

# TEXAS BOARD OF ORTHOTICS & PROSTHETICS

## *LICENSING AND ACCREDITATION COMMITTEE MEETING*

**Thursday, August 14, 2014, 9:30 a.m.**  
**William P. Hobby Jr. Building Room 100**  
**333 Guadalupe St, Austin, TX 78701**

### AGENDA

(Mojica, McCoy, Smith substituting for Kercheval)

1. Call to Order – Introduction of Members, Guests, and Staff
2. 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)
3. Review and Approve May 2, 2014, Committee Minutes
4. Review, Discussion, and Possible Action to Approve or Disapprove the Following Pending Student Applications
  - AN (Prosthetics)
  - BP (Orthotics)
5. Review, Discussion, and Possible Action to Approve or Disapprove the Following Pending Practitioner Applications
  - ED (Orthotics and Prosthetics)
  - CM (Orthotics and Prosthetics)
  - FO (Orthotics)
  - MP (Orthotics and Prosthetics)
  - RS (Orthotics)
6. Review, Discussion, and Possible Action to Approve or Disapprove the Following Facility Accreditation Applications
  - APO-SA (Orthotics and Prosthetics)
  - HC-DFL (Orthotics and Prosthetics)
  - HC-DG (Orthotics and Prosthetics)
  - HC-FW (Orthotics and Prosthetics)
  - HC-P (Orthotics and Prosthetics)
  - HC-RR (Orthotics and Prosthetics)
  - HC-SA (Orthotics and Prosthetics)
  - HC-S (Orthotics and Prosthetics)
  - HC-T (Orthotics and Prosthetics)
  - NL (Orthotics and Prosthetics)
  - NLBL-C (Orthotics and Prosthetics)
  - O-C (Orthotics and Prosthetics)
  - OPS-H (Orthotics and Prosthetics)
  - SOP-P (Orthotics and Prosthetics)

▪ SPOT-SA

(Orthotics and Prosthetics)

7. Review, Discussion, and Possible Action to Approve or Disapprove the Following Pending Uniquely Qualified Person Applications

▪ JF

(Orthotics and Prosthetics)

8. Discussion and Possible Action regarding Staff Recommendations on the Implementation of the New and Amended Rules related to Licensure Applications
9. Review, Discussion, and Possible Action regarding the Evaluation of Orthotic- and Prosthetic-Related Degrees of Volunteers from Malaysia with current Texas Licensing Requirements
10. Set Next Meeting Date
11. Propose Agenda Items
12. Public Comment
13. Adjournment

---

Action may be taken on any of the above items. The Board reserves the right to go into executive session as authorized by the Government Code. Agenda items may be taken in any order at the discretion of the chair. An individual who wishes to speak on an issue that falls under the Board/committee's jurisdiction shall be heard during the Public Comment agenda item if it exists. The Chair may establish and announce limitations on speakers, including time limits and when speakers may address the Board/Committee. The limitations, if any, may vary from meeting to meeting.

CONTACT: Yvonne Feinleib, Interim Executive Director  
Texas Board of Orthotics and Prosthetics  
512/834-4521

Persons with disabilities who plan to attend this meeting and require auxiliary aids or services are asked to call Anne Mosher, Center for Consumer and External Affairs, Department of State Health Services, (512) 776-2780, 72 hours prior to the meeting so that appropriate arrangements may be made.

