



# Board of Physical Therapy Examiners

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

## **BOARD OPEN SESSION MEETING MINUTES** **November 17, 2020**

### **Call to Order**

The Maryland Department of Health Board of Physical Therapy Examiners Open Session meeting was called to order at 1:04 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  
Rebecca Holsinger, PT, DPT, NCS, CVTP, Vice Chair  
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 Manager  
Andrew Rosenfeld, Investigative Supervisor  
Patricia Miller, Licensing Coordinator  
Lisa Scott, Licensing Assistant  
Lillian Reese, Legislative and Regulations Coordinator

### **Absent**

Michelle Finnegan, PT, DPT, OCS, MTC, CCTT, CMTPT, FAAOMPT  
Meredith Levert, Consumer Member

## **Approve October 20, 2020 Open Session Meeting Minutes**

Motion: That the Board of Physical Therapy Examiners approves the October 20, 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 everyone for their ongoing dedication in serving the Board, the public and the physical therapy profession. A happy and healthy upcoming holiday season was wished to all.

## **Executive Director Update**

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

The Board received approval from the Department of Budget Management to fill our Project Manager vacancy. A public posting has been done with an application closing date of November 19, 2020.

Pre COVID (2019) vs. COVID (2020) revenue comparison snapshot has been provided for review. As of the first quarter (Q1) of FY2021, no significant revenue impact has been noted however we will continue to monitor.

Reports on the continuing education meetings the Executive Director attended virtually have been provided for review. They were:

- FARB - The Federation of Associations of Regulatory Boards
- CBA - Council of Board Administrators
- PTCC - Physical Therapy Compact Committee

Website updates:

- The continuing education landing page has been updated
- The Board is accepting credit card payments for continuing education sponsor applications and restricted license applications

Board member Finnigan, the Board's APTA of Maryland liaison, attended and provided a brief update on statutes and regulations that passed or are pending at the chapter's business meeting held on Saturday, November 14, 2020.

## **Legislative and Regulation Update**

Legislative and Regulations Coordinator Reese provided an update on the following:

On October 23, 2020, the Fee Schedule proposal (COMAR 10.38.07) was published in the *Maryland Register*, Volume 47, Issue 22, Page 941-942 for a 30-day comment period which ends Monday, November 23, 2020. At this time no comments have been received.

On November 6, 2020, via teleconference, Emily Berg, JD, MPH, Senior Health Policy Analyst, Office of Governmental Affairs (OGA) asked questions of Board Counsel Felter, Executive Director Kendall-Ellis, Deputy Director of Administration, Okehie and Legislative and Regulations Coordinator Reese pertaining to the 2019 submitted Continuing Education regulation (COMAR 10.38.08) revisions which continues to be under review. The Board maintains communication with the OGA and continues to provide support statements and answer questions.

Telehealth new regulation draft (COMAR 10.38.13) has been submitted to the Secretary of Health's office. We are waiting on the Secretary's approval and sign off.

Code of Ethics regulatory draft amendments (COMAR 10.38.02) has been submitted to the Secretary of Health's office. We are waiting on the Secretary's approval and sign off.

Secretary of Health Neall announced that he is retiring December 1, 2020. This announcement may affect the progress of submitted regulations.

Due to the upcoming Legislative Session, the Administrative, Executive, and Legislative Review Committee (AELR) annually places a hold on regulations. This action will commence this year on December 14, 2020. We will continue to monitor our submitted regulations and if they are not signed by the Secretary and submitted to AELR by December 14, 2020 we will follow up after the AELR hold ends in February.

It was announced that the 2021 Legislation Session will be held virtually. We will keep you informed and share further updates.

### **Monthly Licensure Report**

Licensing Manager Jackson reported the following for October 2020:

- There were a total of 61 new licenses (27 new licenses issued to Physical Therapists and 34 new licenses issued to Physical Therapist Assistants)
- There were a total of 60 new applicants (34 new Physical Therapist applicants and 26 Physical Therapist Assistants)
- The total number of applicants who sat for the October 6, 2020 Physical Therapist Assistant exam was 35 (25 passed/10 failed)
- The total number of applicants who sat for the October 27, 2020 Physical Therapist exam was 34 (27 passed/7 failed)
- The total number of active licensees is 9,634 (7,180 Physical Therapists/2,454 Physical Therapist Assistants)

### **Licensure Renewal Update**

Deputy Director of Administration Okehie reported that as of November 2020, there have been 4,153 renewed licenses with no significant change since October 2020. The Governor's Executive Order remains in effect whereby licenses due for renewal in 2020 will not expire until 30 days after the end of the emergency declaration.

Preparations have started for the 2021 license renewal period. At this time the 2020 renewals will run into 2021. Board Counsel Felter noted that the Governor's Executive Order pertaining to license renewals may continue into the 2022 renewal period. The 2020 continuing education audit has been held because the 2020 renewal cycle remains open.

