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

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

MEETING OF:

STATE BOARD OF MEDICINE

TIME: 9:02 a.m.

BOARD ROOM C

One Penn Center

2601 North Third Street

Harrisburg, Pennsylvania 17110

Tuesday, October 31, 2017

State Board of Medicine
October 31, 2017

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ALSO PRESENT: (Continued)

Susan DeSantis, PA-C, Pennsylvania Society of
Physician Assistants (PSPA)
Mary Marshall, Director, Workforce & Professional
Services, The Hospital and Healthsystem Association
of Pennsylvania (HAP)
Ted Mowatt, Wanner Associates, Association for
Professional Acupuncture

1 ***

2 State Board of Medicine

3 October 31, 2017

4 ***

5 The regularly scheduled meeting of the State
6 Board of Medicine was held on Tuesday, October 31,
7 2017. Bruce A. Brod, M.D., Vice Chairman, called the
8 meeting to order at 9:02 a.m. Marilyn J. Heine, M.D.,
9 Chairperson; Rachel Levine, M.D., Physician General;
10 John Mitchell, L.P., C.C.P.; Anna Moran, M.D., and
11 Evon Sutton, Public Member, were not present at the
12 commencement of the meeting. It was noted that a
13 quorum of Board members was not present.

14 ***

15 Acknowledge Public-Turn Off Electronic Devices
16 [Chairman Brod requested that all electronic devices
17 be turned off. The introduction of audience members
18 in attendance was requested.]

19 ***

20 [Kathryn Waters, Deputy Commissioner, entered the
21 meeting at 9:03 a.m.]

22 ***

23 [Chairman Brod noted a quorum was present with the
24 arrival of Deputy Commissioner Waters.]

25 ***

1 Approval of Minutes of the September 6, 2017 meeting

2 VICE CHAIRMAN BROD:

3 I'd like to ask for a motion to approve
4 the Minutes?

5 MR. LOISELLE:

6 So moved.

7 DR. SHARMA:

8 Second.

9 VICE CHAIRMAN BROD:

10 Mr. Loiselles and Dr. Sharma seconds.
11 All those in favor? Those opposed? The
12 motion passes. The Minutes are
13 approved.

14 [The motion carried unanimously.]

15 ***

16 Report of Prosecution Division

17 [Anita Shekletski, Esquire, Board Prosecution Liaison,
18 introduced Tara Smith, also present representing the
19 Prosecution Division.

20 Ms. Shekletski presented the Consent Agreements
21 for File No. 14-49-07979 and File No. 16-49-03425.]

22 ***

23 [Anita P. Shekletski, Esquire, Board Prosecution
24 Liaison, on behalf of Amanda N. Wojciechowski,
25 Esquire, Board Prosecutor, presented the Consent

1 Agreement for File No. 16-49-09066.]

2 ***

3 [Keith Bashore, Esquire, Board Prosecutor, presented
4 the Consent Agreements for File No. 17-49-04332, File
5 No. 16-49-10715, File No. 17-49-02042, File No. 16-49-
6 14906, File No. 17-49-07106, File No. 16-49-05511, and
7 File No. 17-49-05655.]

8 ***

9 [Bridget Guilfoyle, Esquire, Board Prosecutor,
10 presented the Consent Agreements for File No. 15-49-
11 14261 and File No. 16-49-10007.]

12 ***

13 [Charles A. Castle, M.D., Keith Loiselle, Public
14 Member, and Bruce Brod, M.D., Vice Chairman, exited
15 the meeting for recusal purposes at 9:18 a.m.]

16 ***

17 [Bridget Guilfoyle, Esquire, Board Prosecutor,
18 presented a Consent Agreement involving matters
19 previously submitted to the Probable Cause Screening
20 Committee for File No. 15-49-08049.]

21 ***

22 [Charles A. Castle, M.D., Keith Loiselle, Public
23 Member, and Bruce Brod, M.D., Vice Chairman, re-
24 entered the meeting at 9:20 a.m.]

25 ***

1 [Andrea Costello, Esquire, Board Prosecutor, presented
2 the VRP Agreements for File No. 17-49-08054, File No.
3 17-49-08390, File No. 17-49-09161, File No. 17-49-
4 04203, File No. 17-49-07019, File No. 17-49-08058,
5 File No. 17-49-08533, File No. 17-49-09354, File No.
6 17-49-09455, File No. 17-49-09876, File No. 17-49-
7 06247, and File No. 17-49-09873.]

8 ***

9 [Jason Anderson, Esquire, Board Prosecutor, presented
10 the Consent Agreements for File No. 15-49-00084 and
11 File No. 17-49-03044.]

12 ***

13 [Charles A. Castle, M.D., Keith Loiselle, Public
14 Member, and Bruce Brod, M.D., Vice Chairman, exited
15 the meeting for recusal purposes at 9:35 a.m.]

16 ***

17 [Jason Anderson, Esquire, Board Prosecutor, presented
18 a Consent Agreement involving matters previously
19 submitted to the Probable Cause Screening Committee
20 for File No. 14-49-13547, File No. 17-49-09217, and
21 File No. 16-49-05311.]

22 ***

23 [Charles A. Castle, M.D., Keith Loiselle, Public
24 Member, and Bruce Brod, M.D., Vice Chairman, re-
25 entered the meeting at 9:39 a.m.]

1 Appointments

2 [Kendra Parry, MS, CADC, CIP, CCSM Program Director,
3 Physicians' Health Program, noted the names of current
4 PHP staff.
5

6 Dr. Shapiro addressed the Board regarding the
7 activities of the Physician's Health Program and
8 described case studies and the process undertaken for
9 physicians referred to the Physician's Health Program
10 for evaluation. Dr. Shapiro stated the standard
11 agreement is five years. There are urine drug screens
12 and chemical tests of the blood called
13 phosphatidylethanol (PEth), which is an alcohol
14 metabolite.

