



Board of Physical Therapy Examiners

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

BOARD OPEN SESSION MEETING MINUTES

September 21, 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 with an additional new business agenda topic.

Board Members Present

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

Board Member Absent

Samuel Esterson, DPT, MBA, PT, OCS
James Connors, Consumer Member

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
Lisa Scott, Licensing Manager
Khadija Ali, Continuing Education, Dry Needling & Project Manager
Sharon Harris-Friend, Data Entry & Record Management Supervisor
Morgan Powell, Licensing Secretary

Approve July 20, 2021 Open Session Meeting Minutes

Motion: That the Board of Physical Therapy Examiners approves the July 20, 2021 Open Session Meeting Minutes. (motion introduced by Board Chair Gordes; motion seconded by Board Vice Chair Holsinger). The motion passed.

Open Session September 21, 2021

Board Chair Welcome and Update

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

Executive Director Update

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

- FY 2021 Annual Report
 - A fiscal year end annual report is an important element of communication utilized to provide the Board retrospective financial and operational information around growth and challenges. We are proud of the fact that the Board never stopped operating as we navigated COVID-19 and successfully worked under the Governor's Executive Orders. Highlights:
 - There was increased communication to the public and licensees of pertinent information utilizing our website, email communications (with a 67% open rate) and the relaunching of our quarterly licensee newsletter.
 - The bill entitled *Temporary Licenses to Practice Physical Therapy and Limited Physical Therapy* became law with an effective date of July 1, 2021.
 - The Interstate Physical Therapy Compact regulation was implemented July 1, 2021.
 - As of June 30, 2021, there were 9,147 active physical therapy licenses.
 - 93% of those renewing their licenses found the license renewal process very easy to easy.
 - The FY 2021 year ended budget neutral.
- FY 2022 began July 1, 2021 and is budget neutral.
- The Federation of State Boards of Physical Therapy (FSBPT) Leadership Issues Forum was held July 17 and 18, 2021 and attended virtually by Board Vice Chair and Delegate Holsinger and Executive Director Kendall-Ellis. The purpose of the meeting was to communicate membership needs, discuss pertinent regulatory topics and the future direction of FSBPT. The meeting had 147 participants.
- The Board of Occupational Therapy Practice is preparing a dry needling regulation proposal and requested that the Board review and provide any comments. This draft proposal mirrors COMAR 10.38.12 Dry Needling.
 - Board Counsel Felter shared that this proposed regulation is being provided to the Board as a proactive courtesy by the Board of Occupational Therapy Practice.
 - The Board members in attendance did not have any concerns or comments. Action: Executive Kendall-Ellis will provide the Board's response to the Board of Occupational Therapy Practice Executive Director Murray.

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, was signed by the Secretary of Health, approved by the Governor's office, and submitted to the Administrative, Executive, & Legislative Review (AELR) Committee. It is anticipated that this

proposal will be 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 amended regulation has not been placed on the Secretary of Health's regulation and update meeting agenda.
- The Telehealth: COMAR 10.38.13, amended Attorney General's office language has not yet received approval by the Governor.
- The Code of Ethics: COMAR 10.38.02 amended regulation was approved by the Secretary of Health at the June 9, 2021 regulation and update meeting but has not yet received approval by the Governor.

Monthly Licensure Report

Licensing Manager Scott reported the following as of August 2021:

- There was a total of 102 new licenses (86 new licenses issued to Physical Therapists and 16 new licenses issued to Physical Therapist Assistants)
- There was a total of 91 new applicants (60 new Physical Therapist applicants and 31 Physical Therapist Assistants)

As of September 1, 2021:

- The total number of active licensees is 9,254 (6,936 Physical Therapists and 2,318 Physical Therapist Assistants)

Monthly PT Compact Report

Deputy Director of Operations Bull reported that on July 1, 2021, the Board officially began receiving Compact Privilege purchases.

- July: 5 Compact Privileges were purchased (1 Physical Therapist and 4 Physical Therapist Assistants).
- August: 11 Compact Privileges were purchased (8 Physical Therapists and 3 Physical Therapist Assistants).

