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

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

MEETING OF:

**STATE BOARD OF MEDICINE
VIA VIDEOCONFERENCE**

TIME: 10:30 A.M.

Tuesday, July 27, 2021

State Board of Medicine
July 27, 2021

BOARD MEMBERS:

Mark B. Woodland, M.S., M.D., Chair - Absent
Ronald E. Domen, M.D., Vice Chair
Gerard F. Dillon, Ph.D., Public Member
Walter A. Eisenhauer, PA-C
Mary Pat Howard, M.S., RN-BC, Executive Assistant
of Quality Assurance, on behalf of Alison Beam,
Acting Secretary of Health
Nazanin E. Silver, M.D. - Absent
Paul J. Valigorsky II, M.D.
Donald M. Yealy, M.D.

BUREAU PERSONNEL:

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
Keith E. Bashore, Esquire, Board Prosecutor
Nathan C. Giunta, Esquire, Board Prosecutor
Mark R. Zogby, Esquire, Board Prosecutor
Holly Hoffman, Law Clerk, Department of State
Matthew Anderson, Esquire, Board Prosecutor
Thaddeus Cwiklinski, Legal Extern, Office of General
Counsel, Department of State
Suzanne Zerbe, Board Administrator
Marc Farrell, Deputy Policy Director, Department of
State

State Board of Medicine
July 27, 2021

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ALSO PRESENT:

Matthew Ridley, Esquire, Thomas, Thomas & Hafer LLP
Angie Armbrust, Senior Associate, McNeas-Winter
Group LLC
Ted Mowatt, CAE, Vice President, Wanner Associates
Wesley J. Rish, Esquire, Rish Law Office, LLC
Mary Marshall, Director, Workforce & Professional
Development, The Hospital and Healthsystem
Association of Pennsylvania
Andrea Wandling, Human Resources Manager, Pennsylvania
Association of Community Health Centers
Marie Winters, ND, Pennsylvania Association of
Naturopathic Physicians

1 State Board of Medicine

2 July 27, 2021

3 ***

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

12 ***

13 The regularly scheduled meeting of the State
14 Board of Medicine was held on Tuesday, July 27, 2021.
15 Ronald E. Domen, M.D., Vice Chair, called the meeting
16 to order at 10:30 a.m.

17 ***

18 Acknowledge Public - Turn Off Electronic Devices
19 [Vice Chair Domen requested all electronic devices be
20 turned off or muted.]

21 ***

22 Introduction of Attendees
23 [Vice Chair Domen requested attendees identify
24 themselves.]

25 ***

1 ***

2 Approval of minutes of the June 22, 2021 meeting

3 VICE CHAIR DOMEN:

4 Approval of minutes from the June 22
5 meeting.

6 Do I hear a motion for approval?

7 DR. YEALY:

8 So moved.

9 MR. EISENHAUER:

10 Second.

11 VICE CHAIR DOMEN:

12 The minutes have been approved and
13 seconded.

14 ***

15 [Shana M. Walter, Esquire, Board Counsel, noted the
16 meeting was being recorded, and those who continued to
17 participate were giving their consent to be recorded.]

18 ***

19 Roll Call

20 [A roll call of Board members was taken by Ms.
21 Walter.]

22 ***

23 [Ronald E. Domen, M.D., Vice Chair, exited the meeting
24 at 10:34 a.m. due to technical difficulties.]

25 ***

1 DR. YEALY ASSUMED THE CHAIR

2 ***

3 Report of Prosecution Division

4 [Donald M. Yealy, M.D., noted prior discussion during
5 Executive Session and waived the presentation of the
6 individual consent agreements.]

7 ***

8 [Shana M. Walter, Esquire, Board Counsel, reported a
9 first and a second on the approval of minutes but did
10 not believe the motion carried.

11 Dr. Yealy noted a first and second and asked
12 whether anyone opposed the motion. He reported
13 hearing none and being able to move forward with it as
14 approved.]

15 ***

16 MS. WALTER:

17 Item 2 on the agenda is Case Nos. 18-49-
18 008484 & 19-49-015109; item 3, Case No.
19 20-49-013748; item 4, Case No. 19-49-
20 000152; item 5, Case No. 19-49-001678;
21 item 6, Case No. 21-49-010180; and item
22 7, Case No. 20-49-003028.

23 I believe the Board would entertain
24 a motion to accept the Consent
25 Agreements at agenda items 2 through 7.

1 DR. YEALY:

2 So moved.

3 MR. EISENHAUER:

4 Second.

5 DR. YEALY:

6 I think you have a first and a seconded
7 there, Shana. Anyone opposed?

8 [The motion carried unanimously. The Respondent's
9 name in item 2 is Michael A. Bummer, M.D.; item 3,
10 Sheila R. Hoover, LRT; item 4, Andrew Bruno, LRT; item
11 5, Samuel William Wyld, PA-C; item 6, Stephen Ott
12 Laucks, M.D.; and item 7, Mahammad K. Malik, M.D.]

