



**Pennsylvania
DEPARTMENT OF STATE**

**STATE HEALTH LICENSING BOARDS
DISCIPLINARY ACTIONS
February 2008**

Secretary of the Commonwealth Pedro A. Cortés and Basil L. Merenda, Commissioner of the Department of State's Bureau of Professional and Occupational Affairs, announced that 32 disciplinary actions have been taken by certain State Health Licensing Boards. The following boards actively examined whether the citizens of the commonwealth are being protected: Chiropractic; Dentistry; Medicine; Nursing Home Administrators; Occupational Therapy; Optometry; Osteopathic Medicine; Pharmacy; Physical Therapy; Podiatry; Psychology; Social Workers, Marriage and Family Therapists and Professional Counselors; Examiners in Speech-Language and Hearing; and Veterinary Medicine.

Of these, the boards listed below took specific actions against individuals or firms in these counties: Allegheny (2 actions); Bucks (1 action); Chester (1 action); Columbia (1 action); Cumberland (1 action); Dauphin (2 actions); Delaware (2 actions); Indiana (1 action); Lancaster (2 actions); Lehigh (1 action); Mercer (1 action); Montgomery (2 actions); Philadelphia (2 actions); Westmoreland (1 action);

Twelve actions involved licensees with out-of-state addresses.

BOARD OF CHIROPRACTIC

No disciplinary actions taken.

BOARD OF DENTISTRY

Allegheny County

Timothy M. Sluser, D.M.D., license no. DS-025734-L, of Oakmont, Pennsylvania, Allegheny County, was assessed a civil penalty of \$1,000 and a public reprimand, and ordered to not use the word "orthodontics" in any advertising without a conspicuous disclosure that he is a general dentist who provides orthodontics. (02-18-08)

Lehigh County

Diana Lee DeFranco, R.D.H., license no. DH-012104-L, Whitehall, Lehigh County, was suspended for a period of 3 years for violating the terms of her probation. (02-15-08)

BOARD OF MEDICINE

Cumberland County

Adam C. Abram, license no. MD055634L of Mechanicsburg, Cumberland County, was indefinitely suspended, such suspension immediately stayed in favor of probation, because Abram violated the Act in that he is unable to practice the profession with reasonable skill and safety to patients by reason of addiction to drugs. (02-26-08)

Chester County

Samuel G. Leather, M. D., license no. MD418299 of Glenmoore, Chester County, was indefinitely suspended for no less than 3 years, because Leather has been unable to practice with reasonable skill and safety to patients by reason of addiction to drugs or alcohol. (02-26-08)

Dauphin County

Geoffrey S. Fidelman, license no. MA-002195-L, of Harrisburg, Dauphin County, had his license suspended for at least three years based on findings that he is unable to practice with reasonable skill and safety to patients by reason of mental or physical illness or condition or physiological or psychological dependence upon alcohol, hallucinogenic or narcotic drugs or other drugs which tend to impair judgment or coordination. (02-01-08)

Indiana County

Harold E. Lutz, M.D., license no. MD-021351-E, of Indiana, Indiana County, had his license suspended for at least three years based on findings that he is unable to practice with reasonable skill and safety to patients by reason of mental or physical illness or condition or physiological or psychological dependence upon alcohol, hallucinogenic or narcotic drugs or other drugs which tend to impair judgment or coordination. (02-01-08)

Mercer County

Roy E. Kerry, license no. MD-008220-E of Greensville, Mercer County, voluntarily surrendered his license while his criminal case is pending in the Butler County Court of Common Pleas, because he was charged with an involuntary manslaughter of a patient, which related to his practice of medicine. (02-26-08)

Montgomery County

Elizabeth C. Berger, license no. MD043093E of Elkins Park, Montgomery County, was ordered to pay an assessment of \$250 to cover the costs of prosecution, has taken the necessary steps to place her license on active-retired status and she verifies that she will not practice medicine within the Commonwealth of Pennsylvania in the future because she failed to provide information to document certification of compliance with continuing education requirements for the biennial reporting period of January 1, 2005 through December 31, 2006. (02-26-08)

Philadelphia County

Robert Hoeldtke, M. D., license no. MD-023418-E of Philadelphia, Philadelphia County, had his license to practice medicine and surgery suspended because Hoeldtke had disciplinary action taken against his license to practice medicine and surgery by the proper licensing authority of another state. (02-26-08)

