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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
Conducted via Teleconference

TIME: 9:01 A.M.

Tuesday, June 23, 2020

1 State Board of Medicine

2 June 23, 2020

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5 BOARD MEMBERS:

6
7 Keith E. Loisel, Chairman, Public Member
8 K. Kalonji Johnson, Commissioner, Bureau of
9 Professional and Occupational Affairs
10 Theodore Stauffer, Legal Assistant/Executive
11 Secretary, Bureau of Professional and Occupational
12 Affairs
13 John M. Mitchell, L.P., C.C.P., Vice Chairman
14 Ronald E. Domen, M.D.
15 Rachel Levine, M.D., Physician General/Secretary of
16 Health
17 Mary Pat Howard, Executive Assistant of Quality
18 Assurance
19 Paul J. Valigorsky II, M.D.
20 Mark B. Woodland, M.D.

21
22
23 BUREAU PERSONNEL:

24
25 Dana M. Wucinski, Esquire, Board Counsel
26 Shana M. Walter, Esquire, Board Counsel
27 Anita P. Shekletski, Esquire, Board Prosecution
28 Liaison
29 Jason T. Anderson, Esquire, Board Prosecutor
30 Adam Williams, Esquire, Board Prosecutor
31 Adam L. Morris, Esquire, Board Prosecutor
32 Jonelle Harter Eshbach, Esquire, Board Prosecutor
33 Carolyn DeLaurentis, Deputy Chief Counsel, Prosecution
34 Division
35 Nathan C. Giunta, Esquire, Board Prosecutor
36 Mark R. Zogby, Esquire, Board Prosecutor
37 Suzanne Zerbe, Board Administrator
38 Holly Hoffman, Law Clerk
39 Marc Farrell, Deputy Policy Director, Department of
40 State

41
42
43 ALSO PRESENT:

44
45 Ted Mowatt, CAE, Vice President, Wanner Associates, on
46 behalf of the Association of Professional
47 Acupuncture
48 Mary Marshall, Director, Workforce & Professional
49 Services, The Hospital and Healthsystem Association
50 of Pennsylvania

State Board of Medicine
June 23, 2020

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ALSO PRESENT: (Continued)

Randy Stevens, Pennsylvania Orthotic and Prosthetic Society
Angie Armbrust, Senior Associate, McNees-Winter Group LLC
Andrew Harvan, Pennsylvania Medical Society
Kerry E. Maloney, Esquire, Post & Shell
Lisa Claypool Stevenson, Senior Associate Counsel, University of Pittsburgh Medical Center
Wesley J. Rish, Esquire, Rish Law Office, LLC
Tom Santiago

1 ***

2 State Board of Medicine

3 June 23, 2020

4 ***

5 The regularly scheduled meeting of the State
6 Board of Medicine was held on Tuesday, June 23, 2020.
7 Keith E. Loiselle, Chairman, Public Member, called the
8 meeting to order at 9:01 a.m.

9 ***

10 [Chairman Loiselle thanked everyone for their patience
11 and understanding during this unusual time and
12 circumstances. He also thanked Ms. Zerbe and her
13 staff, Mr. Stauffer, and all of the information
14 technology (IT) staff for making virtual meetings
15 possible.

16 Chairman Loiselle noted for the record, after
17 approval of counsel and the processes that are used
18 are approved, the meeting will carry the same full
19 force and effect as if there was a meeting at Penn
20 Center in Harrisburg. He also noted continuing to
21 take every precaution and being mindful of obligations
22 to protect the citizens of Pennsylvania.

23 Ms. Wucinski reminded everyone the meeting was
24 being recorded, and everyone was consenting to
25 recording of the meeting by remaining in the meeting.

1 Chairman Loiselles requested all electronic
2 devices be muted.]

3 ***

4 Roll Call

5 [Chairman Loiselles requested a roll call of Board
6 members.]

7 ***

8 Approval of minutes of the May 19, 2020 meeting

9 CHAIRMAN LOISELLE:

10 I would like to ask for a motion for
11 approval of the minutes from the May 19,
12 2020 meeting.

13 Do I have a motion?

14 DR. WOODLAND:

15 Motion to approve.

16 CHAIRMAN LOISELLE:

17 Dr. Woodland moves. Do I have a second?

18 MR. JOHNSON:

19 Second.

20 CHAIRMAN LOISELLE:

21 Commissioner Johnson seconds. All in
22 favor of approval of the May 19 minutes,
23 say aye. Are there any opposed?

24 [The motion carried unanimously.]

25 ***

1 Report of Department of Health

2 [Rachel Levine, M.D., Physician General/Secretary of
3 Health, Department of Health, updated the Board on
4 Pennsylvania's response to COVID-19. She noted public
5 health preparedness as a constant priority since
6 COVID-19 continued to pose a significant public health
7 threat globally. She highlighted Governor Wolf's
8 leadership in collaboration with all the different
9 agencies.

10 Dr. Levine addressed the phased reopening plan
11 from mitigation to containment with the ability to
12 significantly increase testing, averaging 12,000 tests
13 per day with the peak of approximately 16,000 tests.
14 She noted case investigation and contact tracing to
15 enable containment of the virus to prevent large
16 outbreaks.

