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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: 9:00 A.M.

BOARD ROOM C

One Penn Center

2601 North Third Street

Harrisburg, Pennsylvania 17110

Tuesday, April 16, 2019

1 State Board of Medicine

2 April 16, 2019

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4
5 BOARD MEMBERS:

6
7 Keith E. Loisel, Chairman, Public Member
8 Kalonji Johnson, Acting Commissioner, Bureau of
9 Professional and Occupational Affairs
10 Joseph E. Losee, M.D., Vice Chairman
11 John M. Mitchell, L.P., C.C.P.
12 Carolyn Byrnes, M.P.H., C.P.H., Secretary of Health
13 designee, on behalf of Rachel Levine, M.D.,
14 Physician General/Secretary of Health
15 Nirmal Joshi, M.D.
16 Anna M. Moran, M.D. - Absent
17 Paul J. Valigorsky II, M.D.
18 Mark B. Woodland, M.D.
19 Ronald E. Domen, M.D.
20

21
22 BUREAU PERSONNEL:

23
24 Peter D. Kovach, Esquire, Board Counsel
25 Kerry E. Maloney, Esquire, Board Counsel
26 Anita P. Shekletski, Esquire, Board Prosecution
27 Liaison
28 Adam L. Morris, Esquire, Board Prosecutor
29 Adam Williams, Esquire, Board Prosecutor
30 Jason T. Anderson, Esquire, Board Prosecutor
31 Nathan C. Giunta, Esquire, Board Prosecutor
32 Suzanne Zerbe, Board Administrator
33
34 Kimberly Adams, Chief of Fiscal Management, Bureau of
35 Finance and Operations
36 Shannon Boop, Fiscal Management Specialist 1, Bureau
37 of Finance and Operations
38

39 ALSO PRESENT:

40
41 Kathleen A. Segmiller, Segmiller & Associates, P.C.
42 Susan DeSantis, PA-C, Pennsylvania Society of
43 Physician Assistants
44 Cynthia Rish, Operations Manager, Rish Law Office, LLC
45 Andrew C. Harvan, Esquire, Pennsylvania Medical
46 Society
47 Randy Stevens, Pennsylvania Orthotic & Prosthetic
48 Society
49 James J. Kutz, Esquire, Post & Schell
50

State Board of Medicine
April 16, 2019

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ALSO PRESENT: (Continued)

Lisa Claypool Stevenson, Senior Associate Counsel,
University of Pittsburgh Medical Center
Tanya Miller, MS, LAT, ATC, Pennsylvania Athletic
Trainers' Society
Angie Armbrust, Senior Associate, McNeese-Winter Group
LLC
Mary Marshall, Director, Workforce & Professional
Services, The Hospital and Healthsystem Association
of Pennsylvania

1 ***

2 State Board of Medicine

3 April 16, 2019

4 ***

5 The regularly scheduled meeting of the State
6 Board of Medicine was held on Tuesday, April 16, 2019.
7 Keith E. Loiselle, Chairman, Public Member, called the
8 meeting to order at 9 a.m.

9 ***

10 Acknowledge Public - Turn Off Electronic Devices
11 [Chairman Loiselle requested that all electronic
12 devices be turned off. He also requested the
13 introduction of audience members.

14 Chairman Loiselle introduced and welcomed Dr. Ron
15 Domen, who provided a summary of his professional
16 background.

17 Roll call was taken.]

18 ***

19 Approval of Minutes of the March 5, 2019 meeting

20 CHAIRMAN LOISELLE:

21 I'd like to entertain a motion to
22 approve the minutes from the previous
23 meeting.

24 Do I have a motion to approve?

25 DR. JOSHI:

1 So moved.

2 CHAIRMAN LOISELLE:

3 Dr. Joshi moves.

4 MR. MITCHELL:

5 Second.

6 CHAIRMAN LOISELLE:

7 Seconded by Mr. Mitchell. All in favor
8 of approval of the previous minutes, say
9 aye. Any opposed?

10 [The motion carried unanimously.]

11 ***

12 [Keith E. Loisel, Public Member, Chairman, noted two
13 committee meetings at the conclusion of the regular
14 Board meeting to discuss issues related to physician
15 assistants and practitioners of oriental medicine. He
16 also noted a presentation on Board finances.]

17 ***

18 Appointment - Bureau of Finance and Operations Annual
19 Budget Presentation

20 [Shannon Boop, Fiscal Management Specialist 1,
21 introduced herself and Kimberly Adams, Chief of Fiscal
22 Management, Bureau of Finance and Operations.

23 Ms. Boop addressed the licensee population from a
24 revenue standpoint. She noted 72,067 licenses at the
25 time of the report, which increased to 72,490 as of

1 this morning. She noted an additional 107 licensees
2 from FY 2014-2016 and another 4,121 from FY 2016-2017
3 to FY 2018-2019.

4 Chairman Loiselle thanked everyone for their work
5 regarding license renewals and applications.

6 Mr. Mitchell commented that physician assistants
7 are the second highest number of licensed
8 professionals in the state.

9 Ms. Boop stated 97% of revenue was from renewals
10 and applications, as well as the current biennial
11 total.

12 Ms. Boop reviewed the categorical breakdown for
13 legal and administrative costs. She noted that
14 expenses are incurred through direct cost, timesheets,
15 and licensee-based fee. She reviewed expenses for
16 FY 2016-17 and FY 2017-18, the FY 2018-2019 budget,
17 and expenses with a recent increase. She commented
18 that the current budget was adequate.

