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

Public Meeting Minutes

June 24, 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
Randy Jean, PT (left the meeting at 11:36 a.m.)
Melanie Glynn, OTA

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 May 27, 2021:** After a brief discussion, a motion was made by Ms. Slater, seconded by Ms. Glynn, to approve the Public Meeting Minutes of May 27, 2021. The motion passed unanimously.
- **Election of Officers:** Mr. Bialas reported that Norene Pease has resigned from the Board. The Board tabled the election of officers for Fiscal Year 2022 until the next meeting.

Request for PTCO Experience Waiver

- **Interview with Carly Stote for Spine and Sports Injury Center:** Ms. Stote appeared to request a physical therapy facility compliance officer experience waiver. Ms. Stote explained that the Board licensed her on February 5, 2019, and the clinic where she works closed its location in Boston's Financial District and is opening a new location in South Boston. Her clinic also has another location in Boston with its own compliance



officer. Ms. Stote explained that she is ready to serve as compliance officer for the new South Boston location because she has begun to take a more independent role and has observed her clinic's compliance officer. Board members asked why the compliance officer for the other Boston location could not also serve as compliance officer for South Boston. Ms. Stote stated that she would be the only person working in South Boston, so it is better if she is the compliance officer.

Mr. Musler noted that Ms. Stote does not have to be the compliance officer for the South Boston location because the compliance officer for the other Boston location could do it. The Board also encouraged Ms. Stote to work closely with a compliance officer to get more experience.

After a brief discussion, a motion was made by Ms. Smith, seconded by Mr. Rizza, to deny Ms. Stote's request for a physical therapy facility compliance officer experience waiver. The motion passed unanimously.

Discussion

- **Board Counsel Report:** Mr. Kelley reported that a new law allows the Board to continue to conduct meetings remotely until April 1, 2022, although the Board can choose to meet in person. Mr. Kelley also explained that, unlike the remote participation rule in the Open Meeting Law, the new law does not require a quorum of board members to be physically present. The Board will consider later this summer whether the September meeting should be in person.
- **CE Regulations Update:** The Board discussed how to communicate with licensees regarding the proposed CE regulations, and how to implement them once the Executive Office of Housing and Economic Development and the Office of Consumer Affairs and Business Regulation approve them, they are published, and they are in effect. After a brief discussion, a motion was made by Ms. Smith, seconded by Mr. Rizza, to create a subcommittee consisting of Mr. Rizza, Mr. Jean, and Ms. Slater to consider implementation dates and means of communication, and to report to the Board in September. The motion passed unanimously.

Monitoring

- **Julia LeBlanc, 2020-000543-IT-ENF, Petition to Terminate Probation:** The Board considered Ms. LeBlanc's petition to terminate her probation. After a brief discussion, a motion was made by Mr. Jean, seconded by Ms. Potvin, to terminate Ms. LeBlanc's probation. The motion passed unanimously.
- **Orthopedic & Sports Physical Therapy of Cape Cod, 2020-001698-IT-ENF, Petition to Terminate Probation:** The Board considered this facility's petition to terminate probation. Mr. Kelley explained that the policy the facility submitted, and presumably the training it conducted, do not comply with Department of Public Health (DPH) requirements regarding mask wearing in health care clinics.

After a brief discussion, a motion was made by Mr. Rizza, seconded by Ms. Smith, to deny the petition to terminate probation because the policy and training the facility

submitted do not comply with DPH requirements regarding mask wearing in health care clinics. The motion passed unanimously.

Open Session for Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of Meeting

Ms. Potvin asked whether applicants licensed in other states who are from foreign countries must retake the Test of English as a Foreign Language (TOEFL) before the Board will license them in Massachusetts. Mr. Kelley said he would research the issue.

Executive Session (Closed under G.L. ch. 30A, § 21(a)(1), individual character rather than competence, and 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 10:22 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. c. 30A, § 21(a)(1), individual character rather than competence, to interview an applicant, and under G.L. c. 30A, § 21(a)(7) to comply with M.G.L. c. 4, § 7, ¶ 26(c) and G.L. c. 214, § 1B – adhering to the public records law and to preserve the confidentiality of medical record information, to review monitoring reports. The motion passed unanimously by a roll call vote.

The Board entered executive session at 10:22 a.m.

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

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

At 11:17 a.m., a motion was made by Ms. Potvin, seconded by Mr. Jean, to exit open session and enter closed session under G.L. ch. 112, § 65C to conduct investigatory conferences. The motion passed unanimously.

The Board entered closed session at 11:17 a.m.

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

Cases

2021-000350-IT-ENF (SG):	Refer to Office of Prosecutions
2021-000379-IT-ENF (KJ):	Refer to Office of Prosecutions
2021-000378-IT-ENF (DD):	Refer to Office of Prosecutions

Mr. Jean left the meeting at 11:36 a.m.

2021-000063-IT-ENF (DF):	Refer to Office of Prosecutions
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At 11:40 a.m., a motion was made by Ms. Potvin, seconded by Ms. Glynn, to exit closed session and return to open session. The motion passed unanimously.

The Board returned to open session at 11:40 a.m.

Adjournment

At 11:41 a.m., a motion was made by Mr. Rizza, seconded by Ms. Glynn, to adjourn the meeting. The motion passed unanimously. The meeting adjourned at 11:41 a.m.

The above minutes were approved at the public meeting held on August 26, 2021.



Brian Bialas, Executive Director

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

- Agenda for Meeting of June 24, 2021
- Draft Public Meeting Minutes of May 27, 2021
- Application of Carly Stote for PTCO Experience Waiver for Spine and Sports Injury Center and supporting materials
- Draft Proposed CE Regulations
- Julia LeBlanc, 2020-000543-IT-ENF, Petition to Terminate Probation
- Orthopedic & Sports Physical Therapy of Cape Cod, 2020-001698-IT-ENF, Petition to Terminate Probation