

New Jersey Office of the Attorney General

DIVISION OF CONSUMER AFFAIRS ORTHOTICS AND PROSTHETICS BOARD OF EXAMINERS PUBLIC SESSION MINUTES March 3, 2011

The meeting of the New Jersey State Orthotics and Prosthetics Board of Examiners was held on March 3, 2011, at the State Office Building at 124 Halsey Street, Newark, NJ. The meeting was convened in accordance with the Open Public Meetings Act with prior 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 10:25 A.M.

OPENING STATEMENT - Reading of "The Sunshine Law"

PRESENT - Board Members

Louis J. Haberman, CPO/LPO, (Chair)
Mildred E. Carlascio, LCO.
Heikki Uustal, M.D.
Michael G. Moschella, CPO/LPO, and
Dennis O'Donnell, Public member

ABSENT - Board Member:

Brooke Artesi, L.O. CPED, (Co-Chair)

ALSO, PRESENT:

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

I. MINUTES: THE BOARD, UPON MOTION MADE BY HEIKKI UUSTAL AND SECONDED BY MICHAEL MOSCHELLA, ACCEPTED THE NOVEMBER 16, 2010, PUBLIC SESSION MINUTES AS AMENDED.

II. PUBLIC ATTENDANCE/COMMENTS

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

Nancy Pinkin, from the Orthotics and Prosthetics Society of New Jersey offered the Board her support and addressed her concerns regarding supervision. She presented the Board with Bills A 2553 and A-2281.

The Board, upon motion made by Dennis O'Donnell and seconded by Mildred Carlascio, voted that the Board may review current regulations regarding the number of individuals a licensee may supervise at one time.

III. LEGISLATION

Bills report

A-3203/S89 -

The Board reviewed A-3203/S89

This bill requires licensed health care professionals and facilities to bill Medicare beneficiaries within 90 days of date insurance payment is finalized.

The Board accepted this material as informational.

S- 2497

The Board reviewed bill S-2497

This bill states that notwithstanding the provisions of current law, an applicant who has an arrearage that equals or exceeds the amount of child support payable for six months may still be granted a license, provided that the applicant has made timely child support payments for the immediately preceding 12 months from the date of the application.

The Board made no comments and accepted this material as informational

IV. RULES AND REGULATIONS

1) Re-adoption of N.J.S.A. 13:45C; Duty to Cooperate Regulation. Charles Manning.

The Board accepted this material as informational

2) N.J.A.C 13:44H-3.1 Licensure requirements. Charles Manning

The Board, upon motion made by Heikki Uustal and seconded by Mildred Carlascio, accepted and approved the proposal for amendment of N.J.A.C.3.1 Licensure requirements.

3) Orthotics and Prosthetics / Occupational Therapy Scope of Practice

The Board discussed the Scope of Practice of occupational therapists.

4) Athletic Training Committee; Rules Proposals

Proposed Amendments: N.J.A.C. 13:35-10.2 10.3 and 10.4

Proposed New Rules: N.J.A.C. 13:35-10.5 through 10.17

Proposed Repeal: N.J.A.C. 13:35-10.5

Comments period to expire on March 4, 2011.

The Board, upon the motion of Dennis O'Donnell and seconded by Mildred Carlascio, voted to send a letter/comment to the Board of Medical Examiners with regards to the proposal for the Athletic Training Committee requesting a change of language in their Summary Statements as it does not accurately reflect the actual text of the regulation, specifically, the section that references a new definition for the term "bracing", as it could be confusing for the public and/or licensees.

IV. REPORTS

1) Fiscal Year 2010 Budget Report (Final)

The Board reviewed the Final 2010 Fiscal Year Budget Report with no comments.

V. CORRESPONDENCE

Robert Manfredi Jr., CPO/LPO

The Board reviewed Mr. Manfredi's correspondence regarding unlicensed practice by employees of surgical and manufacturing suppliers of orthotics and prosthetics devices in New Jersey.

The Board upon the motion made by Heikki Uustal and seconded by Mildred Carlascio, share Mr. Manfredi's written concerns and decided to seek the cooperation of the Orthotic and Prosthetic Society of New Jersey to disseminate this Board's State Regulations to the Orthotics and Prosthetics community specifically regarding N.J.S.A.45:12B-17. No person shall practice, attempt to practice or hold himself or itself out as being able to practice orthotics or prosthetics or act as an orthotist assistant, prosthetist assistant, or prosthetist-orthotist assistant in this State unless that person is licensed in accordance with the provisions of this act.

VI. DISCIPLINARY ACTIONS

1. **IMO/Joseph Porcello, AT**

The Board was presented with the executed Consent Order filed against athletic trainer Joseph Porcello for unlicensed practice on January 24, 2011. The Board also reviewed the report to National Practitioner Data.

The Board accepted this material as informational

VII. APPLICATIONS REVIEW (Initial)

1) **Michael W. Moskol**

ID # 1541437

The Board, upon motion made by Heikki Uustal and seconded by Mildred Carlascio, voted to approve Mr. Moskol's application, contingent upon his submission of an affidavit with regards to the supervision received, including position duties, job responsibility, and level of supervision between January 2009 through August 2010.

2) **Cesar Roige**

ID # 1457508

The Board, upon motion made by Heikki Uustal and Mildred Carlascio asked that Mr. Roige submit a letter to the Board regarding the required completion of not less of 40 hours of formal training in Orthotics and the missing verification of supervision of 1,900 hours of clinical practice in orthotics under the supervision of a New Jersey licensed orthotist.

At 12:00 P.M., the Board, upon a motion made by Dennis O'Donnell and seconded by Michael Moschella, 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 2:15 PM.

Respectfully submitted,

Laura L. Anderson
Executive Director

