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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: 9:04 A.M.

BOARD ROOM B
One Penn Center
2601 North Third Street
Harrisburg, Pennsylvania 17110

Tuesday, December 17, 2019

State Board of Medicine
December 17, 2019

BOARD MEMBERS:

Keith E. Loiselle, Chairman, Public Member
K. Kalonji Johnson, Acting Commissioner, Bureau of
Professional and Occupational Affairs
Katelin Lambert, Deputy Commissioner, Bureau of
Professional and Occupational Affairs
Joseph E. Losee, M.D., Vice Chairman
Ronald E. Domen, M.D.
Nirmal Joshi, M.D.
Mary Howard, Executive Assistant of Quality Assurance,
on behalf of Rachel Levine, M.D., Physician
General/Secretary of Health
John M. Mitchell, L.P., C.C.P.
Paul J. Valigorsky II, M.D.
Mark B. Woodland, M.D.

BUREAU PERSONNEL:

Dana M. Wucinski, Esquire, Board Counsel
Shana M. Walter, Esquire, Board Counsel
Anita P. Shekletski, Esquire, Board Prosecution
Liaison
Adam L. Morris, Esquire, Board Prosecutor
Adam Williams, Esquire, Board Prosecutor
Keith E. Bashore, Esquire, Board Prosecutor
Nathan C. Giunta, Esquire, Board Prosecutor
Mark R. Zogby, Esquire, Board Prosecutor
Jonelle Eshbach, Esquire, Board Prosecutor
Jason T. Anderson, Esquire, Board Prosecutor
Marc Farrell, Deputy Policy Director, Department of
State
Suzanne Zerbe, Board Administrator

ALSO PRESENT:

Susan DeSantis, PA-C, Pennsylvania Society of
Physician Assistants
Randy Stevens, Pennsylvania Orthotic & Prosthetic
Society
Tanya Miller, MS, LAT, ATC, Pennsylvania Athletic
Trainers' Society
Charles Hartwell, Esquire, Dethlefs-Pykosh Law Group,
Counsel for the Respondent

State Board of Medicine
December 17, 2019

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ALSO PRESENT: (Continued)

Matthew Ridley, Esquire, Thomas, Thomas & Hafer LLP,
Counsel for Respondent
Michael Siget, JD, MPA, Legislative & Regulatory
Counsel, Pennsylvania Medical Society

1 ***

2 State Board of Medicine

3 December 17, 2019

4 ***

5 The regularly scheduled meeting of the State
6 Board of Medicine was held on Tuesday, December 17,
7 2019. Keith E. Loisel, Chairman, Public Member,
8 called the meeting to order at 9:04 a.m. K. Kalonji
9 Johnson, Acting Commissioner, Bureau of Professional
10 and Occupational Affairs, and Mark B. Woodland, M.D.,
11 were not present at the commencement of the meeting.

12 ***

13 [Chairman Loisel requested all electrical devices be
14 turned off.]

15 ***

16 Approval of minutes of the October 29, 2019 meeting

17 CHAIRMAN LOISEL:

18 Do I have a motion to approve the
19 previous minutes?

20 MR. MITCHELL:

21 So moved.

22 MS. HOWARD:

23 Second.

24 CHAIRMAN LOISEL:

25 Mr. Mitchell moves. Ms. Howard seconds.

1 All in favor of approving the minutes,
2 say aye. Any opposed?

3 [The motion carried unanimously.]

4 ***

5 [K. Kalonji Johnson, Acting Commissioner, Bureau of
6 Professional and Occupational Affairs, entered the
7 meeting at 9:06 a.m.]

8 ***

9 Introduction of Audience Members

10 [Chairman Loiselle requested the introduction of
11 audience members in attendance.]

12 ***

13 [Mark B. Woodland, M.D., entered the meeting at
14 9:07 a.m.]

15 ***

16 [Roll call was taken.]

17 ***

18 Report of Prosecution Division

19 [Adam Morris, Esquire, Board Prosecutor, presented the
20 Consent Agreement for File No. 17-49-12720.]

21 ***

22 [Joseph E. Losee, M.D., Vice Chairman, and John M.
23 Mitchell, L.P., C.C.P. exited the meeting at 9:11 a.m.
24 for recusal purposes.]

25 ***

1 [Adam L. Morris, Esquire, Board Prosecutor, presented
2 the Consent Agreement for File No. 18-49-00237.]

3 ***

4 [Joseph E. Losee, M.D., Vice Chairman, and John M.
5 Mitchell, L.P., C.C.P., reentered the meeting at
6 9:12 a.m.]

7 ***

8 [Anita P. Shekletski, Esquire, Board Prosecution
9 Liaison, presented the VRP Consent Agreements for File
10 No. 19-49-001676 and File No. 19-49-012840.]

11 ***

12 [Keith E. Bashore, Esquire, Board Prosecutor,
13 presented the Consent Agreements for File No. 19-49-
14 013858, File No. 17-49-04611, File No. 19-49-002956,
15 and File No. 19-49-013542.]

16 ***

17 [Nathan C. Giunta, Esquire, Board Prosecutor,
18 presented the Consent Agreement for File No. 19-49-
19 009988.]

