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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

F I N A L M I N U T E S

MEETING OF:

STATE BOARD OF MEDICINE

TIME: 10:43 A.M.

Held at
PENNSYLVANIA DEPARTMENT OF STATE
2601 North Third Street
One Penn Center, Board Room C
Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

Tuesday, July 26, 2022

State Board of Medicine
July 26, 2022

BOARD MEMBERS:

Mark B. Woodland, M.S., M.D., FACOG, Chair
Arion R. Claggett, Acting Commissioner, Bureau of
Professional and Occupational Affairs
Donald M. Yealy, M.D., Vice Chair
Gerard F. Dillon, Ph.D., Public Member
Walter A. Eisenhauer, MMS, M.Ed., PA-C
Nazanin E. Silver, M.D., MPH, FACOG - Absent
Carolyn Byrnes, M.P.H., C.P.H., Department of Health
Paul J. Valigorsky II, M.D.
Michael Ripchinski, M.D., MBA, CPE, FAAFP - Absent

BUREAU PERSONNEL:

Dean F. Picarella, Esquire, Senior Board Counsel
Dana M. Wucinski, Esquire, Board Counsel
Shana M. Walter, Esquire, Board Counsel
Carolyn DeLaurentis, Deputy Chief Counsel, Prosecution
Division
Jason T. Anderson, Esquire, Board Prosecutor
Mark R. Zogby, Esquire, Board Prosecutor
Adam J. Williams, Esquire, Board Prosecutor
Kelsey Ashworth, Esquire, Board Prosecutor
Danie Bendesky, Director of Intergovernmental Affairs,
Department of State
Nathan C. Giunta, Esquire, Board Prosecutor
Jonelle Harter Eshbach, Esquire, Board Prosecutor
Alice Glasser, Esquire, Board Prosecutor
Jasmira L. Hunter, Board Administrator
Marc Farrell, Deputy Policy Director, Department of
State
Holly Hoffman, Law Clerk, Department of State
Eli Yemzow, Legal Intern, Department of State

State Board of MedicineJuly 26, 2022ALSO PRESENT:

Craig Methot, MS3, Drexel University College of
Medicine
Kirsten Kenyon, Director, Office of Research
Evaluation, and Strategic Policy Development,
Pennsylvania Commission on Crime and Delinquency
Samantha Koch, Executive Policy Manager, Pennsylvania
Commission on Crime and Delinquency
Mary Marshall, Director, Workforce & Professional
Development, The Hospital and Healthsystem
Association of Pennsylvania
Randy Stevens, Pennsylvania Orthotic & Prosthetic
Society
Angie Armbrust, Senior Associate, McNeese-Winter
Group LLC
Lisa Claypool Stevenson, Senior Associate Counsel,
University of Pittsburgh Medical Center
Nicole Sidle, Republican Executive Director, House
Professional Licensure Committee
Misha Patel, M.D., Curriculum Education Assistant,
Geisinger Commonwealth School of Medicine
Lisa Claypool Stevenson, Senior Associate Counsel,
University of Pittsburgh Medical Center
Richard C. Seneca, Esquire, Seneca Law
Jennifer Smeltz, Republican Executive Director, Senate
Consumer Protection & Professional Licensure
Committee
Susan DeSantis, PA-C, Pennsylvania Society of
Physician Assistants
Ted Mowatt, CAE, Vice President, Wanner Associates
Wesley J. Rish, Esquire, Rish Law Office, LLC
Edward Dzielak, DO, The Wright Center
Laura Spadaro, Vice President, Primary Care and Public
Policy, The Wright Center
Jumea Barooah, M.D., Designated Institutional Officer
The Wright Center
Sajid Hussain, M.D.
Sapinder Pal Singh, M.D.
Rana Usman, M.D.
Kathryn Meena
Raymond
Shawna
Kathryn Witherow

1 State Board of Medicine

2 July 26, 2022

3 ***

4 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
5 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
8 purpose of conducting quasi-judicial deliberations on
9 a number of matters currently pending before the Board
10 and to receive the advice of counsel. The Board
11 returned to open session at 10:30 a.m.]

12 ***

13 The regularly scheduled meeting of the State
14 Board of Medicine was held on Tuesday, July 26, 2022.
15 Mark B. Woodland, M.S., M.D., FACOG, Chair, called the
16 meeting to order at 10:43 a.m.

17 Chair Woodland reminded everyone that the meeting
18 was being recorded, and voluntary participation
19 constituted consent to be recorded.

20 ***

21 Introduction of Board Members, Presenters, and
22 Attendees

23 [Chair Woodland provided an introduction of Board
24 members, presenters, and attendees.]

25 ***

1 Amendment to Agenda

2 CHAIR WOODLAND:

3 Our first thing on the agenda is we will
4 need to, in accordance with the Sunshine
5 Act, have a motion to amend the agenda
6 to allow a presentation for The Wright
7 Center and three applicants.

8 I would entertain a motion.

9 DR. YEALY:

10 So moved.

11 CHAIR WOODLAND:

12 Do I have a second?

13 MR. EISENHAUER:

14 Second.

15 CHAIR WOODLAND:

16 Any further discussion? We will, in
17 accordance with our rules, do a roll
18 call, Jasmira, for a vote, please.

19

20 Mark Woodland, yes; Arion Claggett, aye;
21 Donald Yealy, aye; Gerard Dillon, aye;
22 Walter Eisenhower, aye; Nazanin Silver,
23 aye; Carolyn Byrnes, aye.

24 [The motion carried unanimously.]

25

1 Approval of minutes of the June 21, 2022 meeting

2 CHAIR WOODLAND:

3 Next is approval of our minutes. Do we
4 have a motion?

5 MR. EISENHAUER:

6 So moved.

7 MR. DILLON:

8 Second.

9 CHAIR WOODLAND:

10 Any discussions or edits on the June 21,
11 2022 Minutes of the State Board of
12 Medicine? Hearing none.

13 Jasmira, could we have a roll call,
14 please?

15

16 Mark Woodland, aye; Arion Claggett, aye;
17 Donald Yealy, aye; Gerard Dillon, aye;
18 Walter Eisenhauer, aye; Nazanin Silver,
19 aye; Carolyn Byrnes, aye.

