



# Board of Physical Therapy Examiners

*Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary*

## **BOARD OPEN SESSION MEETING MINUTES** **October 20, 2020**

### **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, Dr. Karen Gordes, who established that a quorum was present and reviewed the agenda.

### **Board Members Present**

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

### **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  
Deborah Jackson, Licensing Manager  
Andrew Rosenfeld, Investigative Supervisor  
Patricia Miller, Licensing Coordinator  
Lisa Scott, Licensing Assistant  
Lillian Reese, Legislative and Regulations Coordinator

### **Public Guest**

John Jowers

## **Approve September 15, 2020 Open Session Meeting Minutes**

Motion: That the Board of Physical Therapy Examiners approves the September 15, 2020 Open Session Meeting Minutes (motion introduced by Board Chair Gordes; motion seconded by Board Member Levert). The motion passed unanimously.

### **Board Chair Welcome and Update**

Board Chair Gordes welcomed Board Members, staff and the public. Board members and staff introduced themselves. Board Chair Gordes shared the ground rules for the meeting.

As a follow-up to a question posed by a licensee to the Board last month (September) in reference to the Code of Ethics (COMAR 10.38.02), the Legislative and Regulations Board Committee met, and we will be hearing their report later in this meeting. This is an initial step in recognizing the responsibility we have to foster an environment of diversity, equity and inclusion in Board practices, structure, engagement and materials. May this be the first step of energies to building an enhanced environment.

### **Executive Director Update**

Executive Director Kendall-Ellis apprised the Board that the Jurisprudence open book exam will be online by November 1, 2020.

Website updates of note this month are links to Governor Hogan's orders & guidance, and new this week is information on a webinar series which the Maryland Behavioral Health Administration and MedChi are providing to the community and hospital health care workers.

KinetaCore, who was a provider of approved dry needling courses merged with Evidence in Motion. We have reached out to APTA of Maryland and requested a verification that the dry needling courses being provided by Evidence in Motion are approved.

### **Legislative and Regulation Update**

The Legislative and Regulations Board Committee met and discussed Telehealth (proposed COMAR 10.38.13), Code of Ethics (COMAR 10.38.02), Temporary Licensure (proposed reenactment of §13-101, 13-315 and 13-316), Continuing Education (COMAR 10.38.08) and Compact with Fee (COMAR 10.38.07).

Legislative and Regulations Coordinator Reese provided an overview of the work being done by all Boards to establish consistent Telehealth language. Assistant Attorney General, Board Counsel Felter discussed the Telehealth regulation draft. The Telehealth regulation draft differs from other Board's by adding language about Compact privileges and Physical Therapy Assistants. Additionally, draft language clarifies the role of the Physical Therapist in performing patient evaluation and ensuring the appropriateness of Telehealth services. The Legislative and Regulations Board Committee reviewed other States Telehealth regulations during draft language development.

As stated by Board Chair Gordes during her welcoming remarks, the Legislative and Regulations Board Committee and Assistant Attorney General, Board Counsel Felter followed-up on a public

member's comments in September and additionally reviewed HB 1120 (passed in the 2020 legislative session). Modifications were drafted to the Code of Ethics regulation language.

Motion: That the Board of Physical Therapy Examiners approves the language as drafted for amending regulation entitled Code of Ethics (COMAR 10.38.02) (motion introduced by Board Member Woolford; motion seconded by Board Member Thomas). The motion passed unanimously.

Motion: That the Board of Physical Therapy Examiners approves the language as drafted for the regulation entitled Telehealth (proposed COMAR 10.38.13) (motion introduced by Board Member Woolford; motion seconded by Board Member Holsinger). The motion passed unanimously.

### **Quarterly Licensure Report**

Licensing Manager Jackson, for the third quarter of 2020 reported that there was a total of 132 new licenses issued to Physical Therapists and 64 new licenses issued to Physical Therapist Assistants for a total of 196 new licenses. This was compared to the third quarter of 2019 where 75 new licenses were issued to Physical Therapists and 154 new licenses were issued to Physical Therapist Assistants for a total of 229 new licenses. The decline of new licenses during the third quarter of 2020 is attributed to COVID-19 national licensure examination (NPTE) cancellations and delays.

### **Licensure Renewal Update**

Deputy Director of Administration Okehie gave the licensure renewal update. As of September 2020, there have been 4,150 renewed licenses of the 4,700 that will expire in the 2020 renewal cycle. The Governor's Executive Order remains in effect whereby licenses due for renewal in 2020 will not expire until 30 days after the end of the emergency declaration. Preparations have started related to the 2021 license renewal period.

### **Scope of Practice**

The Board received and has been asked to respond to the following scope of practice question. John Jowers, PT, who submitted question, presented.

**Q:** Our practice is an outpatient physical therapy clinic. We are physical therapist-owned and operated. We aim to promote community health and wellness. In order to do this, we offer more services than physical therapy, including group fitness classes, nutritional counseling, and one-on-one fitness coaching. As we get ready to expand to a second location, we are looking for other ways to encourage members of our community to improve their health. In the past, we've rented a BodPod body composition device. Our patients & clients could get an accurate measure of the ratio of their lean muscle mass to fat mass. They could use this to set goals to get healthier, in particular to improve that ratio. The gold standard now for body composition is DEXA scans over air displacement. The same scanner could also be used to set goals for bone density for our elderly patients. Our practice would like to pursue the lease of a DEXA scanner. Our hinderance is the fact that it is an energy-emitting device, which requires a radiology license. Part of my training as a physical therapist included how to use a DEXA scanner, interpret results, and advise patients appropriately for exercise prescription. I attended University of Maryland Eastern Shore's physical therapy program from 2005-2008. Our interpretation of the Maryland Physical Therapy Practice Act is that the use of a DEXA is within scope of practice of a physical therapist as long as he or she can

obtain a radiology technician's license. In your next November board meeting, please discuss the appropriateness of the use of a DEXA by a physical therapist. We would like to know if we can lease a scanner and operate it out of our clinic with an RT license and without a physician needing to be present in the office. Thanks for your consideration in this matter.

**A:** Referring to §13-101(3), use of a DEXA by a physical therapist is not within scope of practice. The Board suggested following up with the Board of Physicians and exploring if the business can offer the services utilizing appropriate personnel as permitted by law.

### **Continuing Education**

The Board received and has been asked to respond to a licensee seeking review and possible CEU approval of the following.

National Academy of Sports Medicine (NASM) Performance Enhancement Specialization certification program.

Action: That the Board of Physical Therapy Examiners requests from NASM, for review based on COMAR 10.38.08, the 16 course modules participants must take to qualify for the certification exam.

### **Open Session Meeting Adjournment:**

Motion: That the Board of Physical Therapy Examiners moves to adjourn the Open Session Meeting at 1:37 p.m. in order 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 Member Gordes; motion seconded by Board Member Holsinger). The motion pass unanimously.

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

The Board of Physical Therapy Examiners adjourned at 3:20 p.m.

Karen Gordes, Chair

Minutes approved by the Board on November 17, 2020