20 ***

21 [Mark R. Zogby, Esquire, Board Prosecutor, presented
22 the Consent Agreements for File Nos. 15-49-12282, 19-
23 49-012489, and 19-49-013863. Charles Hartwell,
24 Esquire, Counsel for Respondent, was also present for
25 the discussion.]

1 ***
2 [Mark R. Zogby, Esquire, Board Prosecutor, presented
3 the Consent Agreements for File No. 19-49-003344 and
4 File No. 19-49-011465.]

5 ***
6 [Jason T. Anderson, Esquire, Board Prosecutor,
7 presented the Consent Agreements for File No. 17-49-
8 03745, File No. 18-49-010889, and File No. 19-49-
9 009824.]

10 ***
11 [Paul J. Valigorsky II, M.D., and John M. Mitchell,
12 L.P., C.C.P., exited the meeting at 9:24 a.m. for
13 recusal purposes.]

14 ***
15 [Jason T. Anderson, Esquire, Board Prosecutor,
16 presented the Consent Agreement for File No. 18-49-
17 006008.]

18 ***
19 [Joseph E. Losee, M.D., Vice Chairman, exited the
20 meeting at 9:25 a.m. for recusal purposes.]

21 ***
22 [Jason T. Anderson, Esquire, Board Prosecutor,
23 presented the Consent Agreement for File No. 19-49-
24 010100.]

25 ***

1 [Joseph E. Losee, M.D., Vice Chairman; Paul J.
2 Valigorsky II, M.D.; and John M. Mitchell, L.P.,
3 C.C.P., reentered the meeting at 9:26 a.m.]

4 ***
5 Report of Acting Commissioner

6 [K. Kalonji Johnson, Acting Commissioner, Bureau of
7 Professional and Occupational Affairs, updated the
8 Board regarding occupation specialties for the
9 navigators on the Pennsylvania Licensing System (PALS)
10 website with the addition of physicians and surgeons
11 by the end of this month.

12 Acting Commissioner Johnson mentioned an
13 improvement in the quality of conversations in terms
14 of what was being received from licensees and
15 applicants with phone and walk-in interaction. He
16 also mentioned PALS will continue to be enhanced.]

17 ***
18 Report of Department of Health
19 [Mary Howard, Executive Assistant of Quality
20 Assurance, on behalf of Rachel Levine, M.D., Physician
21 General/Secretary of Health, updated the Board on Act
22 112 of 2018/Patient Test Result Information Act,
23 noting it will be effective next week. She explained
24 the act requires the entity performing the diagnostic
25 imaging services, where a significant abnormality

1 exists, notify the patient or the patient's designee
2 by providing notice that the entity had completed a
3 review of the test performed on the patient and sent
4 the results to the health care practitioner who
5 ordered the diagnostic imaging test.

6 Ms. Howard addressed electronic prescribing of
7 controlled substances effective October 24, 2019, and
8 provided an opioid fact sheet for the Board's review.
9 She stated the Pennsylvania Department of Health
10 dashboard includes the economic impact of the opioid
11 crisis, and the Opioid Command Center was signed into
12 law on December 2, 2019.

13 Ms. Howard noted a new three-year strategic plan
14 for the Department of Health and that they are working
15 on new hospital regulations and updates for long-term
16 care.

17 Mr. Mitchell questioned whether Act 112 of 2018
18 had been communicated to the Health System Association
19 of Pennsylvania (HAP) and noted concern of nobody
20 really knowing what happens if you do not comply.

21 Dr. Woodland also noted concern with confusion
22 the bill causes for patients and physicians and the
23 potential for punitive problems. He questioned how
24 surveillance can be done for not only the punitive
25 issues but also surveillance to see if it had the

1 registered intent.

2 Ms. Howard explained that facility-based issues
3 can be monitored by the Department of Health for
4 regulatory compliance through hospitals and nursing
5 homes, and medical doctors would be up to the
6 Department of State.

7 Michael Siget, JD, MPA, Legislative & Regulatory
8 Counsel, Pennsylvania Medical Society, informed the
9 Board that House Bill 2103 was introduced by
10 Representative Jozwiak to amend Act 112 of 2018 to get
11 rid of significant abnormality criteria, create more
12 exceptions to what tests are no longer required, and
13 provide clarification regarding the notification to
14 the referring physician. He explained the amendment
15 will clarify Department of Health and Department of
16 State roles.

17 Acting Commissioner Johnson commented that their
18 function of the regulatory oversight is to issue
19 either a warning letters or formal discipline. We
20 have discretion, in some cases and not others, whether
21 to employ on or the other. He suggested to continue
22 to operate as normal.]

23

24 Report of Committee on Allied Health-Related

25 Professionals - No Report

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Report of Committee on Legislation/Policy Development
and Review

[Keith E. Loisel, Chairman, Public Member, mentioned the importance of the Board having more input into the legislative process with the repository of knowledge that sits around the table to tap into issues that are so important to the people of the Commonwealth of Pennsylvania.

