



Board of Physical Therapy Examiners

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

BOARD OPEN SESSION MEETING MINUTES January 17, 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 Members Absent

James Connors, Public Member

Staff Present

Laurie Kendall-Ellis, Executive Director
Brett Felter, Board Counsel
Lillian Reese, Legislative & Regulations Coordinator
Lisa Scott, Licensing Manager
Khadija Ali, Continuing Education Manager
Marc Ware, Compliance Administrator
Susan Erdman, Lead Investigator
Leia Cathell, Board Investigator
Morgan Powell, Licensing Coordinator

Approve November 15, 2022, Open Session Meeting Minutes

Motion: That the Board of Physical Therapy Examiners approves November 15, 2022, Open Session Meeting Minutes. (Motion introduced by Board Chair Gordes; motion seconded by Vice Chair Holsinger).

The motion passed.

The Board of Physical Therapy Examiners did not hold an Open Session meeting in December 2022.

Board Chair Welcome and Update

Board Chair Gordes welcomed Board Members, staff, and the public to the first meeting of 2023. The ground rules for the meeting were shared. Board members and staff were introduced and acknowledged.

Executive Director Update

Executive Director Kendall-Ellis reported on the following:

The Board of Physical Therapy Examiners and the Health Professional Boards & Commissions (HPBCs), as a reminder, underwent an audit conducted by the Office of Legislative Auditors (OLA) for the period beginning September 28, 2015, and ending September 24, 2019. Published on January 19, 2021, the OLA report did not recommend sunseting the Board of Physical Therapy Examiners or name the Board of Physical Therapy Examiners in their findings. Proactively, the Board collaborated with the Audit and Finance Compliance Unit in the Department of Budget & Management (DBM) as well as with the Maryland Department of Health (MDH) Office of Internal Controls, Audit Compliance & Information Security (IAC/S). The IAC/S, on January 5, 2023, provided a status report to OLA for the audit period ending April 30, 2022, with the following Board of Physical Therapy Examiners results:

- Audit Finding 3: To perform and document verifications that credit card collections were deposited and adequately recorded in the state and county records;
 - Action: **COMPLETE** – *Satisfactorily complied with the OLA's recommendation*
- Audit Finding 4: To perform and document periodic access reviews of the licensing system;
 - Action: **COMPLETE** – *Satisfactorily complied with the OLA's recommendation*

The 2023 License Renewal Notice was emailed to all licensees renewing in 2023 on Monday, January 9, 2023, and a license renewal notice mailing was completed. The license renewal portal will open on March 14, 2023, and close on May 30, 2023, at 11:59 PM. The emailed and mailed notice included reminders to complete the required continuing education (30 contact hours for PT; 20 contact hours for PTA), complete one implicit bias training course approved by the Office of Minority Health and Health Disparities, and complete the optional post-renewal Board survey.

The Board staff completed the annual compliance audit of the Board of Physical Therapy Examiners' standard operating procedures manual (SOPs) and the crisis management procedure manual (COOP). Updates were incorporated and dated.

The Board will have two vacancies in May 2023: one Physical Therapy Assistant (PTA) vacancy and one Public Member vacancy. Board member Woolford is eligible for a second term; Board member Levert is completing her second term and ending her much-valued board service. Those interested in serving may contact the APTA of Maryland, go to our Board website, and click on "Board Members" to read about the Board Vacancy process or contact the Governor's Appointments Office to submit an application.

Executive Director Kendall-Ellis has accepted an invitation to serve on the Physical Therapy Compact Commission Board of Directors' executive committee for a one-year term, filling the member-at-large vacancy.

Legislative and Regulations Update

Legislative Coordinator, Reese reported that the 2023 Legislative Session will be a hybrid model although appearing in person when testifying is preferred. At this time new bills have not been received but are

expected. The Education Health and Environmental Affairs Committee which formerly reviewed the Boards' bills has been dismantled. The Boards' bills will be reviewed by the Senate Finance Committee chaired by Senator Melony Griffith.

