

TEXAS BOARD OF ORTHOTICS & PROSTHETICS

ENFORCEMENT COMMITTEE MEETING

**Thursday, November 13, 2014, 1:00 p.m.
University of Texas Southwestern Medical Center
Pickens Medical Education and Conference Center, NG3.112
6001 Forest Park Drive
Dallas, TX 75390**

MINUTES

Board Members Present

Richard Neider
Ray Smith

Board Members Absent

Rebecca Brou

Staff Present

Cindy Bourland
Michael De La Cruz
Yvonne Feinleib
Don Jansky
Carol Miller
Gerard Bonner
Rudy Boeta
Oscar Draughn

Public Present

Jesse Goss	Mark Kirchner
Greg Cedebaca	Lisa Guichet
Chrissy Moses	Natalie Stewart
Scott Williams	Katie Brinkley
Lisa Smith	Lou Zerweu
Otin Lee	Catherine Mize
Mike Allen	

Agenda item 1 was call to order – Introduction of members, guests, and staff. The meeting was called to order by Richard Neider at 1:07 p.m.

Agenda item 2 was discussion and possible actions 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 August 14, 2014, committee minutes. Ray Smith made a motion to approve the minutes as written. The motion was seconded by Richard Neider and passed.

Agenda item 4 was review, discussion and possible action regarding complaint #1070-12-0012. Ray Smith made a motion to close with a letter of concern. The motion was seconded by Richard Neider and passed.

Agenda item 5 was review, discussion and possible action regarding complaint #1070-12-0047. Ray Smith made a motion to table the complaint. The motion was seconded by Richard Neider and passed.

Agenda item 6 review, discussion and possible action regarding complaint #1070-13-0004. Ray Smith made a motion to table the complaint. The motion was seconded by Richard Neider and passed.

Agenda item 7 was review, discussion and possible action regarding complaint #1070-13-0006. Ray Smith made a motion to table the item and request that the respondent submit a list of the most common devices they fit. The motion was seconded by Richard Neider and passed.

Agenda item 8 was review, discussion and possible action regarding complaint #1070-14-0005. Ray Smith made a motion to table the complaint. The motion was seconded by Richard Neider and passed.

Agenda item 9 was review, discussion and possible action regarding complaint #1070-14-0006. Ray Smith made a motion to close the complaint as non-jurisdictional. The motion was seconded by Richard Neider and passed.

Agenda item 10 was 4 review, discussion and possible action regarding complaint #1070-14-0009. Ray Smith made a motion to close the complaint with a cease and desist letter. The motion was seconded by Richard Neider and passed.

Agenda item 11 was review, discussion and possible action regarding complaint #1070-14-0031. Ray Smith made a motion to require the respondent to take the jurisprudence exam and pay a \$5,000 administrative penalty. The motion was seconded by Richard Neider and passed.

Agenda item 12 was review, discussion and possible action regarding new facility application and related complaints #1070-11-0010, #1070-12-0015, #1070-12-0041 and #1070-14-0010. Ray Smith made a motion to approve the new application and close the associated complaints as non-jurisdictional. The motion was seconded by Richard Neider and passed.

Agenda item 13 was staff report concerning update on open cases, to include tabled cases. Yvonne Feinleib gave the report.

Agenda item 14 was discussion and possible action concerning closed cases. Yvonne Feinleib gave the report. No action was taken.

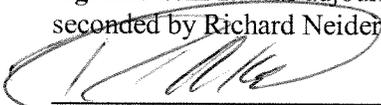
Agenda item 15 was discussion and possible action concerning the draft Sanction Guide. Ray Smith made a motion to table the item. The motion was seconded by Richard Smith and passed.

Agenda item 16 was set next meeting date. Next meeting dates were set for February 26-27, 2015 to be held at The Hobby Building, 333 Guadalupe Street, Austin, TX 78701 Austin, Texas.

Agenda item 17 was propose agenda items. An Overview of Past Enforcement Actions will be added to the agenda.

Agenda item 18 was public comment. Katherine Mize made a public comment.

