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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 TELECONFERENCE**

TIME: 10:40 A.M.

Tuesday, February 2, 2021

1                   State Board of Medicine  
2                   February 2, 2021  
3  
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5 BOARD MEMBERS:  
6

7 Mark B. Woodland, M.S., M.D., Chair  
8 K. Kalonji Johnson, Commissioner, Bureau of  
9 Professional and Occupational Affairs  
10 Ronald E. Domen, M.D., Vice Chair  
11 Gerard F. Dillon, Ph.D., Public Member  
12 Walter A. Eisenhauer, PA-C  
13 Mary Pat Howard, M.S., RN-BC, Executive Advisor of  
14 Quality Assurance  
15 Nazanin E. Silver, M.D.  
16 Paul J. Valigorsky II, M.D. - Absent  
17 Donald M. Yealy, M.D.  
18  
19

20 BUREAU PERSONNEL:  
21

22 Dana M. Wucinski, Esquire, Board Counsel  
23 Shana M. Walter, Esquire, Board Counsel  
24 Dean F. Picarella, Esquire, Senior Board Counsel  
25 Jason T. Anderson, Esquire, Board Prosecution Liaison  
26 Adam L. Morris, Esquire, Board Prosecutor  
27 Keith E. Bashore, Esquire, Board Prosecutor  
28 Adam Williams, Esquire, Board Prosecutor  
29 Mark R. Zogby, Esquire, Board Prosecutor  
30 Jonelle Harter Eshbach, Esquire, Board Prosecutor  
31 Suzanne Zerbe, Board Administrator  
32 Cynthia K. Montgomery, Esquire, Deputy Chief Counsel,  
33 Department of State  
34 Theodore Stauffer, Executive Secretary, Bureau of  
35 Professional and Occupational Affairs  
36 Carolyn DeLaurentis, Deputy Chief Counsel, Prosecution  
37 Division  
38 Kevin Knipe, MSW, LSW, CCDP Diplomate Program Manager,  
39 Professional Health Monitoring Program  
40 Marc Farrell, Deputy Policy Director, Department of  
41 State  
42  
43

44 ALSO PRESENT:  
45

46 Andrew C. Harvan, Esquire, Pennsylvania Medical  
47 Society  
48 Angie Armbrust, Senior Associate, McNees-Winter  
49 Group LLC  
50 Haley Ast, ND

State Board of Medicine  
February 2, 2021

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ALSO PRESENT: (Continued)

- Heather Wright, ND, FABNO
- Jen Smeltz, Republican Executive Director, Senate Consumer Protection & Professional Licensure Committee
- Julie Lachman, ND
- Karsten Roberts, LRT
- Margie Pierce, MS, RRT, CPFT, Pennsylvania Society for Respiratory Care
- Thomas Lamphere, BS, RRT-ACCS, FAARC, PSRC, Executive Director, Pennsylvania Society for Respiratory Care
- Susan DeSantis, PA-C, Pennsylvania Society of Physician Assistants
- Charles Hartwell, Esquire, Dethlefs-Pykosh Law Group, LLC
- Mary Marshall, Director, Workforce & Professional Services, The Hospital and Healthsystem Association of Pennsylvania
- Lisa Claypool Stevenson, Senior Associate Counsel, University of Pittsburgh Medical Center

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2 State Board of Medicine

3 February 2, 2021

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5 [Pursuant to Section 708(a)(5) of the Sunshine Act, at  
6 9:00 a.m. the Board entered into Executive Session  
7 with Dana M. Wucinski, Esquire, Board Counsel, and  
8 Shana M. Walter, Esquire, Board Counsel, for the  
9 purpose of conducting quasi-judicial deliberations on  
10 a number of matters currently pending before the Board  
11 and to receive the advice of counsel. The Board  
12 returned to open session at 10:30 a.m.]

13 \*\*\*

14 The regularly scheduled meeting of the State  
15 Board of Medicine was held on Tuesday, February 2,  
16 2021. Mark B. Woodland, M.S., M.D., Chair, called the  
17 meeting to order at 10:40 a.m.

18 \*\*\*

19 Introduction of Audience

20 [Chair Woodland requested Mr. Stauffer introduce  
21 audience members.]

22 \*\*\*

23 [Dana M. Wucinski, Esquire, Board Counsel, noted the  
24 Board was in Executive Session prior to the meeting  
25 and reviewed all of the Consent Agreements presented

1 today, along with agenda items 19 through 29.

2 Ms. Wucinski also noted the meeting was being  
3 recorded, and those who remained were consenting to be  
4 recorded.]

5 \*\*\*

6 Introduction of Board Members

7 [Chair Woodland requested the introduction of Board  
8 members.]

