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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: 10:32 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, August 10, 2022

1 State Board of Osteopathic Medicine
2 August 10, 2022

3
4 BOARD MEMBERS:

5
6 Arion R. Claggett, Acting Commissioner, Bureau of
7 Professional and Occupational Affairs
8 Carolyn Byrnes, M.P.H., C.P.H., Department of Health
9 on behalf of Denise A. Johnson, M.D., Acting
10 Secretary of Health
11 William B. Swallow, D.O., Chairman
12 John B. Bulger, D.O., Vice Chairman
13 Bette A. Grey, BA, RRT, CPFT, Secretary
14 Thomas S. Dardarian, D.O.
15 Christopher S. Poggi, D.O. - Absent
16 Joseph M. Zawisza, D.O.
17 Hillary D. Snyder, MSPAS, PA-C
18
19

20 BUREAU PERSONNEL:

21
22 Dean F. Picarella, Esquire, Senior Board Counsel
23 Dana M. Wucinski, Esquire, Board Counsel
24 Jason T. Anderson, Esquire, Board Prosecution Liaison
25 Matthew A. Anderson, Esquire, Board Prosecutor
26 Adam Williams, Esquire, Board Prosecutor
27 Keith E. Bashore, Esquire, Board Prosecutor
28 Mark R. Zogby, Esquire, Board Prosecutor
29 Nichole Wray, Board Administrator
30 Holly Hoffman, Law Clerk, Department of State
31 Marc Farrell, Deputy Director, Office of Policy,
32 Department of State
33 Danie Bendesky, Director of Intergovernmental
34 Affairs, Department of State
35
36

37 ALSO PRESENT:

38
39 Andy Sandusky, Executive Vice President, Public
40 Policy
41 and Association Affairs, Pennsylvania Osteopathic
42 Medical Association
43 Michael DePalma, MHS, PA-C, Pennsylvania Society of
44 Physician Assistants
45 Randy R. Shemer, D.O., Heritage Valley Health System
46 Shelly
47 Misha Patel, M.D., Curriculum Education Assistant,
48 Geisinger Commonwealth School of Medicine
49 Susan DeSantis, PA-C, Pennsylvania Society of
50 Physician Assistants

1 ***

2 State Board of Osteopathic Medicine

3 August 10, 2022

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, for
8 the purpose of conducting quasi-judicial
9 deliberations on a number of matters that are
10 currently pending before the Board and to receive the
11 advice of counsel. The Board returned to open
12 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 August 10, 2022. William B. Swallow, D.O., Chairman,
17 called the meeting to order at 10:32 a.m.

18 ***

19 Roll Call/Introductions

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

23 Ms. Wray reminded everybody that the Board
24 meeting was being recorded, and their voluntary
25 participation constitutes consent to be recorded.]

1 ***

2 [William B. Swallow, D.O., Chairman, introduced new
3 Board member, Dr. Joseph Zawisza, to the Board.]

4 ***

5 Approval of minutes of the June 8, 2022 meeting

6 CHAIRMAN SWALLOW:

7 You have all received the minutes
8 electronically. Are there any
9 additions or corrections? Hearing
10 none.

11 Is there a motion to approve?

12 DR. DARDARIAN:

13 So moved.

14 CHAIRMAN SWALLOW:

15 Is there a second?

16 MS. SNYDER:

17 Second.

18 CHAIRMAN SWALLOW:

19 Any discussion? Hearing none. Call
20 for a vote?

21
22 Arion Claggett, abstain; Dr. Swallow,
23 approve; Dr. Bulger, approve; Ms. Grey,
24 approve; Dr. Dardarian, approve; Dr.
25 Zawisza, abstain; Ms. Snyder, approve;

1 Ms. Burns, approve.

2 [The motion carried. Arion Claggett and Joseph
3 Zawisza abstained from voting on the motion.]

