



Board of Physical Therapy Examiners

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

BOARD OPEN SESSION MEETING MINUTES May 17, 2022

Call to Order

The Maryland Department of Health Board of Physical Therapy Examiners Open Session meeting was called to order at 1:01 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
Samuel Esterson, DPT, MBA, PT, OCS
Meredith Levert, Consumer Member
Sumesh Thomas, DPT, PT, OCS, CHT, FAAOMPT
Enjeen Woolford, PTA

Board Members Absent

James Connors, Consumer Member
Michelle Finnegan, DPT, PT, PCS, MTC, CCTT, CMTPT, FAAOMPT

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 April 19, 2022, Open Session Meeting Minutes

Motion: That the Board of Physical Therapy Examiners approves the April 19, 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 congratulated Executive Director Kendall-Ellis and the Board Staff for their exemplary quality of work maintaining operations and improving standard operating procedures.

Executive Director Update

Executive Director Kendall-Ellis informed the Board

- On June 1, 2022 we will be welcoming Marc Ware, as Compliance Administrator and Sue Erdman as Investigator.
- The Board of Massage Therapy Examiners is developing a concept paper for the 2023 General Assembly on the topic of acupuncture. They are looking to add acupuncture to its defined terms to ensure that those that are providing acupuncture and avoiding licensure can no longer do so. The Board of Massage Therapy Examiners has been encouraged to meet with us.

Monthly Applicant and Licensee Report

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

- The total number of active licensees is 9,648 (7,238 Physical Therapists and 2,410 Physical Therapist Assistants)
- 34 licenses were issued in April 2022 (23 Physical Therapists; 11 Physical Therapist Assistants)
- 4 temporary licenses have been issued

2022 License Renewal Update

Deputy Director Okechie reported that over 3,800 licenses have been renewed as of this meeting and anticipate approximately another 1,000 licenses to be renewed by the end of the renewal period, May 31, 2022 at midnight. The quarterly newsletter contained renewal information, an additional email reminder was sent to those eligible to renew and the website has been updated to reflect the closing of the renewal period.

Legislative and Regulations Update

Legislative and Regulations Coordinator Reese provided the following updates

- The Continuing Education Requirements (COMAR 10.38.08) and Telehealth Regulation (COMAR 10.38.13) drafts have been with the Secretary and his staff. tentatively placed them on Secretary Schrader's regulation review agenda for the Tuesday, May 24, 2022 meeting. An update will be provided at the next meeting .
- The Sunset Extension Bill will expire on July 1, 2024. The Sunset Extension Bill will be presented during the 2023 General Assembly requesting a ten-year extension from July 1, 2024 – July 1, 2034.

Motion: That the Board of Physical Therapy Examiners accepts the State Board of Physical Therapy Examiners Sunset Extension Bill draft as written. (Motion introduced by Board Member Woolford; seconded by Board Vice Chair Holsinger). The motion passed.

Officer Elections

In compliance with §13-203, Executive Director Kendall-Ellis reported that the Board from among its Board members, unanimously elected Karen Gordes as Board Chair and Rebecca Holsinger as Vice Chair.

Board Committee Recruitment

The Board was provided with the Continuing Education Board Committee and the Legislative and Regulations Board Committee Board member current rosters. The Board members were asked by Chair Gordes to consider serving on a committee if not presently doing so, staying on a committee, or moving to another committee.

Action: Executive Director Kendall-Ellis will follow up with Board members about serving on the Continuing Education Board Committee or the Legislation & Regulations Board Committee for FY 2023.

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:**
 1. We are interested in having some clarification about PTA student supervision in an inpatient setting. While all students are under the direct supervision where a licensed PT is in the immediate area to provide assistance and supervision, does this mean that the PTA and PT student cannot work in a hospital setting unless there is a PT acting as the clinical instructor? We have had a few clinical instructors (PTA's) who are concerned about taking students because the physical therapists working in the building might step out of the room or be out on the floor working with another patient (the student is still under direct supervision of a PTA).
 2. It appears that there is still some confusion in the field about how to interpret what the "treatment area" consists of. Does this mean that the treatment area consists of the room where the SPT or SPTA is providing treatment or could it mean that the supervising PT can be outside in the hallway, in his/her office with the door open, etc. For example (outpatient): if a PTA is participating in the clinical education of an SPTA and the two clinicians must take a patient into a room for treatment to provide the patient modesty, does the supervising PT have to come along into the room where the services are being rendered, or can the supervising PT be outside of that room in the greater gym area. Another example (inpatient): a PTA is participating in the clinical education of an SPTA and the two clinicians plan to go into a hospital room for treatment. The PT and PTA have conversed about this patient, the PT has provided direction for treatment, and the PT is in the hallway documenting at the nurse's station which is near the room that the PTA and the SPTA will be providing treatment...physically present and immediately available. Would this qualify as falling within the regulations set by COMAR?

I understand that there may be a need to avoid providing me with a direct "yes this is ok" answer as there are too many "what if" scenarios in the world. However, with the increased number of PTA programs being approved in Maryland, the increased difficulty of finding student placements, and the need to demonstrate competence across the lifespan (which means obtaining inpatient placements), many of us are running into some unanticipated barriers to student placement.

- **A:**
Please refer to COMAR 10.38.01.01.B(6) & (18); 10.38.03.01.(20); 10.38.03.02.A, 10.38.03.02.B and COMAR 10.38.01.01.B(6), "*Direct Supervision*" means supervision by a licensed physical therapist who is physically present within the treatment area and immediately available to give aid, direction, and instruction when physical therapy or limited physical therapy procedures or activities are performed. The Physical Therapist must be physically present within the treatment area of that of a physical therapist assistant student. The Maryland Physical Therapy Act's jurisdiction is physical therapy professionals and not practice settings.

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 accepts the Continuing Education Board Committee's recommendation to not approve *Picky Eaters*. (Motion introduced by Board Vice Chair Holsinger; motion seconded by Board Chair Gordes). The motion passed.

Action: Project Manager Ali will work with Board Counsel Felter to draft a statement to include on the landing page of the Board's website to provide guidance to continuing education course sponsors that although the American Physical Therapy Association (APTA) has included nutrition in the scope of practice for physical therapy practitioners, it is not within the scope of practice in Maryland per COMAR 10.38.08.

Open Session Meeting Adjournment:

Motion: That the Board of Physical Therapy Examiners moves to adjourn the Open Session Meeting at 2:18 PM P.M. (Motion introduced by Board Chair Gordes; motion seconded by Board Member Woolford)

The Board of Physical Therapy Examiners adjourned at 2:58 p.m.

Karen Gordes, DScPT, PhD, PT, Chair

Minutes approved by the Board on June 21, 2022