Chairman Loisel addressed the opioid epidemic, where the Board made a formal statement recommending opioid guidelines only and not statutory. He mentioned the Board will always be the backstop and assured licensees that the Board would be the body to decide whether or not there would be discipline and what that discipline should be.

Chairman Loisel noted not being in agreement in every case that these issues should be statutory. He believes physicians should be criminally prosecuted when it comes to writing prescriptions and selling them for profit, but there are times when decisions are made about the best and most appropriate care for patient where there should be no interference with that relationship. He hoped to foster a closer relationship with the legislature when things are

1 being constructed.

2 Acting Commissioner addressed Act 112 of 2019
3 regarding opioid treatment agreements, which was
4 brought up before the Osteopathic Board last week, who
5 put specific comments on the record, and implored the
6 Board of Medicine to do the same. He stated the
7 Department of Health had 90 days to promulgate
8 regulations but was concerned about the referrals to
9 the Department of State (DOS), how that process works.

10 Acting Commissioner Johnson noted Osteopathic
11 Board concerns regarding benchmarking, where it
12 related to reporting requirements, along with
13 discussion dealing with acute issues.

14 Ms. Walter explained Act 112 of 2019, noting that
15 before a prescriber prescribes a controlled substance
16 a determination would be made whether the individual
17 was on medically assisted treatment and discuss the
18 risks, dangers, and goals of the treatment; obtain
19 written consent for the prescription from the patient;
20 and sign a treatment agreement.

21 Ms. Walter noted the patient had to undergo a
22 baseline drug test before the prescription for a
23 controlled substance was prescribed and urinalysis had
24 to be done on an annual basis, if the patient was an
25 addict or at high risk of becoming addicted.

1 Ms. Walter mentioned concerns of the Osteopathic
2 Board, including insurance not covering the drug test,
3 what happens when patients would not be able to afford
4 the drug test.

5 Ms. Walter noted exceptions listed in the bill
6 for a medical emergency defined as a time-sensitive
7 threat of serious risk to the life or physical health
8 of the patient, and this includes treatment received
9 in an emergency room or urgent care center. She
10 mentioned one of the osteopathic physicians brought up
11 a situation that was not necessarily an emergency room
12 or urgent care situation, but the patient was in pain
13 and the treating physician, unless it was very well
14 documented as required by the act, cannot prescribe a
15 controlled substance.

16 Dr. Woodland addressed the penalty regarding
17 prescribers being subject to sanctions under the
18 prescriber's professional practice acts and by the
19 appropriate licensing Board. He mentioned this could
20 create a problem for providers who would actually not
21 agree to the practice, which would restrict further
22 access for people getting treatment.

23 Dr. Losee stated, in addition to an emergency
24 department or urgent care, an operating room should be
25 listed because opioids are a part of every general

1 anesthetic and caused a ton of paperwork for parents
2 to sign for their children. He questioned whether
3 Dr. Levine had a chance to comment on proposed
4 legislation to have a doctor consider the
5 ramifications on these bills.

6 Ms. Howard provided an overview of the bill
7 process, noting a medical director was available in
8 their area for advice.

9 Mr. Siget referred to opioid treatment agreements
10 that are now de facto statutorily mandated. He noted
11 doctors are going to have to follow these guidelines
12 for this treatment and then worry about deviating from
13 the guidelines, mentioning patients who have been on a
14 long-term agreement would now have to change because
15 the prescribing guidelines changed.

16 Chairman Loiselle provided a personal scenario,
17 where he received steroids and pain medication for
18 acute lower back pain and questioned whether he would
19 require a blood test or would this apply only to long-
20 term management.

21 Ms. Walter stated there are different provisions
22 for acute pain and chronic pain. She noted there are
23 a certain set of guidelines the prescriber would have
24 to follow for acute pain, and there are generally
25 exceptions to the chronic pain with the treatment plan

1 and the baseline urine test.

2 Dr. Woodland referred to Act 112 of 2019 opioid
3 treatment agreements § 52B01 regarding definitions,
4 where acute pain is pain that comes on quickly, may be
5 severe, but lasts a relatively short time and is
6 provoked by a specific condition or injury. He also
7 noted the baseline tests, which are the initial
8 testing through a urine drug test to identify the
9 presence of illegal substance.

10 Chairman Loiselle questioned whether a urine
11 screen or blood test would be required in the
12 situation he previously described.

13 Ms. Walter referred to § 52B02(d) exception
14 subsection (c), urine drug testing shall not apply if
15 the treatment of an individual with a controlled
16 substance containing an opioid is associated with or
17 incident to a medical emergency documented in the
18 medical record of the individual, palliative or
19 hospice care, cancer, and professional judgement of
20 the prescriber. She noted exceptions to medical
21 emergency situations regarding the urine test listed
22 in subsection (d).

23 Ms. Wucinski noted that individuals coming in for
24 the first time with chronic pain would fall under
25 subsection (c)(1) and would require a baseline test,

1 periodic test, or target test which would be used to
2 establish a general assessment for an individual new
3 to treatment for chronic pain.

4 Dr. Losee noted that would be for somebody who
5 has chronic back pain and they are going to a new
6 person. That prevents somebody from doctor shopping.