19 Mr. Mitchell questioned whether the costs for the
20 Pennsylvania Licensing System (PALS) was imbedded in
21 the fees or was the Board separate from those costs.
22 Ms. Adams stated PALS comes into play with the per
23 licensee base that is divided out among all Boards
24 equally.

25 Ms. Boop addressed revenues and expenses, noting

1 the FY 2018-2019 figure. She stated the Board had a
2 healthy remaining balance going forward with
3 projections through FY 2021-2022 showing revenues
4 exceeding expenses.

5 Dr. Joshi questioned whether there was a purpose
6 for such a substantial amount of reserves. Ms. Adams
7 explained that the Board previously approved a
8 decrease by going with one biennial without renewal
9 and then decreasing it, although it had not been
10 completed at this point.

11 Dr. Joshi requested a projected bottom line after
12 the reduction. He also questioned whether the Board
13 will see the remaining balance invested. Ms. Adams
14 stated anything that is not spent would be put in a
15 restricted account only for the Board's use.

16 Dr. Joshi questioned whether the Board had
17 oversight in the investment. Chairman Loiselle
18 clarified that the Board does not have any control
19 over any of the fiscal issues, and fees charged are
20 set by statute. He addressed a case regarding Dr.
21 Gosnell, where the Board had a concern for significant
22 prosecution expenses over a protracted period of time
23 because of the activities that were occurring in his
24 clinic. He commented that the Board needs a fairly
25 substantial cushion if anything catastrophic occurs.

1 Chairman Loiselles stated the Board was well
2 beyond what would be a practical or reasonable spread
3 between revenue and expenses, which is why the Board
4 decided to skip a licensing fee period.

5 Dr. Joshi questioned whose responsibility it was
6 to have fiscal oversight on the restricted fund.

7 Chairman Loiselles explained that the funds sit in
8 a noninterest-bearing account and assumes that it
9 would be a legislative decision to invest those funds.

10 Ms. Adams commented that missing one renewal
11 cycle will decrease that balance, and a court case can
12 wipe it out very quickly as well. She noted the
13 importance of having access to funding and not tying
14 up funds in a money market.

15 Dr. Woodland discussed the cost of medical
16 education for institutions and suggested foregoing the
17 new application fee for a more cost-effective way to
18 give money back to the citizens. He suggested
19 investing the money back into something educational
20 for medical education programs, where it might be more
21 meaningful for the institution as a giveback or
22 enhancement.

23 Ms. Boop provided a breakdown of Board member
24 expenses for FY 2016-2017 and FY 2017-2018, noting a
25 budget for FY 2018-2019. She noted the current FY

1 2018-2019 expenses. She noted the budget to be
2 adequate, which would be carried over for the FY 2019-
3 2020 budget as well.]

4 ***

5 [Mark B. Woodland, M.D., exited the meeting at
6 9:33 a.m. and reentered the meeting at 9:33 a.m.]

7 ***

8 [Chairman Loiselle congratulated and thanked the Board
9 for being fiscally conservative.

10 Ms. Boop reviewed the expenditure sheet
11 reflecting a pictorial overview of the fluctuation in
12 expenses since 2006.

13 Chairman Loiselle again requested a projection
14 based on the skipped fee. He stated the Board will
15 continue to be good stewards of those funds with the
16 goal of making sure there is not too much or too
17 little.]

18 ***

19 [Joseph E. Losee, M.D., Vice Chairman; John M.
20 Mitchell, L.P., C.C.P.; and Paul J. Valigorsky II,
21 M.D., exited the meeting at 9:36 a.m. for recusal
22 purposes.]

23 ***

24 Report of Prosecution Division

25 [Adam L. Morris, Esquire, Board Prosecutor, presented

1 the Consent Agreement for File No. 18-49-005173.]

2 ***

3 [Joseph E. Losee, M.D., Vice Chairman, reentered the
4 meeting at 9:36 a.m.]

5 ***

6 [Adam L. Morris, Esquire, Board Prosecutor, also
7 presented the Consent Agreement for File No. 18-49-
8 008446.]

9 ***

10 [John M. Mitchell, L.P., C.C.P. and Paul J. Valigorsky
11 II, M.D., reentered the meeting at 9:38 a.m.]

12 ***

13 [Anita P. Shekletski, Esquire, Board Prosecution
14 Liaison, presented the VRP Consent Agreement for File
15 No. 18-49-008823.]

16 ***

17 [Anita P. Shekletski, Esquire, Board Prosecution
18 Liaison, on behalf of Keith E. Bashore, Esquire, Board
19 Prosecution, presented the Consent Agreement for File
20 No. 16-49-07569. John J. Kutz, Esquire, Post &
21 Schell, was also present and participated in the
22 discussion.]

23 ***

24 [Ms. Shekletski, on behalf of Keith E. Bashore,
25 Esquire, Board Counsel, also presented the Consent

1 Agreements for File No. 18-49-004915, File No. 19-49-
2 000293, and File No. 18-49-012730.]

3

4 [John M. Mitchell, L.P., C.C.P. and Paul J. Valigorsky
5 II, M.D., exited the meeting at 9:48 a.m. for recusal
6 purposes.]

7

8 [Anita P. Shekletski, Esquire, Board Prosecution
9 Liaison, on behalf of Keith E. Bashore, Esquire, Board
10 Prosecution, presented the Consent Agreements for File
11 No. 18-49-001449 and File No. 18-49-005554.]

12

13 [John M. Mitchell, L.P., C.C.P. and Paul J. Valigorsky
14 II, M.D., reentered the meeting at 9:49 a.m.]

15

16 [Nathan C. Giunta, Esquire, Board Prosecutor,
17 presented the Consent Agreement for File No. 19-49-
18 002076.]