20 [The motion carried unanimously.]

21

22 Report of Prosecution Division

23 MS. WALTER:

24 Pursuant to Section 708(a)(5) of the
25 Sunshine Act, the Board entered into

1 quasi-judicial deliberations at 8:45
2 a.m. this morning to discuss items 2
3 through 7, 12, and 15 through 34 on the
4 agenda. I believe Board members waived
5 the presentation of the Consent
6 Agreements and the VRP Agreements by the
7 Prosecution Division.

8 Numbers 2 through 4 on the agenda,
9 I believe the Board would entertain a
10 motion to approve the VRP Agreements at
11 Case No. 21-49-015806, number 3 at Case
12 No. 22-49-009718, and number 4 at Case
13 No. 22-49-009745.

14 DR. YEALY:

15 So moved.

16 DR. SILVER:

17 Second.

18 CHAIR WOODLAND:

19 Any further discussion on any of these?
20 Hearing none. Jasmira, could we have a
21 roll call, please?

22

23 Mark Woodland, aye; Arion Claggett, aye;
24 Donald Yealy, aye; Gerard Dillon, aye;
25 Walter Eisenhower, aye; Nazanin Silver,

1 aye; Carolyn Byrnes, aye.

2 [The motion carried unanimously.]

3 ***

4 MS. WALTER:

5 I believe the Board would entertain a
6 motion to approve the Consent Agreements
7 at items 5 through 7 on the agenda.
8 Number 5, Case No. 20-49-000200; number
9 6, Case No. 22-49-003816; number 7, Case
10 No. 20-49-011406.

11 DR. YEALY:

12 So moved.

13 DR. SILVER:

14 Second.

15 CHAIR WOODLAND:

16 Any further discussion on any of these?
17 Hearing none. Jasmira, could you do a
18 roll call, please?

19
20 Mark Woodland, aye; Arion Claggett, aye;
21 Donald Yealy, aye; Gerard Dillon, aye;
22 Walter Eisenhower, aye; Nazanin Silver,
23 aye; Carolyn Byrnes, aye.

24 [The motion carried unanimously. Number 5 is Amatul
25 Basit Khalid, M.D.; number 6 is Dagoberto Rodriguez,

1 M.D.; and number 7 is Ajeeb John Titus.]

2

3 For the Board's Information - Discussion - Old
4 Business - New Business

5 MS. WALTER:

6 Next onto number 12 on the agenda, which
7 is titled USMLE State Board Sponsor
8 Request.

9 I believe the Board would entertain
10 a motion to deny the USMLE Sponsorship
11 Request submitted by Ahn Angelo Young.

12 DR. YEALY:

13 So moved.

14 DR. SILVER:

15 Second.

16 CHAIR WOODLAND:

17 Any further discussion? Hearing none.
18 Jasmira, could you do a roll call,
19 please?

20

21 Mark Woodland, aye; Arion Claggett, aye;
22 Donald Yealy, aye; Gerard Dillon, aye;
23 Walter Eisenhower, aye; Nazanin Silver,
24 aye; Carolyn Byrnes, aye.

25 [The motion carried unanimously.]

1 ***

2 Motions - Final Adjudication and Order for
3 Board Approval

4 MS. WUCINSKI:

5 Moving down to agenda item 15, I believe
6 the Board would entertain a motion to
7 adopt as final the Draft Adjudication
8 and Order for William Wolfe, M.D. at
9 Case No. 21-49-016075.

10 DR. YEALY:

11 So moved.

12 DR. SILVER:

13 Second.

14 CHAIR WOODLAND:

15 Any further discussion on this one?

16 Hearing none. Jasmira, could you do a
17 roll call, please?

18
19 Mark Woodland, aye; Arion Claggett, aye;
20 Donald Yealy, aye; Gerard Dillon, aye;
21 Walter Eisenhower, aye; Nazanin Silver,
22 aye; Carolyn Byrnes, aye.

23 [The motion carried unanimously.]

24 ***

25 Motions - Report of Board Administrator

1 MS. WUCINSKI:

2 At agenda item 16, I believe the Board
3 would entertain a motion to grant the
4 Application to Practice as a Physician
5 and Surgeon for Chuek Mun Au, M.D.

6 DR. YEALY:

7 So moved.

8 DR. SILVER:

9 Second.

10 CHAIR WOODLAND:

11 Any further discussion on this one?
12 Hearing none. Jasmira, could you do a
13 roll call, please?

14

15 Mark Woodland, aye; Arion Claggett, aye;
16 Donald Yealy, aye; Gerard Dillon, aye;
17 Walter Eisenhower, aye; Nazanin Silver,
18 aye; Carolyn Byrnes, aye.

19 [The motion carried unanimously.]

20

21 MS. WUCINSKI:

22 For agenda items 17 through 18 and 20, I
23 believe the Board would invite the
24 following Applicants to apply for an
25 institutional license: Ozege Sarac,

1 M.D.; Raed Mousa, M.D.; and Verinder
2 Sidhu, M.D.

3 DR. YEALY:

4 So moved.

5 DR. SILVER:

6 Second.

7 CHAIR WOODLAND:

8 Any further discussion on these four?
9 Hearing none. Jasmira, could you do a
10 roll call, please?

11

12 Mark Woodland, aye; Arion Claggett, aye;
13 Donald Yealy, aye; Gerard Dillon, nay on
14 18 and aye on 17 and 20; Walter
15 Eisenhauer, aye; Nazanin Silver, aye;
16 Carolyn Byrnes, aye.

17 [The motion carried. Gerard Dillon opposed the motion
18 for item 18.]

