

TEXAS BOARD OF ORTHOTICS & PROSTHETICS

ENFORCEMENT COMMITTEE MEETING

**Thursday, February 26, 2015, 10:00 a.m.
William P. Hobby Jr. Building Room 100
333 Guadalupe St, Austin, TX 78701**

MINUTES

Members Present

Rebecca Brou
Richard Neider
Ray Smith

Staff Present

Michael De La Cruz
Oscar Draughn
Yvonne Feinleib
Don Jansky
Gerard Bonner

Public Present

Dale Sheen	Tony Cobos
Karen Thomson	John Gilpin
Katie Brinkley	Randy Farley
John Rivas	James McCoy
Mark Kirchner	Tom Di Bello
Justin Pfaff	Lisa Guichet
Jeff Forbes	Laura Ramsower

Agenda item 1 was call to order – Introduction of members, guests, and staff. Meeting was called to order by Richard Neider at 10:03 a.m.

Agenda item 2 was discussion and possible action concerning board members who are inexcusably absent from regularly scheduled board meetings, as defined under Texas Occupations Code Section 605.057(a)(5). No action was taken.

Agenda item 3 was review and approve November 13, 2014, committee minutes. Ray Smith made a motion to approve the minutes as written. The motion was seconded by Rebecca Brou and passed.

Agenda item 4 review, discussion and possible action regarding complaint #1070-12-0047. Richard Neider recused himself. Rebecca Brou made a motion to close the case with no violation. The motion was seconded by Ray Smith and passed.

Agenda Item 5 was review, discussion and possible action regarding complaint #1070-13-0004. Ray Smith made a motion to close the case with no violation. The motion was seconded by Rebecca Brou and passed.

Agenda Item 6 was review, discussion and possible action regarding complaint #1070-13-0006. Ray Smith made a motion to close the case with no violation. The motion was seconded by Rebecca Brou and passed.

Agenda item 7 was review, discussion and possible action regarding complaint #1070-14-0002. Ray Smith made a motion to close the case with no violation. The motion was seconded by Rebecca Brou and passed.

Agenda item 8 review, discussion and possible action regarding complaint #1070-14-0005. Richard Neider recused himself. Rebecca Brou made a motion to close the case with no violation. The motion was seconded by Ray Smith and passed.

Agenda item 9 was review, discussion and possible action regarding complaint #1070-14-0021. Ray Smith made a motion to close the case with no violation. The motion was seconded by Rebecca Brou and passed.

Agenda item 10 was staff report concerning update open cases, to include tabled cases. Yvonne Feinleib gave the report. No action was taken.

Agenda item 11 was discussion and possible action concerning closed cases. Yvonne Feinleib gave the report. No action was taken.

Agenda item 12 was discussion and possible action concerning the draft sanction guide. Rebecca Brou made a motion to approve draft sanction guide with amendments. The motion was seconded by Ray Smith and passed.

Agenda item 13 was discussion and possible action concerning overview of past enforcement actions taken by the board. No action was taken.

Agenda item 14 was set next meeting dates. The meeting dates were set for May 13–15, 2015.

Agenda item 15 was propose agenda Items. There were no proposed agenda items.

Agenda item 16 was public comment. There was no public comment.

Agenda item 17 was adjournment. Richard Neider made a motion to adjourn the meeting at 11:32 a.m. The motion was seconded by Rebecca Brou and passed.



Richard Neider, Chair
Professional Member



Date

TEXAS BOARD OF ORTHOTICS & PROSTHETICS

LICENSING AND ACCREDITATION COMMITTEE MEETING

Friday, February 27, 2015, 10:00 a.m.
William P. Hobby Jr. Building Room 100
333 Guadalupe St, Austin, TX 78701

MINUTES

Members Present

Miguel Mojica
Roy McCoy
Ray Smith

Members Absent

David Kercheval

Staff Present

Michael De La Cruz
Yvonne Feinleib
Don Jansky

Public Present

James McCoy	Katie Brinkley
Kathryn McCravey	Mark Kirchnor
Kasey Guentent	Jared Howell
John Tsoras	Lisa Guichet
Gary Strober	Tracey Russ
Lou Zereuo	

Agenda Item 1 was call to order – Introduction of members, guests, and staff. The meeting was called to order by Miguel Mojica at 10:02 a.m.

