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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 OSTEOPATHIC MEDICINE
VIA VIDEOCONFERENCE**

TIME: 10:33 A.M.

Wednesday, June 9, 2021

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State Board of Osteopathic Medicine
June 9, 2021

BOARD MEMBERS:

- Randy G. Litman, D.O., Chairman
- K. Kalonji Johnson, Commissioner, Bureau of Professional and Occupational Affairs - Absent
- William B. Swallow, D.O., Vice Chairman
- Christopher S. Poggi, D.O., Secretary
- Denise A. Johnson, M.D., Acting Physician General, on behalf of Alison Beam, Acting Secretary of Health
- John B. Bulger, D.O.
- Thomas S. Dardarian, D.O.
- Bette A. Grey, BA, RRT, CPFT
- Frank M. Tursi, D.O.

BUREAU PERSONNEL:

- Shana M. Walter, Esquire, Board Counsel
- Dana M. Wucinski, Esquire, Board Counsel
- Jason T. Anderson, Esquire, Board Prosecution Liaison
- Nichole Wray, Board Administrator
- Theodore Stauffer, Executive Assistant, Bureau of Professional and Occupational Affairs, on behalf of K. Kalonji Johnson, Commissioner

1 ***

2 State Board of Osteopathic Medicine

3 June 9, 2021

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 [Theodore Stauffer, Executive Assistant, Bureau of
15 Professional and Occupational Affairs, noted the
16 meeting was being recorded, and those who remained on
17 the line were giving their consent to be recorded.]

18 ***

19 The regularly scheduled meeting of the State
20 Board of Osteopathic Medicine was held on Wednesday,
21 June 9, 2021. Randy G. Litman, D.O., Chairman, called
22 the meeting to order at 10:33 a.m.

23 ***

24 Approval of minutes of the April 14, 2021 meeting
25 CHAIRMAN LITMAN:

1 May I have approval of the minutes from
2 April 14?

3 DR. SWALLOW:

4 So moved.

5 MS. GREY:

6 Second.

7 CHAIRMAN LITMAN:

8 All in favor? The minutes have been
9 approved.

10 [The motion carried unanimously.]

11 ***

12 [Dana M. Wucinski, Esquire, Board Counsel, noted the
13 prosecution presentation had been waived.]

14 ***

15 MOTIONS

16 CHAIRMAN LITMAN:

17 May I have an approval of the VRP Orders
18 3 through 5?

19 DR. SWALLOW:

20 So moved.

21 MS. GREY:

22 Second.

23 CHAIRMAN LITMAN:

24 All in favor?

25 [The motion carried unanimously. Item 3 on the agenda

1 is VRP Case No. 21-53-001537, item 4 is VRP Case No.
2 21-53-003701, and item 5 is VRP Case No. 21-53-
3 006084.]

4 ***
5 [Shana M. Walter, Esquire, Board Counsel, noted the
6 Board met in executive session prior to the meeting
7 and discussed consent agreements presented today,
8 along with agenda items 10 through 15 and agenda item
9 23.]

10 CHAIRMAN LITMAN:

11 Agenda Item 6, a motion to approve the
12 Consent Agreement at Case No. 16-53-
13 03088?

14 DR. TURSI:

15 So moved.

16 CHAIRMAN LITMAN:

17 Second?

18 DR. SWALLOW:

19 Second.

20 CHAIRMAN LITMAN:

21 All in favor?

22 [The motion carried. Dr. Dardarian recused himself
23 from deliberations and voting on the motion. Case No.
24 16-53-03088 is Jason L. Delcollo, D.O.]

25 ***

1 motion. Item 8 at Case Nos. 20-53-011589 & 20-53-
2 012098 is Lawrence I. Miller, D.O.]

3 ***

4 CHAIRMAN LITMAN:

5 Agenda item 9. Do I have a motion to
6 approve the Consent Agreement at Case
7 No. 18-53-004850?

8 DR. TURSI:

9 I make a motion to accept.

10 CHAIRMAN LITMAN:

11 Second?

12 DR. SWALLOW:

13 Second.

14 CHAIRMAN LITMAN:

15 All in favor?

16 [The motion carried. Dr. Poggi and Dr. Bulger recused
17 themselves from deliberations and voting on the
18 motion. Item 9 at Case No. 18-53-004850 is Patricia
19 L. Sutton, D.O.]

