

**STATE OF NEW JERSEY
DIVISION OF CONSUMER AFFAIRS
ORTHOTICS AND PROSTHETICS BOARD OF EXAMINERS
PUBLIC SESSION MINUTES
May 26, 2009**

The meeting of the New Jersey State Orthotics and Prosthetics Board of Examiners was held on May 26, 2009, 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, to advise of the scheduling of this meeting. The meeting was called to order by Louis J. Haberman, C.P.O., (Chair) at 10:15 A.M.

OPENING STATEMENT - Reading of "The Sunshine Law"

PRESENT - Board Members Louis J. Haberman, C.P.O., (Chair)
Heikki Uustal, M.D.
Mildred E. Carlascio, C.O. and
Brooke Artesi, L.O. CPED

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

I. MINUTES:

THE BOARD, UPON MOTION MADE BY MILDRED CARLASCIO AND SECONDED BY HEIKKI UUSTAL, VOTED TO APPROVE THE JANUARY 6, 2009 PUBLIC SESSION MINUTES AS PRESENTED.

II. LEGISLATION

The Board reviewed the 4th quarter of 2008 and the 1st quarter of 2009 legislative reports, received from Burt Liebman Legislative Liaison, Division of Consumer Affairs, showing the history of bills on which the Board was asked to comment and legislative action, taken during the fourth quarter October 1, 2008 - December 31, 2008, and the first quarter January 1, 2009 - March 31, 2009.

THE BOARD ACCEPTED THIS AS INFORMATIONAL MATERIAL.

Member Carlascio was inquiring regarding a bill in which the Board was not informed in a timely fashion. Ms. Carlascio will submit the correct information so the accuracy of her statement may be verified.

MILDRED CARLASCIO WAS NAMED THE "LIAISON" PERSON TO BRING BILLS MATTERS TO THE ATTENTION OF THE BOARD.

III. REPORTS

The Board reviewed the 2009 (1st half) budget report received from Darlene Kane, Budget Officer.

SINCE BOARD MEMBERS MEMBERS HAD QUESTIONS REGARDING THE BUDGET PREPARED, THE BOARD IS INVITING MS. KANE TO ATTEND THE NEXT MEETING TO REQUEST CLARIFICATION TO THE ITEMS IN QUESTION.

IV. OLD BUSINESS

N.J.A.C. 13:44h-6.3 Continuing education. (Pedorthists)

There was a question regarding the continuing education requirements for Certified pedorthists licensed by the Board in this State.

The Board discussed this matter briefly and concluded that initiating regulations to impose CE's for Pedorthists would not be in the best interest of the Board nor the licensees since the licensure is voluntary and also considering the time and economic impact that new regulations may cost.

THE BOARD, HOWEVER, DIRECTED TO CONTACT ABC TO INQUIRY REGARDING THE CURRENT REQUIREMENTS FOR CE'S TO ALL THE CERTIFIED PEDORTHISTS.

V. ABC EXAMINATION

Clarification was made with regard to a certain existent agreement between the Board and the American Board for Certification in Orthotics and Prosthetics.

THE BOARD CLARIFIED AND RATIFIED THAT PURSUANT TO 13:44H-3.1 (A) A PERSON WHO WISHES TO BE LICENSED AS AN ORTHOTIST, PROSTHETIST OR PROSTHETIST-ORTHOTIST SHALL SUCCESSFULLY COMPLETE THE EXAMINATION GIVEN BY THE AMERICAN BOARD FOR CERTIFICATION IN ORTHOTICS AND PROSTHETICS OR ITS SUCCESSOR.

VI. ETHICS

No discussion on this subject.

VII. PUBLIC ATTENDANCE COMMENTS & PROCEDURES (OFF AGENDA)

A) Public Attendance and Comments:

The Board, welcomed and offered the public in attendance to express their opinion.

Nancy Pinkin from MBI, offered her opinion and commented on Bill-A-2029 regarding the Scope of Practice expansion for Chiropractors in the State of New Jersey .

