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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: 9:29 A.M.

BOARD ROOM C

One Penn Center

2601 North Third Street

Harrisburg, Pennsylvania 17110

Wednesday, August 14, 2019

1 State Board of Osteopathic Medicine
2 August 14, 2019

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5 BOARD MEMBERS:
6

7 Randy G. Litman, D.O., Chairman
8 K. Kalonji Johnson, Acting Commissioner, Bureau of
9 Professional and Occupational Affairs
10 William B. Swallow, D.O., Vice Chairman
11 Burton T. Mark, D.O., Secretary
12 Arlene G. Seid, M.D., M.P.H., Medical Director of
13 Quality Assurance, on behalf of Rachel Levine, M.D.,
14 Physician General/Secretary of Health
15 John B. Bulger, D.O.
16 Christopher S. Poggi, D.O. - Absent
17 Frank M. Tursi, D.O.
18
19

20 BUREAU PERSONNEL:
21

22 Kenneth J. Suter, Esquire, Board Counsel
23 Dean F. Picarella, Esquire, Senior Counsel
24 Anita P. Shekletski, Esquire, Board Prosecution
25 Liaison
26 Keith E. Bashore, Esquire, Board Prosecutor
27 Adam Williams, Esquire, Board Prosecutor
28 Aaron Hollinger, Board Administrator
29 Carolyn A. DeLaurentis, Deputy Chief Counsel,
30 Prosecution Division
31 Jo Reichard, Esquire, Bureau of Professional and
32 Occupational Affairs
33 Jessica Myers, Policy Director, Department of State
34 Marc Farrell, Deputy Policy Director, Department of
35 State
36 Kimberly Adams, Chief of Fiscal Management, Bureau of
37 Finance and Operations
38 Julie Snader, Deputy Director, Bureau of Finance and
39 Operations
40
41

42 ALSO PRESENT:
43

44 Katie Kugler, PA-C, President, Pennsylvania Society of
45 Physician Assistants
46 Susan DeSantis, PA-C, Pennsylvania Society of
47 Physician Assistants
48 Brenda R. Dill, Director, Communications and
49 Education, Pennsylvania Osteopathic Medical
50 Association

State Board of Osteopathic Medicine
August 14, 2019

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ALSO PRESENT: (Continued)

Michael DePalma, PA-C, Pennsylvania Society of
Physician Assistants
Andrew C. Harvan, Esquire, Pennsylvania Medical
Society
David R. Dearden, Esquire, Sansweet, Dearden,
& Burke, Ltd.
Adam Morrow, D.O.

1 ***

2 State Board of Osteopathic Medicine

3 August 14, 2019

4 ***

5 The regularly scheduled meeting of the State
6 Board of Osteopathic Medicine was held on Wednesday,
7 August 14, 2019. Randy G. Litman, D.O., Chairman,
8 called the meeting to order at 9:29 a.m.

9 ***

10 [Chairman Litman introduced Carolyn A. DeLaurentis,
11 Deputy Chief Counsel.]

12 ***

13 Appointment - Carolyn A. DeLaurentis, Esquire, Deputy
14 Chief Counsel, Prosecution Division Presentation
15 [Carolyn A. DeLaurentis, Esquire, Deputy Chief
16 Counsel, Prosecution Division, introduced herself and
17 provided a brief summary of her professional
18 background.

19 Ms. DeLaurentis provided information for the
20 Pennsylvania State Board of Osteopathic Medicine for
21 FY 2018-2019, noting that 722 files were opened with
22 461 open files as of July 1, 2019.

23 Ms. DeLaurentis noted 72 warning letters, 27
24 suspensions, 3 reprimands, 11 voluntary surrenders, 3
25 probations, and 1 revocation were issued.

1 Ms. DeLaurentis noted 69 immediate temporary
2 suspensions in the prosecution division in
3 FY 2018-2019. She noted 11,359 open cases as of July
4 1, 2019. She reviewed the last fiscal year, noting
5 that 14,030 cases were opened, which was an increase
6 from 12,604 the prior year. She also noted 13,270
7 closed files the last fiscal year.

8 Ms. DeLaurentis commended the medical prosecutors
9 on their work.

10 Ms. DeLaurentis discussed the Office of General
11 Counsel's Mediation Program, which is at no cost to
12 the respondent or the Board. She stated the case
13 essentially goes before a third party to provide
14 guidance on resolving the matter.

