



Board of Physical Therapy Examiners

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

BOARD OPEN SESSION MEETING MINUTES

March 16, 2021

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 Gordes, who established that a quorum was present and reviewed the agenda which was adopted.

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

Board Members Absent

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
Lillian Reese, Legislative and Regulations Coordinator
Andrew Rosenfeld, Investigative Supervisor
Lisa Scott, Licensing
Khadija Ali, Project Manager
Sharon Harris-Friend, Records & Database Management Coordinator
Kimberly Link, Executive Liaison, MDH Secretary Office

Approve February 16, 2021 Open Session Meeting Minutes

Motion: That the Board of Physical Therapy Examiners approves the February 16, 2021 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 the Legislative & Regulations Board Committee for their ongoing work during a very active legislative session. Board Chair Gordes was pleased that HB210, *Temporary Licenses to Practice Physical Therapy and Limited Physical Therapy* unanimously passed the House and has crossed over to the Senate (SB517) where we look forward to the same outcome.

Executive Director Update

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

The Governor's Executive Order of March 09, 2021 stated that the expiration date of renewable licenses is extended to June 30, 2021. After June 30, 2021, the license renewal timeframe suspension will no longer be in effect. As we get closer to the date, a public notice reaffirming the June 30, 2021 end of the license renewal timeframe suspension will be confirmed by email to all licensees and posted on the Board's website.

Open Session Board meetings will continue to be accessible through videoconferencing, teleconferencing, or other communication technology ("Virtual Meeting Technology"). The Board will provide public notice (through posting on the Board's website) when the office building reopens, and in-person board meetings resume.

Communication continues with the Secretary's office about the signing of COMAR 10.38.07 Fee Schedule, so that it may include the Compact Fee. As COVID-19 and the budget are a priority, the Fee Schedule remains in the que for the Acting Secretary of Health's signature.

Legislative and Regulations Update

Legislative and Regulations Coordinator Reese provided the Legislative & Regulations Board Committee report and highlighted the following.

HB210-SB517 *Temporary Licenses to Practice Physical Therapy and Limited Physical Therapy* passed the House unanimously on February 23, 2021. It has crossed over to the Senate where it received a favorable committee vote and has moved to the Senate floor. Voting is pending.

HB732-SB568 *Telehealth – Out-of-State Health Care Practitioners*. The Senate bill received an unfavorable committee report and will not be going to the floor or crossing over to the House. HB732 is pending.

HB28-SB5 *Implicit Bias Training*. Both bills have passed and crossed over.

HB1041 *Health Occupations Boards – Uniform Reporting* was withdrawn by sponsor Delegate Kelly.

HB344-SB72 *Open Meetings Act – Requirements for State Agencies and Local Boards of Elections*. Both bills are sitting in committee.

HB183 *Public Information Act – Revisions* was committee approved and is going to the House floor with amendments.

The cross over deadline is Monday, March 22, 2021 and the session will end Monday, April 12, 2021.

Monthly Licensure Report

Lisa Scott in Licensing reported the following as of March 1, 2021:

- There was a total of 63 new licenses (44 new licenses issued to Physical Therapists and 19 new licenses issued to Physical Therapist Assistants)
- There was a total of 47 new applicants (38 new Physical Therapist applicants and 9 Physical Therapist Assistants)
- The total number of active licensees is 9,870 (7,362 Physical Therapists and 2,508 Physical Therapist Assistants)

License Renewal and Financial Update

Deputy Director of Administration Okehie reported that the 2021 license renewal portal opened on March 12, 2021. Licensees renewing their 2020 or 2021 licenses are reminded that their password is the last four digits of their social security number. Those licensees who wish to renew their 2020 license are asked to call the office and speak to Deputy Director Okehie.

Deputy Director of Administration Okehie discussed that as of January 31, 2021, the Board's financial status, seven months into the fiscal year, is stable. As the Board is self-funded, the financials are continuously monitored to assess the impact of COVID-19. The main revenue sources are license applications, license renewals and continuing education sponsor application fees. The Compact fee regulation enactment is pending therefore, the analysis on its impact to current revenue sources is unknown.

In the Board's effort to reduce barriers, the accepting of credit card payments is expanding. The Board accepts credit card payments for license applications, renewals, verifications, restricted, reinstatements, and continuing education sponsor applications. Utilization of credit card payments will soon be available for rosters and other fee payments. Checks and money orders are accepted for those who do not have access to credit cards.

The Board is holding discussions focused on exploring important strategic questions for future consideration and budget impact.

Continuing Education – CLEAR (Council on Licensure, Enforcement and Regulation)

Deputy Director of Operations Bull announced the CLEAR 2021 Virtual Annual Educational Conference will be held from September 13 to September 24, 2021. Topics of interest will be compliance and discipline, testing and examinations, entry to practice, administration, legislation and policy. Board members and staff interested in attending can let Deputy Director Bull know. As a reminder, all Board members have access to CLEAR content as members.

