State Board of Medicine July 18, 2023

Arion R. Claggett, Acting Commissioner, Bureau of

Professional and Occupational Affairs

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

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BOARD MEMBERS:

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10 Donald M. Yealy, M.D., Vice Chair 11 Gerard F. Dillon, Ph.D., Public Member 12 Michael Ripchinski, M.D., MBA, CPE, FAAFP

Walter A. Eisenhauer, MMSC, M.Ed., PA-C 13 14 Sirisha Reddy, Special Assistant, on behalf of Debra 15 L. Bogen, M.D., FAAP, FABM, Acting Secretary of

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Health

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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 and Board Prosecution Liaison Mark R. Zogby, Esquire, Board Prosecutor Jason T. Anderson, Esquire, Board Prosecutor Adam J. Williams, Esquire, Board Prosecutor Lindsay Szymanski, Esquire, Board Prosecutor Ashley Goshert, Esquire, Board Prosecutor Saiyad Ali, Acting Board Administrator Nichole Wray, Division Chief Michael McDonald, Policy Director, Department of State Holly Hoffman, Law Clerk, Department of State Andrew LaFratte, MPA, Executive Policy Specialist, Department of State Marc Farrell, Esquire, Regulatory Counsel, Office of Chief Counsel, Department of State

Holly Hoffman, Law Clerk, Department of State

Aaron Rawdin, Legal Intern

State Board of Medicine July 18, 2023

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ALSO PRESENT:

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Andrea Wandling, Human Resources Manager, Pennsylvania Association of Community Health Centers

Tanya Miller, MS, LAT, ATC, Pennsylvania Athletic Trainers' Society Lisa Claypool Stevenson, Senior Associate Counsel,

University of Pittsburgh Medical Center Susan DeSantis, PA-C, Pennsylvania Society of Physician Assistants

Ted Mowatt, CAE, Vice President/Lobbyist, Wanner Associates

Wesley J. Rish, Esquire, Rish Law Office, LLC Marie Winters, ND, Pennsylvania Association of Naturopathic Physicians

Elena Usova, MD, Ph.D.

Michael DiPalma, ND, Pennsylvania Association of Naturopathic Physicians

Rebecca Belles, LGC, Genetic Counselor, Geisinger Jennifer Smeltz, Republican Executive Director, Senate

Consumer Protection & Professional Licensure Tyler Burke, Milliron & Goodman, LLC Heidi Weinhold, ND, Pennsylvania Association of Naturopathic Physicians

JoAnn Yanez, ND, Executive Director, Association of Accredited Naturopathic Medical Colleges William Martin Sloane, EdD, PhD, President,

Pennsylvania Traditional Naturopaths Association Paul Gannon ND, FABNO

Julie Lachman, ND, Pennsylvania Association of Naturopathic Physicians

Erin Gattuso, ND, Pennsylvania Association of Naturopathic Physicians

Haley S. Robert Taylor

Tom Santana

Derek Richmond State Board of Medicine

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2 July 18, 2023

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[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.]

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The regularly scheduled meeting of the State

Board of Medicine was held on Tuesday, July 18, 2023.

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

the meeting to order at 10:33 a.m.

17

Acknowledge Public - Turn Off Electronic Devices

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

acknowledged that everyone present agreed to be part

of the meeting and thanked them for attending. He

also requested all electronic devices be muted.]

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24 Introduction of Board Members/Attendees
25 [Saiyad Ali, Acting Board Administrator, provided an

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   introduction of Board members and attendees.]
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   Approval of minutes of the June 20, 2023 meeting
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   CHAIR WOODLAND:
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                  The first order of business is approval
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                  of the minutes from June 20, 2023. I
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                  know they were circulated and comments
                  made.
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9
                       Do I have a motion to approve?
10
   DR. YEALY:
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                  I move to approve.
   DR. RIPCHINSKI:
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13
                  Second.
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   CHAIR WOODLAND:
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                  Any further discussion? Hearing none.
16
                  Could we have a roll call?
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                  Mr. Claggett, abstain; Dr. Woodland,
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                  aye; Dr. Yealy, aye; Mr. Dillon, aye;
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                  Dr. Ripchinski, aye; Mr. Eisenhauer,
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                  aye; Ms. Reddy, aye.
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   [The motion carried. Arion Claggett abstained from
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   voting on the motion.]
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1 | Appointment - Introduction to the Board
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- 2 | [Michael McDonald, Policy Director, Department of
- 3 | State, introduced himself and provided a brief
- 4 history of his professional background. He informed
- 5 everyone that the policy office works closely with
- 6 the secretary, governor, and all of the licensing
- 7 | boards and commissions to develop and review policy
- 8 ideas.
- 9 Mr. McDonald noted the policy office also works
- 10 closely with Board Counsel and Office of Chief
- 11 | Counsel to draft and review regulations. He
- 12 mentioned that the goal is implementing the
- 13 administration's agenda.
- 14 Mr. McDonald thanked Board members for their
- 15 service and offered assistance regarding any policy
- 16 or legislative ideas or concerns.
- 17 Chair Woodland thanked Mr. McDonald for offering
- 18 to be another resource for the Board.]
- 19 ***
- 20 Report of Prosecuting Attorneys
- 21 [Heather J. McCarthy, Esquire, Senior Board
- 22 | Prosecutor and Board Prosecution Liaison, presented
- 23 the VRP Consent Agreement for Case No. 23-49-008848.
- 24 Ms. McCarthy, on behalf of Keith E. Bashore,
- 25 Esquire, Board Prosecutor, presented the Consent

