



Board of Physical Therapy Examiners

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

BOARD OPEN MEETING MINUTES

July 21, 2020

Call to Order

The Maryland Department of Health Board of Physical Therapy Examiners meeting was called to order at 1:02 pm by Board Chair, Dr. Karen Gordes, who reviewed the agenda and established that a quorum was present.

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
Brett Felter, JD, Assistant Attorney General, Board Counsel
John Bull, Deputy Director of Operations
Michelle Cutkelvin, Project Manager
Deborah Jackson, Licensing Manger
Lillian Reese, Legislative and Regulations Coordinator

Public Guests:

Kathleen Weisberg, CEU Sponsor

Board Chair Welcome:

Board Chair Gordes welcomed Board Members and staff. Board Members, staff and guests introduced themselves.

Approve June 16, 2020 Open Minutes:

Motion: That the Board of Physical Therapy Examiners approve the June 16, 2020 Open Session Minutes (motion introduced by Board Member Gordes; motion seconded by Board Member Holsinger). The motion passed unanimously.

Discussion: There was no discussion.

Board Chair Update:

Board Chair Gordes asked for 3-4 Board members to volunteer for the Legislative and Regulations Board Committee. Board Members Connors, Holsinger and Woolford volunteered. Board member Finnegan was asked and agreed to continue as the liaison to the APTA Maryland chapter.

Executive Director Update:

Executive Director Kendall-Ellis apprised the Board that Statutes 13-303 and 13-304 are effective as of July 1, 2020. The new statute is posted on the Board's website landing page and the online Maryland Practice Act is updated. Executive Director Kendall-Ellis apprised the Board that license renewal will remain open until 30 days after the state of emergency has ended. Executive Director Kendall-Ellis stated that there is a new scope for practice form to assist licensees with questions and a newly compiled database of scope of practice questions. Executive Director Kendall-Ellis thanked Licensing Manager Jackson for updating the website. Executive Director Kendall-Ellis met with Lauri Jacobson, Executive Director of the APTA Maryland chapter to review and update the Board of Physical Therapy Examiners content on the chapter's website. Executive Director Kendall-Ellis updated the Board that the staff is successfully following a rolling in-office schedule. Executive Director Kendall-Ellis stated that she is having an ongoing dialogue with Legislative and Regulations Coordinator Reese about the status of COMAR 10.38.07.02 Compact fee, which is still pending approval and the signature of the Maryland Secretary of Health Robert Neall. Additionally, COMAR 10.38.08 Continuing Education Requirements is still pending. Executive Director Kendall-Ellis apprised that Board that substance use and mental health resource links have been added to the Board's website. The Federation of State Boards of Physical Therapy (FSBPT) will be hosting educational webinars which have been forwarded to the Board for their review and possible participation.

Legislative and Regulation Update:

Legislative and Regulations Coordinator Reese summarized the regulations and legislative process for Board Members.

Motion: That the Board of Physical Therapy Examiners approve the language as drafted for a bill entitled Issuance of Temporary Licenses (motion introduced by Board Member Gordes; motion seconded by Board Member Thomas). The motion passed unanimously.

Discussion: Assistant Attorney General, Board Counsel Felter apprised the Board that the proposal

will address the period of time between the completion of a Physical Therapist and/or Physical Therapist Assistant program and taking the national physical therapy exam for graduates. The Board previously had temporary licensure which was rescinded when the national physical therapy exam was scheduled on a rolling basis. The national physical therapy exam a few years ago changed from rolling to four times per year. Assistant Attorney General, Board Counsel Felter states that the proposal adds two definitions: direct supervision by a physical therapist and practices limited physical therapy. The temporary license would expire after 90 days. The Board would be allowed any disciplinary actions. Assistant Attorney General, Board Counsel Felter stated that if the statute approved, regulations will have to be drafted. Assistant Attorney General, Board Counsel Felter noted that criminal background checks were not mentioned in the draft.

