# State Board of Medicine February 1, 2022

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## BOARD MEMBERS:

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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, PA-C

Denise A. Johnson, M.D., Physician General

14 Nazanin E. Silver, M.D. 15 Paul J. Valigorsky II,

Paul J. Valigorsky II, M.D. - Absent Ronald E. Domen, M.D., Vice Chair

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#### BUREAU PERSONNEL:

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Dana M. Wucinski, Esquire, Board Counsel Shana M. Walter, Esquire, Board Counsel Carolyn DeLaurentis, Deputy Chief Counsel, Prosecution Division

Dean F. Picarella, Esquire, Senior Board Counsel Jason T. Anderson, Esquire, Board Prosecution Liaison

Adam Williams, Esquire, Board Prosecutor Jonelle Harter Eshbach, Esquire, Board Prosecutor

Mark R. Zogby, Esquire, Board Prosecutor

Kelsey Ashworth, Esquire, Board Prosecutor Holly Hoffman, Law Clerk, Department of State

32 Jasmira Hunter, Board Administrator

33 Suzanne Zerbe, Board Administrator 34 Danie Bendesky, Director of Interq

Danie Bendesky, Director of Intergovernmental Affairs, Department of State

Deena Parmelee, Legal Office Administrator 1, Department of State

Marc Farrell, Deputy Policy Director, Department of State

Amanda Richards, Chief of Fiscal Management, Bureau of Finance and Operations, Department of State

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## State Board of Medicine February 1, 2022

### ALSO PRESENT:

David Buono Acting Deputy Insurance Commissioner -Office of Market Regulation, Pennsylvania Insurance Department 

Katie Merritt, LSW, Director of Policy and Planning, Pennsylvania Insurance Department

Sandy Ykema, J.D., Department Counsel, Pennsylvania Insurance Department

Jen Smeltz, Republican Executive Director, Senate Consumer Protection & Professional Licensure Committee

Kathryn Witherow

Nicole Sidle, Republican Executive Director, House Professional Licensure Committee

Susan DeSantis, PA-C, Pennsylvania Society of Physician Assistants

Ted Mowatt, CAE, Vice President, Wanner Associates Timothy Clark

Wesley J. Rish, Esquire, Rish Law Office, LLC Xiu Hua Ye, M.D.

Colleen Lane Matt Grisley

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

State Board of Medicine 1 February 1, 2022 2 \* \* \* 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 Shana M. Walter, Esquire, Board Counsel, for the purpose of conducting quasi-judicial deliberations on 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, February 1, 15 2022. Mark B. Woodland, M.S., M.D., FACOG, Chair, 16 called the meeting to order at 10:52 a.m. \* \* \* 17 18 Meeting Instructions 19 [Chair Woodland informed everyone that the meeting was 20 being recorded, and voluntary participation 21 constituted consent to be recorded.] 2.2 2.3 Introduction of Attendees 24 [Chair Woodland provided an introduction of 25 attendees. ]

5 \* \* \* 1 2 Approval of minutes of the December 14, 2021 meeting CHAIR WOODLAND: 3 4 Next is approval of minutes. 5 DR. YEALY: So moved. 6 7 MR. DILLON: Second. 9 CHAIR WOODLAND: 10 Any further discussion? All those in 11 favor? Any opposed? Any recusals or 12 abstentions? 13 [The motion carried unanimously.] 14 \* \* \* 15 Report of Prosecution Division 16 [Chair Woodland noted extensive discussion during Executive Session and being able to move forward with 17 18 review. 19 Shana M. Walter, Esquire, Board Counsel, reminded 20 everyone that the meeting was being recorded, and 21 those who continued to participate were giving their 22 consent to being recorded.] 2.3 MS. WALTER: 2.4 Pursuant to Section 708(a)(5) of the 25 Sunshine Act, the Board entered into

Executive Session this morning at 8:45 a.m. 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 has discussed consent agreements as well as agenda items 18 through 39 in Executive Session. The Board members waived a presentation, so I will proceed with agenda items 2, 3, 7, and 8.

I believe the Board would entertain a motion to approve these Consent Agreements at the following agenda and case numbers: number 2, Case No. 21-49-005195; number 3, Case No. 21-49-010683; number 7, Case No. 20-49-001874; number 8, Case No. 20-49-003051.

20 DR. YEALY:

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Move.

22 MR. EISENHAUER:

23 Second.

24 CHAIR WOODLAND:

25 Any further discussion? All those in

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favor, say yea. Any opposed, say nay.
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                  Any recusals or abstentions?
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   [The motion carried unanimously. The Respondent's
   name in number 2 is Sean Yutaka Takeuchi, M.D.; number
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   3, Manoj K. Dhariwal, M.D.; number 7, Thomas L.
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   Whitten, M.D.; and number 8 is Michael Barry Judkins.]
   MS. WALTER:
                  Agenda items 4 through 6. I believe the
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                  Board would entertain a motion to
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                  approve the VRP Agreements at Case No.
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                  21-49-019005; number 5, Case No. 21-49-
                  018099; number 6, Case No. 21-49-017931.
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   MR. DILLON:
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                  Move.
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   DR. YEALY:
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                  Second.
   CHAIR WOODLAND:
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                  Any further discussion? All those in
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                  favor, say yea. All those opposed, say
                  nay. Any recusals or abstentions?
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   [The motion carried unanimously.]
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   [Jason T. Anderson, Esquire, Board Prosecution
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   Liaison, introduced Kelsey Ashworth as a new
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prosecuting attorney and provided a summary of her
professional background.

Ms. Ashworth noted being excited to be part of the team.

5 Chair Woodland welcomed Ms. Ashworth to the 6 Board.

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8 Appointment - Pennsylvania Insurance Department - No9 Surprises Act

[Katie Merritt, LSW, Director of Policy and Planning, Pennsylvania Insurance Department (PID), stated the No Surprises Acts was enacted by Congress in 2020 and took effect on January 1, 2022.