15 Dr. Shapiro stated monthly call-ins are required
16 with weekly aftercare in a group setting and possibly
17 individual therapy, workplace and peer monitors.
18 Professionally facilitated meetings with at least a
19 master's level healthcare professional are available
20 within a 40-minute drive. He explained that
21 participants are responsible for all the costs of
22 their care unless their institutions pay for the
23 therapy.

24 Ms. Parry informed the Board that PHP helps
25 healthcare professionals who have issues with

1 substance abuse disorders and mental health issues
2 that impact their ability to practice medicine. She
3 stated the goal is appropriate treatment and resources
4 so the professionals can return to their profession.

5 Ms. Parry stated PHP began unofficially in 1975
6 when the PA Medical Society established a hotline for
7 people concerned about a colleague.

8 She stated PHP was officially initiated in 1986,
9 gained board recognition in 1989, a joint agreement in
10 1992, memorandum of understanding in 1997, sole source
11 provider status in 2002, and secured a request for
12 proposal (RFP) for PHMP in 2014.

13 Ms. Parry provided details regarding case volume
14 with 272 referrals in 2016 and 63 percent from PHMP.
15 She stated 14 percent of individuals in 2016 were
16 self-referred. Referrals are also received from
17 employers, other state physician health programs,
18 medical schools, hospital systems, attorneys, family,
19 friends, and colleagues. She stated the current case
20 load is 450 active participants.

21 Dr. Shapiro explained that PHP does not
22 automatically send people to the state but inform them
23 of their responsibility to inform the Board, by law,
24 at the time of their next referral.

25 Dr. Shapiro stated there are individuals licensed

1 in other states that have a PHP. When an individual
2 is monitored in Ohio and moves to Pennsylvania,
3 Pennsylvania then becomes the primary source of
4 monitoring, which is called an interstate agreement.
5 The state of Ohio is then provided a quarterly update.
6 He explained the PHMP, the state part of the
7 monitoring, has the voluntary recovery program (VRP)
8 and the disciplinary monitoring unit (DMU). PHP
9 collects all of the data and reports to the PHMP, and
10 PHMP collects urine drug screens and keeps in touch
11 with the individual.

12 Dr. Shapiro clarified that PHP serves as a
13 monitoring case management function and not treatment.
14 He noted the importance of early detection. After a
15 referral, PHP assists in finding assessment and
16 evaluation in an abstinence-based treatment program
17 that does not monitor individuals on Suboxone or
18 methadone.

19 Dr. Shapiro explained a one-day outpatient
20 evaluation of the individual who may see an addiction
21 therapist or a psychiatrist and a more intensive
22 multiday outpatient or inpatient evaluation, where
23 several professionals are seen.

24 He stated case management will collect
25 information from an individual, vetted organizations

1 do the evaluation and treatment, and then
2 recommendations are made for further evaluation or
3 treatment.

4 Dr. Shapiro discussed initial and aftercare
5 therapy, 12-Step meetings, ongoing toxicology
6 monitoring with peers, workplace monitors, employer
7 monitors, check-in calls, and other requirements.

8 Ms. Parry addressed the standard five-year
9 agreements, non-advocacy agreements, interstate
10 agreements, and rule-out agreements. She stated PHP
11 follows federal guidelines and confidentiality laws
12 according to the Code of Federal Regulations (CFR).]

13 ***

14 [Kathryn Waters, Deputy Commissioner, exited the
15 meeting at 9:53 a.m.]

16 ***

17 [Ms. Parry informed the Board that evaluations may
18 cost a few hundred dollars to \$10,000, and PHP finds
19 treatment centers that will take insurance. She noted
20 that aftercare depends on whether insurance is
21 accepted, but some of it is self-pay. Toxicology
22 testing is roughly \$3,000 a year. There is a PHP
23 participation fee depending on work status and license
24 type.]

25 ***

1 [Anna Moran, M.D., entered the meeting at 9:56 a.m.]

2

3 [Ms. Parry explained an individual would be sent to be
4 reevaluated by a different evaluator to examine for a
5 diagnosis should there be a violation during the
6 sobriety challenge. If a diagnosis does exist, the
7 individual would transition into one of the other
8 types of agreements. Ms. Parry stated approximately
9 75 percent of individuals make it through monitoring
10 without a relapse.

11 Dr. Shapiro explained that PHP does not have a
12 reporting requirement, but physicians do, although the
13 Medical Practice Act states that physicians seeking
14 treatment are immune from that. Dr. Shapiro noted
15 that approximately one person a year is reported to
16 the Board.

17 Dr. Shapiro noted excellent cooperation between
18 PHP and Mr. Kevin Knipe at PHMP and VRP. PHP supports
19 health and success, and PHMP enhances patient safety.

20 Dr. Shapiro mentioned charity from individuals,
21 insurance companies, hospitals, and health systems;
22 help from the Pennsylvania Medical Society; and PHMP
23 who pays a monthly fee per participant. He also
24 discussed individuals, who have any restrictions on
25 their license, being decredentialed by specialty

1 Boards. Dr. Shapiro mentioned family practice,
2 neurology, and psychiatry where individuals were
3 decredentialed.

4 Ms. Parry addressed mental health resources and
5 staff and the LifeGuard program regarding physician
6 aging issues.]

7

8 [Kathryn Waters, Deputy Commissioner, entered the
9 meeting at 10:00 a.m.]

10

11 {Dr. Shapiro discussed medical school curriculums for
12 addiction medicine. He also discussed substance use
13 and worsening in behavioral disorders, burnout, and
14 stress.

