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LIEUTENANT GOVERNOR

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Commonwealth of Massachusetts
Division of Occupational Licensure
Board of Registration of
Allied Health Professions
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UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS
REGULATION

LAYLA R. D'EMILIA
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

Public Meeting Minutes
August 26, 2021

Board Members Present:

Jamie Musler, Chair, AT
Stacy Potvin, Vice Chair, PTA
Andrew Rizza, AT
Deborah Slater, OT
Stephanie Smith, OT
Catherine Lane, PT (left meeting at 9:41 a.m.)
Randy Jean, PT
Melanie Glynn, OTA
Reena Patel, AT

Staff Members Present:

Brian P. Bialas, Executive Director
Peter M. Kelley, Board Counsel

All board members and staff appeared by videoconference.

Call to Order: The meeting was called to order at 9:03 a.m.

Board Business

- **Public Meeting Minutes of June 24, 2021:** After a brief discussion, a motion was made by Ms. Potvin, seconded by Ms. Slater, to approve the Public Meeting Minutes of June 24, 2021. The motion passed unanimously.
- **Executive Session Minutes of June 24, 2021:** After a brief discussion, a motion was made by Mr. Rizza, seconded by Ms. Potvin, to approve the Executive Session Minutes of June 24, 2021. The motion passed unanimously.
- **In Person Meetings:** The Board discussed whether to hold the September meeting in-person in Boston. The Board decided to hold the next meeting by videoconference but to keep the topic of in-person meetings on the agenda for future meetings.



- **Election of Officers:** The Board elected officers for Fiscal Year 2022.
 - **Chair:** After a brief discussion, a motion was made by Ms. Potvin, seconded by Mr. Rizza, to elect Mr. Musler as Chair for Fiscal Year 2022. The motion passed unanimously.
 - **Vice Chair:** After a brief discussion, a motion was made by Mr. Musler, seconded by Ms. Smith, to elected Ms. Potvin as Vice Chair for Fiscal Year 2022. The motion passed unanimously.
 - **Secretary:** After a brief discussion, a motion was made by Mr. Rizza, seconded by Mr. Musler, to elected Ms. Slater as Secretary for Fiscal Year 2022. The motion passed unanimously.

Discussion

- **Board Counsel Report:** Mr. Kelley reported that the Continuing Competence Regulations are still pending final approval. He also explained that new legislation that passed into law has changed the name of the Board’s agency from Division of Professional Licensure to Division of Occupational Licensure and will move the Board to the Department of Public Health by January 2023.
- **CE Regulations Implementation:** Mr. Bialas reported on the Continuing Competence Regulations Subcommittee Meeting that took place earlier in the day. He explained that the Subcommittee will meet again in September to compile a list of health care associations and facilities that should receive notice when the regulations are in effect, and to approve a policy to implement the regulations. Board members suggested creating frequently asked questions to post on the Board’s webpage and lining up important dates in the policy with important certification dates for occupational therapists, occupational therapy assistants, and athletic trainers.
- **Policy on Physical Therapist Assistant and Occupational Therapy Assistant Involvement in Patient Screens and Evaluation:** The Board considered whether to rescind this policy because the Board’s current regulations make it unnecessary. After a brief discussion, a motion was made by Ms. Slater, seconded by Ms. Glynn, to rescind the policy. The motion passed unanimously.
- **Policy Regarding Reinstatement of Lapsed or Expired Licenses:** Mr. Bialas proposed allowing licensees whose licenses have been expired for less than a year to reinstate online rather than through a paper application and described the changes to the online system required for this. The Board generally agreed with the idea and directed Mr. Bialas to create a proposal for the Board’s consideration at the September meeting.

Ms. Lane left the meeting at 9:41 a.m.

Executive Session (Closed under G.L. ch. 30A, § 21(a)(7) to comply with G.L. ch. 4, § 7, ¶ 26(c) and G.L. ch. 214, § 1B – adhering to the public records law and to preserve the confidentiality of medical record information)

At 9:41 a.m., a motion was made by Ms. Potvin, seconded by Ms. Slater, to exit open session and enter into executive session under G.L. ch. 30A, § 21(a)(7) to comply with G.L. ch. 4, § 7, ¶ 26(c) and G.L. ch. 214, § 1B – adhering to the public records law and to preserve the confidentiality of medical record information, to conduct a monitoring interview and review monitoring reports. The motion passed unanimously by a roll call vote.

The Board entered executive session at 9:41 a.m.

Investigative Conference (Closed under G.L. ch. 112, § 65C)

At 11:15 a.m., a motion was made by Ms. Smith, seconded by Ms. Patel, to exit executive session, return to open session, and enter into a closed session under G.L. ch. 112, § 65C to conduct investigatory conferences. The motion passed unanimously by a roll call vote.

The Board returned to open session and entered closed session at 11:15 a.m.

During the investigative conference, the Board took the following actions:

National Practitioner Data Bank Medical Malpractice Payment Report

ND: No action taken

Cases

2021-000535-IT-ENF (DS):	Refer to Office of Prosecutions
2021-000458-IT-ENF (WF):	Dismiss
2021-000377-IT-ENF (ES):	Refer to Office of Prosecutions
2021-000380-IT-ENF (AY):	Refer to Office of Prosecutions
2021-000282-IT-ENF (Fyzical Therapy and Balance Center):	Dismiss

At 11:38 a.m., a motion was made by Ms. Smith, seconded by Ms. Slater, to exit closed session and return to open session. The motion passed unanimously.

The Board returned to open session at 11:38 a.m.

Adjournment

At 11:39 a.m., a motion was made by Ms. Smith, seconded by Ms. Glynn, to adjourn the meeting. The motion passed unanimously. The meeting adjourned at 11:39 a.m.

The above minutes were approved at the public meeting held on November 18, 2021.



Brian Bialas, Executive Director

List of Documents Used by the Board at the Public Meeting:

- Agenda for Meeting of August 26, 2021
- Draft Public Meeting Minutes of June 24, 2021
- Draft Executive Session Minutes of June 24, 2021
- Draft Proposed CE Regulations
- Policy on Physical Therapist Assistant and Occupational Therapy Assistant Involvement in Patient Screens and Evaluation
- Policy Regarding Reinstatement of Lapsed or Expired Licenses