Legislative Coordinator Reese and Executive Director Kendall-Ellis arranged meetings with the Senate Finance Committee Chair, Senator Melony Griffith, and a separate meeting with Senator Kathryn Hester to discuss the upcoming Sunset Extension bill. Executive Director Kendall-Ellis additionally will be meeting with Delegate Marc Korman who has been appointed as the 2023 Majority Leader.

The Telehealth proposed regulation (COMAR 10.38.13) was printed in the *Maryland Register*, Volumen 50, pages 22-23 on Friday, January 13, 2023, and we are awaiting comments due by February 13, 2023.

Monthly Applicant and Licensee Report

Licensing Manager Scott reported the following as of January 1, 2023

- 26 new licenses were issued (18 Physical Therapists; 8 Physical Therapist Assistants)
- The total number of active licensees is 9,512 (7,171 Physical Therapists and 2,341 Physical Therapist Assistants)

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. Are licensed physical therapists legally allowed to offer advice/suggestions on dietary management for diagnoses of bowel-related issues (for example fecal incontinence, constipation), bladder-related issues (for ex incontinence), pelvic health-related issues (for example pelvic organ prolapse and healthy eating for potential weight reduction), and for suggestions on healing/recovery from injury or surgery?

A1. The Board recommends directing the patient to a credentialed/licensed professional with knowledge in the area of diet/nutrition. A physical therapist can support patients by referring them to publicly available information. Reference 13-101(i), COMAR 10.38.03.02.A, COMAR 10.38.03.02-1

Q2. Are licensed physical therapists legally allowed to educate patients on behavioral management for pelvic-related issues, such as bladder retraining (timed voiding) or sexual positions that would result in less painful sexual relations?

A2. Yes. Education of a patient is part of the plan of care. The plan of care might include functional retraining and movement-based activities. Reference 13-101(i), COMAR 10.38.03.02.A, COMAR 10.38.03.02-1

Q3. Is a PT permitted to complete a PT Evaluation and develop a plan of care via a telehealth visit and can a PTA physically be present with a patient during the Telehealth visit to assist the Physical Therapist in obtaining data during the visit such as vital signs and other measurements in the State of Maryland? We are a Home Health company in Maryland and would like to pilot a program using Telehealth to complete our PT evaluations with the PTA under the direction of the Physical Therapist in the home with the patient during the visit.

A3. Evaluations and establishing the plan of care can only be performed by a physical therapist. Until the physical therapist has completed the evaluation and established the plan of care, the physical therapist assistant may not initiate treatment. Therefore the physical therapist assistant can not obtain data for an

evaluation. Reference 13.310, COMAR 10.38.01.01(12), COMAR 10.38.03.01(21), COMAR 10.38.03.02.B.(1)(a), COMAR 10.38.03.02.B.(3)

Q4. I am a physical therapist assistant (PTA) in Maryland, working for a home health company. My company is suggesting the trial of PTAs going to the patient's house and completing initial evaluation under the virtual supervision of a PT. as a PTA, am wondering if this is ethical/legal and I need/would really appreciate the guidance of the board.

A4. Evaluations and establishing the plan of care can only be performed by a physical therapist. Until the physical therapist has completed the evaluation and established the plan of care, the physical therapist assistant may not initiate treatment. Therefore the physical therapist assistant can not obtain data for an evaluation. Reference 13.310, COMAR 10.38.01.01(12), COMAR 10.38.03.01(21), COMAR 10.38.03.02.B.(1)(a), COMAR 10.38.03.02.B.(3)

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 applications were presented to the Board for a decision:

Motion: That the Board of Physical Therapy Examiners accepts the Continuing Education Board Committee's recommendation to deny **Implicit Bias** (motion introduced by Board Vice Chair Holsinger, motion seconded by Board Member Finnegan). The motion passed.

Open Session Meeting Adjournment:

Motion: That the Board of Physical Therapy Examiners moves to adjourn the Open Session Meeting at 1:58 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 Conroy). The motion passed.

The Board of Physical Therapy Examiners adjourned at 3:28 p.m.

Karen Gordes, PT, Ph.D., DScPT, Chair

Minutes approved by the Board on February 21, 2023