15 Ms. Parry noted a stable number of referrals over
16 the last five to seven years.]

17

18 Report of Deputy Commissioner

19 [Kathryn Waters, Deputy Commissioner of Professional
20 and Occupational Affairs, addressed the Executive
21 Order 2017-03 signed by Governor Wolf. She discussed
22 the processes for licensing, such as fees, education
23 requirements, and criminal history compared to other
24 states. She discussed a survey to be completed by the
25 Board. The information will be gathered, and an

1 advisory board will compile the information to assist
2 with better decisions regarding licensing our
3 professionals.

4 Ms. Waters explained that the advisory group will
5 be composed of diverse representatives of the BPOA
6 staff and Board members. Those interested, should
7 contact the Board Administrator.]

8 ***
9 Department of Health - No Report

10 ***
11 Report of Committee on Health-Related Professionals
12 - No Report

13 ***
14 Report of Committee on Legislation/Professional
15 Liability

16 [Keith E. Loisel, Public Member, reported that the
17 Board of Medicine is doing well regarding CME
18 compliance with only roughly 4 percent noncompliance.

19 Mr. Loisel noted proposed legislation to be
20 discussed in Executive Session. He noted the Board
21 does not comment pro or negative for existing or
22 proposed legislation but can discuss legislation or
23 legislation initiatives.]

24 ***
25 Report of Committee on Continuous Professional

1 Development - No Report

2 ***

3 Report of Committee on Finance and Personnel - No
4 Report

5 ***

6 Report of Committee on Policy Development and
7 Review - No Report

8 ***

9 Report of Board Vice Chairman - No Report

10 ***

11 Report of Board Chair - No Report

12 ***

13 Report of Board Counsel

14 [Wesley Rish, Esquire, Board Counsel, noted cases and
15 applications for discussion in the Board's Executive
16 Session.]

17 ***

18 For the Board's Information

19 Board Committee List

20 [Vice Chairman Brod referred the Board to the
21 Committee List for review, especially new members. He
22 urged all to speak with the Board Chair and Board
23 Counsel regarding becoming a member.]

24 ***

25 Board Meeting Dates

1 [Vice Chairman Brod noted December 19, 2017, as the
2 next Board meeting that will include the election of
3 officers. He also noted 2018 Board meeting dates.]

4 ***

5 Old Business/New Business

6 [Vice Chairman Brod addressed the Draft of Act 48
7 citations and regulations regarding continuing
8 education violations.]

9 Mr. Kovach noted a question at last month's
10 meeting regarding the prosecution division
11 recommending the proposed sanctions for continuing
12 education cases. He explained the numbers to be
13 followed by the prosecution division relate to the
14 last formal discussion with the Board in terms of
15 sanctions in terms of Act 48. He noted that the
16 proposed regulation has not moved since 2013. With
17 PALS, the need for this regulation is diminished,
18 because the continuing education will be reported at
19 the renewal time.

20 Vice Chairman Brod stated the Draft contains more
21 than education. It contains civil penalty for various
22 offenses, nonrenewal, and criminal prosecution, for
23 simplicity, maybe legislation and continuous
24 professional development. Vice Chairman Brod
25 announced a committee meeting following the next Board

1 meeting on December 19, 2017.]

2 VICE CHAIRMAN BROD:

3 Is there a motion?

4 MR. LOISELLE:

5 I'd like to make a motion to defer the
6 item for committee review at the next
7 Board meeting.

8 VICE CHAIRMAN BROD:

9 Is there a second on that?

10 DR. SHARMA:

11 Second.

12 VICE CHAIRMAN BROD:

13 Any discussion? All those in favor of
14 referring this issue to a committee, say
15 aye. Those opposed? The motion passes.
16 So this is a formal announcement that we
17 will be having a Joint Committee meeting
18 of Continuous Professional Development
19 and Committee on Legislation/
20 Professional Liability to discuss this
21 at the end of the meeting on December
22 19, 2017.

23 [The motion carried unanimously.]

24 ***

25 [Peter Kovach, Esquire, Board Counsel, noted

1 additional regulations for the further review by the
2 Board, including the regulation of naturopaths and
3 discussion regarding orthotic fitters.]

4 ***

5 [Vice Chairman Brod discussed the Comprehensive
6 Addiction and Recovery (CARA) Act regarding
7 prescribing buprenorphine by nurse practitioners and
8 physician assistants.]

9 ***

10 [The Board recessed from 10:50 a.m. until 11:00 a.m.]

11 ***

12 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
13 11:00 a.m. the Board entered into Executive Session
14 with Peter Kovach, Esquire, and Wesley Rish, Esquire,
15 Board Counsel, for the purpose of conducting
16 quasi-judicial deliberations and to receive advice of
17 counsel. The Board concluded its Executive Session at
18 3:29 p.m.]

19 ***

20 [Cary Cummings III, M.D., exited the meeting at 3:00
21 p.m. during Executive Session.]

22 ***

23 MR. KOVACH:

24 Pursuant to the Section 708(a)(5) of the
25 Sunshine Act, the Board met in Executive

1 DR. SHARMA:

2 Second.

3 VICE CHAIRMAN BROD:

4 Dr. Moran approves. Dr. Sharma seconds.

5 All those in favor? Opposed, same sign?

6 The motion passes.

7 [The motion carried unanimously. The Respondent's
8 name is Barbara L. Leighton, M.D.]

9 ***

10 MR. RISH:

11 The next matter was Item No. 5 on the
12 Board's agenda. It's File No. 16-49-
13 10715.

14 Based upon discussions in Executive
15 Session, I would recommend a motion
16 approving the Consent Agreement and
17 Order.

18 DR. CASTLE:

19 So moved.

20 DR. SHARMA:

21 Second.

22 VICE CHAIRMAN BROD:

23 Dr. Castle approves. Dr. Sharma
24 seconds. All those in favor, say aye?

25 Opposed, same sign?

1 [The motion carried unanimously. The Respondent's
2 name is Edward Chaum, M.D.]