9 \*\*\*

10 Approval of minutes of the December 15, 2020 meeting

11 CHAIR WOODLAND:

12 Our first order of business is approval  
13 of our minutes from December 15, 2020.  
14 I think everyone has had a chance to  
15 look at them.

16 I would entertain a motion to  
17 approve the minutes.

18 DR. YEALY:

19 So moved.

20 MR. EISENHAUER:

21 Second.

22 CHAIR WOODLAND:

23 We have a motion to approve the minutes,  
24 and we have a second. All in favor?  
25 Any opposed? Any abstained?

1 [The motion carried unanimously.]

2 \*\*\*

3 Report of Prosecution Division

4 [Adam L. Morris, Esquire, Board Prosecutor, presented  
5 the Consent Agreements for Case No. 20-49-008369 and  
6 Case No. 19-49-010248.]

7 \*\*\*

8 [Shana M. Walter, Esquire, Board Counsel, noted  
9 prosecution did not need to make a presentation on the  
10 Consent Agreements 2 through 6.]

11 \*\*\*

12 MS. WALTER:

13 I believe the Board would entertain a  
14 motion to approve the Consent Agreements  
15 at items 2 through 6. Item 2 is Case  
16 No. 20-49-008369; item 3, Case No. 19-  
17 49-010248; item 4, Case No. 20-49-  
18 010775; item 5, Case No. 20-49-001739;  
19 and item 6, Case No. 20-49-009283.

20 DR. DOMEN:

21 So moved.

22 DR. YEALY:

23 Second.

24 CHAIR WOODLAND:

25 We have a motion to accept, and we have

1 a second. All in favor, say aye. Any  
2 abstentions?

3 [The motion carried unanimously. The Respondent's  
4 name in item 2 is Katie Louise Hoeveler, M.D., Case  
5 No. 20-49-008369; item 3, Dinakar Golla, M.D., Case  
6 No. 19-49-010248; item 4, Aurthur Philip Fine, M.D.,  
7 Case No. 20-40-010775; item 5, David H. Averbach,  
8 M.D., Case No. 20-49-001739; and item 6, Ollie J.  
9 Jackson, M.D., Case No. 20-49-009283.]

10 \*\*\*

11 MS. WALTER:

12 At item 7, I believe the Board would  
13 entertain a motion to approve the  
14 Consent Agreement at Case No. 20-49-  
15 011766.

16 DR. YEALY:

17 So moved.

18 MS. HOWARD:

19 Second.

20 CHAIR WOODLAND:

21 We have a motion to approve and a  
22 second. Vote to approve, say yes. Any  
23 opposed? Any abstentions?

24 [The motion carried unanimously. The Respondent's  
25 name is Maggie Jackin Lin, M.D.]

1 \*\*\*

2 MS. WALTER:

3 Item 8 on the agenda at Case No. 20-49-  
4 008269. Drs. Domen and Valigorsky are  
5 recused from this matter.

6 I believe the Board would entertain  
7 a motion to approve the Consent  
8 Agreement at Case No. 20-49-008269.

9 MR. DILLON:

10 So moved.

11 DR. YEALY:

12 Second.

13 CHAIR WOODLAND:

14 We have a motion to approve and a  
15 second. All in favor, please? Any  
16 opposed? Any abstentions?

17 [The motion carried. Dr. Domen and Dr. Valigorsky  
18 were recused from item 7. The Respondent's name is  
19 Heather Renee Bailey, LRT.]

20 \*\*\*

21 Report of Commissioner - No Report

22 [K. Kalonji Johnson, Commissioner, Bureau of  
23 Professional and Occupational Affairs, noted a letter  
24 from the Department of Health regarding care for  
25 maternity and labor providers in the Commonwealth for



1 the Board's review.]

2

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3 Appointment - Carolyn A. DeLaurentis, Esquire, Deputy  
4 Chief Counsel, Prosecution Division Presentation

5 [Carolyn A. DeLaurentis, Esquire, Deputy Chief  
6 Counsel, Prosecution Division, provided highlights of  
7 the prosecution division's work during the past year.  
8 She commended staff for all of their hard work to make  
9 telework successful. She noted all decisions were  
10 made thoughtfully and with the safety of all in mind.

11 Ms. DeLaurentis stated the Board prosecutors made  
12 every effort to monitor the restrictions, waivers,  
13 policies, and new procedures specific to the practice  
14 in each profession regarding challenges imposed on  
15 licensees by the COVID-19 pandemic.

16 Ms. DeLaurentis noted the Pennsylvania Licensing  
17 System (PALS) to be a lifeline. She stated the Bureau  
18 of Enforcement and Investigation (BEI) worked closely  
19 with prosecution to continue investigations and figure  
20 out the best methods during statewide shutdowns and  
21 stay-at-home orders. She also noted the Professional  
22 Compliance Office continued opening cases and  
23 processing files, and legal assistants have been  
24 working a hybrid schedule to ensure mailings and  
25 filings were completed.