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Agreement for Case No. 22-49-018632.]
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   MS. WALTER:
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                  Pursuant to Section 708(a)(5) of the
 4
                  Sunshine Act, the Board entered into
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                  quasi-judicial deliberations at
 6
                  8:40 a.m. to discuss items 4 through 7,
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                  13 through 21, and 23 through 29.
                       Item 4 on the agenda is the VRP
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9
                  Agreement at Case No. 23-49-008848.
                                                         Ι
10
                  believe the Board would entertain a
                  motion to approve the VRP Agreement
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   DR. YEALY:
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13
                  So moved.
14
   DR. RIPCHINSKI:
15
                  Second.
   CHAIR WOODLAND:
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                  Any further discussion? Hearing none.
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                  Could we have a roll call, please?
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21
                  Mr. Claggett, aye; Dr. Woodland, aye;
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                  Dr. Yealy, aye; Mr. Dillon, aye; Dr.
23
                  Ripchinski, aye; Mr. Eisenhauer, aye;
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                  Ms. Reddy, aye.
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   [The motion carried unanimously.]
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8 * * * 1 2 MS. WALTER: 3 Item 5 on the agenda is Case No. 22-49-018632. I believe the Board would 4 5 entertain a motion to approve the 6 Consent Agreement 7 DR. YEALY: So moved. 8 9 DR. RIPCHINSKI: 10 Second. 11 CHAIR WOODLAND: 12 Any further discussion on this item? 13 Hearing none. Could we have a roll 14 call, please? 15 16 Mr. Claggett, aye; Dr. Woodland, aye; 17 Dr. Yealy, aye; Mr. Dillon, aye; Dr. 18 Ripchinski, aye; Mr. Eisenhauer, aye; 19 Ms. Reddy, aye. 20 [The motion carried unanimously. The Respondent's name is Emmanouel Coroneos, M.D.] 21 * * * 22 23 [Jason T. Anderson, Esquire, Board Prosecutor, on behalf of Jonelle Harter Eshbach, Esquire, Board 24 25 Prosecutor, presented the Consent Agreement for Case

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   No. 18-49-011102 & Case No. 18-49-006681.]
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   MS. WALTER:
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                  Item 6 is Case No. 18-49-011102 and
                  item 7 is Case No. 18-49-006681.
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5
                  believe the Board would entertain a
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                  motion to approve the Consent
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                  Agreement.
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   DR. YEALY:
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                  So moved.
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   DR. RIPCHINSKI:
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                  Second.
   CHAIR WOODLAND:
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                  Any further discussion on this item?
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                  Hearing none. Could we have a roll
15
                  call, please?
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                  Mr. Claggett, aye; Dr. Woodland, aye;
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                  Dr. Yealy, aye; Mr. Dillon, aye; Dr.
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                  Ripchinski, aye; Mr. Eisenhauer, aye;
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                  Ms. Reddy, aye.
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   [The motion carried unanimously. The Respondent's
22
   name is John Francis Mitchell, M.D.]
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   Applications for Licensure
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   MS. WUCINSKI:
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                  At agenda items 13 and 14, I believe
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                  the Board would entertain a motion to
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                  recommend that C.M., M.D., and A.M.,
 4
                  M.D., enter into the Voluntary Recovery
5
                  Program for a minimum of three years.
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   DR. YEALY:
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                  So moved.
8
   DR. RIPCHINSKI:
9
                  Second.
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   CHAIR WOODLAND:
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                  Any further discussion on these two
12
                  items? Hearing none. Could we have a
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                  roll call, please?
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15
                  Mr. Claggett, aye; Dr. Woodland, aye;
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                  Dr. Yealy, aye; Mr. Dillon, aye; Dr.
                  Ripchinski, aye; Mr. Eisenhauer, aye;
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18
                  Ms. Reddy, aye.
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   [The motion carried unanimously.]
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   MS. WUCINSKI:
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                  At agenda item 15, I believe the Board
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                  would entertain a motion to withdraw
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                  the provisional denial for the
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                  Application for a License to Practice
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11 1 as a Physician and Surgeon of R.E.H.V., 2 M.D., to allow him to comply with the 3 Professional Health Monitoring Program. DR. YEALY: 4 5 So moved. 6 DR. RIPCHINSKI: 7 Second. 8 CHAIR WOODLAND: 9 Any further discussion on this item? 10 Hearing none. Could we have a roll call, please? 11 12 13 Mr. Claggett, aye; Dr. Woodland, aye; 14 Dr. Yealy, aye; Mr. Dillon, aye; Dr. 15 Ripchinski, aye; Mr. Eisenhauer, aye; 16 Ms. Reddy, aye. [The motion carried unanimously.] 17 * * * 18 MS. WUCINSKI: 19 20 I believe the Board would entertain a 21 motion to send a standard reentry 22 letter to Anna Manilov, M.D. 23 DR. YEALY: 24 So moved. 25 DR. RIPCHINSKI:

12 Second. 1 2 CHAIR WOODLAND: 3 Any further discussion on this item? 4 Hearing none. Could we have a roll 5 call, please? 6 Mr. Claggett, aye; Dr. Woodland, aye; Dr. Yealy, aye; Mr. Dillon, aye; Dr. 9 Ripchinski, aye; Mr. Eisenhauer, aye; 10 Ms. Reddy, aye. 11 [The motion carried unanimously.] 12 13 Ratifications 14 MS. WUCINSKI: 15 I believe the Board would entertain a motion to ratify the granting of the 16 17 following Applications: Application to 18 Practice as a Respiratory Therapist of 19 Joseph Calabretta; Application to 20 Practice as a Physician and Surgeon of 21 Mirza Shahid Baig, M.D.; Edinson Abel 22 Najera, M.D.; Ahsan Raza, M.D.; Rakesh 23 Mark Suri, M.D. 24 DR. YEALY: 25 So moved.

