



MARYLAND
Department of Health
Board Of Physical Therapy Examiners

BOARD MEETING OPEN MINUTES

May 21, 2019

The meeting was called to order at 1:02 pm by Board Chair, Kimberly Rotondo.

Call to Order

There was a motion and a second to close the open session at 4:07 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

Donna Richmond, Consumer Member

Kimberly Rotondo, PTA

Sumesh Thomas, PT

Board Members Absent:

Meredith Levert, Consumer Member

Also Present:

Ogu Isaac Okehie, Acting Executive Director

Brett Felter, AAG, 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

Minute Taker:

Eric Hebron, Administrative Specialist

Guests:

Lillian Reese, Legislative and Regulations Coordinator

Rachel Skolkey, APTA of Maryland

The minutes of the April 15, 2019 meeting were presented for approval. The Board voted to approve the minutes.

Minutes

Acting Executive Director, Isaac Okehie apprised the Board that the Legislative Committee is not in agreement with a purposed compact fee. Mr. Okehie apprised the Board that Project Manager, Michelle Cutkelvin attended the bill signing for House Bill 648. There was discussion as to whether the compact fee should differ between PTs and PTAs. Board Chair, Kimberly Rotondo proposed a \$125 fee for both PTs and PTAs. Mr. Okehie presented to the Board a compact fee analysis. The Board discussed at length different recommendations and rationales for a compact fee of \$155 for PTs and \$100 for PTAs. The Board voted and approved for a compact fee of \$125 for both PTs and PTAs. The motion was carried.

Legislative
Updates

Deborah Jackson, Licensing Coordinator, gave the licensure report. Ms. Jackson reported on licensee trends in 2017 and 2018.

Licensure
Update

The Board discussed the continuing competence application fee. There was discussion about the current increased number of applications. Ms. Gordes proposed the Board accept a \$100 fee for Continuing Competence applications. The Board voted in favor of a \$100 continuing competence application fee.

Continuing
Competence

John Bull, Chief of Compliance and Data Analysis apprised the Board that, it is one of the few Boards that does not have "Rap Back". Mr. Bull explained the modifications to the new SAM (Software Asset Management) Program and "Rap Back". The Board voted to form a committee to include Mr. Bull, Ms. Finnegan, Ms. Holsinger, and Ms. Gordes.

Legislative
Concept
Paper

Lillian Reese, Legislative and Regulations Coordinator explained to the Board the purpose of a legislative concept paper. Board Counsel, Brett Felter asked if the Board would like to submit a legislative concept paper on Foreign Trained Physical Therapy Assistants. The legislation that passed this year will make Maryland part of the Interstate Physical Therapy Licensure Compact effective October 1, 2019. Pursuant to the Compact, physical therapists and PTAs licensed in other Compact States will be eligible for a compact privilege to practice in Maryland. The Board voted in favor of this concept paper. The referenced the Annotated Code of Maryland Health Occupations Article Title 13. Physical Therapist Subtitle 1: Definitions; General Provisions § 13-304. Qualifications – Physical therapist assistants.

To qualify for physical therapist assistance license, an applicant shall have:

(1) Graduated from a curriculum for physical therapist assistants that is approved by the American Physical Therapy Association; and

(2) Completed satisfactorily the clinical training required by the curriculum for physical therapist assistants.

A licensee is seeking clarification on whether the use of the word “therapy” is protected under Maryland’s Physical Therapy Laws and Regulations. The Board responded that the term “therapy” is not protected under Maryland’s Physical Therapy Laws and Regulations. The Board advised that the applicant should file a complaint to the Board if he or she suspects someone is practicing Physical Therapy without a Physical Therapy license.

Scope of
Practice
Use of the
Word
“therapy”
for Exercise

A licensee is seeking clarification on whether an aide can work under direct supervision of a PTA assisting with functional activities and routine follow-up exercises. The Board referenced COMAR:10.38.04.02A(2)(a)(c)

Scope of
Practice
PTA
functional
Activities

(2) Exception. An aide may:

(a) Perform non-treatment-related activities, such as secretarial, clerical, and housekeeping duties without direct supervision.

(c) Assist a physical therapist assistant when more than one individual is required to ensure the safety and welfare of the patient during ambulation, transfers, or functional activities without direct supervision.

The Board also referenced COMAR:10.38.04.03D

(.03) Activities which May Be Performed by Aides under Direct Supervision.
The following activities may be performed by aides under direct supervision:

(D) Assist in the routine follow-up of specific exercises;

A licensee is seeking clarification on whether non-licensed individuals can be owners in a company that provides PT rehab. The Board response was that this question is not within its purview.

Scope of
Practice PT
Rehab
Owners

A licensee is seeking clarification on the requirements for PTAs to practice blood flow restriction. The Board cited COMAR 10.38.03.02 B (1)(a)(b)(f):

B. Physical Therapist Assistants.

Scope of
Practice
Blood
Flow
Restriction

(1) The physical therapist assistant shall:

(a) Follow the direction and plan of care of the physical therapist in the treatment of a patient;

(b) Exercise sound judgment and adequate care in the performance of duties;

(f) Work within the physical therapist assistant's competency in treatment that is within the scope of practice of limited physical therapy;

The Board discussed military sponsored Dry Needling courses. The Board voted to amend the regulations to include military sponsored training courses.

