

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

**JULY 12, 2006**

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 Mark Horwitz called the meeting to order at 5:13 p.m.

**Roll Call:**

Present Board Members: Manuel Garcia; Mark Horwitz; Howard Harcha; James Powers, MD; Jack Reser; Kathleen Clark Simmons (arrived 5:30 p.m. after roll call); Doug Van Atta

Members Absent: none

Staff: Mark Levy, Board Director

Guests: (none)

**II. Amendments to agenda:** Reser/Powers moved approval; no discussion; vote was unanimous.

**III. Approval of minutes:** **Approval of April 2006 minutes** -- Mr. Horwitz called for any changes or questions. Hearing none, called for a Motion to approve. Harcha/Reser so moved, passed unanimously.

**IV. Executive Session** was initially postponed by consensus to allow the Director's report to be presented first. Session was convened by unanimous roll call vote at 7:15 p.m., to consider matters regarding licensee discipline/complaints, personnel, and issues requiring privileged attorney-client communications on the Motion of Reser/Simmons, and to request Director Levy remain in attendance. The Board emerged from Executive Session at 7:55 p.m. by the same method.

**V. A. Deliberation/decision regarding hearing held 11/7/2005:** George Mansell

**Motion** (Simmons/Reser) to adopt the Report and Recommendation of Hearing Officer Lance Chapin and deny a license in Orthotics was unanimous (5-0), with two abstentions (Harcha, Powers) of members who did not participate on the hearing panel.

**B. Settlements/charges:**

No settlements were presented to the Board for consideration.

**Motion** (Reser/Powers) to withdraw the Notice of Opportunity for Hearing in **File No. 06-OPP-L-02** due to technical errors was approved unanimously.

**Motion** (Reser/Powers) to approve a corrected Notice of Opportunity for Hearing in **File No. 06-OPP-L-02-R** was approved unanimously. Applicant ID revealed after vote: **Carlos Owens; pedorthics.**

**Motion** (Garcia/Simmons) to approve a Notice of Opportunity for Hearing in **File No. 07-OPP-L-01** was approved unanimously. Applicant ID revealed after vote: **Scott P. Hendron; pedorthics.**

**Motion** (Van Atta/Powers) to approve a Notice of Opportunity for Hearing in **File No. 07-OPP-L-02** was approved unanimously. Applicant ID revealed after vote: **Janel Kratzer; pedorthics.**

**VI. Director's Report:**

**A. Legislative Update** -- deferred to information circulated previously regarding pending legislation. Reported that we have subscribed to a statehouse/state government news reporting service at a favorable group rate to assist with tracking legislation and other government policy issues.

**B. Budget** -- Summary statements:

FY06 Budget:	\$99,571.
FY06 Revenue:	\$109,754.
FY06 Expenses:	\$100,492.
FY06 Encumbrances:	\$6,997.

FY06 Active Licenses:	367	(nearly 8% increase)
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FY07 Budget:	\$106,035.
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-- **FY08 - FY09** OBM's budgeting schedule requires agencies to submit budget request details by the beginning of October 2006 for the biennium beginning July 2007, but also requires appeals of figures provided as "caps" be submitted by August 1<sup>st</sup>. Although most large and GRF (General Revenue Fund) agencies were given a cap that automatically allows an increase of 3% over FY07 budget allocations, the Professional Regulatory Boards, which are mostly funded through self-generating licensing fees, were provided no 3% allowance and must work from the FY07 baseline. Another consideration for this Board is that the Director position, classified as Administrative Staff in the state's personnel system, carries no statutory "steps" and so requires an individual request/defense to give the Board the ability to allow for rate increases based on performance.

Discussion revolved around building in funds to increase the Board's authority to contract for personal services where necessary for regular board functions (investigations, hearings, rules promulgation and review), and whether consulting services might be considered to determine whether a more expansive role in professional education and development might be appropriate. Mr. Reser suggested that might be outside the Board's limited scope. Mr. Harcha suggested the Board might have a hand in encouraging development of O&P educational opportunities in Ohio at the post-secondary level, and noted he serves on the board of trustees of a local (Portsmouth) state college.

**Motion** (Reser/Simmons) that the Board authorize members Horwitz and Van Atta to work with Director Levy to formulate appropriate appeal parameters for submission in August, and budget language for the Board's review at its September meeting. Passed unanimously.

C. **Complaints/Enforcement** -- report deferred until September meeting.

D. **Meetings Attended**

Joint Group of Regulatory Boards

Pandemic Flu Planning (Continuity of Operations Plan -- COOP -- prepared and submitted)

Gubernatorial Transition Planning (Agency report due in September)

ODJFS/Medicaid Policy (with association representatives -- written report referenced)

E. **Homeland Security - SB 9 Vendor Certification** -- To comply with new legal requirements attendant to the state's receipt of Homeland Security funding, the Board per direction from Office of Budget and Management is seeking the completion of the state's Declaration of Material Assistance/Non-Assistance (DMA) to a Terrorist Organization form by all private vendors.