Board Member Esterson raised the question what if those with a temporary license fail the national physical therapy exam? Referred to drafted 90-day temporary licensure expiration. Board Member Thomas asked, does the Board have to address the fiscal aspect now. Yes, Assistant Attorney General, Board Counsel Felter stated that the temporary licensure Board sub-committee discussed COMAR 10.38.07.02 Fee Schedule and proposed including the temporary licensure fee within the existing licensing fees.

Board Chair Gordes suggested including language for direct supervision that requires on site supervision.

June Licensure Report:

License Manager Jackson gave the licensure report for June 2020. There were 59 new licenses issued, 20 new applicants, and a total of 9,370 total of active licensees.

Licensure Renewal Update:

Deputy Director of Administration Okehie gave the licensure renewal update. Thus far there have been 4,100 renewed licenses of the 4,700 that will expire this renewal cycle. Deputy Director of Administration Okehie reported the renewal system was closed last month and that there were some issues with licensee reinstating their licenses instead of renewing. Deputy Director of Administration Okehie stated that the applications for reinstatement has been handled and those licensees have been able to renew.

Continuing Education:

Motion: That the Board of Physical Therapy Examiners approves the Continuing Education Committee's recommended unanimous denials of continuing education course submissions (motion introduced by Board Member Holsinger motion seconded by Board Member Thomas). The motion passed unanimously.

Motion: That the Board of Physical Therapy Examiners **approves** "Elements of Effective Supervision" continuing education course submission (motion introduced by Board Member Thomas motion seconded by Board Member Esterson). The motion passed unanimously.

Action: That the Board of Physical Therapy Examiners table "Pregnancy and Postpartum Corrective

Specialist Course” and “Professional Training in Mind-Body Medicine”.
continuing education course submission and request more information from the submitter

Motion: That the Board of Physical Therapy Examiners deny “ACSM’s Nutrition for Exercise Science – Module 2 Hydration, Nutrition Optimization and Diet Planning for Optimal Performance”.
continuing education course submission because it is not relevant to the clinical practice of Physical Therapy (COMAR 10.38.08.03.B.1) (motion introduced by Board Member Thomas motion seconded by Board Member Gordes). The motion passed unanimously.

Approve June 16, 2020 Closed Session Minutes:

Motion: That the Board of Physical Therapy Examiners approve the June 16, 2020 Closed Session Minutes (motion introduced by Board Member Gordes; motion seconded by Board Member Holsinger). The motion passed unanimously.

Discussion: There was no discussion.

Open Session Adjournment:

Motion: That the Board of Physical Therapy Examiners moves to adjourn the Open Session at 2:32 p.m. in order to engage in medical review committee deliberations regarding confidential information in applications for licensure, in accordance with General Provisions Article, Section 3-305 (b)(1). (motion introduced by Board Member Gordes; motion seconded by Board Member Holsinger). The motion pass unanimously.

Unless recused, all Board members and Board staff who were present for the Open Session will also be in attendance for the Closed and Administrative Sessions.

The Board Closed and Administrative Sessions were adjourned at 3:15 pm.

Karen Gordes, Chair
Minutes approved by the Board on September 15, 2020

**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: 07/21/2020 ; Time: 2:32pm ; Location: Virtual ;
Motion to close meeting made by: Karen Gordes 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"/>	Discipline	To discuss investigations.
§3-305(b) <input type="checkbox"/>		

4. This statement is made by Dr. Karen Gordes, Presiding Officer.

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: _____
 Place: _____
 Purpose(s): _____
 Members who voted to meet in closed session: _____
 Persons attending closed session: _____
 Authority under § 3-305 for the closed session: _____
 Topics actually discussed: _____
 Actions taken: _____
 Each recorded vote: _____

➤ For a meeting recessed to perform an administrative function (§ 3-104): Time: 3:15 pm

Place: Virtual
 Persons present: All Board Members & Staff present in the open session unless recused.
 Subjects discussed: Investigations