

TEXAS BOARD OF ORTHOTICS & PROSTHETICS

RULES COMMITTEE MEETING

Thursday, May 1, 2014, 8:30 am
1 Baylor Plaza, Room M321/323
Houston, TX 77030

MINUTES

Members Present

Roy McCoy, Public Member
Miguel Mojica, Professional Member
Ray Smith, Professional Member

Members Absent

None

Staff Present

Cindy Bourland
Michael De La Cruz
Yvonne Feinleib
Donald Jansky
Carol Miller
Elaine Snow (Teleconference)

Public Present

Jared Howell
Catherine Mize

Agenda Item 1 was introduction of members, guests, and staff. The meeting was called to order by Roy McCoy at 8:40 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 February 20, 2014 Committee Minutes. Ray Smith made the motion to approve the minutes as written. The motion was seconded by Roy McCoy and passed. Miguel Mojica abstained.

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 §821.20(a)(5) complaints. Ray Smith made a motion to accept new proposed language and recommend proposed changes in rule language to the board. The motion was seconded by Miguel Mojica and passed.

Rules to include legislatively mandated rule changes pursuant to House Bill 963 of the 81st Legislature, Regular Session, 2009; House Bill 2703 and Senate Bill 1733 of the 82nd Legislature, Regular Session, 2011; and House Bill 2254 and Senate Bill 162 of the 83rd Legislature, Regular Session, 2013, including amendments to §§821.1, 821.9, 821.16, 821.17, 821.20 and new §821.31. Roy McCoy made a motion to accept new language and recommend new changes to the board. The motion was seconded by Miguel Mojica and passed.

Rules as proposed from the November 2013 meeting of the Texas Board of Orthotics and Prosthetics, including amendments to §§821.2, 821.4, 821.5, 821.8, 821.10, 821.13, and 821.15 and new 821.30. Miguel Mojica made the motion to table changes §821.8 (3). The motion was seconded by Ray Smith and passed.

§821.2 Miguel Mojica made a motion to table proposed changes to §821.2 (44). The motion was seconded by Ray Smith and passed.

§821.20 Ray Smith made the motion to accept new, proposed language to §821.20(a)(8) and recommend the new, proposed changes in rule language to the Board. The motion was seconded by Miguel Mojica and passed.

§821.10 Katherine Mize made a public comment on proposed amended changes to §821.10 (b) (4). Ray Smith made a motion to reject proposed changes to §821.10 (b) (4) and §821.13. The motion was seconded by Miguel Mojica and passed.

§821.15 Ray Smith made a motion to table proposed changes to §821.15 (s). The motion was seconded by Miguel Mojica and passed.

New §821.30 Ray Smith made the motion to accept new language on §821.30. The motion was seconded by Miguel Mojica and passed.

Ray Smith made a motion to approve program staff to make non-substantive changes to proposed rule language. The motion was seconded by Miguel Mojica and passed.

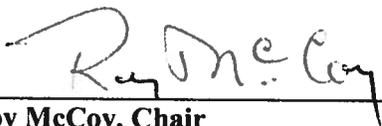
Ray Smith made a motion to approve the proposed changes and recommend the changes to the board. The motion was seconded by Miguel Mojica and passed.

Agenda Item 5 was discussion and possible action regarding enforcement of rules. No action taken.

Agenda Item 6 was set next meeting date and propose agenda items. No date was set.

Agenda Item 7 was public comment. No public comment was received.

Agenda Item 8 was adjournment. Ray Smith made the motion to adjourn the meeting at 12:32 p.m. The motion was seconded by Miguel Mojica.



Roy McCoy, Chair
Public Member

8-15-2014

Date

TEXAS BOARD OF ORTHOTICS & PROSTHETICS

ENFORCEMENT COMMITTEE MEETING

**Thursday, May 1, 2014, 2:00 p.m.
1 Baylor Plaza, Room M321/323
Houston, TX 77030**

MINUTES

Members Present

Rebecca Brou
Richard Neider
Ray Smith

Members Absent

None

Staff Present

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

Public Present

Chris Beverly
Greg Brou
Jared Howell
Dave Sheen
Jeffrey Grass
Natalie Stewart
Gary Strobel
Tom DiBeuo
Christina Merrick

Tracey Russ
Brian Houchin
Matthew Harris
Catherine Mize
Lisa Guichet

Agenda item 1 was introduction of members, guests, and staff. The meeting was called to order by Richard Neider at 2:07 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). No action was taken.

Agenda Item 3 was review and approve February 21, 2014, Committee Minutes. Ray Smith made the motion to approve the minutes as written. The motion was seconded by Rebecca Brou and passed.

