

TEXAS BOARD OF ORTHOTICS & PROSTHETICS

RULES COMMITTEE MEETING

**Thursday, February 20, 2014, 8:30 am
William P. Hobby Jr. Building Room 100
333 Guadalupe St, Austin, TX 78701**

Minutes

Members Present

Roy McCoy, Public Member
Ray Smith, Professional Member

Staff Present

Yvonne Feinleib
Carol Miller
Cindy Bourland
Elaine Snow
Michael De La Cruz

Public Present

Mark Kirchner	Gordon Stevens
Catherine Morgan	Candace Paquette
Lisa Williams Guichet	Kent Baker
Gary D. Strobel	

Agenda Item 1 was Call to Order – Introduction of Members, Guests, and Staff. The meeting was called to order by Ray Smith at 8:43 a.m.

Agenda Item 2 was Review and Approve October 17, 2013 Committee Minutes. Ray Smith made a motion to approve the minutes as written. The motion was seconded by Roy McCoy and passed.

Agenda Item 3 was Review, Discussion, and Possible Action Regarding New Rules Concerning the Licensing of Military Spouses, 22 Texas Administrative Code, Chapter 821, Licensing of Spouses of Members of the Military (Senate Bill 1733, 82nd Texas Legislature, Regular Session, 2011) and Licensing of Military Service Members, Military Veterans, and Military Spouses (Senate Bill 162 and House Bill 2254, 83rd Texas Legislature, Regular Session, 2013).

Ray Smith made a motion to approve the rules as proposed. The motion was seconded by Roy McCoy and passed.

Agenda Item 4 was Review, Discussion, and Possible Action Regarding Amendments to the Rules Concerning the Licensure and Regulation of Orthotics and Prosthetics, 22 Texas Administrative Code, Chapter 821, including possible repeal of Rule §821.20(a)(5) Complaints.

Ray Smith made a motion to table the item for the next meeting and add additional language. The motion was seconded by Roy McCoy and passed.

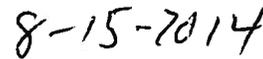
Agenda Item 5 was Items for Future Consideration. Roy McCoy requested that concerns about enforcement of rules, particularly related to non-jurisdictional cases and staff closure of cases, be placed as an item for future consideration.

Agenda Item 6 was Public Comment. There was one public comment.

Agenda Item 7 was Adjournment. Ray Smith made a motion to adjourn the meeting. The motion was seconded by Roy McCoy and passed. The meeting was adjourned at 9:24 a.m.



Roy McCoy, Chair, Public Member



Date

TEXAS BOARD OF ORTHOTICS & PROSTHETICS

BOARD WORKSHOP

Thursday, February 20, 2014, 1:30 p.m.
William P. Hobby Jr. Building Room 100
333 Guadalupe St, Austin, TX 78701

Minutes

Members Present

Rebecca Brou, Board Chair,
Leah F. Esparza, Public Member
Roy McCoy, Public Member
Richard Neider, Professional Member
Ray Smith, Professional Member
Miguel Mojica, Professional Member

Staff Present

Cindy Bourland
Carol Miller
Yvonne Feinleib
Renee Clack
Elaine Snow
Jeri Bailey
Michael De La Cruz

Jason Carr
Gerard Bonner
Alex Ortiz
Damon Parker
Rudy Boeta
Oscar Draughn
Jerry Gonzalez

Public Present

Gordon Stevens
Kent Baker
Rhonda F. Turner
Jared Howell
Catherine Mize
Lisa Williams-Guichet

Gary D. Strobel
Tracey Russ
Eric Ramos
Blake Norquest

Agenda Item 1 was Call to Order – Introduction of Members, Guests, and Staff. The meeting was called to order by Rebecca Brou at 1:30 p.m.

Agenda Item 2 was Leadership statement from board chair regarding workshop. Ms. Brou presented the statement.

Agenda Item 3 was Presentation by DSHS staff regarding Professional Licensing & Certification processes related to board support and coordination; roles and responsibilities; complaints, investigations, and enforcement; resources; and general operational information. Ms. Bourland, Mr. Neider and Mr. Smith presented information.

