

# Licensing Division

## Staff Report for the Orthotists and Prosthetists Advisory Board October 24, 2022

### Statistics

#### Licensed Prosthetist/Orthotist

	<b>TOTAL FY 2020</b>	<b>TOTAL FY 2021</b>	<b>TOTAL FY 2022</b>
New Licenses Issued	18	27	19
Renewed Licenses Issued	113	153	121
Online Renewals	49	152	117
% Renewed Online	43%	99%	97%
<b>Total Population</b>	290	317	324

#### Licensed Prosthetist

	<b>TOTAL FY 2020</b>	<b>TOTAL FY 2021</b>	<b>TOTAL FY 2022</b>
New Licenses Issued	6	9	3
Renewed Licenses Issued	32	52	33
Online Renewals	8	47	28
% Renewed Online	25%	90%	85%
<b>Total Population</b>	91	92	92

**Licensed Orthotist**

	<b>TOTAL FY 2020</b>	<b>TOTAL FY 2021</b>	<b>TOTAL FY 2022</b>
New Licenses Issued	8	5	6
Renewed Licenses Issued	34	70	25
Online Renewals	17	67	24
% Renewed Online	5%	96%	96%
<b>Total Population</b>	115	107	102

**Registered Prosthetist/Orthotist Student**

	<b>TOTAL FY 2020</b>	<b>TOTAL FY 2021</b>	<b>TOTAL FY 2022</b>
New Licenses Issued	29	31	23
Renewed Licenses Issued	2	2	3
<b>Total Population</b>	60	62	54

**Registered Prosthetist Student**

	<b>TOTAL FY 2020</b>	<b>TOTAL FY 2021</b>	<b>TOTAL FY 2022</b>
New Licenses Issued	4	5	5
Renewed Licenses Issued	1	0	1
<b>Total Population</b>	16	16	15

**Registered Orthotist Student**

	<b>TOTAL FY 2020</b>	<b>TOTAL FY 2021</b>	<b>TOTAL FY 2022</b>
New Licenses Issued	4	6	4
Renewed Licenses Issued	0	1	0
<b>Total Population</b>	11	16	14

**Temporary Prosthetist/Orthotist**

	<b>TOTAL FY 2020</b>	<b>TOTAL FY 2021</b>	<b>TOTAL FY 2022</b>
New Licenses Issued	2	0	0
Renewed Licenses Issued	0	0	0
<b>Total Population</b>	2	0	0

**Temporary Prosthetist**

	<b>TOTAL FY 2020</b>	<b>TOTAL FY 2021</b>	<b>TOTAL FY 2022</b>
New Licenses Issued	0	0	0
Renewed Licenses Issued	0	0	0
<b>Total Population</b>	0	0	0

**Temporary Orthotist**

	<b>TOTAL FY 2020</b>	<b>TOTAL FY 2021</b>	<b>TOTAL FY 2022</b>
New Licenses Issued	0	0	1
Renewed Licenses Issued	0	0	0
<b>Total Population</b>	0	0	1

**Licensed Prosthetist/Orthotist Assistant**

	<b>TOTAL FY 2020</b>	<b>TOTAL FY 2021</b>	<b>TOTAL FY 2022</b>
New Licenses Issued	3	6	3
Renewed Licenses Issued	7	10	8
Online Renewals	3	8	8
% Renewed Online	43%	80%	100%
<b>Total Population</b>	21	26	25

**Licensed Prosthetist Assistant**

	<b>TOTAL FY 2020</b>	<b>TOTAL FY 2021</b>	<b>TOTAL FY 2022</b>
New Licenses Issued	1	1	0
Renewed Licenses Issued	4	4	4
Online Renewals	2	3	4
% Renewed Online	50%	75%	100%
<b>Total Population</b>	11	11	9

**Licensed Orthotist Assistant**

	<b>TOTAL FY 2020</b>	<b>TOTAL FY 2021</b>	<b>TOTAL FY 2022</b>
New Licenses Issued	2	2	5
Renewed Licenses Issued	9	11	10
Online Renewals	7	11	9
% Renewed Online	78%	100%	90%
<b>Total Population</b>	27	25	28

**Accredited Prosthetic/Orthotic Facility**

	<b>TOTAL FY 2020</b>	<b>TOTAL FY 2021</b>	<b>TOTAL FY 2022</b>
New Licenses Issued	13	34	19
Renewed Licenses Issued	79	88	77
<b>Total Population</b>	216	213	217