David Buono, Deputy Insurance Commissioner,
Office of Market Regulation, Pennsylvania Insurance
Department (PID), informed the Board that material
presented today was prepared by the Commonwealth of
Pennsylvania Insurance Department based on law,
regulations, and guidance as of December 1, 2021. He
addressed the No Surprises Act (NSA), noting that the
disclosure requirement, provider directory
requirement, and Good Faith Estimate applies to all

requirement, and Good Faith Estimate applies to all health care providers who are in-network for major medical insurance policies.

Mr. Buono addressed which facilities and services

must follow the No Surprises Act. He commented that if a health plan covers any benefits for emergency services, including air ambulance, the No Surprises Act requires emergency services to be covered without any prior authorization regardless of whether a provider or facility is in-network. He also commented that if a health plan covers any benefits for nonemergency services related to the visit in an innetwork facility, the No Surprises Act requires that patients are protected when they have little or no control over who provides their care.

Mr. Buono stated ancillary providers, such as labs or doctors, involved in a surgery that the patient does not select may not balance bill. He noted cost sharing for ancillary providers is treated as in-network. He commented that the No Surprises Act protects people from unexpected bills for emergency services, air ambulance services, and certain nonemergency services related to a visit to a facility.

Mr. Buono stated nonemergency services at an innetwork facility is treated as in-network in all
circumstances. He reported that other nonemergency
services may only be billed if it is out of network
with advanced notice and consent from the patient.

Mr. Buono noted the No Surprises Act limits the high out-of-network cost sharing, where patient cost sharing, such as coinsurance or deductible, cannot be higher than if such services were provided by an innetwork doctor and any coinsurance or deductible must be based on in-network provider rates.

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Mr. Buono stated No Surprises Act billing protection applies if coverage is through an employer, state-based marketplace Pennie, or directly through an individual market health insurance company. He mentioned that the act does not apply to Medicare, Medicaid, Indian Health Services, Veterans Affairs, or TRICARE.

Mr. Buono addressed plans that do not have the balance billing protection, including indemnity or accepted benefit plan enrollees because it is not individual market coverage and does not typically have a network. He noted short-term limited duration plan enrollees, health care sharing ministries, or the Amish are not in the individual market coverage.

Mr. Buono addressed uninsured individuals, noting providers are required to provide a Good Faith Estimate upon request or scheduling an item or service. He stated uninsured and self-pay patients must receive a Good Faith Estimate at least 72 hours

before services. He also noted that a Good Faith
Estimate must be given at least 3 hours ahead of time
if a service is scheduled within three days. He
stated the federal government is taking a nonenforcement approach to this provision, along with
Pennsylvania.

Mr. Buono stated providers are encouraged to coordinate with co-providers to present a single Good Faith Estimate, but Health and Human Services (HHS) is exercising enforcement discretion and flexibility to allow for technical coordination required.

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Mr. Buono provided a summary of providers that may not balance bill. He stated providers and facilities must have a business process to give provider directory and network information to plans anytime there is a material change. He commented that provider directories may, by contract, impose on plans the duty to keep the directory current in the event of contract termination. He noted that the provider or facility must reimburse the patient plus interest if a provider or facility bills a patient more than the innetwork cost-sharing amount and the patient pays it.

Mr. Buono addressed continuity of care, where a contract with a plan terminates and the provider or facility is no longer in-network, the provider must

accept the continuing care patient, including costsharing calculated on an in-network basis for the duration of the continuity of care.

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Mr. Buono stated providers with complaints about a plan should contact the Pennsylvania Insurance Department or HHS. He mentioned that providers with complaints about a patient should first make sure the patient understands the act and are encouraged to contact the Pennsylvania Insurance Department. He noted that patients who do understand the act should be handled the way they did before but with the understanding in the case of a surprise medical bill, the provider may not collect more than the in-network cost sharing.

Sandy Ykema, Esquire, J.D., Department Counsel,
Pennsylvania Insurance Department, addressed
disclosure requirements, noting they apply to all
providers and all facilities so if a scenario occurs
where a balance bill may be involved the consumer has
notice.

Ms. Ykema stated the disclosure requirements has to explain balance billing and explain the protections of the law and include how to contact the appropriate agencies to remedy any concern. She noted the information has to be publicly available and the

Pennsylvania Insurance Department has a model notice on their webpage. She also noted the federal website contains information.

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Ms. Ykema addressed notice and consent, which allows a provider to balance bill if they are not on that list and if they provide appropriate notice. She stated notice and consent is a notice that must be provided in advance to give a patient time to decide if they want a provider to provide the service knowing they could be responsible for more than the in-network rate.

Ms. Ykema stated the notice has to be given in advance and on a separate document using a federally sanctioned form, signed and dated, retained for seven years, and a copy given to the patient.

She commented explained that the notice and consent has to give notice that the provide does not participate as an in-network provider, have a Good Faith Estimated amount that the provider will charge for all of the services provided, and explain that there might need to be prior authorization or other approval, and clear that it is optional that a person does not have to consent to an out-of-network provider.

Ms. Ykema emphasized that a person has to be able

to get services from an available in-network provider, but if there is no available in-network provider, then notice and consent does not work.

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Ms. Ykema addressed payment, where the provider will need to confirm the patient's coverage. She explained that a provider who has a surprise medical service can collect in-network cost sharing from the patient and bill the patient's plan for remaining charges, where the plan will pay a qualifying payment amount. She noted a provider and plan may negotiate if the provider is not satisfied with the amount directly and then through a federally administered independent dispute resolution process.

Ms. Ykema addressed disputes with uninsured and self-pay patients, where the provider may bill the patient. She stated the patient may access the patient provider dispute resolution process if there is a difference in the Good Faith Estimate more than \$400. She noted that the patient will pay a small administrative fee around \$25 to start the process within 120 days and will get that money back if the patient prevails.

