



Board of Physical Therapy Examiners

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

BOARD OPEN SESSION MEETING MINUTES April 19, 2022

Call to Order

The Maryland Department of Health Board of Physical Therapy Examiners Open Session meeting was called to order at 1:00 PM by Board Chair Gordes, who established that a quorum was present and reviewed the agenda which was adopted.

Board Members Present

Karen Gordes, DScPT, PhD, PT, Chair
Rebecca Holsinger, DPT, PT, NCS, CVTP, Vice Chair
James Connors, Consumer Member
Samuel Esterson, DPT, MBA, PT, OCS
Michelle Finnegan, DPT, PT, OCS, MTC, CCTT, CMTPT, FAAOMPT
Meredith Levert, Consumer Member
Sumesh Thomas, DPT, PT, OCS, CHT, FAAOMPT
Enjeen Woolford, PTA

Staff Present

Laurie Kendall-Ellis, Executive Director
Ogu Isaac Okehie, Deputy Director
Brett Felter, JD, Assistant Attorney General, Board Counsel
Lillian Reese, Legislative and Regulations Coordinator
Khadija Ali, Project Manager
Lisa Scott, Licensing Manager
Morgan Powell, Licensing Secretary
Kimberly Link, Executive Liaison, MDH Secretary Office

Approve March 15, 2022, Open Session Meeting Minutes

Motion: That the Board of Physical Therapy Examiners approves the March 15, 2022, 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. The ground rules for the meeting were shared. Board members and staff were introduced and acknowledged. Chair Gordes noted that she received the eblast notice from the Board about the effective date and the implementation of Temporary Licensing regulation. Chair Gordes is looking forward to hearing the legislative report by Legislative and Regulations Coordinator Reese regarding the actions taken relative to the Senate Bill 209, *Sunset Extension*.

Executive Director Update

Executive Director Kendall-Ellis thanked the Board for entrusting her to testify on behalf of the Board at the Senate EHEA and the House HGO committee hearings on SB209. Legislative & Regulations Coordinator Reese will provide further details during her report.

The *Temporary License* regulation went into effect on April 4, 2022 and was implemented on April 13, 2022. Outreach to licensees have been issued via E-blasts, website updates and through the MDAPTA. The Board may issue Temporary Licenses to new Licensure by Examination applicants who have not yet taken the National Physical Therapy Examination (NPTE). Details are available on our website. Our quarterly newsletter coming out in April will also provide information about Temporary Licenses.

The Board has signed an agreement with the *Federation of State Boards of Physical Therapy (FSBPT)* whereby applicants seeking Maryland licensure as a physical therapist or physical therapist assistant who must, among other requirements, meet certain eligibility requirements, will be approved by FSBPT to sit (register) for the National Physical Therapy Examination (the "NPTE"). This agreement will expedite the application process and assist staff in ensuring all requirements, per statutes, are met.

The amended *Code of Ethics* regulation went into effect April 4, 2022. The Maryland Physical Therapy Act is available on the Board website where all statutes and regulations can be read.

On December 4, 2021, the Maryland Department of Health was the target of a cyber attack. The Board quickly implemented our *Continuity of Operations Plan (COOP)* and has worked hard to provide procedures and operations to the public and licensees. The Board is successfully carrying out the essential functions of licensing, compliance, complaints and investigations. The Board is still not connected to the Maryland Department of Health's enterprise network and is in discussions with Secretary Schrader, his team and the Health Occupations Boards to determine the steps toward reconnection that is equitable for all parties. .

Monthly Applicant and Licensee Report

Licensing Manager Scott reported the following as of April 1, 2022

- The total number of active licensees is 9,609 (7,214 Physical Therapists and 2,395 Physical Therapist Assistants)
- 31 licenses were issued in April 2022 (21 Physical Therapists; 10 Physical Therapist Assistants)

2022 License Renewal Update

Deputy Director Okehie reported that this year's license renewal officially started on March 14, 2022, and over 2,800 licenses have been renewed. More than 4,800 licenses are expected to be renewed by the end of the renewal period which is May 31, 2022 (midnight). We have received lots of questions about the new *Implicit Bias Training* requirement, and we have worked hard to craft messages that would effectively communicate the requirements to all licensees and ensure that everyone understands that *Implicit Bias Training* is a *one time only* requirement (enacted under Article II, §17(c)).

Physical Therapy (PT) Compact Year to Date Report

Project Manager, Ali reported on the present status of the Maryland PT Compact Privilege purchases from July 1, 2021, to present.

- The total number of PT Compact Privilege applicants is 139 (40 applicants are in the process of taking the Maryland Jurisprudence Examination.
- 99 PT Compact Privileges have been purchased (76 Physical Therapists and 23 Physical Therapist Assistants)
- 3 of the 99 PT Compact Privilege holders were formerly licensed in Maryland.

