

Licensing Division

Staff Report for the Orthotists and Prosthetists Advisory Board Meeting February 28, 2022

Statistics

Licensed Prosthetist/Orthotist

	TOTAL FY 2020	TOTAL FY 2021	1ST Quarter FY 2022
New Licenses Issued	18	27	2
Renewed Licenses Issued	113	153	40
Online Renewals	49	152	38
% Renewed Online	43%	99%	95%
Total Population	290	317	315

Licensed Prosthetist

	TOTAL FY 2020	TOTAL FY 2021	1ST Quarter FY 2022
New Licenses Issued	6	9	1
Renewed Licenses Issued	32	52	9
Online Renewals	8	47	10
% Renewed Online	25%	90%	90%
Total Population	91	92	92

Licensed Orthotist

	TOTAL FY 2020	TOTAL FY 2021	1ST Quarter FY 2022
New Licenses Issued	8	5	3
Renewed Licenses Issued	34	70	6
Online Renewals	17	67	6
% Renewed Online	5%	96%	100%
Total Population	115	107	110

Registered Prosthetist/Orthotist Student

	TOTAL FY 2020	TOTAL FY 2021	1ST Quarter FY 2022
New Licenses Issued	29	31	0
Renewed Licenses Issued	2	2	0
Total Population	60	62	59

Registered Prosthetist Student

	TOTAL FY 2020	TOTAL FY 2021	1ST Quarter FY 2022
New Licenses Issued	4	5	2
Renewed Licenses Issued	1	0	0
Total Population	16	16	17

Registered Orthotist Student

	TOTAL FY 2020	TOTAL FY 2021	1ST Quarter FY 2022
New Licenses Issued	4	6	1
Renewed Licenses Issued	0	1	0
Total Population	11	16	17

Temporary Prosthetist/Orthotist

	TOTAL FY 2020	TOTAL FY 2021	1ST Quarter FY 2022
New Licenses Issued	2	0	0
Renewed Licenses Issued	0	0	0
Total Population	2	0	0

Temporary Prosthetist

	TOTAL FY 2020	TOTAL FY 2021	1ST Quarter FY 2022
New Licenses Issued	0	0	0
Renewed Licenses Issued	0	0	0
Total Population	0	0	0

Temporary Orthotist

	TOTAL FY 2020	TOTAL FY 2021	1ST Quarter FY 2022
New Licenses Issued	0	0	1
Renewed Licenses Issued	0	0	0
Total Population	0	0	1

Licensed Prosthetist/Orthotist Assistant

	TOTAL FY 2020	TOTAL FY 2021	1ST Quarter FY 2022
New Licenses Issued	3	6	0
Renewed Licenses Issued	7	10	1
Online Renewals	3	8	1
% Renewed Online	43%	80%	100%
Total Population	21	26	26

Licensed Prosthetist Assistant

	TOTAL FY 2020	TOTAL FY 2021	1ST Quarter FY 2022
New Licenses Issued	1	1	0
Renewed Licenses Issued	4	4	0
Online Renewals	2	3	0
% Renewed Online	50%	75%	0
Total Population	11	11	11

Licensed Orthotist Assistant

	TOTAL FY 2020	TOTAL FY 2021	1ST Quarter FY 2022
New Licenses Issued	2	2	1
Renewed Licenses Issued	9	11	3
Online Renewals	7	11	3
% Renewed Online	78%	100%	100%
Total Population	27	25	23

Accredited Prosthetic/Orthotic Facility

	TOTAL FY 2020	TOTAL FY 2021	1ST Quarter FY 2022
New Licenses Issued	13	34	4
Renewed Licenses Issued	79	88	24
Total Population	216	213	213

Accredited Prosthetic Facility

	TOTAL FY 2020	TOTAL FY 2021	1ST Quarter FY 2022
New Licenses Issued	7	3	0
Renewed Licenses Issued	8	14	5
Total Population	33	32	31

Accredited Orthotic Facility

	TOTAL FY 2020	TOTAL FY 2021	1ST Quarter FY 2022
New Licenses Issued	2	1	1
Renewed Licenses Issued	5	10	1
Total Population	20	16	17

CUSTOMER SERVICE DIVISION

Staff Report for the Orthotists and Prosthetists Advisory Board February 28, 2022