Agenda Item 4 was review, discussion and possible action regarding complaint # 1070-12-0012. Ray Smith made the motion to table the complaint. The motion was seconded by Rebecca Brou and passed.

Agenda Item 5 was review, discussion and possible action regarding complaint # 1070-12-0017. Ray Smith made the motion close the complaint with no violation. The motion was seconded by Rebecca Brou and passed.

Agenda Item 6 was review, discussion and possible action regarding complaint # 1070-12-0025. Ray Smith made a motion to close the complaint with no violation. The motion was seconded by Rebecca Brou and passed.

Agenda Item 7 was review, discussion and possible action regarding complaint # 1070-12-0026. Ray Smith made a motion to close the complaint with no violation. The motion was seconded by Rebecca Brou and passed.

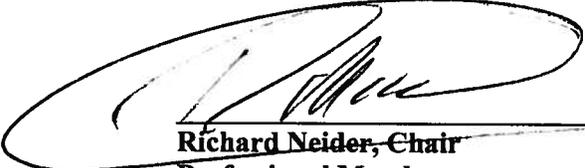
Agenda Item 8 was staff report concerning update on open cases, to include tabled cases. Carol Miller gave the report.

Agenda Item 9 was discussion and Possible Action Concerning Closed Cases. Cindy Bourland gave the report.

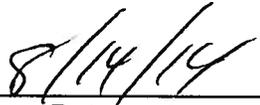
Agenda Item 10 was set next meeting date and proposed agenda items. The meeting will be held in August; however, no specific date was set.

Agenda Item 11 was Public Comment. No public comment was made.

Agenda Item 12 was adjournment. Ray Smith made the motion to adjourn the meeting at 4:30 p.m. The motion was seconded by Rebecca Brou.



Richard Neider, Chair
Professional Member



Date

TEXAS BOARD OF ORTHOTICS & PROSTHETICS

LICENSING AND ACCREDITATION COMMITTEE MEETING

**Friday, May 2, 2014, 8:30 a.m.
1 Baylor Plaza, Room M423
Houston, TX 77030**

MINUTES

Members Present

Roy McCoy
Miguel Mojica
Ray Smith, as substitute for David Kercheval

Members Absent

David Kercheval

Staff Present

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

Public Present

Charles A. Stockert
Rick Rentfrow
Amanda Stanly
Fanny Schwitea
James Schweitzer
Melissa Fowler
Tracey Russ
Matthew Harris
Brian Harchin

Casey Parham
Carolyn Ledlow
Geoff Hoffman
Mike Keyser
Milan Patel
David Gincola
David Patterson
Andre Petters
Edgar Lopez

Jared Howell
Lorin Merkle
Rebecca Cook
Kate Kundratic
Breanne Moen
Jared Ramwell
Stoney Sherrick

Agenda Item 1 was introduction of members, guests, and staff. The meeting was called to order by Miguel Mojica at 8:36 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 February 19, 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:

RC - (Orthotics and Prosthetics). Roy McCoy made a motion to approve the assistant application, pending receipt of a letter from Galveston college stating that Math 166 is equivalent to college algebra or higher. The motion was seconded by Ray Smith and passed.

WH - (Orthotics and Prosthetics). Ray Smith made a motion to deny 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 and passed.

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

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

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

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

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

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

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

BJ - (Orthotics). Ray Smith made the motion to approve the student application pending supervisor location information. The motion was seconded by Roy McCoy and passed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Agenda Item 6 was review, discussion, and possible action to approve or disapprove the following pending practitioner applications

CD - (Orthotics and Prosthetics). Ray Smith made the motion to approve the practitioner application pending passing both the Orthotics and Prosthetics exams. The motion was seconded by Roy McCoy and passed.

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

MK - (Prosthetics). Roy McCoy made the motion to approve the practitioner application pending passing the Prosthetics exam. The motion was seconded by Ray Smith and passed.

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

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

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

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

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

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

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

SC - (Orthotics and Prosthetics). Ray Smith made the motion to approve the facility accreditation application pending receipt of a photograph from the facility showing the hours and "by appointment only" posted on the door. The motion was seconded by Roy McCoy and passed.

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

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

Agenda Item 8 was review, discussion, and possible action to approve or disapprove the following pending uniquely qualified person applications:

RR - (Orthotics and Prosthetics) Roy McCoy made the motion to approve the uniquely qualified person application. The motion was seconded by Ray Smith and passed by majority vote. Miguel Mojica voted against the motion.