20 ***

21 MS. WUCINSKI:

22 I believe the Board would entertain a
23 motion to direct Board counsel to draft
24 an Adjudication and Order consistent
25 with discussions in executive session

1 for Alexander Bunt Jr., D.O., Case No.
2 20-53-000992.

3 CHAIRMAN LITMAN:

4 All in favor of that action?

5 [The motion carried unanimously. No first and no
6 second.]

7 ***

8 CHAIRMAN LITMAN:

9 Case No. 11.

10 MS. WUCINSKI:

11 I believe the Board would entertain a
12 motion to approve and issue the draft
13 Adjudication and Order as final for
14 Sandra Bolus, D.O., Case No. 20-53-
15 001234.

16 DR. SWALLOW:

17 So moved.

18 CHAIRMAN LITMAN:

19 Second?

20 DR. POGGI:

21 Second.

22 CHAIRMAN LITMAN:

23 All in favor?

24 [The motion carried unanimously.]

25 ***

1 CHAIRMAN LITMAN:

2 Case No. 12.

3 MS. WUCINSKI:

4 I believe the Board would entertain a
5 motion to direct Board counsel to draft
6 an Adjudication and Order addressing
7 exceptions consistent with discussions
8 in executive session for Eric Felber,
9 D.O., Case No. 20-53-010190.

10 CHAIRMAN LITMAN:

11 Motion to approve that action?

12 DR. TURSI:

13 So moved.

14 CHAIRMAN LITMAN:

15 Second?

16 MS. GREY:

17 Second.

18 CHAIRMAN LITMAN:

19 All in favor?

20 [The motion carried unanimously.]

21 ***

22 CHAIRMAN LITMAN:

23 Case No. 13.

24 MS. WUCINSKI:

25 I believe the Board would entertain a

1 motion to direct Board counsel to issue
2 a limited license to John Richard
3 Manzella, D.O. at Case No. 20-53-003498
4 to practice under the auspices of a
5 preceptorship by a nationally recognized
6 reentry program for a minimal period of
7 12 months.

8 DR. TURSI:

9 So moved.

10 CHAIRMAN LITMAN:

11 Second?

12 DR. SWALLOW:

13 Second.

14 CHAIRMAN LITMAN:

15 All in favor?

16 [The motion carried unanimously.]

17 ***

18 CHAIRMAN LITMAN:

19 Case No. 14.

20 MS. WUCINSKI:

21 I believe the Board would entertain a
22 motion to direct Board counsel to amend
23 the hearing examiner's Memorandum Order
24 and issue a Final Memorandum Order
25 consistent with discussions in executive

1 session for Raj Yande, D.O., Case No.
2 20-53-011924, noting Dr. Tursi, Dr.
3 Poggi, and Dr. Swallow are all recused.

4 CHAIRMAN LITMAN:

5 Motion to approve?

6 DR. DARDARIAN:

7 Motion to approve.

8 CHAIRMAN LITMAN:

9 Second?

10 MS. GREY:

11 Second.

12 CHAIRMAN LITMAN:

13 All in favor?

14 [The motion carried. Dr. Tursi, Dr. Poggi, and Dr.
15 Swallow recused themselves from deliberations and
16 voting on the motion.]

17 ***

18 MS. WUCINSKI:

19 For No. 15, I believe the Board would
20 entertain a motion to direct Board
21 counsel to draft an Adjudication and
22 Order as discussed in executive session
23 for Chad Michael Good, D.O., Case No.
24 19-53-016310, noting Dr. Tursi, Dr.
25 Poggi, and Dr. Swallow are all recused.

1 CHAIRMAN LITMAN:

2 Motion to approve that action?

3 MS. GREY:

4 So moved.

5 CHAIRMAN LITMAN:

6 Second?

7 DR. DARDARIAN:

8 Second.

9 CHAIRMAN LITMAN:

10 All in favor?

11 [The motion carried. Dr. Tursi, Dr. Poggi, and Dr.
12 Swallow recused themselves from deliberations and
13 voting on the motion.]

14 ***

15 MS. WUCINSKI:

16 For Agenda Item No. 23, I believe the
17 Board would entertain a motion to direct
18 Board counsel to issue a Nondisciplinary
19 Order consistent with discussions in
20 executive session for Jan Frederick
21 Czerepak, D.O.

