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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

TIME: 10:41 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, February 8, 2023

State Board of Osteopathic Medicine
February 8, 2023

BOARD MEMBERS:

Arion R. Claggett, Acting Commissioner, Bureau of
Professional and Occupational Affairs
Kristen Rodack, MSW, LSW, Policy Director, Department
of Health, on behalf of Debra L. Bogen, M.D., FAAP,
FABM, Acting Secretary, 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.
George J. Wolters, D.O.
Joseph M. Zawisza, D.O.
Hillary D. Snyder, MSPAS, PA-C

BUREAU PERSONNEL:

Dean F. Picarella, Esquire, Senior Board Counsel
Shana M. Walter, Esquire, Board Counsel
Dana M. Wucinski, Esquire, Board Counsel
Heather J. McCarthy, Esquire, Senior Board
Prosecution
Liaison
Jason T. Anderson, Esquire, Board Prosecutor
Keith E. Bashore, Esquire, Board Prosecutor
Jonelle Harter Eshbach, Esquire, Board Prosecutor
Adam Williams, Esquire, Board Prosecutor
Kelsey Ashworth, Esquire, Board Prosecutor
Nichole Wray, Board Administrator
Carolyn A. DeLaurentis, Esquire, Executive Deputy
Chief Counsel, Department of State
Marc Farrell, Esquire, Regulatory Counsel,
Office of Chief Counsel, Department of State
Andrew LaFratte, MPA, Executive Policy Specialist,
Department of State
Amanda Richards, Fiscal Chief, Bureau of Finance and
Operations, Department of State
Michelle Witmer, Fiscal Management Specialist,
Bureau of Finance and Operations, Department of
State
Priscilla Turek, Clerical Supervisor 2, Department of
State
Deena Parmelee, Legal Office Administrator 1,
Department of State

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State Board of Osteopathic Medicine
February 8, 2023

ALSO PRESENT:

- Andy Sandusky, Executive Vice President, Public Policy and Association Affairs, Pennsylvania Osteopathic Medical Association
- Lisa A. Witherite-Rieg, DO, FACOFP, Pennsylvania Osteopathic Medical Association
- Nicole Sidle, Executive Director, Professional Licensure Committee, PA House of Representatives
- Mary Marshall, Director, Workforce & Professional Development, The Hospital and Healthsystem Association of Pennsylvania
- Susan DeSantis, PA-C, Pennsylvania Society of Physician Assistants
- Kellie LoGrande

1 ***

2 State Board of Osteopathic Medicine

3 February 8, 2023

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act,
6 at 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 February 8, 2023. William B. Swallow, D.O.,
17 Chairman, called the meeting to order at 10:41 a.m.

18 ***

19 [William B. Swallow, D.O., Chairman, reminded
20 everybody that the Board meeting was being recorded,
21 and their voluntary participation constituted consent
22 to be recorded.]

23 ***

24 Introduction of Board Members/Attendees

25 [Nichole Wray, Board Administrator, provided an

1 introduction of the Board members, staff, and
2 audience in attendance.]

3 ***

4 Approval of minutes of the December 14, 2022 meeting

5 CHAIRMAN SWALLOW:

6 You have all received a copy of the
7 minutes of the previous meeting.

8 Are there any additions or
9 corrections? Hearing none.

10 Is there a motion to accept?

11 MS. GREY:

12 I make a motion.

13 CHAIRMAN SWALLOW:

14 Is there a second?

15 DR. ZAWISZA:

16 Second.

17 CHAIRMAN SWALLOW:

18 Any discussion? Hearing none. Ms.
19 Wray, may we have a vote?

20

21 Mr. Claggett, aye; Ms. Rodack, abstain;
22 Dr. Swallow, aye; Dr. Bulger, aye; Ms.
23 Grey, aye; Dr. Dardarian, aye; Dr.
24 Wolters, abstain; Dr. Zawisza, aye; Ms.
25 Snyder, aye.

1 [The motion carried. Ms. Rodack and Dr. Wolters
2 abstained from voting on the motion.]

3 ***

4 [William B. Swallow, D.O., Chairman, welcomed and
5 introduced Dr. George Wolters and Kristen Rodack.]

6 ***

7 Appointment - Prosecution Division Annual Report
8 Presentation

9 [Carolyn A. DeLaurentis, Esquire, Executive Deputy
10 Chief Counsel, Department of State, informed Board
11 members that she is now the executive deputy chief
12 counsel for the Department of State but is presenting
13 to the Board on behalf of the prosecution division in
14 her former role to provide the presentation.

15 Ms. DeLaurentis presented to the Board to provide
16 a summary of the prosecution division's role and
17 present annual numbers for 2022. She informed Board
18 members that the Bureau of Professional and
19 Occupational Affairs provides administrative and
20 legal support to all 29 licensing boards and
21 commissions with the mission to protect the health
22 and safety of the public and the integrity of the
23 profession. She noted legal includes the prosecution
24 division, counsel division, hearing examiners,
25 paralegals, legal assistants, and legal analysts.

