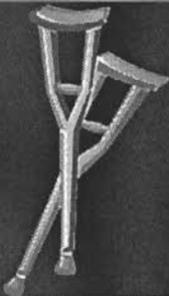


Winter 2004



MARYLAND STATE BOARD OF PHYSICAL THERAPY

PT NEWS

# The Ethical and Legal Basis for Continuing Education

The mandate of the Maryland Board of Physical Therapy is to protect the health, safety and welfare of the public that it serves. As such, it is the duty of the licensing board to ensure that standards of practice are met by all its licensees through its regulatory, compliance and disciplinary activities. The Board by its actions assures the public that licensees are qualified and competent to practice the profession as licensed physical therapists and physical therapist assistants.

Inherent in the licensing board's relationship to the public as protector are ethical principles that guide their actions. An example is the ethical principle of non-maleficence which means "doing no harm." As the public's sword and shield, the board mandates that its licensees maintain professional competence through its continuing education requirements.

The American Heritage Dictionary of the English Language (2000) defines competence in two ways: (a) the state or quality of being adequately or well-qualified and (b) the quality or condition of being legally qualified to perform an act. The definition as applied to the practice of physical therapy simply means that licensed physical therapists and physical therapist assistants should demonstrate continued professional skills, knowledge or ability over time with the standards of practice as predetermined by the licensing board to maintain licensure. One mechanism to determine continued competency in the practice of physical therapy is through continuing education.

(continued on page 2)

## Board Members and Staff

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Paz Susan Cabanero-Johnson, PT	Marge Rodgers, PT, Chairperson
Jill Kuramoto, PT	Lois Rosedom-Boyd, Consumer Member
Shirley Leeper, PTA	John Shober, PT

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Dorothy Kutcherman, Licensing Administrator  
Jeanette Robinson, Office Clerk  
Ernest Bures, Compliance Manager  
Larry Schuyler, Investigator  
Linda Bethman, AAG, Board Counsel

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Web site: [dhmh.state.md.us/bphte](http://dhmh.state.md.us/bphte)

## From page 1—Continuing Education

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Continuing competence is a life-long pursuit. As the profession evolves and the growth of new knowledge and information renders a portion of one's baseline knowledge as obsolete, there is also an increased public demand for accountability that the practice of physical therapy continues to be in line with current knowledge. One way to combat natural knowledge obsolescent and skills erosion is through continuing education.

Continued competence is the hallmark of professionalism. It is the responsibility of all professionals to maintain the requisite knowledge, skills, and abilities to provide and maintain standards of the professions and report any deviations from the standards. Continuing education has an ethical and legal basis and serves a great good in safeguarding the public's health, safety and welfare.

( by Paz Susan Cabanero-Johnson, DSc., PT, Board Member)

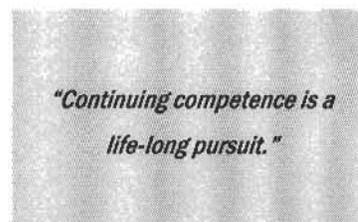
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### License Renewal/Fee Reduction

Having been fiscally prudent the past few years, the Board finds itself with a sufficient fund balance, therefore, renewal fees for 2005 and 2006 will be reduced to \$175 for PTs and \$150 for PTAs.

#### Points to remember:

- ⇒ CEUs must be completed between April 1 and March 31 of the preceding two year period.
- ⇒ Failure to submit the renewal application in sufficient time to be processed may result in a lapse in licensure.
- ⇒ It is your responsibility to renew your license in a timely manner.



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## Farewell/Welcome

The Board bids farewell to Natalie McIntyre whose term ended May 31, 2004 and wishes her well in future pursuits. She was an asset as a board member with her knowledge and expertise in appropriate continuing education as well as scope of practice and documentation issues.

