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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: 9:33 a.m.

BOARD ROOM C

One Penn Center

2601 North Third Street

Harrisburg, Pennsylvania 17110

Wednesday, October 4, 2017

1 State Board of Osteopathic Medicine
2 October 4, 2017

3
4 BOARD MEMBERS:

5
6 Frank M. Tursi, D.O., Chairman
7 Ian J. Harlow, Commissioner of Professional and
8 Occupational Affairs
9 Christopher S. Poggi, D.O., Vice Chairman
10 Burton T. Mark, D.O., Secretary
11 Rachel Levine, M.D., Physician General - Absent
12 John B. Bulger, D.O.
13 Randy G. Litman, D.O.
14 David A. Palmer, C.C.P., L.P. - Absent
15 William B. Swallow, D.O.
16 Arlene G. Seid, M.D., M.P.H., Department of Health
17

18
19 BUREAU PERSONNEL:

20
21 Maria Battista, Esquire, Board Counsel
22 Wesley Rish, Esquire, Board Counsel
23 Mark R. Zogby, Esquire, Board Prosecutor
24 Andrea Costello, Esquire, Board Prosecutor
25 Keith Bashore, Esquire, Board Prosecutor
26 Aaron Hollinger, Board Administrator
27 Neil P. McConnell, Esquire
28

29
30 ALSO PRESENT:

31
32 Kendra Parry, The Foundation of Pennsylvania Medical
33 Society - Physicians' Health Program
34 Brenda Dill, Pennsylvania Osteopathic Medicine
35 Association (POMA)
36 Susan DeSantis, PA-C, State Board of Osteopathic
37 Medicine, Pennsylvania Society of Physician
38 Assistants
39 Kelsey Voigt, Pennsylvania Athletic Trainers'
40 Society (PATS)
41 Mary Marshall, Director, Workforce & Professional
42 Services, The Hospital and Healthsystem Association
43 of Pennsylvania (HAP)
44 Diana Ewert, Pennsylvania Osteopathic Medical
45 Association (POMA)
46 Andrew Harvan, Pennsylvania Medical Society
47 Claudette Dalton, M.D., Board of Directors, Federation
48 of State Medical Boards
49 Mike Dugan, the Federation's Chief Information Officer
50 and Senior Vice President for Operations

1 ***

2 State Board of Osteopathic Medicine

3 October 4, 2017

4 ***

5 The regularly scheduled meeting of the State
6 Board of Osteopathic Medicine was held on Wednesday,
7 October 4, 2017. Frank M. Tursi, D.O., Chairman,
8 called the meeting to order at 9:33 a.m. Chairman
9 Tursi reminded Board members to check their
10 microphones, so the audience could hear.

11 ***

12 Approval of Minutes of the August 9, 2017 meeting

13 CHAIRMAN TURSI:

14 Approval of the Minutes of the August 9
15 meeting. Any additions or corrections?
16 Hearing none. All in favor of
17 approval? Any opposed?

18 [The motion carried unanimously.]

19 ***

20 Report of Prosecutorial Division

21 [Keith Bashore, Esquire, Board Prosecutor, presented a
22 Consent Agreement for File No. 17-53-07981.

23 Dr. Poggi, Dr. Mark, and Dr. Bulger, as members
24 of the Probable Cause Screening Committee, recused
25 from the discussion on the matter.]

1 ***

2 [Mark R. Zogby, Esquire, Board Prosecutor, presented a
3 Consent Agreement for File No. 17-53-06442.

4 Dr. Poggi, Dr. Mark, and Dr. Bulger, as
5 members of the Probable Cause Screening Committee,
6 recused from the discussion on the matter.]

7 ***

8 [Andrea Costello, Esquire, Board Prosecutor, presented
9 the following VRP Consent Agreements: File No. 17-53-
10 06722, File No. 17-53-07424, and File No. 17-53-
11 09162.]

12 ***

13 Report of Board Counsel

14 [Wesley Rish, Esquire, Board Counsel, noted proposed
15 reports from the Hearing Examiner to be discussed
16 during Executive Session.]

17 ***

18 Appointment - Federation of State Medical Boards

19 [Claudette Dalton, M.D., Board of Directors,
20 Federation of State Medical Boards, and Mike Dugan,
21 Federation's Chief Information Officer and Senior Vice
22 President for Operations, presented before the Board.
23 Dr. Dalton provided a slide presentation to identify
24 Board members and offered information relating to the
25 Federation's background and educational services.