1 Ms. DeLaurentis commented that the Board, Board  
2 staff, and counsel all have adapted to virtual Board  
3 meetings and prosecution will continue to work with  
4 everyone to ensure efficient and effective  
5 presentation and resolution of cases. She mentioned  
6 2020 was a year filled with challenges, but the  
7 prosecution division led by the incredible senior  
8 staff rose to the challenge and will continue to do  
9 so.

10 Ms. DeLaurentis informed the Board that 1,942  
11 cases were opened in 2020 and 3,352 in 2019 with 2,273  
12 cases closed in 2020 for the Board of Medicine. She  
13 noted 1,795 open files as of January 1, 2021. She  
14 thanked Timothy Smith for his assistance providing  
15 information for 2020.

16 Ms. DeLaurentis addressed enforcement actions  
17 with 148 total cases that resulted in discipline in  
18 2020 for the Board of Medicine. She reported 193  
19 warning letters, 22 fines, 49 suspensions, 6 automatic  
20 suspensions, 21 reprimands, 47 revocations or  
21 voluntary surrenders, and 13 probation cases in 2020.

22 Ms. DeLaurentis discussed 2020 overall  
23 prosecution as a whole. She noted 44 immediate  
24 temporary suspensions in 2020. She mentioned 112 of  
25 the 1,223 opened COVID-19 cases are for the Board of

1 Medicine in 2020. She reported the total number of  
2 open cases as of January 1 is 12,250 and the total  
3 number of cases opened overall in 2020 is 13,394,  
4 which is down from 2019 at 16,295. She noted 13,274  
5 files were closed in 2020.

6 She noted most complaints that involved the Board  
7 of Medicine involved following social distancing and  
8 temperature and masking requirements.]

9

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10 Report of Department of Health

11 [Mark B. Woodland, M.S., M.D., Chair, thanked, on  
12 behalf of the Board of Medicine, Dr. Rachel Levine for  
13 her roles as Secretary of Health and Physician General  
14 in helping to support the state through many issues  
15 and applauded her efforts as she moves to Washington.

16 Chair Woodland conversed with Alison Beam as the  
17 new Secretary of Health. He invited her and Dr. Wendy  
18 Braund, the interim Acting Physician General, to give  
19 a report.

20 Mary Pat Howard, M.S., RN-BC, Executive Assistant  
21 of Quality Assurance, provided an update regarding  
22 COVID-19. She reported the positivity rate was 9.3%  
23 from January 22 to January 28, 2021, down from 10.5%  
24 the week before. She noted 63 counties have  
25 substantial transmission above 5% and 25,986 new cases

1 in Pennsylvania.

2 Ms. Howard announced new travel recommendations,  
3 where anyone over the age of 11 visiting from another  
4 state must provide evidence of a negative COVID test  
5 or place themselves in a travel quarantine for 10 days  
6 but does not apply to people who commute to and from  
7 another state for work, medical treatment, or anyone  
8 who left the state for fewer than 24 hours. She  
9 encouraged everyone to visit the Department of  
10 Health's dashboard concerning COVID activity in the  
11 state.

12 Chair Woodland also mentioned the state's website  
13 for vaccine distribution information.

14 Ms. Howard noted providing voluntary testing  
15 every Tuesday of 235 surveyors with very few positive  
16 cases.

17 Chair Woodland reported Pennsylvania had received  
18 over 2.1 million vaccine doses and over half had been  
19 allocated with a large percent of those administered.

20 Ms. Howard stated the department responds within  
21 24 hours to any complaints from nursing homes and  
22 hospitals.

23 Chair Woodland wished to send a letter from the  
24 State Board of Medicine to Dr. Levine to thank her for  
25 her services and leadership and wish her well from the

1 State Board of Medicine.]

2

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3 Report of Committee on Health-Related Professionals  
4 [Walter A. Eisenhauer, PA-C, stated there was nothing  
5 formal to report. He did note one work agreement that  
6 was brought before the committee with limited  
7 discussion via email that has been supportive of  
8 approval.]

9

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10 Report of Committee on Legislation/Policy Development  
11 and Review

12 [Mary Pat Howard, M.S., RN-BC, Executive Assistant of  
13 Quality Assurance, addressed bill analysis, where the  
14 majority were bills introduced last session that never  
15 went anywhere and were reintroduced. She also  
16 mentioned a lot of waivers but nothing out of the  
17 ordinary.]

