



Paul R. LePage  
Governor

STATE OF MAINE  
DEPARTMENT OF PROFESSIONAL  
AND FINANCIAL REGULATION  
OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION  
MAINE BOARD OF EXAMINERS IN PHYSICAL THERAPY  
35 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0035

Anne L. Head, Esq.  
Commissioner

Geraldine L. Betts  
Administrator

Maine Board of Examiners in Physical Therapy  
Minutes of March 13, 2015 Board Meeting

CALL TO ORDER

Chairperson Anderson called the meeting to order at 2:10 p.m.

MEMBERS PRESENT

Leslie Anderson, Physical Therapist, Chair  
Nancy Chandler, Physical Therapist, Complaint Officer  
Nancy Kostovick, Physical Therapist  
Suzanne Gordon, Physical Therapist

STAFF PRESENT

Geraldine Betts, Board Administrator  
Kelly McLaughlin, Senior Consumer Assistant Specialist  
James Liddell, Professional Licensing Supervisor  
Jessica Gowell, Planning and Research Associate I  
Bob Perkins, Assistant Attorney General

OLD BUSINESS

*Review and approval of the minutes from July 31, 2014 meeting*

In a motion by Gordon, seconded by Kostovick, to accept the minutes of July 31, 2014, as amended. Motion carried.

NEW BUSINESS

**Complaint Committee's Report**

*2013 PHY 9262*

In a motion by Anderson, seconded by Kostovick, to amend the terms of Decision and Order dated July 31, 2014 reducing the supervisory sessions from two (2) hours of face to face supervisory sessions per week for twelve (12) months to two (2) hours of face to face supervisory sessions per week for the first six (6) months and two (2) hours of face to face supervisory sessions per month for the last six (6) month's. The licensee must meet the entire program laid out in the complaint committee memo dated March 12, 2015. The amendments are to be ratified with the offering of a Consent Agreement. Motion carried, Complaint Officer recused.

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OFFICE LOCATION: GARDINER ANNEX  
76 NORTHERN AVENUE, GARDINER, MAINE

### *2014 PHY 10039*

In a motion by Gordon, seconded by Kostovick, to dismiss 2014 PHY 10039 with no evidence of a violation of the Board's Laws and Rules. Motion carried, Complaint Officer recused.

### **Correspondence**

*Correspondence of November 12, 2014, Bradley Libby regarding sideline coverage*

The Board discussed the correspondence and agrees a licensee may perform Physical Therapy on the sideline, but the licensee must remain within the scope of practice. A licensee can evaluate inherent to physical therapy, also can design a treatment plan inherent to physical therapy. The Board directs the licensee to the Board of Examiners in Physical Therapy's scope of practice, Chapter 45-A Section §3111-A and the Practice Act Chapter 45-A §3113-A(1).

*Discussion on Dry Needling and Correspondence of February 18, 2014, Dustin Hurd, regarding dry needling. The dry needling porting of the correspondence was tabled at the July 31, 2014 board meeting to the March 13, 2015 meeting.*

In a motion by Anderson, seconded by Kostovick to issue an Advisory Ruling stating the practice of dry needling is within a physical therapist's scope of practice pursuant to 32 MRS §3111-A and is an appropriate procedure when used during the course of a physical therapy treatment. The Board agrees and recognizes that the article used for dry needling treatments is a "device" and its use permitted under the scope of practice. The draft advisory ruling will be presented at the next meeting for review and action by the Board. Motion carried.

### **Discussion Regarding Supervision**

The Board discussed the correspondence and refers the licensee to The Maine Practice Act 32 MRS §3113-B (4) which states "*The supervised practice of a graduate physical therapist or graduate physical therapist assistant, who is approved by the board to sit for examination, until the results of the examination have been published. The graduate must work in a facility employing at least one physical therapist licensed to practice in this State who assumes responsibility for patient related activities of the applicant*".

### **Election of Officers**

In a motion by Anderson, seconded by Gordon, to nominate and elect Nancy Chandler as Complaint Officer. Motion carried.

In a motion by Kostovick, seconded by Gordon, to nominate and elect Leslie Anderson as Board Chair. Motion carried.

In a motion by Kostovick, seconded by Chandler, to nominate and elect Susanne Gordon as Vice-Chair. Motion carried.

### **Board Action on Applications**

*Ellen Helinski, PT3762*

In a motion by Anderson, seconded by Gordon, to accept staff's recommendation and issue a preliminary denial of Ellen Helinski, PT 3762, physical therapist renewal application and offer a

Consent Agreement to include: 1) Admission to 10 M.R.S. § 8003-G(2)(C); 10 M.R.S. 8003(5-A)(A)(4); 10 M.R.S. § 8003(5-A)(A)(5), Board Rules, Chapter 6, and Attachment A of the American Physical Therapy Association Code of Ethics; 2) Warning; and 3) 100.00 fine. Motion carried.

### **Program Administrator's Report**

Administrator Betts informed the Board that the Office of Professional and Occupational Regulation will soon be sending renewal reminders and licenses via email only to any licensee who has an email address in our licensing system, for those licensees who do not have an email address on file, a paper renewal reminder and license will continued to be mailed via First Class mail. The effective date of these changes is to be determined.

Administrator Betts gave the Board an update regarding the Federation of State Boards of Physical Therapy ("FSBPT") – National Physical Therapy Examination ("NPTE") Eligibility Requirements.

### **ADJOURN**

There being no further business, Gordon motion to adjourn at 4:55 p.m., seconded by Chandler. Motion carried.