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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.

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

May 16, 2017

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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. Loisel, 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

1 ***

2 State Board of Medicine

3 May 16, 2017

4 ***

5 The regularly scheduled meeting of the State Board
6 of Medicine was held on Tuesday, May 16, 2017.
7 Marilyn J. Heine, M.D., Chairman, officially called
8 the meeting to order at 9:01 a.m. A roll call was
9 taken.

10 ***

11 Acknowledgment of Public
12 [Members of the audience were asked to introduce
13 themselves for the record.]

14 ***

15 Approval of Minutes of the April 25, 2017 meeting
16 [The Board discussed corrections to the Minutes.]

17 CHAIRMAN HEINE:

18 Is there a motion to approve the minutes?

19 DR. BROD:

20 I'll motion.

21 DR. LEVINE:

22 Second.

23 CHAIRMAN HEINE:

24 All those in favor? Any opposed, same
25 sign?

1 [The motion carried unanimously.]

2 ***

3 Report of Prosecutorial Division

4 [Andrea Costello, Esquire, Board Prosecutor, presented
5 VRP agreements for File No. 17-49-01619 and File No.
6 17-49-02301.]

7 ***

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

13 ***

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

16 ***

17 Report of Commissioner

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

22 ***

23 Report of Department of Health - No Report

24 ***

25 Report of Committee on Health-Related Professionals -

1 No Report

2

3 Committee on Legislation/Professional Liability

4 [Marilyn J. Heine, M.D., Chairman, noted the selection

5 of a new Chairman will be addressed later in the

6 meeting.]

7

8 Report of Committee on Continuous Professional

9 Development

10 [Bruce A. Brod, M.D., referred Board members to the

11 AMA survey attached to the agenda for further

12 discussion.]

13

14 Report of Committee on Finance and Personnel - No

15 Report

16

17 Report of Committee on Policy Development and Review

18 [Marilyn J. Heine, M.D., Chairman, noted cases to be

19 reviewed during Executive Session with report during

20 open session.]

21

22 Report of Board Vice Chairman - No Report

23

24 Report of Board Chair

25 [Marilyn J. Heine, M.D., Chairman, extended an

1 invitation to any interested party to attend the Board
2 meetings and participate in dialogue regarding
3 regulatory issues. Members of the Accreditation
4 Council for Continuing Medical Education (ACCME), the
5 United States Medical Licensing Examination (USMLE),
6 as well as similar entities will also be invited to
7 attend.]

8 ***

9 Report of Board Counsel

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

12 ***

13 For the Board's Information - Discussion

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

18 ***

19 Board Meeting Dates

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

22 ***

23 Old Business-New Business

24 [Marilyn J. Heine, M.D., Board Chairman, noted the
25 Tri-Regulator meeting scheduled for July 25 and 26,

1 2017, conflicts with the Board's July 25th meeting
2 date. Other possible dates for the monthly meeting
3 were discussed. It was noted July 24, 2017 would be
4 the Board's July meeting date.

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

8 DR. BROD:

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

12 MR. LOISELLE:

13 Second.

14 CHAIRMAN HEINE:

15 Any discussion?

16 [Board members further discussed the matter.]

17 CHAIRMAN HEINE:

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

22 All those in favor of the motion?

23 Opposed?

24 [The motion carried. Charles A. Castle, M.D., opposed
25 the motion.]

1 ***

2 [The Board recessed from 9:27 a.m. until 9:32 a.m.]

3 ***

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

6 ***

7 Appointment

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

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

17 Ms. Tamarkin answered questions from the Board.]

18 ***

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

25 It was noted, as of May 4, 2017, there were

1 currently 193 orthotic fitters, four of which have
2 active temporary licenses. There was a discussion
3 regarding possibly conducting a comparison between
4 inactive temporary licensures versus full licensures
5 in order to identify the number of temporary licensees
6 that moved on to the full licensure and the number
7 that did not move on for whatever reason.

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

13 ***

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

17 ***

18 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
19 10:01 a.m. the Board entered into Executive Session
20 with Peter Kovach, Esquire, and Wesley Rich, Esquire,
21 for the purpose of conducting quasi-judicial
22 deliberations. The Board returned to open session at
23 11:19 a.m.]

24 ***

25 [Bruce Brod, M.D., Vice Chairman, who was a member of

1 the probable cause screening committee that considered
2 this case, recused himself and exited during Executive
3 Session at 10:03 a.m. and re-entered at 10:04 a.m.]

4 ***

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

6 ***

7 MOTIONS:

8 MR. RISH:

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

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

16 DR. LEVINE:

17 I move.

18 DR. CASTLE:

19 I second.

20 DR. HEINE:

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

23 [The motion carried unanimously.]

24 ***

25 MR. RISH:

1 I would recommend a motion approving the
2 Consent Agreement and Order for File No.
3 15-49-07702. This was a Probable Cause
4 Screening Committee matter.

5 DR. CASTLE:

6 I move.

7 MR. MITCHELL:

8 I second.

9 MR. RISH:

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

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

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

20 ***

21 MR. KOVACH:

22 Based upon the Board's discussion in
23 Executive Session, I'd recommend a motion
24 approving the proposed report from the
25 Hearing Examiner In the Matter of the

1 Application for Licensure to Practice
2 Medicine and Surgery of Siddhartha Maru,
3 M.D., File No. 16-49-12546.

4 DR. CASTLE:

5 Move.

6 DR. LEVINE:

7 Second.

8 DR. HEINE:

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

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

13 ***

14 MR. RISH:

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

23 MR. MITCHELL:

24 Move.

25 DR. BROD:

1 Second.

2 DR. HEINE:

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

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

7 ***

8 MR. RISH:

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

17 DR. CASTLE:

18 Move.

19 DR. BROD:

20 Second.

21 DR. HEINE:

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

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

1 ***

2 MR. RISH:

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

11 DR. LEVINE:

12 Move.

13 DR. BROD:

14 Second.

15 DR. HEINE:

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

18 {The motion carried. John M. Mitchell, LP, CCP,
19 Charles A. Castle, M.D. and Marilyn J. Heine, M.D.,
20 Chairman, opposed the motion.]

