



# #1 - April 18, 2023, PTGB Public Meeting

## Minutes

Physical Therapy Governing Board

Apr 18, 2023 at 8:30 AM EDT

@ OPLC - 7 Eagle Square, Concord, NH 03301

### Attendance

#### Present:

Members: Lea Bruch, Jennifer Carrier, Nicole Lavoie, Robert Worden

Guests: Jessica Whelehan - Board Administrator, Liz Eaton - Board Counsel (remote), Patty Louise Healy-Osbourne (remote)

Lea Bruch arrived at 8:42 am.

#### I. Call To Order

Jennifer Carrier called the meeting to order at 8:37 am.

#### II. Approval of Public Minutes

##### Motion:

Approve the March 21, 2023, minutes as submitted.

Motion moved by Robert Worden and motion seconded by Nicole Lavoie. Motion passed unanimously.

#### III. Licensure Approval

##### A. Fast-Track Approvals

 [FT 3.14.23 through 4.7.23.pdf](#)

##### Motion:

Ratify the Fast-Track application from March 14, 2023, through April 7, 2023.

Motion moved by Jennifer Carrier and motion seconded by Robert Worden.  
Motion passed unanimously.

##### B. Patty Louise Healy-Osborne, PT, Lic #2271 - Renewal

Item tabled until Lea Bruch arrived.

##### C. Monica Holm, PT, Lic #0856

Jessica Whelehan, Board Administrator, informed the Board that Monica Holm, PT, Lic #0856, had never initiated her renewal, and the Board would need to vote to rescind the Notice of Show-Cause Hearing.

**Motion:**

Rescind the Notice of Show-Cause Hearing as the licensee failed to initiate renewal.

Motion moved by Jennifer Carrier and motion seconded by Nicole Lavoie. Motion passed unanimously.

IV. Rules Review and Other Legislative Topics

A. Legislative Update

Liz Eaton, Board Counsel, provided the following legislative update:

HB2 – HB2 has been largely deconstructed, with only a few changes that affect Boards remaining. Liz noted that the Allied Health Board of Directors would likely be disbanded. She also noted that one of the changes that may affect this Board would be all testing going through a 3<sup>rd</sup> party. Jessica informed Liz that the PT jurisprudence exam was already administered through the FSBPT, so this was not a change for the PTGB. Liz also discussed some possible changes to the rights of consumers to privacy, but did not have too many specifics on that aspect of the bill. Lea Bruch discussed the ongoing changes with information blocking, and how they may see those changes in the future.

HB655 – Liz informed the Board that the changes in HB655 (Fast-Track across all Boards, triaging of the complaint process, etc.) were still moving forward, as discussed at previous meetings.

HB188 – Liz apologized to the Board for missing any hearings on this bill. A quick search showed that the repeal of the “25 day” law had passed both the House and Senate. The Board discussed the possibility of adding something to rules that would address the 25 day concern. Liz let them know that that would be a viable option, and suggested they do some research and consider bringing that up at a future meeting.

V. Licensure Approval (continued)

A. Patty Louise Healy-Osborne, PT, Lic #2271 - Renewal

The Board discussed the application for renewal, noting that the 100 hours active in the profession per year requirement (PART Phy 402.12 (a) (1) c.) had not been

met. The licensee, attending via Zoom, informed the Board that someone “professional” at OPLC had informed her in 2022 that she did not need to worry about meeting that requirement. She said she did not have this in writing, as it had been an in-person exchange. Jessica informed the Board that she, as the Board Administrator in 2022, would not have said this to anyone, nor would she have instructed a license clerk to do so. Lea Bruch stated that the rules, which are publicly posted, had not had any changes to the requirement to be active in the profession for 100 hours in each year, and it was the licensee’s responsibility to understand that and to make sure they met the requirement. Patty explained that she had worked plenty of hours in 2021, and in 2023, but now because of her license status reading “Active – Pending Renewal”, she had not been allowed to work, despite having notice from OPLC presented to her employer that this status was considered “Active”. It was suggested that the Board Administrator send a letter to the employer, however, the Board opted to have the Board Administrator, at Board Counsel’s suggestion, email the licensee the specific RSA (310-A:1-h, III) that allowed her to work on an “Active – Pending Renewal” status. It was noted that ultimately, it was her employer’s decision whether to accept that status, but OPLC considers it a valid “Active” status. The licensee again went on to detail the reason she did not have 100 hours worked in 2022, citing concerns with COVID-19 and instruction from a “professional” at OPLC. Liz Eaton, Board Counsel, informed the licensee that the Board needed to vote on the renewal application, and if they decided on a show-cause hearing, the licensee would then have an opportunity to present this information to the Board in an official capacity. Liz reminded the licensee that the Board Administrator would email her the relevant RSA, which may assist her with getting her employer to allow her to work again.

**Motion:**

Schedule a show-cause adjudicatory hearing in June, citing a failure to meet the renewal requirements as set forth in rule Phy (a) (1) c. in that the applicant was not active in the profession as defined in rule.

Motion moved by Lea Bruch and motion seconded by Robert Worden. Motion passed; Nicole Lavoie recused.

VI. Non-Public Session

**Motion:**

Conduct a Non-Public session for the purpose of discussing investigations of alleged licensee misconduct and other confidential Board business. Such a non-public session is authorized by RSA 91-A:3, II (c), RSA 91-A:3 II (e), RSA 91-A:5, IV, Lodge v. Knowlton, 119 N.H. 574 (1978), and the Board's executive and deliberative privileges

Motion moved by Jennifer Carrier and motion seconded by Lea Bruch. Motion passed unanimously by roll call vote at 9:18 am.

VII. Resume Public Session

Public session resumed at 9:23 am.

VIII. Seal the Minutes of the Non-Public Session

**Motion:**

Seal the minutes of the non-public session to maintain the privacy of the items discussed in non-public session pursuant to RSA 91-A:3, II (c), on the grounds that public disclosure may adversely affect the reputation of a person other than a Board member or render the proposed action ineffective.

Motion moved by Jennifer Carrier and motion seconded by Nicole Lavoie. Motion passed unanimously.

IX. Rules Review and Other Legislative Topics (continued)

A. Legislative Update (continued)

The Board and Liz Eaton discussed the Veterinary PT matter. After discussion and debate the Board decided to do some independent research on the matter and send their results to Jessica Whelehan, to be added to the next meeting agenda.

X. Adjourn

Jennifer Carrier adjourned the meeting at 9:38 am.