

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

MARCH 31, 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:** Board President Steve LaForge called the meeting to order at 6:03 p.m.

**Roll Call:**

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

Members Absent: Jack Reser

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

Newly-appointed member Kathleen Clark Simmons was present and introduced to the Board. Steve LaForge administered the Oath of Office to Ms. Simmons.

**II. Amendments to agenda**

Mark Levy introduced Dominic Chieffo, Assistant Attorney General in the AG's Health and Human Services Section, recently assigned to the OPP Board replacing Barbara Petrella, who accepted a position with another agency. Mr. Levy suggested that Executive Session be moved to the beginning of the meeting in consideration of a notice received from the Attorney General's office that AAG's would no longer be covering entire meetings of the Boards to which they are assigned, but only those portions requiring legal representation and advice. This change was announced in response to budget cuts which have prevented the Attorney General's office from filling vacancies and increasing the client loads of attorneys presently on staff. A motion to amend the agenda accordingly was approved by unanimous consent.

**III. Approval of minutes of February 4, 2004**

The minutes as circulated were reviewed and approved by unanimous vote (Motion: Powers/Garcia)

**IV. Executive Session** was convened by unanimous roll call vote at 6:15 p.m., to consider matters regarding personnel, licensee discipline/complaints, and issues requiring privileged attorney-client communications. The Board emerged from Executive Session at 6:25 p.m. by the same method.

Mr. LaForge requested the Board consider a policy that a supervising Board member, together with the Director, may initiate an investigation and begin to gather facts for presentation to the Board, based on any information in a license or renewal application that indicates an appropriate basis under the statutory language governing the Board's operations. Passed unanimously, with Director charged to draft appropriate policy language in this regard (Motion: Horwitz/Van Atta)

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

A. Legislative update:

1. ORC 4779 revisions: Mr. Levy reported meeting with State Rep. Jon Peterson, who indicated an interest in assisting with the draft bill in conjunction with any effort that may be initiated in the Ohio Senate. Our understanding is the draft bill

is being put in final form, and Sen. Austria is seeking an appropriate vehicle for inclusion.

2. Mr. Levy distributed a Legislation Tracking document indicating the number, sponsor, topic and status of legislation pending in the Ohio legislature that had previously been reported as of interest to the Board, or appears to at least touch on a subject of interest to the profession. Members are encouraged to review new and pending legislation, accessible at [www.lsc.state.oh.us/statusreport.html](http://www.lsc.state.oh.us/statusreport.html), and advise the office of any other legislative matters that should be tracked and reported.

3. Noted in particular was H.B. 429, recently introduced, which would "enact section 4743.06 of the Revised Code to require certain occupational and professional licensing boards to grant a certificate, license, or permit to qualifying persons who have previously been convicted of or pleaded guilty to non-violent felony offenses ... provided certain conditions are satisfied."

B. Budget update:

1. FY04 performance data was distributed. Expenditures are running well under budget. Revenues through the third quarter are at \$102,875.

2. Mr. Levy recommended renewal of membership in CLEAR (Council for Licensure, Enforcement and Regulation), which offers content-rich conferences, training programs, and serves as an information clearinghouse for the field of professional regulation. Motion Van Atta/Garcia, passed unanimously.

3. Mr. Levy requested authorization to engage in a review of office configuration with assistance/guidance from the office of the state architect. Most of the furnishings are items obtained from state salvage, and FY04 allocations appear adequate for the task. Discussion noted that no expenditure is required for approval at this time, and it was suggested the Director can engage in the review and report back at the next meeting with numbers for consideration.

C. Enforcement / complaint processing: Mr. Levy reported that he is behind in complaint processing, and is working to bring files up to date.

D. Ethics filing: Board members were reminded regarding the need to file disclosure forms with the Ohio Ethics Commission. The Board pays the filing fee, increased to \$40 from \$25; and that the Board would be liable for any late fees, which are \$10/day up to a maximum \$250.

E. Ethics Training for Board Members: the Governor's office has indicated that, due to budgetary constraints, the next opportunity for members who were unable to attend in 2003 will be in November and/or December 2004, exact date(s) TBA; that a May 2004 target date has been scrubbed.

F. It was reported that the field work portion of the audit had been completed, and the office has been briefed on likely comments in the standard management letter to be issued at the conclusion of the process. A written outline of expected comments was distributed to the Board; most address concerns that matters that should be governed by written policy lack formal policy statements, and that a number of files reviewed lack complete documentation showing evidence of appropriate supervisory review and control. No findings of "material issues" are expected.

**VI. Report on Pending License Applications:** No report

**VII. Old Business:**

A. Supervision. A table indicating the range of responses received from the renewal form regarding supervisees, services and titling was distributed for the Board's consideration.

