



Board of Physical Therapy Examiners

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

BOARD OPEN SESSION MEETING MINUTES October 18, 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, PT, PhD, DScPT, Chair
Rebecca Holsinger, PT, DPT, NCS, CVTP, Vice Chair
Vincent Conroy, PT, DScPT
Michelle Finnegan, PT, DPT, OCS, MTC, CCTT, CMTPT, FAAOMPT
Enjeen Woolford, PTA
Meredith Levert, Public Member
James Connors, Public Member

Board Members Absent

Samuel Esterson, PT, DPT, MBA, OCS

Staff Present

Laurie Kendall-Ellis, Executive Director
Ogu Isaac Okehie, Deputy 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
Morgan Powell, Licensing Coordinator

Approve September 20, 2022, Open Session Meeting Minutes

Motion: That the Board of Physical Therapy Examiners approves the September 20, 2022, Open Session Meeting Minutes. (Motion introduced by Board Chair Gordes; motion seconded by 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.

Executive Director Update

Presented was the Maryland Board of Physical Therapy Examiners Annual Report for Fiscal Year 2022 which is from July 1, 2021 to June 30, 2022. The Board's mission is to protect the health, safety, and welfare of all Marylanders through the promotion and oversight of the Physical Therapy Act as set forth in Title 13 of the Annotated Code of Maryland Occupations Article and Title 10 Department of Health Subtitle 38 Code of Maryland Regulations (COMAR).

Executive Director Kendall-Ellis presented the following FY2022 Business Operational highlights:

- 9,147 active licensees
- 1,070 Continuing Education Sponsor applications were received
- Customer service continued to be a key focus and through the Governor's Intranet Quorum (IQ) system we expanded our interface with the public. The Board received 18 inquiries through the IQ System with an average response time of no more than 2 business days. No complaints were received.
- The quarterly licensee e-newsletters had a 46% average open rate (compared to the average industry open rate of 17%) and are archived on the Board website
- Educational outreach to the physical therapy higher education programs resulted in presentations to the students on the mission and vision of the Board, who are the Board members, how to obtain a license, the importance of compliance, how to get in touch with the Board office, how to attend our open public session meetings, and other topics of interest
- The Office of Legislative Audits (OLA) conducted a fiscal compliance audit of regulatory services from September 28, 2015 – September 24, 2019 and provided their report in January 2021 to the Regulatory Services which consists of 22 Health Professional Boards and Commissions and the Office of Health Care Quality. Never specifically cited, the Board of Physical Therapy Examiners reviewed the audit findings and continued in FY2022 to review and update standard operating procedures (SOPs) to ensure the security of business operations. The annual review of SOPs is scheduled for January of each year.

Deputy Director Okehie presented the following FY2022 Financial highlights:

- Total Actual Revenue \$1,083,098.00
- Total Actual Expense \$967,741.98
- 89% of revenue was spent on expenses which were lower than budgeted due to the lack of in-person meetings, staff vacancies, to name a few

Compliance Administrator Ware presented the following FY2022 Disciplinary case status highlights:

- From FY2020 to FY2022, 56 cases were closed and 28 cases are open and being actively investigated. Board public orders and formal disciplinary actions can be viewed on the Board website.

Executive Director Kendall-Ellis presented the following additional updates:

- As previously reported, due to the December 04, 2021 cyber attack, the Board of Physical Therapy Examiners as well as all the Occupational Health Boards lost the Maryland Enterprise network connection through the Maryland Department of Health. On Friday, October 7, 2022 the Department of Information Technology's Final Reconnection to the Network Statement of Work was signed. Prior

to being signed, the document was reviewed by Board Chair Gordes, Board Counsel Felter, Executive Director Kendall-Ellis, Fiscal Officer Beyer and IT Supervisor Konstantinov. The projected network reconnection date is December 8, 2022. The Board has been fully operational and delivering on-time license renewals thanks to great staff support and teamwork.