Personnel Updates

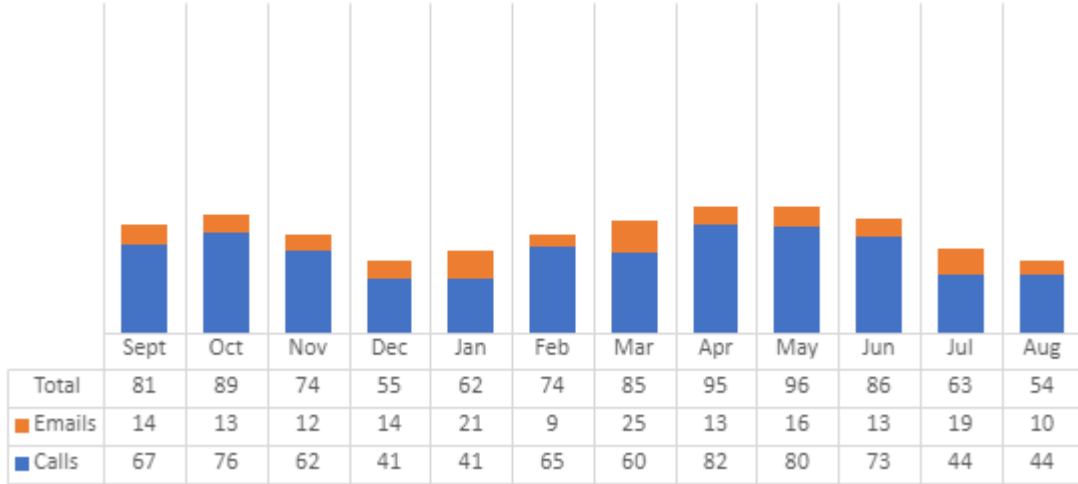
On October 1, 2021, the Customer Service Division hired seven new Customer Service Representatives (CSRs) and one Quality Training and Performance Analyst (QTPA).

The CSRs selected were trained to follow a preset call workflow, use the Nice inContact phone system to take calls, and update our Dynamics 365 Customer Relationship Management (CRM) system with notes for customer inquiries that require in depth research which will be completed by their Team Leads. The details CSRs include in these notes also help identify recurring pain points that point toward trends in customer experience and process improvement opportunities.

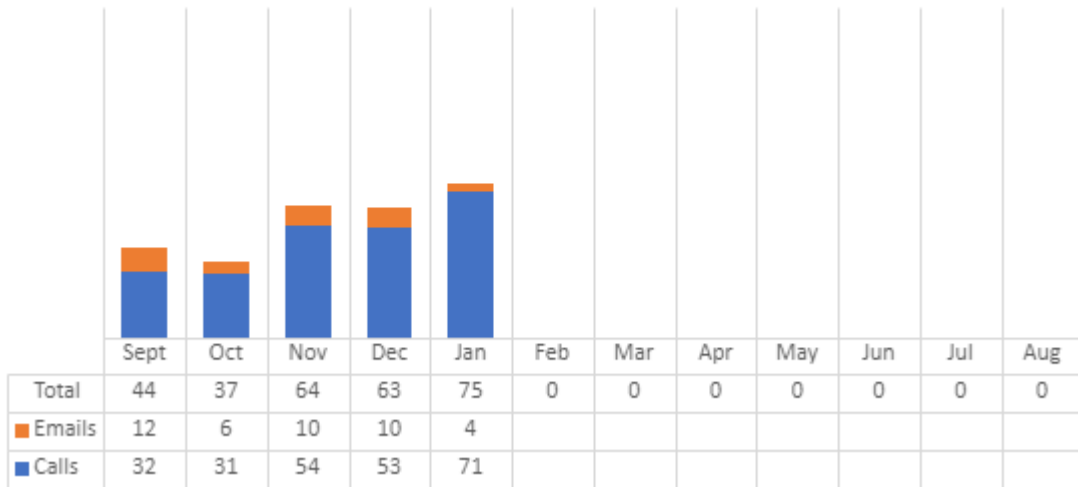
The QTPA will join a team of two others in creating and producing reports for our division, developing, and delivering onboard training for our CSRs and will assist with special projects and day to day technical troubleshooting.

Statistics

ORTHOTISTS AND PROSTHETISTS CUSTOMER SERVICE CONTACTS FISCAL YEAR 2021



ORTHOTISTS AND PROSTHETISTS CUSTOMER SERVICE CONTACTS FISCAL YEAR 2022



Enforcement Division

Staff Report for the Orthotists and Prosthetists

February 28, 2022

Personnel Updates

- Karen Cox retired January 31, 2022, after 17 years with TDLR and over 30 years working in State Government which include stints at the Texas Workforce Commission, Texas Department of Transportation, and the Texas Railroad Commission. She was promoted to Senior Prosecutor in, January 1, 2019, where she helped oversee and mentor attorneys within the Enforcement Division. She also helped develop and facilitate our expert witness training program utilized by the Health Professions Program. She will be greatly missed, but we wish her well in her retirement.