17 Dr. Levine noted receiving funding from the
18 federal government and Centers for Disease Control and
19 Prevention (CDC). She stated Pennsylvania received
20 \$301 million with Philadelphia alone receiving \$91
21 million. She commented that a lot of that money was
22 going to the county-municipal health departments and
23 that the rest of the state is working with the
24 Department of Health collaboratively on those
25 measures.

1 Dr. Levine highlighted that COVID-19 was not gone
2 and still continues to pose a significant risk to
3 public health, with seniors being the most severely
4 affected individuals in Pennsylvania because of
5 chronic medical problems in terms of having
6 significant side effects and being more prone to die
7 from COVID-19.

8 Dr. Levine discussed the impact on long-term care
9 facilities with Pennsylvania having 694 nursing homes
10 that are regulated and 1,200 personal care homes and
11 assisted living facilities. She mentioned the
12 robust response in nursing homes working with personal
13 protective equipment (PPE) in terms of infection
14 control and sending in the Pennsylvania National
15 Guard.

16 Dr. Levine noted robust teams are working on
17 health equity within the public health arena and
18 within the governor's administration.

19 Dr. Levine addressed remdesivir and dexamethasone
20 benefits for ill patients with COVID-19 and the need
21 for more advances in terms of testing, noting a lot of
22 effort federally to promote that, including
23 Pennsylvania academic institutions and companies
24 outside of the United States.

25 Dr. Levine cautioned that COVID-19 still

1 continues to pose a significant public health threat
2 and will continue to pose that threat for the
3 foreseeable future. She noted a concern about the
4 fall when the flu is also a threat, especially in the
5 presence of COVID-19. She mentioned that it was still
6 unknown in terms of how COVID-19 would be present in
7 the community at the same time influenza is present.

8 Dr. Levine discussed the expansion of flu
9 vaccinations and preparing for the fall with more
10 testing, more contact tracing, and more personal
11 protective equipment.

12 Dr. Levine emphasized the importance of wearing a
13 mask to decrease the risk of individuals spreading the
14 virus and to protect individuals from contracting it.

15 Commissioner Johnson thanked Dr. Levine on behalf
16 of the department and commended her for all of her
17 efforts regarding health equity.

18 Chairman Loiselle thanked Dr. Levine on behalf of
19 the Board of Medicine. He stated the strategic moves
20 enabled the Board to adapt to the changing
21 environment.

22 Chairman Loiselle announced and congratulated
23 Commissioner Johnson on his appointment as
24 Commissioner.

25 Chairman Loiselle asked Dr. Levine how many

1 active cases there were and where we were on that
2 measurement of new cases being contracted versus those
3 clearing from the group of patients who had gotten
4 over the disease.

5 Dr. Levine stated an estimated 78% of patients
6 who contacted COVID-19 had recovered. She noted the
7 number of new patients getting COVID-19 had
8 dramatically decreased. She mentioned testing every
9 patient and staff member in long-term care living
10 facilities, which would cause an increase in cases,
11 both asymptomatic and pre-symptomatic people. She
12 stated the percent positive of all the tests had gone
13 from an average of 20-30% down to around 5-6%.

14 Dr. Levine noted the risk of seeing increases
15 because of the reopenings and guidelines not being
16 followed but the containment strategy works to prevent
17 large outbreaks.]

18

19 [Rachel Levine, M.D., Physician General/Secretary of
20 Health, exited the meeting at 9:34 a.m.]

21

22 Introduction of Audience

23 [Keith E. Loiselle, Chairman, Public Member, requested
24 audience members introduce themselves.]

25

1 [Anita P. Shekletski, Esquire, Board Prosecution
2 Liaison, announced her retirement on July 24, 2020.
3 She noted it to be an honor and privilege to serve
4 with the Board for their dedication to public health
5 and improvement in medicine in the commonwealth.

6 Chairman Loiselles thanked Ms. Shekletski for her
7 many years of dedicated service to the Commonwealth
8 and the citizens and joined everyone else associated
9 with the Board in wishing her the very best and a
10 happy retirement.]

11 ***

12 Introduction of Audience (Continued)

13 [Keith E. Loiselles, Chairman, Public Member, requested
14 audience members introduce themselves.]

15 ***

16 Report of Prosecution Division

17 [Jason T. Anderson, Esquire, Board Prosecutor,
18 reminded the Probable Cause Screening Committee to
19 check email frequently.]

20 ***

21 [John M. Mitchell, L.P., C.C.P., exited the meeting at
22 9:44 a.m. for recusal purposes.]

23 ***

24 [Jonelle Harter Eshbach, Esquire, Board Prosecutor,
25 presented the Consent Agreement for Case No. 20-49-

1 006036.]

2

3 [John M. Mitchell, L.P., C.C.P., reentered the meeting
4 at 9:46 a.m.]

5

6 [Jonelle Harter Eshbach, Esquire, Board Prosecutor,
7 presented the Consent Agreement for Case No. 19-49-
8 002406.]

9

10 [Jason T. Anderson, Esquire, Board Prosecutor, noted
11 Item No. 10 at Case No. 20-49-005654 had been
12 withdrawn.]