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   DR. RIPCHINSKI:
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                  Second.
3
   CHAIR WOODLAND:
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                  Any further discussion on any of these?
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                  Hearing none. Could we have a roll
                  call, please?
 6
7
                  Mr. Claggett, aye; Dr. Woodland, aye;
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                  Dr. Yealy, aye; Mr. Dillon, aye; Dr.
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                  Ripchinski, aye; Mr. Eisenhauer, aye;
                  Ms. Reddy, aye.
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    [The motion carried unanimously.]
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14
   Miscellaneous
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   MS. WUCINSKI:
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                  At agenda item 23, I believe the Board
                  would entertain a motion to deny the
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18
                  Reconsideration Request of Cecilia
19
                  Olugbade-Oseyemi, M.D.
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   DR. YEALY:
21
                  So moved.
22
   DR. RIPCHINSKI:
23
                  Second.
24
   CHAIR WOODLAND:
25
                  Any further discussion on this item?
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14 1 Hearing none. Saiyad, could we have a 2 roll call, please? 3 4 Mr. Claggett, aye; Dr. Woodland, aye; 5 Dr. Yealy, aye; Mr. Dillon, aye; Dr. Ripchinski, aye; Mr. Eisenhauer, aye; 6 7 Ms. Reddy, aye. 8 [The motion carried unanimously.] 9 10 MS. WUCINSKI: 11 At agenda item 24, I believe the Board 12 would entertain a motion to deny the 13 Reconsideration Request of Anne Marie 14 Schmidt, M.D., and to direct that she 15 undergo a reentry evaluation with a 16 Board-approved evaluator, noting Dr. 17 Yealy is recused. 18 CHAIR WOODLAND: Could I have a motion? 19 20 MR. EISENHAUER: 21 So moved. 22 DR. RIPCHINSKI: 23 Second. 24 CHAIR WOODLAND: 25 Any further discussion on this item?

15 1 Hearing none. Could we have a roll 2 call, please? 3 4 Mr. Claggett, aye; Dr. Woodland, aye; 5 Dr. Yealy, recuse; Mr. Dillon, aye; Dr. 6 Ripchinski, aye; Mr. Eisenhauer, aye; 7 Ms. Reddy, aye. 8 [The motion carried. Donald Yealy recused himself from deliberations and voting on the motion.] * * * 10 11 MS. WUCINSKI: 12 At agenda item 25, I believe the Board 13 would entertain a motion to deny the 14 Reconsideration Request of Charles E. 15 Bemis, M.D., to waive a reentry 16 evaluation and offer that he may 17 instead apply to reactive his license 18 to active retired status. DR. YEALY: 19 20 So moved. 21 DR. RIPCHINSKI: 22 Second. 23 CHAIR WOODLAND: 24 Any further discussion? Hearing none. 25 Could we have a roll call, please?

16 1 2 Mr. Claggett, aye; Dr. Woodland, aye; 3 Dr. Yealy, aye; Mr. Dillon, aye; Dr. Ripchinski, aye; Mr. Eisenhauer, aye; 4 5 Ms. Reddy, aye. 6 [The motion carried unanimously.] 7 * * * 8 MS. WUCINSKI: 9 At agenda item 26, I believe the Board would entertain a motion to direct 10 Board Counsel to enter the Memorandum 11 12 Order of the hearing examiner as the 13 Final Order in the matter of Ivan Dario 14 Braque, M.D., at Case No. 21-49-020101. 15 DR. YEALY: 16 So moved. DR. RIPCHINSKI: 17 18 Second. CHAIR WOODLAND: 19 20 Any further discussion? Hearing none. 21 Could we have a roll call, please? 22 23 Mr. Claggett, aye; Dr. Woodland, aye; Dr. Yealy, aye; Mr. Dillon, aye; Dr. 24 25 Ripchinski, aye; Mr. Eisenhauer, aye;

17 1 Ms. Reddy, aye. 2 [The motion carried unanimously.] 3 MS. WUCINSKI: 4 5 At agenda item 27, I believe the Board 6 would entertain a motion to grant the 7 Application for a License to Practice as a Medical Physician and Surgeon of 9 Aditi Shruti, M.D., and noting that is 10 following the successful completion of 11 a reentry program. DR. YEALY: 12 13 So moved. 14 DR. RIPCHINSKI: 15 Second. CHAIR WOODLAND: 16 17 Any further discussion? Hearing none. 18 Could we have a roll call, please? 19 20 Mr. Claggett, aye; Dr. Woodland, aye; 21 Dr. Yealy, aye; Mr. Dillon, aye; Dr. 22 Ripchinski, aye; Mr. Eisenhauer, aye; 23 Ms. Reddy, aye. 24 [The motion carried unanimously.]

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18 1 MS. WUCINSKI: 2 Agenda item 28 was just an FYI. 3 * * * MS. WUCINSKI: 4 5 At agenda item 29, I believe the Board 6 would entertain a motion to deny the 7 USMLE Sponsorship Request to allow Tanya Kondolay another chance to take 8 9 the USMLE. 10 DR. YEALY: 11 So moved. DR. RIPCHINSKI: 12 13 Second. 14 CHAIR WOODLAND: 15 Any further discussion? Hearing none. 16 Could we have a roll call, please? 17 18 Mr. Claggett, aye; Dr. Woodland, aye; 19 Dr. Yealy, aye; Mr. Dillon, aye; Dr. 20 Ripchinski, aye; Mr. Eisenhauer, aye; 21 Ms. Reddy, aye. 22 [The motion carried unanimously.] 23 24 Report of Board Counsel - Other 25 [Shana M. Walter, Esquire, Board Counsel, addressed

- 1 House Bill 19 regarding licensure of behavior
- 2 | analysists, noting the bill would create professional
- 3 licensure for behavior analysts and assistant
- 4 behavior analysts to focus on improving specific
- 5 behaviors that include social skills, communication,
- 6 reading and academic, and adaptive learning skills.
- 7 | She stated it would allow them to work with insurance
- 8 companies to reduce insurance costs and provide for
- 9 public protection.
- 10 Chair Woodland commented that this would expand
- 11 access for mental health issues but noted not seeing
- 12 anything from the American Psychiatric Association or
- 13 any like organizations.
- Ms. Walter referred to House Bill 1364,
- 15 authorizing boards and commissions to issue advisory
- 16 opinions. She stated the bill also releases the
- 17 | individual from criminal and civil liability in an
- 18 | individual who acts pursuant to an advisory opinion
- 19 given by a board or commission and was referred to
- 20 the Professional Licensure Committee on June 12,
- 21 2023.
- 22 Ms. Wucinski addressed House Bill 1490 regarding
- 23 the modernization of the Acupuncture Licensure Act
- 24 which would amend the Acupuncture Licensure Act to
- 25 provide title protection for licensed acupuncturists