As of September 21, 2021, there are 7 purchased Compact Privileges for a total of 23 Compact privileges since the July 1, 2021 launch. Of the 23 Compact privileges, 2 were purchased by licensees that let their Maryland license lapse and instead purchased a Compact privilege.

Scope of Practice

The Board received and has been asked to respond to the following scope of practice question. Inquirers will be notified of the Board's answers and provided with the relevant regulatory reference.

Q1: I am currently licensed as a Physical Therapist and registered as a dry needling practitioner with the Maryland Physical Therapy Board. I plan to inactivate my Maryland Physical Therapy license and will buy a Maryland Physical Therapy Compact privilege for when I work in Maryland in the future. I wonder, can I still practice Dry Needling with a Compact privilege since I am on the

Maryland Dry Needling registration roster?

A1: If a Physical Therapist has already met the Maryland Dry Needling Registration education and training requirements (COMAR 10.38.12.03), they may continue to practice Dry Needling after transitioning from a Maryland Physical Therapy license to a Maryland Physical Therapy Compact privilege.

Q2: If I am already registered as a Dry Needler in my home state, would I automatically be allowed to practice Dry Needling in Maryland under the Maryland Physical Therapy Compact privilege?

A2: A Physical Therapist registered to perform dry needling outside of Maryland must comply with the Maryland Dry Needling regulation (COMAR 10.38.12) in order to practice Dry Needling in Maryland.

Licensing Unit Update

Deputy Director of Administration Okehie reported that the Licensing Unit has completed its random audit of renewing 2020 and 2021 licensees for compliance with the continuing education requirements (COMAR 10.38.08.06). Those found to be out of compliance have been sent to the Investigation Unit for follow up.

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 motion:

Motion: That the Board of Physical Therapy Examiners approves the Continuing Education Committee's recommended unanimous denial decisions on *Introduction to Understanding Return to Work*; *Specialty Programs in Workers Compensation*; *Introduction to Physical Therapy for Animals*; and *RED-S: The Relationship Between Disordered Eating and Athletic Injury* (motion introduced by Board Vice Chair Holsinger; motion seconded by Board Member Thomas). The motion passed.

Motion: That the Board of Physical Therapy Examiners accept the Continuing Education Board Committee's recommended approval decision on *Introduction Workers Compensation* (motion introduced by Board Vice Chair Holsinger; motion seconded by Board Member Thomas). The motion passed.

Motion: That the Board of Physical Therapy Examiners accept the Continuing Education Board Committee's recommended approval decision on *Human Trafficking: Identification and Prevention* (motion introduced by Board Member Thomas; motion seconded by Board Member Finnegan). The motion passed.

New Business

- Dry Needling Education Discussion

Board Member Finnegan lead the Dry Needling Education discussion based on an inquiry from Jan Dommerholt of Myopain Seminars, regarding the ability to submit the same Dry Needling course twice and receive credit hours for each in order to meet the 40 hours of required instruction.

Dommerholt included in the inquiry that while Myopain Seminars was going through the ProCert Accreditation process, a Board staff member whose duty it was to review CEUs assured them that a student was allowed to attend the same course twice and have the combined number of hours count toward satisfying the minimum education requirement per COMAR 10.38.12.03 Minimum Education and Training Necessary to Perform Dry Needling.

Deputy Director Bull informed the Board that the staff member did not provide accurate information and did not ask their manager for guidance. The staff member is no longer an employee of the Maryland Board of Physical Therapy Examiners. A subsequent audit was performed by Deputy Director Bull who verified that no other dry needling continuing education providers were misinformed.

Board Chair Gordes concluded that the purpose of the Dry Needling regulation minimum education requirement (COMAR 10.38.12.03) is to ensure that Physical Therapists have advanced their skill and knowledge. Since repeating the same course does not advance skill and knowledge, it has been determined that repeating the same course by the same dry needling continuing education provider will not be counted twice toward the minimum education and training required to perform dry needling.

Open Session Meeting Adjournment:

Motion: That the Board of Physical Therapy Examiners moves to adjourn the Open Session Meeting at 1:54 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 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 3:29 p.m.

Karen Gordes, DScPT, PhD, PT, Chair
Minutes approved by the Board on October 19, 2021