21 A roll call vote was also taken as
22 follows:

23

24 Ms. Dougherty, yes; Dr. Levine, yes;

25 Dr. Castle, no; Dr. Brod, yes; Dr. Heine,

1 no; Mr. Loiselle, yes; Mr. Mitchell, no.

2 ***

3 MR. RISH:

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

13 DR. MITCHELL:

14 Move.

15 DR. LEVINE:

16 Second.

17 DR. HEINE:

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

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

25 ***

1 MR. RISH:

2 Based upon the Board's discussion in
3 Executive Session, I'd recommend a motion
4 directing Counsel to draft a Memorandum
5 Opinion adopting the Adjudication
6 substituting the Board's Order and
7 addressing the exceptions in the
8 Commonwealth of Pennsylvania, Bureau of
9 Professional and Occupational Affairs vs.
10 William L. Ives, M.D., File No. 14-49-
11 02664.

12 DR. CASTLE:

13 Move.

14 DR. BROD:

15 Second.

16 DR. HEINE:

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

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

21 ***

22

23 MR. KOVACH:

24 Based upon the Board's discussion in
25 Executive Session, I'd recommend a motion

1 provisionally denying the initial
2 unrestricted license application of Todd
3 Brinsley Sheridan, M.D.

4 DR. CASTLE:

5 Move.

6 DR. LEVINE:

7 Second.

8 DR. HEINE:

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

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

13 ***

14 MR. KOVACH:

15 Based upon the Board's discussion in
16 Executive Session, I'd recommend a motion
17 approving the initial unrestricted
18 license applications of Allan Mark
19 Spiegel, M.D.; Arturo Camacho, M.D.; and
20 Lorne Sheren, M.D.

21 MR. MITCHELL:

22 Move.

23 DR. CASTLE:

24 Second.

25 DR. HEINE:

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

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

5 ***

6 MR. RISH:

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

12 DR. BROD:

13 Move.

14 DR. LEVINE:

15 Second.

16 DR. HEINE:

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

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

21 ***

22 MR. KOVACH:

23 Based upon the Board's discussion in
24 Executive Session, I'd recommend a motion
25 approving the initial unrestricted

1 license applications of Hyung Dong Park,
2 M.D., and William Robert Bell, M.D.

3 DR. CASTLE:

4 Move.

5 MR. MITCHELL:

6 Second.

7 DR. HEINE:

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

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

12 ***

13 MR. KOVACH:

14 Based upon the Board's discussion in
15 Executive Session, I'd recommend a motion
16 approving the initial respiratory
17 therapist license application of Misty
18 Regan McClain, RCP.

19 DR. CASTLE:

20 Move.

21 MR. MITCHELL:

22 Second.

23 DR. HEINE:

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

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

3 ***

4 MR. KOVACH:

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

11 DR. CASTLE:

12 Move.

13 DR. LEVINE:

14 Second.

15 DR. HEINE:

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

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

20 ***

21 MR. KOVACH:

22 Based upon the Board's discussion in
23 Executive Session, I'd recommend a motion
24 provisionally denying the initial
25 unrestricted license application by

1 endorsement of Tomo Yoshizumi, M.D.

2 DR. LEVINE:

3 Move.

4 DR. CASTLE:

5 Second.

6 DR. HEINE:

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

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

11 ***

12 MR. RISH:

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

18 MR. MITCHELL:

19 Move.

20 DR. LEVINE:

21 Second.

22 DR. HEINE:

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

25 {The motion carried. Tammy Dougherty abstained from

1 voting on the motion.]

2 ***

3 MR. RISH:

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

9 DR. BROD:

10 Move.

11 DR. LEVINE:

12 Second.

13 DR. HEINE:

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

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

18 ***

19 MR. RISH:

20 Based upon the Board's discussion in
21 Executive Session, I'd recommend a motion
22 approving the reactivation application of
23 Robert Lawrence Barchi, M.D.

24 DR. LEVINE:

25 Move.

1 DR. CASTLE:

2 Second.

3 DR. HEINE:

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

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

8 ***

9 MR. KOVACH:

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

15

16 DR. CASTLE:

17 Move.

18 MR. MITCHELL:

19 Second.

20 DR. HEINE:

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

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

25 ***

1 MR. RISH:

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

8 DR. CASTLE:

9 Move.

10 DR. BROD:

11 Second.

12 DR. HEINE:

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

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

17 ***

18 MR. RISH:

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

24 DR. CASTLE:

25 Move.

1 MR. MITCHELL:

2 Second.

3 DR. HEINE:

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

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

8 ***

9 MR. KOVACH:

10 Based upon the Board's discussion in
11 Executive Session, I'd recommend a motion
12 approving the reactivation application of
13 Thomas P. Nifong, M.D.

14 DR. BROD:

15 Move.

16 DR. LEVINE:

17 Second.

18 DR. HEINE:

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

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

23 ***

24 New Business

25 ACCME-Summit Presentation

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

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

17 ***

18 [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.



Danielle Obert
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF MEDICINE
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May 16, 2017

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39	9:34	Appointment - Sofya Tamarkin
40		
41	10:01	Executive Session
42	11:19	Recess
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45	11:26	Motions
46		
47	11:40	ACCME Presentation
48		
49	12:06	Adjournment
50		