

TEXAS BOARD OF ORTHOTICS & PROSTHETICS

BOARD MEETING

Friday, November 8, 2013, 1:00 p.m.
Brown-Heatly Building – Rm. 1430
4900 North Lamar Blvd.
Austin, TX 78751

MINUTES

Members Present:

David Kercheval, Chair, Public Member
Miguel Mojica, Professional Member
Ray Smith, Professional Member
Rebecca Brou, Public Member
Richard Neider, Professional Member
Leah Esparza, Public Member

Members Absent:

Roy McCoy, Public Member

Staff Present:

David Olvera
Elaine Snow
Carol Miller
Nerissa Andrews
Cindy A. Bourland

Public Present:

Greg Brou	Barbie Baker	Jason Jennings
Mike Allen	Gordon Stevens	April Deleon
James McCoy	David Williams	Chris Beverly
Scott Jameson	Christina Merrick	Catherine Mize

Agenda item 1 was Call to Order – Introduction of Members, Guests, and Staff. The meeting was called to order by Mr. Kercheval at 1:15 pm.

Agenda item 2 was Review and Approve the May 17, 2013, and August 9, 2013, Board Meeting Minutes.

Mr. Smith made a motion to approve the minutes for May 17, 2013 as written. The motion was seconded by Mr. Mojica and passed.

Mr. Neider made a motion to approve the minutes for August 9, 2013 as written. The motion was seconded by Mr. Smith and passed.

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

a. Licensing and Accreditation Committee- Mr. Mojica gave the report. Mr. Neider made a motion to approve the report as stated. The motion was seconded by Mr. Smith and passed.

Number of Applications Reviewed	22
Number of Applications Approved	19
Number of Applications Denied	1
Number of Applications Tabled	2

b. Enforcement Committee- Mr. Kercheval gave the report. Mr. Mojica made a motion to approve the report as stated. The motion was seconded by Mr. Neider and passed.

October 18, 2013

Number of Cases Reviewed	6
Disciplinary Action Recommended	0
Number of Cases Closed	2
Number of Cases Tabled	4

November 8, 2013

Number of Cases Reviewed	7
Disciplinary Action Recommended	2
Number of Cases Closed	3
Number of Cases Tabled	2

c. Rules Committee- Mr. Olvera gave the report. Mr. Neider made a motion to approve the report as stated. The motion was seconded by Mr. Mojica and passed.

Motion to Propose to the Board for Publication Proposed New, Amended, and Repealed Sections of 22 Texas Administrative Code, Chapter 821 from the October 17, 2013, Rules Committee Meeting.

Agenda item 4 was Review, Discussion, and Possible Action Regarding Final Disciplinary Action on 1070-12-0022 and 1070-12-0027.

Mr. Mojica made a motion to approve the order for payment received for 1070-12-0022. The motion was seconded by Mr. Smith and passed with opposition three (3) to two (2).

Mr. Smith made a motion to approve the order for payment received for 1070-12-0027. The motion was seconded by Mr. Neider and passed.

Agenda item 5 was Review, Discussion, and Possible Action Regarding a Board Workshop to Discuss Board and Board Staff Processes and Protocol. Mr. Smith made a motion to approve the workshop meeting. The motion was seconded by Mr. Neider and passed.

Agenda item 6 was Review, Discussion, and Possible Action Regarding Proposed Rules to 22 Texas Administrative Code, Chapter 821, Concerning the Licensure and Regulation of Orthotics and Prosthetics, including:

Proposed New Rule:

Rule §821.30 – Criminal History Evaluation Letters

Mr. Neider made a motion to approve the rule as written. The motion was seconded by Mr. Mojica and passed.

Proposed Amended Rule Language:

Rule §821.5 – General Application Procedures

Mr. Neider made a motion to approve the rule as modified. The motion was seconded by Mr. Mojica and passed.

Rule §821.10(a)(4) - Licensed Prosthetist Assistant, Licensed Orthotist Assistant, or Licensed Prosthetist/Orthotist Assistant

Mr. Neider made a motion to approve the rule as written. The motion was seconded by Mr. Smith and passed.

