



**Washington State
Orthotics and Prosthetics Advisory Committee
Meeting Minutes**

Friday, October 15, 2021

On October 15, 2021, the Orthotics and Prosthetics Advisory Committee held a committee meeting via webinar. In accordance with the Open Public Meetings Act, the meeting agenda was emailed to the Orthotics and Prosthetics listserv and posted on the Orthotics and Prosthetics Program website.

Committee Members Present

Michael Smith, Prosthetist, Chair
Janna Friedly, MD, Vice Chair
James Devine, Public Member
Julie Quinn, Public member
David Hensley, Orthotist/Prosthetist

Staff Present

Brad Burnham, Executive Director, and Noelle Chung, Assistant Attorney General (AAG)

Staff Member Absent

Kim-Boi Shadduck, Program Manager

Others Present

No guests were present for the meeting.

OPEN SESSION

1. CALL TO ORDER

Michael Smith, chair, called the meeting to order at 9:06 a.m.

1.1 Approval of the agenda

A motion was made and seconded to approve the October 15, 2021 agenda with a correction to the time listed. Committee members voted in favor of approving the agenda with the amendment.

2. Approval of April 15, 2021, Meeting Minutes

A motion was made and seconded to approve the April 15, 2021 meeting minutes. Committee members voted in favor of approving the April 15, 2021 meeting minutes as presented.

3. CREDENTIALING REPORT - Brad Burnham, executive director, provided information to the committee.

Mr. Burnham said that credentialing staff are fairly overwhelmed with pending applications for other professions. There are a lot of applications in and a lot of renewals. COVID added to the complexity for credentialing, so we do not have any credentialing staff members joining us or able to pull the normal credentialing report. The credentialing staff just do not have the time to put it together. Ms. Shadduck had pulled these credentialing stats on active licensures for orthotists and prosthetists by different counties, each with a column and the total. Currently, we have 182 active orthotists and 176 active prosthetists, for a total of 358.

Mr. Devine, public member, asked whether the credentialing stats refer to licensures or people, since some people will have double licensures, which could be presented in multiple counties. Mr. Burnham confirmed the report reflects total licensures, not necessarily total people. Mr. Burnham stated that the committee could ask credentialing staff to pull those numbers out when they can start providing their normal reports.

Mr. Smith, prosthetist and chairman, asked if the committee could get the report from credentialing to include timelines for the application processing. Mr. Smith commented he had a new staff hired out of college and from start to finish it took him five to six months to get his licensure after confirmation of receipt of all necessary materials. He stated every time he called to check on the status of his credential, he was getting kind of bounced around. Mr. Smith noted that it is creating a little bit of hardship on the profession simply because there is a lot of change happening, including a lot of staffing change, and companies with staff leaving the state, as well as other people trying to come into Washington State. The big restrictions are on what can be done and what cannot be done until that license is issued. Mr. Smith is not sure that if there is anything that can be done about it but wanted the committee to be aware. Mr. Smith stated if his memory serves him, in the past, prior to COVID, the department was processing applications regularly in two to three weeks. Without the new hire receiving his credential, the gap creates a hardship, and it has been challenging.

Mr. Burnham thanked Mr. Smith for sharing the information and reminded all members that the application process moves more quickly when the department has all the necessary information, from school transcripts to ABC exam scores, and that each application's timing is different depending on the type and timing of information provided. Mr. Burnham stated that credentialing is swamped right now, but he will share that concern with credentialing staff.

4. BUDGET AND LEGISLATION REPORTS

Mr. Burnham reviewed the budget report with the committee for the current biennium and explained some of the different line items that are included in the Department of Health's overhead expenses. He advised the committee that the fund balance has declined, so expenses have been more than revenue recently, with actual revenue dropping below what was expected. Prior to that, the balance was more consistent. Mr. Burnham explained that we did have some more disciplinary expenses than budgeted for. Mr. Burnham showed the breakdowns of the different line items for the staff salaries and noted there will be a little bit of an increase in terms of budget and expenses.

Mr. Smith asked if the committee could get a disciplinary report in the future. Mr. Burnham stated he did not have that information, but that, as with credentialing, discipline case expenses can be varied from case-to-case depending on how far the discipline process goes. Sometimes it is just a quick investigation, or it can extend through legal process and hearing, and expenses rack up quickly. Mr. Smith said these figures may stand out now because, historically, the profession usually does not have a lot of disciplinary issues.

Mr. Smith also asked whether there was a threshold that the profession might hit that may lead to the department considering a license fee increase. Mr. Burnham stated that historically, about every five to six years, the department looks at a program and analyzes its expenses and revenue and fund balance, performs calculations, and makes a recommendation to consider a fee increase or a fee decrease. It may be possible to discuss this with the department's financial officer at the April 2022 meeting.

