

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

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: 9:30 A.M.

BOARD ROOM C

One Penn Center

2601 North Third Street

Harrisburg, Pennsylvania 17110

Wednesday, August 22, 2018

1                   State Board of Osteopathic Medicine  
2                                   August 22, 2018

3  
4  
5 BOARD MEMBERS:  
6

7 Randy G. Litman, D.O., Chairman  
8 Katelin Lambert, Deputy Commissioner, Bureau of  
9 Professional and Occupational Affairs, on behalf of  
10 Ian J. Harlow, Commissioner of Professional and  
11 Occupational Affairs  
12 William B. Swallow, D.O., Vice Chairman  
13 Burton T. Mark, D.O., Secretary  
14 Arlene G. Seid, M.D., M.P.H., Department of Health,  
15 present on behalf of Rachel Levine, M.D., Physician  
16 General  
17 John B. Bulger, D.O. - Absent  
18 David A. Palmer, C.C.P., L.P. - Absent  
19 Christopher S. Poggi, D.O.  
20 Frank M. Tursi, D.O.  
21  
22

23 BUREAU PERSONNEL:  
24

25 Wesley J. Rish, Esquire, Board Counsel  
26 Kenneth J. Suter, Esquire, Board Counsel  
27 Anita P. Shekletski, Esquire, Board Prosecution  
28 Liaison  
29 Ray Michalowski, Esquire, Board Prosecution Liaison,  
30 present on behalf of Anita P. Shekletski, Esquire,  
31 Board Prosecution Liaison  
32 Alissa Harrison, Esquire, Board Prosecutor  
33 Aaron Hollinger, Board Administrator  
34  
35

36 ALSO PRESENT:  
37

38 Katie Kugler, PA-C, President, Pennsylvania Society of  
39 Physician Assistants  
40 Jon A. Shapiro, M.D., DABAM, MRO, Medical Director,  
41 Physicians' Health Program, Pennsylvania Medical  
42 Society  
43 Tiffany M. Booher, MA, CADC, CIP, CCSM, Case  
44 Management Supervisor, Physicians' Health Program,  
45 Pennsylvania Medical Society  
46 Kendra E. Parry, MS, CADC, CIP, CCSM, Program  
47 Director, Physicians' Health Program, Pennsylvania  
48 Medical Society  
49  
50

State Board of Osteopathic Medicine  
August 22, 2018

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  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50

ALSO PRESENT:

- Andrew C. Harvan, Esquire, Pennsylvania Medical Society
- Brenda R. Dill, Director, Communications and Education, Pennsylvania Osteopathic Medical Association
- Diana Ewert, CEO, Pennsylvania Osteopathic Medical Association
- Mary Marshall, Director, Workforce & Professional Services, The Hospital and Healthsystem Association of Pennsylvania

1 \*\*\*

2 State Board of Osteopathic Medicine

3 August 22, 2018

4 \*\*\*

5 The regularly scheduled meeting of the State  
6 Board of Osteopathic Medicine was held on Wednesday,  
7 August 22, 2018. Randy G. Litman, D.O., Chairman,  
8 called the meeting to order at 9:30 a.m.

9 \*\*\*

10 Appointment - Physicians' Health Program

11 [Kendra E. Parry, MS, CADC, CIP, CCSM, Program

12 Director, Physicians' Health Program (PHP),

13 Pennsylvania Medical Society introduced herself and  
14 provided information regarding PHP's medical directors  
15 and staff.

16 Dr. Jon Shapiro, Medical Director of the  
17 Physicians' Health Program in Pennsylvania, provided a  
18 brief history of the program with its recognition by  
19 the Boards in 1989.

20 Ms. Parry discussed case volume with a total of  
21 267 referrals from different sources and 64 percent  
22 received from the Professional Health Monitoring  
23 Programs (PHMP). She noted the current active  
24 caseload of 466 participants. She stated that the  
25 goal of the Physicians' Health Program was the early

1 detection of either substance abuse disorders or  
2 mental health disorders that impact the professional  
3 population. She reviewed the assessment and  
4 evaluation, abstinence-based treatment models, and  
5 long-term monitoring, which includes documentation  
6 reflecting abstinence and compliance.

