



Board of Physical Therapy Examiners

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

BOARD OPEN SESSION MEETING MINUTES November 16, 2021

Call to Order

The Maryland Department of Health Board of Physical Therapy Examiners Open Session meeting was called to order at 1:01 PM by Board Chair Gordes, who established that a quorum was present and reviewed the agenda which was adopted.

Board Members Present

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

Staff Present

Laurie Kendall-Ellis, Executive Director
John Bull, Deputy Director of Operations
Ogu Isaac Okehie, Deputy Director of Administration
Brett Felter, JD, Assistant Attorney General, Board Counsel
Lillian Reese, Legislative and Regulations Coordinator
Khadija Ali, Continuing Education, Dry Needling & Project Manager
Lisa Scott, Licensing Manager
Andrew Rosenfeld, Investigative Supervisor
Sharon Harris-Friend, Data Entry & Record Management Supervisor
Morgan Powell, Licensing Secretary
Kimberly Link, Executive Liaison, MDH Secretary Office

Approve October 19, 2021 Open Session Meeting Minutes

Motion: That the Board of Physical Therapy Examiners approves the October 19, 2021 Open Session Meeting Minutes. (motion introduced by Board Chair Gordes; motion seconded by Board Vice Chair Holsinger). The motion passed.

Board Chair Welcome and Update

Board Chair Gordes welcomed Board Members, staff, and the public. The ground rules for the Open Session November 16, 2021

meeting were shared. Board members and staff were introduced and acknowledged. Chair Gordes announced the two Board Vacancies for 2022. The vacancy announcement is posted on both the Board of Physical Therapy Examiners and the American Physical Therapy Association of Maryland's websites. Board Members with the intention to continue serving for the next term cycle were asked to inform Chair Gordes.

Executive Director Update

Executive Director Kendall-Ellis highlighted the following updates:

- *2021 PT Compact Annual Meeting Update:* Since 2017, the PT Compact has progressed from 14 jurisdictions to 25 jurisdictions actively issuing and accepting compact privileges. Nine (9) jurisdictions are enacting legislation but not yet issuing or accepting compact privileges. A new Compliance Committee was approved. Nationally, 2,400 compact privileges were issued in 2021 with the goal of 3,600 not being achieved.
- *2021 FSBPT Delegate Assembly Update:* Elections took place for Secretary, Treasurer, Director 1, and Nominating Committee. 48 ballots were cast with the following election results: Cynthia Porter, Secretary; Ruggie Canizares, Treasurer; Ellen Donald, Director 1; and Ron Barredo, Nominating Committee.
- *2021 FSBPT Council of Board Administrators Annual Business Meeting Update:* Jurisdiction Administrators shared what may help other administrators in carrying out their roles and responsibilities and also raised concerns about telehealth, school program director turnover, healthcare worker COVID-19 vaccinations, and more.
- *Implicit Bias Training Program Update:* The Implicit Bias Training Requirement is an outcome of House Bill 28/Senate Bill 5, which became effective October 1, 2021. The Board's website has been updated with information about the requirement along with links to courses approved by the *Office of Minority Health and Health Disparities* for meeting the requirement. Licensees will be asked to attest that they've completed Implicit Bias Training at license renewal.
- *2021 Workforce Report:* The 2021 Workforce report is a pilot project to support the Maryland Board of Physical Therapy Examiners, the public and stakeholders with workforce data which can be used to understand and improve access to Physical Therapy services for all Marylanders. The report contains information gathered for analysis of key areas such as workforce shortages, employment potential, and the distribution of Physical Therapy practitioners to name a few. Prior to possible report publication it will be reviewed by Board Council.

Legislative and Regulations Update

Legislative and Regulations Coordinator Reese, highlighted the following updates:

- *The Temporary Licenses to Practice Physical Therapy and Limited Physical Therapy regulation amendments:* COMAR 10.38.01, 10.38.03, and 10.38.06, proposal was printed in the October 22, 2021 *Maryland Register* with the comment period ending on November 22, 2021.
- *The Continuing Education Requirements:* COMAR 10.38.08 regulation amendment was placed on the Secretary of Health's regulation and update meeting October 14, 2021 agenda but was not discussed. A request has been submitted to appear on the November meeting's agenda.
- *Telehealth:* COMAR 10.38.13, regulation amendment from the Attorney General's office has

not yet received approval by the Governor.

