



Board of Physical Therapy Examiners

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Secretary

BOARD OPEN SESSION MEETING MINUTES

June 15, 2021

Call to Order

The Maryland Department of Health Board of Physical Therapy Examiners Open Session meeting was called to order at 1:03 pm by Board Chair Gordes, who established that a quorum was present and reviewed the agenda which was adopted.

Board Members Present

Karen Gordes, PT, PhD, DScPT, Chair
Samuel Esterson, PT, DPT, MBA, OCS
Michelle Finnegan, PT, DPT, OCS, MTC, CCTT, CMTPT, FAAOMPT
Rebecca Holsinger, PT, DPT, NCS, CVTP, Vice Chair
Sumesh Thomas, PT, DPT, OCS, CHT, FAAOMPT
Enjeen Woolford, PTA
James Connors, Consumer Member

Board Member Absent

Meredith Levert, Consumer Member

Public Member

Lisa Viscuso

Staff Present

Laurie Kendall- Ellis, PT, CAE, Executive Director
Ogu Isaac Okehie, Deputy Director of Administration
John Bull, Deputy Director of Operations
Brett Felter, JD, Assistant Attorney General, Board Counsel
Lillian Reese, Legislative and Regulations Coordinator
Andrew Rosenfeld, Investigative Supervisor
Khadija Ali, Project Manager
Kimberly Link, Executive Liaison, MDH Secretary Office

Approve May 18, 2021 Open Session Meeting Minutes

Motion: That the Board of Physical Therapy Examiners approves the May 18, 2021 Open Session Meeting Minutes. (motion introduced by Board Chair Gordes; motion seconded by Board Member Thomas). The motion passed.

Board Chair Welcome and Update

Board Chair Gordes welcomed Board Members, staff, and the public as well as shared the ground rules for the meeting. Board members and staff introduced themselves. Chair Gordes expressed her excitement for the new Physical Therapy (PT) Compact which is in effect as of June 14, 2021. Gordes thanked the Board members and staff for all of their hard work as we now prepare for the implementation of the PT Compact by July 1, 2021.

Executive Director Update

Executive Director Kendall-Ellis apprised the Board of the following:

It was confirmed that the state of emergency has been rescinded and the Governor's Executive Order No. 21-03-09-03 maintains that all licenses from 2020 and 2021 must be renewed by June 30, 2021. The Governor did sign an Executive Order delaying the expiration of certain Motor Vehicle Administration Licenses, Permits, and Identification Cards, however, The Board of Physical Therapy is not included in this extension.

Executive Director Kendall-Ellis attended the American Physical Therapy Association of Maryland Townhall meeting on May 24, 2021. Executive Director Kendall-Ellis provided an update on the 2021 General Assembly legislative activities and invited the members and the public to attend the Board of Physical Therapy Examiner's open session meetings.

Investigative Supervisor Rosenfeld attended the Opioid Operational Command Center (OOCC) meeting on May 6, 2021. Investigative Supervisor Rosenfeld reported that the OOCC was established by Executive Order [01.01.2017.01] as a part of the Hogan Administration's 2017 Heroin and Opioid Prevention, Treatment and Enforcement Initiative. Both local and federal organizations collaborate under the OOCC in an effort to share resources and connect the capabilities of multiple state departments and agencies to help achieve the goals of Hogan's 2017 Heroin and Opioid Prevention, Treatment and Enforcement Initiative.

Legislative and Regulations Update

Board member and Legislative & Regulations Board Committee Lead Woolford, provided the Legislative & Regulations Board Committee report and highlighted the following:

The Committee met on May 27, 2021 to discuss the drafting of the *Temporary Licenses to Practice Physical Therapy and Limited Physical Therapy* Regulation amendments to COMAR 10.38.01, 10.38.03, 10.38.06, and 10.38.10. The Temporary License Bill will become law effective July 1, 2021. The Committee's goal is to finalize the draft regulations by close of business, June 15, 2021.

Legislative and Regulations Coordinator Reese highlighted the following updates since the May 27, 2021 Legislative and Regulations Board Committee meeting.

Code of Ethics Regulation Discussion

Secretary Schrader signed the *Code of Ethics Regulation* amendments (COMAR 10.38.02) on June 9, 2021. The signed *Code of Ethics Regulation* has been sent to the Administrative, Executive and Legislative Review (AELR) Committee and after their review, the regulation will be posted for public comment for 30 days in the *Maryland Register*.

PT Compact Regulation Discussion

The Physical Therapy (PT) Compact regulation became effective June 14, 2021. Executive Director Kendall-Ellis commented that operational implementation will take place July 1, 2021. Information was sent to Maryland licensees on June 8, 2021 via email about the July 1, 2021 launch. Further information will follow as the Board collaborates with the Compact Commission for an effective launch.

Telehealth Regulation Discussion

HB 123- SB 3 Preserve Telehealth Access Act of 2021 passed and will take effect July 1, 2021.

