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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: 9:30 A.M.

BOARD ROOM C

One Penn Center

2601 North Third Street

Harrisburg, Pennsylvania 17110

Wednesday, April 11, 2018

1 State Board of Osteopathic Medicine

2 April 11, 2018

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4
5 BOARD MEMBERS:

6
7 Randy G. Litman, D.O., Chairman
8 Katelin Lambert, Director of Operations, 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 Rachel Levine, M.D., Physician General - Absent
15 John B. Bulger, D.O.
16 David A. Palmer, C.C.P., L.P. - Absent
17 Christopher S. Poggi, D.O.
18 Frank M. Tursi, D.O.

19
20
21 BUREAU PERSONNEL:

22
23 Wesley J. Rish, Esquire, Board Counsel
24 Kenneth J. Suter, Esquire, Board Counsel
25 Tara J. Smith, Esquire, Board Prosecutor
26 Bridget K. Guilfoyle, Esquire, Board Prosecutor
27 Andrea L. Costello, Esquire, Board Prosecutor
28 Aaron Hollinger, Board Administrator
29

30
31 ALSO PRESENT:

32
33 Susan DeSantis, PA-C, Pennsylvania Society of
34 Physician Assistants
35 Michael DePalma, Pennsylvania Society of
36 Physician Assistants
37 Brenda R. Dill, Director, Communications and
38 Education, Pennsylvania Osteopathic Medical
39 Association
40 Diana M. Ewert, Chief Executive Officer, Pennsylvania
41 Osteopathic Medical Association
42 Peggy Slothower, Children's Health Insurance Program
43 Patrick Harmon, Children's Health Insurance Program
44 Andrew Harvan, Pennsylvania Medical Society
45 Mary Marshall, Director, Workforce & Professional
46 Services, The Hospital and Healthsystem Association
47 of Pennsylvania
48
49
50

1 ***

2 State Board of Osteopathic Medicine

3 April 11, 2018

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5 The regularly scheduled meeting of the State
6 Board of Osteopathic Medicine was held on Wednesday,
7 April 11, 2018. Randy G. Litman, D.O., Chairman,
8 called the meeting to order at 9:30 a.m. Katelin
9 Lambert, Director of Operations, Bureau of
10 Professional and Occupational Affairs, on behalf of
11 Ian J. Harlow, Commissioner of Professional and
12 Occupational Affairs, was not present at the
13 commencement of the meeting.

14 ***

15 Appointment - Office of Children's Health Insurance
16 Program (CHIP)

17 [Patrick Harmon, introduced himself and Peggy
18 Slothower from the Children's Health Insurance
19 Program.

20 Mr. Harmon discussed the provider enrollment
21 mandate for CHIP implemented by the Department of
22 Human Services' Affordable Care Act (ACA). All
23 providers who render, order, refer, prescribe, or bill
24 for items or services to CHIP enrollees should have
25 enrolled by December 31, 2017.

1 Mr. Harmon referred to the 21st Century Cures
2 Act. A provider must be screened consistent with
3 provisions set forth in the Affordable Care Act and
4 enroll with the state agency in order to be paid for
5 services rendered to CHIP families. He also discussed
6 the Provider Reimbursement and Operations Management
7 Information System (PROMISe) ID. He noted the federal
8 employer identification number for enrollment and the
9 need to provide an IRA-generated document that
10 displays your name, address, and federal employee
11 identification number (FEIN).

12 Mr. Harmon added that institutional providers are
13 subject to a fee of \$560 for the application. He
14 noted the electronic enrollment options and paper
15 applications and requirements available through the
16 provider enrollment website. He also provided a
17 handout regarding the application process for those
18 enrolling after the deadline. Also the Department of
19 State and other organizations placed a CHIP ad in
20 their newsletters regarding enrollment.]

21

22 Approval of Minutes of the February 14, 2018 meeting

23 CHAIRMAN LITMAN:

24 I call for approval of the minutes of
25 February 14, 2018.

1 DR. SWALLOW:

2 So moved.

3 DR. BULGER:

4 Second.

5 CHAIRMAN LITMAN:

6 All in favor?

7 [The motion carried unanimously.]

8 ***

9 Report of Prosecutorial Division

10 [Tara J. Smith, Esquire, Board Prosecutor, presented
11 the Consent Agreement for File No. 17-53-10284.]