Action: The Board of Physical Therapy Examiners will discuss the 2020 license renewal continuing education audit at the December 15, 2020 Open Session meeting.

### **Scope of Practice**

The Board received and has been asked to respond to the following scope of practice question.

**Q:** Most of the physical therapist's work is in chronic wound management (outpatient and inpatient).

(1) Can I apply Wound VAC devices to my outpatients?

(2) Can I bill for it?

(3) Do I require an MD's script specifically for a Wound VAC device? I have heard that only RN's can apply and adjust said devices and only under an MD's order in the inpatient setting. I am concerned about the outpatient setting.

**A:**

(1) Yes, the Wound VAC device can be applied by a physical therapist per Health Occupations Article §13-101.h.(2)(ii): "*Administering therapeutic interventions that include exercise, therapeutic massage, mechanical devices, or therapeutic agents that use the physical, chemical, or other properties of air, water, electricity, sound, or radiant energy* and COMAR 10.38.02.A.(2)(a): *Exercise sound professional judgment in the use of evaluation and treatment procedures.*"

(2) The Board is unable to comment on payer's payment policies and recommends checking with them directly.

(3) Maryland is a direct access state; and the Board recommends checking with the payer as they may require a physician prescription.

### **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 *How to Start, Grow and Prosper your Cash Based Physical Therapy Business; Listen, Learn, Respond: Empathy and the Patient experience; Rehabilitation in Hospice and Home Care: An Overview for Therapists; Cardiopulmonary 103-104; Strategies for Creating a culturally-inclusive mindset; Home Health: PDGM to Covid-19 response; Coaching the Geri-Athlete: Planning, Preparing and Performing; Sensory Based Feeding Strategies; and Strategies Mindfulness Training for Stress Management.* (motion introduced by Board Vice Chair Holsinger; motion seconded by Board Member Woolford) The motion passed.

Motion: That the Board of Physical Therapy Examiners approves *Orthopedic Regenerative Injections* continuing education course. (motion introduced by Board Vice Chair Holsinger; motion seconded by Board Member Connors) The motion passed.

Discussion: Clarification on the wording of who was giving the injection was discussed.

Motion: That the Board of Physical Therapy Examiners approves *Screen Time and Autism* continuing education course. (motion introduced by Board Vice Chair Holsinger; motion seconded by Board Member Thomas) The motion passed.

Discussion: Clinical impact lacked details and was discussed.

Motion: That the Board of Physical Therapy Examiners denies *Weight Management: Facts Not Fads* continuing education course because it is not relevant to the clinical practice of Physical Therapy (COMAR 10.38.08.03.B.1.). (motion introduced by Board Vice Chair Holsinger motion; seconded by Board Member Thomas) The motion passed.

Discussion: It was discussed whether obesity is considered a disability.

Motion: That the Board of Physical Therapy Examiners approves *Visual Impairment in the Older Adult: An Overview* continuing education course. (motion introduced by Board Vice Chair Holsinger; motion seconded by Board Member Thomas) The motion passed.

Discussion: Discussed whether this is scope of practice for Occupational Therapy, Physical Therapy or both.

Motion: That the Board of Physical Therapy Examiners denies *Exercise-Induced Asthma* continuing education course because it is not directed to a professional audience (COMAR 10.38.08.03.B.2.). (motion introduced by Board Vice Chair Holsinger; motion seconded by Board Member Connors) The motion passed.

Discussion: none

Motion: That the Board of Physical Therapy Examiners denies *Marfan Syndrome: An Inherited Disorder* continuing education course because it is not directed to a professional audience (COMAR 10.38.08.03.B.2.). (motion introduced by Board Vice Chair Holsinger; motion seconded by Board Member Connors) The motion passed.

Discussion: none

Motion: That the Board of Physical Therapy Examiners approves *Certification: Interactive Metronome for Pediatrics and Adults* continuing education course. (motion introduced by Board Vice Chair Holsinger; motion seconded by Board Member Esterson) The motion passed.

Discussion: Support in the literature and used in neurologic patient practice noted.

The Board received and has been asked to respond to a licensee seeking review and possible continuing education unit (CEU) approval of continuing education course. Additional information was requested by the Board at the October 20, 2020 Open Session meeting to support further discussion and decision making.

Motion: That the Board of Physical Therapy Examiners denies *National Academy of Sports Medicine (NASM) Performance Enhancement Specialization certification program* for continuing education units (CEUs). (motion introduced by Board Vice Chair Holsinger; motion seconded by Board Member Thomas) The motion passed.

Discussion: The Board did not receive a complete hour-by-hour agenda of the course as requested (COMAR 10.38.08.04).

**Open Session Meeting Adjournment:**

Motion: That the Board of Physical Therapy Examiners moves to adjourn the Open Session Meeting at 1:53 p.m. in order 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 Closed and 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 3:20 p.m.

Karen Gordes, Chair

Minutes approved by the Board on December 15, 2020