



Board of Physical Therapy Examiners

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

BOARD OPEN SESSION MEETING MINUTES February 15, 2022

Call to Order

The Maryland Department of Health Board of Physical Therapy Examiners Open Session meeting was called to order at 1:02 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
Lisa Scott, Licensing Manager
Morgan Powell, Licensing Secretary

Approve January 18, 2022 Open Session Meeting Minutes

Motion: That the Board of Physical Therapy Examiners approves the January 18, 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 discussed the busy 2022 General Assembly session. The Legislative & Regulations Board Committee has been reviewing and discussing Senate and House bills which have resulted in several recommendations that will be presented later in the meeting.

Board member Finnegan, Board liaison to the Maryland Chapter of the American Physical Therapy Association (APTA Maryland), attended the chapter's legislative committee meeting. SB711 Licensed Athletic Trainers - Dry Needling Registration was discussed and as a dry needling expert, Board member Finnegan was invited to

attend a meeting with a Senator. SB725 Health Insurance – Physical Therapy – Copayments, Coinsurance, and Deductibles was also discussed. The committee did not discuss SB899 Health Occupations Boards – Authority Over Staffing and Infrastructure Operations.

Executive Director Update

- The 2021 Maryland Physical Therapy Workforce Report is available on the Board’s website.
- Thank you to the IT team (that services 18 occupational health boards) for quickly getting the application and licensing system back online after the system wide Maryland Department of Health cyber attack incident. The Board did not experience any delays in processing completed applications or responding to licensing requests. The license renewal portal will open on time – March 14, 2022.

Deputy Director Update

- License renewal for even numbered licenses will begin (on time) March 14, 2022. We are prepared to renew 4,891 licenses. Electronic only renewal applications must be received no later than May 20, 2022.
- License renewal letters were mailed, information has been posted on our website and emails have been sent to ensure proper notification to all renewing licensees.
- Implicit Bias Training information has been posted on our website and emails have been sent to all licensees about the law requiring all health care practitioners to attest that they have completed an Implicit Bias Training program. Renewing licensees will attest to the fact that they have complied with the law during the renewal application process.

Monthly Applicant and Licensee Report

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

- The total number of active licensees is 9,521 (7,145 Physical Therapists and 2,376 Physical Therapist Assistants)
- 43 licenses were issued in January 2022 (28 Physical Therapists; 15 Physical Therapist Assistants)

Legislative and Regulations Update

Legislative and Regulations Coordinator Reese highlighted the following:

- (SB 209) State Board of Physical Therapy Examiners – Sunset Extension: The Education, Health, and Environmental Affairs Committee (EHEA) hearing took place on January 20, 2022 at 1:00 PM. Executive Director Kendall-Ellis testified on behalf of the Board, in support of SB 209 which extends the termination provisions related to the statutory and regulatory authority of the Board for 10 years until July 1, 2032. The EHEA committee voted to extend the Board for two years (July 1, 2024) due to a legislative audit conducted by the Office of Legislative Audits (OLA) for the period beginning September 28, 2015 and ending September 24, 2019. Board Counsel Felter pointed out that the legislative audit did not contain findings specific to the Board. The Board was not provided with the opportunity to respond to any concerns as the OLA report was not discussed during the hearing nor

were questions asked of the Executive Director. From the Board's perspective, the Senate vote for the two (2) year sunset renewal was overly punitive and uninformed.

Motion: That the Board of Physical Therapy Examiners submit a Letter of Support with Amendment to the Honorable Shane E. Pendergrass, Chair of the Health and Government Operations Committee (HGO) respectfully asking that the committee amend the Senate's vote and extend the Board of Physical Therapy Examiners sunset extension to ten (10) years. (motion introduced by Board Member Woolford; motion seconded by Board Member Finnegan). The motion passed.