19

20 MS. WUCINSKI:

21 Agenda item 19 has been tabled until the
22 September meeting.

23

24 MS. WUCINSKI:

25 Agenda item 21. I believe the Board

1 introduced herself and Samantha Koch, who was
2 instrumental in working with their Special Council on
3 gun violence when it came into being under Governor
4 Wolf's Executive Order two years ago.

5 Samantha Koch, Executive Policy Manager,
6 Pennsylvania Commission on Crime and Delinquency,
7 presented to the Board to provide an update of their
8 work to address gun violence in the Commonwealth of
9 Pennsylvania. She provided an overview of the
10 Pennsylvania Commission on Crime and Delinquency
11 (PCCD), noting the agency was established in 1978 by
12 state law and serve as the Commonwealth Justice
13 Planning and Policymaking agency.

14 Ms. Koch mentioned that PCCD does a lot of work
15 around coordinating local and state level efforts to
16 improve operations and system efforts within the
17 criminal and juvenile justice systems and with public
18 safety and school safety as well. She stated PCCD is
19 a relatively small agency of about 100 employees and
20 directed by an overarching commission board advised by
21 different advisory committees and training boards.

22 Ms. Koch stated PCCD's responsibility includes
23 funding and grants, technical assistance and research,
24 victims' compensation, and training. She provided a
25 main web address at pccd.pa.gov.

1 Ms. Koch stated Governor Wolf's Executive Order
2 2019-06 was signed in August 2019 and tapped the
3 agencies, including Department of Health (DOH) and
4 others, with addressing gun violence as a public
5 health and public safety crisis. She noted PCCD has
6 taken action to implement the recommendations of
7 Governor Wolf's Special Council on Gun Violence,
8 including investments made in community-led efforts to
9 address gun violence.

10 Ms. Koch noted that Charles Ramsey serves as the
11 chair of the commission and provided remarks he made
12 during the signing of the executive order, where mass
13 shootings take place every day on the streets of our
14 cities across our entire country and they need to do
15 everything they can to protect people.

16 Ms. Koch reported Pennsylvania lost 30,742 people
17 over the past two decades as a result of firearm-
18 related injuries. She noted that more than half of
19 firearm-related deaths in Pennsylvania, as well as in
20 the country, are suicide-related deaths at 52.5
21 percent in 2020.

22 Ms. Koch noted data from the Pennsylvania State
23 Police, where more than three-quarters of homicides in
24 Pennsylvania involve firearms. She reported, in 2021,
25 that 112 victims died from domestic violence incidents

1 in Pennsylvania and 63 percent of those victims were
2 killed with a firearm. She reported 35 mass shootings
3 in Pennsylvania in 2021.

4 Ms. Koch stated gun violence costs Pennsylvania
5 \$12.1 billion each year, of which \$567.4 million is
6 paid by taxpayers. She noted that firearm-related
7 fatalities, according to data released by the Centers
8 for Disease Control and Prevention (CDC), hit an all-
9 time high in 2020, continued in 2021, and has not let
10 up in 2022.

11 Ms. Koch reported more than 45,000 Americans were
12 lost to firearm-related injuries with Pennsylvanians
13 at 1,752 and was a 13 percent increase compared to the
14 prior year. She stated, in 2020, the Commonwealth of
15 Pennsylvania ranked sixth in the nation for the number
16 of individuals who died from gunshot wounds according
17 to data published by the CDC. She noted gun homicides
18 increased 35 percent between 2019 and 2020, and
19 Pennsylvania saw an increase of gun homicides up 44
20 percent with 788 gun homicides in 2020 compared to 548
21 in the prior year.

22 Ms. Koch addressed neighboring states and
23 reported the gun violence death rate in Pennsylvania
24 is 13.6 per 100,000 residence, which is significantly
25 higher than New York and New Jersey, where New York

1 has 5.3 per 100,000 and New Jersey has 5 per 100,000.
2 She reported Maryland and Delaware, who historically
3 had lower gun death rates than Pennsylvania, have met
4 or exceeded Pennsylvania in the last two years.

5 Ms. Koch stated the recent surge in firearm-
6 related deaths has coincided with record gun sales.
7 She noted 1,445,910 background check requests were
8 processed through the Pennsylvania Instant Check
9 System (PICS) in 2020 and is a 47 percent increase
10 compared with the prior year and continued to increase
11 in 2021. She noted there were 1.4 million background
12 check requests in 2021, which is the second highest
13 volume since PICS inception in 1998.

14 Ms. Koch stated the trends in terms of violence
15 increases were driven by increased violence in
16 Pennsylvania's urban areas, especially Philadelphia.
17 She noted that between 2019 and 2020 fatal and
18 nonfatal shootings increased 48 percent year over year
19 in Philadelphia with 562 homicides last year and 2,312
20 shootings. She stated those incidents are intensely
21 concentrated in communities of color and disadvantaged
22 neighborhoods that have structural discrimination.

23 Ms. Koch reported other cities and communities
24 across Pennsylvania are also facing an increase in
25 shootings and gun violence, including Pittsburgh,

1 York, Reading, and others and concern in terms of the
2 age trending downward for perpetrators and victims.
3 She mentioned seeing progress in Chester, where there
4 was a noticeable decrease in gun homicides over the
5 last two years thanks to new collaborative initiatives
6 led by multiple individuals within that county.

7 Ms. Koch addressed systemic discrimination and
8 racism, where interpersonal gun violence
9 disproportionately affects communities of color. She
10 noted 67.5 percent of gun homicide victims were black
11 in Pennsylvania, and black, Hispanic, and Latino
12 people were more likely to be murdered using firearms
13 compared to white individuals.

14 Ms. Koch referred to an article in the Washington
15 Post, where gun deaths are disproportionately and
16 clearly affecting two demographic groups, young black
17 men and older white men, where the majority of
18 firearm-related suicide deaths occur in older white
19 men.

20 Ms. Koch addressed data from the Pennsylvania
21 Health Care Cost Containment Counsel from 2019, where
22 12,614 incidents resulted in treatment for gunshot
23 wounds in hospital settings, and nonfatal firearm
24 injuries represent 90 percent of gun violence. She
25 stated most nonfatal shootings in the Commonwealth of

1 Pennsylvania are under the age of 30, which is
2 consistent with national reference, and almost 6 in 10
3 nonfatal shooting victims are black males.