B. Continuing education. No report.

C. Office Policies -- Hours, attendance, Decorum, Discipline: Policy language previously circulated to the Board was discussed. Members requested further time for consideration. Director was instructed to consider the proposed policy as provisional guidance until further action. Tabled until next meeting.

D. Compensatory Time Policy -- Exempt Personnel: Policy language previously circulated to the Board was discussed. Members requested further time for consideration. Director was instructed to consider the proposed policy as provisional guidance until further action. Tabled until next meeting.

E. FY06 - FY07 Budget planning. FY06 begins July 1, 2005. Office of Budget and Management has advanced the planning/review process for the next biennial budget by a good 6 months as compared to prior practice. Final budget requests/submissions will be due mid-June but, somewhat paradoxically, appeals of initial OBM budget recommendations -- which virtually cap FY06-07 spending at FY05 appropriation levels across the board -- are due April 15<sup>th</sup>. After a brief discussion, Mark Horwitz agreed to consult with Director Levy regarding budget submissions.

F. In response to a question from a member, Director Levy reported that Richard Rocco, LPO.199, is in compliance with his Consent Agreement, and no further compliance issues have been raised or addressed since last report to the Board.

### **VIII. New Business:**

A. Fiscal Processing Policy -- language pending completion.

B. Application/Renewal Processing Policy -- language pending completion.

C. Speaker Request: Kentucky O&P Association. The Kentucky association has indicated an interest in "someone giving a talk about what it was like in starting the licensure process and what it takes to keep it running, and was it worth it." Discussion centered on the founding Board president as an appropriate contact in this regard. No motion to commit Board resources in response to the request. Mr. Levy indicated he would provide appropriate contact information to the Kentucky colleagues.

D. Request waive late renewal fee (inadvertently omitted from agenda). Licensee Larry Abramis, LPED #92 contacted the Board office after receiving a late renewal notice. Stated he did not receive his initial renewal mailing, which apparently went to a prior business address and was not forwarded. A check of office records indicated he had supplied a new mailing address during the prior renewal cycle, but this information was not entered into the OPP Board's database. On this basis, and with the licensee's indication that he understands a personal responsibility to be assured his license status is current in the future, the Board agreed to process his license renewal without requiring a late/penalty fee. **Moved** (Powers/Garcia), and **passed by unanimous consent**.

E. Designation of Lapsed Licenses (inadvertently omitted from agenda): The following list of Licensees who did not renew their licenses during the current cycle was presented to the Board for designation as having "Lapsed" status in accordance with OAC Rule 4779-8-01 which states: "(E)

*A licensee who fails to renew in accordance with the schedule established under paragraphs (A) and (B) of this rule shall have the license or permit placed on lapsed status by the board.*" (emphasis added) Whenever possible, all persons on the list were notified in writing regarding their non-renewal status and the pending Board action:

ALAIMO, Greg			LPED.64
ALAIMO, Jeffrey	LO.2	LP.2	
BUTLER, Richard	LO.229	LP.190	
DILLON, Herman	LO.26		
GREGORY, John			LPED.17
HERRON, Don	LO.53		
HOSKINS, Robert		LP.207	
HOSTETTER, Karen	LO.59		
KING, Kevin	LO.169		
KUEHN, Jeffrey		LP.61	
LEACH, Robert	LO.167		
PLEW, Dennis	LO.183		
RUSSELL, Amanda		LP.191	
RUSSELL, R. Michael	LO.117	LP.102	
TROYER, Monroe		LP.129	
VUKOV, Mark	LO.145	LP.131	

**Motion** (Garcia/Powers) to designate licenses as lapsed **passed unanimously**.

The Board was asked to consider approval of the two letters used to communicate these issues to licensees. The first, marked "Lapse Warning #1", notifies non-renewing licensees of the legal implications of practicing without a license, the late renewal fee, and that the Board will consider designating the license as lapsed at an upcoming meeting. The second, marked "Designated Lapsed #2", advises of the Board's action, and also the process for renewal/reinstatement. **Motion** (Van Atta/Horwitz) to approve the letters **passed unanimously**.

F. Next meeting date: Mr. LaForge requested Members check their calendars for agreement regarding dates for next two meetings. After discussion, the meeting dates determined were: May 19, 2004  
July 14, 2004

IX. Adjournment: The meeting was adjourned by unanimous consent at 7:35 p.m.

Respectfully Submitted,

Approved:

/s/ *Mark B. Levy*

/s/ *Steven G. LaForge*

*May 21, 2004*

Mark B. Levy  
Board Director

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President

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Date