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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: 10:38 A.M.

Wednesday, September 2, 2020

State Board of Medicine
September 2, 2020

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ALSO PRESENT:

- Nicole Sidle, Majority Committee Executive Director,
House Professional Licensure Committee
- Peter Good, Esquire, Counsel for Respondents
- Wesley J. Rish, Esquire, Rish Law Office, LLC
- Angie Armbrust, Senior Associate, McNeese-Winter
Group LLC
- Susan DeSantis, PA-C, Pennsylvania Society of
Physician Assistants
- Ted Mowatt, Wanner Associates, Professional
Acupuncture in Pennsylvania
- Lisa Stevenson, Senior Associate Counsel, UPMC
- Mary Marshall, Director, Workforce & Development
Professional, The Hospital and Health System
Association of Pennsylvania

1 ***

2 State Board of Medicine

3 September 2, 2020

4 ***

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 Wednesday, September 2,
16 2020. Keith E. Loiselle, Chairman, Public Member,
17 called the meeting to order at 10:38 a.m.

18 ***

19 [Dana Wucinski, Board Counsel, noted that the meeting
20 was being recorded and by participating in the meeting
21 would be consenting to that recording.]

22 ***

23 [Chairman Loiselle stated, after approval from Counsel
24 and the Department of State, conducting the meeting
25 via conference call under these circumstances will

1 carry the same full force and effect as if conducted
2 in a normal way at Penn Center in Harrisburg. He
3 further stated every appropriate precaution will be
4 taken to protect the citizens of Pennsylvania in
5 making any decision with respect to licensure.]

6 ***

7 Approval of minutes of the July 28, 2020 meeting

8 CHAIRMAN LOISELLE:

9 May I have a motion to approve the July
10 minutes?

11 COMMISSIONER JOHNSON:

12 So moved.

13 DR. YEALY:

14 Second.

15 CHAIRMAN LOISELLE:

16 Commissioner Johnson moves. Dr. Yealy
17 seconds.

18 All in favor of approval of those
19 minutes, signify by saying aye. Any
20 opposed?

21 [The motion carried unanimously.]

22 ***

23 [Chairman Loiselles requested introduction of Board and
24 public members in attendance.]

25 ***

1 Report of Prosecution Division

2 [Keith Bashore, Esquire, Board Prosecutor, presented
3 Consent Agreements for File No. 19-49-015223 and File
4 No. 19-49-016031.]

5 ***

6 [Paul J. Valigorsky, II, M.D. exited the meeting at
7 11:00 a.m. for recusal purposes.]

8 ***

9 [Keith Bashore, Esquire, Board Prosecutor, presented a
10 Consent Agreement for File No. 20-49-001058.]

11 ***

12 [Paul J. Valigorsky, II, M.D., re-entered the meeting
13 at 11:01 a.m.]

14 ***

15 [Mark Zogby, Esquire, Board Prosecutor, presented a
16 Consent Agreement for File No. 20-49-008116.]

17 ***

18 [Jason Anderson, Esquire, Board Prosecution Liaison,
19 presented a VRP Agreement for File No. 20-49-006618.]

20 ***

21 Report of Commissioner

22 [K. Kalonji Johnson, Commissioner, Bureau of
23 Professional and Occupational Affairs, had no report
24 but was glad to see everyone in good health.]

25 ***

1 [Carolyn DeLaurentis, Deputy Chief Counsel,
2 Prosecution Division, congratulated Jason Anderson,
3 Esquire, on his recent appointment as Acting Senior
4 Prosecutor for the Medical, Osteopathic and Psychology
5 Boards.]

6 ***
7 Report of Department of Health

8 [Mary Pat Howard, M.S., RN-BC, Executive Assistant
9 of Quality Assurance, had no formal report, referred
10 to the Department of Health's website as an excellent
11 source of COVID information. She noted that as of
12 noon yesterday, there was a total of 134,795 cases of
13 positive COVID in Pennsylvania and 18 new deaths.

14 Ms. Howard noted the Pennsylvania Assessment and
15 Support Team reaches out to anybody including nursing
16 facilities who have reported positive COVID cases by
17 offering training, education, assistance with
18 supplies.

19 Commissioner Johnson commended the Department for
20 all the work that it continues to do regarding COVID.]

21 ***
22 Report of Committee on Health Related Professionals
23 [Walter Eisenhauer, PA-C had no report. Dr. Woodland
24 will include his remarks under his report as Vice
25 Chairman.]

