



**MARYLAND**  
**Department of Health**  
*Board Of Physical Therapy Examiners*

**BOARD MEETING OPEN MINUTES**

**July 16, 2019**

The meeting was called to order at 1:02 pm by Board Chair, Dr. Sumesh Thomas.

Call to Order

There was a motion and a second to close the open session at 3:15 p.m. 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 in accordance with General Provisions Article, Section 3-305 (b) (1). 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, DPT

Michelle Finnegan, DPT

Karen Gordes, PT, DScPT, PhD

Rebecca Holsinger, DPT

Meredith Levert, Consumer Member

Donna Richmond, Consumer Member, RN, MPH

Sumesh Thomas, DPT

Enjeen Woolford, PTA

**Also Present:**

Ogu Isaac Okehie, Acting Executive Director

Brett Felter, Assistant Attorney General, Board Counsel

John Bull, Chief of Compliance and Data Analysis

Andrew Rosenfeld, Investigator

Deborah Jackson, Licensing Coordinator

Patricia Miller, Administrative Assistant

Michelle Cutkelvin, Project Manager

Jacqueline Moore, Data Entry Clerk

**Absent:**

Eric Hebron, Administrative Specialist

**Guests:**

Lillian Reese, Legislative and Regulations Coordinator

Kimberly Lang, Director of Boards and Commissions

Anika King, PT

Board Chair, Dr. Sumesh Thomas reviewed the additions to the agenda which were approved by the Board. Dr. Thomas welcomed new staff member, Jacqueline Moore. Board Members and staff gave a brief introduction.

The minutes of the June 18, 2019 meeting were presented for approval. The Board voted to approve the minutes with amendments.

Minutes

Acting Executive Director, Isaac Okehie thanked Board Members for their continued assistance and dedication. Mr. Okehie complimented the Board and stated that the Board is comprised of the very best and that it would be losing one of its best, Dr. Stephen Baur. Dr. Thomas presented Dr. Baur with a commemorative plaque and thanked him for his time and expertise.

Farewell  
Presentation

Acting Executive Director, Isaac Okehie apprised the Board that the Pre-Legislative Concept paper, Board of Physical Therapy Examiners – Foreign-Trained Physical Therapist Assistants, was approved by the Secretary's office. Mr. Okehie noted that the current statute does not allow foreign trained individuals to be licensed as a physical therapy assistant. The Licensure Compact however, will allow foreign educated physical therapy assistants licensed in other states compact licensure privileges when the Board implements the PT Licensure Compact. The Board voted to approve the draft of the statute change. Brett Felter, Board Counsel noted that he is responsible for the continuing competence delay. Mr. Felter states that most likely the proposal will come back to the Board.

Legislative  
Update

Deborah Jackson, Licensing Coordinator gave the licensure report update. Dr. Thomas noted the number of physical therapists is increasing at a faster rate in comparison to physical therapy assistants. Dr. Thomas asked Board members for feedback. Donna Richmond, Consumer Member asked about the number of PTA training programs. Enjeen Woolford, Board Member noted there are more schools since she was licensed. Dr. Stephen Baur, Board Member stated that his first thought was the workforce. Dr. Thomas noted the aging population, despite the increasing number of licensed PTA, high turnover could lead to an issue related to access to health care.

Licensure  
Update

Mr. Okehie apprised the Board a representative is needed for the Physical Therapy Licensure Compact to serve as the compact board delegate. There was a discussion. Dr. Karen Gordes, Dr. Michelle Finnigan and Dr. Thomas expressed interest. The Board voted for Dr. Gordes to be the Board's Compact Delegate.

PT Licensure  
Compact  
Delegate

A licensee is considering starting a company as a Part B Medicare provider who makes home visits. What is the classification for PTA supervision under the Maryland Practice Act, knowing that the company will bill Medicare Part B?

Scope of  
Practice -PTA  
Supervision  
Medicare Part  
B

Board Response: To provide patient care, physical therapist assistants require ongoing supervision from a supervising physical therapist (COMAR 10.38.03.01B(21)).

An attorney is seeking clarification on whether Physical Therapists may purchase prescription devices from a wholesaler.

Scope of Practice  
PT Prescription  
Device  
Purchasing

The Board's response is to contact the Pharmacy Board.

A licensee asked the following questions: 1. Can the Physical Therapist ask an Aide to assist 1-3 patients or 4-5 patients at the same time within an hour?

Scope of  
Practice –  
Physical  
Therapist &  
Aid

Board Response: A physical therapist can ask an Aide to assist 1-3 patients, at the same time, if the physical therapist is providing services to not more than an average of three patients per clinical treatment hour per calendar day, excluding group therapy. The therapist can also ask the Aide to assist groups of 4-5 patients participating in group therapy. COMAR 10.38.03.02A(2)(b)(i). The Aide may only perform the activities listed in COMAR 10.38.04.03. and must be under direct physical therapist supervision.

2. Can the Physical Therapist ask an aide/tech to assist a patient while doing balance exercises (tandem walk, hurdles, sidestepping, etc.)?

Board Response: A physical therapist may ask an aide/tech to assist a patient in the practice of gait and ambulation. COMAR 10.38.04.03(A).