7 Mr. Siget referred to exceptions under (b), if
8 you have chronic pain that you are not subject to the
9 urine testing if you meet one of the exceptions in
10 (d).

11 Dr. Woodland commented that the big issue was
12 helping practitioners avoid penalties when legislation
13 is not clear.]

14

15 Report of Committee on Licensure Qualifications

16 [Mark B. Woodland, M.D., discussed his attendance at
17 the Association of American Medical Colleges (AAMC)
18 Meeting. He mentioned the Federation of State Medical
19 Boards (FSMB) being out there proudly and loudly
20 touting licensure and educating medical students, not
21 only the process but the professionals surrounding it.

22 Dr. Woodland mentioned that FSMB was also
23 involved with the Council of Medical Specialty
24 Societies (CMSS) from the standpoint of licensure,
25 professional duties, and responsibilities.

1 Dr. Woodland announced January 23 (PA123) as the
2 state recognition of Maternal Health Awareness Day.
3 He mentioned Dr. Levine was going to draft a preamble
4 for all of the institutions that provide maternity
5 care across the state. He discussed the fourth
6 trimester, which is basically postpartum care and the
7 importance of extending postpartum care for women
8 through at least the first year after delivery and to
9 set the stage for the rest of their health ongoing.
10 He stated the American College of Obstetricians and
11 Gynecologists (ACOG) was jumping on this in a big
12 way.]

13 ***

14 Report of Board Vice Chairman - No Report

15 ***

16 Report of Board Chairman

17 [Keith E. Loisel, Chairman, Public Member, announced
18 Dr. Losee was leaving the Board of Medicine after this
19 meeting. He noted appreciation of his contributions
20 to the Board and the citizens of Pennsylvania and
21 wished him the very best in the future.

22 Acting Commissioner Johnson presented Dr. Losee
23 with a proclamation from the Department of State
24 Bureau of Professional and Occupational Affairs for
25 his contributions to the Pennsylvania State Board of

1 Medicine and citizens of the Commonwealth.

2 Dr. Losee thanked everyone for the education he
3 received concerning certification, credentialing, and
4 the details of licensure.]

5 ***

6 Report of Board Counsel

7 [Dana M. Wucinski, Esquire, Board Counsel, noted the
8 Board would be discussing consent agreements presented
9 today, along with agenda items 29 through 46 in
10 executive session.

11 Ms. Wucinski discussed her attendance at the
12 Federation of State Medical Boards Attorneys Workshop
13 in New Orleans November 7-8, 2019. She noted
14 attorneys on Medical Boards in other states still play
15 both roles as a prosecutor and Board counsel. She
16 mentioned discussion regarding statistics for
17 disciplinary actions across the country. She also
18 noted discussion on how drug testing differs from
19 hair, nail, and urine testing. Experimental therapies
20 were discussed, including stem cell therapies and the
21 legal ramifications that come from those, like false
22 advertising and leading the public astray with the
23 type of results they can get.

24 Ms. Wucinski noted FSMB's annual meeting April
25 30, 2020 through May 2, 2020, in San Diego for Board

1 members and Board counsel.

2 Chairman Loiselle mentioned regular meetings that
3 occur in some states between Boards of Medicine and
4 the legislature. He noted working hard to foster a
5 deeper relationship between the Board and legislative
6 personnel to head off some of the issues discussed
7 earlier. He would like to eventually see regular
8 meetings with the Pennsylvania legislature, where they
9 are invited to health care legislative committee
10 meetings to listen in and make comments.

11 Chairman Loiselle suggested sending somebody to
12 San Diego to represent the Board.

13 Ms. Zerbe noted Dr. Domen as the voting delegate
14 and Dr. Joshi as the alternate, but needs to wait for
15 the announcement from the federation via invitation to
16 provide the information to obtain approval for the
17 members to attend.]

18 ***

19 For the Board's Information/Discussion - Board

20 Committee List

21 [Keith E. Loiselle, Chairman, Public Member, noted the
22 committee list was available for anyone to see.

23 Chairman Loiselle mentioned the need for
24 additional Board members with Dr. Losee leaving. He
25 stated Mr. Mitchell's term expires in March but would

1 have until September to continue to serve in the USQ
2 capacity. Chairman Loiselle also noted being off the
3 Board in 2020.

4 Acting Commissioner Johnson mentioned working
5 with Director Latanishen who assured him the
6 Governor's Office was working on the next round of
7 nominations with the next announcement of nominations
8 at the end of this month.

9 Chairman Loiselle noted proposed Board meeting
10 dates for 2020 and the next scheduled Board meeting on
11 February 4, 2020. He also asked members to notify
12 Ms. Zerbe of their inability to attend.

13 Chairman Loiselle mentioned House Bill 1947
14 regarding graduates of unaccredited medical colleges.

15 Dr. Woodland noted the only big change was from
16 three to two years.

17 Chairman Loiselle referred to Act 112 of 2019
18 regarding opioid treatment agreements for any
19 additional comments.

