



Board of Physical Therapy Examiners

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

BOARD OPEN SESSION MEETING MINUTES

February 16, 2021

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, Dr. Karen Gordes, who established that a quorum was present and reviewed the agenda.

Board Members Present

Karen Gordes, PT, PhD, DScPT, Chair
James Connors, Consumer Member
Samuel Esterson, PT, DPT, MBA, OCS
Rebecca Holsinger, PT, DPT, NCS, CVTP, Vice Chair
Meredith Levert, Consumer Member
Sumesh Thomas, PT, DPT, OCS, CHT, FAAOMPT
Enjeen Woolford, PTA

Board Members Absent

Michelle Finnegan, PT, DPT, OCS, MTC, CCTT, CMTPT, FAAOMPT

Staff Present

Laurie Kendall- Ellis, PT, CAE, Executive Director
Ogu Isaac Okehie, Deputy Director of Administration
John Bull, Deputy Director of Operations
Brett Felter, JD, Assistant Attorney General, Board Counsel
Deborah Jackson, Licensing Manger
Andrew Rosenfeld, Investigative Supervisor
Patricia Miller, Licensing Coordinator
Lisa Scott, Licensing Assistant
Sharon Harris-Friend, Records & Database Management Coordinator

Public Guests

Debra Pastor, PT, DPT, Assistant Professor & ACCE, Baltimore City Community College, Physical Therapist Assistant Program and students

Approve January 19, 2021 Open Session Meeting Minutes

Motion: That the Board of Physical Therapy Examiners approves the January 19, 2021 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 as well as shared the ground rules for the meeting. Board members and staff introduced themselves. Board Chair Gordes extended a warm welcome to Debra Pastor, PT, DPT, Assistant Professor & ACCE, Baltimore City Community College, Physical Therapist Assistant Program and students who joined via the video link.

Executive Director Update

Executive Director Kendall-Ellis apprised the Board of the following:

In March of 2021 it will be a year since the Open Session meeting transitioned to being held virtually due to the COVID-19 closing of 4021 Patterson Avenue, Baltimore to the public. An appreciative thank to the Board, staff and the public for working together to navigate this change. We welcome attendees to both audio and video access.

The Governors' EO which extends the term of license expiration dates and associated regulations such as continuing education hours, continues. As a reminder, the license expiration date and associated regulations continue up to the 30th day after the date by which the Governor terminates the state of emergency and the catastrophic health emergency is rescinded.

The Board staff is proceeding with the 2021 license renewal process. Licensees due for 2021 license renewal are being notified by first-class mail and at least 2 electronic renewal notices, the first of which was sent January 4, 2021. The 2021 license renewal portal will open on the website March 12, 2021 for those licensees who wish to renew.

For those renewing, licensees will see a link to a new survey we are implementing. The anonymous survey takes 5 minutes to complete and the data collected will be used to provide the Board with information about the physical therapy workforce in Maryland. Our goal is to prepare a report which will compare Maryland physical therapy workforce data with the U.S. Health Resources and Services Administration (HRSA).

Licensees wishing to renew their 2020 license are being provided with 1:1 customer service by Deputy Director Okehie as the renewal portal will be for 2021 license renewals.

To increase our outreach to educate and inform licensees, we increased our utilization of eblasts from two in 2019 to 12 in 2020. Data shows that an average of 8,800 licensees received eblasts with a 64% average open rate (compared to 21% average healthcare benchmark open rate). The eblast with the highest open rate of 84% was the Telehealth Fact Sheet.

It is with mixed feelings that we announce the retirement of Miss Deborah Jackson, License Manager and Miss Patricia Miller, License Coordinator. Miss Jackson and Miss Miller's last day in the office is February 18, 2021. They have both been an integral part of our Board and we will always value and remember their hard work and commitment. Please join me in wishing them much happiness in their retirement.

Legislative and Regulations Update

Executive Director Kendall-Ellis provided the Legislative & Regulations Board Committee report.

HB210 (SB517) *State Board of Physical Therapy Examiners – Temporary Licenses to Practice Physical Therapy and Limited Physical Therapy*: A position paper of support requesting a favorable report was submitted to the House Health and Government Operations Committee and the Senate Education, Health and Environmental Affairs Committee. Board member Woolford testified on February 4, 2021 in front of the House Committee and is testifying today, February 16, 2021 in front of the Senate Committee. This bill authorizes the Board of Physical Therapy Examiners to issue a temporary license to physical therapists (PT) and physical therapist assistants (PTA) who have been determined to be eligible for initial licensure but have not yet taken and passed the national licensure exam. Temporary licensure would allow these applicants to practice under the direct supervision of a licensed physical therapist for a limited period of time pending successfully passing the exam.

HB210 passed, on February 15, 2021, the House Health and Government Operations Committee and will now go to the House floor.

HB28 (SB5) *Public Health – Implicit Bias Training and the Office of Minority Health and Health Disparities*: A letter of support was submitted to the Senate Finance Committee.