Agenda item 19 was adjournment. Ray Smith adjourned the meeting at 4:19 p.m. The motion was seconded by Richard Neider and passed.



Richard Neider, Chair
Professional Member



Date

TEXAS BOARD OF ORTHOTICS & PROSTHETICS

LICENSING AND ACCREDITATION COMMITTEE MEETING

Friday, November 14, 2014, 10:00 a.m.
University of Texas Southwestern Medical Center
Pickens Medical Education and Conference Center, NG3.112
6001 Forest Park Drive
Dallas, TX 75390

MINUTES

Board Members Present

Miguel Mojica
Ray Smith

Board Members Absent

Roy McCoy (Excused)
David Kercheval

Staff Present

Cindy Bourland
Michael De La Cruz
Yvonne Feinleib
Don Jansky
Carol Miller

Public Present

William Millar	Dan Concania
Natalie Stewart	Vincent Lau
Don Virostek	Lisa Guichet
Lou Zerweu	Chrissy Moses
Abigail Genet	Elizabeth Nelson
Mike Allen	Masoumeh Soujoudikelai
Rai Walderman	Imelda Pena
McKenzie Kemp	Mark Kirchner
Ian Burford	Catherine Mize
Allen Turner	Katie Brinkley
Andrew Nash	Scott Jameson
Rachel Thurman	

Agenda item 1 was call to order – Introduction of members, guests, and staff. The meeting was called to order by Miguel Mojica at 10:42 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). Mr. McCoy's absence was excused.

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

Agenda item 4 was review, discussion, and possible action to approve or disapprove the following pending technician applications.

JL (Prosthetics) – Ray Smith made a motion to approve the application. The motion was seconded by Miguel Mojica and passed.

Agenda item 5 was review, discussion, and possible action to approve or disapprove the following pending assistant applications.

MS (Orthotics and Prosthetics) – The application was withdrawn. No action was taken.

Agenda item 6 was review, discussion, and possible action to approve or disapprove the following pending student applications.

RB (Orthotics and Prosthetics) – Ray Smith made a motion to approve the application. The motion was seconded by Miguel Mojica and passed.

LK (Orthotics and Prosthetics) – Ray Smith made a motion to approve the application pending receipt of her Texas address. The motion was seconded by Miguel Mojica and passed.

JL (Prosthetics) – Ray Smith made a motion to approve the application. The motion was seconded by Miguel Mojica and passed.

VR (Prosthetics) - Ray Smith made a motion to approve the application. The motion was seconded by Miguel Mojica and passed.

MS (Orthotics and Prosthetics) - Ray Smith made a motion to approve the application. The motion was seconded by Miguel Mojica and passed.

Agenda item 7 was review, discussion, and possible action to approve or disapprove the following Pending Practitioner Applications

GL (Prosthetics) - Ray Smith made a motion to approve the application. The motion was seconded by Miguel Mojica and passed.

Agenda item 8 was review, discussion, and possible action to approve or disapprove the following pending unique qualifications applications

WM (Orthotics and Prosthetics) - Ray Smith made a motion to approve the application. The motion was seconded by Miguel Mojica and passed.

CM (Prosthetics) - Ray Smith made a motion to deny the application. The motion was seconded by Miguel Mojica and passed.

Agenda item 9 was review, discussion, and possible action to approve or disapprove the Following Facility Accreditation Applications

HC-G (Orthotics and Prosthetics) - Ray Smith made a motion to approve the application. The motion was seconded by Miguel Mojica and passed.

HC-H (Orthotics and Prosthetics) - Ray Smith made a motion to approve the application. The motion was seconded by Miguel Mojica and passed.

HCOP (Orthotics and Prosthetics) - Ray Smith made a motion to approve the application. The motion was seconded by Miguel Mojica and passed.

NL-SA (Orthotics and Prosthetics) - Ray Smith made a motion to approve the application. The motion was seconded by Miguel Mojica and passed.

OI-SA (Orthotics and Prosthetics) - Ray Smith made a motion to approve the application. The motion was seconded by Miguel Mojica and passed.

