

Board of Registration in Allied Health Professionals
1000 Washington Street, MA 02118
Agenda

PUBLIC MINUTES

Date: April 28, 2016

Location: Room 1D

Time: 9:00 AM

BOARD MEMBERS PRESENT:

James "Zack" Zachazewski, AT, Chair
Jay Bernasconi, PT, Secretary
Nancy Lowenstein, OTR
Lisa M. Ayles, AT
Thomas Darisse, OTA
Stacy Potvin, PTA
Jamie L. Musler, AT, Vice Chair
Chrys Peralta, OTR
Julie Cahill-O'Shea, Public Member
Annette Iglarsh, PT

STAFF MEMBERS PRESENT:

Peter Kelley, Board Counsel
Ana Garcia, Executive Director
Sonia Jordan, Board Administrator
Colleen Cavanaugh, Assoc. Exec Dir
Ann Driscoll, Board Investigator

9:03 am - Housekeeping

Meeting Called to order by James Zachazewski
Facility Briefing (fire drill instructions) + Location of Exits and Restroom-C. Cavanaugh

9:05 am - Board Business

Approved Public and Executive Minutes for January 2016

ACTION: Motion to approve with edits by J.Bernasconi, S. Potvin second, approved by unanimous vote

Approved Public and Executive minutes for March 2016

ACTION: Motion to approve with edits by L.Ayles, J.Bernasconi second; approved by unanimous vote

Enforcement issues with referrer-owned PT practices, and G. L. c. 112, § 23P½ and corresponding regulations

DISCUSSION: P. Kelley reviews present statute of self-reporting by January 1st of even years of those number of patients referred to a PT Facility by licensed practitioners other than PTs. Board reviews enhanced enforcement options. 3 questions proposed to add to licensing renewal to assist the state in isolating those facilities that need to report. Feedback from Board given and discussed. Concerns raised regarding identifying non PT owners who are members of corporations, LLC's, etc.

9:20 am- Report from Board Counsel, Peter Kelley

P. Kelley and J. Zachazewski discuss that A&F may complete its review of proposed regulations within the next 2-4 weeks to proceed to public hearing.

P. Kelley presents Michael Reinhold settlement and consent agreement for Board review and acceptance.

P. Kelley reviews licensure requirements for ATs pertaining to education. Proposed change in regulations may need to be edited with language for "substantially equivalent program of study deemed acceptable by the Board".

9:37 am - Investigative Unit Update

Update from Chief Investigator-Christopher Carroll

ACTION: Tabled

9:38 am - Correspondence:

Email from Phil Mastro dated 3/10/16 regarding Dry Needling for Athletic Trainers

DISCUSSION: J. Musler presents his review of this subject with P. Kelley in addition to miscellaneous comments of Board members.

ACTION: Board directed P. Kelley to respond to email that although some jurisdictions may allow this intervention as within the scope of AT practice (with appropriate advanced training, supervised practice, and MD oversight), with respect to the current statute MA G. L. c. 112, § 23A, ¶2, the Board does not view this as a permitted modality. Directed by Unanimous Consent

Email from Marguerite Ahmann dated 3/1/16 regarding PT scope of Practice Inquiry

DISCUSSION: 3 email responses from inquiry of J. Bernasconi to national/international specialists associated with this field presented and reviewed by Board.

ACTION: The Board directed P. Kelley to respond to email that although some jurisdictions may allow neuromodulation treatment, through the use of percutaneous electrical stimulation, as within the scope of PT practice (with appropriate advanced training and supervised practice), with respect to the current statute MA G. L. c. 112, § 23A, ¶ 7, the Board does not view this as a permitted modality. Directed by Unanimous Consent.

11:03am Correspondence suspended for Application Review CF

11:05 am -- Application Review

CF

TOPIC: Application for Licensure

DISCUSSION: CF answered affirmative in regards to a malpractice suit on her PCS application for MA. OT Licensure. CF presented details of suit to the Board as well as details of her practice in MA.

ACTION: Board allows the candidate to continue with the Licensure process. Directed by Unanimous Consent.

11:20am: Correspondence renewed.

Email from Lewis Cassidy dated 4/6/16 regarding Mass Practice Act

ACTION: The Board will answer Yes to both questions.

Email from anonymous dated 4/19/16 regarding specimen collection

ACTION: Email response to be tabled. Board will seek clarification from email sender.

11:30 am: Executive Session pursuant to G.L. 30A, §21(a)(7) to comply with the public record law, G. L. c. 66, § 10, G. L. c. 4, § 7, ¶ 26(a), and the student record law, G. L. c. 71, §§ 34D, 34E, for the purpose of reviewing applications.

L. Avles made motion to enter Executive session; C.Peralta second. Roll call Unanimous with A.Iglarsh recusing from session.

11:59 am: At the end of Executive session the open meeting resumed with A. Iglarsh returning.

Noon-12:20pm: BREAK

The open meeting resumed.

12:25 pm - Executive Session pursuant to G. L. c. 30A, §21(a) (7) to comply with G. L. c. 66, § 10, G. L. c. 4, § 7, ¶ 26(c) (medical record information. L. Ayles motions to return to Executive Session; J. Cahill seconds; approved with a roll call vote. A Iglarsh recused for Topic: PH

12:47 pm: Motion to leave Executive session by L. Ayles, second by T. Darisse, roll call vote unanimous

12:48 pm: Motion to move into Investigative Conference [Closed Session pursuant to G.L. c.12, §65C] by A. Iglarsh , J. Bernasconi second, unanimous vote

1:00pm Motion to exit closed session and enter into open session by L. Ayles, second S. Potvin. Unanimous vote.

During the closed session, the Board voted to take the following actions:

- To approve the items on Consent Calendar

1:00 pm - Compliance Monitoring: Associate Executive Director, Colleen Cavanaugh

TOPIC: AH-12-029 (MS)

DISCUSSION: 2nd review/report from monitor received 4/1/16.

ACTION: Accepting report but requesting different format for future submittals

TOPIC: AH-14-023 (CWM)

DISCUSSION: Quarterly Report

ACTION: Correspondence will be sent to Licensee to provide Board with corrective plan to integrate into her practice.

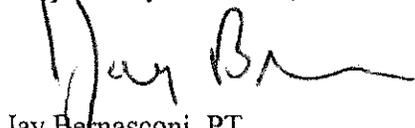
1:08 pm New Business:

Open Session for Topics not reasonably anticipated by the Chair 48 hours in advance of meeting.

- T. Darisse to replace CP in subcommittee as an OT rep
- J. Zachazewski addresses Board as to his discussion with DPL director re subcommittee
- J. Zachazewski speaks to regulation standings in A&F with regard to cont. competencies (Sect. 2). Proposes need for a PT subcommittee to be formed for the purpose of updating Sect 6 in regulations.

1:13 pm: Motion to adjourn by L Ayles, second by S. Potvin. All in favor

Respectfully submitted,



Jay Bernasconi, PT
Secretary