15 Ms. DeLaurentis addressed the Pennsylvania
16 Justice Network (JNET), where the prosecution division
17 receives an alert when licensees from all of the
18 Boards and Commissions are charged with a crime.

19 Ms. DeLaurentis noted complaints could be filed
20 online at pals.pa.gov.]

21 ***
22 [Katie Kugler, PA-C, President, Pennsylvania Society
23 of Physician Assistants, introduced herself and
24 Michael DePalma, PA-C, Pennsylvania Society of
25 Physician Assistants. Ms. Kugler stated physician

1 assistants have intense postgraduate training,
2 including classroom instruction and 2000 clinical
3 hours in various rotations in medicine.

4 Ms. Kugler noted 131,000 certified physician
5 assistants nationally and 8,818 in Pennsylvania. She
6 discussed the Pennsylvania Society of Physician
7 Assistants (PSPA) desiring a seat on the Osteopathic
8 Board. PSPA is the largest non-physician group in
9 Pennsylvania licensed by the Osteopathic Board and
10 wants to support physician assistants. She commented
11 that 2,279 physician assistants are licensed through
12 the Osteopathic Board.

13 Ms. Kugler stated PSPA does have representation
14 directly on the Board every 16 through 20 years but is
15 represented by another health care profession all
16 other years. She noted a vacant seat and desired the
17 seat on the Board.

18 Dr. Tursi questioned Ms. Kugler's letter that
19 mentioned removing significant barriers to PAs
20 providing high-quality care.

21 Ms. Kugler explained that many regulations
22 prevent physician assistants from starting work. She
23 addressed written agreements and rules regarding
24 satellite locations requiring the onsite presence of a
25 physician, noting that many regulations and rules were

1 drafted before electronic medical records and
2 telecommunication. These regulations and rules
3 prevent physician assistants from working in locations
4 where a physician cannot travel in the time as
5 required by law.

6 Dr. Tursi commented that physician assistant
7 means assisting a physician and physician supervision
8 should be literally that, available for supervision,
9 not just a phone call away.

10 Ms. Kugler stated physician assistants, who are
11 in an emergency situation, would reach out for help
12 just like a physician. She commented that many
13 physicians feel the physician assistant is competent
14 to care for patients, and as long as they are
15 available for consultation, that is a reasonable
16 amount of supervision.

17 Dr. Tursi questioned the ability of a doctor to
18 determine adequate care by a PA and why would a
19 physician be required to have knowledge and board
20 certification if a PA can practice without the
21 supervision of a physician.

22 Ms. Kugler noted that the Board ensures PA
23 credentials and licensure are correct, just like a
24 physician. She stated the Board assures that
25 physicians are aware of the best practices and

1 physician assistants could be managed the same way.

2 Dr. Swallow requested Ms. Kugler's opinion
3 concerning medical record oversight that is required
4 by physicians with a physician assistant.

5 Ms. Kugler stated co-signature rules serve a
6 point in many practices and is a decision that should
7 be made within the team. She stated satellite
8 locations and supervision regulations also should be
9 made within the team, because the physician identifies
10 the PA's abilities and skills.

11 Ms. Kugler commented that the co-signature rule
12 is to ensure that the physician confirms that the
13 physician assistant treats the patient appropriately.
14 She opined it is better for the team to talk to each
15 other to ensure the entire team is functioning
16 appropriately.

17 Chairman Litman thanked Ms. Kugler for her
18 presentation and questioned whether there are
19 membership physician assistants on other state Boards.

20 Ms. Kugler noted that the majority of states have
21 physician assistants on the Boards, advisors of
22 physician assistants, and some states have Physician
23 Assistant Boards.

24 Acting Commissioner Johnson noted the excellent
25 relationship PSPA and thanked them for their help and

1 support in terms of the written agreement process. He
2 commended PSPA, Board attorneys, and Board staff for
3 cementing that process and making it more intuitive.

4 Acting Commissioner Johnson addressed
5 telemedicine, noting the need for discussion as a
6 result of the regulatory interpretations of Senate
7 Bill 780.]

8 ***

9 Appointment - Bureau of Finance and Operations Budget
10 Presentation

11 [Kimberly Adams, Chief of Fiscal Management, Bureau of
12 Finance and Operations, introduced herself.