- 1 and practitioners of Oriental medicine by precluding
- 2 | individuals from holding themselves out as those
- 3 license types without first obtaining a license. She
- 4 | noted it would provide an opportunity for
- 5 acupuncturists licensed in other states to attend
- 6 educational events, as well as volunteer in states of
- 7 emergency with the Commonwealth.
- 8 Ms. Wucinski stated it would require a minimum
- 9 amount of continuing education for license renewal,
- 10 bringing acupuncturists in line with the requirements
- 11 for other states. She pointed out that it changes
- 12 | the practitioner of Oriental medicine from a license
- 13 to a registration in Pennsylvania.
- 14 Ms. Wucinski mentioned the Board's regulations
- 15 were just amended with the acupuncture regulation
- 16 that had been before the Board several times this
- 17 year and was approved by the Independent Regulatory
- 18 Review Commission (IRRC) last week, noting a lot of
- 19 the changes in the bill are already in the proposed
- 20 rulemaking
- 21 Ms. Walter addressed House Bill 1512 concerning
- 22 the regulation of insurers that would amend the
- 23 | insurance law to require coverage of telemedicine
- 24 | services and define telemedicine. She noted it would
- 25 require a provider giving services to a patient by

2.1

telemedicine follow the same standard of care that
currently exists for a practitioner and gives the
Board authorization to promulgate regulations. She
noted the bill was referred to the Insurance
Committee on June 26, 2023.

Chair Woodland stated telehealth and telemedicine are here to stay and would improve access to care. He commented that it originally seemed to be specified predominantly for rural health access but is not only used for rural situations and is used quite extensively in suburban and urban situations as well.]

13 ***

Report of Board Counsel - Regulatory Status Report [Shana M. Walter, Esquire, Board Counsel, addressed 16A-4953 regarding naturopathic doctors Advanced Notice of Final Rulemaking (ANFR). She provided the Board with several comments that were received after the comment period closed on July 3, along with a comment from Senator Costa regarding § 18.907(b).

Ms. Walter informed Board members that almost 100 comments were received and referred to § 18.907, noting dozens of comments requesting that provision be removed. She read § 18.907(b) in a proposed annex, where an individual who has not registered with the

Board may claim to be and hold oneself out as a naturopath or a traditional naturopath, and use any similar title implying that the individual practices naturopathy so long as the title does not imply that the individual is a naturopathic doctor registered with the Board. She asked whether Board members would agree to remove § 18.907(b) from the annex.

Marie Winters, ND, Pennsylvania Association of Naturopathic Physicians, noted being active in the Pennsylvania Association of Naturopathic Physicians hoping to regulate the practice of naturopathic medicine in this state, along with working with countless other naturopathic doctors in Pennsylvania, allied health professionals, legislators, and several lobbyists.

Dr. Winters explained that their goal is to help standardize the training and practice of those who might call themselves naturopathic doctors, so the public and other allied healthcare professionals can identify who qualified practitioners are and to integrate naturopathic medicine into the healthcare community in Pennsylvania and collaborate with other providers and better contribute to the care of the residents of the state.

Dr. Winters stated the updated draft annex for

naturopathic doctors is a worthy step in this
direction and recommended requiring naturopathic
doctors who have not had clinical contact with a
patient for four or more years or as a disciplinary
action pass Part 2 of the NCLEX exam.

Dr. Winters requested § 18.907(b) be removed from the annex. She mentioned that House Bill 516 was partially passed in order to help consumers and other healthcare providers to distinguish qualified naturopathic doctors. She stated § 18.907(b) of the annex goes beyond the bounds of what the legislation passed.

Dr. Winters stated House Bill 516 did not address lay providers of natural medicine and what they might be called, but that section of the annex recognizes an unregulated disparate group of individuals with widely varied levels of training and skill and serves to confuse rather than clarify.

Dr. Winters recommended the Board define naturopathic evaluation as recommended by IRRC. She noted a naturopathic medicine evaluation determines how patients should be managed and allows them to assess patients. She stated it is an essential part of naturopathic medicine not currently defined in the annex.

Paul Gannon, ND, FABNO, requested the term naturopath or traditional naturopath be protected for use by those who are registered and licensed naturopathic doctors. He noted they have attended a four-year medical school and adhere to strict continuing education requirements that mimic closely those of medical doctor colleagues.

Dr. Gannon requested the Board consider protecting the citizens of Pennsylvania by protecting the term naturopath in any form whatsoever, including traditional naturopath, to be used solely by individuals who are registered or licensed as naturopathic doctors.

Dr. Gannon commented that the citizens of

Pennsylvania do not know the difference between a

naturopathic doctor, traditional naturopath, or

naturopath. He pointed out that those who want to be

able to use the term naturopath and traditional

naturopath are health coaches who are not licensed in

any state and adhere to no continuing education

requirements.

Dr. Gannon explained that by allowing health coaches to call themselves anything with the term naturopath, the state of Pennsylvania would be the first state in the union to give health coaches full

reign to confuse the citizens of Pennsylvania in thinking that health coaches are affiliated or aligned with properly licensed naturopathic doctors.

Wesley J. Rish, Esquire, Rish Law Office, LLC, on behalf of the Pennsylvania Traditional Naturopaths
Association, stated it has taken several years to get to this point with respect to the regulations and urged the Board on behalf of traditional naturopaths to leave the safe harbor in the proposed regulations.

He mentioned that it is not a licensure statute but a registration statute.

Mr. Rish addressed the reference to prohibit the use of the term naturopath with anybody who was not actually registered with the Board. He referred to the underlying statute that the regulations are trying to enforce, noting that all the statute did was create a path for an opportunity for certain people to use the term doctor of naturopathic medicine and naturopathic doctor.

Mr. Rish stated removing the ability of traditional naturopaths to refer to themselves as naturopaths or traditional naturopaths exceeds the authority that was granted by the General Assembly to the Board and respectfully requested the Board confine itself to the authority that the General

Assembly granted.

