



STATE OF MARYLAND

DHMH

Maryland Department of Health and Mental Hygiene

Board of Physical Therapy Examiners

BOARD MEETING OPEN MINUTES

November 21, 2017

The meeting was called to order at 1:00 p.m. by Board Chair, Krystal Lighty.

Call to Order

There was a motion and a second to close the open session at 2:56. to engage in medical review committee deliberations regarding confidential information in applications for licensure and discuss other privileged matters in accordance with General Provisions Article, Section 3-305 (b) (7) and (13). 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, PT
Michelle Finnegan, PT
*Karen Gordes, PT
Meredith Levert, Consumer Member
Krystal Lighty, PT
Donna Richmond, Consumer Member
Kimberly Rotondo, PTA
Sumesh Thomas, PT

Also Present:

Carlton Curry, Executive Director
Joy Aaron, Deputy Director
Brett Felter, AAG, Board Counsel
Deborah Jackson, Licensing Coordinator
Desiree DeVoe, Investigator
Patricia Miller, Board Secretary
Michelle Cutkelvin, Board Secretary

Also Absent:

John Bull, Compliance Manager/ Investigator

Guests:

Sharon Bloom
Penny Heisler, Executive Director Board of Acupuncture
Kim Lang, Director of Boards and Commissions
Kevin Platt, PT APTA Maryland

*Excused due to Illness

Board Chair, Krystal Lighty welcomed Board Members and guests.

Welcome

The minutes of the meeting held on October 17, 2017 were approved.

Minutes

Carlton Curry, Executive Director, apprised the Board that Kristen Neville will be moving on to the American Occupational Association. He states that the Board does not have any legislation as yet. He states that Board Executives will be handling their respective bills.

Legislative Update

Deborah Jackson, Licensing Coordinator, gave the licensure report.

Licensure Update

Mr. Curry apprised the Board of a keynote address presented at the FSBPT Annual meeting by the Arbinger Institute. Mr. Curry purposed that Board Members and Staff read *Leadership and Self-Deception* in preparation for strategic planning. Sumesh Thomas and Donna Richmond thanked the Board for their attendance at the Annual Meeting. Mr. Thomas stated the meeting was informative and suggested that the Board gather data to identify trends. Ms. Richmond apprised the Board of minimum data sets. Kimberly Rotondo apprised the Board of the Exam Licensure and Disciplinary Database. Stephen Baur reported on medications and defining the role and responsibility of physical therapy. Krystal Lighty requested that the Board compile disciplinary trends for the strategic planning.

FSBPT Annual Meeting Reports

Mr. Curry states that the Maryland Board of Acupuncture informed the Board about a practice using Dry Needling. Mr. Curry states there is a need to educate the population on Dry Needling, which is directly related to muscular and skeletal. Electro – Acupuncture is not within the scope of Physical Therapy. Ms. Lighty states that *email blasts* that link directly to the Board's website should include frequently asked questions. Brett Felter, Board Counsel, states that practice of Dry Needling is regulated. He states that the Board is complaint-driven and that the Board received a letter of information. Ms. Lighty states the Board addresses physical therapists practicing beyond the scope in Closed Session. Ms. Lighty thanked Penny Heisler, Executive Director of the Maryland Board of Acupuncture, for bringing the matter to the Boards attention. Ms. Lighty states that the Board will look into educating Physical Therapist on many levels. Ms. Heisler states that the Board of Acupuncture is hoping that the PT Board would contact said therapist and educate. Mr. Curry states that the Board is not precluded from having a conversation with a practice.

Dry Needling

Amanda Adkins, PT requests clarification on the Maryland Physical Therapy Board's position on Telehealth Physical Therapy in Maryland. The Boards response is a Physical Therapist must be licensed where the patient is situated. The Physical Therapist should use sound professional judgment in the use of evaluation and treatment procedures, per COMAR 10-38.02A(2)(a).

Scope of Practice, Telehealth

Lauri Jacobson, PT requested guidance from the Board on the following: 1.) In reference to the Dry Needling Regulations for people who have taken the required 80

Scope of Practice, Dry Needling, Lauri Jacobson

hours of education before June 19, 2018 (40 hours hands on and 40 hour didactic), will they meet the guidelines if the didactic portion was not a face to face session but rather through electronic means. There is currently no curriculum in the country that meets the Maryland regulations for dry needling. We understand that grandfathering is not going to be allowed, but will the 40 hours of didactic theory and application count for the June 19, 2018 deadline? 2.) In reference to PT Licensure Compact with chiropractors being able to practice physical therapy in the state of Maryland, will passing the compact in Maryland allow Chiropractors outside of the state to practice in MD, or is a Physical Therapy license required?