12 ***

13 [John B. Bulger, D.O., and Burton T. Mark, D.O.,
14 Secretary, exited the meeting at 9:40 a.m. for recusal
15 purposes.]

16 ***

17 [Bridget K. Guilfoyle, Esquire, Board Prosecutor,
18 presented the Consent Agreement for File No. 18-53-
19 01356.]

20 ***

21 [John B. Bulger, D.O., and Burton T. Mark, D.O.,
22 Secretary, reentered the meeting at 9:45 a.m.]

23 ***

24 [Bridget K. Guilfoyle, Esquire, Board Prosecutor,
25 presented the Consent Agreement for File No. 14-53-

1 04569.]

2

3 [Andrea L. Costello, Esquire, Board Prosecutor,
4 presented the VRP Consent Agreements for File No. 17-
5 53-13464, File No. 18-53-00115, and File No. 18-53-
6 01364.]

7

8 Report of Board Counsel

9 [Wesley J. Rish, Esquire, Board Counsel, noted matters
10 for discussion during Executive Session.]

11

12 Report of Regulatory Counsel

13 [Wesley J. Rish, Esquire, Board Counsel, noted the
14 draft Schedule of Fees previously approved by the
15 Board. Mr. Rish sought the Board's approval of an
16 exposure draft on the proposed regulation, noting that
17 once approved, it will be circulated to all of the
18 stakeholders in the Osteopathic Board of Medicine.

19 Mr. Suter discussed House Bill 2201 introduced on
20 April 2, 2018, requiring the Department of Health to
21 promulgate regulations for prescribing opioids.]

22

23 MR. SUTER:

24

I motion to approve the proposed

25

regulation as an exposure draft.

1 DR. SWALLOW:

2 I so move.

3 DR. LITMAN:

4 Second.

5 CHAIRMAN LITMAN:

6 All in favor?

7 [The motion carried unanimously.]

8 ***

9 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
10 9:53 a.m. the Board entered into Executive Session
11 with Wesley J. Rish, Esquire, Board Counsel, and
12 Kenneth J. Suter, 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 10:39 a.m.]

16 ***

17 [Katelin Lambert, Director of Operations, Bureau of
18 Professional and Occupational Affairs, on behalf of
19 Commissioner Ian Harlow, entered the meeting at 10:41
20 a.m.]

21 ***

22 MOTIONS

23 MR. RISH:

24 The Pennsylvania Board of Osteopathic
25 Medicine held an Executive Session to

1 conduct quasi-judicial discussions
2 regarding the following matters:

3 The first matter was Item No. 3 on
4 the Board's agenda. It is File No. 17-
5 53-10284.

6 Based upon discussions in Executive
7 Session, I understand the Board would
8 entertain a motion approving the Consent
9 Agreement and Order.

10 DR. TURSI:

11 So moved.

12 DR. MARK:

13 Second.

14 CHAIRMAN LITMAN:

15 All in favor?

16 [The motion carried unanimously. The Respondent's
17 name is Sangwook Kim, D.O.]

18 ***

19 MR. RISH:

20 The next matter was Item No. 4 on the
21 Board's agenda, File No. 18-53-01356.

22 This was a Probable Cause matter.

23 Dr. Mark and Dr. Bulger recused
24 themselves and did not participate in
25 the Executive Session deliberations.

1 Based upon Executive Session
2 deliberations, I understand that the
3 Board would entertain a motion approving
4 the Consent Agreement and Order.

5 DR. TURSI:

6 So moved.

7 DR. POGGI:

8 Second.

9 CHAIRMAN LITMAN:

10 All in favor?

11 [The motion carried. Dr. Mark and Dr. Bulger recused
12 themselves from deliberations and voting on the
13 motion. The Respondent's name is Felix Brizuela,
14 D.O.]

15 ***

16 MR. SUTER:

17 The next item considered in Executive
18 Session was Item No. 5 on the Board's
19 agenda. It is File No. 14-53-04569.

20 Based upon the Board's discussions
21 in Executive Session, I understand the
22 Board would like to propose a motion to
23 approve the Consent Agreement in this
24 matter.

25 DR. TURSI:

1 So moved.

2 DR. SWALLOW:

3 Second.

4 CHAIRMAN LITMAN:

5 All in favor?

6 [The motion carried unanimously. The Respondent's
7 name is Lynn Yenke Zoiopoulos, D.O.]

8 ***

9 MR. RISH:

10 The next matters are items 6, 7, and 8
11 on the board's agenda. It is VRP File
12 No. 17-53-13464, VRP File No. 18-53-
13 00115, and VRP File No. 18-53-01364.