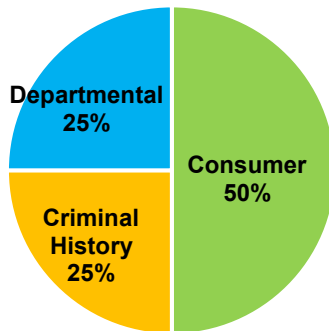
Statistics

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** through **December of 2021**:

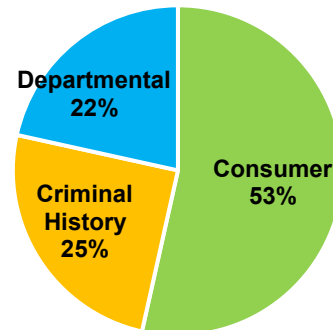
Key Statistics	OPS	TDLR
Cases opened	4	3,555
Cases closed	6	3,861
Average time to close (days)	95.67	227.62
% of cases resolved within 6 months	83.33%	56.95%
% of cases resulting in disciplinary action	16.67%	10.51%
Cases pending at end of December 2021	3	6,347

Source of Cases Opened for Fiscal Year 2022 through December 2021

OPS



TDLR



Case Outcomes	OPS	TDLR
Commission Orders	0	13
Default Orders	0	125
Agreed Orders	1	261
Penalties Assessed	\$1,500.00	\$989,425.00
Penalties Collected	\$1,500.00	\$589,356.00
Licenses Revoked (Disciplinary)	0	24
Licenses Suspended	0	8
Licenses Denied/Revoked (Criminal History)	0	68
Cease & Desist Orders	0	6
Informally Resolved	5	3,421

TOP OPS Alleged Violations at Opening for Fiscal Year 2022 through December 2021

Alleged Violation:	Count
Unprofessional or unethical conduct	2
Criminal History	1
Employed an individual that was unlicensed or had an expired license	1
Expired License	1

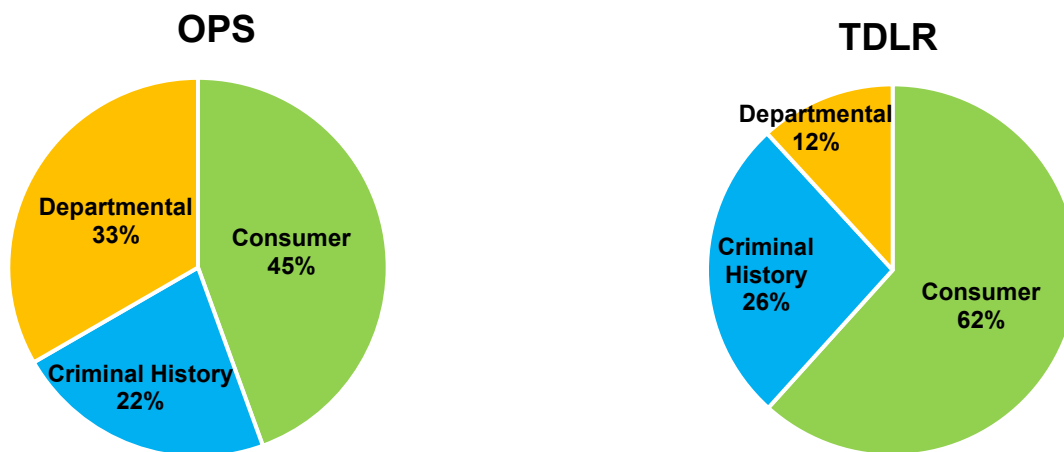
TOP OPS Violation Resulting in Disciplinary Action for Fiscal Year 2022 through December 2021

Violation	Count
Employed an individual that was unlicensed or had an expired license	1

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 2021**:

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



Case Outcomes	OPS	TDLR
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

Alleged Violation:	Count
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

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

Case Highlights

Case No. OPS20210013478 - Baker O & P Enterprises Inc.