13 ***

14 MS. WALTER:

15 Items 8 through 12 on the agenda. Item
16 8, Case No. 21-49-004855; item 9, Case
17 No. 21-49-006023; item 10, Case No. 21-
18 49-006082; item 11, Case No. 21-49-
19 006668; item 12, Case No. 21-49-009691.

20 I believe the Board would entertain
21 a motion to accept the Consent
22 Agreements at items 8 through 12.

23 MR. DILLON:

24 So moved.

25 DR. YEALY:

1 Second. We have a motion to approve and
2 a second. Anyone opposed?

3 [The motion carried unanimously.]

4 ***
5 Report of Commissioner - No Report

6 ***
7 Report of Department of Health

8 [Mary Pat Howard, M.S., RN-BC, Executive Assistant of
9 Quality Assurance, on behalf of Alison Beam, Acting
10 Secretary of Health, provided a COVID-19 update,
11 noting 1,696 new cases and 404 hospitalizations with
12 86 people in the Intensive Care Unit. She reported a
13 positive rate this week of 2.6 percent, up from 1.2
14 percent the prior week.

15 Ms. Howard noted 62.4 percent of all Pennsylvania
16 adults are fully vaccinated and was eighth in all
17 states with about 65 percent having at least one dose.
18 She mentioned mitigation orders were lifted on May 31.

19 She addressed the promotion of vaccination, stating
20 the Delta variant is now dominant in the United
21 States. She stated Dr. Johnson was completely
22 involved in reducing vaccine hesitancy.

23 Dr. Yealy asked Ms. Howard whether the State
24 Board of Medicine could be of any help to the
25 Commissioner or Secretary.

1 Ms. Howard commented that public support was
2 helpful, noting Dr. Johnson has been working on
3 getting the word out. She stated unvaccinated people
4 are getting sick but 99 percent of vaccinated people
5 are not requiring hospitalization.

6 Dr. Yealy stated the Board of Medicine has strong
7 and enthusiastic support for vaccination and
8 appropriate mitigation measures.]

9

10 Report of Committee on Health-Related

11 Professionals

12 [Walter A. Eisenhauer, PA-C, referred to a recent
13 email thread regarding requests for an increased
14 number of work agreements at a large Philadelphia
15 facility that was overwhelmingly positive but was
16 uncertain of the status. He reported no meetings of
17 the committee.]

18

19 Report of Committee on Legislation/Policy Development
20 and Review

21 [Donald M. Yealy, M.D., stated the Board had given
22 insight when requested on certain legislative matters
23 and other opportunities over the past month, including
24 with active service members and their spouses, but had
25 no other specific action the Board needs to share

1 externally at the current time.]

2

3 Report of Committee on Licensure Qualifications
4 [Donald M. Yealy, M.D., noted responding to very
5 specific requests and opportunities but no other
6 independent activity to report.

7 Mr. Dillon addressed a request from Dr. Woodland
8 to touch base on some movement in the area of
9 accrediting of medical schools. He reported a recent
10 decision was made by the Liaison Committee on Medical
11 Education (LCME) which would result in no longer
12 accrediting Canadian medical schools in 2025. He
13 commented that the accrediting process will be taken
14 over solely by the Committee on Accreditation of
15 Canadian Medical Schools, which is the Canadian
16 counterpart.

17 Mr. Dillon stated the decision would impact
18 qualification requirements, and if it ends up being
19 implemented in four years, Canadian medical school
20 graduates who are applying for licensure in
21 Pennsylvania will probably have to take a different
22 pathway that already exist.

23 Dr. Yealy commented that it would be a potential
24 process change but not a fundamental change in how
25 those particular applicants make it through

1 licensure.]

2 ***

3 Report of Vice Chair - No Report

4 ***

5 Report of Board Chair

6 [Donald M. Yealy, M.D., noted the Report of Board
7 Chair was shared electronically for review and
8 includes Dr. Woodland's activities inside the Board
9 and updates on the Federation of State Medical Boards
10 (FSMB) recent meetings and activities.]

11 ***

12 For the Board's Information/Discussion - Current
13 Committee List

14 [Donald M. Yealy, M.D., reported no changes since the
15 previous meeting.]

16 ***

17 For the Board's Information/Discussion - Board Meeting
18 Dates

19 [Donald M. Yealy, M.D., noted Board meeting dates for
20 the Board's review.]

