



# Board of Physical Therapy Examiners

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

## **BOARD OPEN MEETING MINUTES**

**May 19, 2020**

### **Call to Order**

The Maryland Department of Health Board of Physical Therapy Examiners meeting was called to order at 1:01 pm by Board Chair, Dr. Sumesh Thomas, who reviewed the agenda and established that a quorum was present.

### **Board Members Present:**

Sumesh Thomas, PT, DPT, OCS, CHT, FAAOMPT, Chair  
Karen Gordes, PT, PhD, DScPT, Vice Chair  
Michelle Finnegan, PT, DPT, OCS, MTC, CCTT, CMTPT, FAAOMPT  
Rebecca Holsinger, PT, DPT  
Meredith Levert, Consumer Member  
Donna Richmond, RN, MPH, Consumer Member  
Eleanor Wang, PT  
Enjeen Woolford, PTA

### **Staff Present:**

Laurie Kendall- Ellis, PT, CAE, Executive Director  
Ogu Isaac Okehie, Deputy Director  
Brett Felter, JD, Assistant Attorney General, Board Counsel  
John Bull, Chief of Compliance and Data Analysis  
Michelle Cutkelvin, Projects  
Deborah Jackson, Licensing  
Patricia Miller, Administrative Assistant  
Lillian Reese, Legislative and Regulations Coordinator  
Andrew Rosenfeld, Investigator  
Lisa Y. Scott, Administrative Specialist

### **Public Guests:**

Nina Evangelista, PT  
Kimberly Link, Maryland Department of Health Administrative Liaison to Health Occupational Boards and Commissions

## **Board Chair Welcome:**

Board Chair Thomas welcomed Kimberly Link former Executive Director of the Board of Professional Counselors and Therapists, who will be assuming a new role as the Maryland Department of Health Secretary's Administrative Liaison of Health Occupational Boards and Commissions on May 20, 2020. Ms. Link stated that she is looking forward to helping the Boards.

Board Staff and guests introduced themselves.

Board Chair Thomas opened the meeting with the Board's mission.

## **Approve April 21, 2020 Open Minutes:**

Motion: That the Board of Physical Therapy Examiners approve the April 21, 2020 Open Session Minutes (motion introduced by Board Member Holsinger; motion seconded by Board Member Wang). The motion passed unanimously.

Discussion: There was no discussion.

## **Executive Director Update:**

Executive Director Kendall-Ellis apprised the Board that one topic fact sheets have been forwarded to licensees via eblast. Topics include telehealth, license renewal, and upcoming is the topic of dry needling. Executive Director Kendall-Ellis stated the goal is to keep licensees informed about Governor Hogan's executive orders and their impact. Executive Director Kendall-Ellis will continue to update the Board's website to ensure that information is relevant and readily accessible to the public and licensees. The staff is reviewing their content areas on the website and providing recommendations for changes. The 2021 fiscal budget draft was received from the Maryland Comptroller. Executive Director Kendall-Ellis, Deputy Director Okehie and Chief of Compliance and Data Bull are meeting to discuss the 2021 fiscal budget and will present to the Board in June.

## **Legislative and Regulation Update:**

Legislative and Regulations Coordinator Reese reported that COMAR 10.38.08.12, Dry Needling, has been finalized and is effective as of May 18, 2020. This regulation now allows physical therapist to be trained in dry needling by the United States Armed Forces. Several questions have come in regarding COMAR 10.38.08.07, Compact Fee. The fee was approved by Governor Hogan and is pending approval before enactment by the Maryland Secretary of Health Robert Neall. Legislative and Regulations Coordinator Reese states that there has been no movement on COMAR 10.38.08.07, however she will keep the Board updated.

2021 Pre-Proposal Legislative Concept Papers are due this week. Legislative and Regulations Coordinator Reese has been working on a concept paper related to temporary licensure with Board Counsel Felter and the Board's Temporary Licensure Subcommittee.

Board Counsel Felter asked Maryland Department of Health Secretary's Administrative Liaison of Health Occupational Boards and Commissions Link about the Compact fee. She stated that she did not have any updates on the timeline for approval by Secretary Neall however she is hopeful that she will receive projections for when pending regulations will be presented to Secretary Neall.

## **Telehealth Subcommittee Update**

Board Vice Chair Gordes apprised the Board that the Telehealth Subcommittee met and investigated a variety of options to expand the telehealth language. The committee is drafting and developing guidelines for this regulation topic.

## **Temporary Licensure Subcommittee Update**

Board Counsel Felter updated the Board on the Temporary Licensure Subcommittee discussions.

Motion: That the Board of Physical Therapy Examiners accept the draft language to update the regulations related to temporary licensure. (motion introduced by Board member Holsinger; motion seconded by Board Vice Chair Gordes). The motion passed unanimously.

## **Compact Commission Delegate Selection**

Action: Executive Director Kendall-Ellis to serve as the Board's Compact Commission Delegate.

Discussion: Board Chair Thomas nominated Executive Director Kendall-Ellis to be Compact Commission delegate after a brief board discussion.

## **Licensure Update:**

Licensing Coordinator Jackson gave the licensure report for April 2020. There were 27 new licenses issued, 59 new applicants, and a total of 9,274 total of active licensees.

## **The Federation of State Boards of Physical Therapy (FSBPT) Alternate Approval Process (AAP) Discussion**

Jeff Rosa, Managing Director at the Federation of State Boards of Physical Therapy presented to the Board the FSBPT AAP. The board discussed the pros and cons of AAP as well as what actions would need to happen in the regulations to participate.

