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

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

MEETING OF:

STATE BOARD OF MEDICINE

TIME: 10:38 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE

2601 North Third Street

One Penn Center, Board Room C

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

Tuesday, September 13, 2022

State Board of Medicine
September 13, 2022

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ALSO PRESENT:

- Andrea Wandling, Human Resources Manager, Pennsylvania Association of Community Health Centers
- Angie Armbrust, Senior Associate, McNees-Winter Group LLC
- William Santoro, M.D., Chief, Division of Addiction Medicine, Tower Health
- Heather Wright, ND, FABNO, President, Oncology Association of Naturopathic Physicians
- Lisa Claypool Stevenson, Senior Associate Counsel, University of Pittsburgh Medical Center
- Linda Moore
- Nicole Sidle, Republican Executive Director, House Professional Licensure Committee
- Susan DeSantis, PA-C, Pennsylvania Society of Physician Assistants
- Ted Mowatt, CAE, Vice President/Lobbyist, Wanner Associates
- Shauna Boscaccy, Esquire, Vice President, GSL Public Strategies Group
- Randy Stevens, Pennsylvania Orthotic & Prosthetic Society
- Jeffrey Solomon, M.D.
- Zack Chait, Regulatory and Legislative Manager, Board of Certification/Accreditation
- Seth Rolko, Democratic Executive Director, Senate Consumer Protection & Professional Licensure Committee
- Kari Orchard, Democratic Executive Director, House Professional Licensure Committee
- Brian D. O'Hare

1 State Board of Medicine

2 September 13, 2022

3 ***

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

11 ***

12 The regularly scheduled meeting of the State
13 Board of Medicine was held on Tuesday, September 13,
14 2022. Mark B. Woodland, M.S., M.D., FACOG, Chair,
15 called the meeting to order at 10:38 a.m.

16 Chair Woodland reminded everyone that the meeting
17 was being recorded and provided instructions for those
18 in attendance.

19 ***

20 Introduction of Board Members/Attendees

21 [Chair Woodland provided an introduction of Board
22 members and attendees.]

23 ***

24 Approval of minutes of the July 26, 2022 meeting

25 CHAIR WOODLAND:

1 The first order of business is approval
2 of minutes from our July 26, 2022
3 meeting.

4 I would like a motion to approve
5 and a second.

6 MR. EISENHAUER:

7 So moved.

8 MR. DILLON:

9 Second.

10 CHAIR WOODLAND:

11 Any further discussions on the minutes
12 from July? Hearing none.

13 Jasmira, could you do a roll call
14 for us, please?

15
16 Mark Woodland, yes; Donald Yealy, aye;
17 Gerard Dillon, aye; Walter Eisenhower,
18 aye; Carolyn Byrnes, aye; Michael
19 Ripchinski, aye; Matthew Eaton, aye.

20 [The motion carried unanimously.]

21 ***

22 Report of Prosecution Division

23 [Jason T. Anderson, Esquire, Board Prosecution

24 Liaison, presented the Consent Agreements for Case No.

25 22-49-011074, Case No. 22-49-011342, Case No. 22-49-

1 011939, Case No. 19-49-007737, Case No. 19-49-007738,
2 Case No. 19-49-007740, Case No. 19-49-007745, and Case
3 No. 19-49-007746.]

4 ***
5 [Keith E. Bashore, Esquire, Board Prosecutor,
6 presented the Consent Agreement for Case No. 22-49-
7 001375 and Case No. 20-49-010584.]

8 ***
9 [Donald M. Yealy, M.D., Vice Chair, exited the meeting
10 at 10:52 a.m. for recusal purposes.]

11 ***
12 [Keith E. Bashore, Esquire, Board Prosecutor,
13 presented the Consent Agreement for Case No. 22-49-
14 003709.]

15 ***
16 [Donald M. Yealy, M.D., Vice Chair, reentered the
17 meeting at 10:52 a.m.]

18 ***
19 [Adam Williams, Esquire, Board Prosecutor, presented
20 the Consent Agreement for Case No. 22-49-001925.]

21 MS. WUCINSKI:

22 Pursuant to Section 708(a)(5) of the
23 Sunshine Act, the Board entered into
24 Executive Session this morning at
25 8:45 a.m. for the purpose of conducting

1 quasi-judicial deliberations on a number
2 of matters that are currently pending
3 before the Board and to receive the
4 advice of counsel.

5 The Board did discuss these Consent
6 Agreements presented today, along with
7 agenda items 21 through 49 and 51.

8 At agenda items 2 and 3, I believe
9 the Board would entertain a motion to
10 adopt the following Voluntary Recovery
11 Program Agreements for Case No. 22-49-
12 011074 and Case No. 22-49-011342.

13 CHAIR WOODLAND:

14 Do I have a motion, please?

15 MR. EISENHAUER:

16 So moved.

17 MR. DILLON:

18 Second.

19 CHAIR WOODLAND:

20 Any further discussion on these two
21 items? Hearing none. Jasmira, could
22 you do a roll call, please?

23

24 Mark Woodland, aye; Donald Yealy, aye;
25 Gerard Dillon, aye; Walter Eisenhauer,

1 aye; Carolyn Byrnes, aye; Michael
2 Ripchinski, aye; Matthew Eaton, aye.

3 [The motion carried unanimously.]

4 ***

5 MS. WUCINSKI:

6 At agenda items 5 through 9, I believe
7 the Board would entertain a motion to
8 approve the Consent Agreements at Case
9 No. 19-49-007737, Case No. 19-49-007738,
10 Case No. 19-49-007740, Case No. 19-49-
11 007745, and Case No. 19-49-007746.