Paz Susan Cabanero-Johnson, PT was appointed to fulfill the remaining term of Penny Lescher. Jill D. Kuramoto, PT was appointed to replace Ms. McIntyre. Both come to the Board with special expertise. Susan is an educator and a practitioner in a skilled-nursing facility. Jill is a hospital-based physical therapist and has served the American Physical Therapy Association in various capacities.

The Board welcomes Susan and Jill!

# Title 13 Changes — Effective October 1, 2004

[ ] means deletion; *italics* means new language

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§13-101 (h)(1) “Practice limited physical therapy” means to practice the health specialty concerned with:  
(i) The prevention of disabilities in [individuals] *patients or clients*; and

(ii) The physical rehabilitation of [individuals] *patients or clients*.

(2)(i) *Taking and documenting measurements*; and

(ii) *Administering treatment with therapeutic exercise, therapeutic massage, mechanical devices, or therapeutic agents that use the physical, chemical, or other properties of air, water, electricity, sound, or radiant energy.*

(3)(i) [Performing and interpreting tests and measurements of neuromuscular and musculoskeletal functions to aid treatment] *interpreting measurements*;

§13-101(i)(1) “Practice physical therapy” means to practice the health specialty concerned with: (i) The prevention of disabilities in [individuals] *patients or clients*; and

(ii) The physical rehabilitation of [individuals] *patients or clients*.

(2)(i) Performing an evaluation of the physical therapy needs of [individuals] *patients or clients*;

§13-203(a) From among its members, the Board annually shall elect a chairman *and vice-chairman*.

(b) The Board shall determine: (1) The manner and election of the chairman *and vice-chairman*.

(2) The duties of the chairman *and*

*vice-chairman*.

§13-207.1 **Disclosure of information.** [a] [b] *If it is determined that disclosure of information contained in a record of the Board will serve to protect the public, the Board, after an affirmative vote of a majority, may: (1) Disclose any information contained in a record of the Board to any other health occupations licensure board of this state if the information relates to an individual licensed or certified by the other board; or (2) Disclose to a physical therapy licensure board of any other state: (i) Any information contained in a record of the Board if the information relates to an individual licensed by the Board and is based on a final decision of the Board; or (ii) The information that a licensee has charges pending before the Board and there has been no final decision in the matter.*

§13-303(b) If an applicant for a physical therapy license has been educated in physical therapy outside of any state, the applicant shall have [: (1) Earned all credits at an institution of higher learning that has] *graduated from a physical therapy program that in the year of graduation had educational requirements equivalent to a [bachelor’s] degree in physical therapy from a United States program accredited by the Commission on Accreditation of Physical Therapy Education* [;2][3][4]

§13-310 (b) A licensed physical therapist assistant may practice limited physical therapy only under the direction of a licensed physical therapist who gives [periodic] *ongoing* [onsite] supervision and instruction that is adequate to ensure the safety and welfare of the patient.

## §13-316 Denials, reprimands, probations, suspension, and revocations — Grounds.

[(3)][(4)] (3) Unless specifically licensed with respect to the treatment, treats or attempts to treat a health condition of [an individual] *a patient or client* by means other than physical therapy;

[(5)] - [(10)] renumbered to become (4) - (9)

[(11)] (10) Is disciplined by a licensing or disciplinary authority of any [other] state or country or convicted or disciplined by a court of any state or country *or disciplined by any branch of the United States uniformed services or Veterans Administration* for an act that would be grounds for disciplinary action under the Board’s disciplinary statutes;

[(12)] - [(18)] renumbered to become (11) - (17)

[(19)] (18) promotes the sale of devices, appliances, or goods to a patient *or client* so as to exploit the patient *or client* for financial gain;

[(20)] - [(22)] renumbered to become (19) - (21)

[(23)] (22) Refuses, withholds from, denies, or discriminates against [an individual] *a patient or client* with regard to the provision of professional services for which the licensee is licensed and qualified to render because [an individual] *a patient or client* is HIV positive;

[(24)] - [(26)] renumbered to become (23) - (25)

§13-317(d)(3) The committee shall give [to the individual who is the subject of the hearing notice of] *each party* the opportunity to file

## Title 13 changes cont'd

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exceptions and present argument to the Board regarding the decision of the committee.