13 Ms. Adams addressed the 2018-2019 and 2019-2020
14 biennial period, noting the revenue versus expenses,
15 as well as the projected biennial balance.

16 Mr. Suter noted that the Board previously
17 approved a fee increase, but a decision was made
18 through the Governor's Policy Office, Independent
19 Regulatory Review Commission (IRRC), and departmental
20 staff that fees moving forward should be graduated fee
21 increases causing Ms. Adams to develop a new proposed
22 fee schedule.

23 Mr. Suter noted that all fees, including
24 application and biennial renewals, are now on a
25 graduated schedule because of that mandate.

1 Ms. Adams addressed licensee population from a
2 revenue standpoint, noting growth in the last few
3 years with 12,032 licensees, up 56 from earlier in the
4 day, and currently at 12,088 licensees.

5 Ms. Adams reviewed revenues and expenses from
6 FY 2011-2012 to current. She mentioned possible
7 invoices and payments through October 31, 2019, that
8 would be applied to FY 2018-2019 expenses. She noted
9 an additional increase earlier in the day.

10 Chairman Litman questioned what the
11 administrative fees of \$100,000 this year represented.
12 Ms. Adams explained the increase was mainly due to
13 maintenance and tweaks of PALS but should decrease.

14 Chairman Litman questioned investigative expenses
15 and if there was any predictability to those. Mr.
16 Suter explained the costs are credited to the
17 prosecution office and the Bureau of Enforcement and
18 Investigation (BEI) and to direct questions to those
19 offices.

20 Ms. Adams noted the projection for FY 2025-2026
21 and the projection at the end of FY 2019-2020 if
22 untouched.

23 Ms. Adams discussed incremental increases for
24 FY 2021-2022 through FY 2025-2026 in order to pay back
25 expenses and to assure a balance with the

1 calculations.

2 Ms. Adams noted licensing fees at \$45 in
3 Pennsylvania, \$500 in Vermont, \$400 in West Virginia,
4 and \$350 in Maine. She also noted renewal fees at
5 \$220 in Pennsylvania, \$350 in Vermont, \$400 in West
6 Virginia, and \$500 in Maine.

7 Acting Commissioner Johnson urged caution when
8 comparing other states to the Commonwealth, because
9 Pennsylvania has a statutory requirement that expenses
10 and revenue must match and may not be the case with
11 these other jurisdictions. He stated Pennsylvania is
12 generally the lowest in the country across all 29
13 Boards because of those statutory requirements.

14 Mr. Suter referred to 16A-5334 regarding fee
15 structure that would go into the regulation if
16 approved for the next renewal cycle.]

17 ***

18 Approval of minutes of the June 12, 2019 meeting

19 CHAIRMAN LITMAN:

20 Has everyone reviewed the June 12, 2019
21 minutes? Do I have a motion for
22 approval?

23 DR. SWALLOW:

24 So moved.

25 DR. TURSI:

1 Second.

2 CHAIRMAN LITMAN:

3 All in favor?

4 [The motion carried unanimously.]

5 ***

6 Report of Prosecutorial Division

7 [Carolyn A. DeLaurentis, Esquire, Deputy Chief

8 Counsel, on behalf of Jason T. Anderson, Esquire,

9 Board Prosecutor, presented the Consent Agreement for

10 File No. 18-53-004436.]

11 ***

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

13 presented the Consent Agreement for File No. 19-53-

14 009189.]

15 ***

16 [Adam Williams, Esquire, Board Prosecutor, presented

17 the Consent Agreements for File Nos. 18-53-006962 and

18 File No. 18-53-011863.]

19 ***

20 [Anita P. Shekletski, Esquire, Board Prosecution

21 Liaison, presented the Consent Agreements for VRP File

22 No. 19-53-009756, VRP File No. 19-53-010425, and VRP

23 File No. 19-53-008960.]

24 ***

25 Application for Licensure

1 [David R. Dearden, Esquire, Sansweet, Dearden, &
2 Burke, Ltd., counsel for Dr. Morrow, addressed the
3 Board regarding Dr. Morrow's graduate training license
4 application. Dr. Morrow was also present and
5 discussed the reason for the administrative suspension
6 from Inspira Health Network. Dr. Morrow secured a
7 position as a PGY1 resident in family medicine at
8 Meadville Medical Center.]