12 I want to note that Dr. Woodland is
13 recused from agenda item 9, case no. 19-
14 49-007746.

15 MR. EISENHAUER:

16 So moved.

17 MR. DILLON:

18 Second.

19 CHAIR WOODLAND:

20 Jasmira, do you want to do the roll
21 call?

22
23 Donald Yealy, aye; Gerard Dillon, aye;
24 Walter Eisenhauer, aye; Carolyn Byrnes,
25 aye; Michael Ripchinski, aye; Matthew

1 Eaton, aye.
2 [The motion carried. Mark Woodland recused himself
3 from deliberations and voting on agenda item 9, case
4 no. 19-49-007746. The Respondent's name in Case No.
5 19-49-007737 is Sheri Leigh Senzon, M.D.; Case No. 19-
6 49-007738, Radhika Prasad Kakarla, M.D.; Case No. 19-
7 49-007740, Melanie Beth Schatz, M.D.; Case No. 19-49-
8 007745, Mark Edward Chastaney, M.D.; and Case No. 19-
9 49-007746, Jane Bennet Porcelan, M.D.]

10 ***

11 MS. WUCINSKI:

12 I believe the Board would entertain a
13 motion to adopt the following Consent
14 Agreements at agenda item 4 at Case No.
15 22-49-011939; agenda item 10, Case No.
16 22-49-001375; agenda item 11, Case No.
17 20-49-010584, agenda item 12, Case No.
18 22-49-003709, noting Dr. Yearly is
19 recused from this one; and agenda item
20 13, Case No. 22-49-001925.

21 MR. EISENHAUER:

22 So moved.

23 MR. DILLON:

24 Second.

25 CHAIR WOODLAND:

1 Any further discussion on any of these
2 cases? Hearing none. Jasmira, could
3 you do a roll call for us?

4
5 Mark Woodland, aye; Gerard Dillon, aye;
6 Walter Eisenhower, aye; Carolyn Byrnes,
7 aye; Michael Ripchinski, aye; Matthew
8 Eaton, aye.

9 [The motion carried. Donald Yealy recused himself
10 from deliberations and voting on the motion on agenda
11 item 12. The Respondent's name in Case No. 22-49-
12 011939 is Katie Louise Hoeveller, M.D.; Case No. 22-
13 49-001375, Farhaad R. Riyyaz, M.D.; Case No. 20-49-
14 010584, Andrew Ellis Gewirtz, M.D.; Case No. 22-49-
15 003709, Kai Uwe R. Konrad, M.D.; and Case No. 22-49-
16 001925, Matthew Frederick Barchie, M.D.]

17 ***
18 Motions - Adjudication and Order of Hearing Examiner
19 MS. WUCINSKI:
20 Moving down to agenda item 21, I believe
21 the Board would entertain a motion to
22 direct Board Counsel to draft an
23 Adjudication and Order addressing
24 exceptions for the Final Board Order as
25 discussed in Executive Session of

1 Christy L. Tapper, LRT, Case No. 20-49-
2 004434.

3 MR. EISENHAUER:

4 So moved.

5 MR. DILLON:

6 Second.

7 CHAIR WOODLAND:

8 Any further discussion on this agenda
9 item? Hearing none. Jasmira, would you
10 go ahead and do a roll call, Jasmira,
11 please?

12
13 Mark Woodland, aye; Donald Yealy, aye;
14 Gerard Dillon, aye; Walter Eisenhower,
15 aye; Carolyn Byrnes, aye; Michael
16 Ripchinski, aye; Matthew Eaton, aye.

17 [The motion carried unanimously.]

18 ***

19 Motions - Proposed Adjudications and Orders of Hearing
20 Examiner

21 MS. WUCINSKI:

22 At agenda item 22, I believe the Board
23 would entertain a motion to direct Board
24 Counsel to draft an Adjudication and
25 Order addressing exceptions consistent

1 with our discussions in Executive
2 Session for Richard P. Paczynski, M.D.,
3 Case No. 22-49-001069.

4 MR. EISENHAUER:

5 So moved.

6 MR. DILLON:

7 Second.

8 CHAIR WOODLAND:

9 Any further discussion on this item?
10 Hearing none. Can we go ahead and do a
11 roll call?

12
13 Mark Woodland, nay; Donald Yealy, aye;
14 Gerard Dillon, nay; Walter Eisenhower,
15 aye; Carolyn Byrnes, aye; Michael
16 Ripchinski, aye; Matthew Eaton, aye.

17 [The motion carried. Mark Woodland and Gerard Dillon
18 opposed the motion.]

19 ***

20 MS. WUCINSKI:

21 At agenda item 23, I believe the Board
22 would entertain a motion to direct Board
23 Counsel to draft a Memorandum Opinion
24 addressing exceptions of Fuhai Li, M.D.,
25 Case No. 17-49-12473.

1 MR. EISENHAUER:

2 So moved.

3 MR. DILLON:

4 Second.

5 CHAIR WOODLAND:

6 Any further discussion on this one?

7 Hearing no further discussion. Can we
8 have a roll call, Jasmira, please?

9

10 Mark Woodland, aye; Donald Yealy, aye;
11 Gerard Dillon, aye; Walter Eisenhower,
12 aye; Carolyn Byrnes, aye; Michael
13 Ripchinski, aye; Matthew Eaton, aye.

14 [The motion carried unanimously.]

15

16 Motions - Applications

17 MS. WUCINSKI:

18 At agenda item 24, I believe the Board
19 would entertain a motion to Reactivate
20 the License of Rajaa Nebbari, M.D., to
21 Practice Medicine and Surgery upon
22 successful completion of a Board-
23 approved preceptorship of at least six
24 months.