THE BOARD, DIRECTED TO OBTAIN A COPY OF BILL A-2029 TO BRING TO DISCUSSION AT THE NEXT MEETING.

Ms. Pinkin also mentioned the matter with regard to Insurance Companies not complying with the Law with regards to payment for Orthotics and Prosthetics products and services.

THE BOARD REQUESTED THIS MATTER TO BE PLACED ON NEXT AGENDA FOR FURTHER DISCUSSION.

B) Procedures:

The Board discussed procedures regarding public comments and attendance to the Board regular Public Meetings.

WITH THE ASSISTANCE AND GUIDANCE OF DEPUTY ATTORNEY GENERAL OO, THE BOARD IMPLEMENTED PROCEDURES TO FOLLOW WITH REGARDS TO ATTENDANCE, AND LENGTH OF COMMENTS PERIOD COMMENTS FROM THE PUBLIC ATTENDANCE AT THE BOARD'S REGULAR PUBLIC MEETINGS. IMMEDIATELY AFTER THE MINUTES ARE RATIFIED, THE BOARD WILL CONSIDER AND OFFER PUBLIC OPINION AND/OR COMMENTS.

VIII. COMMITTEE

Pursuant to N.J.S.A. 45:12B-19 The Board discussed procedures regarding the approval of continuing education course being submitted by licensees and about the Committee formed by 2 members of the Board, Dr. Heikki Uustal and Brooke Artesi.

THE BOARD, UPON MOTION MADE BY DR. HEIKKI UUSTAL AND SECONDED BY BROOKE ARTESI, VOTED THAT THE CONTINUING EDUCATION COMMITTEE WILL DISCUSS AND PERFORM THE TASK OF REVIEWING THE MATERIAL AND/OR COURSE COMPLETION SUBMITTED BY LICENSEES, OUTSIDE THE BOARD, THEN, WILL REPORT AND CONTACT THE PRESIDENT, MR. HABERMAN, WHO WILL MAKE THE DECISION IN A TIMELY MANNER. ONCE THE DECISION IS MADE, THE PRESIDENT, MR. HABERMAN WILL AUTHORIZE FOR THE ITEM TO BE PLACED ON NEXT AVAILABLE AGENDA TO BE RATIFIED AND ACCEPTED BY THE FULL BOARD AT THE TIME OF ITS REGULAR SCHEDULED MEETING.

IX. NEW BUSINESS

1. Functional Electrical Stimulation- "Bioness" (Off Agenda)

Dr. Heikki Uustal, brought to the attention of the Board, the utilization of a new orthotic product called "Bioness". Dr. Uustal also stated that apparently this orthotic device, which is a functional electrical stimulator, is being introduced, utilized and fitted by manufacturer's representative.

Since Bioness, is a orthotic device and must be fitted and appropriately adjust, the service must be provided by a licensed individual.

THE BOARD, UPON MOTION MADE BY HEIKKI UUSTAL AND SECONDED BY BROOKE ARTESI, VOTED THAT PURSUANT TO N.J.S.A. 45:12B-3. ORTHOTICS DEVICES MUST BE PROVIDED AND SERVICED BY INDIVIDUAL IN POSSESSION OF A LICENSE, A LETTER TO BE SENT TO ALL MANUFACTURERS ADVISING OF THE REGULATION WITH REGARD TO THEIR REPRESENTATIVES.

Mr. Louis Haberman to prepare a draft to be presented to the Board .

X. CORRESPONDENCE

1. Paul J. Lafergola, D.P.M.

The Board reviewed a letter-requested submitted by Dr. Lafergola, regarding the practice and questions regarding employment of individual under his employment.