3 ***

4 MR. KOVACH:

5 The next matter is No. 6 on the agenda,
6 File No. 17-49-02042.

7 Based on the Board's discussions in
8 Executive Session, I would recommend a
9 motion approving the Consent Agreement.

10 DR. CASTLE:

11 So moved.

12 DR. SHARMA:

13 Second.

14 VICE CHAIRMAN BROD:

15 Dr. Castle moves. Dr. Sharma seconds.

16 All those in favor? Opposed, same sign?

17 The motion passes.

18 [The motion carried unanimously. The Respondent's
19 name is Gregory K. Pennock, M.D.]

20 ***

21 MR. RISH:

22 The next matter was Item No. 7, File No.
23 16-49-14906.

24 Based upon discussions in Executive
25 Session, I would recommend a motion

1 approving the Consent Agreement and
2 Order.

3 DR. CASTLE:

4 So moved.

5 DR. SHARMA:

6 Second.

7 VICE CHAIRMAN BROD:

8 Dr. Castle moves. Dr. Sharma seconds.

9 All those in favor? Opposed, same sign?

10 The motion passes.

11 [The motion carried unanimously. The Respondent's
12 name is Emmanuella Cherisme-Theophile, M.D.]

13 ***

14 MR. KOVACH:

15 The next matter is No. 8 on the agenda.
16 It's File No. 17-49-07106.

17 Based upon the Board's discussions
18 in Executive Session, I recommend a
19 motion approving the Consent Agreement.

20 MR. LOISELLE:

21 So moved.

22 DR. CASTLE:

23 Second.

24 VICE CHAIRMAN BROD:

25 Mr. Loiselles moves. Dr. Castle seconds.

1 All those in favor? Opposed, same sign?

2 The motion passes.

3 [The motion carried unanimously. The Respondent's
4 name is Jyotsna Sahni, M.D.]

5 ***

6 MR. RISH:

7 The next matter was Item No. 9, File No.
8 16-49-05511.

9 Based upon discussions in Executive
10 Session, I would recommend a motion
11 approving the Consent Agreement and
12 Order.

13 DR. CASTLE:

14 So moved.

15 DR. SHARMA:

16 Second.

17 VICE CHAIRMAN BROD:

18 Dr. Castle moves. Dr. Sharma seconds.

19 All those in favor? Opposed, same sign?

20 The motion passes.

21 [The motion carried unanimously. The Respondent's
22 name is David D. Burdette, M.D.]

23 ***

24 MR. RISH:

25 The next matter was Item No. 10, File

1 No. 17-49-05655.

2 Based upon discussions in Executive
3 Session, I would recommend a motion
4 approving the Consent Agreement and
5 Order.

6 DR. MORAN:

7 So moved.

8 DR. CASTLE:

9 Second.

10 VICE CHAIRMAN BROD:

11 Dr. Moran moves. Dr. Castle seconds.

12 All those in favor? Opposed, same sign?

13 The motion passes.

14 [The motion carried unanimously. The Respondent's
15 name is John E. Capito, M.D.]

16 ***

17 MR. KOVACH:

18 The next matter is No. 11 on the agenda.
19 It's File No. 15-49-14261.

20 Based on the Board's discussions in
21 Executive Session, I recommend a motion
22 approving the Consent Agreement.

23 DR. CASTLE:

24 So moved.

25 DR. SHARMA:

1 Dr. Moran moved. Dr. Sharma seconded.
2 All in favor? Those opposed? The
3 motion carries.

4 [The motion carried. Dr. Brod, Dr. Castle, and Mr.
5 Loiselles recused from deliberations and voting on the
6 motion. The Respondent's name is Kelly Ann Burke,
7 LBS.]

8 ***

9 MR. RISH:

10 The next matter was Item No. 13. It's
11 File No. 16-49-10007.

12 Based upon discussions in Executive
13 Session, I would recommend a motion
14 approving the Consent Agreement and
15 Order.

16 DR. CASTLE:

17 So moved.

18 DR. SHARMA:

19 Second.

20 VICE CHAIRMAN BROD:

21 Dr. Castle moves. Dr. Sharma seconds.

22 All those in favor? Opposed, same sign?

23 The motion passes.

24 [The motion carried unanimously. The Respondent's
25 name is Matthew P. Boente, M.D.]

1 ***

2 MR. KOVACH:

3 The next matter is No. 14 on the agenda.
4 It's File No. 16-49-09066.

5 Based on the Board's discussions in
6 Executive Session, I recommend a motion
7 approving the Consent Agreement.

8 DR. SHARMA:

9 So moved.

10 DR. CASTLE:

11 Second.

12 VICE CHAIRMAN BROD:

13 Dr. Sharma moves. Dr. Castle seconds.

14 All those in favor? Opposed, same sign?

15 The motion passes.

16 [The motion carried unanimously. The Respondent's
17 name is Kusum Nigam, M.D.]

18 ***

19 MR. KOVACH:

20 The next 12 matters we can take as a
21 group. They're VRP Consent Agreements.
22 Items No. 15 through 26 on the agenda.
23 VRP File No. 17-49-08054, VRP File No.
24 17-49-08390, VRP File No. 17-49-09161,
25 VRP File No. 17-49-04203, VRP File No.

1 17-49-07019, VRP File No. 17-49-08058,
2 VRP File No. 17-49-08533, VRP File No.
3 17-49-09354, VRP File No. 17-49-09455,
4 VRP File No. 17-49-09876, VRP File No.
5 17-49-06247, and VRP File No. 17-49-
6 09873.

7 Based on the Board's discussions in
8 Executive Session, I recommend a motion
9 to approve all of those Consent
10 Agreements.

