

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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 OSTEOPATHIC MEDICINE

TIME: 10:35 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE

2601 North Third Street

One Penn Center, Board Room C

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

Wednesday, June 8, 2022

State Board of Osteopathic Medicine
June 8, 2022

BOARD MEMBERS:

Arion R. Claggett, Acting Commissioner, Bureau of
Professional and Occupational Affairs
Carolyn Byrnes, M.P.H., C.P.H., Department of Health
William B. Swallow, D.O., Chairman
John B. Bulger, D.O., Vice Chairman
Bette A. Grey, BA, RRT, CPFT, Secretary
Thomas S. Dardarian, D.O.
Christopher S. Poggi, D.O. - Absent
Frank M. Tursi, D.O. - Absent
Hillary D. Snyder, MSPAS, PA-C

BUREAU PERSONNEL:

Carolyn A. DeLaurentis, Deputy Chief Counsel,
Prosecution Division
Dana M. Wucinski, Esquire, Board Counsel
Shana M. Walter, Esquire, Board Counsel
Jason T. Anderson, Esquire, Board Prosecution Liaison
Adam Williams, Esquire, Board Prosecutor
Mark R. Zogby, Esquire, Board Prosecutor
Kelsey Ashworth, Esquire, Board Prosecutor
Jonelle Harter Eshbach, Esquire, Board Prosecutor
Nichole Wray, Board Administrator
Eli Yemzow, Legal Intern, Department of State
Holly Hoffman, Law Clerk, Department of State
Marc Farrell, Deputy Director, Office of Policy,
Department of State

ALSO PRESENT:

Misha Patel, M.D., Curriculum Education Assistant,
Geisinger Commonwealth School of Medicine
Charles Hartwell, Esquire, Dethlefs Pykosh & Murphy
Susan DeSantis, PA-C, Pennsylvania Society of
Physician Assistants
Raj Yande, D.O.

1 ***

2 State Board of Osteopathic Medicine

3 June 8, 2022

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
6 9:30 a.m. the Board entered into Executive Session
7 with Dana M. Wucinski, Esquire, Board Counsel, and
8 Shana M. Walter, Esquire, Board Counsel, for the
9 purpose of conducting quasi-judicial deliberations on
10 a number of matters that are currently pending before
11 the Board and to receive the advice of counsel. The
12 Board returned to open session at 10:30 a.m.]

13 ***

14 The regularly scheduled meeting of the State
15 Board of Osteopathic Medicine was held on Wednesday,
16 June 8, 2022. William B. Swallow, D.O., Chairman,
17 called the meeting to order at 10:35 a.m.

18 ***

19 Roll Call/Introductions

20 [Nichole Wray, Board Administrator, provided an
21 introduction of the Board members, staff, and audience
22 in attendance.]

23 ***

24 Approval of minutes of the April 13, 2022 meeting

25 CHAIRMAN SWALLOW:

1 You have all received the minutes of our
2 previous meeting. Are there any
3 additions or corrections? Hearing none.

4 Is there a motion to accept them as
5 presented?

6 DR. DARDARIAN:

7 So moved.

8 CHAIRMAN SWALLOW:

9 Is there a second?

10 MS. GREY:

11 Second.

12 CHAIRMAN SWALLOW:

13 Any discussion? Hearing none. Ms. Wray
14 will you call for the vote?

15

16 Mr. Claggett, aye; Ms. Byrnes, aye; Dr.
17 Swallow, aye; Dr. Bulger, aye; Ms. Grey,
18 yes; Dr. Dardarian, aye; Ms. Snyder,
19 aye.

20 [The motion carried unanimously.]

21

22 [William B. Swallow, D.O., Chairman, reminded everyone
23 that the meeting was being recorded, and their
24 presence is consent to be recorded.]

25

1 Appointment - Introduction to New Types of Agreements
2 [Jason T. Anderson, Esquire, Board Prosecution
3 Liaison, presented to the Board to discuss Practice
4 Education Remediation Collaboration (PERC) and
5 Nondisciplinary Voluntary Surrender Agreements.

6 Mr. Anderson addressed Nondisciplinary Voluntary
7 Surrender Agreements. He stated the Board of
8 Osteopathic Medicine used to have forms on their
9 website where a person could apply for this, but the
10 forms did not go with the databank's requirements for
11 information and have been working on ways to adapt the
12 correct information. He explained that the agreement
13 would be for someone who is not in the midst of any
14 kind of investigation. He mentioned it is usually
15 someone who wants to retire with dignity and does not
16 want any kind of infractions. He noted that all they
17 have right now is a voluntary surrender with
18 discipline and are trying to help the professional
19 community with as an option.