1 Dr. Dalton stated the Federation was founded in
2 1912 and has offices in Euless, Texas. She mentioned
3 that the Washington, D.C. office will be moving to a
4 new location. She noted that Dr. Humayun (Hank)
5 Chaudhry is the Secretary of International Association
6 for Medical Regulatory Authorities (IAMRA). Doctors
7 of Osteopathic Medicine are leading the group
8 internationally and nationally.

9 She outlined the committees and workgroups,
10 including Board Education Service and Training,
11 Medical Education for Medical Regulation and Physician
12 Wellness and Burnout, which has become an
13 international group. She noted the workgroup to Study
14 Regenerative and Stem Cell Therapy, that was formed
15 this year, and a Prescription Drug Monitoring Program
16 (PDMP) Committee.

17 Dr. Dalton discussed the Board and the Nominating
18 Committee. She is the Chair of the Ethics and
19 Professionalism Committee.

20 She commented that the United States Medical
21 Licensing Examination (USMLE) was not immediately
22 pertinent to osteopaths, but when allopathic and
23 osteopathic medicine come together through a single
24 accreditation process, the USMLE will become
25 attractive to osteopathic graduates.

1 Dr. Dalton noted the Federation is run by the
2 House, and each Board sends a representative to the
3 House as a voting member. Currently, there are 16
4 members, 13 elected and 2 appointed.

5 Dr. Dalton provided additional material for
6 review at the Board's convenience.

7 Mike Dugan, Chief Information Officer and Senior
8 Vice President for Operations, stated the work of the
9 Federation of State Medical Boards is to serve the
10 member Boards. The organization is currently 105
11 years old and was founded in information sharing via
12 printed materials distributed periodically.

13 Mr. Dugan referred to the Federation as a data
14 aggregator. He noted data is collected from USMLE,
15 NPI, Death Master File, NCCPA, ABMS and AOA.

16 Mr. Dugan discussed a Federation Credentials
17 Verification Service (FCVS) program, which includes
18 source-verified credentials, medical education,
19 graduate medical education and licensure.

20 Mr. Dugan referred to a public tool in which
21 information can be accessed concerning a physician's
22 credentials and a census that is updated every two
23 years. The Uniform Application is a tool for a
24 physician to complete their information and apply to
25 multiple states, which contributes to license

1 portability.

2 Mr. Dugan stated that FSMB is a supplier of the
3 USMLE transcripts. 81,000 were provided last year,
4 nearly 42,000 with FCVS. He noted a good working
5 relationship with the National Board of Osteopathic
6 Medical Examiners (NBOME).

7 Mr. Dugan informed the Board that all member
8 Boards have access to the Physician Data Center (PDC)
9 at no cost, which includes board specialty
10 certification information from the American
11 Osteopathic Association (AOA), as well as American
12 Board of Medical Specialties (ABMS), and complete
13 licensure and discipline history. Nearly 15,000
14 disciplinary alerts were sent to member Boards in
15 2016.

16 Mr. Dugan discussed a Special Purpose Exam (SPEX)
17 that is used in special instances. FCVS source
18 verification is a lifetime repository by the
19 Federation of State Medical Boards that is used in
20 about 50 percent of licensing decisions and has data
21 for more than 250,000 physicians.

22 Mr. Dugan referred to the Physician Data Center
23 and Medical Regulatory Trends and Actions for further
24 discussion.

25 With regard to educational offerings, Mr. Dugan

1 noted the 2018 Federation of State Medical Boards
2 Annual Meeting which will be held in Charlotte, North
3 Carolina, the Board Attorneys Workshop in San Diego
4 and New Executive Orientation.

5 The Federation of State Medical Boards is
6 accredited by the Accreditation Council for Continuing
7 Medical Education (ACCME) with regard to certification
8 of activities provided by the Board which is free of
9 charge.

10 Mr. Dugan referred Board members to a list of
11 publications, including the Journal of American
12 Medical Association (JAMA) which is published
13 annually, as well as eNews. He stated that Dr.
14 Humayun (Hank) Chaudhry is active on twitter, and
15 referred to a new social media expert in Washington,
16 D.C.

17 Dr. Dalton referred Board members to information
18 regarding the advocacy and policy services group,
19 actions by the 2017 House of Delegates mandatory use
20 of prescription drug monitoring, advocacy for
21 professional licensure of EMS providers and guidelines
22 for granting licensure by endorsement and assessment
23 of the standards of ACGME International. She
24 mentioned that as Chair of the Ethics and
25 Professionalism Committee, the group has been studying

1 compounding issues, overlapping surgeries, peer review
2 issues and duty to report.

