

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

JULY 14, 2004

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 31<sup>st</sup> floor in the Riffe Center, Columbus, Ohio.

**I. Call to Order:** President Steve LaForge called the meeting to order at 6:15 p.m.

**Roll Call:**

Present Board Members: Manuel Garcia, Mark Horwitz, Steve LaForge, and Doug Van Atta

Members Absent: James Powers, MD; Jack Reser; Kathleen Simmons

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

**II. Amendments to agenda**

The Tentative Agenda was amended by the addition of Item C under New Business as "MBE/EDGE policy". The amended Agenda was approved by consensus.

**III. Approval of minutes of May 12, 2004**

After a call for amendments, it was moved/seconded (Horwitz/Garcia) that the minutes of the May meeting be approved. Passed unanimously.

**IV. Executive Session** was convened by unanimous roll call vote at 6:25 p.m., to consider matters regarding personnel, licensee discipline/complaints, and issues requiring privileged attorney-client communications. The Board emerged from Executive Session at 6:45 p.m. by the same method.

As regards completing the processing of applications from the original group of applicants under ORC §4779.16 (the grandfathering provision), it was moved/seconded (Van Atta/Horwitz) that the Board issue a special Advisory Notice, wording to be finalized in consultation with AAG Chieffo, advising that the Board will consider and/or re-consider the application of any individual who meets the criteria for licensure as interpreted by the Montgomery County Court of Common Pleas in the case of *Busch vs. State Board*.

**V. Director's Report** -- Mark Levy

A. Legislative update: Legislature is in recess. No report.

B. Budget update:

1. Preliminary summary FY04 performance data was distributed. Revenues for the fiscal year are at about \$105K; expenses recorded through the end of June are just shy of \$80K, but commitments/encumbrances in excess of \$10K should result in final numbers showing the Board coming in below budget by about 8%.

2. The proposed FY 2006 - FY 2007 biennial budget package was distributed for discussion. Mr. Levy summarized it as incorporating the basic staffing model approved by the Board at the May meeting, and highlighting the expected shift from addressing initial licensing determinations toward an emphasis on compliance and

enforcement. OBM had approved the Board's request to submit a budget proposal that exceeded FY05 spending limits by 2.5% in FY06, and 5% above FY06 (7.5% above FY05) for FY07. The amount requested for the biennium is \$215,250. After a review of the documents and the draft of the Director's letter, consensus emerged that the letter should more clearly emphasize the Board's positive cash standing in the 4K9 rotary fund and highlight the expectation that final numbers for FY04 will come in much closer to budget projections than in previous years.

3. MBE/EDGE program compliance. Mr. Levy gave an outline of the requirements of the Minority Business Enterprise / Economically Disadvantaged Group Enterprise programs: generally, that agencies seek to commit 15% of that portion of budget expense which is let out to private contractors that are certified by the State as MBE and/or EDGE vendors. Although the Board's numbers are in compliance, Mr. Levy stated he is behind in reporting, but has been working with DAS/MBE staff to update the Board's standing in this regard. Policy language to address these issues is offered later on the agenda.

**VI. Report on Pending License Applications:** The following candidates for licensure were approved by unanimous vote except as noted:

<u>License Type</u>	<u>Candidate</u>	<u>Moved/Seconded</u>	<u>Abstained</u>
PEDORTHIST	Ginger Hennig	Van Atta/Horwitz	
PROSTHETIST	Daniel M. Shamp	Van Atta/Horwitz	
ORTHOTIST	Nathan Wagner	Van Atta/Horwitz	
ORTHOTIST	Carrie Bonner*	Garcia/Horwitz	Van Atta

\*Conditioned upon receipt of copy of Diploma showing attainment of Bachelors' degree.

**VII. Old Business:**

- A. Fiscal Processing Policy - deposits and revenue reconciliation.
- B. Fiscal Processing Policy -- review of expenditures

Policy language previously circulated to the Board was taken off the table and discussed. Mr. LaForge noted that these policy statements were developed in response to recommendations of the Auditor of State, to provide a defined structure for appropriate segregation of duties, and noted that in addition to the policy statement, office procedure language is offered to indicate how the policy is to be implemented. It was moved/seconded (Reser/Horwitz) to adopt both policy statements as circulated. Vote was unanimous.

C. Application/Renewal Processing Policy -- Policy language previously circulated to the Board was taken off the table and discussed. The language formalizes the process the Board has been engaged in, provides for the timely processing of fees received as required by the revised code, and specifies that appropriate documentation must be entered/retained in the candidate's license file for the credential to issue. It was moved/seconded (Horwitz/Garcia) to adopt the policy language as circulated. Vote was unanimous.

**VIII. New Business:** Items A-C tabled until next meeting (Reser/Horwitz/unanimous).

A. Board Member Expense reimbursement procedure. Policy language was drafted by the Director to document the office processes involved and provide clear notice to Board Members regarding allowed expenses. Since this item was presented for the first time at the meeting, it was tabled for further consideration until the September meeting.

B. Continuing Education. A review of current statutory and regulatory language was provided to the Board for review at the meeting. The process required for proposal and adoption of new rules language was briefly reviewed. Consensus of discussion was that the Director should prepare language to be proposed for amended and/or new CE rules for the September meeting.

C. MBE/EDGE compliance policy. The state's requirements for these spending set-aside and goals programs was reviewed. It was moved/seconded (Van Atta/Garcia) to adopt a statement that it is the policy of the Board to seek MBE/EDGE vendors for the following service needs: Office supplies; Office equipment; and Personal service contracting; and that the Board Director is authorized and directed to perform reporting duties and purchasing actions in general conformity with this policy. Passed unanimously.

D. Next Meeting dates: As per previous action -- September 22, 2004. It was noted that the Board may need to convene at 5:00 p.m. to assure time to address certification of outstanding license denial actions. Other items for the September meeting agenda:

Election of Officers (President; secretary)

Proposed Rule language on Continuing Education and undergraduate degree "proof" requirements for licensure

Raise the score cut-off on license exam to 90% of ABC requirements.

**IX. Adjournment:** The meeting was adjourned by unanimous consent at 7:55 p.m.

Respectfully Submitted,

Approved:

/s/ *Mark B. Levy*

/s/ *Manuel R. Garcia*

*Sept 22, 2004*

Mark B. Levy  
Board Director

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President

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Date