### **§13-407 Penalty generally.**

(A) A person who violates any provision of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding [\$1,000] \$5,000 or imprisonment not exceeding 3 years or both.

(B) (1) Any person who violates §13-401 of this subtitle is subject to a civil fine of not more than \$50,000 to be assessed by the Board.

(2) The Board shall pay any penalty collected under this subsection into the State Board of Physical Therapy Examiners Fund.

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## Did you know?

- You can earn 0.6 CEUs by attending the law course which is approved by the Board and given twice a year.
  - You can find all licensed physical therapists and physical therapist assistants on our web site—[dhhm.state.md.us/bphte](http://dhhm.state.md.us/bphte)—as well as disciplinary actions back to 1999.
  - You are required to notify the Board immediately of address changes. For your convenience, a change of address form is posted on our web site .
  - Board meetings are held the third Tuesday of the month and are opened to the public. Check our web site for date and time.
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## Disciplinary Actions—2004



Disciplinary action was taken against the following individuals this past year. Copies of Final Orders may be obtained from the web site—[dhhm.state.md.us/bphte](http://dhhm.state.md.us/bphte).

Brenda Cameron, PT: Order dated September 21, 2004 - Two year suspension

Linda Eckert Ots, PT: Order dated March 16, 2004 - Two year probationary period

Lynne M. Eckley, PTA: Order dated June 15, 2004 - Suspension; then a three-year probationary period

Michael Schmitt, PT: Reprimand (Supplemental Order dated March 16, 2004

Raymond Schmidt, Jr, PT: Order dated April 2, 2004 - Six-month suspension (stayed); two-year probation period

Andrew Simmes, PTA: Order dated July 20, 2004 - Suspension (stayed); two year probation period

Brian P. Voith, PT: Indefinite probation

Claudette Yerby, PTA: Order dated July 20, 2004 - One year suspension with all but 30 days stayed; three-year probationary period

# Importance of License Renewal!

As an experienced Physical Therapist (PT) in private practice I always enjoyed my job and felt I was pretty good at it. One day my self esteem was demolished, my livelihood jeopardized, and thoughts of financial ruin including the loss of my business and our family home became a real possibility. One might suspect this sudden change of fortune would follow being fired from your job unexpectedly, having your identity stolen, being charged with a felony such as driving while intoxicated or vehicular manslaughter, or realizing that your entire stock portfolio had just plummeted. In this case, something much more obscure had happened. I had unknowingly allowed my Maryland PT license to lapse. To say that it was a disruption to my life and family would be an understatement. Unfortunately, I had not realized my error until weeks after the renewal deadline. It is a violation of Maryland state law to practice physical therapy without a license even for one day. Over the years, I had renewed my license numerous times without difficulty, but as I think back, I can barely recall filling out the application or writing a check for the renewal fee. It had insidiously become a formality with no more distinction than paying the electric bill. Unfortunately, during this time period, my life was in just enough disarray that I misplaced the renewal paperwork, setting into motion what would become a formidable problem for me.

The moment I realized my error, questions immediately began to stream into my head. Would I be vulnerable to a lawsuit since my liability insurance only protects me

while holding a valid license? Had I charged patients inappropriately for services that I was not licensed to provide? Would I have to close my practice? Would I be required to take the national licensing exam again in order to be reinstated? If that was required, could I still pass the exam? How would my husband and I pay the mortgage next month if my income was disrupted? Could my career be snatched right out from under me? Would we have to uproot our family? The whole situation seemed surreal. One moment I was thriving in a profession I loved, enjoying one of the most productive years of my career, and the next moment I was canceling patient appointments and trying to contact the Maryland State Board of Physical Therapy Examiners (MSBPTE) to find out how to get back on track. I would learn the hard way to value the privilege of possessing a valid PT license. I worked hard to earn my degree but I didn't realize that I wasn't placing enough emphasis on maintaining my license. The license is a privilege, not a right, and all physical therapists and physical therapist assistants must be in compliance with all state laws and standards of practice, and must renew their license before it expires.

