

BOARD BRIEFS -- Highlights of Actions and Items of Interest **2007 year-to-date**

In an effort to keep the public and the professional community informed of Board action and activities, we are providing this summary of Board actions and related items. Please keep in mind 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. This summary is based on actions taken at the March, May, September, and December 2007 meetings.

→ **NEW MEMBERS APPOINTED** -- In August, [Gov. Strickland](#) appointed two new members to the Board:

David DeLuccia, LPO.153 of Columbus, is an American Board of Certification Certified orthotist/prosthetist and currently works on the staff of American Orthopedics in Columbus. He is a frequent presenter for students in the Physical Medicine and Rehabilitation Program at the Ohio State University and a consultant to the Ohio Bureau of Workers' Compensation. DeLuccia received his Bachelor's degree from Manhattan College in 1998 and his Certificate in Orthotics in 2000 from the Newington Certificate Program. He has been licensed in Prosthetics since 2001, adding Orthotics in 2002.

Elsa Fritts, LPED.119 of Akron, is a certified, licensed pedorthist, and has sought to establish effective relationships with the medical community to assist patients with proper footwear and prescription foot/shoe orthotics. She is the owner of two Foot Solutions stores, which offer specialty shoes and custom orthotics, in Lyndhurst and Strongsville. Fritts earned a Bachelor's degree from the University of Missouri in 1979 and a Master's degree from Lindenwood University in 1986. She also attended the Foot Solutions Pedorthic School in Atlanta. She has been licensed since 2004.

→ **OFFICERS ELECTED** – At the Board's annual meeting in September, the presidential gavel was passed to Douglas B. Van Atta, LPO.158, coming up on the last year of his two-term service (term expires 12/6/2008). Howard H. Harcha, Jr., the consumer member and a retired trial attorney from Portsmouth, was re-elected to the position of Secretary. Continuing service on the Board, and coming up on his last year as well, is Manuel R. Garcia, LPO.37, Strongsville.

→ **FINAL FOUNDER'S FAREWELL** -- December's Board meeting was likely the last for Mark Horwitz, LPO.52, who served a very full two-term, six-year stint, the last two as Board President. Mr. Horwitz, who is the clinical director of OrPro Orthotics and Prosthetics, with Ohio operations based in Dayton, guided the Board toward a more aggressive effort to notify health care partners and providers regarding the scope and requirements of licensure in the O & P & Pedorthics fields, and in modifying regulatory language to more closely track national standards of care.

→ **BOARD SEATS OPEN** -- As of this writing, two seats are available for appointment on the State Board of Orthotics, Prosthetics, and Pedorthics: (1) an Orthotics and/or Prosthetics Practitioner seat, and (2) the "doctor" seat, which is reserved for an M.D., D.O, or D.P.M. licensee of the State Medical Board. Persons interested in applying need to [download an application](#) from the [Governor's website](#).

→ **LICENSING PATHWAYS NARROW AGAIN** -- In accordance with the requirements detailed in the [Orthotics, Prosthetics and Pedorthics Practice Act](#), licensing in Orthotics and Prosthetics will become more restrictive/selective in the coming year. Only two combinations of education and training credentials will qualify candidates to have an application approved:

- (1) Bachelors degree (any), post-grad certificate program in field of practice, and residency;
- (2) Bachelors degree in O&P plus residency.

In addition, **any candidate who did not serve a residency under an Ohio-licensed practitioner will need to first obtain a Temporary license**, as the statute requires that *“the applicant has practiced [orthotics or prosthetics or both] for not less than eight months under the supervision of an individual licensed under this chapter to practice [in the same field(s)].”* [ref: [Ohio Revised Code §4779.10\(A\)\(1\)](#), [§4779.11\(A\)\(1\)](#), [§4779.12\(A\)\(1\)](#)].

Applicants seeking licensure under one of the current “alternative” pathways must submit their [applications](#) prior to January 1, 2008.

→ **LICENSING** -- [for online real-time license status verification, click to: opp.ohio.gov]

-- The following **new licenses were approved** and/or reported in 2007:

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| Prosthetics-Orthotics | DELAHANTY, Timothy C. LAPINSKY, Joseph J. | |
| Prosthetics | BIGHAM, Kristin A. KICZEK, Joseph D. FARLEY, Jeremy C. SANDY, Thomas E. | |
| Prosthetics - TEMP | RUSSELL, Rebecca M. SAWERS, Andrew B. | plus Approved for Exam plus Approved for Exam |
| Orthotics | ALLEN, Kevin R. BEST, Aaron R. BIBBINS, Rafiel CARFORA, Kelly A. KALIPONI, Robyn M. McKENNEY, Megan C. POEPELMAN, Michelle A. PARSONS, Sarah R. SAWERS, Andrew B. SHAFER, Timothy J. | Approved for Exam ONLY Approved for Exam ONLY <i>(2007 Application)*</i> |
| Orthotics - TEMP | MONTGOMERY, Rosemary TIMMER, JASON R. SEAVER, Tyler J. EGLI, Laura S. HANSEN, Michael E. ZILLICH, Evan P. | plus Approved for Exam plus Approved for Exam plus Approved for Exam plus Approved for Exam plus Approved for Exam |
| Pedorthics | DeLAY, Matthew W. GROVES-COPLIN, Denise G. HAWK, Eric N. HUFFMAN, Ken L. JACOB, Christopher G. KILPATRICK, Debra MOORE, Amanda E. | upgrade from Temp upgrade from Temp upgrade from Temp upgrade from Temp |