7 Ms. Parry reviewed the steps for new referrals,  
8 including the collection of information from the  
9 referral source and the brief screening. Case  
10 managers have a background in addiction counseling in  
11 order to determine the need for immediate detox or  
12 suicide prevention.

13 Ms. Parry stated individuals may choose where to  
14 undergo their evaluation and/or treatment following a  
15 diagnosis of substance abuse or mental health.

16 Dr. Shapiro explained that the physicians undergo  
17 a more intense therapy than the general public due to  
18 their impact on the health of the public. Aftercare  
19 includes a minimum of two years of continued group and  
20 individual care.

21 Ms. Parry reviewed the different types of  
22 monitoring agreements, substance use agreements, and  
23 psychiatric agreements, as well as occupational  
24 agreements for behavioral-type issues.

25 Dr. Shapiro discussed building a portfolio of

1 objective and subjective evidence of improvement for  
2 physicians in five-year contracts with quarterly  
3 reports from various agencies. He referred to PHP as  
4 a monitoring function. He noted 12-step meetings and  
5 drug screenings on a regular basis. Participants must  
6 sign a monitoring agreement which allows PHP to report  
7 the participant's relapse or noncompliance to  
8 different agencies, such as the Board.

9 Ms. Parry reviewed PHP's relationship with PHMP.  
10 PHP performs most of the monitoring components and  
11 reports back to PHMP on a quarterly basis regarding an  
12 individual's compliance. She noted that PHP assists  
13 in monitoring the voluntary recovery program and the  
14 disciplinary monitoring unit cases.

15 Dr. Shapiro stated allopathic, osteopathic  
16 physicians, physicians' assistants, dentists and the  
17 associated dental professionals, and podiatrists are  
18 monitored by PHMP. He noted challenges, including  
19 funding.

20 Dr. Shapiro noted involvement in public education  
21 regarding recognizing, treating, monitoring physician  
22 impairment, and addressing physician burnout and  
23 stress. He referred to newsletters and the PHP  
24 updates as well as Connections.

25 Ms. Parry discussed the LifeGuard Assessment

1 Program regarding age-related issues. He stated the  
2 National Practitioner Data Bank provides a service to  
3 prevent incompetent physicians from moving from state  
4 to state.

5 Dr. Shapiro noted concerns regarding consequences  
6 of license sanctions that impact specialty Boards,  
7 credentialing with insurance companies and employers,  
8 and its relationship with other state Boards. Dr.  
9 Shapiro provided letters from physicians in  
10 Pennsylvania regarding experience with continuing  
11 their occupation following disciplinary actions.

12 Dr. Shapiro mentioned the Annual Federation of  
13 State Medical Boards Convention, noting that the  
14 Federation of State PHP meets conjointly to share  
15 information and experience.

16 Dr. Shapiro referred to the 2008 guidelines from  
17 the Federation of State Medical Boards regarding  
18 suggestions on how medical Boards can respond to  
19 impairment from revocation and suspension,  
20 stipulations, limitations, restrictions, probation,  
21 and reprimand.

22 Dr. Shapiro emphasized that Mr. Knipe's  
23 organization, PHMP, has the two different levels of  
24 monitoring the voluntary unit. He explained that  
25 individuals brought to the Board's attention are only

1 those enrolled in the disciplinary unit and may have a  
2 formal action against their license. The majority of  
3 the monitored individuals are easily able to return to  
4 work.

5 Dr. Shapiro discussed fees including a one-time  
6 initiation fee of \$350, a \$100 per month monitoring  
7 fee charged to active physicians that is scaled down  
8 for students and unemployed people in PA. He noted  
9 minimal charges for sending out letters and writing  
10 documents. The more substantial fees are incurred at  
11 the evaluation and treatment phase. Outpatient  
12 evaluations may be \$1,800, and inpatient evaluations  
13 may cost approximately \$5,000.

