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

F I N A L M I N U T E S

MEETING OF:

STATE BOARD OF OSTEOPATHIC MEDICINE
VIA VIDEOCONFERENCE

TIME: 10:33 A.M.

Wednesday, October 13, 2021

1 State Board of Osteopathic Medicine
2 October 13, 2021
3
4

5 BOARD MEMBERS:
6

7 Randy G. Litman, D.O., Chairman
8 K. Kalonji Johnson, Commissioner, Bureau of
9 Professional and Occupational Affairs
10 William B. Swallow, D.O., Vice Chairman
11 Christopher S. Poggi, D.O., Secretary - Absent
12 Denise A. Johnson, M.D., Acting Physician General
13 John B. Bulger, D.O.
14 Thomas S. Dardarian, D.O.
15 Bette A. Grey, BA, RRT, CPFT
16 Frank M. Tursi, D.O.
17
18

19 BUREAU PERSONNEL:
20

21 Shana M. Walter, Esquire, Board Counsel
22 Dana M. Wucinski, Esquire, Board Counsel
23 Jason T. Anderson, Esquire, Board Prosecution Liaison
24 Mark R. Zogby, Esquire, Board Prosecutor
25 Matthew Anderson, Esquire, Board Prosecutor
26 Adam Williams, Esquire, Board Prosecutor
27 Jonelle Eshbach, Esquire, Board Prosecutor
28 Holly Hoffman, Law Clerk, Department of State
29 Nichole Wray, Board Administrator
30 Marc Farrell, Deputy Director, Office of Policy,
31 Department of State
32
33

34 ALSO PRESENT:
35

36 Andrew C. Harvan, Esquire, Pennsylvania Medical
37 Society
38 Andy Sandusky, Executive Vice President, Public Policy
39 and Association Affairs, Pennsylvania Osteopathic
40 Medical Association
41 Jen Smeltz, Republican Executive Director, Senate
42 Consumer Protection & Professional Licensure
43 Committee
44 Jerry J. Livingston, Democratic Executive Director,
45 Senate Consumer Protection & Professional Licensure
46 Committee
47 Mary Marshall, Director, Workforce & Professional
48 Development, The Hospital and Healthsystem
49 Association of Pennsylvania
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State Board of Osteopathic Medicine
October 13, 2021

ALSO PRESENT: (cont.)

Michael DePalma, MHS, PA-C, Pennsylvania Society of
Physician Assistants
Nicole Sidle, Majority Committee Executive Director,
House Professional Licensure Committee
Susan DeSantis, PA-C, Pennsylvania Society of
Physician Assistants
Christine Heberle
Samantha Sabatini

1 ***

2 State Board of Osteopathic Medicine

3 October 13, 2021

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
6 9:30 a.m. the Board entered into Executive Session
7 with Dana M. Wucinski, Esquire, Board Counsel, and
8 Shana M. Walter, Esquire, Board Counsel, for the
9 purpose of conducting quasi-judicial deliberations on
10 a number of matters that are currently pending before
11 the Board and to receive the advice of counsel. The
12 Board returned to open session at 10:30 a.m.]

13 ***

14 The regularly scheduled meeting of the State
15 Board of Osteopathic Medicine was held on Wednesday,
16 October 13, 2021. William B. Swallow, D.O., Vice
17 Chairman, on behalf of Chairman Litman, called the
18 meeting to order at 10:33 a.m.

19 ***

20 Roll Call/Introductions

21 [Nichole Wray, Board Administrator, provided an
22 introduction of the Board members, staff, and audience
23 in attendance.]

24 ***

25 [Nichole Wray, Board Administrator, noted the meeting

1 was being recorded, and those who remained on the line
2 were giving their consent to be recorded.]

3 ***

4 Approval of minutes of the August 11, 2021 meeting
5 VICE CHAIR SWALLOW:

6 Next is approval of minutes. You have
7 all received copies of the minutes of
8 the previous meeting.

9 Is there a motion to accept as
10 presented?

11 DR. TURSI:

12 So moved.

13 DR. LITMAN:

14 Second.

15 VICE CHAIR SWALLOW:

16 Any discussion? Hearing none. All
17 those in favor of the approval of the
18 minutes, signify by saying aye.

19 Opposed? Any nay?

20 [The motion carried unanimously.]

21 ***

22 Report of Prosecuting Attorneys
23 [Shana M. Walter, Esquire, Board Counsel, noted Board
24 members waived the presentation of consent agreements
25 by prosecution.]

1 ***

2 MOTIONS:

3 MS. WALTER:

4 Pursuant to Section 708(a)(5) of the
5 Sunshine Act, at 9:30 a.m., the Board
6 entered into Executive Session for the
7 purpose of conducting quasi-judicial
8 deliberations on a number of matters
9 currently pending before the Board and
10 to receive advice of counsel.