18

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19 Report of Committee on Licensure Qualifications

20 [Donald M. Yealy, M.D., addressed licensure  
21 qualifications the Education Commission for Foreign  
22 Medical Graduates (ECFMG) imposes for physicians  
23 educated outside the United States. Related to that  
24 topic, Mr. Dillon suggested sharing research and  
25 articles, identified by he and Dr. Domen, with the

1 Board.

2 Chair Woodland recommended sharing that  
3 information and having further discussion at the next  
4 Board meeting.]

5 \*\*\*

6 Report of Vice Chair

7 [Ronald E. Domen, M.D., Vice Chair, encouraged Board  
8 members to become more active in the Federation of  
9 State Medical Boards and provided applications for  
10 committee membership.]

11 \*\*\*

12 Report of Board Chair

13 [Mark B. Woodland, M.S., M.D., Board Chair, thanked  
14 Board counsel for their leadership in the State Board  
15 of Medicine and now co-counsel to the State Board of  
16 Osteopathic Medicine and State Board of Dentistry.

17 Chair Woodland recognized Black History Month and  
18 provided background, noting Carter G. Woodson was the  
19 son of a slave who did much research on African  
20 Americans in our country. He stated Mr. Woodson  
21 established Black History Week in 1926, which was  
22 renamed Black History Month in 1976.

23 Chair Woodland also addressed the celebration  
24 last month of maternal health awareness.

25 Dr. Silver stated, as a psychiatrist she deals

1 with health disorders related to the reproductive  
2 lifecycle, specifically pregnancy and postpartum. She  
3 noted documented racial disparities in treatment. She  
4 emphasized the importance of maternal health awareness  
5 and addressed research on the functionality of a  
6 healthy mother, physically and mentally.

7 Chair Woodland thanked her for participation in  
8 the statewide presentation hosted by fellow  
9 practitioners at the University of Pittsburgh Medical  
10 Center.

11 Chair Woodland encouraged the Board to be  
12 cognitive and address what the pipeline looks like as  
13 far as practitioners in provider communities. He  
14 mentioned the Federation of State Medical Boards  
15 (FSMB) will be challenging each Board to not only  
16 addressed the demographics of the practitioner as  
17 related to the demographics of their citizens but to  
18 address initiatives by each of the educational  
19 institutions to support the pipeline.

20 Chair Woodland announced FSMB also put out  
21 proposed recommendations for the State Board of  
22 Medicine and is requesting Board comments.

23 Chair Woodland addressed provider wellness,  
24 noting Medscape offers a physician wellness report  
25 every year. He reported 51% of women providers and

1 36% of men providers admit they are tired. He noted a  
2 large percentage of different professions that  
3 actually talk about suicide ideation with over 400  
4 physician suicides a year in the United States. He  
5 stated over 19% of OB/GYN surveyed thought about  
6 suicide. He reported exercise as the number one thing  
7 physicians are doing to cope with burnout.

8 Chair Woodland suggested future discussion of how  
9 the Board would like to honor the providers and the  
10 people who died of COVID-19.

11 Dr. Silver noted an increased number of calls  
12 from doctors in significant distress and informed the  
13 Board of the Physician Support Line that is available  
14 24/7 and free of charge.]

15 \*\*\*

16 Report of Board Counsel - Regulatory Status Report  
17 [Cynthia K. Montgomery, Esquire, Deputy Chief  
18 Counsel/Regulatory Counsel, Department of State,  
19 addressed 16A-4946 regarding acupuncturists and  
20 practitioners of Oriental medicine.

21 Ms. Montgomery informed the Board that the Office  
22 of General Counsel expressed concerns with the Board  
23 changing the practitioner of Oriental medicine  
24 credential to a one-time registration, which they  
25 believed to be problematic legally because the statute



1 includes the practice of herbal therapies as part of  
2 the practice of acupuncture and acupuncture requires a  
3 license.

4 Ms. Montgomery mentioned assisting Ms. Wucinski  
5 and Ms. Walter with the **proposed** regulation presented  
6 today by taking it back to just a separate license and  
7 retaining all of the other changes made to the  
8 regulation.

9 Ms. Montgomery reported receiving information  
10 from Mr. Dillon concerning the Test of English as a  
11 Foreign Language (TOEFL) passing scores being referred  
12 to § 18.13. She stated the previous requirement was a  
13 score of 550 on the old paper-based test (PBT). In  
14 the proposed regulation presented today that previous  
15 requirement would be replaced by TOEFL internet-based  
16 test (iBT) score of 79.

17 Mr. Dillon noted concern in the preamble, where  
18 it claimed, as part of the rationale, that both a PBT  
19 score of 550 and an iBT score of 79 were at the 50th  
20 percentile of test takers. Mr. Dillon noted that he  
21 is not sure that has ever been the case for the iBT  
22 examination. He stated Ms. Wucinski contacted the  
23 Educational Testing Service (ETS) who indicated that  
24 the 50th percentile on iBT is really close to a score  
25 of 86, not only for the total group of examinees on

1 that examination but also for those who take it for  
2 the purpose of trying to get a license.

