



October 31 2022 OTGB Public Meeting

Minutes

Occupational Therapy Governing Board
Oct 31, 2022 at 10:00 AM EDT

@ OPLC - 7 Eagle Square, Concord, NH 03303 - Meeting in person required - Public Attendance available via Zoom <https://us02web.zoom.us/j/82063450163>

Attendance

Members Present:

Sarah Hinkley, Traci Johnson, Nicole Quartulli

Members Present (Remote):

Olivia Freeman

Guests Present:

Jessica Whelehan - Board Administrator, Lauren Warner - Board Counsel, Liz Eaton - Board Counsel, John Garrigan - Attorney OPLC Enforcement, Nik Frye - Hearings Examiner, Molly Rossignol - NHPHP, Jaclyn Boyd - OTA, Eric Goulet - OPLC Paralegal

I. Call to Order

Sarah Hinkley, acting Chair, called the meeting to order at 10:15 am.

II. Public Appearances - 10:00 am Hearing: Jaclyn Boyd, OTA Lic #0826 - Adjudicative Hearing

The Board conducted an Adjudicative Disciplinary Hearing for Jaclyn Boyd, OTA Lic #0826. Attorney John Garrigan, after presenting the Stipulated to Facts, asked that the Board move to non-public session.

III. 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 Traci Johnson and motion seconded by Nicole Quartulli. Motion passed unanimously by roll call vote at 10:30 am.

IV. Resume Public Session

Public session was resumed at 10:46 am.

V. 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 Nicole Quartulli and motion seconded by Traci Johnson. Motion passed unanimously by roll call vote.

VI. Public Appearances (continued)

The Jaclyn Boyd Hearing was resumed.

Motion:

Issue a final decision and order documenting professional misconduct, with the following restrictions placed on Jaclyn Boyd's license:

Pursuant to RSA 328-F:23, IV(e), the Licensee is subject to being supervised for a period of one year by a New Hampshire Occupational Therapist Registered (OTR) ("Supervisor") approved by the Board. The one year period shall commence on the date the supervision starts and accumulate thereafter, so long as the Licensee is actively licensed, practicing, and receiving the supervision.

NOTIFICATION OF PROPOSED SUPERVISOR: The approval process shall consist of the Licensee notifying the Board Administrator in writing— either 1) 21 days its 12/19/22 meeting or 2) 21 days before the next regularly scheduled Board meeting that occurs thereafter before the Licensee returns to actively practicing as a licensee of this Board—that she has a proposed Supervisor for the Board to consider. Before notifying the Board Administrator of a proposed Supervisor, the Licensee shall share a copy of this Order with the proposed Supervisor to read.

APPROVAL OF SUPERVISOR: Upon receiving notification of the proposed Supervisor, the Board's Administrator and Presiding Officer shall schedule a hearing to occur at the next regularly scheduled Board meeting to determine whether the Board should approve the proposed Supervisor based upon his or her training and experience as an OTR and as a supervisor, manager, or other authoritative and/or teaching role and character. The

burden of proof shall be upon the Licensee to establish the proposed Supervisor's qualifications by a preponderance of the evidence. Both the Licensee and the proposed Supervisor shall attend this hearing, either in-person or via a virtual platform that is being used by the Office of Professional Licensure and Certification to run adjudicatory hearings. Hearing Counsel may attend this hearing or submit a recommendation to the Board in writing in lieu of appearing. If the Board approves the proposed Supervisor, the Licensee shall be responsible for all costs associated with Supervisor's supervision.