11 We will go through items 3 through
12 5 on the agenda. Item 3 is VRP Case No.
13 21-53-011286; item 4, Case No. 21-53-
14 012088; item 5, Case No. 21-53-014528.

15 I believe the Board would entertain
16 a motion to accept the VRP Consent
17 Agreements.

18 VICE CHAIR SWALLOW:

19 May I have a motion?

20 DR. LITMAN:

21 Motion to accept.

22 VICE CHAIR SWALLOW:

23 Is there a second?

24 DR. TURSI:

25 Second.

1 VICE CHAIR SWALLOW:

2 Any discussion? Hearing none. All
3 those in favor of the aforementioned
4 motion, signify by saying aye. Nay?

5 [The motion carried unanimously.]

6 ***

7 MS. WALTER:

8 Item 6 and item 7 on the agenda. Item
9 6, Case No. 21-53-010382; item 7, Case
10 No. 21-53-011779.

11 I believe the Board would entertain
12 a motion to accept the Consent
13 Agreements.

14 VICE CHAIR SWALLOW:

15 Is there a motion?

16 DR. TURSI:

17 Motion.

18 VICE CHAIR SWALLOW:

19 Second?

20 DR. LITMAN:

21 Second to approve.

22 VICE CHAIR SWALLOW:

23 Any further discussion? Hearing none.
24 All those in favor of the motion,
25 signify by saying aye. Opposed, nay?

1 [The motion carried unanimously. The Respondent's
2 name for item 6 is Michael S. Cash, D.O. The
3 Respondent's name for item 7 is Theodore J. Riley,
4 D.O.]

5 ***

6 Report of Board Counsel

7 MS. WUCINSKI:

8 I believe the Board would entertain a
9 motion to direct Board counsel to draft
10 and issue an Adjudication and Order for
11 Vinson M. Disanto, D.O. at Case No. 19-
12 53-009478.

13 DR. TURSI:

14 So moved.

15 VICE CHAIR SWALLOW:

16 Second?

17 DR. LITMAN:

18 Second.

19 VICE CHAIR SWALLOW:

20 It's been properly moved and seconded.

21 Is there any further discussion?

22 Hearing none. All those in favor of the
23 motion, signify by saying aye. Opposed,
24 nay?

25 [The motion carried unanimously.]

1 ***

2 Applications for Licensure

3 MS. WUCINSKI:

4 I believe the Board would entertain a
5 motion to provisionally deny the
6 Application for a License to Practice as
7 an Osteopathic Physician and Surgeon
8 under Act 41 for Richard E. Vasicek,
9 D.O.

10 VICE CHAIR SWALLOW:

11 May I have a motion?

12 DR. LITMAN:

13 Motion to approve that decision.

14 VICE CHAIR SWALLOW:

15 Second?

16 DR. TURSI:

17 Second.

18 VICE CHAIR SWALLOW:

19 It's been properly moved and seconded.

20 Is there any further discussion?

21 Hearing none. All those in favor of the

22 aforementioned motion, signify by saying

23 aye. Opposed, nay?

24 [The motion carried unanimously.]

25 ***

1 MS. WUCINSKI:

2 I believe the Board would entertain a
3 motion to approve the Written Agreements
4 at agenda items 14 and 15 pursuant to
5 Act 78 of 2021.

6 VICE CHAIR SWALLOW:

7 May I have a motion?

8 DR. LITMAN:

9 Motion to approve.

10 DR. TURSI:

11 Second.

12 VICE CHAIR SWALLOW:

13 It's been properly moved and seconded.
14 Is there any further discussion?
15 Hearing none. All those in favor of the
16 aforementioned motion, signify by saying
17 aye. Opposed, nay?

18 [The motion carried unanimously.]

19 ***

20 Miscellaneous

21 MS. WUCINSKI:

22 At agenda item 21, I believe the Board
23 would entertain a motion to approve
24 Edward D. Manzella, M.D. as a preceptor
25 for John Manzella, D.O. for Case No. 10-

1 53-003498.

2 VICE CHAIR SWALLOW:

3 May I have a motion?

4 DR. TURSI:

5 So moved.

6 DR. LITMAN:

7 Second.

8 VICE CHAIR SWALLOW:

9 It's been properly moved and seconded.

10 Is there any further discussion?

11 Hearing none. All those in favor of the
12 motion, signify by saying aye. Opposed,
13 nay?

14 [The motion carried unanimously.]

15 ***

16 MS. WUCINSKI:

17 Agenda item 22 is tabled for the
18 December meeting.

19 ***

20 Report of Regulatory Counsel - Other

21 [Dana M. Wucinski, Esquire, Board Counsel, addressed
22 House Bill 1816 of 2021, which would amend the Medical
23 Care Availability and Reduction of Error (MCARE) Act
24 and prohibit pelvic, rectal, and prostate examinations
25 without explicit consent of the patient.]