9

10 [The Board recessed from 10:35 a.m. until 10:44 a.m.]

11

12 Report of Regulatory Counsel

13 [Kenneth J. Suter, Esquire, Regulatory Counsel,
14 addressed Senate Bill 675 of 2019, which establishes
15 the Buprenorphine Medically Assisted Treatment Act.
16 He stated a prescriber under this act signs a waiver
17 from the Drug Enforcement Administration (DEA). He
18 noted that the Department of Drug and Alcohol Programs
19 establishes certification and protocols under the act,
20 where practitioners can prescribe under three
21 conditions. He reviewed a discipline procedure if the
22 act is violated.

23 Acting Commissioner Johnson commented that the
24 bill sailed through the Senate and out of the House,
25 but nobody reached out to the appropriate agencies for

1 their input. He commented that this procedure should
2 have been more clearly defined in terms of reaching
3 out to the appropriate authorities ahead of time and
4 that it would impose responsibility upon the Board.

5 Dr. Seid stated the Department of Health is
6 against this bill from a public safety perspective as
7 it puts up barriers for the prescription of office-
8 based Suboxone, which is a Schedule III drug and a lot
9 safer than the addiction or substance use disorder it
10 treats.

11 Dr. Seid also stated the bill requires patients
12 to be demonstrating active participation in an
13 addiction treatment program licensed by the Department
14 of Drug and Alcohol Programs (DDAP). She noted
15 concerns with not having enough beds and proposed that
16 putting restrictions on family practice doctors for
17 the use of Suboxone could cost lives.

18 Dr. Swallow questioned whether it would be
19 appropriate for the Board to send a letter of
20 opposition to the Senator. Acting Commissioner
21 Johnson commented that lobbying the Legislature
22 directly is not allowed by a Board, but having a
23 discussion on the record and making it part of the
24 public record sends the same message. He stated
25 agencies affected have an Office of Legislative

1 Affairs whose job is to lobby the respective
2 cosponsors directly.

3 Acting Commissioner Johnson introduced Marc
4 Farrell, Deputy Policy Director; Jessica Myers, Policy
5 Director; and Steve Latanishen, Director of
6 Intergovernmental Affairs, who voice concerns to
7 cosponsors and stakeholders on behalf of the
8 Department of State and Governor Wolf's Office. He
9 informed the Board to relay their concerns on an issue
10 to those three.

11 Chairman Litman commented that it is implied in
12 the education that is provided that the prescribing
13 physician is actually the overseer and directly
14 involved in the counseling process, noting that this
15 statute separates the two, which would further
16 separate the ability to adequately manage a case.

17 Mr. Suter referred to 16A-5334 § 25.231(a)
18 regarding the Schedule of Fees. He noted current
19 biennial renewal and application fees and new fees
20 that take effect in 2020. He noted that the section
21 regarding respiratory therapist fees would be moved.

22 Mr. Suter referred to 16A-5334 § 25.231(b),
23 establishing fees in 2022 and § 25.231 (c) fees for
24 2024. He noted the redrafting of numbers from the
25 Bureau of Finance and Operations (BFO). He stated the

1 Board is being asked to vote and adopt this as their
2 proposed regulation of Schedule of Fees, which would
3 ultimately raise the fees for the Board. He noted the
4 urgency of this due to the debt.

5 Acting Commissioner Johnson commented that there
6 is more equity in the distribution of the increase
7 because of modest increases in all of the fees,
8 including the application fees, where everyone is
9 bearing the brunt of the cost of doing business.]

10 ***

11 CHAIRMAN LITMAN:

12 Do you need a motion to approve?

13 MR. SUTER:

14 Yes.

15 DR. SWALLOW:

16 So moved.

17 MR. JOHNSON:

18 Second.

19 CHAIRMAN LITMAN:

20 All in favor, say aye?

21 [The motion carried unanimously.]

22 ***

23 [Mr. Suter stated House Bill 1172 of 2019 passed and
24 is now Act 41. He stated there are two components to
25 the act that deal with licensure by endorsement and

1 provisional licenses that apply to all Boards. He
2 explained that the act allows individuals to apply in
3 Pennsylvania to get licensed, registered, or certified
4 if they hold a current license or certificate from
5 another state, territory, or country.

