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

FINAL MINUTES

MEETING OF:

STATE BOARD OF MEDICINE

TIME: 9:00 A.M.

PENNSYLVANIA DEPARTMENT OF STATE
Board Room C
2601 North Third Street
Harrisburg, Pennsylvania 17110

May 16, 2017
State Board of Medicine
May 16, 2017

BOARD MEMBERS:

Marilyn J. Heine, M.D., Chairman
Tammy Dougherty, Chief of Health Licensing Boards,
Present on behalf of Ian Harlow, Commissioner of
Professional and Occupational Affairs
Bruce A. Brod, M.D., Vice Chairman
Charles A. Castle, M.D.
Rachel Levine, M.D., Physician General
Keith E. Loiselle, Public Member
John M. Mitchell, L.P., C.C.P.
Sukh Dev Sharma, M.D. - Absent
Evon Sutton, Public Member - Absent

BUREAU PERSONNEL:

Peter Kovach, Esquire Board Counsel
Wesley Rish, Esquire, Board Counsel
Andrea Costello, Esquire, Board Prosecutor
Jason Anderson, Esquire, Board Prosecutor
Suzanne Zerbe, Board Administrator

ALSO PRESENT:

Pam Minardi, PSPA
Angie Armbrust, The Winter Group
Mike Siget, PAMED
Liana Stinson, Intern
Kathleen Law, Intern, DOH-University of Pittsburgh
Kerry Maloney, DOS
John Mesaros, Student
Randy Stevens, POPS
Mary Marshall, HAP
Maria Battista, DOS
Andrea Costello, Prosecuting Attorney
Amanda Wojciechowski, Prosecuting Attorney
Jason Anderson, Prosecuting Attorney
The regularly scheduled meeting of the State Board of Medicine was held on Tuesday, May 16, 2017. Marilyn J. Heine, M.D., Chairman, officially called the meeting to order at 9:01 a.m. A roll call was taken.

Acknowledgment of Public

[Members of the audience were asked to introduce themselves for the record.]

Approval of Minutes of the April 25, 2017 meeting

[The Board discussed corrections to the Minutes.

CHAIRMAN HEINE:

Is there a motion to approve the minutes?

DR. BROD:

I'll motion.

DR. LEVINE:

Second.

CHAIRMAN HEINE:

All those in favor? Any opposed, same sign?
[The motion carried unanimously.]

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Report of Prosecutorial Division


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[Marilyn J. Heine, M.D., Chairman, and Bruce Brod, M.D., Vice Chairman, who were members of the probable cause screening committee that considered this case, recused themselves and exited the meeting at 9:05 a.m. and re-entered at 9:06 a.m.]

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[Jason Anderson, Esquire, Board Prosecutor, presented a consent agreement for File No. 15-49-07702.]

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Report of Commissioner

[Tammy Dougherty, Chief of Health Licensing Boards, Present on behalf of Ian Harlow, Commissioner of Professional and Occupational Affairs, updated members with regard to the PALS system.]

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Report of Department of Health - No Report

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Report of Committee on Health-Related Professionals -
No Report

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Committee on Legislation/Professional Liability
[Marilyn J. Heine, M.D., Chairman, noted the selection
of a new Chairman will be addressed later in the
meeting.]

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Report of Committee on Continuous Professional
Development
[Bruce A. Brod, M.D., referred Board members to the
AMA survey attached to the agenda for further
discussion.]

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Report of Committee on Finance and Personnel - No
Report

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Report of Committee on Policy Development and Review
[Marilyn J. Heine, M.D., Chairman, noted cases to be
reviewed during Executive Session with report during
open session.]

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Report of Board Vice Chairman - No Report

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Report of Board Chair
[Marilyn J. Heine, M.D., Chairman, extended an
invitation to any interested party to attend the Board meetings and participate in dialogue regarding regulatory issues. Members of the Accreditation Council for Continuing Medical Education (ACCME), the United States Medical Licensing Examination (USMLE), as well as similar entities will also be invited to attend.]