Ms. Ykema addressed enforcement, noting that anyone with concerns about the No Surprises Act should contact the Pennsylvania Insurance Department, which

- is a Commonwealth of Pennsylvania agency coordinating enforcement with all of the state agencies, including the Department of State, Department of Health, and Department of Drug and Alcohol. She mentioned that the Pennsylvania Insurance Department has a process to review the complaint and expeditiously handle it, where the response time may be delayed using the federal process.
  - Ms. Ykema stated the state law applies unless it prevents the application of the federal law, where the federal government is looking to the state to exercise responsibilities through state laws.

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- Ms. Ykema commented that agencies can access the Pennsylvania Insurance Department's webpage for guidance. She noted that complaints are assigned to a consumer services representative and work with other state agencies. She noted that the state agencies will collaborate with the federal agency if the issue could not be addressed completely.
- Ms. Ykema noted working with the Department of Health and Human Services regarding insurance plans, providers, and facilities and the Department of Labor for self-funded plans. She also noted working with the Office of Personnel Management for the Federal Employees Health Benefits (FEHB) program.

Ms. Ykema encouraged everyone to visit the Pennsylvania Insurance Department webpage for more information.

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Chair Woodland thanked the Pennsylvania Insurance Department for their presentation.

Dr. Yealy asked whether the Pennsylvania
Insurance Department had any planned surveillance,
noting one of the concerns by some professional
organizations may be that this well-intended act could
dampen the enthusiasm for essentially fair network
contracts for providers because of the adjudication
measures. He asked whether there is a built-in
surveillance and reassessment to ensure individual
providers or collections of providers were not put in
unusual circumstance because of the intent.

Ms. Ykema explained that there would initially be a lot of education and monitoring to assess the rolling out at the federal and state levels. She noted the Pennsylvania Insurance Department does have network adequacy requirements to assure there are sufficient providers in every network. She commented on keeping an eye on the implementation to address developing concerns.]

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25 | Appointment - Prosecution Division Annual Report

Presentation

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[Carolyn A. DeLaurentis, Esquire, Deputy Chief Counsel, Prosecution Division, provided a summary of the prosecution division's caseload during 2021.

Ms. DeLaurentis informed the Board that 4,190 cases were opened in 2021 and is up from 2020 with 1,942 for the State Board of Medicine. She noted closing 2,903 cases, which was an increase from 2020 where 2,273 cases were closed and thanked all of the prosecutors for their work.

Ms. DeLaurentis stated 2,231 of the 4,190 cases opened last year were the Medical Care Availability and Reduction of Error (MCARE) Act cases or failure to report an MCARE suit, noting Mr. Anderson made those cases priority. She also reported 578 of the opened cases were unprofessional conduct, 378 were Abortion Control Act violations, 301 had a patient abuse or neglect code, and 283 had a disciplinary action in another state.

Chair Woodland thanked Ms. DeLaurentis for the breakdown and requested a copy of the written report.

Ms. DeLaurentis reported 3,090 open cases for the State Board of Medicine as of January 1, 2022. She expressed appreciation for the accomplishments made last year.

Ms. DeLaurentis addressed enforcement actions with 94 total cases that resulted in discipline, 11 fines, 46 suspensions, 22, reprimands, 25 revocations or voluntary surrenders, and 18 probations. She also reported 233 warning letters in 2021 and 193 in 2020.

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Mr. Anderson addressed a question from a Board member regarding how licensees in Pennsylvania compare with other states, noting it is not an easy one-to-one correlation on exactly how they compare because other licensing jurisdictions have different priorities.

Ms. DeLaurentis stated one complaint may result in more than one case being opened. She noted 1,223 cases were opened in the prosecution division regarding COVID complaints in 2020, noting 112 of those were for the State Board of Medicine. She reported business complaints have dropped off and most of the current complaints are health care-related complaints. She reported 543 complaints in 2021, noting 156 of those for the Board.

Chair Woodland asked how things get referred for complaints related to COVID misinformation or disinformation.

Ms. DeLaurentis commented that the COVID complaint link on the Department of Health's website is no longer active, but the Department of State link

- has stayed the same at pals.pa.gov under file a complaint. She mentioned that anonymous complaints are accepted, and their administrative assistants are opening anything related to COVID within days.
- Ms. DeLaurentis commented that the prosecution division hit a record for the number of cases opened in 2021 and thanked all of the administrative assistants and staff for handling those cases. She noted that 18,363 cases were opened in 2021, which is an increase from 2020 at 13,394.
  - Ms. DeLaurentis reported 15,994 cases were closed in 2021 and 13,274 in 2020. She thanked the Board, Board counsel, and prosecutors for their combined effort. She reported 15,141 open cases as of January 1, 2022, and thanked prosecution and counsel for continuing to tackle those cases.
  - Chair Woodland thanked Ms. DeLaurentis for all of the information, noting he is looking forward to the written reports. He commented that the prosecution division is very busy and getting things through smoothly.]

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23 Report of Commissioner

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- 24 [Arion R. Claggett, Acting Commissioner, Bureau of
- 25 Professional and Occupational Affairs, informed the

Board that the department is currently working on setting up Board member training and will be able to provide an update at the next meeting.]

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5 Report of Department of Health

6 | [Denise A. Johnson, M.D., Physician General,

7 Department of Health, provided a COVID-19 update

8 utilizing data from Monday showing 2,661,481 cases

9 with a seven-day average around 8,000, which has come

10 down dramatically. She reported hospitalizations are

11 4,759 and came down 23 percent over the past week.

12 | She noted Pennsylvania is over the 40,000 mark now for

13 deaths and still averaging over 100 deaths per day.