### Accredited Prosthetic Facility

	<b>TOTAL FY 2020</b>	<b>TOTAL FY 2021</b>	<b>TOTAL FY 2022</b>
New Licenses Issued	7	3	2
Renewed Licenses Issued	8	14	13
<b>Total Population</b>	<b>33</b>	<b>32</b>	<b>27</b>

### Accredited Orthotic Facility

	<b>TOTAL FY 2020</b>	<b>TOTAL FY 2021</b>	<b>TOTAL FY 2022</b>
New Licenses Issued	2	1	1
Renewed Licenses Issued	5	10	2
<b>Total Population</b>	<b>20</b>	<b>16</b>	<b>14</b>

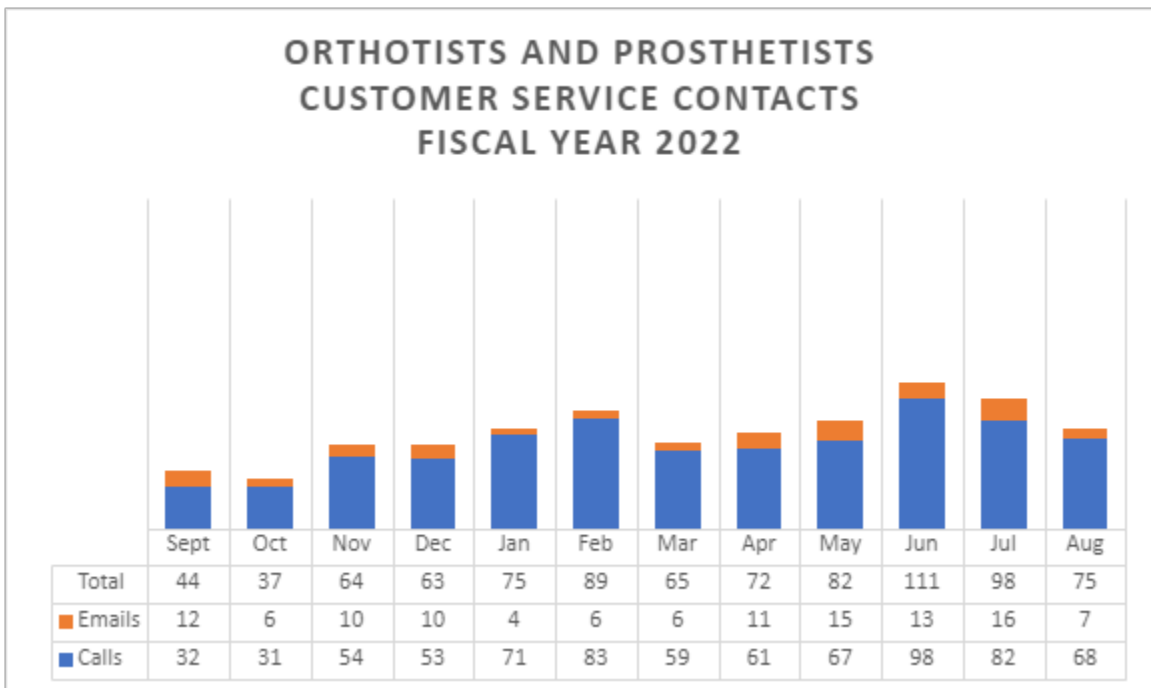
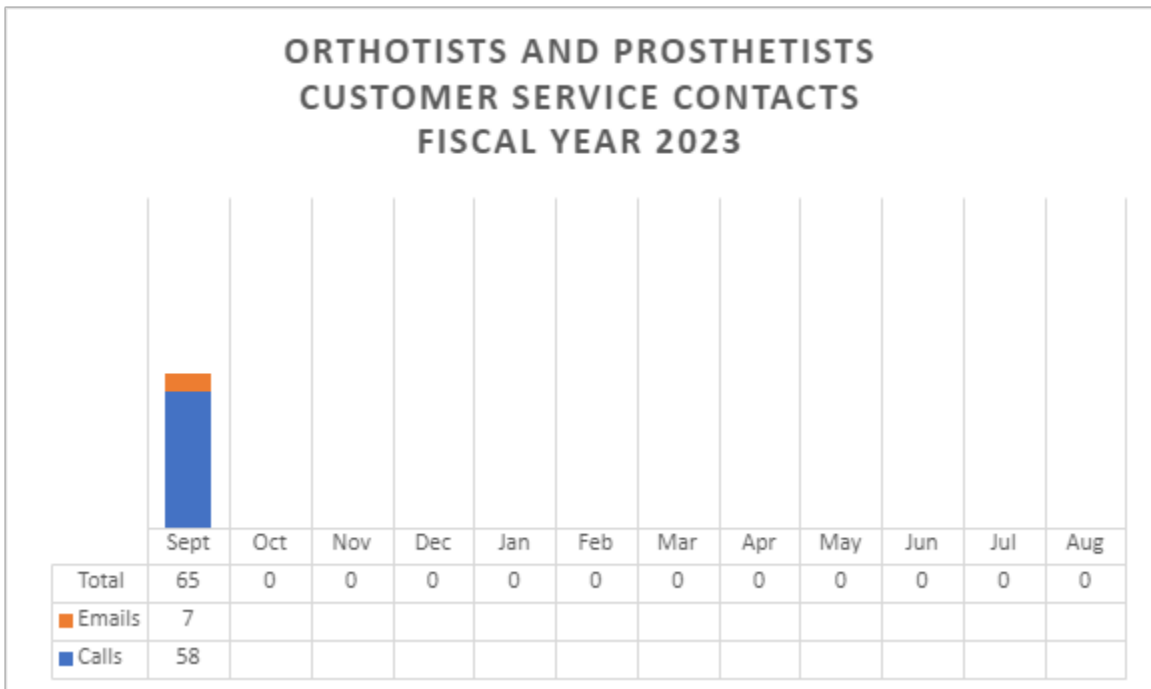
## Outreach