SUPERVISION REQUIREMENTS: During the period of supervision, the Supervisor and Licensee shall be required to meet weekly, either in person or via a video and audio virtual platform. The Supervisor shall have an affirmative obligation to report any concerns regarding the Licensee's practice or the supervision to the Board immediately. The Supervisor shall also provide a brief monthly report to the Board during the period of supervision. The report may be submitted by email to the Board Administrator and shall address the goals of supervision and the Licensee's progress. In addition to the monthly reports, the Board shall hold review hearings after the Licensee has completed 6 months of supervision and 12 months of supervision, respectively. The burden of proof at these review hearings shall be on the Licensee to prove, by a preponderance of the evidence, that she is in compliance with the terms of this Order and meaningfully participating in supervision. Failure to comply with any of the terms of this Order may result in further disciplinary or other Board action.

TERMINATION OF SUPERVISORY RELATIONSHIP If the Licensee or the Supervisor desires to terminate the supervisory relationship before the 12 month period ends, or the supervisor relationship ends due to circumstances beyond the control of the Licensee, the burden shall be on the Licensee to immediately notify the Board Administrator in writing of the request to terminate the relationship and supply the name of a new proposed supervisor for the Board to consider at its next regularly scheduled meeting. In such circumstances, the processes outlined in paragraphs VI.3.a herein shall govern how a new Supervisor is approved and how the supervision operates and may be terminated. The previous Licensee-Supervisor relationship shall not terminate until the Board approves a new Supervisor.

Pursuant to RSA 310-A:1-m, l(d)(2), the Licensee is subject to completing an additional three hour continuing education credit course with a focus on ethics and which is AOTA approved. This course shall be completed during the last quarter of the Licensee's supervision/probationary period. To document successful completion of the course, the Licensee shall provide the Board Administrator with written documentary proof issued/authored by the program offering the course no later than the date of the 12 month review hearing. Whether any program(s) meets the requirements of this section shall be determined by the Board. Therefore, the Licensee is strongly encouraged to seek

the Board's pre-approval of program(s) before taking them. The Licensee may submit information about proposed programs to the Board's Administrator, who shall present same to the Board for determination. The three hours of continuing education ordered hereunder shall be in addition to any normal continuing education required for licensure under Board statute and rules and those documented in Exhibit 6 and 7. The Board determined the Licensee should be subject to the additional three hour course requirement after considering that the Licensee, of her own volition, took the continuing education coursework presented in Exhibits 6 and 7. Like the additional required continuing education, the coursework described in Exhibits 6 and 7 may not be used to fulfill any normal continuing education requirements for licensure under Board statutes and rules.

Motion moved by Traci Johnson and motion seconded by Nicole Quartulli. Motion passed unanimously by roll call vote.

VII. 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 Traci Johnson and motion seconded by Nicole Quartulli. Motion passed unanimously by roll call vote at 10:55 am.

VIII. Resume Public Session

Public session was resumed at 11:41 am.

IX. 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 Traci Johnson and motion seconded by Nicole Quartulli. Motion passed unanimously by roll call vote.

X. Approval of Public Minutes

Motion:

Approve the public minutes from the September 26, 2022, meeting as amended.

Motion moved by Nicole Quartulli and motion seconded by Traci Johnson. Motion passed unanimously by roll call vote.

XI. New Business - Board Chair

Olivia Freeman, Chair, noted that the Board's Administrative Rules demanded that a new Chair be elected in January, which also coincided with the completion of her second term. Olivia nominated Sarah Hinkley as her successor, noting that she would remain on the Board for several more months to assist both Sarah and the Board. Sarah accepted the nomination, asking that Olivia stay on as Chair for several more months. Jessica Whelehan noted that the position of Chair should be officially changed in January, based on the rules, but that did not mean that Olivia would not be able to stay on the Board in holdover status, and assist Sarah with her new role as Chair as needed.

XII. Licensure Approval

A. Fast-Track Approvals

 [OTGB Fast Track 9.19.22 through 10.21.22.pdf](#)

Motion:

Accept and approve the list of Fast-Track approved applications.

Motion moved by Traci Johnson and motion seconded by Nicole Quartulli.
Motion passed unanimously by roll call vote.

XIII. Adjourn meeting

Sarah Hinkley adjourned the meeting at 11:53 am.