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Report of Board Counsel

[Board Counsels noted matters for discussion during Executive Session.]

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For the Board's Information - Discussion

[Marilyn J. Heine, M.D., Chairman, inquired as to the status of the Board member candidates considered for approval. Mr. Rish noted the candidates have not yet been confirmed.]

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Board Meeting Dates

[Board Members were referred to the upcoming meeting dates listed in the agenda for further discussion.]

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Old Business-New Business

[Marilyn J. Heine, M.D., Board Chairman, noted the Tri-Regulator meeting scheduled for July 25 and 26,
2017, conflicts with the Board's July 25th meeting date. Other possible dates for the monthly meeting were discussed. It was noted July 24, 2017 would be the Board's July meeting date.

There was discussion regarding BCBA and BCBA-D as certifying entities for primary source verification for the behavioral specialist license.]

DR. BROD:

Motion to approve using the BCBA and BCBA-D for verification of applicants for behavioral specialist license.

MR. LOISELLE:

Second.

CHAIRMAN HEINE:

Any discussion?

[Board members further discussed the matter.]

CHAIRMAN HEINE:

There is a motion on the table and a second to adopt the BCBA and the BCBA-D as a certifying entity for primary source verification.

All those in favor of the motion?

Opposed?

[The motion carried. Charles A. Castle, M.D., opposed the motion.]
[The Board recessed from 9:27 a.m. until 9:32 a.m.]

[Dr. Maria Battista introduced herself to Board members.]

[Appointment]

[Sofya Tamarkin, owner and manager of the Foot Comfort Center in Philadelphia, presented to the Board regarding improvements to the orthotic practice from her perspective.]

Ms. Tamarkin suggested that the temporary license be valid for up to 36 months, which would provide licensees more time to understand the industry in order to be fair to the licensees, patients and the industry.

Ms. Tamarkin answered questions from the Board.]

[Randy Stevens, POPS, discussed his understanding of facilities that are cross credentialing and bringing in other allied health licensee holders, for example, athletic trainers crossing over within the orthotic prosthetic industry. Mr. Stevens answered questions from the Board.]

It was noted, as of May 4, 2017, there were
currently 193 orthotic fitters, four of which have active temporary licenses. There was a discussion regarding possibly conducting a comparison between inactive temporary licensures versus full licensures in order to identify the number of temporary licensees that moved on to the full licensure and the number that did not move on for whatever reason.

Dr. Castle suggested that the matter be referred to the Committee on Health-Related Professionals for further discussion. Mr. Mitchell suggested that historical data be reviewed with regard to the matter.]

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[Tammy Dougherty, present on behalf of Commissioner Harlow, exited the meeting at 9:46 a.m. and re-entered at 9:49 a.m.]

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[Pursuant to Section 708(a)(5) of the Sunshine Act, at 10:01 a.m. the Board entered into Executive Session with Peter Kovach, Esquire, and Wesley Rich, Esquire, for the purpose of conducting quasi-judicial deliberations. The Board returned to open session at 11:19 a.m.]

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[Bruce Brod, M.D., Vice Chairman, who was a member of
the probable cause screening committee that considered this case, recused himself and exited during Executive Session at 10:03 a.m. and re-entered at 10:04 a.m.]

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[The Board recessed from 11:19 a.m. until 11:26 a.m.]

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MOTIONS:

MR. RISH:

The Board of Medicine conducted quasi-judicial deliberations on the following matters:

Based upon discussions in Executive Session, I would recommend a motion approving VRP File No. 17-49-01619 and VRP File No. 17-49-02301.

DR. LEVINE:

I move.

DR. CASTLE:

I second.

DR. HEINE:

All in those in favor say aye? Opposed, same sign?

[The motion carried unanimously.]