- (SB 899) Health Occupations Boards – Authority Over Staffing and Infrastructure Operations: This bill transfers authority over the Health Occupations Boards' "infrastructure operations" from the boards themselves to the Secretary of Health. Additionally, the bill gives the Secretary the authority to employ a staff for each board and designate one staff member as executive director (in consultation with the specific board) and grants the Governor the authority to appoint a Board member as board chair/president (in consultation with the specific board). The bill also includes further changes related to these provisions.

Motion: That the Board of Physical Therapy Examiners submit a Position Paper that Opposes SB 899 to the Education, Health, and Environmental Affairs Committee (EHEA) in collaboration with The State Acupuncture Board; State Board of Examiners for Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists and Music Therapists; State Board for Certification of Residential Child Care Program Professionals; State Board of Chiropractic Examiners; State Board of Dental Examiners; State Board of Environmental Health Specialists; State Board of Massage Therapy Examiners; State Board of Morticians and Funeral Directors; State Board of Nursing; State Board of Examiners of Nursing Home Administrators; State Board of Occupational Therapy Practice; State Board of Examiners in Optometry; State Board of Pharmacy; State Board of Podiatric Medical Examiners; State Board of Professional Counselors and Therapists; State Board of Psychologists; and State Board of Social Work Examiners. (motion introduced by Board Chair Gordes; motion seconded by Board Member Esterson) The motion passed.

- (SB 711) Health Occupations – Licensed Athletic Trainers – Dry Needling Registration: This bill expands the practice scope for athletic trainers to perform dry needling, and creates registration with the Board of Physicians for athletic trainers performing dry needling who have completed dry needling training requirements of 80 hours. The bill provides for an exemption to further training for those who completed continuing education courses before 2018 and those who performed dry needling in another state. The bill also provides a sanction for those who perform dry needling without being registered.

Motion: That the Board of Physical Therapy Examiners sign onto the The Maryland Board of Acupuncture Position Paper that opposes SB 711. (motion introduced by Board Member Woolford; motion seconded by Board Vice Chair Holsinger). The motion passed.

Discussion: Recommend future review of COMAR 10.38.12 Dry Needling and physical therapist assistants scope of practice by Legislative & Regulations Board Committee.

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:** Blood Glucometry:
 - Where in the practice act is the stance on physical therapists performing finger sticks to complete blood glucometry in order to document blood glucose levels?
 - On what basis is it determined, considering a physical therapist's abilities to do the significantly more invasive act of dry needling that the scope of practice does not specify glucometry? What broader section does it fall under?

- **A:** The Board referenced §13-101.(i)(2), COMAR 10.38.03.02 and COMAR 10.38.03.02.A.(2)(f)
 - It is not within the scope of practice for physical therapists to perform finger sticks, to measure blood sugar or perform glucose screenings.
 - The Board does not regulate what is not in the Physical Therapy Practice Act and recommends contacting the Board of Nursing.

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 undecided continuing education applications were presented to the Board for a discussion and decision:

Motion: That the Board of Physical Therapy Examiners accepts the Continuing Education Board Committee's recommendation to deny *Wired Collective Case Study Presentation*. (motion introduced by Board Vice Chair Holsinger; motion seconded by Board Chair Gordes). The motion passed.

Motion: That the Board of Physical Therapy Examiners approves *Spanish for Health Care Professionals*. (motion introduced by Board Vice Chair Holsinger; motion seconded by Board Member Levert)
The motion failed.

Action: Continuing Education Board Committee will re-review *Spanish for Health Care Professionals*.

Motion: That the Board of Physical Therapy Examiners approves *NASM Certified Trainer*. (motion introduced by Board Vice Chair Holsinger; motion seconded by Board Member Levert)
The motion failed.

Action: Continuing Education Board Committee will request additional information related to the content hours.

Open Session Meeting Adjournment:

Motion: That the Board of Physical Therapy Examiners moves to adjourn the Open Session Meeting at 2:18 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 Cordes; motion seconded by Board Member Esterson) The motion passed.

The Board will convene the Closed and 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 2:45 p.m.

Karen Cordes, DScPT, PhD, PT, Chair

Minutes approved by the Board on March 15, 2022