



MARYLAND
Department of Health
Board Of Physical Therapy Examiners

BOARD MEETING OPEN MINUTES

February 19, 2019

The meeting was called to order at 1:01 pm by Board Vice Chair, Sumesh Thomas.

Call to Order

There was a motion and a second to close the open session at 3:16 p.m. to engage in medical review committee deliberations regarding confidential information in applications for licensure and discuss other privileged matters in accordance with General Provisions Article, Section 3-305 (b) (7) and (13). Unless recused, all Board members and staff who were present for the open session were also in attendance for both the closed and administrative sessions.

Board Members Present:

Stephen Baur, PT

Michelle Finnegan, PT

Karen Gordes, PT

Rebecca Holsinger, PT

Meredith Levert, Consumer Member

Donna Richmond, Consumer Member

Sumesh Thomas, PT

Board Members Absent:

Kimberly Rotondo, PTA

Also Present:

Carlton Curry, Executive Director

Ogu Isaac Okehie, Deputy Director

Brett Felter, AAG, Board Counsel

John Bull, Chief of Compliance and Data Analysis

Deborah Jackson, Licensing Coordinator

Patricia Miller, Administrative Assistant

Michelle Cutkelvin, Project Manager

Also Absent:

Eric Hebron, Administrative Specialist

Guests:

Erin VanWagner, Cecil College Physical Therapist

Lilian Reese, Legislative and Regulations Coordinator

David Bender, Owner/Partner, Physical Therapy at Bare Hills

Linda Horne, Co-Director for Academic Affairs, APTA of Maryland

Vice Chair, Sumesh Thomas welcomed Board Members and guests. Dr. Thomas called the meeting to order.

Welcome

The minutes of the January 15, 2019 meeting were presented for approval. Board Member, Meredith Levert motioned in favor of approving the minutes and Board Member, Karen Gordes seconded the motion. The Board voted to approve the minutes.

Minutes

Carlton Curry, Executive Director apprised the Board of the amended bill proposed by the Maryland Board of Acupuncture. Mr. Curry states the APTA of Maryland contacted the office to get clarification that the amended bill would not limit the Physical Therapy practice. Mr. Curry states that currently there are no health occupational boards that oppose the legislation for the amended bill. The Board of Acupuncture has not amended its practice act in twenty-five years prior to this recent bill.

Legislature Updates

Deborah Jackson, Licensing Coordinator, gave the licensure report.

Licensure Update

The Board discussed reviewing its policy on telehealth with a position statement. The proposed position is similar to that of the Board of Occupational Therapy. Board Member, Stephen Baur motioned to adopt the proposal and Board Member, Karen Gordes seconded. The Board voted affirmatively and adopted the position on Telehealth.

Telehealth

The Board received an inquiry requesting guidance from the Board on the following: Is the use of CBD oils and creams approved for use in Physical Therapy. Brett Felter, Board Counsel apprised the Board that CBD oil is a schedule 1 controlled substance according to DEA. The Board's response is that a Physical Therapist may utilize an FDA approved medium or substance. Please consult the FDA for approved substances. The Board states that it cannot comment on the legality of any agent.

Scope of Practice
Use of CBD

The Board voted for Mr. Curry and Michelle Cutkelvin to review the fellowship details submitted by an applicant for the Dry Needling Registry.

Dry Needling –
Fellowship

Mr. Curry is scheduled to testify at the Senate bill hearing for the Interstate Licensure Compact on February 26, 2019. Mr. Curry states that both Senate and House

bills are scheduled at 1:00 pm. The Board discussed the licensure compact and the proposed bill. Currently, twenty-one states have introduced legislation including the State of Virginia, in which a bill has passed in the Senate and is awaiting votes in the House. There is a fiscal concern and Section 3D in the compact language states that Boards "may" charge a fee. Mr. Curry suggests changing the language to "shall". Dr. Baur asks for clarification on the Finance. Michelle Finegan, Board Member asks what are other states doing. Dr. Thomas suggested a revenue analysis with a range of fees. Dr. Gordes made a motion to propose an amendment to the licensure compact bill, which will include mandatory fee language and a sunset revision. Mr. Felter asked whether there are concerns with other state standards. Mr. Curry answered no. The Board voted to support SB 652 and HB 648 with amendments.

The Board discussed strategic planning and planned deliverables. Mr. Curry states that at the next meeting Continuous Professional Development and foreign-trained PTAs will be on the agenda. The Board also discussed administrative changes. Mr. Felter suggests changing the CEU approval letter for Dry Needling courses. Dr. Baur suggests making a notation on the Board's CEU Approval list that indicates, Board approved Dry Needling courses cannot be used for the Dry Needling registry. Dr. Finnegan suggests creating a rubric for approving CEU courses. The Board voted to change the CEU Application, update the language in the approval letters and the website (Approved CEU only, for Dry Needling Registry see APTA, APTA MD, and FSBPT).

