

**MINUTES
STATE BOARD OF ORTHOTICS, PROSTHETICS AND PEDORTHICS
ANNUAL BOARD MEETING**

June 10, 2014

This Regular Meeting of the State Board of Orthotics, Prosthetics and Pedorthics (OPP) was held on the above date in the Executive Board Room, 31st floor of the Riffe Center, 77 South High Street, Columbus, Ohio.

I. Call to Order: The meeting scheduled for 12:30 p.m. was called to order at 12:45 p.m.

Roll Call:

<u>Members present:</u>	Animesh Bhatia, DPM; Jason Macedonia, LPO – Board Secretary; Robert Reed, consumer; Tammy Daulton, LPED; Jeff Hagman, LP;
<u>Members absent:</u>	Bill Neu, LPO – Board President (advance notice - medical); Brian Weaver, LPO (advance notice – vacation);
<u>Staff present:</u>	Mark B. Levy, Board Director Meloney Buehl, Office Assistant Cheryl Hawkinson, Assistant Attorney General
<u>Guests:</u>	None

II. Agenda – Amend/Approve: The agenda as distributed was briefly reviewed. Motion to approve agenda by Bhatia/Reed, no further discussion, approved by unanimous vote.

III. Review/Approve Minutes of March 11, 2014 meeting: Minutes having previously been circulated, it was moved/seconded by Daulton/Macedonia to approve without amendment or correction. No further discussion, vote was unanimous in favor.

IV. Executive Session [ORC § 121.22(G)] -- The regular meeting of the Board was reconvened, and it was moved/seconded by Macedonia/Bhatia to enter Executive Session at 12:50 p.m. pursuant to ORC Section 121.22 (G), to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official; to consider the investigation of charges or complaints against licensees; and to consider matters required to be kept confidential by federal law or regulations or state statutes. Roll Call vote was taken with Daulton, Hagman, Macedonia, Reed, and Bhatia affirming the motion at 1:45 p.m.

A short break was taken.

V. 2:00 p.m. Settlements / Charges / Dispositions / Complaints

A. Complaint statuses and tracking

Ms. Buehl was asked to review the status and tracking metrics related to the statistics backing up the charts and graphs presented for the Board's review. Information is presented as tracked by fiscal year. Relevant charts and graphs are appended to these minutes and incorporated by reference.

Two complaints from previous fiscal years (12 C 04 and 13 C 32) were brought to the Board for further direction with the Board unanimously agreeing that staff should revisit their current status and present an update at the Board's next regular meeting.

B. Notice of Opportunity for Hearing

The Board discussed enforcement file 14 C 15 and opted to lapse the license of William Reager due to failure to complete OPPCE Renewal requirements with his 2014 renewal of license LP.170 and his lack of response to staff requests to fulfill OPPCE Remediation protocols.

VI. 2:10 p.m. Ethics Review

A. Statewide training opportunities were referenced and reviewed. Board members are encouraged to avail themselves of offerings as their schedules may allow.

1. OEC trainings – schedule distributed - <http://www.ethics.ohio.gov/education/executiveordertraining.shtml>
2. OEC Webinars: <http://www.ethics.ohio.gov/education/webinars.shtml>
3. Auditor of State – Fiduciary Responsibility Webinar- <http://www.auditor.state.oh.us/conferences/FiduciaryTrainingWebinar112812.pdf>

B. Compliance Tracking and Reporting – Data indicating Board Member attendance at prior meetings for the past three fiscal years was presented to the Board for review. It was determined that all Board members were in compliance with both regular attendance requirements and annual ethics training requirements.

C. Case Study: OIG Report 2012-CA00106 – Medical Board – Copies of the report were distributed to the Board either electronically or on paper; the Board discussed its similarities to the Medical Board and reviewed the case for a better understanding of the ethical requirements of reporting Board member expenses to be reimbursed by the State.

VII. 2:15 p.m. Consent Agenda: Director's Report

A. Fiscal – Revenue and Expense

Spreadsheet data as presented to the Board is appended.

