



Board of Physical Therapy Examiners

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

BOARD OPEN SESSION MEETING MINUTES **September 15, 2020**

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, 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
John Bull, Deputy Director of Operations
Michelle Cutkelvin, Project Manager
Deborah Jackson, Licensing Manager
Andrew Rosenfeld, Investigative Supervisor
Brett Felner, JD, Assistant Attorney General, Board Counsel
Lillian Reese, Legislative and Regulations Coordinator

Public Guest

Lisa Viscuso, PT

Approve July 21, 2020 Open Session Meeting Minutes

Motion: That the Board of Physical Therapy Examiners approves the July 21, 2020 Open Session Meeting Minutes (motion introduced by Board Chair Gordes; motion seconded by Board Member Thomas). The motion passed unanimously.

Board Chair Welcome and Update

Board Chair Gordes welcomed Board Members, staff and the public. Board Members, staff and invited guests introduced themselves. Board Chair Gordes shared the ground rules for the meeting.

Executive Director Update

Executive Director Kendall-Ellis apprised the Board that the staff will be holding an operational strategic retreat Friday, September 18, 2020. A few key topics we will be discussing is our organizational model, role & responsibility clarification, measures of success, the fiscal year end 2020 annual report, and additional strategic discussions focused on maximizing our teams' strengths.

The APTA of Maryland Executive Director, Lauri Jacobson extended an invitation to attend their Legislative Prep teleconference on August 31, 2020. The teleconference was very informative and provided insights into the association's priorities for the 2021 legislative year.

A fiscal year end annual report is an important element of communication utilized to provide the Board retrospective financial and operational information around growth and challenges. We are pleased to provide the Board with the fiscal year end 2020 Annual Report for the period covering July 1, 2019 through June 30, 2020. The Board's finalized fiscal year 2021 budget was presented.

Legislative and Regulation Update

Legislative and Regulations Coordinator Reese discussed COMAR 10.38.07.02. Purpose of the amendment was to establish a fee for the Interstate Physical Therapy Licensure Compact. Governor Hogan and Secretary Neall have signed the amendment which will be published in the October *Maryland Register*.

Assistant Attorney General Board Counsel Felter discussed amendments to the State Acupuncture Board Act which, Secretary Neall's legislative office has asked Board's to review and comment on the amended HB404.

Motion: That the Board of Physical Therapy Examiners chooses to not comment on amendments to existing regulation *State Acupuncture Board – Practice of Acupuncture – Definition and Education Requirements*. (motion introduced by Board Member Holsinger; motion seconded by Board Member Finnegan). The motion passed. Vote count: 7 Yes; 0 No; 1 Abstain

Monthly Licensure Report

Licensing Manager Jackson gave the combined licensure report for July and August 2020. There was a total of 118 new licenses issued, 116 new applicants, with, at the end of August, a total of 9,516 total of active licensees.

Licensure Renewal Update

Deputy Director of Administration Okehie gave the licensure renewal update. As of August 2020, there have been 4,135 renewed licenses of the 4,700 that will expire in the 2020 renewal cycle. 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 related to the 2021 license renewal period.

Scope of Practice

The Board received and has been asked to respond to the following scope of practice questions:

Q: Are PTs and PTAs allowed to apply topical medication on a patient? I would assume the following criteria needs to be met: 1. the medication is for therapeutic purposes such as pain control 2. the medication is on the patient's profile list for home health or prescribed by MD

A: Yes, a PT or PTA may apply a topical medication on a patient for pain control. The medication shall be prescribed by a medical provider. (§13-101; §13-101.h.2.ii)

Q: We are considering adding a wellness program to the available services in the clinic. This could be either patients who have been discharged or just those who want some guidance on fitness/exercise. If we have a PTA with a personal training certificate, would that person be able to run the program without the guidance of a PT? They would not be providing physical therapy services, just fitness/personal training. I know there could be carryover which is why I ask this question. Are they able to act as a personal trainer vs. a PTA or are they always held to the expectations and guidelines of a PTA?

A: Ensure that the clients clearly understand the PTA is working as a personal trainer within the wellness program. The PTA, when working in the wellness program can not use PTA credentials. (§13-101)

Q: We are also considering developing a Laser program in our clinic. One of the suggested ideas was to offer the service for a cash fee independent of a PT plan of care (i.e. an old patient re-injured his ankle and wanted to purchase 3 laser sessions, but not start a course of PT treatment). Would we still need to have an evaluation/POC, etc.?