4 Ms. Koch stated the Executive Order created a
5 number of entities within state governments, including
6 an 18-member Special Council on gun violence. She
7 commented that the Special Council was explicit in its
8 direction with available funding to support multiyear
9 direct investments in community-led efforts and
10 addressing resources.

11 Ms. Koch mentioned that in the process of
12 evaluating available federal and state funding, they
13 have done a lot in recent years to leverage the
14 existing funds at their disposal. She noted receiving
15 a significant increase in state funds through the
16 Violence Intervention and Prevention (VIP) Grant
17 Program and supporting hospital-based violence
18 intervention programs and other types of community
19 violence intervention strategies using several victims
20 of crime act funding.

21 Ms. Koch noted supporting law enforcement-related
22 activities through Justice Assistance Grant (JAG)
23 funding and receiving some community violence
24 prevention reduction funds through school safety net
25 programs. She reported the investment of \$30 million

1 in state funding in last year's budget and the
2 subsequent investment of additional federal funding
3 expanded capabilities.

4 Ms. Koch noted funding should be prioritized to
5 support grassroots community-based organizations and
6 partnerships with individuals on the ground. She
7 noted receiving significant interest in applications
8 for grants. She reported 117 projects were ultimately
9 recommended through those funding streams and
10 represent a mix of grassroots on the ground
11 perspective, as well as some of the more institutional
12 responses.

13 Ms. Koch noted using funding to support a gun
14 violence prevention coordinator in Philadelphia to
15 improve linkages in that city, and the position is
16 supported through PCCD within the Office of Attorney
17 General. She addressed antiviolence investments with
18 strategies and interventions that are short-term
19 focused, medium-term prevention, and long-term
20 transformation.

21 Ms. Koch addressed the development of performance
22 measures and tracking mechanisms to get a sense of
23 where projects and programs were to report to
24 stakeholders and individuals who funded the effort.
25 She noted employing 84 violence interrupters and

1 street outreach workers using the funds. She noted
2 disproportionality was one of the things tracked and
3 how that engagement and service was targeting or
4 focusing on communities of color and people most like
5 to experience violence. She commented that most of
6 the grants are reaching young people, specifically
7 young black males, recognizing they are most at risk
8 for violence involvement.

9 Ms. Kenyon addressed the budget and Fiscal Code
10 Bill, where based on some additional funding for
11 special programs last year they received \$30 million
12 for violence intervention prevention funds and \$105
13 million this year. She noted the projects go more
14 toward community-based organizations and institutions
15 and higher education municipalities to make
16 applications for the funds.

17 Ms. Kenyon noted also receiving a \$50 million
18 allocation this year for gun violence investigation
19 and prosecution grants, which are for district
20 attorneys and local law enforcement agencies to set up
21 gun violence taskforces that are going to be targeted
22 to address illegal gun crime in the Commonwealth of
23 Pennsylvania. She stated the \$135 million program is
24 specifically for local law enforcement agencies
25 technology, equipment, and nonrecurring cost for sworn

1 personnel but could also be used to hire civilian
2 personnel for crisis intervention and deescalation
3 experts.

4 Ms. Koch noted the School Safety and Security
5 Committee, which is responsible for oversight of
6 violence intervention prevention funds, approved an
7 application from WestEd and Local Initiatives Support
8 Corporation (LISC) to develop and launch a new
9 Statewide Community of Practice and Technical
10 Assistance project. She noted the importance of
11 helping groups navigate resources and be able to
12 sustain and expand programing by accessing other
13 resources.

14 Ms. Koch provided a shout-out to the Department
15 of Health, Pennsylvania State Police, and Department
16 of Human Services (DHS) for sharing data, noting PCCD
17 would continue to provide data analysis for community
18 members and policymakers.

19 Chair Woodland thanked PCCD for their robust
20 presentation on gun violence. He commented that an
21 area of focus and outreach in the future should be the
22 utilization of resources by the health care community
23 and safety in the health care settings.

24 Chair Woodland addressed safety and resources in
25 an emergency room setting when gun violence victims

1 take all the resources and present a safety risk for
2 everybody in the emergency room. He noted the
3 importance of recognizing what happened in Tulsa with
4 a disgruntled patient and mass shooting at an
5 orthopedic surgeon's office.

6 Edward Dzielak, DO, The Wright Center, addressed
7 the importance of educating the medical community on
8 geriatrics and the high incidence of suicide by
9 firearms of white males.

10 Chair Woodland commented that the reason for the
11 presentation was to raise awareness in the health care
12 community. He stated opiate use disorders are a major
13 problem, but gun violence was right up there, along
14 with gun safety in domestic situations.]

15 ***

16 Motions - Report of Board Administrator

17 MS. WUCINSKI:

18 At agenda item 22, I believe the Board
19 would entertain a motion to
20 provisionally deny the Application to
21 Practice as a Prosthetist for William
22 Eddy.

23 DR. YEALY:

24 So moved.

25 ACTING COMMISSIONER CLAGGETT:

1 Second.

2 CHAIR WOODLAND:

3 Any further discussion on this issue?

4 Hearing no further discussion. Jasmira,
5 could you do a roll call, please?

6

7 Mark Woodland, aye; Arion Claggett, aye;

8 Donald Yealy, aye; Gerard Dillon, aye;

9 Walter Eisenhower, aye; Nazanin Silver,

10 aye; Carolyn Byrnes, aye.

11 [The motion carried unanimously.]