Dr. Johnson noted that the Moderna vaccine now has full FDA approval, along with the Pfizer vaccine for adults. She reported that the Pfizer pediatric vaccine for 6-month-old to 4-year-old children has just been submitted and hopefully will be authorized

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Dr. Johnson reported over 18 million vaccines have been given with a fully vaccinated rate for Pennsylvania at 65 percent. She noted the United States average is 63 percent with a little over 42 percent receiving boosters. She also noted about 38 percent of the population over age 5 has been

1 vaccinated with at least 1 dose and 31 percent fully 2 vaccinated.

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Dr. Johnson stated the Centers for Disease

Control and Prevention (CDC) strongly recommends

COVID-19 vaccinations for people before or during

pregnancy but less than one-third of eligible pregnant

women are vaccinated and it is much lower in African
American and Hispanic populations.

Dr. Johnson addressed data from the COVID-19-Associated Hospital Surveillance Network (COVID-NET) in 2021 that indicated 97 percent of the pregnant people hospitalized with COVID-19 were unvaccinated.

Dr. Johnson noted that the January 2022 Morbidity and Mortality Weekly Report (MMWR) on COVID vaccinations in pregnancy found that there was no increase in preterm or small for gestational age infants in people who were vaccinated compared to people who were unvaccinated. She mentioned working with provider groups, such as the American College of Obstetricians and Gynecologists (ACOG), to educate members and improve vaccinations in that population.

Dr. Johnson addressed hospital capacity, noting hospitals have been overburdened with high cases of COVID and other respiratory illnesses, delayed care, and staffing shortages.

Dr. Johnson mentioned that Pennsylvania has received two federal strike teams and have been deployed at Scranton Regional and WellSpan York to decompress the region. She also noted adding Crozer Health utilizing state-led strike teams.

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Dr. Johnson discussed efforts put into regional support for long-term care and facilities that just come onboard hoping to decompress hospitals by allowing patients to be discharged when they no longer need hospital care and expanding the capacity.

Dr. Johnson stated Governor Wolf signed a legislation that appropriates \$225 million in the federal American Rescue Plan Act funding to support health care workforce. She noted the Department of Health is working with federal strike teams, state-led strike teams, and expanding COVID testing in counties all across the Commonwealth of Pennsylvania to make sure schools have access to testing and working with municipalities and counties so they know how to access federal dollars.

Dr. Johnson addressed hesitancy work, where grants are available to organizations for hesitancy messages and media campaigns. She noted working to match up providers with organizations for small clinics and focusing on equity efforts.

Dr. Johnson addressed therapeutics, where several products authorized by the FDA for emergency use. She noted that pre-exposure prevention Evusheld is available for people not mounting a good immune response with the vaccine.

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Dr. Johnson reported Merck's Lagevrio

(molnupiravir) and Pfizer's Paxlovid (nirmatrelvir)

oral antivirals had been rolled out and were located

throughout the Commonwealth of Pennsylvania but

supplies had been quite limited. She mentioned the

Department of Health's website at healthpa.gov under

therapeutics provides a list of pharmacies with those

therapeutics.

Dr. Johnson discussed monoclonal antibodies, noting that bamlanivimab/etesevimab (bam/ete) and REGEN-COV (casirivimab/imdevimab) have not been effective with Omicron and only sotrovimab is available in limited supply.

Dr. Johnson addressed the flu season, noting over 30,000 confirmed cases from every county in the Commonwealth of Pennsylvania with 23 confirmed deaths and recommended individuals get a flu vaccination in addition to the COVID vaccination and booster.

Chair Woodland thanked Dr. Johnson for the presentation and addressing the issues of stress and

burnout previously. He referred to the 2022 Physician Burnout & Depression Report, where it was astounding to see frontline providers; emergency medicine; critical care; and OB/GYN had such a high level of reporting stress, anxiety, anger, and total burnout. He asked Dr. Johnson whether there was anything could be done as a state to help those in critical areas.

Dr. Johnson stated providing relief in terms of additional staffing and hopefully getting hospitals decompressed will help. She mentioned the importance of providing an avenue for help when needed and destigmatizing reaching out for help. She mentioned that administrators and supervisors have to proactively reach out to see if people need help instead of waiting for them to come forward.

Chair Woodland thanked Dr. Johnson for helping with the statewide Maternal Health Awareness Day. He mentioned that the least vaccinated population are reproductive-age women and the most important population to get vaccinations.

Dr. Silver informed everyone of a physician support line that has a 1-888 toll free number with 800 plus psychiatric volunteers helping physician colleagues and medical students navigate through. She mentioned that it was started at the beginning of the

pandemic by psychiatrists and is free, confidential, and available 8 a.m. until 1 a.m. seven days a week.

Chair Woodland suggested posting it on the Department of Health's website as a great resource given the extent of what is going on.

Chair Woodland addressed the workforce crisis and nationwide resignation, where many providers later in their career are retiring, who would not normally retire at this point, just due to exhaustion.]

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Report of Committee on Health-Related Professionals

[Donald M. Yealy, M.D., mentioned having a

conversation during Executive Session concerning some

of the ancillary licensure issues but had nothing else

to share.]

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17 Report of Committee on Legislation/Policy Development

18 | and Review

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19 [Nazanin E. Silver, M.D., provided an update regarding

20 telehealth in response to COVID among the US states

21 and territories. She noted that there are currently

22 23 states with waivers, 27 states without waivers, and

23 | 19 states with long-term or permanent interstate

24 telemedicine waivers. She mentioned that telehealth

25 has become very permanent with COVID-19, so offering

health and seeing patients without needing to get licensed in another state is something they are looking to do.

Dr. Silver addressed the Journal of Medical Regulation, where the Federation of State Medical Boards (FSMB) wants to conduct a focus group interview as part of its strategic planning for its peer-reviewed quarterly publication in the Journal of Medical Regulation and are recruiting any state medical board members and staff to participate in a structured 60-minute group conversation focused on the Journal of Medical Regulation (JMR). She noted that the conversation will include results from a recent leadership survey, such as discussing strategic consideration for JMR.

