State Board of Medicine June 20, 2023

BOARD MEMBERS:

Donald M. Yealy, M.D., Vice Chair Gerard F. Dillon, Ph.D., Public Member Michael Ripchinski, M.D., MBA, CPE, FAAFP Walter A. Eisenhauer, MMSC, M.Ed., PA-C

Mark B. Woodland, M.S., M.D., FACOG, Chair

Sirisha Reddy, Special Assistant, on behalf of Debra L. Bogen, M.D., FAAP, FABM, Acting Secretary of Health

Arion R. Claggett, Acting Commissioner, Bureau of Professional and Occupational Affairs - Absent

BUREAU PERSONNEL:

 Dean F. Picarella, Esquire, Senior Board Counsel Shana M. Walter, Esquire, Board Counsel Dana M. Wucinski, Esquire, Board Counsel Heather J. McCarthy, Esquire, Senior Board Prosecutor/Board Prosecution Liaison Nathan C. Giunta, Esquire, Board Prosecutor Mark R. Zogby, Esquire, Board Prosecutor Jason T. Anderson, Esquire, Board Prosecutor Jonelle Harter Eshbach, Esquire, Board Prosecutor Keith E. Bashore, Esquire, Board Prosecutor Adam J. Williams, Esquire, Board Prosecutor Lindsay Szymanski, Esquire, Board Prosecutor Saiyad Ali, Acting Board Administrator Nichole Wray, Division Chief

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 Holly Hoffman, Law Clerk, Department of State
Andrew LaFratte, MPA, Executive Policy Specialist,
Department of State

State Board of Medicine June 20, 2023

ALS

ALSO PRESENT:

Rebecca Belles, LGC, Genetic Counselor, Geisinger Lisa Claypool Stevenson, Senior Associate Counsel, University of Pittsburgh Medical Center Linda K. Moore

Nicole Sidle, Republican Executive Director, House Professional Licensure Committee

Misha Patel, M.D., Curriculum Education Assistant, Geisinger Commonwealth School of Medicine Wesley J. Rish, Esquire, Rish Law Office, LLC

Tom Santiano Derek Richmond

Sargent's Court Reporting Service, Inc. (814) 536-8908

1 State Board of Medicine 2 June 20, 2023 3 * * * 4 [Pursuant to Section 708(a)(5) of the Sunshine Act, 5 at 8:45 a.m. the Board entered into Executive Session 6 with Dana M. Wucinski, Esquire, Board Counsel, and 7 Shana M. Walter, Esquire, Board Counsel, for the purpose of conducting quasi-judicial deliberations on a number of matters currently pending before the 10 Board and to receive the advice of counsel. Board returned to open session at 10:30 a.m.] 11 * * * 12 13 The regularly scheduled meeting of the State 14 Board of Medicine was held on Tuesday, June 20, 2023. 15 Mark B. Woodland, M.S., M.D., FACOG, Chair, called 16 the meeting to order at 10:30 a.m. 17 18 Introduction of Board Members/Attendees 19 [Saiyad Ali, Acting Board Administrator, provided an 20 introduction of Board members and attendees.] 21 Acknowledge Public - Turn Off Electronic Devices 22 23 [Mark B. Woodland, M.S., M.D., FACOG, Chair, 24 acknowledged that everyone present agreed to be part 25 of the meeting and thanked them for attending.

5 also requested all electronic devices be turned off.] 1 2 3 Approval of minutes of the May 23, 2023 meeting CHAIR WOODLAND: 4 5 The first order of business we need to take care of on our agenda is approval 6 7 of the minutes. 8 DR. YEALY: 9 Motion to approve. 10 MR. DILLON: 11 Second. CHAIR WOODLAND: 12 13 Any further discussion? Hearing none. 14 15 Saiyad, we need a roll call for votes? 16 Dr. Woodland, yea; Dr. Yealy, yea; Mr. 17 18 Dillon, aye; Dr. Ripchinski, aye; Mr. 19 Eisenhauer, aye; Ms. Reddy, aye. 20 [The motion carried unanimously.] * * * 21 22 Report of Prosecuting Attorneys 23 [Heather J. McCarthy, Esquire, Senior Board 24 Prosecutor/Board Prosecution Liaison, presented the

VRP Consent Agreement for Case No. 23-49-006877.]