12

13 MS. WUCINSKI:

14 Items 23 through 28, I believe the Board
15 would entertain a motion to

16 provisionally deny the following

17 Applications to Practice as an Orthotic

18 Fitter: Alasdair Andrew Perry, Brian

19 Mark Delfiner, Christopher Robert Zelez,

20 Karen Lynn Kelly, Zoltan Fischer,

21 Zachary David Weiser.

22 DR. YEALY:

23 So moved.

24 DR. SILVER:

25 Second.

1 CHAIR WOODLAND:

2 Any further discussion on these items?
3 Hearing none. Jasmira, could you do a
4 roll call, please?

5
6 Mark Woodland, aye; Arion Claggett, aye;
7 Donald Yealy, aye; Gerard Dillon, aye;
8 Walter Eisenhower, aye; Nazanin Silver,
9 aye; Carolyn Byrnes, aye.

10 [The motion carried unanimously.]

11 ***

12 Motions - Applications from Committee on
13 Legislation/Policy Development and Review

14 MS. WUCINSKI:

15 Agenda items 29 and 30, I believe the
16 Board would entertain a motion to send
17 standard reentry letters to Courtney
18 Jones, M.D., and Brooke Bauer.

19 DR. YEALY:

20 So moved.

21 DR. SILVER:

22 Second.

23 CHAIR WOODLAND:

24 Any further discussion? Hearing none.
25 Jasmira, could you please give us a roll

1 call?

2

3 Mark Woodland, aye; Arion Claggett, aye;
4 Donald Yealy, aye; Gerard Dillon, aye;
5 Walter Eisenhower, aye; Nazanin Silver,
6 aye; Carolyn Byrnes, aye.

7 [The motion carried unanimously.]

8

9 MS. WUCINSKI:

10 At agenda item 31, I believe the Board
11 would entertain a motion to
12 provisionally deny the request of
13 Vincent P. Herbst, M.D. to waive the
14 continuing education requirements
15 necessary for renewal.

16 DR. YEALY:

17 So moved.

18 DR. SILVER:

19 Second.

20 CHAIR WOODLAND:

21 Any further discussion? Hearing none.
22 Jasmira, could you do a roll call for
23 us, please?

24

25 Mark Woodland, aye; Arion Claggett, aye;

1 Donald Yealy, aye; Gerard Dillon, aye;
2 Walter Eisenhower, aye; Nazanin Silver,
3 aye; Carolyn Byrnes, aye.

4 [The motion carried unanimously.]

5 ***

6 MS. WUCINSKI:

7 Agenda item 35 has been tabled.

8 ***

9 Regulatory Status Report

10 [Dana M. Wucinski, Esquire, Board Counsel, noted prior
11 Board discussion regarding the Board of
12 Certification/Accreditation (BOC) and the American
13 Board of Certification (ABC) dropping their NCCA
14 accreditation and making it impossible for applicants
15 to meet the requirements of the Medical Practice Act
16 to be licensed in the Commonwealth of Pennsylvania.

17 Ms. Wucinski stated there needed to be a
18 legislative change to the Medical Practice Act (MPA)
19 since neither BOC nor ABC intends to regain their
20 accreditation through NCCA. She noted the Board was
21 being asked to extend the provisional licenses for the
22 prosthetists and orthotists and temporary practice
23 permits for the pedorthists and orthotic fitters in
24 the meantime.

25 Ms. Wucinski noted that the regulations state now

1 that the provisional licenses and temporary practice
2 permits cannot be renewed and the waiver will allow
3 for renewal, where applicants can keep practicing on
4 their provisional licenses and temporary practice
5 permits, and applicants who have applied for or are
6 ready to apply for an unrestricted license would be
7 able to apply for temporary permits and provisional
8 licenses in the meantime.]

9 DR. YEALY:

10 The Board moves to request that you
11 craft a position for the board to
12 approve.

13 MS. WUCINSKI:

14 I believe the Board would entertain a
15 motion to temporarily suspend the
16 Board's regulations at 49 Pa. Code §§
17 18.813(b) and 18.823(b) and 49 Pa. Code
18 §§ 18.831(b) and 18.841(b). In
19 addition, the Board would urge
20 applicants for an unrestricted license
21 who completed their clinical residency
22 to apply for these provisional licenses
23 or temporary practice permits to
24 continue practicing pending legislative
25 change to the Medical Practice Act.

1 DR. YEALY:

2 So moved.

3 CHAIR WOODLAND:

4 We need a second.

5 MR. DILLON:

6 Second.

7 CHAIR WOODLAND:

8 Any further discussion on this topic?

9 Hearing none. Jasmira, could you call a
10 vote, please?

11

12 Mark Woodland, aye; Arion Claggett, aye;

13 Donald Yealy, aye; Gerard Dillon, aye;

14 Walter Eisenhower, aye; Nazanin Silver,

15 aye; Carolyn Byrnes, aye.

16 [The motion carried unanimously.]

17

18 For the Board's Information/Discussion - Old

19 Business/New Business

20 [Dana M. Wucinski, Esquire, Board Counsel, referred to

21 the Act 41 of 2019 Regulation correspondence. She

22 noted the department received correspondence from the

23 chairs of the House and Senate Professional Licensure

24 Committees urging boards to promulgate Act 41

25 regulations. She reported the State Board of

1 Medicine's Act 41 Regulations have been drafted and
2 approved by the Office of General Counsel and Office
3 of Attorney General and are going to be delivered as
4 proposed on Monday.

5 Ms. Wucinski stated the department did draft and
6 send a response on July 5, 2022, advising the
7 Professional Licensure Committee chairs of the status
8 of the Act 41 Regulations for the various licensing
9 boards. She noted the Board already began implementing
10 Act 41 and utilizing it as an additional pathway.

11 Chair Woodland complimented Acting Commissioner
12 Claggett and his department for a well-crafted
13 response to the letter.

14 Ms. Walter referred to Executive Order 2022-01
15 regarding reproductive health care.

16 Chair Woodland noted that the information is
17 basically Governor Wolf's response to help facilitate
18 the State Medical Board navigating through some of the
19 issues created by the recent Supreme Court ruling.]

