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

FINAL MINUTES

MEETING OF:

STATE BOARD OF OSTEOPATHIC MEDICINE

TIME: 9:36 a.m.

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

Wednesday, August 9, 2017
State Board of Osteopathic Medicine
August 9, 2017

BOARD MEMBERS:

Frank M. Tursi, D.O., Chairman
Ian J. Harlow, Commissioner of Professional and Occupational Affairs
Christopher S. Poggi, D.O., Vice Chairman
Burton T. Mark, D.O., Secretary
Rachel Levine, M.D., Physician General
John B. Bulger, D.O.
Randy G. Litman, D.O.
David A. Palmer, C.C.P., L.P.
William B. Swallow, D.O.

BUREAU PERSONNEL:

Teresa Lazo, Esquire, Board Counsel
Wesley Rish, Esquire, Board Counsel
Mark R. Zogby, Esquire, Board Prosecutor
Jason Anderson, Esquire, Board Prosecutor
Andrea Costello, Esquire, Board Prosecutor
Bridget Guilfoyle, Esquire, Board Prosecutor
Aaron Hollinger, Board Administrator

ALSO PRESENT:

Denise Getgen, Director, Pennsylvania Department of Aging Protective Services
Tina Kotsalos, Director, Investor Education and Consumer Outreach, Department of Banking and Securities
Andrew Harvan, Pennsylvania Medical Society (PAMED)
Pam Minardi, PA-C, Pennsylvania Society of Physician Assistants (PSPA)
Bruce Hironimus, Pennsylvania Osteopathic Medicine Association (POMA)
Michael Ashburn, M.D., M.P.H., M.B.A., Penn Medicine
Mary Marshall, Hospital Association of Pennsylvania (HAP)
Binyamin Rothstein, D.O.
Jay Rothstein
Diana Ewert, Pennsylvania Osteopathic Medicine Association (POMA)
Brenda Dill, Pennsylvania Osteopathic Medicine Association (POMA)
The regularly scheduled meeting of the State Board of Osteopathic Medicine was held on Wednesday, August 9, 2017. Frank M. Tursi, D.O., Chairman, called the meeting to order at 9:36 a.m.

It was noted the Committee on Application Requirements met prior to the commencement of this meeting.

Approval of Minutes of the June 14, 2017 meeting

CHAIRMAN TURSI:
Approval of the minutes of June 14.

DR. BULGER:
Approval.

DR. SWALLOW:
Seconded.

CHAIRMAN TURSI:
Hearing none. All in favor?

[The motion carried unanimously.]

Appointments – Rachel Levine, M.D., and Michael Ashburn, M.D. – Pennsylvania Medical Students Core
Competencies

[Rachel Levine, M.D., Physician General, presented before the Board to discuss the 2016 Drug Enforcement Agency (DEA) report. Dr. Levine noted over 4,600 overdose deaths recently in Pennsylvania. Dr. Levine noted involvement from the Department of State, Department of Health and Human Services, and the Department of Drug and Alcohol.

Dr. Levine reviewed prevention and the current work on prescribing guidelines, as well as the completion of the pediatric and adolescent guidelines and the start of work on chronic noncancer pain guidelines.

Dr. Levine discussed education with the development of core competencies, which became a legislative mandate last fall. Legislature passed a Bill, signed by the Governor, requiring medical schools, osteopathic medical schools, and other healthcare professionals as well all prescribers and dispensers to develop core competencies.

Dr. Levine stated this mandate was brought to the Board of Allopathic Medicine for their consideration and approval. This Board's consideration and approval of the mandate is the next step.

Dr. Ashburn addressed the clinical practice
guidelines developed and endorsed by the State. He discussed the need for a balance when prescribing opioid medications for chronic noncancer pain or acute pain. Dr. Ashburn stated 75 percent of individuals who misuse opioids started with prescription opioids.

Dr. Ashburn noted that Dr. Levine started this task force in 2015 in order to promote a better system to educate medical students in training.

Dr. Ashburn discussed The Centers for Disease Control and Prevention (CDC) Guidelines regarding opioid use.

