



STATE OF MARYLAND

DHMH

Maryland Department of Health and Mental Hygiene

Board Of Physical Therapy Examiners

**BOARD MEETING MINUTES
JUNE 15, 2010**

The June 15, 2010 meeting was called to order at 1:05 p.m. by the
Chairperson, Shirley Leeper, PTA.

Call to Order

Board members present:

John Baker, PT
Ved K. Gupta, Consumer Member
Donald Novak, PT
Margery F. Rodgers, PT
Lois Rosedom-Boyd, Consumer Member

Board members absent:

Lori Mizell, PT
Stephen D. Ryan, PT

Also present:

Ann E. Tyminski, Executive Director
Joy E. Aaron, Deputy Director
Patricia Miller, Licensing Coordinator
Ernest Bures, Compliance Manager
John Bull, Investigator
Linda Bethman, AAG, Board Counsel
Francesca Gibbs, Staff Attorney
Sen. Paula Hollinger
Sharon Bloom
Sharon Opdyke, PTA

Staff absent:

Deborah Jackson, Board Secretary
Sandra Kurland, Board Secretary

The Board approved the agenda and the minutes of the May 18, 2010
meeting.

Agenda and
Minutes

An inquiry from a patient who inquired about the appropriateness of
treatments being performed by an aide without the presence of a physical
therapist was reviewed and discussed. The Board's response was that
an aide can assist a patient in routine exercises under the direct supervision
of a PT. Billing is an insurance matter.

Aide Treatment

The Board unanimously approved Ann Tyminski to serve as
alternate delegate to the FSBPT annual meeting to be held in October.

FSBPT Meeting

After discussion and a motion made and approved, the Board

PT Board Bill

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will prefile the bill that failed in the Senate last year. Delegate Donoghue's advice is to prefile the bill in the House as amended by the House. He also asked that we request Senator Munson to sponsor the bill in the Senate. This bill should also be prefiled.

The Legislative Committee's work plan submission on the mandated regulatory review of COMAR 10.38.04; 10.38.05; 10.38.09 and 10.38.10 was approved to proceed. Mrs. Tyminski

Regulatory
Review

reported that the Rules of Procedure for Hearings regulations have been sent to the Department for promulgation.

There was discussion of an amendment to COMAR 10.38.03.02-1A (i) plan of care. Ms. Rodgers suggested that Medicare, APTA, Joint Commission and CARF all have language that may be suitable. This was referred to the Legislative Committee. This amendment will not affect the work plan for regulatory review.

Documentation
Regulations

Mrs. Tyminski and Ms. Bethman updated the Board on the Implementation of HB 114 and SB 291. The Office of the Attorney General is working on appropriate mitigating circumstances for sanctions. The bulk of the implementation work is categorizing offenses and proposing a range of appropriate sanctions for those offenses to help licensees know what they may face if they violate sections of the Practice Act. It was suggested that an ad hoc committee be appointed. John Baker, PT volunteered. Mrs. Tyminski will ask Lori Mizell, PT and Steve Ryan, PT if they will also be on the committee. It was felt the committee could work via e-mail and possibly one conference call.

Implementation
of HB 114 and
SB 291

Because the Board does not have sufficient members to have a disciplinary committee as outlined in HB 114 and SB 291, Mrs. Tyminski and Ms. Bethman will work on a memo to the Secretary of DHMH outlining the Board's disciplinary process which has worked effectively for 20 years.

The next item of business was review of a continuing education course sponsored by the Maryland National Capital Home Care Association which was denied by the Continuing Education Committee. The Board felt there was insufficient information regarding the course to make an informed decision. It was suggested that Ms. Aaron request submission of more supporting documentation regarding length of course and its substance.

CE Course

Dr. Baker requested that continuing education be sent via e-mail to Committee members. Ms. Aaron explained she just received her new imaging and would check out her ability to do this. Any Committee member without access to e-mail would be sent continuing education review requests by mail.

The minutes of the meeting with the Chiropractic Board were presented. This meeting was held as a requirement of the Board's sunset review. Ms. Rodgers reported that the meeting was cordial. The Chiropractic Board Have the same concerns as those of the Physical Therapy Board about how chiropractors who have physical therapy privileges actually practice. It was very clear that chiropractors are only to use physical therapy treatments in conjunction with their chiropractic treatments. Information was given as to

Meeting with
Chiropractic
Board

how chiropractors are trained and examined in physical therapy versus how physical therapists are educated and examined. Ms. Bethman added that the Chiropractic Act has allowed chiropractors to perform physical therapy treatments since 1947, and there would be little motivation for that privilege to be removed legislatively. Senator Hollinger also agreed that it would be viewed as a "turf battle" if such legislation would be proposed. Both Boards agree that there is a problem with physician-owned physical therapy practices. The Chiropractic Board is reworking a regulation regarding competency and will share the language with the Physical Therapy Board. It was agreed that there should be ongoing dialogue between the Board and a meeting will be planned sometime in the future.

Ms. Aaron informed the Board that online renewals ended May 31. 2,259 physical therapists and 579 physical therapist assistants renewed their licenses. The revenue from renewals was \$665,439. There was the usual parade of persons needing to reinstate their licenses on June 1. Thus far 24 physical therapists and 8 physical therapists have reinstated licenses.

Renewals/
Reinstatements

Ms. Leeper requested that Board members fill out their committee preference list so that she may reorganize the committees.

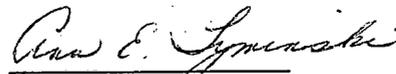
Committees

The application of Diane Feliz DaCosta was presented to the Board because Ms. DaCosta's professional education indicated she was lacking sufficient clinical hours. She presented documentation that she worked on the Senior Women's Soccer Team in Portugal for a total of 1,280 hours. This was accepted by the Board.

Application

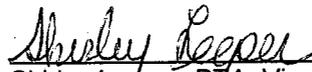
The Board unanimously voted to close the open session at 2:15 p.m. For the purpose of engaging in medical review committee deliberations of physical therapy applications in accordance with State Government Article Section 10-508 (a) (13).

Respectfully submitted,



Ann E. Tyminski, Executive Director

July 20, 2010
Date Approved



Shirley Leeper, PYA, ~~Vice~~ Chairperson