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: Are Physical Therapist Assistants allowed to perform Epley maneuver if trained in vestibular therapy?

A: Yes, a Physical Therapist Assistant may perform the Epley maneuver since it is a treatment not an evaluation technique. (§13.101(h)(2)ii; COMAR 10.38.03.02.B)

Q: Many continuing education companies allow senior PT students to attend courses. Myopain Seminars is considering to allow senior PT students to attend our Foundations Dry Needling course (DN-1). Realizing that new graduates cannot use dry needling in clinical practice in Maryland until two years after their graduation, there are no restrictions in attending dry needling courses during the two-year wait period. If students were to attend the Myopain Seminars DN-1 course,

1. would the Board recognize completion of that course as part of the course package licensed PTs need to submit to the Board to get recognized as a PT who is allowed to use DN in Maryland after the two-year wait period?

2. in the opinion of the Board, would Myopain Seminars be able to provide the senior students a certificate with continuing education units upon successful completion of the course?

Board Member Finnegan recused herself from the Board discussion and response.

A: The Board's answer to question #1: COMAR 10.38.12 Dry Needling states that the performance of dry needling is by a physical therapist who shall have at least 80 total hours of instruction (40 hours in dry needling-specific course content, 40 hours practical, hands-on instruction). COMAR 10.38.08 Continuing Education Requirements applies to licensed physical therapists and licensed physical therapist assistants and therefore students can not earn continuing education hours/continuing education units.

A: The Board's answer to question #2: The Board does not have a position on the awarding of a certificate of completion to students for a course. COMAR 10.38.08 Continuing Education Requirements applies to licensed physical therapists and licensed physical therapist assistants and therefore students can not earn continuing education hours/continuing education units.

Q: Course instructors of courses frequently request bringing in volunteers with certain physical dysfunctions to demonstrate to the students how the approach taught during the course would be applied to someone with these dysfunctions. The Board seems to suggest that providing a demonstration during a course would constitute the practice of physical therapy. In my humble opinion, there are several problems with the Board's interpretation and I am requesting further clarification. In the context of a continuing education course, the course instructor is not providing "an evaluation of the physical therapy needs of patients or clients." The volunteer is neither a patient or a client. The instructor and the volunteer do not engage in any therapeutic relationship during the demonstration. Therefore, the most basic elements of the definition of physical therapy do not apply. Furthermore, the course instructor is not performing and interpreting tests and measurements of neuromuscular and musculoskeletal functions to aid treatment or planning treatment programs. The sole purpose of having a volunteer come to a classroom is educational for the benefit of the students. In addition, it would be next to impossible for a foreign-trained instructor, who may or may not be a physical therapist (some of our courses are taught by

physicians), to qualify for a restricted license. I respectfully request that the Maryland Board of Physical Therapy Examiners reconsiders its interpretation that volunteers in continuing education courses would constitute patients or clients requiring any type of licensing specifically in Maryland.

A: The Board recognizes the need to ensure the safety of the public who are volunteering for a physical therapy seminar or workshop. Volunteers need to be evaluated to ensure their safety and appropriateness to participate and therefore this establishes the practice of physical therapy (§13-101.i(2)) and the need for the issuing of a restricted license (§13-314 and COMAR 10.38.08.04.A(5)).

Q: I am a veterinarian specializing in rehabilitation. I am looking at the Maryland Practice Act and couldn't find any specific information on whether physical therapists/physical therapist assistants are able to practice on animals under the supervision of a veterinarian. I was wondering if you had any specific resources on the regulation?

A: Treatment of animals is not under the Board's jurisdiction and has provided the Board of Veterinary Medical Examiners with the question.

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 decision on *The Therapist Role in Improving Pragmatic Language* (motion introduced by Board Vice Chair Holsinger; motion seconded by Board Member Thomas) The motion passed.

Discussion: Submitted course was not relevant to the clinical practice of physical therapy

Motion: That the Board of Physical Therapy Examiners denies *Military Inspired Training for Everyone* continuing education course (motion introduced by Board Vice Chair Holsinger; motion seconded by Board Member Thomas) The motion passed.

Discussion: General course and not directed to a professional audience.

Motion: That the Board of Physical Therapy Examiners approves *Creating Inclusive Clinical Learning Environments through DEI&B – Informed Practices* continuing education course (motion introduced by Board Vice Chair Holsinger; motion seconded by Board Chair Gordes) The motion passed.

Discussion: A licensee requested the review and approval of a continuing education course they would like to apply towards their license renewal requirement.

Open Session Meeting Adjournment:

Motion: That the Board of Physical Therapy Examiners moves to adjourn the Open Session Meeting at 2:25 p.m. (motion introduced by Board Chair Gordes; motion seconded by Board Member Thomas) The motion passed.

Karen Gordes, PT, PhD, DScPT, Chair
Minutes approved by the Board on April 20, 2021