3 Mr. Dillon commented that the arguments in the  
4 preamble seem off when it comes to using a "50<sup>th</sup>  
5 percentile" argument in order to associate a PBT score  
6 of 550 with an iBT score of 79. He wondered if the  
7 recommended iBT score should be reassessed and  
8 requested Ms. Montgomery's recommendation concerning  
9 making adjustments to the preamble and annex.

10 Ms. Montgomery referred to the most recent 2019  
11 data from ETS, which provided evidence that the  
12 average score for professional license purposes was  
13 83, noting the questioned to be whether to change the  
14 number in the annex and revise the language in the  
15 preamble.

16 Ms. Montgomery explained that it is up to the  
17 Board to decide whether the acceptable score should be  
18 the average score for people taking the exam or the  
19 score at the 50th percentile. She noted that they  
20 could correct the language in the preamble to  
21 eliminate the "50<sup>th</sup> percentile" argument and then the  
22 proposal could be published and await public comment.  
23 She noted that there would still be an opportunity for  
24 the board to modify the recommendations for acceptable  
25 TOEFL scores.

1 Dr. Yealy commented that the goal is not to have  
2 a certain number of people pass or fail but to ensure  
3 language skills are adequate.

4 Ms. Montgomery noted the regulation currently  
5 states the applicant has to score a score of 550 on  
6 the test but the test has changed since the existing  
7 regulation was promulgated. She explained that the  
8 regulation would need adjustment. She reported that  
9 ETS also provides a revised Paper-based test (rPBT)  
10 which only has three of the four sections contained on  
11 the iBT. It has no reported total score. In the  
12 proposed regulation a scale score on each section  
13 would need to be at least 21, which is approximately  
14 the average for those sections on the iBT, according  
15 to information from ETS.

16 Ms. Montgomery noted the Association for  
17 Professional Acupuncture in Pennsylvania provided a  
18 comment on chat supporting the approach to retain the  
19 separate license.]

20 \*\*\*

21 CHAIR WOODLAND:

22 I would entertain a motion to approve  
23 the proposed rulemaking package as  
24 presented and to promulgate it through  
25 the regulatory review process to open it

1 up for public comment.

2 DR. DOMEN:

3 So moved.

4 CHAIR WOODLAND:

5 Second?

6 DR. YEALY:

7 Second.

8 CHAIR WOODLAND:

9 We have a motion and a second. All for  
10 approval, say aye. Any objection? Any  
11 abstentions?

12 [The motion carried unanimously.]

13 \*\*\*

14 [Chair Woodland suggested having the Committee on  
15 Licensure Qualifications review comments and report  
16 back to the Board.]

17 \*\*\*

18 Report of Board Counsel - Regulatory Status Report  
19 [Cynthia K. Montgomery, Esquire, Deputy Chief  
20 Counsel/Regulatory Counsel, Department of State,  
21 addressed 16A-4953 regarding naturopathic doctor  
22 registration. She noted prior discussion in September  
23 2020, where the Board selected exposure draft 4  
24 version B. She reported it to be the version of the  
25 regulation adopted by the Board in 2019 and revamped

1 to include the fees and some of the things previously  
2 in the practitioners of oriental medicine regulation  
3 that specifically apply to naturopathic doctors.

4 Ms. Montgomery noted the addition of an exception  
5 for naturopathic doctors who are also licensed  
6 acupuncturists and practitioners of oriental medicine,  
7 where anything that had to do with naturopathic  
8 doctors was added to this regulation.

9 Ms. Montgomery noted a recommended fee for  
10 registration and reactivation application for  
11 naturopathic doctors of \$100 and an annual renewal fee  
12 of \$50 based on the recommendations of the Revenue  
13 Office and Bureau of Finance and Operations.

14 Chair Woodland requested more information  
15 regarding removing the drugless therapists  
16 nomenclature.

17 Ms. Montgomery explained that the provision was  
18 not necessary anymore and replaced with the  
19 naturopathic doctor information.]

20 \*\*\*

21 MS. MONTGOMERY:

22 I would need a motion from the Board to  
23 adopt the proposed rulemaking package as  
24 presented and to promulgate it through  
25 the regulatory review process to

1 ultimately be published as proposed  
2 rulemaking for public comment.

3 CHAIR WOODLAND:

4 Okay. Let's entertain that motion. Do  
5 I have a motion?

6 DR. YEALY:

7 So moved.

8 CHAIR WOODLAND:

9 Second?

10 MR. EISENHAUER:

11 Second.

12 CHAIR WOODLAND:

13 All in favor, say aye. Any abstentions?

14 [The motion carried unanimously.]