F. **Speaker Invitation - Pedorthic Footwear Association** -- Atlanta, November 11, 2006 -- Director Levy has been invited to participate in a panel discussion about state licensure in pedorthics. All significant expenses (travel, room, meals) to be reimbursed by PFA.

G. **Biennial Audit** - Auditor of State representatives have mostly completed an audit of Board operations -- this year's "biennial" audit covered 3 fiscal years (FY04-FY06). Most field audit work was completed during month of May. The draft report provided for review contains 3 notes, as compared with the first audit two years ago, which addressed 11 concerns.

VII. **Report on Pending License Applications:**

A. **Recommendations to Approve for Licensure:** The following candidates for licensure were approved by unanimous vote. Motion/second by Powers/Reser.

<b><u>License Type</u></b>	<b><u>Candidate</u></b>	<b><u>Conditions, if any</u></b>
Pedorthics - TEMP	DeLAY, Matthew HAWK, Eric	
Prosthetics-Orthotics	AGUIRRE, Evelyn C.	
Prosthetics	WARYCK, Brian	
Orthotics	LIBBY, Brent	
Pedorthics	ANGELL, Brian BOLWIN, William YORKO, Connie BALCH, Wayne	

VIII. **Old Business**

A. **Licensing and Security:** (1) Criminal record checks -- following up on discussion at the April meeting, Director Levy presented **proposed** statutory language developed by a working group of regulatory board staffers/directors as what would be new ORC §4745.04, which would principally provide that "An applicant for an initial license ... shall submit a request to the bureau of criminal identification and investigation for a criminal records check of the applicant ..." The proposed language would require a check of state and federal criminal ID databases, and would be at

the expense (presently about \$80) of the applicant. **Motion** (Harcha/Simmons): that the State Board of Orthotics, Prosthetics and Pedorthics supports efforts to adopt proposed **ORC §4745.04 Criminal Records Check** to require an applicant for an initial license to obtain a criminal records check as a component of the license application process. Passed unanimously.

(2) Website information -- status and actions -- deferred to September meeting.

**B. Third Party Credentialing** -- Director Levy provided a brief oral report, advising regarding mailing notices regarding the Board's scope and jurisdiction to various health care entities in Ohio, and was asked to submit a report in writing for the September meeting.

**C. Adopt Guidance on Prefabricated Orthotics - Custom Fit vs. Off-the-Shelf** -- Discussion regarding the Skill Level Analysis document developed by a consortium of national O&P credentialing and professional organizations focused on concerns regarding the differences between national credentialing standards and the specific language in the Ohio statute. Director Levy urged the Board adopt the document as guidance to the profession and allied health care community as a baseline to differentiate between prefabricated orthotics that do or do not require a certain skilled level of "custom fitting." No motion was offered.

**D. C.Ped. stratification plan / impact on licensing standards:** Mr. Levy noted this item has been on the Board's agenda for several meetings. It was noted that the Board for Certification in Pedorthics (BCP) has undergone one change in management personnel over the past year, and appears to be on the verge of another change: a proposed merger with ABC. As the Ohio statutory language regarding licensing standards defers entirely to BCP requirements -- except for the supervised experience language -- no change in statute or rule appears to be required at this time. By 2010, according to current plans, C.Ped. candidates will be required to have a minimum educational credential of an Associates' degree. Precertification educational requirements have already increased for new candidates from 120 hours to 160 hours in approved courses of study. More will be reported as events develop at the national level.

## **IX. New Business**

**A. Approve Director travel to PFA conference 11/11/2006:** As discussed above (VI.F.), the Board was asked to approve Director's time for travel to this conference as a panel member. Expenses to be paid/reimbursed by Pedorthic Footwear Association. State ethics standards prohibit offer/acceptance of any honoraria or "stipend," and these standards have been communicated. **Approved** by consensus.

**B. Adopt IT (Information Technology) Policy:** the State of Ohio Office of Information Technology developed policy language which "established controls on the use of state-provided information technology (IT) resources to ensure they are appropriately used of the purposes for which they were acquired." Agencies were asked to develop individual policies in conformity with the master state policy, or adopt the state policy. **Motion** (Garcia/Reser) that the State Board of Orthotics, Prosthetics and Pedorthics adopt the State of Ohio IT Policy to govern its use of Internet, E-mail and other IT resources, passed unanimously.

**C. Authorize Director enter Personal Services contract for Rules writing:** Director Levy requested authority to contract for attorney assistance with this task to be capped at \$5000. No motion at this time. Board discussion directed that a written request be submitted at the September meeting that outlines the scope of the task and time expected to accomplish.

**Next Meeting Dates:**

**September 20, 2006**, per action at prior meeting, and likely to include Goldman hearings on pending Notices of Opportunity for Hearing in which no hearings were requested.

**November 15, 2006**

**X. Adjournment:** There was consensus that the meeting adjourn at 8:25 p.m.

Respectfully Submitted,

Approved:

*/s/ Mark B. Levy*

Mark B. Levy  
Board Director

*/s/ Mark E. Horwitz*

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Mark E. Horwitz  
President

*09/20/2006*

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Date