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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: 9:31 A.M.

BOARD ROOM C

One Penn Center

2601 North Third Street

Harrisburg, Pennsylvania 17110

Wednesday, February 12, 2020

1                    State Board of Osteopathic Medicine  
2                                    February 12, 2020  
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 K. Kalonji Johnson, Acting Commissioner, Bureau of  
11 Professional and 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., Medical Director of  
15 Quality Assurance, on behalf of Rachel Levine, M.D.,  
16 Physician General/Secretary of Health  
17 John B. Bulger, D.O.  
18 Bette A. Grey, BA, RRT, CPFT  
19 Christopher S. Poggi, D.O.  
20 Frank M. Tursi, D.O.  
21  
22

23 BUREAU PERSONNEL:  
24

25 Kenneth J. Suter, Esquire, Board Counsel  
26 Shana M. Walter, Esquire, Board Counsel  
27 Keith E. Bashore, Esquire, Board Prosecutor  
28 Aaron Hollinger, Board Administrator  
29 Marc Farrell, Deputy Policy Director, Department of  
30 State  
31  
32

33 ALSO PRESENT:  
34

35 Michael DePalma, MHS, PA-C, Pennsylvania Society of  
36 Physician Assistants  
37 Brenda R. Dill, Director, Communications and  
38 Education, Pennsylvania Osteopathic Medical  
39 Association  
40 Kerry E. Maloney, Esquire, Post & Shell  
41 Diana Ewert, CEO, Pennsylvania Osteopathic Medical  
42 Association  
43 Mary Marshall, Director, Workforce & Professional  
44 Services, The Hospital and Healthsystem Association  
45 of Pennsylvania  
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2 State Board of Osteopathic Medicine

3 February 12, 2020

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5 The regularly scheduled meeting of the State  
6 Board of Osteopathic Medicine was held on Wednesday,  
7 February 12, 2020. Randy G. Litman, D.O., Chairman,  
8 called the meeting to order at 9:31 a.m.

9 \*\*\*

10 Approval of minutes of the December 11, 2019 meeting

11 CHAIRMAN LITMAN:

12 May I have an approval of the minutes  
13 from December 11, 2019?

14 DR. MARK:

15 Approve.

16 DR. POGGI:

17 Second.

18 CHAIRMAN LITMAN:

19 All in favor?

20 [The motion carried unanimously.]

21 \*\*\*

22 Report of Prosecutorial Division

23 [Keith E. Bashore, Esquire, Board Prosecutor,  
24 presented the Consent Agreement for File No. 19-53-  
25 006460.]

1 \*\*\*

2 Report of Board Counsel

3 [Kenneth J. Suter, Esquire, Board Counsel, noted items  
4 3 and 4 for discussion during Executive Session.]

5 \*\*\*

6 Report of Regulatory Counsel

7 [Kenneth J. Suter, Esquire, Regulatory Counsel,  
8 referred to House Bill 1998 regarding physician

9 assistants. He noted Section 2(a), where it stated

10 there would be a member appointed by the Governor to

11 sit on the Board permanently and would not be a

12 rotating position as currently noted. He stated the

13 bracketed or highlighted language had been deleted

14 from the existing law.

15 Mr. Suter noted the importance of developing  
16 regulations that are consistent within the authority  
17 of the statute should the regulation pass. He noted  
18 this to be a major rewrite and suggested the Board  
19 read the language in detail as it eliminates many  
20 terms of the existing law and the Board's authority.

21 Ms. Walter commented that any concerns or  
22 questions the Board had would go through the  
23 Commissioner's Office and Policy Office because the  
24 Board cannot comment on pending legislation. She  
25 mentioned the Commissioner's Office was working with

1 the Deputy Director of Policy and Legislative Affairs  
2 to put forth the position of the Board of Medicine and  
3 Board of Osteopathic Medicine.

4 Dr. Seid brought to the Board's attention Section  
5 4 regarding the Board of Medicine promulgating  
6 regulations. Mr. Suter noted that as an error to be  
7 amended to go into the legislation.

8 Ms. Grey noted the bill was referred to the House  
9 Professional Licensure Committee in January and  
10 questioned where it currently sat and a possible time  
11 frame for promulgation. Ms. Walter noted the bill was  
12 still with the House Professional Licensure Committee  
13 and that there was no way to predict how fast or slow  
14 legislature would move on a particular bill.

