



Board of Physical Therapy Examiners

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

BOARD OPEN SESSION MEETING MINUTES September 20, 2022

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, DScPT, PhD, PT, Chair
Rebecca Holsinger, DPT, PT, NCS, CVTP, Vice Chair
James Connors, Consumer Member
Vincent Conroy, DScPT, PT
Samuel Esterson, DPT, MBA, PT, OCS
Michelle Finnegan, DPT, PT, PCS, MTC, CCTT, CMTPT, FAAOMPT
Meredith Levert, Consumer Member
Enjeen Woolford, PTA

Staff Present

Laurie Kendall-Ellis, Executive Director
Ogu Isaac Okehie, Deputy Director
Brett Felter, Board Counsel
Lisa Scott, Licensing Manager
Khadija Ali, Continuing Education Manager
Marc Ware, Compliance Administrator
Susan Erdman, Investigator
Morgan Powell, Licensing Coordinator
Sharon Harris-Friend, Data Entry & Records Management Supervisor

Approve July 19, 2022, Open Session Meeting Minutes

Motion: That the Board of Physical Therapy Examiners approves the July 19, 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

Executive Director Kendall- Ellis and Board Member Enjeen Woolford attended the Federation of State Boards of Physical Therapy Leadership Issues Forum on July 23rd - July 24th, 2022 and reported the following :

- The Federation of State Boards of Physical Therapy (FSBPT) has a \$2.2 Million dollar grant available for funding exam, licensure and disciplinary database technology, consulting, programming, data entry and technological upgrades and other activities that will enhance exams, licensure and disciplinary databases. One of the Board's strategic goals is to obtain a new licensing database system. Executive Director Kendall-Ellis has reached out to FSBPT to find out the details about the grant and how to apply.
- The National Physical Therapy Exam (NPTE) will be changing its format in 2024. There will be 10% less questions and the addition of video scenarios to the exam. Board member Woolford is participating in a NPTE subcommittee at FSBPT.

Executive Director Kendall- Ellis provided the following legislative updates:

- At Secretary Schrader's August 21, 2022 monthly Regulation and Update meeting, the Board received the verbal approval of the *Telehealth Regulation (COMAR 10.38.13)*. The Board is waiting to receive notification that the regulation has been sent to the Administrative Executive and Legislative Review (AELR) Committee.
- The *Continuing Education Requirements (COMAR 10.38.08)* proposed regulation did not appear on the Secretary's August or September Regulations and Updates meeting agendas. The Secretary has been in receipt of this latest proposal since July 2021. The Board will continue to encourage the Secretary and his staff to place the proposed regulation on an upcoming monthly Regulations and Updates meeting agenda. Executive Director Kendall-Ellis has been in communication with Executive Director Jacobson of the APTA of Maryland, a chapter of the American Physical Therapy Association, and has requested a letter of support which will be forwarded to the Secretary's attention.

Monthly Applicant and Licensee Report

Licensing Manager Scott reported the following as of September 1, 2022:

- The total number of active licensees is 9,336 (7,025 Physical Therapists and 2,311 Physical Therapist Assistants)
- 111 licenses were issued in July 2022 (90 Physical Therapists; 11 Physical Therapist Assistants)

Deputy Director Update

Deputy Director Okehie provided the following updates:

- Annual Continuing Education Audit Report: After the closing of the 2022 license renewal period, 2.5% of the renewed licensees were audited. Out of those audited, two (2) licensees did not comply with the requirements of the audit. Those two (2) licensees have been forwarded to Compliance Manager Ware for investigation and further actions.

- Board of Directors Per Diem Stipend Review: Executive Director Kendall-Ellis, Compliance Manager Ware and Deputy Director Okehie conducted a comprehensive review of the Board's financial statements in comparison to the rate of inflation and are recommending an increase of the Board per diem stipend from \$100.00 to \$150.00 for monthly Board Meeting attendance. Additional recommendation was that the Board Members receive a \$100.00 per diem stipend for Board Committee attendance. Deputy Director Okehie, if the per diem stipend recommendation is approved by the Board, will utilize the Board meeting minutes and Board committee meeting notes to verify attendance before the disbursements of the per diem stipends.
- Updated Character and Fitness Questions: The Board completed the updating of the license application Character and Fitness questions. The updated Character and Fitness questions went live in the online license application system September 1, 2022. The updated Character and Fitness questions for the online license renewal system are completed and will go live prior to the next renewal period.
- Expense Report: Deputy Director Okehie recommended that all Board members submit their expense reports following each Board meeting. The timely submission of expense reports is important.

Motion: That the Board of Physical Therapy Examiners approves, beginning October 18, 2022, that the Board of Director members receive a per diem stipend of \$150.00 for Board Meeting attendance and \$100.00 for Board Committee attendance for participation, at a minimum, of fifteen (15) minutes. (motion introduced by Chair Gordes; motion seconded by Vice Chair Holsinger). The motion passed.

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. Can a California-licensed physical therapist virtually set up a FDA-approved functional electrical stimulation device with a customer in Maryland and train that customer on how to use it independently for leisure walking? The PT would not be practicing, but instructing how to use the device. Instructions would include teaching the customer on the following: donning/doffing the device, app navigation (how to calibrate, save settings, change between protocols, set exercises), setting the parameters on the app, and interpretation of indicator lights. Would this be possible for the California PT to do without violating any requirements, or would the California PT have to take any additional exams/fees?

- A.** Only instruction in the use of the equipment is permissible. The customer may be taught how to safely and effectively use the device. Any clinical decisions or clinical care is considered physical therapy and can only be provided by a Maryland licensed physical therapist or physical therapist assistant (Ref. §13-301).

Q2. Does Maryland consider customers as patients, or would they be separate entities?

- A.** A person receiving physical therapy is referred to as a patient or client (Ref. §13-101).

Q3. I am currently obtaining my recertification for my ERA or Emergency Response for the Athlete certification. This allows PT's to partake in athletic venue coverage, however, in the state of Maryland I was unsure if we can do that without an Athletic Trainer on the scene or if that's solely under the supervision of an Athletic Trainer or Sports Certified Specialist.

- A. The Board recommends that you contact the Maryland Board of Physicians as this question is under their jurisdiction.

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 *Nutritional Therapy Practitioner* (motion introduced by Board Vice Chair Holsinger; motion seconded by Board Member Conners). The motion passed.

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 Vice Chair Holsinger; motion seconded by Board Member Esterson). The motion passed.

The Board of Physical Therapy Examiners adjourned at 3:06 p.m.

Karen Cordes, DScPT, PhD, PT, Chair

Minutes approved by the Board on__10/18/2022__