3 Mr. Dugan addressed statistics regarding the
4 Interstate Medical Licensure Compact Commission. He
5 referred to the "heat" map for further discussion of
6 Pennsylvania's 6,430 actively licensed osteopathic
7 physicians with licenses in other states.

8 Questions and comments were addressed from Board
9 members with regard to competition between USMLE and
10 AOA, the Interstate Medical Licensure Compact, and
11 medical specialty data which is made available at no
12 cost.]

13

14 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
15 10:22 a.m. the Board entered into Executive Session
16 with Maria Battista, Esquire, Board Counsel, and
17 Wesley Rish, Esquire, Board Counsel, for the purpose
18 of conducting quasi-judicial deliberations and to
19 receive legal advice from Board Counsel. The Board
20 returned to open session at 11:13 a.m.]

21

22 MOTIONS

23 MR. RISH:

24 The Pennsylvania State Board of
25 Osteopathic Medicine conducted an

1 Executive Session to conduct quasi-
2 judicial deliberations and to receive
3 legal advice regarding the following
4 matters.

5 The first matter involved the
6 Commonwealth vs. Dr. Murray Soss, and
7 that was a proposed resolution of Dr.
8 Soss's appeal, and that matter doesn't
9 require a vote.

10 The next matter is Item No. 3 on
11 the Board's agenda. This is File No.
12 17-53-07981. This was a probable cause
13 matter. Dr. Poggi, Dr. Mark, and Dr.
14 Bulger recused themselves and did not
15 participate in the Executive Session
16 discussions.

17 Based upon Executive Session
18 discussions, I would recommend a motion
19 approving the Consent Agreement and
20 Order.

21 CHAIRMAN TURSI:

22 Do we have such a motion?

23 DR. SWALLOW:

24 So moved.

25 DR. LITMAN:

1 Second.

2 CHAIRMAN TURSI:

3 Any discussion? All in favor?
4 Opposed? Hearing none, motion
5 approved.

6 [The motion carried. Dr. Poggi, Dr. Mark, and Dr.
7 Bulger recused from deliberations and voting on the
8 motion. The Respondent's name is Alan Jay Popick,
9 D.O.]

10 ***

11 MR. RISH:

12 The next matter is Item No. 4 on the
13 Board's agenda. It is File No. 17-53-
14 06442. This matter was also a Probable
15 Cause Screening Committee matter. Drs.
16 Poggi, Mark, and Bulger recused
17 themselves from the Executive Session
18 and did not participate in
19 deliberations.

20 Based upon discussions in
21 Executive Session, I recommend a motion
22 approving the Consent Agreement and
23 Order.

24 CHAIRMAN TURSI:

25 Do we have such a motion?

1 DR. SWALLOW:

2 So moved.

3 DR. LITMAN:

4 I'll second it.

5 CHAIRMAN TURSI:

6 Any discussion? All in favor? Any
7 opposed? Motion carries.

8 [The motion carried. Dr. Poggi, Dr. Mark, and Dr.
9 Bulger recused from deliberations and voting on the
10 motion. The Respondent's name is Brian Charles
11 Keeley, D.O.]

12 ***

13 MR. RISH:

14 The next matters are items 5, 6, and 7.
15 I'll take these as a group.

16 Based upon discussions in
17 Executive Session, I would recommend a
18 motion approving the following VRP
19 Agreements and Order: VRP File No.
20 17-53-06722, File No. 17-53-07424, and
21 File No. 17-53-09162.

22 CHAIRMAN TURSI:

23 So moved. Is there a second?

24 DR. SWALLOW:

25 Second.

1 CHAIRMAN TURSI:

2 All in favor? Any opposed? Motion
3 carries.

4 [The motion carried unanimously.]

5 ***

6 MR. RISH:

7 The next matter is Item No. 8, the
8 Commonwealth vs. William J. Duensing,
9 D.O. It's File No. 15-53-09734.

10 Based upon discussions in
11 Executive Session, I would recommend a
12 motion adopting the Hearing Examiner's
13 Adjudication and Order as the final
14 order of the Board.

15 DR. POGGI:

16 So moved.

17 DR. SEID:

18 Second.

19 CHAIRMAN TURSI:

20 Any discussion? Hearing none. All in
21 favor? Any opposed? Motion carries.

22 [The motion carried unanimously.]

23 ***

24 MR. RISH:

25 I'm sorry. It appears I made a mistake

1 on that motion because Exceptions were
2 actually filed. I would recommend a
3 motion directing Counsel to draft a
4 Memorandum of Law adopting the
5 Adjudication and Order and addressing
6 Dr. Duensing's exceptions.