Agenda Item 2 was discussion and possible action concerning board members who are inexcusably absent from regularly scheduled board meetings, as defined under Texas Occupations Code Section 605.057(a)(5).

Agenda Item 3 was review and approve November 14, 2014, committee minutes. Roy McCoy made a motion to approve the minutes as written. The motion was seconded by Ray Smith and passed.

Agenda Item 4 was review, discussion, and possible action to approve or disapprove the following pending assistant applications:

CL (Orthotics and Prosthetics) – Roy McCoy made a motion to approve the assistant application. The motion was seconded by Ray Smith and passed.

LN (Orthotics). – Ray Smith made a motion to approve the assistant application. The motion was seconded by Roy McCoy and passed.

Agenda item 5 was review, discussion, and possible action to approve or disapprove the following pending student applications. No action was taken.

BB (Orthotics) – Ray Smith made a motion to approve the student application. The motion was seconded by Roy McCoy and passed.

KC (Orthotics) Roy McCoy made a motion to approve the student application. The motion was seconded by Ray Smith and passed.

CF (Orthotics and Prosthetics) Roy McCoy made a motion to approve the student application. The motion was seconded by Ray Smith and passed.

EH (Orthotics) Ray Smith made a motion to approve the student application. The motion was seconded by Roy McCoy and passed.

CK (Orthotics) Ray Smith made a motion to approve the student application. The motion was seconded by Roy McCoy and passed.

BS (Orthotics and Prosthetics) - Ray Smith made a motion to approve the student application. The motion was seconded by Roy McCoy and passed.

RS (Orthotics and Prosthetics) – Roy McCoy made a motion to approve the student application. The motion was seconded by Ray Smith and passed.

AT (Orthotics) - Ray Smith made a motion to approve the student application. The motion was seconded by Roy McCoy and passed.

RT (Prosthetics) – Roy McCoy made a motion to approve the student application. The motion was seconded by Ray Smith and passed.

AW (Orthotics) - Ray Smith made a motion to approve the student application. The motion was seconded by Roy McCoy and passed.

Agenda item 6 was review, discussion, and possible action to approve or disapprove the following Pending Practitioner Applications.

KG (Orthotics) - Ray Smith made a motion to approve the practitioner application. The motion was seconded by Roy McCoy and passed.

ES (Orthotics and Prosthetics) – Roy McCoy made a motion to approve the practitioner application. The motion was seconded by Ray Smith and passed.

The Texas Board of Orthotics and Prosthetics' Licensing and Accreditation Committee having convened on this date and with a quorum present will now go into Executive Session in accordance with Government Code Chapter 551 (Open Meetings Act) of the State of Texas, for the purposes of consulting with the board attorney concerning the matter of agenda item 7. The date is February 27, 2015. The time is 10:35 a.m. The Texas Board of Orthotics and Prosthetics' Licensing and Accreditation Committee came out of Executive Session at 11:08 a.m. No action taken. The date is February 27, 2015.

Agenda item 7 was review, discussion, and possible action to approve or disapprove the following facility accreditation applications.

APR-W (Prosthetics) – Roy McCoy made a motion to approve the facility accreditation application. The motion was seconded by Ray Smith and passed.

BOPE-D (Orthotics and Prosthetics) - Ray Smith made a motion to approve the facility accreditation application. The motion was seconded by Roy McCoy and passed.

BOPE-FW (Orthotics and Prosthetics) - Ray Smith made a motion to approve the facility accreditation application. The motion was seconded by Roy McCoy and passed.

CCHH-A (Orthotics and Prosthetics) – Roy McCoy made a motion to approve the facility accreditation application. The motion was seconded by Ray Smith and passed.

CCOBP-L (Orthotics and Prosthetics) – Roy McCoy made a motion to approve the facility accreditation application. The motion was seconded by Ray Smith and passed.

CCOBP-T (Orthotics and Prosthetics) – Roy McCoy made a motion to approve the facility accreditation application. The motion was seconded by Ray Smith and passed.

HC-AB (Orthotics and Prosthetics) - Ray Smith made a motion to approve the facility accreditation application. The motion was seconded by Roy McCoy and passed.

HC-H (Orthotics and Prosthetics) – Roy McCoy made a motion to approve the facility accreditation application. The motion was seconded by Ray Smith and passed.