15 Dr. Tursi suggested making the Board's thoughts  
16 available to the Pennsylvania Osteopathic Medical  
17 Association (POMA) to at least screen from their level  
18 because if nobody is mentioning a negative or anything  
19 against the bill, it may pass.

20 Mr. Suter explained that it was appropriate for  
21 those who are members of POMA as an individual member  
22 to make their thoughts known through the organization,  
23 but it was also appropriate for the Board as a whole  
24 to make their feelings known through the  
25 Commissioner's Office as to the department's position

1 on this piece of legislation.

2 Deputy Commissioner Lambert will discuss the  
3 Board's concerns with the Acting Commissioner and the  
4 Policy Office.

5 Chairman Litman commented that the Board is  
6 responsible for public safety and referred to (j.1),  
7 stating where are the checks and balances of this  
8 Board in terms of patient safety and having a new  
9 appointee to a practice assuming the responsibility of  
10 patients where this 100% chart review is deviated and  
11 review of someone new in practice. He mentioned that  
12 no external or internal checks and balances will  
13 exist, noting no supervision and being against the  
14 bill.

15 Dr. Swallow questioned how allopathic and  
16 osteopathic physicians have to go through postgraduate  
17 training to satisfy the prerequisites for a license  
18 and a physician assistant (PA) does not.

19 Chairman Litman noted the individual becomes an  
20 independent provider who should have the same  
21 requirements as any independent provider in the  
22 Commonwealth. He stated the bill downgrades the  
23 requirements of a provider and is not acceptable to  
24 public safety, where it is a basic principle to have  
25 qualified people with qualified experiences and

1 required background to take care of the people in the  
2 Commonwealth.

3 Dr. Seid stated the bill was a response to the  
4 current regulations being too restrictive. She noted  
5 that the way it was written can be detrimental to the  
6 practice of medicine because of insurance companies  
7 and other people choosing their practitioners based on  
8 whether or not they will supervise as many people as  
9 possible because it is cheaper to do and shift the  
10 contingency from patient safety to cost effectiveness.

11 Chairman Litman questioned whether they should be  
12 paralleling the qualified provider, supervising  
13 physician to a ratio of the people to be supervised  
14 simultaneously. He mentioned graduate medical  
15 education, where there is a prescribed allowable  
16 number of trainees, whether they are graduate  
17 physicians, medical students, or PA students, the  
18 ratio is 4:1.

19 Chairman Litman also noted Medicare will raise  
20 the flag if they go beyond the 4:1 ratio because they  
21 are the ones that support graduate medical education.

22 Dr. Swallow noted that insurance companies oblige  
23 them to be board certified to be reimbursed, noting no  
24 board certification language in the bill.

25 Dr. Seid mentioned opposing the whole matter or

1 considering amendments and offering a positive  
2 compromise. She noted the two concerns as the  
3 unlimited number and the abrogation of supervision of  
4 the physician assistants at all points in their  
5 training.

6 Dr. Poggi referred to Section 2 regarding  
7 definitions, where the first four lines are removed  
8 causing a lack of the definition of physician  
9 assistant. He noted it reads, "It is an individual  
10 who is licensed as a physician assistant by the Board"  
11 versus a person licensed by the Board to assist a  
12 physician or group of physicians. He mentioned the  
13 importance of keeping the language in there because  
14 that is what a physician assistant definition is, not  
15 just someone who is licensed as a physician assistant.

16 Marc Farrell, Deputy Policy Director, Department  
17 of State, will relay the Board's concerns at the  
18 upcoming Governor's Legislative Office meeting. He  
19 stated a lot will have to happen before the bill goes  
20 anywhere.

21 Mr. Suter addressed House Bill 2110. He referred  
22 to § 2102(a) regarding the continuing education  
23 requirement proposed by legislation that the  
24 department will require each person applying for a  
25 license or certification issued by a health-related



1 state Board to complete training regarding implicit  
2 bias and cultural competence in accordance with the  
3 continuing education requirements of health-related  
4 state Boards.

