



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
Minutes of June 23, 2022, 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 9:01 a.m.

MEMBERS PRESENT

Leslie Anderson, Physical Therapist, Chair
Tracie Papsadora, Physical Therapist

STAFF PRESENT

Jessica Gowell, Professional Licensing Supervisor
Geraldine L. Betts, Administrator
Megan MacRae-Hudson, Assistant Attorney General, Board Counsel

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

Implementation of LD 149 (c. 167)

Foreign Trained applicants and license by endorsement.

Commissioner Head will address the Board at the next board meeting when all members are present.

MINUTES REVIEW AND APPROVAL

Review and approval of the minutes of November 19, 2021

Anderson moved to accept the minutes of November 19, 2021, as presented, seconded by Papsadora. Unanimously voted. Papsadora abstained.

COMPLAINT PRESENTATION(S) AND BOARD ACTIONS

2016-PHY-12192

Anderson moved to approve the supervisor reports and terminate the probation, seconded by Papsadora. Unanimously voted.

2021-PHY-17428

Anderson moved to dismiss 2021-PHY-17428 with a Letter of Guidance regarding Board Rules,

Licensing (207)624-8620
Main Receptionist (207)624-8603
TTY users call Maine relay 711



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www.maine.gov/professionallicensing

Geraldine.L.Betts@maine.gov
Direct Line: (207)624-8625
Fax: (207)624-8666

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

Chapter 5(3)(C)(12) physical therapist assistants must report incidents of child or adult abuse or neglect as mandated by state law. The Letter of Guidance is to remain on file for a period of one (1) year, seconded by Papsadora. Unanimously voted.

2021-PHY-17430

Anderson moved to dismiss 2021-PHY-17430 with a Letter of Guidance regarding Board Rules, Chapter 5(3)(C)(12) physical therapist assistants must report incidents of child or adult abuse or neglect as mandated by state law. The Letter of Guidance is to remain on file for a period of one (1) year, seconded by Papsadora. Unanimously voted.

2021-PHY-17671

Anderson moved to dismiss 2021-PHY-17671 with no evidence of a violation of the Board's Laws and Rules, seconded by Papsadora. Unanimously voted.

2021-PHY-17822

Anderson 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 Board Rules Chapter 6(10); 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 Papsadora. Unanimously voted.

2021-PHY-17669

Anderson moved to dismiss 2021-PHY-17669 with no evidence of a violation of the Board's Laws and Rules, seconded by Papsadora. Unanimously voted.

2021-PHY-17756

Anderson moved to dismiss 2021-PHY-17756 with no evidence of a violation of the Board's Laws and Rules, seconded by Papsadora. Unanimously voted.

REQUEST FOR AN ADVISORY RULING

Randy Cyr, regarding Supervision of Physical Therapist Assistants and Graduate Physical Therapist

Anderson moved to decline to issue an Advisory Ruling and request that staff communicate to the licensee that there is nothing in the Board Laws and Rules that would prohibit the supervision of two Physical Therapist Assistants and a Graduate Physical Therapist at the same time. A licensee needs to use professional judgement if supervision of three can be handled, seconded by Papsadora. Unanimously voted.

ELECTION OF OFFICERS FOR 2022

Tabled until the next board meeting as two members have been appointed to serve on the Board.

PUBLIC OPPORTUNITY TO COMMENT

Gwen Simmons commented regarding appointments for public members to serve on the board. Administrator Bett's explained board appointments are handled by the Governor's Office.

ADJOURNMENT

There being no further business Papsadora moved to adjourn at 10:13 a.m., seconded by Anderson. Unanimously voted.

*Prepared By: Jessica Gowell, Professional Licensing Supervisor
Board approved: October 28, 2022*