Agenda Item 9 was review, discussion, and possible action regarding the evaluation of Orthotic and Prosthetic related degrees of volunteers from Malaysia with current Texas Licensing Requirements. No action was taken.

Agenda Item 10 was set next meeting date and propose agenda items. No meeting date was set. Evaluation of Orthotic- and Prosthetic-Related Degrees of Volunteers from Malaysia with current Texas Licensing Requirements will be placed on next agenda item for discussion.

Agenda Item 11 was public comment. One public comment was received.

Agenda Item 12 was adjournment. Ray Smith made a motion to adjourn the meeting at 11:18 a.m. The motion was seconded by Miguel Mojica.



Miguel Mojica, Chair
Professional Member

8/14/14

Date

TEXAS BOARD OF ORTHOTICS & PROSTHETICS

BOARD MEETING

Friday, May 2, 2014, 1:00 pm
1 Baylor Plaza, Room M423
Houston, TX 77030

DRAFT MINUTES

Members Present

Rebeca Brou
Leah F. Esparza
Roy McCoy
Miguel Mojica
Richard Neider
Ray Smith

Members Absent

David Kercheval

Staff Present

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

Public Present

Melissa Fowler
Lorin Merkley
Catherine Mize
Jared Howell
Lisa Guichet

Agenda Item 1 was introduction of members, guests, and staff. The meeting was called to order by Rebecca Brou at 1:05 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). No action was taken.

Agenda Item 3 was review and approve the November 8, 2013, and February 21, 2014, Board Meeting Minutes. Ray Smith made the motion to approve the November 8, 2013 minutes as written. The motion was seconded by Leah Esparza and passed. Leah Esparza made the motion to approve the February 21, 2014 minutes as written. The motion was seconded by Ray Smith and passed.

Agenda Item 4 was discussion and possible action regarding reports from the Board Committees

- a. Licensing and Accreditation Committee. Miguel Mojica gave the report. Richard Neider made a motion to approve licensing and accreditation applications. The motion was seconded by Roy McCoy and passed.

- Number of Applications Reviewed - 37
- Number of Applications Approved - 36
- Number of Applications Denied - 1
- Number of Applications Tabled - 0
- Review, Discussion, and Possible Action regarding the Evaluation of Orthotic- and Prosthetic-Related Degrees of Volunteers from Malaysia with current Texas Licensing Requirements

b. Enforcement Committee. Richard Neider gave the report. Rebecca Brou made a motion to approve the enforcement committee action. The motion was seconded by Ray Smith and passed.

- Number of Cases Reviewed - 4
- Disciplinary Action Recommended - 0
- Number of Cases Closed - 3
- Number of Cases Tabled - 1
- Staff Report Concerning Update on Open Cases, to include Tabled Cases
- Discussion and Possible Action Concerning Closed Cases

c. Rules Committee. Roy McCoy gave the report. Leah Esparza made the motion to approve. The motion was seconded by Richard Neider and passed.

Review, Discussion, and Possible Action by the Rules Committee Regarding Proposed New Rules Concerning Licenses and Registrations Issued by the Board, 22 Texas Administrative Code, Chapter 821:

- Rule §821.20(a)(5) Complaints
- Rules to include legislatively-mandated rule changes pursuant to House Bill 963 of the 81st Legislature, Regular Session, 2009; House Bill 2703 and Senate Bill 1733 of the 82nd Legislature, Regular Session, 2011; and House Bill 2254 and Senate Bill 162 of the 83rd Legislature, Regular Session, 2013, including amendments to §§821.1, 821.9, 821.16, 821.17, 821.20 and new §821.31
- Rules as proposed from the November 2013 meeting of the Texas Board of Orthotics and Prosthetics, including amendments to §§821.2, 821.4, 821.5, 821.8, 821.10, 821.13, and 821.15, and new §821.30
- Discussion and Possible Action Regarding Enforcement of Rules

Agenda Item 5 was review, discussion, and possible action by the Texas Board of Orthotics and Prosthetics Regarding proposed new and amended rules concerning licenses and registrations issued by the Board, 22 Texas Administrative Code, Chapter 821, after consideration of the Rules Committee Report and recommendations, including:

- Rule §821.20(a)(5) Complaints
- Rules to include legislatively-mandated rule changes pursuant to House Bill 963 of the 81st Legislature, Regular Session, 2009; House Bill 2703 and Senate Bill 1733 of the 82nd Legislature, Regular Session, 2011; and House Bill 2254 and Senate Bill 162 of the 83rd Legislature, Regular Session, 2013, including amendments to §§821.1, 821.9, 821.16, 821.17, 821.20 and new §821.31
- Rules as proposed from the November 2013 meeting of the Texas Board of Orthotics and Prosthetics, including amendments to §§821.2, 821.4, 821.5, 821.8, 821.10, 821.13, and 821.15, and new §821.30

Carol Miller read the proposed new and amended rules concerning licenses and registrations issued by the Board, 22 Texas Administrative Code, Chapter 821. After review and discussion of each section of the rules, Richard Neider made the motion to approve. The motion was seconded by Ray Smith and passed.