11 DR. CASTLE:

12 So moved.

13 DR. MORAN:

14 Second.

15 VICE CHAIRMAN BROD:

16 Dr. Castle moves. Dr. Moran seconds.

17 All those in favor? Opposed, same sign?

18 The motion passes.

19 [The motion carried unanimously.]

20 ***

21 MR. KOVACH:

22 The next matter also involved the
23 Probable Cause Screening Committee, of
24 which only Mr. Loisel is present
25 today, so he will be taking no part, and

1 he did not take part in the discussion
2 of that matter. It's Item No. 27 on the
3 agenda, File No. 14-49-13547.

4 Based on the Board's discussions in
5 Executive Session, I recommend a motion
6 approving that Consent Agreement.

7 DR. CASTLE:

8 So moved.

9 DR. SHARMA:

10 Second.

11 VICE CHAIRMAN BROD:

12 Dr. Castle moves. Dr. Sharma seconds.

13 All those in favor? Opposed, same sign?

14 The motion passes.

15 [The motion carried. Mr. Loiselles recused himself
16 from deliberations and voting on the motion. The
17 Respondent's name is Lazaros N. Sotos, M.D.]

18 ***

19 MR. RISH:

20 The next matter was Item No. 28, File
21 No. 17-49-09217. This matter was a
22 Probable Cause Screening Committee
23 matter. Dr. Brod, Dr. Castle, and Mr.
24 Loiselles did not participate in
25 Executive Session discussions and have

1 recused themselves.

2 Based upon discussions in Executive
3 Session, I would recommend a motion
4 approving the Consent Agreement and
5 Order.

6 DR. SHARMA:

7 So moved.

8 DR. MORAN:

9 Second.

10 MR. KOVACH:

11 Dr. Sharma moves. Dr. Moran seconds.
12 All in favor? Any opposed? The motion
13 is approved.

14 [The motion carried. Dr. Brod, Dr. Castle, and Mr.
15 Loisel recused from deliberations and voting on the
16 motion. The Respondent's name is Urvashi Bhagat,
17 M.D.]

18 ***

19 MR. RISH:

20 The next matter was Item No. 29, File
21 No. 15-49-00084.

22 Based upon discussions in Executive
23 Session, I would recommend a motion
24 approving the Consent Agreement and
25 Order.

1 DR. CASTLE:

2 So moved.

3 DR. SHARMA:

4 Second.

5 VICE CHAIRMAN BROD:

6 Dr. Castle moves. Dr. Sharma seconds.

7 All those in favor? Opposed, same sign?

8 The motion passes.

9 [The motion carried unanimously. The Respondent's
10 name is Ladislav Habina, M.D.]

11 ***

12 MR. RISH:

13 The next matter was Item No. 30, File
14 No. 16-49-05311. This matter involves
15 the Probable Cause Screening Committee,
16 so Dr. Brod, Dr. Castle, and Mr.
17 Loiselle recused themselves.

18 Based upon discussions in Executive
19 Session, I would recommend a motion
20 approving the Consent Agreement and
21 Order.

22 DR. SHARMA:

23 So moved.

24 DR. MORAN:

25 Second.

1 MR. KOVACH:

2 Dr. Sharma moves. Dr. Moran seconds.
3 All in favor? Any opposed? The motion
4 carries.

5 [The motion carried unanimously. Dr. Brod, Dr.
6 Castle, and Mr. Loiselle recused from deliberations
7 and voting on the motion. The Respondent's name is
8 Joseph Emmanuel Lena, M.D.]

9 ***

10 MR. RISH:

11 The next matter on the agenda is Item
12 No. 31. File No. 17-49-03044.

13 Based on discussions in Executive
14 Session, I recommend a motion approving
15 that Consent Agreement in that matter.

16 DR. MORAN:

17 So moved.

18 DR. CASTLE:

19 Second.

20 VICE CHAIRMAN BROD:

21 Dr. Moran moves. Dr. Castle seconds.
22 All those in favor, say aye? Opposed,
23 same sign? The motion passes.

24 [The motion carried unanimously. The Respondent's
25 name is Alexis Patricia Patterson, LRT]

1 ***

2 MR. RISH:

3 The next matter is Item No. 39, File No.
4 16-49-01334, Commonwealth vs. Shaun
5 Brown, M.D. That matter was tabled for
6 lack of a quorum.

7 The next matter was Item No. 40,
8 File No. 17-49-05132, In the Matter of
9 the Request for Reinstatement of Richard
10 Arthur Hellander, M.D. That matter was
11 tabled for lack of a quorum.

12 The next matter was Item No. 41.
13 It's File No. 17-49-00057 In the Matter
14 of the Application for Licensure to
15 Practice Medicine and Surgery of Bruce
16 Philip Levy, M.D.

17 Based upon discussions in Executive
18 Session, I would recommend a motion
19 adopting the Hearing Examiner's Proposed
20 Adjudication and Order as the Final
21 Order of the Board.

22 DR. CASTLE:

23 So moved.

24 DR. SHARMA:

25 Second.

1 VICE CHAIRMAN BROD:

2 Dr. Castle moves. Dr. Sharma seconds.
3 All those in favor? Opposed, same sign?
4 The motion passes. Let the record
5 reflect that Ms. Waters from the
6 Commissioner's office abstains.

7 [The motion carried. Ms. Waters abstained from voting
8 on the motion.]

9 ***

10 MR. KOVACH:

11 The next matter is No. 42 on the agenda.
12 It's File No. 17-49-10764, Docket No.
13 1824-49-17 In the Matter of the
14 Application for Reinstatement of Daljit
15 Singh M.D.

16 Based on the Board's discussions in
17 Executive Session, I recommend a motion
18 to adopt the Hearing Examiner's Proposed
19 Memorandum and Order as the Final Order
20 of the Board in that matter.

