



Board of Physical Therapy Examiners

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera, Secretary

BOARD OPEN SESSION MEETING MINUTES April 18, 2023

Call to Order

The Maryland Department of Health Board of Physical Therapy Examiners Open Session meeting was called to order at 1:03 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, Ph.D., DScPT, Chair
Rebecca Holsinger, PT, DPT, NCS, CVTP, Vice Chair
Vincent Conroy, PT, DScPT
Samuel Esterson, PT, DPT, MBA, OCS
Michelle Finnegan, PT, DPT, OCS, MTC, CCTT, CMTPT, FAAOMPT
Enjeen Woolford, PTA
Meredith Levert, Public Member

Board Member Absent

James Connors, Public Member

Staff Present

Laurie Kendall-Ellis, Executive Director
Issac Okechie, Deputy Director
Brett Felter, Board Counsel
Lisa Scott, Licensing Manager
Susan Erdman, Lead Investigator
Morgan Powell, Licensing Coordinator
Lillian Reese, Legislative and Regulations Coordinator
Kimberly Link, Senior Advisor to the Secretary for Health Board Matters

Approve Open Session Meeting Minutes

Motion: That the Board of Physical Therapy Examiners approves March 21, 2023, 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 to the open session meeting. The ground rules for the meeting were shared. Board members and staff were introduced and acknowledged.

- Universal Licensure Recognition –
The discussion was led by Board Member Woolford. Voluntarily participating in the Federation of State

Boards of Physical Therapy (FSBPT) Ethics & Legislation Committee which is responsible for developing and analyzing methods to improve consumer protection, Board Member Woolford discussed the importance of the universal licensure recognition topic. Across the United States, 12 states have enacted broad universal licensing recognition which means those states accept licenses from other states by applying standards based on the training or testing requirements a licensed applicant has already completed in another state. Each state may vary but in general, only licensed professionals who have held a license for one year in good standing and were required to pass an examination or complete education, training, or experience requirements to obtain licensure are eligible.

The Board determined further discussion on this topic is indicated to ensure public protection.

Executive Director Update

Executive Director Kendall-Ellis reported on the following:

- **Regional Reciprocity Agreement –**
Representing the Board, on Tuesday, April 18, 2023, the first Regional Reciprocity Agreement discussion requested by the District of Columbia (DC), Mayor Bowser took place with non-physician occupational health boards from the DC, Virginia, and Maryland. Due to the uniqueness of the DMV region and the DC transient licensed population, the Mayor is asking to explore a Regional Reciprocity Agreement with other healthcare professions. On March 1, 2023, the DC Department of Health Board of Medicine, Virginia Board of Medicine, and Maryland Board of Physicians launched a Medicine Regional Reciprocity Agreement. This agreement expedites the licensure process for applicants that are already licensed in one of the participating jurisdictions. Further conversations with each occupational health board will follow.

The Board, as more information becomes available, to ensure public protection, will discuss the Interstate Compact privilege (already enacted) v.s. a Regional Reciprocity Agreement v.s. Licensure by Endorsement (already enacted).
- **Maryland Enterprise Network –**
As a reminder, the MDH Cyber attack occurred on December 4, 2021. On October 17, 2023, the Board along with other Occupational Health Boards entered into a scope of work agreement with the Department of Information Technology (DoIT) in order to reconnect to the Maryland Enterprise Network. Today, 100% of the Board's office computers have a fully operational hard-wire connection to the network and have transitioned off of WiFi. The Board will continue to use Google shared drive due to its security and ability to save and retrieve documents from the cloud server.
- **The Maryland Health Care Commission's Interstate Telehealth Workgroup –**
Representing the Board as a stakeholder at workgroup meetings, the House Health and Government Operations Committee (HGO), requested the Maryland Health Care Commission (MHCC) conduct an interstate telehealth study by convening a workgroup composed of stakeholders that may be affected by or have an effect on expanded interstate telehealth practice. A final report detailing the study findings, recommendations, and supporting rationale is due to the HGO Committee by December 1, 2023. Discussion items requested by the HGO Committee serve as a guide for the workgroup in formulating potential solutions to address challenges to interstate telehealth. A few key focus areas are health insurance coverage, medical liability, Compacts, licensure complexities, and the effect on

Maryland healthcare practitioners. Updates will be provided as they become available.

Legislative and Regulations Update

Legislative and Regulations Coordinator Reese reported that over 2,300 bills were brought forward to the legislators during the 2023 General Assembly. The General Assembly website provides information on the 2023 session. A few of the outcomes.