15 \*\*\*

16 For the Board's Information/Discussion - Board  
17 Committee List

18 [Mark B. Woodland, M.S., M.D., Chair, noted committees  
19 were reconstituted at the December meeting as  
20 reflected on the agenda.]

21 \*\*\*

22 CHAIR WOODLAND:

23 I would entertain a motion to approve  
24 the committee information.

25 MR. EISENHAUER:

1                   So moved.

2 DR. YEALY:

3                   Second.

4 CHAIR WOODLAND:

5                   Mr. Eisenhower moves and Dr. Yealy  
6                   seconds. All in favor, say yea. Any  
7                   opposed? Any abstentions?

8 [The motion carried unanimously.]

9   \*\*\*

10 For the Board's Information/Discussion - Board  
11 Meeting Dates

12 [Mark B. Woodland, M.S., M.D., Chair, noted 2021 Board  
13 meeting dates. He also noted 2022 meeting dates for  
14 the Board's approval.]

15   \*\*\*

16 CHAIR WOODLAND:

17                   I would entertain a motion to approve  
18                   those dates for the upcoming Board  
19                   meetings for 2022.

20 MR. DILLON:

21                   So moved.

22 DR. YEALY:

23                   Second.

24 CHAIR WOODLAND:

25                   All in favor, say yea. Objections? Any

1 abstentions?

2 [The motion carried unanimously.]

3 \*\*\*

4 For the Board's Information/Discussion - Old/New  
5 Business

6 [Mark B. Woodland, M.S., M.D., Chair, referred to the  
7 request from the Federation of State Medical Boards  
8 concerning the interim report of the FSMB Workgroup on  
9 Emergency Preparedness and Response.

10 Dr. Yealy commented that the paper was well done,  
11 but it focus on how to prepare for the next type of  
12 pandemic. He noted matters to be missing from the  
13 paper that were enacted during the pandemic and should  
14 be continued and changed permanently.

15 Chair Woodland suggested the Board respond to  
16 FSMB comment requests as a state Board in the future.

17 Ms. Wucinski explained that statements are  
18 usually approved through policy before the Board  
19 issues a statement and would be easier to respond as  
20 an individual licensee.

21 Chair Woodland recognized the importance of  
22 having a voice, where Board members should respond as  
23 individuals, especially in public comment; but if a  
24 statement is to be made as a state Board, there should  
25 be discussion and then presented collaboratively.



1           Chair Woodland mentioned guidelines for the  
2 structure and function of a State Medical and  
3 Osteopathic Board by FSMB, which will be adopted as a  
4 policy by the federation in April. He recommended  
5 placing it on the agenda for discussion at the March  
6 meeting.

7           Ms. Wucinski addressed House Bill 171 regarding  
8 prohibiting non-compete clauses for health care  
9 practitioners. She explained that it would void  
10 employment agreements that would restrict or prohibit  
11 a health care practitioner from treating a prior  
12 patient after the termination of employment.

13           Ms. Walter addressed an email received from Calli  
14 Johnson regarding insertion and maintenance of  
15 vascular access devices by respiratory therapists.  
16 She noted the addition to the scope of practice of  
17 respiratory therapists in 11 states concerning  
18 vascular access and the request that the Pennsylvania  
19 State Board of Medicine permit respiratory therapists  
20 to engage in this treatment.

21           Ms. Walter stated the Medical Practice Act and  
22 the Board's regulation limits the scope of practice of  
23 respiratory therapists, and an amendment to the  
24 Medical Practice Act by legislature would need to  
25 occur if the Board was interested in allowing

1 respiratory therapists provide this treatment.

2       Thomas Lamphere, BS, RRT-ACCS, FAARC, PSRC,  
3 Executive Director, Pennsylvania Society for  
4 Respiratory Care, commented that he had no knowledge  
5 of the letter but stated respiratory therapists are  
6 already providing services considered outside the box.

7       Mr. Lamphere also mentioned that a letter has  
8 been sent to the governor's office and the Department  
9 of Health requesting respiratory therapists provide  
10 vaccinations during the pandemic.

11       Ms. Walter also suggested directing the group to  
12 the legislature to seek amendments to the Medical  
13 Practice Act if they want to make changes to expand  
14 respiratory therapists to include something other than  
15 direct respiratory care.

16       Ms. Walter will inform nursing of the letter  
17 concerning respiratory therapists seeking to provide  
18 additional services.

19       Chair Woodland referred to the annual the  
20 Federation of State Medical Boards House of Delegates  
21 Meeting and encourage Board members to attend.]