1. FY14 Activity YTD and Projections
FY14 Revenue YTD, 11 months (end of May): \$107,730.00
FY14 Expense YTD, 11 months (end of May): \$134,076.32
FY14 Unspent: \$17,308.04 projected to go toward Q4 rent, payroll and audit expenses
2. Minority Business Enterprise (MBE) Spending (15% goal) / EDGE Spending (5% goal)
FY14 Possible MBE/EDGE Spend YTD, 11 months: \$1,004.29
FY14 Actual MBE Spend YTD, 11 months: \$130.00 (12.94%) – below target due to move of previously MBE classified expense to EDGE classification. Additional MBE expenses expected in Q4 with Board expecting to reach 15% target.

FY14 Actual EDGE Spend YTD, 11 months: \$70 (7.02%) – above target

3. FY13-14 AOS Audit in Process – Process narratives and sample requests and responses were provided for Board review and oversight into this biennial process and the level of effort required by Board staff to assist with its completion.
- B. OPPCE Audit in Process – Ms. Buehl reported that 137 licensees were selected for OPPCE Audit – 50% of CE Group 1 at random as well as the licensees who had completed 2014 remediation agreements and two licensees whose 2011 audits had resulted in specialized OPPCE reporting periods. At the time of the Board meeting, 71 (53%) of the licensees had responded with 66 of those having passed their audit. Additional responses are expected over the next two weeks with letters indicating either successful completion of the OPPCE audit or reminders to respond being sent out in the coming weeks as appropriate.
- C. Legislative Report
1. Legislative Docket / Tracking – appended as presented. Mr. Levy reported on the status and process on HB326, having engaged with Sponsors and interested parties and offered testimony at the Second Hearing of the bill in Senate Commerce and Labor Committee. Sponsor requested and we provided proposed language to allow for registration as an alternative to licensing. The legislature is mostly out of session for the summer, no further hearings are expected before September.
- D. Administrative Docket
1. ODM (formerly ODJFS) – Rule Revisions and statuses – no report. Board staff continue to maintain a positive working relationship with Medicaid policy staff, and Director Levy and Member Bhatia expect to meet with Medicaid staff and DPM consultant to review current, pending and future issues.
 2. Other Agency Rules – Ms. Hawkinson shared rule revisions that are being suggested for 4761:1-3-02 Home medical equipment defined and 4761:1-9-05 HME – Personnel and requested feedback from the Board on proposed updates in rule language.
 3. New eLicense Database setup activity – following up on prior progress reports, Mr. Levy advised the Board regarding status of the implementation of a new eLicense system to be rolled out as an enterprise-wide (all state of Ohio entities requiring use of such a licensing/renewal/enforcement tracking system) platform configured for individual agency utilization. “Go Live” projections for OPP have been pushed back again from December 2014 until some time in 2015.
 - a. Steering Committee Meetings – Every Month – This committee was formed from the larger agency Stakeholder group to address fundamental issues about contract compliance, requirements details, implementation re-set scheduling, and providing a focused decision point for change orders and similar issues. Mr. Levy was appointed to provide input and oversight for small agency utilization.
 - b. Training and Testing requirements – general scheduling considerations have been laid out as follows

1. Stakeholder meetings – every two weeks
2. General System Intro Training – 40 hours – completed Oct 2013
3. User Acceptance Training One – 16-24 hours – participated Jan 2014
4. UAT One cleanup – completed April 2014
5. New staggered ramp-up and roll-out – Gangs of Four starting in August 2014
6. OPP Go-live – Likely to push to 2015
7. New eLicense Newsletter issued – provided to the Board

4. Criteria for Licensing Test Approval for VA Benefit fee reimbursements -- reviewed information as reported on the agenda. Caveat / caution to candidate beneficiaries that utilization of the VA Benefit Fee Reimbursement may cause them to be ineligible for other (greater) benefits otherwise due to them in that benefit month.

