

# TEXAS BOARD OF ORTHOTICS & PROSTHETICS

## *ENFORCEMENT COMMITTEE MEETING*

**Friday, November 8, 2013, 8:30 a.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

#### **Staff Present:**

David Olvera  
Elaine Snow  
Carol Miller  
Cindy Bourland  
Nerissa Andrews  
Jerry Bailey  
Gerard Bonner  
Jason Carr  
Oscar Draughn  
Rudy Boeta  
Cheryl Gomez  
Damon Parker

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#### **Public Present:**

Russ Hauser	Thomas Sampson	Catherine Mize	Mike Allen
Jason Jennings	Jared Howell	Gordon Stevens	Erik Olson
Tom DiBiello	Lorin Merkley	Chris Beverly	
Barbie Baker	Mark Scotte	David Williams	
James McCoy	Mark Kerchner	Christina Merrick	
Scott Jameson	Chrissy Moses		

**Agenda item 1 was** Call to Order – Introduction of Members, Guests, and Staff. The meeting was called to order by Mr. Kercheval at 8:48 am.

**Agenda item 2 was** Review and Approve October 18, 2013, Committee Minutes. Mr. Smith made a motion to approve the minutes as written. The motion was seconded by Mr. Mojica and passed.

**Agenda item 3 was** Review of Sanction and Severity Table as Possible Tool for Complaint Case Review by Enforcement Committee Members.

**Agenda item 4 was Review, Discussion, and Possible Action Regarding the Following Complaint Numbers:**

1070-10-0077 - Scott Kee- Mr. Smith made a motion to propose a two (2) year license suspension and a \$25,000 administrative penalty for the violation of TAC §821.41 (c)(2) and TAC §821.41 (c)(15). The motion was seconded by Mr. Mojica 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 4. The date is November 8, 2013. The time is 9:23 am. The Texas Board of Orthotics and Prosthetics came out of Executive Session at 9:45 am. No action taken. The date is November 8, 2013.

1070-12-0042 - Mark Scott- Mr. Mojica made a motion to close the complaint with no violation. The motion was seconded by Mr. Smith and passed.

1070-12-0047 - Dynamic Orthotics - Mr. Mojica made a motion to table the complaint. The motion was seconded by Mr. Smith and passed.

1070-12-0007 - Hauser Orthotics & Prosthetics, Livingston- Mr. Smith made a motion to close the complaint with no violation. The motion was seconded by Mr. Mojica 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 4. The date is November 8, 2013. The time is 10:43 am. The Texas Board of Orthotics and Prosthetics came out of Executive Session at 10:55 am. No action taken. The date is November 8, 2013.

1070-12-0008 - Hauser Orthotics & Prosthetics, Huntsville - Mr. Smith made a motion to propose an administrative penalty of \$80,000 for the violation of TAC §821.15 (b), TOC §605.251, and TOC §605.260. The motion was seconded by Mr. Mojica and passed.

1070-12-0009 - Hauser Orthotics & Prosthetics, Crockett- Mr. Smith made a motion to close the complaint with no violation. The motion was seconded by Mr. Mojica and passed.

1070-12-0043 - Applied Orthotics- Mr. Smith made a motion to table the complaint pending further investigation. The motion was seconded by Mr. Mojica 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 4. The date is November 8, 2013. The time is 11:20 am. The Texas Board of Orthotics and Prosthetics came out of Executive Session at 11:39 am. No action taken. The date is November 8, 2013.

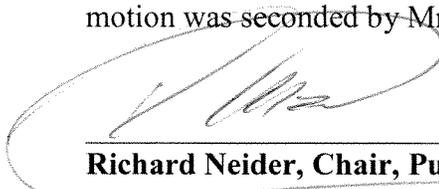
1070-11-0034, 1070-11-0035, and 1070-12-0034 had been postponed prior to the meeting.

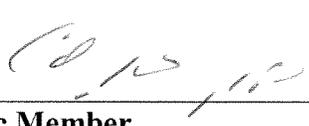
**Agenda item 5 was Executive Director's Report Concerning Update on Open, Tabled, Closed Cases, and Disciplinary Action Log.** Mr. Olvera gave his report.

**Agenda item 6 was Set Next Meeting Date and Propose Agenda Items.** No action was taken.

**Agenda item 7** was Public Comment. Comments were given by Mr. McCoy.

**Agenda item 8** was Adjournment. Mr. Mojica made a motion to adjourn the meeting. The motion was seconded by Mr. Smith. Mr. Kercheval adjourned the meeting at 11:49 am.

  
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**Richard Neider, Chair, Public Member**

  
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**Date**