JoAnn Yanez, ND, Executive Director, Association of Accredited Naturopathic Medical Colleges, stated the association is recognized by the Secretary of Education in the United States and Canada. She noted submitting a letter with feedback regarding some of the language within the proposal and reiterated some of the points with regard to the dangerous precedent that would be set, as well as legal liability to the Board if there is inclusion of people who have not met educational requirements.

Dr. Yanez implored the Board to do what is in the best public interest to protect the public citizens of the Commonwealth of Pennsylvania and ensure that only people who have appropriate training and continuing education that includes background checks and other measures are included in the registration bill.

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[William Martin Sloane, EdD, PhD, President,
Pennsylvania Traditional Naturopaths Association,
experienced technical difficulty.]

23 ***

Ms. Walter read part of Senator Costa's letter specifically relating to the legislative intent

- 1 | regarding \$18.907(b), where he did not introduce this
- 2 | legislation nor did the General Assembly enact it to
- 3 | include reference to lay or traditional providers.
- 4 He noted the General Assembly did not intend to
- 5 address unregistered labors, lay, and traditional
- 6 providers under the Naturopathic Doctor Registration
- 7 Act (NDRA) or, as a consequence, its governance
- 8 regulations. He requested the Board strike §
- 9 18.907(b).
- 10 Ms. Walter asked whether the Board would be
- 11 agreeable to removing § 18.907(b) from the act.
- Dr. Yealy commented that the removal suggested by
- 13 | Senator Costa achieves all the goals heard so far
- 14 because it does not put them wandering in the areas
- 15 that are outside the scope and does not intentionally
- 16 or unintentionally create a level of ambiguity that
- 17 | would not serve the people of the Commonwealth of
- 18 Pennsylvania. He noted being okay with the
- 19 | suggestion by Senator Costa.
- 20 Dr. Ripchinski also noted being in favor of
- 21 striking § 18.907(b) and believed it is critically
- 22 important for the public to be able to differentiate
- 23 between a regulated naturopathic doctor as well as a
- 24 | nonregulated provider and appreciated the public's
- 25 comments that helped in his decision-making as well.

William Martin Sloane, EdD, PhD, President,
Pennsylvania Traditional Naturopaths Association,
concurred with comments that there should be a way to
distinguish between registered practitioners and
unregistered practitioners. He noted the General
Assembly has not given a complete monopoly to the
four-year college graduates, rather protected certain
titles, and in the title statute, the terms that have
not been protected are presumably still available to
those who are practicing traditional naturopathy
without going through the registration process.

Dr. Sloane commented that the language in the regulations, while not as clear as one might hope, are still in accordance with the legislative mandate. He mentioned that if the subsection were to be deleted that it would leave an ambiguity, what may traditional nature paths call themselves. He stated their members are looking to the Board for clarification because it has been a number of years, and there is still a large question mark here that keeping subsection (b) would help to clarify and would be down the road toward clarifying who may call themselves what.

Ms. Walter referred to \S 18.907(a), an individual who claims to be or holds oneself out as a

naturopathic doctor, registered naturopathic doctor, doctor of naturopathic medicine, or use any similar title implying that the individual holds a current registration as a naturopathic doctor in this Commonwealth, have to have a current, active, and unsuspended registration. She stated (b) can be interpreted to be the converse of (a), so someone holding themselves out as registered by the Board or using any of those titles have to have an active registration.

Chair Woodland commented that the one big item that may be the distinction between the naturopathic doctor track versus a naturopathic practitioner or other name is where they are running into an issue.

Ms. Walter stated the issue is if an individual does not qualify under the standards of the Board and NDRA's regulations, what can they call themselves. She referred to § 18.907(a), noting it is not one of the things that are listed there or something similar. She commented that if they are not regulating anyone outside of the individuals identified as (a), then they are not regulating.

Ms. Walter commented that the Naturopathic Doctor Registration Act is limited to a certain set of individuals who meet a certain criteria and is what

the regulation is addressing, which is why Senator
Costa clarified the legislative intent and in doing
so suggested that they remove § 18.907(b).

Chair Woodland asked whether a vote would be needed to remove subsection (b).

Ms. Walter informed Board members that they could move forward with the final-form regulation with any amendments.

Ms. Walter noted that some places in the regulation use doctor of naturopathic medicine, naturopathic doctor, and registered naturopathic doctor and there are some subsections where registered naturopathic doctor is not included and should be added for consistency to § 18.904, § 18.905(b)(2), and § 18.15.

Ms. Walter referred to § 18.15 and also suggested removing the post-nominal ND since it is the only place in the regulation package where it appears.

Ms. Walter informed Board members that many comments were received concerning the National Council Licensure Examination (NCLEX) for reentry asking it specifically only require the Core Clinical Science Examination for reentry.

Chair Woodland asked whether there is a maintenance of certification that goes on for the

more didactic teachings.

Dr. Yanez explained that continuing education is mandated on a state-by-state basis and is something that is worked through in the regulatory process with the states requiring continuing process of education and any continuing education credits specified in other areas that they may feel are appropriate for the practice within that jurisdiction.

Chair Woodland commented that it is interesting that continuing education was not included if it is regulated by the state and not by a national organization.

Dr. Winters stated the Pennsylvania Association of Naturopathic Physicians supports continuing educations. She noted that members all hold licenses or registrations in different states and maintain their qualifications. She noted that all members of the state association participate in continuing education every year. She stated naturopathic doctors continuing education requirements are regulated by the state but also have larger organizations that are national for additional training in other specialties.

Dr. Yanez stated typically the national standard that they try to speak of in new jurisdictions is

licensure specifically for that reason, so they can
have continuing education requirements mandated and
the upkeep and maintenance of the license. She noted
registration in Pennsylvania is welcome but would be
amendable if licensure is felt to be more
appropriate.

Dr. Winters clarified that NCLEX Part 1 are basic sciences and NCLEX Part 2 are clinical sciences.

Chair Woodland commented that because it is registration no continuing education is described, but with licensure it would be included. He asked whether they are missing an opportunity to get the continuing education aspect of that into this to make sure it is consistent with other clinical providers within the Commonwealth of Pennsylvania.