3. Can the Physical Therapist ask the Aide/Tech to explain, teach or demonstrate to the patient their exercises after the evaluation by the Physical Therapist (SLR, Quad set, hand exercises etc.) from a printed exercise program? Additionally, when you say routine exercise, those are exercises that a patient is familiar with or have been doing it with the therapists for 2 sessions or more and they just need to be reminded on how to do it properly and give them the number of reps/hold of each exercise?

Board Response: A Physical Therapist may **NOT** ask the aide to teach/demonstrate printed home program exercises to patients. COMAR 10.38.04.04.

4. Can the Physical Therapist ask the aide to teach/demonstrate printed home program exercise to patients?

Board Response: A Physical Therapist may **NOT** ask the aide to teach/demonstrate printed home program exercises to patients. COMAR 10.38.04.04.

An out of state licensee is participating in a fellowship that requires a specific number of hours of direct patient intervention with a fellow. The licensee is seeking clarification

Scope of  
Practice  
Fellowship

on the requirements for a temporary license in Maryland for completing the hours of treatment in the direct presence of a fellow. Board response: The Board does **NOT** grant temporary licenses. § 13-313

A licensee is seeking clarification on the possible barriers of introducing mobility techs in the hospital setting. The licensee states she was introduced to the activity and mobility program at Johns Hopkins and is concerned about how this may affect the physical therapy practice act.

Scope of Practice  
Mobility Techs

The Board's response is the mobility program is not under the Board's purview. A physical therapist or physical therapist assistant needs to comply with the Maryland Board of Physical Therapy Examiners Regulations.

Mr. Okehie reported on the Federation of State Boards of Physical Therapy, Leadership Issues Forum which was held in Alexandria, Virginia on July 13-14<sup>th</sup> 2019. Mr. Okehie and Dr. Thomas apprised the Board of agenda items discussed at the forum. Mr. Okehie noted some of the issues the group discussed included de-regulation, criminal background checks, board self-assessment, bylaws, discipline database, continuing competence and strategic planning. Dr. Thomas noted that FSBPT will be phasing out *Procert* and *Aptitude*. Dr. Thomas also highlighted the ELD, minimum data sets, disciplinary reports and the average debt of physical therapy graduate student.

Leadership  
Issues Forum

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

Continuing  
Education

*'Club Pilates Teaching Programs'; 'Advanced Visceral Manipulations'; 'New Faculty Development Workshop'; 'The Medically Complex Patient, A Case Study Approach'; '2019 PPS Annual Conference and Exhibition'.*

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

*'VM6: Visceroemotional Relationships'; 'Philosophy and Science of Well-Being Masterclass'; and 'The Medically Complex Patient: The IPP Approach to Pharmacy and Med Management'.*

There was a motion to close the open session at 3:15 p.m. to discuss: (i) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee, or official over whom it has jurisdiction; or (ii) any other personnel matter that affects one or more specific individuals; in accordance with General Provisions Article, Section 3-305(b)(1). 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 4:21 pm.

Respectfully submitted,

10/15/19  
Date Approved

  
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Ogu Isaac Okehi, Acting Executive Director

  
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Sumesh Thomas, DPT, Board Chair

**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 before closing the meeting.*

1. **Recorded vote to close the meeting:** Date: 7/16/2019; Time: 3:15 pm; Location: 4201 Patterson Avenue ;  
Motion to close meeting made by: Meredith Levert Seconded by Rebecca Holsinger ;  
Members in favor: All ; Opposed: None ;  
Abstaining: None ; Absent: None .

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." (15) ☐ "To discuss cybersecurity, if the public body determines that public discussion would constitute a risk to: (i) security assessments or deployments relating to information resources technology; (ii) network security information . . . or (iii) deployments or implementation of security personnel, critical infrastructure, or security devices."

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) <input type="checkbox"/>	Executive Director Update & Board Counsel Compensation	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
§3-305(b) <input type="checkbox"/>		
§3-305(b) <input type="checkbox"/>		
§3-305(b) <input type="checkbox"/>		
§3-305(b) <input type="checkbox"/>		

4. This statement is made by Dr. Sumesh Thomas, DPT, Presiding Officer.

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**WORKSHEET FOR OPTIONAL USE IN CLOSED SESSION: INFORMATION FOR SUMMARY TO BE DISCLOSED IN THE MINUTES OF THE NEXT OPEN MEETING. (See also template for summary.)**

➤ **For a meeting closed under the statutory authority cited above:**

Time of closed session: 3:30 pm  
Place: 4201 Patterson Avenue Baltimore, MD 21215  
Purpose(s): Discuss appointment of Executive Director and compensation for Board Counsel.  
Members who voted to meet in closed session: All in favor.  
Persons attending closed session: All Board Members and staff present at Open Session unless recused.  
Authority under § 3-305 for the closed session: 3-305(b)(1)  
Topics actually discussed: Executive Director update and Board Counsel compensation adjustment.  
Actions taken: Approve compensation adjustment for Board Counsel.  
Each recorded vote: All in favor

➤ **For a meeting recessed to perform an administrative function (§ 3-104):** Time: 3:58pm

Place: 4201 Patterson Avenue Baltimore Maryland 21215  
Persons present: All Board Members and Staff present at Open Session unless recused.  
Subjects discussed: Reports and Investigations.