The Board was presented with a list of licensees still showing in the eLicense system as "Active in Renewal", indicating they had neither renewed the license shown during the recent renewal period nor advised the Board in writing of their intentional non-renewal. Mr. Levy reported that all individuals on the list had received correspondence advising of their non-renewed status, and the regulatory requirement that the Board place such a license on lapsed status. By Motion of Reser/Van Atta, Board unanimously voted to place licenses on lapsed status; Mr. Levy reported that he would do so and send a final round of correspondence advising regarding status and how to reinstate.

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/Reser):

<u>License Type</u>	<u>Candidate</u>	<u>Conditions, if any</u>	<u>Abstained</u>
Pedorthist - TEMP	BROWN, Rosemary S. MILLER, Charles W.		
Pedorthist - (upgrade)	MACINO, Anthony	As of 7/18/05 - complete sup'n	
Pedorthist	MURPHY, William A	Out of State Licensee pathway	
Orthotics (option 5)	KNIP, Ronald A.	APPROVAL FOR EXAM ONLY Document 3 years experience	
Prosthetics (option 3, 4b)	KNIP, Ronald A.		

The following candidate for licensure was approved by unanimous vote (M/S: LaForge/Reser):

<u>License Type</u>	<u>Candidate</u>	<u>Conditions, if any</u>	<u>Abstained</u>
Pedorthist	WILLIG, Lee M.		

B. **Proposals to formally deny licensure -- Notices of Opportunity for Hearing:** Director distributed proposed NOH document for ONE applicant for licensure who apparently did not meet statutory requirements for Grandfathering, had applied pursuant to §4779.16. Original NOH was issued in 2002, but on review in preparation for possible *Goldman* hearing was determined to require re-wording and re-issuance. On Motion of Reser/Van Atta, the Board unanimously withdrew the prior NOH (file No. 02 OPP 04) and accepted issuance of new NOH under file No. 04 OPP B 07, revealed after vote as *In re: George Mansell*.

C. **Action on Goldman hearings:**

Mr. LaForge called for consideration of the Matter of **Terrance N. Landers**, File No. 05-OPP-L 06; based on the evidence introduced, and especially the lack certification as required by §4779.11, asked for a Motion to Deny Licensure in Prosthetics. It was so moved by Mr. Reser, second by Ms. Simmons. Called for discussion; hearing none, called for vote. Aye: Simmons, Reser, Van Atta, with LaForge voting "aye" as well to constitute a full quorum. Motion carried.

Mr. LaForge called for consideration of the Matter of **Robert M. Old**, File No. 05-OPP-L 02; based on the evidence introduced, and especially the lack certification as required by §4779.10, asked for a Motion to Deny Licensure in Orthotics. It was so moved by Mr. Reser, second by Ms. Simmons. Called for discussion; hearing none, called for vote. Aye: Simmons, Reser, Van Atta, with LaForge voting "aye" as well to constitute a full quorum. Motion carried.

Mr. LaForge called for consideration of the Matter of **Donald R. Bevan**, File No. 05-OPP-L 05; based on the evidence introduced, and especially the lack certification as required by §4779.11, asked for a Motion to Deny Licensure in Prosthetics. It was so moved by Mr. Reser, second by Ms. Simmons. Called for discussion; hearing none, called for vote. Aye: Simmons, Reser, Van Atta, with LaForge voting "aye" as well to constitute a full quorum. Motion carried.

Mr. LaForge called for consideration of the Matter of **Dennis A. Mantini**, File No. 05-OPP-L 03; asked for a Motion to approve Licensure in Prosthetics based on a finding that Mr. Mantini's application and supplemental documentation, considered in its entirety, demonstrates compliance with the requirements of ORC § 4779.11. It was so moved by Ms. Simmons, second by Mr. Reser. Called for discussion; hearing none, called for vote. Aye: Simmons, Reser, Van Atta, with LaForge voting "aye" as well to constitute a full quorum. Motion carried.

D. Schedule hearings -- defer to discussion regarding next meeting date.

VIII. New Business

A. **Schedule Hearing Dates / Next Meeting Dates:** After brief discussion, the Board determined by consensus to shedule pending hearings and the next meeting for the evening of Wednesday, September 21, 2005, with alternate date of Monday, September 19, 2005, pending consultation with AAG Chieffo and polling other Board members. No other meeting/hearing dates were scheduled. It was noted that the statute requires an Annual Meeting with election of officers in September.

IX. Adjournment: There was consensus that the meeting adjourn at 7:55 p.m.

Respectfully Submitted,

Approved:

/s/ Mark B. Levy

/s/ Manuel R. Garcia

21 September 2005

Mark B. Levy
Board Director

Manuel R. Garcia
President

Date