20 MS. WALTER:

21 At this time, I believe the Board would
22 entertain a motion to adopt a policy
23 that will ensure that no person shall be
24 disqualified from licensure nor will a
25 licensee be subject to discipline by the

1 State Board of Medicine for providing or
2 assisting in the provision of
3 reproductive health care services or as
4 a consequence of any judgment,
5 discipline, other discipline threatened
6 or imposed in the laws of another state
7 so long as the services provided would
8 have been lawful and consistent with the
9 standards for good professional practice
10 of the commonwealth and the state
11 standard of care.

12 Is there a motion?

13 DR. YEALY:

14 So moved.

15 ACTING COMMISSIONER CLAGGETT:

16 Second.

17 CHAIR WOODLAND:

18 Any further discussion? This aligns
19 with recommendations from the Federation
20 of State Medical Boards as well. Any
21 other discussion? Jasmira, could you
22 call a vote, please?

23

24 Mark Woodland, aye; Arion Claggett, aye;
25 Donald Yealy, aye; Gerard Dillon, aye;

1 Walter Eisenhower, aye; Nazanin Silver,
2 aye; Carolyn Byrnes, aye.

3 [The motion carried unanimously.]

4 ***

5 For the Board's Information/Discussion - Old
6 Business/New Business

7 [Dana M. Wucinski, Esquire, Board Counsel, addressed
8 communication on physician sexual misconduct. She
9 noted the Federation of State Medical Boards provided
10 a new Physician Sexual Misconduct Report for the
11 Board's review. She mentioned that the report is a
12 result of a review of 54 state medical and osteopathic
13 medical boards done by 12 volunteer researchers in
14 2021 looking for information about consumer and
15 physician-oriented content about sexual misconduct.

16 Ms. Wucinski noted the report included examples
17 of current medical board materials and best practices
18 with reference to transparency and education about
19 sexual misconduct targeting the public and physicians.

20 She commented that FSMB also addressed this topic at
21 the FSMB Conference and urged all state medical boards
22 to review the report and become familiar with best
23 practice recommendations for effectively addressing
24 and preventing sexual misconduct.

25 Chair Woodland suggested working with the

1 Department of Health and possibly having a
2 presentation later in the year to give it more robust
3 attention.

4 Ms. Wucinski requested permission to attend the
5 FSMB Attorneys Workshop Conference in November in San
6 Diego.

7 Chair Woodland supported counsel being present
8 for those meetings to help the Board with resources
9 FSMB is providing.]

10 ***

11 [Nazanin E. Silver, M.D., MPH, FACOG, exited the
12 meeting.]

13 ***

14 MR. DILLON:

15 I move that the Board support the
16 attendance of Ms. Wucinski at the Board
17 Attorney Workshop at the Federation of
18 State Medical boards this fall.

19 DR. YEALY:

20 Second.

21 CHAIR WOODLAND:

22 Any further discussion on this?

23 Jasmira, we need to have a roll call.

24

25 Mark Woodland, aye; Arion Claggett, aye;

1 Donald Yealy, aye; Gerard Dillon, aye;
2 Walter Eisenhower, aye; Carolyn Byrnes,
3 aye.

4 [The motion carried unanimously.]

5 ***

6 For the Board's Information/Discussion - Old
7 Business/New Business

8 [Shana M. Walter, Esquire, Board Counsel, referred to
9 the Scam Alert for the Board's information, noting it
10 is also on the State Board of Medicine's website. She
11 noted receiving reports of individuals posing as
12 representatives of the State Board of Medicine and
13 reminded everyone that licensees would never be
14 contacted by phone for payment.

15 Ms. Walter also reminded everyone to not give
16 personal or financial information over the phone. She
17 mentioned that those who are the subject of an
18 investigation or disciplinary action will receive
19 notice by certified mail or in person and are provided
20 with a contact name and phone number. She informed
21 everyone to contact their local police department or
22 the Pennsylvania State Police if they have been a
23 victim of the scam.]

24 ***

25 The Wright Center Presentation

1 [Laura Spadaro, Vice President, Primary Care and
2 Public Policy, The Wright Center, introduced herself
3 and those in attendance from The Wright Center.

4 Jennifer Walsh, Esquire, Senior Vice President,
5 The Wright Center, stated the Accreditation Council
6 for Graduate Medical Education (ACGME) has approved
7 the paradigm model where a fellowship was flipped to
8 be a first-year experience for circumstances to allow
9 residents in the United States to happen. She noted
10 The Wright Center employed that model with geriatrics,
11 specifically last year with great results.

12 Ms. Walsh noted having three exceptional
13 qualifying candidates inadvertently identified as PGY-
14 4 instead of PGY-1, which is not correct in this case,
15 so those applications should not have been submitted
16 as PGY-4 since the geriatric medicine program would be
17 each one of these applicants first medical training
18 experience for graduation in the United States. She
19 apologized for unnecessarily complicating what should
20 have otherwise been a straightforward exercise.

21 Ms. Walsh stated the Board notified each one of
22 the applicants in writing on May 26 that their
23 applications had been provisionally denied but did
24 note that the Board recognized that each one of these
25 candidates possess the medical skills and educational

1 background to participate in the program.

2 Ms. Walsh noted that each of the applicants sent
3 a letter to the Board addressed to Board Counsel on
4 June 2, 2022, clarifying this would be their first
5 year of postgraduate medical training in the United
6 States and believed the Board would reconsider that
7 information.

8 Ms. Walsh addressed the ACGME geriatric program
9 requirements, noting it is conditioned upon the
10 evaluation by the program director and selection
11 committee that the applicants do have qualifications.

12 She noted the Graduate Medical Education Committee
13 (GMEC) must have also approved the qualifications of
14 the applicants, which it did in all three cases.

15 Ms. Walsh also mentioned that the Education
16 Commission for Foreign Medical Graduates (ECFMG)
17 verified their certification. She noted the ACGME
18 guidelines include a provision that is very risk
19 oriented that requires each one of the applicants have
20 an evaluation of their performance within 12 weeks of
21 beginning the program as another safety net to ensure
22 there are no increased risks to patient safety.