6 Mr. Suter stated the other jurisdiction's
7 requirements must be substantially equivalent or
8 exceed the requirements in Pennsylvania. He noted the
9 act goes into effect at the end of August 2019 and
10 will require criteria for every license in terms of
11 being substantially equivalent in order to demonstrate
12 competency.

13 Mr. Suter noted the need to develop regulations
14 but also the need to develop current processes until
15 the act is implemented at the end of the month. He
16 discussed drafting language requiring the completion
17 of continuing education or experience in the
18 profession or occupation for at least two of the five
19 years preceding the date of the application, as well
20 proving non-violation of any acts that would
21 constitute grounds for refusal, demonstrating a good-
22 standing status, and the payment of a fee.

23 Mr. Suter discussed the provisional license. He
24 explained that the Board would issue orders granting
25 the provisional license to individuals who require a

1 period of time to complete the requirements. He also
2 noted the Board's need to develop regulations on the
3 provisional license at some point in time. He stated
4 the final regulations shall be promulgated within 18
5 months.

6 Mr. Picarella explained that the committee may
7 decide whether or not to grant a provisional license
8 application, but the Board will have to set the
9 guidelines to deem applicants substantially equivalent
10 and competent. He stated those unable to come to the
11 state under endorsement may be able to come in under
12 Act 41. He explained the act provides the Board
13 additional avenues to deem applicants substantially
14 equivalent. Denials would come before the Board for a
15 full Board denial. He noted that some Boards only
16 have one committee member to review the applications.]

17 ***

18 [Burton T. Mark, D.O., Secretary, exited the meeting
19 at 11:21 a.m.]

20 ***

21 [Mr. Suter figured out the criteria required in the
22 regulations for licensure by the Board.

23 Dr. Swallow questioned whether the listing of
24 criteria would suffice on a temporary basis and allow
25 the Board to move forward in the granting of a license

1 until the final regulation is promulgated.]

2

3 [Burton T. Mark, D.O., Secretary, reentered the
4 meeting at 11:22 a.m.]

5

6 [Mr. Suter referred to 49 Pa. Code § 25.161(c)
7 regarding criteria for licensure as a physician
8 assistant, noting that he included (2) has graduated
9 from a physician assistant training program certified
10 by the Board and (4) has passed the proficiency exam
11 for each license class.

12 Mr. Suter commented that substantial equivalency
13 is more of a legal review. The Board will have to
14 obtain statutes and regulations from other
15 jurisdictions and discuss whether the person is
16 competent based upon the Board's criteria in order to
17 decide whether the individual would be granted the
18 license or be denied.

19 Chairman Litman commented that this would provide
20 a mechanism to bring resources to the state in a more
21 expedited manner on a case-by-case basis. He
22 mentioned that some applicants might meet 90 percent
23 of the requirements, and the Board would offer the
24 applicant a period of time to complete the remaining
25 10 percent to obtain an unrestrictive license.

1 Mr. Picarella noted the importance of
2 establishing a committee and giving the committee
3 guidance on considering competency and substantial
4 equivalency.

5 Ms. Shekletski commented that this act came into
6 play because the interstate compact was not passed.

7 Acting Commissioner Johnson stated individuals
8 must show the absence of discipline and the absence of
9 criminal conviction. He noted the underlying issue
10 with the General Assembly was time as a burden within
11 the application process and receiving the license and
12 wanted some type of process to maximize efficiency as
13 administrators.

14 Acting Commissioner Johnson noted the purpose of
15 the discussion was to determine the 90 percent, create
16 a review committee, and then to provide guidelines for
17 the Board's staff to actually administrate the stopgap
18 for the remaining 10 percent of the requirements for
19 final approval.]

20

21 DR. TURSI:

22 I would make a motion that we approve
23 the provisional endorsement for a
24 license as presented by counsel.

25 DR. SWALLOW:

1 Second.
2 [Marc Farrell, Deputy Policy Director, Department of
3 State, commented that Act 41 was designed to capture
4 those applicants who cannot obtain licensure under the
5 traditional endorsement regulations and Pennsylvania's
6 statute, where the literal application requirements
7 for endorsement are not met.

