

Summary of Actions Taken
State Board of Orthotics, Prosthetics, and Pedorthics
Board Meeting of September 9, 2009

This summary of Board actions and related items reflects information reported to and/or discussed by the Board at its September 2009 meeting. Please be aware that some of this information is based on meeting minutes not yet approved by the Board. [Approved Board meeting minutes](#) constitute the formal record of Board actions. Please [contact the Board office](#) (Board Director) for further information regarding any item of particular interest to you.

→ **BOARD SEATS OPEN** -- As of this writing, **one O&P Practitioner seat is vacant and available for appointment** on the State Board of Orthotics, Prosthetics, and Pedorthics. Three members currently serving have terms expiring December 6, 2009, although as first-term members those positions are available for re-appointment. Persons interested in applying need to [download an application](#) from the [Governor's website](#), and follow those instructions for submission. Courtesy copies to the Board office are appreciated.

→ **LICENSING** -- [for online real-time license status verification, click to: opp.ohio.gov]

The following **new license actions were approved** and/or reported:

License Applications Recommended							
9-Sep-09							
Orthotics, Prosthetics, O&P	Temp'y? Y/N	Recipro- city? State					
Orthotics							
Jason R. Timmer	Y	No	Move Approval: Edwin Niehaus				
Gregory Leimkuehler	Y	No					
Aarti Deshpande		N No		Second: William Neu			
Prosthetics			Vote: Unanimous -- note abstentions				
Laura M. Klebanow		N/Yes - FL	NOTE: Heath, Gallacher, Monnier, Roderer are presented for approval conditioned upon completion of documentation requirements.				
OrthPros							
Karl J. Lindborg	Y	No	NOTE: Elsa Fritts abstained as to candidates Gambrill and Payerchin				
Pedorthics							
Mandy R. Bowers		N/No					
Lorretta M. Carrico		N/No					
Robert D. Paul		N/No					
Mark O. Abraham		N/No					
Jami E. Heath		N/No					
			Licenses Issued or Upgraded since last Board Meeting				
Teresa P. Gallacher	Y	No	Orthotics				
Cara M. Gambrill	Y	No	Lance R. Thiele	Passed Exam			
Anne L. Payerchin	Y	No	Michael P. Marmer	LO-TEMP	reinstated	Consent Agree't	
Adam J. Pollack	Y	No	Pedorthics				
R. Douglas Myers	Y	No	Sharon D. Victor	sup'n completed			
Rebecca A. Monnier	Y	No	Jason L. Privett	sup'n completed			
Christopher R. Roderer	Y	No	Michael P. Marmer	LPED-TEMP	reinstated	Consent Agree't	

COMPLAINTS / ENFORCEMENT

- **Robert D. Hoskins, LP.207:** File pending based on licensee's self-report of impairment by abuse of alcohol, Preliminary Consent Agreement accepted at June meeting, and pending fitness to practice evaluation. The Board **accepted a Notice of Opportunity for Hearing** setting forth five counts or "causes" for action, including misrepresentation on original license application and a renewal application for failure to disclose conviction histories, impairment by substance (alcohol) abuse, and violation of the terms of the Preliminary Consent Agreement. The Board then **accepted a new Consent Agreement** imposing a **3-year license suspension, monitoring and reporting** to the Board regarding adherence to testing and recovery protocols, and continuing restrictions on practice under oversight of a Licensed Workplace Supervisor as provided for in the Preliminary Consent Agreement.
- **Michael P. Marmer, LO.81-TEMP and LPED.26-TEMP:** It was reported that Mr. Marmer's **licenses were reinstated as Temporary Licenses** pursuant to the terms of the Consent Agreement entered into at the March meeting, after documenting full compliance with the initial terms provided for in that agreement. Mr. Marmer has identified a Licensed Supervisor, and continues licensed status under a system of monitoring and reporting to the Board through an identified chemical dependency professional.

BUDGET AND RELATED

Director Levy reported that the final version of the state budget bill provides for flat funding for the agency during the FY2010-2011 biennium of \$105,000 per year, down from the \$116,000 level recommended in the executive budget as originally forwarded from Gov. Strickland and the House version. The \$105,000 amount approximates the expenditure level the Board actualized in FY2004. The Board booked about \$107,000 in license fees in FY09, and has been carrying an accrued revenue balance in the 4K9 rotary fund of about \$100,000 year over year. As part of the state's Cost Savings initiative, Board staff together with most if not all other state of Ohio employees, unclassified or bargaining unit, are experiencing an approximately 3.7% pay cut with no allowances for raises or regular increases; the cut in pay is actualized through a system that allocates 10 days of unpaid leave to be taken during the fiscal year. Other cuts in benefits, including elimination of personal leave and increases in employee-paid insurance costs and co-pays, are being imposed and experienced as well.

DROP-FOOT STIMULATORS

It was reported that the Home Medical Equipment licensing division of the Respiratory Care Board was preparing to enact regulatory language defining functional electronic stimulators for foot drop as home medical equipment, following-up on an administrative action taken by that board in December 2006. Although [the rule language](#) had not been finalized by the [Joint Committee on Agency Rule Review](#) (JCARR), Mr. Levy advised that he had not been sufficiently aware of the public rule hearing notice issued by the other board in July. With the JCARR hearing pending on short notice, Mr. Levy suggested this situation presented an opportunity for a cooperative, constructive "win-win" process to be engaged in with the HME regulatory board for the following reasons: (a) the HME licensing division functions in a similar fashion to the federal Facility Accreditation surveyors when inspecting HME providers in Ohio; (b) [inspection standards](#) include requirements that other licenses required for equipment dispensation be maintained to comply with other federal, state and local laws and rules; (c) "Facility must employ appropriate staffing to handle the scope of equipment sold, rented and maintained and to appropriately meet the demands of the business ... the employer must ensure that all staff

members are trained and supervised by qualified persons” and the business must maintain “proof of professional license, as applicable;” (d) employing professional investigative staff, the RCB/HME Board could be expected to offer a more robust enforcement mechanism to ensure these devices are only dispensed by HME licensees to appropriately-licensed providers; (e) OPP Board licensees maintain a [statutory exemption from licensing requirements](#) under the HME law; (f) the HME Board action does not prevent the OPP Board from clarifying in regulatory language that the foot drop device is a custom-fitted orthotic device.

OFFICERS RE-ELECTED

By unanimous votes, David DeLuccia, LPO, and Elsa Fritts, were re-elected to their posts as President and Secretary, respectively.

For further information, contact the Board office:

Mark B. Levy, Board Director
State Board of Orthotics, Prosthetics and Pedorthics
77 S. High St., 18th Floor
Columbus, OH 43215

tel: 614-466-1157
fax: 614-387-7347
email: bopp@exchange.state.oh.us
website: <http://opp.ohio.gov>