22 CHAIRMAN LITMAN:

23 Motion to approve that action?

24 DR. SWALLOW:

25 So moved.

1 CHAIRMAN LITMAN:

2 Second?

3 MS. GREY:

4 Second.

5 CHAIRMAN LITMAN:

6 All in favor?

7 [The motion carried unanimously]

8 ***

9 Report of Regulatory Counsel - Act 41

10 [Shana M. Walter, Esquire, Board Counsel, addressed
11 Act 41 regarding licensure by endorsement, noting the
12 annex was approved and sent out as an exposure draft
13 and comments were received.

14 Ms. Grey noted the need to define the word
15 "active" when referring to 2 of the 5 years. She
16 pointed out that the certified respiratory therapist
17 technician (CRTT) credential no longer exists, where
18 it is certified respiratory therapist (CRT) and
19 registered respiratory therapist (RRT). She mentioned
20 the need to add "and" or "or" at specific points.

21 Ms. Wucinski suggested looking at how other
22 boards are wording Act 41.

23 Ms. Grey reported that the Pennsylvania Society
24 for Respiratory Care (PSRC) recommended something like
25 2000 hours.

1 Dr. Tursi expressed concern with having different
2 numbers for every board causing confusion and agreed
3 with going along with the consensus of other boards.

4 Ms. Wucinski stated most boards were just saying
5 active practice, noting the State Board of Nursing was
6 the only Board requiring a certain number of hours.
7 She stated it was easier to review applications on a
8 case-by-case basis with the general understanding of
9 seeing two years of active license practice. She
10 mentioned requesting more information on anything
11 questionable and putting it before the committee or
12 the Board.

13 Dr. Tursi expressed concern with burdening Board
14 counsel with applications.

15 Ms. Wucinski commented that very few Act 41
16 applications are received for medical boards, and it
17 would not be burdensome because they are evaluated
18 under Act 41 as part of the evaluation process.

19 Dr. Tursi suggested leaving the wording the way
20 it is.

21 Ms. Walter offered to change the acronyms to make
22 those consistent with what is relevant at this point
23 in time.

24 Ms. Grey commented that it would provide a basis
25 for people to understand they are not going to become

1 a respiratory therapist in Pennsylvania having done
2 one shift in two years if Board Counsel reviewed the
3 applications.

4 Ms. Grey will send an email concerning the "and"
5 and "or" language.

6 Ms. Walter and Ms. Wucinski will make the
7 necessary changes.]

8 ***

9 Report of Regulatory Counsel - Other

10 [Shana M. Walter, Esquire, Board Counsel, referred to
11 House Bill 1094 of 2021 regarding the Professional
12 Licensees Illegal Employment Act, which is a
13 prohibition on licensees employing illegal aliens.

14 Ms. Walter noted House Bill 1176 of 2021, which
15 would mandate implicit bias and cultural competence
16 training as part of continuing education.

17 Ms. Walter referred to House Bill 1233 of 2021,
18 noting it would allow genetic counselors to order
19 genetic tests for genetic diseases or conditions. She
20 mentioned it was very specific as to what they are
21 allowed to do and would not infringe on a physician's
22 ability to diagnose and treat the condition. She
23 noted it to be an act of the legislature and any
24 issues with the context of the bill should be made on
25 their individual capacity through their legislator.

1 Ms. Wucinski further explained that whatever
2 genetic counselors were doing before, aside from
3 ordering the tests, they have to continue to do now.
4 She explained that all of the bills are proposed bills
5 for the Board's information. She mentioned that there
6 were times when she and Ms. Walter reached out to the
7 Board because counsel was asked to perform a bill
8 analysis, which means a bill was gaining traction.

9 Ms. Wucinski addressed House Bill 958 of 2021
10 concerning the Immunization Freedom Act, where health-
11 care practitioners would not be able to terminate an
12 already existing client-patient relationship for the
13 patient failing to follow the Centers for Disease
14 Control and Prevention (CDC) vaccination guidelines.

15 Ms. Wucinski explained that the client-patient
16 relationship cannot be terminated if the patient
17 obtains at least one vaccine a year on an altered
18 schedule. She stated it also requires the health-care
19 practitioner to also meet with the guardian and go
20 over the deviated schedule and could require separate
21 waiting rooms for these individuals. She mentioned
22 that she drafted a bill analysis on HB 958 and talked
23 with relevant organizations.

24 Chairman Litman commented that many pediatricians
25 raised a lot of objections because of the potential

1 danger to incompletely vaccinated people but also
2 noted that the same argument would be if someone came
3 in with a viral infection that there was no available
4 vaccine for and the need for a healthy versus a sick
5 waiting room.