The Board's response to question 1.) The webinar must allow for simultaneous communication, the instructor needs to be present in real time. The Board's response to question 2.) No, Chiropractors with Physical Therapy privileges will not be a part of the PT Licensure Compact.

Emilio Galis, PT requests clarification on the following: 1.) Please explain the process for which prior course work in dry needling will be considered for inclusion in the 40 hours of required "classroom" instruction. 2.) How will prior experience in dry needling be considered when therapists are applying for registration to perform dry needling? 3.) Will a therapist who has practiced dry needling for 1+ years, has completed the required instruction hours of education, but has less than the required 2 years of work experience be permitted to practice dry needling? 4.) Will there be a grandfathering clause for those dry needlers that have been practicing this treatment technique? If so, what will be the required amount of experience? 5.) What, if any, consideration will be given to those therapists who have been practicing dry needling in excess of the required 40 hours of practical experience? 6.) How and who will determine which therapists have the 5 years of experience needed to train in Dry Needling?

Scope of
Practice, Dry
Needling,
Emilio Galis,
PT

The Board's response is as follows: 1.) Courses must be sponsored by FSBPT, APTA or APTA of Maryland. 2.) Yes, if the prior experience in dry needling was supervised and the supervisor meets the requirement, the hours will be considered applying for registration. 3.) No. 4.) No there are no grandfathering clauses. 5.) Same consideration. 6.) A notarized attestation from the supervisor is required.

Mr. Curry states that there is no update for strategic planning. He states that he will follow up with purchasing the Arbinger Institute's, *Leadership and Self-Deception*. Mr. Curry will develop a bid sheet for the Board's approval. Board Members are reminded to email Ms. Lighty and Mr. Curry with ideas for strategic planning.

Strategic
Planning

Michelle Finnegan volunteered to serve as the Board's APTA liaison.

APTA Liaison

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

Continuing
Education

'Advanced Neurologic Dry Needling for Pain Management and Human Performance', 'Hospital Lines, Tubes and Drains', and 'Foundations in Dry Needling for Orthopedic Rehab and Sports Performance'.

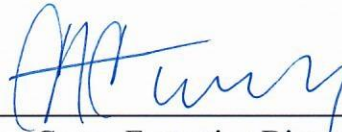
The Board voted to **deny** the following CEU course application:

'Using Spaces Retrieval to Improve Recall in Persons with Memory Loss' because the course is not substantially related to the PT practice; and *'It's Just a Stage 1 Pressure Injury. Or is it? Skin Injury Prevention'* because the course is not substantially related to the PT practice.

There was a motion and a second to close the open session at 2:56 p.m. to engage in **medical review committee deliberations regarding confidential information in** applications for licensure, in accordance with General Provisions Article, Section 3-305 (b) (7) and (13). 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 4:03 pm.

Respectfully submitted,



Carlton Curry, Executive Director

12/19/2017

Date Approved



Krystal Lighty, PT, Chairperson

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) (13)	LICENSURE APPLICATIONS	TO ENGAGE IN MEDICAL REVIEW DELIBERATIONS RE CONFIDENTIAL APPLICATIONS FOR LICENSURE
§3-305(b) ()		
§3-305(b) ()		
§3-305(b) ()		
§3-305(b) ()		

4. This statement is made by Kathleen Lewis PT, Presiding Officer.

WORKSHEET FOR OPTIONAL USE IN CLOSED SESSION: INFORMATION THAT MUST BE DISCLOSED IN THE MINUTES OF THE NEXT OPEN MEETING

Time of closed session: 2:56 Place: 4201 PATERSON AVE 2125
 Purpose(s): REVIEW CONFIDENTIAL APPLICATIONS FOR LICENSURE
 Members who voted to meet in closed session: ALL PRESENT
 Persons attending closed session: ALL BOARD & STAFF @ OPEN
 Authority under § 3-305 for the closed session: (b)(13)
 Topics actually discussed: ONE APPLICATION FOR LICENSURE
 Actions taken: APPLICATION APPROVED Each recorded vote: VOTED
ON AS APPROPRIATE

For a meeting recessed to perform an administrative function (§ 3-104): Time: 3:09
 Place: 4201 PATH Persons present: THOSE @ OPEN Subject matter discussed: BOARD INVESTIGATIONS & OTHER DISCIPLINARY MATTERS.

**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:

1. **Recorded vote to close the meeting:** Date: 11/21/17; Time: 3:07; Location: 4201 PATTERSON
Motion to close meeting made by: S. THOMAS Seconded by K. ROTONDO;
Members in favor: ALL; Opposed: —;
Abstaining: —; Absent: K. GORDON

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."

Continued →