22

\*\*\*

23 CHAIR WOODLAND:

24                   I would like to make the recommendation  
25                   that Dr. Domen support us as the voting

1 delegate from the Pennsylvania State  
2 Board of Medicine.

3 Do I have a motion to support that  
4 recommendation?

5 DR. YEALY:

6 So moved.

7 DR. DOMEN:

8 Second.

9 CHAIR WOODLAND:

10 All in favor, say aye. Objections? Any  
11 abstentions?

12 [The motion carried unanimously.]

13 \*\*\*

14 [Chair Woodland referred to Dr. Rachel Levine's letter  
15 regarding maternal health providers for the Board's  
16 information. He thanked Dr. Levine for the letter and  
17 recognition of maternity care providers.]

18 \*\*\*

19 MOTIONS

20 MS. WUCINSKI:

21 I believe the Board would entertain a  
22 motion to adopt as final the proposed  
23 Adjudication and Order for D.M., M.D.,  
24 Case No. 20-49-005129.

25 CHAIR WOODLAND:

1 Do I have a motion?

2 MR. EISENHAUER:

3 So moved.

4 DR. YEALY:

5 Second.

6 CHAIR WOODLAND:

7 We have a motion and a second. All in  
8 favor, say aye. Nay? Any objections?

9 [The motion carried unanimously.]

10 \*\*\*

11 MS. WUCINSKI:

12 I believe the Board would entertain a  
13 motion to direct Board counsel to draft  
14 an Adjudication and Order consistent  
15 with discussions in executive session  
16 for Ruth Liang-Tyng Sun, M.D., Case No.  
17 19-49-001250.

18 DR. YEALY:

19 So moved.

20 DR. DOMEN:

21 Second.

22 CHAIR WOODLAND:

23 Vote of yea? Any abstentions?

24 [The motion carried unanimously.]

25 \*\*\*

1 MS. WUCINSKI:

2 I believe the Board would entertain a  
3 motion to direct Board counsel to draft  
4 an Adjudication and Order consistent  
5 with discussions in executive session  
6 for Peter J. Delenick, M.D., Case No.  
7 17-49-10919.

8 MR. EISENHAUER:

9 So moved.

10 MR. DILLON:

11 Second.

12 CHAIR WOODLAND:

13 All in favor, say aye. Any abstentions?

14 [The motion carried unanimously.]

15 \*\*\*

16 MS. WUCINSKI:

17 I believe the Board would entertain a  
18 motion to adopt as final the draft  
19 Adjudication and Order for Rita Anna-  
20 Maria Krichevsky, M.D., Case No. 18-49-  
21 011140, noting Dr. Valigorsky is  
22 recused.

23 CHAIR WOODLAND:

24 Do I have a motion?

25 DR. YEALY:

1                   So moved.

2 CHAIR WOODLAND:

3                   Thank you Dr. Yealy.   Second?

4 MR. DILLON:

5                   Second.

6 CHAIR WOODLAND:

7                   Do I hear a vote of acceptance?   Any  
8                   negative votes?   Any abstentions?

9 [The motion carried.   Dr. Valigorsky was recused.]

10   \*\*\*

11 MS. WUCINSKI:

12                   I believe the Board would entertain a  
13                   motion to adopt as final the proposed  
14                   Adjudication and Order for Richard Kaul,  
15                   M.D., Case No. 19-49-007483.

16 MR. EISENHAUER:

17                   So moved.

18 DR. DOMEN:

19                   Second.

20 CHAIR WOODLAND:

21                   All in favor, say aye.   Any against?  
22                   Any abstentions?

23 [The motion carried unanimously.]

24   \*\*\*

25 MS. WUCINSKI:

1 I need a motion to provisionally deny  
2 the Application for a Volunteer License  
3 to Practice as a Physician and Surgeon  
4 of William King Jr., M.D.

5 CHAIR WOODLAND:

6 Do I have a motion?

7 DR. YEALY:

8 So moved.

9 MR. EISENHAUER:

10 Second.

11 CHAIR WOODLAND:

12 All in favor, say aye. Any negative?

13 Any abstentions?

14 [The motion carried unanimously.]

15 \*\*\*

16 MS. WUCINSKI:

17 I am going to do agenda items 25 through  
18 28 with one vote, but I am going to note  
19 that item 27, Dr. Woodland is recused,  
20 at 28, Dr. Yealy is recused.

21 I believe the Board would entertain  
22 a motion to direct the Board  
23 administrator to send a standard reentry  
24 letter to the following: Crystal  
25 McKendrick, M.D.; Mary Colleen Pinder-

1                   Schenck, M.D.; Okasana Tatiana Prawak,  
2                   M.D.; Sherie Smalley, M.D.

3 DR. DOMEN:

4                   So moved.

5 MR. DILLON:

6                   Second.

7 CHAIR WOODLAND:

8                   All in favor, say aye. Any abstentions?

9 [The motion carried. Dr. Woodland recused himself  
10 from deliberations and voting on the motion regarding  
11 item 27. Dr. Yealy recused himself from deliberations  
12 and voting on the motion regarding item 28.]