HB344 (SB72) *Opens Meeting Act – Requirements for State Agencies and Local Board of Elections*: A letter of concern was submitted to the Senate Education, Health and Environmental Affairs Committee in collaboration with several other licensing Boards.

HB732 (SB568) *Health Care Practitioners – Telehealth – Out-of-State Health Care Practitioners*: A position paper of support with amendment was submitted to the House Health and Government Operations Committee. The position paper pointed out the multiple mechanisms in place which allow out-of-state physical therapists and physical therapist assistants to practice in Maryland increasing to physical therapy services throughout the State and are proven to protect the public.

After receiving no comments on the Notice of Final Action for the proposed new Compact fee, COMAR 10.38.07, from the *Maryland Register* October 23, 2020 publication, the Board on December 15, 2020, adopted, by motion, the Fee Schedule as proposed. Upon the regulatory sign-off by the Department of Health, which is pending, the Board will begin issuing Compact privileges.

Monthly Licensure Report

Licensing Manager Jackson reported the following for January 2021:

- There was a total of 61 new licenses (33 new licenses issued to Physical Therapists and 28 new licenses issued to Physical Therapist Assistants)
- There was a total of 58 new applicants (45 new Physical Therapist applicants and 13 Physical Therapist Assistants)
- The total number of active licensees is 9,815 (7,318 Physical Therapists and 2,497 Physical Therapist Assistants)
- The total number of applicants who sat for the 10/06/2020 Physical Therapist national exam was 34 (27 passed/7 failed)

- The total number of applicants who sat for the 10/06/2020 Physical Therapist Assistant national exam was 33 (24 passed/9 failed)

The Federation of State Boards of Physical Therapy (FSBPT) Delegate, Alternative Delegate and Administrator Selection

The Federation of State Boards of Physical Therapy (FSBPT) will be holding the Leadership Issues Forum July 17-18, 2021, and the Annual Meeting & Delegate Assembly October 22-23, 2021 virtually. Board Chair Gordes led the discussion on selecting the Board's Voting Delegate, Alternate Delegate and Administrator.

Action: That the Board of Physical Therapy Examiners selects Board Vice Chair Holsinger to serve as the Board's FSBPT Voting Delegate and attend the Leadership Issues Forum, Annual Meeting and Delegate Assembly.

Action: That the Board of Physical Therapy Examiners selects Board Member Woolford to serve as the Board's FSBPT Alternate Delegate and attend the Annual Meeting and Delegate Assembly.

Action: The Board of Physical Therapy Examiners selects Executive Director Kendall-Ellis to serve as the Board's FSBPT Administrator and to attend Leadership Issues Forum, Annual Meeting and Delegate Assembly.

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.

On January 19, 2021, the Board received the following question:

Q: I have recently completed a 12-week Certification course in Functional Nutrition for Chronic Pain (FNCP) by the Integrative Pain Science Institute, which is an approved course by the MBPTE; a course designed and taught by a physical therapist. In this FNCP course we were taught about functional testing. If I can find a lab that will allow a PT to order tests such as SIBO breath test, GI-map, Adrenal tests is there anything in the Maryland Practice Act that does not allow me to order these tests?

On January 19, 2021, the Board requested the following:

A: The Board requested information about the purpose of ordering these tests. How is the ordering of the SIBO breath test, GI-map and Adrenal tests related to the practice of physical therapy (i.e. musculoskeletal system, physical disability, chronic pain).

[§ 13-101. Definitions. (2) "Practice physical therapy" includes: ii) Performing and interpreting tests and measurements of neuromuscular and musculoskeletal functions to aid treatment;]

On February 16, 2021 the Board was provided with clarification by the licensee:

The purpose of ordering the tests is that "chronic pain often involves multiple systems of the body and research shows that chronic pain is caused by higher levels of inflammation in the body. Getting to the root of the problem by performing tests and interpreting tests can be the best way to help our patients in more complete healing and reduction in their pain. as well as the continuing education course approval."

A: The Board, recognizing that physical therapists have primary provider status can, when a patient needs additional follow up due to chronic pain, order relevant tests except where excluded per §13-101(i)(3) and in compliance with §13-101(2)ii and COMAR 10.38.03.02.A(2)(f).

Continuing Education

Board Vice Chair and Continuing Education 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 discussion with the resulting motions:

Motion: That the Board of Physical Therapy Examiners approves the Continuing Education Committee's recommended unanimous denial decision on *Supporting Your Immune System through Nutrition: Food First Advice for Your Patients* (motion introduced by Board Vice Chair Holsinger; motion seconded by Board Member Thomas) The motion passed.

Discussion: Submitted course was not relevant to the clinical practice of physical therapy

Motion: That the Board of Physical Therapy Examiners approves *The Classification and Management of Headaches* continuing education course (motion introduced by Board Vice Chair Holsinger; motion seconded by Board Thomas) The motion passed.

Open Session Meeting Adjournment:

Motion: That the Board of Physical Therapy Examiners moves to adjourn the Open Session Meeting at 1:35 p.m. 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 Board Member Thomas) The motion passed.

The Board will convene the 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 Gordes, Chair

Minutes approved by the Board on March 16, 2021