



Board of Physical Therapy Examiners

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

BOARD OPEN SESSION MEETING MINUTES December 15, 2020

Call to Order

The Maryland Department of Health Board of Physical Therapy Examiners Open Session meeting was called to order at 1:02 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
Kimberly Link, Executive Liaison, MDPH Secretary Office

Approve November 17, 2020 Open Session Meeting Minutes

Motion: That the Board of Physical Therapy Examiners approves the November 17, 2020 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 as well as shared the ground rules for the meeting. Board members and staff introduced themselves. Board Chair Gordes thanked everyone for all their efforts and for making our time together a pleasant, collaborative experience. We met the challenges, met the objectives and moved Board priorities forward for the protection and welfare of the public during 2020.

Executive Director Update

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

The Governor's Executive Order on November 25, 2020 renewed the declaration of the State of Emergency and Existence of Catastrophic Health Emergency COVID-19.

The Open Book Jurisprudence exam is online and active for licensees.

The credit card portal is active for continuing education sponsor applications and restricted license applications. As a reminder, credit cards are the preferred method of payment for license applications, renewals and reinstatements. We will continue to expand the use of credit cards during 2021.

The Federation of State Board of Physical Therapy (FSBPT) Board of Directors has appointed Laurie Kendall-Ellis, executive director, to the Continuing Competence Committee for a two-year term starting on January 1, 2021.

Jeff De Cagna of Foresight First LLC, on January 19, 2021, will be collaborating with the Board for a capacity-building session where we will be considering critical questions regarding the future of physical therapy and the protection of the health, safety, and welfare of all Marylanders.

Legislative and Regulations Update

Legislative and Regulations Coordinator Reese provided an update on the following:

Motion: That the Board of Physical Therapy Examiners adopt as proposed the Fee Schedule (COMAR 10.38.07) as published in the *Maryland Register* (motion introduced by Board Member Woolford; motion seconded by Board Vice Chair Holsinger) The motion passed.

Discussion: The Fee Schedule proposal (COMAR 10.38.07) was published in the *Maryland Register*, Volume 47, Issue 22, Page 941-942 for a 30-day comment period which ended on Monday, November 23, 2020. No comments were received. Notice of the final action will be printed in the *Maryland Register* at a date to be determined once signed off on by the Acting Secretary of Health.

Telehealth new regulation draft (COMAR 10.38.13) was submitted to the Secretary of Health's office in November 2020. We have not yet received the Secretary's approval and sign off.

Code of Ethics regulatory draft amendments (COMAR 10.38.02) was submitted to the Secretary of Health's office in November 2020. We have not yet received the Secretary's approval and sign off.

Continuing Education Requirements draft (COMAR 10.38.08) was submitted to the Secretary of Health's office in May 2019. We have not yet received the Secretary's approval and sign off.

The Legislative Session, the Administrative, Executive, and Legislative Review Committee (AELR) annually places a hold on regulations as of December 14, 2020 which will last until February 15, 2021.

Action: Follow up on regulation drafts COMAR 10.38.13, 10.38.02, and 10.38.08 will occur after the AELR hold ends in February 2021.

Dennis R. Shrader has been appointed Acting Secretary of Health.

Board Counsel Felter informed the Board that Congressman Jamie Raskin introduced legislation on October 23, 2020 (H.R.8680 - Occupational Licensing Board Antitrust Damages Relief Act of 2020) that would provide immunity for damages in cases against occupational licensing boards in some circumstances. The bill will establish the standards for immunity.

Board Policy on COVID Related Complaints

Investigative Supervisor Rosenfeld discussed the Board's power to adopt rules and regulations for physical therapists and physical therapist assistants and not businesses, organizations, or facilities. Masking, social distancing, and other COVID-19 mandates by Executive Order are enforced by the local police, state police, and the local Department of Health. Investigative Supervisor Rosenfeld and our office is available to help the public by directing questions and concerns to the appropriate authority.

Monthly Licensure Report

Licensing Manager Jackson reported the following for November 2020:

- There was a total of 72 new licenses (68 new licenses issued to Physical Therapists and 4 new licenses issued to Physical Therapist Assistants)
- There was a total of 76 new applicants (51 new Physical Therapist applicants and 25 Physical Therapist Assistants)
- The total number of active licensees is 9,711 (7,250 Physical Therapists/2,461 Physical Therapist Assistants)

Licensure Renewal Update

Deputy Director of Administration Okehie reported that as of December 2020, there have been 4,160 renewed licenses. 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.

