



The Commonwealth of Massachusetts  
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**Board of Allied Health Professions  
Public Meeting Minutes  
February 23, 2023**

**Board Members Present:**

Jamie Musler, Chair, AT  
Andrew Rizza, Vice Chair, AT (arrived at 9:06 a.m.)  
Deborah Slater, Secretary, OT  
Stacy Potvin, PTA  
Melanie Glynn, OTA  
Diane Smith, OT  
Catherine Lane, PT  
Randy Jean, PT

**Staff Members Present:**

Brian Bialas, Executive Director  
Heather Engman, Chief Board Counsel  
Joshua Boeh-Ocansey, Board Counsel  
Lauren McShane, Investigator Supervisor  
Doris Lugo, Investigator

All board members and staff appeared by videoconference.

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

**Board Business**

- **Roll Call Vote for Attendance:** Mr. Bialas called the roll of board members, and all but Reena Patel and Andrew Rizza were present.
- **Public Meeting Minutes of January 26, 2023:** After a brief discussion, a motion was made by Ms. Potvin, seconded by Ms. Glynn, to approve the Public Meeting Minutes of January 26, 2023. The motion passed unanimously by a roll call vote.

- **Executive Session Minutes of January 26, 2023:** After a brief discussion, a motion was made by Ms. Smith, seconded by Ms. Glynn, to approve the Executive Session Minutes of January 26, 2023. The motion passed unanimously by a roll call vote.

Mr. Rizza arrived at 9:06 a.m.

- **2022 Federation of State Board of Physical Therapy (FSBPT) Delegate Selections:** The Board tabled the matter until next month.

### Discussion

- **Continuing Education (CE) Audits for Complaints and Delegated Authority to Resolve CE Deficiencies:** Mr. Bialas asked the Board to require respondent licensees in complaints to produce proof of CEs for the last renewal cycle, and, if the respondent licensees are deficient, to delegate authority to investigators to resolve CE violations for a set fine and the make up of deficient CEs.

After a brief discussion, a motion was made by Mr. Rizza, seconded by Ms. Slater, to direct Mr. Bialas to draft a consent agreement and to place that consent agreement and the audit process on next month's agenda for the Board's consideration.

- **Monitoring Instructions:** The Board considered draft monitoring instructions for prospective monitors of licensees. After a brief discussion, a motion was made by Ms. Smith, seconded by Ms. Slater, to approve the draft monitoring instructions with changes. The motion passed unanimously by a roll call vote.
- **Advisory Letter from the Office of Emergency Medical Services (OEMS) re: Requirements for Being an Athletic Trainer:** The Board discussed whether Emergency Medical Technicians (EMTs) are returning athletes to play at high school athletic events even though that is a duty reserved for athletic trainers and other medical professionals. After a brief discussion, the Board directed Ms. Engman and Mr. Bialas to ask OEMS about the issue.

### Correspondence

- **10.6.22 Letter from K. Jackson re: Wound Care and Debridement:** The Board reviewed the letter asking whether certain practices are within the scope of practice of a Physical Therapy license. After a brief discussion, a motion was made by Ms. Potvin, seconded by Ms. Smith, to direct Mr. Bialas to explain to Ms. Jackson that the Board does not make determinations regarding individual circumstances and a licensee's scope of practice, and for that reason, she may wish to consult her own legal counsel.

### Monitoring

- **Austin Callahan, 2021-001189-IT-ENF, Approval of Proposed Monitor:** The Board reviewed Ms. Callahan's submission of a proposed monitor, Alanna Rubin. After a brief

discussion, a motion was made by Mr. Rizza, seconded by Mr. Jean, to reject Ms. Rubin because she does not have enough experience as a licensee. The motion passed unanimously by a roll call vote.

- **Eleanor Garcia, 2021-000936-IT-ENF, Approval of Proposed Monitor:** The Board reviewed Ms. Garcia's submission of a proposed monitor, Kathleen Stewart. After a brief discussion, a motion was made by Ms. Slater, seconded by Mr. Jean, to reject Ms. Stewart because she is an occupational therapist, not a physical therapist, and Ms. Garcia is a physical therapy assistant. The motion passed unanimously by a roll call vote.

The Board directed Mr. Bialas to inform Ms. Garcia that any proposed monitor should be a physical therapist with substantial experience as a licensee.

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

Mr. Musler asked Ms. Engman why the Board has taken roll call votes throughout recent board meetings. Ms. Engman explained that roll call votes are required during virtual meetings.

Mary Murray, the President of the American Physical Therapy Association of Massachusetts, asked if Board staff can refer licensees to the continuing competency regulations when they receive questions about courses. Mr. Bialas said that staff will.

### **Executive Session CLOSED 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**

At 10:26 a.m., a motion was made by Ms. Potvin, seconded by Ms. Glynn, to exit the public meeting and enter into executive session 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 interview a licensee for a petition to reinstate. The motion passed unanimously by a roll call vote.

The Board entered executive session at 10:26 a.m.

### **Closed Session under G.L. c. 112, § 65C to Conduct Investigatory Conferences**

The Board entered investigative conference at 11:20 a.m.

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

#### **Case**

2022-000942-IT-ENF (SA):

Dismiss with advisory letter

## **Adjournment**

At 11:31 a.m., a motion was made by Ms. Glynn, seconded by Ms. Potvin, to exit closed session and return to open session, then adjourn. The motion passed unanimously by a roll call vote.

The meeting adjourned at 11:31 a.m.

The above minutes were approved at the public meeting held on March 23, 2023.



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Brian Bialas, Executive Director

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

- Agenda for Meeting of February 23, 2023
- Public Meeting Minutes of January 26, 2023
- Executive Session Minutes of January 26, 2023
- 1.31.23 Email from C. Jennings of FSBPT re: Delegate Selection
- Sample CE Violation Consent Agreement
- Draft Monitoring Instructions
- Advisory Letter from the Office of Emergency Medical Services (OEMS) re: Requirements for Being an Athletic Trainer, dated March 15, 2022
- 10.6.22 Letter from K. Jackson re: Wound Care and Debridement
- Austin Callahan, 2021-001189-IT-ENF, Documents re: Proposed Monitor
- Eleanor Garcia, 2021-000936-IT-ENF, Documents re: Proposed Monitor