19

20 [Adam Williams, Esquire, Board Prosecutor, presented
21 the Consent Agreements for File No. 12-49-04001, File
22 No. 16-49-02369, File No. 17-49-13708, and File Nos.
23 15-49-11580 & 17-49-04209.]

24

25 [Jason T. Anderson, Esquire, Board Prosecutor,

1 presented the Consent Agreements for File No. 14-49-
2 05311 and File No. 16-49-10050.

3 Kathleen A. Segmiller, Esquire, Segmiller &
4 Associates, P.C., was present regarding the discussion
5 on File No. 16-49-10050.]

6

7 [John M. Mitchell, L.P., C.C.P. and Paul J. Valigorsky
8 II, M.D., exited the meeting at 10:14 a.m. for recusal
9 purposes.]

10

11 [Jason T. Anderson, Esquire, Board Prosecutor,
12 presented the Consent Agreement for File No. 18-49-
13 007534.]

14

15 [John M. Mitchell, L.P., C.C.P. and Paul J. Valigorsky
16 II, M.D., reentered the meeting at 10:15 a.m.]

17

18 Report of Acting Commissioner

19 [Kalonji Johnson, Acting Commissioner, Bureau of
20 Professional and Occupational Affairs, noted he would
21 be attending the committee meetings and looked forward
22 to interacting with both the Board and stakeholders.]

23

24 Report of Department of Health

25 [Carolyn Byrnes, M.P.H., C.P.H., Secretary of Health

1 designee, on behalf of Rachel Levine, M.D., Physician
2 General/Secretary of Health, addressed updates
3 regarding prescribing guidelines. She noted that the
4 prescribing guideline regarding treatment of pain in
5 patients with opioid use disorder (OUD) was scheduled
6 to be voted on at the next task force meeting. She
7 also noted prescribing guidelines related to sickle
8 cell patients that was currently in draft form.

9 Ms. Byrnes addressed the Achieving Better Care by
10 Monitoring All Prescriptions Program (ABC-MAP) Board
11 Meeting. She mentioned a 26.34% reduction in opioid
12 prescribing from Q3 2016 to Q3 2018, noting that Q3
13 2016 was when the Prescription Drug Monitoring Program
14 (PDMP) started. She also noted a 5.59% increase in
15 stimulants since Q3 2018.

16 Dr. Woodland questioned whether any monitoring
17 was being performed regarding increasing utilization
18 of cannabinoid products with the decrease of opioids.

19 Ms. Byrnes will get back to the Board on that.

20 Chairman Loiselle questioned whether there was
21 any data concerning physicians who are starting to
22 underprescribe and not meeting legitimate patient
23 needs.

24 Ms. Byrnes noted that PDMP started a patient
25 advocacy area.

1 Chairman Loiselles noted a concern regarding
2 backlash since Pennsylvania jumped out in the lead
3 ahead of many other states.

4 Ms. Byrnes discussed a messaging to physicians to
5 provide information to practice as best as possible
6 and to decrease any large pendulum swings.

7 Chairman Loiselles commented that information
8 being provided regarding prescribing habits does not
9 refer to an investigation but will help physicians
10 provide a better service to the patients of
11 Pennsylvania.

12 Dr. Woodland discussed health care areas where
13 prescriptions can be decreased, enhanced recovery
14 protocols, and the reduction in prescribing habits.

15 Dr. Valigorsky noted the opioid epidemic of
16 overprescribing and questioned the ability to check
17 that medical marijuana was not being overprescribed.

18 Ms. Byrnes will contact Mr. John Collins, who
19 runs the medical marijuana program, regarding a
20 report.

21 Mr. Anderson, who is the prosecutor assigned to
22 medical marijuana cases, commented that complaints
23 will be investigated related to the certification of a
24 dispensary and the completion of evaluations on
25 individuals, such as background for qualified medical

1 conditions. He stated licensed professionals are
2 allowed by law to take medical marijuana as long as
3 they are not impaired while practicing.]

4 ***

5 [Kerry E. Maloney, Esquire, Board Counsel, entered the
6 meeting at 10:23 a.m.]

7 ***

8 [Chairman Loiselle requested an update on Lyme disease
9 in Pennsylvania, noting that the largest deer
10 population of any state.

11 Ms. Byrnes noted the current proposed budget for
12 the year for education and surveillance, and the
13 Bureau of Epidemiology expanding its environmental
14 health section, which includes Lyme disease. She also
15 mentioned the health alert last week related to
16 tickborne illness.

17 Dr. Woodland questioned Pennsylvania's practice
18 to address the measles issue concerning vaccination.
19 Ms. Byrnes commented Pennsylvania's vaccination rates
20 were good and that vaccines are promoted through
21 social media and press conferences.]

22 ***

23 Report of Committee on Allied Health-Related
24 Professionals

25 [John M. Mitchell, L.P., C.C.P., noted committee

1 meetings today concerning physician assistants and
2 practitioners of oriental medicine to round out
3 regulations.

4 Mr. Mitchell will be attending the Federation of
5 State Medical Boards (FSMB) Meeting April 25-27 in
6 Fort Worth, TX.]

7 ***

8 Report of Committee on Legislative Policy Development
9 and Review/Report of Board Chairman
10 [Keith E. Loisel, Chairman, Public Member, also
11 mentioned the committee meetings and bringing those
12 issues to closure.

13 Chairman Loisel noted his appreciation of being
14 able to work with Acting Commissioner Johnson to help
15 the Board resolve issues.

16 Chairman Loisel stated one of his goals as
17 Chair of the Legislative Policy Development
18 and Review Committee and as Chair of the Board of
19 Medicine is to open a more consistent and broader
20 channel of communication between the Board and the
21 legislature. He stated potential legislation was
22 often written by folks with a legal background who do
23 not have medical knowledge.