Number of PT Compact Privilege Holders by State

Virginia	26	Kentucky	3
Texas	15	Louisiana	2
North Carolina	13	Missouri	2
Ohio	6	Tennessee	2
West Virginia	6	Utah	2
Colorado	5	Arkansas	1
Delaware	5	Mississippi	1
Georgia	5	Oklahoma	1
Arizona	3	Oregon	1

Legislative and Regulations Update

Legislative and Regulations Coordinator Reese highlighted the following Bills:

- ***SB77 Health Occupations Boards – Investigations – Right to Counsel***
 - Passed in the Senate with some amendments and was not voted out of the House. The bill did not pass.
- ***SB111 Occupational Licenses or Certifications – Pre-application Determinations – Criminal Convictions***
 - Did not get voted out of the Senate committee. The bill did not pass.
- ***SB711/HB1016 Health Occupations – Licensed Athletic Trainers – Dry Needling Approval***
 - The Senate approved the bill with amendments but was not voted out of the House Committee. The bill did not pass.
- ***SB899/ HB1455 Health Occupations Boards – Authority Over Infrastructure – Staffing and Operation***
 - Received an unfavorable report in the Senate and did not move out of the House Rules Committee. The bill did not pass.
- ***SB209 – State Board of Physical Therapy Examiners – Sunset Extension***
 - The Senate shortened the 10-year extension to 2 years. The House voted to amend the bill back to its original 10 years. The Senate did not concur with this amendment and requested the House concede to the Senate’s position and the House agreed. The Board in 2023 will testify

and continue to advocate to be granted the 10 year extension.

Action: The Board will proactively reach out to the Senators to facilitate early discussions about the 2023 Sunset Extension bill.

Dry Needling Subcommittee Discussion

Board Member Woolford and Legislative & Regulations Board Committee Chair presented for discussion the concept of establishing a *Dry Needling Subcommittee* to review the Dry Needling Regulations (COMAR 10.38.03.12). Board Member Finnegan volunteered to lead the subcommittee which will report their findings and recommendations to the Legislative & Regulations Board Committee.

Action: Establish the *Dry Needling Subcommittee* led by Board Member Finnegan and with participation by Board Members Woolford, Levert and Esterson. Project Manager Ali will be the staff liaison. The first meeting of the subcommittee is planned for July 2022.

FSBPT Delegate Selection Discussion

Chair Gordes and Executive Director Kendall-Ellis provided information on the FSBPT Leadership Issues Forum and Annual Meeting. Board members were asked to volunteer to be a voting delegate and alternative delegate. Executive Director Kendall-Ellis will be the assigned administrator to attend both meetings.

- Voting Delegate for Leadership Issues Forum July 23- 24th (Virginia)
 - Board Member Woolford (Delegate)
- Voting Delegate & Alternate Delegate for Annual Meeting October 27th – 29th (California)
 - Board Member Woolford (Delegate)
 - Board Member Connors (Alternate Delegate)

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:** I am writing to ask whether licensed physical therapists may procure (1.e., place an order for) prescription drugs, prescription devices, and hypodermic needles/ syringes from a wholesaler based on their individual license. For example, I see that physical therapists may perform dry needling, which involves the insertion of one or more solid needles, a mechanical device, into the muscles and related tissues pursuant to Md. Code Regs. 10.38.12.02. Because they may perform dry needling, does this mean they may place an order for devices/needles/syringes?
- **Action:** Board Counsel Felter will reach out to the inquirer for clarification to provide an accurate answer.

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 which received the committee's unanimous approval have been notified.

The following continuing education applications were presented to the Board for a decision:

Motion: That the Board of Physical Therapy Examiners accept the Continuing Education Board Committee's recommendation to accept *Resilience Training and its Role in Helping Young Clients Overcome Adversity* (motion introduced by Board Vice Chair Holsinger; motion seconded by Board Member Sumesh). The motion passed.

Approve March 15, 2022, Closed Session Meeting Minutes

Motion: That the Board of Physical Therapy Examiners approves the March 15, 2022 Closed Session Meeting Minutes. (Motion introduced by Board Chair Gordes; 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 2:24 P.M. (Motion introduced by Board Chair Gordes; motion seconded by Board Vice Chair Holsinger) The motion passed.

The Board will convene the Administrative Session meeting and unless recused, all Board members and Board staff who were present for the Open Session will also be in attendance.

The Board of Physical Therapy Examiners adjourned at 2:54 p.m.

Karen Gordes, DScPT, PhD, PT, Chair Minutes approved by the Board on May 17, 2022 .