

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

MINUTES

Members Present

Miguel Mojica
Roy McCoy
Ray Smith

Members Absent

David Kercheval

Staff Present

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

Public Present

Gordon Stevens	Edward Khu
Mark Kerchin	Kent Baker
Katie Brinkley	Catherine Fox
Mike Schlutzhanger	John Fergason
James McCoy	Mike Allen
Joe Zermeno	Raymond Allen
Lisa Guichet	R. Rentfrow
Allison Neil	Rich Shaw
Amy Mehl	Natalie Stewart
Chris Beverly	Jacqueline Adolph
Jesse E. Martinez	Sara Reinard
Mark Pitambersingh	
Catherine Mize	

Agenda Item 1 was introduction of members, guests, and staff. The meeting was called to order by Miguel Mojica at 9:30 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). David Kercheval was absent and his absence was unexcused.

Agenda Item 3 was review and approve May 2, 2014, committee minutes. Miguel Mojica made a motion to approve. 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 student applications

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

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

Agenda Item 5 was review, discussion, and possible action to approve or disapprove the following pending practitioner applications

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

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

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

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

RS - (Orthotics). Ray Smith made the motion to approve practitioner application pending receipt of amended application as Uniquely Qualified (UQ). The motion was seconded by Roy McCoy and passed.

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

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

HC-DFL - (Orthotics and Prosthetics). Ray Smith made the motion to approve the facility accreditation application pending receipt of the name of the Safety Officer. The motion was seconded by Roy McCoy and passed.

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

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

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

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

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

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

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

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

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

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

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

SOP-P - (Orthotics and Prosthetics). No action was taken.

Miguel Mojica made a motion to take a fifteen minute break at 10:30. The meeting was called back into session at 10:45.

SPOT-SA (Orthotics and Prosthetics). Roy McCoy made the motion to approve the facility accreditation application pending receipt of photograph showing wall-mounted mirror in front of rails. The motion was seconded by Ray Smith and passed.

Agenda Item 7 was review, discussion, and possible action to approve or disapprove the following pending uniquely qualified person applications

JF - (Orthotics and Prosthetics). Ray Smith made the motion to approve the uniquely qualified person application. The motion was seconded by Roy McCoy and passed.

Agenda Item 8 was discussion and possible action regarding staff recommendations on the implementation of the new and amended rules related to licensure applications. The committee provided direction to staff. No action taken.

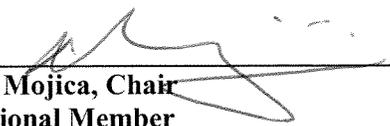
Agenda Item 9 was review, discussion, and possible action regarding the evaluation of Orthotic- and Prosthetic-related degrees of volunteers from Malaysia with current Texas Licensing Requirements. No action taken.

Agenda Item 10 was set next meeting date. The next meeting date was set for November 13-14, 2014.

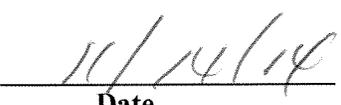
Agenda Item 11 was propose agenda items. No agenda items were proposed..

Agenda Item 12 was public comment. There was one public comment.

Agenda Item 13 was adjournment. Roy McCoy made the motion to adjourn the meeting at 11:28 a.m. The motion was seconded by Ray Smith passed.



Miguel Mojica, Chair
Professional Member



Date

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**

MINUTES

Members Present

Richard Neider
Roy McCoy
Ray Smith

Members Absent

Rebecca Brou

Staff Present

Jeri Bailey
Gerard Bonner
Cindy Bourland
Oscar Draughn
Yvonne Feinleib
Michael De La Cruz
Carol Miller
Jerry Gonzalez
Rudy Boeta
Don Jansky
Cheryl Gomez

Public Present

M. McCormick
K. Elliot
L. Ramsower
Malcolm Slade
Lee Zerueco
Kevin A. King
April Rector
Gordon Stevens
Bill Messer
James McCoy
Natalie Stewart
Raymond Allen

Amy Meherz
Mark Leich
John R. Pierce, Jr.
Oscar Mugize
Catherine Mize
Mike Allen
Katie Brinkley
Jacqueline Adolph
Edward Khu
David Schick
Chris Bevery

Agenda Item 1 was introduction of members, guests, and staff. The meeting was called to order by Richard Neider at 1:36 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). Rebecca Brou was absent and her absence was excused.

Agenda Item 3 was review and approve May 1, 2014, committee minutes. Ray Smith made the motion to approve the minutes as written. The motion was seconded by Richard Neider and passed. Roy McCoy abstained.

Agenda Item 4 was review, discussion and possible action regarding complaint #1070-11-0051. Ray Smith made a motion to close the complaint as unsubstantiated. The motion was seconded by Roy McCoy and passed.

Agenda Item 5 was review, discussion and possible action regarding complaint #1070-12-0023. Ray Smith made a motion to close the complaint with no violation. The motion was seconded by Roy McCoy and passed.

Agenda Item 6 was review, discussion and possible action regarding complaint #1070-12-0043. Ray Smith made a motion to impose a \$3,000 administrative penalty for operating with an expired license from January 1, 2012 to September 5, 2012. The motion was seconded by Roy McCoy and passed.

Agenda Item 7 was review, discussion and possible action regarding complaint #1070-13-0001. Ray Smith made a motion to close the complaint with no action. The motion was seconded by Roy McCoy and passed. Richard Neider recused himself.

Agenda Item 8 was review, discussion and possible action regarding complaint #1070-13-0008. Ray Smith made a motion close the complaint with no action. The motion was seconded by Roy McCoy and passed.