24 Chairman Loisel noted it to be an oversight to
25 have the medical underpinnings that could be presented

1 by the members of the Board to help missteps much less
2 of an issue if the Board had input on language earlier
3 on in the process.

4 Chairman Loiselle mentioned that Stephen
5 Latanishen, who is the new director of the Office of
6 Intergovernmental Affairs, and Marc Farrell, the
7 deputy policy director, could help with moving other
8 Board issues.

9 Mr. Mitchell stated closer liaison legislature
10 was also his goal, noting that Act 112 could have been
11 wordsmithed better.

12 Chairman Loiselle mentioned that Acting
13 Commissioner Johnson will be present at the meetings
14 this afternoon to hopefully develop a better bridge
15 between this Board and the legislature.]

16

17 Report of Committee on Licensure Qualifications
18 [Mark B. Woodland, M.D., commented that as Chair of
19 the committee, along with Dr. Moran and Dr. Losee, he
20 wanted to get the full purview regarding the purpose
21 of the Licensure Qualifications Committee. He
22 presented research information and will have a report
23 at the next meeting.

24 Dr. Woodland also provided information as to what
25 other states do regarding laser therapy.

1 Chairman Loiselles noted the importance of keeping
2 the committees relevant and making sure committee
3 responsibilities are understood.]

4 ***

5 Report of Vice Chairman - No Report

6 ***

7 Report of Board/Regulatory Counsel

8 [Peter D. Kovach, Esquire, Board Counsel, noted FYIs
9 on the Report of Board Counsel for the Board's
10 consideration. Mr. Kovach addressed the telemedicine
11 bill that has been reintroduced in the legislature.
12 He commented that temporary regulations would need to
13 be completed within 100 days and suggested
14 standardized joint regulations.

15 Mr. Kovach noted House Bill 1058 regarding
16 perinatal hospice care for the Board's information.

17 Mr. Kovach commented that the Board will not be
18 dealing with agenda Item No. 37.

19 Mr. Kovach addressed the need for the Board to
20 prioritize regulations.

21 Mr. Kovach reviewed the bill process, noting
22 changes regarding providing information before being
23 introduced. Ms. Zerbe now has a role in some of the
24 reviews.

25 Acting Commissioner Johnson stated Mr. Farrell

1 now has the role to review the bill, to determine the
2 requirements, and possible stressors to the Board
3 resources and Board staff.

4 Acting Commissioner Johnson described the process
5 as putting the horse in front of the cart to get the
6 notification to the Board early that the
7 cosponsorships are happening. He stated most bills
8 sit in committee for months at a time, which could be
9 time spent by the Board discussing the impacts and
10 planning to laissee with the legislature in an
11 effective way. He noted that cosponsorship was now
12 out and what is decided moving forward would be
13 dependent on the Board.

14 Chairman Loiselle referred to telemedicine and
15 perinatal hospice care, explaining that the Board will
16 be given advanced warning of pending verbiage for
17 legislation and allow comment and wordsmithing, which
18 would be given to Mr. Kovach to deliver the
19 appropriate individuals for comment.

20 Dr. Woodland commented that the telemedicine bill
21 mandates the Licensure Board put regulations regarding
22 telemedicine into effect and should look carefully
23 into the timeline to be met. He noted the
24 telemedicine bill to be the wave of the future and the
25 importance of whatever is done in the state through

1 regulation or legislation is done correctly.

2 Mr. Mitchell questioned who would represent the
3 Board's comments about telemedicine at committee
4 meetings.

5 Acting Commissioner Johnson addressed formal and
6 informal representation. He stated making sure the
7 Board's concerns, issues, and thoughts are articulated
8 fully to the legislature is the informal process. He
9 may be involved in the formal process to discuss the
10 impact and the departmental position. Deputy
11 Secretary Harlow may be asked to submit written
12 comments and call on the Board to provide feedback on
13 behalf of the Board.

14 Dr. Joshi questioned whether the Board represents
15 the community at large or professional licensing,
16 noting his personal concern regarding public health
17 ramifications, to better determine what kind of input
18 should be provided concerning telemedicine.

19 Acting Commissioner Johnson stated the language
20 of the legislation places the auspicious of the Board
21 in terms of practitioners of telemedicine being
22 required to be licensed in the Commonwealth, and
23 regulating licensees would be the Board's priority
24 focus.

25 Dr. Woodland noted the need for more expertise

1 from individuals working in institutions on
2 telemedicine who could provide information.

3 Dr. Woodland addressed House Bill 1058 regarding
4 perinatal hospice. He expressed his concern regarding
5 any waiting period and invasion of privacy based on
6 regulations and definitions of abortion and hospice.

7 Susan DeSantis, PA-C, Pennsylvania Society of
8 Physician Assistants, referred the Board to the
9 Federation of State Medical Boards website regarding
10 guidelines on regulations for Telemedicine Boards for
11 the Board's information.

12 Chairman Loiselle commented that the two topics
13 may be good areas where an ad hoc committee may be
14 appropriate to capture the essence of the Board's
15 comments and be able to represent the Board in those
16 committee meetings.

17 Chairman Loiselle noted the Board's function as a
18 Licensing and Disciplinary Board, and whenever
19 providing input on pending legislation, should be from
20 that perspective.

21 Chairman Loiselle referred to Dr. Woodland's
22 comment regarding telemedicine and the finite period
23 of time for a response, questioning when the clock
24 starts.

25 Acting Commission Johnson explained that that

1 clock starts on the date the act becomes effective.