14 Based upon discussions in Executive
15 Session, I understand that the Board
16 would entertain a motion approving those
17 VRP Agreements and Orders.

18 DR. TURSI:

19 So moved.

20 DR. MARK:

21 Second.

22 CHAIRMAN LITMAN:

23 All in favor?

24 [The motion carried unanimously.]

25 ***

1 MR. SUTER:

2 The next item discussed in Executive
3 Session was Item No. 9 on the Board's
4 agenda. It is File No. 14-53-02415. It
5 is the Dennis Erik Von Kiel, D.O. case.
6 I would prefer, based upon the Board's
7 discussions in Executive Session, that
8 the Board direct Counsel to draft an
9 Adjudication and Order consistent with
10 the Board's direction.

11 DR. BULGER:

12 So moved.

13 DR. SWALLOW:

14 Second.

15 CHAIRMAN LITMAN:

16 All in favor?

17 [The motion carried unanimously.]

18 ***

19 MR. SUTER:

20 The next matter is Item No. 10. It is
21 the Commonwealth vs. Jan Neil Widerman,
22 D.O., File No. 16-53-14738.

23 Based upon discussions in Executive
24 Session, I understand that the Board
25 would entertain a motion directing

1 Counsel to draft a Memorandum and Order
2 adopting the Hearing Examiner's proposed
3 Adjudication and Order and addressing
4 the Respondent's exceptions.

5 DR. TURSI:

6 So moved.

7 DR. SWALLOW:

8 Second.

9 CHAIRMAN LITMAN:

10 All in favor?

11 [The motion carried unanimously.]

12 ***

13 Report of Board Chairman - No Report

14 ***

15 Report of Vice Chairman - No Report

16 ***

17 Report of Commissioner - No Report

18 ***

19 Report of the Department of Health - No Report

20 ***

21 New Business

22 [Christopher S. Poggi, D.O., questioned Board Counsel
23 as to why opioid, medical marijuana, and child safety
24 were not all under patient safety. Mr. Rish explained
25 the requirement for every osteopathic physician to

1 complete 100 hours of continuing medical education
2 every biennial renewal cycle. He discussed child
3 abuse recognition and reporting requirements, which
4 are not counted as patient safety, as well as
5 legislation that requires opioid safety. Mr. Rish
6 will report back to the Board on the matter.]

7 ***

8 Next Meeting Date

9 [Chairman Litman noted the next meeting date as June
10 13, 2018.

11 Mr. Hollinger offered to provide dates after
12 August 8, 2018, for review due to a request that the
13 date be changed.]

14 ***

15 Adjournment

16 CHAIRMAN LITMAN:

17 Do I have a motion for adjournment?

18 DR. MARK:

19 So moved.

20 DR. POGGI:

21 Second.

22 CHAIRMAN LITMAN:

23 All in favor? Thank you everybody.

24 [The motion carried unanimously.]

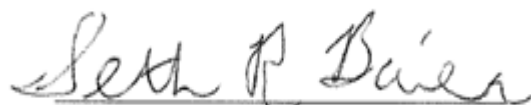
25 ***

1 [There being no further business, the State Board of
2 Osteopathic Medicine Meeting adjourned at 10:53 a.m.]

3 ***

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6 CERTIFICATE

7
8 I hereby certify that the foregoing summary
9 minutes of the State Board of Osteopathic Medicine
10 meeting, was reduced to writing by me or under my
11 supervision, and that the minutes accurately summarize
12 the substance of the State Board of Osteopathic
13 Medicine meeting.

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15 

16
17 Seth R. Baier,

18 Minute Clerk

19 Sargent's Court Reporting

20 Service, Inc.
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STATE BOARD OF OSTEOPATHIC MEDICINE
REFERENCE INDEX
April 11, 2018

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7	9:30	Official Call to Order
8		
9	9:30	Appointment - CHIP
10		
11	9:39	Approval of Minutes
12		
13	9:39	Report of Prosecutorial Division
14		
15	9:50	Report of Board Counsel
16		
17	9:50	Report of Regulatory Counsel
18		
19	9:53	Executive Session
20	10:39	Return to Open Session
21		
22	10:39	Recess
23	10:44	Return to Open Session
24		
25	10:44	Motions
26		
27	10:50	New Business
28		
29	10:53	Adjournment
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