**TEXAS BOARD OF ORTHOTICS & PROSTHETICS**

***ENFORCEMENT COMMITTEE MEETING***

**Thursday, August 14, 2014, 1:30 p.m.  
William P. Hobby Jr. Building Room 100  
333 Guadalupe St, Austin, TX 78701**

**AGENDA**

**(Neider, Smith, McCoy substituting for Brou)**

1. Call to Order – Introduction of Members, Guests, and Staff
2. 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)
3. Review and Approve May 1, 2014, Committee Minutes
4. Review, Discussion and Possible Action Regarding Complaint #1070-11-0051
5. Review, Discussion and Possible Action Regarding Complaint #1070-12-0023
6. Review, Discussion and Possible Action Regarding Complaint #1070-12-0043
7. Review, Discussion and Possible Action Regarding Complaint #1070-13-0001
8. Review, Discussion and Possible Action Regarding Complaint #1070-13-0008
9. Review, Discussion and Possible Action Regarding Complaint #1070-13-0009
10. Review, Discussion and Possible Action Regarding Complaint #1070-13-0010
11. Review, Discussion and Possible Action Regarding Complaint #1070-13-0023
12. Review, Discussion and Possible Action Regarding Complaint #1070-14-0013
13. Review, Discussion and Possible Action Regarding Complaint #1070-14-0020
14. Staff Report Concerning Update on Open Enforcement Cases, to include Tabled Enforcement Cases
15. Staff Report Concerning Closed Enforcement Cases
16. Discussion and Possible Action Concerning the Draft Sanction Guide
17. Set Next Meeting Date
18. Propose Agenda Items
19. Public Comment
20. Adjournment

---

Action may be taken on any of the above items. The Board reserves the right to go into executive session as authorized by the Government Code. Agenda items may be taken in any order at the discretion of the chair. An individual who wishes to speak on an issue that falls under the Board/committee's jurisdiction shall be heard during the Public Comment agenda item if it exists. The Chair may establish and announce limitations on speakers, including time limits and when speakers may address the Board/Committee. The limitations, if any, may vary from meeting to meeting.

CONTACT: Yvonne Feinleib, Interim Executive Director  
Texas Board of Orthotics and Prosthetics  
512/834-4521

Persons with disabilities who plan to attend this meeting and require auxiliary aids or services are asked to call Anne Mosher, Center for Consumer and External Affairs, Department of State Health Services, (512) 776-2780, 72 hours prior to the meeting so that appropriate arrangements may be made.

# TEXAS BOARD OF ORTHOTICS & PROSTHETICS

## *RULES COMMITTEE MEETING*

**Friday, August 15, 2014, 10:30 am**  
**William P. Hobby Jr. Building Room 100**  
**333 Guadalupe St, Austin, TX 78701**

### **AGENDA**

**(McCoy, Mojica, Smith)**

1. Call to Order – Introduction of Members, Guests, and Staff
2. 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)
3. Review and Approve May 1, 2014 Committee Minutes
4. Review, Discussion, and Possible Action Regarding Public Comments Received and Committee Recommendations to the Board on Adoption of 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:
  - Amendments to §§821.1, 821.2, 821.4, 821.5, 821.9, 821.10, 821.13, 821.16, 821.17, 821.20, and new §821.30 and §821.31
5. 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
6. 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
7. Discussion and Possible Action Concerning Petition for the Adoption of a Rule regarding Orthoses Sold by Online Retailers
8. Set Next Meeting Date
9. Propose Agenda Items
10. Public Comment
11. Adjournment

---

Action may be taken on any of the above items. The Board reserves the right to go into executive session as authorized by the Government Code. Agenda items may be taken in any order at the discretion of the chair. An individual who wishes to speak on an issue that falls under the Board/committee's jurisdiction shall be heard during the Public Comment agenda item if it exists. The Chair may establish and announce limitations on speakers, including time limits and when speakers may address the Board/Committee. The limitations, if any, may vary from meeting to meeting.

CONTACT: Yvonne Feinleib, Interim Executive Director  
Texas Board of Orthotics and Prosthetics  
512/834-4521

# TEXAS BOARD OF ORTHOTICS & PROSTHETICS

## *BOARD MEETING*

**Friday, August 15, 2014, 1:00 pm**  
**William P. Hobby Jr. Building Room 100**  
**333 Guadalupe St, Austin, TX 78701**