13 Mr. Anderson presented the VRP Consent Agreements
14 for Case No. 20-49-003651, Case No. 20-49-004867, Case
15 No. 20-49-007193, Case No. 20-49-007443, Case No. 20-
16 49-000259, and Case No. 20-49-006565.]

17

18 Report of Commissioner

19 [K. Kalonji Johnson, Commissioner, Bureau of
20 Professional and Occupational Affairs, thanked the
21 Board for continued guidance during the pandemic. He
22 also thanked Board staff and Board counsel for
23 ensuring Pennsylvanians are protected and licensees
24 and applicants are being serviced. He thanked
25 stakeholders and the public for their continued

1 support. He reiterated the importance of continuing
2 to take precautions and recommended guidelines
3 seriously.]

4 ***
5 Report of Committee on Health-Related Professionals
6 [John M. Mitchell, L.P., C.C.P., noted Board counsel
7 would be addressing the draft regulations for the
8 temporary graduate perfusionist licensure as well as
9 orthotic fitters.]

10 ***
11 Report of Vice Chairman - No Report

12 ***
13 Report of Committee on Legislation/Policy Development
14 and Review
15 [Keith E. Loisel, Chairman, Public Member, thanked
16 Steve Latanishen, the Department's Director of
17 Intergovernmental Affairs for working on new Board
18 member appointments. He announced two new Board
19 members had been appointed and are waiting to be sworn
20 in. He also thanked Commissioner Johnson for his
21 diligent work to get Board member numbers up.]

22 ***
23 Report of Board Chairman - No Report

24 ***
25 Report of Committee on Licensure Qualifications

1 [Mark B. Woodland, M.D., complimented the Board for
2 the timing and amount of processing as far as the
3 transitions regarding medical education and licensure.

4 Dr. Woodland thanked Ms. Zerbe for her assistance
5 helping with issues from people who have reached out
6 to him.]

7 Dr. Woodland addressed the importance of the
8 State Board of Medicine in supporting health care
9 equity.]

10 ***

11 Report of Board/Regulatory Counsel

12 [Shana M. Walter, Esquire, Board Counsel, referred to
13 the draft Annex of 16A-4939 regarding laser devices.
14 She stated the regulation was drafted eight years ago
15 and questioned whether the Board wanted to pursue the
16 regulation with updating the research on laser
17 technology.

18 Dr. Woodland suggested changing "adnexal" to
19 "adjacent" structures because most of this pertains to
20 external utilization and believed the language was
21 confusing.

22 Ms. Walter offered clarification by removing the
23 word "adnexal" and changing it to "adjacent."

24 Chairman Loiselle noted the topic was in response
25 to a couple of cases the Board had when a

1 dermatologist on the Board, where there was a concern
2 related to the use of some of these potentially
3 dangerous devices by untrained individuals.

4 Mr. Mitchell noted being fine with the Annex
5 except for one area on allowing the physician to
6 delegate and suggested defining what a professional
7 nurse is or change it to registered nurse.

8 Ms. Walter will remove "professional nurse" and
9 change it to "registered nurse" for clarity. She will
10 present the revised Annex to the Board in the fall.

11 Dr. Woodland noted the importance of being clear
12 that this was using an amplified light source energy
13 for medical aesthetic services, not necessarily all
14 surgical service.

15 Chairman Loiselle commented that Dr. Brod thought
16 this might be used to remove treatable lesions on the
17 skin, which goes beyond aesthetics.

18 Ms. Walter suggested researching this, so it was
19 clear in the regulation that it was not for the
20 treatment of a medical condition and purely for
21 superficial aesthetic reasons.

22 Ms. Walter referred to 16A-4954 regarding the
23 temporary graduate perfusionist draft Annex and to
24 remove the mandatory relinquishment of a license
25 following a failure on the exam.]

1 ***

2 MS. WALTER:

3 I believe the Board would entertain a
4 motion to proceed with the rulemaking on
5 this regulation.

6 MR. MITCHELL:

7 I would like to make a motion to approve
8 the language that Board counsel drafted.

9 CHAIRMAN LOISELLE:

10 I second that motion. All in favor of
11 approving that language, signify by
12 saying aye. Are there any opposed?

13 [The motion carried unanimously.]

14 ***

15 For the Board's Information/Discussion

16 [Shana M. Walter, Esquire, Board Counsel, addressed
17 House Bill 1997 regarding modernizing physician
18 assistant practice. She provided an overview of
19 changes in the bill. She stated the currently written
20 agreements between a supervising physician and a
21 physician assistant requires details relating to the
22 duties that the physician assistant will be
23 performing. She noted those specifics had been
24 removed and the actual language was in the bill.

25 Ms. Walter also noted the number of physician

1 assistants (PAs) a supervising physician can have had
2 been removed also.

3 Dr. Woodland noted a concern of not having a
4 number assigned to physician supervision at any one
5 time.

6 Mr. Mitchell noted being okay with the written
7 agreement piece of putting a physician assistant on
8 the Board but agreed with Dr. Woodland's concern of
9 having the physician determine the number of
10 physicians that he or she can supervise.