8 Mr. Farrell explained that substantial
9 equivalency does not involve an analysis of the
10 applicant but a comparison of Pennsylvania's
11 regulations and standards with the state or
12 jurisdiction from which the person is coming from. He
13 stated the provisional license mechanism allows for
14 that consideration. He noted committees are being
15 formed to start to process these issues and perform
16 the analysis.]

17 DR. MARK:

18 A motion was made and seconded.

19 MR. PICARELLA:

20 By law, we are mandated as of September
21 1 to follow Act 41. What we need to do
22 is establish a committee first and then
23 move on to what we can approve or not
24 approve.

25 MR. JOHNSON:

1 All in favor?

2 [The motion carried unanimously.]

3 ***

4 [Dr. Tursi stated, with the coming of the unification
5 within the next year, it would be almost impractical
6 to try to enforce a requirement for the equivalency of
7 a rotating internship. He noted contacting the
8 American Osteopathic Association (AOA) for the
9 language utilized by other states to be comparable to
10 the qualifications for licensure.

11 Dr. Tursi commented that the definition of
12 approved internship is a PGY1 approved by the AOA for
13 a PGY in a designated osteopathic position in a
14 training program accredited by the Accreditation
15 Council for Graduate Medical Education (ACGME) that
16 has received osteopathic recognition or a PGY1 in an
17 ACGME-accredited program that includes at least 24
18 weeks of rotations in internal medicine, general
19 surgery, pediatrics, family practice, emergency
20 medicine, and obstetrics and gynecology. That is the
21 listing in other states.

22 Dr. Tursi stated it is basically saying
23 Pennsylvania will officially honor Resolution 42 and
24 will open the door for people who had any barriers
25 coming to the state. He stated the osteopathic

1 philosophy in holistic medicine is managed by the
2 continuing medical education (CME), but this will put
3 down any barriers for people attempting to obtain
4 licensure in Pennsylvania.]

5 ***

6 DR. TURSI:

7 I so move.

8 DR. SWALLOW:

9 Second.

10 CHAIRMAN LITMAN:

11 All in favor?

12 [The motion carried unanimously.]

13 ***

14 DR. SEID:

15 I move that the committee of one in the
16 interim has the authority to grant
17 provisional licenses on behalf of the
18 Board and will develop, in consultation
19 with Board counsel, criteria in the
20 interim by which applications will be
21 evaluated.

22 DR. TURSI:

23 Second.

24 CHAIRMAN LITMAN:

25 All in favor?

1 [The motion carried unanimously.]

2 ***

3 Report of Board Chairman

4 [Randy G. Litman, D.O., Chairman, addressed cases sent
5 to the Board as a program director, stating the system
6 does work and noted his appreciation to Mr. Hollinger
7 for his follow-up efforts.]

8 ***

9 Report of Vice Chair - No Report

10 ***

11 Report of Acting Commissioner - No Report

12 ***

13 Report of Department of Health

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, Department of
17 Health, stated the Pennsylvania Opioid Command Center
18 Incident Commander Ray Barishansky presented to the
19 county commissioners an update at the annual
20 conference of progress made in the opioid epidemic.

21 Dr. Seid noted that the Pennsylvania Opioid
22 Command Center was established in January 2018 and is
23 staffed by 17 state agencies spearheaded by the
24 Department of Health and the Department of Drug and
25 Alcohol Programs. She mentioned a nearly 18 percent

1 decrease in drug overdose deaths from 2017 to 2018.
2 She also noted that the prescription monitoring
3 program has reduced opioid prescriptions by 27 percent
4 and virtually eliminated doctor shopping.

5 Dr. Seid mentioned 813 drug takeback boxes that
6 helped Pennsylvanians properly dispose of unwanted
7 drugs. She commented that more than 1,000 licensed
8 physicians or prescribers have been disciplined for
9 wrong practice over the last two years.

10 Dr. Seid stated more than 7,000 kits of free
11 naloxone were given to Pennsylvanians in December
12 2018, and the second naloxone distribution is
13 scheduled for September 18, 2019, from 11:00 a.m. to
14 7:00 p.m. and September 25, 2019, from 9:00 a.m. to
15 3:00 p.m. She provided a website at health.pa.gov for
16 an interactive map of the nearest location.]