25 MR. EISENHAUER:

1 So moved.

2 MR. DILLON:

3 Second.

4 CHAIR WOODLAND:

5 Any further discussion? Hearing none.

6 Can we have a roll call, Jasmira,
7 please?

8

9 Mark Woodland, aye; Donald Yealy, aye;

10 Gerard Dillon, aye; Walter Eisenhauer,

11 aye; Carolyn Byrnes, aye; Michael

12 Ripchinski, aye; Matthew Eaton, aye.

13 [The motion carried unanimously.]

14

15 Motions - Report of Board Administrator

16 MS. WUCINSKI:

17 At agenda items 25 and 26, I believe the

18 Board would entertain a motion to grant

19 the Initial Application to Practice as

20 Physician and Surgeon for Salman Zahid,

21 M.D. and Johnny C. Hong, M.D.

22 MR. EISENHAUER:

23 So moved.

24 MR. DILLON:

25 Second.

1 CHAIR WOODLAND:

2 Any further discussion? Hearing none.
3 Jasmira, could you do a roll call for
4 us, please?

5
6 Mark Woodland, aye; Donald Yealy, aye;
7 Gerard Dillon, aye; Walter Eisenhower,
8 aye; Carolyn Byrnes, aye; Michael
9 Ripchinski, aye; Matthew Eaton, aye.

10 [The motion carried unanimously.]

11 ***

12 MS. WUCINSKI:

13 Agenda item 27 is actually going to be
14 discussed at agenda item 41 because it
15 was placed twice on the agenda.

16 ***

17 MS. WUCINSKI:

18 At agenda item 28, I believe the Board
19 would entertain a motion to send a
20 standard reentry letter to Aditi Shruti,
21 M.D.

22 MR. EISENHAUER:

23 So moved.

24 MR. DILLON:

25 Second.

1 CHAIR WOODLAND:

2 Any further discussion? Hearing none.
3 Jasmira, could we have a roll call,
4 please?

5
6 Mark Woodland, aye; Donald Yealy, aye;
7 Gerard Dillon, aye; Walter Eisenhower,
8 aye; Carolyn Byrnes, aye; Michael
9 Ripchinski, aye; Matthew Eaton, aye.

10 [The motion carried unanimously.]

11 ***

12 MS. WUCINSKI:

13 At agenda items 29 and 30, I believe the
14 Board would entertain a motion to invite
15 the following applicants applying for an
16 Initial License to Practice as a
17 Physician and Surgeon by Endorsement to
18 apply for an institutional license:
19 Creso Carneiro Calmon Bulcao, M.D. and
20 Michal Ziv Nisnboym, M.D., noting Dr.
21 Yealy is recused from agenda item 30.

22 MR. EISENHAUER:

23 So moved.

24 MR. DILLON:

25 Second.

1 CHAIR WOODLAND:

2 Any further discussion? Hearing none.
3 Jasmira, do a roll call, please?

4
5 Mark Woodland, aye; Gerard Dillon, aye;
6 Walter Eisenhower, aye; Carolyn Byrnes,
7 aye; Michael Ripchinski, aye; Matthew
8 Eaton, aye.

9 [The motion carried. Donald Yealy recused himself
10 from deliberations and voting on the motion for item
11 30.]

12 ***

13 MS. WUCINSKI:

14 I will do agenda items 31 through 36
15 together. I believe the Board would
16 entertain a motion to provisionally deny
17 the following: Application for Initial
18 License to Practice as a Behavior
19 Specialist, Kunle Ade; Application for
20 an Institutional License, Raed Mousa,
21 M.D.; Application for Initial Orthotic
22 Fitter, Shawn Taylor Collins;
23 Application for Initial Orthotist, Gina
24 Marie Colosimo and Hannah E. Clark;
25 Application for an Initial Prosthetist,

1 Hannah E. Clark.

2 MR. EISENHAUER:

3 So moved.

4 MR. DILLON:

5 Second.

6 CHAIR WOODLAND:

7 Any further discussion? Hearing none.

8 Jasmira, could you do a roll call,
9 please?

10

11 Mark Woodland, aye; Donald Yealy, aye;
12 Gerard Dillon, aye; Walter Eisenhower,
13 aye; Carolyn Byrnes, aye; Michael
14 Ripchinski, aye; Matthew Eaton, aye.

15 [The motion carried unanimously.]

16

17 MS. WUCINSKI:

18 I am going to do agenda items 37 and 39
19 together. I believe the Board would
20 entertain a motion to grant the
21 following Applications for Initial
22 Licensure to Practice as a Physician and
23 Surgeon of Svetiana Nilovna Hanson, M.D.
24 and Jose Fragoso, M.D.

25

The Board is also voting to rescind

1 the provisional denials after
2 reconsideration of these matters.

3 MR. EISENHAUER:

4 So moved.

5 MR. DILLON:

6 Second.

7 CHAIR WOODLAND:

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

11

12 Mark Woodland, aye; Donald Yealy, aye;
13 Gerard Dillon, aye; Walter Eisenhower,
14 aye; Carolyn Byrnes, aye; Michael
15 Ripchinski, aye; Matthew Eaton, aye.

16 [The motion carried unanimously.]

17

18 MS. WUCINSKI:

19 At agenda item 38, I believe the Board
20 would entertain a motion to rescind the
21 provisional denial of the Application
22 for an Initial License to Practice as a
23 Physician and Surgeon for Gurpoonam K.
24 Jatana, M.D. and instead invite her to
25 apply for an institutional license.

1 MR. EISENHAUER:

2 So moved.

3 MR. DILLON:

4 Second.

5 CHAIR WOODLAND:

6 Any further discussion? Hearing none.

7 Jasmira.

8

9 Mark Woodland, aye; Donald Yealy, aye;

10 Gerard Dillon, aye; Walter Eisenhower,

11 aye; Carolyn Byrnes, aye; Michael

12 Ripchinski, aye; Matthew Eaton, aye.

13 [The motion carried unanimously.]

