

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

APRIL 18, 2005

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 31st floor in the Riffe Center, Columbus, Ohio.

I. Call to Order: President Manuel R. Garcia called the meeting to order at 6:10 p.m.

Roll Call:

Present Board Members: Manuel Garcia; Mark Horwitz; Steve LaForge; James Powers, MD; Jack Reser; Kathleen Simmons; Doug Van Atta

Members Absent: none

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

II. Amendments to agenda: None

III. Approval of minutes.

a. Correction of November 2004 minutes -- corrected to note Mr. Garcia called the meeting to order as President. Motion of Reser/Powers to approve correction. Passed unanimously.

b. Approval of February 2005 minutes -- Mr. Van Atta noted that the minutes as circulated omitted Board Action approving the issuance of Notices of Opportunity for Hearing in license files 05 OPP L 01 through 05 OPP L 04. Mr. Van Atta moved approval upon incorporating this correction. Seconded by Mr. LaForge. Passed unanimously.

IV. Executive Session was convened by unanimous roll call vote at 6:20 p.m., to consider matters regarding licensee discipline/complaints, and issues requiring privileged attorney-client communications on the Motion of Powers/Reser, and to request Director Levy and AAG Chieffo remain in attendance. The Board emerged from Executive Session at 6:50 p.m. by the same method.

V. Director's Report: A. Legislative Update:

HB 66: Mr. Levy provided an update regarding the status of the biennial state budget bill, now pending before the Senate Finance Committee. As originally proposed by the Governor, provided for consolidation of 27 professional licensing boards among three cabinet-level agencies, with this Board slated to the Ohio Department of Health in a group of 16 healthcare-related Boards. Action in the House first exempted the 3 largest healthcare boards - Medical, Nursing, Pharmacy - and final House action also pulled out Accountancy, Architects and Landscape Architects, Dental, and Engineers and Surveyors. It was also reported that an alternative proposal is circulating among the affected agencies to address the Governor's stated goals by expanding the role and authority of the Central Services Agency, a division of the Department of Administrative Services, and provide for administrative oversight directly by that cabinet-level agency. After discussion including all members, consensus emerged to direct Mr. Levy to testify in opposition to the consolidation proposal and urge the continued independence and autonomy of the Board.

HB 117: "Alternative/Complementary Health Services" -- This bill pending with a long list of co-sponsors, led by Linda Reidelbach (R-Central Ohio) would provide an allowance for individuals to provide healthcare-related services with no licensing process and few restrictions or prohibitions in a vaguely-defined scope of practice. Defined as "the provision of any ... alternative health care treatment to a patient by an individual who is not a licensed health care professional ..." Prohibits a number of regulatory boards, including OPP, from taking action for unlicensed practice, but imposes upon those entities certain enforcement and complaint investigation requirements. Pending with an aggressive hearing schedule in the House Commerce and Labor Committee. Discussion provided a consensus to oppose the legislation.

B. Budget -- FY05 status. Revenue year-to-date is running in accordance with general estimates, just below \$105,000 at the present time. Expenses are below/within budget parameters. On Motion of Reser/Van Atta, the Board unanimously approved renewal of membership in CLEAR (Council for Licensure, Enforcement and Regulation). On Motion of Reser/LaForge, the Board unanimously approved the expenditure/allocation transfer of available funds for the purchase of a new multi-function fax-scanner-copier to increase office efficiency.

FY06-07 process and recommendations. Director again briefly reviewed the proposals as contained in the Executive Budget: OPP Board operations would be funded for FY06 with a Budget of \$99,571; no dollar amount is proposed for FY07. The consolidation plan, such as it is, calls for a task force comprised of representatives of the cabinet directors and three board directors to develop a plan by the end of the second quarter of FY06, with legislation to implement the plan to be acted upon by the end of the fiscal year.

C. Complaints/Enforcement -- Director distributed file status sheet showing updated activity on most open files. Status summaries with recommendations for closure from Director and supervising board members were provided for consideration; all identifying data was removed. On Motion of Van Atta/Reser, the Board accepted unanimously recommendation to close complaint files as follows: **03 C 05; 04 C 03; 04 C 06**

D. OPPCE Update -- All renewing licensees required to attest to OPPCE accrual for the cycle had reported compliance and/or completed their supplemental reporting as of the date of this meeting, excepting one who is performing marketing duties only until CE is completed both for his national certification as well as Ohio license. Director reported the office is now preparing to begin the process of auditing/verifying OPPCE as reported during the recent license renewal cycle. Forms to be utilized in the process have been circulated for members' review, and per Motion of LaForge/Powers, were approved unanimously.

VI. Old Business

A. Clarify Supervision Requirements for Licensing: Proposed language was offered to the Board, circulated for but not on the agenda of the February meeting, to consider whether supervised experience that pre-dates the advent of licensure, but which was conducted by a then-certified and now-licensed Ohio practitioner, could be counted toward the term of supervised experience which qualifies a candidate/applicant for licensure in some of the options/pathways available under ORC §4779.10 - 4779.13. Moved by Van Atta. Discussion focused on the Board's concern that its actions and policies conform closely to statutory requirements. The Motion was not seconded and no further action was taken.

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B. Continuing Education -- Coursework Requiring Board Approval: No coursework submitted for Board Approval at this time.

C. Investigative Protocols -- Complaint Referral: No updated language has been prepared for the Board's review at this time.

VII. Report on Pending License Applications:

A. Recommendations to Approve for Licensure: The following candidates for licensure were approved by unanimous vote (M/S: Van Atta/Reser):

<u>License Type</u>	<u>Candidate</u>	<u>Conditions, if any</u>	<u>Abstained</u>
Pedorthics - TEMP	SOLOMON, Judy L.		
Orthotics	LAURIE, Greg	APPROVAL FOR EXAM ONLY (option 3, 4b)	
Prosthetics	LIBBY, Brent	(option 3, 4a, 4b)	

The following candidates for licensure were approved by unanimous vote (M/S: Reser/Powers):

<u>License Type</u>	<u>Candidate</u>	<u>Conditions, if any</u>	<u>Abstained</u>
Pedorthics - TEMP	BAKER, Robert Q. DUTTON, Benjamin	pending verification of HS/College diploma pending verification of HS/College diploma	

B. Proposals to formally deny licensure -- Notices of Opportunity for Hearing: Director distributed proposed NOH documents for two applicants for licensure who apparently do not meet statutory requirements. Identifying information was removed from the documents. On Motion of Van Atta/Reser, the Board accepted unanimously issuance of Notices for these two files:

05-OPP-L-05 - Orthotics; 05-OPP-L-06 - Prosthetics

identified after the vote as applicants Donald Bevan and Terrance Landers, respectively.

Mr. Reser excused himself from the meeting at approximately 8:35 p.m.

VIII. New Business

A. Designate Licenses as Lapsed -- Director distributed a list as generated through the eLicense database, but discovered upon initial discussion that the list was inaccurate; matter deferred until next meeting.

B. Letter from New Jersey Board of Examiners Chair -- Correspondence from Robert C. Manfredi, Sr., previously circulated, dated March 1, 2005, inviting discussion of matters of mutual concern was brought up for discussion. It was noted that Mr. Manfredi was a leader in his state's movement toward licensure, and has been an advocate in this regard nationally. The Board expressed appreciation for his outreach in this regard, and authorized the Director to engage in further discussion with Mr. Manfredi.