21 ***

22 For the Board's Information/Discussion - Old/New
23 Business

24 [Shana M. Walter, Esquire, Board Counsel, addressed
25 House Bill 1701 regarding disclosure of complaints

1 filed against physicians, where a physician shall not
2 be required to disclose a complaint filed against the
3 physician with the board to any person or entity if
4 all the board determines that no disciplinary or
5 corrective action against the physician is necessary
6 or the complaint file is closed without any
7 disciplinary or corrective action against the
8 physician.

9 Ms. Walter noted she and Ms. Wucinski have been
10 asked to provide a bill analysis and have received
11 comments from members of the Board of Medicine. She
12 mentioned submitting that through the appropriate
13 channels and will keep the Board updated if it moves.

14 Dr. Yealy commented that the spirit of the
15 proposed legislation is supported and the
16 opportunities are mostly in nomenclature.

17 Dr. Yealy addressed opportunities for active duty
18 service members and their spouse regarding licensure.
19 He noted it is not within the purview of the Board of
20 Medicine to create any particular rules, regulations,
21 or fee structure but that the Board is supportive of
22 diminishing or removing fee requirements for people
23 who are serving the country actively and their
24 spouses.]

25

1 MOTIONS

2 MS. WALTER:

3 Pursuant to Section 708(a)(5) of the
4 Sunshine Act, the Board entered into
5 Executive Session this morning at
6 8:45 a.m. for the purpose of conducting
7 quasi-judicial deliberations on a number
8 of matters that are currently pending
9 before the Board and to receive advice
10 of counsel. The Board discussed the
11 Consent Agreements as well as agenda
12 items 18 through 22.

13 Item 18 is Case No. 21-49-004801,
14 Alexander R. Babayants, M.D.; item 20,
15 Case No. 18-49-012204, Adrian Gollas,
16 M.D.; item 21, Case No. 21-49-006951,
17 Brian L. Rezzetano, LRT.

18 I believe the Board would entertain
19 a motion to adopt as final the proposed
20 reports of the hearing examiner at those
21 agenda items.

22 MR. EISENHAUER:

23 So moved.

24 DR. YEALY:

25 Second.

1 DR. YEALY:

2 We have a motion and a second. Anyone
3 opposed? Any recusals? Abstained? All
4 in favor?

5 [The motion carried unanimously.]

6 ***

7 MS. WALTER:

8 Item 19 is Case No. 20-49-000268, from
9 which Dr. Woodland was recused,
10 Emmanuella Cherisme-Theophile, M.D.

11 I believe the Board would entertain
12 a motion to adopt as final the proposed
13 report of the hearing examiner.

14 DR. YEALY:

15 So moved.

16 MS. HOWARD:

17 Second.

18 DR. YEALY:

19 We have a motion and a second. Anyone
20 recusal or abstentions? If not, all in
21 favor? Any opposed?

22 [The motion carried. Dr. Woodland was recused.]

23 ***

24 MS. WALTER:

25 Item 22 is Case No. 20-49-004468, Cheryl

1 Ackerman, M.D.

2 I believe the Board would entertain
3 a motion to enter as final the
4 Adjudication and Order.

5 DR. YEALY:

6 So moved.

7 MR. DILLON:

8 Second.

9 DR. YEALY:

10 Any abstentions or recusals? Hearing
11 none. All in favor? Any opposed?

12 [The motion carried unanimously.]

13 ***

14 MS. WALTER:

15 Item 23 on the agenda is the Initial
16 Physician and Surgeon Application of
17 Vikram Panwar, M.D.

18 I believe the Board would entertain
19 a motion to provisionally deny the
20 application.

21 DR. YEALY:

22 So moved.

23 MR. DILLON:

24 Second.

25 DR. YEALY:

1 Any abstentions or recusals? All in
2 favor? Any opposed?

3 [The motion carried unanimously.]

4 ***

5 MS. WALTER:

6 Item 24 on the agenda is the Initial
7 Physician and Surgeon Application of
8 John Gianoli III, M.D.

9 I believe the Board would entertain
10 a motion to provisionally deny the
11 application.

12 DR. YEALY:

13 So moved.

14 MR. DILLON:

15 Second.

16 DR. YEALY:

17 Any abstention or recusals? All in
18 favor? Any opposed?

19 [The motion carried. Dr. Valigorsky recused himself
20 from deliberations and voting on the motion.]

21 ***

22 MS. WALTER:

23 Item 25 on the agenda is the Initial
24 Physician and Surgeon Application of
25 Stephen Michal Schatz, M.D.

1 I believe the Board would entertain
2 a motion to grant the application.

3 DR. YEALY:

4 So moved.

5 MR. EISENHAUER:

6 Second.

7 DR. YEALY:

8 Any abstention or recusals? All in
9 favor? Any opposed?

10 [The motion carried unanimously.]