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Report of Committee on Legislation/Policy Development
and Review

[Keith E. Loisel, Public Member, Chairman, commended the input offered by Commissioner Johnson, Mr. Farrell and Board Counsel to help solidify a bridge between the Board and Legislature which has enabled the Board to get involved earlier in the process of developing language for proposed legislation.]

Report of Committee on Licensure Qualifications/Board
Vice Chairman

[Mark Woodland, M.S., M.D., Chairman of the Committee on Licensure Qualifications and Board Vice Chairman, commended the Dr. Levine and Department of Health for the recognition of maternity care providers as being on the front line of defense against COVID. Dr. Woodland noted that in the United States, there are 19,253 COVID cases in pregnant women and 41 deaths and 74 COVID infected individuals over the age of 50.

He stated there is a health equity issue in that there is a severe racial disparity and ethnic disparity amongst who gets it.

Dr. Woodland indicated that the Federation of State Medical Board (FSMB) virtual education program

1 continues and anyone can attend those meetings. He
2 noted matters of discussion at the last meeting he
3 attended, including education programs available
4 during this COVID crisis, telehealth and sexual
5 misconduct and state of licensure.

6 Dr. Woodland had discussion about what is known
7 with regard to pregnancy and COVID.]

8 ***

9 Report of Board Chairman

10 [Keith E. Loisel, Public Member, Chairman, noted he
11 is thrilled with the new members and the direction
12 that the Board is moving.

13 Mr. Loisel indicated the committees have been
14 restructured as follows: Probable Cause Screening
15 Committee is chaired by Dr. Valigorsky. The Committee
16 on Allied Health Professionals and a subcommittee
17 which addresses the needs of the physician assistants
18 co-chaired by Walter Eisenhower and Dr. Woodland. The
19 Committee on Legislation and Policy Development and
20 Review chaired by Dr. Loisel. The committee on
21 Licensure Qualifications chaired by Dr. Woodland who
22 is also Vice Chair of the Board of Medicine.]

23 ***

24 Report of Board Counsel

25 [Dana Wucinski, Esquire, noted that immediately prior

1 to open session this morning the Board did participate
2 in Executive Session and received the advice of
3 Counsel regarding Consent Agreements and Agenda Items
4 16 through 28 on today's agenda.]

5

6 Regulatory Status Report

7 [Cynthia Montgomery, Esquire, Deputy Chief

8 Counsel/Regulatory Counsel, Department of State,

9 referred Board members to two amendments made to the

10 16-A Child Abuse Reporting Requirements as discussed

11 at the last meeting, including the addition of Section

12 18.2 which clearly sets forth the requirement that

13 applicants for a nurse midwife license must complete

14 at least three hours of approve training in child

15 abuse recognition and reporting; Section 18.141,

16 criteria for licensure of the physician assistant,

17 clarifies that it includes the completion of at least

18 three hours of approve training in child abuse

19 recognition and reporting.

20 MS. MONTGOMERY:

21 At this time it would be appropriate for

22 the Board to entertain a motion to

23 promulgate a proposed rulemaking and

24 publish it for public comment.

25 DR. YEALY:

1 So moved.

2 DR. WOODLAND:

3 Second.

4 CHAIRMAN LOISELLE:

5 All in favor say aye? Any opposed?

6 [The motion carried unanimously.]

7 ***

8 Proposed Regulations Orthotic Fitter

9 Proposed Regulations - Examination

10 [Ms. Wucinski referred Board members to these proposed
11 regulations for consideration one more time before
12 sending them out. There was further discussion.

13 MS. WUCINSKI:

14 I believe the Board would entertain a
15 motion to direct Board Counsel to proceed
16 with the Proposed Rulemaking process for
17 Regulation 16A-4947, Orthotic Fitter, and
18 16A-4948, Examination.

19 CHAIRMAN LOISELLE:

20 Do we have a motion?

21 DR. YEALY:

22 I make that motion.

23 CHAIRMAN LOISELLE:

24 Dr. Yealy moves.

25 DR. WOODLAND:

1 Second.

2 CHAIRMAN LOISELLE:

3 Dr. Woodland seconds. All in favor say
4 aye? Any opposed?

5 [The motion carried unanimously.]

6 ***

7 Old Business/New Business

8 USMLE Policy Changes

9 [Suzanne Zerbe, Board Administrator, indicated that
10 previously the Board adopted the current policy, but
11 because the policy now with the Federation would be
12 changing, this was now coming back before the Board
13 for consideration of changing the previously adopted
14 policy. The Board had further discussion.]