HC-P (Orthotics and Prosthetics) - Ray Smith made a motion to approve the facility accreditation application. The motion was seconded by Roy McCoy and passed.

HC-SP (Orthotics and Prosthetics) - Ray Smith made a motion to approve the facility accreditation application. The motion was seconded by Roy McCoy and passed.

HC-SU (Orthotics and Prosthetics) – Roy McCoy made a motion to approve the facility accreditation application. The motion was seconded by Ray Smith and passed.

HC-W (Orthotics and Prosthetics) – Roy McCoy made a motion to approve the facility accreditation application. The motion was seconded by Ray Smith and passed.

KOPS-H (Orthotics and Prosthetics) - Ray Smith made a motion to approve the facility accreditation application. The motion was seconded by Roy McCoy and passed.

LLOP-B (Orthotics and Prosthetics) – Roy McCoy made a motion to approve the facility accreditation application. The motion was seconded by Ray Smith and passed.

LLOP-H (Orthotics and Prosthetics) - Ray Smith made a motion to approve the facility accreditation application. The motion was seconded by Roy McCoy and passed.

LLOP-J (Orthotics and Prosthetics) - Roy McCoy made a motion to approve the facility accreditation application. The motion was seconded by Ray Smith and passed.

LLOP-L (Orthotics and Prosthetics) - Roy McCoy made a motion to approve the facility accreditation application. The motion was seconded by Ray Smith and passed.

LLOP-N (Orthotics and Prosthetics) - Roy McCoy made a motion to approve the facility accreditation application. The motion was seconded by Ray Smith and passed.

NPI-C (Orthotics and Prosthetics) - Roy McCoy made a motion to approve the facility accreditation application. The motion was seconded by Ray Smith and passed.

PPOI-EP (Orthotics and Prosthetics) - Ray Smith made a motion to approve the facility accreditation application. The motion was seconded by Roy McCoy and passed.

VPC-L (Prosthetics) - Ray Smith made a motion to approve the facility accreditation application pending additional information. The motion was seconded by Roy McCoy and passed.

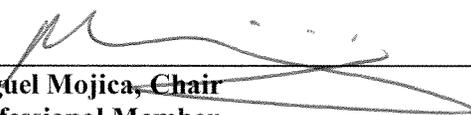
Agenda item 8 was review, discussion, and possible action regarding process for license, registration and accreditation approval. Yvonne Feinleib gave a review of the license, registration, and accreditation approval process. No action was taken.

Agenda item 9 set next meeting dates. The meeting dates were set for May 13–15, 2015.

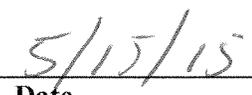
Agenda item 10 was propose agenda items. There were no proposed agenda items.

Agenda item 11 was public comment. No public comment was made.

Agenda item 12 was adjournment. Miguel Mojica made a motion to adjourn the meeting at 11:45 a.m. The motion was seconded by Roy McCoy and passed.



Miguel Mojica, Chair
Professional Member



Date

TEXAS BOARD OF ORTHOTICS & PROSTHETICS

RULES COMMITTEE MEETING

**Friday, February 27, 1:00 pm
William P. Hobby Jr. Building Room 100
333 Guadalupe St, Austin, TX 78701**

MINUTES

Members Present

Roy McCoy
Ray Smith

Members Absent

Miguel Mojica

Staff Present

Michael De La Cruz
Yvonne Feinleib
Don Jansky

Public Present

Scott James
James McCoy
Katie Brinkley
Jared Howell

Agenda item 1 was call to order – Introduction of members, guests, and staff. The meeting was called to order by Roy McCoy at 1:01 p.m.

Agenda item 2 was discussion and possible action concerning board members who are inexcusably absent from regularly scheduled board meetings, as defined under Texas Occupations Code Section 605.057(a)(5). Miguel Mojica's absence was excused due to weather.

Agenda item 3 was review and approve November 14, 2014 committee minutes. Ray Smith made a motion to approve the minutes as written. The motion was seconded by Roy McCoy and passed.

Agenda item 4 was review, discussion, and possible action by the rules committee regarding amendments to the rules concerning the licensure and regulation of Orthotics and Prosthetics, 22 Texas Administrative Code, Chapter 821, including possible amendments to:

Rule §821.15 accreditation of Prosthetic and Orthotic Facilities regarding a new posting requirement for hours of operation. No action was taken.

