



Janet T. Mills
Governor

STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION
OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION
35 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0035

Anne L. Head, Esq.
Commissioner

Geraldine L. Betts
Administrator

Maine Board of Examiners in Physical Therapy
Draft Minutes of October 28, 2022, Board Meeting

Unofficial Minutes – *These draft minutes do not represent the opinion of the Department or the Administration. Minutes will become official after the Board of Examiners in Physical Therapy votes to accept the minutes at the next scheduled board meeting.*

Virtual Meeting Public Notification and Hearing/Viewing Instructions Provided at the Opening of the Meeting by Board Chair Anderson.

CALL TO ORDER

Chair Anderson called the meeting to order at 9:00 a.m.

MEMBERS PRESENT

Leslie Anderson, Physical Therapist, Chair
Tracie Papsadora, Physical Therapist
Jennifer Adrienne McAuley, Physical Therapist
Ashley Peabody Gagnon, Physical Therapist

STAFF PRESENT

Geraldine L. Betts, Administrator
Megan MacRae-Hudson, Assistant Attorney General, Board Counsel
Jessica Gowell, Professional Licensing Supervisor
Dominic Cotone, Comprehensive Health Planner I

9:00 A.M. COMMISSIONER ANNE L HEAD, ESQ.

Implementation of LD 149 (c. 167)

Foreign Trained applicants and license by endorsement.

Commissioner Anne Head addressed the Board regarding the implementation of LD 149 which went into effect October 18, 2021, that focuses on changes to address the need to reduce licensing barriers. Commissioner Head hopes by the implementation it will help foreign training individuals and applicants who hold a valid license in another State who want to live and work in Maine. LD 149 would allow applicants to receive a provisional license until all the licensing requirements are met. Commissioner Head asked the Board to review their licensing standards and rules to make sure there are not any requirements that are not necessary. Commissioner Head thanked the board members for serving on the board.

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OFFICE LOCATION: GARDINER ANNEX
76 NORTHERN AVENUE, GARDINER, MAINE

MINUTES REVIEW AND APPROVAL

Review and approval of the minutes of June 23, 2022

Papsadora moved to accept the minutes of June 23, 2022, as presented, seconded by Anderson. Unanimously voted. McAuley and Peabody Gagnon abstained.

COMPLAINT PRESENTATION(S) AND BOARD ACTIONS

2021-PHY-17822

Papsadora moved to schedule 2021-PHY-17822 for an adjudicatory hearing and to offer a Consent Agreement to include the following: 1) Admission to violation of 10 M.R.S. § 8003(5-A)(A)(5), Board Rules Chapter 5 §3(D)(2)(F) and 10 M.R.S. § 8003(5-A)(A)(2) for violating a standard of ethical practice by failing to accept responsibility for the exercise of sound judgement as required by Principle 3 of the 1991 American Physical Therapy Association's Code of Ethics, incorporated by reference in Board Rules, Chapter 6; 2) Probation for a period of at least one (1) year during which the licensee must submit to the Board within fifteen (15) days of the execution of this Agreement, for its prior approval, the name(s) and resume(s) of a candidate(s) willing to act as the disciplinary Supervisor ("Supervisor"). The appropriate candidate must be a licensed therapist in good standing for at least five (5) years. The Supervisor must be independent of the licensee's place of employment and must have no personal or professional connection to the licensee. All costs associated with the supervision are to be borne by the licensee. The licensee is responsible for ensuring that, within fifteen (15) days of the Board's approval of the Supervisor, the Supervisor submits a letter of intent evidencing: their understanding of the Consent Agreement, familiarity with the circumstances surrounding the underlying complaint, acknowledgement of the purposes of supervision, and an agreement to bring forward any ethical or legal concerns regarding the licensee's practice. The supervision will consist of meeting with the supervisor monthly. The purpose of the supervision will be to review cases and discuss professional responsibilities. Meetings for some or all of the supervisory period may take place by telephone, videoconference, or in person; 2) The licensee is responsible for ensuring that the Supervisor provides reports to the Board every three (3) months evidencing the licensee's satisfactory compliance with the supervision and the overall progress with respect to each of the supervision issues; 3) The licensee is responsible for ensuring that the Supervisor issues a written recommendation to the Board at the end of the supervision period with respect to the licensee's progress and whether supervision should continue. Termination of disciplinary supervision will rest in the sole discretion of the Board. Regardless of the date upon which the probationary period begins, it will not be terminated until all of the probationary terms are completed, including at least twelve disciplinary supervision sessions occurring at the specified frequency, 4) Completion of a continuing education course related to professional relationships with patients within three (3) months of execution of this Consent Agreement. The licensee agrees to submit the proposed course for Board pre-approval within one (1) month of execution of this Consent Agreement, seconded by Peabody Gagnon. Unanimously voted.

ELECTION OF OFFICERS FOR 2023

Anderson moved to nominate and elect Tracie Papsadora as complaint officer, seconded by McAuley. Unanimously voted.

Papsadora moved to nominate and elect Leslie Anderson as Chair, seconded by McAuley. Unanimously voted.

Anderson moved to nominate and elect Jennifer Adrienne McAuley as Vice Chair, seconded by Papsadora. Unanimously voted.

CORRESPONDENCE

Leann Sebrey, Chief Clinical Officer, Androscoggin Home Healthcare + Hospice regarding Board Rule Chapter 4, Section 1(A).

McAuley moved to deny the request for a physical therapist to supervise 4-5 physical therapy assistants as the board agreed that it would be a lot of responsibility for 1 physical therapist to supervise 4-5 assistants at a given time, seconded by Papsadora. Unanimously voted.

PUBLIC OPPORTUNITY TO COMMENT

Gwen Simmons commented regarding Board Rule Chapter 6: Code of Ethic that is incorporated by reference, suggested the Board may want to update the Rule as the APTA Code of Ethics in Board Rules references June of 1991.

ADJOURNMENT

There being no further business Anderson moved to adjourn at 10:08 a.m., seconded by Papsadora. Unanimously voted.

*Prepared By: Jessica Gowell, Comprehensive Health Planner II
Board approved:*