

**Board of Registration of Allied Health Professionals**  
1000 Washington Street, Boston MA 02118  
**PUBLIC MINUTES**

**Date:** August 27, 2015

**Location:** 1G

**Time:** 9:02am

**BOARD MEMBERS PRESENT:**

Thomas Darisse, OTA  
Annette Iglarsh, PT, PhD,  
Nancy Lowenstein, OT Secretary  
Lisa M. Ayles, AT  
Jay Bernasconi, PT-Vice Chair  
Fraud Investigator  
Stacy Potvin, PTA  
Jaime L. Musler, AT  
Chrys Peralta, OTR/L  
Julie Cahill-O'Shea, Public Member

**STAFF MEMBERS PRESENT:**

Peter Kelley, Board Counsel  
Ana Garcia, Executive Director  
Sonia Jordan, Board Administrator  
Anne Driscoll, Board Investigator  
Ellen D'Agostino, Health Care

**MEMBERS NOT PRESENT:**

James "Zack" Zachazewski, AT, Chair

**9:00 AM - Housekeeping**

- Meeting Called to order
- Facility Briefing (fire drill instructions) + Location of Exits and Restrooms

**Board Business**

- Approve Minutes for June -Tabled
- 2016 Board Meeting Schedule Changes to 2016 schedule made and approved by unanimous consent.

**Report from Board Counsel, Peter Kelley**

**TOPIC:** EO 562 Regulations Review

**DISCUSSION:**

1. Counsel recommends a targeted approach to regulations changes where other changes can be sought beginning April, 2016.

ACTION: MOTION: moved: A.Iglarsh: second: S. Potvin: present final regulation drafts regarding documentation, supervision and AT education at September 2015 meeting. . All in favor.

2. Complaint Subcommittee: Written motion presented by Board Counsel. Questions asked by Board members.

**ACTION:**

Motion to accept written motion as proposed with L. Ayles as AT Member, C. Peralta as OT member; J. Barnasconi as PT member for subcommittee; Moved by L. Ayles. Seconded by C. Peralta. Roll call vote; T. Darrise "yes", J. Barnasconi "yes", (2) abstained: A.Iglarsh; J. Cahil-O'Shea; (3) apposed: N. Lowenstein; S. Potvin; J. Musler. Motion did not pass.

**ACTION:**

Motion to reconsider vote for subcommittee members by A. Inglarsh; seconded by N. Lowenstein. Motion Passed.

**ACTION:**

Motion to accept written motion as proposed with L. Ayles as AT Member, C. Peralta as OT member and S. Potvin as PT member for sub-committee; Moved N. Lowenstein. Seconded by S. Potvin. Roll call vote; L. Ayles "yes"; J. Musler "yes"; A. Iglarsh "yes" S. Potvin "yes", (2)Abstain : T.Darrise, J.Cahill-O'Shea. Motion passed.

**10:10 a.m. L. Ayles moved to go into executive session to consider an applicant's character rather than competence [Executive Session pursuant to G.L. 30A. 21(1)]. T. Darisse seconded. Roll call vote: J. Barnasconi – "yes"; S. Potvin – "yes"; N. Lowenstein – "yes"; J. Cahill O'Shea– "yes"; L. Ayles – "yes"; C. Peralta – "yes"; A. Iglarsh – "yes" Motion Passed.**

**After the Executive session, the closed meeting resumed at 10:33a.m.**

**10: 34 a.m. Updates From Investigative Unit**

**TOPIC:** Sarah Wilkinson, Deputy Chief introduces herself to the board.

**DISUSSION:** Provided board members with her contact information for any future questions or concerns the board had regarding the Office of Investigations processes.

**ACTION:** No action taken

L. Ayles and A. Iglarsh motion to Closed Session for investigatory conferences, quasi-judicial session and review of Settlement offer. Unanimous.

**10:38 a.m. New Cases (Closed session under G.L.c 112, 65C):**

**During the closed Session the Board voted to take the following actions:**

AH 15-047 (FN) -Forward to Prosecutions  
AH-15-054 (KK)-Forward to Prosecutions  
AH-15-058 (PT4U) - Forward to Prosecutions  
AH-15-059 (BL)-Forward to Prosecutions  
AH-15-062 (RG)-Forward to Prosecutions  
AH-15-065 JL-Forward to Prosecutions

**11:21 a.m. Deliberative/Ouasi-Judicial Session [Closed Session under G.L. c. 30A, 18, 5(d)]:11:21**

**11:30 AM Settlement Offer [Closed Session pursuant to G.L. c. 112, §65C]**

- N. Lowenstein left the meeting.