14 Dr. Shapiro stated long-term treatment may not be  
15 covered by insurance. He stated that full inpatient  
16 treatment is roughly \$40,000. He noted that drug  
17 testing was 4,000 in the first year, tapering off over  
18 the subsequent five years. He stated that treatment  
19 expense dwarfs lost income of physicians.

20 Ms. Parry discussed a separate program for nurses  
21 and nurse practitioners in the state of Pennsylvania  
22 called Pennsylvania Nurse Peer Assistance Program  
23 (PNAP). She also noted a program for pharmacists  
24 called Secundum Artem Reaching Pharmacists with Help  
25 Pharmacy Peer Assistance Program (SARPH).



1 Dr. Poggi discussed the need to find the cause of  
2 physician burnout and address the need for changes in  
3 the rules and regulations permitting physicians to re-  
4 enter the work force. He also discussed not allowing  
5 Centers for Medicare and Medicaid Services (CMS) and  
6 insurance companies to make decisions on patients  
7 without even seeing the patient.

8 Dr. Shapiro stated PHP was not funded to address  
9 the burnout issue, but a presentation is provided to  
10 all participants.]

11 \*\*\*

12 Approval of Minutes of the June 13, 2018 meeting

13 CHAIRMAN LITMAN:

14 You had a chance to review minutes from  
15 the June 2018 meeting. Are there any  
16 comments or a motion to approve?

17 DR. SWALLOW:

18 Move to approve.

19 DR. MARK:

20 Second.

21 CHAIRMAN LITMAN:

22 All in favor?

23 [The motion carried unanimously.]

24 \*\*\*

25 Report of Prosecutorial Division

1 [Ray Michalowski, Esquire, Board Prosecutor, present  
2 on behalf of Anita P. Shekletski, Esquire, Board  
3 Prosecution Liaison, introduced Alissa Harrison,  
4 Esquire, as a new Board prosecutor.]

5

\*\*\*

6 [Christopher S. Poggi, D.O., and Burton T. Mark, D.O.,  
7 Secretary, exited the meeting at 9:58 a.m. for recusal  
8 purposes.]

9

\*\*\*

10 [Adam L. Morris, Esquire, Board Prosecutor, presented  
11 the Consent Agreement for File No. 18-53-005429.]

12

\*\*\*

13 [Christopher S. Poggi, D.O., and Burton T. Mark, D.O.,  
14 Secretary, reentered the meeting at 10:02 a.m.]

15

\*\*\*

16 [Ray Michalowski, Esquire, Board Prosecutor, present  
17 on behalf of Anita P. Shekletski, Esquire, Board  
18 Prosecution Liaison, presented the Consent Agreement  
19 for File No. 13-53-05125.]

20

\*\*\*

21 [Pursuant to Section 708(a)(5) of the Sunshine Act, at  
22 10:06 a.m. the Board entered into Executive Session  
23 with Wesley J. Rish, Esquire, Board Counsel, and  
24 Kenneth J. Suter, Esquire, Board Counsel, for the  
25 purpose of conducting quasi-judicial deliberations and

1 to receive legal advice from Board Counsel. The Board  
2 returned to open session at 10:58 a.m.]

3 \*\*\*

4 MOTIONS

5 MR. RISH:

6 The State Board of Osteopathic Medicine  
7 held an Executive Session to conduct  
8 quasi-judicial deliberations regarding  
9 the following matters:

10 The first matter is Item No. 3 on  
11 the Board's agenda, File No. 18-53-  
12 005429. This was a Probable Cause  
13 matter. Dr. Poggi and Dr. Mark recused  
14 themselves and did not participate in  
15 the Executive Session deliberations.

16 Based upon discussions in Executive  
17 Session, I understand the Board would  
18 entertain a motion approving the Consent  
19 Agreement and Order.

20 DR. TURSI:

21 So moved.

22 DR. SWALLOW:

23 Second.

24 CHAIRMAN LITMAN:

25 All in favor?

1 [The motion carried. Dr. Poggi and Dr. Mark  
2 recused themselves from deliberations and voting on  
3 the motion. The Respondent's name is Lawrence I.  
4 Miller, D.O.]