Westmoreland County

Michael Paul Buscemi, license no. RT004104, of North Huntingdon, Westmoreland County, was required to pay a civil penalty of \$500 because Buscemi practiced as an athletic trainer prior to obtaining licensure. (02-26-08)

Out of State

Nancy Catherine Ayotte, license no. MD069868L, of Port St. Lucie, Florida, voluntarily surrendered her license to practice medicine and surgery in Pennsylvania and must cease and desist from the practice of medicine in the Commonwealth within ten days of the date of the Board's Order because Ayotte was disciplined by the proper licensing authority of another state. (02-26-08)

Gregory J. Estlund, license no. MD032754E of River Falls, WI, was ordered to pay a civil penalty of \$1,000 and his license was publicly reprimanded, because Estlund violated the Act in that his license to practice medicine was disciplined by the proper licensing authority of another state, he failed to report information regarding disciplinary action taken against him by a health care licensing authority within 60 days after its occurrence. Also, he shall verify compliance and completion of the terms of the Order of the Wisconsin Board of Medicine. (02-26-08)

Charles F. Grabiak, license no. MD034964E of Jobestown, NJ, was ordered to voluntarily and permanently surrender his license, because Grabiak violated the Act in that he failed to report information regarding disciplinary action taken against him by a health care licensing authority of another state within 60 days after its occurrence. (02-26-08)

Donald K. Hopewell, license no. MD422625 of Leawood, KS, had a public reprimand placed on his record with the Board, because Hopewell had disciplinary action taken against his license to practice the profession by the proper licensing authority of another state. (02-26-08)

Thomas P. McMahon, license no. MD011732E of Cherry Hill, NJ, was ordered to pay a civil penalty of \$250 and a public reprimand was placed on his permanent Board record because he violated the Act in that he had his license to practice medicine disciplined by the New Jersey State Board of Medical Examiners for failure to cooperate with their investigation and failed to report said disciplinary action to the Medical Board of the Commonwealth of Pennsylvania within 60 days. (02-26-08)

John S. Naulty, license no. MD-049003-L of Lancaster, VA, was ordered to pay a civil penalty of \$1,000 and his license to practice medicine and surgery was put on probation until all terms, conditions and limitations placed on his license to

practice medicine in Connecticut have been removed, because Naulty had his license to practice medicine disciplined by the State of Connecticut and failed to report to the Board within 60 days of the occurrence of disciplinary action taken against him by the proper licensing authority of another state. (02-26-08)

Thomas V. Rankin, license no. MD021372E, of Delray Beach, FL, was ordered to permanently and voluntarily surrender his license to practice medicine in the Commonwealth of Pennsylvania because his license to practice medicine was disciplined by the proper licensing authority of another state. (02-26-08)

Leonard A. Rubinstein, license no. MD-024023-E of Sarasota, FL, was placed on probation for a period of five years, because his license or other authorization to practice the profession was revoked or suspended or other disciplinary action was taken against him by the proper licensing authority of another state, territory, possession or country, or a branch of the Federal Government. (02-26-08)

BOARD OF NURSING HOME ADMINISTRATORS

No disciplinary actions taken.

BOARD OF OCCUPATIONAL THERAPY

Columbia County

Amy Rebecca Smith, license no. OC-004407-L, Berwick, Columbia County, was suspended until paying her \$150 civil penalty in full. (02-21-08)

BOARD OF OPTOMETRY

No disciplinary actions taken.

BOARD OF OSTEOPATHIC MEDICINE

No disciplinary actions taken.

BOARD OF PHARMACY

ALLEGHENY COUNTY

Charles Joseph Michaels, license no. RP-031413-L, of Pittsburgh, Allegheny County, had his license suspended until he submits proof of completion of 30 hours of continuing education, was issued a public reprimand and was assessed a \$3,000 civil penalty based on having failed to complete 30 hours of continuing education as required by the Board's regulations and in that he procured a license through fraud, misrepresentation or deceit, by falsely indicating that he had 30 hours of ACPE approved continuing education. (02-27-08)

BUCKS COUNTY

Tushar V. Thakkar, R.Ph., license no. RP-030283-L of Newtown, Bucks County, was ordered to pay a civil penalty in the amount of \$200, and within six months, shall complete three hours of ACPE continuing education credits for the biennial reporting period of October 1, 2004 through September 30, 2006, because he violated the Pharmacy Act in that he failed to complete 30 hours of continuing education as required by the regulations and procured a license through fraud, misrepresentation or deceit by falsely indicating that he had 30 continuing education credits. (02-19-08)

