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AFFAIRS AND BUSINESS
REGULATION

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

Public Meeting Minutes
April 28, 2022

Board Members Present:

Jamie Musler, Chair, AT
Stacy Potvin, Vice Chair, PTA
Deborah Slater, Secretary, OT
Andrew Rizza, AT
Catherine Lane, PT (left meeting at 9:27 a.m.)
Stephanie Smith, OT
Randy Jean, PT

Staff Members Present:

Brian Bialas, Executive Director
Peter Kelley, Board Counsel
Andrew Lutynski, Investigative Supervisor
Doris Lugo, Investigator

All board members and staff appeared by videoconference.

Call to Order: The meeting was called to order at 9:00 a.m.

Board Business

- **Public Meeting Minutes of February 24, 2022:** After a brief discussion, a motion was made by Ms. Potvin, seconded by Ms. Slater, to approve the Public Meeting Minutes of February 24, 2022 as presented. The motion passed unanimously. Ms. Smith abstained.
- **Executive Session Minutes of February 24, 2022:** After a brief discussion, a motion was made by Mr. Rizza, seconded by Ms. Slater, to approve the Executive Session Minutes of February 24, 2022 as presented. The motion passed unanimously. Ms. Smith abstained.

Discussion

- **Board Counsel Report:** Mr. Kelley reported that the Continuing Competence regulations, 259 CMR 7.00, will be promulgated on April 29, 2022.



- **CE Regulations Implementation**

- **Continuing Competency Compliance:** The Board considered whether to adjust the effective date of the Continuing Competency Compliance schedule to accommodate the promulgation date of the Continuing Competence regulations and the renewal inserts that will be included with renewal notices starting with renewals due in September. After a brief discussion, a motion was made by Ms. Smith, seconded by Ms. Potvin, to begin enforcing the Continuing Competence regulations through the Continuing Competency Compliance schedule beginning with renewals due on September 1, 2022. The motion passed unanimously.
- **Updates on Renewal Attestation, Renewal Insert, and Website Posting:** Mr. Bialas reported on the implementation of the new regulations, including adding a continuing competence attestation to renewals, adding an insert with renewal notices, and posting a notice on the website. The Board also discussed the Continuing Competence Subcommittee's recommendation to communicate with stakeholders regarding the new regulations.

Correspondence

- **3.1.22 Email from B. Duval re: IEP Without Evaluation:** The Board reviewed Mr. Duval's question regarding whether physical therapists may provide Individualized Education Program (IEP) recommendations based on prior recommendations from another physical therapist without conducting an assessment. The Board directed Mr. Bialas to respond that, in general, it is not appropriate for a physical therapist to attest to an evaluation the physical therapist did not do, but, even so, Mr. Duval should consult special education laws for guidance.
- **3.7.22 Email from FSBPT re: Selection of Delegates for 2022 Leadership Issues Forum and 2022 Annual Meeting and Delegate Assembly:** The Board considered the selection of delegates for the FSBPT 2022 Leadership Issues Forum and 2022 Annual Meeting and Delegate Assembly. After a brief discussion, a motion was made by Ms. Potvin, seconded by Mr. Jean, to elect:
 - Catherine Lane as Delegate;
 - Randy Jean as Alternate Delegate; and
 - Stacy Potvin as Additional Alternate.

The motion passed unanimously.

Monitoring

- **Jessica Richard, 20070821AH028-IT-ENF and 20080215AH062-IT-ENF, Approval of Proposed CEs:** The Board reviewed Ms. Richard's proposed CEs. After a brief discussion, the Board directed Mr. Bialas to inform Ms. Richard that her proposed courses are acceptable.

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

Mr. Musler acknowledged that Ms. Smith has decided to resign from the Board, and that this is Ms. Smith's last meeting as a board member. He and the other board members thanked Ms. Smith for her service.

Ms. Lane left the meeting at 9:27 a.m.

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

At 9:27 a.m., a motion was made by Mr. Rizza, seconded by Ms. Smith, to exit open session and enter into closed session under G.L. ch. 112, § 65C to conduct investigatory conferences. The motion passed unanimously.

The Board entered investigative conference at 9:27 a.m.

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

Cases

2021-000605-IT-ENF (Pure Performance Training, LLC):	Refer to Office of Investigations
2021-000443-IT-ENF (Health and Sports Rehab, Inc.):	Consider at next meeting
2021-000302-IT-ENF (AB):	Refer to Office of Prosecutions
2021-000923-IT-ENF (MT):	Refer to Office of Prosecutions
2021-000936-IT-ENF (EG):	Refer to Office of Prosecutions
2021-001119-IT-ENF (WH):	Refer to Office of Prosecutions
2021-001198-IT-ENF (LS):	Refer to Office of Prosecutions
2022-000106-IT-ENF (Greylock Physical Therapy):	Refer to Office of Prosecutions
2022-000327-IT-ENF (AR):	Dismiss

Adjournment

At 10:45 a.m., a motion was made by Ms. Smith, seconded by Mr. Jean, to exit closed session and to enter open session, thereupon to adjourn the meeting. The motion passed unanimously.

The meeting adjourned at 10:45 a.m.

The above minutes were approved at the public meeting held on May 26, 2022.



Brian Bialas, Executive Director

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

- Agenda for Meeting of April 28, 2022
- Public Meeting Minutes of February 24, 2022
- Executive Session Minutes of February 24, 2022

- Continuing Competency Compliance Schedule, Regulations, and Draft Renewal Insert and Website Posting
- 3.1.22 Email from B. Duval re: IEP Without Evaluation
- 3.7.22 Email from FSBPT re: Selection of Delegates for 2022 Leadership Issues Forum and 2022 Annual Meeting and Delegate Assembly
- Jessica Richard, 20070821AH028-IT-ENF and 20080215AH062-IT-ENF, Proposed CEs