Actually, I must admit that my initial reaction was one of irritation and disbelief that the Board of PT Examiners had not sent me a second notice reminder. I would later learn that reminder notices had been discontinued several years ago due

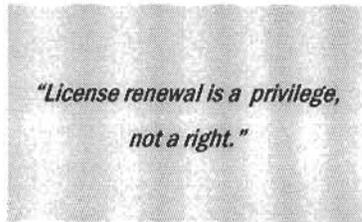
to exorbitant mailing costs and the Board's belief that professionals do not need reminders regarding licensure renewal. Each year, about 2,500 Maryland PTs and PTAs apply for license renewal. Notices are mailed in March and are due in the Board office prior to May 31<sup>st</sup>, the expiration date of a license. I learned that during the time period from mid-March to April 1, there is a rush of early renewals. This momentum drops off and picks up in May (with a large portion of renewals received after May 15). We, as professionals, must complete the renewal applications and return them immediately upon receipt.

When I contacted the board they were appropriately firm in explaining that the responsibility for timely

license renewal lies squarely on the shoulders of every individual licensee and that their professionalism must dictate to them the importance of maintaining a valid

license. Reinstatement, for me, required a \$400 fee, a completed reinstatement application, proof of adequate continuing education, a letter of explanation, a statement of whether I had practiced PT without a license, and a personal appearance in front of the MSBPTE for an informal hearing (with or without a lawyer, at my discretion). I learned that late renewals (sought within the month of June) are \$500.

In my case, I was fortunate that formal charges were not filed against me. The entire ordeal was extremely embarrassing to me professionally and personally.



*"License renewal is a privilege,  
not a right."*

## License renewal (cont'd)

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During my childhood, my mother would say, "The day that you can learn from another's mistake while avoiding the same fate is a great day indeed worth remembering." Therefore, I share my experience so that all Maryland physical therapists and physical therapist assistants will learn from my mistake and renew their license early in the renewal period to avoid the embarrassment and possible serious consequences of failing to renew on time.

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### From the Executive Director

**Board Vacancies**— Next May, terms of two long-term members will expire. They are John Shober and Edward Lyons, both physical therapists and own their private practices. If, at any time, you wish to become a Board member, please contact the APTA of Maryland, the professional association that handles the submission of names for Board appointment.

**Board Highlights—2004** - The Board's staff processed renewals ending on May 31, 2004 and immediately began to process applications of new graduates from various programs. Although this is an ongoing process, the bulk of new graduates want to sit for the examinations in the summer and early fall so that they can begin their careers. Staff processes applications as quickly as possible. There has been a fall in the pass/rate of first-time exam takers, a trend the Board is following carefully. It is devastating to an applicant to be in a position only to have to stop working due to failing the national licensing examination. Only one temporary license is allowed per applicant.

All during 2004 Dorothy Kutcherman, Licensing Administrator, and I have been working with the programmers from the Department of Health and Mental Hygiene and network specialist to design a web-based licensure program. A database manager has been hired and Phase I has been completed. We are currently working on Phase II of the project which includes some design changes. Phase III will commence early in 2005 and, hopefully, this project will result in the Board's ability to offer licensees the option of renewing online. You will be updated as this project progresses towards completion.

**Customer Service**— The Board, staff, and I are committed to serving both the public and our licensees in an efficient, customer friendly manner. However, we do sometimes have to tell persons things they do not want to hear and that often causes reactions that we are not offering good customer service. Please understand that we are committed to treat all licensees and the public in a fair, factual and consistent manner. Every effort will be made to straighten out any misinformation, misunderstandings, etc.