20 Mr. Anderson addressed Practice Education
21 Remediation Collaboration Agreements. He commented
22 that the State Board of Nursing uses PERC Agreements
23 and is for someone who needs an education reminder and
24 not a full disciplinary action.

25 Mr. Anderson mentioned it is presented in the

1 same way as a VRP, and they are given about 6 to 12
2 months to do a certain amount of education in the
3 specific area that is the problem but is not put on
4 the record if they perform the appropriate education.
5 He noted it becomes a disciplinary action for anyone
6 who fails to complete the education.

7 Mr. Anderson stated the agreements would be
8 presented to the Board individually based on the facts
9 of the agreement and requires a vote.

10 Ms. Grey complimented Mr. Anderson for doing a
11 great job.

12 Mr. Anderson stated it was being fair to the
13 profession as well as keeping the public safe.

14 Chairman Swallow thanked Mr. Anderson for the
15 presentation.]

16 ***

17 Report of Prosecuting Attorneys

18 [William B. Swallow, D.O., Chairman, noted the Board
19 waived the prosecution presentation.]

20 MS. WALTER:

21 Pursuant to Section 708(a)(5) of the
22 Sunshine Act, the Board entered into
23 Executive Session this morning at
24 9:30 a.m. for the purpose of conducting
25 quasi-judicial deliberations and

1 receiving advice of counsel.

2 The Board members discussed items 4
3 through 9 on the agenda and 12 and 13.

4 Items 4 and 5 on the agenda. I
5 believe the Board would entertain a
6 motion to accept the VRP Agreements at
7 Case No. 22-53-011292 and Case No. 22-
8 53-005388.

9 CHAIRMAN SWALLOW:

10 Is there a motion?

11 DR. DARDARIAN:

12 So moved.

13 CHAIRMAN SWALLOW:

14 Second?

15 MS. GREY:

16 Second.

17 CHAIRMAN SWALLOW:

18 It's been properly moved and seconded.
19 Is there any discussion? Hearing none.
20 Ms. Wray call the vote.

21

22 Mr. Claggett, aye; Ms. Byrnes, abstain;
23 Dr. Swallow, aye; Dr. Bulger, aye; Ms.
24 Grey, aye; Dr. Dardarian, aye; Ms.
25 Snyder, aye.

1

2

Are there any nay votes? One

3

abstention. Any recusals? Hearing

4

none. The motion passes.

5

[The motion carried. Carolyn Byrnes abstained from

6

voting on the motion.]

7

8

Report of Board Counsel - Proposed Reports from the

9

Hearing Examiner

10 MS. WUCINSKI:

11

Agenda item 7. I believe the Board

12

would entertain a motion to adopt as

13

final the Proposed Adjudication and

14

Order for M. Lisa Attebery, D.O. at Case

15

No. 22-53-001217.

16 CHAIRMAN SWALLOW:

17

Is there a motion?

18 DR. DARDARIAN:

19

So moved.

20 CHAIRMAN SWALLOW:

21

Second?

22 MS. GREY:

23

Second.

24 CHAIRMAN SWALLOW:

25

Discussion? Hearing none. Ms. Wray.

1

2

Mr. Claggett, aye; Ms. Byrnes, abstain;

3

Dr. Swallow, aye; Dr. Bulger, aye; Ms.

4

Grey, aye; Dr. Dardarian, aye; Ms.

5

Snyder, aye.

6

[The motion carried. Carolyn Byrnes abstained from

7

voting on the motion.]

8

9

Report of Board Counsel - Final Adjudications for

10

Board Approval

11

MS. WUCINSKI:

12

I believe the Board would entertain a

13

motion to direct Board counsel to draft

14

an Adjudication and Order consistent

15

with discussions in Executive Session

16

for Ruth D. Jones, D.O. at Case No. 21-

17

53-008986.

18

CHAIRMAN SWALLOW:

19

Is there a motion?

20

DR. DARDARIAN:

21

So moved.

22

MS. GREY:

23

Second.

24

CHAIRMAN SWALLOW:

25

Discussion? Hearing none. Ms. Wray.

1

2

Mr. Claggett, aye; Ms. Byrnes, abstain;

3

Dr. Swallow, aye; Dr. Bulger, aye; Ms.

4

Grey, aye; Dr. Dardarian, aye; Ms.

5

Snyder, aye.

6

[The motion carried. Carolyn Byrnes abstained from

7

voting on the motion.]