Agenda Item 4 was Discussion regarding Professional Licensing & Certification processes related to board support and coordination; roles and responsibilities; complaints, investigations, and enforcement; resources; and general operational information. The Board discussed the topic.

Agenda Item 5 was Public Comment. There was no public comment.

Agenda Item 6 was Adjournment. Richard Neider made a motion to adjourn the meeting. The motion was seconded by Ray Smith and passed. The meeting was adjourned at 3:10 p.m.



Rebecca Brou, Board Chair, Public Member

8/19/14
Date

Ray D. Smith, Public Member

TEXAS BOARD OF ORTHOTICS & PROSTHETICS

ENFORCEMENT COMMITTEE MEETING

**Friday, February 21, 2014, 8:30 a.m.
William P. Hobby Jr. Building Room 100
333 Guadalupe St, Austin, TX 78701**

Minutes

Members Present

Ray Smith, Public Member
Richard Neider, Professional Member
Rebecca Brou, Public Member

Staff Present

Yvonne Feinleib	Jeri Bailey
Cindy Bourland	Renee Clack
Carol Miller	Jason Carr
Michael De La Cruz	Gerard Bonner
Elaine Snow	Jerry Gonzalez

Public Present

Jose Gomez	Prestine Rutledge	Casey Darham
Julie Modzelewski	Robert Wright	Catherine Mize
Sahujer Nelson	Gordon Stevens	Rhonda Turngo
Mark foster	Kevin Baker	Jared Howell
James R. Donahue	Jeff Neu	Cindy Punah
Edward M Donahue	James McCoy	Ricardo Ramos
Gary Strobel	Ashley Watkins	Bobby Hillert
Candace Paquette	Melissa Fowler	Tracey Russ
Greg Brou	Seth Stevens	
Mark Kirchner	Breanne Moen	

Agenda Item 1 was Call to Order – Introduction of Members, Guests, and Staff. The meeting was called to order by Richard Neider at 8:34 a.m.

Agenda Item 2 was Review and Approve November 8, 2013, Committee Minutes. Ray Smith made a motion to approve the minutes. The motion was seconded by Rebecca Brou and passed.

Agenda Item 3 was Review, discussion and possible action regarding Complaint # 1070-11-0034. No action was taken on the complaint.

Agenda Item 4 was Review, discussion and possible action regarding Complaint # 1070-11-0035. Ray Smith made a motion to impose a three year probated suspension and a \$10,000 administrative penalty, and require the owner to complete the Jurisprudence Exam. The motion was seconded by Rebecca Brou and passed.

Agenda Item 5 was Review, discussion and possible action regarding Complaint # 1070-12-0004.

Ray Smith made a motion to issue a cease and desist letter and impose a \$75, 000 administrative penalty. The motion was seconded by Rebecca Brou and passed.

Agenda Item 6 was Review, discussion and possible action regarding Complaint # 1070-12-0005. Ray Smith made a motion to issue a cease and desist letter and impose a \$75, 000 administrative penalty. The motion was seconded by Rebecca Brou and passed.

Agenda Item 7 was Review, discussion and possible action regarding Complaint # 1070-12-0030. Ray Smith made a motion to table the complaint. The motion was seconded by Rebecca Brou and passed. The agenda item was revisited. Ray Smith made a motion to close the complaint with no violation. The motion was seconded by Rebecca Brou and passed.

Agenda Item 8 was Review, discussion and possible action regarding Complaint # 1070-12-0031. Ray Smith made a motion to table the complaint. The motion was seconded by Rebecca Brou and passed. The agenda item was revisited. Ray Smith made a motion to close the complaint with no violation. The motion was seconded by Rebecca Brou and passed.

Agenda Item 9 was Review, discussion and possible action regarding Complaint # 1070-12-0034. Ray Smith made the motion to close the complaint as no violation. The motion was seconded by Rebecca Brou and passed.

Agenda Item 10 was Review, discussion and possible action regarding Complaint # 1070-12-0035. Ray Smith made the motion to close the complaint with a non-disciplinary letter of concern. The motion was seconded by Rebecca Brou and passed.

Agenda Item 11 was Review, discussion and possible action regarding Complaint # 1070-12-0036. Ray Smith made the motion to close the complaint as unsubstantiated. The motion was seconded by Rebecca Brou and passed.