20 Ms. Walter noted the effective date of Act 112 of
21 2019 as December 23, 2019.

22 Chairman Loiselle referred to House Bill 2110
23 regarding implicit bias and continuing education
24 requirements for cultural competency.

25 Acting Commissioner Johnson noted the bill would

1 add an additional requirement of cultural competence
2 continuing education and applauded the introduction of
3 this type of curriculum because of disparate outcomes
4 based on implicit bias.

5 Mr. Mitchell questioned whether this would be an
6 annual or biennial requirement for licensed
7 physicians.

8 Ms. Wucinski referred to the requirement section,
9 where the department shall require each person
10 applying for a license or certificate issued by a
11 health-related state Board to complete the training,
12 noting that it does not say anything about renewals.

13 Dr. Woodland added that cultural competence not
14 only involves multiple cultures but sexual orientation
15 and gender identity (SOGI) training, which were
16 reasonable educational points.

17 Chairman Loiselle noted recent exposure to a
18 program assisting women with drug and alcohol issues
19 who are pregnant, where there was talk about extending
20 that program out for two years. He mentioned it to be
21 a great endorsement of PA123.

22 Dr. Woodland stated one of the Secretary of
23 Health's initiatives was the 45 Centers of Excellence
24 that were put forth through the state. He mentioned a
25 maternal health pillar and a soft-landing program to

1 keep moms and babies together and keep moms in
2 recovery rooms to continue treatment for addiction.

3 Dr. Woodland addressed the case management
4 program established through the state of Pennsylvania,
5 where case management can be done effectively with
6 medical-assisted therapeutic interventions for moms.
7 He noted being able to keep the mother-baby dyad
8 together and intact in the family and reduce the child
9 services need for these kids into the foster care
10 system, where 75 percent of these maternal-child dyads
11 can stay together effectively and safely.

12 Chairman Loiselle noted the Commonwealth of
13 Pennsylvania Information Technology Acceptable Use
14 Policy.

15 Chairman Loiselle referred to the request for
16 comment on the FSMB draft report of the workgroup on
17 physician sexual misconduct, noting comments can be
18 made directly to FSMB's website, Ms. Zerbe, or
19 himself.

20 Dr. Woodland mentioned a New England Journal of
21 Medicine article published last month regarding the
22 surgical resident training survey about sexual
23 innuendo and training. He noted this should not refer
24 to just physicians and patients but with each other
25 and with trainees and other staff.

1 Chairman Loiselle commented that all Pennsylvania
2 employees have taken a course on sexual harassment and
3 boundaries.

4 Chairman Loiselle noted the proposed FSMB
5 2020-2025 Strategic Plan for the Board's review.

6 Chairman Loiselle noted proposed 2021 meeting
7 dates.]

8 ***

9 CHAIRMAN LOISELLE:

10 If there are no objections, may I have a
11 motion to approve the 2021 Board meeting
12 dates?

13 DR. VALIGORSKY:

14 So moved.

15 CHAIRMAN LOISELLE:

16 Dr. Valigorsky moves. Do I have a
17 second?

18 DR. DOMEN:

19 Second.

20 CHAIRMAN LOISELLE:

21 Dr. Domen seconds. All in favor of
22 those dates, say aye. Any opposed?

23 [The motion carried unanimously.]

24 ***

25 MS. WALTER:

1 Mr. Loiselles is the current Chair of the
2 Board. Are there any nominations for
3 Board Chair for 2020?

4 [The Board discussed rules for election of officers.]

5 DR. WOODLAND:

6 I would nominate Keith to remain our
7 Chair for the state Board.

8 MR. MITCHELL:

9 Second.

10 MS. WALTER:

11 Are there any other nominations other
12 than Mr. Loiselles for Chair? The
13 nominations are closed. All in favor?
14 Opposed?

15 [The motion carried unanimously.]

16 ***

17 MS. WALTER:

18 Nominations for Vice Chair?

19 CHAIRMAN LOISELLE:

20 I would like to nominate Mr. Mitchell,
21 knowing that his term on the Board is
22 limited, but I feel like Mr. Mitchell is
23 such a wonderful complement to the
24 Board.

25 For the remainder of his time on

1 the Board here, it would not be a full
2 year. It cannot be a full year, but I
3 would like to have him in that
4 leadership role if everyone else is okay
5 with that.

6 DR. DOMEN:

7 I second that.

8 MS. WALTER:

9 Are there any other nominations? All in
10 favor of Mr. Mitchell for Vice Chair?

11 Opposed?

12 [The motion carried unanimously.]

13 ***

14 [Jason T. Anderson, Esquire, Board Prosecutor,
15 provided a clarification on agenda No. 14 regarding
16 File No. 17-49-03745. Mr. Mitchell asked a question
17 regarding patients as opposed to family members. This
18 is a clarification. The family members' names were
19 not used because of confidentiality reasons. The
20 patients were listed with initials.]

21 ***

22 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
23 10:54 a.m. the Board entered into Executive Session
24 with Shana M. Walter, Esquire, Board Counsel, and Dana
25 M. Wucinski, Esquire, Board Counsel, for the purpose

1 of conducting quasi-judicial deliberations and to
2 receive legal advice from Board Counsel. The Board
3 returned to open session at 11:50 a.m.]

