

State Board of Orthotics, Prosthetics, and Pedorthics



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JOHN R. KASICH, GOVERNOR
DAVID M. DELUCCIA, LPO, BOARD PRESIDENT

STATE BOARD OF ORTHOTICS, PROSTHETICS AND PEDORTHICS appearing before THE SENATE FINANCE COMMITTEE

WEDNESDAY, MAY 4, 2011

Chairman Widener, Members of the Committee, thank you for the opportunity to appear before you today. My name is Mark Levy, and I have enjoyed the honor and challenge to serve as Director of the State Board of Orthotics, Prosthetics and Pedorthics, since July of 2002. I am testifying in support of the funding proposal contained in the executive budget.

The OPP Board is one of the Professional and Occupational Licensing Boards authorized by the General Assembly. The Board's purpose is to protect the public by assuring that persons providing custom fabrication and fitting services as orthotists (medical bracing specialists), prosthetists (artificial limb design and customizing experts) and pedorthists (fitting diabetic therapeutic shoes and specialized below-the-ankle bracing) have appropriate minimum qualifications by education, experience and training.

The Board consists of seven (7) members -- five (5) practitioners in orthotics, prosthetics and/or pedorthics; one (1) M.D., D.O., or D.P.M. as licensed by the Medical Board; and one (1) consumer member -- all serving without compensation in accordance with the terms of Chapter 4779 of the Ohio Revised Code.

The Board's revenue generated through license fees historically has exceeded expenses, and expense actuals have repeatedly come in under budget. In preparing the Board's current budget request, which the Executive proposal tracks fairly closely, we faced a number of challenges:

- FY12 entails two payroll anomalies that have a disproportionate impact on the financial standing of a small agency: an additional pay period, and the 32-hour bonus payment provided for in the state's negotiated labor contract and provided as parity to the exempt employee class.
- Increasing revenue recapture assessments from partner state of Ohio agencies. Examples are Auditor of State Biennial Audit fees, not previously charged against Board and Commission budgets, as well as revised and exponentially higher fees charged by State of Ohio IT services for basic services such as internet and network connectivity.

These internal state of Ohio assessments seem to impose a disproportionate burden on small agency operations in that they demand a higher percentage of budgetary allocations compared to the impact on a larger agency, and the Board appreciates the Governor's and hopefully the General Assembly's understanding of this organizational dynamic. Board staff continues to work within the Board and Commission Management consortium to identify, capture and improve opportunities for cost savings and operational efficiencies to mitigate these pressures and free up resources to pursue the Board's statutory mission.

- Fielding and investigating reports of unlicensed practice and unsafe dispensation of reimbursement-limited pedorthic and orthotic devices;

- Continuing and strengthening strategies to address overutilization of publicly-funded services and the limitation or elimination of unlicensed service delivery. In particular, I would like to note that we continue to foster a working partnership with ODJFS/Medicaid policy staff in reviewing administrative protocols and reimbursement policies to assure that Ohio consumers benefit from delivery of services by appropriately licensed personnel, and that Ohio taxpayers' funds are utilized effectively and legally;

Ohio is one of only fourteen (14) states currently requiring licensure in Orthotics and Prosthetics; fewer require licensure in Podorthotics. While the trend is toward requiring licensure, challenges in the enforcement realm are significant. We have had some success in leveraging federal CMS policy regulating the dispensation of services grouped globally under the "DMEPOS" schedule (Durable Medical Equipment, Prosthetic and Orthotic Supplies) to further articulate and enforce Ohio licensing standards.

Although the number of licensees under the Board's jurisdiction may appear small, their impact on the safe delivery of healthcare services to Ohio's consumer population is significant, and their place in Ohio's economy substantial. For example, ODJFS reported that for Ohio's FY08, Orthotic and Prosthetic services were reimbursed on a fee for service basis for a total allowed amount of about \$10 million.

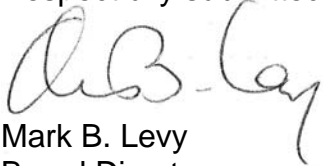
While not all these services may be attributed to OPP Board licensees, the Board understands the role it plays in defining and refining regulatory language to assure consumers are receiving appropriate and effective services provided by qualified personnel. The Board seeks to foster and engage in effective partnerships with other public and private entities toward these goals.

This Board's licensees exemplify two driving forces of Ohio's economy: (1) dynamic small businesses, (2) providing vital services in the healthcare field. They employ business models that range from nationally franchised facilities of a publicly-held corporation; locally-owned, regionally-focused, multiple-location enterprises; as well as some "mom and pop" type local providers. Practitioners and owners exemplify as well both a fiercely entrepreneurial and competitive edge, and the hallmarks of inventors, craftspeople, and hands-on caregivers focused on delivery of life-enhancing, rehabilitative services to Ohio workers and consumers.

Finally, these professions provide specialized care to a high risk patient base for whom timely delivery of qualified, lower cost preventive care can pre-empt interventions that are more traumatic both to the consumer and the third-party payer. The Board seeks to maintain a high standard of care for Ohio consumers of these services while being responsive to the needs of the professionals providing that care.

Thank you for your time and careful consideration. I would be happy to respond to any inquiries the Committee may have.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark B. Levy". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Mark B. Levy
Board Director
State Board of Orthotics, Prosthetics and Pedorthics