Dr. Silver informed the Board that they are also looking for book reviewers among state medical board members and staff to review recently published books on the current issues impacting medical regulations.

Chair Woodland thanked Dr. Silver for the information and encouraged anyone interested in participating to go to the FSMB website but suggested Dr. Silver also send everyone the information.]

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25 Report of Committee on Licensure Qualifications

1 [Gerard F. Dillon, Ph.D., Public Member, commented

- 2 that other than providing some information on minor
- 3 | changes in the licensing exam requirements of some of
- 4 their sister organizations, which happens offline, he
- 5 did not have anything else to report.
- 6 Dr. Yealy noted having many conversations walking
- 7 through implementation of some of the licensure and
- 8 qualification issues but reported no substantive
- 9 change in those.]
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- 11 Report of Vice Chair No Report
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- 13 Report of Board Chair
- 14 | [Mark B. Woodland, M.S., M.D., FACOG, Chair, thanked
- 15 past Commissioner Kalonji Johnson for his service as
- 16 they welcome in their new Acting Commissioner Arion
- 17 | Claggett and recognize all of the efforts of
- 18 Commissioner Johnson.
- 19 Chair Woodland commented that the Association of
- 20 American Medical Colleges (AAMC) and the Association
- 21 of Academic Health Centers approved a merger agreement
- 22 on January 20, 2022, and provided a memorandum for the
- 23 Board's review.
- 24 Chair Woodland reported good news on the
- 25 diversity, equity, and inclusion (DEI) aspect of

enrollment for 2021 in medical schools from the AAMC, where it was the most diverse class they have ever seen, especially in areas of black or African-American first-year students; first-year students who are Hispanic, Latino, or of Spanish origin; and also in the number of women who are in this class.

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Chair Woodland mentioned more work needs to be done in the American Indian and Alaska Native areas, where enrollment has declined. He reported seeing the most new applications to medical schools than ever before, which is outstanding when looking at the perspective of providers of the future and what inclusion and diversity looks like for the future.

Chair Woodland noted Build Back Better Act applies to some expansion of practical medical education slots and is important regarding workforce shortages.

Chair Woodland informed the Board that his nomination to be a candidate for the FSMB Board of Directors was approved and will move forward. He noted that everyone would be informed after the annual meeting and the votes are in whether he was successful or not. He commented that it is nice to get national attention for the Pennsylvania State Board of Medicine.

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Chair Woodland noted the 2022 FSMB Annual Meeting
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   April 28-30, 2022, in New Orleans.]
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   CHAIR WOODLAND:
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                  We need to entertain a vote for us to
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                  send two members. As a candidate, I
                  need to go. Mr. Dillon has also
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                  volunteered to go.
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                       I need a motion to approve those
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                  two members.
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   DR. YEALY:
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                  So moved.
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   DR. DOMEN:
                  Second.
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   CHAIR WOODLAND:
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                  Any further discussion? All those in
                  favor? Any abstentions or recusals?
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   [The motion carried unanimously.]
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   [Mark B. Woodland, M.S., M.D., Chair, announced that
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   the FSMB Roundtable webinar is on Thursday, February
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   10, 2022, and would be looking at new American Board
22
   of Medical Specialties (ABMS) standards for
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   certification in the 24 member boards that they
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   certify and what that looks like going forward.
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   offered to put the new standards in his report.]
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2 | Appointment - Bureau of Finance and Operations

- 3 | Annual Budget Presentation
- 4 | [Amanda Richards, Chief of Fiscal Management, Bureau
- 5 of Finance and Operations, Department of State,
- 6 | informed the Board that the Bureau of Finance and
- 7 Operations (BFO) looks at the licensee population on a
- 8 biennial basis, noting the Board renews in
- 9 December of even years. She reported a license count
- 10 in FY16-17 of 67,946, FY18-19 of 72,067 and FY20-21 of
- 11 79,304. She stated the most recent license count was
- 12 | 78,861 and increased another 233 licenses this morning
- 13 for a total of 79,094.
- 14 Ms. Richards noted a total biennial revenue of
- 15 \$2,027,417.69 with 72% of revenue coming from renewals
- 16 and applications. She commented that revenue is
- 17 brought in from other categories but cannot count on
- 18 | it because it is not consistent.
- 19 Ms. Richards addressed the two main categories of
- 20 Board expenses, administrative and legal costs. She
- 21 stated expenses incur through direct charges,
- 22 timesheet charges, and license population. She
- 23 referred to expenses for FY19-20 and FY20-21, as well
- 24 as the budget for FY21-22 and actual expenses for
- $25 \mid FY21-22$  as of January 19, 2022. She reported on a

recent increase in expenses.

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Ms. Richards reviewed revenues and expenses, noting a projected remaining balance for FY21-22. She referred to the projection into FY24-25, where the Board continues to have a healthy balance.

Ms. Richards noted Board member expenses in FY19-20, FY20-21, and FY21-22 as of January 19, 2022. She stated the \$8,000 budget was adequate for FY21-22 and has been carried over to FY22-23.

Ms. Richards reminded Board that anything not spent would be returned to the restricted account for the Board's use at a later time.

Dr. Yealy commented that there was a tremendous return on investment with the State Board of Medicine members, where it was an exceptionally low expense for a group so dedicated.

Chair Woodland thanked Ms. Richards for the report, noting the information helps the Board be able to plan ahead.]