14

15 MS. WUCINSKI:

16 I am going to do agenda items 40 through

17 47 together. I believe the Board would

18 entertain a motion to direct the Board

19 administrator to send a standard reentry

20 letter to the following Reactivation

21 Applicants: Jess David Amchin, M.D.;

22 Matthew Jared Schreiber, M.D.; Sandra

23 Denis, M.D.; Linnea Spens, M.D.;

24 Catherine Datto, M.D.; Lara Burrows,

25 M.D.; Murray Seitchik, M.D.; Larry

1 Baling, M.D.

2 MR. EISENHAUER:

3 So moved.

4 MR. DILLON:

5 Second.

6 CHAIR WOODLAND:

7 Any further discussion? Hearing none.

8 Jasmira, could you do a roll call,
9 please?

10

11 Mark Woodland, aye; Donald Yealy, aye;
12 Gerard Dillon, aye; Walter Eisenhower,
13 aye; Carolyn Byrnes, aye; Michael
14 Ripchinski, aye; Matthew Eaton, aye.

15 [The motion carried unanimously.]

16

17 MS. WUCINSKI:

18 At agenda item 48, I believe the Board
19 would entertain a motion to grant
20 Jeffrey Solomon, M.D. an Active License
21 permit to practice under the auspices
22 and the supervision of LifeGuard in the
23 radiology department of the hospital,
24 the University of Pennsylvania, to
25 enable him to complete his reentry

1 training fellowship, noting Dr.
2 Ripchinski is recused.

3 MR. EISENHAUER:

4 So moved.

5 MR. DILLON:

6 Second.

7 CHAIR WOODLAND:

8 Any further discussion? Hearing none.
9 Jasmira, could we have a roll call,
10 please?

11

12 Mark Woodland, aye; Donald Yealy, aye;
13 Gerard Dillon, aye; Walter Eisenhower,
14 aye; Carolyn Byrnes, aye; Matthew Eaton,
15 aye.

16 [The motion carried. Michael Ripchinski recused
17 himself from deliberations and voting on the motion.]

18

19 MS. WUCINSKI:

20 At agenda item 49, I believe the Board
21 would entertain a motion to direct Board
22 Counsel to issue an order removing the
23 requirement that Timothy Clark, M.D.
24 practice only under the auspices a
25 preceptor at Case No. 22-49-005608.

1 MR. EISENHAUER:

2 So moved.

3 MR. DILLON:

4 Second.

5 CHAIR WOODLAND:

6 Any further discussion? Hearing none.

7 Could we have a roll call, please,

8 Jasmira?

9

10 Mark Woodland, aye; Donald Yealy, aye;

11 Gerard Dillon, aye; Walter Eisenhauer,

12 aye; Carolyn Byrnes, aye; Michael

13 Ripchinski, aye; Matthew Eaton, aye.

14 [The motion carried unanimously.]

15 ***

16 MS. WUCINSKI:

17 At agenda item 51, I believe the Board

18 would entertain a motion to deny the

19 request of Santiago Sydney Ryan Salicrup

20 to sponsor him to take the USMLE.

21 MR. EISENHAUER:

22 So moved.

23 MR. DILLON:

24 Second.

25 CHAIR WOODLAND:

1 Any further discussion on this issue?
2 Jasmira, could we have a roll call,
3 please?

4
5 Mark Woodland, aye; Donald Yealy, aye;
6 Gerard Dillon, aye; Walter Eisenhower,
7 aye; Carolyn Byrnes, aye; Michael
8 Ripchinski, aye; Matthew Eaton, aye.

9 [The motion carried unanimously.]

10 ***

11 Report of Acting Commissioner - No Report

12 ***

13 Report of Department of Health

14 [Carolyn Byrnes, M.P.H., C.P.H., Department of Health,
15 reported 3.2 million total COVID cases, which is up
16 2,416 on average for the week ending September 7,
17 2022. She noted 1,149 hospitalizations and 46,831
18 deaths. She addressed COVID community levels, noting
19 20 counties in Pennsylvania are green, 37 are yellow,
20 and 10 are orange as of August 31, 2022.

21 Ms. Byrnes reported over 23 million COVID
22 vaccinations have been administered with 74.5 percent
23 of those 5 and up fully vaccinated, and for the United
24 States population 5 and up, 71.7 fully vaccinated.
25 She noted vaccines for children under 5 began on June

1 20, 2022, with 87,800 doses administered to that
2 population.

3 Ms. Byrnes informed everyone that bivalent
4 boosters are now available and recommended receiving a
5 booster at least two months after the last COVID dose.
6 She noted individuals age 12 and up are eligible for
7 the updated Pfizer booster and adults 18 and up are
8 eligible for the updated Moderna booster.

9 Ms. Byrnes addressed COVID variants, where the
10 Centers for Disease Control and Prevention (CDC) is
11 estimating BA.5 comprised 85 percent of COVID cases,
12 12 percent were BA.4.6, and 2 percent were BA.4 for
13 the Department of Health and Human Services (HHS)
14 Region 3 for the week ending September 10, 2022.

15 She stated vaccination is expected to protect
16 against severe illness, hospitalizations, and deaths
17 from infection; and therapeutics are also available
18 for preventing and treating COVID-19. She noted
19 details to access information could be found on the
20 Pennsylvania Department of Health's website.

