STATE OF MARYLAND

DHMH

Maryland Department of Health and Mental Hygiene

Board Of Physical Therapy Examiners

BOARD MEETING OPEN MINUTES
May 17, 2011

The meeting was called to order at 1:16 p.m. by the Chairperson, Shirley Leeper, PTA. Committee forms were distributed. — Call to Order

Board members present:

John Baker, PT, DPT
Ved Gupta, Consumer Member
Krystal Lighty, PT, DPT
Lori Mizell, PT, Vice Chairperson
Lois Rosedom-Boyd, Consumer Member
Donald Novak, PT

Board member absent: Rhea Cohn, PT, DPT

Also present:

Ann E. Tyminski, Executive Director
Joy E. Aaron, Deputy Director
Linda Bethman, AAG, Board Counsel
Ernest Bures, Compliance Manager
John Bull, Investigator
Kristen Neville, Legislative Specialist
Deborah Jackson, Licensing Coordinator
Nancy Stanciel, Board Secretary

The minutes of the meeting held on April 19, 2011 were approved with one change. — Minutes

The Board voted unanimously to approve the regulations. They will be referred to Ms. Neville for promulgation. — Disciplinary Sanctions, Penalties, and Civil Fines

The Board voted unanimously to accept the proposed definition of dry needling. The issue will be referred to the Legislative Committee for the purpose of finalizing the regulations submitted by Ms. Cohn.

Dry Needling

Ms. Dee Kelly wrote the Board regarding the PTA Code of Ethics rules D and E. The regulations only address a PT, could a PTA be disciplined if they do not abide by rules D and E? The Board agreed to refer the question to the Legislative Committee for review and clarification of the Code of Ethics.

Dee Brian Kelly/ PTA Code of Ethics rules D&E

Mr. Eric Stewart wrote the Board regarding the use of his journal club's quarterly 4 hour discussions of various articles from peer reviewed journals. He was inquiring if he could submit the discussions for consideration for CEU. The Board voted to deny the request as presented, but agreed to refer the matter to the Legislative Committee.

Eric Stewart/Review Articles for CEUs

Ms. Kristina DeWittt wrote the Board inquiring whether a PT who is hired as an independent contractor can provide coordination of care supervision to a PTA who is also an independent contractor. Ms. Bethman indicated to the Board that the issue is not addressed in the COMAR regulations. Mr. Baker also added that the employee classification is irrelevant to the issue.

Kristina DeWitt /Coordination of Care Supervision

Ms. Tyminski explained the budget process. She reviewed the 2011 Budget Submission report with the Board and summarized the information contained in the document.

Budget Process

Ms. Tyminski reported that UMES will not graduate until September 25th. A process will be put in place by Ms. Aaron and Ms. Jackson which would allow the students' applications to be processed for the October exam date. Ms. Tyminski assured UMES that those students who have completed applications by October 7th will be made eligible to sit for the examination in October.

UMES/Report on Visit

Mr. Baker explained that the professional Board members must serve on two committees. He requested that the committee sign up forms be returned to him at the end of the session.

Board Committees

Ms. Tyminski reported that Ms. Aaron will start getting the summer newsletter organized for publication.

Newsletter Articles

Ms. Tyminski reviewed the responses she had prepared to Secretary Sharfstein's request. The Board members felt her responses were highly satisfactory.

Response to request/Secretary Sharfstein

Ms. Jill Stone, PT wrote the Board inquiring whether a physician's bed rest order applies to the nursing staff only if the physician writes a concurrent PT evaluation order. Can the therapist get the patient OOB? Ms. Lighty explained that that this is a facility decision, not a Board decision, and Ms. Stone should be referred to her facility policy for the answer.

Jill Stone/Bed Rest and PT Physician's Order

Mr. Brafmann wrote the board to question whether a PT can treat 3 patients per hour and, at the same time, supervise an aide who has one or more patients during that same hour. The board agreed that the number of patients that the aide is treating is irrelevant. The PT cannot treat more than 8 patients per day. The patients that the aide is working with come under the PT count.

Henry Brafmann/Aides

Ms. Lackner wrote the board to inquire whether a PT can document a verbal order from a nurse practitioner and/or physician's assistant in the patient's chart, or must the order come directly from a physician. The Board agreed that Ms. Lackner should check the facility policy for guidance.

Susan Lackner/Direct Order to PT from Nurse Practitioner

Ms. Aaron updated the Board on the CBA 2011 2nd Quarterly WebEx.

CBA WebEx

Ms. Aaron informed the Board that license renewals, in general, have gone well. The biggest obstacle to timely renewals for some has been tax liabilities. Ms. Aaron feels that the existing process is not sufficient. There were 57 people who had tax issues. Ms. Bethman has agreed to check on the possibility of additional action that the Board can pursue against those who do not pay their taxes.

Update on Renewals

Ms. Tyminski, Mr. Baker, and Ms. Mizell met to develop the CE audit process. Audits will take place after the renewal period. Ms. Aaron will send letters at the beginning of June allowing everyone 30 days to get their certificates in. As they are received, Ms. Aaron will examine the certificates. If there are any problems, the certificates will be turned over to the Continuing Education Committee. The Board agreed that informal hearings would be the first step for those who do not have the required CEs.

Audit Process

Ms. Tyminski reported that everyone who took the training commented that they thought the training was excellent. Ms. Tyminski included the PowerPoint presentation of the training in the packets of those Board members who did not attend.

Update Expert Witness Training

The Board voted to deny the following continuing education course applications: "*MST 325 Shiatsu Massage Basics*", because the course was not relevant to the practice of physical therapy.

Continuing Education

Rehabilitative Ultrasound Imaging Resource Paper – FSBPT. The Board reviewed the information and agreed that the research was developmental and voted to make no decision until the procedure has evolved to be widely accepted.

Informational

Mr. Dilla inquired about the possibility of therapists having to acquire the DPT to renew licenses in 2020 and beyond, due to the recommendation by the APTA that all PT programs produce the DPT degree. The Board's answer was no they do not.

Ms. Tyminski compiled two informative packets so that Board members could understand the disciplinary process and the Maryland State Board of Physical Therapy Examiners. The second packet also included the license process for new graduates.

[illegible]

The Board unanimously voted to close the open session at 2:21 p.m. to engage in medical review committee deliberations in accordance with State Government Article, Section 10-508 (a) (1). Unless recused, all Board members who were present for the open session participated in both the closed and administrative sessions.

The meeting was adjourned at 4:10 p.m.

Respectfully submitted,

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Ann Tyminski, Executive Director

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Date approved

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Shirley Leeper, PTA, Chairperson

Open Session Meeting Minutes May 17, 2011

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Ann Tyminski, Executive Director

Jun 2h 2011
Date approved

Shirley Deeper, PTA, Chairperson