

New Jersey Office of the Attorney General

DIVISION OF CONSUMER AFFAIRS ORTHOTICS AND PROSTHETICS BOARD OF EXAMINERS PUBLIC SESSION MINUTES March 19, 2015

The meeting of the New Jersey State Orthotics and Prosthetics Board of Examiners was held on March 19, 2015, at the State Office Building at 124 Halsey Street, Newark, NJ. The meeting was convened in accordance with the Open Public Meetings Act with previous notification having been sent to the Secretary of State and the following publications: The Record in Bergen County, The Star Ledger, Camden Courier Post, Trenton Times, Aisling Swift Press of Atlantic City and Asbury Park Press. The schedule of this meeting has also been posted on the bulletin at the New Jersey State Orthotics and Prosthetics Board of Examiners Office and under the Board's website. The meeting was called to order by Heikki Uustal, M.D. (Chair) at 10:20 A.M

OPENING STATEMENT - Reading of "The Sunshine Law"

PRESENT: Board Members: Heikki Uustal, M.D. (Chair) and
Louis J. Haberman, CPO/LPO,

EXCUSED: Mildred E. Carlascio, LCO, (Vice Chair)

ALSO PRESENT: Deputy Attorney General Swang Oo,
and Executive Director Laura L. Anderson.

I. MINUTES: November 20, 2014, Public Session Minutes Approval.

THE BOARD, UPON MOTION MADE BY LOUIS J. HABERMAN AND SECONDED BY HEIKKI UUSTAL, ACCEPTED THE NOVEMBER 20, 2014, PUBLIC SESSION MINUTES AS PRESENTED.

II. REGULATIONS

Charles Manning, Regulatory Analyst
Adopted New Rule: N.J.A.C. 13:44H-3.3
Proposed: November 17, 2014

Credit Towards Licensure for Education, Training, and Experience Received While Serving as a Member of the Armed Forces.

N.J.A.C. 13:44H-3.3 New rule was proposed on November 17, 2014. Proposal comments period expired on January 16, 2015.

Regulatory Analyst Manning reported no comment received. He requested the Board's approval of the proposed rules for adoption.

UPON THE MOTION MADE BY LOUIS J. HABERMAN AND SECONDED BY HEIKKI UUSTAL, VOTED TO APPROVE THE ADOPTION OF NEW RULE N.J.A.C. 13:44H-3.3.

III. NEW BUSINESS

RE: Advertisement
Robert Manfredi, Jr.

Mr. Robert Manfredi inquired about the complaint process regarding advertisements or solicitations for regulated services by individual or entity without proper credentials.

THE BOARD, UPON MOTION MADE BY LOUIS HABERMAN AND SECONDED BY HEIKKI UUSTAL, DETERMINED THAT A RESPONSE BE SENT TO MR. MANFREDI ADVISING HIM THAT THE BOARD REVIEWS ALL FILED COMPLAINTS RELATING TO THE PRACTICE OF ORTHOTICS AND PROSTHETICS PRIOR TO TAKING ANY ACTION AND WOULD REFER OUT ANY COMPLAINTS NOT WITHIN ITS AUTHORITY TO REVIEW.

IV. APPLICATIONS REVIEW (INITIAL)

Prosthetist-Orthotist

Gregory W. Pummer (ID # 1899939)

The Board review Mr. Pummer's application and determined that the application as presented failed to meet the requirements for licensure under N.J.S.A. 45:12B-11.

UPON MOTION MADE BY LOUIS J. HABERMAN AND SECONDED BY HEIKKI UUSTAL, VOTED THAT THE APPLICATION AS PRESENTED FAILED TO MEET THE REQUIREMENTS FOR LICENSURE UNDER N.J.S.A. 45:12B-11 AND ADVISED THE APPLICANT TO APPLY FOR LICENSURE UNDER N.J.S.A. 45:1-7.5.

V. ORTHOTICS AND PROTHETICS BOARD OF EXAMINERS AUTHORIZATION

AT THIS TIME, AND UPON THE MOTION MADE BY LOUIS J. HABERMAN AND SECONDED BY HEIKKI UUSTAL, THE BOARD DELEGATES AUTHORITY TO THE PRESIDENT TO TAKE NECESSARY ACTION IN BETWEEN BOARD MEETINGS.

A) Board President/Chair

The Orthotics and Prosthetics Board of Examiners hereby moves to designate and authorize the Board President to function as Chair of the Orthotics and Prosthetics Board of Examiners, to take action regarding certain events arising between Board meetings, where time is of the essence. Such actions would include:

1. Issuing an Order to Show Cause upon the filing by the Attorney General of a Verified Complaint seeking emergent relief;
2. Call a meeting of a committee of the Board to conduct an emergent Temporary Suspension hearing based upon such Complaint and issuing an Order to be ratified by the Board at its next meeting and having immediate effect, or call a meeting of the full Board to conduct an emergent Temporary Suspension hearing based upon such Complaint and issuing an Order having immediate effect.

3. Determining settlement terms of a disciplinary case pending review and approval of the full board, including but not limited to, those cases where a final determination by the board must be made on short notice to effectuate global settlement with other civil or criminal authorities or where there is an immediate danger to the public health safety and welfare should a licensee remain in practice.

Each of the above actions is subject to review by the full Board at the next meeting at which such review can be scheduled. The full Board may then ratify, modify or vacate the emergent action taken by the President.

In the absence, unavailability or ineligibility of the President to address the matter, said authority is conferred upon the Vice President of the Board, acting as President pro tempore, and then to remaining Board members in order of seniority.

B) Executive Director

The Orthotics and Prosthetics Board of Examiners hereby moves to authorize the Executive Director of the Board to approve routine applications that clearly meet the educational, exam and internship requirements for:

- 1) Prosthetist
- 2) Orthotist
- 3) Prosthetist and Orthotist
- 4) Prosthetist Assistant
- 5) Orthotist Assistant

- 6) Prosthetist and Orthotist Assistant
- 7) Student Registration
- 8) Temporary License

VI. ADJOURNMENT

At 12.20 P.M., the Board, upon a motion made by Louis J. Haberman and seconded by Heikki Uustal, voted to adjourn the Public Session and moved to the Executive Session for advice of counsel and review of open matters (investigations and deliberations). When and if action is taken, it will be reported in Public Session.

The meeting was adjourned at 1:25 PM.

Respectfully submitted,

Laura L. Anderson
Executive Director