21 Ms. Byrnes addressed monkeypox, noting 56,609
22 cases globally as of September 8, 2022, from 103
23 countries, including 21,504 from the United States.
24 She reported the first case in Pennsylvania was on
25 June 3, 2022, and have seen 624 confirmed cases as of

1 September 8, 2022. She stated monkeypox is not
2 considered to be sexually transmitted but has been
3 seen in gay, bisexual, and other men who have sex with
4 men population.

5 Ms. Byrnes noted transmission is by close contact
6 and may be spread with prolonged contact with
7 respiratory fluids. She stated clinicians should
8 consider monkeypox as a potential diagnosis, and all
9 suspected monkeypox cases should be referred to local
10 public health or the Pennsylvania Department of Health
11 at 717-787-3350 and encouraged everyone to contact
12 their Division of Infectious Disease Epidemiology or
13 their local health department. She provided a link to
14 the Department of Health's monkeypox page.

15 Ms. Byrnes informed everyone that the JYNNEOS
16 vaccine has been available as of September 12, 2022,
17 and that Pennsylvania received over 12,000 doses with
18 Philadelphia receiving 60 percent at 6,600 doses.

19 Ms. Byrnes mentioned that there would be a
20 discussion later concerning the report from the
21 Federation of State Medical Boards (FSMB) regarding
22 physician sexual misconduct mentioned at the July 2022
23 Board meeting.

24 Chair Woodland wanted to confirm Pennsylvania is
25 following CDC recommendations regarding the COVID

1 vaccine as far as continuing vaccine series with COVID
2 updated vaccines.

3 Chair Woodland suggested to just say men having
4 sex with men when referring to monkeypox.

5 Ms. Byrnes stated the inclusion of gay and
6 bisexual is to make sure the message gets to the
7 population.

8 Chair Woodland addressed the Physician Sexual
9 Misconduct Report and recommendations of the FSMB
10 Workgroup on Physician Sexual Misconduct. He stated
11 it was adopted as policy by the Federation of State
12 Medical Boards in May 2020 to continue to eliminate
13 harassment and build a culture supportive of
14 professional behavior that does not tolerate
15 harassment of any type. He noted prior Board
16 discussion concerning issues of professionalism and
17 misconduct, noting this is specifically sexual
18 misconduct.

19 Chair Woodland explained that the scope and the
20 charge was to collect and review available
21 disciplinary data by severity of behaviors and
22 sanctions of unprofessional behavior specific to
23 sexual misconduct, identify and evaluate barriers of
24 reporting sexual misconduct as it pertained to state
25 confidentiality laws, investigative procedures,

1 cooperation with law enforcement and prosecution, and
2 also evaluate the impact of state medical boards
3 outreach on reporting issues as well as look at the
4 FSMB's 2006 Policy Statement to update it and provide
5 guidelines for state medical boards.

6 Chair Woodland noted the report also was to
7 assess the prevalence of sexual boundary and
8 harassment training and undergraduate and graduate
9 medical education programs, as well as to make
10 comments and resources available to address gaps in
11 continuing medical education.

12 Chair Woodland mentioned that throughout the
13 report there were 38 recommendations classified as
14 either the culture, transparency, complaints,
15 reporting, investigations, evaluation, hearings,
16 discipline, monitoring, or education.

17 Chair Woodland addressed FSMB recommendations he
18 reviewed with Ms. Byrnes and what is being asked of
19 state medical boards as far as ensuring public
20 information and include coding to link board action to
21 actual behaviors, easy access and clear guidance for
22 complainants, sexual misconduct complaints
23 prioritized, trained liaison for complainants
24 especially in trauma-based care, requiring
25 institutions to report egregious behaviors, health

1 systems share process of reviewing with the state
2 medical board their issues with sexual misconduct or
3 unprofessional behavior, health systems required to
4 report resignations and dismissals, physicians who report
5 in good faith should be protected, no time limits
6 between incident and reporting, state medical board
7 members must be trained in sexual misconduct and bias,
8 complainants should be allowed to request a gender-
9 specific investigator and be assigned an advocate, and
10 investigators must be trained in sexual trauma and
11 trauma-informed approach.

12 Chair Woodland noted that some of those
13 recommendations are things that are not happening
14 within Pennsylvania, although there is an anonymous
15 reporting system, where complainants can come forward
16 and is a way to facilitate this. He believed a lot of
17 the professionalism issues happen more at the
18 institutional level and not necessarily things that
19 make it to the state medical board level.

20 William Santoro, M.D., Chief, Division of
21 Addiction Medicine, Tower Health, referred to a
22 discussion with Chair Woodland and asked whether this
23 is something similar to an accusation being unfounded
24 and whether it could be expunged.

25 Chair Woodland explained that the question was

1 not related to the issue but would be discussed under
2 new business.

3 Chair Woodland addressed issues regarding the
4 state medical board's authority to evaluate high
5 probability cases as well as to look at authority on
6 nondisclosure of a patient. He noted that issues
7 brought forth in the state of Pennsylvania, such as
8 the sexual misconduct, is evaluated and fairly public
9 as far as what happens with licensure implication. He
10 noted that gender and age restriction should only be
11 used if decreased risk of reoffending.

12 Chair Woodland stated practice monitors should be
13 used to protect patients, and remediation action only
14 if balanced by the erosion of public trust and medical
15 regulations were met. He noted undergraduate medical
16 education (UME) and graduate medical education (GME)
17 training must occur regarding professional boundaries
18 and sexual misconduct; and education of trauma effects
19 and sexual misconduct for boards, providers, training
20 institutions, and public should be made available on
21 the state medical board's resource site.

22 Ms. Byrnes stated the Atlanta Journal created a
23 report card for each state related to physicians'
24 sexual misconduct around transparency, board
25 composition, criminal acts, reporting laws and

1 discipline laws with Pennsylvania scoring 53 and
2 considered fairly low.