1 Ms. DeLaurentis explained that the Office of
2 Chief Counsel is under the Governor's Office of
3 General Counsel and assigned to the Department of
4 State, noting the prosecution division is one
5 division under the Office of Chief Counsel. She
6 noted the prosecution division works with the Bureau
7 of Enforcement and Investigation (BEI), along with
8 the Professional Compliance Office (PCO).

9 Ms. DeLaurentis stated BEI, PCO, and prosecution
10 are all tasked with receiving complaints,
11 investigating allegations, ensuring public safety,
12 and enforcing compliance with the acts and
13 regulations that govern the 29 licensing boards and
14 commissions.

15 Ms. DeLaurentis stated the prosecution division
16 has five senior prosecuting attorneys because the
17 division is broken into five teams. She also noted
18 Heather McCarthy would be replacing Jason Anderson as
19 the new senior prosecutor for the Board. She also
20 noted acting senior prosecutor, Karl Geschwindt; Paul
21 Jarabeck; Ray Michalowski; and William Newport are
22 senior prosecutors for the other boards and
23 commissions. She mentioned there are currently 32
24 prosecuting attorneys serving under the senior
25 attorneys, including liaisons.

1 Ms. DeLaurentis explained that prosecution is a
2 complaint-driven process, noting complaints are
3 received from any source but prefer complaints be
4 submitted through the Pennsylvania Licensing System
5 (PALS) at pals.pa.gov because it is the most
6 efficient. She noted prosecution also accepts
7 complaints from sister agencies, federal agencies,
8 law enforcement, and through media reports.

9 Ms. DeLaurentis discussed levels of review,
10 including jurisdiction checks, noting administrative
11 assistants review every complaint to see if it falls
12 under one of the 29 boards and commissions. She
13 mentioned complaints are referred to the appropriate
14 agency if prosecution does not have jurisdiction.

15 Ms. DeLaurentis stated that prosecution works
16 with BEI inspectors and investigators to determine
17 the most efficient use of resources. She noted
18 investigations may include interviewing witnesses and
19 gathering documents, along with paralegals and legal
20 analysts.

21 Ms. DeLaurentis addressed the various levels of
22 review and whether there was a violation. She
23 explained that matters could be closed if there is
24 not a violation of the act or regulation and direct
25 attention to other cases.

1 Ms. DeLaurentis discussed the post-investigation
2 process, where attorneys may need to make charging
3 decisions based on evidence by filing an order to
4 show cause or a citation. She noted there is a
5 hearing process, which is similar to a regular trial,
6 where both parties are able to present evidence and
7 present legal arguments.

8 Ms. DeLaurentis noted hearing examiners usually
9 issue a proposed adjudication and order and then it
10 goes to the boards and commissions for their final
11 decision because they have the ultimate authority for
12 discipline. She addressed consent agreements, where
13 both sides are conducting negotiations and trying to
14 reach a resolution and present that to the Board,
15 where the Board could accept or reject the agreement.

16 Ms. DeLaurentis addressed the prosecution
17 division's role at Board meetings, including
18 presenting consent agreements and listening to
19 concerns of the Board. She pointed out that
20 prosecution has a confidentiality statute that
21 applies to their files, where all of the contents
22 within their files is confidential under the law and
23 is why prosecution cannot speak on some matters.

24 Ms. DeLaurentis stated BEI conducts
25 investigations and interviews, gathers evidence, and

1 conducts inspections for certain boards. She noted
2 the role of the investigators is fact gathering and
3 serving subpoenas, orders, and letters. She noted
4 BEI is not considered law enforcement in Pennsylvania
5 and does not have search warrant authority.

6 Ms. DeLaurentis addressed document authority,
7 where some boards have regulations that require
8 cooperation if a request is made to review their
9 records but not everyone complies and charges may be
10 filed for failure to comply.

11 Ms. DeLaurentis stated BEI is only gathering
12 facts evidence and not deciding whether the law has
13 been violated or deciding whether someone should be
14 charged but gathering information so the legal office
15 can review what BEI presented post-investigation.
16 She noted prosecuting attorneys work with legal
17 analysts to determine whether there was a violation
18 of the act or regulation to decide whether to close
19 the case or file charges.

20 Ms. DeLaurentis addressed immediate temporary
21 suspensions, where a license is immediately suspended
22 if someone is an immediate danger to the health and
23 safety of the public. She noted automatic
24 suspensions include 302 commitments, orders for
25 examination, and drug act violations. She also noted

1 petitions for appropriate relief are when someone has
2 violated a board order.

3 Ms. DeLaurentis stated that levels of discipline
4 include revocations, suspensions, probations,
5 reprimands, fines, remedial education, and cost of
6 the investigation.

7 Ms. DeLaurentis referred to the confidentiality
8 statute under 63 Pa.C.S. § 3109, where prosecution and
9 investigative files are deemed privileged and
10 confidential under the law. She explained that
11 investigative files are deemed noncriminal
12 investigative records and exempt from disclosure
13 under the Right-to-Know Law.

14 Ms. DeLaurentis stated that information could be
15 shared with other agencies in furtherance of
16 investigative efforts but only their final action
17 could be shared publicly, including final
18 adjudications and orders, final consent agreements,
19 and final letters.