VIII. 3:00 p.m. – Pending License Applications/Licenses Issued:

It was moved/seconded (Daulton/Hagman) to ratify the approval of licenses as follows:

Orthotics

- **Michelle Horstmann – Temporary** – Bachelor of Science from The University of Dayton, Ohio residency, needs approval to sit for exams, CRC results in file, Mark Horwitz supervisor

Prosthetics

- **Rafiel Bibbins – Temporary** – Bachelor of Art from The Bernard M. Baruch College, Ohio residency, needs approval to sit for exams, no CRC required (holds current LO), Matthew Manolio supervisor

Prosthetics & Orthotics

- **None**

Pedorthics

- **None**

As the first instance of implementation of a new policy to expedite the licensing process, there was some discussion regarding appropriate procedure in this regard. Director understood that with prior approvals which avoid involvement of any member with a potential conflict, all members are ok to ratify the approvals without necessarily requiring abstentions for ordinary processing. AAG Hawkinson suggested abstentions are still appropriate and also indicated concern regarding potential loss of quorum if two members may need to abstain if both involved in approvals. **Vote to approve was unanimous with Macedonia abstaining;** policy and process will be discussed further at the next meeting.

IX. 3:05 p.m. – Old Business

- A. Board Continuity
1. Mr. Neu (O&P Practitioner) and Mr. Reed's (consumer) positions open 12/6/2014. Members are greatly encouraged to consider colleagues who may be interested and to assist in recruitment efforts.
 2. Mr. Macedonia's term also expires 12/6/2014 and is subject to possible re-appointment. Staff will confer with Governor's office as to whether a new application would be required.
- B. Federal OTS Orthotics list and Competitive Bid initiative – Report deferred.
- C. Social Media Policy – Ms. Buehl presented draft social media strategies and policies as well as white papers on key considerations for using social media in the government to the Board for review. The Board agreed to consider a series of questions and deferred a decision until its next regular meeting when all members can be present to finalize both policy and strategy.
- D. Rule Promulgation
1. Veteran/Military Licensing Accommodations Package – It was moved/seconded by Reed/Daulton that the rule as filed on March 17, 2014 be approved and effective June 23, 2014. No discussion; the vote was approved unanimously.

X. 3:35 p.m. – New Business

- A. Ohio Medicaid / Orthopedic Shoe Rule – **Bhatia motion seconded by Macedonia to offer amendment for expansion of benefit.** Discussion around current and proposed language; formal Motion showing amendment was circulated and is incorporated into these minutes by attachment. The expansion would cover orthopedic shoes when not an integral part of a brace for beneficiaries “with documented diagnoses of moderate or severe peripheral neuropathy or peripheral arterial disease.” **Approved unanimously** by voice vote.
- B. Rules 5-year review schedule – Mr. Levy presented a full list of the Board's administrative rules with 5-year review dates noted; full text of the rules scheduled for review will be provided in advance of the next meeting, and members were reminded they can access online at the website interface.
- C. Mission Statement Update: Mr. Levy reported briefly on his work to seek inclusion of OPP professionals in current allied healthcare configurations and data tracking. We have been seeking consultation with the Ohio Commission on Minority Health and with the Health Policy Institute of Ohio. He noted the importance moving forward for the Board and the profession to embrace healthcare expansion and recognize deficits in diversity in the care providing community. Mr. Levy recommended, and it was **moved/seconded by Daulton/Reed that the Board's mission statement be updated to include the following bullet point: “Take positive steps to increase access to care, workforce diversity and cultural competence in the orthotic, prosthetic and pedorthic care community.”** No further discussion; **Approved unanimously** by voice vote.

XI. 4:00 p.m. – Adjournment

Motion by Macedonia/Bhatia, passed unanimously without discussion.

Respectfully submitted,

Mark Levy
Mark B. Levy
Board Director

Jason Macedonia
Jason Macedonia
Board Secretary

9/9/14
Date