11 Chairman Loiselle requested holding off on
12 discussing the PA bill and staying under the
13 regulatory status reports.]

14

15 Report of Board/Regulatory Counsel (cont.)

16 [Dana M. Wucinski, Esquire, Board Counsel, referred to
17 the draft Annex of 16A-XXX regarding licensure by
18 endorsement under Act 41. She noted at § 16.1 that
19 the definition of "Act 41" was added along with the
20 definition of "jurisdiction." She addressed language
21 of the endorsement, where the applicant has to provide
22 proof satisfactory to the Board that the applicant has
23 a (1) current license in good standing, (2)
24 demonstrates competency in a profession, (3) has not
25 committed any act prohibited, and (4) has not been

1 disciplined by the jurisdiction issuing the license or
2 by any other jurisdiction.

3 Ms. Wucinski addressed subsection (b) regarding a
4 provisional endorsement license and subsection (c)
5 regarding pertinent language when giving a provisional
6 license.]

7 ***

8 CHAIRMAN LOISELLE:

9 I'd like a motion to approve the
10 language in Item No. 13, the draft Annex
11 16A-XXX licensure by endorsement and to
12 direct board counsel to send the annex
13 out as an exposure draft for informal
14 comment.

15 Do I have a motion to approve and
16 move forward?

17 DR. DOMEN:

18 Motion to approve.

19 CHAIRMAN LOISELLE:

20 Dr. Domen moves. Do I have a second?

21 MS. HOWARD:

22 Second.

23 CHAIRMAN LOISELLE:

24 Pat Howard seconds. All in favor, say
25 aye. Any opposed?

1 [The motion carried unanimously.]

2

3 [Dana M. Wucinski, Esquire, Board Counsel, referred to
4 the draft Annex of 16A-4947 regarding orthotic fitter,
5 noting that the draft had been sent out for informal
6 comment in late winter. She noted only positive
7 comments were received. She stated if everyone was
8 okay with the preamble sent via email, board counsel
9 could proceed with proposed rulemaking.

10 Ms. Wucinski explained it as an extension of time
11 to pass from 1 year to 18 months with the addition of
12 language, where those who failed the examination 3
13 times and their permit expired could apply for a
14 second temporary permit after they retake courses.
15 She also noted the addition of language to say "or
16 other precertification education program."

17

18 CHAIRMAN LOISELLE:

19 Do I have a motion to proceed with the
20 proposed rulemaking for Item No. 14,
21 16A-4947, orthotic fitter Annex?

22 MR. MITCHELL:

23 I make the motion.

24 CHAIRMAN LOISELLE:

25 Mr. Mitchell moves.

1 DR. WOODLAND:

2 Second.

3 CHAIRMAN LOISELLE:

4 All in favor, say aye. Any opposed?

5 [The motion carried unanimously.]

6 ***

7 [Dana M. Wucinski, Esquire, Board Counsel, referred to
8 the draft Annex of 16A-4948 regarding examination.
9 She noted this also went out for informal comment in
10 late winter. She noted that only positive comments
11 were received. She reminded the Board that this
12 proposed rulemaking will update the Board's
13 regulations to make them consistent with the current
14 United States Medical Licensing Examination (USMLE)
15 standards.

16 Ms. Wucinski noted that this proposed rulemaking
17 is unrelated to the current 12-18-month suspension of
18 the USMLE Step 2 Clinical Skills examination. She
19 noted that board counsel is awaiting further guidance
20 from the Federation of State Medical Boards (FSMB)
21 related to the Step 2 Clinical Skills Examination.]

22 ***

23 CHAIRMAN LOISELLE:

24 Do I have a motion to approve the

25 language in Item No. 15, the draft Annex

1 for examination and to direct board
2 counsel to proceed to proposed
3 rulemaking at 16A-4948?

4 MR. MITCHELL:

5 I make the motion.

6 CHAIRMAN LOISELLE:

7 Mr. Mitchell moves. Do I have a second?

8 DR. WOODLAND:

9 Second.

10 CHAIRMAN LOISELLE:

11 Dr. Woodland seconds. All in favor of
12 the language in Item No. 15, say aye.

13 Are there any opposed?

14 [The motion carried unanimously.]

15 ***

16 [Shana M. Walter, Esquire, Board Counsel, referred to
17 House Bill 2584, which allows the State Board of
18 Medicine to obtain criminal records of an individual
19 applying for licensure through the Interstate Medical
20 Licensure Compact (IMLC) from the Federal Bureau of
21 Investigation (FBI) or a national criminal record
22 repository.

23 Ms. Walter explained that physicians would be
24 able to apply through the compact and submit one
25 application, rather than submitting multiple separate

1 applications for licensure in multiple states.

2 Dr. Woodland mentioned his concern with people
3 trying to apply for licensure through IMLC had to
4 travel vast distances to find places that were open to
5 be fingerprinted.

6 Ms. Walter noted receiving many complaints
7 regarding that issue, but it was not affecting people
8 coming in from other states due to the waivers issued
9 by the Governor allowing people from other states to
10 practice. She also stated it did not stop people from
11 getting licensed, because fingerprinting was still
12 available. The fingerprinting was not widely
13 available, which also caused an inconvenience for many
14 people.]