5 \*\*\*

6 MR. RISH:

7 The next matter was Item No. 4, File No.  
8 13-53-05125.

9 Based upon discussions in Executive  
10 Session, I understand the Board would  
11 entertain a motion approving the Consent  
12 Agreement and Order.

13 DR. TURSI:

14 So moved.

15 DR. POGGI:

16 Second.

17 CHAIRMAN LITMAN:

18 All in favor?

19 [The motion carried unanimously. The Respondent's  
20 name is John B. Zinnamosca, D.O.]

21 \*\*\*

22 MR. RISH:

23 The next matter was Item No. 5, the  
24 Commonwealth vs. Quentin Andrew Parker,  
25 D.O., File No. 17-53-12456.

1           Based upon discussions in Executive  
2           Session, I understand the Board would  
3           entertain a motion approving the final  
4           Adjudication and Order.

5 DR. TURSI:

6           So moved.

7 DR. POGGI:

8           Second.

9 CHAIRMAN LITMAN:

10           All in favor?

11 [The motion carried unanimously.]

12                           \*\*\*

13 MR. RISH:

14           The next matter was Item No. 6 on the  
15           Board's agenda, the Commonwealth vs.  
16           Gregory L. Carpenter, PA-C, File No. 16-  
17           53-06176.

18           Based upon discussions in Executive  
19           Session, I understand the Board would  
20           entertain a motion approving the final  
21           Adjudication and Order.

22 DR. POGGI:

23           So moved.

24 DR. TURSI:

25           Second.

1 CHAIRMAN LITMAN:

2 All in favor?

3 [The motion carried unanimously.]

4 \*\*\*

5 MR. RISH:

6 The next matters are Items No. 9 and 10  
7 on the Board's agenda.

8 Based upon discussions in Executive  
9 Session, I understand the Board would  
10 entertain a motion approving the  
11 applications for an Unrestricted License  
12 of Nicole Vanessa Barton, D.O. and  
13 Tracey Way Childers, D.O.

14 DR. TURSI:

15 So moved.

16 DR. POGGI:

17 Second.

18 CHAIRMAN LITMAN:

19 All in favor?

20 [The motion carried unanimously.]

21 \*\*\*

22 MR. RISH:

23 The next matter is Item No. 11.

24 Based upon discussions in Executive  
25 Session, I understand the Board would

1 entertain a motion approving the  
2 application for a Graduate Osteopathic  
3 Training License of Muneeb Shah, D.O.

4 DR. TURSI:

5 So moved.

6 DR. MARK:

7 Second.

8 CHAIRMAN LITMAN:

9 All in favor?

10 [The motion carried unanimously.]

11 \*\*\*

12 MR. RISH:

13 The next matter is Item No. 12. It is  
14 an application for an Athletic Trainer  
15 License of Daniel Adam Webb, ATC.

16 Based upon discussions in Executive  
17 Session, I understand the Board would  
18 entertain a motion provisionally denying  
19 the application.

20 DR. SEID:

21 So moved.

22 DR. POGGI:

23 Second.

24 CHAIRMAN LITMAN:

25 All in favor?

1 [The motion carried unanimously.]

2 \*\*\*

3 MR. RISH:

4 The next matter is Item No. 13. It is  
5 an application for a Physician Assistant  
6 License of Timothy S. Kearney, PA-C.

7 Based upon discussions in Executive  
8 Session, I understand that the Board  
9 would entertain a motion approving a  
10 stipulated final order placing Mr.  
11 Kearney in the Disciplinary Monitoring  
12 Unit for three years.

13 DR. TURSI:

14 So moved.

15 DR. POGGI:

16 Second.

17 CHAIRMAN LITMAN:

18 All in favor?

19 [The motion carried unanimously.]