Agenda Item 9 was review, discussion and possible action regarding complaint #1070-13-0009. Ray Smith made a motion to close the complaint with no violation. The motion was seconded by Roy McCoy and passed.

Agenda Item 10 was review, discussion and possible action regarding complaint #1070-13-0010. Ray Smith made a motion to close the complaint with no violation. The motion was seconded by Roy McCoy and passed.

Agenda Item 11 was review, discussion and possible action regarding complaint #1070-13-0023. Ray Smith made a motion to close the complaint with no violation. The motion was seconded by Roy McCoy and passed.

Agenda Item 12 was review, discussion and possible action regarding complaint #1070-14-0013. Ray Smith made a motion to close the complaint with no action. The motion was seconded by Roy McCoy and passed.

Agenda Item 13 was review, discussion and possible action regarding complaint #1070-14-0020. Ray Smith made a motion to close the complaint with no action. The motion was seconded by Roy McCoy and passed.

Agenda Item 14 was staff report concerning update on open enforcement cases, to include tabled enforcement cases. Yvonne Feinleib gave the report.

Agenda Item 15 was staff report concerning closed enforcement cases. Yvonne Feinleib gave the report.

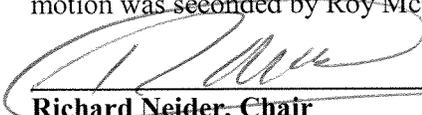
Agenda Item 16 was discussion and possible action concerning the draft sanction guide. Roy McCoy made a motion to review the document at the next meeting. The motion was seconded by Ray Smith and passed.

Agenda Item 17 was set next meeting date. No date was set.

Agenda Item 18 was propose agenda items. No agenda items were proposed.

Agenda Item 19 was public comment. One person made a public comment.

Agenda Item 20 was adjournment. Ray Smith made the motion to adjourn the meeting at 3:49 p.m. The motion was seconded by Roy McCoy and passed.



Richard Neider, Chair
Professional Member

11/13/14
Date

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

MINUTES

Members Present

Roy McCoy
Miguel Mojica
Ray Smith

Staff Present

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

Public Present

Jackie Adolph	James McCoy
Mike Allen	Amy Mize
Katie Brinkley	Catherine Mize
Lisa Guichet	Tracey Russ
Nathan Harris	April Recter
Bobby Hillet	Gordon Stevens
Donavan Jones	Natalie Stewart
Mark Kirchner	La Zerauero

Agenda Item 1 was introduction of members, guests, and staff. The meeting was called to order by Roy McCoy at 10:30 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 board members were absent.

Agenda Item 3 was review and approve May 1, 2014 committee minutes. Miguel Mojica made the motion to approve. The motion was seconded by Ray Smith and passed.

Agenda Item 4 was 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

Ray Smith made a motion to accept public comments. The motion was seconded by Miguel Mojica and passed. Three persons provided public comments.

Ray Smith made a motion to delete proposed language allowing a licensed physician to supervise an assistant in §821.2 and §821.10. The motion was seconded by Miguel Mojica and passed. Miguel Mojica made a motion to delete proposed language related to an allied health degree or certificate at 821.10(c). The motion was seconded by Ray Smith and passed.

Ray Smith made a motion to recommend to the full board that the rules be adopted as amended. The motion was seconded by Miguel Mojica and passed.

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 §821.15 Accreditation of Prosthetic and Orthotic Facilities regarding a new posting requirement for hours of operation.

Ray Smith made to recommend proposed draft language to §821.15 (e)(13) to the board at next rules meeting in November. The motion was seconded by Miguel Mojica and passed. One person provided public comment.

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. One person provided public comment.

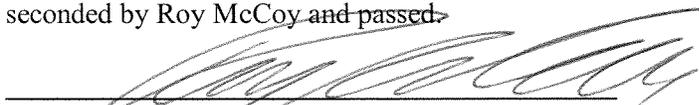
Agenda Item 7 was discussion and possible action concerning petition for the adoption of a rule regarding orthoses sold by online retailers. Ray Smith made a motion to proposed the discussion until the next committee meeting in November. The motion was seconded by Miguel Mojica and passed.

Agenda Item 8 was set next meeting date. The next meeting date was set for November 2014.

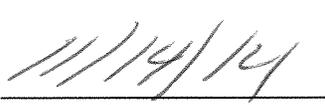
Agenda Item 9 was propose agenda items. Ray Smith proposed the following agenda items for the next meeting: 821.10(b)(4) regarding assistants; 821.15 (e)(13) regarding hours of operation; and discussion and possible action concerning petition for the adoption of a rule regarding orthoses sold by online retailers.

Agenda Item 10 was public comment. There was no public comment.

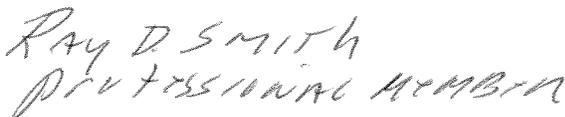
Agenda Item 11 was adjournment. Ray Smith made a motion to adjourn at 12:37 p.m. The motion was seconded by Roy McCoy and passed.



Roy McCoy, Chair
Public Member



Date


Ray D Smith
PROFESSIONAL MEMBER

TEXAS BOARD OF ORTHOTICS & PROSTHETICS

BOARD MEETING

**Friday, November 14, 2014, 2:00 pm
University of Texas Southwestern Medical Center
Pickens Medical Education and Conference Center, NG3.112
6001 Forest Park Drive
Dallas, TX 75390**

This posted Board meeting was not held due to lack of a quorum.

Therefore, no minutes are available.