Dry
Needling-
Military

Ms. Rotondo apprised the Board that interviews for the Executive Director position will be held during the week of June 17th. Mr. Okehie, Mr. Bull, Ms. Cutkelvin, Ms. Finnegan and Ms. Gordes will be representatives on the interview panel, and Mr. Thomas. The Board will contact Meredith Levert to confirm her availability.

Executive
Director
Update

Mr. Okehie and Ms. Cutkelvin presented Ms. Rotondo an award highlighting her service and leadership achievement throughout her tenure as a Board member.

Board
Member
Farewell

Mr. Bull apprised the Board that he has updated the Board Expert Training application.

The Board held elections for the position of Board Chair and Vice Chair. Ms. Rotondo apprised the Board that for the position of Board Chair, Mr. Thomas and Ms. Holsinger formally expressed interest. Ms. Rotondo opened the floor for nominations. Board members made anonymous votes for their desired candidate. Investigator, Andrew Rosenfeld tallied the votes. Mr. Thomas was elected as Board Chair. Ms. Rotondo apprised the board that for the position of Vice Chair, Ms. Gordes formally expressed interest. Ms. Rotondo opened the floor for nominations. Ms. Gordes was elected as Vice Chair.

Strategic
Planning
Update

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

Continuing
Education

'Documentation for Rehab'; 'Assistive Technology: The Power of the iPad as a Therapeutic Tool'; 'An Introduction to Hospice and Palliative Care'; 'Clinical Athletic Powerlifting Certification Course'; and 'Mindfulness and Stress Reduction'.

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

'A Functional Approach to Preventing, Slowing Down and Reversing Cognitive Deficits'; 'Home Health PDGM: What Therapist Need to Know Now'; 'The Medically Complex Patient: Cardiac Management'; 'An Interprofessional Approach to Pain Management: Intro to Screening and Assessment'; 'The Medically Complex Patient: Key Points to Success'; 'Therapeutic Use of Self'; 'The Ethics of Validation and Therapeutic Fibbing in Dementia Care'.

There was a motion to close the open session at 4:07 pm.

The board meeting was adjourned at 5:36 pm.

Respectfully submitted,

7-16-19

Date Approved

O. Okechie

Ogu Isaac Okechie, Acting Executive Director

Kimberly Rotondo OIO

Kimberly Rotondo, PTA, Board Chair

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

Instructions to presiding officer: To meet in a closed session under the Act, the public body must first meet in open session, after providing proper notice. Make sure that the open session is attended by a member designated to receive open meetings training. If a designated member cannot attend, complete the Compliance Checklist.¹ If the public body has never designated a member for training, it must do so **before closing the session**.

Before closing the session, take two steps: (1) conduct a recorded vote on a motion to close; and (2) make a written "closing" statement. If the public body might return to open session afterwards, be sure to tell the public that. *During* the closed session, keep the discussion topics within the confines of the closing statement. *After* the closed session, the events of the closed session must be disclosed in the next open-session minutes.

The top part of this form is a model closing statement. **It has two sides.** Before closing the open session, complete items **1 through 4** on this form or in any writing with the same information. If someone pre-prepared the form for you, make sure it reflects the public body's own intended topics and reasons for closing the meeting. A member of the public may inspect the closing statement at the time of the closing and may object to the decision to close the meeting. Once the meeting is closed, the closing statement sets the agenda and may not be changed.

The bottom part of the form is a worksheet that provides a checklist of the disclosures that must be made in the next open-session minutes. The worksheet is not part of the closing statement.

1. Recorded vote to close the meeting: Date: 5/21/2019 ; Time: 4:07 pm ; Location: 4201 Patterson Avenue ;
Motion to close meeting made by: Michelle Finnegan ; Seconded by Karen Gordes ;
Members in favor: All ; Opposed: none ;
Abstaining: none ; Absent: Meredith Levert

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

This meeting will only be closed under the provision or provisions checked below, all from General Provisions Art. § 3-305(b):

(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

¹ http://www.marylandattorneygeneral.gov/OpenGov%20Documents/Openmeetings/COMPLIANCE_CHECKLIST%20.pdf

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," such as information that is related to passwords, personal ID numbers, access codes, encryption, security devices, or vulnerability assessments or that a governmental entity collects or maintains to prevent, detect, or investigate criminal activity; or (iii) "deployments or implementation of security personnel, critical infrastructure, or security devices."

3. For *each* provision checked above, the corresponding topic to be discussed and the public body's reason for discussing that topic in closed session, in as much detail as possible without disclosing the information that may be discussed behind closed doors:

Citation (insert # from above)	Topic <i>We expect to discuss these matters:</i>	Reason for closed-session discussion of topic - <i>We are closing the meeting to discuss this topic because:</i>
§ 3-305(b) <input checked="" type="checkbox"/>	Licensing Applications	To Discuss privileged application and review medical information.
§ 3-305(b) <input type="checkbox"/>		
§ 3-305(b) <input type="checkbox"/>		
§ 3-305(b) <input type="checkbox"/>		

4. This statement is made by Kimberly Rotondo, PTA, Presiding Officer.

**WORKSHEET FOR OPTIONAL USE IN CLOSED SESSION: INFORMATION THAT MUST BE
DISCLOSED IN THE MINUTES OF THE NEXT OPEN SESSION (§ 3-306)(c)(2) or § 3-104**

For meetings closed under an exception, as disclosed above:

Time of closed session: 4:08 pm Place: 4201 Patterson Avenue Baltimore MD 21215

Purpose(s): Review Confidential Application 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 (see chart above): (b)(13)

Topics actually discussed: Licensing applications.

Each action Taken: Approve Applications.