3 Chair Woodland mentioned that the standard is the
4 burden of proof in physician discipline proceedings
5 and relies on the investigation and noted further
6 information listed and put forth for the Pennsylvania
7 Board of Medicine and Pennsylvania Board of
8 Osteopathic Medicine. He also referred to comments
9 from Pennsylvania results. He provided the assessment
10 of the report card-performing organization of negative
11 things done within Pennsylvania for the Board's
12 review.

13 Ms. Byrnes addressed considerations and next
14 steps and encouraged everyone to read the report. She
15 noted the three overarching issue areas were the
16 process for victims, reprimands or punishments for
17 physicians, and education. She mentioned the
18 importance of reviewing the information and reaching
19 out to experts in the field like the Pennsylvania
20 Office of Victim Advocate within the state that could
21 potentially be helpful. She noted a recommendation in
22 the report is that state medical boards should have a
23 trained patient liaison or navigator on staff who is
24 capable of providing one-on-one support to
25 complainants and their families.

1 Ms. Byrnes stated that looking at how reprimands
2 or punishments are determined for physicians should be
3 reviewed to see if it is consistent and proportional
4 to the abuse. She noted transparency and the ability
5 for the public to easily access information on
6 physicians who have a history of sexual misconduct
7 should be reviewed and how it is communicated to the
8 public so they are aware of the information.

9 Ms. Byrnes addressed the educational piece, where
10 the report highlighted that investigators, board
11 members, and department of state staff should be
12 trained in the area of sexual misconduct, victim
13 trauma, and implicit bias. She stated the patient
14 should be educated on the types of behavior that
15 should be expected of physicians and types of behavior
16 that might warrant a complaint.

17 Ms. Byrnes mentioned the importance of
18 understanding what to do in the event, where a
19 physician's actions make a patient uncomfortable and
20 the circumstances that would warrant a report directly
21 to law enforcement. She noted medical students,
22 residents, fellows, and physicians should be trained
23 to promote awareness of physician sexual misconduct.

24 Chair Woodland commented that there are not many
25 licensure issues related to sexual misconduct in

1 Pennsylvania that reach the SMB, possibly because many
2 professionalism issues are handled or managed at the
3 institutional level and not reported to the state
4 board level.

5 Dr. Ripchinski commented that the Board could
6 educate and issue reprimands, but there clearly is a
7 broader group of stakeholders to engage in this
8 conversation, including the Department of Health and
9 legislature.

10 Dr. Yealy asked whether there was any guidance or
11 set of standards regarding the appropriate
12 intervention and/or disciplinary action.

13 Ms. Byrnes explained that it requires larger
14 changes the Board would not be able to vote on and
15 change immediately. She stated FSMB discussed
16 planning to come out with guidance or work with FSMB
17 members to create guidance around different aspects of
18 the recommendations in the report but have not issued
19 guidance.

20 Chair Woodland commented that FSMB is preparing
21 guidance and collecting information from different
22 states.

23 Mr. Anderson stated Pennsylvania does not have
24 sentencing guidelines and looks at something on a
25 case-by-case basis based on the facts and laws to

1 determine discipline. He explained that, in the past,
2 there have been restrictions looking primarily at
3 patient issues of sexual misconduct by profession
4 because the act and regulations specifically define
5 disciplinary actions for those things. He noted, in
6 recent years, they have been able to look at things
7 through immoral conduct portions of the professional
8 conduct violations that include things that relate to
9 sexual misconduct between coworkers and things of that
10 nature in relation to complaints received.

11 Mr. Anderson addressed the criminal aspect,
12 noting their office makes referrals based on
13 complaints received to criminal authorities if they
14 think there was potentially a crime they need to know
15 about to investigate. He commented that patient
16 advocates are occasionally used in relation to not
17 only sexual misconduct cases but other kinds of cases
18 where the individual might feel uncomfortable. He
19 noted staff is available to assist individuals through
20 the hearing process and attorneys who understand how
21 to deal with these situations as appropriately and
22 sensitively as possible.

23 Chair Woodland suggested putting forth a
24 recommendation about education regarding bias training
25 because all providers in the state are required to do

1 mandatory training on child abuse reporting and opioid
2 use disorder. He commented that the Board does have a
3 mission to look at education programs as a part of the
4 caveat of what they do.]

5 ***

6 Report of Committee on Health-Related Professionals -
7 No Report

8 ***

9 Report of Committee on Legislation/Policy Development
10 and Review - No Report

11 ***

12 Report of Committee on Licensure Qualifications - No
13 Report

14 ***

15 Report of Vice Chair - No Report

16 ***

17 Report of Board Chair

18 [Mark B. Woodland, M.S., M.D., FACOG, Chair, addressed
19 the American Hospital Association (AHA) Report about
20 rural hospitals facing multiple rising financial
21 pressures. He noted the key takeaway is there are
22 systemic problems that plague rural providers,
23 including rising costs for labor, drugs, supplies, and
24 equipment. He noted AHA made a recommendation for the
25 Board to look at how they might stabilize rural

1 hospital finances, including flexible care models, low
2 regulatory hurdles, partnerships, and state Medicaid
3 expansion. He also provided the website in his report
4 for further information.

5 Chair Woodland informed everyone that FSMB has
6 proposed amendments to the bylaws concerning language
7 changes regarding diversity, equity, and inclusion
8 (DEI) issues as well as the function of FSMB. He
9 noted the bylaws could be found from the website in
10 his report and at fsmb.org and that FSMB is asking
11 comments be made by November 10.

12 Chair Woodland announced FSMB has several
13 upcoming meetings that include the FSMB Board of
14 Directors Meeting, Attorneys Workshop, and their
15 annual meeting in May in Minneapolis, MN.