5 Chairman Litman questioned whether this would be  
6 a one-time requirement. Mr. Suter noted the intent of  
7 the drafter of the legislation was not clear, whether  
8 it is an initial or ongoing license because it is  
9 under the continuing education provision, and if it is  
10 initial licensure requirement, then why would it be in  
11 continuing education?

12 Mr. Farrell stated the bill had been introduced  
13 but was not to the committee yet and further behind  
14 House Bill 1998. He mentioned the drafter may not  
15 understand whether they want it to be repetitive or  
16 initial or continuing but put forth the general idea.  
17 He will also mention this concern at the upcoming  
18 meeting.

19 Ms. Walter addressed the proposed Annex to  
20 16A-5335 regarding licensure qualifications.

21 Chairman Litman stated the language "performance  
22 evaluation" should be "Board-approved performance  
23 evaluation" regarding the NBOME COMLEX Level 2-  
24 Performance Evaluation or the Pennsylvania Osteopathic  
25 Manipulative Medicine Examination.

1 Ms. Walter commented that the language  
2 "performance evaluation" would need to be changed to  
3 "Board-approved performance evaluation" everywhere  
4 else and will make the changes as amended and approve  
5 it as a final draft.]

6

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7 Report of Department of Health

8 [Arlene G. Seid, M.D., M.P.H., Medical Director of  
9 Quality Assurance, on behalf of Rachel Levine, M.D.,  
10 Physician General/Secretary of Health, Department of  
11 Health, updated the Board regarding Act 112. She  
12 stated the department was working with the Governor's  
13 Office to publish temporary regulations for Act 112  
14 within the time frame provided at the end of this  
15 month. She also mentioned the department was working  
16 on guidance materials to accompany the regulations to  
17 provide additional clarification.

18 Dr. Seid mentioned that the department had  
19 engaged POMA, the Pennsylvania Medical Society  
20 (PAMED), and The Hospital and Healthsystem Association  
21 of Pennsylvania (HAP) throughout the process.

22 Dr. Seid addressed the current influenza  
23 epidemic, noting a decrease in influenza but an  
24 increase in the number of illness-related viruses.  
25 She noted the most common viruses are the influenza

1 A(H1N1)pdm09, influenza B/Victoria, and influenza  
2 A(H3N2) with 72,460 laboratory-confirmed cases of  
3 influenza, 1,620 hospitalizations, and 47 deaths.

4 Dr. Seid addressed the coronavirus, stating that  
5 the Department of Health was monitoring people from  
6 mainland China for about 14 days. She also mentioned  
7 following several cases of people considered persons  
8 under investigation (PUIs); however, no one had tested  
9 positive in Pennsylvania.

10 Dr. Seid commented that most of the cases were in  
11 California, Mississippi, Arizona, Illinois, Wisconsin,  
12 and Massachusetts. She stated novel coronavirus  
13 testing can only be conducted at the Centers for  
14 Disease Control and Prevention (CDC). She informed  
15 the Board not to send samples of those who may meet  
16 the criteria to the CDC but to go through their local  
17 health department or the state at 1-877-PA-Health.

18 Dr. Seid encouraged all health care providers to  
19 sign up for PA-HAN at [www.han.pa.gov](http://www.han.pa.gov). She noted it to  
20 be helpful when calling the Department of Health to  
21 have a negative flu test and a negative respiratory  
22 panel. She noted not to wait for results of a  
23 respiratory panel to contact the Department of Health  
24 if there is a suspected case meeting the clinical  
25 criteria of someone who had been in an area of risk or

1 in contact with someone at risk.

2 Chairman Litman questioned whether there were  
3 isolation mechanisms in place when sending patients to  
4 a designated center for testing. Dr. Seid noted to  
5 contact the Department of Health, where they go  
6 through a criteria of categorizing patients as high  
7 risk, medium risk, and low risk and will determine  
8 what kind of isolation was necessary. She stated the  
9 virus is sent to the CDC, and anyone who falls within  
10 a category of medium or high risk may be isolated by  
11 not being able to go to work until the results comes  
12 back, which can be greater than 72 hours.

13 Chairman Litman mentioned having isolated means  
14 of entry into his office by having questions upfront  
15 about travel upon calling in and saying they are sick,  
16 even how practitioners examine them in terms of  
17 wearing an N95 mask and a HAZMAT suit. He questioned  
18 whether there was a procedure to follow when the  
19 patient is ready to leave the office.

