

PT RESPONSIBILITIES VERSUS PTA RESPONSIBILITIES

Stephen D Ryan, PT, DPT

Despite many articles written in previous newsletters, there still seems to be uncertainty in the physical therapy community as to the appropriate roles of the physical therapist and the physical therapist assistant.

To keep it simple, the physical therapist assumes ultimate responsibility for the patient's physical therapy care. The physical therapist must see the patient first and perform an evaluation of the physical therapy needs of that patient. The physical therapist then writes the treatment plan, clearly and concisely so that any physical therapist or physical therapist assistant who comes on to the case can understand the patient's problems and the plan of treatment.

When a physical therapist assistant is involved in patient care, he or she must be fully aware of who the supervising physical therapist is for the patients the physical therapist assistant is assigned to treat. The reason for this is that the law states the physical therapist and physical therapist assistant must engage in ongoing communication about the patient's condition, any changes to treatment



that should occur, etc. That communication can be in person, by telephone, by e-mail etc. but it must be documented in the patient's chart that it indeed took place and the date it took place.

Once a plan of care is written, a physical therapist assistant may treat that patient. However, the physical therapist assistant MUST follow the plan until such time as the physical therapist makes changes to the plan.

This office receives questions almost daily as to whether the physical therapist must be onsite when the physical therapist assistant is treating patients. The answer is "no" according to Maryland law.

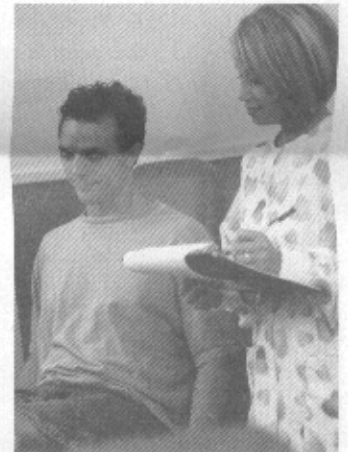
Title 13, Annotated Code of Maryland, Health Occupations Article, the practice of physical therapy, specifies that the physical therapist is ultimately responsible for the patient, the physical therapist must indirectly supervise the

physical therapist assistant, and the physical therapist assistant may treat the patient following the prescribed plan of care. It also specifies the required ongoing documented communication regarding each patient being treated by a physical therapist assistant. Therefore, it is conceivable that a supervising physical therapist and a physical

therapist assistant may work different hours. The physical therapist must be available by phone or e-mail, however, to discuss a patient when the physical therapist assistant needs to contact the physical therapist.

As for aides, the physical therapist must directly supervise an aide at all times when that aide is performing the treatments outlined in COMAR 10.38.04. A physical therapist assistant may not

supervise an aide. When the physical therapist is not in the treatment area, a physical therapist assistant may utilize an aide only in such tasks as



ambulation, transfers etc. when patient's safety is at risk and another set of hands is required.



| | |
|-----------------------------------|---|
| PT Responsibilities | 1 |
| In Error | 1 |
| Free Continuing Education Classes | 2 |
| Continuing Education | 3 |
| Disciplinary Actions | 3 |
| Raise In Renewal Rates | 4 |

REMOVAL OF TEMPORARY LICENSURE

As of October 1, 2008 the ability of the Board to issue temporary licenses was removed from the Practice Act. The Board felt the issuance of temporary licenses prior to licensees proving they had the skills to practice was a public protection issue. Formerly, new graduates were issued

a temporary license pending their taking and passing the national licensure examination. There had been an increase in first-time takers who failed the examination. These were not necessarily graduates from Maryland programs. Maryland has had a huge influx in foreign educated applicants from various countries who find the national examination to be quite challenging, thus an increase in failed scores.

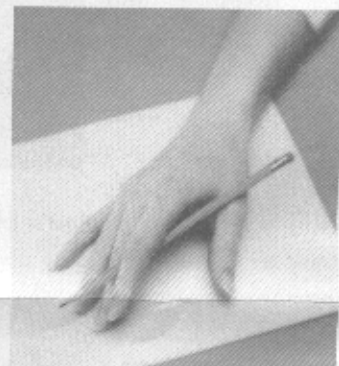


The Board office is making every attempt to issue permanent licenses timely. We have initiated sending the Maryland jurisprudence examination, accompanied by a copy of the Practice Act, upon receipt of a paid application.

The examination is to be completed and returned to this office immediately for scoring. A passing score on the jurisprudence examination is 90%. An applicant by examination is approved to sit for the national licensing examination as soon as the application file is complete to the point the applicant is ready for the national physical therapy examination. Licenses are issued on a daily basis as the national licensure examination scores are electronically released

to us.

The Board thanks the Maryland PT and PTA programs as well as Maryland employers for understanding the importance of protecting our citizens by ensuring that only the most qualified physical therapists and physical therapist assistants offer physical therapy services. This process eliminates headaches in employment since only someone who has been issued a permanent license can commence practice.