16 Chair Woodland informed Board members that the
17 Interstate Medical Licensure Compact is also asking
18 for public opinion about proposed amendments regarding
19 reporting and management of interstate discipline
20 issues and can be found on their website. He noted
21 this becomes interesting because of the recent Supreme
22 Court ruling on the Dobbs issue that creates some
23 disparity about discipline on different issues as they
24 relate to abortion by different states.

25 Chair Woodland announced that the Journal of

1 Medical Regulation seeks a new editor-in-chief, noting
2 anyone interested would receive an annual stipend.

3 Chair Woodland stated the FSMB Foundation is
4 launching its new grant cycle aimed at advancing
5 medical regulatory complaint/data research. He noted
6 the goal of the grants is to help individual state
7 medical boards improve their understanding about
8 complaints and encourage best practices.

9 Mr. Dillon requested an update regarding the
10 status of the Interstate Medical Licensure Compact and
11 Pennsylvania's acceptance of that process.

12 Ms. Wucinski explained that the fingerprint issue
13 is still being worked out between the state police and
14 their department but is supposed to be resolved after
15 the language changes.

16 Chair Woodland recognized the retirement of
17 Suzanne Zerbe as the past Board administrator who has
18 spent more than 30 years with the Pennsylvania
19 Department of State. He noted she did a great job as
20 Board administrator that and Ms. Hunter has benefited
21 from her mentorship and tutelage.]

22

23 Regulatory Status Report

24 [Dana M. Wucinski, Esquire, Board Counsel, noted
25 drafting the final rulemaking for 16A-4948

1 Examinations and that the Independent Regulatory
2 Review Commission (IRRC) had no objection to the
3 proposed regulation.]

4 MS. WUCINSKI:

5 If the final annex and preamble are
6 acceptable to the Board, I would request
7 a motion to direct Board Counsel to
8 proceed with this regulation.

9 CHAIR WOODLAND:

10 Do we have a motion to proceed with
11 Dana's recommendation?

12 MR. EISENHAUER:

13 I have a motion.

14 MR. DILLON:

15 Second.

16 CHAIR WOODLAND:

17 Any further discussion for Dana about
18 item 14? Hearing none.

19 Jasmira, could we have a roll call,
20 please?

21

22 Mark Woodland, aye; Donald Yealy, aye;
23 Gerard Dillon, aye; Walter Eisenhower,
24 aye; Carolyn Byrnes, aye; Michael
25 Ripchinski, aye; Matthew Eaton, aye.

1 [The motion carried unanimously.]

2

3 Regulatory Status Report

4 [Dana M. Wucinski, Esquire, Board Counsel, referred to
5 16A-4958 regarding licensure by endorsement for the
6 Board's review. She noted Act 41 was published as
7 proposed and received positive comments regarding the
8 inclusion of naturopaths in this regulation. She
9 mentioned that IRRC has 30 days to comment and that
10 any comments would be placed on the agenda prior to
11 moving to the final rulemaking.

12 Ms. Wucinski referred to the request to waive a
13 portion of the regulation related to direct
14 supervision. She noted the Board temporarily
15 suspended some of the Board's regulation related to
16 provisional licenses and temporary practice permits
17 for orthotists, orthotic fitters, prosthetists, and
18 pedorthists at the last meeting. She made it clear
19 that waiving the portion of the regulation would only
20 be for temporary practice permit holders and
21 provisional license holders who otherwise qualify for
22 an unrestricted license.

23 Chair Woodland suggested the Board consider how
24 the waiver could be used against them in other cases
25 and whether it should go through the committee and

1 presented at the next Board meeting.

2 Ms. Wucinski stated it is in conjunction with
3 House Bill 2800, which is the proposed fix. She noted
4 the language changes the Medical Practice Act and was
5 voted out of the House yesterday.

6 Chair Woodland suggested having more discussion
7 at the committee level, noting House Bill 2800 may
8 apply to this and have other information, and Board
9 members agreed. He suggested it be reviewed by the
10 Committee on Licensure Qualifications, so they could
11 provide a recommendation for the Board to vote on at
12 the next Board meeting.]

13 MR. EISENHAUER:

14 I make a motion that we table this
15 definitely until the following meeting
16 and the committee has had an opportunity
17 to discuss.

18 MR. DILLON:

19 Second.

20 CHAIR WOODLAND:

21 Any further discussion? Jasmira, could
22 you do a roll call, please?

23

24 Mark Woodland, aye; Donald Yealy, aye;
25 Gerard Dillon, aye; Walter Eisenhauer,

1 aye; Carolyn Byrnes, aye; Michael
2 Ripchinski, aye; Matthew Eaton, aye.

3 [The motion carried unanimously.]

4 ***

5 Regulatory Status Report - Other

6 [Dana M. Wucinski, Esquire, Board Counsel, addressed
7 House Bill 2781 regarding limiting opioid
8 prescriptions. She commented that Pennsylvania
9 experienced 4,491 drug-related overdose deaths, which
10 equates to 12 lives lost per day as well as 35 deaths
11 per 100,000 residents in the course of a year.

12 Ms. Wucinski stated the legislation would limit
13 opioid prescriptions to seven days for adults and
14 require prescribers to discuss the risk of opioid
15 addiction and the option of non-pharmaceutical
16 alternatives. She reported the legislation was
17 referred to the House Health Committee on August 22,
18 2022, and would inform the Board if asked to do a
19 bill analysis.]

