

STATE BOARD OF ORTHOTICS, PROSTHETICS AND PEDORTHICS

WHAT'S NEWEST

**SUMMARY OF ACTIONS TAKEN AT BOARD MEETINGS
OF MAY 14, 2008 AND JULY 16, 2008**

Actions on License Applications: Issued and/or Approved for Exam

<u>License Type</u>	<u>Candidate</u>	<u>Conditions, if any</u>
Orthotics – Temporary	BUCHANAN, Jennifer L.	Needs documentation of supervision
Prosthetics, TEMP	SEAVER, Tyler J. STOUDINGER, Megan M.	plus Approved for Exam plus Approved for Exam
Prosthetics & Orthotics	BATY, David J.	Approved upon receipt of Criminal Records Check
Pedorthics	BINEGAR, Kimberly L. WILKINS, Patricia A. MALINOWSKI, Janet M.	Upgrade from Temp
Pedorthics TEMP	BISHOP, Pamela S.	plus Approved for Exam

Licenses Issued Upon Successful Exam Results

<u>Name</u>	<u>Lic.#</u>	<u>Written Date</u>	<u>Written Sim Date</u>
BEST, Aaron R.	LO.280	May, 2008	May, 2008
DESHPANDE, Aarti A.	LP.235	May, 2008	May, 2008
HAGMAN, Jeffrey A.	LP.238	May, 2008	May, 2008
POEPELMAN, Michelle A.	LPO.237	May, 2008	May, 2008
SORCI, Elena M.	LO.278	May, 2008	May, 2008
ZILLICH, Evan P.	LO.271	May, 2008	May, 2008

Formal Actions Regarding Licensees and Applicants

At the May meeting, the Board approved the following actions:

1. withdrawal of Notice of Opportunity for Hearing, 08-OPP-C-01, regarding orthotist Dennis Nalls. It was noted that the subject had deceased since issuance of the notice.
Notices Issued:
2. File 08-OPP-L-02: whether to issue or refuse to issue a license in **Pedorthics** to Carlos Owens
3. File 08-OPP-L-03: whether to issue or refuse to issue a license in **Orthotics** to Farah Ghazala, LP.154
4. File 08-OPP-L-04: whether to issue or refuse to issue a license in **Orthotics** to Matthew DeLay, LPED.145

At the July meeting, the Board took the following actions:

Held a Goldman (evidentiary record) hearing on the Notice issued in May to Matthew DeLay, LPED.145, regarding his application for a license in Orthotics. Issued an **Order denying the license** based on failure to meet statutory requirements, especially a Bachelors degree, post-graduate Certificate Program, and a Residency.

Rules Changes Move Forward

In May, the Board held a lengthy discussion regarding the proposed addition to the Definitions section of the Administrative Code to clarify the Pedorthic Scope of Practice in Ohio, and engaged in a detailed review of a larger set of proposed revisions and amendments to the Board's rule series. [Click here to review the minutes of the May 2008 meeting](#). The Board approved a package to move forward.

In July, the Board held a hearing on the [pending rules package](#), available on the [Register of Ohio](#) and posted to the Board's website. No testimony from the public was submitted ahead of time or presented at the hearing. In addition to the pedorthic scope of practice language and general housecleaning fixes, proposals include:

- language to implement the new Criminal Record Check requirements for new license applicants;
- elimination of outdated language regarding licensing pathways that have expired, and adoption of a more efficient license application review process;
- codification of the Board's "diversion" program for licensees who for the first time fail to meet OPPCE requirements on a timely basis; and
- an addition to the Ethical and Professional Conduct section that address circumstances where more than one provider may have been called to perform the same service for the same consumer, based on the same or similar medical orders. The language suggests that the second provider, upon determining services have already been initiated, has a professional duty of care to contact the first provider and have that provider be notified of the additional request for services to allow where appropriate the first provider to have an opportunity to complete those services.

The Board will review the package again at the September meeting, when it can determine if any further changes should be made, whether any rule proposal should be withdrawn, and whether the Board should proceed to final filing of the changes, and set an effective date.

Facility Accreditation – Surveying the Surveyors

The Board heard an initial report of the efforts of Board staff in "double-checking" the work of Deemed Status Facility Accreditation surveyors. A number of organizations are

providing this service to Ohio DMEPOS-based healthcare providers, and staff has been seeking to assure that Ohio regulatory standards are adhered to in this process. The Board approved the Director's request for authority to take the following actions, as indicated by individual circumstances:

1. Formally notify the accreditors given deemed status by CMS of this Board's regulatory interest as regards Orthotic, Prosthetic and Pedorthic services in Ohio and the licensure requirements attendant thereto.
2. To follow up with the individual facilities who have been accredited where there is any question as to whether they employ appropriate licensed staff and issue cease and desist notices where appropriate.
3. To follow up directly with the office at CMS which is overseeing the facility accreditation program, to determine the best way to partner toward furtherance of the goals of the facility accreditation process and protection of the public health.