RAISE IN RENEWAL RATES

As you are all aware, everyone and every organization currently suffers from economic woes. The Board has not raised its renewal fees in over ten years, and, in fact, has never charged the fees allowed in regulation. The PT Act and COMAR 10.38.07 allows biennial renewal fees of \$325 for a physical therapist and \$300 for a physical therapist assistant. Through fiscal responsibility, the Board has kept renewal fees much lower than these amounts.

In 2008 the Board was moved by the Department of Health & Mental Hygiene from its offices on the 2nd floor of the building located at 4201 Patterson Avenue, Baltimore to new space on the 3rd floor. This space is very secure for the Board's licensee and disciplinary records. With this move came higher rent charges and higher indirect costs assessed by the State.

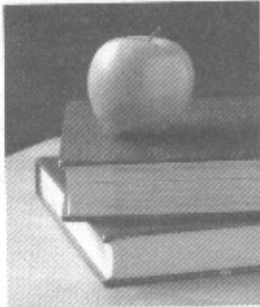
Therefore, the Board has considered its budget and the decline of its special fund balance and concluded that it must charge its licensees higher fees for license renewals.

Commencing with the 2009 renewal and continuing through the 2010 renewal, the application fees for renewal of licenses will be \$225 for Physical Therapists and \$170 for Physical Therapist Assistants. For those renewing in 2009 all licenses will be renewed online and sometime early in March you will receive renewal instructions in the mail if you are to renew in 2009.

Remember, you need to keep your address current with the Board or face a \$100 penalty! Continuing education for the 2009 renewal must be earned between April 1, 2007 and March 31, 2009.

CONTINUING EDUCATION

COMAR 10.38.08 contains the regulations for the requirements for continuing education. In those regulations are listed the types of things that will qualify for CEUs. It is important to read and understand those regulations. On our website: dhmh.state.md.us/bphte is a list of the courses that are approved by the Board and just as importantly, a list of the courses NOT approved by the Board. We will gladly review a course for an individual at no cost to the licensee. Although courses do not have to be pre-approved by the Board, they do have to meet the criteria in the regulations. Many sponsors do ask for pre-approval, hence the lists of approved and non-approved courses on the website. Please do not wait until your name is chosen for audit to learn that the course(s) you took do not qualify for CEUs. At the time of audit, you will be asked to submit proof of courses taken and may be asked to submit information about content of the course(s). It is too late then to find out a course does not qualify.



There were many licensees who took non-approved courses this year. Most of them had taken more than the required number of CEUs so the courses that did not qualify were not an issue. Others took just the required number of CEUs and when randomly selected for audit, had problems. Many of the courses taken were on the non-approved list and a quick check of that list would have saved the licensee much time and trouble. If a course is not on either list, it would be wise to have the course reviewed by the Board to be assured it qualifies.

Courses that have been reviewed and approved by the Board will state that fact on the brochure or certificate. If the brochure states that the course has been submitted to the Board for review, be sure to check the website and check both lists: approved and non-approved. If on the approved list, check the number of CEUs awarded as CEUs are based on the number of contact hours of instruction. Registration, meals and breaks are not included in the CEU count. CEUs awarded may not match what is on the brochure. For courses that have multiple tracts, proof of sessions attended may be required. To obtain the proof required, have the session attended signed/initialed by the speaker or moderator. APTA has someone at the door stamping the booklet/handout as the attendees exit.

When deciding on courses to take, check the regulations to see if the course fits the Maryland Board's criteria. For example, does this course pertain to the practice of physical therapy, is it geared to a professional audience? If it is a course you want to take, take it, but ask the Board if it will qualify for CEUS. Please don't find yourself being audited and find out too late that a course you took does not qualify.

RECENT DISCIPLINARY ACTIONS

2008 ACTIONS

Entire Final Orders and Consent Orders can be viewed on our web site at www.dhmh.state.md.us/bphte under Disciplinary Actions.

Please note that Orders can be modified by action of the Board. In the case of Christine Lenchert, PT, due to unforeseen circumstances, the Board has waived the \$5,000 fine.

Christine Lenchert, PT – Effective February 5, 2008, suspension of one year with all but 60 days stayed. 2 years probation with fine of \$5,000.

Dean Clatworthy, PT – Effective February 19, 2008 – Reprimand, fine of \$1,500.

Patrick Counihan, PTA – Effective March 18, 2008 – Reprimand, probation of two years

Rhonda Jones, PTA – Effective April 15, 2008 – Surrendered License because of failure to abide by terms of Order involving drug rehabilitation

Shannon Liew, PT – Effective June 25, 2008 – Application for reinstatement denied for two years. Practiced in Maryland without a license.

Melvin Mintz, PT – Effective June 17, 2008 – Practiced without a license. Fine of \$1,000.

Jason Main, PT – Effective March 31, 2008 – Probation for at least one year. Mentor reports

Ricardo Johnson, PTA – Effective July 15, 2008 Five-year probation commencing October 2, 2008. Restricted practice. PT Mentor

Jessica Burns, PTA – Effective October 2, 2008 – Probation of three years. Supervised practice.

Brian Weisman, PT – Effective November 18, 2008 – Probation of two years, \$2,000 fine.