Agenda item 5 was discussion and possible action regarding a new rule establishing two different levels Orthotic Assistant licensure, with different educational requirements and different scopes of practice. No

action was taken.

Agenda item 6 was discussion and possible action regarding the application process for assistants. No action was taken.

Agenda item 7 was discussion and possible action regarding examinations. No action was taken.

Agenda item 8 was discussion and possible action regarding creation of an Ad Hoc Committee to review, discuss and make recommendations for rule revision and updates. Ray Smith made a motion to recommend to the full board to create an Ad Hoc Committee to review, discuss and make recommendations for rule revisions and updates. The motion was seconded by Roy McCoy and passed.

Agenda item 9 was set next meeting dates. The meeting dates were set for May 13–15, 2015.

Agenda item 10 was propose agenda items. There were no proposed agenda items.

Agenda item 11 was public comment. There was no public comment.

Agenda item 12 was adjournment. The meeting was adjourned by Roy McCoy at 1:30 p.m. The motion was seconded by Ray Smith and passed.



Roy McCoy
Public Member



Date

TEXAS BOARD OF ORTHOTICS & PROSTHETICS

BOARD MEETING

**Friday, February 27, 2:00 pm
William P. Hobby Jr. Building Room 100
333 Guadalupe St, Austin, TX 78701**

MINUTES

Members Present

Rebecca Brou
Richard Neider
Roy McCoy
Ray Smith

Members Absent

Miguel Mojica
David Kercheval
Leah Esparza

Members Absent

David Kercheval
Miguel Mojica

Staff Present

Michael De La Cruz
Yvonne Feinleib
Don Jansky

Public Present

James McCoy
Jared Howell
Katie Brinkley
Thomas B. Swanson

Agenda item 1 was call to order – Introduction of members, guests, and staff. The meeting was called to order by Rebecca Brou at 2:04 p.m.

Agenda item 2 was discussion and possible action concerning board members who are inexcusably absent from regularly scheduled board meetings, as defined under Texas Occupations Code Section 605.057(a)(5). Miguel Mojica's absence was excused due to weather.

Agenda item 3 was review and approve the August 15, 2014, board meeting minutes. Richard Neider made a motion to approve the minutes as written. The motion was seconded by Ray Smith and passed.

Agenda item 4 was discussion and possible action regarding board committee appointments. No action was taken.

Agenda item 5 was discussion and possible action regarding reports from the board committees.

- a. Licensing and Accreditation Committee – Reports from November 14, 2014 and February 27, 2015. Richard Neider made a motion to accept the report from the November 14, 2014 meeting. The motion was seconded by Ray Smith and passed. Richard Neider made a motion to accept the report from the February 27, 2015 meeting. The motion was seconded by Roy McCoy and passed.

- Number of applications reviewed – 18 and 35
- Number of applications approved – 17 and 35
- Number of applications denied - 1 and 0
- Number of applications tabled - 0 and 0
- Review, discussion, and possible action regarding process for license, registration and accreditation approval.

- b. Enforcement Committee – Reports from November 14, 2014 and February 26, 2015. Ray Smith made a motion to accept the report from the November 14, 2014 meeting. The motion was seconded by Roy McCoy and passed. Ray Smith made a motion to accept the report from the February 27, 2015 meeting. The motion was seconded by Roy McCoy and passed.

- Number of cases reviewed – 8 and 7
- Disciplinary action recommended – 1 and 0
- Number of cases closed - 3 and 7
- Number of cases tabled - 4 and 0
- Staff report concerning update on open cases, to include tabled cases.
- Discussion and possible action concerning closed cases.

- c. Rules Committee – Reports from November 14, 2014 and February 27, 2015. Ray Smith Made a motion to authorize Yvonne Feinleib to establish an Ad Hoc Committee for the purpose of improving reviewing rules and make changes from the November 14, 2014 rules committee meeting. The motion was seconded by Richard Neider and passed. Richard made a motion to accept the report from the February 27, 2015 meeting. The motion was seconded by Roy McCoy and passed.