4 ***

5 Report of Prosecuting Attorneys

6 [Jason T. Anderson, Esquire, Board Prosecution
7 Liaison, presented the VRP Consent Agreements for
8 Case No. 22-53-004300, Case No. 22-53-008393, and
9 Case No. 22-53-009501.]

10 ***

11 [Matthew A. Anderson, Esquire, Board Prosecutor,
12 presented the Consent Agreement for Case No. 21-53-
13 016784.]

14 ***

15 [Keith E. Bashore, Esquire, Board Prosecutor,
16 presented the Consent Agreement for Case No. 17-53-
17 10946.]

18 ***

19 [Adam J. Williams, Esquire, Board Prosecutor,
20 presented the Consent Agreement for Case No. 21-53-
21 013509.]

22 MS. WUCINSKI:

23 Pursuant to Section 708(a)(5) of the
24 Sunshine Act, the Board entered into
25 Executive Session this morning at

1 9:30 a.m. for the purpose of conducting
2 quasi-judicial deliberations on a
3 number of matters that are currently
4 pending before the Board and to receive
5 advice of counsel.

6 For agenda items 3, 4, and 5, I
7 believe the Board would entertain a
8 motion to approve the following VRP
9 Agreements at Case No. 22-53-004300,
10 Case No. 22-53-008393, and Case No. 22-
11 53-009501.

12 CHAIRMAN SWALLOW:

13 Is there a motion?

14 DR. ZAWISZA:

15 So moved.

16 CHAIRMAN SWALLOW:

17 Second?

18 MS. SNYDER:

19 Second.

20 CHAIRMAN SWALLOW:

21 Any further discussion? Hearing none.

22 Call for a vote?

23

24 Arion Claggett, aye; Ms. Burns, aye;

25 Dr. Swallow, aye; Dr. Bulger, aye; Ms.

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

3 [The motion carried unanimously.]

4 ***

5 MS. WUCINSKI:

6 I am going to do the vote for agenda
7 items 6, 7, and 8 altogether, but I am
8 going to note that at agenda item 6,
9 Dr. Dardarian is recused.

10 I believe the Board would entertain
11 a motion to approve the following
12 Consent Agreements at Case No. 21-53-
13 016784; the one where Dr. Dardarian is
14 recused, Case No. 17-53-10946; and Case
15 No. 21-53-013509.

16 CHAIRMAN SWALLOW:

17 Is there a motion?

18 DR. ZAWISZA:

19 So moved.

20 CHAIRMAN SWALLOW:

21 Second?

22 MS. SNYDER:

23 Second.

24 CHAIRMAN SWALLOW:

25 It's been properly moved and seconded.

1 Any further discussion? Hearing none.
2 Ms. Wray.

3
4 Arion Claggett, aye; Ms. Burns, aye;
5 Dr. Swallow, aye; Dr. Bulger, aye; Ms.
6 Grey, aye; Dr. Dardarian, aye but
7 recused from item 6; Dr. Zawisza, aye;
8 Ms. Snyder, aye.

9 [The motion carried. Dr. Dardarian recused himself
10 from deliberations and voting on the motion for item
11 6 at Case No. 17-53-016784. The Respondent's name at
12 Case No. 21-53-016784 is Cynthia Melanie Goodman;
13 Case No. 17-53-10946, John L. Gaffney, D.O.; and Case
14 No. 21-53-013509, John M. Lawless Jr., D.O.]

15 ***

16 Report of Board Counsel - Proposed Reports from the
17 Hearing Examiner

18 MS. WUCINSKI:

19 At agenda item 9, I believe the Board
20 would entertain a motion to direct
21 Board Counsel to draft an Adjudication
22 and Order addressing exceptions as
23 discussed in Executive Session and
24 substituting the Final Board Order for
25 Randy R. Shemer, D.O., Case No. 21-53-

1 000162.