7 CHAIRMAN TURSI:

8 Who made the original motion? Okay.
9 You need to withdraw that motion and
10 just approve it as read then. If you
11 could withdraw your original motion.

12 Okay. So now we have the new
13 motion on the floor.

14 DR. POGGI:

15 So moved.

16 DR. SEID:

17 Second.

18 CHAIRMAN TURSI:

19 Okay. Any further discussion? All in
20 favor? Any opposed? Motion carries.

21 [The motion carried unanimously.]

22 ***

23 MR. RISH:

24 The next matter is Item No. 9. It's
25 the Commonwealth of Pennsylvania,

1 Bureau of Professional and Occupational
2 Affairs vs. Jill Suzanne Harlan, PA-C,
3 File No. 15-53-10179.

4 Based upon discussions in
5 Executive Session, I would recommend a
6 motion adopting the Adjudication and
7 Substituting a Board Order.

8 DR. POGGI:

9 So moved.

10 CHAIRMAN TURSI:

11 Second. Any discussion? All in favor?
12 Any opposed? Motion carries.

13 [The motion carried unanimously.]

14 ***

15 MS. BATTISTA:

16 The next item on the agenda is No. 10,
17 the Commonwealth of Pennsylvania,
18 Bureau of Professional and Occupational
19 Affairs vs. William A. Swagler, III,
20 D.O., Docket No. 20312-53-17, File No.
21 17-53-01392.

22 I would recommend a motion
23 directing Counsel to draft a Memorandum
24 of Law adopting the Adjudication and
25 Order and addressing Dr. Swagler's

1 exceptions.

2 DR. SEID:

3 So moved.

4 DR. POGGI:

5 Second.

6 CHAIRMAN TURSI:

7 Any discussion? All in favor? Any
8 opposed? Motion carries.

9 [The motion carried unanimously.]

10 ***

11 MR. RISH:

12 The next matter was Item No. 13. It's
13 the Reactivation Application of
14 Christopher J. Salerno, D.O.

15 Based upon discussions in
16 Executive Session, I would recommend a
17 motion approving the application.

18 DR. POGGI:

19 So moved.

20 CHAIRMAN TURSI:

21 Second. Further discussion? All in
22 favor? Any opposed? Motion carries.

23 [The motion carried unanimously.]

24 ***

25 MR. RISH:

1 The next matter was Item No. 14. It's
2 the application for approval of a
3 written agreement of Peter R. Honig,
4 D.O.

5 Based upon discussions in
6 Executive Session, I would recommend a
7 motion denying the application.

8 DR. POGGI:

9 So moved.

10 CHAIRMAN TURSI:

11 Second. Any discussion? All in favor?
12 Any opposed? Motion to deny is
13 accepted.

14 [The motion carried unanimously.]

15 ***

16 Report of Regulatory Counsel

17 MR. RISH:

18 The next matter is Item 11 on the
19 Board's agenda. This is a Perfusionist
20 Amendment. This proposed regulation
21 would simply conform the Board's
22 existing regulations regarding
23 temporary perfusion licenses to comply
24 with Act 120 of 2016. The current
25 statute now provides the temporary

1 license does not expire for two years,
2 even if the licensee has not passed the
3 national certification test.

4 The reason for this, apparently
5 perfusionists were leaving the state
6 rather than risk not passing all three
7 parts of their examination and
8 immediately losing their temporary
9 license and their jobs, and hospitals
10 were not wanting to risk.

11 So this proposed regulation simply
12 just conformed our regulation to the
13 status of the current statute. And I
14 would recommend a motion approving the
15 regulatory package.

16 CHAIRMAN TURSI:

17 So moved. Second?

18 DR. POGGI:

19 Second.

20 CHAIRMAN TURSI:

21 Further discussion? Hearing none. All
22 in favor? Any opposed? Motion
23 carries.

24 [The motion carried unanimously.]

25

1 MR. RISH:

2 The next matter was Item No. 12. This
3 is a proposed Exposure Draft on
4 licensure qualifications that was
5 drafted following the Board's Committee
6 meeting at its last Board meeting in
7 August.

8 This proposed regulation is based
9 upon the Committee's direction. It
10 defines approved internship and
11 approved residency that anticipates the
12 merger of the AOA and the ACGME.

13 Basically, the significant change
14 for an unrestricted license would
15 require the successful completion of an
16 approved internship or successfully
17 completing an approved residency.

18 So an approved internship is
19 defined under Section 25.244, which
20 must span a minimum of 12 months and
21 provide the following experiences:
22 There is general practice for one
23 month, general internal medicine for
24 two months, a one-month general surgery
25 rotation, one month of obstetrics and

1 gynecology, one month of pediatrics.
2 The sixth requirement would be
3 additional work in a core category or
4 emergency medicine for three months and
5 three months of electives chosen by the
6 intern or the resident.