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CHAIR WOODLAND:
1
2
                  Any questions? Hearing none. Could we
3
                  have a motion to approve?
4
   DR. YEALY:
5
                  So moved.
6
   MR. DILLON:
7
                  Second.
8
   CHAIR WOODLAND:
9
                  Any further discussion on this order?
10
                  Hearing none. Saiyad, could we have a
                  roll call for votes?
11
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13
                  Dr. Woodland, aye; Dr. Yealy, aye; Mr.
14
                  Dillon, aye; Dr. Ripchinski, aye; Mr.
15
                  Eisenhauer, aye; Ms. Reddy, aye.
16
   [The motion carried unanimously.]
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   [Keith E. Bashore, Esquire, Board Prosecutor,
19
   presented the Consent Agreement for Case No. 22-49-
20
   013969.
21
        Mr. Dillon requested more information concerning
22
   the thinking behind the Pennsylvania discipline.
23
        Mr. Bashore explained that the respondent would
24
   be out of prison in about four months and has $7.2
25
   million in restitution to pay. He noted that three
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years of supervised release combined with six months
of imprisonment is less than four years and would
allow the respondent to practice and pay back the
restitution.
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Mr. Dillon stated the individual's Pennsylvania license has expired and asked whether they would be able to seek reactivation of their Pennsylvania license short of the four years.

Mr. Bashore noted the individual would be able to seek reinstatement of their license after prison.]

* *

[Pursuant to Section 708(a)(5) of the Sunshine Act, at 8:45 a.m. the Board entered into Executive Session with Dana M. Wucinski, Esquire, Board Counsel, and Shana M. Walter, Esquire, Board Counsel, for the purpose of conducting quasi-judicial deliberations on a number of matters currently pending before the Board and to receive the advice of counsel. The Board returned to open session at 10:30 a.m.]

20 MS. WALTER:

I believe the Board would entertain a motion to reject as too lenient the Consent Agreement at item 4, Case No. 22-49-013969.

25 DR. YEALY:

8 1 So moved. 2 MR. DILLON: 3 Second. CHAIR WOODLAND: 4 5 Any further discussion on this topic? 6 Hearing none. Saiyad, could we have a 7 roll call, please? 8 9 Dr. Woodland, yea; Mr. Dillon, aye; Dr. 10 Ripchinski, aye; Mr. Eisenhauer, aye; 11 Ms. Reddy, aye; Dr. Yealy, aye. 12 [The motion carried unanimously.] * * * 13 14 [Jonelle Harter Eshbach, Esquire, Board Prosecutor, 15 presented the Consent Agreement for Case No. 22-49-16 004549.1 CHAIR WOODLAND: 17 18 Any questions? Hearing none. Do I have a motion? 19 20 MS. WALTER: 21 I believe the Board would entertain a 22 motion to accept the Consent Agreement 23 at item 5, Case No. 22-49-004549. 24 DR. YEALY: 25 So moved.

9 1 MR. DILLON: 2 Second. 3 CHAIR WOODLAND: 4 Any further discussion on the motion? Hearing none. Could we have a roll 5 6 call, please, Saiyad? 7 Dr. Woodland, yea; Dr. Yealy, aye; Mr. 9 Dillon, aye; Dr. Ripchinski, aye; Mr. 10 Eisenhauer, aye; Ms. Reddy, aye. 11 [The motion carried unanimously. The Respondent's 12 name at number 5 is Jean M. Hayduk, P.O.] 13 * * * 14 [Jonelle Harter Eshbach, Esquire, Board Prosecutor, 15 presented the Consent Agreement for Case No. 22-49-16 010787.1 CHAIR WOODLAND: 17 18 Any questions? Hearing none. Shana, 19 do you want to make a motion? 20 MS. WALTER: 21 I believe the Board would entertain a 22 motion to accept the Consent Agreement 23 at number 6 on the agenda, Case No. 22-24 49-010787. 25 DR. YEALY:

10 1 So moved. 2 MR. DILLON: 3 Second. 4 CHAIR WOODLAND: 5 Any further discussion on this case? 6 Hearing none. Saiyad, could we have a 7 vote, please? 8 9 Dr. Woodland, aye; Dr. Yealy, aye; Mr. 10 Dillon, aye; Dr. Ripchinski, aye; Mr. 11 Eisenhauer, aye; Ms. Reddy, aye. 12 [The motion carried unanimously. The Respondent's 13 name at number 6 is Bruce Oliver Hough, M.D.] * * * 14 15 Report of Board Counsel MS. WALTER: 16 Pursuant to the Sunshine Act at Section 17 18 708(a)(5), the Board entered into 19 quasi-judicial deliberations at 8:45 20 a.m. for the purposes of discussing 21 items 3 through 6 and 10 through 18 on 22 the agenda. 23 MS. WUCINSKI: 24 At agenda item 10, I believe the Board

would entertain a motion to direct

Board Counsel to issue an order 1 2 removing the limitation on the License 3 to Practice Medicine and Surgery of 4 Paul M. DiLorenzo, M.D., to practice 5 only under the auspices of a 6 preceptorship. 7 DR. YEALY: So moved. 8 9 MR. DILLON: 10 Second. 11 CHAIR WOODLAND: 12 Any further discussion? Hearing none. 13 Saiyad, could we have a vote, please? 14 15 Dr. Woodland, yea; Dr. Yealy, aye; Mr. 16 Dillon, aye; Dr. Ripchinski, aye; Mr. 17 Eisenhauer, aye; Ms. Reddy, aye. 18 [The motion carried unanimously.] * * * 19 20 Applications for Licensure - Graduate Medical Trainee MS. WUCINSKI: 21 22 At agenda item 11, I believe the Board 23 would entertain a motion to recommend 24 that J.L. enter into the Voluntary 25 Recovery Program for a minimum of five

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1
                   years.
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   DR. YEALY:
3
                  So moved.
4
   MR. DILLON:
5
                  Second.
   CHAIR WOODLAND:
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7
                  Any further discussion? Hearing none.
8
                    Saiyad, could we have a vote, please?
9
10
                  Dr. Woodland, yea; Dr. Yealy, aye; Mr.
11
                  Dillon, aye; Dr. Ripchinski, aye; Mr.
12
                  Eisenhauer, aye; Ms. Reddy, aye.
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    [The motion carried unanimously.]
                               * * *
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   MS. WUCINSKI:
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                  At agenda item 12, I believe the Board
                  would entertain a motion to deny the
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18
                  Waiver Request of Kunal Malik to waive
19
                  the requirement that he complete Step 3
20
                  of the USMLE prior to beginning his
21
                  PGY-3 training.
22
   DR. YEALY:
23
                  So moved.
24
   MR. DILLON:
25
                  Second.
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13 CHAIR WOODLAND: 1 2 Any further discussion? Hearing none. 3 Saiyad, could we have a roll call, 4 please? 5 Dr. Woodland, yea; Dr. Yealy, aye; Mr. 6 7 Dillon, aye; Dr. Ripchinski, aye; Mr. 8 Eisenhauer, aye; Ms. Reddy, aye. 9 [The motion carried unanimously.] 10 11 Applications for Licensure - Unrestricted Physician 12 and Surgeon 13 MS. WUCINSKI: 14 I believe the Board would entertain a 15 motion to invite the following 16 applicants to apply for an 17 institutional license at agenda item 18 13, Samar Altamimi, M.D. and agenda 19 item 14, Federica Bellussi, M.D. 20 DR. YEALY: 21 So moved. 22 MR. DILLON: 23 Second. 24 CHAIR WOODLAND: 25 Any further discussion on these two

14 1 items? Hearing none. Saiyad, could we 2 have a vote, please? 3 4 Dr. Woodland, yea; Dr. Yealy, aye; Mr. 5 Dillon, aye; Dr. Ripchinski, aye; Mr. 6 Eisenhauer, aye; Ms. Reddy, aye. 7 [The motion carried unanimously.] 8 9 MS. WUCINSKI: 10 Agenda item 15 is tabled for the Board to obtain additional information on the 11 12 Applicant's practice under his 13 institutional license. * * * 14 15 MS. WUCINSKI: 16 Moving on to item 16 I believe the Board would entertain a motion to 17 18 provisionally deny the Application for 19 a License to Practice as a Physician 20 and Surgeon of Paul Eduardo Hiedra 21 Valarino, M.D. 22 DR. YEALY: 23 So moved. 24 MR. DILLON: 25 Second.