20 \*\*\*

21 MR. RISH:

22 The next matter is Item No. 14, the  
23 Written Agreement Change Application of  
24 Timothy James Lilly, D.O.

25 Based upon discussions in Executive



1                   Session, I understand the Board would  
2                   deny the application.

3 DR. TURSI:

4                   So moved.

5 DR. MARK:

6                   Second.

7 CHAIRMAN LITMAN:

8                   All in favor?

9 [The motion carried unanimously.]

10   \*\*\*

11 MR. RISH:

12                   The next matter was Item No. 15. It was  
13                   a Request for an Exception to the COMLEX  
14                   Attempt Limit Policy of Patricia  
15                   Caffrey.

16   Based upon discussions in Executive  
17                   Session, I understand the Board would  
18                   grant the petition.

19 DR. TURSI:

20                   So moved.

21 DR. SWALLOW:

22                   Second.

23 CHAIRMAN LITMAN:

24                   All in favor?

25 [The motion carried unanimously.]

1 \*\*\*

2 Report of Regulatory Counsel

3 MR. RISH:

4 If you recall, we discussed the changes  
5 to the qualifications for licensure  
6 regulation at the last Board meeting,  
7 and I have made the changes suggested by  
8 the Board and had some discussions with  
9 Dr. Litman regarding the definition of  
10 an approved internship.

11 At this point, I would ask that the  
12 Board approve the regulation with Dr.  
13 Litman's amendments to be issued as an  
14 exposure draft, which would allow the  
15 members of the profession and the  
16 associations to review and make comments  
17 on it. This is not the final regulation  
18 that the Board would send through for  
19 approval, just the initial exposure  
20 draft so we could start gathering  
21 comments.

22 DR. TURSI:

23 I move to approve the exposure draft.

24 DR. SWALLOW:

25 Second.

1 CHAIRMAN LITMAN:

2 All in favor?

3 [The motion carried unanimously.]

4 \*\*\*

5 MR. SUTER:

6 The next item is No. 8 on the agenda.  
7 It's the proposed fee increase  
8 regulation. As you can see on the  
9 agenda, you approved an exposure draft,  
10 and we received comments. One was from  
11 the Pennsylvania Medical Society, and  
12 they requested the Board specify the  
13 reasons for the 60 percent increase in  
14 renewal fee for physicians and ask that  
15 increases be smaller and staggered.

16 The other comment was from the Lake  
17 Erie College of Osteopathic Medicine.  
18 They are questioning the training  
19 license increase with the amount of fees  
20 involved with going to school at this  
21 point. They are the only two comments  
22 that we received.

23 At this point, I would be asking  
24 for a motion to prepare the rulemaking  
25 package.

1 DR. TURSI:

2 I propose you start the rulemaking  
3 package.

4 DR. SWALLOW:

5 Second.

6 [The Board discussed the motion.]

7 CHAIRMAN LITMAN:

8 All in favor?

9 [The motion carried unanimously.]

10 \*\*\*

11 Report of Board Chairman

12 [Chairman Litman noted his frustration with navigating  
13 through the telephone system. Ms. Lambert reviewed  
14 changes to the phone system, including a help desk for  
15 the Pennsylvania Licensing System (PALS) and technical  
16 resources to direct PALS-related questions. She stated  
17 the call menus was revised by the Office of  
18 Administration (OA) telecom team and Queue Callback  
19 was added.

20 Ms. Lambert also provided an update on initial  
21 applications and renewals. She noted improvements to  
22 the process with the addition of an option to add an  
23 email address so that a credentialing office would  
24 then receive any discrepancy notices for that  
25 application and receive correspondence from the Board.

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

Ms. Lambert reviewed the renewal process. Licensees will receive an email, as well as a printed notice, as soon as the renewal is live in PALS, which will include a user ID, registration code, and instructions on logging into the system.

Chairman Litman requested an update on the backlog. Ms. Lambert referred to the old legacy system as a manual process compared to PALS, but the staff are at the end of the backlog.]

\*\*\*

Report of Department of Health

[Arlene G. Seid, M.D., M.P.H., Department of Health, present on behalf of Rachel Levine, M.D., Physician General, stated on July 14, 2018, there were 4,740 narcotic death overdoses and 312 were from heroin. She attributed approximately half of all overdose deaths that present to the ED to a prescription.