A: If the need for the laser treatment is within the scope of physical therapy and treatment delivery will be performed by a PT and/or PTA, then a plan of care is needed. (COMAR 10.38.03)

Continuing Education

Motion: That the Board of Physical Therapy Examiners approves the Continuing Education Committee's recommended unanimous denial of continuing education course submission *Identification and Management of Malnutrition in Older Adults* as it is not relevant to the clinical practice of Physical Therapy (COMAR 10.38.08.03.B.1) (motion introduced by Board Member Holsinger motion seconded by Board Member Thomas). The motion passed unanimously.

Motion: That the Board of Physical Therapy Examiners denies *Agility in Leadership: Combat Stress and Change Fatigue* 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 Chair Gordes). The motion passed unanimously.

Motion: That the Board of Physical Therapy Examiners denies *Importance of Self Care for Frontline Professionals* 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 Chair Gordes). The motion passed.
Vote count: 6 Yes; 2 No; 0 Abstain

Motion: That the Board of Physical Therapy Examiners denies *Sustaining the Well-Being of Healthcare Workers During Coronavirus* 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 Chair Gordes). The motion passed.
Vote count: 6 Yes; 0 No; 2 Abstain

Motion: That the Board of Physical Therapy Examiners denies *Sports Nutrition* 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 Chair Gordes). The motion passed. Vote count: 5 Yes; 3 No; 0 Abstain

Motion: That the Board of Physical Therapy Examiners approves *Professional Training in Mind-Body Medicine* continuing education course submission) (motion introduced by Board Member Thomas motion seconded by Board Chair Gordes). The motion passed. Vote count: 6 Yes; 0 No; 2 Abstain

Motion: That the Board of Physical Therapy Examiners approves *Music Therapy* continuing education course submission (motion introduced by Board Member Thomas motion seconded by Board Member Esterson). The motion passed. Vote count: 7 Yes; 1 No; 0 Abstain

Motion: That the Board of Physical Therapy Examiners approves *Assessing Older Adult Driving Safety: An Overview* continuing education course submission (motion introduced by Board Member Thomas motion seconded by Board Member Esterson). The motion passed.
Vote count: 7 Yes; 0 No; 1 Abstain

New Business

Maryland licensed physical therapist, Lisa Viscuso, requested that the Board review COMAR 10.38.02 Code of Ethics. Support Statement submitted: "Since Physical Therapy is so intertwined with individuals with disabilities wouldn't it be more inclusive to add 'disability' to the statement? This certainly is a category of people who experience discrimination and biases. We, of all professions, should be making our ethical statement reflect that and standing firm with the Americans with Disabilities Act (ADA), a key protection for our patients and clients. I also believe the terms "gender identity and sexual orientation" should be added to our code as well. One may say the term "sex" is inclusive of that but by being directly stated there is no ambiguity of our intent. I'm confident these updates would represent our profession in the highest of integrity and demonstrate we are all-inclusive and welcome diversity and protection of these humans."

Discussion by the Board and Assistant Attorney General Board Counsel Felter. Discrimination is prohibited under current statutes and regulations. Generating language that is inclusive is very important and is an important regulatory update.

Action: The Board of Physical Therapy Examiners Legislative and Regulations Board Committee review statutes, regulations, and gather references for recommendations back to the Board on COMAR 10.38.02 Code of Ethics.

Approve July 21, 2020 Administrative Session Meeting Minutes:

Motion: That the Board of Physical Therapy Examiners approves the July 21, 2020 Administrative Session Meeting Minutes (motion introduced by Board Chair Gordes; motion seconded by Board Member Holsinger). The motion passed unanimously.

Open Session Meeting Adjournment:

Motion: That the Board of Physical Therapy Examiners moves to adjourn the Open Session Meeting at 2:55 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)(13). (motion introduced by Board Member Gordes; motion seconded by Board Member Holsinger). The motion pass unanimously.

The Board will convene the Closed and Administrative Sessions 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 Closed and Administrative Sessions were adjourned at 4:13 p.m.

Karen Gordes, Chair

Minutes approved by the Board on October 20, 2020