Heidi Weinhold, ND, former legislative chair of the Pennsylvania Association of Naturopathic Physicians. She reported that the initial bill did contain continuing education requirements but was struck at the last minute before it was passed. She noted being told repeatedly that they had to go the route of registration first before pursuing full licensure and scope of practice.

Ms. Walter commented that it is not out of the realm of possibility if there is additional

legislation relating to the providers but was not contemplated at this time in the legislation and is why it has not been included in the regulations.

Chair Woodland suggested considering continuing education for the future because it is required of all providers. He noted appreciating the self-monitoring or self-evaluation of continuing education by their national organizations, but there is no national maintenance of certification examination or a defined state mandate.

Mr. Dillon also sees the value of requiring some kind of continuing education but asked how the process works and whether it could be accompanied with what is being done.

Ms. Walter explained that Board members could make a legislative initiative to change the Naturopathic Doctor Registration Act to make it a more comprehensive licensure act rather than the registration and could be discussed at a future meeting.

Dr. Ripchinski noted being supportive of moving forward with the Naturopathic Doctor Registration Act knowing that they have now had a public meeting discussing the importance of continuing education in light of a potential licensure path in the future but

wanted to move it forward as is with the addition of striking § 18.907(b) as discussed earlier.

Dr. Yealy agreed with Dr. Ripchinski and approve what is in front of them and foment some of the future activities they talked about.

Chair Woodland duly noted that everyone agreed that continuing education is important but would be an issue for the future in order to move it forward.

Ms. Walter noted a typo at § 18.903 in the child abuse requirements, where 2 hours should be 3 hours and lettering is not correct on page 11 and 12.

Ms. Walter addressed removing the term oriental but informed Board members that individuals and licensees of oriental medicine want to keep that term.

Chair Woodland commented that the Board brought the language up as an issue, especially in the day of politically sensitive terms but appreciated the definition and the understanding of that term and its importance to those who carry that term forward.

Ms. Walter addressed § 18.903, where the Board referenced accrediting by the Council on Naturopathic Medical Education (CNME)-accredited naturopathic doctor program and not necessarily the school. She noted the suggested change would be for § 18.903(b)(2)

- to read, hold a doctoral degree from an
 institutionally accredited or pre-accredited college
 or university offering a naturopathic doctor program,
 which has been granted programmatic candidacy or
 accreditation by the CNME and consists of at least
 4,100 total credit hours.
 - Ms. Walter asked whether everyone was okay with making sure that CMNE, the definition and § 18.903 reflect their actual role in naturopathic education.

- Ms. Walter addressed a suggestion that the
 National Board of Naturopathic Examiners be listed as
 an examination provider. She noted they are limited
 by the NDRA as far as who they could have as
 providers and the National Board of Naturopathic
 Examiners is not a listed provider. She informed
 Board members that they do not have the authority to
 do that and it could be explained in the final
 preamble.
- Ms. Walter explained that one of the suggestions from IRRC was to add naturopathic medicine, naturopathic physical medicine, and naturopathic service to the definitions. She mentioned that she also added the definition of marketing activity, which came from the federal statute. She reported receiving comments that the definitions of

naturopathic medicine, physical medicine, and naturopathic service were too vague.

Ms. Walter noted other comments that those also included services that traditional naturopaths currently provide, and by including those services in the definition is essentially cutting off the ability of anyone who is not registered by the act from performing those services.

Ms. Walter stated the definitions included were based on research about the practice itself, what other states do, and how other states define these things. She noted the definitions would be placed under § 18.902.

Dr. Sloane referred to § 18.902 and stated the proposed regulations are setting out a scope of practice, but the statute is simply a title protection statute that does not authorize the definition of a scope of practice. She commented that the proposed language lists everything that traditional naturopaths have done for decades before the new group of four-year college graduates came along, noting the implication is that only registered naturopathic doctors can perform these services.

Dr. Sloane suggested that it be clarified if that is not the intent because the Board would exceed its

statutory authority by coming up with any definition of the scope of practice at all.

Ms. Walter explained that the Registration Act allows the Board to discipline the registrant for acting outside the scope of the registration, so the Board is deriving authority from that section.

Dr. Yanez reiterated that the scope of practice and the authority of the Board, as she indicated in her letter, in California as well as in other currently unregulated jurisdictions, when there is any ambiguity in the scope of practice, the Board then has to take those considerations. She mentioned that currently in California, the predomination of the Naturopathic Board issues have to do with people who are not up to the level of training and are holding themselves out.

Dr. Yanez believed the Board was in possession of a letter from one of the people from an unaccredited diploma mill program that refers to themselves as board certified, noting there are standards for the usage of terminology like board certification that is taken seriously and believed the more ambiguity in the scope of practice for naturopathic doctors, the more the Board opens itself up to liability and having gray zones. She implored the Board to

consider that as they think about the language and their next steps.

Chair Woodland noted that everyone's comments seemed to indicate that the definitions are something good to put forth with the exception that they may be excluding some individuals by the definitions.

Ms. Walter commented that they also provide a definition for regionally accredited or preaccredited college or university. She reported that changes have been made at the federal level to regional accreditation that has moved and is called institutional accrediting, while still maintaining regional accreditors. She mentioned that she is looking into whether or not changing that would be inconsistent with NDRA.

Ms. Walter referred to § 18.908 regarding informed consent and disclosure of financial interest. She addressed a comment that § 18.908(b) and § 18.913 were duplicative and suggested removing one of those, noting the Board could probably do that, where the Code of Ethics in § 18.911 is sufficient to safeguard the public to ensure that they are notified if a naturopathic doctor is receiving compensation for recommending a certain supplement or item.

Dr. Weinhold expressed concern with § 18.908 regarding informed consent and disclosure of financial interest, noting any marketing activity was really broad because it allows too many avenues to take action against a naturopathic doctor.

Dr. Weinhold stated the definition of marketing activity is defined as a communication about a service or merchandise that encourages recipients of the communication to purchase or use the merchandise or service, noting the term does not include service from a healthcare practitioner. She commented that it discourages naturopathic doctors from being interviewed or writing in a blog.