Action: In accordance with Auditing Compliance with Continuing Education Requirements (COMAR 10.38.08.06) auditing will commence in January 2021 for the 2020 license renewal cycle.

The 2021 license renewal cycle will begin March 12, 2021. This has been posted on the website.

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.

Q: Do you know how current residents use the residency as CEU hours for license renewal and/or how this is documented?

A: The Board referred the licensee to the Continuing Education Requirements (COMAR 10.38.08.03) regulations, specifically COMAR 10.38.08.03. A.(1) Postgraduate studies; 10.38.08.03.B.(1) Relevant to the clinical practice of physical therapy; 10.38.08.03.E. Continuing education courses sponsored by the American Physical Therapy Association. The Board additionally referenced Continuing Education Course Approval under (COMAR 10.38.08.04). The licensee may submit the continuing education course(s) for review by the Continuing Education Board Committee. Residency programs do not automatically qualify. The Board would encourage you to submit educational content that you would want us to review for CEU consideration.

Continuing Education

Board Vice Chair and Continuing Education 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 approves the Continuing Education Committee's recommended unanimous denial decisions on *Holistic Approach to Treating Disease through Genetics (Darby); The Least Costly Alternative... A Shift in Paradigm; Coaching for Collaborative OT & PT Service Delivery; Connecting with Adult Learners; Nutrition for Heart Health: An Introduction for Clinicians* (motion introduced by Board Vice Chair Holsinger; motion seconded by Board Member Woolford) The motion passed.

Motion: That the Board of Physical Therapy Examiners denies *TMR Spine Extension Web Class* continuing education course. (motion introduced by Board Vice Chair Holsinger; motion seconded by Board Chair Gordes) The motion passed.

Discussion: Technique not clearly defined, and it is unclear if it is relevant to the clinical practice of physical therapy (COMAR 10.38.08.03.B.(1))

Motion: That the Board of Physical Therapy Examiners denies *How to Increase the Results of Elbow, Wrist, Hand Exercises by Adding Total Motion Release* continuing education course. (motion introduced by Board Vice Chair Holsinger; motion seconded by Board Chair Gordes) The motion passed.

Discussion: Technique not clearly defined, and it is unclear if it is relevant to the clinical practice of physical therapy (COMAR 10.38.08.03.B.(1))

Motion: That the Board of Physical Therapy Examiners denies *How to Increase the Results of Hip Exercises by Adding Total Motion Release* continuing education course. (motion introduced by Board Vice Chair Holsinger; motion seconded by Board Chair Gordes) The motion passed.

Discussion: Technique not clearly defined, and it is unclear if it is relevant to the clinical practice of physical therapy (COMAR 10.38.08.03.B.(1))

Motion: That the Board of Physical Therapy Examiners denies *TMR Neck & Jaw Web Class* continuing education course. (motion introduced by Board Vice Chair Holsinger; motion seconded by Board Chair Gordes) The motion passed.

Discussion: Technique not clearly defined, and it is unclear if it is relevant to the clinical practice of physical therapy (COMAR 10.38.08.03.B.(1))

Motion: That the Board of Physical Therapy Examiners denies *How to Increase the Results of Shoulder Exercises by Adding Total Motion Release* continuing education course. (motion introduced by Board Vice Chair Holsinger motion; seconded by Board Chair Gordes) The motion passed.

Discussion: Technique not clearly defined, and it is unclear if it is relevant to the clinical practice of physical therapy (COMAR 10.38.08.03.B.(1))

Motion: That the Board of Physical Therapy Examiners denies *How to Increase the Results of Knee, Ankle & Foot Exercises by Adding Total Motion Release* continuing education course. (motion introduced by Board Vice Chair Holsinger; motion seconded by Board Chair Gordes) The motion passed.

Discussion: Technique not clearly defined, and it is unclear if it is relevant to the clinical practice of physical therapy (COMAR 10.38.08.03.B.(1))

Motion: That the Board of Physical Therapy Examiners denies *Confabulation: Assessment and Intervention* continuing education course (motion introduced by Board Vice Chair Holsinger; motion seconded by Board Member Thomas) The motion passed.

Discussion: Speaker CV lacked information about instructor's competence in the course subject matter and skill in instructional methodologies (COMAR 10.38.08.04.A(4))

Open Session Meeting Adjournment:

Motion: That the Board of Physical Therapy Examiners moves to adjourn the Open Session Meeting at 1:48 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 Chair Gordes; motion seconded by Board Member Thomas) The motion passed.

The Board will convene the Closed and Administrative Session meeting 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 2:41 p.m.

Karen Gordes, Chair

Minutes approved by the Board on January 19, 2021