2 Chairman Loiselle commented that the citizens of
3 Pennsylvania, licensees, and legislature might be
4 better served if the Board were able to decide if the
5 Board can implement the legislature prior to when it
6 takes effect instead of after the fact.

7 Acting Commissioner Johnson referred to
8 legislation signed by Governor Ducey of Arizona that
9 effectively provides for endorsement, allowing Arizona
10 to recognize out-of-state licensees. He stated it
11 will be interesting to see its implementation and
12 impact on workforce and demographic shifts.

13 Acting Commissioner Johnson also noted a bill in
14 the House that would similarly require Boards to
15 provide for means of endorsement for licensees who are
16 actively licensed in other states, which will
17 certainly impact all of the Boards.

18 Chairman Loiselle addressed the importance of
19 protecting the citizens of Pennsylvania and not
20 letting anyone have a license to practice in the state
21 who should not have that license. He also mentioned
22 the risk of not having something in place during a
23 disaster if Pennsylvania does not have a method in
24 place to automatically give individuals the ability to
25 work under a good Samaritan type of regulation, where

1 medical professionals would be in fear of violating
2 licensure policies and/or some litigation that might
3 occur.

4 Ms. Byrnes did not know the specifics around the
5 legality but will provide information from her office
6 at a later time.

7 Chairman Loiselles further commented that the
8 Board requested information regarding a physician or
9 any practitioner that comes into this state in an
10 emergency response capacity to handle a widespread
11 disaster and whether there was a plan in place that
12 provides some mechanism where they are insulated from
13 any downstream issues that might occur because they
14 are not technically licensed here.]

15

16 For the Board's Information/Discussion

17 [Keith E. Loiselles, Chairman, Public Member, commented
18 that the current committee list is constantly
19 changing.]

20 Chairman Loiselles also noted 2019 and 2020 Board
21 meeting dates.]

22

23 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
24 11:15 a.m. the Board entered into Executive Session
25 with Peter D. Kovach, Esquire, Board Counsel, and

1 Kerry E. Maloney, Esquire, Board Counsel, for the
2 purpose of conducting quasi-judicial deliberations and
3 to receive legal advice from Board Counsel. The Board
4 returned to open session at 11:55 a.m.]

5

6 MOTIONS

7 MR. KOVACH:

8

We will be voting on one case. It is
9 No. 2 on the agenda, Case No. 18-49-
10 005173.

10

11

Based on the Board's discussions in
12 executive session, I believe the Chair
13 would accept a motion approving the
14 Consent Agreement and Order in that
15 matter.

12

13

14

15

16 CHAIRMAN LOISELLE:

17

Do I have a motion to approve?

18 DR. WOODLAND:

19

So moved.

20 CHAIRMAN LOISELLE:

21

Dr. Woodland moves. I need a second.

22 MR. JOHNSON:

23

Second.

24 CHAIRMAN LOISELLE:

25

Acting Commissioner Johnson seconds.

1 All in favor of approving the motion,
2 signify by saying aye. Any opposed?
3 [The motion carried. Dr. Valigorsky, Dr. Losee, and
4 Mr. Mitchell recused themselves from deliberations and
5 voting on the motion. The matter involved Daniel
6 Wesley Johnson, M.D.]

7 ***

8 MR. KOVACH:

9 The next matter on the agenda is No. 3.
10 This is also a probable cause matter in
11 which Mr. Mitchell and Dr. Valigorsky
12 were recused and did not participate in
13 executive session and will not be
14 voting. It's Case No. 18-49-008446.

15 Based on discussions in executive
16 session, I believe the Board Chair would
17 accept a motion accepting that Consent
18 Agreement and Order.

19 CHAIRMAN LOISELLE:

20 Do I have a motion accepting that?

21 DR. LOSEE:

22 So moved.

23 DR. DOMEN:

24 Second.

25 CHAIRMAN LOISELLE:

1 Dr. Losee moves and Dr. Domen seconds.
2 All in favor, say aye. Any opposed?
3 [The motion carried. Mr. Mitchell and Dr. Valigorsky
4 recused themselves from deliberations and voting on
5 the motion. The matter involved John Robert Filip,
6 M.D.]

7 ***

8 MR. KOVACH:

9 Item No. 13 on the agenda is also a
10 probable cause matter in which
11 Mr. Mitchell and Dr. Valigorsky were
12 recused and did not participate in
13 executive session and will not be
14 voting.

15 It involves Case No. 18-49-001449
16 and Case No. 18-49-005554.

17 Based on the Board's discussions in
18 executive session, I believe the Board
19 Chair would accept a motion approving
20 the Consent Agreement in that matter.

21 CHAIRMAN LOISELLE:

22 Do I have a motion to approve?

23 DR. LOSEE:

24 So moved.

25 MR. JOHNSON:

1 Second.

2 CHAIRMAN LOISELLE:

3 Dr. Losee moves. Acting Commissioner
4 Johnson seconds. All in favor, say aye.
5 Any opposed?

6 [The motion carried. Mr. Mitchell and Dr. Valigorsky
7 recused themselves from deliberations and voting on
8 the motion. The matter involved Matthew Antoni Roman,
9 M.D.]

10 ***

11 MR. KOVACH:

12 Item No. 17 on the agenda is another
13 probable cause matter in which
14 Mr. Mitchell and Dr. Valigorsky were
15 recused and did not participate in
16 executive session and will not be
17 voting.

18 This matter involves Case No. 18-
19 49-007534.

20 Based on the Board's discussions in
21 executive session, I believe the Board
22 Chair would accept a motion approving
23 that Consent Agreement.