- SB727 Board of Physical Therapy Sunset Extension –
As amended by Secretary Herrera Scott was adopted and shall be effective June 1, 2023, with the following amendment, *“Evaluation Act, this title and all rules and regulations adopted under this title shall terminate and be of no effect after July 1, 2025.”*
- SB232/HB172 Licensed Athletics Trainers – Dry Needling Registration,
Adopted and shall be effective October 1, 2023.
- SB534 Preserve Telehealth Access Act of 2023 –
Adopted and shall be effective June 1, 2023.

Board Counsel Felter discussed the criminal history records check and the Criminal Justice Information Services (CJIS). Board personnel has access to CJIS criminal history records check reports through the fingerprinting submission process by applicants seeking licensure (§13-302). The Board will be obtaining a fingerprint-based record check of personnel who may need to access CJIS criminal history records check reports not provided by applicants or licensees due to an adverse action report from another jurisdiction. Also discussed was the CJIS Noncriminal Justice Rap Back Service which would enable individuals' fingerprints to be subject to future searches in the Next Generation Identification (NGI) system. At this time the Board does not have the statutory requirement of criminal history record checks for license renewal and therefore is not a subscriber to the CJIS Noncriminal Justice Rap Back Service.

Monthly Applicant and Licensee Report

Licensing Manager Scott reported the following as of April 1, 2023:

- 30 new licenses were issued (23 Physical Therapists; 7 Physical Therapist Assistants)
- The total number of active licensees is 9,652 (7,271 Physical Therapists and 2,381 Physical Therapist Assistants)

Deputy Director Update

Deputy Director Okehie reported that license renewals began on time on March 14, 2023. 2,700 licenses have been renewed to date of the projected 4,900 licenses. The renewal portal will close on May 31, 2023. Those renewing have been notified via emails, newsletter, and the Board website. Deputy Director Okehie is available for questions.

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.

Q1. I am a licensed Physical Therapist Assistant (PTA) in the state of Maryland. I am writing to inquire about the permissibility of "High-velocity low amplitude (HVLA) techniques" for PTA's in our state. Although we are taught in school that such techniques are outside our scope of practice, I would appreciate clarification from our state board. In the event that PTA's are not authorized to perform these techniques, could you kindly direct me to the specific section of our practice act that outlines this restriction? Thank you for your time in reading and responding to my query.

A1. (Reference §13-101(h); COMAR 10.38.03.02.B; COMAR 10.38.03.02-1) Physical Therapist Assistants follow the direction and plan of care of the physical therapist, exercising sound judgment and adequate care in the performance of duties, immediately discontinue any treatment procedure that appears to be harmful to the patient, work within their competency can perform high amplitude, low velocity (HVLA) manual therapy techniques.

Continuing Education

Board Vice Chair and Continuing Education Board 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 that received the committee's unanimous approval have been notified.

The following continuing education sponsor applications were presented to the Board for discussion and a decision.

Discussion: The Continuing Education Board committee presented its comments regarding the continuing education sponsor application information.

Motion: That the Board of Physical Therapy Examiners accepts the approval of ***Clinical Connections: Augmenting Therapy with Virtual Reality*** (motion introduced by Board Vice Chair Holsinger, motion seconded by Board Member Esterson). The motion passed.

Discussion: The Continuing Education Board committee presented its comments regarding the continuing education sponsor application information. Discussed mental health for healthcare professionals.

Motion: That the Board of Physical Therapy Examiners accepts the approval of the ***Mental Health Self-Care Checklist for PT Professionals*** (motion introduced by Board Vice Chair Holsinger, motion seconded by Board Member Levert). The motion passed.

Open Session Meeting Adjournment:

Motion: That the Board of Physical Therapy Examiners moves to adjourn the Open Session Meeting at 2:15 PM in order to engage in deliberations regarding confidential information in applications for licensure, in accordance with General Provisions Article, Section 3-305 (b) (13) - To comply with a specific constitutional, statutory, or judicially imposed a requirement that prevents public disclosures about a particular proceeding or matter. (motion introduced by Board Chair Gordes; motion seconded by Board Member Holsinger). The motion passed.

The Board of Physical Therapy Examiners adjourned at 3:30 PM. Karen Gordes, PT, Ph.D., DScPT, Chair

Minutes approved by the Board on__05/16/2023_____