13   \*\*\*

14 MS. WUCINSKI:

15                   I believe the Board would entertain a  
16 motion to grant a Nondisciplinary Order  
17 granting an active license to Elizabeth  
18 A. Bushra, M.D., under the auspices of  
19 proctorship for 8 weeks consistent with  
20 the recommendations of LifeGuard.

21 DR. YEALY:

22                   So moved.

23 DR. DOMEN:

24                   Second.

25 CHAIR WOODLAND:



1                   We have a motion and a second. Vote in  
2 favor, yes? Any negative votes? Any  
3 abstentions?

4 [The motion carried unanimously.]

5                   \*\*\*

6 Appointment - Professional Health Monitoring Program  
7 (PHMP) Presentation

8 [Kevin Knipe, MSW, LSW, CCDP Diplomate, Program  
9 Manager, Professional Health Monitoring Program,  
10 addressed program responsibilities, including  
11 monitoring the Bureau of Professional and Occupational  
12 Affairs (BPOA) licensees who suffer from substance  
13 abuse disorders and/or mental health conditions. He  
14 discussed PHMP's primary mission with the  
15 identification of appropriate providers, case  
16 management, and monitoring of impaired professionals  
17 under a board agreement or order.

18           Mr. Knipe stated PHMP is comprised of the  
19 voluntary recovery program (VRP) and the disciplinary  
20 monitoring unit (DMU). He noted approximately 75% of  
21 current enrollees are in the voluntary recovery  
22 program. He mentioned the program is offered to  
23 licenses with no mark on their record and license is  
24 active and in good standing.

25           Mr. Knipe noted DMU is reserved for licensees who

1 have been formally disciplined by the Board and  
2 directed to enroll through a consent agreement.

3 Mr. Knipe addressed the referral and notification  
4 of availability process to the voluntary recovery  
5 program and compliance while in the program. He also  
6 discussed issues that make individuals ineligible for  
7 the voluntary recovery program.

8 Mr. Knipe discussed workplace monitoring, where  
9 someone aware of the individual's involvement in the  
10 program provides updates on a quarterly basis  
11 regarding work performance.

12 Mr. Knipe mentioned PHMP works cooperatively with  
13 the Physicians' Health Program, which is a program of  
14 The Foundation of the Pennsylvania Medical Society.

15 Mr. Knipe provided data regarding medical board  
16 cases processed over the past 5 years. He provided  
17 statistical data regarding referral sources with most  
18 of the cases being referred by the Pennsylvania  
19 Justice Network (JNET). He also provided material  
20 concerning open and closed cases by license type for  
21 VRP and DMU. He noted medical cases are around 10% of  
22 the voluntary recovery program.

23 Mr. Knipe reported close contact with prosecuting  
24 attorneys and Board counsel who do a great job in  
25 supporting PHMP.

1 Chair Woodland thanked Mr. Knipe for his  
2 presentation.]

3 \*\*\*

4 Adjournment

5 CHAIR WOODLAND:

6 I entertain a motion to adjourn the  
7 meeting?

8 DR. YEALY:

9 So moved.

10 CHAIR WOODLAND:

11 I need a second.

12 MR. DILLON:

13 Second.

14 CHAIR WOODLAND:

15 We have a motion to adjourn the meeting  
16 all in favor, say aye. Nays? Any  
17 abstentions?

18 [The motion carried unanimously.]

19 \*\*\*

20 [There being no other business, the State Board of  
21 Medicine Meeting adjourned at 1:15 p.m.]

22 \*\*\*

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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

February 2, 2021

## TIME

## AGENDA

1		
2		
3		
4		
5		
6		
7		
8		
9	9:00	Executive Session
10	10:30	Return to Open Session
11		
12	10:40	Official Call to Order
13		
14	10:48	Introduction of Audience/Board Members
15		
16	10:50	Approval of Minutes
17		
18	10:51	Report of Prosecution Division
19		
20	10:58	Appointment - Carolyn A. DeLaurentis,
21		Esquire, Deputy Chief Counsel,
22		Prosecution Division Presentation
23		
24	11:13	Report of Department of Health
25		
26	11:22	Report of Committees
27		
28	11:41	Report of Board Counsel
29		
30	12:08	For the Board's Information/Discussion
31		
32	12:38	Motions
33		
34	12:45	Appointment - Kevin Knipe, MSW, LSW,
35		CCDP Diplomate, Program Manager, PHMP
36		Presentation
37		
38	1:15	Adjournment
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