**11:38 AM Motion to exit closed session by J. Mueller and seconded by S. Potvin. All in favor.**

**11:41 a.m. Facility PTCO Waiver Request**

**TOPIC: ProEx Physical Therapy (WB) PTCO waiver request**

**DISCUSSION: Proex Physical Therapy (WB) - PTCO waiver**

Wayne Bonkowski is applying for a waiver to become the PTCO of Proex's Salem location. He has 2.5 years of experience as a PT.

The facility has been open without a PTCO since January. When questioned regarding practicing without a PTCO Wayne did not appear to know that it is illegal to be treating patients without a PTCO. While in discussion regarding role of PTCO the owner Mike Severo also did not know they could not be operating without a PTCO. He also mentioned their Beverly facility also had no PTCO although there is a application being processed for Chris Johnson to become the PTCO.

**ACTION:** Motion: to deny waiver by Lisa Ayles and seconded by Stacy Potvin. All in favor.

**TOPIC: Spine and Sports Injury Center-Brick (SS) PTCO Waiver request**

**DISCUSSION:** Stephanie Sampson (Spine and Sports Injury Center) is requesting a waiver to become PTCO as she has only had her MA license since July but had been practicing in Quebec, Canada for the past 10 years. She would be the PTCO of two facilities. Her and another PT have organized and compiled a new Policy and Procedures manual for the company.

**ACTION:** Motion to **allow** Stephanie Sampson to become PTCO by J. Mueller and seconded by S. Potvin. A. Iglarsh opposed. All others in favor.

**TOPIC: Spine and Sports Injury Center (JR) PTCO Waiver request**

**DISCUSSION:** Johanna Ryan is requesting a waiver to become PTCO as she only has 2.5 years of experience as a PT. She helped establish the new Policy and Procedures manual for the company with Stephanie Sampson. Jay asked if the billing person is allowed to change anything in the documentation of a note which she replied no. He then asked who can change something in the documentation which she replied only the person who wrote the note. She was also asked by Jay can a PT student treat part B Medicare patients which she again replied no.

**ACTION:** Motion to Allow Johanna Ryan to become PTCO by S. Potvin and seconded by C. Peralta. All in favor.

**12:20 p.m. Compliance Monitoring: Associate Executive Director, Ana Garcia**

**TOPIC:** AH-14-023 (CWM) Review of 2<sup>nd</sup> Quarterly Report

**DISCUSSION:** There is a question as to whether the monitor is doing an acceptable job.

**ACTION: Motion:** To take no action on the report and to invite the monitor, Lianne E. Allen in to discuss what a monitor should be looking for by A. Iglarsh and seconded by L.Ayles. All in favor.

**12:30 p.m. Correspondence**

**TOPIC:** Adverse Action; Malpractice payment against Jodi Burgess.

**DISCUSSION:** Board members reviewed adverse action.

**ACTION:** Read and filed. All in favor.

**TOPIC: Patrick Nowlan, OT :**

**DISCUSSION:** Asking to waive late fee of \$57 secondary to health issues and no income coming in. He would like it to go from \$157 to \$100. All fees paid.

**ACTION:** Read and file secondary to already paying the \$157. No further action taken.

**TOPIC: Joseanne Stacy, PT**

**DISCUSSION:** Wants to apply for a MA license as she is already licensed in Mississippi, Colorado and Connecticut. In MA a type 1 is needed to be approved in order for a foreign educated PT to work here. MA rules and regulations speak to requiring a type 1 report in order to verify the applicant meets all the requirements.

**MOTION:** To uphold type 1 review made by Annette Iglarsh and seconded by Lisa Ayles.

Abstained: C. Peralta and T. Darisse. S. Potvin, A. Inglarsh, J. Musler, L. Ayles and J. Bernasconi all agreed.

**NEW BUSINESS:**

**12:52 p.m. Motion to go into closed Session for an Investigative Conference by Jamie and seconded by Annette.**

**1:10 PM Motion to come out of closed session and into open session by A. Inglarsh and seconded by J. Musler. All in favor.**

**TOPIC: E-Licensing**

**DISCUSSION:**

Anna discussed e-licensing regarding when a facility license lapses what time frame the Board wants before the facility can re-instate their license. It was agreed upon that 2 years is when they would have to apply for reinstatement.

Discussed PTCO can have experience in foreign land as far as counting years experience as a PT.

**ACTION: None needed.**

**12:05 PM Lisa Ayles left meeting.**

**Discussion:** Peter asked the Board if they wanted to have to approve each time a licensee wants to take the exam if their license has expired. It was agreed upon no the Board does not want to have to approve each exam administration and to leave it to testing service to monitor how many times they have taken the test.

Adjourn: 1:11 PM

Respectfully submitted,



Secretary