

New Jersey Office of the Attorney General

DIVISION OF CONSUMER AFFAIRS ORTHOTICS AND PROSTHETICS BOARD OF EXAMINERS PUBLIC SESSION MINUTES MAY 18, 2010

The meeting of the New Jersey State Orthotics and Prosthetics Board of Examiners was held on May 18, 2010, 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 10:30 A.M.

OPENING STATEMENT - Reading of "The Sunshine Law"

PRESENT - Board Members

Louis J. Haberman, CPO/LPO, (Chair)
Brooke Artesi, L.O. CPED, (Co-Chair)
Heikki Uustal, M.D.
Michael G. Moschella, CPO, and
Dennis O'Donnell, Public member

ABSENT -

Mildred E. Carlascio, LC.O.

ALSO, PRESENT:

Deputy Attorney General Swang Oo,
Regulatory Analyst Charles Manning and
Executive Director, Laura L. Anderson.

I. MINUTES: THE BOARD, UPON MOTION MADE BY HEIKKI UUSTAL AND SECONDED BY BROOKE ARTESI, ACCEPTED THE JANUARY 19, 2010, PUBLIC SESSION MINUTES AS AMENDED.

II. ANNOUNCEMENT

The Board welcome two (2) new members

Michael G. Moschella, CPO appointed to fill a position as a Prosthetist and Orthotist member and Dennis O'Donnell, as a public member.

III. PUBLIC ATTENDANCE/COMMENTS

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

Nancy Pinkin from the Orthotics and Prosthetics Association of New Jersey extended her congratulations to Michael Moschella and Dennis O'Donnell.

She also addressed the Board with questions and concerns.

IV. RULES AND REGULATIONS

Executive Order No. 2

Pursuant to Executive Order No.2, all State agencies are required to: “. . . identify those regulations and processes that impede responsible economic development.

Regulatory Analyst Charles Manning attended the meeting to discuss with the Board the recent Executive Order No.2.

To comply with the Executive Order No.2, and upon discussion and agreement, the Board unanimously recommends amending the following provisions:

N.J.A.C. 13:44H-3.8 Biennial renewal of licenses

(f) A person seeking reinstatement after more than five years following the suspension of a license under (c) above shall satisfy the requirements of (e) above and shall successfully complete the examination required for initial licensure as set forth in N.J.A.C. 13:44H-3.1(a).

(i) A licensee who has been on inactive status for more than five years who wishes to return to the practice of orthotics, prosthetics or prosthetic-orthotics shall satisfy the requirements of (h) above and shall successfully complete the examination required for initial licensure as set forth in N.J.A.C. 13:44H-3.1(a).

N.J.A.C. 13:44H-5.1 Minimum requirement

(a) Every established orthotic facility which utilizes centralized fabrication services shall, at a minimum, be equipped with the following:

1. A Trautman router (or similar);
2. A machinist vise;
3. A drill press;
4. Compressed air;
5. A sewing machine;

6. A plaster modification area;
7. Plaster tools;
8. A work bench;
9. A sanding machine;
10. A band saw or alternate cutting device;
11. A heat gun;
12. A cast cutter;
13. Bending irons;
14. One full length mirror; and
15. One set of parallel bars at least seven feet long.

(b) Every established orthotic facility which engages in on-site fabrication shall, in addition to the equipment listed in (a) above, be equipped with the following:

1. An oven;
2. Exhaust equipment;
3. A molding station;
4. A vacuum pump;
5. Joint alignment tools;
6. A shoe jack; and
7. A sandblaster or polishing equipment.

(c) Every established prosthetic facility which utilizes centralized fabrication services shall, in addition to the equipment listed in (a) above, be equipped with the following:

1. A limb vise; and
2. A sanding disc.

(d) Every established prosthetic facility which engages in on-site fabrication shall, in addition to the equipment listed in (a) above, be equipped with the following:

1. A limb transfer jig;
2. An oven;
3. A molding station;
4. A vacuum pump;
5. Compressed air;
6. A limb vise;
7. A sanding disc; and
8. Exhaust equipment

(e) Every established pedorthic facility, wherein a licensed pedorthist engages in the practice of pedorthics, shall meet the facility accreditation requirements set forth by the American Board for Certification in Pedorthics ("BCP").