Licensing and RPM staff had a booth at the American Orthotic & Prosthetic National Conference in San Antonio on October 28-30.

# Customer Service Division

Staff Report for the Orthotists and Prosthetists Advisory Board  
Monday, October 24, 2022

## Statistics



# Enforcement Division

## Staff Report for the Orthotists and Prosthetists

October 24, 2022

### Personnel Updates

- On February 15, 2022, Robert Nino was promoted to the Investigations Team Lead Supervisor position for the South Region. Robert has worked for TDLR for over 14 years with vast knowledge and experience on case investigations, sting operations and working on very complex cases. Robert also assisted in the training and mentoring on newly hired investigators. Robert has had nearly 38 years of experience as an investigator and auditor with both federal and state government, as well as private industry.
- On May 1, 2022, Jessica Hurtado was promoted to Senior Prosecutor. Jessica has been with TDLR for over 4 years and has experience with a number of our programs including all the Health Related Programs, Transportation Programs, and most recently with our Criminal History Evaluation Team. Prior to joining TDLR, she spent time with the Texas Ethics Commission, Texas Workforce Commission, as well as some time in private practice.
- On May 15, 2022, Jack Phillips was promoted to the Investigations Team Lead Supervisor position for the North Region. Jack has worked for TDLR for over 7 years, previously serving as an Inspector. Jack has served Texans for over 28 years, including working for the Attorney General’s and Texas Department of Criminal Justice. Jack is also a proud United States Veteran, serving 6 years in the United States Army and as a Reserve in the Texas National Guard as both a Combat Engineer and a Legal Specialist.

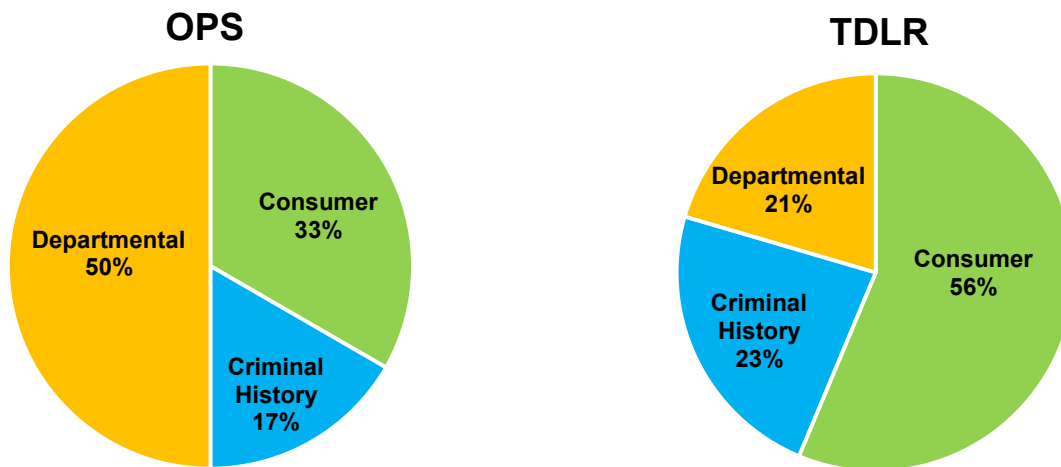
### Statistics

Shown below are the Enforcement Performance Measures and key statistics for the Orthotist and Prosthetist (OPS) program and all TDLR programs combined for **Fiscal Year 2022**:

<b>Complaints Received by Source</b>	<b>OPS</b>	<b>TDLR</b>
Consumer	2	14,098
Criminal History	13	48,488
Departmental	3	2,368
<b>Total Complaints Received</b>	<b>18</b>	<b>64,954</b>

<b>Key Statistics</b>	<b>OPS</b>	<b>TDLR</b>
Cases opened	6	11,663
Cases closed	10	11,754
Average time to close (days)	127.30	215.79
% of cases resolved within 6 months	80.00%	57.64%
% of cases resulting in disciplinary action	30.00%	10.81%
Cases pending at end of Fiscal Year 2022	1	6,540

### Source of Cases Opened for Fiscal Year 2022



<b>Case Outcomes</b>	<b>OPS</b>	<b>TDLR</b>
Commission Orders	0	27
Default Orders	0	384
Agreed Orders	3	749
Penalties Assessed	\$3,750.00	\$2,588,310.00
Penalties Collected	\$3,750.00	\$1,322,419.50
Licenses Revoked (Disciplinary)	0	50
Licenses Suspended	0	4
Licenses Denied/Revoked (Criminal History)	0	182
Cease & Desist Orders	0	17
Informally Resolved	7	10,486

### TOP OPS Alleged Violations at Opening for Fiscal Year 2022

<b>Alleged Violation:</b>	<b>Count</b>
Operating without a license	3
Unprofessional or unethical conduct	1
Criminal history	1
Expired License	1



## TOP OPS Violation Resulting in Disciplinary Action for Fiscal Year 2022

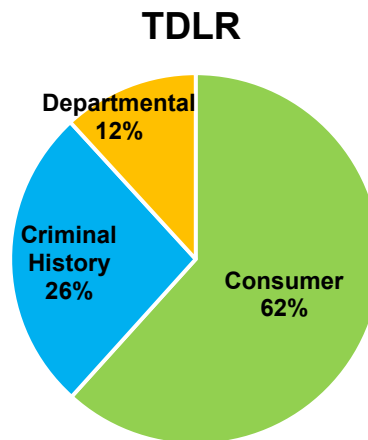
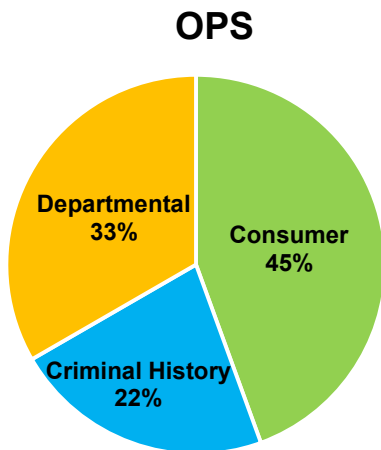
Violation	Count
Unprofessional or unethical conduct	2
Employed unlicensed or expired license	1
Fraud or deceit in services provided	1

Shown below are the Complaints Received, Enforcement Performance Measures and Key Statistics for the Orthotist and Prosthetist (OPS) program and all TDLR programs combined for **Fiscal Year 2021**:

Complaints Received by Source	OPS	TDLR
Consumer	5	12,463
Criminal History	43	18,896
Departmental	3	1,296
<b>Total Complaints Received</b>	<b>51</b>	<b>32,655</b>

Key Statistics	OPS	TDLR
Cases opened	9	10,121
Cases closed	11	9,335
Average time to close (days)	528.00	209.86
% of cases resolved within 6 months	27.27%	60.00%
% of cases resulting in disciplinary action	18.18%	13.41%
Cases pending at end of fiscal year 2021	5	6,627