### AGENDA

1. Call to Order – Introduction of Members, Guests, and Staff
2. 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)
3. Review and Approve the May 2, 2014 Board Meeting Minutes
4. Discussion and Possible Action Regarding Reports from the Board Committees
  - a. Licensing and Accreditation Committee
    - Number of Applications Reviewed
    - Number of Applications Approved
    - Number of Applications Denied
    - Number of Applications Tabled
    - Discussion and Possible Action regarding Staff Recommendations on the Implementation of the New and Amended Rules related to Licensure Applications
    - 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
    - Number of Cases Reviewed
    - Disciplinary Action Recommended
    - Number of Cases Closed
    - Number of Cases Tabled
    - Staff Report Concerning Update on Open Enforcement Cases, to include Tabled Enforcement Cases
    - Staff Report Concerning Closed Enforcement Cases
    - Discussion and Possible Action Concerning the Draft Sanction Guide
  - c. Rules Committee

Review, Discussion, and Possible Action by the Rules Committee Regarding Public Comments Received and Committee Recommendations to the Board on

Adoption of Amendments and New Rules Concerning Licenses and Registrations Issued by the Board, 22 Texas Administrative Code, Chapter 821:

- Amendments to §§821.1, 821.2, 821.4, 821.5, 821.9, 821.10, 821.13, 821.16, 821.17, 821.20, and new §821.30 and §821.31

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

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 Concerning Petition for the Adoption of a Rule regarding Orthoses Sold by Online Retailers

5. Review, Discussion, and Possible Action by the Texas Board of Orthotics and Prosthetics Regarding Adoption of 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:
  - Amendments to §§821.1, 821.2, 821.4, 821.5, 821.9, 821.10, 821.13, 821.16, 821.17, 821.20, and new §821.30 and §821.31
6. Review, Discussion, and Possible Action by the Texas Board of Orthotics and Prosthetics Regarding Proposed Amendments to §821.15 Accreditation of Prosthetic and Orthotic Facilities regarding a new posting requirement for hours of operation
7. Review, Discussion, and Possible Action Regarding Final Disciplinary Action on the following Cases 1070-14-0014 & 0015, 1070-12-0008, and 1070-10-0038
8. Review, Discussion, and Possible Action Regarding Default Order on Case 1070-10-0077
9. Review, Discussion and Possible Action regarding Status of Cases at the Office of General Counsel awaiting hearings at the State Office of Administrative Hearings: 1070-09-0010, 1070-09-0014, 1070-09-0027, 1070-10-0057, 1070-10-0074, 1070-10-0075, 1070-11-0010, 1070-13-0002, 1070-13-0023, and 1070-13-0029
10. Discussion of Past Enforcement Cases in which a Notice of Violation (NOV) was Issued and then Withdrawn, and Future Enforcement Actions
11. Review, Discussion and Possible Action Regarding Requests for Opening Complaints by the Board

12. Oral Report from Board Member Ray Smith on the Annual Meeting of the Texas Chapter of the American Academy of Orthotists & Prosthetists held on August 8-9, 2014 in San Antonio, Texas
13. Review, Discussion and possible action regarding applications for the position of Executive Director, Texas Board of Orthotics and Prosthetics
14. 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
15. 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 Enforcement Cases as well as Disciplinary Action Log and Tool
16. 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
17. Review, discussion and possible action regarding expanding the dates for future meetings of the Texas Board of Orthotics and Prosthetics from two to three days
18. Set Next Meeting Dates
19. Propose Agenda Items
20. Public Comment
21. Adjournment

---

Action may be taken on any of the above items. The Board reserves the right to go into executive session as authorized by the Government Code. Agenda items may be taken in any order at the discretion of the chair. An individual who wishes to speak on an issue that falls under the Board/committee's jurisdiction shall be heard during the Public Comment agenda item if it exists. The Chair may establish and announce limitations on speakers, including time limits and when speakers may address the Board/Committee. The limitations, if any, may vary from meeting to meeting.

CONTACT: Yvonne Feinleib, Interim Executive Director  
Texas Board of Orthotics and Prosthetics  
512/834-4521

Persons with disabilities who plan to attend this meeting and require auxiliary aids or services are asked to call Anne Mosher, Center for Consumer and External Affairs, Department of State Health Services, (512) 776-2780, 72 hours prior to the meeting so that appropriate arrangements may be made.