In October 2020, the Board submitted a telehealth draft regulation to Secretary Schrader's office which was prior to the passing of HB 123-SB 3. With the passing of HB 123-SB3, the Governor is asking that Occupational Health Board's review and revise their telehealth regulations.

Action: Legislative & Regulations Coordinator Reese and Board Counsel Felter will review and redraft the Board's telehealth regulation with the support from the Attorney General's office and the Legislative & Regulations Board Committee.

Action: Executive Director Kendall-Ellis will notify Board Members to be available for an emergency Board vote, when the revised regulation is received.

Monthly Licensure Report

Licensing Manager Scott reported the following as of June 1, 2021:

- There was a total of 33 new licenses (31 new licenses issued to Physical Therapists and 2 new licenses issued to Physical Therapist Assistants)
- There was a total of 101 new applicants (108 new Physical Therapist applicants and 46 Physical Therapist Assistants)
- The total number of active licensees is 10,006 (7,473 Physical Therapists and 2,533 Physical Therapist Assistants)

License Renewal Update

Deputy Director of Administration Okehie reminded everyone that renewals are still in progress and will end on June 30, 2021 in accordance with Governor Hogan's Executive Order. Deputy Director Okehie reported that as of this report, 2,968 physical therapists' licensees and 977 physical therapist assistant licensees have renewed, for a total of 3,945 renewals. Of the 3,945 renewals, only 10 of are licenses from 2020.

Reinstatements will begin promptly on July 1, 2021. There is a \$400 reinstatement fee for both physical therapists and physical therapist assistants. Deputy Director Okehie also reminded Board members to submit their monthly expense reports by the end of June for timely accounting during the 2021 fiscal year.

The Physical Therapy Compact Operational Update

Deputy Director of Operations Bull highlighted the following:

The PT Compact regulation is in effect and will be implemented on July 1, 2021. A link has been added to the Board of Physical Therapy Examiners website with important information regarding the PT Compact (<https://health.maryland.gov/bphte/Pages/compact.aspx>). Licensees may also go directly to the PT Compact website. (<http://ptcompact.org/>)

Eligible Physical Therapists who apply for the PT Compact privilege cannot have a disciplinary action against them within the past two (2) years and cannot have any encumbrances.

The PT Compact privilege's expiration date is the same as the licensee's home state license expiration date. If a privilege is purchased one week prior to the expiration of one's home state license, it will expire in one week along with the home state license.

All licensees, licensed outside of Maryland, will take and need to pass the Maryland Jurisprudence exam prior to receiving a PT Compact privilege in Maryland.

Financial data will be tracked by the PT Compact Commission and issued on a monthly basis to Deputy Director of Administration Okehie, for reconciliation.

A PT Compact privilege status report will be provided to the Deputy Director of Operations Bull on a monthly basis. This report will be provided to the Board.

PT Compact privileges can be verified by licensees and the public by going to the Board's website and clicking on the "Verify a License" link (<https://purchase.ptcompact.org/Verify>).

Continuing Education

Board Vice Chair and Continuing Education Board Committee Lead Holsinger presented the committee's report. Continuing Education applicants will be notified of the Board's decisions and provided with the relevant regulatory reference (COMAR 10.38.08). Continuing Education applications which received the committee's unanimous approval have been notified.

The following continuing education applications were presented to the Board for discussion with the resulting motions:

Motion: That the Board of Physical Therapy Examiners accept the Continuing Education Committee's recommended unanimous denial decisions on *Resistance Training for the Older Adult* and *Lifestyle Medicine in Physical Therapy to Reduce Chronic Disease* (motion introduced by Vice Chair, Holsinger; motion seconded by Board Member, Thomas)

The motion passed.

Discussion: Related to professional education eligible for continuing education credit shall be relevant to the clinical practice of physical therapy COMAR 10.38.08.03(B)(1).

Discussion: Related to *Work Injury Management Certification* sponsor submission the following action was recommended by the Board:

Action: The Continuing Education Board Committee to request an hour by hour agenda from the course sponsor of *Work Injury Management Certification* Once the agenda is received, the course will be re-reviewed by the committee.

Open Session Meeting Adjournment:

Motion: That the Board of Physical Therapy Examiners moves to adjourn the Open Session Meeting at 1:50 p.m. to engage in deliberations regarding confidential information in applications for licensure, in accordance with General Provisions Article, Section 3-305 (b) (13) - To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.). (motion introduced by Board Chair Gordes; motion seconded by Board Member Thomas) The motion passed.

The Board will convene the Administrative and Closed Session meetings and unless recused, all Board members and Board staff who were present for the Open Session meeting will also be in attendance.

The Board of Physical Therapy Examiners' adjourned at 3:25 PM.

Karen Gordes, PT, PhD, DScPT, Chair
Minutes approved by the Board on July 20, 2021