**Discipline**— Complaints continue to come in from patients, insurance companies, etc. We have two capable investigators, Ernest Bures and Larry Schuyler. Ernest had years of service with the Baltimore County Police Department and Larry is retired from the State Police. If they happen to contact you, please be responsive and answer their questions honestly. Not all contacts result in Board action.

## Executive Director's Notes (cont'd)

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**Law Course** — The Board's course on the law and ethics is presented twice a year. This course was previously instructed by Dennis Klima, PT, now the instructor is Judy Schank, PT. The position of the Board is that ignorance of the law is no excuse. If you have any questions about the laws and regulations under which you practice in Maryland, this course is a good opportunity to have them clarified. You may also write to the Board with questions. A written response will be sent to you. Knowledge of the law can help avoid problems that could result in disciplinary actions. The next course is scheduled for June 2005. You may contact the Board office, (410) 764-4752, to be put on the list.

**Renewals** — Renewal applications will be mailed in March for those licenses expiring May 31, 2005. Be sure the Board has your current address. If a renewal application is returned by the Post Office, the investigators are directed to search for a current address. Failure to notify the Board immediately of a change of address could result in a \$100 penalty! Address changes are accepted online, by fax (410) 358-1183, e-mail, or regular mail. In order to avoid mistakes, address changes are not accepted over the telephone. All written requests for address changes are kept on file.

Some of the frequent mistakes made during the renewal process are:

- Failure to sign the application;
- Failure to answer the disciplinary questions;
- Failure to include completed CEU form. Those audited must also include copies of CEU certificates.
- Inappropriate continuing education. You can always check with office before taking a course.
- Failure to submit continuing education that is within the time frame. CEUs must have been earned between April 1, 2003 and March 31, 2005 for the 2005 renewal period.
- Submitting continuing education that is less than four hours. courses are acceptable for less than four hours.
- Failure to include payment or sending the wrong amount. Included with the renewal application and the current renewal
- Failure to send the renewal application in sufficient time for and I work diligently to send out licenses within a day or two of receipt of a completed and accurate renewal application.

*"Make sure renewal applications are complete to avoid delay in processing and receipt of your license."*

Only APTA sponsored

Instructions are included with the renewal application and the current renewal fee is listed.

processing. My staff

Each year we have a number of individuals who continue to work after their license has expired. This can result in distressing consequences. The new law that went into effect on October 1, 2004 allows the Board to issue a penalty of up to \$50,000 for unauthorized practice.

**Changes in the Law** — The 2004 legislative session resulted in several changes in the law that went into effect October 1, 2004. Please read them in this issue and they are also posted on our web site.

**Service** — In November 2004, I completed 15 years of service as Executive Director of this Board. It is a pleasure to serve the Board, its licensees and the public. I am always willing to listen and look for ways to improve Board operations. Please feel free to contact me.

# Tax Compliance Law

A new law went into effect on July 1, 2003 that impacts the renewal application process. This law requires that all health occupation boards verify through the Comptroller's Office that an applicant for renewal has paid all undisputed taxes and unemployment insurance contributions prior to the Board renewing the applicant's license. Those who renewed in 2004 have already experienced this law.

A letter will be included with your renewal application for those determined to be delinquent in payment of Maryland taxes. You will need to contact the Comptroller's Office directly to resolve the tax issue.



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## Change of Address Form

Remember—There's a \$100 penalty for not providing the Board with your address change!

Name: \_\_\_\_\_ License # \_\_\_\_\_

Old Address: \_\_\_\_\_

New Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip + 4 \_\_\_\_\_

Telephone # \_\_\_\_\_

Ladies—For name changes, a copy of marriage certificate, divorce decree, etc. is needed. Duplicate licenses are not issued for name changes.