11 ***

12 MS. WALTER:

13 Item 26 on the agenda is the Initial
14 Institutional License Application of
15 Jaime Herrera Caceres, M.D.

16 I believe the Board would entertain
17 a motion to grant the application.

18 DR. YEALY:

19 So moved.

20 MS. HOWARD:

21 Second.

22 DR. YEALY:

23 Any abstention or recusals? All in
24 favor? Any opposed?

25 [The motion carried unanimously.]

1 ***

2 MS. WALTER:

3 Item 27 is the Initial Application for
4 Written Agreement between Maureen Suter,
5 M.D., and Marie Shaughnessy, PA-C.

6 I believe the Board would entertain
7 a motion to approve the written
8 agreement.

9 DR. YEALY:

10 So moved.

11 MR. EISENHAUER:

12 Second.

13 DR. YEALY:

14 Any recusals or abstention? All in
15 favor? Any opposed?

16 [The motion carried unanimously.]

17 ***

18 MS. WALTER:

19 Item 28 on the agenda is the Initial
20 Genetic Counselor Licensure Application
21 of Kimberly D'Amico.

22 This item will be tabled to obtain
23 additional information from the
24 applicant and will be reconsidered at
25 the September meeting.

1 ***

2 MS. WALTER:

3 Item 31 on the agenda is the
4 Reactivation Application as a Licensed
5 Athletic Trainer of Andrew Francis
6 Miller, LAT, the Board will be
7 requesting additional information from
8 Mr. Miller and will reconsider the
9 application in September.

10 ***

11 MS. WALTER:

12 Item 29 is the Application of Lenore
13 Plotkin, M.D.

14 I believe the Board would entertain
15 a motion to direct the Board
16 Administrator to send a standard reentry
17 letter.

18 DR. YEALY:

19 So moved.

20 MR. EISENHAUER:

21 Second.

22 DR. YEALY:

23 Any abstention or recusals? All in
24 favor? Any opposed?

25 [The motion carried unanimously.]

1 ***

2 MS. WALTER:

3 Item 30 is the Reactivation Application
4 of Cheryl Morrow-White, M.D.

5 I believe the Board would entertain
6 a motion to direct the Board
7 Administrator to send a standard reentry
8 letter.

9 DR. YEALY:

10 So moved.

11 MR. EISENHAUER:

12 Second.

13 DR. YEALY:

14 Any abstention or recusals? All in
15 favor? Any opposed?

16 [The motion carried unanimously.]

17 ***

18 MS. WALTER:

19 Item 32 is the Reactivation Application
20 of Patricia Sinclair, LAT.

21 I believe the Board would entertain
22 a motion to direct the Board
23 Administrator to send a standard reentry
24 letter.

25 DR. YEALY:

1 So moved.

2 MR. EISENHAUER:

3 Second.

4 DR. YEALY:

5 Any recusals or abstention? All in
6 favor? Any opposed?

7 [The motion carried unanimously.]

8 ***

9 Public Session

10 [Marie Winters, ND, Pennsylvania Association of
11 Naturopathic Physicians, requested an update regarding
12 naturopathic regulations.

13 Ms. Walter stated the Board was in the process of
14 making revisions to some of the sections and was
15 hopeful to have the regulations on the agenda in
16 September. She offered to answer any questions or
17 provide updates to Dr. Winters between now and the
18 next meeting.]

19 ***

20 Adjournment

21 DR. YEALY:

22 I would be happy to make a motion to
23 draw our meeting to closure.

24 MR. EISENHAUER:

25 So moved.

1 MS. WALTER:

2 Could we just note for the record that
3 at the time you took over running the
4 meeting is when Dr. Domen was
5 experiencing technical difficulties and
6 was not able to participate.

7 DR. YEALY:

8 We have a motion to adjourn. Second?

9 MS. HOWARD:

10 Second.

11 DR. YEALY:

12 All in favor?

13 [The motion carried unanimously.]

14 ***

15 [There being no other business, the State Board of
16 Medicine Meeting adjourned at 11:01 a.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.



Evan Bingaman,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF MEDICINE
REFERENCE INDEX

July 27, 2021

| TIME | AGENDA |
|-------|--|
| 8:45 | Executive Session |
| 10:30 | Return to Open Session |
| 10:30 | Official Call to Order |
| 10:34 | Introduction of Attendees |
| 10:34 | Approval of Minutes |
| 10:35 | Roll Call |
| 10:37 | Report of Prosecution Division |
| 10:39 | Report of Department of Health |
| 10:42 | Report of Committees |
| 10:44 | Report of Board Chair |
| 10:45 | For the Board's Information/Discussion |
| 10:48 | Motions |
| 10:59 | Public Session |
| 11:01 | Adjournment |