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MR. RISH:
I would recommend a motion approving the Consent Agreement and Order for File No.
15-49-07702. This was a Probable Cause Screening Committee matter.

DR. CASTLE:
I move.

MR. MITCHELL:
I second.

MR. RISH:
All in those in favor say aye? Opposed, same sign?

[The motion carried. The name of the Respondent is Phillip Perry Spencer, LRT.

Marilyn J. Heine, M.D., Chairman, Bruce A. Brod, M.D., Vice Chairman, Probable Cause Screening Committee members, and Peter Kovach, Esquire, Board Counsel, recused themselves and did not participate in the deliberations regarding this matter. Tammy Dougherty abstained from voting on the motion.]

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MR. KOVACH:
Based upon the Board's discussion in Executive Session, I'd recommend a motion approving the proposed report from the Hearing Examiner In the Matter of the
Application for Licensure to Practice
Medicine and Surgery of Siddhartha Maru,
M.D., File No. 16-49-12546.

DR. CASTLE:
Move.

DR. LEVINE:
Second.

DR. HEINE:
All in those in favor say aye? Opposed, same sign?

{The motion carried. Tammy Dougherty abstained from voting on the motion.}

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MR. RISH:
Based upon the Board's discussion in Executive Session, I'd recommend a motion adopting the Hearing Examiner's Proposed Adjudication and Order as the Final Order of the Board In the Matter of the Application for Licensure to Practice Medicine and Surgery of Daniel Borison, M.D., File No. 16-49-08401.

MR. MITCHELL:
Move.

DR. BROD:
Second.

DR. HEINE:

All in those in favor say aye? Opposed, same sign?

(The motion carried. Tammy Dougherty abstained from voting on the motion.)

***

MR. RISH:

Based upon the Board's discussion in Executive Session, I'd recommend a motion adopting the Hearing Examiner's Proposed Adjudication and Order as the Final Order of the Board in the Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs vs. Mohamad I. Elyan, M.D., File No. 16-49-09184.

DR. CASTLE:

Move.

DR. BROD:

Second.

DR. HEINE:

All in those in favor say aye? Opposed, same sign?

(The motion carried. Tammy Dougherty abstained from voting on the motion.)
MR. RISH:

Based upon the Board's discussion in Executive Session, I'd recommend a motion adopting the Hearing Examiner's Proposed Adjudication and Order as the Final Order of the Board in the Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs vs. Lilia Gorovits, M.D., File No. 14-49-14093.

DR. LEVINE:

Move.

DR. BROD:

Second.

DR. HEINE:

All in those in favor say aye? Opposed, same sign?

(The motion carried. John M. Mitchell, LP, CCP, Charles A. Castle, M.D. and Marilyn J. Heine, M.D., Chairman, opposed the motion.)

A roll call vote was also taken as follows:

Ms. Dougherty, yes; Dr. Levine, yes; Dr. Castle, no; Dr. Brod, yes; Dr. Heine,
no; Mr. Loiselle, yes; Mr. Mitchell, no.

***

MR. RISH:

Based upon the Board's discussion in Executive Session, I'd recommend a motion adopting the Hearing Examiner's Adjudication and substituting a Board Order in the Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs vs. Stephanie Marie Green, CNM, File No. 13-49-12007. This was a Probable Cause Screening matter.

DR. MITCHELL:

Move.

DR. LEVINE:

Second.

DR. HEINE:

All in those in favor say aye? Opposed, same sign?

{The motion carried. Keith E. Loiselle, Public Member, Probable Cause Screening Committee member, recused himself and did not participate in deliberations regarding this matter. Tammy Dougherty abstained from voting on the motion.}

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MR. RISH:

Based upon the Board's discussion in Executive Session, I'd recommend a motion directing Counsel to draft a Memorandum Opinion adopting the Adjudication substituting the Board's Order and addressing the exceptions in the Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs vs. William L. Ives, M.D., File No. 14-49-02664.