1 Ms. Wucinski stated medical students currently
2 perform those examinations on a patient that is under
3 general anesthesia for another surgical procedure,
4 oftentimes without their consent. She noted the bill
5 was referred to the Health and Human Services
6 Committee on July 27, 2021.

7 Ms. Wucinski addressed House Bill 1818 of 2021,
8 which would allow minors 14 and over to consent to the
9 Centers for Disease Control and Prevention (CDC)-
10 recommended immunizations. She stated minors, who are
11 14 and older, can currently consent to inpatient
12 mental health treatment, and the bill would expand
13 that and give them the decision-making for
14 immunizations. She noted the bill was referred to the
15 Health and Human Services Committee on August 31,
16 2021.

17 Ms. Wucinski mentioned that counsel will reach
18 out to Board members for their position if they are
19 asked to do a bill analysis.

20 Ms. Walter addressed Senate Bill 397 of 2021
21 regarding physician assistants' modernization of
22 practice. She stated the bill was signed by Governor
23 Wolf on October 7 and changes the landscape of
24 physician assistants written agreements in
25 Pennsylvania. She stated it adds two new board

1 members, one physician assistant and one additional
2 position and it takes the physician assistant (PA) out
3 of the rotation for the rotating seat. She noted
4 written agreements will be effective upon submission
5 to the Board.

6 Ms. Walter stated the Board is required to review
7 10 percent of written agreements submitted to the
8 Board. She informed the Board that they have 120 days
9 to submit to the Legislative Reference Bureau the
10 manner in which they will undergo the review process
11 and select the 10 percent of written agreements for
12 review.

13 Ms. Walter noted the number of physician
14 assistants that a supervising physician may supervise
15 has increased to six. She stated the countersignature
16 requirements for a physician assistant who has changed
17 specialty or recently been licensed have remained the
18 same, requiring 100 percent chart review; however,
19 after those milestones have been met by the physician
20 assistant, the chart review was up to the supervising
21 physician.

22 Ms. Walter informed the Board that the act is
23 effective immediately, and they have to promulgate
24 final regulations within 180 days.

25 Ms. Walter further explained that Board members

1 and stakeholders will be working on a plan for the 10
2 percent review within 120 days and then working on the
3 regulations to implement anything that is necessary.

4 Ms. Wucinski commented that some of the current
5 regulations do not flow with what is in the act, and
6 amendments are needed to be consistent.

7 Ms. Walter added that even though PAs will come
8 off the rotating part of the Board, it will not be
9 replaced with another allied health professional. She
10 explained that the PA was removed from the rotating
11 seat, but the Osteopathic Medical Practice Act was not
12 amended to add an allied health professional.

13 Ms. Wucinski commented that it is going to be
14 interesting to see what is going to happen with the
15 Medical Board because their allied health professional
16 is a physician assistant.]

17 ***

18 Report of Regulatory Counsel - Regulatory Status
19 Report

20 MS. WALTER:

21 At the last meeting, I presented the
22 annex for the amendment to the temporary
23 perfusionist license. This is the
24 preamble that would accompany that.

25 I would respectfully request that

1 the Board members take a vote to adopt
2 the preamble and proceed with the
3 rulemaking.

4 DR. TURSI:

5 So moved.

6 VICE CHAIR SWALLOW:

7 Is there a second?

8 DR. LITMAN:

9 Second.

10 VICE CHAIR SWALLOW:

11 It's been properly moved and seconded.

12 Is there discussion? Hearing none. All
13 those in favor of the motion, signify by
14 saying aye. Opposed, nay?

15 [The motion carried unanimously.]

16 ***

17 Report of Board Chair - No Report

18 ***

19 Report of Vice Chair - No Report

20 ***

21 Report of Commissioner

22 [K. Kalonji Johnson, Commissioner, Bureau of
23 Professional and Occupational Affairs, noted Board
24 members were notified a few weeks ago of the
25 continuation of virtual Board meetings through the end

1 of March 2022. He thanked Board members for their
2 patience and grace as they continue to move through
3 with the existing technology.

4 Commissioner Johnson reiterated that the travel
5 policies have been reinstated for physical travel but
6 encouraged all to strongly consider virtual
7 attendance. He noted physical travel has reverted
8 back to the original limit of two Board members per
9 event but no cap on the virtual option.]

10 ***

11 Report of Department of Health

12 [Denise A. Johnson, M.D., Acting Physician General,
13 provided a COVID-19 update, noting 1,491,146 total
14 cases, 3,031 people currently hospitalized, and 30,228
15 deaths. She stated 13,169,965 vaccinations were given
16 with a current 7-day moving average for vaccines at
17 25,267. She reported 69.9 percent of Pennsylvania
18 adults are fully vaccinated.