Dr. Seid presented overdose death rate statistics, noting opioids as a huge issue in Pennsylvania. She stated a task force created of deans and associate deans of medical schools and osteopathic schools developed a list of core competencies that medical students must complete before graduation.

1 Dr. Seid referred to Pennsylvania as the third  
2 highest state with individuals on long-term opioid  
3 use. She noted the Prescription Drug Monitoring  
4 Program (PDMP) that reflected a 16 percent decrease in  
5 the number of opioids being prescribed.

6 Dr. Seid referred to the opioid dashboard that is  
7 divided into prevention, rescue, and treatment. She  
8 stated prescriptions for opioids decreased in 2016.  
9 She noted 11 opioid prescribing guidelines and the  
10 opioid prescription takeback program. She also noted  
11 the benefits with the expansion of naloxone for the  
12 general public, first responders, and public schools.

13 Dr. Seid discussed the warm handoff protocol as  
14 developed by the Pennsylvania College of Emergency  
15 Physicians and other internal groups. She also  
16 referred to the Centers of Excellence as a hub-and-  
17 spoke model, where addiction use disorder expert team  
18 doctors connect with primary care to rural areas to  
19 help provide support and backup for treatment.

20 Dr. Seid stated opioid addiction has been added  
21 to the list of conditions where medical marijuana is  
22 used for treatment. She discussed the opioid disaster  
23 declaration and declaration renewal with expanded  
24 education to the public, education, treatment payment  
25 through insurance, specialized programs for obstetrics

1 and emergency medical services, and increased access  
2 to methadone for inmates. In the future, data  
3 dashboard will be reviewing societal impacts on  
4 support programs.

5 Dr. Swallow suggested sending a message from the  
6 Secretary of Health to the school districts and  
7 hospital systems to provide community education to  
8 obviate the demand for narcotics.

9 Dr. Seid stated the third renewal of the Opioid  
10 Disaster Declaration included funding to schools and  
11 communities. She encouraged the Board to review the  
12 opioid data dashboard.]

13

\*\*\*

14 For the Board's Information/Discussion  
15 [Chairman Litman noted the next meeting scheduled for  
16 October 24, 2018.

17 Aaron Hollinger, Board Administrator, will find  
18 an alternative day for the June 12, 2019 meeting due  
19 to a conflict with the American Medical Association  
20 House of Delegates Meeting.]

21

\*\*\*

22 Adjournment

23 CHAIRMAN LITMAN:

24 Do I have a motion to adjourn?

25 DR. SWALLOW:

1                   So moved.

2 DR. SEID:

3                   Second.

4 CHAIRMAN LITMAN:

5                   Thank you.

6 [The motion carried unanimously.]

7                                   \*\*\*

8 [There being no further business, the State Board of  
9 Osteopathic Medicine Meeting adjourned at 11:40 a.m.]

10                                   \*\*\*

11

12                                   CERTIFICATE

13

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

20



21

22

Seth R. Baier,

23

Minute Clerk

24

Sargent's Court Reporting

25

Service, Inc.



STATE BOARD OF OSTEOPATHIC MEDICINE  
REFERENCE INDEX  
August 22, 2018

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7	9:30	Official Call to Order
8		
9	9:30	Appointment - Physicians' Health Program
10		
11	9:56	Approval of Minutes
12		
13	9:57	Report of Prosecutorial Division
14		
15	10:06	Executive Session
16	10:58	Return to Open Session
17		
18	10:58	Motions
19		
20	11:02	Report of Regulatory Counsel
21		
22	11:11	Report of Board Chairman
23		
24	11:16	Report of Commissioner
25		
26	11:20	Report of Department of Health
27		
28	11:39	For the Board's Information/Discussion
29		
30	11:40	Adjournment
31		
32		
33		
34		
35		
36		
37		
38		
39		
40		
41		
42		
43		
44		
45		
46		
47		
48		
49		
50		