



## OPP Board Decision and Action Agenda September 11, 2013

### State Board Of Orthotics, Prosthetics, & Pedorthics

#### **Officers re-elected**

An election by voice vote was held in accordance with Revised Code § 4779.06, which provides in part “...the board's annual meeting shall be held in this state in September. ... The board shall annually select from its membership a president and a secretary.”

Bill Neu, LPO.80 , President and Jason Macedonia, LPO.240, were handily re-elected to their posts. Mr. Neu is an independent practitioner in Delaware, and Mr. Macedonia is a Manager with Hanger Clinic, fka Hanger Prosthetics and Orthotics, based in Central Ohio.

#### **Board continuity – candidate recruitment**

The Pedorthist seat on the Board remains vacant at this time, and an Orthotic/Prosthetic practitioner seat opens for appointment as of December 6, 2013. Terms are for three years and an initial term is subject to re-appointment at the discretion of the Governor. Appointment authority is vested in the Governor, and the Governor’s office is interested in the active involvement of stakeholders and professional associations in forwarding candidates for consideration. Active, informed and committed-to-service licensees are encouraged to consider submitting an application See: <http://www.governor.ohio.gov/Portals/0/Boards%20and%20Commissions%20Application.pdf>

#### **New licenses issued**

Orthotics-Prosthetics  
FARLEY, Jeremy

Orthotics  
JACKSON, Laura – TEMP  
STEINMETZ, Eric – TEMP (holds LP)

#### **Record Hearing on Notice of Opportunity for Hearing issued to Michael P. Marmer regarding Application for Licensure in Pedorthics.**

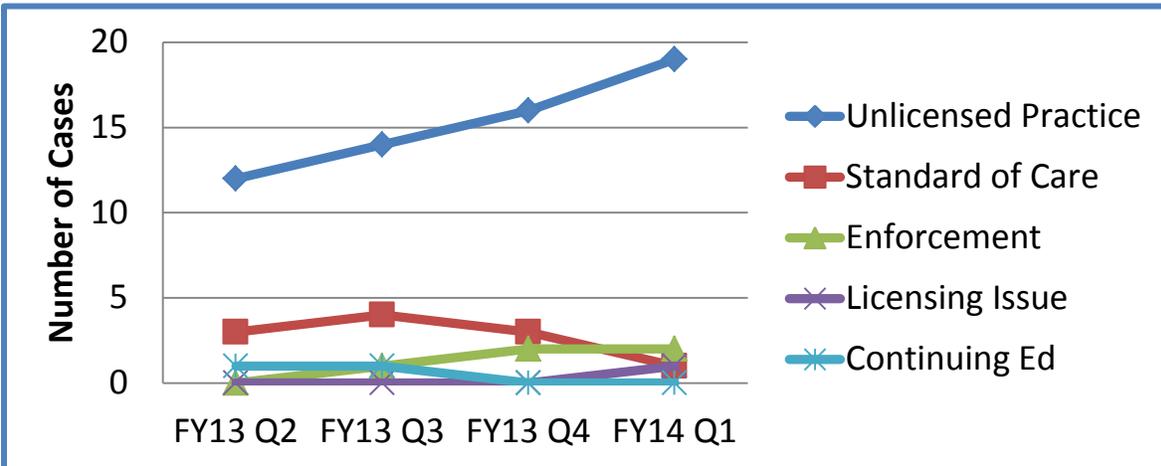
Hearing was held as per scheduling information and notifications issued. The question before the Board was whether the application was complete and whether the application documented compliance with the requirements for licensure as a Pedorthist in accordance with ORC § 4779.09 (General requirements), §4779.13 (Pedorthic licensure), and/or §4779.18 (Temporary license). After reviewing all evidence and considering testimony, the Board panel voted to deny the application for non-compliance with qualification requirements.

#### **Complaint statuses and tracking**

The Board accepted a Complaint Status report with no discussion.

- Complaint/case volume is up; days to file closure is down.

- Four (4) FY13 complaint files were recommended to close as in compliance/educative or no fault / no jurisdiction; Three (3) FY14 files were closed as in compliance, educative, or no jurisdiction.
- Thirty-six (36) complaint files were opened in FY13 through end of June 2013; ten (10) were still in process or subject to tracking going into the meeting; nine (9) have been opened during the first quarter of FY14. Unlicensed practice issues remain high in our metrics.