20 Ms. DeLaurentis provided data as of January 3,
21 2023, where the number of open cases for the
22 prosecution division was 13,154, which is down from
23 2022 at 15,141. She stated 16,084 cases were opened
24 in 2022 and is down from 2021 at 18,363 cases. She
25 reported closing 17,826 files in 2022 and is up from

1 2021, where 15,994 cases were closed. She thanked
2 the prosecution division, counsel division, hearing
3 examiners, BEI, and the Board for their group effort.

4 Ms. DeLaurentis informed Board members that an
5 annual report is issued to the General Assembly,
6 which includes a breakdown of case categories, and
7 would notify counsel when the report is available.

8 Ms. DeLaurentis addressed specific information
9 for the State Board of Osteopathic Medicine, noting
10 757 cases were opened in 2022 and 803 in 2021. She
11 noted 675 cases were closed in 2022 and 562 in 2021.

12 She noted 702 open cases as of January 3 and 606 at
13 the same time last year.

14 Ms. DeLaurentis referred to disposition of closed
15 cases, including discipline and non-discipline. She
16 mentioned that some cases have more than one type of
17 discipline imposed and would be counted in more than
18 one category. She reported 3 fines in 2022 and 6 in
19 2021, 10 probations in 2022 and 4 in 2021, 16
20 suspensions and suspensions stayed and 11 in 2021.

21 Ms. DeLaurentis stated many cases are resolved
22 with no discipline and referred to Z codes. She
23 reported 53 warning letters under code Z18 in 2022
24 and 48 in 2021. She explained that warning letters
25 are not disciplinary and are a great tool for

1 prosecutors on behalf of the Board to remind
2 licensees to follow the act and regulations. She
3 mentioned that warning letters are given for de
4 minimis violations and used to ensure that the health
5 and safety of the public is protected and licensees
6 are following the rules.

7 Chairman Swallow commented that Attorney Anderson
8 simplified the Board's approach to consent agreements
9 at the orientation several months ago. He thanked
10 Ms. DeLaurentis for her presentation and emphasized
11 the importance of the presentation for new Board
12 members.]

13 ***

14 Report of Department of Health
15 [Kristen Rodack, MSW, LSW, Policy Director,
16 Department of Health, on behalf of Debra Bogen, M.D.,
17 FAAP, FABM, Acting Secretary, Department of Health,
18 reported COVID-19 cases, hospitalizations, and deaths
19 have been trending downward. She reminded everyone
20 that free testing is available from the Department of
21 Health and vaccines are readily available across the
22 Commonwealth of Pennsylvania.

23 Ms. Rodack also reported a relatively mild
24 influenza season in Pennsylvania but still
25 unfortunately noted 101 influenza-associated deaths.

1 She mentioned that the influenza vaccine is still
2 available at most commercial pharmacies.

3 Ms. Rodack reported they have not received notice
4 that the public health emergency (PHE) is going to be
5 extended and assuming it would end in May. She noted
6 working closely with sister agencies regarding the
7 end of the continuous coverage option for Medicaid
8 and Children's Health Insurance Program (CHIP).

9 Ms. Rodack stated, throughout the COVID pandemic,
10 individuals were not being disenrolled from Medicaid
11 and CHIP, and informed everyone that the continuous
12 coverage option would be ending April 1, meaning
13 individuals would need to recertify to continue to
14 receive Medicaid and CHIP benefits. She offered to
15 share available resource materials in chat.

16 Ms. Rodack mentioned they are still waiting to
17 hear from the federal government what the impact of
18 COVID vaccination and testing would be with the end
19 of the federal emergency and would keep everyone up
20 to date. She stated the Department of Health would
21 continue to have free testing available and continue
22 to have as much vaccine availability as they can
23 through state health centers but are likely to see
24 some challenges and potential impacts to
25 accessibility of vaccines with the end of the

1 emergency.

2 Chairman Swallow thanked Ms. Rodack for the
3 presentation.]

4 ***

5 Appointment - Bureau of Finance and Operations

6 Annual Budget Presentation

7 [Michelle Witmer, Fiscal Management Specialist,
8 Bureau of Finance and Operations, Department of
9 State, presented the annual budget for the State
10 Board of Osteopathic Medicine. She addressed
11 licensee population for the current year and past six
12 years for comparison.

13 Ms. Witmer stated the last renewal was in FY20-
14 21, noting an increase of 897 licensees. She also
15 noted an increase of 59 licensees from the date of
16 the report, giving a current licensee count of
17 13,420.

18 Ms. Witmer addressed biennial totals showing the
19 revenue in FY20-21 and FY21-22. She noted 97 percent
20 of income is from renewals and applications. She
21 noted 3 percent is from other categories and is not
22 counted as a consistent source of revenue because of
23 how it is collected.

24 Ms. Witmer stated that expenses include direct
25 costs, legal costs, and distribution. She reported

1 on the expenses from FY20-21, noting a drop in FY21-
2 22 because it was a nonrenewal year. She noted the
3 current expenses and stated the current budget would
4 cover the rest of the fiscal year.

5 Ms. Witmer addressed revenue and expenses, noting
6 an incremental renewal and application fee increase
7 that went into effect with the FY22-23 renewal. She
8 also noted there would be another slight increase in
9 the FY24-25 renewal.