Board Members will discuss with PTAs how to license. The Board plans to complete the continuous professional development by Friday February 22, 2019.

The Board voted to **approve** the following CEU course application:

'Fundamentals of Neuromuscular Dry Needling: Level 1', 'Blood Flow Restriction Course 13 Strong', 'Dry Needling Part 1: History, Models, and Theory', 'Dry Needling', 'Occupational Safety & Health Act', 'Behavioral Treatment of Chronic Pain: Evidence-Based Techniques to Move People from Hurt to Hope', 'It's Not About Aging... It's About Living'

The Board voted to **deny** the following CEU course applications because they are not substantially related to the PT practice.:

'2 Day Tai Chi for Health and Wellness: Instructor Certification Course', 'The Primary Service Provider Approach', 'Coding, Documenting & Reimbursement for a Successful Seating and Mobility Clinic', 'Diet & Prevention Ischemic Heart Disease in Women', 'Driving Clinical Decisions through Vital Signs Assessment', 'SERI SomatoEmotional Release 1', 'Motivated for Success: Finding the Joy in Homecare', 'Current & Future Status of Medicare Part A: A Review of the Prospective payment System and the Patient', 'Smart Leadership: How to Provide Value-Added Communication', 'GCS-1 Coaching Certification Pain'

There was a motion to close the open session at 2:08 p.m. to engage in **medical review committee deliberations regarding confidential information** in applications for licensure, in accordance with General Provisions Article, Section 3-305 (b)(7) and

(13). Unless recused, all Board members and staff who were present for the open session were also in attendance for both the closed and administrative sessions.

The board meeting was adjourned at 4:18 pm.

Respectfully submitted,

for 

Carlton Curry, Executive Director

04/16/17

Date Approved



Sumesh Thomas, PT, Vice Chairperson

**PRESIDING OFFICER'S WRITTEN STATEMENT FOR CLOSING A MEETING ("CLOSING STATEMENT")
UNDER THE OPEN MEETINGS ACT (General Provisions Article § 3-305)**

This form has two sides. Complete items 1 – 4:

1. **Recorded vote to close the meeting:** Date: 2/19/19; Time: 2:00; Location: 4201 Patterson;
Motion to close meeting made by: D. Richmond Seconded by S. Baur;
Members in favor: All; Opposed: 0;
Abstaining: 0; Absent: Kimberly Rotondo.

2. **Statutory authority to close session (check all provisions that apply):**

This meeting will be closed under General Provisions Art. § 3-305(b) only:

(1)___ "To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals"; (2)___ "To protect the privacy or reputation of individuals concerning a matter not related to public business"; (3)___ "To consider the acquisition of real property for a public purpose and matters directly related thereto"; (4)___ "To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State"; (5)___ "To consider the investment of public funds"; (6)___ "To consider the marketing of public securities"; (7)___ "To consult with counsel to obtain legal advice"; (8)___ "To consult with staff, consultants, or other individuals about pending or potential litigation"; (9)___ "To conduct collective bargaining negotiations or consider matters that relate to the negotiations"; (10)___ "To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans"; (11)___ "To prepare, administer, or grade a scholastic, licensing, or qualifying examination"; (12)___ "To conduct or discuss an investigative proceeding on actual or possible criminal conduct"; (13) ☒ "To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter"; (14)___ "Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process."

Continued →

3. For each provision checked above, disclosure of the topic to be discussed and the public body's reason for discussing that topic in closed session.

| Citation (insert # from above) | Topic | Reason for closed-session discussion of topic |
|--------------------------------------|------------------------|--|
| §3-305(b) () | Licensing Applications | To discuss privileged applications and review medical information. |
| §3-305(b) () | | |
| §3-305(b) () | | |
| §3-305(b) () | | |
| §3-305(b) () | | |

4. This statement is made by Sumesh Thomas, P.T., Presiding Officer.

WORKSHEET FOR OPTIONAL USE IN CLOSED SESSION: INFORMATION THAT MUST BE DISCLOSED IN THE MINUTES OF THE NEXT OPEN MEETING

Time of closed session: 3:16 pm Place: 4201 Patterson Avenue
 Purpose(s): Review confidential applications for licensure.
 Members who voted to meet in closed session: All present.
 Persons attending closed session: All Board members and staff present at open.
 Authority under § 3-305 for the closed session: (b)(13)
 Topics actually discussed: Licensing Applications
 Actions taken: Approve applications. Each recorded vote: All as appropriate.

For a meeting recessed to perform an administrative function (§ 3-104): Time: _____
 Place: 4201 Patterson Persons present: All; at 3:51pm K. Cordes + R. Holsinger Subject matter discussed: Disciplinary matters and investigations. 7 Recused.