Dr. Ashburn stated that starting July 1, 2017, this topic must be incorporated into medical school education based on State Law.

CHAIRMAN TURSI:

Would someone like to move?

DR. POGGI:

So moved.

DR. MARK:

Second.

CHAIRMAN TURSI:

Any further discussion? All in favor?

Any opposed?

[The motion carried unanimously.]

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[Ian J. Harlow, Commissioner of Professional and Occupational Affairs, and Frank M. Tursi, D.O., Chairman, exited the meeting at 10:00 a.m.] ***

Appointment - Pennsylvania Department of Banking and Securities - Elderly Financial Abuse Prevention Awareness

[Denise Getgen, Director of the Pennsylvania Department of Aging Protective Services, and Tina Kotsalos, Director of the Investor Education and Consumer Outreach, Department of Banking and Securities, presented before the Board to discuss elder financial exploitation. A video regarding the matter was shown.

Ms. Kotsalos discussed the role of the Department of Banking and Securities in the matter. She stated the department regulates all of the financial institutions in Pennsylvania. She educates the community on fraud abuse and the reporting of fraud abuse.

Ms. Getgen commented on elder abuse growth annually. She discussed self-neglect, caregiver neglect, and financial exploitation. She reviewed the importance of the role of physicians in the matter.

The Pennsylvania Law mandates the Older Adults
Protective Service Act and voluntary reporting. Ms. Getgen noted immunity for people who report in good faith.

Ms. Getgen stated concerned citizens should contact their local Area Agency on Aging to assess the situation and send an investigator. The outcome may be substantial or unsubstantial.

Ms. Kotsalos informed the Board of free conferences and continuing education courses for medical and social professionals.

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[Chairman Tursi re-entered the meeting at 10:22 a.m.]

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Report of Prosecuting Attorneys

[Mark R. Zogby, Esquire, Board Prosecutor, presented the Consent Agreement for File No. 16-53-00872]

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[Dr. Poggi, Dr. Mark, and Dr. Bulger exited the meeting at 10:25 for recusal purposes.]

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[Mark R. Zogby, Esquire, Board Prosecutor, presented the Consent Agreement for File No. 17-53-06442.]

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[Dr. Poggi, Dr. Mark, and Dr. Bulger re-entered the meeting at 10:35 following the presenting of the above]
[Jason Anderson, Esquire, Board Prosecutor, presented the Consent Agreement for File No. 16-53-11649.]


[Bridget Guilfoyle, Esquire, Board Prosecutor, on behalf of Ashley Goshert, presented the Consent Agreement for File Nos. 10-53-04073, 10-53-09424, 11-53-04666.]

Report of Department of Health – No Report

Report of Vice Chairman – No Report

Report of Commissioner – No Report

Report of Board Chair

[Frank M. Tursi, D.O., Chairman, discussed the cost of EpiPen use and suggested the use of a multidose vial. Aaron Hollinger, Board Administrator, stated the]
Pennsylvania Licensing System (PALS) is developing a portal whereby licensees may report and track their CEs in the new system.]

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Report of Regulatory Counsel

[Teresa Lazo, Esquire, Board Counsel, discussed the Proposed Annex for the Temporary Graduate Perfusionist Licensure and the elimination of section 25.804.]

CHAIRMAN TURSI:

Could I have a motion that we accept the recommendations?

DR. POGGI:

So moved.

DR. MARK:

Second.

CHAIRMAN TURSI:

Any discussion? All in favor? Any opposed?

[The motion carried unanimously.]

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[Pursuant to Section 708(a)(5) of the Sunshine Act, at 10:53 a.m. the Board entered into Executive Session with Wesley Rish, Esquire, Board Counsel, and Teresa Lazo, Esquire, Board Counsel, for the purpose of conducting quasi-judicial deliberations and to receive
legal advice from Board Counsel. The Board returned to open session at 11:31 a.m.]

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MOTIONS

MS. LAZO:

The Board met in Executive Session to conduct quasi-judicial deliberations on the matters that they will now vote on, at Number 3 on the agenda, File No. 16-53-00872.

Based on discussions in Executive Session, I recommend a motion accepting the Consent Agreement as presented.