	15
1	CHAIR WOODLAND:
2	Any further discussion from anybody?
3	Hearing none. Saiyad, could we have a
4	vote, please?
5	
6	Dr. Woodland, yea; Dr. Yealy, aye; Mr.
7	Dillon, aye; Dr. Ripchinski, aye; Mr.
8	Eisenhauer, aye; Ms. Reddy, aye.
9	[The motion carried unanimously.]
10	* * *
11	Applications for Licensure - Reactivations
12	MS. WUCINSKI:
13	At agenda item 17, the Board is tabling
14	this item for the Board to obtain
15	additional information regarding
16	current job duties for Patrick Francis
17	Fogarty, M.D.
18	* * *
19	Ratifications
20	MS. WUCINSKI:
21	At number 18, I believe the Board would
22	entertain a motion to ratify the
23	granting of the Application for a
24	License to Practice as a Physician and
25	Surgeon of Ashlesha Satish Udare, M.D.

1 DR. YEALY:

2 So moved.

3 MR. DILLON:

4 Second.

5 CHAIR WOODLAND:

Any further discussion on this one?

Hearing none. Saiyad, could we have a

vote, please?

9

11

Dr. Woodland, yea; Dr. Yealy, aye; Mr.

Dillon, aye; Dr. Ripchinski, aye; Mr.

12 Eisenhauer, aye; Ms. Reddy, aye.

13 [The motion carried unanimously.]

14

15 Report of Board Counsel - Other

16 | [Dana M. Wucinski, Esquire, Board Counsel, noted

17 | Senate Bill 674 of 2023 and Senate Bill 677 are

18 | identical bills, but one is for the State Board of

19 Osteopathic Medicine and the other is for the State

20 Board of Medicine. The bills are entitled Disclosure

21 of Complaints Filed Against Physicians.

22 Ms. Wucinski stated complaints against physicians

23 | found by the Bureau of Enforcement and Investigation

24 (BEI) to either be frivolous or meritless still must

25 be disclosed by physicians when asked if their

1 license has ever been subject to an investigation or
2 complaint.

Ms. Wucinski mentioned that physicians lack the ability to explain the nature of the complaint because details of the internal investigations are confidential. She explained that the legislation would no longer require physicians to acknowledge the existence of a complaint filed against their medical license if the case was closed without any formal action and no Board action is taken.

Ms. Wucinski reminded Board members that she and Ms. Walter would ask for their position on any bills that begin to gain traction if they are asked to complete a bill analysis.

Ms. Walter informed Board members that Senate Bill 710 of 2023 is regarding a prohibition on telemedicine for prescribing drugs that are on the Food and Drug Administration's (FDA) list for risk evaluation and mitigation strategy.

Chair Woodland noted the difficulty of staying in the lanes of what can and cannot be done with telemedicine. He commented that summary statements would be needed at some point as far as what states permit in each jurisdiction.

Ms. Walter informed Chair Woodland that there is

1 | a website and Bill 710 was referred to the committee

- 2 in May.]
- 3 | ***
- 4 For the Board's Information Meeting Dates
- 5 | [Mark B. Woodland, M.S., M.D., FACOG, Chair, noted
- 6 the remaining 2023 meeting dates are July 18,
- 7 September 12, October 24, and December 12. He also
- 8 noted 2024 meeting dates are listed on the agenda.]
 - * * *
- 10 Miscellaneous

- 11 [Mark B. Woodland, M.S., M.D., FACOG, Chair, referred
- 12 to the Annual Report on the agenda for the Board's
- 13 information.
- 14
- 15 Report of Board Chair
- 16 | [Mark B. Woodland, M.S., M.D., FACOG, Chair, thanked
- 17 everyone for participating in the State Board of
- 18 | Medicine Meeting.
- 19 Chair Woodland acknowledged Flag Day and
- 20 Juneteenth, as well as Lesbian, Gay, Bisexual,
- 21 Transgender, and Queer (LGBTQ) + Pride Month in June.
- 22 | He also noted the government's June medical
- 23 awareness issues include Alzheimer's and Brain
- 24 Awareness, Men's Health, Migraine and Headache
- 25 | Awareness, LGBTQ+ Health Awareness, Posttraumatic

Stress Syndrome Awareness, and Vision Research
Awareness.