### Source of Cases Opened for Fiscal Year 2021



<b>Case Outcomes</b>	<b>OPS</b>	<b>TDLR</b>
Commission Orders	0	44
Default Orders	0	455
Agreed Orders	3	711
Penalties Assessed	\$30,500.00	\$2,570,716.00
Penalties Collected	\$30,500.00	\$1,140,068.95
Licenses Revoked (Disciplinary)	0	103
Licenses Suspended	0	8
Licenses Denied/Revoked (Criminal History)	0	240
Cease & Desist Orders	0	19
Informally Resolved	8	7,976

### **TOP OPS Alleged Violations at Opening for Fiscal Year 2021**

<b>Alleged Violation:</b>	<b>Count</b>
Unprofessional or unethical conduct	3
Criminal History	2
Employed unlicensed or expired license	2
Lacks honesty, trustworthiness, or integrity	1
Student without appropriate supervision	1
Operating without a license	1
Gross negligence or malpractice	1

### **TOP OPS Violations Resulting in Disciplinary Action for Fiscal Year 2021**

<b>Violation</b>	<b>Count</b>
Fitted prosthetist or orthotist without prescription	1
Fraud or deceit in services provided	1
Expired License	1
Gross negligence or malpractice	1

### **Case Highlights**

- **Eric Setzer – OPS2021000595**

This case resulted in an Agreed Order being signed on May 2, 2022. Respondent, Eric Setzer, a licensed Orthotist/Prosthetist, failed to provide a final replacement for a patient. What was provided was shown to be a temporary device that was not designed for extended use. Furthermore, Respondent failed to maintain records for the same patient in accordance with applicable standard of care. Respondent was assessed an administrative penalty of \$1,500, all of which has been paid to the department.

- **Ambuhealth, Inc. – OPS20220007221**

This case resulted in an Agreed Order being signed on May 2, 2022. During the course of a Department inspection, Respondent was viewed to have information and signage at their facility relating to providing orthotic, as well as prosthetic services. During the inspection, the Respondent's representative confirmed to the Department Inspector that the facility provided both prosthetic and orthotic services. Respondent was only licensed to provide prosthetic services. Respondent was assessed an administrative penalty of \$750, all of which has been paid to the department



# EDUCATION AND EXAMINATION DIVISION

## Staff Report for Orthotists and Prosthetists Advisory Board

October 24, 2022

### Statistics

#### Jurisprudence Examination (As of August 31, 2022)

	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
FY-22	6	6	8	20	7	8	4	19	7	8	31	46	8	7	5	20	105
FY-21	10	11	7	28	11	9	12	32	8	29	14	51	1	7	9	17	128

**Continuing Education Licensee Audits**  
(As of August 31, 2022)

ORTHOTISTS & PROSTHETISTS																	
FY-22	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
	-	-	-	-	-	6	10	16	14	10	10	34	1	0	10	11	61
FY-21	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

ORTHOTISTS & PROSTHETISTS ASSISTANTS																	
FY-22	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
	-	-	-	-	-	0	2	2	0	3	2	5	0	0	4	4	11
FY21	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Due to COVID, we did not send CE Audit letters from May 2020 to December 2021.

Started sending CE Audit letters in January 2022.

# Regulatory Program Management

## Staff Report for the Orthotist and Prosthetist Advisory Board

### October 24, 2022

#### **Personnel Update**

The Medical and Health Professions Section welcomed two new team members on October 1. Rick Garza and Dina Winkfield transferred to our section from within Regulatory Program Management and we are happy to have them on our team.

#### **Current Projects**

Staff worked on updates to the program rules related to continuing education. Those proposed changes were published September 16, 2022 and are open for public comment.

RPM staff are assisting the Office of Strategic Communications with webpage redesign and content layout.

RPM began a time-tracking data project to provide data driven analytics for programs as part of implementation of TDLR's Sunset Review.

RPM staff will be working with a team to update the continuing education review process for programs which use an audit system.

#### **Outreach**

Staff attended the AOPA Conference in San Antonio from September 28- October 1, 2022. Our booth was located next to the Texas Society of Orthotic & Prosthetic Professionals table. It was a very successful conference where we provided a lot of education and assistance.

The latest edition of our newsletter, the Health Monitor, was published in October 2022. It featured a short article highlighting some of the latest things in the field of orthotics and prosthetics and how they are helping to improve lives. A link to the newsletter can be found in the News and Updates section of the Orthotists and Prosthetists webpage. Our next edition should be released in January 2022.