DR. POGGI:

So moved.

DR. MARK:

Second.

CHAIRMAN TURSI:

It's been seconded. Any further discussion? All in favor? Any opposed?

[The motion carried unanimously. The Respondent's name is Michael H. Segal, D.O.]

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MS. LAZO:
At Number 4 on the agenda at File No. 17-53-06442, based on discussions in Executive Session, I recommend a motion rejecting the Consent Agreement as too lenient. Dr. Poggi, Dr. Mark, and Dr. Bulger are recused.

DR. SWALLOW:
So moved.

DR. LEVINE:
Second.

CHAIRMAN TURSI:
It’s been seconded. Any further discussion? All in favor? Any opposed?

[The motion carried. Dr. Poggi, Dr. Mark, and Dr. Bulger recused from deliberations and voting on the motion.]

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MS. LAZO:
At Number 5 on the agenda at File No. 16-53-11649, based on discussions in Executive Session, I recommend a motion approving the Consent Agreement as presented.

DR. POGGI:
So moved.

DR. MARK:
Second.

CHAIRMAN TURSI:
Poggi, seconds Dr. Mark. All in favor?
Any opposed?
[The motion carried unanimously. The Respondent's name is Steven Thomas Puccio, D.O.]

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MS. LAZO:
At Number 7 on the agenda at File Nos. 10-53-04073, 10-53-09424, and 11-53-4666, based on discussions in Executive Session, I recommend a motion approving the Consent Agreement as presented.

DR. POGGI:
So moved.

DR. MARK:
Second.

CHAIRMAN TURSI:
It’s been seconded. Any further discussion? Hearing none. All in favor? Any opposed?
[The motion carried unanimously. The Respondent's name is Garo Charles Avetian, D.O.]
MS. LAZO:

At Numbers 6, 8, 9, 10, and 11, File Nos. 16-53-12364, 16-53-14468, 17-53-03639, 17-53-04646, and 17-53-05137, all Voluntary Recovery Program Consent Agreements, based on discussions in Executive Session, I recommend a motion approving those Consent Agreements.

DR. POGGI:

So moved.

DR. MARK:

Second.

CHAIRMAN TURSI:

Moved and seconded. Any further discussion? Hearing none. All in favor? Any opposed?

[The motion carried unanimously.]

MS. LAZO:

The next item on the agenda is Number 12, the matter of Commonwealth vs. Regis Paul Burlas, D.O., File No. 17-53-00980. Based on discussions in Executive
Session, I recommend a motion adopting the proposed Report and Order from the Hearing Examiner.

DR. POGGI:
So moved.

DR. MARK:
Second.

CHAIRMAN TURSI:
Any further discussion? All in favor? Any opposed?

[The motion carried unanimously.]

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MS. LAZO:
At Number 13 on your agenda, Commonwealth vs. Daniel Fuller Royal, D.O., File No. 15-53-07911, based on discussions in Executive Session, I recommend a motion adopting that proposed Report and Order from the Hearing Examiner.

DR. POGGI:
So moved.

DR. MARK:
Second.

CHAIRMAN TURSI:
Motion seconded. Any further discussion? Hearing none. All in favor? Any opposed?

[The motion carried unanimously.]

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MS. LAZO:

At Number 14 on the agenda, the Motion to Enter Default and Deem Facts Admitted in the matter of Commonwealth vs. Maureen L. Whitely, D.O., File No. 16-53-00411, based on discussions in Executive Session, I recommend a motion to grant the Commonwealth’s Motion to Enter Default and direct Board Counsel to draft an Adjudication and Order consistent with the Board’s discussion.

DR. POGGI:

So moved.

DR. MARK:

Second.

CHAIRMAN TURSI:

Any further discussion? All in favor?

Any opposed?

[The motion carried unanimously.]

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MS. LAZO:

At Number 15 on the agenda, the matter of the Approval of a Practice Monitor for Binyamin C. Rothstein, D.O., File No. 07-53-03224, based on discussions in Executive Session, I recommend a motion to approve LifeGuard as Dr. Rothstein’s monitor.

DR. POGGI:

So moved.