20 Dr. Seid stated to call the Department of Health  
21 to complete a complicated questionnaire to determine  
22 patient risk and whether quarantine was necessary.  
23 She also stated the department currently has enough  
24 staff to answer phones and provide immediate  
25 instructions.

1 Dr. Tursi questioned whether the health  
2 department has any TV ads to not propagate the  
3 hysteria and possibly send to offices to get across to  
4 people that the risk is small compared to the hysteria  
5 out there.

6 Dr. Seid was not aware of anything and will take  
7 the concern back to the department.]

8

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9 [Pursuant to Section 708(a)(5) of the Sunshine Act, at  
10 10:17 a.m. the Board entered into Executive Session  
11 with Kenneth J. Suter, Esquire, Board Counsel, and  
12 Shana M. Walter, Esquire, Board Counsel, for the  
13 purpose of conducting quasi-judicial deliberations and  
14 to receive legal advice from Board counsel. The Board  
15 returned to open session at 11:06 a.m.]

16

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17 MOTIONS

18 MR. SUTER:

19 We are returning from Executive Session.  
20 The purpose of Executive Session was to  
21 discuss items 3, 4, 8, 9, 10, 11, 12,  
22 and 13 on the agenda. As a result of  
23 Executive Session, I understand the  
24 Board will entertain some motions.

25 The first motion is regarding Item

1 No. 2 on the agenda. The motion is to  
2 approve the Consent Agreement, Case No.  
3 19-53-006460.

4 DR. TURSI:

5 So moved.

6 DR. SEID:

7 Second.

8 CHAIRMAN LITMAN:

9 All in favor?

10 [The motion carried unanimously. The Respondent's  
11 name is Edward H. Tobe, D.O.]

12 \*\*\*

13 MR. SUTER:

14 The next motion is Item No. 3 on the  
15 agenda. It is a proposed report from  
16 the hearing examiner. It is the  
17 proposed report of Jeffrey Scott Kalyan,  
18 D.O., Case No. 19-53-00044. Dr. Mark  
19 was recused on this matter.

20 The motion is to approve the  
21 proposed report as it stands.

22 DR. TURSI:

23 So moved.

24 DR. SWALLOW:

25 Second.

1 CHAIRMAN LITMAN:

2 All in favor?

3 [The motion carried. Dr. Mark recused himself from  
4 deliberations and voting on the motion.]

5 \*\*\*

6 MR. SUTER:

7 The next motion is to approve the final  
8 adjudication drafted by Board counsel  
9 for Brian Douglas Moles, D.O., Case No.  
10 17-53-06219. The following members were  
11 recused from this: Dr. Poggi, Dr. Mark,  
12 and Dr. Bulger. The motion is to  
13 approve as drafted.

14 DR. TURSI:

15 So moved.

16 DR. SEID:

17 Second.

18 CHAIRMAN LITMAN:

19 All in favor?

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

23 \*\*\*

24 MR. SUTER:

25 The next item for your consideration is

1 a motion to deny the application under  
2 Act 41 of Item No. 8, Allison Wahoff,  
3 D.O.

4 DR. TURSI:

5 So moved.

6 DR. SEID:

7 Second.

8 CHAIRMAN LITMAN:

9 All in favor?

10 [The motion carried unanimously.]

11 \*\*\*

12 MR. SUTER:

13 The next item is Item No. 9 on the  
14 agenda. It is the application of Scott  
15 Dinesen, D.O., Physician Acupuncturist.  
16 The motion is to approve this  
17 application.

18 DR. SEID:

19 So moved.

20 DR. TURSI:

21 Second.

22 CHAIRMAN LITMAN:

23 All in favor?

24 [The motion carried unanimously.]

25 \*\*\*



1 MR. SUTER:

2 The next item is Item No. 10, Richard  
3 Donald Donze, D.O. It is an Application  
4 for Registration as a Supervising  
5 Physician with Chad Mark Jeffery, PA-C.

6 The motion is to table this  
7 application at this time so the Board  
8 administrator can issue a discrepancy  
9 letter.

10 DR. TURSI:

11 So moved.

12 DR. MARK:

13 Second.

14 CHAIRMAN LITMAN:

15 All in favor?

16 [The motion carried unanimously.]

