



# Board of Physical Therapy Examiners

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

## BOARD OPEN SESSION MEETING MINUTES

May 18, 2021

### Call to Order

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

### Board Members Present

Karen Gordes, PT, PhD, DScPT, Chair  
Michelle Finnegan, PT, DPT, OCS, MTC, CCTT, CMTPT, FAAOMPT  
Rebecca Holsinger, PT, DPT, NCS, CVTP, Vice Chair  
Sumesh Thomas, PT, DPT, OCS, CHT, FAAOMPT  
Enjeen Woolford, PTA  
James Connors, Consumer Member  
Meredith Levert, Consumer Member

### Board Member Absent

Samuel Esterson, PT, DPT, MBA, OCS

### 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  
Lillian Reese, Legislative and Regulations Coordinator  
Andrew Rosenfeld, Investigative Supervisor  
Lisa Scott, Licensing Manger  
Khadija Ali, Project Manager  
Sharon Harris-Friend, Records & Database Management Supervisor  
Kimberly Link, Executive Liaison, MDH Secretary Office

### Public

Krystal Lighty, PT

### Approve April 20, 2021 Open Session Meeting Minutes

Motion: That the Board of Physical Therapy Examiners approves the April 20, 2021 Open Session Meeting Minutes. (motion introduced by Board Chair Gordes; motion seconded by Board Vice Chair Holsinger). The motion passed.

Open Session May 18, 2021

## **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 discussed the success of virtual meetings due to COVID-19 and that they would continue until further notice. Elections for Chair and Vice Chair will take place during the meeting today as well as reviewing Board member committee assignments. The Board and staff participated in an annual self-assessment survey and the results showed a strong alignment with the strategic plan. With the signing of the Compact regulation by Secretary Schrader, Chair Gordes thanked everyone who worked on the Interstate Physical Therapy Compact regulation over the past couple of years.

## **Executive Director Update**

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

Congratulations to Lisa Scott who has officially assumed the role of Licensing Manager.

## **Legislative and Regulations Update**

Legislative and Regulations Board Committee Lead and Board Member Woolford reported on the committee's April 28, 2021 meeting.

The passing of HB210/SB517 *Temporary Licenses to Practice Physical Therapy and Limited Physical Therapy* will now lead to the drafting the regulations which will be reviewed by Board Counsel Felter. During the regulation drafting process, licensing regulations pertaining to the National Physical Therapy Examination (NPTE) eligibility process will be reviewed to reduce barriers where indicated.

10.38.02.01 *Code of Ethics Regulation Proposal*

Action: Revisit in July if no action has been taken by the Secretary's office.

10.38.08 *Continuing Education Regulation Amended Proposal*

Action: Revisit in July if no action has been taken by the Secretary's office.

Legislative and Regulations Coordinator Reese highlighted the following updates since the April 28<sup>th</sup> Legislative and Regulations Board Committee meeting.

10.38.07.02 *Compact with Fee Justification Regulation Proposal*

Secretary Schrader signed the regulation May 12, 2021. The Secretary's legislative staff will now send the regulation to the *Maryland Register*. We anticipate publication June 4, 2021 with a possible effective date of June 14, 2021.

10.38.13 *Telehealth Regulation Proposal*

Secretary Schrader signed the proposed regulation May 12, 2021. The Secretary's legislative staff will now forward the regulation to the Administrative, Executive, and Legislative Review Committee (AELR).

Secretary Schrader will potentially review pending regulations in June.

## Monthly Licensure Report

Licensing Manager Scott reported the following as of May 1, 2021:

- There was a total of 37 new licenses (26 new licenses issued to Physical Therapists and 11 new licenses issued to Physical Therapist Assistants)
- There was a total of 71 new applicants (61 new Physical Therapist applicants and 10 Physical Therapist Assistants)
- The total number of active licensees is 9,966 (7,437 Physical Therapists and 2,529 Physical Therapist Assistants)

## License Renewal Update

Deputy Director of Administration Okehie reported that as of this meeting 3,493 licensees have renewed (2,632 Physical Therapists, 861 Physical Therapist Assistants) which is 74% of those eligible for 2021 renewal. Deadline for license renewal is June 30, 2021.

## Officer Elections

Deputy Director Bull lead the election process for Chair and Vice Chair per Statute § 13-203. Candidate statements were provided to the Board in advance of the meeting. Nominations from the floor for Chair – none. Nominations from the floor for Vice Chair – Board Member Thomas by Board Member Connors. Board Member Thomas declined and thanked Board Member Connors for the nomination.

Election results: Chair Karen Gordes, Vice Chair Rebecca Holsinger

Action: Chair and Vice Chair term commences on June 1<sup>st</sup> of each year.

## Board Committees

Chair Gordes and Executive Director Kendall-Ellis discussed the work the two committees have accomplished and the clarification of each committee's purpose, role and responsibilities. The Board and staff were thanked for their commitment to the success of the two committees.