4 ***

5 [K. Kalonji Johnson, Acting Commissioner, Bureau of
6 Professional and Occupational Affairs, exited the
7 meeting at 11:05 a.m. during executive session.]

8 ***

9 [Katelin Lambert, Deputy Commissioner, entered the
10 meeting at 11:15 a.m. during executive session.]

11 ***

12 MOTIONS

13 MS. WALTER:

14 We are returning from executive session
15 where the Board entered into
16 quasi-judicial deliberations and
17 received advice from counsel.

18 I believe the Board Chair would
19 entertain a motion to accept the Consent
20 Agreement at Item No. 2 on your agenda,
21 File No. 17-49-12720, VRP File No. 19-
22 49-001676, VRP File No. 19-49-012840,
23 File No. 19-49-013858, File No. 17-49-
24 04611, File No. 19-49-002956, File No.
25 19-49-013542, File No. 19-49-009988,

1 File No. 19-49-003344, File No. 19-49-
2 011465, File No. 17-49-03745, File No.
3 18-49-010889, File No. 19-49-009824.

4 I believe the Board would entertain
5 a motion to accept the consent
6 agreements at those file numbers.

7 CHAIRMAN LOISELLE:

8 Do I have a motion to accept those?

9 DR. WOODLAND:

10 So moved.

11 DR. JOSHI:

12 Second.

13 CHAIRMAN LOISELLE:

14 Dr. Woodland moves. Dr. Joshi seconds.

15 All in favor, say aye. Any opposed?

16 [The motion carried unanimously. The name for File
17 No. 17-49-12720 is Hossain Sahlolbei, M.D. File No.
18 19-49-001676 is a VRP as is File No. 19-49-012840.
19 The name for File No. 19-49-013858 is Prabhaker Patel,
20 M.D.; File No. 17-49-04611, Joel Edward Bittinger;
21 File No. 19-49-002956, Chris B. Bjarke, M.D.; File No.
22 19-49-013542, Karl W. McIntosh, M.D.; File No. 19-49-
23 009988, Luis L. Gomez, M.D.; File No. 19-49-003344,
24 Abby Melissa Irwin, M.D.; File No. 19-49-011465,
25 Stephen Charles Padnes, M.D.; File No. 17-49-03745,

1 Joseph Vincent Episcopio, M.D.; File No. 18-49-010889,
2 Julia B. Coleman, PA-C; and File No. 19-49-009824,
3 William Socrates, PA.]

4 ***

5 MS. WALTER:

6 I believe the Board would entertain a
7 motion to accept the Consent Agreement
8 for File No. 18-49-00237.

9 Is there a motion?

10 CHAIRMAN LOISELLE:

11 Do I have a motion to approve Item No. 3
12 on the agenda?

13 DR. JOSHI:

14 So moved.

15 DR. WOODLAND:

16 Second.

17 CHAIRMAN LOISELLE:

18 Dr. Joshi moves. Dr. Woodland seconds.

19 All in favor of approval?

20 [The motion carried. Dr. Losee and Mr. Mitchell
21 recused themselves from deliberations and voting on
22 the motion. The name for File No. 18-49-00237 is
23 Robert E. Detato, LRT.]

24 ***

25 MS. WALTER:

1 I believe the Board would entertain a
2 motion in File Nos. 15-49-12282, 19-49-
3 012489, and 19-49-013863 under Item No.
4 11 on the agenda.

5 Will the Board entertain a motion
6 to accept the consent agreement?

7 CHAIRMAN LOISELLE:

8 Do I have a motion to accept that?

9 DR. MITCHELL:

10 So moved.

11 DR. LOSEE:

12 Second.

13 CHAIRMAN LOISELLE:

14 Mr. Mitchell moves. Dr. Losee seconds.

15 All in favor, say aye. Opposed?

16 [The motion carried. Dr. Woodland recused himself
17 from deliberations and voting on the motion. The name
18 for File Nos. 15-49-12282, 19-49-012489, and 19-49-
19 013863 is Timothy Fred Shawl, M.D.]

20 ***

21 MS. WALTER:

22 Number 15 on the agenda, File No. 18-49-
23 006008, I believe the Board would
24 entertain a motion to accept the consent
25 agreement.

1 CHAIRMAN LOISELLE:

2 Do I have a motion to accept the
3 agreement?

4 DR. JOSHI:

5 So moved.

6 DR. WOODLAND:

7 Second.

8 CHAIRMAN LOISELLE:

9 Dr. Joshi moves. Dr. Woodland seconds.

10 All in favor, say aye. Any opposed?

11 [The motion carried. Dr. Valigorsky and Mr. Mitchell
12 recused themselves from deliberations and voting on
13 the motion. The name for File No. 18-49-006008 is
14 Frederick Adolph Reichle, M.D.]