17

18 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
19 11:46 a.m. the Board entered into executive session
20 with Kenneth J. Suter, Esquire, Board Counsel, and
21 Dean F. Picarella, Esquire, Board Counsel, for the
22 purpose of conducting quasi-judicial deliberations and
23 to receive legal advice from Board counsel. The Board
24 returned to open session at 12:52 p.m.]

25

1 [K. Kalonji Johnson, Acting Commissioner, Bureau of
2 Professional and Occupational Affairs, exited the
3 meeting during executive session.]

4 ***

5 MOTIONS

6 MR. SUTER:

7 The Board was in executive session. The
8 purpose of the executive session was to
9 review agenda items 2, 3, 4, 5, 6, 7, 8,
10 9, 10, 15, 16, 17, 18, and 19, as well
11 as to receive general legal advice and
12 to review a proposed Adjudication and
13 Order at File No. 19-53-004889. The
14 petitioner's name in that case is
15 Binyamin Rothstein, D.O.

16 As a result of Executive Session, I
17 understand the Board would entertain
18 some motions.

19 The first motion is to approve Item
20 No. 2 on the agenda at File No. 18-53-
21 004436.

22 DR. TURSI:

23 So moved.

24 DR. SWALLOW:

25 Second.

1 CHAIRMAN LITMAN:

2 All in favor?

3 [The motion carried unanimously. The Respondent's
4 name is Robert Michael Fetchero, D.O.]

5 ***

6 MR. SUTER:

7 The second motion is to approve Item No.
8 3 on the agenda at File No. 19-53-
9 009189.

10 DR. TURSI:

11 So moved.

12 DR. SWALLOW:

13 Second.

14 CHAIRMAN LITMAN:

15 All in favor?

16 [The motion carried unanimously. The Respondent's
17 name is Brett E. Wills, D.O.]

18 ***

19 MR. SUTER:

20 The third motion is to approve Item No.
21 4 on the agenda at File No. 18-53-
22 006962.

23 DR. TURSI:

24 So moved.

25 DR. SWALLOW:

1 DR. SEID:

2 So moved.

3 DR. TURSI:

4 Second.

5 CHAIRMAN LITMAN:

6 All in favor?

7 [The motion carried unanimously.]

8 ***

9 MR. SUTER:

10 The next motion is Item No. 10 at 19-53-
11 004588. I understand the Board would
12 entertain a motion directing counsel to
13 issue an order approving and adopting
14 the hearing examiner's proposed
15 Adjudication and Order.

16 DR. TURSI:

17 So moved.

18 DR. MARK:

19 Second.

20 CHAIRMAN LITMAN:

21 All in favor?

22 [The motion carried unanimously.]

23 ***

24 MR. SUTER:

25 The next motion is to approve as a group

1 items 6, 7, and 8. These are the VRP
2 agreements on the agenda.

3 They are File No. 19-53-009756,
4 File No. 19-53-010425, and File No. 19-
5 53-008960.

6 DR. TURSI:

7 Motion to approve.

8 DR. SWALLOW:

9 Second.

10 CHAIRMAN LITMAN:

11 All in favor?

12 [The motion carried unanimously.]

13 ***

14 MR. SUTER:

15 The next motion is a result of a Motion
16 to Supplement the Record at File No. 19-
17 53-004889, Binyamin Rothstein, D.O.

18 This regards a motion to supplement the
19 record. I understand the motion is
20 directing Board counsel to reject the
21 motion to supplement the record in this
22 case.

23 DR. TURSI:

24 So moved

25 DR. SWALLOW:

1 Second.

2 CHAIRMAN LITMAN:

3 All in favor?

4 [The motion carried unanimously.]

5 ***

6 MR. SUTER:

7 The next motion is regarding the
8 applications on the agenda. Item No. 15
9 on the agenda is an Application for
10 Graduate Medical Training of Michael
11 Smith, D.O.

12 I understand the Board will be
13 tabling at this time.

14 DR. SEID:

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 next item is Item No. 16 on the
24 agenda. It is also an Application for
25 Graduate Medical Training of Adam

1 Morrow, D.O.

2 I understand the Board would
3 entertain a motion to approve this
4 application.

5 DR. TURSI:

6 So moved

7 DR. MARK:

8 Second.

9 CHAIRMAN LITMAN:

10 All in favor?

11 [The motion carried unanimously.]