15

16 For the Board's Information/Discussion (cont.)

17 [Keith E. Loisel, Chairman, Public Member, noted the
18 next meeting date is July 28, 2020. He requested
19 members inform Ms. Zerbe of any conflicts with 2020 or
20 2021 dates.

21 Chairman Loisel again mentioned new members
22 joining the Board and was hopeful they will be able to
23 attend the July 28 meeting.

24 Chairman Loisel noted Item No. 19 concerning
25 the conversion therapy ban.

1 Ms. Wucinski noted receiving an email from
2 Chairman Loisel before the March Board meeting
3 relating to a vote by the Allegheny County Council to
4 prohibit psychiatrists, behavioral therapists, and
5 other counselors from providing conversion therapy
6 services. He questioned whether Pennsylvania had a
7 special law and the authority the Board in that type
8 of scenario.

9 Ms. Wucinski stated none of the Boards had any
10 regulations specifically addressing conversion
11 therapy. She referred to Section 41(8)(ii) of the
12 Medical Practice Act, which authorizes the Board to
13 promulgate regulations that define the acceptable
14 standard of care but explained the Board had not used
15 that section to promulgate any regulations related to
16 conversion therapy.

17 Ms. Wucinski noted complaints regarding
18 conversion therapy would require the prosecution to
19 retain an expert in that field to look at the specific
20 case and where the conversation therapy services were
21 being provided to determine if the services deviated
22 from the acceptable standards of care in that
23 locality. She stated prosecution, relying on that
24 expert, would have to bring charges and would have the
25 burden of proof in finding a violation.

1 Ms. Wucinski provided an explanation of
2 conversion therapy, which is generally used for the
3 youth and is aimed at changing an individual's sexual
4 orientation or gender identity. Often times, parent
5 may seek conversation therapy for their child if they
6 are concerned their child might be gay or bisexual.
7 The intent is to convert them to becoming
8 heterosexual.

9 Chairman Loiselle referred to House Bill 1997
10 regarding modernizing physician assistant practice and
11 requested comments and opinions concerning language.

12 Ms. Walter noted prior discussion where
13 Dr. Woodland and Mr. Mitchell gave their opinion that
14 removing the limitation on the number of physician
15 assistants a supervising physician can supervise would
16 be an issue.

17 Dr. Domen agreed that there needs to be more
18 delineation on the number of people who could be
19 supervised by one physician.

20 Ms. Howard also commented that the amount of
21 people who can be supervised at one time could lead to
22 issues.

23 Chairman Loiselle noted being okay with a
24 physician assistant occupying a full-time position on
25 the Board but would be concerned with how other allied

1 health professions would react, where all of them may
2 suggest they deserve a full-time seat on the Board.

3 Chairman Loiselle was adamantly opposed to not
4 restricting the number of physician assistants a
5 physician might supervise.

6 Chairman Loiselle also noted being adamantly
7 opposed to the Board not having the ability to approve
8 agreements and the scope of practice contained
9 therein. He explained further that he was adamantly
10 opposed to language that does not allow the Board
11 authority to determine whether or not the scope of
12 practice falls within the reasonable performance
13 expected based on the physician's specialty and/or how
14 much training he or she provides to the physician
15 assistants to make sure they are proficient in any
16 items that fall under the scope of practice.

17 Ms. Walter explained the composition of the Board
18 was statutorily defined in the Medical Practice Act,
19 so it would take a change in legislature to change the
20 composition of the Board.

21 Chairman Loiselle noted it to be an amendment to
22 the Medical Practice Act, changing the number of Board
23 members from 11 to 12.

24 Ms. Howard noted concern of another member of the
25 allied health professionals also wanting a permanent

1 spot on the Board.

2 Chairman Loiselle discussed changes made by the
3 Board to set up ad hoc committees rather than a lot of
4 permanent committees. He mentioned setting up the
5 Physician Assistant Committee, where they will have
6 the ability to present issues vital or otherwise for
7 physician assistants to have continuous input and
8 access to the Board.

9 Chairman Loiselle recommended continuing the
10 full-time committee for physician assistants,
11 emphasizing on the importance as they become a greater
12 part of a high-level healthcare profession in the
13 state because of physician shortages, where PAs and
14 nurse practitioners are going to have to fill in that
15 void.

16 Randy Stevens, Pennsylvania Orthotic and
17 Prosthetic Society, commented that he had no problem
18 with a physician assistant obtaining a seat on the
19 Board and does not see any issues down the road with
20 creating a mass of other groups stating they want a
21 seat at the table.

22 Mr. Stevens commended the Board for listening not
23 only to those who have a seat on the Board but also
24 those who are part of the allied health side.

25 Mr. Mitchell agreed with Mr. Stevens, stating

1 that physician assistants have become almost an
2 indispensable asset to providing healthcare but
3 believes they need to be regulated more closely, and
4 there would be no one better to do that than a PA on
5 the Board.

6 Ms. Howard mentioned certified registered nurse
7 practitioners (CRNPs), where they are regarded very
8 highly in other states and could provide a valuable
9 service who are not getting differentiation there.