Action: Review regulatory changes needed for participation in AAP.

## **FSBPT Annual Conference Delegate Selection**

Action: Board Member Holsinger to serve as the Board's delegate at the FSBPT Annual meeting.

Discussion: Board member Holsinger volunteered to serve as the Board's delegate at the upcoming FSBPT Annual meeting.

## **Licensure Renewal Update**

Deputy Director Okehie gave the licensure renewal update to the Board. Thus far there have been 3,500 renewed licenses of the 4,700 that will expire this renewal cycle.

**Scope of Practice Discussion:**

The Board received the following inquiry: A licensed physical therapist stated that their supervisor just informed them that the Maryland State Department of Education is stating that related service providers including physical therapist will have to do virtual assessments. "Professionally, I have a major concern about this since a large part of my evaluation of children, especially infants, revolves around performing a thorough assessment of the child's muscle tone; This requires hands-on involvement to accurately assess in my professional opinion. What are the ramifications in regards to my licensure if I am being asked to perform assessments that I consider to be less-than-complete/thorough? It is challenging enough trying to do a treatment session virtually".

The Board's response:

A physical therapist should exercise sound professional judgment and work within their competency and within the scope of physical therapy. The Board cited COMAR 10.03.02.A.

**Scope of Practice Discussion:**

The Board received the following inquiry: Can physical therapist do PT/INR via finger puncture, if they are trained how to use the machine in a Home Health setting, so that the patient does not have to go to outside laboratories.

The Board's response:

Performing a fingerstick is not within the definition of physical therapy. This question is outside the scope of the Board and therefore the Board cannot comment further on the question.

**Scope of Practice Discussion:**

The Board received the following inquiry:

As our practice continues to find ways to survive in this pandemic, we are looking to extend our wellness practice to offer an option to our patients and community and promote weight loss to optimize healing and bridge the gap of good nutrition and pain. In regards to the scope of practice for PTs and I wanted to know if there was an outcome/response from the Dietetic Board as it was tabled for further feedback on April 19, 2016.

1. Where is the line drawn for PTs giving nutrition advice to patients?
2. Could the PT give general recommendations on types of diet for certain conditions?
3. Can a PT make recommendations of over-the-counter supplements?

I wanted to get advice from the Board on what are the parameters by which as a Physical Therapist we can advocate for weight loss, proper nutrition to address chronic pain and movement dysfunction and if there are any conflicts if a licensed PT will be connected with a company that sells supplements or product lines for wellness. And, if there is a conflict or compliance issue, what are the boundaries and any guidance on how to address this will be greatly appreciated as I continue to plan and make informed decisions for the viability of our private practice in these uncertain times. Our clinic closed for onsite services last March 19th and I am curious to find out if there are other practices in Maryland that offer nutrition education and recommendations in their wellness programs which will be a great way to help more people while making sure we are not going outside of our scope of practice.

The Board's response:

The Board does not have documentation of an update from the Dietetic Board in 2016. A physical therapist can talk about nutrition with a patient but cannot represent themselves as a dietitian. . It

is not within the scope of practice for a physical therapist to recommend over-the-counter supplements. The Board's response does not limit the PTs ability to offer different services within their business.

### **Scope of Practice Discussion:**

The Board received the following inquiry:

I am a school based physical therapist licensed in the District of Columbia only. I have been providing services to students on the campus of Gallaudet University in Washington DC. However, some of these students live in Maryland and currently are not able to receive physical therapy services under continuity of care on an emergency basis due to COVID-19. Also the process to secure a Maryland license which included finger printing and notary are prohibitive under the current stay at home restrictions. I was just informed by one of my speech therapist colleagues that an executive order was signed by Secretary Robert Neall that speech therapists and audiologists can now provide emergency out of state teletherapy services (see attached). I am wondering if there has been any progress on this issue for physical therapist.

The Board's response:

The Board has not requested an emergency out of state telehealth executive order from Secretary Neall. Physical therapy practitioners must hold a valid Maryland license prior to providing physical therapy services via telehealth to clients physically located in Maryland; and the practice of physical therapy, via telehealth, in the State of Maryland must be in accordance with the laws.

### **Scope of Practice Discussion:**

The Board received the following inquiry:

Are physical therapists allowed to perform diagnostic ultrasound in your state.

The Board's response:

A physical therapist may perform a diagnostic ultrasound as a therapeutic intervention if they are competent to do so. The Board cited COMAR 10.03.02.A.

### **Elections**

Motion: That the Board of Physical Therapy Examiners approve Board Vice Chair Gordes for the position of Board Chair and Board member Holsinger for the position of Vice Chair. The motion passed unanimously.

Discussion: Chief of Compliance Bull led the discussion on the election of Chair and Vice Chair commencing June 1, 2020 and ending May 31, 2021.

Board Vice Chair Gordes expressed interest and has submitted a statement formally applying for the position of Board Chair. There were no nominations from the floor.

Board member Holsinger expressed interest and has submitted a statement formally applying for the position of Vice Chair. There were no nominations from the floor.

### **Open Session Adjournment:**

Motion: That the Board of Physical Therapy Examiners moves to adjourn the Open Session at 3:29

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 Board Member Woolford; 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 4:42 pm.

Sumesh Thomas, Chair  
Minutes approved by the Board on June 16, 2020.