- *Code of Ethics*: COMAR 10.38.02 regulation amendment is scheduled to be printed in the November 20, 2021 *Maryland Register* with the comment period ending on December 20, 2021.
- *Sunset Bill*: Each Health Occupations Boards statute has a termination of title and is subject to sunset reviews. The Board of Physical Therapy Examiners has submitted its legislative proposal to the Maryland Department of Health for presentation at the 2022 General Assembly session. The requested legislative action is to reauthorize and extend the termination date by 10 years.
- The 2022 General Assembly Session begins January 12, 2022 and will end on April 11, 2022.

Monthly Applicant and Licensee Report

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

- The total number of active licensees is 9,376 (7,028 Physical Therapists and 2,348 Physical Therapist Assistants)

National Physical Therapy Examination (NPTE) Satisfaction Rating Update

Deputy Director of Administration Okehie, received the National Physical Therapy Examination satisfaction survey results from the Federation of State Boards of Physical Therapy (FSBPT). Maryland's average score is 90% which is above the national average of 82%.

Complaint Brochure

Deputy Director of Operations Bull, presented the *Your Responsibility to Report* downloadable free brochure to the Board for review and comment. All suggestions made by Board members will be taken into consideration. Board counsel will also review and the redrafted complaint brochure will be uploaded to the Board's website and found on the *File A Complaint* landing page.

Scope of Practice

- **Q1**: Can a Physical Therapist provide treatment with a modality only (specifically cold laser or shockwave therapy) without a Physical Therapy evaluation or resultant Plan of Care? Could a patient/client purchase a package of laser or shockwave sessions and only come in for those treatments without following a Physical Therapy evaluation and resultant Plan of Care in an office where services are provided on an out of network basis/cash-based practice?
- **A1**: No. According to the Maryland Practice Act, the Standard of Practice regulation must be followed. COMAR 10.38.03; 10.38.03.02; 10.38.03.02-1A
- **Q2**: If the answer to question 1 is *no*, can a patient be evaluated and have a Physical Therapy Plan of Care, then opt to switch to a series of only laser or only shockwave sessions versus following the more comprehensive Plan of Care?
- **A2**: The evaluation establishes the plan of care which is updated on subsequent visits and through reevaluation. If the plan of care states the client requires one modality then one modality can be the Plan of Care.
- **Q3**: If a Physical Therapist can provide a modality centered only treatment, (again laser or shockwave) how would the documentation look?
- **A3**: Please refer to the Maryland Practice Act COMAR 10.38.03.02-1. A, *Requirements for Documentation*.

- **Q4:** Using laser for wound healing is one instance where a referring physician may prescribe a series of laser only sessions and not want the patient to have any other Physical Therapy treatments. If the answers are no to the above scenarios, would this be an instance where a Physical Therapist evaluation could be performed for a course of 2-10 laser only sessions?
- **A4:** Standard of Practice regulations must be followed. The Plan of Care must be developed based upon your evaluation and your ability to assess the patient's progress or lack thereof.

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 a unanimous denial decision:

Motion: That the Board of Physical Therapy Examiners accept the Continuing Education Board Committee's recommended denial decision of both *The Sensory and Sleep Connection* and, *End of Life Doula Training*. (motion introduced by Board Vice Chair Holsinger; motion seconded by Board Chair Gordes). The motion passed.

The Continuing Education Board Committee will not review implicit bias training course resources provided and approved by the *Office of Minority Health and Health Disparities* for continuing education units (contact hours). The resources provided to health care practitioners by the *Office of Minority Health and Health Disparities* may only be used to satisfy the *Implicit Bias Training Requirement* law.

Open Session Meeting Adjournment:

Motion: That the Board of Physical Therapy Examiners moves to adjourn the Open Session Meeting at 2:00 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 Vice Chair Holsinger). The motion passed.

The Board will convene the Administrative Session meeting 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 3:22 p.m.

Karen Gordes, DScPT, PhD, PT, Chair
Minutes approved by the Board on January 18, 2021