21 DR. SHARMA:

22 So moved.

23 DR. CASTLE:

24 Second.

25 VICE CHAIRMAN BROD:

1 Dr. Sharma moves. Dr. Castle seconds.
2 All those in favor? Opposed, same sign?
3 The motion passes.

4 [The motion carried unanimously.]

5 ***

6 MR. RISH:

7 The next matter is Item No. 43. It's
8 File No. 10-49-03414, Commonwealth vs.
9 Joseph Cama, M.D.

10 Based upon discussions in Executive
11 Session, I would recommend a motion
12 directing counsel to draft a Memorandum
13 Order addressing the Commonwealth's
14 application for review and adopting the
15 Hearing Examiner's Adjudication and
16 Order as the Final Order of the Board.

17 DR. CASTLE:

18 So moved.

19 DR. MORAN:

20 Second.

21 VICE CHAIRMAN BROD:

22 Dr. Castle moves. Dr. Moran seconds.
23 All those in favor? Opposed, same sign?
24 The motion passes.

25 [The motion carried unanimously.]

1 ***

2 MR. RISH:

3 The next matter is Item No. 44. It's
4 File No. 16-49-00341, Commonwealth vs.
5 Wieslaw P. Gessner, M.D.

6 Based upon discussions in Executive
7 Session, I would recommend a motion
8 adopting the Final Adjudication and
9 Order.

10 DR. MORAN:

11 So moved.

12 DR. SHARMA:

13 Second.

14 VICE CHAIRMAN BROD:

15 Dr. Moran moves. Dr. Sharma seconds.

16 All those in favor? Opposed, same sign?

17 The motion passes.

18 [The motion carried unanimously.]

19 ***

20 MR. RISH:

21 The next matter we can take as a group,
22 Items 45 through 56.

23 Based upon discussions in Executive
24 Session, I would recommend a motion
25 approving the following Applications for

1 an Initial Unrestricted License: Dayle
2 Strawn, M.D.; Erik Gunderson, M.D.;
3 Jeffrey L. Blumer, M.D.; Hendrieka
4 Fitzpatrick, M.D.; Laura Withers, M.D.;
5 Ripp A. Smith, M.D.; Joseph Fishkin,
6 M.D.; Michael Richard Tholen, M.D.; Hien
7 Quang Nguyen, M.D.; Manuel Jose
8 Castellanos, M.D.; Michelle Lee White,
9 M.D.; and Ahmed Abdelsalam, M.D.

10 DR. MORAN:

11 So moved.

12 DR. SHARMA:

13 Second.

14 VICE CHAIRMAN BROD:

15 Dr. Moran approves. Dr. Sharma seconds.

16 All those in favor? Opposed, same sign?

17 The motion passes.

18 [The motion carried unanimously.]

19 ***

20 MR. RISH:

21 The next matter is the Application for
22 Initial Unrestricted License of Luis
23 Augusto Cervantes, M.D.

24 Based upon discussions in Executive
25 Session, I would recommend a motion

1 approving the Application.

2 DR. SHARMA:

3 So moved.

4 DR. MORAN:

5 Second.

6 VICE CHAIRMAN BROD:

7 Dr. Sharma moves. Dr. Moran seconds.

8 All those in favor? Those opposed? Let

9 the record reflect that Dr. Castle

10 opposes and that Ms. Waters abstains.

11 The motion still passes.

12 [The motion carried. Dr. Castle opposed, and Ms.

13 Waters abstained from voting on the motion.]

14 ***

15 MR. KOVACH:

16 The next matter is the Initial

17 Unrestricted License Application filed

18 by Sanjeev Sharma, M.D.

19 Based on the Board's discussions in

20 Executive Session, I would recommend a

21 motion approving the Application.

22 MR. LOISELLE:

23 So moved.

24 DR. MORAN:

25 Second.

1 VICE CHAIRMAN BROD:

2 Mr. Loiselles approves. Dr. Moran
3 seconds. All those in favor? Opposed,
4 same sign? The motion passes.

5 [The motion carried unanimously.]

6 ***

7 MR. RISH:

8 The next matter is Item No. 59. It's
9 the Application for an Initial
10 Unrestricted License to Practice
11 Medicine and Surgery of Clark Elliott,
12 M.D.

13 Based upon discussions in Executive
14 Session, I would recommend a motion
15 provisionally denying the application.

16 MR. LOISELLE:

17 So moved.

18 DR. SHARMA:

19 Second.

20 VICE CHAIRMAN BROD:

21 Mr. Loiselles moves. Dr. Sharma seconds.
22 All those in favor? Opposed, same sign?
23 The denial stands.

24 [The motion carried unanimously.]

25 ***

1 MR. KOVACH:

2 The next matter is Item No. 60 on the
3 agenda, the Initial Unrestricted License
4 Application filed by Christopher Michael
5 Wilson, M.D.

6 Based on the Board's discussions in
7 Executive Session, I recommend a motion
8 approving the application.

9 DR. SHARMA:

10 So moved.

11 MR. LOISELLE:

12 Second.

13 VICE CHAIRMAN BROD:

14 Dr. Sharma moves. Mr. Loiselles seconds.
15 All those in favor? Opposed, same sign?
16 The motion passes.

17 [The motion carried unanimously.]

18 ***

19 MR. RISH:

20 The next matter is Item No. 61, the
21 Initial Application for Athletic Trainer
22 Licensure of Robert Clothier, ATC.

23 Based upon discussions in Executive
24 Session, I would recommend a motion
25 approving the application.

1 DR. CASTLE:

2 So moved.

3 MR. LOISELLE:

4 Second.

5 VICE CHAIRMAN BROD:

6 Dr. Castle moves. Mr. Loiselles seconds.

7 All those in favor? Opposed, same sign?

8 The motion passes.

9 [The motion carried unanimously.]