Chair Woodland addressed topics from the Federation of State Medical Boards (FSMB) website at fsmb.org, including continued reporting on the Interstate Medical Licensure Compact for physicians who wish to practice in multiple states. He mentioned they are currently in the process of establishing a bill to lift some of the restrictions preventing states like Pennsylvania from fully enacting and participating with the Interstate Medical Licensure Compact (IMLC).

Chair Woodland addressed artificial intelligence (AI), noting it is starting to grow in the daily lives of everyone and medical care and regulatory areas. He noted one of the issues is developing a realistic map to protect everyone from abuse and misuse. He stated they qualify things regarding AI as the current discussion around the ethics involved, regulation, and responsibility of all parties involved, including providers and patients.

Chair Woodland provided a map for clinical practice with AI, looking at challenges and concerns, winners and losers, and the future. He stated he is currently chairing the Ethics Committee for FSMB and

would be providing a position statement on AI this
year.

Dr. Yealy commented that it is going to be a topic in evolution, where everyone would have to be willing to adopt and adapt to it from both sides of the equation.

Chair Woodland noted that scams are increasing and is something everyone should be careful about, especially with privacy issues related to protected health information.

Chair Woodland stated mental health providers is still a big topic at the American Medical Association (AMA), FSMB, and others. He mentioned that some of the surveys show electronic medical record and productivity issues are a concern of providers, along with finances of healthcare, which is something to watch because of people leaving the workforce because of finances and other issues.

Chair Woodland informed everyone that FSMB has a lot of teaching modules for all providers to assist with understanding medical regulations in the United States and include the Introduction to Medical Regulation, Understanding Medical Licensure, and Understanding Physician Assistants Licensure, along with many other modules.

Chair Woodland reported utilizing those modules to help educate students and residents and encouraged others to utilize those as well.

Chair Woodland addressed reports from AMA, including shortages in this country with the most recent being chemotherapeutics that have been in short supply and noted it to be incumbent upon them to keep aware of shortages.

Chair Woodland addressed a bill in Maine's legislature that would have the medical practice statute of limitations clock start running when the patient discovers the negligence, not when the negligence occurs, which means it could be an openended statute of limitations on malpractice cases.

Chair Woodland referred to the change in Pennsylvania's venue in August 2022 and its impact on the cost of medicine from the malpractice premiums, noting it to be something to watch, especially given the financial situation and many of the healthcare issues.

Dr. Yealy commented that the venue changed and also means that people involved in any kind of medical care related to work might have to go great distances and do this in front of people who are not anywhere near their community or their lives in order

to adjudicate in addition to the potential implications it has for healthcare delivery organizations or sites.

Dr. Yealy mentioned that the shortages give them a chance to think about how they use agents, noting oxycodone is a short-acting, very common opioid used for pain management and its supply is going to be in short use that will enable each prescribing provider to think longer about whether an opioid is the right choice. He noted there are silver linings in some of the shortages that allow them to reflect on practice.

Dr. Yealy mentioned that the same thing is true of many of the injected corticosteroid preparations, where there are often alternatives. He noted there are opportunities to tighten that up but also opportunities to ask why they do what they do.

Chair Woodland agreed, stating that the unintended consequences of anything could be something better and they may need to rethink the thought process.

Mr. Dillon noted that one of the things FSMB does every two years is a fairly detailed census of physicians practicing in the United States that should be released soon. He mentioned FSMB also has an interactional infographic that is very interesting

as well on their website.

Chair Woodland stated physician assistants also have a huge data collection base that is very important to Pennsylvania because they have such a large constituent of physician assistant providers in the state.