Dr. Weinhold also noted that merchandise on page six is defined as items that can be sold as vitamins supplements, food extracts, homeopathic remedies, botanical medicines, herbs, and natural substances. She referred to § 18.913(6) grounds for discipline, promoting the sale of services, drugs, devices, appliances, or goods to a patient to exploit the patient for financial gain. She strongly encouraged removing § 18.913(6) because some naturopathic doctors do carry natural supplements and botanicals that are difficult for patients to procure in their office as a convenience.

Dr. Weinhold mentioned that other medical doctor colleagues are allowed to sell and carry products and topicals to make it more affordable and convenient for patients and believed naturopaths should have the same consideration.

Dr. Weinhold stated the regulations require a naturopathic doctor have patients sign a written informed consent to reveal any financial disclosures and believed § 18.908 informed consent and disclosure of financial interests is a provision in the regulations that should be adequate enough for public protection. She expressed concern with activity being taken against them for having products, noting the language is vague.

Ms. Walter stated the language is similar to the Code of Ethics for naturopathic doctors but noted it may be duplicative in § 18.908, where it almost encompasses many of the sections in the Code of Ethics. She mentioned that removing § 18.908(b) and relying on the Code of Ethics may get them to the same endpoint, which is to make sure that patients are informed if there is some sort of compensation being received in exchange for suggesting or marketing a particular product.

Julie Lachman, ND, Pennsylvania Association of

Naturopathic Physicians, asked Board members where 1 2 18.908(b) originated because there is no reference in 3 the legislation or anything with any other registered 4 or licensed provider from the Board relating to this 5 other than some larger issues with Medicare and 6 Medicaid that would not apply in their case. 7 noted the importance of having parity with other licensed and registered providers on the Board. 8

Ms. Walter believed that 18.908(b) occurred back when the regulations were first drafted but offered to amend that section but still make sure patients are protected and informed and present it in the final form.

Chair Woodland requested the draft of changes be presented back to the Board. He noted having a good discussion regarding education and definitions and recognizing other changes and clarifications.

Chair Woodland thanked everybody for their participation.]

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21 MS. WUCINSKI:

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Are you going to ask for a motion, Dr. Woodland, to direct counsel to proceed with the final rulemaking on Regulation 16A-4953?

42 CHAIR WOODLAND: 1 2 I think that is where I was headed 3 next. DR. YEALY: 4 5 So moved. 6 DR. RIPCHINSKI: 7 Second. 8 CHAIR WOODLAND: 9 Any further discussion? If not Saiyad, 10 could we have a vote, please? 11 12 Mr. Claggett, aye; Dr. Woodland, aye; 13 Dr. Yealy, aye; Mr. Dillon, aye; Dr. 14 Ripchinski, aye; Mr. Eisenhauer, aye; 15 Ms. Reddy, aye. 16 [The motion carried unanimously.] 17 18 Report of Board Chair 19 [Mark B. Woodland, M.S., M.D., FACOG, Chair, 20 acknowledged that health awareness issues for the 21 month of July are HIV Stigma and Hepatitis Awareness, 22 noting World Hepatitis Day is July 28 recognizing the 23 impact that hepatitis B and other hepatitis 24 infections have had on the world and society in 25 general.

Chair Woodland offered to provide a link with information and resources to help people not only get tested for HIV but also to review the list of Healthy People 2030 for evidence-based resources related to HIV and other sexually transmitted infections.

Chair Woodland recognized the Supreme Court decision on June 29, where they released a ruling on the Students for Fair Admissions v. President and Fellows of Harvard College addressing the consideration of race-based affirmative action in university admissions. He noted the Supreme Court ruled that the race-conscious admissions programs at Harvard and University of North Carolina were unlawful.

Chair Woodland mentioned the importance of having a diverse workforce and believed that most of the national organizations recognize the importance of diversity in clinical care. He provided comments from the American Medical Association (AMA),

Association of American Medical Colleges (AAMC), and Accreditation Council for Graduate Medical Education (ACGME).

Chair Woodland noted a large emphasis on maternal mortality over the past month and raised awareness that we have our own Maternal Mortality Review

Committee as well as a Pennsylvania perinatal quality consortium. He suggested having the group present during the January meeting because Maternal Health Awareness Day is on January 23.

Chair Woodland addressed his attendance at the Federation of State Medical Boards Meeting. He mentioned there was discussion regarding the Provider Bridge to fill a critical need to help facilitate the movement of volunteer healthcare providers to increase access to care in areas of need. He explained that providers can register through the Provider Bridge and then the FSMB data populates a certificate that allows the provider to be called upon to help in areas of urgent or emergent care. He provided a website at www.providerbridge.org.

Chair Woodland noted prior Board discussion concerning the impact of artificial intelligence in medical care and the professional responsibility regarding utilization as it impacts regulatory efforts and potential areas of complaints or opinions. He noted presenting a map last time for clinical practice and patient protection that included ethics, regulation, and responsibilities of care.

Chair Woodland informed everyone that the FSMB is putting forth a guidance statement possibly in the spring of next year taking into consideration Google governance and Microsoft network governance as far as the responsibility and regulation of utilization and furthering artificial intelligence but also looking at the pitfalls and benefits, along with how it might impact providers with personal health information.

Chair Woodland suggested having a special presentation from the FSMB or another agency about the impact of artificial intelligence as it impacts professional responsibility regulation.

Chair Woodland noted that he would be placing the FSMB census on physician providers past, present, and future on the next agenda for discussion.]

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17 Report of Vice Chair - No Report

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19 Report of Acting Commissioner

20 | [Arion R. Claggett, Acting Commissioner, Bureau of

21 | Professional and Occupational Affairs, informed

22 everyone that the Bureau of Professional and

23 Occupational Affairs (BPOA) licensing staff moved to

24 2525 North 7th Street in Harrisburg on July 10, 2023.