10 ***

11 MR. KOVACH:

12 The next matter is Item No. 62 on the
13 agenda. It's the Initial Orthotic
14 Fitter License Application of Matthew
15 Jerome Meredick.

16 Based on the Board's discussions in
17 Executive Session, I recommend a motion
18 provisionally denying that application.

19 DR. CASTLE:

20 So moved.

21 DR. SHARMA:

22 Second.

23 VICE CHAIRMAN BROD:

24 Dr. Castle moves. Dr. Sharma seconds.

25 All those in favor of the motion, aye?

1 Based on the Board's discussions in
2 Executive Session, I recommend a motion
3 tabling the application and directing
4 the Board Administrator to offer the
5 applicant the opportunity to apply for
6 an institutional license.

7 DR. CASTLE:

8 So moved.

9 DR. MORAN:

10 Second.

11 VICE CHAIRMAN BROD:

12 Dr. Castle moves. Dr. Moran seconds.

13 All those in favor? Opposed, same sign?

14 The motion passes.

15 [The motion carried unanimously.]

16 ***

17 MR. KOVACH:

18 The next matter is No. 65 on the agenda.

19 It's the Initial Unrestricted License

20 Application by Endorsement by Mohammad

21 Tahir, M.D.

22 Based on the Board's discussions in
23 Executive Session, I recommend a motion
24 tabling the application and directing
25 the Board Administrator to issue a

1 discrepancy letter.

2 DR. CASTLE:

3 So moved.

4 DR. SHARMA:

5 Second.

6 VICE CHAIRMAN BROD:

7 Dr. Castle moves. Dr. Sharma seconds.

8 All those in favor? Opposed, same sign?

9 The motion passes.

10 [The motion carried unanimously.]

11 ***

12 MR. RISH:

13 The next two items are Items 66 and 67.

14 It's the Applications for Initial

15 Unrestricted License by Endorsement of

16 Teena Dhir, M.D. and Masashi Kawamura,

17 M.D.

18 Based upon discussions in Executive

19 Session, I would recommend a motion

20 tabling the applications and directing

21 the Board Administrator to offer the

22 applicants an opportunity to apply for

23 an institutional license.

24 DR. CASTLE:

25 So moved.

1 DR. MORAN:

2 Second.

3 VICE CHAIRMAN BROD:

4 Dr. Castle moves. Dr. Moran seconds.

5 All those in favor? Opposed, same sign?

6 The motion passes.

7 [The motion carried unanimously.]

8 ***

9 MR. RISH:

10 The next matter is No. 68 on the agenda,
11 the Initial Unrestricted License by
12 Endorsement Application of Dirk Pabst,
13 M.D.

14 Based on the discussions in
15 Executive Session, I would recommend a
16 motion approving the application.

17 DR. CASTLE:

18 So moved.

19 DR. MORAN:

20 Second.

21 VICE CHAIRMAN BROD:

22 Dr. Castle moves. Dr. Moran seconds.

23 All those in favor? Opposed, same sign?

24 The motion passes.

25 [The motion carried unanimously.]

1 ***

2 MR. KOVACH:

3 The next matter is No. 69. It's the
4 Initial Unrestricted License by
5 Endorsement Application of Flor Mizrahi,
6 M.D.

7 Based on the Board's discussions in
8 Executive Session, I would recommend a
9 motion tabling the application and
10 directing the Board Administrator to
11 issue a discrepancy letter.

12 DR. CASTLE:

13 So moved.

14 DR. SHARMA:

15 Second.

16 VICE CHAIRMAN BROD:

17 Dr. Castle moves. Dr. Sharma seconds.

18 All those in favor? Opposed, same sign?

19 The motion passes.

20 [The motion carried unanimously.]

21 ***

22 MR. KOVACH:

23 The next three matters we can take as a
24 group. It's the Initial Behavior
25 Specialist Application of Elizabeth Ann

1 MacDonald; at No. 71, the Initial
2 Behavior Specialist Application of Agnes
3 Soltys; and at 72, the Initial Behavior
4 Specialist Application of Karoline
5 Hicks.

6 Based on the Board's discussions in
7 Executive Session, I would recommend
8 motions approving all of those
9 applications.

10 DR. CASTLE:

11 So moved.

12 DR. MORAN:

13 Second.

14 VICE CHAIRMAN BROD:

15 Dr. Castle moves. Dr. Moran seconds.

16 All those in favor? Opposed, same sign?

17 The motion passes.

18 [The motion carried unanimously.]

19 ***

20 MR. KOVACH:

21 The next matter is No. 73 on the agenda.

22 It's the Supervising Physician Written

23 Agreement between James Newcomb, M.D.

24 and Carin Minchew, PA-C.

25 Based on the Board's discussions in

1 Executive Session, I would recommend a
2 motion tabling the matter and having the
3 Board Administrator issue a discrepancy
4 letter.

5 DR. MORAN:

6 So moved.

7 DR. SHARMA:

8 Second.

9 VICE CHAIRMAN BROD:

10 Dr. Moran moves. Dr. Sharma seconds.
11 All those in favor? Opposed, same sign?
12 The motion passes.

13 [The motion carried unanimously.]

14 ***

15 MR. RISH:

16 The next matter I will take as a group.
17 It's items 74, 76, 77, 78, 79, and 80.
18 These are Reactivation Applications of
19 Stephen Goldstein, M.D.; Wieslaw Janusz
20 Bochenek, M.D.; Stanley Baum, M.D.;
21 George Atkins Alexander, M.D.; Colleen
22 M. McDonnell-Dattilo, M.D.; and Carol
23 Higham Azar, M.D.

24 Based upon discussions in Executive
25 Session, I would recommend a motion

1 directing our Board Administrator to
2 send the standard reentry letter.

