



# Board of Physical Therapy Examiners

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

## BOARD OPEN SESSION MEETING MINUTES

January 19, 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  
Michelle Finnegan, PT, DPT, OCS, MTC, CCTT, CMTPT, FAAOMPT  
Rebecca Holsinger, PT, DPT, NCS, CVTP, Vice Chair  
Meredith Levert, Consumer Member  
Sumesh Thomas, PT, DPT, OCS, CHT, FAAOMPT  
Enjeen Woolford, PTA

### 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

### Public Guests

Jeff De Cagna, FRSA, FASAE, Executive Advisor, Foresight First LLC  
John Brickley, PT, MA, Vice President, Ambulatory Operations and Network Development, Medstar

### Approve December 15, 2020 Open Session Meeting Minutes

Motion: That the Board of Physical Therapy Examiners approves the December 15, 2020 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 thanked the Legislative and Regulations Board Committee for their work. With the General Assembly having convened on January 13, 2021, the committee will be very busy. On February 4, 2021 at 1:30 PM a House hearing will be held on HB210 *Issuance of Temporary Licensure*, a statute introduced by the Physical Therapy Board of Examiners. Board Member Woolford (the Legislative and Regulations Board Committee Leader) will be representing the Board at the Health and Government Operations Committee Bill hearing.

Board Chair Gordes thanked the staff for updating and improving the Scope of Practice Database. The Board has access to this effective and useful resource which will support responses to scope of practice questions received from licensees.

Jeff De Cagna, Executive Advisor at Foresight First LLC will be the Board's facilitator to help us evolve and effectively serve all stakeholders (the public, licensees and others).

## **Executive Director Update**

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

During the December 15, 2020 Executive Director report, the Board was informed that we had received inquiries about when and how Physical Therapists and Physical Therapist Assistants would receive the COVID-19 vaccination. On December 16, 2020 we posted on our website and sent a licensee eblast that we did not have any information about the process and would, in the event we received relevant information, disseminate it. Individual emails were also responded to with the same information.

On January 7, 2021 we sent a licensee eblast and posted on our website the most current information the Board had on Phase 1A vaccine distribution. Additionally, health care workers not affiliated with a hospital system were directed to contact their local health departments and we provided the links. We continue to answer each individual email we receive.

On January 21, 2021, we will be sending a licensee eblast and updating our website to provide the recently updated Phase 1B and Phase 1C vaccine distribution information.

For Physical Therapists and Physical Therapist Assistants interested in vaccination training, it is available through the Maryland Responds Medical Reserve Corps and the Centers for Disease Control and Prevention (CDC).

All were encouraged to periodically go to Board website which is frequently updated with new content.

Attorney General Frosh released on January 2021 the COVID-19 Access to Justice Task Forces report: Confronting the COVID-19 Access to Justice Crisis.

## Legislative and Regulations Update

Legislative and Regulations Board Committee Leader and Board Member Woolford provided a committee update on HB28 (SB5) *Implicit Bias Training*, HB123 *Preserve Telehealth Access*, HB183 *Public Information Act – Equitable Access to Records Act*, HB210 *Issuance of Temporary Licensure*, HB309 *Public Health – Data – Race and Ethnicity Information*, SB72 (HB344) *Open Meetings Act – Requirements for State Agencies and Local Boards of Elections*, SB106 *Licensing – Good Standing with the State Department of Assessment and Taxation Requirement* and SB262 (HB224) *Department of Information Technology – Study of a Common Information Technology Platform for Health Occupations Boards*.

On February 4, 2021 at 1:30 PM the House Health and Government Operations Committee will be holding a hearing on HB210 *State Board of Physical Therapy Examiners - Temporary Licenses to Practice Physical Therapy and Limited Physical Therapy* sponsored by Delegate Harry Bhandari. Legislative and Regulations Board Committee Leader and Board Member Woolford will be testifying on behalf of the Board. A Statement of Support will also be sent in advance of the committee hearing.

Board Counsel Felter discussed HB183 *Public Information Act – Equitable Access to Records Act* and SB72 (HB344) *Open Meetings Act – Requirements for State Agencies and Local Boards of Elections* which will be monitored.

Board Counsel Felter discussed that Boards are being asked to quickly review and respond to upcoming bills with the Boards position. The Legislative and Regulations Board Committee is available to meet quickly, review, and respond to these requests and ensure that a report is provided to the Board. When bills directly affect Physical Therapy, we will endeavor to convene the full Board.

Motion: That the Board of Physical Therapy Examiners empowers the Legislative and Regulations Board Committee to take actions and respond to legislation on behalf of the Board. (motion introduced by Board Member Woolford; motion seconded by Board Member Thomas) The motion passed.

## Monthly Licensure Report

Licensing Manager Jackson reported the following for December 2020:

- There was a total of 33 new licenses (28 new licenses issued to Physical Therapists and 5 new licenses issued to Physical Therapist Assistants)
- There was a total of 54 new applicants (49 new Physical Therapist applicants and 5 Physical Therapist Assistants)
- The total number of active licensees is 9,750 (7,284 Physical Therapists and 2,466 Physical Therapist Assistants)

## 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 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?

**A:** To provide an answer 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;]

**Q:** Does the Physical Therapist scope of practice include administration of vaccines?

The public was asked to speak to this question and John Brickley, PT shared that there is a need for vaccinators and physical therapists can provide vaccinations as healthcare providers. He shared that Medstar is developing an extensive training program.

**A:** The Board agreed that physical therapists and physical therapist assistants can, with training, administer vaccinations and it is not in violation of their license. Available training resources known to the Board is the Centers for Disease Control and Prevention (CDC) and Maryland Responds Medical Reserves Corps.

## **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 decisions on *Diet and Prevention of Ischemic Heart Disease in Women; The Role of Nutrition in Patients with Cardiopulmonary Diseases; Nutrition: An Intervention for Frailty, Deconditioning, and Recovery*. (motion introduced by Board Vice Chair Holsinger; motion seconded by Board Member Thomas) The motion passed.

The Board discussed that applications for nutritional education continue to be received. At this time the Board's pending Continuing Education Requirements draft (COMAR 10.38.08) which was submitted to the Secretary of Health's office in May 2019 has not received the Secretary's approval and sign off. The Legislative Session, the Administrative, Executive, and Legislative Review Committee (AELR) annually places a hold on regulations as of December 14, 2020 which will last until February 15, 2021. At that time the Board will follow up on the regulation's status.

## **Approve December 15, 2020 Closed Session Meeting Minutes**

Motion: That the Board of Physical Therapy Examiners approves the December 15, 2020, Closed Session Meeting Minutes. (motion introduced by Board Chair Gordes; 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 1:52 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 Vice Chair Holsinger) 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 2:17 p.m.

Karen Gordes, Chair

Minutes approved by the Board on February 16, 2021