

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

FEBRUARY 04, 2004

Re-scheduled from January 21st, 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: Board President Steve LaForge called the meeting to order at 6:10 p.m.

Roll Call:

Present Board Members: Julie Bush, Steve LaForge, James Powers, MD, Jack Reser, and Doug Van Atta

Members Absent: Manuel Garcia, Mark Horwitz¹

Staff: Mark Levy, Board Director
Steve McGann, Assistant Attorney General

Guests: Dianne Farabi

II. Amendments to agenda

By unanimous consent, the Agenda was approved as distributed.

III. Approval of minutes of December 2, 2003

The minutes as circulated were reviewed and approved by unanimous vote (Motion: Reser/Van Atta)

IV. Director's Report -- Mark Levy

A. Legislative update:

- o ORC 4779 revisions: Director continues to seek opportunities to move the draft bill into process, maintaining contact with legislative sponsor and association representatives. Dianne Farabi, representing the Ohio O&P Association, reported upon request that although Sen. Austria is still working at introducing the bill in the Senate, he is also discussing other strategies and is urging the association to line up sponsorship in the other chamber.
- o SB 35 -- physical therapists' "Direct Access" bill -- Board staff has not been active on this measure. Ms. Farabi reported the bill passed both houses; an amendment was included in the House version to exclude O&P services from the scope of services a physical therapist could treat without medical referral/diagnosis; and the bill is awaiting conference committee consideration.
- o HB 105 would require the licensure of home medical equipment services providers by the Ohio Respiratory Care Board. Excludes OPP licensees from the bill's requirements. The bill has passed the House and has been assigned to the Senate Health, Human Services and Aging Committee, chaired by Sen. Wachtman. No hearings have been held in the Senate Committee

¹ It was noted that this absence and Mr. Horwitz' other recent absences were due to an activity-inhibiting medical condition for which he is being treated.

B. Budget Update -- Spreadsheets were distributed showing expenses well within budget parameters. During December and January, the Board processed about \$65,000 in license renewal fees, and we are expecting to show another \$30,000 + by the next board meeting.

C. Enforcement -- Deferred to Executive Session.

D. Database system update -- The database system has proved effective but, for this first round, somewhat data-entry intensive as address and contact information has been updated to meet the parameters of the new system, and as about 100 dual-licensed prosthetist-orthotists have accepted the opportunity to combine their two licenses into a single LPO credential.

E. Ethics filing reminder: All Board Members and the Director are required to file. The Ohio Ethics Commission has notified agencies that Ethics Disclosure filing forms will be mailed by February 15, 2004. Filings must be effected by April 15, 2004. Filing fee has increased to \$40 from \$25; the Board pays the fee. Late penalty = \$10/day up to \$250 maximum. For any member that requests it, the Board office will receive your filing, transmit it to OEC, and get a "proof" of filing for your records -- assuming it is submitted to the Board office in a timely fashion.

F. Next Ethics Training for Board and Commission Members: no new information; we are still being told to expect dates in May.

G. Audit and Audit planning. The Auditor of State is required to conduct an audit of every state agency every two years. We have been informed by the Auditor's office that the OPP Board will have its initial audit conducted during the coming weeks/months. While some work has been done to assure required records are assembled and available, we can anticipate that participation and compliance with audit requirements and document requests will involve a significant expenditure of staff time. A question was raised regarding accountability, oversight and fiscal integrity. What is the appropriate role of a Board member, and what is the Director's responsibility in this regard? Consensus of the discussion was that the President and Director should work on a protocol that addresses these concerns to be circulated to the Board for review and approval.

V. **Executive Session:** The Board entered executive session to discuss licensee discipline, potential litigation, and information deemed confidential by federal law and regulation by unanimous roll call vote at 6:55 p.m. Emerged from Executive Session by same method at 7:00 p.m.

VI. **Report on Pending License Applications:** the following candidates were reported to the Board by Mr. Levy and Ms. Bush as possessing the necessary qualifications for licenses as indicated for each, and each was approved unanimously upon motions as noted:

<u>Name</u>	<u>License Type</u>	<u>Moved/Seconded</u>
BURLEY, John	TEMPORARY - Pedorthist	Reser / Bush
WAGNER, Nathan	TEMPORARY - Orthotist	Powers / Van Atta
DAULTON, Tamara	PEDORTHIST	Reser / Bush

Noting that Julie Bush has performed the role of Board Member reviewer for licensing applications since mid-2002, this duty will need to be re-assigned. Doug Van Atta volunteered, and no objections were noted.

VII. Old Business:

A. Supervision. Although we have gathered information regarding licensees providing supervision to unlicensed persons, the information has not been compiled in a manner that will be useful for discussion. Discussion deferred.

B. Continuing education. Director continues to work on language for the CE approval and review process. Mr. LaForge suggested the Board consider issuing an advisory by mail to licensees at mid-year to inform about expected processes and documentation requirements at next year's renewal.

VIII. New Business:

A. Office Policies -- Hours, Attendance, Decorum, Discipline. Initial draft language was circulated for the Board's consideration. More work will be performed on this document, to be re-circulated for review prior to the next Board meeting for possible approval at that time.

B. Compensatory Time Policy -- Exempt Personnel. Initial draft language was circulated for the Board's consideration. More work will be performed on this document, to be re-circulated for review prior to the next Board meeting for possible approval at that time.

C. FY06 - FY07 Budget planning. Office of Budget and Management (OBM) has circulated a memorandum and timetable, circulated to the Board, for this process, moving the process up on the calendar by about 6 months from the usual starting time. It will be important for a Board Member to volunteer or be appointed to serve a consultative/oversight role for this process.

D. Temp Licensee -- apply § 4779.20 exception to fee? ORC § 4779.20 provides, in part: "... the board may waive part of the renewal fee for the first renewal of an initial license that expires one hundred days or less after it is issued." Maureen Georgevich, who was granted a Temporary license in pedorthics 88 days before it expired, submitted a full-fee license renewal but expressed concern about the requirement to pay an application fee for a full license, which she expects to be ready to submit in February or March. The Board was asked to consider the following proposed policy language:

Where a temporary licensee's Temp License was in effect for less than 100 days before renewal, a full renewal fee was paid, and the licensee will be prepared to submit a complete application for full licensure within 60 days of the effective date of the current license period, the application fee may be waived in consideration of the language of ORC § 4779.20. In the alternative, a refund of one-third of the license renewal fee should be issued.

Discussion centered on the requirement that the Director determine whether either the waiver or refund method would be considered more appropriate from an administrative standpoint considering the state of Ohio's requirements regarding fiscal policy. The policy was **moved** by James Powers, **seconded** by Julie Bush, and **approved** unanimously, but for a noted **abstention** by Jack Reser.

E. Next meeting date: March 31, 2004.

F. Dr. Powers offered a motion that the Board approve a Resolution commending Julie Bush for her outstanding service to the Board during the past three years. Passed unanimously.

VIII. Adjournment: Motion to adjourn (Bush/Van Atta) passed by unanimous consent at 7:20 p.m.

Respectfully Submitted,

Approved:

/s/ Mark B. Levy

Mark B. Levy
Board Director

/s/ Steven G. LaForge

President

April 1, 2004

Date