23 Ms. Walsh mentioned wanting to move to
24 Pennsylvania's requirements. She noted that if the
25 license applications had been submitted identifying

1 each individual entering a PGY-1 of training, they
2 would have satisfied the requirements in 49 Pa. §
3 17.5(a) through (c).

4 Ms. Walsh noted that if the Board decides to do
5 an assessment as though these individuals would be
6 seeking a license to train in a PGY-3 or higher, they
7 believe they still meet the elements required for the
8 Board to waive those requirements in § 17.5(a) through
9 (e).

10 Ms. Walsh stated most of the requirements are in
11 § 17.5(f), which again relates to the technical skills
12 and education of the applicant and whether or not the
13 issuance of a training license would be a benefit to
14 the health, safety, and welfare for people of the
15 Commonwealth of Pennsylvania.

16 Dr. Dzielak commented that over the last two
17 years of their fellowship they have accepted three
18 fellows through this alternative pathway approved by
19 ACGME. He noted all three fellows came to them
20 without Step 3 and finished the program and went on to
21 do internal medicine residency. He stated, after
22 their first year of residency, the students will take
23 the United States Medical Licensing Examination
24 (USMLE) Step 3.

25 Dr. Dzielak commented that their candidates meet

1 all the ACGME criteria and are ECFMG certified. He
2 noted they have completed a core residency in internal
3 medicine and shown that they have the clinical
4 excellence to come into their fellowship.

5 Dr. Dzielak stated, over the next 5 to 10 years,
6 the population of those from 65 is going to grow to 72
7 million individuals and represents 19 percent of the
8 population. He mentioned that the greatest segments
9 of the population that is growing are those above 85,
10 noting the importance of geriatricians who know how to
11 handle these patients.

12 Dr. Dzielak reported a shortage of over 30,000
13 geriatricians by 2025, and Pennsylvania ranked 9th out
14 of 50 states in terms of the population above 65. He
15 stated The Wright Center decided to do a fellowship
16 and are a participating organization and, on their
17 way, to becoming a center of excellence for an age-
18 friendly health system. He noted they are training
19 physicians who are going to other primary care
20 providers and sharing the information.

21 Chair Woodland commented that reconsideration of
22 the three individuals is to apply for a first-year
23 training license, not a fourth-year training license
24 and is what is before the Board.

25 Chair Woodland welcomed Sajid Hussain, M.D.;

1 Sapinder Pal Singh, M.D.; and Rana Usman, M.D., who
2 all provided a summary of their educational and
3 professional background.]

4 ***
5 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
6 12:20 p.m. the Board entered into Executive Session
7 with Dana M. Wucinski, Esquire, Board Counsel, and
8 Shana M. Walter, Esquire, Board Counsel, for the
9 purpose of conducting quasi-judicial deliberations on
10 a number of matters currently pending before the Board
11 and to receive the advice of counsel. The Board
12 returned to open session at 12:38 p.m.]

13 ***
14 Report of Department of Health
15 [Carolyn Byrnes, M.P.H., C.P.H., Department of Health,
16 reported over 3 million COVID cases. She noted 2,820
17 COVID cases a day for the week ending July 19; 1,130
18 people hospitalized as of July 20; and 46,047 deaths.
19 She informed everyone that COVID community levels
20 could be found on the CDC's website.

21 Ms. Byrnes reported over 22.6 million
22 vaccinations have been administered with 73.9 percent
23 of those 5 and up fully vaccinated. She noted
24 vaccines for children under 5 began on June 20, 2022,
25 with 27,624 doses administered to that population as

1 of July 20, 2022. She stated BA.4 and BA.5 were
2 increasing and now comprise of 88 percent of cases.

3 Ms. Byrnes addressed monkeypox, noting 16,000
4 cases in 72 countries including about 2,600 confirmed
5 cases in the United States as of July 21, 2022, with
6 58 total confirmed cases in Pennsylvania.

7 Ms. Byrnes stated Dr. Johnson testified before
8 the Joint House and Senate Democratic Policy Committee
9 at the hearing on post-Roe Pennsylvania, where her
10 testimony discussed their belief that abortion is
11 health care and abortion, and emergency contraception
12 are valid health care interventions and should be
13 protected by law. She noted that reproductive health
14 care services, including abortions, remain safe and
15 legal in Pennsylvania.]

16 ***

17 Motions - Applications from Committee on
18 Legislation/Policy Development and Review

19 MS. WALTER:

20 I believe the Board would entertain a
21 motion to provisionally deny the
22 Graduate Medical Training Applications
23 at number 32 of Sajid Hussain, M.D.;
24 number 33, Sapinder Pal Singh, M.D.; and
25 number 34, Rana Usman, M.D.

1 DR. YEALY:

2 So moved.

3 MR. DILLON:

4 Second.

5 CHAIR WOODLAND:

6 Any other discussion on these? Hearing
7 no further discussion. Jasmira, we need
8 to have a roll call.

9

10 Mark Woodland, aye; Arion Claggett, aye;
11 Donald Yealy, aye; Gerard Dillon, aye;
12 Walter Eisenhower, aye; Carolyn Byrnes,
13 aye.

14 [The motion carried unanimously.]

15 ***

16 Report of Acting Commissioner - No Report

17 ***

18 [Arion R. Claggett, Acting Commissioner, Bureau of
19 Professional and Occupational Affairs, exited the
20 meeting.]

21 ***

22 Report of Committee on Health-Related Professionals -
23 No Report

24 ***

25 Report of Committee on Legislation/Policy Development

1 and Review - No Report

2

3 Report of Committee on Licensure Qualifications

4 [Gerard F. Dillon, Ph.D., Public Member, stated the
5 committee continues to get requests from staff to
6 review the applications of individuals who have taken
7 different training pathways and reported possibly five
8 or six requests since the last meeting. He mentioned
9 that the objective is to see whether the committee
10 could expedite things or whether the cases would come
11 to the full Board.