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| | OSBORNE, Kate D. | |
| | SCHEETZ, Lisa A. | upgrade from Temp |
| | SMITH, Steven E. | |
| | WILLIAMS, Jason J. | upgrade from Temp |
| | ZIOLKOWSKI, Joanne L. | upgrade from Temp |
| Pedorthics - TEMP | CUNNINGHAM, Jennifer | |
| | MALINOWSKI, Mark A. | |
| | MALINOWSKI, Janet M. | |
| | STARK, Shannon L. | (second issuance) |

OTHER LICENSING ACTIONS

Pursuant to Goldman (record only) hearings, the Board issued the following orders in actions taken based on formal Notices of Opportunity for Hearing issued:

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| SHAFER, Timothy – | Denied license in Orthotics for failure to meet the requirements of ORC Section 4779.10 (2006 Application)* |
| ELLIOT, Ronald G. -- | Denied license in Orthotics for failure to meet the requirements of ORC Section 4779.10 |
| OWENS, Carlos -- | Denied license in Pedorthics for failure to meet the requirements of ORC Section 4779.13 |
| WATT, Eric -- | Denied license in Prosthetics for failure to meet the requirements of ORC Section 4779.11 |
| CHAFFIN, Michael -- | Denied license in Prosthetics for failure to meet the requirements of ORC Section 4779.11 |

Pursuant to full adjudication hearings, the Board issued the following orders in actions taken based on formal Notices of Opportunity for Hearing issued:

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| MITTICA, Richard A. -- | Approved license in Pedorthics pursuant to the requirements of ORC Section 4779.13 |
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COMPLAINTS / ENFORCEMENT

Issued a **Notice of Immediate Suspension and Opportunity for Hearing** to Michael P. Marmer, LO.81 and LPED.26, finding by clear and convincing evidence that Mr. Marmer "... engaged in conduct described in division (A) of Section 4779.28 of the Revised Code, to wit: a plea of guilty to a misdemeanor or felony involving moral turpitude, and habitual use of drugs or intoxicants to the extent that it renders the person unfit to practice, and that his continued practice presents a danger of immediate and serious harm to the public ..." The suspensions remain in effect pending licensee's request for a hearing, and that the hearing date be continued indefinitely.

OTHER BUSINESS

Criminal Record Checks – As we "go to press," the Ohio legislature has passed [Am. Sub. H.B. 104](#), which will require any new applicant for licensure to obtain a state and federal criminal records check to be reported to the Board for consideration during the license application and review process. The Board supported this legislation, and staff worked cooperatively with other licensing board directors and legislative liaisons to craft and move the bill, which addresses nearly all state of Ohio professional occupational licensing entities, through the legislative

process. The Board will need to adopt language in its Administrative Code Rules to implement the provision.

Compression Hose – not an “orthotic device”

In 2006, we worked successfully with ODJFS/Ohio Medicaid staff to amend [Ohio Administrative Code \(OAC\) Rule 5101:3-10-20 -- Covered orthotic and prosthetic services and associated limitations](#) to link reimbursement with appropriate licensure. Shortly thereafter, we noted that included in [the schedule of “covered” items](#) were a series of support and compression hose, gradient sleeves and gloves, and a gauntlet, that, in the Board’s judgment were not “protected” orthotic devices under Chapter 4779, as they appear to fall within the “does not include” exception of “other prefabricated soft goods requiring minimal fitting” in [ORC § 4779.01\(D\)](#). Although appropriately trained licensees and staff may still fit and dispense these items, they are not subject to being claimed exclusively as orthotic devices. With the Board’s urging and support, ODJFS/Medicaid amended [the appendix](#) that accompanies the rule.

Rules Review – some down, more to go. The Board authorized the Director to initiate a process to conduct a comprehensive review of the [rules in the OPP Administrative Code](#) series. [An initial package of rules changes](#) – both housekeeping fixes and substantive amendments – was promulgated and approved.

The following rules were amended:

[4779-1-02](#) [Notice of board meetings](#) (clarify procedure; eliminate specific subject matter notification)

[4779-2-01](#) [Board organization](#) (clarify board may only fill a board officer vacancy, not member vacancy)

[4779-3-01](#) [Definition of terms](#) (re-define “physically present” for supervision purposes as “at the same building, location, or facility” instead of “in the same room”; define “custom fabricated” and “custom fitted” to conform to CMS guidelines)

[4779-5-02](#) [Admission to the examination](#). (clarify procedures)

[4779-9-01](#) [General OPPCE requirements ...](#) (eliminate language for Temporary license holders)

A [guide to participation in the rules review process](#) is available at the website. On the Board’s agenda for 2008: refining the rules governing the license application and review procedure; promulgation of rules to better define supervision standards; and establishing minimum requirements for client file documentation.

For further information, contact the Board office:

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