15 CHAIRMAN LOISELLE:

16 May I have a motion to approve the
17 proposed language in Item No. 13, USMLE
18 Policy Changes?

19 [There were additional comments.]

20 MR. EISENHAUER:

21 So moved.

22 CHAIRMAN LOISELLE:

23 That was Walt Eisenhower. Do I have a
24 second?

25 DR. VALIGORSKY:

1 Second.

2 CHAIRMAN LOISELLE:

3 Second Dr. Valigorsky. All in favor say
4 aye? Any opposed?

5 [The motion carried unanimously.]

6 ***

7 Appointment - Prescribing Guidelines for Affirmation
8 [Emily Roussel, Executive Assistant to Deputy
9 Secretary for Health Innovation, PA Department of
10 Health, explained that her job is managing the
11 activities of the prescribing processes taskforce and
12 was present to discuss three new guidelines created by
13 the taskforce for a total of 14 prescribing guidelines
14 for different patient populations. They include
15 Opioid Guidelines, Guidelines for the State
16 Administration of Subanesthetic Ketamine, Treating
17 Pain in Patients with Opioid Use Disorder (OUD) and
18 Treatment of Acute and Chronic Pain with Sickle Cell
19 Disease.

20 Dr. Valigorsky had questions and comments
21 regarding the guidelines. Ms. Roussel will take those
22 questions back to the work group, who would be able to
23 provide more formal answers. Chairman Loiselles
24 suggested that a subcommittee be formed to address
25 concerns. Dr. Woodland proposed that he, Dr.

1 Valigorsky and Dr. Yealy participate in a telephone
2 conference call for further discussion of the matters.

3 Ms. Wucinski stated, if the language is
4 satisfactory to the Board, the vote will reflect that
5 it was voluntary guidelines and the Board specifically
6 opposed any legislation action to make these
7 guidelines statutory.]

8

9 Old Business/New Business (Continued)

10 Waiver of Biennial Renewal Fees for 2021-2022

11 [Board Counsel indicated the Board had previously
12 discussed its financial condition at a prior meeting,
13 and a vote was necessary regarding the Board's waiver
14 of renewal fees for this cycle.]

15 MS. WALTER:

16 At this time I believe the Board would
17 entertain a motion to waive the renewal
18 fees for the biennial renewal cycle of
19 2021 to 2022 for all licensed under the
20 Board of Medicine.

21 DR. WOODLAND:

22 I move to do so.

23 [Chairman Loiselle commented that the "bank" for the
24 Board of Medicine is doing okay and it would be able
25 to take this step without adversely impacting the

1 business of the Board.

2 Ms. Zerbe commented that renewals typically
3 generate anywhere from 30 to 60 days prior to the
4 expiration date.]

5 DR. YEALY:

6 I second it.

7 CHAIRMAN LOISELLE:

8 We have a motion and a second. All in
9 favor? Any opposed?

10 [The motion carried unanimously.]

11 ***

12 Correspondence from Public Citizen - Sexual Misconduct

13 [Ms. Walters referred Board members to this item for
14 further review and noted it was for informational
15 purposes.]

16 ***

17 MOTIONS:

18 MS. WUCINSKI:

19 Item Nos. 2, 3 and 5 on the Board's
20 agenda, File No. 19-49-015223, File No.
21 19-40-016031 and File No. 20-49-008116.

22 I believe the Board would entertain a
23 motion to approve the Consent Agreements
24 at those item numbers.

25 MR. EISENHAUER:

1 So moved.

2 CHAIRMAN LOISELLE:

3 Do we have a second?

4 MS. HOWARD:

5 Pat Howard seconds. All in favor say
6 aye? Any opposed?

7 [The motion carried unanimously. The Respondent's
8 name for File No. 19-49-015223 is William L. Seifert,
9 M.D. The Respondent's name for file No. 19-49-016031
10 is John Nkolo Mubang, M.D. The Respondent's name for
11 File No. 20-49-008116 is Carl David Hamsher, M.D.]

12 ***

13 MS. WUCINSKI:

14 We'll move on to Item No. 4 on the
15 agenda, File No. 20-49-001058 for which
16 Dr. Valigorsky recused himself.

17 I believe the Board would entertain a
18 motion to approve the Consent Agreement.

19 DR. YEALY:

20 So moved.

21 MR. DILLON:

22 Second.

23 CHAIRMAN LOISELLE:

24 All in favor say aye? Any opposed?

25 [The motion carried. Dr. Valigorsky recused from

1 deliberations and voting on the motion. The
2 Respondent's name is Robert Schnitzlein, M.D.]