24 CHAIRMAN LOISELLE:

25 Do I have a motion to approve?

1 MR. JOHNSON:

2 So moved.

3 DR. WOODLAND:

4 Second.

5 CHAIRMAN LOISELLE:

6 Acting Commissioner Johnson moves.

7 Dr. Woodland seconds. All in favor, say
8 aye. Any opposed?

9 [The motion carried. Mr. Mitchell and Dr. Valigorsky
10 recused themselves from deliberations and voting on
11 the motion. The matter involved John F. Arnaut, LRT.]

12 ***

13 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
14 12 p.m. the Board entered into Executive Session with
15 Peter D. Kovach, Esquire, Board Counsel, and Kerry E.
16 Maloney, Esquire, Board Counsel, for the purpose of
17 conducting quasi-judicial deliberations and to receive
18 legal advice from Board Counsel. The Board returned
19 to open session at 2:05 p.m.]

20 ***

21 MOTIONS

22 MR. KOVACH:

23 Pursuant to Section 708(a)(5) of the
24 Sunshine Act, the Board met in executive
25 session for the purpose of conducting

1 quasi-judicial deliberations and to
2 receive advice of Counsel on the matters
3 upon which the Board is about to vote.

4 We have already voted on several
5 matters involving the Probable Cause
6 Screening Committee prior to lunch and
7 are now returning.

8 Item No. 4 on the agenda is VRP
9 Case No. 18-49-008823.

10 Based on the Board's discussions in
11 executive session, I believe the Board
12 Chair would accept a motion approving
13 the Consent Agreement in that matter.

14 CHAIRMAN LOISELLE:

15 Do I have a motion to approve?

16 MR. MITCHELL:

17 So moved.

18 DR. JOSHI:

19 Second.

20 CHAIRMAN LOISELLE:

21 Mr. Mitchell moves. Dr. Joshi seconds.

22 All in favor, say aye. Any opposed?

23 [The motion carried unanimously.]

24 ***

25 MR. KOVACH:

1 We can take the next two as a group.
2 It's No. 5 on the agenda, Case No. 12-
3 49-04001 and No. 6 on the agenda, Case
4 No. 16-49-02369.

5 Based on the Board's discussions in
6 executive session, I believe the Board
7 Chair would accept a motion approving
8 both of those Consent Agreements.

9 CHAIRMAN LOISELLE:

10 Do I have a motion to approve those two?

11 DR. DOMEN:

12 So moved.

13 DR. WOODLAND:

14 Second.

15 CHAIRMAN LOISELLE:

16 Dr. Domen moves. Dr. Woodland seconds.

17 All in favor, say aye. Any opposed?

18 [The motion carried unanimously. Item No. 5 on the
19 agenda involved William James Hennessey, M.D. Item
20 No. 6 on the agenda involved Samuel Hopkins Bride,
21 M.D.]

22 ***

23 MR. KOVACH:

24 Item No. 7 on the agenda is Case No. 17-
25 49-13708.

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Based on the Board's discussions in executive session, I believe the Chair would accept a motion to reject, as too lenient, the Consent Agreement in that matter.

CHAIRMAN LOISELLE:

Do I have a motion to reject?

DR. JOSHI:

So moved.

DR. LOSEE:

Second.

CHAIRMAN LOISELLE:

Dr. Joshi moves. Dr. Losee seconds. All in favor, say aye. Any opposed?

[The motion carried unanimously.]

MR. KOVACH:

We will take the next five as a group. Item No. 8 on the agenda is Case No. 15-49-11589 and Case No. 17-49-04209. Item No. 9 on the agenda is Case No. 16-49-07569, No. 10 is Case No. 18-49-004915, No. 11 is Case No. 19-49-000293, and No. 12 is Case No. 18-49-012730.

Based on the Board's discussions in

1 executive session, I believe the Board
2 Chair would accept a motion approving
3 all of those consent agreements.

4 CHAIRMAN LOISELLE:

5 Do I have a motion to approve all five
6 of those?

7 MR. MITCHELL:

8 So moved.

9 DR. LOSEE

10 Second.

11 CHAIRMAN LOISELLE:

12 Mr. Mitchell moves. Dr. Losee seconds.
13 All in favor, say aye. Are there any
14 opposed?

15 [The motion carried unanimously. Item No. 8 on the
16 agenda involved Rodney Jay Williams, M.D.; No. 9
17 involved Rudolph A. Antoncic III, M.D.; No. 10
18 involved Michael E. Frey, M.D.; No. 11 involved Joseph
19 B. Michelson, M.D.; and No. 12 involved Ifeanyi A.
20 Udezulu, M.D.]

21 ***

22 MR. KOVACH:

23 Item No. 14 is Case No. 19-49-002076.

24 Based on the Board's discussions in
25 executive session, I believe the Board

1 Chair would accept a motion approving
2 that Consent Agreement.

3 CHAIRMAN LOISELLE:

4 Do I have a motion to approve?

5 DR. JOSHI:

6 So moved.

7 MR. MITCHELL:

8 Second.

9 CHAIRMAN LOISELLE:

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

13 [The motion carried unanimously. That matter involved
14 William C. Go Jr., M.D.]

15 ***

16 MR. KOVACH:

17 Item No. 15 on the agenda is Case No.
18 14-49-05311.

19 Based on the Board's discussions in
20 executive session, I believe the Chair
21 would accept a motion to reject, as too
22 harsh, the Consent Agreement in that
23 matter.

24 CHAIRMAN LOISELLE:

25 Do I have a motion to reject?

1 DR. LOSEE:

2 So moved.

3 DR. WOODLAND:

4 Second.

5 CHAIRMAN LOISELLE:

6 Dr. Losee moves. Dr. Woodland seconds.
7 All in favor to reject as too harsh,
8 signify by saying aye. Are there any
9 opposed?