- Discussion and possible action concerning petition for the adoption of a rule regarding orthoses sold by online retailers.
- Review, discussion and possible action regarding orthotic assistants working under the direction of a physician.
- Review, discussion, and possible action concerning format of rule drafts, including rules approved by the rules committee and rules under review.
- Review, discussion, and possible action by the rules committee regarding amendments to the rules concerning the licensure and regulation of Orthotics and Prosthetics, 22 Texas Administrative Code, Chapter 821, including possible amendments to:
 - Rule §821.10(b)(4) regarding assistants.
 - Rule §821.15 accreditation of Prosthetic and Orthotic Facilities regarding a new posting requirement for hours of operation.
- Discussion and possible action regarding a new rule establishing two different levels Orthotic Assistant licensure, with different educational requirements and different scopes of practice.
- Discussion and possible action regarding the application process for assistants.

- Discussion and possible action regarding examinations.
- Discussion and possible action regarding creation of an Ad Hoc Committee to review discuss and make recommendations for rule revision and updates.

Agenda item 6 was review, discussion, and possible action regarding agreed orders for case

1070-09-0014 – Richard Neider made a motion to approve the agreed order. The motion was seconded Roy McCoy and passed.

1070-10-057 - Ray Smith made a motion to approve the agreed order. The motion was seconded by Richard Neider and passed.

1070-10-0077 – Roy McCoy made a motion to approve the agreed order. The motion was seconded by Richard Neider and passed.

1070-12-0004 - Ray Smith made a motion to approve the agreed order. The motion was seconded by Roy McCoy and passed.

1070-12-0005 – Roy McCoy made a motion to approve the agreed order. The motion was seconded by Ray Smith and passed.

1070-14-0028 – Richard Neider made a motion to approve the agreed order. The motion was seconded by Roy McCoy and passed.

1070-14-0029 – Roy McCoy made a motion to approve the agreed order. The motion was seconded by Ray Smith and passed.

Agenda item 7 was review, discussion, and possible action regarding payment order on case

1070-12-0043 - Roy McCoy made a motion to approve the payment order. The motion was seconded by Ray Smith and passed.

The Texas Board of Orthotics and Prosthetics having convened on this date and with a quorum present will now go into Executive Session in accordance with Government Code Chapter 551 (Open Meetings Act) of the State of Texas, for the purposes of consulting with the board attorney concerning the matter of agenda item 8. The date is February 27, 2015. The time is 2:35 p.m. The Texas Board of Orthotics and Prosthetics came out of Executive Session at 3:05 pm. No action taken. The date is February 27, 2015.

Agenda item 8 was executive session, discussion, and possible action on staff attorney's report regarding the pending hearings at the State Office of Administrative Hearings including:

1070-10-0074 – Richard Neider made a motion to approve pending hearings at the State Office of Administrative Hearings sent to informal conference. The motion was seconded by Ray Smith and passed.

1070-10-0075 – Richard Neider made a motion to approve pending hearings at the State Office of Administrative Hearings sent to informal conference. The motion was seconded by Ray Smith and passed.

1070-12-0013 – Richard Neider made a motion to approve an informal conference. The motion was seconded by Roy McCoy and passed.

1070-12-0014 – Richard Neider made a motion to approve an informal conference. The motion was seconded by Ray Smith and passed.

1070-14-0030 - Richard Neider made a motion to approve an informal conference. The motion was seconded by Ray Smith and passed.

Agenda item 9 was presiding officer's report on 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 10 was Executive Director's report on 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. Yvonne Feinleib gave the report.

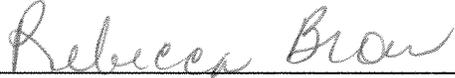
Agenda item 11 was Professional Licensing and Certification Unit management report on unit organization and staffing; program costs and revenue; current operational initiatives; customer service accomplishments and challenges; workload processing and statistical information; status of rulemaking within the unit; legislative and media contacts and tracking; general information on functioning of the unit. No report was given.

Agenda item 12 was set next meeting dates. The meeting dates were set for May 13–15, 2015.

Agenda item 13 was propose agenda items. Ad Hoc Committee will be placed on May 2015 agenda.

Agenda item 14 was public comment. There was no public comment.

Agenda item 15 was adjournment. The meeting was adjourned at 3:15 p.m. The motion was seconded by Richard Neider and passed.



Rebecca Brou
Board Chair



Date