



# #1 - June 20, 2023, PTGB Public Meeting

## Minutes

Physical Therapy Governing Board

Jun 20, 2023 at 8:30 AM EDT

@ OPLC - 7 Eagle Square, Concord, NH 03301

### Attendance

#### Present:

Members: Lea Bruch (LB), Jennifer Carrier (JC), Nicole Lavoie (NL), Robert Worden (RW)

Guests: Elizabeth Eaton, Jeanette Webber, Jessica Whelehan, Samantha Kinstrey, Nik Frye, Lesley Powers, Tom Pappas (remote), Jack Crisp, Patty Louise Healy-Osborne, Mike Porter, Elle Thompson, Sara Crisp

#### I. Call To Order

Jennifer Carrier, Chair, called the meeting to order at 8:35 am.

#### II. Public Appearances

##### A. 8:30 am - Show Cause Hearing, Lesley Powers, PT, Lic #3321

A Show Cause hearing for Lesley Powers, PT, renewal of license, was held, beginning at 8:36 am. Concerns over the work history form versus the definition of active in the profession were discussed while the Board questioned the licensee regarding their work history. The hearing was closed at 8:49 am.

#### III. Approval of Public Minutes

##### Motion:

Approve the May 16, 2023, meeting minutes as submitted.

Motion moved by NL and motion seconded by RW. Motion passed unanimously.

#### IV. 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 JC and motion seconded by RW. Motion passed unanimously by roll call vote at 8:51 am.

#### V. Resume Public Session

Public Session resumed at 8:59 am.

VI. 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 JC and motion seconded by NL. Motion passed unanimously.

VII. Public Appearances (continued)

A. 9:00 am - Show Cause Hearing, Patty Louise Healy-Osborne, PT, Lic #2271

A Show Cause hearing for Patty Louise Healy-Osborne, PT, renewal of license, was held, beginning at 9:02 am. The Board heard testimony on behalf of the licensee regarding hours worked, or active in the profession, during the renewal period; the Board questioned the licensee. The hearing was closed at 9:20 am.

B. 9:00 am - Disciplinary Adjudicatory Hearing, Patty Louise Healy-Osborne, PT, Lic #2271

A disciplinary hearing began at 9:24 am. Elle Thompson and Mike Porter presented an assented to motion to vacate, explaining that the records they had just obtained from Genesis Healthcare did not support the idea or purported fact that the licensee had allegedly conducted a driving assessment evaluation. Elle Thompson elaborated that the PT Practice Act and Regulations did not provide scope over the acts committed. The hearing was recessed at 9:37 am.

**Motion:**

Dismiss issue #2 (as noted in the notice of hearing) and proceed with a hearing for issue #1.

Motion moved by JC and motion seconded by LB. Motion passed; NL recused.

The disciplinary hearing resumed at 10:01 am, addressing issue #1 (as noted in the notice of hearing). Both Hearing Counsel and Respondent's Counsel noted that they were not prepared for a hearing today as they had both assented to hold a Pre-Hearing Conference today. Nik Frye advised the Board that the parties were, pursuant to law, entitled to continue the hearing.

**Motion:**

Continue the hearing to July 18, 2023, at 9:00 am.

Motion moved by LB and motion seconded by RW. Motion passed; NL recused.

A pre-hearing conference was set for July 7, 2023, at 9:00 am, with Board Administrator Jeane Webber to assist.

VIII. OPLC and/or Board Administration Updates

A. Press Releases and Emergency Orders (Donna Long and Bethany Cottrell)

Neither Bethany Cottrell nor Donna Long appeared to provide their update.

B. Board Administrator Update

Jessica Whelehan informed the Board that Jeane Webber would be acting as their Board Administrator.

IX. New Business

A. Scope of practice question - Phase 2 cardiac rehab

**Motion:**

Reply indicating that A PTA must practice under the direction of a physical therapist. A physical therapy assistant license, however, does not preclude the PTA from acquiring additional credentials to operate under a different scope of practice.

Motion moved by JC and motion seconded by LB. Motion passed; NL recused.

The Board discussed the scope of practice question.

X. Licensure Approval

A. Fast-Track Approvals

 [FT 5.9.23 through 6.12.23.pdf](#)

**Motion:**

Ratify the Fast-Track approved licenses from May 9, 2023, through June 12, 2023.

Motion moved by JC and motion seconded by RW. Motion passed unanimously.

B. Susan Cassone, PT, Lic #1355 (lapsed) - reinstatement application

**Motion:**

Approve the application for reinstatement as conditional under rule Phy 403.06 (a); licensee will be directed to rule Phy 404 for guidance.

Motion moved by JC and motion seconded by NL. Motion passed unanimously.

C. Amy Schofield, PTA - initial application for licensure

**Motion:**

Approve the application for licensure.

Motion moved by NL and motion seconded by JC. Motion passed unanimously.

XI. Rules Review and Other Legislative Topics

A. Legislative Update

Liz Eaton provided the following update:

HB655 has passed, but may not have been signed by the governor at this point.

HB2 passed, and may not have been signed by the governor at this point. This means that the Allied Health Governing Board will be repealed, likely effective September 1, 2023.

Liz discussed a change that would allow a Board to petition and remove members who miss three meetings without good cause.

Liz brought up a proposed bill (HB308) that would allow only 1/3 of a Board to be physically present in order to hold a meeting.

Liz informed the Board that a bill that would require a review on older non-public minutes looked as though it would pass. This would require a change in process, and may also be seen on the non-public agendas in the future.

XII. 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 JC and motion seconded by RW. Motion passed unanimously by roll call vote at 10:43 am.

XIII. Resume Public Session

Public Session resumed at 10:53 am.

XIV. 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 JC and motion seconded by RW. Motion passed unanimously.

XV. Adjourn

Meeting adjourned at 10:55 am.