20 \*\*\*

21 Report of Board Counsel - Act 100 of 2021

22 | Modernization of BPOA State Board Meetings and

23 Functions

24 | [Shana M. Walter, Esquire, Board Counsel, addressed

25 Act 100 of 2021 regarding the modernization of state

- 1 board meetings and provide for distance education.
- 2 | She stated each board is required to promulgate
- 3 regulations relating to distance education, and it
- 4 provides for virtual supervision. She noted a virtual
- 5 | platform is now permitted to establish a quorum for
- 6 | board meetings, and it requires the option of virtual
- 7 participation in board meetings that are otherwise in
- 8 person at Penn Center or location otherwise indicated
- 9 in the statute.
- 10 Chair Woodland mentioned having prior preliminary
- 11 discussion about how it effects future in-person Board
- 12 meetings and having some virtual and not virtual
- 13 | meetings. He noted the Board recognized the virtual
- 14 platform allows the Board to interface with many
- 15 | people; however, there are also regulations regarding
- 16 their presence.
- 17 Acting Commissioner Claggett informed the Board
- 18 of the department's work on a hybrid option and a test
- 19 run would soon occur at Penn Center to see how the
- 20 hybrid option would operate but are prepared to meet
- 21 back in person April 1, 2022.
- 22 Dr. Johnson commented that the pandemic made
- 23 everyone realize more could be done virtually, without
- 24 the burden of the expense and time of travel, along
- 25 | with allowing more participation. She mentioned

hybrid meetings are cumbersome and hard to do well and moving forward thinking of more virtual and maybe in person for the special events but not as a matter of course.

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Chair Woodland addressed the attendance of virtual meetings, where 30 people could be participating at any given time compared to the room capacity of an in-person meeting. He referred the earlier comment made by Dr. Yealy, where many individuals in the meeting were basically donating their time to participate on the state Board and give their expertise. He mentioned the hours of driving and safety issues and suggested having a thorough discussion about possibly having one meeting in the fall and spring in person and then maybe the rest virtual.]

\* \* \*

Report of Board Counsel - Proposed Regulatory Changes
to Implement Act 79

[Dana M. Wucinski, Esquire, Board Counsel, noted receiving proposed draft regulations from the Pennsylvania Society of Physician Assistants (PSPA)

23 through their counsel, Wesley Rish, regarding Act 78 24 and Act 79. She stated the draft from PSPA is being

25 treated as a petition to enact regulations under the

general rules of administrative procedures since Board counsel is the one responsible for actually doing the drafting.

2.3

Ms. Wucinski informed the Board that Act 41 regulations are about to go out as proposed. She noted that counsel will take PSPA's proposed draft under advisement as Board Counsel draft their rulemaking. She offered to provide the proposal to the Committee on Legislation/Policy Development for preliminary feedback.

Chair Woodland noted the importance of being careful of unintended consequences and suggested Dr. Silver look at the proposal. He commented that the changes apply to physician assistants but to remember that there will be other groups now going down that same path to get their permanent positions on the Board as well.

Mr. Eisenhauer commented that PSPA's recommendations were quite solid and interpretive of the intent of the changes that Act 79 were intended to do. He noted looking forward to seeing the interpretation from counsel and moving forward.]

\* \* \*

24 For the Board's Information/Discussion - Board 25 Committee List

1 | [Dana M. Wucinski, Esquire, Board Counsel, noted the

- 2 | current committee list.]
- 3
- 4 | For the Board's Information/Discussion Old/New
- 5 Business
- 6 | [Dana M. Wucinski, Esquire, Board Counsel, informed
- 7 | the Board of the need to vote in another member of the
- 8 | Probable Cause Screening Committee due to Dr. Domen's
- 9 spot soon opening.
- 10 Chair Woodland thanked Dr. Domen for all of his
- 11 | work and contributions to the Board.
- 12 Chair Woodland noted Dr. Valigorsky and Dr.
- 13 Silver are the remaining individuals on the committee.
- 14 CHAIR WOODLAND:
- We had a volunteer and a suggestion for
- Dr. Yealy to be placed on the committee.
- 17 MR. EISENHAUER:
- 18 So moved.
- 19 MR. DILLON:
- 20 Second.
- 21 CHAIR WOODLAND:
- 22 Any further discussion on this one? All
- those in favor, say yea. Any opposed?
- Any recusals or abstentions?
- 25 [The motion carried unanimously.]

\* \*

2 For the Board's Information/Discussion - Old/New

3 Business

1

4 [Gerard F. Dillon, Ph.D., Public Member, addressed the

5 Licentiate of the Medical Council of Canada (LMCC).

6 He stated the Medical Council of Canada Qualifying

Examination (MCCQE) Part II is most akin to what was

seen on the test for the United States Medical

9 Licensing Examination (USMLE) Step 2 Clinical Skills

10 Examination, which has gone away. He noted that the

11 | Medical Council of Canada Qualifying Examination

12 (MCCQE) Part II has also gone away.

Mr. Dillon addressed requirements for someone

coming through the Canadian pathway who might be

seeking licensure in the United States, noting that he

16 did not think change would be a problem after

17 reviewing the language in the Pennsylvania regulations

18 but deferred to counsel and others.

19 Ms. Walter commented that the Board's regulations

20 do not list the MCC in steps, and as long as the MCC

21 certifies the individual received a passing score,

22 | that is what is accepted, just like with the USMLE,

23 where there is a passing score and whether there is a

24 component to step 2 is irrelevant.