Scott Tennis, PT – Effective November 18, 2008 – Probation of two years, \$1,500 fine.

Randi Potler, PT – Effective December 16, 2008 – Probation of two years, \$1,000 fine.

James Davis, PT – Effective December 16, 2008 – Revocation of License

Unit #93
Board of Physical Therapy
4201 Patterson Avenue
Baltimore, MD 21215

REMINDER:

The Board meets monthly on the third Tuesday of the month from 1:00 p.m. until business is finished. Licensees, students and the general public are welcome to attend the Open Session which commences at 1:00 p.m. Closed sessions and Administrative session are reserved for discussions concerning peer reviews and discipline. Those sessions are not open sessions.

PT NEWS

Publication of
The Maryland Board
of Physical Therapy

Lucy Nolan
Kari Lopes
Farabe French
Craig McFarland

Ann Losak
Debra Kumaniec
Hugh Springer
Sean Callaway Hall

Alan Peoples, Sr.
Susan Hull
Sharon Hollis

The following Licensees were erroneously listed as non-renewed in the summer newsletter, when they were in fact renewed in a timely manner. The Board apologizes for the error.

IN ERROR

FREE CONTINUING EDUCATION CLASS

OFFERED BY THE BOARD OF PHYSICAL THERAPY EXAMINERS

The Board of Physical Therapy is offering an ethics course open to all Maryland licensed PTs and PTAs on a first 400-registration basis. The course is being taught by Nancy Kirsch, PT, Ph.D, a renowned Physical Therapist who has spoken at numerous seminars, most recently at the FSBPT annual meeting held in Minnesota. The objectives of the course will be to recognize the expectation the public has of the ethical behavior of physical therapists, differentiate between different types of ethics violations and relate the Maryland PT Practice Act to ethical behavior expectations. The presentation will be a combination lecture/powerpoint with case studies and case discussion.

Date – FRIDAY APRIL 3rd at Carroll Community College, 1601 Washington Road, Westminster, MD 21157. It will be held in the Theater located in the “T” building, also known as the Scott Center.

This course is designed as a six hour continuing education course offering 0.6 CEUs to those who attend the entire course. The course is open to all licensees on a first to register basis. There is a limit of 400 attendees. Please register immediately by FAX using the form below.

You may verify your registration online AFTER MARCH 16th. Go to the Board's website at www.dhmf.state.md.us/bphte. On the first page there is a link entitled “Ethics Course April 2009 Registration.” Click on the

link and you can see those whose registration forms have been received and are on the reserved list. The list will be alphabetical. It will be updated daily until the allotted 400 slots have been met.

Date of Course: Friday, April 3, 2009
Time: Registration and Breakfast 8:00 a.m.
Class: 9:00 a.m. – 4:00 p.m.
12:00 - 1:00 Lunch will be provided
Cost: FREE to licensees

Carroll Community College
1601 Washington Road • Westminster, MD 21157

From Baltimore

Take 695 (Baltimore Beltway) to 795 (Northwest Expressway) to MD 140. Upon entering Westminster, turn left at second traffic light onto Route 97 South. Travel 3.2 miles to fifth traffic light, turn right onto Washington Road (Route 32). Carroll Community College entrance is 1/2 mile on the right.

From Washington, DC

Take 355 North to 495 East (Washington Beltway) to 270 North. Take Exit 16, Route 27, towards Damascus. Follow Route 27 through Damascus continuing through the intersection of Route 26, Liberty Road (approximately 14 miles). Approximately 10 miles beyond Route 26, make a right turn onto Kate Wagner Road. This road ends at the intersection with Washington Road (Route 32). Turn right. The Carroll Community College entrance is 1/4 mile on the left.

From Frederick

Take I-70 East to Exit 68. Travel northeast on Route 27, continuing past the intersection of Route 26, Liberty Road, (approximately 14 miles). Travel another 10 miles and make a right turn onto Kate Wagner Road. Road ends at the intersection with Washington Road (Route 32). Turn right. The Carroll Community College entrance is 1/4 mile on the left.

From Hanover, PA

Take Route 30 South to Manchester, MD. At light, turn right onto MD Route 27. Travel 8 miles, turn left onto the cloverleaf to MD 140 east. At fourth traffic light, turn right onto Route 97 South. Travel 3.2 miles to fifth traffic light, turn right onto Washington Road (Route 32). The Carroll Community College entrance is 1/2 mile on the right.

From Gettysburg, PA

Take Route 97 South to MD 140 East. At sixth traffic light, turn right onto Route 97 South. Travel 3.2 miles to fifth traffic light, turn right onto Washington Road (Route 32). The Carroll Community College entrance is 1/2 mile on the right.

REGISTRATION FORM – PRINT LEGIBLY

Please fax back to 410-358-1183

NAME _____

ADDRESS _____

LICENSE # _____

TELEPHONE # _____

Date of Course: Friday, April 3, 2009

Time: Registration and Breakfast 8:00 a.m.

Class: 9:00 a.m. – 4:00 p.m.

12:00 - 1:00 Lunch will be provided

Cost: FREE to licensees