10 Ms. Witmer referred to FY25-26 showing that the
11 renewal fee increase is working and building the
12 balance.

13 Chairman Swallow thanked Ms. Witmer for the
14 presentation.]

15 ***

16 Report of Prosecuting Attorneys

17 [Jason T. Anderson, Esquire, Board Prosecutor,
18 informed Board members that he stepped down as senior
19 prosecutor for the Board but still has cases to
20 address for the Board. He provided a summary of the
21 VRP Consent Agreement process for new Board member.
22 He presented the VRP Consent Agreement for Case No.
23 22-53-017565.]

24 ***

25 [Keith E. Bashore, Esquire, Board Prosecutor,

1 presented the Consent Agreement for Case No. 22-53-
2 014720.]

3 MS. WALTER:

4 Pursuant to Section 708(a)(5) of the
5 Sunshine Act, the Board entered into
6 Executive Session at 9:30 a.m. for the
7 purpose of conducting quasi-judicial
8 deliberations and receive advice of
9 counsel regarding items 5, 6, and 17
10 through 18 on the agenda.

11 Regarding agenda item number 5, VRP
12 Case No. 22-53-017565, I believe the
13 Board would entertain a motion to
14 approve the VRP Agreement.

15 MS. GREY:

16 So moved.

17 CHAIRMAN SWALLOW:

18 Is there a second?

19 DR. ZAWISZA:

20 Second.

21 CHAIRMAN SWALLOW:

22 Any discussion? Hearing none. Ms.
23 Wray, call for the vote?

24

25 Mr. Claggett, aye; Dr. Swallow, aye;

1 Dr. Bulger, aye; Ms. Grey, aye; Dr.
2 Dardarian, aye; Dr. Wolters, aye; Dr.
3 Zawisza, aye; Ms. Snyder, aye.

4 [The motion carried unanimously.]

5 ***

6 MS. WALTER:

7 Number 6 on the agenda, Case No. 20-53-
8 014720, I believe the Board would
9 entertain a motion to approve the
10 Consent Agreement.

11 MS. GREY:

12 So moved.

13 CHAIRMAN SWALLOW:

14 Is there a second?

15 DR. ZAWISZA:

16 Second.

17 CHAIRMAN SWALLOW:

18 Any discussion? Hearing none. Ms.
19 Wray.

20

21 Mr. Claggett, aye; Dr. Swallow, aye;
22 Dr. Bulger, aye; Ms. Grey, aye; Dr.
23 Dardarian, aye; Dr. Wolters, aye; Dr.
24 Zawisza, aye; Ms. Snyder, aye.

25 [The motion carried unanimously. The Respondent's

1 name is Robert F. Solarczyk, PA-C.]

2 ***

3 Miscellaneous

4 MS. WUCINSKI:

5 Moving down to agenda item 17, I
6 believe the Board would entertain a
7 motion to deny the Petition for
8 Expungement and direct Board Counsel to
9 redact and seal any agency records
10 pertaining to now expunged criminal
11 records regarding Jane Doe, D.O.

12 MS. GREY:

13 So moved.

14 DR. ZAWISZA:

15 Second.

16 CHAIRMAN SWALLOW:

17 It's been properly moved and seconded.
18 Any discussion? Hearing none. Ms.
19 Wray, call for the vote.

20
21 Mr. Claggett, aye; Dr. Swallow, aye;
22 Dr. Bulger, aye; Ms. Grey, aye; Dr.
23 Dardarian, aye; Dr. Wolters, aye; Dr.
24 Zawisza, aye; Ms. Snyder, aye.

25 [The motion carried unanimously.]

1 ***

2 MS. WUCINSKI:

3 Agenda item 18. I believe the Board
4 would entertain a motion to grant the
5 request of Pooja Patel to have one
6 additional attempt to take the COMLEX
7 Level 2 Examination.

8 MS. GREY:

9 So moved.

10 DR. ZAWISZA:

11 Second.

12 CHAIRMAN SWALLOW:

13 It's been properly moved and seconded.
14 Any discussion? Hearing none. Ms.
15 Wray.

16
17 Mr. Claggett, aye; Dr. Swallow, aye;
18 Dr. Bulger, aye; Ms. Grey, aye; Dr.
19 Dardarian, aye; Dr. Wolters, aye; Dr.
20 Zawisza, aye; Ms. Snyder, aye.

21 [The motion carried unanimously.]

22 ***

23 Report of Board Counsel - Regulatory Status Report
24 [William B. Swallow, D.O., Chairman, requested Board
25 Counsel provide a history regarding the preamble and

1 amendments for new Board members.

2 Shana M. Walter, Esquire, Board Counsel,
3 addressed the proposed preamble and annex for 16A-
4 5336 regarding licensure by endorsement and licensure
5 qualifications. She stated effective June 30, 2022,
6 the Accreditation Council for Graduate Medical
7 Education (ACGME) and American Osteopathic
8 Association (AOA) merged for purposes of accrediting
9 graduate medical education into Single Accreditation
10 System (SAS).

11 Ms. Walter noted the Board's regulations refer
12 throughout graduate training programs to AOA approval
13 of internships, and since the AOA has merged with
14 ACGME for the purposes of approving internships
15 commencing July 1, there are changes that need to be
16 made to the regulations. She noted they are covering
17 everyone completing an internship or residency.