25 Ms. Wucinski referred to the Prescription Drug

37

- 1 | Monitoring Program (PDMP) vendor transition for the
- 2 Board's information. She stated the PDMP is
- 3 transitioning from PMP AWARXE and PMP Clearinghouse to
- 4 LogiCoy. She referred to the December 17, 2021 letter
- 5 that outlined the enhancements of LogiCoy and what
- 6 prescribers and pharmacists would need to do to
- 7 transfer their account. She mentioned that the
- 8 transition began on January 10, 2022, and would end on
- 9 February 14, 202. She encouraged all to have their
- 10 prescribers follow the steps.
- 11 Chair Woodland commented that it was not just
- 12 provider-specific but institution-specific medical
- 13 records and wondered how it would interface with the
- 14 electronic medical records (EMRs) because the current
- 15 vendor actually interfaces with many EMRs to make it
- 16 easier to query.
- 17 Dr. Yealy commented on using both Cerner and
- 18 | Epic, where it was actually easier and nothing needed
- 19 to be done.
- 20 Chair Woodland noted the Board had already taken
- 21 care of item 15 on the agenda regarding the 2022 FSMB
- 22 | Annual Meeting in New Orleans.
- 23 Ms. Wucinski noted the FSMB Emergency
- 24 Preparedness and Response and FSMB Professional
- 25 | Expectations Regarding Medical Misinformation and

38 Disinformation draft reports for the Board's 1 2 information. 3 Chair Woodland informed the Board to provide any 4 comments to April Evans at the Federation of State 5 Medical Boards by February 15.] \* \* \* 6 7 MOTIONS MS. WUCINSKI: Agenda item 18 was placed on the agenda 10 in error. \* \* \* 11 12 MS. WUCINSKI: I believe the Board would entertain a 13 motion to approve the Draft Adjudication 14 15 as Final for Thomas S. Newmark, M.D., Case No. 21-49-012841. 16 17 MR. EISENHAUER: 18 So moved. 19 DR. YEALY: 20 Second. 21 CHAIR WOODLAND: 2.2 Any further discussion? Hearing none. 2.3 All those in favor? Any opposed, say 24 nay. Any recusals or abstentions? 25 [The motion carried unanimously.]

39 \* \* \* 1 2 MS. WUCINSKI: 3 Agenda item 20. I believe the Board 4 would entertain a motion to ratify the 5 vote and grant the Initial Application to Practice as a Physician and Surgeon 6 by Endorsement for Seetharam Bhat Kulthe Ramesh, M.D. 8 9 DR. YEALY: 10 Move. 11 MR. DILLON: 12 Second. 1.3 CHAIR WOODLAND: 14 Any further discussion? Hearing none. 15 All those in favor, say yea. Any 16 opposed, say nay. Any recusals or 17 abstentions? [The motion carried unanimously.] 18 \* \* \* 19 2.0 MS. WUCINSKI: 2.1 I believe the Board would entertain a 2.2 motion to offer the following applicants 2.3 to apply for an Institutional License: 24 Pranav Modi, M.D.; Xiu Hua Ye, M.D. 25 DR. YEALY:

40 1 Move. 2 MR. EISENHAUER: 3 Second. 4 CHAIR WOODLAND: 5 Any further discussion on these two? All those in favor, say yea. Any 6 opposed, say nay. Any recusals or abstentions? 8 [The motion carried. Dr. Woodland and Dr. Yealy 10 opposed the motion regarding agenda item 25, Xiu Hua 11 Ye, M.D.] \* \* \* 12 13 MS. WUCINSKI: 14 I believe the Board would entertain a 15 motion to grant the following 16 Applications for Initial Licensure by 17 Endorsement to Practice as a Physician 18 and Surgeon: Jaime Herrera Caceres, 19 M.D., noting Dr. Domen is recused from 2.0 this one; Talha Ali Siddiqui, M.D.; 2.1 Margaret Johnson Gregorczyk, M.D.; Gerard Deib, M.D.; Simon Horslen, M.D., 2.2 2.3 noting Dr. Yealy is recused; Ayca 2.4 Karaosmanoglu, M.D. 25 MR. EISENHAUER:

41 So moved. 1 2 DR. SILVER: 3 Second. CHAIR WOODLAND: 4 5 Any further discussion on these 6 candidates, noting the recusals? All those in favor, say yea. Opposed, say 8 nay. Any other recusals or abstentions, 9 please identify yourself now. 10 [The motion carried. Dr. Domen recused himself from 11 deliberations and voting on the motion regarding Jaime 12 Herrera Caceres, M.D. Dr. Yealy recused himself from 13 deliberations and voting on the motion regarding Simon 14 Horslen, M.D.] \* \* \* 15 MS. WUCINSKI: 16 17 I believe the Board would entertain a 18 motion to grant the Application for an 19 Initial License by Endorsement to 2.0 Practice as a Physician and Surgeon 2.1 pending verification of licensure in 22 other states in good standing for agenda 2.3 item 21, Haseebuddin Ahmed, M.D. 2.4 DR. YEALY: 25 Move.

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1
   MR. EISENHAUER:
2
                  Second.
3
   CHAIR WOODLAND:
                  Any further discussion? All those in
 4
5
                  favor, say yea. Any opposed, say nay.
 6
                  Any recusals or abstentions, please
7
                  identify yourself.
   [The motion carried unanimously.]
9
10
   MS. WUCINSKI:
                  Agenda item 30. I believe the Board
11
12
                  would entertain a motion to
13
                  provisionally deny the Application for a
                  License to Practice as a Behavioral
14
15
                  Specialist for Isaac Ujam.
16
   MR. EISENHAUER:
17
                  So moved.
   MR. DILLON:
18
                  Second.
19
2.0
   CHAIR WOODLAND:
2.1
                  Any further discussion? All those in
22
                  favor, say yea. All those opposed, say
2.3
                  nay. Any recusals or abstentions?
2.4
    [The motion carried unanimously.]
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43 1 MS. WUCINSKI: 2 Agenda item 31 has been tabled for the 3 next meeting to allow Board staff to obtain additional information. 4 \* \* \* 5 MS. WUCINSKI: 6 Agenda item 32. I believe the Board 8 would entertain a motion to approve the 9 Application for a License to Practice as 10 a Behavioral Specialist for Shane 11 Chamberlin. 12 DR. YEALY: 13 Move. 14 DR. DOMEN: 15 Second. 16 CHAIR WOODLAND: 17 Any further discussion on this one? All 18 those in favor, say yea. Any opposed, 19 say nay. Any recusals or abstentions? 20 [The motion carried unanimously.] \* \* \* 21 2.2 MS. WUCINSKI: 2.3 Agenda item 33. I believe the Board 2.4 would entertain a motion to send a 25 standard reentry letter to Si Van Do,