DR. CASTLE:

Move.

DR. BROD:

Second.

DR. HEINE:

All in those in favor say aye? Opposed, same sign?

{The motion carried. Tammy Dougherty abstained from voting on the motion.]

***

MR. KOVACH:

Based upon the Board's discussion in Executive Session, I'd recommend a motion
provisionally denying the initial
unrestricted license application of Todd
Brinsley Sheridan, M.D.

DR. CASTLE:
Move.

DR. LEVINE:
Second.

DR. HEINE:
All in those in favor say aye? Opposed,
same sign?

{The motion carried. Tammy Dougherty abstained from
voting on the motion.}

***

MR. KOVACH:
Based upon the Board's discussion in
Executive Session, I'd recommend a motion
approving the initial unrestricted
license applications of Allan Mark
Spiegel, M.D.; Arturo Camacho, M.D.; and
Lorne Sheren, M.D.

MR. MITCHELL:
Move.

DR. CASTLE:
Second.

DR. HEINE:
All in those in favor say aye? Opposed, same sign?

{The motion carried. Tammy Dougherty abstained from voting on the motion.}

***

MR. RISH:

Based upon the Board's discussion in Executive Session, I'd recommend a motion provisionally denying the initial unrestricted license application of Robert Joseph Keating, M.D.

DR. BROD:

Move.

DR. LEVINE:

Second.

DR. HEINE:

All in those in favor say aye? Opposed, same sign?

{The motion carried. Tammy Dougherty abstained from voting on the motion.}

***

MR. KOVACH:

Based upon the Board's discussion in Executive Session, I'd recommend a motion approving the initial unrestricted
license applications of Hyung Dong Park, M.D., and William Robert Bell, M.D.

DR. CASTLE:
   Move.

MR. MITCHELL:
   Second.

DR. HEINE:
   All in those in favor say aye? Opposed, same sign?

{The motion carried. Tammy Dougherty abstained from voting on the motion.}

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MR. KOVACH:
   Based upon the Board's discussion in Executive Session, I'd recommend a motion approving the initial respiratory therapist license application of Misty Regan McClain, RCP.

DR. CASTLE:
   Move.

MR. MITCHELL:
   Second.

DR. HEINE:
   All in those in favor say aye? Opposed, same sign?
The motion carried. Tammy Dougherty abstained from voting on the motion.

***

MR. KOVACH:

Based upon the Board's discussion in Executive Session, I'd recommend a motion approving the reactivation applications for licensure as a physician and surgeon of Andrew David Jenis, M.D. and Joan O'Shea, M.D.

DR. CASTLE:

Move.

DR. LEVINE:

Second.

DR. HEINE:

All in those in favor say aye? Opposed, same sign?

{The motion carried. Tammy Dougherty abstained from voting on the motion.}

***

MR. KOVACH:

Based upon the Board's discussion in Executive Session, I'd recommend a motion provisionally denying the initial unrestricted license application by
endorsement of Tomo Yoshizumi, M.D.

DR. LEVINE:

Move.

DR. CASTLE:

Second.

DR. HEINE:

All in those in favor say aye? Opposed, same sign?

{The motion carried. Tammy Dougherty abstained from voting on the motion.}

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MR. RISH:

Based upon the Board's discussion in Executive Session, I'd recommend a motion approving the initial unrestricted license application by endorsement of Lisa Lavelle, M.D.

MR. MITCHELL:

Move.

DR. LEVINE:

Second.

DR. HEINE:

All in those in favor say aye? Opposed, same sign?

{The motion carried. Tammy Dougherty abstained from voting on the motion.}
voting on the motion.]

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MR. RISH:
Based upon the Board's discussion in Executive Session, I'd recommend a motion approving the application for written agreement approval of Nikhil Amesur, M.D. and Michael Park, PA-C.

DR. BROD:
Move.

DR. LEVINE:
Second.