2 I'll note the Dr. Poggi is recused
3 even though he is not here today.

4 CHAIRMAN SWALLOW:

5 Is there a motion?

6 DR. ZAWISZA:

7 So moved.

8 CHAIRMAN SWALLOW:

9 Second?

10 MS. SNYDER:

11 Second.

12 CHAIRMAN SWALLOW:

13 Any further discussion on the motion?
14 Hearing none. Ms. Wray.

15
16 Arion Claggett, aye; Ms. Burns, aye;
17 Dr. Swallow, aye; Dr. Bulger, aye; Ms.
18 Grey, aye; Dr. Dardarian, aye; Dr.
19 Zawisza, aye; Ms. Snyder, aye

20 [The motion carried. Christopher Poggi was recused
21 from item 9 on the agenda.]

22 ***

23 Applications for Licensure - Applications

24 Unrestricted

25 MS. WUCINSKI:

1 At agenda item 15, I believe the Board
2 would entertain a motion to
3 provisionally deny the Application for
4 an Unrestricted License to Practice as
5 an Osteopathic Physician and Surgeon
6 for Nilay Thaker, D.O.

7 CHAIRMAN SWALLOW:

8 Is there a motion?

9 DR. ZAWISZA:

10 So moved.

11 CHAIRMAN SWALLOW:

12 Second?

13 MS. SNYDER:

14 Second.

15 CHAIRMAN SWALLOW:

16 Any further discussion? Hearing none.

17 Ms. Wray.

18

19 Arion Claggett, aye; Ms. Burns, aye;

20 Dr. Swallow, aye; Dr. Bulger, aye; Ms.

21 Grey, aye; Dr. Dardarian, aye; Dr.

22 Zawisza, aye; Ms. Snyder, aye.

23 [The motion carried unanimously.]

24

25 Miscellaneous

1 MS. WUCINSKI:

2 At agenda item 20, I'll note that the
3 agenda item is tabled.

4 ***

5 MS. WUCINSKI:

6 At agenda item 21, I believe the Board
7 would entertain a motion to approve the
8 Proposed 12-Month Preceptor Program as
9 outlined by LifeGuard and to grant Paul
10 W. Heberle, D.O., an Unrestricted
11 License limited to the auspicious of
12 this program for no less than 12
13 months.

14 CHAIRMAN SWALLOW:

15 Is there a motion?

16 DR. ZAWISZA:

17 So moved.

18 CHAIRMAN SWALLOW:

19 Second?

20 MS. SNYDER:

21 Second.

22 CHAIRMAN SWALLOW:

23 Any further discussion? Hearing none.

24 Ms. Wray.

25

1 Arion Claggett, aye; Ms. Burns, aye;
2 Dr. Swallow, aye; Dr. Bulger, aye; Ms.
3 Grey, aye; Dr. Dardarian, aye; Dr.
4 Zawisza, aye; Ms. Snyder, aye.

5 [The motion carried unanimously.]

6 ***

7 Report of Regulatory Counsel - Regulatory Status
8 Report

9 [Dana M. Wucinski, Esquire, Board Counsel, noted
10 agenda item 10 has been tabled until Shana Walter
11 returns.]

12 ***

13 Report of Regulatory Counsel - Other

14 [Dana M. Wucinski, Esquire, Board Counsel, addressed
15 Act 41 Regulation correspondence from the chairs of
16 the House and Senate Professional Licensure
17 Committees urging boards to promptly promulgate
18 their Act 41 Regulation. She noted Act 41
19 Regulations are at various stages of promulgation.

20
21 Ms. Wucinski informed Board members that Ms.
22 Walter drafted their regulations regarding the OMT
23 Examination requirement and had some changes, which
24 would be on the agenda to vote to promulgate as
25 proposed.

1 Ms. Wucinski stated the department responded to
2 the correspondence and advised the Professional
3 Licensure Committee chairs of the status of all the
4 various Act 41 regulations. She noted the State
5 Board of Osteopathic Medicine has already implemented
6 Act 41 and has been utilizing it as an additional
7 pathway for licensure by endorsement.