### OTS Orthotics and CMS Competitive Bid initiative – What’s it mean for Ohio?

Reimbursement issues are not ordinarily within the board’s purview. However, the determination of what is and what is not a prefabricated orthotic device considered to meet “minimal fitting” criteria (Ohio language) or “requires minimal self-adjustment” (federal language) and the extent to which an out-of-state supplier can provide devices to Ohio consumers by drop ship without running afoul of unlicensed practice considerations has brought the issue within the Board’s realm of review and regulatory interest. Until the recent federal initiative, OTS Orthotics were generally described as “soft goods” – primarily composed of fabric or elastic-type materials lacking rigid and malleable components as major design elements. The topic was raised for Board consideration and further discussion.

### Pedorthic Standard of Care and Diabetic Therapeutic Shoe services

Noting that the Board has recently engaged in a review of paperwork and processes of Ohio licensees engaged in diabetic therapeutic shoe services, this issue was introduced for further Board consideration. Since suppliers are generally the players responsible for submitting claims for payment on the benefit, reimbursement paperwork and processes as well as practice protocols and patient care fall within the scope of practice and professional responsibility of the DTS supplier and Pedorthic licensee.

Issues for consideration:

Are you following, filling or writing a “script”? For efficiency in process and operations, many practices offer a standard form to doctors and prescribers for item/requirements check-off and sign-off. The elements required for the Statement of Certifying Physician are specifically detailed, but permissive **language appears to allow the supplier to “produce” the detailed written order** to reflect the prescriber’s intent and for the prescriber’s signature.

But **the DTS supplier doesn’t diagnose or prescribe**; the supplier’s responsibility is to accurately fill an order based on an appropriate diagnosis and prescription supported as medically necessary and documented by medical history, medical records, and treating/prescribing plan of care. And so, while it is acceptable for a business’ pre-printed form to facilitate this process, it should not as a stand-alone document limit the prescriber’s choice regarding an appropriate medical order for the patient.

- Is it acceptable for a supplier’s DTS prescription form to indicate only one or two DTS service codes for the prescriber’s determination as the best treatment option for the patient?
- Should a supplier’s DTS prescription form list all DTS HCPCS codes for which a beneficiary may qualify?
- Should the DTS prescription form emulate a DIF form by providing all data fields necessary for a prescriber to certify the elements of patient presentation and history to qualify for reimbursement of the device/service being prescribed?
  - Date of last face to face visit with certifying doctor and/or prescriber
  - Reference to plan of care including recommendation for DTS service
  - Treatment goal/objective for utilization of DTS
- How does a supplier appropriately document the in-person final fitting evaluation?

The Board welcomes the informed involvement and discussion of its stakeholder community in consideration of these questions as well as the overall question as to whether the Board should provide general guidance or specific regulatory language to inform licensed providers. To participate in the discussion process going forward, [send an email](#) and include in the subject line: **DTS standards for Ohio.**

### **OPPCE Reminder for 2014 License Renewers**

The renewal due January 31, 2014, marks the cycle requiring OPPCE attestation for about 75% of the Board’s licensees. See guidance on [OPPCE requirements](#) at the website “Licensees” tab.

## OPP Board “BOGO” Policy ... last call?

The Board has by policy since its inception allowed its “two ticket” license holders to renew both licenses for one fee, at least in part because of the Board’s recognition of the high cost of OPP license renewal in comparison to other licensed professions’ fee structures. This policy may not be “sustainable” going forward. With the procurement of a new enterprise-wide licensing database solution, it appears “two for one” pricing in license renewal is not a customization that the system would be able to accommodate. Staff will continue its detailed work to assure that OPP as an agency and its licensees receive the maximum benefits of efficiency and automation offered by the new system once implemented, and will keep its constituents informed of progress and changes that may need to be addressed.

The current policy will remain in effect for the renewal due January 2014, but likely will be retired for subsequent renewal cycles. New system projected “Go Live” is September 2014.



State Board Of Orthotics, Prosthetics, & Pedorthics

<b><u>President</u></b>	<b><u>Secretary</u></b>
<b>William C. Neu, III, LPO</b>	<b>Jason Macedonia, LPO</b>
Delaware, Ohio	Columbus, Ohio
(second term)	(first term)
Term Ends: 12/06/2014	Term Ends: 12/06/2014
<b>Animesh S. Bhatia, DPM</b>	<b>Edwin D. Niehaus, LP</b>
New Albany, Ohio	Strongsville, Ohio
(first term)	(second term)
Term Ends: 12/06/2015	Term Ends: 12/06/2013
<b>Robert R. Reed (consumer)</b>	<b>Brian M. Weaver, LPO</b>
Columbus, Ohio	Grove City, Ohio
(second term)	(first term)
Term Ends: 12/06/2014	Term Ends: 12/06/2015
<b>VACANCY, LPED</b>	
(first term)	
Term Ends: 12/06/2015	

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