DR. HEINE:
All in those in favor say aye? Opposed, same sign?

{The motion carried. Tammy Dougherty abstained from voting on the motion.]

***

MR. RISH:
Based upon the Board's discussion in Executive Session, I'd recommend a motion approving the reactivation application of Robert Lawrence Barchi, M.D.

DR. LEVINE:
Move.
DR. CASTLE:
Second.

DR. HEINE:
All in those in favor say aye? Opposed, same sign?

{The motion carried. Tammy Dougherty abstained from voting on the motion.}

***

MR. KOVACH:

Based upon the Board's discussion in Executive Session, I'd recommend a motion directing the applicant to a Board-approved re-entry program in the status change application of Abdul Rashid, M.D.

DR. CASTLE:
Move.

MR. MITCHELL:
Second.

DR. HEINE:
All in those in favor say aye? Opposed, same sign?

{The motion carried. Tammy Dougherty abstained from voting on the motion.}

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MR. RISH:

Based upon the Board's discussion in Executive Session, I'd recommend a motion directing the applicant to a Board-approved re-entry program in the status change application of Ferdinand B. Aczon, M.D.

DR. CASTLE:

Move.

DR. BROD:

Second.

DR. HEINE:

All in those in favor say aye? Opposed, same sign?

{The motion carried. Tammy Dougherty abstained from voting on the motion.]

***

MR. RISH:

Based upon the Board's discussion in Executive Session, I'd recommend a motion directing the applicant to take the re-examination in the status change application of Tiffany Clone, RCP.

DR. CASTLE:

Move.
MR. MITCHELL:
Second.

DR. HEINE:
All in those in favor say aye? Opposed, same sign?

{The motion carried. Tammy Dougherty abstained from voting on the motion.}

***

MR. KOVACH:
Based upon the Board's discussion in Executive Session, I'd recommend a motion approving the reactivation application of Thomas P. Nifong, M.D.

DR. BROD:
Move.

DR. LEVINE:
Second.

DR. HEINE:
All in those in favor say aye? Opposed, same sign?

{The motion carried. Tammy Dougherty abstained from voting on the motion.}

***

New Business

ACCME-Summit Presentation
[Bruce A. Brod, M.D., Vice Chairman, Chair of the Committee on Continuous Professional Development, referred Board members to an attachment for further discussion regarding the collaboration of the ACCME with the AMA to provide more latitude and flexibility with various resources that would qualify for AMA/PRA (Physician Recognition Award) credit for licensed physicians. The Board considered survey questions posed by the AMA/ACCME collaboration. The Board recommended that a message from the Board be sent to the AMA to indicate support for the changes proposed by the AMA/ACCME collaboration.

It was noted there would be a meeting of the Committee on Health-Related Professionals in conjunction with the next Board meeting scheduled for June 20, 2017.]

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[The meeting was adjourned at 12:06 p.m.]

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CERTIFICATE

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

[Signature]

Danielle Obert
Minute Clerk
Sargent’s Court Reporting Service, Inc.
STATE BOARD OF MEDICINE
REFERENCE INDEX
May 16, 2017

TIME            AGENDA

9:01            Official Call to Order
9:01            Audience Members Introduced
9:02            Adoption of Minutes
9:03            Report of Prosecutorial Division
9:06            Report Of Commissioner
9:07            Report of Legislation/Professional Liability
9:07            Report of Committee on Continuous Professional Development
9:07            Report of Committee on Policy Development and Review
9:14            Report of Board Chair
9:15            Report of Board Counsel
9:15            For the Board's Information - Discussion
9:18            Board Meeting Dates
9:18            Old Business/New Business
9:27            Recess
9:32            Return to Open Session
9:34            Appointment - Sofya Tamarkin
10:01           Executive Session
11:19           Recess
11:26           Return to Open Session
11:26           Motions
11:40           ACCME Presentation
12:06           Adjournment