DR. MARK:

Second.

CHAIRMAN TURSI:

Any further discussion? Hearing none. All in favor? Any opposed? Thank you.

[The motion carried unanimously.]

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MS. LAZO:

At Number 17 on the agenda, the Application for Unrestricted License of Jason Ly, D.O., based on discussions in Executive Session, I recommend a motion granting the application.

DR. POGGI:

So moved.
DR. MARK:

Second.

CHAIRMAN TURSI:

Any discussion? All in favor? Any opposed? Thank you.

[The motion carried unanimously.]

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MS. LAZO:

At Numbers 18, 19, and 20, all Applications for Reactivation of Licensure for Daniel Brown, D.O.; Richard Dobrusin, D.O.; and Steven Puccio, D.O., based on discussions in Executive Session, I recommend a motion granting the applications for reactivation for those three physicians.

DR. POGGI:

So moved.

DR. MARK:

Second.

CHAIRMAN TURSI:

Further discussion? Hearing none. All in favor? Any opposed?

[The motion carried unanimously.]
At Number 21 on your agenda, the Application for an Athletic Trainer’s License for Cody Coven, based on discussions in Executive Session, I recommend a motion provisionally denying the application.

So moved.

Second.

The motion seconded. Any further discussion? All in favor of denial, say aye? Any opposed?

[The motion carried unanimously.]

At Number 22 on your agenda, the Request for Approval of a Written Supervisory Agreement for a Physician Assistant for Mark Frantz, D.O., I recommend a motion to table that application at this time and direct the
Board’s administrative officer to send
a letter to Dr. Frantz requesting
additional information as instructed by
the Board.

DR. POGGI:
So moved.

DR. MARK:
Second.

CHAIRMAN TURSI:
Any further discussion? Hearing none.
All in favor? Any opposed? Thank you.

[The motion carried unanimously.]

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MS. LAZO:
The Application Requirement Committee
met this morning at 8:30 and recommends
to the Board to direct counsel to draft
a regulation package to amend section
25.242 related to unrestricted license
by endorsement at subsection 4, such
that in order to get an unrestricted
license by endorsement, a person could
either, what is currently required,
receive a passing score on the
practical examination in osteopathic
diagnosis and manipulative therapy, developed and administered by the Board or designated professional testing organization, or the new part would be, or demonstrate that they have completed 3 hours of in-person OMM, emphasis AOA Category 1-A credits within two years prior to the date of application or some such wording.

So, I am looking for a motion to accept the recommendation of the committee to move that regulation.

CHAIRMAN TURSI:
I make those motions. I so move.

DR. POGGI:
Second.

[Chairman Tursi provided additional information on the motion.]

CHAIRMAN TURSI:
It’s been moved and seconded. Any further discussion? All in favor of the Board’s approval of those recommendations, say aye? Any opposed? Thank you.

[The motion carried unanimously.]
Old Business/New Business

[Randy Litman, D.O., discussed attempting to maintain the practice of the Osteopathic Principle of Medicine.]

For the Board’s Information/Discussion

[Chairman Tursi noted the 2017 and 2018 Board meeting dates.]

Adjournment

CHAIRMAN TURSI:

Motion to adjourn.

[There being no further business, the State Board of Osteopathic Medicine meeting adjourned at 11:43 a.m.]
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.

Ashley Hoover,
Minute Clerk
Sargent's Court Reporting Service, Inc.
STATE BOARD OF OSTEOPATHIC MEDICINE
REFERENCE INDEX
August 9, 2017

TIME AGENDA

9:36 Official Call to Order

9:36 Roll Call

9:36 Approval of Minutes

9:38 Appointments - Rachel Levine, M.D. and Michael Ashburn, M.D. - PA Medical Students Core Competencies

10:00 Appointments - Denise Getgen and Tina Kotsalos - Elder Financial Abuse Prevention Awareness

10:23 Report of Prosecutorial Division

10:51 Report of Regulatory Counsel

10:48 Report of Chairman

10:53 Executive Session

11:31 Return to Open Session

11:32 Motions

11:40 Old Business/New Business

11:43 Adjournment