20 ***

21 Miscellaneous

22 [Dana M. Wucinski, Esquire, Board Counsel, addressed
23 Executive Order 2022-02 Protecting Pennsylvanians from
24 Conversion Therapy and Supporting LGBTQIA+
25 Pennsylvanians and directed the Board's attention to

1 the responsibility in commonwealth agencies under
2 subsections (a), (b), (d), and (i) that appear to be
3 related to the Department of State for the Board's
4 review.

5 Chair Woodland commented that it is to open the
6 eyes of bias and to protect Pennsylvanians,
7 particularly children, youth, and vulnerable adults
8 from conversion therapy to the full extent of
9 Pennsylvania agencies' authorities. He mentioned it
10 also benefits the mental health and well-being of
11 Pennsylvanians regarding conversion therapy.

12 Chair Woodland noted that the Department of State
13 is also directed to inform licensed health care
14 professionals about issues regarding conversion
15 therapy, including, but not limited to, medical
16 evidence as well as financial implications.

17 Chair Woodland also noted that all agencies in
18 the governor's jurisdictions would regularly review
19 and update forms to use gender-neutral language when
20 practical, as well as forms and online systems that
21 collect voluntary demographic information, to allow
22 for submission of inclusive gender identity and sexual
23 orientation data.]

24

25 For the Board's Information/Discussion - Old

1 Business/New Business - Subcommittee Assignments

2 [Mark B. Woodland, M.S., M.D., FACOG, Chair, noted the
3 Board has subcommittee assignments.]

4 ***

5 For the Board's Information/Discussion - Old

6 Business/New Business - Board Member Transitions

7 [Mark B. Woodland, M.S., M.D., FACOG, Chair, noted
8 there are two Board member transitions that might
9 affect the subcommittees. He announced Dr. Paul
10 Valigorsky and Dr. Nazanin Silver are no longer Board
11 members and thanked them for their service. He
12 suggested sending a letter of recognition and
13 appreciation for their time on the Board.]

14 ***

15 Open Session

16 [Mark B. Woodland, M.S., M.D., FACOG, Chair, addressed
17 the question Dr. Santoro was going to bring forth
18 regarding complaints filed against somebody that were
19 later dismissed. He requested information regarding
20 the record being expunged of the person the complaint
21 was filed against for reporting requirements and other
22 agencies, like insurance providers. He noted the
23 issue was brought forth by the Berks County Medical
24 Society.

25 Mr. Anderson addressed the complaint process from

1 a prosecution aspect, where all complaints are given
2 due diligence to see if the complaint has validity.
3 He explained that any closed complaints with no
4 disciplinary action is not reported publically and is
5 kept confidential under a confidentiality statute and
6 that the complainants and/or respondents would usually
7 get a closing letter.

8 Mr. Anderson stated prosecution does not control
9 what a private party does with the information and
10 that an insurance question could only be dependent
11 upon any kind of contractual relationship.

12 Ms. Wucinski explained that there would need to
13 be a change in the law of what the insurance company
14 requires. She noted the Department of State cannot
15 give legal advice and do not disclose information to
16 anybody unless ordered to disclose the information.

17 Dr. Yealy commented that he did not know how the
18 Board of Medicine or commonwealth would be able to
19 manage this without fairly dramatic legislative
20 changes and did not believe they could expunge the
21 fact a complaint was received under the current
22 conditions but simply do not share it.

23 Chair Woodland thanked everyone for their
24 comments in helping Berks County Medical Society put
25 the question to rest.]

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Public Session - Upcoming Board Meeting Dates

[Mark B. Woodland, M.S., M.D., FACOG, Chair, noted the next scheduled Board meeting is October 25, 2022, with December 13, 2022, being the last Board meeting of the year. He also noted 2023 Board meeting dates for the Board's review.

Chair Woodland assigned Dr. Ripchinski to the Legislation/Policy Development and Review Committee. He asked for an alternate for the Probable Cause Screening Committee and Mr. Dillon volunteered.

Chair Woodland mentioned there are several vacancies on the State Board of Medicine. He noted receiving several curricula vitae (CVs) and encouraged anyone in attendance who has an interest in becoming a Board member to forward their CVs.

Matthew Eaton, Division Chief for Business Licensing Division, Bureau of Professional and Occupational Affairs, on behalf of Arion Claggett, Acting Commissioner, commented that the issue of vacancies is something seen across all 29 licensing boards and welcomed anyone interested to forward information to the commissioner's office.

Chair Woodland noted appreciation to the commissioner's office for allowing Board meetings be

1 held in person and virtually for those who travel a
2 long distance to attend a meeting.

3 Chair Woodland read a comment from Angie
4 Armbrust, Senior Associate, McNees-Winter Group LLC,
5 noting the Association of Certified Professional
6 Midwives is looking to submit a recommendation as well
7 soon.]

8 ***

9 Adjournment

10 CHAIR WOODLAND:

11 Could I have a motion to adjourn?

12 MR. EISENHAUER:

13 So moved.

14 MR. DILLON:

15 Second.

16 ***

17 [There being no other business, the State Board of
18 Medicine Meeting adjourned at 12:30 p.m.]

19 ***

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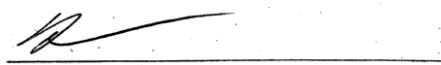
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CERTIFICATE

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.



Brian D. O'Hare,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF MEDICINE
REFERENCE INDEX

September 13, 2022

TIME	AGENDA
8:45	Executive Session
10:30	Return to Open Session
10:38	Official Call to Order
10:38	Introduction of Board Members/Attendees
10:42	Approval of Minutes
10:44	Report of Prosecution Division
11:01	Motions
11:19	Report of Department of Health
11:51	Report of Board Chair
11:58	Regulatory Status Report
12:10	Miscellaneous
12:15	For the Board's Information
12:25	Public Session
12:30	Adjournment