12 Mr. Dillon also reported that he was appointed to
13 the FSMB's State Board Advisory Panel to the USMLE
14 program. The group acts as a sounding board for USMLE
15 issues presented by the staff of the National Board of
16 Medical Examiners and the FSMB. He stated the group
17 will be meeting in September 2022 and offered to
18 provide a brief report at the Board's October 2022
19 meeting.]

20

21 Report of Vice Chair - No Report

22

23 Report of Board Chair

24 [Mark B. Woodland, M.S., M.D., FACOG, Chair, addressed
25 information from the FSMB Board of Directors Meeting

1 in July 2022. He noted discussion regarding the
2 Supreme Court of the United States (SCOTUS) decision
3 Dobbs v. Jackson Women's Health Organization, where
4 they couched the comments into three areas. He stated
5 one was reviewing the historical relationship of
6 abortion and medical regulation and considering the
7 potential impact of the current ruling on the role
8 function and collaboration of state medical boards.

9 Chair Woodland noted a discussion of potential
10 scenarios that implicate the role of state medical
11 boards that included addressing inconsistent or
12 conflicting state laws, different initiation of civil
13 and criminal punishments, potential impact of the
14 interstate medical licensure compact, and the impact
15 of the FDA approval in international mail order
16 prescribing of medications for pregnancy-related
17 issues.

18 Chair Woodland noted they acknowledged the
19 complexity of the issue but also understand that the
20 organizational focus should remain on support of the
21 member medical boards and the Board agreed that the
22 FSMB on behalf of its medical boards would promote and
23 reflect confidence in the process and foundational
24 principles of each of the state-based regulations,
25 including the sanctity of the physician-patient

1 relationship and medical decisions based upon
2 evidence-based standard of care.

3 Chair Woodland, they also discussed the Ruan v.
4 United States and Kahn v. United States government
5 rulings and reviewing the combination of these appeals
6 and criminal matters involving defendants, where if a
7 physician defendant produced into evidence conduct
8 that was legally authorized, such as prescribing
9 narcotic medication, the government must prove beyond
10 a reasonable doubt that the defendant knowingly or
11 intentionally acted in an unauthorized matter.

12 Chair Woodland commented that this was presented
13 at the meeting and considered whether the decision
14 could alter the evidentiary standard of care in state
15 disciplinary cases and whether there was a negative
16 impact on state medical boards, disciplinary actions
17 related to these issues and decided it was up to the
18 states to facilitate the decisions.

19 Chair Woodland mentioned that the FSMB also
20 looked at their past as far as diversity, equity, and
21 inclusion issues with recognition of inequities in the
22 past of the FSMB and decided to put out a peer review
23 manuscript describing the inequities, how they came
24 about, and how the federation is taking a new path to
25 address those issues.

1 Chair Woodland noted an event tomorrow regarding
2 trust, harm, and the limits of medical regulation as
3 it underscores the gender roles and the power
4 differential at play in the physician-patient
5 relationship and what it should look like in the
6 future compared to what it was traditionally.

7 Chair Woodland addressed workforce issues, noting
8 the great resignation and recruitment of the top 10
9 specialties in Pennsylvania. He noted there is an
10 incredible workforce turnover, which also plays into
11 the burnout issues and dissatisfaction with some of
12 the current medical issues.

13 Chair Woodland recognized the issue of hospital
14 and medical facility closures, and suggested Ms.
15 Byrnes take the issue back to Dr. Johnson. He
16 reported that nearly one in five Americans live in
17 rural areas and depend on local hospitals for their
18 care, noting the importance of looking into what that
19 is doing to access of care.]

20 ***

21 Upcoming Meetings

22 [Mark B. Woodland, M.S., M.D., FACOG, Chair, noted
23 remaining Board meeting dates are September 13,
24 October 25, and December 13. He also noted the
25 scheduled 2023 meeting dates for the Board's review.]

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Miscellaneous

[Shana M. Walter, Esquire, Board Counsel, addressed the department's response to an inquiry by several providers regarding medically assisted treatment. She noted their office responded regarding the Drug Enforcement Administration (DEA) and referred to exceptions granted under the federal public health emergency for the Board's review.]

Adjournment

CHAIR WOODLAND:

I would entertain a motion to adjourn.

DR. YEALY:

So moved.

MR. EISENHAUER:

Second.

CHAIR WOODLAND:

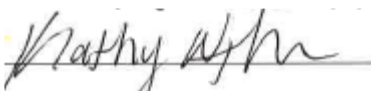
Thank you very much.

[There being no other business, the State Board of Medicine Meeting adjourned at 12:56 p.m.]

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CERTIFICATE

I hereby certify that the foregoing summary minutes of the State Board of Medicine meeting, was reduced to writing by me or under my supervision, and that the minutes accurately summarize the substance of the State Board of Medicine meeting.



Kathryn Witherow,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF MEDICINE
REFERENCE INDEX

July 26, 2022

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7		
8		
9	8:45	Executive Session
10	10:30	Return to Open Session
11		
12	10:43	Official Call to Order
13		
14	10:43	Introduction of Board Members/Attendees
15		
16	10:46	Amendment to Agenda
17		
18	10:46	Approval of Minutes
19		
20	10:50	Report of Prosecution Division
21		
22	10:54	For the Board's Information
23		
24	10:55	Motions
25		
26	10:59	Appointment - Gun Safety/Violence in Our
27		Health Care Facilities and Its Impact
28		on Providers
29		
30	11:39	Motions (cont.)
31		
32	11:42	Regulatory Status Report
33		
34	11:46	For the Board's Information (cont.)
35		
36	11:56	The Wright Center Presentation
37		
38	12:20	Executive Session
39	12:38	Return to Open Session
40		
41	12:38	Report of Department of Health
42		
43	12:43	Motions (cont.)
44		
45	12:44	Report of Committees
46		
47	12:46	Report of Board Chair
48		
49		
50		

STATE BOARD OF MEDICINE
REFERENCE INDEX
(cont.)
July 26, 2022

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TIME	AGENDA
12:55	Miscellaneous
12:56	Adjournment