DAUPHIN COUNTY

Harold Irwin Veetal, license no. RP-029206-L, of Harrisburg, Dauphin County, had his license suspended until he submits proof of completion of 30 hours of continuing education, was issued a public reprimand and was assessed a \$3,000 civil penalty based on having failed to complete 30 hours of continuing education as required by the Board's regulations and in that he procured a license through fraud, misrepresentation or deceit, by falsely indicating that he had 30 hours of ACPE approved continuing education. (02-27-08)

LANCASTER COUNTY

Frank T. Byerly, license no. RP030533L of Gap, Lancaster County, was ordered to pay a civil penalty of \$2,000, because Byerly violated the Act in that he knowingly allowed an unlicensed person to take charge of a pharmacy, in that he failed to have his biennial pocket registration card available for inspection, in that he failed to create and maintain a written protocol for each pharmacy technician employed in the pharmacy. (02-19-08)

Franks Pharmacy, license no. PP412991L of Gap, Lancaster County, was ordered to pay a civil penalty of \$750, because Franks Pharmacy violated the Act in that Respondent pharmacy did not ensure that a licensed pharmacist was in charge of the pharmacy at all times that the pharmacy was open, in that Respondent pharmacy did not ensure that all required licenses and permits were displayed in a conspicuous place in the pharmacy for which they were issued, and in that Respondent pharmacy did not insure that the refrigerator was used only for the storage of drugs and other pharmacy supplies. (02-19-08)

MONTGOMERY COUNTY

James McMasters Stone, license no. RP-043943-L, of Schwenksville, Montgomery County, had his license suspended until he submits proof of completion of 16 hours of continuing education and was assessed a \$2,300 civil penalty based on having failed to complete 30 hours of continuing education as required by the Board's regulations and for having practiced pharmacy without a valid current license. (02-27-08)

OUT OF STATE

Seth A. Mahler, license no. RP029062L of Plantation, FL, was revoked, because Mahler violated the Act in that his license to practice pharmacy was disciplined by the proper licensing authority of another state. (02-19-08)

Daniel R. Behrens, license no. RP-042094-L, of Oxford, Ohio, had his license revoked based on his having had a license to practice pharmacy issued by a proper licensing authority of another state revoked. (02-27-08)

BOARD OF PHYSICAL THERAPY

No disciplinary actions were taken.

BOARD OF PODIATRY

No disciplinary actions were taken.

BOARD OF PSYCHOLOGY

No disciplinary actions were taken.

BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

Delaware/Montgomery County

Timothy J. McFeeley, license no. SW002384E of Ardmore, Delaware and Montgomery County, was ordered to pay a civil penalty of \$600 and complete 12 hours of continuing education within six months of the date of his Order because he failed to complete 30 hours of continuing education and provide information to document certification of compliance with continuing education requirements. (02-12-08)

Michael J. Kazmer, license no. SW009912L of Pittsburgh, Allegheny County, was ordered to pay a civil penalty of \$600 and complete 12 hours of continuing education credits necessary within six months of the effective date of his Order because he failed to complete 30 hours of continuing education and provide information to document certification of compliance with continuing education requirements. (02-12-08)

Philadelphia County

Michael Cage, license no. SW-005202-E, of Philadelphia, Philadelphia County, had his license indefinitely suspended for failure to complete continuing education courses. (02-22-08)

Out of State

Jessica L. Woodfork, L.P.C., license no. PC002759, of Morgantown, West Virginia, was suspended for a minimum period of six months, with such suspension immediately stayed in favor of probation subject to the Board's terms and conditions because Woodfork's license to practice professional counseling was suspended, revoked, or refused or received other disciplinary action by the proper licensing authority of another state, territory, possession or country. (02-12-08)

BOARD OF SPEECH, LANGUAGE AND HEARING

No disciplinary actions were taken.

BOARD OF VETERINARY MEDICINE

Out of State

Stacy Jo Boston, C.V.T., license no. VT-002941, of Follansbee, WV, was temporarily suspended, pending a hearing, because the Probable Cause Screening Committee of the Pennsylvania State Board of Veterinary Medicine deemed Boston to be a clear and immediate danger to public health and safety. (02-07-08)

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A complete list of sanctions is available online at

www.state.pa.us

Keyword: licensing disciplinary actions.

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