8

9

MS. WUCINSKI:

10

Agenda item 9. I believe the Board

11

would entertain a motion to adopt as

12

final the Draft Adjudication and Order

13

for Thomas J. Whalen, D.O. at Case No.

14

21-53-001276.

15

CHAIRMAN SWALLOW:

16

Could I have a motion?

17

DR. DARDARIAN:

18

So moved.

19

MS. GREY:

20

Second.

21

CHAIRMAN SWALLOW:

22

Discussion? Hearing none. Ms. Wray.

23

24

Mr. Claggett, aye; Ms. Byrnes, abstain;

25

Dr. Swallow, aye; Dr. Bulger, aye; Ms.

1 Grey, aye; Dr. Dardarian, aye; Ms.
2 Snyder, aye.

3 [The motion carried. Carolyn Byrnes abstained from
4 voting on the motion.]

5 ***

6 Applications for Licensure

7 MS.WALTER:

8 Agenda item 12. I believe the Board
9 would entertain a motion to grant the
10 Request of Kevin Dewayne Keith, D.O. to
11 Waive Additional Required Hours of AOA
12 CME based upon discussion.

13 CHAIRMAN SWALLOW:

14 Is there a motion?

15 DR. DARDARIAN:

16 So moved.

17 MS. GREY:

18 Second.

19 CHAIRMAN SWALLOW:

20 Any discussion? Hearing none. Ms.
21 Wray.

22

23 Mr. Claggett, aye; Ms. Byrnes, abstain;
24 Dr. Swallow, aye; Dr. Bulger, aye; Ms.
25 Grey, aye; Dr. Dardarian, aye; Ms.

1 Snyder, aye.

2 [The motion carried. Carolyn Byrnes abstained from
3 voting on the motion.]

4 ***

5 MS. WUCINSKI:

6 Agenda item 13. I believe the Board
7 would entertain a motion to direct T.R.,
8 D.O. to comply with PHMP in the
9 Voluntary Recovery Program for a total
10 of one year.

11 CHAIRMAN SWALLOW:

12 Is there a motion?

13 DR. DARDARIAN:

14 So moved.

15 CHAIRMAN SWALLOW:

16 Second, please.

17 MS. GREY:

18 Second.

19 CHAIRMAN SWALLOW:

20 Any further discussion? Hearing none.

21 Ms. Wray.

22

23 Mr. Claggett, aye; Ms. Byrnes, abstain;

24 Dr. Swallow, aye; Dr. Bulger, aye; Ms.

25 Grey, aye; Dr. Dardarian, aye; Ms.

1 Snyder, aye.

2 [The motion carried. Carolyn Byrnes abstained from
3 voting on the motion.]

4 ***

5 Miscellaneous

6 MS. WUCINSKI:

7 Agenda item 16. I believe the Board
8 would entertain a motion to deny the
9 request of John Manzella, D.O. to
10 reinstate his License until another six
11 months of preceptorship is completed in
12 accordance with the Reinstatement Order
13 at Case No. 20-53-003498.

14 CHAIRMAN SWALLOW:

15 Is there a motion?

16 DR. DARDARIAN:

17 So moved.

18 CHAIRMAN SWALLOW:

19 Second, please.

20 MS. GREY:

21 Second.

22 CHAIRMAN SWALLOW:

23 Any further discussion? Hearing none.
24 Ms. Wray.

25

1 Mr. Claggett, aye; Ms. Byrnes, abstain;
2 Dr. Swallow, aye; Dr. Bulger, aye; Ms.
3 Grey, aye; Dr. Dardarian, aye; Ms.
4 Snyder, aye.

5 [The motion carried. Carolyn Byrnes abstained from
6 voting on the motion.]

7 ***

8 MS. WUCINSKI:

9 Agenda item 17. I believe the Board
10 would entertain a motion to grant the
11 request of Raj Yande, D.O. in part to
12 accept the COMVEX examination, along
13 with a one-year preceptorship in lieu of
14 the standard reentry evaluation/program.

15 CHAIRMAN SWALLOW:

16 Is there a motion?

17 DR. DARDARIAN:

18 So moved.

19 CHAIRMAN SWALLOW:

20 Second?

21 MS. GREY:

22 Second.

23 CHAIRMAN SWALLOW:

24 Any discussion? Hearing none. Ms.
25 Wray.

1

2

Mr. Claggett, aye; Ms. Byrnes, abstain;

3

Dr. Swallow, aye; Dr. Bulger, aye; Ms.