19 Dr. Johnson noted current recommendations are to
20 follow the CDC guidance of masking regardless of
21 vaccination status in counties with substantial or
22 high community spread, which is currently all
23 Pennsylvania counties.

24 Dr. Johnson addressed third doses and boosters,
25 stating that 277,000 of the 13.1 million doses given

1 have been additional doses. She mentioned that the
2 CDC is currently recommending a third dose for those
3 who are immunocompromised. She noted booster doses
4 have been authorized for the Pfizer vaccine or the
5 Comirnaty vaccine for people over 65 or with
6 underlying conditions or those whose occupations or
7 living conditions put them at risk. She commented
8 that boosters for Moderna and Johnson & Johnson are
9 not yet authorized.

10 Dr. Johnson noted anxiously awaiting the CDC and
11 FDA recommendations for authorization for Pfizer
12 vaccines for children ages 5 to 11.

13 Dr. Johnson reported an increase in cases over
14 the past month or so driven largely by the Delta
15 variant. She mentioned continuing the effort to get
16 people vaccinated with media campaigns, mobile
17 clinics, and equity clinics.

18 Dr. Johnson noted grants are available for local
19 grassroots organizations to help resource them to
20 carry the outreach message and encouraging physicians
21 to talk with their patients about vaccination and
22 making sure providers and individuals know about
23 monoclonal antibody treatment. She reported a change
24 in how those are distributed to the states, noting
25 information is available on their website.

1 Dr. Johnson mentioned working with the CDC
2 regarding breakthrough cases, but vaccines seem to be
3 still working very well to prevent severe illness and
4 death. She reported a lot of people in the hospital
5 with non-COVID illnesses compared to last year because
6 of the decreased mitigation measures.

7 Dr. Johnson addressed staffing shortages and
8 strains on hospitals and is encouraging flu
9 vaccination to keep hospital capacity up.

10 Dr. Dardarian asked Dr. Johnson whether
11 Pennsylvania is on the upslope or downslope of the
12 bell curve regarding the Delta variant.

13 Dr. Johnson noted currently surpassing the peak
14 in April and is hoping that it has plateaued and will
15 start coming down.

16 Commissioner Johnson asked Dr. Johnson whether
17 the increase in the non-COVID-related respiratory
18 cases is due to environmental factors or due solely to
19 the mitigation factors.

20 Dr. Johnson noted not seeing any reports of
21 environmental causes but had been seeing many
22 respiratory syncytial virus (RSV) cases in hospitals,
23 that staying out of crowds and masking would decrease
24 the cases.

25 Vice Chair Swallow thanked Dr. Johnson for

1 providing a comprehensive report.]

2 ***

3 Report of Board Administrator

4 [Nichole Wray, Board Administrator, informed Board
5 members of the annual election of officers in
6 December. She also proposed bringing to the table an
7 update of all committees within the Osteopathic Board
8 and review of current members. She will be sending an
9 email to everybody just as an update of the current
10 terms and where the Board stands.

11 Ms. Wray noted the proposed 2023 Board meeting
12 dates for consideration and approval in December. She
13 requested Board members contact her with any questions
14 or concerns.

15 Vice Chair Swallow thanked Ms. Wray for all of
16 her hard work.]

17 ***

18 For the Board's Information/Discussion

19 [William B. Swallow, D.O., Vice Chairman, noted the
20 remaining 2021 and 2022 Board meeting dates for the
21 Board's review. He encouraged Board members to
22 contact Ms. Wray if they have any concerns regarding
23 any of those dates.]

24 ***

25 Adjournment

1 VICE CHAIR SWALLOW:

2 Is there a motion to adjourn?

3 DR. LITMAN:

4 Motion to adjourn.

5 VICE CHAIR SWALLOW:

6 Second?

7 DR. DARDARIAN:

8 Second.

9 VICE CHAIR SWALLOW:

10 All those in favor? Thank you all for
11 your attendance. We stand adjourned.

12 [The motion carried unanimously.]

13 ***

14 [There being no further business, the State Board of
15 Osteopathic Medicine Meeting adjourned at 10:59 a.m.]

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CERTIFICATE

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



Samantha Sabatini,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF OSTEOPATHIC MEDICINE
REFERENCE INDEX

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TIME	AGENDA
9:30	Executive Session
10:30	Return to Open Session
10:33	Official Call to Order
10:33	Roll Call/Introductions
10:35	Approval of Minutes
10:35	Motions
10:40	Report of Board Counsel
10:41	Applications for Licensure
10:42	Miscellaneous
10:43	Report of Regulatory Counsel
10:48	Report of Commissioner
10:49	Report of Department of Health
10:57	Report of Board Administrator
10:58	For the Board's Information/Discussion
10:59	Adjournment