- The Board has submitted a request to the Federation of State Boards of Physical Therapy (FSBPT) to fund a licensing management system in the amount of \$375,000. The physical therapy regulatory community's primary purpose is to ensure that patients have access to physical therapy care that is safe and provided by competent practitioners. To accomplish our public protection mission the Board would, along with the FSBPT, have national data on workforce, exams, licensure and disciplinary actions.

Monthly Applicant and Licensee Report

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

- 38 licenses were issued (35 Physical Therapists; 3 Physical Therapist Assistants)
- The total number of active licensees is 9,379 (7,064 Physical Therapists and 2,315 Physical Therapist Assistants)

Regulatory Update

Legislative and Regulations Coordinator Reese provided the following updates:

- Regulations
 - The Continuing Education Regulation Proposal (COMAR 10.38.08) is on the agenda to be reviewed by Secretary Schrader on Friday, October 21, 2022.
 - Telehealth Regulation (COMAR 10.38.13) has been signed by the Secretary and is awaiting Administrative, Executive, and Legislative Review (AELR).
- Legislation
 - The Sunset Extension Bills for the 2023 General Assembly have been changed from 10 years to 3 years due to the upcoming change in the Maryland Government Administration.

Scope of Practice

The Board received and has been asked to respond to the following scope of practice questions. Inquirers will be notified of the Board's answers and provided with the relevant regulatory reference.

Q1. Can a Physical Therapist evaluate and treat his son/daughter?

- A.** The Maryland Physical Therapy Act law and regulations for evaluating and treating patients does not address your specific question. Licensed physical therapists must comply with the Maryland Physical Therapy Act. The Board recommends referring to the Code of Ethics COMAR 10.38.02.01, Standards of Practice COMAR 10.38.03.02, and Documentation COMAR 10.38.03.02-1.

Q2. My 14 year old daughter is a high school student. The school has a trainer. The trainer asked a physical therapist who regularly visits the school to take a look at my daughter's knee. I would like to know if this

within the Maryland Practice Act to see minors without parental consent?

While this may be seen as a convenient service and a way to drive referrals, I do not think it is best practice for kids to be seen by a professional and/or to hear information about an injury without the consent of and the presence of a parent.

It was called a "screen", but she was seen because she had an injury v.s. screening "healthy" kids for workout recommendations, etc. I received an email introduction from the physical therapist a few days after stating that he saw her and performed a "quick evaluation" and recommended physical therapy for her to properly diagnose and treat the condition. He told her that he thought she needed physical therapy at the time of the assessment and he gave her his clinic information. He also mentioned possible structures involved in the injury as a result of the screen/exam.

- A. The Board has referenced COMAR 10.38.02.01.C: The physical therapist and physical therapist assistant shall protect the patient's right to privacy by not divulging confidential information without consent of the patient or guardian unless required by law.

The Board does not have enough information to provide an answer. The Board recommends reviewing consent forms and/or waivers customarily provided to a parent by the school and signed by the parent(s).

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 deny *Food as Medicine Certification for Healthcare Professionals Pesi-Rehab* (motion introduced by Board Vice Chair Holsinger; motion seconded by Board Chair Gordes). The motion passed.

Motion: That the Board of Physical Therapy Examiners accept the Continuing Education Board Committee's recommendation to deny *Cultural Competency for Maryland Health Care Providers* (motion introduced by Board Chair Gordes; motion seconded by Board Member Woolford). The motion passed.

Motion not required for the approval of the *APTA Private Practice 2022 Annual Conference and Exhibition* per COMAR 10.38.08.03.E. *Continuing education courses sponsored by the American Physical Therapy Association are automatically approved by the Board.*

Open Session Meeting Adjournment:

Motion: That the Board of Physical Therapy Examiners moves to adjourn the Open Session Meeting at 1:49 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 requirement that prevents public disclosures about a particular proceeding or matter. (motion introduced by Board Chair Gordes; motion seconded by Board Vice Chair Holsinger). The motion passed.

The Board of Physical Therapy Examiners adjourned at 3:17 p.m.

Karen Gordes, PT, PhD, DScPT, Chair

Minutes approved by the Board on___11/15/2022__