4

Grey, aye; Dr. Dardarian, aye; Ms.

5

Snyder, aye.

6

[The motion carried. Carolyn Byrnes abstained from

7

voting on the motion.]

8

9

Report of Board Counsel - Other

10

[Dana M. Wucinski, Esquire, Board Counsel, provided a

11

report on the Annual Federation of State Medical

12

Boards (FSMB) Meeting in April and thanked Board

13

members for allowing her to attend. She mentioned the

14

-hardship between 2020 and now with pandemic

15

disruption to computer-based testing and the shift in

16

reporting to pass/fail versus a numeric number in May

17

2022.

18

Ms. Wucinski stated the testing attempt limit is

19

going to change from six to four attempts in July

20

2022. She noted the Level 2-Performance Evaluation

21

(PE) is currently suspended with the short-term

22

solution being attestation that the Board voted on at

23

the last meeting.

24

Ms. Wucinski informed Board members of a National

25

Board of Osteopathic Medical Examiners (NBOME) Special

1 Commission was formed in February 2021 consisting of
2 students, training programs, and public members. She
3 stated the key takeaway of the Special Commission is
4 that the assessment of clinical skills is important,
5 colleges of osteopathic medicine (COMs) have a role in
6 licensure assessment, and it is important to have a
7 national standard. She noted the Special Commission
8 is working and making recommendations.

9 Ms. Wucinski stated the Comprehensive Osteopathic
10 Medical Variable-Purpose Examination (COMVEX) Reentry
11 Program used by boards to establish competency and
12 clinical skills of physicians is going to be useful to
13 the Board.

14 Ms. Wucinski noted the meeting addressed
15 physician sexual misconduct, and the FSMB House of
16 Delegates adopted a landmark policy on sexual
17 misconduct in 2020 raising awareness of the issue
18 nationally and promoted new discussions of what
19 approaches are most effective. She provided a list of
20 FSMB recommendations for the Board to review for
21 implementing an alignment with FSMB's sexual
22 misconduct.

23 Ms. Wucinski addressed a session she attended
24 with other attorneys and board members on pandemic-
25 related developments in other states discussing what

1 other states did during the pandemic and mentioned
2 that Pennsylvania seemed to be on top of the
3 regulatory waivers in the way they were managed.]

4 ***

5 Report of Board Chair

6 [William B. Swallow, D.O., Chairman, commented that
7 the FSMB meeting had valuable content, and the ability
8 to interact with other board chairs and delegates was
9 a wonderful experience. He mentioned that the State
10 Board of Osteopathic Medicine in the Commonwealth of
11 Pennsylvania is doing the job right by providing a
12 venue of meaningful dialogue between legal, clinical,
13 and administrative portions of the Board. He noted
14 appreciation for what the Board does in protecting the
15 citizens and the patients of the Commonwealth.]

16 ***

17 Report of Vice Chair - No Report

18 ***

19 Report of Acting Commissioner - No Report

20 ***

21 Report of Department of Health

22 ***

23 Report of Department of Health

24 [Carolyn Byrnes, M.P.H., C.P.H., Department of Health,
25 provided a COVID-19 update, noting nearly 2.9 million

1 cases in the state of Pennsylvania, 1,329
2 hospitalizations, and 45,254 deaths as of May 31.

3 Ms. Byrnes stated the Centers for Disease Control
4 and Prevention (CDC) is using COVID community levels
5 to illustrate risk. She reported 27 of Pennsylvania's
6 67 counties are green or low risk, 23 are yellow, and
7 17 are red or high risk.

8 Ms. Byrnes reported Pennsylvania administered
9 19,783,851 vaccinations with 73.2 percent of those 5
10 years of age or older who are fully vaccinated and a
11 United States average at 70.9 percent. She noted also
12 administering 3.5 million first booster doses and
13 500,715 second boosters.

14 Ms. Byrnes addressed data from the CDC estimating
15 that within the Department of Health and Human
16 Services (HHS) region for the week ending May 28 that
17 68 percent of all COVID cases were due to the Omicron
18 BA.2.12.1 variant and 29 percent due to BA.2.

19 Ms. Byrnes informed everyone that seasonal
20 influenza activity in Pennsylvania and the United
21 States was moderate and has decreased over the past
22 few weeks. She reported a total of 84,666 laboratory-
23 confirmed influenza cases have been confirmed in all
24 67 counties with a total of 65 confirmed influenza-
25 associated deaths with 1 pediatric death.