Rule §821.13 – Student Registration

Mr. Neider made a motion to approve the rule as written. The motion was seconded by Ms. Brou and passed.

Rule §821.15 – Accreditation of Prosthetic and Orthotic Facilities

Mr. Neider made a motion to table the rule for revision. The motion was seconded by Mr. Smith and passed.

Rule §821.2(28) – Orthotics

Mr. Smith made a motion to approve the rule as written. The motion was seconded by Mr. Mojica and passed.

Rule §821.2(34) – Prosthetics

Mr. Smith made a motion to approve the rule as written. The motion was seconded by Mr. Mojica and passed.

Rules §821.8(b)(3) – Acquiring Licensure as a Uniquely Qualified Person.

Mr. Neider made a motion to table the rule for further consideration. The motion was seconded by Ms. Brou and passed.

Rule §821.10(c)(1) – Licensed Prosthetist Assistant, Licensed Orthotist Assistant, or Licensed Prosthetist/Orthotist Assistant

Mr. Smith made a motion to approve the rule as written. The motion was seconded by Ms. Brou and passed.

Rule §821.10(b)(1) - Assistant Patient Care Services.

Mr. Neider made a motion to approve the rule as written. The motion was seconded by Ms. Esparza and passed.

Rule §821.10(b)(2) - Assistant Patient Care Services.

Mr. Neider made a motion to approve the rule as written. The motion was seconded by Ms. Esparza and passed

Rule §821.4 – Fees.

Mr. Smith made a motion to approve the rule as written. The motion was seconded by Mr. Mojica and passed.

Proposed Rule Language to be Repealed:

Rule §821.2(3) – Assistant Patient Care Services.

Mr. Neider made a motion to approve the rule as modified. The motion was seconded by Mr. Mojica and passed.

Agenda item 7 was Review, Discussion, and Possible Action Regarding the Delegation of Subpoena Authority to the Executive Director of the Texas Board of Orthotics and Prosthetics, as permitted under Texas Occupations Code, Section 605.2021(e). Mr. Smith made a motion to delegate subpoena authority as stated in statute to the executive director. The motion failed for a lack of a second. No action was taken.

Agenda item 8 was Discussion and Possible Action Regarding Election of New Presiding Officer Pursuant to Title 22 Texas Administrative Code §821.3. Mr. Neider made a motion to nominate Ms. Brou. Ms. Esparza made a motion to nominate Mr. Kercheval. Ms. Brou was elected as New Presiding Officer by individual ballot.

Agenda item 9 was Discussion and Possible Action Regarding Election of New Board Secretary, Pursuant to Title 22 Texas Administrative Code §821.3. Ms. Brou made a motion to nominate Mr. Smith as New Board Secretary. The motion was seconded by Mr. Neider and passed.

Agenda item 10 was Presiding Officer's Report - No report was given.

Agenda item 11 was Executive Director's Report- Mr. Olvera gave his report, which may have included information on the following topics:

- 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

Executive Director's Report Concerning Update on Open, Tabled, and Closed Cases as well as Disciplinary Action Log and Tool

Agenda item 12 was Professional Licensing and Certification Unit Management Report- Ms. Bourland gave her report, which may have included information on the following topics:

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

Agenda item 13 was Set Next Meeting Dates and Propose Agenda Items. The next meeting dates are set for February 20-21, May 1-2, August 14-15, and November 13-14, 2014.

Agenda item 14 was Public Comment. Comments were given by Mr. Allen, Mr. McCoy, and Ms. Mize.

Agenda item 15 was Adjournment. Mr. Neider made a motion to adjourn the meeting. The motion was seconded by Mr. Smith. Mr. Kercheval adjourned the meeting at 3:40 p.m.



Rebecca Brown, Chair, Public Member

8/15/14
Date

FAY D SMITH, CHAIR PROFESSIONAL MEMBER