18 Ms. Walter explained that the proposed regulation
19 addresses those changes and addresses what is
20 referred to as Act 41 regarding licensure by
21 endorsement, which allows individuals who have a
22 license obtained in another jurisdiction to apply to
23 the Board for a license in Pennsylvania. She noted
24 the individual would be required to show they have a
25 license in good standing in the original jurisdiction

1 and practiced for two out of the last five years
2 under that license. She noted the Board would then
3 make a determination whether or not licensure
4 qualifications in the original jurisdiction are
5 substantially equivalent to Board licensure
6 qualifications.

7 Ms. Walter reported that the National Board of
8 Osteopathic Medical Examiners (NBOME) would no longer
9 be requiring a practical examination as part of
10 COMLEX beginning in June 2023. She noted the Board's
11 current regulations require a practical examination
12 for licensure as well as the existing licensure by
13 endorsement provisions. She stated the regulations
14 have a proposed amendment to remove references to
15 practical examination regarding the NBOME Exam as
16 well as licensure by endorsement practical
17 examination.

18 She commented that anybody who applied for a
19 license by endorsement in Pennsylvania is familiar
20 with the Pennsylvania osteopathic manipulative
21 therapy (OMT), and the proposal is to remove the OMT
22 requirement for a license by endorsement.

23 Dr. Bulger further explained that the previous
24 rules were that someone needed to do an osteopathic
25 internship and now an osteopathic internship does not

1 exist. He stated NBOME changed its practices,
2 previously offering a practical exam that waived the
3 necessity for applicants for a license that have to
4 do the Pennsylvania Practical Exam. He stated there
5 is a small subset of people who trained before that
6 happened and did not apply to them and now the NBOME
7 is changing the assessing competency to the schools,
8 which alleviates the need for them to have their own
9 practical exam.

10 Dr. Bulger noted prior Board discussion whether
11 to continue having the practical exam, realizing that
12 it is given so infrequently now and was causing
13 impediment because the only people it applies to are
14 those who trained years ago, are already licensed in
15 another state, and coming in with a license in every
16 case.

17 Dr. Bulger reported that it has caused delays in
18 licensure and caused osteopathic physicians to not
19 come to Pennsylvania. He noted osteopathic
20 physicians were recruited, start to go through the
21 process of being credentialed and realize they cannot
22 get a state license until they do this stuff and
23 cannot wait sometimes nine months for a job in
24 another state.

25 Dr. Bulger addressed internship piece, where the

1 one line is for someone who did an osteopathic
2 internship and that is for people who existed before
3 SAS. He noted the second piece would be for those
4 who trained in an SAS program that has osteopathic
5 recognition, which is okay because it requires
6 osteopathic components and requires a rotating nature
7 of that piece.

8 Dr. Bulger addressed the third option for those
9 who go into an SAS-accredited training program and do
10 rotations in their first two years of residency,
11 which would be equivalent to a holistic internship.
12 He commented that the third way they finish their
13 residency and they came to that because one of the
14 things unique about osteopathic licensure is they are
15 given licensure after one year.

16 Dr. Bulgers noted the importance of making sure
17 they have done some type of rotational nature of
18 their training when giving a license after one year
19 to say they are a complete physician who is able to
20 practice within the auspices of the laws of
21 Pennsylvania. He stated they would be able to
22 practice once they finish the residency just like
23 other physicians licensed in the state of
24 Pennsylvania.

25 Dr. Bulger explained that that is the reason

1 there is the piece for people who trained before, the
2 second piece has the osteopathic recognition, the
3 third pieces allow wiggle room in between, and the
4 fourth piece is someone would need to finish the
5 residency and then get licensed.

6 Ms. Walter read what an approved internship is
7 under the proposed regulation. She noted some
8 conversation among current osteopathic graduate
9 medical trainees (GMTs) with what they are going to
10 do with the graduate training program come spring and
11 summer when they are finished with their program and
12 do not have an AOA-approved internship as it appears
13 to be listed in the regulations.

14 Ms. Walter referred to § 25.262, where as it
15 exists now, the Board has discretion in the event of
16 exigent circumstances, where a sufficient number of
17 AOA-approved internship positions are not available
18 to accommodate osteopathic medical school graduates
19 desiring to obtain unrestricted licensure in the
20 Commonwealth of Pennsylvania.

21 Ms. Walter stated based upon SAS and the
22 insufficient number of AOA-approved internship
23 positions because they do not exist, the Board is
24 exercising its discretion under § 25.262(b) to approve
25 internship programs as set forth in the proposed

1 regulation, which is AOA-approved internship, ACGME
2 internship with osteopathic recognition, 24-week
3 rotation, or another that is approved by the Board.

4 Ms. Walter addressed residency as proposed. She
5 noted it is currently in the regulations at § 25.263
6 under other approved graduate training programs. She
7 commented that residency is a new term in the
8 osteopathic regulations and added residency in where
9 appropriate. She noted approved internship or
10 approved residency has been added where it is a
11 requirement of licensure. She provided a proposed
12 definition of approved residency program.