3 ***

4 MS. WUCINSKI:

5 On to Item No. 6, VRP Agreement for File
6 No. 20-49-006618. I believe the Board
7 would entertain a motion to accept the
8 VRP Agreement.

9 CHAIRMAN LOISELLE:

10 Do we have a motion to accept?

11 DR. YEALY:

12 So moved.

13 CHAIRMAN LOISELLE:

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

15 MR. EISENHAUER:

16 Second.

17 CHAIRMAN LOISELLE:

18 Walt Eisenhower seconds. All in favor
19 say aye? Any opposed?

20 [The motion carried unanimously.]

21 ***

22 MS. WUCINSKI:

23 We're going to move on to Agenda Item 16.
24 I believe the Board would entertain a
25 motion to direct Board Counsel to draft

1 an Adjudication and Order consistent with
2 discussion in Executive Session for Case
3 No. 19-49-012865, Amirtha Dileepan, M.D.

4 CHAIRMAN LOISELLE:

5 Do I have a motion?

6 DR. YEALY:

7 So moved.

8 CHAIRMAN LOISELLE:

9 Dr. Yealy moves. Do I have a second?

10 ~~MR. DILLON~~ **Dr. Woodland:**

11 Second.

12 CHAIRMAN LOISELLE:

13 Dr. Woodland seconds. All in favor say
14 aye? Any opposed?

15 [The motion carried unanimously.]

16 ***

17 MS. WUCINSKI:

18 I believe the Board would entertain a
19 motion to direct Board Counsel to draft
20 an Adjudication and Order consistent with
21 discussions in Executive Session for Case
22 No. 17-49-14389, Zafar Iqbal, M.D. noting
23 that Dr. Yealy and Chairman Loisele are
24 recused.

25 MR. EISENHAUER:

1 So moved.

2 DR. WOODLAND:

3 Second.

4 MS. WUCINSKI:

5 All in favor? Opposed?

6 [The motion carried. Dr. Yealy and Chairman Loisel
7 recused from deliberations and voting on the motion.]

8 ***

9 MS. WUCINSKI:

10 I believe the Board would entertain a
11 motion to adopt as final the draft
12 Adjudication and Order at File No. 19-49-
13 016670, Brian Cable, M.D.

14 CHAIRMAN LOISELLE:

15 Do I have a motion?

16 DR. WOODLAND:

17 Move.

18 CHAIRMAN LOISELLE:

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

20 MR. DILLON:

21 Second.

22 CHAIRMAN LOISELLE:

23 Mr. Dillon seconds. All in favor say
24 aye? Any opposed?

25 [The motion carried unanimously.]

1 ***

2 MS. WUCINSKI:

3 I believe the Board would entertain a
4 motion to provisionally deny the
5 Application for a Temporary Emergency
6 License of Hil Rizvi, M.D.

7 DR. WOODLAND:

8 Move.

9 CHAIRMAN LOISELLE:

10 Dr. Woodland moves. Can I have a second?

11 MS. HOWARD:

12 Second.

13 CHAIRMAN LOISELLE:

14 Pat Howard seconds. All in favor of
15 denying the application say aye? Any
16 opposed?

17 [The motion carried unanimously.]

18 ***

19 MS. WUCINSKI:

20 I believe the Board would entertain a
21 motion to grant the Initial Unrestricted
22 License to Practice Medicine and Surgery
23 of James Gates, M.D.

24 CHAIRMAN LOISELLE:

25 Do we have a motion to grant the license?

1 MR. EISENHAUER:

2 So moved.

3 CHAIRMAN LOISELLE:

4 Eisenhower moves. Mr. Dillon seconds.

5 All in favor say aye? Any opposed?

6 [The motion carried. Dr. Woodland abstained from
7 voting on the motion.]

8 ***

9 MS. WUCINSKI:

10 I believe the Board would entertain a
11 motion to provisionally deny the
12 Application for a Temporary Emergency
13 License for Aimal Khan, M.D.

14 CHAIRMAN LOISELLE:

15 Do we have a motion for provisional
16 denial?

17 DR. WOODLAND:

18 Move.

19 CHAIRMAN LOISELLE:

20 Dr. Woodland moves. Second?

21 MR. DILLON:

22 Second.

23 CHAIRMAN LOISELLE:

24 Mr. Dillon seconds. All in favor say
25 aye? Any opposed?

1 [The motion carried unanimously.]

2 ***

3 MS. WUCINSKI:

4 I believe the Board would entertain a
5 motion to ratify the decision of the
6 Board to grant an Unrestricted License
7 under Act 41 to Caoimhe Duffy, M.D.