8 Ms. Wucinski referred to the Federation of State
9 Medical Boards Roundtable has provided a report
10 titled *Communicating about Physician Sexual*
11 *Misconduct* for the Board's review. She noted
12 attending the Annual Federation of State Medical
13 Boards (FSMB) Conference with Dr. Swallow and the
14 topic was addressed there as well.

15 Ms. Wucinski mentioned FSMB is urging all state
16 medical boards to review the report and become
17 familiar with the best practice recommendations for
18 effectively addressing and preventing sexual
19 misconduct.

20 Chairman Swallow encouraged Board members to
21 review the report in detail.

22 Ms. Wucinski addressed Executive Order 2020-01
23 regarding reproductive health care signed by Governor
24 Wolf. She noted Section 3 of the executive order is
25 what is applicable to the Board, where Governor Wolf

1 is asking the Board to consider whether to implement
2 policies that ensure no person is disqualified for
3 licensure or subject to discipline by the Board for
4 providing or assisting in the provision of
5 reproductive health care services.]

6 CHAIRMAN SWALLOW:

7 I would ask for a motion to approve
8 Executive Order 2022-01.

9 DR. ZAWISZA:

10 So moved.

11 CHAIRMAN SWALLOW:

12 Is there a second?

13 MS. SNYDER:

14 Second.

15 CHAIRMAN SWALLOW:

16 Any discussion? Hearing none. Ms.
17 Wray.

18

19 Arion Claggett, aye; Ms. Burns, aye;
20 Dr. Swallow, aye; Dr. Bulger, yes; Ms.
21 Grey, yes; Dr. Dardarian, aye; Dr.
22 Zawisza, aye; Ms. Snyder, aye.

23 [The motion carried unanimously.]

24

25 Miscellaneous - Scam Alert

1 [Dana M. Wucinski, Esquire, Board Counsel, read the
2 Scam Alert to the Board, where persons pretending to
3 be from one of the health-related boards are
4 contacting licensees by phone and mail concerning the
5 status of their license. She noted licensees would
6 never be contacted by phone for payment and reminded
7 everyone to not give personal or financial
8 information over the phone, text message, or fax.

9 Ms. Wucinski mentioned that those who are the
10 subject of an investigation or disciplinary action
11 would receive notice by certified mail and/or
12 personal service. She informed everyone to contact
13 their local police department or the Pennsylvania
14 State Police if they have been a victim of the scam.]

15 ***

16 Report of Board Chair

17 [William B. Swallow, D.O., Chairman, announced this
18 was Dr. Christopher Poggi's final meeting, noting he
19 had served honorably and thanked him for the service
20 he provided to the State Board of Osteopathic
21 Medicine.]

22 ***

23 Report of Vice Chair - No Report

24 ***

25 Report of Acting Commissioner

1 [Arion R. Claggett, Acting Commissioner, Bureau of
2 Professional and Occupational Affairs, notified
3 everyone of in-person Board member training on
4 October 24, 2022, from 8 a.m. to 4 p.m. in
5 Harrisburg. He noted the training is mandatory for
6 public members but also encouraged professional
7 members to attend. He advised everyone check their
8 pa.gov email.]

9

10 Report of Department of Health

11 [Carolyn Byrnes, M.P.H., C.P.H., Department of
12 Health, reported 3.1 million COVID cases in
13 Pennsylvania as of August 3. She noted a daily
14 average of 3,092 COVID cases for the week ending
15 August 2 with 1,190 hospitalizations. She noted
16 46,261 deaths since the beginning of the pandemic.
17 She informed everyone that COVID community levels
18 could be found by county online.

19 Ms. Byrnes reported over 22.8 million
20 vaccinations have been administered with 74.1 percent
21 of those 5 and up fully vaccinated. She noted
22 vaccines for children under 5 began in June with
23 44,612 doses administered to that population. She
24 stated 4.1 million of the 22.8 million doses
25 administered are first booster doses and a little

1 over 753,000 are second booster doses. She provided
2 an update for the week ending July 30, noting the
3 BA.5 variant comprised 83 percent of cases with 13
4 percent being BA.4 and only 3 percent of COVID cases
5 due to BA2.12.1.