OSMJMP (Orthotics and Prosthetics) - Ray Smith made a motion to approve the application. The motion was seconded by Miguel Mojica and passed.

TOS-SA (Orthotics and Prosthetics) - Ray Smith made a motion to approve the application pending submission of facility photograph showing hours of operation posted. The motion was seconded by Miguel Mojica and passed.

STMS-S-D (Prosthetics) - Ray Smith made a motion to approve the application. The motion was seconded by Miguel Mojica and passed.

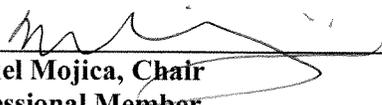
Agenda item 10 was review, discussion, and possible action regarding implementation of recently adopted rules. Ray Smith made a motion to approve the implementation plan. The motion was seconded by Miguel Mojica and passed.

Agenda item 11 was set next meeting date. The next meeting dates were set for February 26-27, 2015 to be held at The Hobby Building, 333 Guadalupe Street, Austin, TX 78701 Austin, Texas.

Agenda item 12 was propose agenda items. No items were proposed.

Agenda item 13 was public comment. Katie Brinkley made a public comment

Agenda item 14 was adjournment. Ray Smith adjourned the meeting at 11:47 a.m. The motion was seconded by Miguel Mojica and passed.



Miguel Mojica, Chair
Professional Member

2/27/15
Date

TEXAS BOARD OF ORTHOTICS & PROSTHETICS

RULES COMMITTEE MEETING

**Friday, November 14, 2014, 1:00 pm
University of Texas Southwestern Medical Center
Pickens Medical Education and Conference Center, NG3.112
6001 Forest Park Drive
Dallas, TX 75390**

MINUTES

(McCoy, Mojica, Smith)

Board Members Present

Miguel Mojica
Ray Smith

Board Member Absent

Roy McCoy (Excused)

Staff Present

Cindy Bourland
Michael De La Cruz
Don Jansky
Yvonne Feinleib
Carol Miller

Public Present

Mike Allen
Mark Kirchner
Lou Zerweu
Catherine Mize
Katie Brinkley
Linda Guichet
Chrissy Moses

Agenda item 1 was call to order – Introduction of members, guests, and staff. The meeting was called to order by Ray Smith at 1:11 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). Mr. McCoy's absence was excused.

Agenda item 3 was review and approve August 15, 2014 committee minutes. Miguel Mojica 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 concerning format of rule drafts, including rules approved by the rules committee and rules under review. Yvonne Feinleib gave the report. No

action was taken.

Agenda item 5 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 §821.10(b)(4) regarding Assistants. - Scott Jameson and Susan Kapp made public comments. No action was taken.

Rule §821.15 Accreditation of Prosthetic and Orthotic Facilities regarding a new posting requirement for hours of operation. Miguel Mojica made a motion to approve the amendment with modifications. The motion was seconded by Ray Smith and passed.

Agenda item 6 was discussion and possible action regarding a new rule in 22 Texas Administrative Code, Chapter 821, to establish two different levels of orthotic assistant licensure, with different educational requirements and different scopes of practice. No action was taken.

Agenda item 7 was discussion and possible action concerning petition for the adoption of a rule regarding Orthoses sold by online retailers. Miguel Mojica made a motion to send a letter to the petitioner to inform them that the change requires legislative action. The motion was seconded by Ray Smith and passed.

Agenda item 8 was review, discussion and possible action regarding Orthotic Assistants working under the direction of a physician. No action was taken.

Agenda item 9 was set next meeting date. The next meeting dates were set for February 26-27, 2015 to be held at The Hobby Building, 333 Guadalupe Street, Austin, TX 78701 Austin, Texas.

Agenda item 10 was propose agenda items. Exams and assistant application process were proposed for next agenda items.

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

Agenda item 12 was adjournment. Miguel Mojica adjourned the meeting at 1:52 p.m. The motion was seconded by Ray Smith and passed.



Ray Smith *Ray Smith*
Professional Member

Public

2-27-2015

Date