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1
                  M.D.
2
   DR. YEALY:
3
                  Move.
4
   DR. DOMEN:
5
                  Second.
   CHAIR WOODLAND:
6
                  Any further discussion on this one?
8
                  Hearing none. All those in favor, say
9
                  yea. Any opposed, nay? Any recusals or
10
                  abstentions?
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   [The motion carried unanimously.]
                               * * *
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   MS. WUCINSKI:
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                  Agenda items 34 through 36. I believe
15
                  the Board would entertain a motion to
16
                  approve the Reactivation Applications
                  for the following: Jeremy Verrillo,
17
18
                  Justin Hoffert, and Jamie Kostialik.
19
   MR. EISENHAUER:
20
                  So moved.
21
   DR. DOMEN:
22
                  Second.
2.3
   CHAIR WOODLAND:
2.4
                  Any further discussion on these three?
25
                  All those in favor, say yea. All those
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45 opposed, nay? Any recusals or 1 2 abstentions? 3 [The motion carried unanimously.] \* \* \* 4 5 MS. WUCINSKI: Agenda item 37. I believe the Board 6 7 would entertain a motion to deny the 8 Request of Philomena Akoh to Sponsor her 9 to Retake Step 3 of the USMLE. 10 DR. YEALY: 11 Move. 12 MR. EISENHAUER: 13 Second. CHAIR WOODLAND: 14 15 Any further discussion on this one? All 16 those in favor, say yea. Any opposed, 17 nay? Any recusals or abstentions? 18 [The motion carried unanimously.] \* \* \* 19 2.0 MS. WUCINSKI: 2.1 Agenda item 38. I believe the Board would entertain a motion to issue an 2.2 2.3 order in accordance with discussions in 2.4 Executive Session for Timothy Clark, 25 Case No. 21-49-005382.

46 1 DR. YEALY: 2 Move. 3 MR. EISENHAUER: Second. 4 5 CHAIR WOODLAND: 6 Any further discussion on this one? All 7 those in favor, say yea. Any opposed, 8 nay? Any recusals or abstentions? 9 [The motion carried unanimously.] \* \* \* 10 11 MS. WUCINSKI: 12 Agenda item 39. I believe the Board 13 would entertain a motion to grant a 14 Nonpublic Nondisciplinary License to Practice Medicine and Surgery Subject to 15 16 a Preceptorship for Gangadhar Madupu, 17 M.D. The Board would further direct that 18 19 Dr. Madupu complete an eight-month 2.0 preceptorship with Dr. Jarod John, as 2.1 his preceptor as outlined in Dr. 22 Madupu's letter, at Case No. 18-49-23 010224. MR. EISENHAUER: 2.4 25 So moved.

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1
   DR. YEALY:
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                  Second.
3
   CHAIR WOODLAND:
                  Any further discussion on this one?
 4
                                                         All
5
                  those in favor, say yea. All those
                  opposed, nay? Any recusals or
6
7
                  abstentions?
   [The motion carried unanimously.]
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   [Mark B. Woodland, M.S., M.D., Chair, referred to the
11
   2022 Board meeting dates listed on the agenda, noting
12
   the next Board meeting on March 15.
        Chair Woodland also mentioned 2023 Board meeting
13
   dates were listed as well.]
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16
   Adjournment
   CHAIR WOODLAND:
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18
                  Could I have a motion to adjourn?
19
   DR. YEALY:
20
                  Move.
21
   CHAIR WOODLAND:
22
                  Do I have a second?
2.3
   DR. DOMEN:
24
                  Second.
25
   CHAIR WOODLAND:
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I assume there is no further discussion 1 2 except to say thank you all for all of 3 your work that you do constantly. I know the pandemic has been long 4 5 and arduous for us, and as we enter into this spring out of the blizzards of the 6 winter, hopefully the future will be very promising for all of us. I want to 9 express my thanks to all of you. 10 All those in favor to end the 11 meeting, say yea. All those opposed, 12 nay? Any abstentions or recusals? 13 [The motion carried unanimously.] \* \* \* 14 15 [There being no other business, the State Board of 16 Medicine Meeting adjourned at 12:45 p.m.] \* \* \* 17 18 19 20 21 22 2.3 2.4 25

## 

## 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,

Service, Inc.

Minute Clerk

Sargent's Court Reporting

			50
1 2 3 4		STATE BOARD OF MEDICINE REFERENCE INDEX	
		February 1, 2022	
5 6 7	TIME	AGENDA	
8 9 10 11	8:45 10:30	Executive Session Return to Open Session	
12	10:52	Official Call to Order	
13	10:53	Introduction of Attendees	
15 16	10:57	Approval of Minutes	
17 18	10:58	Report of Prosecution Division	
19 20 21	11:03	Appointment - Pennsylvania Insurance Department	
22 23 24 25 26	11:27	Appointment - Carolyn A. DeLaurentis, Esquire, Deputy Chief Counsel, Prosecution Division Annual Report Presentation	
27 28 20	11:44	Report of Commissioner	
29 30	11:45	Report of Department of Health	
31 32 33	11:58	Report of Committee on Health-Related Professionals	
34 35 36 37	12:00	Report of Committee on Legislation/ Policy Development Review	
38	12:02	Report of Board Chair	
39 40 41	12:06	Report of Committee on Licensure Qualifications	
42 43 44	12:08	Appointment - Bureau of Finance and Operations Annual Budget Presentation	on
45 46 47 48 49 50 51	12:18	Report of Board Counsel	

	5:
	STATE BOARD OF MEDICINE REFERENCE INDEX (Continued)
	February 1, 2022
TIME	AGENDA
12:26	For the Board's Information/Discussion
12:34	Motions
12:45	Adjournment