25 He noted that all mail should be sent to their post

1 office box. He stated the Board's website was

2 updated, and a notification was sent to all licensees

- 3 | via email.
- 4 Acting Commissioner Claggett also informed
- 5 everyone that Board meetings would continue to be at
- 6 One Penn Center because the boardroom is not
- 7 | completed. 1
- 8 ***
- 9 Report of Department of Health No Report
- 10 ***
- 11 Report of Committee on Health-Related Professionals -
- 12 No Report
- 13 ***
- 14 Report of Committee on Legislation/Policy Development
- 15 and Review No Report
- 16
- 17 Report of Committee on Licensure Qualifications
- 18 | [Gerard F. Dillon, Ph.D., Public Member, reported
- 19 reviewing about 30 cases this year of individuals who
- 20 have taken educational training pathways slightly
- 21 different from what they typically see and moving
- 22 about two-thirds forward with the balance going to
- 23 | the full Board for review.
- 24 Mr. Dillon thanked Mr. Eisenhauer and Dr. Yealy
- 25 | for their hard work on the committee.]

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2 Report of Acting Board Administrator

3 | [Saiyad Ali, Acting Board Administrator, addressed

4 graduate medical trainee applications. He explained

5 that submitted applications are when the residents

6 have completed the two-part process of the initiation

7 of their license application for trainees, and

B issuance is when the applicants have met all the

9 requirements for the checklist of the applications in

10 order for their license to be issued.

Mr. Ali addressed renewal applications, where residents were already granted their training

13 licenses and would need to renew their training

14 licenses for the advanced training.

Mr. Ali reported 2,705 initial graduate

16 applications submitted since January 1, 2023, with a

17 total of 2,504 processed. He also reported the

18 | number of graduate training renewal applications

19 | submitted from January 1, 2023, was 5,995 with 5,897

20 processed that were renewed for the advanced

21 training.

22 Mr. Ali thanked staff and residents for their

23 understanding and patience throughout the entire

24 process.

25 Chair Woodland asked whether there was a common

theme regarding the 7 percent who did not get through
and whether any advice could be offered to the
applicants to help with completeness of their
applications or help facilitate staff in processing

5 those applications?

Mr. Ali recommended residents following up on their second part of the application submission process to ensure that their applications are on the Pennsylvania Licensing System (PALS) for them to review. He explained that training applications for initial licensure and renewals are initiated by the training hospitals and follow-up responses are needed by the residents in order for them to complete their section of the application for it to be submitted for review by the Board.

Mr. Ali addressed child abuse continuing education requirements, noting it is different with regards to the minimum for initial applications and renewals. He stated the 3 hours of child abuse continuing education must be received in order for that checklist item to be completed for initial applications and the minimum of 2 hours must be received in order for renewals to be processed and renewed.

Mr. Ali noted there is also some indications with

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regard to the completion of opioid continuing
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   education that are resolved in most cases but must
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   meet the 2 hours of opioid continuing education for
 4
   their licenses to be renewed.
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        Chair Woodland noted that it would be interesting
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   to track whether submissions increased over last year
7
   because it impacts the workforce but also the
   training programs.]
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   For the Board's Information/Discussion - Board
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   Meeting
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     Dates
   [Mark B. Woodland, M.S., M.D., FACOG, Chair, noted
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   the next scheduled Board meeting date is September
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   12.]
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   Public Session
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   [Tanya Miller, MS, LAT, ATC, Pennsylvania Athletic
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   Trainers' Society, stated licensees renewing or new
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   applicants are not receiving their license.
   noted it used to take about 2 and a half weeks and
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   now sometimes 12 weeks plus without receiving
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   anything. She believed communication to be a big
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   problem, where they are filling out the ticket but
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   not able to actively communicate.
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Ms. Miller noted receiving feedback from the Board saying that things have been sent out, but the recipients say they are not receiving anything. She mentioned that new applicants need to have the curriculum sent that they have graduated. She reported having 20 programs in Pennsylvania, where 2 of them had reached out that said they sent them in, but the emails have not been opened at 7 to 10 weeks.

Ms. Miller asked what they could do to help with that because athletic trainers have no grace period in their license.

Acting Commissioner Claggett informed Ms. Miller of a staffing shortage, noting they are currently training new hires to process licenses more timely. He provided his email so they could discuss some of the issues to see what the department could do to help.

Chair Woodland asked whether there was anything the Board could do to help concerning the no grace period and whether some people are not applying ahead of time.

Ms. Miller explained that they have a temporary license they are able to apply for but no language in their license about a grace period. She mentioned that some new graduates started the application

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   process in February after passing their certification
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   exam. She stated their certifying body does have a
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   way to electronically send it and makes it easier,
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   where the schools are sending it via email, noting
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   there may be a disconnect there.
        Ms. Miller also reported renewals that happened
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   prior to December never received their license and
   expired after they went back to check on the status.]
                              * * *
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10
   Adjournment
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   CHAIR WOODLAND:
                  I would entertain a motion for us to
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13
                  adjourn.
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   DR. YEALY:
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                  So moved.
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   CHAIR WOODLAND:
                  Thank you everybody for your
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                  participation.
                              * * *
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   [There being no other business, the State Board of
21
   Medicine Meeting adjourned at 12:35 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.

Derek Richmond,

Minute Clerk

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		53
12345678901234567890122345678901233456789012344567890		STATE BOARD OF MEDICINE REFERENCE INDEX
		July 18, 2023
	TIME	AGENDA
	8:45 10:30	Executive Session Return to Open Session
	10:33	Official Call to Order
	10:33	Introduction of Board Members/Attendees
	10:33	Acknowledge Public - Turn Off Electronic Devices
	10:38	Approval of Minutes
	10:38	Appointment - Michael McDonald
	10:41	Report of Prosecuting Attorneys
	10:54	Applications for Licensure
	10:57	Ratifications
	10:58	Miscellaneous
	11:05	Report of Board Counsel
	12:14	Report of Board Chair
	12:22	Report of Acting Commissioner
	12:23	Report of Committee on Licensure Qualifications
	12:25	Report of Acting Board Administrator
	12:28	For the Board's Information/Discussion
	12:28	Public Session
	12:35	Adjournment
50		