3 DR. CASTLE:

4 So moved.

5 DR. MORAN:

6 Second.

7 VICE CHAIRMAN BROD:

8 Dr. Castle moves. Dr. Moran seconds.

9 All those in favor? Opposed, same sign?

10 The motion passes.

11 [The motion carried unanimously.]

12 ***

13 MR. KOVACH:

14 The next matter is No. 75 on the agenda.
15 It's the Reactivation Application for a
16 Physician & Surgeon License filed by
17 Tadao Okada, M.D.

18 Based on the Board's discussions in
19 Executive Session, I would recommend a
20 motion approving the application.

21 DR. CASTLE:

22 So moved.

23 DR. MORAN:

24 Second.

25 VICE CHAIRMAN BROD:

1 Dr. Castle moves. Dr. Moran seconds.
2 All those in favor? Opposed, same sign?
3 The motion passes.

4 [The motion carried unanimously.]

5 ***

6 MR. KOVACH:

7 The next matter is No. 81 on the agenda.
8 It's the Reconsideration Application for
9 Reactivation for a Physician & Surgeon
10 License filed by Stephen D. Rubin, M.D.

11 Based on the Board's discussions in
12 Executive Session, I would recommend a
13 motion directing the Board's
14 Administrator to issue the standard
15 reentry letter.

16 DR. CASTLE:

17 So moved.

18 DR. SHARMA:

19 Second.

20 VICE CHAIRMAN BROD:

21 Dr. Castle moves. Dr. Sharma seconds.
22 All those in favor? Opposed, same sign?
23 The motion passes.

24 [The motion carried unanimously.]

25 ***

1 MR. KOVACH:

2 We can take 82 and 83 together. 82 is
3 the Reactivation Application for a
4 Respiratory Therapist License filed by
5 Theresa W. Mizak, RCP and No. 83, the
6 Reactivation Application for a
7 Respiratory Therapist filed by Brian
8 Charles Steinmiller, RCP.

9 Based on the Board's discussions in
10 Executive Session, I would recommend a
11 motion directing the Board Administrator
12 to issue a letter to the applicants,
13 having them retake the examination test.

14 DR. CASTLE:

15 So moved.

16 DR. MORAN:

17 Second.

18 VICE CHAIRMAN BROD:

19 Dr. Castle moves. Dr. Moran seconds.

20 All those in favor? Opposed, same sign?

21 The motion passes.

22 [The motion carried unanimously.]

23 ***

24 MR. KOVACH:

25 We will be doing a corrected motion, No.

1 82, the Reactivation Application of
2 Respiratory Therapist, Theresa W. Mizak,
3 RCP. I would recommend a motion
4 approving the application in that
5 matter.

6 MR. LOISELLE:

7 So moved.

8 DR. SHARMA:

9 Second.

10 VICE CHAIRMAN BROD:

11 Mr. Loiselles moves. Dr. Sharma seconds.
12 All those in favor? Those opposed? The
13 motion passes. Let the record reflect
14 she is approved.

15 [The motion carried unanimously.]

16 ***

17 MR. RISH:

18 I can take 84 and 85. These are the
19 Initial Applications for Respiratory
20 Therapist Licenses of Jeanne Marie
21 Gindlesberger, RCP, and Karen Webster,
22 RCP.

23 Based upon discussions in Executive
24 Session, I would recommend a motion
25 directing the Board Administrator to

1 send the standard recertification
2 letter.

3 DR. CASTLE:

4 So moved.

5 DR. MORAN:

6 Second.

7 VICE CHAIRMAN BROD:

8 Dr. Castle moves. Dr. Moran seconds.

9 All those in favor? Opposed, same sign?

10 The motion passes.

11 [The motion carried unanimously.]

12 ***

13 [Wesley Rish, Esquire, Board Counsel, noted that
14 during Executive Session, Counsel for the Board
15 discussed the Board's potential legal implications of
16 Senate Bill 895 with the Board and the Board's
17 responsibilities with respect to taking positions or
18 not taking positions on prospective legislation.]

19 ***

20 Adjournment

21 VICE CHAIRMAN BROD:

22 Motion to adjourn?

23 DR. MORAN:

24 So moved.

25 DR. SHARMA:

1 Second.

2 VICE CHAIRMAN BROD:

3 Dr. Moran moves. Dr. Sharma seconds.

4 The meeting is adjourned. All those in
5 favor, say aye?

6 [The motion carried unanimously.]

7 ***

8 [There being no further business, the State Board of
9 Medicine meeting adjourned at 4:03 p.m.]

10 ***

11

12 CERTIFICATE

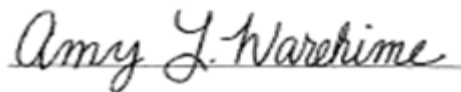
13

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

19

20

21



22

Amy L. Warehime,

23

Minute Clerk

24

Sargent's Court Reporting

25

Service, Inc.

STATE BOARD OF MEDICINE
REFERENCE INDEX
October 31, 2017

	TIME	AGENDA
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2		
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4		
5		
6		
7	9:02	Official Call to Order
8		
9	9:03	Introduction of Audience
10		
11	9:05	Approval of Minutes
12		
13	9:06	Report of Prosecution Division
14		
15	9:42	Appointment - Physicians' Health Program Presentation
16		
17		
18	10:28	Report of Deputy Commissioner
19		
20	10:34	Report of Committees
21		
22	10:37	Report of Board Counsel
23		
24	10:37	For the Board's Information
25		
26	10:39	New Business/Old Business
27		
28	10:50	Recess
29	11:00	Return to Open Session
30		
31	11:00	Executive Session
32	3:29	Return to Open Session
33		
34	3:30	Motions
35		
36	4:03	Adjournment
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