Agenda Item 12 was Review, discussion and possible action regarding Complaint # 1070-12-0048. Ray Smith made the motion to close the complaint with no violation. The motion was seconded by Rebecca Brou and passed.

Agenda Item 13 was Review, discussion and possible action regarding Complaint # 1070-12-0049. Ray Smith made the motion to close the complaint with no violation. The motion was seconded by Rebecca Brou and passed.

Agenda Item 14 was Review, discussion and possible action regarding Complaint # 1070-13-0005. Rebecca Brou made the motion to close the complaint as unsubstantiated. The motion was seconded by Ray Smith and passed.

Agenda Item 15 was Review, discussion and possible action regarding Complaint # 1070-13-0012. Ray Smith made the motion to close the complaint with no violation. The motion was seconded by Rebecca Brou and passed.

Agenda Item 16 was Review, discussion and possible action regarding Complaint # 1070-13-0013. Ray Smith made the motion to close the complaint with no violation. The motion was seconded by Rebecca Brou and passed.

Agenda Item 17 was Review, discussion and possible action regarding Complaint # 1070-13-0027. Ray Smith made a motion to impose a three year probated suspension and a \$10,000 administrative penalty and require the respondent to complete the Jurisprudence Exam. The motion was seconded

by Rebecca Brou and passed.

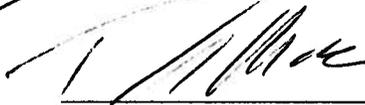
Agenda Item 18 was Review, discussion and possible action regarding Complaint # 1070-14-0007. Ray Smith made the motion to close the complaint with no violation. The motion was seconded by Rebecca Brou and passed.

Agenda Item 19 was Staff Report Concerning Update on Open, Tabled, and Closed Cases. Carol Miller presented the report.

Agenda Item 20 was to Set Next Meeting Date and Propose Agenda Items. The tentative meeting date was set for May 1-2, 2014. No agenda items were proposed.

Agenda Item 21 was Public Comment. There was no public comment.

Agenda Item 22 was Adjournment. Rebecca Brou made a motion to adjourn. The motion was seconded by Ray Smith and passed. The meeting was adjourned at 2:18 p.m.



Richard Neider, Chair, Professional Member

8/14/14
Date

TEXAS BOARD OF ORTHOTICS & PROSTHETICS

BOARD MEETING

Friday, February 21, 2014, 1:00 p.m.
William P. Hobby Jr. Building Room 100
333 Guadalupe St, Austin, TX 78701

Minutes

Members Present

Rebecca Brou, Board Chair
Roy McCoy, Public Member
Ray Smith, Professional Member
Richard Neider, Professional Member
Miguel Mojica, Professional Member

Staff Present

Cindy Bourland	Elaine Snow
Carol Miller	Renee Clack
Yvonne Feinleib	Michael De La Cruz
Jeri Bailey	Marc Connelly
Gerard Bonner	

Public Present:

James McCoy	Tracey Russ
Catherine Mize	Gordon Stevens
Mark Kirchner	Jared Howell
Rick Ramos	Ben Gamboa

Agenda Item 1 was Call to Order – Introduction of Members, Guests, and Staff. The meeting was called to order by Rebecca Brou at 2:39 p.m.

Agenda Item 2 was Review and Approve the November 8, 2013, Board Meeting Minutes. Richard Neider made a motion to table the minutes until the next meeting for amendments. The motion was seconded by Rebecca Brou and passed.

Agenda Item 3 was Discussion and Possible Action Regarding Reports from the Board Committees.

a. Licensing and Accreditation Committee – Roy McCoy gave the report. A motion was made to approve the report. The motion was seconded and passed.

- Number of Applications Reviewed 30
- Number of Applications Approved 27
- Number of Applications Denied 1
- Number of Applications Tabled 2

b. Enforcement Committee – Richard Neider gave the report. A motion was made to approve the report. The motion was seconded and passed.

- Number of Cases Reviewed 18
- Disciplinary Action Recommended 5
- Number of Cases Closed 13
- Number of Cases Tabled 0

c. Rules Committee – Roy McCoy gave the report. A motion was made to approve the report. The motion was seconded and passed.