15 ***

16 MS. WALTER:

17 Number 18 on the agenda, File No. 19-49-
18 010100. Is there a motion to accept the
19 consent agreement?

20 CHAIRMAN LOISELLE:

21 Do I have a motion to accept?

22 DR. JOSHI:

23 So moved.

24 DR. DOMEN:

25 Second.

1 CHAIRMAN LOISELLE:

2 Dr. Joshi moves. Dr. Domen seconds.

3 All in favor, say aye. Any opposed?

4 [The motion carried. Dr. Valigorsky, Mr. Mitchell,
5 and Dr. Losee recused themselves from deliberations
6 and voting on the motion. The name for File No. 19-
7 49-010100 is Michael David Larson, LRT.]

8 ***

9 MS. WALTER:

10 Number 29 on the agenda, File No. 18-49-
11 008641, Robert Stephen Geiger, M.D.

12 I believe the Board would entertain
13 a motion to adopt the hearing examiner's
14 proposed Adjudication and Order.

15 CHAIRMAN LOISELLE:

16 Do I have a motion to adopt the hearing
17 examiner's proposed A&O?

18 DR. MITCHELL:

19 So moved.

20 CHAIRMAN LOISELLE:

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

22 DR. VALIGORSKY:

23 Second.

24 CHAIRMAN LOISELLE:

25 Dr. Valigorsky seconds. All in favor,

1 say aye. Any opposed?

2 [The motion carried unanimously.]

3 ***

4 MS. WALTER:

5 I believe the Board would entertain a
6 motion to adopt as final the draft
7 Adjudication and Order for Ananda K.
8 Panikkar, M.D., Case No. 17-49-13155.

9 CHAIRMAN LOISELLE:

10 Do I have a motion to accept?

11 DR. WOODLAND:

12 So moved.

13 DR. JOSHI:

14 Second.

15 CHAIRMAN LOISELLE:

16 Dr. Woodland moves. Dr. Joshi seconds.
17 All in favor, say aye. Any opposed?

18 [The motion carried unanimously.]

19 ***

20 MS. WALTER:

21 I believe the Board would entertain a
22 motion to adopt as final the draft
23 Adjudication and Order for Brij B.
24 Srivastava, M.D., Case No. 17-49-13712.

25 ***

1 MS. LAMBERT ASSUMED THE CHAIR

2 ***

3 DR. JOSHI:

4 So moved.

5 MS. LAMBERT:

6 Is there a second?

7 DR. WOODLAND:

8 Second.

9 MS. LAMBERT:

10 All in favor? Opposed?

11 [The motion carried. Dr. Valigorsky, Dr. Losee, and
12 Mr. Loiselles recused themselves from deliberations and
13 voting on the motion.]

14 ***

15 CHAIRMAN LOISELLE RESUMED THE CHAIR

16 ***

17 MS. WALTER:

18 I believe the Board would entertain a
19 motion to reopen the proceedings for the
20 reception of further evidence to draft
21 and issue a final memorandum Order
22 consistent with discussions in executive
23 session for Suzanne Jean Tintle, M.D.,
24 File Nos. 16-49-06852 and 16-49-04903.

25 ***

1 CHAIRMAN LOISELLE:

2 Do I have a motion?

3 MR. MITCHELL:

4 So moved.

5 DR. WOODLAND:

6 Second.

7 CHAIRMAN LOISELLE:

8 Mr. Mitchell moves. Dr. Woodland
9 seconds. All in favor, say aye. Any
10 opposed?

11 [The motion carried unanimously.]

12 ***

13 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
14 11:59 a.m. the Board entered into Executive Session
15 with Shana M. Walter, Esquire, Board Counsel, and Dana
16 M. Wucinski, Esquire, Board Counsel, for the purpose
17 of conducting quasi-judicial deliberations and to
18 receive legal advice from Board Counsel. The Board
19 returned to open session at 12:25 p.m.]

20 ***

21 [Joseph E. Losee, M.D., Vice Chairman, exited the
22 meeting at 12 p.m. during executive session.]

23 ***

24 MOTIONS

25 MS. WUCINSKI:

1 I believe the Board will entertain a
2 motion to grant the Initial Unrestricted
3 License to Practice as a Physician &
4 Surgeon of Iuliana Shapira, M.D.,
5 Douglas Alan Slaughter, M.D., and
6 Stewart Dixon Gilbert Jr., M.D. These
7 are items 33 through 35 on the agenda.

8 DR. JOSHI:

9 So moved.

10 MR. MITCHELL:

11 Second.

12 CHAIRMAN LOISELLE:

13 Dr. Joshi moves to accept all three of
14 those. Mr. Mitchell seconds. All in
15 favor, say aye. Any opposed?

16 [The motion carried unanimously.]

17 ***

18 MS. WALTER:

19 I believe the Board will entertain a
20 motion to send a letter to the following
21 offering an opportunity to apply for an
22 institutional license: Caio Cesar
23 Marconato Simoes Matias, M.D.; Maria
24 Cecilia Ziadi, M.D.; Maria Reyes
25 Mantilla, M.D.

1 CHAIRMAN LOISELLE:

2 Do I have a motion to approve items 36,
3 37, and 38 for institutional licensure?

4 DR. DOMEN:

5 Second.

6 DR. JOSHI:

7 So moved.

8 CHAIRMAN LOISELLE:

9 Dr. Domen moves. Dr. Joshi seconds.
10 All in favor, say aye. Are there any
11 opposed?

12 [The motion carried unanimously.]