13 Ms. Walter mentioned that some GMTs are concerned
14 and noted the proposed amendment to § 25.264, where
15 it now states a candidate for unrestricted licensure
16 applying on or after July 1, 1993, shall have
17 completed an AOA-approved internship in accordance
18 with § 25.262 or an internship which had been
19 approved by the Board at the time the candidate
20 participated in the program.

21 Ms. Walter noted language approved by the Board
22 to read, at the time the candidate participated to
23 include a graduate medical trainee applying for and
24 receive a license engage in graduate training within
25 the Commonwealth of Pennsylvania.

1 Chairman Swallow requested Ms. Walter explain to
2 new Board members and the audience where the
3 regulation goes from here.

4 Ms. Walter mentioned the regulation being discuss
5 is little bit different because of the urgent nature.
6 She explained that the draft would be sent out as an
7 exposure draft for public comment under normal
8 circumstances, make any changes, and then put it on
9 the agenda as proposed rulemaking with the proposed
10 annex and proposed preamble.

11 Ms. Walter explained that the current regulation
12 was put on as a proposed preamble and proposed annex,
13 and if the Board approves what has been presented and
14 directs her to move forward with the proposed
15 rulemaking process, it would be sent out for a 30-day
16 public comment period. She noted the comments would
17 be provided to the Board at the next meeting to
18 review and make any changes and then move on to the
19 final rulemaking process.

20 Lisa A. Witherite-Rieg, D.O., FACOFP, President,
21 Pennsylvania Osteopathic Medical Association, thanked
22 the Board on behalf of herself, POMA members, and the
23 POMA Board.]

24 CHAIRMAN SWALLOW:

25 The matter before you is the approval

1 of the proposed preamble and annex.

2 Do I hear a motion?

3 MS. GREY:

4 So moved.

5 DR. ZAWISZA:

6 I second.

7 CHAIRMAN SWALLOW:

8 It's been properly moved and seconded.

9 Any discussion? Hearing none. Ms.
10 Wray, call for the vote.

11

12 Mr. Claggett, aye; Dr. Swallow, aye;

13 Dr. Bulger, aye; Ms. Grey, aye; Dr.

14 Dardarian, aye; Dr. Wolters, aye; Dr.

15 Zawisza, aye; Ms. Snyder, aye.

16 [The motion carried unanimously.]

17

18 [William B. Swallow, D.O., Chairman, thanked Ms.

19 Walter and Ms. Wucinski, on behalf of the Board, for
20 their work over the past four years concerning the
21 regulation.]

22

23 Report of Board Counsel - Other

24 [Shana M. Walter, Esquire, Board Counsel, referred to
25 the appeal to the Commonwealth Court for the Board's

1 review.]

2

3 Report of Board Chair

4 [William B. Swallow, D.O., Chairman, announced his
5 nomination by the American Association of Osteopathic
6 Examiners Executive Committee to sit on an Advisory
7 Panel for the Core Competency Capstone for DOs (C3DO)
8 of the NBOME. He explained that it is an inside road
9 on how NBOME is going to address Part 2, which they
10 have waived and now discontinued permanently.

11 Chairman Swallow stated the advisory panel is
12 supposed to meet in the next month or two and begin
13 discussions on how to accomplish this. He mentioned
14 that he would be notifying Board members and various
15 organizations and institutions of the meeting date
16 and ask for input to extend to the advisory panel.]

17

18 Report of Vice Chair - No Report

19

20 Report of Acting Commissioner

21 [Arion R. Claggett, Acting Commissioner, Bureau of
22 Professional and Occupational Affairs, addressed new
23 functionality in the Pennsylvania Licensing System
24 (PALS) called Act 35, which provides expedited
25 application review for service members, veterans, and

1 military spouses. He stated the application types
2 included in the expedited review are initial
3 applications, renewal applications, and reactivation
4 applications.

5 Acting Commissioner Claggett noted Act 35 gives
6 them the ability to waive the initial application fee
7 for spouses when they are required to move due to
8 military orders. He mentioned that the fee waiving
9 functionality in PALS is not available and that
10 refunds would be issued.

11 Acting Commissioner Claggett noted Act 35 also
12 has directed them to create a military crosswalk
13 explaining how military experience transfers over to
14 licensure and is available on the Board web pages.

15 Acting Commissioner Claggett stated Act 35 also
16 gives them the ability to provide temporary permits
17 for applicants whose military experience may be
18 lacking something needed for licensure.

19 Chairman Swallow requested information regarding
20 Governor Shapiro's issuance of an Executive Order
21 regarding the timeliness of licensure.

22 Acting Commissioner Claggett explained that
23 Governor Shapiro did issue an Executive Order that
24 directed them to do a couple of things in the next 90
25 days that included being required to submit all

1 license types to a committee and processing times.
2 He stated the governor's office would then determine
3 an appropriate processing time. He mentioned that a
4 refund would be provided if the appropriate
5 processing times are not met.]

6 ***

7 Report of Board Administrator

8 [Nichole Wray, Board Administrator, informed Board
9 members that they would be receiving the annual
10 Financial Disclosure Statement for the State Ethics
11 Commission and a Code of Conduct for administration.