- Military Spouses, Service Members, and Veterans
- Complaints

Agenda Item 4 was Review, Discussion, and Possible Action Regarding Final Disciplinary Action on 1070-13-0030; 1070-13-0026; 1070-10-0061 & 1070-11-0033. Richard Neider made the motion to approve final disciplinary actions. The motion was seconded by Ray Smith and passed.

1070-13-0030 – Richard Neider made the motion to approve final disciplinary action. The motion was seconded by Ray Smith and passed.

1070-13-0026 – Richard Neider made the motion to approve final disciplinary action. The motion was seconded by Roy McCoy and passed.

1070-10-0061 – Richard Neider made the motion to approve disciplinary action. The motion was seconded by Ray Smith and passed.

1070-11-0033 – Richard Neider made the motion to approve disciplinary action. The motion was seconded by Ray Smith and passed.

Agenda Item 5 was Review, Discussion, and Possible Action Regarding complaint cases which the Board has referred to the State Office of Administrative Hearings, or which staff recommends referral to the State Office of Administrative Hearings including:

1070-09-0006, 1070-09-0010, 1070-09-0014, 1070-09-0027, 1070-09-0032, 1070-09-0040,
1070-10-0044, 1070-10-0057, 1070-10-0074, 1070-10-0075, 1070-11-0045, 1070-13-0023,
1070-13-0029

The board went into executive session in accordance with Government Code Chapter 551.071 (Open Meetings Act) for the purposes of consulting with the board attorney concerning the matter of agenda item 5 at 4:15 p.m. The board came out of executive session at 4:43 p.m.

Roy McCoy made a motion to table the agenda item until the next meeting. The motion was seconded by Miguel Mojica and passed.

Agenda Item 6 was Board Attorney's Report on Current Legal Challenges and Accomplishments, including Lorenzo L. Gonzales vs. Texas Board of Orthotics and Prosthetics.

The board went into executive session in accordance with Government Code Chapter 551.071 (Open Meetings Act) for the purposes of consulting with the board attorney concerning the matter of agenda item 6 at 3:07 p.m. Ms. Brou invited the public to attend the executive session after consultation with

Marc Connelly, DSHS Office of General Counsel (OGC). All items presented by attorney were discussed. The board came out of executive session at 3:58 p.m. No action was taken.

Agenda Item 7 was Presiding Officer's Report, which may have included Current Challenges and Accomplishments; Interaction with Stakeholders, State Officials and Staff; Committee Appointments and Functions; Workload of Board Members; and General Information Regarding the Routine Functioning of the Board. Rebecca Brou gave the report.

Agenda Item 8 was Executive Director's Report, which may have included Program Operations; Customer Service Accomplishments, Inquiries, and Challenges; Current and/or Historical Licensee Statistics; Media, Legislative, and Stakeholder Contacts and Concerns; Workload Processing; Special Projects Assigned to Executive Director; General Information Regarding the Routine Functioning of the Licensure Program; and Executive Director's Report Concerning Update on Open, Tabled, and Closed Cases as well as Disciplinary Action Log and Tool. Carol Miller gave the report.

Agenda Item 9 was Professional Licensing and Certification Unit Management Report, which may have included Unit Organization and Staffing; Program Costs and Revenue; Current Operational Initiatives; Customer Service Accomplishments and Challenges; Workload Processing and Statistical Information; Status of Rulemaking within the Unit; Legislative and Media Contacts and Tracking; and General Information on Functioning of the Unit. Cindy Bourland gave the report.

Agenda Item 10 was Set Next Meeting Dates and Propose Agenda Items. The board discussed holding the next meeting, May 1-2, 2014, in Houston; the August 2014 meeting in Austin with Ray Smith serving as Chair; and the November 2014 meeting in Dallas. No agenda items were proposed.

Agenda Item 11 was Public Comment. One comment was received.

Agenda Item 12 was Adjournment. Roy McCoy made the motion to adjourn the meeting. The motion was seconded by Rebecca Brou and passed. The meeting was adjourned at 4:59 p.m.



~~Rebecca Brou, Board Chair~~

Ray D. Smith

8/15/14
Date