

Board of Registration of Allied Health Professionals
1000 Washington Street, Boston MA 02118
PUBLIC SESSION MINUTES

Date: June 20, 2019

Location: Rm 1D

Time: 9:00 AM

BOARD MEMBERS PRESENT:

Jamie Musler, Chair, AT
Stacy Potvin, Vice Chair, PTA
Norene Pease, Public Member
Andrew Rizza, AT
Lisa Ayles, AT
Susan Higgins. Secretary, OT
Randy Jean, PT

STAFF MEMBERS PRESENT:

Peter Kelley, General Counsel
Ana Garcia, Executive Director
Anne Driscoll, Board Investigator
Sonia Jordan, Board Administrator

BOARD MEMBERS NOT PRESENT:

Stephanie Smith, OT

9:07 AM - Housekeeping

- Meeting Called to order
- Facility Briefing (fire drill instructions) + Location of Exits and Restroom

9:08 AM - Board Business

- Welcome new Board member – Andrew Rizza
 - Board welcomed new AT member to the meeting. Board member introductions were conducted.
- Review Approval of Public & Executive Session Minutes for April 25, 2019. Motion to accept with amendments by Stacy Potivn, seconded by Susan Higgins: All in favor.
- Update on NBCOT Regulatory Conference by board member Lisa Ayles- discussion regarding information shared at the conference: Information on state compacts, licensing individuals with criminal records, tele-rehab, and topic on sunset review every 7 years.
- Board member's welcomed back Peter Kelley, Board Counsel.

9:25 AM- Compliance Monitoring:

- **TOPIC:** 2012-1108AH-024-IT-ENF [J.C.]
- **DISCUSSION:** Board reviewed compliance with Consent Agreement for John Carpintio's petition to reinstate license. Mr. Carpinto was required to re-sit and pass the NPTE Exam as part of the consent agreement terms. Mr. Carpinto successfully completed NPTE exam. The Board also reviewed (3) proposed compliance monitors as part of Mr. Carpinto's request to reinstate his license and to be placed on monitored probation. Board was satisfied with 2 out of the 3 monitors provided (Parry Comeau and Denise Sargent).
- **ACTION:** Motion to table Mr. Carpintio's reinstatement request Mr. Carpinito and proposed monitor shall appear before the board in July.

9:35 a.m. Andrew Rizza recused himself from the meeting and left the room.

9:36 AM – PTCO Waiver/Conference:

- **TOPIC:** Laura Pempkowski - ATI Physical Therapy
- **DISCUSSION:** Board reviewed PTCO waiver request for Laura Pempkowski as proposed compliance officer for ATI Physical Therapy. Ms. Pempkowski has a Minimum 4 years for PTCO, and is 2 months short of the (4) year requirement. During the discussion it was made clear that Ms. Pempkowski had been serving as the interim PTCO due to the PTCO resigning previously. Notification by the facility was never sent to the board regarding resignation of old PTCO. Board expressed concern of PTCO transition when the designated PTCO has resigned for ATI.
- **ACTION 1:** Motion to deny waiver made by Lisa Ayles, no second motion. Motion withdrawn.
- **ACTION 2:** Motion to accept waiver made by Stacy Potvin, seconded by Randy Jean. Lisa Ayles opposed. The motion passed unanimously.

9:43 a.m. Andrew Rizza returned to the meeting.

9:44 AM Motion to go into closed Session made for Investigatory Conference-New Cases pursuant to MGL c. 112, §65C to review new cases made by Randy Jean, Second by Lisa Ayles. Unanimous by roll call.

During the Investigative Conference, the Board voted to take the following actions:

- 2019-000303-IT-ENF [KC]- Forward to Prosecutions
- 2019-000418-IT-ENF [DN]-Forward to Prosecutions

10:26 a.m. Motion to enter and exit open session and enter Executive session to comply with G.L.30A §21(1) to discuss the character rather than competence of applicants for licensure, G. L. c. 30A, § 21(a)(7), to comply with the public record law, G. L. c. 66, § 10, and to maintain the confidentiality of intimate details of a highly personal nature and pursuant to G. L. c. 4, § 7, ¶ 26(c) Maintaining the Confidentiality of Policy Positions being Developed by the Board and DPL, made by Stacy Potvin, seconded by Randy Jean- Roll Call unanimous.

10:56 a.m. Motion to exit executive session and enter open session made by Andrew Rizza, Second by Susan Higgins-Roll call vote, all in favor. Motion passed unanimous.

10:58 a.m. Motion to enter into closed Session for Settlement Conference, pursuant to [Closed Session G.L. c. 112, §65C] made by Andrew Rizza, Second by Stacy Potvin. Unanimous by roll call.

11:39 a.m. Motion to exit Closed Session and into Open Session made by Randy Jean, Second by Lisa Ayles. Unanimous by roll call.

11:40 AM Correspondence:

- Email from Lee Staley dated 4/23/19 re: Athletic Training Licensure MGL ch.112, sec. 23A- (board's response to first question)-**According to MGL ch. 112, sec. 23A, Athletic Trainers can provide services to schools, teams and organizations.** (During the correspondence review, the Executive Director indicated to board that the answer to his second question had been previously answered on May 22, 2019.)
- Email from Sarah James dated 5/9/19 re: Manual Lymph Drainage – **To perform PTA must be under POC and under direction of PT.**
- Email from Donald Rischitelli dated 5/13/19 re: MRI in MA – **Not within the PT scope of practice.**
- Email from P Mitchell dated 5/22/19 re: PTA Practice Act – **As an evaluation, is a non-delegable function that can only be performed by a PT.**
- Email from Brandie Davies dated 5/23/19 re: Urine collection for a PT – **not within PT scope of practice, lung sounds is within scope of practice.**
- Email from Alexis Silvers dated 5/30/19 re: MA TeleTherapy Regulations – **Need further clarification on what is the treatment provided, what type of OT services, who are providers and population?**

12:02 PM- New Business:

- Open Session for Topics not reasonably anticipated by the Chair 48 hours in advance of meeting

12:02 AM-Adjournment

Motion to adjourn made by Randy Jean, seconded by Andrew Rizza. The motion passed unanimous.

Respectfully Submitted,



Ana Garcia
Executive Director