- Legislative and Regulations Board Committee roster
  - Board members Woolford, Holsinger and Connors
- Continuing Education Board Committee
  - Board members Holsinger, Thomas and Woolford

Action: Committee volunteer service commences June 1<sup>st</sup> of each year.

Action: To further facilitate each committee's succession planning, Board members will be encouraged to review the roles and responsibilities as well as observe no later than March of 2022.

## Scope of Practice (SOP)

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.

*Cannabidiol (CBD) Oil*

**Q1.** Can I as a Physical Therapist recommend that a patient talk to their primary care doctor about

the benefits of CBD oil and whether or not this would be helpful for their condition?

**A:** Yes. Physical Therapists can recommend talking to experts in regard to a patient's healthcare needs.

**Q2.** Can I as a Physical Therapist suggest/offer a place that the patient can find quality CBD oil?

**A:** Yes. CBD oil does not require a prescription. A recommendation is not binding, and the Board suggests providing more than one outlet.

**Q3.** Can I as a Physical Therapist sell CBD oil in my personal circle of friends and family?

**A:** Yes. Ensure that friends and family clearly understand that you are not selling CBD oil as a physical therapist. You cannot use your physical therapy credentials as this is outside of the scope of practice.

**Q4.** Is it unethical/ illegal to be licensed as a Physical Therapist and sell CBD oil even if I am not selling it professionally out of my work site?

**A:** Refer to Q3 answer. The Board cannot comment further as this is outside of the scope of practice. (Statute Reference: § 13-101; § 13-309)

#### *Letter of Medical Necessity*

**Q1.** Do you, as a board member and Physical Therapist, feel a Physical Therapist Assistant can write and submit a Letter of Medical Necessity (LMN) without a Physical Therapist signature, just with the Physician signature? Evidently, this was just discussed at a senior meeting and they feel it is appropriate. I personally do not feel comfortable doing so, but if the Board felt it was within our scope, I would be ok doing it. I feel like it could be viewed as writing a prescription and that is not within our scope. Co-signing, I am fine with, the MD does not necessarily know why we are recommending the equipment and we do not function under their license. If we mess up, is the Physical Therapist willing to accept the Physician signature and responsibility?

**A:** No. The Physical Therapist Assistant is under the supervision of a Physical Therapist not a Physician. The Board recommends educating the senior staff about the Maryland Practice Act. (Regulatory Reference: COMAR 10.38.03.02)

### **Continuing Education**

Board Vice Chair and Continuing Education Board 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 *Nutrition Management for Dementia Patients* (motion introduced by Vice Chair Holsinger; motion seconded by Chair Gordes)  
The motion passed.

Motion: That the Board of Physical Therapy Examiners approves *Returning to Our Purpose: Optimizing Patient and Self Care in the Changing Healthcare Landscape* continuing education course (motion introduced by Vice Chair Holsinger; motion seconded by Board Member Woolford)

The motion passed.

Motion: That the Board of Physical Therapy Examiners approves *2018 Geriatric Conference* continuing education course (motion introduced by Vice Chair Holsinger; motion seconded by Board Member Finnegan) The motion passed.

Motion: That the Board of Physical Therapy Examiners approves *Documentation: Liability and Risk Management for the Interdisciplinary Rehab Team* continuing education course (motion introduced by Vice Chair Holsinger; motion seconded by Board Member Woolford) The motion passed.

Action: Continuing Education Board Committee will meet to determine the continuing education units (CEUs).

Motion: That the Board of Physical Therapy Examiners approves *Rekindle the Flame: Managing Stress and Burnout* continuing education course (motion introduced by Vice Chair Holsinger; motion seconded by Board Member Levert) The motion passed.

Motion: That the Board of Physical Therapy Examiners approves *High Intensity Exercise in the Older Adult* continuing education course (motion introduced by Vice Chair Holsinger; motion not seconded) The motion failed.

Motion: That the Board of Physical Therapy Examiners approves *Diversity Series for Rehabilitation Professionals* continuing education course (motion introduced by Vice Chair Holsinger; motion seconded by Board Member Thomas) The motion passed.

Motion: That the Board of Physical Therapy Examiners approves *Clinical Competency through Simulation- Based Education* continuing education course (motion introduced by Vice Chair Holsinger; motion seconded by Board Member Woolford) The motion passed.

### **Open Session Meeting Adjournment:**

Motion: That the Board of Physical Therapy Examiners moves to adjourn the Open Session Meeting at 2:27 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 Vice Chair Holsinger) The motion passed.

The Board will convene the Administrative and Closed Session meetings and unless recused, all Board members and Board staff who were present for the Open Session will also be in attendance.

Karen Gordes, PT, PhD, DScPT, Chair

Minutes approved by the Board on \_\_\_\_ June 15, 2021