12 She encouraged Board members to file those forms
13 online.]

14 ***

15 For the Board's Information/Discussion - Board
16 Meeting

17 Dates

18 [William B. Swallow, D.O., Chairman, noted 2023 and
19 2024 Board meeting dates.]

20 ***

21 For the Board's Information/Discussion - Old

22 Business/New Business - Federation of State Medical
23 Boards Annual Meeting

24 [William B. Swallow, D.O., Chairman, noted the
25 Federation of State Medical Boards Annual Meeting is

1 in May and requested someone represent the Board at
2 the annual meeting.

3 Ms. Snyder noted having experience as a voting
4 delegate with the American Psychological Association
5 (APA) in the past and being interested in attending
6 the FSMB Annual Meeting.]

7 CHAIRMAN SWALLOW:

8 Is there a motion to appoint Hillary
9 Snyder, PA-C, as the delegate from the
10 State Board and Commonwealth of
11 Pennsylvania to attend the House of
12 Delegates Annual Meeting of the
13 Federation of State Medical Boards?

14 MS. GREY:

15 So moved.

16 DR. ZAWISZA:

17 Second.

18 CHAIRMAN SWALLOW:

19 Discussion? Hearing none. Ms. Wray,
20 the roll, please.

21

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

1 [The motion carried unanimously.]

2

3 For the Board's Information/Discussion - Draft of
4 FSMB Strategic Plan and Report

5 [William B. Swallow, D.O., Chairman, asked that any
6 comments from Board members be collated by Ms. Wray
7 regarding the annual report to be submitted to FSMB.]

8

9 For the Board's Information/Discussion - Old
10 Business/New Business - Report from Hillary Snyder,
11 PA-C - Attendance at the FSMB Workshop and Board
12 Member Training

13 [Hillary Snyder, MSPAS, PA-C, addressed her
14 attendance at the Tri-Regulators Symposium in
15 Alexandria, VA, presented by the Federation of State
16 Medical Boards, National Association of Boards of
17 Pharmacy, and National Council for State Boards of
18 Nursing. She noted the focus was around license
19 portability and license compacts; COVID-19 challenges
20 and responses from different boards; provider
21 burnout, depression, and suicide; impact of
22 misinformation and disinformation; examples of how
23 boards address the issues; legislative and legal
24 actions and their impact on health care; and
25 reflections on the opioid epidemic.]

1 Ms. Snyder informed Board members of sessions on
2 telehealth and the impact of technology on board
3 activities with examples provided by various boards,
4 followed by closing remarks from the leaders of each
5 of the organizations.

6 Ms. Snyder provided highlights of the keynote
7 speaker, Dr. Al-Samarrai, Director of Science and
8 Policy, Office of the Surgeon General, with the
9 United States Department of Health and Human
10 Services, who talked about heroic efforts of health
11 care workers throughout the COVID-19 pandemic and the
12 resultant mental health impact.

13 Ms. Snyder noted sessions on provider and health
14 care worker burnout and data around physician and
15 nurse suicide risks as opposed to the general public,
16 along with data regarding the threat of losing a
17 license associated with increased risk and questions
18 regarding mental health treatment and medication
19 questions on license applications and whether that
20 could cause health care workers to avoid seeking
21 care.

22 Ms. Snyder addressed leadership of member boards
23 of all disciplines to help more with legislators to
24 encourage education of board members on current
25 health care issues and to continue to translate

1 legislative roles into practice. She mentioned that
2 it raised her awareness concerning issues of other
3 health care workers.

4 Ms. Snyder also met with the president of the
5 Federation of State Medical Boards, Dr. Chaudhry, who
6 offered to present the state of the FSMB to the
7 Board.

8 Ms. Snyder addressed her attendance at the Annual
9 Board Member Training Conference with Chairman
10 Swallow. She noted it was an excellent overview for
11 board members. She mentioned that there were
12 presentations from prosecuting attorneys and Board
13 Counsel and updates for travel and budget. She noted
14 a presentation from the Office of Advocacy and Reform
15 on diversity, equity, and inclusion. She also noted
16 a presentation from the program manager, Kevin Knipe,
17 at the Professional Health Monitoring Program (PHMP).

18 Ms. Snyder commented that the highlights for her
19 were the DEI and PHMP presentations, noting Chairman
20 Swallow mentioned looking at a DEI presentation for
21 the Board as well.

22 Chairman Swallow asked Ms. Snyder to work with
23 Ms. Wray to arrange for Dr. Chaudhry to present at
24 one of the Board meetings.

25 Chairman Swallow suggested periodically going

1 through some of the particular aspects of Board
2 activity because they are not always able to attend
3 the orientation.

4 Chairman Swallow thanked Ms. Snyder for
5 representing the Board.]

6 ***

7 For the Board's Information/Discussion - Annual
8 Election of Officers

9 CHAIRMAN SWALLOW:

10 First is the election of Chair. I
11 would open the floor for a nomination
12 for Chair of the State Board.

13 MS. GREY:

14 I nominate Dr. Swallow.

15 CHAIRMAN SWALLOW:

16 Is there a second?

17 DR. ZAWISZA:

18 Second.

19 CHAIRMAN SWALLOW:

20 Are there any other nominations for
21 Chair? Is there a motion to close
22 nominations for Chair?

23 MS. GREY:

24 So moved.

25 DR. ZAWISZA:

1 Second.

2 CHAIRMAN SWALLOW:

3 Discussion? Ms. Wray, I call for a
4 vote on the motion as well as for
5 election of the Chair.

6
7 Mr. Claggett, aye; Dr. Swallow,
8 abstain; Dr. Bulger, aye; Ms. Grey,
9 aye; Dr. Dardarian, aye; Dr. Wolters,
10 aye; Dr. Zawisza, aye; Ms. Snyder, aye.