10 Mr. Mitchell agreed with Ms. Howard but noted PAs
11 are regulated but CRNPs are not. He would advocate
12 for a CRNP on the Nursing Board.

13 Mary Marshall, Director, Workforce & Professional
14 Services, The Hospital and Healthsystem Association of
15 Pennsylvania, believed there was not a current seat
16 for a nurse practitioner on the Board, but there are
17 nurse practitioners serving on the Board.

18 Ms. Marshall noted The Hospital and Healthsystem
19 Association of Pennsylvania would be supportive of
20 having a permanent seat for physician assistants on
21 the Board of Medicine because they could provide the
22 hospital perspective on the practice of physician
23 assistants.

24 Dr. Woodland commented that all of the providers
25 in the clinical care settings are important and agrees

1 with expansion of the clinical care team and their
2 roles, which greatly enhanced the level of care
3 provided to the community. He was not sure whether
4 the permanent expansion of all the Boards was the
5 right way to go, noting that other organizations have
6 expanded representation through the committee level.

7 Ms. Walter reminded everyone the purpose of the
8 Board of Medicine is to carryout provisions set forth
9 in the act and to provide disciplinary action for
10 licensees, whereas CRNPs are integral to the
11 healthcare profession and are not a state licensee
12 population the Board of Medicine regulates and are
13 licensed by the Board of Nursing.

14 Ms. Walter mentioned having some sort of
15 collaboration with the Board of Nursing and the CRNP
16 would be possible.

17 Chairman Loiselle stated for the record that he
18 was less concerned about problems in the scope of
19 practice and the way practices are managed involving
20 physician assistants and less concerned about those
21 who fall under an institution because there is more
22 regulation and oversight that occurs than those in
23 private practice.

24 Chairman Loiselle noted they are not delineating
25 between those two and cannot support something that

1 takes the Board of Medicine out of any controlling
2 position with respect to scope of practice and
3 physician agreements.]

4 ***

5 [Shana M. Walter, Esquire, Board Counsel, provided an
6 overview of the USMLE policy changes to be phased in
7 over the next 12-24 months. She noted score reporting
8 of Step 1 of the USMLE from its numeric score to a
9 pass/fail outcome, reducing the allowable number of
10 attempts on each step from six attempts to four, and
11 requiring all examinees to have successfully taken
12 Step 1 as a prerequisite for taking Step 2 Clinical
13 Skills.

14 Ms. Walter announced a 12- to 18-month suspension
15 on the Step 2 Clinical Skills (CS), stating that FSMB
16 was working daily on how they can deliver the Step 2
17 CS exam given the nature of the coronavirus and all
18 the social distancing measures across the country.

19 Ms. Walter noted awaiting more specifics from
20 FSMB on what they will do with Step 2 CS. She stated
21 they researched the regulatory and statutory
22 requirements of all 50 states and will decide what
23 they can do after compiling and reviewing that
24 information.

25 Ms. Zerbe commented that the Board had previously

1 adopted a six-attempt limit policy in March 2013 and
2 may need to update the policy to the four-attempt
3 limit.

4 Dr. Woodland agreed in being consistent with the
5 (National Board of Medical Examiners (NBME)).

6 Ms. Zerbe further explained that she receives
7 requests periodically from people wanting to take the
8 exam and want someone to sign off to allow them to
9 take the exam additional times, which was why the
10 policy would need to be updated.

11 Ms. Walter noted the Board could wait until
12 August for additional consideration as it was not
13 expected to take place until March. Chairman Loisel
14 suggested tabling the Board's position to allow time
15 for review for a follow-up meeting.]

16

17 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
18 11:28 a.m. the Board entered into Executive Session
19 with Dana M. Wucinski, Esquire, Board Counsel, and
20 Shana M. Walter, Esquire, Board Counsel, for the
21 purpose of conducting quasi-judicial deliberations and
22 to receive legal advice from Board Counsel. The Board
23 returned to open session at 12:36 p.m.]

24

25 MOTIONS

1 MS. WUCINSKI:

2 I believe the Board Chair will entertain
3 a motion to approve the following
4 Consent Agreements: Case No. 20-49-
5 006036, Case No. 19-49-002406.

6 I note that agenda Item No. 2, Mr.
7 Mitchell is recused.

8 CHAIRMAN LOISELLE:

9 Do I have a motion to approve items 2
10 and 3?

11 DR. WOODLAND:

12 So moved.

13 CHAIRMAN LOISELLE:

14 Dr. Woodland moves. Do I have a second?

15 DR. DOMEN:

16 Second.

17 CHAIRMAN LOISELLE:

18 Dr. Domen seconds. All in favor, say
19 aye. Any opposed?

20 [The motion carried. Mr. Mitchel recused himself from
21 deliberations and voting on the motion. The name at
22 Case No. 20-49-006036 is William Richard Vollmar, M.D.
23 The name in Case No. 19-49-002406 is Carlos Alberto
24 Placci, M.D.]

25

1 MS. WUCINSKI:

2 I believe the Board Chair will entertain
3 a motion to approve the following VRP
4 Consent Agreements: Case No. 20-49-
5 003651, Case No. 20-49-004867, Case No.
6 20-49-007193, Case No. 20-49-007443,
7 Case No. 20-49-000259, Case No. 20-49-
8 006565.