Mr. Burnham reported that the next legislation will be a short session.

Mr. Burnham announced that he has accepted a new position in the department and will move to the Office of Drinking water on November 1st. He stated that he is sad but excited for that new opportunity. He said that he has enjoyed working and will miss working with everyone, but the committee is in good hands with Ms. Shadduck and Ms. Chung.

5. Assistant Attorney General (AAG) Report – Noelle Chung, AAG

Ms. Chung introduced herself as the new assistant attorney general to the committee members. She did not have any new report for today's meeting and the only update was her introduction. Ms. Chung has been with the attorney general's office since 2018. Prior to that, she was in the division of public lands and conservations representing the Department of Natural Resources and Department of Fish and Wildlife. She also has experience working in private practice for a few years, doing general civil, commercial, and business litigation. Ms. Chung stated she is happy to be here in the new role and to get to know the committee's professions, and she is looking forward to developing a working relationship with this advisory committee.

Open forum - Michael Smith, chair

The advisory committee accepted comments from the audience on issues of significance to the profession.

No comments were received.

6. Rules WAC 246-850-030 and 246-850-060

The advisory committee discussed rules WAC 246-850-030 and WAC 246-850-060 for possible revisions.

Mr. Smith reiterated and clarified that, in updating the rules at this time, the specific topic is the examination requirement to be able to be granted a license. There was also a clerical error that

occurred in the 2019 rules update. The committee's mission is to keep public safety in mind and in the professions and focus on the question of what is the standard of care that exists across the nation and in our state. The standard practice across the nation is ABC certification, and most states require licensure in this industry, especially for billing Medicare.

In Washington, in the past, when the licensure rules were originally written, the rules only required individuals to successfully pass two of the three examinations that ABC requires for certification. There are individuals in our state who do not hold an ABC certification but do have a license to practice orthotics and prosthetics. After realizing this clerical error, the intent in this current rulemaking effort, is to align Washington with the national standards. There was discussion of needing to investigate setting a grandfather date for individuals who have already completed their education by the time the new requirement would go into effect. There is a commitment to work with Ms. Chung on the wording.

Under WAC 246-850-030 and 060, the clinical patient management exam is really a hands-on exam, and this new requirement is correctly referred to as clinical patient management, per ABC's website. A goal is for the rule to apply to the orthotic clinical patient management exam as well as the prosthetic clinical patient management exam. There are three separate exams required to be taken to be certified by ABC and it has been this way for over 10 years. It was just Washington state that did not have the third exam requirement, at a time when this committee was not active.

Jeff Wise, policy analyst, stated the department can explore options for making sure no one is left in limbo due to the change relating to the third exam requirement for licensure. Mr. Burnham stated that for individuals who have licensure, the intent is that they do not need to go back and complete new requirements, and that the new requirement will be only for those individuals who are newly applying for licensure in Washington. Mr. Wise and Mr. Burnham agreed that they would need to discuss options further with credentialing staff and Ms. Chung, including the possibility of any scenario where an individual who completed their education back as far back as a decade or more would fall under this new requirement. For example, an individual coming in from a different state that has been providing services in this profession but who was not licensed in that state would have to meet all requirements to be licensed for the first time in Washington. Mr. Smith suggested on behalf of the committee that any new individual coming in from another state would need to show credentialing proof of ABC certification that meets the requirement in place when that individual was certified, i.e., what ABC required of them at the time when they completed their education. Mr. Burnham suggested that Mr. Wise and Ms. Shadduck and himself would work on draft language for that purpose and touch base with Mr. Smith for review and approval of the proposed language. If, in drafting, staff realize they may be proposing some substantive and not merely technical change to the language contemplated by the committee, it will be brought back to the full committee for review and approval.

7. Succession Planning and Recruitment

The advisory committee discussed and planned for succession and recruitment.

The current board members all have the same end date for their current terms – January 2023. Mr. Burnham explained the process and timeline for recruitment. To help with recruiting new board members, Mr. Smith asked every member to be recruiting for the committee. He suggested if

members find any good people who are interested in serving on this committee, have them reach out to Ms. Shaddock. There was discussion about the desirability of staggered terms.

8. Future Agenda Items

The advisory committee suggested agenda items for the next meeting:

- Next committee date is Friday, April 29, 2022
- Following committee date is Friday, October 14, 2022
- Rulemaking meetings or hearings depending on the filing of rules
- Any committee members departing early to help stagger the terms

Adjournment of Open Session

Meeting adjourned at 10:14 a.m.

Next committee meeting is scheduled for April 29, 2022, via webinar.