On September 29, 2021, the Department's Executive Director signed an Agreed Order resolving the Department's Enforcement action against Respondent, the corporate entity Baker O & P Enterprises Inc. This Agreed Order memorialized the settlement terms negotiated by the parties, terms which include (i) Respondent's acknowledgement that the Department correctly alleged that about May 21, 2021, Respondent employed an individual (Robin Bradley) to perform orthotics and/or prosthetics services while this individual was on the premise of Respondent's accredited Prosthetic/Orthotic facility, but that as of that date, Ms. Bradley had no license to perform such services; and (ii) to remedy the aforementioned unlicensed violation, Respondent agreed to pay and has since paid the Department an administrative penalty of \$1,500.



EDUCATION AND EXAMINATION DIVISION
Staff Report for the Orthotists and Prosthetists Advisory Board
February 28, 2022

Statistics

Jurisprudence Examination
(As of January 31, 2022)

Table with 2 rows (FY-22, FY-21) and 17 columns (SEP, OCT, NOV, Q1, DEC, JAN, FEB, Q2, MAR, APR, MAY, Q3, JUN, JUL, AUG, Q4, TOT). Data values are provided for each cell.

Continuing Education Licensee Audits
(As of February 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	-	-	-	-	-	-	-	-	16
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	-	-	-	-	-	-	-	-	2
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.

We started sending CE Audit letters in January 2022.

Updates

We are closing some e-mail inboxes and going to a new system named Dynamics. This system will allow us to work smarter and utilize analytics to find the most common questions and effectively respond and ensure the information and education we provide is focused on those specific topics.

Regulatory Program Management Division

Staff Report for the Orthotists and Prosthetists Advisory Board

February 28, 2022

Current Projects

RPM staff assisted with the four-year rule review for the Orthotists and Prosthetists program. The proposed rules were published in the *Texas Register* on November 5, 2021, and the public comment period ended on December 6, 2021.

Staff from RPM and Licensing worked with Air Force Medical Readiness Agency personnel in San Antonio to ensure their curricula and training program for the MOS in orthotics and prosthetics allows for a smooth transition into civilian life as OP Assistants.

RPM Staff have been working to implement SB 40, which allows the Commission to adopt telehealth rules for health professions. The Bill Implementation Team (BIT) for SB 40 is working on program-specific telehealth web pages for the health professions. The Orthotists and Prosthetists Standard of Care Workgroup drafted FAQs for telehealth, which are now posted on the Orthotists and Prosthetists FAQ web page and will be incorporated into the new telehealth web page for Orthotists and Prosthetists.

RPM Staff worked with the Office of General Counsel and other divisions on draft rules for telehealth, as a result of SB 40, in Chapter 51 and Chapter 100 of the Texas Administrative Code. Those rules were published January 28 and the comment period closes February 28, 2022.

Staff worked with other divisions in the agency to complete the TDLR Health Occupations Annual Report, which is included in your packet today. The report details revenue and expenses of the programs, current license census, and licensing and complaint data for FY 21. The report can be found on the main TDLR webpage under Agency Reports.

Steve Uecker, along with Stewart Myrick, continues to assist the Texas Division of Emergency Management's State Operations Center in support of the state's COVID-19 pandemic response.

Outreach

Volume 16 of the TDLR Health Monitor was distributed in December 2021. The latest issue can be found on the program web page. Links to previous issues can be found under Agency Newsletters on the main TDLR webpage.

We look forward to attending any upcoming conferences, meetings, or events. If you are aware of outreach opportunities, please share them with Steve Uecker.

Field Inspections

Staff Report for the Orthotists and Prosthetists Advisory Board February 28, 2022

Personnel Updates

Effective November 4, 2021, all Inspector Vs have been reclassified as Senior Inspectors.

South Region Senior Inspector Abraham Delgado retired effective December 31, 2021. We wish him luck in his retirement and thank him for his many years of service to the people of Texas!

Statistics

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
Q1	0	3	1	2	4	43	5	48
Dec	0	1	0	4	1	16	1	21
Jan	0	0	0	1	0	6	0	7
Feb	0	0	0	0	2	0	2	0
Q2	0	1	0	5	3	22	3	28
Mar	0	0	0	0	1	0	1	0
Apr	1	0	1	0	6	0	8	0
May	1	0	0	0	2	0	3	0
Q3	2	0	1	0	9	0	12	0
Jun	0	0	0	0	0	0	0	0
Jul	1	0	4	0	20	0	25	0
Aug	0	0	3	0	8	0	11	0
Q4	1	0	7	0	28	0	36	0
YTD/Year End	3	4	9	7	44	65	56	76

Most Common Violations Found During OPS Inspections

Fiscal Year 2022, 1st Quarter

1. 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.
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(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.
4. 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.
5. 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.
6. 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.
7. 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).
8. 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.