12 ***

13 MR. SUTER:

14 Next are applications for Allied Health
15 Professionals. The first one is Item
16 No. 17 on the agenda. It is the
17 application of John A. Guerriero, D.O.
18 It is an Application for Registration as
19 a Supervising Physician. I am going to
20 do Item No. 18 with this as well. It is
21 the same name, separate application.

22 I understand the Board would
23 entertain a motion to table both of
24 these applications.

25 DR. TURSI:

1 So moved

2 DR. MARK:

3 Second.

4 CHAIRMAN LITMAN:

5 All in favor?

6 [The motion carried unanimously.]

7 ***

8 MR. SUTER:

9 The last application for Allied Health
10 Professionals is Item No. 19 on the
11 agenda, Caleb Nwosu, D.O. It is a
12 written agreement deviation.

13 I understand the Board will deny
14 this application.

15 DR. TURSI:

16 So moved

17 DR. MARK:

18 Second.

19 CHAIRMAN LITMAN:

20 All in favor?

21 [The motion carried unanimously.]

22 ***

23 MR. SUTER:

24 The last item I am aware of is that
25 somebody will make a motion regarding

1 the Probable Cause Screening Committee
2 and composition of that.

3 DR. TURSI:

4 I move that we have the committee
5 altered to approve two permanent members
6 and one alternate member to be used in
7 the case of a tie or absence of one of
8 the first two members.

9 DR. SWALLOW:

10 Second.

11 CHAIRMAN LITMAN:

12 All in favor?

13 [The motion carried unanimously.]

14 ***

15 DR. TURSI:

16 I make a motion that the permanent
17 committee be Dr. Bulger and Dr. Poggi.
18 The alternate will be Dr. Mark.

19 DR. SWALLOW:

20 Second.

21 CHAIRMAN LITMAN:

22 All in favor?

23 [The motion carried unanimously.]

24 ***

25 For the Board's Information/Discussion - New Business

1 [Aaron Hollinger, Board Administrator, referred to
2 correspondence regarding continuing medical education
3 (CME) requirements for the Board's review and
4 discussion.

5 Chairman Litman stated the American Osteopathic
6 Association's (AOA) stance on this had to do with
7 specialty certification and required credits over the
8 three-year cycle, noting that the Commonwealth of
9 Pennsylvania's regulations do not require any Board-
10 specific issues.

11 Dr. Tursi commented that the Board does not grant
12 specialty certification, and the issue is a certifying
13 Board issue, not a licensure issue.

14 Mr. Hollinger will draft a letter in response on
15 behalf of the Board.]

16 ***

17 For the Board's Information/Discussion - Board Meeting
18 Dates

19 [Randy G. Litman, D.O., Chairman, noted the next
20 meeting date scheduled for October 23, 2019.]

21 ***

22 Adjournment

23 CHAIRMAN LITMAN:

24 I need a motion to adjourn.

25 DR. SWALLOW:

1 So moved.

2 DR. SEID:

3 Second.

4 CHAIRMAN LITMAN:

5 Thank you very much. We are now
6 adjourned.

7 [The motion carried unanimously.]

8 ***

9 [There being no further business, the State Board of
10 Osteopathic Medicine Meeting adjourned at 1:08 p.m.]

11 ***

12

13 CERTIFICATE

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

20

21



22

Amber Garbinski,

23

Minute Clerk

24

Sargent's Court Reporting

25

Service, Inc.

STATE BOARD OF OSTEOPATHIC MEDICINE
REFERENCE INDEX

August 14, 2019

TIME	AGENDA
9:29	Official Call to Order
9:30	Appointment - Carolyn A. DeLaurentis, Deputy Chief Counsel, Prosecution Division Presentation
9:38	Appointment - Katie Kugler, PA-C, President, Pennsylvania Society of Physician Assistants
9:53	Appointment - Kimberly Adams, Chief of Fiscal Management; Julie Snader, Deputy Director, Bureau of Finance and Operations Budget Presentation
10:16	Approval of Minutes
10:16	Report of Prosecutorial Division
10:28	Application for Licensure
10:35	Recess
10:44	Return to Open Session
10:44	Report of Regulatory Counsel
11:41	Report of Board Chairman
11:44	Report of Department of Health
11:46	Executive Session
12:52	Return to Open Session
12:52	Motions
12:54	Report of Department of Health
1:06	For the Board's Information/Discussion
1:08	Adjournment