

Summary of Actions Taken
State Board of Orthotics, Prosthetics, and Pedorthics
Board Meeting of September 1, 2010

This summary of Board actions and related items reflects information reported to and/or discussed by the Board at its September 1, 2010 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.

→ **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										
	Temp? Y/N	Recip? State	Degree	School	Cert Program School	Cert Program	Res Begin date	Res End date	Written Exam	Written Sim
Orthotics										
Brian Angell	Y	N	BS-Health Science	Cleveland State	NUPOC	3/27/2009	June 2009	June 2010	approve to sit	approve to sit
Bill Messer	N	N	BS	University of Mary	Century College	5/1/2002	Jan 2003	Jan 2004	Y	Y
Raghvendra Prajapati	Y	N	BS-O&P	Foreign Credential Review	Foreign Credential Review		9/22/2009	5/31/2010	approve to sit	approve to sit
Orth/Pros										
Frederick Antczak	Y	N	BA	Ottawa University	NUPOC and Century Community & Tech College	August-02	Orthotics - 1900 hrs supervised in 1987 per ABC	Prosthetics - 8/2002 - 8/2003 - NCOPE confirmed	Y	Y
Nathan Kearns	Y	N	BA-Fine Arts	Eastern Michigan U	Eastern Michigan U	Apr-08	6/2/2008	6/2/2009	approve to sit	approve to sit
Pedorthics										
Pamela Bishop	Y	N	HS Diploma	Ellet HS, Akron	International School of Pedorthics	5/20/2008	7/9/2008		approve to sit	
Reinstatement										
	lapsed	date				Renewal fee	Late fee			
Mark Miller LPO.74	1-Feb	2006	BS/Ind. Tech.	OSU - 1989	NUPOC 1990	\$300	\$150			
Upgrades issued since June based on completion of requirements										
Cara Gambrill	LPED	186	from Temp	sup'n complete						
Jason Atves	LO	290	from Temp	passed exams	08.03.2010					
Jennifer Giordano	LPED	193	from Temp	passed CPED	sup'n OK					
Gregory Liemkuehl	LO	287	from Temp	passed exams	written sim 5.09	written 5.10				

- The application of **Robert Agnew** for a **Temporary license in Pedorthics** was denied for failure to meet standards.
- A Consent Agreement with **Robert Hoskins**, providing for **Revocation of Prosthetics license LP.207** due to relapse violation of terms of prior agreement, misrepresentations in license and renewal applications, and other matters as detailed in Notice of Opportunity for Hearing issued in September 2009, was accepted. The agreement establishes specific requirements which must be met before Mr. Hoskins may apply for a new license.

(Continued . . .)

→ NEW RULES – Confidential Personal Information

The Board approved for final filing, effective date 10/01/2010, [a new set of Administrative Code rules](#) setting forth certain policy and procedure for **the Board's treatment and handling of Confidential Personal Information (CPI)** that may be held in records under the Board's control.

→ RULE CHANGES AND UPDATES

While deciding to further amend/refine language in the overhaul to the **Device-related and Scope of Practice Definitions Rule**, resulting in the re-filing of [pending new rule OAC 4779-3-02](#), the Board [approved this package](#) of amendments and new rule language to move forward for final filing with an **effective date of 11/01/2010**. This package provides for certain **major changes and enhancements to the Board's administrative rule series**, including:

- ☑ Updating regulatory language defining “**Custom Fabricated**” and “**Custom Fitted**” in accordance with the [current CMS Quality Standards](#), and providing a definition for the term “**minimal fitting**” as used in [ORC §4779.01\(D\)](#).
- ☑ [Clarification of and updating statutory terms regarding post-graduate certificate program and residency requirements](#), making allowances for both long-term practitioners seeking licensure and new post-secondary programs offering blended online and classroom learning models.
- ☑ **Establishing [a range of supervision requirements](#)**, beyond a simple 8-month period of time, for a licensee providing **Temporary license supervision in Pedorthics** to better define the preparation required for the candidate's competent practice as a Pedorthist.
- ☑ New language which establishes, as a [professional conduct rule, minimum standards for consumer data maintenance in licensees' records](#).
- ☑ Fee language establishing online electronic renewal as the preferred method for processing renewal information and fees, in accordance with Board policy. This [language will disallow use of personal checks as payment for license renewals, and will require a licensee who wants to renew on paper to submit a separate request for a renewal form](#).

→ OFFICERS ELECTED

David DeLuccia was elected to continue his role as **President**; **Karen Jackman** was chosen to assume the role of **Secretary**.

For further information, contact the Board office:

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1 **4779-3-02 Device-related and scope of practice definitions.**

2 The following definitions shall apply to the language of Chapter 4779. of the Revised Code:

3 (A) "Accommodative" as defined at division (A) of section 4779.01 of the Revised Code means in
4 addition that the item is designed to conform to the anatomy of the particular individual who
5 purchases and wears the item, but does not have the added value of the capacity to be custom fitted or
6 custom fabricated for use by a particular individual, and is sold off-the-shelf on a retail basis.