6 Ms. Wucinski reported that there seemed to be
7 general opposition to this house bill because it takes
8 away the physician's option to terminate a client-
9 patient relationship. She stated the Department does
10 not typically meddle in what a physician can do, but
11 this was for all health-care practitioners.

12 Ms. Wucinski addressed Senate Bill 554 of 2021
13 requiring agencies to make their agendas available to
14 the public. She stated once the agenda was finalized
15 and posted for the public, the agency cannot take any
16 official action on any items not listed.

17 Ms. Wucinski referred to Senate Bill 705 of 2021
18 regarding telemedicine, which would require each board
19 to draft telemedicine regulations for health-care
20 providers for patients located within the
21 commonwealth.

22 Chairman Litman referred to Senate Bill 554 of
23 2021 concerning the amendment to the Sunshine Act. He
24 expressed concern that many practitioners, whose cases
25 may appear before the public, may object to their

1 names being in a posted agenda and questioned whether
2 it was posted by the name or the docket number, where
3 it could raise doubts for practitioners.

4 Ms. Wray commented that the agenda was posted in
5 the same format as how the Board views it, where case
6 number is used for the report of prosecuting attorneys
7 but the name and case number is listed for the
8 proposed reports from the hearing examiner and the
9 final adjudications.

10 Dr. Tursi questioned whether any of the bills are
11 close to passage. He expressed concern with mandatory
12 requirements and mandatory trainings and questioned
13 whether they could be combined under one statute to be
14 completed at one time, noting legislature does not
15 seem to understand the burden on an independent
16 practicing physician.

17 Ms. Wucinski addressed feedback received from the
18 Pennsylvania Osteopathic Medical Association (POMA)
19 and the other medical board regarding HB 958 of 2021,
20 noting it was ultimately the position of the
21 department and not of the individual Board members.

22 Dr. Tursi questioned how thoughts would be put
23 out there in a timely manner if there was a short
24 turnaround time and the agenda cannot be altered.

25 Ms. Wucinski stated all of the bills are proposed

1 and people proposing them do not understand what the
2 Board does and the timing needed.

3 Chairman Litman questioned whether House Bill
4 1176 of 2021 would be a one-time requirement or an
5 annual renewal because it did not have the word
6 "initial."

7 Ms. Walter commented that it would probably
8 proceed in the same manner as the child abuse
9 regulations where each board would promulgate
10 regulations specific to their Board if it were to
11 pass. She stated there would be a separate section
12 for child abuse regulations, regular continuing
13 education (CE), and any additional CE required.

14 Dr. Poggi addressed House Bill 1176 of 2021,
15 stating that it seems totally political with what is
16 going on in the landscape of the United States of
17 America right now because physicians are taught to
18 treat a patient medically with respect. He expressed
19 concern with more continuing medical education (CME)
20 that costs more money and causes more time off. He
21 also mentioned the difficulty for individual
22 practitioners to meet requirements from those who do
23 not know the effects on individuals being governed.

24 Chairman Litman commented that it was appropriate
25 for initial licensure but not necessarily for renewal

1 licensure.

2 Dr. Swallow suggested Dr. Poggi and other members
3 of the Board call it to the attention of POMA and
4 recommend that the Government Affairs Committee look
5 into this.]

6 ***

7 Report of Board Chair

8 [Randy G. Litman, D.O., Chairman, verified that the
9 classes of 2021 and 2022 will not be subject to
10 sitting for the Comprehensive Osteopathic Medical
11 Licensing Examination (COMLEX) Level 2-Performance
12 Evaluation (PE). He noted deans of the institutions
13 will be submitting a letter for each graduate stating
14 they are competent in osteopathic manipulative
15 medicine (OMM). He also mentioned the individual will
16 be able to sit for Level 3 of the boards and then
17 apply for their licensure if they completed the
18 appropriate graduate training.

19 Chairman Litman further explained that he had to
20 sign an affidavit, as a program director, that his
21 resident was in good standing to sit for COMLEX Level
22 3 but also needed to see the letter from a dean.]

23 ***

24 Report of Vice Chair

25 [William B. Swallow, D.O., Vice Chairman, announced

1 that a recent retiree from the Board of Osteopathic
2 Medicine, Burton Mark, was recognized as professor
3 emeritus at the Commencement Ceremony at Philadelphia
4 College of Osteopathic Medicine (PCOM) on May 24.