6 Ms. Byrnes addressed monkeypox, noting over
7 30,000 cases globally as of August 8 with the United
8 States seeing 8,934 confirmed cases. She reported
9 the first case in Pennsylvania was on June 3, but
10 there were 234 confirmed cases as of August 8. She
11 stated monkeypox is not considered to be sexually
12 transmitted but has been seen in gay, bisexual, and
13 other men who have sex with men population.

14 Ms. Byrnes noted transmission is by close contact
15 and may be spread with prolonged contact with
16 respiratory fluids. She stated clinicians should
17 consider monkeypox as a potential diagnosis, and all
18 suspected monkeypox cases should be referred to local
19 public health or the Pennsylvania Department of
20 Health and encouraged everyone to contact their
21 Division of Infectious Disease Epidemiology or their
22 local health department immediately.

23 Ms. Byrnes noted there is a fact sheet available
24 on the Department of Health's website. She mentioned
25 a vaccine is available for post-exposure prophylaxis,

1 although doses are limited.

2 Ms. Byrnes informed Board members that Dr.
3 Johnson testified before the Joint House and Senate
4 Democratic Policy Committee at the hearing on post-
5 Roe Pennsylvania, where her testimony discussed their
6 belief that abortion is health care and abortion and
7 emergency contraception are valid health care
8 interventions and should be protected by law. She
9 noted that reproductive health care services,
10 including abortions, remain safe and legal in
11 Pennsylvania. She noted the department's oversight
12 of the facilities currently approved to offer
13 abortion services is not changing because of the
14 United States Supreme Court's decision.

15 Chairman Swallow asked whether there was any
16 oncogenic potential with monkeypox.

17 Ms. Byrnes could not provide the answer but
18 offered to check with her colleagues and get back
19 with him.]

20 ***

21 Report of Board Administrator

22 [Nichole Wray, Board Administrator, also referred to
23 the new Board member training email and offered to
24 provide a copy to anyone who has not received the
25 letter.

1 Ms. Wray welcomed Dr. Zawisza and thanked Dr.
2 Poggi. She conveyed Dr. Poggi's gratitude toward the
3 Board on Dr. Poggi's behalf.]

4

5 For the Board's Information/Discussion - Board
6 Meeting

7

Dates

8 [William B. Swallow, D.O., Chairman, noted 2022 and
9 2023 meeting dates.]

10

11 For the Board's Information/Discussion - Old/New
12 Business

13 [William B. Swallow, D.O., Chairman, noted the
14 Federation of State Medical Boards 2022 Tri-Regulator
15 Symposium October 13-14, 2022.]

16

17 Ms. Wray referred to the letter from FSMB
18 inviting Board members to the symposium. She
19 mentioned it is unlimited capacity for those
20 attending virtually, but there is a limit of two
21 Board members if attending in person. She mentioned
22 it would require a vote for approval and then she
23 would put in a request for travel arrangements.]

24 CHAIRMAN SWALLOW:

25

The suggestion by Attorney Wucinski is
to approve myself and Ms. Snyder to

1 attend with Attorney Wucinski on deck.

2 I entertain a motion to approve the
3 Regulator Symposium as well as myself
4 and Ms. Snyder as attendees.

5 Is there a motion?

6 DR. ZAWISZA:

7 So moved.

8 CHAIRMAN SWALLOW:

9 Is there a second?

10 ACTING COMMISSIONER CLAGGETT:

11 Second.

12 CHAIRMAN SWALLOW:

13 Any discussion? Hearing none. Ms.
14 Wray.

15

16 Arion Claggett, aye; Ms. Burns, aye;
17 Dr. Swallow, abstain; Dr. Bulger, aye;
18 Ms. Grey, aye; Dr. Dardarian, aye; Dr.
19 Zawisza, aye; Ms. Snyder, abstain.