13 ***

14 MS. WALTER:

15 I believe the Board would entertain a
16 motion to grant the Unrestricted License
17 Application of Kyung Han, M.D.

18 Is there a motion to grant the Act
19 41 Application?

20 MR. MITCHELL:

21 Second.

22 DR. JOSHI:

23 So moved.

24 CHAIRMAN LOISELLE:

25 Mr. Mitchell moves. Dr. Joshi seconds.

1 All in favor, say aye. Any opposed?

2 [The motion carried unanimously.]

3 ***

4 MS. WALTER:

5 Moving on to agenda Item No. 40, I
6 believe the Board will entertain a
7 motion to provisionally deny the
8 Application for an Initial Acupuncturist
9 License by Endorsement under Act 41 of
10 Golden Ana Re, LAC.

11 DR. JOSHI:

12 So moved.

13 DR. VALIGORSKY:

14 Second.

15 CHAIRMAN LOISELLE:

16 Dr. Joshi moves to provisionally deny.

17 Dr. Valigorsky seconds. All in favor,

18 say aye. Any opposed?

19 [The motion carried unanimously.]

20 ***

21 MS. WALTER:

22 I believe the Board will entertain a
23 motion to provisionally deny the
24 Reactivation Application to Practice as
25 a Physician and Surgeon of Masako Ueda,

1 M.D.

2 CHAIRMAN LOISELLE:

3 Do we have a motion to deny that
4 licensure?

5 DR. WOODLAND:

6 So moved.

7 MR. MITCHELL:

8 Second.

9 CHAIRMAN LOISELLE:

10 Dr. Woodland moves. Mr. Mitchell
11 seconds. All in favor, say aye. Any
12 opposed?

13 [The motion carried unanimously.]

14 ***

15 MS. WALTER:

16 I believe the Board would entertain a
17 motion to direct the Board administrator
18 to send the standard reentry letter to
19 the following individuals: No. 42,
20 Reactivation of Physician & Surgeon,
21 William J. Hoffman, M.D.; No. 43,
22 Reactivation of Physician & Surgeon,
23 Barbara Klock, M.D.; No 44, Reactivation
24 of Athletic Trainer, William Knowles,
25 LAT; No. 45, Reactivation of Athletic

1 Trainer, Ruth Ann Joyce, LAT.

2 Is there a motion to send the
3 standard reentry letter for those
4 individuals?

5 DR. JOSHI:

6 So moved.

7 DR. DOMEN:

8 Second.

9 CHAIRMAN LOISELLE:

10 Dr. Joshi moves. Dr. Domen seconds.
11 All in favor, say aye, to sending the
12 standard reentry letter to those five
13 candidates. Any opposed?

14 [The motion carried unanimously.]

15 ***

16 MS. WALTER:

17 I believe the Board will entertain a
18 motion to grant Board counsel authority
19 to mediate the case of Byrne Lincoln
20 Solberg, M.D., Case No. 18-49-007957, as
21 discussed in executive session?

22 ***

23 DR. LOSEE ASSUMED THE CHAIR

24 ***

25 DR. LOSEE:

1 Do we have a motion for mediation?

2 DR. JOSHI:

3 So moved.

4 DR. DOMEN:

5 Second.

6 DR. LOSEE:

7 Dr. Joshi moves. Dr. Domen seconds.

8 All in favor, say aye. Any opposed?

9 [The motion carried. Mr. Loiselles recused himself
10 from deliberations and voting on the motion.]

11 ***

12 CHAIRMAN LOSIELLE RESUMED THE CHAIR

13 ***

14 Adjournment

15 [Keith E. Loiselles, Chairman, Public Member, thanked
16 everyone for their participation. He noted the
17 February 4, 2020 meeting, at which time Mr. Mitchell
18 will assume the role of Vice Chair.]

19 ***

20 [There being no other business, the State Board of
21 Medicine Meeting adjourned at 12:31 p.m.]

22 ***

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CERTIFICATE

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



Evan Bingaman,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF MEDICINE
REFERENCE INDEX
December 17, 2019

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7	9:04	Official Call to Order
8		
9	9:06	Approval of Minutes
10		
11	9:07	Introduction of Audience/Roll Call
12		
13	9:09	Report of Prosecution Division
14		
15	9:27	Report of Acting Commissioner
16		
17	9:28	Report of Department of Health
18		
19	9:40	Report of Committee on
20		Legislation/Policy Development and
21		Review
22		
23	10:06	Report of Committee on Licensure
24		Qualifications
25		
26	10:10	Report of Board Chairman
27		
28	10:16	Report of Board Counsel
29		
30	10:21	For the Board's Information/Discussion
31		
32	10:54	Executive Session
33	11:50	Return to Open Session
34		
35	11:51	Motions
36		
37	11:59	Executive Session
38	12:25	Return to Open Session
39		
40	12:25	Motions
41		
42	12:31	Adjournment
43		
44		
45		
46		
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48		
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