5 Chairman Litman congratulated Dr. Mark.

6 ***

7 Report of Department of Health

8 [Denise A. Johnson, M.D., Acting Physician General,
9 noted 1,206,935 COVID-19 cases as of today with 710
10 current hospitalizations and a total of 27,417 deaths.

11 Dr. Johnson reported 58.9 percent of adults in
12 Pennsylvania are fully vaccinated and 72 percent of
13 adults over 18 have gotten their first dose. She
14 stated 60 percent of Pennsylvanians have been
15 vaccinated and ranked 9th throughout the country for
16 the total number of people vaccinated.

17 Dr. Johnson noted mitigation orders were lifted
18 as of May 31 except for the masking order, which is
19 projected for June 28 or when 70 percent of adults are
20 fully vaccinated.

21 Dr. Johnson addressed vaccination education to
22 increase vaccination rates with media campaigns, Vax
23 Facts, and transitioning to small sites. She noted
24 grants are available for local organizations assisting
25 with messaging.

1 Dr. Johnson stated the constitutional amendment
2 went through to limit disaster declarations to 21 days
3 or able to be rescinded with action from the
4 legislature. She noted the Secretary of Health has
5 the authority to take disease-related infection
6 control measures that are necessary. She reported
7 many of the waivers would conclude and did not believe
8 legislature had taken any action to extend those
9 waivers.

10 Dr. Johnson addressed ongoing work updating
11 hospital regulations that were promulgated in the
12 1970s with some action in 1997. She mentioned
13 involvement with several workgroups since 2016 and
14 stakeholders from urban and rural hospitals, consumer
15 and patient care groups, and health systems.

16 Dr. Johnson addressed homebound efforts, where
17 the secretary's order advised vaccine providers, as
18 well as managed care organizations and local Area
19 Agency on Aging, to collaborate to provide vaccines
20 all across the state.

21 Ms. Grey questioned whether there was a lag time
22 when updating retired providers but wanted to
23 administer the vaccine, noting someone had been
24 waiting since March.

25 Ms. Wray stated there was a lag time existing

1 across all applications at the current time and
2 suggested Ms. Grey forward the information to her for
3 further review.]

4 ***
5 Report of Commissioner - No Report

6 ***
7 Report of Board Administrator - No Report

8 [Nicole Wray, Board Administrator, noted being happy
9 to be part of the Board officially and looked forward
10 to being a resource for the Board.

11 Dr. Tursi questioned whether the Board will be
12 able to avoid delays for the new doctors coming out of
13 residency July 1.

14 Ms. Wray noted all of the training licenses are
15 currently a priority and have been managed fairly well
16 with the staff. She reported vacancies in terms of
17 staff, but they are making adjustments and shifting
18 things based off of the influxes.]

19 ***
20 For the Board's Information/Discussion - Board Meeting
21 Dates

22 [Frank M. Tursi, D.O., requested an update concerning
23 whether virtual meetings are going to continue, noting
24 the importance of lead time for those who need
25 permission from employers for travel.

1 Mr. Stauffer informed everyone the Department was
2 still awaiting direction from higher up regarding any
3 in-person meetings and would inform the Board of any
4 changes.

5 Chairman Litman noted the next scheduled Board
6 meeting is August 11.]

7 ***

8 Adjournment

9 CHAIRMAN LITMAN:

10 May I have a motion to adjourn?

11 DR. SWALLOW:

12 So moved.

13 CHAIRMAN LITMAN:

14 Second?

15 DR. TURSI:

16 Second.

17 CHAIRMAN LITMAN:

18 Enjoy your summer. The meeting is
19 adjourned.

20 [The motion carried unanimously.]

21 ***

22 [There being no further business, the State Board of
23 Osteopathic Medicine Meeting adjourned at 11:25 a.m.]

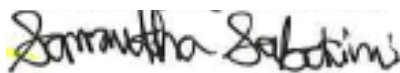
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CERTIFICATE

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.



Samantha Sabatini,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF OSTEOPATHIC MEDICINE
REFERENCE INDEX

June 9, 2021

TIME	AGENDA
9:30	Executive Session
10:30	Return to Open Session
10:33	Official Call to Order
10:34	Approval of Minutes
10:34	Motions
10:43	Report of Regulatory Counsel
11:09	Report of Board Chair
11:12	Report of Vice Chair
11:13	Report of Department of Health
11:23	For the Board's Information/Discussion
11:24	Adjournment