10 [The motion carried. Dr. Valigorsky opposed the
11 motion.]

12 ***

13 MR. KOVACH:

14 Item No. 16 on the agenda is Case No.
15 16-49-10050.

16 Based on the Board's discussions in
17 executive session, I believe the Board
18 Chair would accept a motion to reject,
19 as too harsh, the Consent Agreement in
20 that matter.

21 CHAIRMAN LOISELLE:

22 Do I have a motion to reject?

23 MR. MITCHELL:

24 So moved.

25 DR. LOSEE:

1 Second.

2 CHAIRMAN LOISELLE:

3 Mr. Mitchell moves. Dr. Losee seconds.

4 All in favor, say aye. Any opposed?

5 [The motion carried unanimously.]

6 ***

7 MR. KOVACH:

8 Item No. 23 on the agenda is a matter of
9 the Petition for Reinstatement of the
10 License to Practice Medicine and Surgery
11 of Michael Thomas Gadson, M.D., Case No.
12 18-49-009690.

13 Based on the Board's discussions in
14 executive session, I believe the Chair
15 would accept a motion to adopt as final
16 the Adjudication and Order in that
17 matter.

18 CHAIRMAN LOISELLE:

19 Do I have a motion to accept that
20 adjudication?

21 MR. JOHNSON:

22 So moved.

23 MR. MITCHELL:

24 Second.

25 CHAIRMAN LOISELLE:

1 Acting Commissioner Johnson moves.

2 Mr. Mitchell seconds. All in favor of
3 approval, say aye. Any opposed?

4 [The motion carried unanimously.]

5 ***

6 MR. KOVACH:

7 The next matter is No. 24 on the agenda
8 in re the Application for a License to
9 Practice Medicine and Surgery of
10 Marshall Edgar Pederson, M.D., Case No.
11 17-49-10538.

12 Based on the Board's discussions in
13 executive session, I believe the Chair
14 would accept a motion to adopt, as
15 final, the proposed Adjudication and
16 Order in that matter.

17 CHAIRMAN LOISELLE:

18 Do I have a motion to adopt?

19 DR. JOSHI:

20 So moved.

21 DR. LOSEE:

22 Second.

23 CHAIRMAN LOISELLE:

24 Dr. Joshi moves. Dr. Losee seconds.

25 All in favor, say aye. Any opposed?

1 [The motion carried unanimously.]

2 ***

3 MR. KOVACH:

4 The next matter is No. 25 on the agenda
5 in re the Application for a License to
6 Practice Medicine and Surgery of Walid
7 Saado, M.D., Case No. 18-49-005786.

8 Based on the Board's discussions in
9 executive session, I believe the Board
10 Chair would accept a motion to adopt as
11 final the proposed Adjudication and
12 Order in that matter.

13 CHAIRMAN LOISELLE:

14 Do I have a motion to adopt?

15 DR. LOSEE:

16 So moved.

17 MR. JOHNSON:

18 Second.

19 CHAIRMAN LOISELLE:

20 Dr. Losee moves. Acting Commissioner
21 Johnson seconds. All in favor, say aye.
22 Any opposed?

23 [The motion carried unanimously.]

24 ***

25 MR. KOVACH:

1 I could take the next three as a group.
2 No. 26 on the agenda is the Initial
3 Unrestricted License Application filed
4 by Norman Maurice Rowe, M.D.; No. 27 is
5 the Initial Unrestricted License
6 Application filed by Kevin Theodore Lie,
7 M.D.; and No. 28 on the agenda is the
8 Initial Unrestricted License Application
9 filed by Rammy Schmucl Gold, M.D.

10 Based on the Board's discussions in
11 executive session, I believe the Chair
12 would accept a motion approving those
13 three applications.

14 CHAIRMAN LOISELLE:

15 Do I have a motion to approve those
16 three?

17 DR. JOSHI:

18 So moved.

19 DR. LOSEE:

20 Second.

21 CHAIRMAN LOISELLE:

22 Dr. Joshi moves. Dr. Losee seconds.

23 All in favor of approval, say aye. Are
24 there any opposed?

25 [The motion carried. Dr. Woodland abstained from

1 voting on the motion.]

2

3 MR. KOVACH:

4 Item No. 29 on the agenda is the Initial
5 Behavior Specialist License of Dana
6 MacNeal.

7 Based on the Board's discussions in
8 executive session, I believe the Chair
9 would accept a motion to provisionally
10 deny the application.

11 CHAIRMAN LOISELLE:

12 Do I have a motion to deny?

13 DR. WOODLAND:

14 So moved.

15 DR. JOSHI:

16 Second.

17 CHAIRMAN LOISELLE:

18 Dr. Woodland moves. Dr. Joshi seconds.

19 All in favor, say aye. Any opposed?

20 [The motion carried unanimously.]

21

22 MR. KOVACH:

23 The next matter on the agenda is the
24 Initial Behavior Specialist License
25 Application filed by Patricia Mary

1 Larson.

2 Based on the Board's discussions in
3 executive session, I believe the Board
4 Chair would accept a motion approving
5 that application.

6 CHAIRMAN LOISELLE:

7 Do I have a motion to approve the
8 application?

9 MR. 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. Any opposed?

16 [The motion carried unanimously.]

17 ***

18 MR. KOVACH:

19 The next matter on the agenda is the
20 Initial Orthotist License Application
21 filed by Daniel D. Green.

22 Based on the Board's discussions in
23 executive session, I believe the Board
24 Chair would accept a motion approving
25 that application.