Chair Woodland addressed graduate medical education, recognizing they are in an interesting period of time when all of the graduate medical education (GME) trainees are graduating and new people are coming in. He reported this year to be the largest match ever with Pennsylvania having one of the largest cohorts of graduate medical education trainees coming into the state. He noted the state medical boards have done a good job of getting those licensures up to date.

Mr. Ali informed Board members that the division has been modifying standard operating procedures in order to account for the influx of graduate training applications. He reported being on track and continuing to process applications, including overtime, to ensure residents can begin their training in a reasonable time frame. He encouraged applicants and licensees to check their emails and their Pennsylvania Licensing System (PALS) account

2.4

regularly for any updates and to resolve any outstanding discrepancies with their applications.

Ms. Wray thanked Board staff for their hard work and noted appreciation to all of the applicants and licensees for their patience. She commented that they are still on track despite the influx of applications and decrease in staff.

Chair Woodland mentioned that the most common reasons applications are held up would be inconsistencies or not providing enough information about those inconsistencies, so the Board could figure out what is going on with licensure. He noted being straightforward and forthcoming are the two most important things to ensure a license goes through.]

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17 | Report of Vice Chair - No Report

18 | [Donald M. Yealy, M.D., Vice Chair, commented that

19 this time of year is the deluge of people of all

20 different forms seeking licensure and he was

21 impressed with the Bureau of Professional

22 Occupational Affairs, particularly the State Board of

23 Medicine. He noted being amazed at how quickly

24 things go through the process and thanked Board staff

25 for doing a fabulous job.]

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- 2 Report of Acting Commissioner No Report
- 3 [Mark B. Woodland, M.S., M.D., FACOG, Chair, noted
- 4 Acting Commissioner Claggett provided information on
- 5 low-income licensed professions by the Institute for
- 6 Justice and requested it be included on the next
- 7 agenda when Acting Commissioner Claggett is present.]
 - * *
- 9 Report of Department of Health No Report
- 10 | [Mark B. Woodland, M.S., M.D., FACOG, Chair, noted
- 11 | the Department of Health is transitioning to more
- 12 interval data regarding COVID. He reported most of
- 13 the institutions adopted the federal statutes on the
- 14 pandemic and lifting of restrictions.]
- 15
- 16 Report of Committee on Health-Related Professionals -
- 17 No Report

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- 19 Report of Committee on Legislation/Policy Development
- 20 and Review No Report
- 21 ***
- 22 Report of Committee on Licensure Qualifications No
- 23 Report
- 24 ***
- 25 | Report of Acting Board Administrator No Report

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   Next Board Meeting
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    [Mark B. Woodland, M.S., M.D., FACOG, Chair,
 4
   noted the next scheduled Board meeting date is July
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   18 with public session starting at 10:30 a.m.]
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   Adjournment
   DR. YEALY:
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                   Move to adjourn.
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   MR. DILLON:
11
                   Second.
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   CHAIR WOODLAND:
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                   We will talk in July. Great to see
14
                   everybody.
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16
    [There being no other business, the State Board of
17
   Medicine Meeting adjourned at 11:18 a.m.]
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1 2 3		STATE BOARD OF MEDICINE REFERENCE INDEX
4		June 20, 2023
5 6 7	TIME	AGENDA
8 9 10	8:45 10:30	Executive Session Return to Open Session
11	10:30	Official Call to Order
12 13 14 15 16 17 18 19 20 21 22 23	10:30	Introduction of Board Members/Attendees
	10:33	Acknowledge Public - Turn Off Electronic Devices
	10:34	Approval of Minutes
	10:34	Report of Prosecuting Attorneys
	10:38 10:44	Executive Session Return to Open Session
24 25	10:44	Report of Prosecuting Attorneys (cont.)
26 27	10:49	Report of Board Counsel
28 29	10:50	Applications for Licensure
30 31 32 33 34 35 36 37	10:54	Ratifications
	10:55	Report of Board Counsel - Other
	10:58	For the Board's Information/Discussion
	10:58	Miscellaneous
38 39	10:58	Report of Board Chair
40 41	11:18	Adjournment
42 43 44 45 46 47 48		
49 50		