13:44H-7.3 Fees for services; client notification

(a) A licensee providing orthotic, prosthetic or pedorthic services shall prepare and maintain a written list of current fees for standard services and, upon request, shall provide the list to clients.

(b) The licensee shall include all of the following information on the list:

1. The current fees for standards services;
2. Whether the licensee is a participating Medicare provider; and
3. Insurance plans in which the licensee participates.

(c) Prior to providing services to a client or potential client, a licensee shall advise the patient of all potential costs associated with the services to be rendered.

V. LEGISLATION

A. Board's comments to Bills A - 2400 and S-848 previously submitted through the "Emergency Point Person".

1. Assembly Bills

Bill A-2400

This bill requires applications for certain professional and occupational licenses and certain registrations for controlled dangerous substance distribution to include information on applicant's membership in Armed Forces".

Board's Comments:

THE MEMBERS OF THE ORTHOTIC AND PROSTHETICS BOARD OF EXAMINERS COMMENTED THAT WOULD SUPPORT BILL A 2400 AS A MECHANISM TO IDENTIFY MEMBERS OF THE ACTIVE MILITARY SERVICE AND, THEREFORE, QUALIFY THEM FOR THE EXTENDED LICENSURE/REGISTRATION BENEFITS AS OUTLINED IN BILL A-789.

2. **Senate Bills**

Bill S-848

This bill requires health service corporation to encrypt certain information.

Board's comments:

"THE ORTHOTICS AND PROSTHETICS LICENSING BOARD DOES NOT SUPPORT BILL S 848 WHICH WOULD REQUIRE HEALTH SERVICES CORPORATIONS TO PROTECT PATIENT RELATED INFORMATION AND RECORDS THROUGH THE USE OF ENCRYPTION SOFTWARE AND TECHNOLOGY. WE ALL AGREE THAT THE CONCEPT OF PROTECTION OF PATIENT INFORMATION IS CRITICAL, HOWEVER, THIS BILL FAILS TO PROVIDE ADEQUATE DETAIL AND GUIDELINES TO ENSURE A UNIFORM LEVEL OF IMPLEMENTATION BY THE VARIOUS HEALTH CARE ENTITIES IN THE STATE OF NEW JERSEY. SPECIFICS RELATED TO THE TYPE AND QUALITY OF ENCRYPTION SOFTWARE, STAFF ACCESS AND ELECTRONIC MONITORING OF ACCESS, ACCEPTABLE ARCHIVING AND DURABILITY OF RECORDS ARE ONLY A FEW OF THE ISSUES THAT SHOULD BE ADDRESSED. IN ADDITION, THIS BILL WOULD PLACE AN UNFAIR FINANCIAL BURDEN ON SMALL BUSINESSES (TYPICAL OF MOST ORTHOTIC AND PROSTHETIC COMPANIES) WHEN THE COST OF SOFTWARE, HARDWARE, AND STAFF TRAINING IS TAKEN INTO ACCOUNT."

B. 1. Bills reports

- a) Fourth Quarter October 1, 2009-January 19, 2010
- b) First quarter January 1, 2010- March 31, 2010
- c) Bills with new numbers

The Board considered this material as informational

VI. APPLICATIONS REVIEW- Initial

1. James Walker Applicant ID# 1472978 (Orthotist)

APPLICATION SUBMITTED BY JAMES WALKER WAS DENIED AS HE DID NOT COMPLETE 1,900 HOURS OF INTERNSHIP IN ORTHOTICS. ONCE HE COMPLETE HIS CLINICAL INTERNSHIP UNDER THE SUPERVISION OF A LICENSED ORTHOTIST, THE BOARD MAY RECONSIDER HIS APPLICATION

2. Raphael Ogunyemi Applicant ID# 1487413 (PO Assistant)

THE BOARD REVIEWED MR. OGUNYEMI'S APPLICATION FOR LICENSURE AS AN ORTHOTIST-PROSTHETIST ASSISTANT. THE BOARD APPROVED HIS APPLICATION AS PROSTHETIST ASSISTANT BUT NOT AS AN ORTHOTIST ASSISTANT SINCE HE DID NOT PROVIDE A CERTIFICATION FROM ABC THROUGH A PASSING EXAMINATION AS REQUIRED.