9 CHAIRMAN LOISELLE:

10 Item No. 10 was removed from the agenda.
11 Do I have a motion to approve items 4
12 through 9?

13 DR. WOODLAND:

14 Motion to approve.

15 CHAIRMAN LOISELLE:

16 Dr. Woodland moves. Do I have a second?

17 DR. DOMEN:

18 Second.

19 CHAIRMAN LOISELLE:

20 Dr. Domen seconds. All in favor, say
21 aye. Any opposed?

22 [The motion carried unanimously.]

23 ***

24 MS. WALTER:

25 Number 22 at Case No. 19-49-017620,

1 Daniel J. Bochicchio, M.D.

2 I believe the Board would entertain
3 a motion to adopt the hearing examiner's
4 proposed adjudication and order.

5 CHAIRMAN LOISELLE:

6 Do we have a motion to adopt the hearing
7 examiner's motion and order?

8 DR. WOODLAND:

9 So moved.

10 CHAIRMAN LOISELLE:

11 Dr. Woodland moves. Do I have a second?

12 DR. DOMEN:

13 Second.

14 CHAIRMAN LOISELLE:

15 Dr. Domen seconds. All in favor, say
16 aye. Any opposed?

17 [The motion carried unanimously.]

18 ***

19 MS. WALTER:

20 Number 23 is the Application for
21 Licensure as a Behavior Specialist of
22 Chelsea Howe.

23 I believe the Board would entertain
24 a motion to table consideration of that
25 application until the Board's September

1 9, 2020 Board meeting.

2 CHAIRMAN LOISELLE:

3 Do I have a motion to table?

4 DR. WOODLAND:

5 So moved.

6 CHAIRMAN LOISELLE:

7 Dr. Woodland moves. Do I have a second?

8 MR. JOHNSON:

9 Second.

10 CHAIRMAN LOISELLE:

11 Commissioner Johnson seconds. All in
12 favor, say aye. Any opposed?

13 [The motion carried unanimously.]

14 ***

15 MS. WALTER:

16 Number 24 is the Reactivation
17 Application of Fred Wilson Holland, M.D.

18 I believe the Board would entertain
19 a motion to allow Dr. Holland's clinical
20 experience to substitute for the
21 clinical skills assessment. I note for
22 the court reporter prosecution's
23 opposition.

24 Is there a motion to allow the
25 clinical skills assessment to be

1 replaced by clinical experience?

2 CHAIRMAN LOISELLE:

3 Do we have a motion?

4 DR. WOODLAND:

5 So moved.

6 CHAIRMAN LOISELLE:

7 Dr. Woodland moves. Second?

8 DR. DOMEN:

9 Second.

10 CHAIRMAN LOISELLE:

11 Dr. Domen seconds. All in favor, say

12 aye. Any opposed?

13 [The motion carried unanimously.]

14 ***

15 MS. WALTER:

16 Number 25 is the Initial Unrestricted
17 License of Stephen Lauterbach, M.D.

18 I believe the Board would entertain
19 a motion to grant Dr. Lauterbach's
20 Application for an Unrestricted License.

21 CHAIRMAN LOISELLE:

22 Do we have a motion to grant the
23 license?

24 DR. WOODLAND:

25 So moved.

1 CHAIRMAN LOISELLE:

2 Dr. Woodland moves. Second?

3 MR. JOHNSON:

4 Second.

5 CHAIRMAN LOISELLE:

6 Commissioner Johnson seconds. All in
7 favor, say aye. Any opposed?

8 [The motion carried unanimously.]

9 ***

10 MS. WALTER:

11 Number 26 is the Application for a
12 License by Endorsement of Chirantan
13 Vinodbhai Mangukia, M.D.

14 I believe the Board would entertain
15 a motion to ratify the granting of Dr.
16 Mangukia's application.

17 CHAIRMAN LOISELLE:

18 Do we have a motion to ratify the
19 granting of the application for
20 licensure?

21 DR. DOMEN:

22 So moved.

23 CHAIRMAN LOISELLE:

24 Dr. Domen moves. Do I have a second?

25 MR. JOHNSON:

1 Second.

2 CHAIRMAN LOISELLE:

3 Commissioner Johnson seconds. All in
4 favor, say aye. Any opposed?

5 [The motion carried unanimously.]

6 ***

7 MS. WALTER:

8 Number 27 and 28, the physician
9 assistant agreement between Michele
10 Clement, M.D., and Lindsay Herman, PA-C,
11 at No. 27 and the agreement between Paul
12 Brady, M.D. and Jill Kile, PA-C, at No.
13 28.

14 I believe the Board would entertain
15 a motion to approve the physician
16 assistant agreements in both of these
17 matters.

18 CHAIRMAN LOISELLE:

19 Do I have a motion to approve the
20 supervising agreements in items 27 and
21 28?

22 MR. JOHNSON:

23 So moved.

24 CHAIRMAN LOISELLE:

25 Commissioner Johnson moves. Do I have a

1 second?