Agenda Item 6 was review, discussion, and possible action regarding final disciplinary action on 1070-14-0011. Richard Neider made the motion to approve final disciplinary action. The motion was seconded by Ray Smith and passed. Miguel Mojica voted against the motion.

Agenda Item 7 was review, discussion, and possible action regarding default orders of 1070-10-0061 & 1070-11-0033. Richard Neider made the motions to vacate the default orders. The motions were 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 May 2, 2014. The time is 2:34 p.m. The Texas Board of Orthotics and Prosthetics came out of Executive Session at 4:05 pm. No action taken. The date is May 2, 2014.

Agenda Item 8 was staff attorney's report regarding the pending hearings at the State Office of Administrative Hearings including:

1070-09-0006. Ray Smith made the motion to close with no violation. The motion was seconded by Richard Neider and passed.

1070-09-0010. Richard Neider made a motion for staff to contact the applicant to determine his intentions regarding the application. The motion was seconded by Ray Smith and passed.

1070-09-0014. Leah Esparza made a motion to table and to include the case on the agenda for the next board meeting. The motion was seconded by Richard Neider and passed.

1070-09-0027. Ray Smith made a motion for the Board attorney to contact the respondent regarding the penalty. The motion was seconded Richard Neider and passed. Leah Esparza voted against the motion.

1070-09-0032. Richard Neider made a motion to withdraw the previous action and close the case. The motion was seconded by Roy McCoy and passed.

1070-09-0040. Rebecca Brou made a motion to withdraw the proposed action and close the case with no violation. The motion was seconded by Leah Esparza and passed.

1070-10-0044. Leah Esparza made a motion to withdraw the previous action and close the case with no violation. The motion was seconded by Richard Neider and passed. Richard Neider made a motion to refer the case to the Office of Inspector General (OIG) Medicare Fraud Unit. The motion was seconded by Ray Smith and passed.

1070-10-0057. Leah Esparza made a motion to have staff to contact the respondent for additional information and to include the case on the agenda for the next board meeting. The motion was seconded by Ray Smith and passed.

1070-10-0074. Ray Smith made a motion to have the board attorney contact the respondent regarding his/her position on the case and to include the case on the agenda for the next board meeting. The motion was seconded by Richard Neider and passed.

1070-10-0075. Ray Smith made a motion to have the board attorney contact the respondent regarding his/her position on the case and to include the case on the agenda for the next board meeting. The motion was seconded by Richard Neider and passed.

1070-11-0045. Roy McCoy made the motion to withdraw the previous action and close the case with no violation. The motion was seconded by Leah Esparza and passed. Ray Smith made a motion to refer the case to the Office of Inspector General (OIG) Medicare Fraud Division. The motion was seconded by Richard Neider and passed.

1070-13-0023. Ray Smith made a motion for staff to contact the respondent regarding the application process and to include the case on the agenda for the next board meeting. The motion was seconded by Leah Esparza and passed.

1070-13-0029. Ray Smith made the motion to have staff to contact the respondent regarding his/her position on the case and to include the case on the agenda for the next board meeting. The motion was seconded by Leah Esparza and passed.

Agenda Item 9 was review, discussion, and possible action regarding new enforcement cases. No action was taken.

Agenda Item 10 was the report on the annual meeting of the Texas Association of Orthotics and Prosthetics. Ray Smith gave the report. No action was taken.

Agenda Item 11 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 which may have included the previous topics. No action was taken.

Agenda Item 12 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. Carol Miller gave the report which may have included the previous topics. No action was taken.

Agenda Item 13 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. Cindy Bourland gave the report which may have included the previous topics. No action was taken.

Agenda Item 14 was set next meeting dates and propose agenda items. The next meeting date was set for August 14-15, 2014 in Austin, Texas.

Agenda Item 15 was public comment. No public comment was received.

Agenda Item 16 was adjournment. Rebecca Brou made a motion to adjourn. The motion was seconded by Leah Esparza. The meeting was adjourned at 5:03 p.m.


Rebecca Brou, Board Chair
Public Member


Ray D Smith


Date