17 \*\*\*

18 MR. SUTER:

19 The next motion is regarding Robert M.  
20 Woods, D.O. It is an Application for  
21 Registration as a Supervising Physician  
22 for Emily Lyons, PA-C.

23 The motion is to approve the  
24 application.

25 DR. TURSI:

1 So moved.

2 DR. SWALLOW:

3 Second.

4 CHAIRMAN LITMAN:

5 All in favor?

6 [The motion carried unanimously.]

7 \*\*\*

8 MR. SUTER:

9 The next motion is to approve the  
10 application of Sheldon Lebovitz, D.O.  
11 It is a Written Agreement Deviation with  
12 Meghan P. Castagnero, PA-C.

13 The motion is to approve.

14 DR. TURSI:

15 So moved.

16 DR. SWALLOW:

17 Second.

18 CHAIRMAN LITMAN:

19 All in favor?

20 [The motion carried unanimously.]

21 \*\*\*

22 MR. SUTER:

23 The last motion is Item No. 13 on the  
24 agenda. It is a Reconsideration for  
25 Stephen Bruno Iorfido, D.O. It is an

1 Application for Registration as a  
2 Supervising Physician with Nicholas  
3 Edward Sipes, PA-C.

4 The motion is to deny the  
5 reconsideration and application.

6 DR. TURSI:

7 So moved.

8 DR. BULGER:

9 Second.

10 CHAIRMAN LITMAN:

11 All in favor?

12 [The motion carried unanimously.]

13 \*\*\*

14 Report of Board Chair - No Report

15 \*\*\*

16 Report of Acting Commissioner - No Report

17 [Katelin Lambert, Deputy Commissioner, Bureau of  
18 Professional and Occupational Affairs, offered to  
19 answer any questions from Board members.

20 Dr. Tursi questioned whether Boards would be  
21 combined. Mr. Suter noted that Deputy Policy Director  
22 Marc Farrell may be the correct person to address that  
23 question. He did not know the validity of the rumors.

24 Deputy Commissioner Lambert will share the  
25 question with the Acting Commissioner but had no

1 information to provide at that time.

2 Mr. Suter commented that the Board would need  
3 legislative approval, and the Board of Osteopathic  
4 Medicine and Board of Medicine Acts would have to be  
5 amended.]

6 \*\*\*

7 Report of Vice Chair - No Report

8 \*\*\*

9 [Randy G. Litman, D.O., Chairman, noted the next Board  
10 meeting date is scheduled for April 8, 2020.

11 \*\*\*

12 For The Board's Information/Discussion

13 [Aaron Hollinger, Board Administrator, noted the 2020  
14 Federation of State Medical Boards Annual Meeting  
15 April 30-May 2, 2020, in San Diego, CA. He stated Dr.  
16 Mark was usually the individual to attend for the  
17 Osteopathic Board; however, his second term would end  
18 on March 14, 2020.

19 Mr. Suter commented two members from Policy and  
20 the Commissioner's Office would vet for the Board, who  
21 seemed to be moving on some of the nominations.

22 Dr. Seid tentatively agreed to attend the 2020  
23 Federation of State Medical Boards Annual Meeting as  
24 the Board's representative. She requested a formal  
25 writing for her superiors.]

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CHAIRMAN LITMAN:

May I have a motion to nominate Dr. Seid  
as our representative to the federation?

All respond aye.

[The motion carried unanimously.]

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Adjournment

CHAIRMAN LITMAN:

May I have a motion for adjournment?

DR. BULGER:

So moved.

DR. SWALLOW:

Second.

[The motion carried unanimously.]

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[There being no further business, the State Board of  
Osteopathic Medicine Meeting adjourned at 11:16 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.



Evan Bingaman,

Minute Clerk

Sargent's Court Reporting  
Service, Inc.

STATE BOARD OF OSTEOPATHIC MEDICINE  
REFERENCE INDEX

February 12, 2020

TIME	AGENDA
9:31	Official Call to Order
9:31	Approval of Minutes
9:31	Report of Prosecutorial Division
9:32	Report of Board Counsel
9:32	Report of Regulatory Counsel
10:07	Report of Department of Health
10:17	Executive Session
11:06	Return to Open Session
11:06	Motions
11:14	For the Board's Information/Discussion
11:16	Adjournment