

MARYLAND
Department of Health
Board Of Physical Therapy Examiners

BOARD MEETING OPEN MINUTES

June 18, 2019

The meeting was called to order at 1:06 pm by Board Chair, Sumesh Thomas.

Call to Order

There was a motion and a second to close the open session at 2:48 p.m. to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals in accordance with General Provisions Article, Section 3-305 (b) (1). Unless recused, all Board members and staff who were present for the open session were also in attendance for both the closed and administrative sessions.

Board Members Present:

Stephen Baur, DPT

Michelle Finnegan, DPT

Karen Gordes, PT, DScPT, PhD

Rebecca Holsinger, DPT

Meredith Levert, Consumer Member

Donna Richmond, Consumer Member, RN, MPH

Sumesh Thomas, DPT

Enjeen Woolford, PTA

Also Present:

Ogu Isaac Okehie, Acting Executive Director

Brett Felter, Assistant Attorney General, Board Counsel

John Bull, Chief of Compliance and Data Analysis

Andrew Rosenfeld, Investigator

Deborah Jackson, Licensing Coordinator

Patricia Miller, Administrative Assistant

Michelle Cutkelvin, Project Manager

Minute Taker:

Eric Hebron, Administrative Specialist

Guests:

Lillian Reese, Legislative and Regulations Coordinator

Kimberly Lang, Director of Boards and Commissions

Board Chair, Dr. Sumesh Thomas welcomed new Board Member Enjeen Woolford and guests. Board Members and staff introduced themselves.

Welcome

The minutes of the May 21, 2019 meeting were presented for approval. The Board voted to approve the minutes with amendments.

Minutes

Acting Executive Director, Isaac Okehie apprised the Board that the Pre-Legislative Concept paper has been submitted. Mr. Okehie noted that once the Pre-Legislative Paper is reviewed there will be a second submission with language and statute amendments due by July 19th. The final draft of the Legislative Concept paper will be presented during July's Board meeting.

Legislative Updates

Mr. Okehie gave the licensure renewal report. He reported that there were 3,976 license renewals in 2019, 2,969 for physical therapist and 1007 for physical therapist assistants.

Licensure Renewal Report

Deborah Jackson, Licensing Coordinator, gave the licensure report. Ms. Jackson reported on licensee trends in 2018 and 2019.

Licensure Update

The Board discussed a work group for the Dry Needling Brochure with The Board of Acupuncture and The Board of Chiropractic Examiners. Donna Richmond was nominated as a consumer member to join Dr. Michelle Finnegan to represent the Board on the work group.

Dry Needling Brochure

A licensee is seeking clarification on whether Dry Needling supervision must be done during a continuing education course or by someone with five years of Dry Needling experience. The Board's response is hands on Dry Needling supervision does not have to be done as a part of a continuing education course. The supervising person must be qualified per COMAR 10.38.12.03.B.(2) At least 40 hours of practical, hands-on instruction in the application and technique of dry needling, under the supervision of a licensed health care practitioner competent in dry needling procedures who has:

Scope of Practice Dry Needling Supervision

- (a) Completed the requisite course work under §A(1) of this regulation; and
- (b) Practiced dry needling for at least 5 years.

Scope of Practice Laser & Supervision

A licensee is seeking clarification on whether a trained employee can carry out laser treatment under supervision. The Board's response is since the application of laser is not a treatment listed in regulations, physical therapy aides may not carry out laser

(.04) Prohibited Activities.

(A.) Evaluation may not be performed by aides.

(B.) Treatments other than those listed in Regulation .03 of this chapter may not be performed by aides.

The Board received an inquiry on whether certified nurse practitioners in the state of Maryland can perform dry needling upon appropriate training. The Board's response was that the matter is not within our preview. The Board advised the licensee to contact the Nursing Board.

Scope of Practice Certified Nurse Sponsored Course

A licensee is seeking clarification on the requirements to practice on family and friends to fulfill a treatment session log. The Board's response is physical therapists cannot practice dry needling on friends or family. A physical therapist must be registered with the Board or under the direct supervision of a licensed health care practitioner competent in dry needling procedures who has:

Scope of Practice Dry Needling Sponsored Course

(a) Completed the requisite course work under §A(1) of this regulation; and

(b) Practiced dry needling for at least 5 years Per COMAR 10.38.12.03 A (2)(a)(b).

A licensee is seeking clarification on whether Maryland requires Physical Therapists and Physical Therapist assistants to be "certified" to provide lymphedema therapy treatment to a patient. The Board's response is no. A physical therapist must per COMAR 10.38.03.02A(2)(f) work within the physical therapist's competency in physical therapy evaluation and treatment. A physical therapist assistant must per COMAR 10.38.03.02B(1)(f) Work within the physical therapist assistant's competency in treatment that is within the scope of practice of limited physical therapy.

Scope of Practice PTA "certified" Lymphedema Therapy

An attorney is seeking clarification on whether a Physical Therapists may purchase prescription devices from a wholesaler. The Board tabled their response and asked for more clarity.

Scope of Practice PT Prescription Device Purchasing

A licensee is seeking clarification on why Physical Therapists cannot supervise or develop home health aide care plan in Maryland. The Board responded: Physical therapists can supervise home health aides per COMAR 10.07.10.02(B)(8)(b) but they cannot develop home health aide care plans. Please contact the Maryland Board of Nursing for additional information about home health aide care plans. The Board referenced 10.38.03.02A(1)(b).