2 DR. DOMEN:

3 Second.

4 CHAIRMAN LOISELLE:

5 Dr. Domen seconds. All in favor, say
6 aye. Any opposed?

7 [The motion carried unanimously.]

8 ***

9 MS. WALTER:

10 Number 29 is the Application for an
11 Unrestricted License of Caoimhe Duffy,
12 M.D.

13 I believe the Board would entertain
14 a motion to table the application until
15 the Board's September 9, 2020 meeting.

16 CHAIRMAN LOISELLE:

17 Do we have a motion to table until the
18 September meeting?

19 MR. JOHNSON:

20 So moved.

21 CHAIRMAN LOISELLE:

22 Commissioner Johnson moves. Do I have a
23 second?

24 DR. DOMEN:

25 Second.

1 CHAIRMAN LOISELLE:

2 Dr. Domen seconds. All in favor of
3 tabling until the September meeting, say
4 aye. Any opposed?

5 [The motion carried unanimously.]

6 ***

7 MS. WALTER:

8 Number 30.

9 I believe the Board would entertain
10 a motion to approve a License by
11 Endorsement for Jan-Karl Burkhardt, M.D.

12 CHAIRMAN LOISELLE:

13 Do we have a motion to approve the
14 license?

15 MR. JOHNSON:

16 So moved.

17 CHAIRMAN LOISELLE:

18 Commissioner Johnson moves. Do I have a
19 second?

20 DR. WOODLAND:

21 Second.

22 CHAIRMAN LOISELLE:

23 Dr. Woodland seconds. All in favor, say
24 aye. Any opposed?

25 [The motion carried unanimously.]

1 ***

2 MS. WALTER:

3 Number 31 on the agenda, the
4 Reactivation Application of Elizabeth
5 Ann Bushra, M.D.

6 I believe the Board would entertain
7 a motion requiring Dr. Bushra to
8 participate in a reentry program.

9 CHAIRMAN LOISELLE:

10 Do we have a motion to require
11 participation in a reentry program?

12 MR. JOHNSON:

13 So moved.

14 CHAIRMAN LOISELLE:

15 Commissioner Johnson moves. Do I have a
16 second?

17 DR. DOMEN:

18 Second.

19 CHAIRMAN LOISELLE:

20 Dr. Domen seconds. All in favor, say
21 aye. Any opposed?

22 [The motion carried unanimously.]

23 ***

24 MS. WALTER:

25 Number 32, the Application of Henry

1 Baldinucci, M.D., to go from an active
2 retired license to an active license.

3 I believe the Board would entertain
4 a motion to reactivate the license.

5 CHAIRMAN LOISELLE:

6 Do I have a motion to reactivate the
7 unrestricted license?

8 MR. JOHNSON:

9 So moved.

10 CHAIRMAN LOISELLE:

11 Commissioner Johnson moves. Do I have a
12 second?

13 DR. DOMEN:

14 Second.

15 CHAIRMAN LOISELLE:

16 Dr. Domen seconds. All in favor, say
17 aye. Any opposed?

18 [The motion carried unanimously.]

19 ***

20 MS. WALTER:

21 We did add one additional item to the
22 agenda that I will call Item No. 33. It
23 is John v. the State Board of Medicine.
24 The case is currently in Commonwealth
25 Court.

1 I believe the Board would entertain
2 a motion to direct counsel to make a
3 settlement offer in accordance with the
4 discussions during executive session.

5 CHAIRMAN LOISELLE:

6 Do I have a motion to offer a
7 settlement?

8 DR. WOODLAND:

9 So moved.

10 DR. DOMEN:

11 Second.

12 CHAIRMAN LOISELLE:

13 Dr. Woodland moves. Dr. Domen seconds.

14 All in favor, say aye. Any opposed?

15 [The motion carried unanimously.]

16 ***

17 Adjournment

18 [Keith E. Loisel, Chairman, Public Member, thanked
19 everyone for their participation under difficult
20 circumstances and told everyone to stay safe, healthy,
21 and follow the recommendations.]

22 ***

23 DR. DOMEN:

24 I make a motion to dismiss.

25 MR. JOHNSON:

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Second.

CHAIRMAN LOISELLE:

All in favor of adjournment, say aye.
Any opposed?

[The motion carried unanimously.]

[There being no other business, the State Board of
Medicine Meeting adjourned at 12:52 p.m.]

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
June 23, 2020

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7	9:01	Official Call to Order
8		
9	9:07	Roll Call
10		
11	9:08	Approval of Minutes
12		
13	9:10	Report of Department of Health
14		
15	9:35	Introduction of Audience
16		
17	9:43	Report of Prosecution Division
18		
19	9:52	Report of Commissioner
20		
21	9:56	Report of Committee on
22		Legislation/Policy Development and
23		Review
24		
25	9:58	Report of Committee on Licensure
26		Qualifications
27		
28	9:58	Report of Board Counsel
29		
30	10:19	For the Board's Information/Discussion
31		
32	10:23	Report of Board Counsel (Continued)
33		
34	10:45	For the Board's
35		Information/Discussion (Continued)
36		
37	11:28	Executive Session
38	12:36	Return to Open Session
39		
40	12:36	Motions
41		
42	12:52	Adjournment
43		
44		
45		
46		
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