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Commonwealth of Massachusetts
Division of Occupational Licensure
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REGULATION

LAYLA R. D'EMILIA
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OCCUPATIONAL LICENSURE

Public Meeting Minutes
June 23, 2022

Board Members Present:

Stacy Potvin, Vice Chair, PTA
Deborah Slater, Secretary, OT
Andrew Rizza, AT
Catherine Lane, PT
Melanie Glynn, OTA
Reena Patel, AT

Staff Members Present:

Brian Bialas, Executive Director
Peter Kelley, Board Counsel
Andrew Lutynski, Investigative Supervisor
Esther Laine, Deputy Commissioner of Boards

All board members and staff appeared by videoconference.

Call to Order: The meeting was called to order at 9:02 a.m.

Board Business

- **Public Meeting Minutes of May 26, 2022:** After a brief discussion, a motion was made by Mr. Rizza, seconded by Ms. Potvin, to approve the Public Meeting Minutes of May 26, 2022 as presented. The motion passed unanimously.
- **Executive Session Minutes of May 26, 2022:** After a brief discussion, a motion was made by Ms. Potvin, seconded by Ms. Slater, to approve the Executive Session Minutes of May 26, 2022 as presented. The motion passed unanimously.
- **Adopt Remote Meeting Procedures:** Mr. Kelley reported that the law allowing the Board to meet by videoconference expires on July 15, 2022. If that law is not extended, the Board must meet in person after July 15, 2022.

The Board then discussed allowing some Board members, in the event the Board is again required to meet in-person, to participate in meetings by videoconference or telephone



under 940 CMR 29.10 provided a quorum is present in person. After a brief discussion, the Board directed Mr. Bialas to put the topic on the agenda for next month's meeting.

- **Election of Officers for Fiscal Year 2023:** The Board discussed electing officers for fiscal year 2023.

A motion was made by Ms. Patel, seconded by Ms. Potvin, to elect Mr. Musler as Chair for fiscal year 2023. The motion passed unanimously.

A motion was made by Ms. Glynn, seconded by Ms. Potvin, to elect Mr. Rizza as Vice Chair for fiscal year 2023. The motion passed unanimously.

A motion was made by Mr. Rizza, seconded by Ms. Potvin, to elect Ms. Slater as Secretary for fiscal year 2023. The motion passed unanimously.

Discussion

- **Board Counsel Report:** Mr. Kelley had no further report.

Request for PTCO Experience Waiver

- **Interview with Kathryn Judd for Life Clinic:** Ms. Judd appeared to discuss Life Clinic's request for a waiver of the four-year experience requirement to allow her to be PTCO for Life Clinic's facility. Ms. Judd explained that she began working as a licensed physical therapist in 2018 in a private practice that was a new business. She worked there for two years. After that, she worked at a larger practice where she developed management skills. Ms. Judd began working at Life Clinic in February 2022. Although Life Clinic is seeking a facility license, she would be the only licensee working at her location to start.

Ms. Judd then answered various questions from the Board regarding the responsibilities of a PTCO, how she would handle certain situations, and the overall business structure of Life Clinic.

After a brief discussion, a motion was made by Mr. Rizza, seconded by Ms. Slater, to approve Life Clinic's request for a PTCO experience waiver to allow Ms. Judd to serve as its PTCO. The motion passed unanimously.

Correspondence

- **6.9.22 Email from J. Zachazewski re: Athletic Trainers and Rectal Thermometry:** The Board reviewed Mr. Zachazewski's question about whether athletic trainers may use rectal thermometers. After a brief discussion, the Board directed Mr. Kelley to respond to Mr. Zachazewski and explain that athletic trainers may use rectal thermometers if they are trained adequately in how to use them.
- **6.13.22 Email from K. Jackson re: Nail Debridement and Non-Orthopedic Foot Care by Physical Therapists and Occupational Therapists:** The Board reviewed Ms. Jackson's question about whether physical therapists and occupational therapists may

perform nail debridement and other forms of non-orthopedic foot care. After a brief discussion, the Board directed Mr. Bialas to respond to Ms. Jackson and explain that, in general, nail debridement is permissible for physical therapists and occupational therapists to perform if they are trained adequately, but whether the other forms of foot care described by Ms. Jackson are permissible depends on the specific facts and circumstances of the particular situation.

Monitoring

- **Orthopedic and Sports Physical Therapy of Cape Cod, 2020-001698-IT-ENF, Petition for Termination of Probation:** The Board reviewed the facility’s petition to terminate probation. After a brief discussion, a motion was made by Mr. Rizza, seconded by Ms. Patel, to deny the petition because the facility’s training on the Department of Public Health’s order on mask wearing that was required in its consent agreement with the Board taught exceptions to mask wearing that were not contained in the order. The motion passed unanimously.

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

At 9:45 a.m., a motion was made by Ms. Slater, seconded by Ms. Patel, to exit open session and enter into closed session under G.L. ch. 112, § 65C to conduct investigatory conferences. The motion passed unanimously by a roll call vote.

The Board entered investigative conference at 9:45 a.m.

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

Cases

2022-000368-IT-ENF (WL):	Ms. Glynn recused herself; review case again at next meeting when Board has a quorum to consider case.
2020-001698-IT-ENF (Orthopedic and Sports Physical Therapy):	Refer to Office of Prosecutions to continue prosecution of case or open new complaint.
2022-000488-IT-ENF (JT):	Refer to Office of Prosecutions
2022-000325-IT-ENF (MS):	Refer to Office of Prosecutions
2022-000326-IT-ENF (RS):	Refer to Office of Prosecutions
2021-001189-IT-ENF (AC):	Refer to Office of Prosecutions

Adjournment

At 10:17 a.m., a motion was made by Mr. Rizza, seconded by Ms. Glynn, to exit closed session, return to open session, and adjourn the meeting. The motion passed unanimously.

The meeting adjourned at 10:17 a.m.

The above minutes were approved at the public meeting held on August 25, 2022.



Brian Bialas, Executive Director

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

- Agenda for Meeting of June 23, 2022
- Public Meeting Minutes of May 26, 2022
- Executive Session Minutes of May 26, 2022
- Documents for Life Clinic's PTCO Waiver Request for Kathryn Judd
- 6.9.22 Email from J. Zachazewski re: Athletic Trainers and Rectal Thermometry
- 6.13.22 and 6.15.22 Emails from K. Jackson re: Nail Debridement and Non-Orthopedic Foot Care by Physical Therapists and Occupational Therapists
- Orthopedic and Sports Physical Therapy of Cape Cod, 2020-001698-IT-ENF, Petition for Termination of Probation