# Field Inspections Division

Staff Report for the Orthotists and Prosthetists Advisory Board  
October 24, 2022

## Personnel Update

On March 15, 2022, North Region Manager Ron Gericke separated from the agency to enjoy retirement. On August 15, 2022, Tisha Cantu separated from the agency. On September 20, 2022, North Region Inspector Chris Berry separated from the agency. On September 30, 2022, East Region Inspector Donnis “DK” Estelle separated from the agency to enjoy retirement. With DK’s departure, the East Region’s band (The Eastside Band) is currently seeking a new harmonica player. We wish them all luck and thank them for their many years of service to the people of Texas!

## Statistics

The statistics below compare division performance for FY 2022 with performance for FY 2021.

OPS	Orthotist Facilities		Prosthetist Facilities		Orthotist & Prosthetist Facilities		Orthotist & Prosthetist Totals	
	FY 2021	FY 2022	FY 2021	FY 2022	FY 2021	FY 2022	FY 2021	FY 2022
Sept	0	1	0	1	0	8	0	10
Oct	0	0	0	0	2	17	2	17
Nov	0	2	1	1	2	18	3	21
<b>Q1</b>	<b>0</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>4</b>	<b>43</b>	<b>5</b>	<b>48</b>
Dec	0	1	0	4	1	16	1	21
Jan	0	0	0	1	0	6	0	7
Feb	0	0	0	0	2	3	2	3
<b>Q2</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>5</b>	<b>3</b>	<b>25</b>	<b>3</b>	<b>31</b>
Mar	0	0	0	0	1	0	1	0
Apr	1	1	1	0	6	5	8	6
May	1	0	0	0	2	1	3	1
<b>Q3</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>9</b>	<b>6</b>	<b>12</b>	<b>7</b>
Jun	0	6	0	2	0	23	0	31
Jul	1	0	4	0	20	0	25	0
Aug	0	0	3	1	8	2	11	3
<b>Q4</b>	<b>1</b>	<b>6</b>	<b>7</b>	<b>3</b>	<b>28</b>	<b>25</b>	<b>36</b>	<b>34</b>
<b>YTD/Year End</b>	<b>3</b>	<b>11</b>	<b>9</b>	<b>10</b>	<b>44</b>	<b>99</b>	<b>56</b>	<b>120</b>

## **Most Common Violations Found During OPS Inspections**

Fiscal Year 2022, Q1-Q4

1. 16 Tex. Admin. Code Ch. 114.29(l)(2), Lab Area: Proper machine use training shall be provided to staff. The facility shall maintain records documenting training, listing the name of the staff person and the date of training for each machine.
2. 16 Tex. Admin. Code Ch. 114.29(d)(1)(A), Facility License Requirements and Practices: An accredited facility must be under the on-site clinical direction of a practitioner licensed by the department in a discipline(s) for which the facility is accredited.
3. 16 Tex. Admin. Code Ch. 114.29(d)(3), Facility License Requirements and Practices: An accredited facility must designate at least one person as the Safety Manager.
4. 16 Tex. Admin. Code Ch. 114.29(d)(3)(A), Facility License Requirements and Practices: Failure of a Safety Manager to develop, carry out and monitor the safety program for the accredited facility.
5. 16 Tex. Admin. Code Ch. 114.29(e)(5), Facility Activity: A facility accredited under the Act shall prominently display a consumer complaint notice or sign that complies with the requirements of §114.70(d).
6. 16 Tex. Admin. Code Ch. 114.29(i)(5), Facility Activity: Appropriate gloves and disinfectants for disease control must be available in examination rooms and treatment areas.
7. 16 Tex. Admin. Code Ch. 114.29(d)(1)(C), Facility License Requirements and Practices: Failure to notify the department in writing of the name and license number of the new on-site practitioner(s) and the effective date of the change within thirty (30) days after the change is effective.
8. 16 Tex. Admin. Code Ch. 114.21(e)(1), Individual License Requirements and Practices: Licenses shall be displayed appropriately and publicly as follows: The license shall be displayed in the primary office or place of employment of the licensee.
9. 16 Tex. Admin. Code Ch. 114.21(e)(3), Individual License Requirements and Practices: Licenses shall be displayed appropriately and publicly as follows: No person shall display or carry a copy of a license instead of the original document.
10. 16 Tex. Admin. Code Ch. 114.29(i)(6), Facility Activity: Facilities shall keep the floors, walls, ceilings, shelves, furniture, furnishings, and fixtures clean and in good repair. Any cracks, holes, or other similar disrepair not readily accessible for cleaning shall be repaired or filled in to create a smooth, washable surface.