3. Michael Sgroi Applicant ID # 1489549 Prosthetist-Orthotist

MICHAEL SGROI'S APPLICATION WAS REVIEWED AND APPROVED FOR LICENSURE AS A PROSTHETIST-ORTHOTIST.

4. Judah Y. Rosenberg Applicant ID# 1496293 (Pedorthist).

JUDAH Y. ROSENBERG'S APPLICATION WAS REVIEWED AND APPROVED FOR LICENSURE AS A PEDORTHIST.

VII. APPLICATIONS UPDATE/FOLLOW UP

1. Olutayo Sasona, Lic # 45AB 00000300

On November 9, 2009, Mr. Sasona was sent a letter regarding the approval of his license by the Board notifying him that although he was issued a license as a prosthetis-orthotist assistant, he had not met the requirements for such a license, as his ABC Certification was not obtained through an examination.. The Board had given Mr. Sasona the opportunity to comply with regulations and therefore advise the Board of the date of his ABC examination.

THE BOARD DIRECTED THAT A REMINDER BE SENT TO MR. SASONA AND ADVISE HIM THAT THE BOARD EXPECT A LETTER FROM ABC CONFIRMING HIS SCHEDULE TO TAKE THE TECHNICIAN EXAMINATION.

2. Gary Zamosky Applicant ID # 1399657 (Orthotist)

GARY ZAMOSKY'S APPLICATION WAS REVIEWED AND DENIED BY THE BOARD DUE TO HIS LACK OF EVIDENCE OF 1,900 HOURS OF CLINICAL INTERNSHIP UNDER THE SUPERVISION OF A NEW JERSEY LICENSEE.

THE BOARD WAS NOTIFIED THAT MR. ZAMOSKY WAS NO LONGER EMPLOYED BY COCCO ENTERPRISES IN TRENTON, NEW JERSEY.

The Board considered this material as informational.

3. Joseph J. Lapinski Applicant ID # 1470303 (Prosthetist-Orthotist)

THE BOARD REVIEWED MR. LAPINSKI'S APPLICATION AND DENIED DUE TO LACK OF 1,900 HOURS OF CLINICAL INTERNSHIP. TEMPORARY LICENSE WAS ALSO DENIED SINCE HIS OHIO LICENSE WAS EXPIRED.

4. Cesar Roige Applicant ID # 1457508 (Orthotist-Assistant)

At its January 10, 2010, the Board reviewed Mr. Roige's incomplete application and he was to be advised of his missing documentation.

THE BOARD, RE-CONSIDERED CESAR ROIGE'S APPLICATION AND SINCE HIS ABC CERTIFICATION WAS OBTAINED THROUGH A TEMPORARY PATHWAY THAT DID NOT REQUIRE TO TAKE AND PASS A TECHNICIAN EXAMINATION, HIS APPLICATION FOR LICENSURE AS AN ORTHOTIST ASSISTANT WAS DENIED.

MR. ROIGE TO BE ADVISED THAT HE CANNOT CONTINUE HIS PRACTICE UNTIL HE OBTAIN THE CERTIFICATION FROM ABC BY PASSING THEIR TECHNICIAN EXAMINATION AND SUBMIT HIS COMPLETE ACCORDINGLY TO REQUIREMENTS.

VIII. LICENSURE ISSUES

1. Thor L. Mataya Lic # 45AB 00000400

On February 3, 2010, a letter was sent to Thor L. Mataya, advising him that although his license as a prosthetist-orthotist assistant was approved and issued, his ABC certification was

not obtained through a passing an ABC technician examination and he was asked to provide confirmation of his examen schedule date.

The Board reviewed ABC's confirmation. Mr. Mataya is scheduled to take ABC exam on May 14, 2010

THE BOARD EXPECT TO RECEIVE ABC CERTIFICATION AND/OR RESULTS OF MR. MATAYA'S EXAMINATION AT THE NEXT BOARD MEETING.

2. **Alan R. Titleman** **Lic # 45 OR 00002400**

The Board reviewed a letter/request from Mr. Titleman to withdraw his license as an Orthotist in New Jersey as he did not wish to practice in this State. Request will be processed.

The Board considered this as informational.

At 12:15 A.M., the Board, upon a motion made by Heikki Uustal and seconded by Dennis O'Donnell, 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 2:35 PM.

Respectfully submitted,

Laura L. Anderson
Executive Director