11 [The motion carried unanimously.]

12 ***

13 [William B. Swallow, D.O., Chairman, thanked Board
14 members for their confidence in him and noted it has
15 been wonderful working with everyone.]

16 ***

17 CHAIRMAN SWALLOW:

18 Next is nominations for Vice Chair.

19 MS. GREY:

20 I nominate Dr. Bulger.

21 DR. ZAWISZA:

22 Second.

23 CHAIRMAN SWALLOW:

24 Are there any other nominations for
25 Vice Chair? Hearing none. Motion to

1 close nominations?

2 MS. GREY:

3 So moved.

4 DR. ZAWISZA:

5 Second.

6 CHAIRMAN SWALLOW:

7 Discussion? Hearing none. Ms. Wray,
8 call for a vote to close nominations
9 and to vote for Dr. Bulger for Vice
10 Chair.

11

12 Mr. Claggett, aye; Dr. Swallow, aye;
13 Dr. Bulger, abstain; Ms. Grey, aye; Dr.
14 Dardarian, aye; Dr. Wolters, aye; Dr.
15 Zawisza, aye; Ms. Snyder, aye.

16 [The motion carried unanimously.]

17

18 CHAIRMAN SWALLOW:

19 Next is the nomination and election for
20 secretary.

21 Are there any nominations?

22 DR. BULGER:

23 I nominate Bette Grey for secretary.

24 CHAIRMAN SWALLOW:

25 Second?

1 DR. ZAWISZA:

2 Second.

3 CHAIRMAN SWALLOW:

4 Are there any additional nominations
5 for secretary? Hearing none. Is there
6 a motion to close nominations?

7 DR. BULGER:

8 I move to close nominations for
9 secretary.

10 DR. ZAWISZA:

11 Second.

12 CHAIRMAN SWALLOW:

13 Discussion? Hearing none. Ms. Wray,
14 call for a vote to close nominations as
15 well as elect Bette Grey as secretary.

16
17 Mr. Claggett, aye; Dr. Swallow, aye;
18 Dr. Bulger, aye; Ms. Grey, abstain; Dr.
19 Dardarian, aye; Dr. Wolters, aye; Dr.
20 Zawisza, aye; Ms. Snyder, aye.

21 [The motion carried unanimously.]

22 ***

23 For the Board's Information/Discussion - Review
24 Members for Applications Committee and Probable
25 Cause Screening Committee

1 [William B. Swallow, D.O., Chairman, believed all
2 three members of the Applications Committee are
3 continuing.

4 Ms. Wray mentioned it would be Dr. Bulger and Dr.
5 Dardarian, and Ms. Grey would be stepping off the
6 committee.

7 Chairman Swallow noted the Probable Cause
8 Screening Committee incumbents are Dr. Dardarian and
9 Ms. Grey.

10 Ms. Wray noted Dr. Zawisza is joining as an
11 alternate.]

12 ***

13 [William B. Swallow, D.O., Chairman, thanked everyone
14 for their attendance and perseverance on behalf of
15 the patients and administration of the Commonwealth
16 of Pennsylvania.]

17 ***

18 Adjournment

19 CHAIRMAN SWALLOW:

20 Is there a motion to adjourn?

21 MS. GREY:

22 So moved.

23 DR. ZAWISZA:

24 Second.

25 CHAIRMAN SWALLOW:

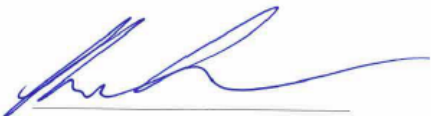
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We are adjourned.

[There being no further business, the State Board of
Osteopathic Medicine Meeting adjourned at 12:14 p.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.



Kellie LoGrande,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF OSTEOPATHIC MEDICINE
REFERENCE INDEX

February 8, 2023

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7		
8	9:30	Executive Session
9	10:30	Return to Open Session
10		
11	10:41	Official Call to Order
12		
13	10:41	Introduction of Board Members/Attendees
14		
15	10:43	Approval of Minutes
16		
17	10:44	Appointment - Carolyn A. DeLaurentis,
18		Esquire, Executive Deputy Chief
19		Counsel, Department of State, Annual
20		Prosecutorial Division Presentation
21		
22	11:15	Report of Department of Health
23		
24	11:20	Appointment - Bureau of Finance and
25		Operations Annual Budget Presentation
26		
27	11:26	Report of Prosecuting Attorneys
28		
29	11:31	Miscellaneous
30		
31	11:32	Report of Board Counsel
32		
33	11:55	Report of Acting Commissioner
34		
35	11:55	Report of Board Administrator
36		
37	11:57	For the Board's Information/Discussion
38		
39	12:14	Adjournment
40		
41		
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