THE BOARD, UPON MOTION MADE BY BROOKE ARTESI AND SECONDED BY MILDRED CARLASCIO, VOTED TO RESPOND BY SENDING A LETTER TO

DR. LAFERGOLA ADVISING HIM THAT UNDER THE ORTHOTICS AND PROSTHETICS BOARD OF EXAMINERS'S REGULATIONS THE TERM AND/OR DESIGNATION "CERTIFIED ORTHOTICS FITTER" IS NOT RECOGNIZED. IN ADDITION, AND PURSUANT TO N.J.S.A. 45:12B.18, LICENSE IS NOT REQUIRED FOR AN EMPLOYEE WHO MAY WORK IN HIS OFFICE, AS LONG AS HE IS PERSONALLY PROVIDING DIRECT SUPERVISION OF THAT INDIVIDUAL, AS THIS INDIVIDUAL'S PRACTICE WILL FALL SOLELY UNDER HIS RESPONSIBILITY.

2. Alexis Janssen Morris

The Board, reviewed a letter-request from Ms. Morris regarding orthotic licensing requirements.

THE BOARD, UPON MOTION MADE BY BOOKE ARTESI AND SECONDED BY MILDRED CARLASCIO, VOTED TO SEND MS. MORRIS A REPLY REFERRING HER ATTENTION TO THE

PRACTICE AND REQUIREMENT PURSUANT TO N.J.S.A. 45:12B-3.

XI. APPLICATIONS REVIEW

1. Gary Zamosky Applicant ID # 1399657

The Board reviewed application submitted by Mr. Zamosky to practice Orthotics in this State.

The Board is questioning Mr. Zamosky's clinical internship which is not clear.

THE BOARD, IN ORDER TO CONTINUE THIS APPLICATION REVIEW FOR APPROVAL, ASKED THAT A LETTER BE SENT TO MR. ZAMOSKY REQUESTING A CERTIFIED AFFIDAVIT EXPLAINING THE REASON OF THE INAVAILIBILITY OF HIS CLINICAL INTERNSHIP DOCUMENTATION STATING THAT HE HAS EXHAUSTED ALL MEANS TO OBTAIN SUCH VERIFICATION FROM THE INDIVIDUALS THAT PROVIDED SUPERVISION.

Louis Haberman recused himself from this discussion

2. The Board, approved the following applicants:

PROSTHETISTS

Carlascio, Louis A. Nielsen, Mark A.

PEDORTHISTS

Jung, Sandra E. Jung, Julia Y.

XII. ANNOUNCEMENT /BOARD MEMBER RESIGNATION

The Board reviewed a letter of resignation as a member of the Board submitted by Mr. Robert Manfredi, Jr., on May 26, 2009.

THE BOARD ACCEPTED MR. MANFREDI'S RESIGNATION.

XIII. BOARD ELECTION

Since Mr. Manfredi's resignation, the position of a Co-Chair has been vacated.

The Board moved to Election of a Co-Chair person.

ELECTION FOR THE BOARD OFFICES FOR THE POSITION OF A CO-CHAIR.

The Board opened nominations

Dr. Heikki Uustal was nominated as Co-Chair by himself.

Mildred Carlascio was nominated as Co-Chair by herself.

Brooke Artesi was nominated as Co-Chair by Dr. Heikki Uustal

The Board moved into Elections:

ACTION: There was no votes for Dr. Heikki Uustal

There was one (1) vote for Mildred Carlascio

There were three(3) votes for Brooke Artesi.

BROOKE ARTESI WAS ELECTED CO-CHAIR OF THE BOARD.

At 11:30 A.M., the Board, upon a motion made by Brooke Artesi and seconded by Dr. Heikki Uustal, voted to move into Executive Session to consider and review consumer complaints, investigative reports and other information received pursuant to the Board's regulations. The results of these deliberations will be made known when and if the Board determines to initiate disciplinary or other enforcement action. If the Board determines to issue any sanction, that disciplinary action will be taken in a public session immediately after the session.

The meeting was adjourned at 2:30 PM.

Respectfully submitted,

Laura L. Anderson
Executive Director