Scope of Practice Home Health Aide Care Plan

A. Physical Therapists.

(1) The physical therapist who establishes or changes the plan of care shall be ultimately responsible for patient care until another physical therapist:

- (a) Provides services to the patient; or
- (b) Provides supervision to the treating physical therapist assistant.

The Board voted to **approve** the following CEU course application:

Continuing
Education

'OASIS-D Part 1 Introduction to Key concepts'; 'OASIS-D Part 2 ICD-10 Coding'; 'OASIS-D Part 3 Patient Tracking Information and Care Management'; 'OASIS-D Part 4 System by System Approach to Assessment'; 'OASIS-D Part 5 Integumentary Assessment'; 'OASIS-D Part 6 Neuro-Emotional-Behavioral Assessment and Addressing Medications'; 'OASIS-D Part 10 Items Specific to Patient Discharge and Transfer'; and 'OASIS-D Part 9 Mobility Assessment'; 'OASIS-D Part 8 Self-Care Assessment'; and 'OASIS-D Part 7 Performance Assessment and Fall Risk'.

The Board voted to **deny** the following CEU course applications because the courses have insufficient exposure to meet the level of content:

'Dry Needling Part 3: Palpation and Application' and 'Dry Needling Part 4: Safety, Techniques, and Dosage'.

The Board voted to **deny** the following CEU course applications because they are not substantially related to the PT practice.:

'A Functional Approach to Preventing, Slowing down and Reversing Cognitive Deficits' and 'Anatomy and Physiology of the Cardiovascular System'.

There was a motion to close the open session at 2:48 p.m. to discuss: (i) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee, or official over whom it has jurisdiction; or (ii) any other personnel matter that affects one or more specific individuals; in accordance with General Provisions Article, Section 3-305(b)(1). Unless recused, all Board members and staff who were present for the open session were also in attendance for both the closed and administrative sessions.

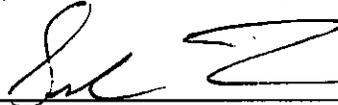
The board meeting was adjourned at 4:00 pm.

Respectfully submitted,



Ogu Isaac Okechie, Acting Executive Director

7/16/19
Date Approved



Sumesh Thomas, DPT, Board Chair

3. For each provision checked above, disclosure of the topic to be discussed and the public body's reason for discussing that topic in closed session.

Citation (insert # from above)	Topic	Reason for closed-session discussion of topic
§3-305(b) <input checked="" type="checkbox"/>	Executive Director Update	* To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals
§3-305(b) <input type="checkbox"/>		

4. This statement is made by Dr. Sumesh Thomas, Presiding Officer.

WORKSHEET FOR OPTIONAL USE IN CLOSED SESSION: INFORMATION FOR SUMMARY TO BE DISCLOSED IN THE MINUTES OF THE NEXT OPEN MEETING. (See also template for summary.)

➤ **For a meeting closed under the statutory authority cited above:**

Time of closed session: 3:01 p.m.
 Place: 4201 Patterson Avenue Baltimore MD 21215
 Purpose(s): Discuss the appointment of Executive Director
 Members who voted to meet in closed session: All
 Persons attending closed session: All Board Members & Staff present at Open Session.
 Authority under § 3-305 for the closed session: 3-305 (b)(1)
 Topics actually discussed: Executive Director Interview Update
 Actions taken: Accept Pannel's recomendation, continue with reference process
 Each recorded vote: All Yea

➤ **For a meeting recessed to perform an administrative function (§ 3-104):** Time: 3:24 pm

Place: 4201 Patterson Avenue Baltimore MD 21215
 Persons present: All Board Members & Staff present at Open Session unless recused.
 Subjects discussed: Reports and Investigations.

**PRESIDING OFFICER'S WRITTEN STATEMENT FOR CLOSING A MEETING ("CLOSING STATEMENT")
UNDER THE OPEN MEETINGS ACT (General Provisions Article § 3-305)**

This form has two sides. Complete items 1 – 4 before closing the meeting.

1. Recorded vote to close the meeting: Date: 6/18/2019; Time: 2:48 pm; Location: 4201 Patterson Avenue ;
Motion to close meeting made by: Donna Richmond Seconded by Rebecca Holsinger ;
Members in favor: All ; Opposed: None ;
Abstaining: None ; Absent: None .

**2. Statutory authority to close session (check all provisions that apply).
This meeting will be closed under General Provisions Art. § 3-305(b) only:**

(1) "To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals"; (2) "To protect the privacy or reputation of individuals concerning a matter not related to public business"; (3) "To consider the acquisition of real property for a public purpose and matters directly related thereto"; (4) "To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State"; (5) "To consider the investment of public funds"; (6) "To consider the marketing of public securities"; (7) "To consult with counsel to obtain legal advice"; (8) "To consult with staff, consultants, or other individuals about pending or potential litigation"; (9) "To conduct collective bargaining negotiations or consider matters that relate to the negotiations"; (10) "To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans"; (11) "To prepare, administer, or grade a scholastic, licensing, or qualifying examination"; (12) "To conduct or discuss an investigative proceeding on actual or possible criminal conduct"; (13) "To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter"; (14) "Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process." (15) "To discuss cybersecurity, if the public body determines that public discussion would constitute a risk to: (i) security assessments or deployments relating to information resources technology; (ii) network security information . . . or (iii) deployments or implementation of security personnel, critical infrastructure, or security devices."

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