



Board of Physical Therapy Examiners

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

BOARD OPEN SESSION MEETING MINUTES March 15, 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
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

Approve February 15, 2022, Open Session Meeting Minutes

Motion: That the Board of Physical Therapy Examiners approves the February 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.

Executive Director Update

Executive Director Kendall-Ellis informed the Board, staff and public that the Maryland Department of Health (MDH) continues to investigate the December 4, 2021, network security incident that is impacting business functions. The Board, having been connected to the affected network, immediately activated the continuity of operations plan (COOP) and is conducting business through alternative secure methods.

The Board received an executive memo from Secretary Schrader dated February 7, 2021, outlining the Enterprise Network Reconnection requirements. Meetings with Secretary Schrader, Chief Information Security Officer Otwell, Chief Technology Officer Kolbe and Occupational Health Board Executive Directors have been held to discuss the details of the executive memo. The Board supports MDH's IT security standards that will reduce the likelihood of a future cybersecurity incident. Answers before signing the memo to the following questions have been requested: what the Board's financial responsibilities (direct/indirect) are and why is there a mandate to transfer Board IT staff and their functions to MDH's Office of Enterprise Technology (OET). Responses to these and other questions are pending. Future meetings and their outcomes will be communicated.

Monthly Applicant and Licensee Report

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

- The total number of active licensees is 9,573 (7,190 Physical Therapists and 2,383 Physical Therapist Assistants)
- 51 licenses were issued in March 2022 (44 Physical Therapists; 07 Physical Therapist Assistants)

2022 License Renewal Update

Deputy Director Okechie reported that this year's license renewal began on March 14, 2022, and in one day 224 licenses have been renewed. More than 4,000 licenses are expected to be renewed.

Legislative and Regulations Update

Legislative and Regulations Coordinator Reese discussed the following regulations which was proposed for adoption October 22, 2021, and November 19, 2021, and signed for adoption by the Secretary of Health on March 7, 2022:

- The Amended COMAR 10.38.01 General Regulations; 10.38.03 Standards of Practice and 10.38.06 Foreign-Educated Licensure Requirements for inclusion of temporary licensure will be printed in the *Maryland Register* March 25, 2022, Volume 49 where it will become effective 10 days after publication (April 4, 2022).
- The Amended COMAR 10.38.02 Code of Ethics will be printed in the *Maryland Register* March 25, 2022, Volume 49 where it will become effective 10 days after publication (April 4, 2022).

Board member Finnegan asked about the status of the amended regulation COMAR 10.38.08 Continuing Education Requirements which was adopted by the Board on July 20, 2021. The amended regulation was submitted to the Secretary of Health following its adoption by the Board. It was not placed on the August 12, 2021, or the March 7, 2022, Secretary of Health regulations meeting agendas. The Legislative & Regulations Coordinator Reese will continue to follow up with the Secretary's office.

Legislative and Regulations Coordinator Reese highlighted the following Bills:

- SB209 State Board of Physical Therapy Examiners– Sunset Extension: This bill was amended in the Senate to change the termination provisions relating to the statutory and regulatory authority of the State Board of Physical Therapy Examiners to two (2) years until July 1, 2024, instead of the originally

proposed bill that extended the Board for ten years until July 1, 2033, passed. The Health & Government Affairs (HGO) Committee hearing is scheduled for March 31, 2022, at 1:30 PM. Executive Director Kendall-Ellis will testify on behalf of the Board.

- SB899 Health Occupations Boards– Authority Over Staffing and Infrastructure Operations: This bill received an unfavorable vote and failed. HB1455 did not get out of the rules committee.
- SB711 Health Occupations– Licensed Athletic Trainers– Dry Needling Registration: The Board of Physical Therapy Examiners joined the Maryland Board of Acupuncture in opposition of this bill. The bill was amended and passed. The HGO Committee hearing (HB1016) is scheduled for March 29, 2022, at 1:30 PM.
- SB440 Commission to Study the Healthcare Workforce Crisis in Maryland–Establishment: This bill was amended and passed. The HGO Committee hearing (HB625) is scheduled for March 24, 2022, at 1:30 PM.

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 on behalf of my Home Health Agency. One of the requirements for any certified Home Health Agency under Medicare reimbursement is to supply a Home Health Aide. This aide is a Certified Nursing Assistant (CNA) with additional training in order to be a Home Health Aide (HHA). The purpose of the HHA is to provide personal care and assistance with Activities of Daily Living (ADL's). To be reimbursed under Medicare regulation, the care plan must include personal care with ADL assistance. A care plan with specific actions is completed in order for the HHA to perform them. The HHA cannot perform any action that is not included in the care plan.

With certified Home Health, Registered Nurses, Physical Therapists, Occupational Therapists and Speech-Language Pathologists can start and complete the HHA care plan for the HHA to perform services. Home Health agencies have had nursing oversee all care plans and supervision of the HHA due to the wording of the Code of Maryland Regulations regarding direct supervision of "rehab aides." This has been interpreted, in the past, as direct on-site supervision for all treatments and has included home health aides with the title of aide to be all inclusive. I am writing for clarification as to the inclusivity of home health aides within the title of "aide". I would appreciate any information you have on this topic.

- **A:** The Board of Physical Therapy Examiners does not have jurisdiction over or regulate the certified nursing assistant (CNA) and recommends presenting your question to the Maryland Board of Nursing whose jurisdiction this falls under. A physical therapy aide or aide is under the direct supervision of a licensed physical therapist (COMAR 10.38.03.04).

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 *Nutrition Management for the Cardiac Patient (Darby)*, *Anger Management: Helping Parents Maintain Calm*, and *Building a Business Plan for Private Practice* (motion introduced by Board Vice Chair Holsinger; motion seconded by Board Chair Gordes). The motion passed.

Motion: That the Board of Physical Therapy Examiners accepts the Continuing Education Board Committee's recommendation to approve *PT Screening of the Integumentary System: Scalp, Hair, and Nails*. (motion introduced by Board Vice Chair Holsinger; motion seconded by Board Member Thomas). The motion passed.

Open Session Meeting Adjournment:

Motion: That the Board of Physical Therapy Examiners moves to adjourn the Open Session Meeting at 1:44 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 Vice Chair Holsinger) 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 2:23 p.m.

Karen Gordes, DScPT, PhD, PT, Chair

Minutes approved by the Board on April 19, 2022__