1 CHAIRMAN LOISELLE:

2 Do I have a motion to approve?

3 DR. LOSEE:

4 So moved.

5 DR. JOSHI:

6 Second.

7 CHAIRMAN LOISELLE:

8 Dr. Losee moves. Dr. Joshi seconds.

9 All in favor, say aye. Any opposed?

10 [The motion carried unanimously.]

11 ***

12 MR. KOVACH:

13 The next matter on the agenda is No 32,
14 the Initial Unrestricted License by
15 Endorsement Application filed by Mhd
16 Said Al Zein, M.D.

17 Based on the Board's discussions in
18 executive session, I believe the Board
19 Chair would accept a motion approving
20 that application.

21 CHAIRMAN LOISELLE:

22 Do I have a motion to approve?

23 MR. MITCHELL:

24 So moved.

25 DR. JOSHI:

1 Second.

2 CHAIRMAN LOISELLE:

3 Mr. Mitchell moves. Dr. Joshi seconds.
4 All in favor, say aye. Are there any
5 opposed?

6 [The motion carried. Dr. Domen recused himself from
7 deliberations and voting on the motion.]

8 ***

9 MR. KOVACH:

10 Item No. 33 on the agenda is the
11 Application for an Extension for the
12 Temporary Orthotic Fitter Permit filed
13 by Claudia Gonzalez.

14 Based on the Board's discussions in
15 executive session, I believe the Board
16 Chair would accept a motion approving a
17 six-month only extension of that permit.

18 CHAIRMAN LOISELLE:

19 Do I have a motion to approve a
20 six-month extension?

21 DR. LOSEE:

22 So moved.

23 MR. MITCHELL:

24 Second.

25 CHAIRMAN LOISELLE:

1 Dr. Losee moves. Mr. Mitchell seconds.
2 All in favor, say aye. Any opposed?
3 [The motion carried unanimously.]

4 ***

5 MR. KOVACH:

6 The next matter on the agenda is No. 34,
7 the Initial Unrestricted License
8 Application filed by Michael Alan
9 French, M.D.

10 Based on the Board's discussions in
11 executive session, I believe the Chair
12 would accept a motion directing the
13 Board administrator to issue the
14 standard reentry letter and table the
15 matter until then.

16 CHAIRMAN LOISELLE:

17 Do I have a motion to issue a letter
18 directing the Board administrator to
19 issue the standard reentry letter?

20 MR. MITCHELL:

21 So moved.

22 DR. WOODLAND:

23 Second.

24 CHAIRMAN LOISELLE:

25 Mr. Mitchell moves. Dr. Woodland

1 seconds. All in favor, say aye. Any
2 opposed?

3 [The motion carried unanimously.]

4 ***

5 MR. KOVACH:

6 The next matter is no. 35, the Status
7 Change Application for an Unrestricted
8 License filed by Efrain Richardo Ochoa,
9 M.D.

10 Based on the Board's discussions in
11 executive session, I believe the Chair
12 would accept a motion tabling that
13 matter and directing the Board
14 administrator to issue the standard
15 reentry letter.

16 CHAIRMAN LOISELLE:

17 Do I have a motion to issue the standard
18 reentry letter.?

19 DR. WOODLAND:

20 So moved.

21 DR. JOSHI:

22 Second.

23 CHAIRMAN LOISELLE:

24 Dr. Woodland moves. Dr. Joshi seconds.

25 All in favor, say aye. Any opposed?

1 [The motion carried unanimously.]

2 ***

3 MR. KOVACH:

4 The next matter is No. 36 on the agenda,
5 the Reconsideration of the Application
6 for Reactivation of an Unrestricted
7 License filed by Wendy Elizabeth Braund,
8 M.D.

9 Based on the Board's discussions in
10 executive session, I believe the Chair
11 would accept a motion approving the
12 application.

13 CHAIRMAN LOISELLE:

14 Do I have a motion to approve?

15 DR. DOMEN:

16 So moved.

17 DR. VALIGORSKY:

18 Second.

19 CHAIRMAN LOISELLE:

20 Dr. Domen moves. Dr. Valigorsky
21 seconds. All in favor, say aye. Are
22 there any opposed?

23 [The motion carried. Dr. Losee recused himself from
24 deliberations and voting on the motion.]

25 ***

1 MR. KOVACH:

2 Item No. 37 on the agenda, as previously
3 noted, was put on in error, so we will
4 not be dealing with that.

5 ***

6 Adjournment

7 [There being no other business, the State Board of
8 Medicine Meeting adjourned at 2:19 p.m.]

9 ***

10

11 CERTIFICATE

12

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

18

19

20



21

Amber Garbinski,

22

Minute Clerk

23

Sargent's Court Reporting

24

Service, Inc.

25

STATE BOARD OF MEDICINE
REFERENCE INDEX

April 16, 2019

	TIME	AGENDA
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8		
9	9:00	Official Call to Order
10		
11	9:01	Introduction of Board Members/Roll Call
12		
13	9:05	Approval of Minutes
14		
15	9:06	Appointment - Bureau of Finance and
16		Operations Annual Budget Presentation
17		
18	9:35	Report of Prosecution Division
19		
20	10:16	Report of Acting Commissioner
21		
22	10:17	Report of Department of Health
23		
24	10:28	Report of Committee on Allied
25		Health-Related Professionals/Report
26		of Board Chairman
27		
28	10:40	Report of Board/Regulatory Counsel
29		
30	11:15	Executive Session
31	11:55	Return to Open Session
32		
33	11:55	Motions
34		
35	12:00	Executive Session
36	2:05	Return to Open Session
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38	2:05	Motions
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40	2:19	Adjournment
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