



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
250 Washington Street, Boston, MA 02108-4619

MAURA T. HEALEY
Governor

KIMBERLEY DRISCOLL
Lieutenant Governor

KATHLEEN E. WALSH
Secretary

ROBERT GOLDSTEIN, MD, PhD
Commissioner

Tel: 617-624-6000
www.mass.gov/dph

**Board of Allied Health Professions
Public Meeting Minutes
June 22, 2023**

Board Members Present:

Jamie Musler, Chair, AT
Andrew Rizza, Vice Chair, AT
Deborah Slater, Secretary, OT
Stacy Potvin, PTA
Catherine Lane, PT
Reena Patel, AT
Randy Jean, PT (arrived at 9:08 a.m.)

Staff Members Present:

Brian Bialas, Executive Director
Sheila York, Board Counsel
Joshua Boeh-Ocansey, Board Counsel
Lauren McShane, Investigator Supervisor
Ellen D'Agostino, 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: Jamie Musler, Andrew Rizza, Deborah Slater, Stacy Potvin, Catherine Lane, and Reena Patel all present by videoconference.
- **Public Meeting Minutes of April 27, 2023:** After a brief discussion, a motion was made by Mr. Rizza, seconded by Ms. Potvin, to approve the Public Meeting Minutes of April 27, 2023. The motion passed unanimously by a roll call vote.

Mr. Jean arrived at 9:08 a.m.

- **Executive Session Minutes of April 27, 2023:** After a brief discussion, a motion was made by Ms. Patel, seconded by Mr. Rizza, to approve the Executive Session Minutes of April 27, 2023. The motion passed unanimously by a roll call vote.
- **Election of Officers for Fiscal Year 2024:** The Board considered electing officers for the new fiscal year.

After a brief discussion, a motion was made by Mr. Rizza, seconded by Ms. Potvin, to elect Mr. Musler as Chair for fiscal year 2024. The motion passed unanimously by a roll call vote, with Mr. Musler abstaining.

After a brief discussion, a motion was made by Ms. Potvin, seconded by Ms. Patel, to elect Mr. Rizza as Vice Chair for fiscal year 2024. The motion passed unanimously by a roll call vote.

After a brief discussion, a motion was made by Ms. Potvin, seconded by Mr. Musler, to elect Ms. Slater as Secretary for fiscal year 2024. The motion passed unanimously by a roll call vote.

- **Board Appointments:** Mr. Bialas announced that board members whose terms have expired or are about to expire and wish to be reappointed may submit a resume, cover letter, and optional demographic form to him for consideration by the Governor's Office.

Discussion

- **Policy on Delegation of Authority re: Drafting Orders to Show Cause and Consent Agreements to Board Counsel and the Prosecution Unit:** The Board reviewed a proposed policy that allows a prosecutor (1) to negotiate with respondents in adjudicatory matters within a range of discipline provided by the Board; and (2), in consultation with the executive director and board counsel, to add violations to orders to show cause for cases that are not included in the Board's referral to the Office of Prosecutions.

After a brief discussion, a motion was made by Ms. Potvin, seconded by Mr. Rizza, to approve the policy. The motion passed unanimously by a roll call vote.

- **Policy re: Standard Consent Agreement Terms:** The Board reviewed a draft policy that creates standard language about violations for consent agreements.

After a brief discussion, a motion was made by Ms. Slater, seconded by Ms. Potvin, to approve the policy. The motion passed unanimously by a roll call vote.

- **Continuing competence audits, continuing competence audits for complaints, and delegated authority to resolve continuing competence deficiencies:** The Board considered each topic.

After a brief discussion, a motion was made by Mr. Rizza, seconded by Ms. Slater, to require respondents to complaints to provide, with responses to complaints, records of completion of any continuing competence points required during the last licensing cycle. The motion passed unanimously by a roll call vote.

After a brief discussion, a motion was made by Mr. Rizza, seconded by Ms. Slater, to delegate authority to investigators to resolve complaints for continuing competence violations by a standard consent agreement for a \$200 fine and the make-up of deficient continuing competence points. The motion passed unanimously by a roll call vote.

The Board directed Mr. Bialas and Ms. McShane to discuss a possible continuing competence audit at the next meeting.

Mr. Musler asked whether athletic trainers must complete continuing competence points before renewing if they are not certified by the Board of Certification. Ms. York stated she would analyze the issue.

Mr. Musler also suggested that the renewal notice being sent to athletic trainers be modified to clarify that athletic trainers must fulfill continuing education requirements for the Board of Certification to renew and not the requirements of the Board's continuing competence regulations. Mr. Bialas stated that he would review the problem.

Approval of Proposed Physical Therapy Compliance Officer (PTCO) – Prior Discipline

- **Martin Rodgers for Ergonomic Collaboration Group:** The Board reviewed Mr. Rodgers' fine in 2010 for failing to respond in a timely manner to a complaint. After a brief discussion, the Board directed Mr. Bialas to invite Mr. Rodgers to a meeting for an interview and to request his resume.

Monitoring

- **Austin Callahan, 2021-001189-IT-ENF, 1st Quarterly Monitoring Report:** The Board reviewed the report. After a brief discussion, a motion was made by Ms. Potvin, seconded by Ms. Slater, to reject the report because it does not cover a full three months after the Board's approval of the monitor. The motion passed unanimously by a roll call vote.

The Board directed Mr. Bialas to notify the monitor that a revised report should review the appropriateness of Ms. Callahan's billing practices regardless of the adequacy of her records system and explain why her current records system is inadequate.

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

Karen Hefler from the Massachusetts Association for Occupational Therapy asked whether the minutes from 2023 that have been approved will be posted on the Board’s website. Mr. Bialas stated that he is working on that.

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

At 10:49 a.m., a motion was made by Ms. Potvin, seconded by Mr. Rizza, to exit the public session and enter into investigative conference under G.L. c. 112, § 65C to discuss new cases. The motion passed unanimously by a roll call vote.

The Board entered investigative conference at 10:49 a.m.

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

Cases

CASE-2023-0053 (Greylock Physical Therapy):	Dismiss
CASE-2023-0032 (AN):	Dismiss
2021-000301-IT-ENF (RB):	Refer to Office of Prosecutions
2021-000304-IT-ENF (Brighton Physical Therapy):	Refer to Office of Prosecutions
2021-000303-IT-ENF (SP):	Refer to Office of Prosecutions

Adjournment

At 11:15 a.m., a motion was made by Ms. Patel, seconded by Mr. Rizza, to exit closed session and return to open session, then adjourn. The motion passed unanimously by a roll call vote.

The meeting adjourned at 11:15 a.m.

The above minutes were approved at the public meeting held on July 27, 2023.



Brian Bialas, Executive Director

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

- Agenda for Meeting of June 22, 2023
- Public Meeting Minutes of April 27, 2023
- Executive Session Minutes of April 27, 2023
- Draft Policy on Delegation of Authority re: Drafting Orders to Show Cause and Consent Agreements to Board Counsel and the Prosecution Unit
- Draft Policy re: Standard Consent Agreement Terms
- Draft Continuing Competence Violation Consent Agreement and Letter
- Ergonomic Collaboration Group Facility Application Proposed PTCO Acknowledgement and Disclosure of Discipline, and Consent Agreement in Case AH-10-04
- Austin Callahan, 2021-001189-IT-ENF, 1st Quarterly Monitoring Report