



**Maryland**

DEPARTMENT OF HEALTH

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

# Board of Physical Therapy Examiners

## **BOARD OPEN MEETING MINUTES**

**February 18, 2020**

### **Board Members Present:**

Michelle Finnegan, DPT

Karen Gordes, PT, DScPT, PhD

Rebecca Holsinger, DPT

Meredith Levert, Consumer Member

Donna Richmond, Consumer Member, RN, MPH

Eleanor Wang, PT

Enjeen Woolford, PTA

### **Board Members Absent:**

Sumesh Thomas, DPT

### **Also Present:**

Ogu Isaac Okehie, Interim Executive Director

Linda Bethman, JD, MA, Assistant Attorney General, Board Counsel

Andrew Rosenfeld, Investigator

Deborah Jackson, Licensing Coordinator

Michelle Cutkelvin, Project Manager

Patricia Miller, Administrative Assistant

### **Also Absent:**

Brett Felter, JD, Assistant Attorney General, Board Counsel

John Bull, Chief of Compliance and Data Analysis

**Minute Taker:** Michelle Cutkelvin, Project Manager

**Call to Order:**

The meeting was called to order at 1:04 pm by Dr. Karen Gordes, Board Vice Chair who reviewed the agenda and established that a quorum was present.

**Approve Open Minutes:**

The minutes of the December 5, 2019, December 17, 2019 and January 21, 2020 meetings were approved by the Board.

**Legislative Update:**

Interim Executive Director Okehie, reported that the fee schedule for the Physical Therapy Licensure Compact has been approved by Governor Hogan. Interim Executive Director Okehie is awaiting the publication date for the bill to the Maryland Register. Interim Executive Director Okehie apprised the Board that the Dry Needling Military Training bill publication and comment period ended February 17, 2020. Interim Executive Director Okehie also reported that the House Bill hearing for Foreign Trained Physical Therapy Assistants is scheduled for February 18, 2020 at 1:00 pm. Dr. Sumesh Thomas, Chair will represent the Board and provide testimony. The Senate hearing for Foreign Trained Physical Therapy Assistants bill is scheduled for February 26, 2020.

**Occupational License and Certificates – Application Determinations use of Criminal History:**

The Board tabled this agenda item. To be reported by Brett Felter, Board Counsel at next regularly scheduled Board meeting.

**January 2020 Revenue:**

Interim Executive Director Okehie reported on the revenue for January 2020. The revenue collected totaled \$15,845.

**Expense Reports:**

Interim Executive Director Okehie reviewed Board members millage and per diem expense report instructions.

**Licensure Update:**

Licensing Coordinator Jackson, gave the licensure report for January 2020. There were 52 new licenses issued, 39 new applications submitted, and a new total of 9,179 active licensees.

**Fiscal Year 2019 Complaint Statistics**

Interim Executive Director Okehie reported on the complaint statistics as of February 4, 2020. He reported there were 23 open complaints of these 8 were under investigation, 13 were referred to the Attorney General's Office, 1 pending before the Board, and another currently unassigned. The Board members discussed the frequency of monthly reporting for complaint statistics. Linda Bethman, Legal Counsel filing in for Brett Felter, the Board's Counsel apprised the Board that this report is also included in the annual report to the General Assembly and that

it is not uncommon for Boards to report these statics. The Board approved the recommendation for complaint statistics, revenue, and expense to be reported annually.

**Executive Director Update:**

Board Member Levert announced that Laurie Kendall-Ellis has accepted the offer of Executive Director and will start on February 26, 2020.

**Leadership Issues Forum Federation of State Boards of Physical Therapy- Delegate Selection:**

Interim Executive Director Okehie apprised the Board of the upcoming Leadership Issues Forum and Federation of State Boards of Physical Therapy Annual Meeting scheduled for July 18-19, 2020 and October 22-24, 2020 respectively. The Board will choose a delegate and alternate delegate at the next regularly scheduled Board meeting.

**Scope of Practice – Application for Human Cellular Products to a Wound:**

The Board received the following inquiry: Are physical therapist allowed to apply human cellular products into a wound? SkinTE is human cellular and tissue-based product derived from a patient's own skin to regenerate full thickness, functionally- polarized skin with all of its layers (Epidermis, dermis, and hypodermis) and appendages, including hair follicles and glands. The physical therapist stated she would not be doing the harvesting; a medical doctor would be handling that aspect.

The Board's response:

Yes, it is in the purview of a physical therapist to apply therapeutic agents to a wound. The Board cited § 13-101 (i)(2).

**Scope of Practice-Direct Access:**

The Board received the following inquiry: A physical therapist asked for clarification on how direct access relates to home physical therapy. If I were to provide private pay home physical therapy do I need a doctor's order? This question pertains to no insurance involvement. All services provided would be private pay.

The Board's response:

Maryland is a direct access state regardless of whether the patient is using their insurance provider or direct pay, it is direct access. There may be some stipulations for how the coverage would be reimbursed through insurance but it does not relate to the scope of practice for the physical therapy.

**Scope of Practice-Evaluation with Yoked Prism Glasses:**

The Board received the following inquiry: Are physical therapists in Maryland allowed to use yoked prism glasses as part of our practice? Do we need direct or indirect supervision from an optometrist or ophthalmologist?

Board's Response:

Yes, it is in the purview of a physical therapist to use a device if it falls within the scope of practice for physical therapy as outlined in § 13-101 (i)(2). If the yoked prism device is used for vision adjustment, it is not within the scope of practice for physical therapy.

**CEU Credit for Teaching Assistant:**

The Board received the following inquiry: It appears that teacher assistants for a course do not receive CEU credit for the courses they assist in teaching, however this issue doesn't seem to be explicitly addressed. Could the Board provide some clarity on its stance as well as consider approving credit for future courses.

The Board's Response:

Yes, if the teacher's assistant completes the course in its entirety, continuing education credit can be earned. The Board cited COMAR 10.38.08.08B(3).

**Continuing Education:**

The Board voted to **table** the following CEU course application for more information: "Acceptance and Commitment Therapy for Chronic Pain".

The Board voted to **approve** the following course for partial credit:

"Cognitive Behavioral Therapy for Chronic Pain"

The Board voted to **deny** the following CEU course applications because it is not specific to the clinical practice of Physical Therapy:

"Menopause: Managing Weight Gain and Related Health Risks" and "Changing How we Feel By Changing What We Eat".

The Board voted to **deny** the following CEU course application because there was insufficient time for the material covered:

"Noninvasive Cardiac Test Aid Diagnosis of Cardiovascular Disease".

**Open Session Adjournment:**

Motion: That the Board of Physical Therapy Examiners Board moves to adjourn the Open Session at 1:53 p.m. in order to engage in medical review committee deliberations regarding confidential information in applications for licensure, in accordance with General Provisions Article, Section 3-305 (b)(1). (motion introduced by Vice Chair Gordes; motion seconded by Board Member Holsinger). The motion pass unanimously.

Unless recused, all Board members and Board staff who were present for the Open Session will also be in attendance for the Closed and Administrative Sessions.

The Board Closed and Administrative Sessions were adjourned at 2:23 pm.

Karen Gordes, Vice Chair  
Minutes approved by the Board on March 17, 2020