1 Ms. Byrnes reported five pediatric patients with
2 hepatitis of unknown cause were identified at a
3 hospital in Alabama in October 2021. She mentioned no
4 known common exposures were found among the children
5 and no children had significant underlying medical
6 conditions. She noted all of the children are now
7 recovering.

8 Ms. Byrnes noted 36 states reported at least one
9 person under investigation, including Pennsylvania as
10 of May 18. She noted the person under investigation
11 does not mean they have a confirmed case and that
12 hepatitis does not seem to be associated with COVID or
13 COVID vaccinations.

14 Ms. Byrnes addressed monkeypox, noting 36 cases
15 have been reported in United Kingdom, Portugal, and
16 Spain and one confirmed case by the CDC on May 18 in
17 Massachusetts. She reported the first case of
18 monkeypox in Pennsylvania was confirmed in
19 Philadelphia on June 3 and 31 cases have been
20 confirmed in the United States as of June 6.

21 Ms. Byrnes noted clinicians should consider a
22 diagnosis of monkeypox infection in people with an
23 unexplained rash and provided a list of risk factors.
24 She noted stated clinicians should report cases to
25 their local public health, Pennsylvania Department of

1 Health, and to contact their Division of Infectious
2 Disease Epidemiology.

3 Ms. Byrnes addressed the infant formula shortage,
4 noting it to be largely driven by Abbott's product
5 recall. She informed everyone that Abbott resumed
6 production on June 4 and will start EleCare aiming for
7 an initial product release around June 20.

8 Ms. Byrnes informed the Board that Governor Wolf
9 is calling on the General Assembly to pass gun
10 legislation concerning the gun violence in communities
11 across the country.

12 Chairman Swallow requested an update on the
13 etiology of the hepatitis and whether an infectious
14 cause has been ruled out.

15 Ms. Byrnes did not have an answer but offered to
16 provide some resources from the CDC.]

17 ***

18 Report of Board Administrator - No Report

19 ***

20 For the Board's Information/Discussion - Old/New
21 Business

22 [Nichole Wray, Board Administrator, noted the
23 remaining 2022 and 2023 meeting dates.]

24 ***

25 Report of Regulatory Counsel

1 [Shana M. Walter, Esquire, Board Counsel, noted House
2 Bill 2401 of 2022 are amendments to the Health Care
3 Facilities Act that would allow physician assistants
4 and certified registered nurse practitioners (CRNPs)
5 to order home health care services.

6 Ms. Walter referred to House Bill 2419 of 2022
7 regarding onsite psychiatric time and defines
8 behavioral health technology to allow advanced
9 practice practitioners and psychiatrists to use
10 telehealth for a portion of the required psychiatric
11 time.

12 Ms. Walter commented that there are occasions
13 where Board counsel is asked to do a bill analysis but
14 would reach out to the Board if asked to do so.]

15 ***

16 Adjournment

17 CHAIRMAN SWALLOW:

18 Is there a motion to adjourn?

19 DR. BULGER:

20 So moved.

21 CHAIRMAN SWALLOW:

22 Is there a second?

23 MS. GREY:

24 Second.

25 CHAIRMAN SWALLOW:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

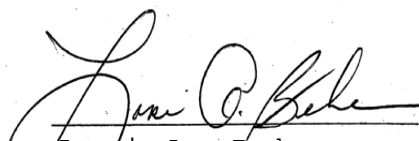
We stand adjourned.

[There being no further business, the State Board of
Osteopathic Medicine Meeting adjourned at 11:14 a.m.]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE

I hereby certify that the foregoing summary minutes of the State Board of Osteopathic 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 Osteopathic Medicine meeting.



Lori A. Behe,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF OSTEOPATHIC MEDICINE
REFERENCE INDEX

June 8, 2022

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7		
8	9:30	Executive Session
9	10:30	Return to Open Session
10		
11	10:35	Official Call to Order
12		
13	10:35	Roll Call/Introductions
14		
15	10:37	Approval of Minutes
16		
17	10:43	Appointment - Introduction to New Types of Agreements
18		
19		
20	10:45	Report of Prosecuting Attorneys
21		
22	10:46	Report of Board Counsel
23		
24	10:48	Applications for Licensure
25		
26	10:50	Miscellaneous
27		
28	10:55	Report of Board Counsel - Other
29		
30	10:58	Department of Health
31		
32	11:06	For the Board's Information/Discussion
33		
34	11:07	Report of Regulatory Counsel
35		
36	11:14	Adjournment
37		
38		
39		
40		
41		
42		
43		
44		
45		
46		
47		
48		
49		
50		