8 CHAIRMAN LOISELLE:

9 Do we have a motion to ratify the
10 license?

11 MR. EISENHAUER:

12 So moved.

13 CHAIRMAN LOISELLE:

14 Walt Eisenhower moves. Do we have a
15 second?

16 DR. WOODLAND:

17 Second.

18 CHAIRMAN LOISELLE:

19 Woodland seconds. All in favor say aye?
20 Any opposed?

21 [The motion carried unanimously.]

22 ***

23 MS. WUCINSKI:

24 I believe the Board would entertain a
25 motion to direct the Board Administrator

1 to send the standard reentry letter to
2 the following individuals: Elizabeth
3 Howell, M.D.; Michelle Hawkins, M.D.;
4 Marie Majelle Ong Yu, M.D.; Allen Ira
5 Oliff, M.D.; Henrietta Ukwu, M.D.

6 CHAIRMAN LOISELLE:

7 Do we have a motion?

8 MR. DILLON:

9 So moved.

10 CHAIRMAN LOISELLE:

11 Mr. Dillon moves. Do we have a second?

12 DR. VALIGORSKY:

13 Second.

14 CHAIRMAN LOISELLE:

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

17 [The motion carried. Dr. Woodland abstained from
18 voting on the motion.]

19 ***

20 MS. WALTER:

21 No. 28 on the agenda is the Application
22 for Reconsideration of a Reactivation
23 Application submitted by Dr. Juliet
24 Asuzu. I believe the Board would
25 entertain a motion to grant the

1 reactivation application with the
2 limitations as discussed during Executive
3 Session.

4 CHAIRMAN LOISELLE:

5 Do we have a motion to grant with the
6 inclusions?

7 MR. EISENHAUER:

8 So moved.

9 CHAIRMAN LOISELLE:

10 Walt Eisenhower moves. Do we have a
11 second?

12 DR. YEALY:

13 Dr. Yealy seconds. All in favor say aye?
14 Any opposed?

15 [The motion carried unanimously.]

16 ***

17 Miscellaneous

18 [Dr. Woodland commended Chairman Loiselles on his
19 leadership as Chairman of the Board and thanked him
20 for his sincere efforts and dedication to this Board.]

21 ***

22 [Ted Mowatt inquired if Counsel had any update with
23 regard to a regulation, and he also echoed comments
24 made by Dr. Woodland regarding Chairman Loiselles.

25 Counsel explained that currently the regulation

1 is making its way through the proposed rulemaking
2 process and is currently with the Policy Office.]

3 ***

4 [Chairman Loiselles noted the next meeting is scheduled
5 for October 27, 2020. He assumed that meeting and the
6 one on December 14, 2020 would be virtual.

7 Commissioner Johnson explained there are no
8 foreseeable plans to alter the current status of the
9 virtual platform. He also echoed previous comments
10 made regarding Chairman Loiselles during his tenure as
11 Board Chairman.]

12 ***

13 Adjournment

14 COMMISSIONER JOHNSON:

15 If there are no further questions, I
16 would so move that we adjourn this
17 meeting.

18 CHAIRMAN LOISELLE:

19 Commissioner Johnson has moved to
20 adjourn. Do I have a second?

21 MS. HOWARD:

22 Second.

23 ***

24 [There being no other business, the State Board of
25 Medicine Meeting adjourned at 12:11 p.m.]

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CERTIFICATE

I hereby certify that the foregoing summary minutes of the State Board of Medicine meeting, was reduced to writing by me or under my supervision, and that the minutes accurately summarize the substance of the State Board of Medicine meeting.



Evan Bingaman,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF MEDICINE
REFERENCE INDEX
September 2, 2020

	TIME	AGENDA
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7		
8	9:00	Executive Session
9	10:30	Return to Open Session
10		
11	10:38	Official Call to Order
12		
13	10:39	Roll Call
14		
15	10:40	Approval of Minutes
16		
17	10:43	Introduction of Board/Audience
18		
19	10:53	Report of Commissioner
20		
21	10:54	Report of Department of Health
22		
23	11:00	Report of Committees
24		
25	11:15	Report of Board Chairman
26		
27	11:25	Report of Board Counsel
28		
29	11:28	Old Business/New Business
30		
31	11:31	Appointment
32		
33	11:40	Old Business/New Business (Continued)
34		
35	11:50	Motions
36		
37	12:05	Miscellaneous
38		
39	12:11	Adjournment
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