7 (B) "Arch support" as used in division (G) of section 4779.01 of the Revised Code means an item sold
8 off-the-shelf on a retail basis to be accommodative to the anatomy of the foot for the person who uses
9 it; and which is not custom fitted or custom fabricated, and is not provided to fill a doctor's order or
10 healthcare prescription.

11 (C) "Nontherapeutic" as used in division (D) and (G) of section 4779.01 of the Revised Code means
12 an item sold off-the-shelf on a retail basis, which is not custom fitted or custom fabricated, and is not
13 delivered to fill a doctor's order or healthcare prescription.

14 (D) "Therapeutic" as used in division (A) of section 4779.01 of the Revised Code refers to an item
15 delivered to fill a patient-specific doctor's order or healthcare prescription.

16 (E) "Custom fabricated or fitted medical device" as referenced in division (E), ~~(G), or (I)~~ of section
17 4779.01 of the Revised Code means an orthotic, prosthetic or pedorthic device that is individually
18 made (custom fabricated) or fitted (custom fitted) for a specific patient. Further, it is a device the
19 provision of which requires access to a facility with the equipment necessary to fulfill the ongoing
20 consumer-care responsibility to provide follow-up treatment, including modification, adjustment,
21 maintenance and repair of the item(s).

22
23 (1) A custom fabricated item is defined as a device which is individually made for a specific
24 patient. No other patient would be able to use this item. A custom fabricated item is a
25 device which is fabricated based on clinically derived and rectified castings, tracings,
26 measurements, and/or other images (such as x-rays) of the body part. The fabrication
27 may involve using calculations, templates and components. This process requires the
28 use of basic materials including, but not limited to plastic, metal, leather or cloth in
29 the form of uncut or unshaped sheets, bars, or other basic forms and involves
30 substantial work such as vacuum forming, cutting, bending, molding, sewing, drilling
31 and finishing prior to fitting on the patient.

32 (a) A molded-to-patient-model item is a particular type of custom fabricated device in
33 which either:

34 (i) An impression (usually by means of a plaster or fiberglass cast) of the
35 specific body part is made directly on the patient, and this impression is then
36 used to make a positive model of the body part from which the final product is
37 crafted; or

38 (ii) A digital image of the patient's body part is made using computer-aided
39 design-computer aided manufacture (CAD-CAM) systems software. This
40 technology includes specialized probe/digitizers and scanners that create a
41 computerized positive model and then direct milling equipment to carve a
42 positive model. The device is then individually fabricated and molded over the
43 positive model of the patient.

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45 (2) A custom fitted item is defined as a prefabricated device which is manufactured in quantity
46 without a specific patient in mind. The device may or may not be supplied as a kit that
47 requires some assembly and/or fitting and adjustment, or a device that ~~must~~ may be
48 trimmed, bent, molded (with or without heat), or otherwise modified by an individual
49 with expertise in customizing the item to fit and be used by a specific patient.

50 (a) A custom fitted item/device as referenced in division (E), ~~(G), or (I)~~ of section
51 4779.01 of the Revised Code does not include:

52 (i) Upper extremity adaptive equipment used to facilitate the activities of daily
53 living;

54 (ii) Finger splints or wrist splints;

55 (iii) Prefabricated elastic or fabric abdominal supports with or without metal or
56 plastic reinforcing stays requiring minimal fitting;

57 (iv) Other prefabricated soft goods requiring minimal fitting;

58 (v) Nontherapeutic accommodative inlays;

59 (vi) Nontherapeutic or therapeutic over-the-counter or off-the-shelf shoes or boots
60 that are not manufactured or modified for a particular individual;

61 (vii) Prefabricated foot care products;

62 (viii) Other durable medical equipment that is not categorized as an orthotic,
63 prosthetic, or pedorthic device; dental appliances; or devices implanted into the
64 body by a physician.

65 (F) "For use from the apex of the medial malleolus and below" as used in division (G) of section
66 4779.01 of the Revised Code means that the pedorthic device does not physically extend proximal to
67 the apex of the medial malleolus, meaning not extending higher than the middle of the ankle bone.

68 (G) "Minimal fitting" as used in Section 4779.01 of the Revised Code and Section 4779-3-02 of the
69 Administrative Code means a prefabricated device which is fit for size by use of not more than two
70 simple body size measurements; which is sized as small, medium, large, extra large, 2xl, 3xl; which is
71 fastened or fit to the body or body part by use of elastic or self-fastening straps, buttons or strips;
72 which is not ~~trimmed, bent,~~ molded, ~~assembled, or otherwise customized~~ by the consumer-care
73 provider to fit the consumer; and which is not provided by the manufacturer with items or component
74 parts which are intended or designed to be custom molded, heat moldable or custom fitted.
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