



March 27, 2023, OTGB Public Meeting Minutes

Occupational Therapy Governing Board

Mar 27, 2023 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

Present:

Members: Olivia Freeman, Sarah Hinkley, Traci Johnson

Guests: Jessica Whelehan - Board Administrator, Violet Anderson (remote), Shane Goulet -

Board Counsel

Absent:

Members: Nicole Quartulli

I. Call to Order

Olivia Freeman, Chair, called the meeting to order at 10:02 am.

II. Approval of Public Minutes

Motion:

Approve the January 30, 2023, public minutes as submitted.

Motion moved by Sarah Hinkley and motion seconded by Traci Johnson. Motion passed unanimously.

III. Public Appearances

A. Hearings

1. 10:30 am: Occ 408.13, Occ 501.01, and Occ 502.02 - Administrative Obligations and Ethical Standards

A hearing regarding Occ 408.13, Occ 501.01, and Occ 502.02 was held at 10:31. The hearing closed at 10:47 am; there were no comments made or submitted during the hearing.

IV. Old Business - No Items

A. Board Chair Discussion (continued)

Motion:

Nominate Sarah Hinkley to serve as the Chair of the Board; Olivia Freeman will remain on the Board in holdover until her position is filled.

Motion moved by Traci Johnson and motion seconded by Olivia Freeman. Motion passed unanimously.

V. New Business

- A. NBCOT request to present (virtually) at upcoming board meeting

Motion:

Respond to NBCOT and offer them the following meeting dates for their presentation: April 24, 2023, May 22, 2023, or September 25, 2023.

Motion moved by Sarah Hinkley and motion seconded by Traci Johnson. Motion passed unanimously.

VI. Licensure Approval

- A. Fast-Track Approvals for Ratification

 [FT through 3.17.23.pdf](#)

Motion:

Ratify the list of Fast-Track approved licenses.

Motion moved by Sarah Hinkley and motion seconded by Traci Johnson. Motion passed unanimously.

VII. Rules Review and other Legislative Topics

- A. 2023 Legislative Session update (OPLC Board Counsel)

Shane Goulet, Board Counsel, provided the following update:

HB2, a bill with massive board overhauls proposed, was currently being torn apart, with 3 meetings addressing this bill alone this week. He explained that there had been a lot of opposing testimony from those groups who were proposed to be merged or repealed all together, and as a result, HB2 was going through some very large changes. Shane did not know what HB2 was going to look like once it was done being "workshopped". Shane also spoke about HB655, which proposed changes that would streamline licensing, complaints, investigations, and disciplinary actions for all of the boards under OPLC. Shane elaborated that it made sense to separate the Board from those matters they

should not be involved in, matters such as investigations, as it made it harder for the boards to act as quasi-judicial bodies. Shane went on to stress that all complaints will go before the board, ultimately, as it is the board who has the ability to dismiss the complaints, so that "power" is not being changed or removed. He did note that there were concerns regarding the definition of "misconduct" as HB655 had repealed much of the statutory language in practice acts that defined misconduct for each board yet had not replaced it with similar language. Shane mentioned that there were several bills regarding 91-A that were in process. One, in particular, that was of concern, proposed that the non-public minutes be reviewed every ten years to determine if the Board should release the information or if it should stay protected. Jessica Whelehan, Board Administrator, noted that the proposal also detailed the fact that if a board did not review the minutes, they would automatically be released. Olivia Freeman said that Liz Eaton, Board Counsel, had made the Board aware of this bill, and the Board had voted to have Jenna send written testimony in opposition of this bill. Jessica was not able to determine whether written testimony had been sent or not, as Jenna was no longer an OPLC employee, and Jessica also noted that the minutes, which the Board had approved, did not say anything about the Board taking any positions on any of the bills discussed at the January meeting. Shane also said that another bill regarding 91-A was being discussed that would potentially alleviate quorum issues by allowing more, but not full, remote participation. The Board discussed the fact that thus would make being a volunteer board member more appealing and would potentially open it up to people in a wider geographical area. Violet Anderson, attending via Zoom, asked about HB655, noting that she did not think that the proposed changes in HB655 allowed OTs to practice telehealth. Jessica and Shane reassured Violet, and the Board, that the RSA listed professions under 328-F, which is the Allied Health Boards, and includes OT. It was noted that there appeared to be a typo that listed 326-F, rather than 328-F. Shane, speaking about HB2 again, noted another change that would give the hearings officer the ability to rule on legal matters, which further separated the roles of the boards and the other agencies assisting the boards.

Motion:

Ask Shane Goulet to reach out to the appropriate group to change (vv) to 328-F.

Motion moved by Traci Johnson and motion seconded by Sarah Hinkley. Motion passed unanimously.

- B. Letter regarding HB655 and HB2

The Board reviewed the letter from Ann Petersson, Licensed Dietician. Shane noted that much of information in the letter was misconstrued, and as he had already discussed when speaking about HB2 and HB655, the changes mentioned in the letter were not what was being sought. Shane advised he did not think a response to the letter was necessary.

VIII. 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 Sarah Hinkley and motion seconded by Traci Johnson. Motion passed unanimously by roll call vote at 11:32 am.

IX. Resume Public Session

Public session resumed at 11:34 am.

X. 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 Sarah Hinkley. Motion passed unanimously.

XI. Adjourn meeting

Olivia adjourned the meeting at 11:39 am.