20 [The motion carried unanimously. William Swallow and
21 Hillary Snyder abstained from voting on the motion.]

22

23 For the Board's Information/Discussion - Old/New
24 Business

25 [Dana M. Wucinski, Esquire, Board Counsel, asked

1 whether the Board would be interested in forming an
2 Application Committee. She mentioned some boards
3 have a Licensure Qualification Committee to review
4 applications and expedite the process instead of
5 making them wait until the next Board meeting. She
6 stated the committee would have the authority to
7 grant the license with a majority vote but would have
8 to go in front of the Board if they deny a license.

9 Ms. Wray explained that this would expand upon
10 the Act 41 requests and allow for other options. She
11 stated the majority of the applications are usually
12 Act 41, but there are occasions where that would be
13 helpful to be able to forward that to the committee
14 the same way Act 41 Applications are forwarded.

15 Ms. Wucinski asked whether the existing committee
16 would be okay with expanding it to other
17 applications, and the committee agreed.]

18 CHAIRMAN SWALLOW:

19 I entertain a motion to approve the
20 formation of the Application Committee,
21 which would coincide with the Act 41
22 Committee, where the existing Act 41
23 Committee would do additional
24 applications to become just an
25 Application Committee.

1 Is there a motion?

2 DR. ZAWISZA:

3 So moved.

4 CHAIRMAN SWALLOW:

5 Second?

6 MS. SNYDER:

7 Second.

8 CHAIRMAN SWALLOW:

9 Any further discussion? Hearing none.

10 Ms. Wray.

11

12 Arion Claggett, aye; Ms. Burns, aye;

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

14 Grey, yes; Dr. Dardarian, aye; Dr.

15 Zawisza, aye; Ms. Snyder, aye.

16 [The motion carried unanimously.]

17

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

19 for their attendance. He noted the next meeting is

20 scheduled for October 12 and encouraged more in-

21 person attendance.

22 Dr. Dardarian thanked the Board's action on
23 Executive Order 2022-01 on behalf of physicians who
24 perform comprehensive reproductive health care.

25 Dr. Dardarian asked when renewal application

1 notices would be sent out to members.

2 Ms. Wray noted having an unofficial date of the
3 26th. She mentioned the renewals are sent out
4 electronically if there is an email address on file
5 and by mail if not. She stated a reminder is sent
6 out 30 days prior as well as two weeks before the
7 expiration date if someone has not started a renewal
8 application or submitted it.

9 ***

10 Adjournment

11 CHAIRMAN SWALLOW:

12 Is there a motion to adjourn?

13 DR. ZAWISZA:

14 So moved.

15 CHAIRMAN SWALLOW:

16 Second?

17 MS. SNYDER:

18 Second.

19 CHAIRMAN SWALLOW:

20 We stand adjourned.

21 ***

22 [There being no further business, the State Board of
23 Osteopathic Medicine Meeting adjourned at 11:15 a.m.]

24 ***

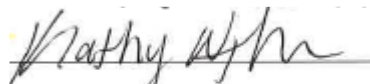
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CERTIFICATE

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.



Kathryn Witherow,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF OSTEOPATHIC MEDICINE
REFERENCE INDEX

August 10, 2022

TIME	AGENDA
9:30	Executive Session
10:30	Return to Open Session
10:32	Official Call to Order
10:33	Roll Call/Introductions
10:34	Approval of Minutes
10:35	Report of Prosecuting Attorneys
10:45	Report of Board Counsel
10:46	Applications for Licensure
10:47	Miscellaneous
10:47	Report of Regulatory Counsel
10:54	Report of Board Chair
10:55	Report of Commissioner
10:56	Report of Department of Health
11:02	Report of Board Administrator
11:03	For the Board's Information/Discussion
11:15	Adjournment