7 So this still retains the
8 possibility of an individual becoming
9 licensed after one year if they
10 complete the approved internship or
11 their licensure would be delayed until
12 they complete their residency program.

13 The other significant change deals
14 with the licensure by endorsement. The
15 Board recognizes the difficulty of
16 people who may have been out of
17 osteopathic school for quite some time
18 and offers, as an additional
19 alternative to the COMLEX Level 2
20 practical examination or the
21 Pennsylvania Osteopathic Manipulative
22 Treatment Examination, the completion
23 of at least three hours of AOA Category
24 1-A, continuing osteopathic medical
25 education and osteopathic manipulative

1 treatment, as long as that's completed
2 within two years prior to the date of
3 application for licensure. I think
4 that covers the significant changes in
5 the regulation.

6 If the Board would like to discuss
7 this more, we could put it back before
8 the Committee, or I would recommend a
9 motion directing Counsel to proceed
10 with having this issued as an Exposure
11 Draft.

12 CHAIRMAN TURSI:

13 Okay.

14 DR. LITMAN:

15 Motion to approve.

16 DR. BULGER:

17 Second.

18 CHAIRMAN TURSI:

19 The motion to approve by Dr. Litman.

20 The second was made by Dr. Bulger.

21 Okay. Any further discussion? Hearing

22 none. All in favor? Any opposed?

23 Motion passes.

24 [The motion carried unanimously.]

25

1 [Chairman Tursi on behalf of the Board offered his
2 sincerest thanks to the Task Force.]

3 ***

4 Report of Board Chairman

5 [Chairman Tursi reminded the audience and Board
6 members that the State Board cannot take opinions for
7 legislative action. He noted Senate Bill 896, which
8 would add a physician assistant member to this Board
9 and also revise the wording for the collaborative
10 agreements for physicians and PAs.]

11 ***

12 Report of Vice Chairman - No Report

13 ***

14 Report of Commissioner

15 [Ian Harlow, Commissioner of Professional and
16 Occupational Affairs, noted the travel freeze was in
17 effect until a revenue package can be passed.

18 Commissioner Harlow noted the increase of the
19 scope of the PALS project to include the review of
20 death records, birth dates and missing items.

21 He discussed nursing renewal on the PALS system
22 and welcomed feedback to improve the system.

23 Commissioner Harlow stated the professional
24 member positions were filled, and there were two
25 placeholders on the Senate's Executive Nominations

1 Calendar for public members.

2 Commissioner Harlow will contact the Department
3 of Health regarding electronic filing of death
4 certificates and update the Board at its next
5 meeting.]

6

7 Report of the Department of Health

8 [Arlene G. Seid, M.D., M.P.H., Department of Health,
9 on behalf of Rachel Levine, M.D., Physician General,
10 had no updates to report.]

11

12 Report of Board Administrator - No Report

13

14 For the Board's Information/Discussion

15 Meeting Dates

16 [Chairman Tursi referred to the 2017, 2018, and 2019
17 meeting dates for the Board's review.

18 Mr. Hollinger stated the proposed 2019 meeting
19 dates are scheduled for the second Wednesday of every
20 other month but proposed three possible dates for
21 October 2019 for the Board's review and approval at
22 its next meeting in December.]

23

24 New Business

25 [Wesley Rish, Esquire, Board Counsel, addressed Act 17

1 of 2017 that relates to the passage of the recent
2 statutory enactment that permits physician assistants
3 to provide information regarding death
4 certifications.]

5 ***

6 Adjournment

7 CHAIRMAN TURSI:

8 I'll accept a motion for adjournment.

9 DR. SWALLOW:

10 So moved.

11 DR. MARK:

12 Second.

13 CHAIRMAN TURSI:

14 All right. We're adjourned. Thank you
15 very much.

16 ***

17 [There being no further business, the State Board of
18 Osteopathic Medicine meeting adjourned at 11:32 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.



Ashley Hoover,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF OSTEOPATHIC MEDICINE
REFERENCE INDEX
October 4, 2017

	TIME	AGENDA
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9	9:33	Approval of Minutes
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11	9:33	Report of Prosecutorial Division
12		
13	9:40	Report of Board Counsel
14		
15	9:42	Appointments - Claudette Dalton, M.D. and Mike Dugan of FSMB
16		
17		
18	11:19	Report of Regulatory Counsel
19		
20	10:22	Executive Session
21	11:13	Return to Open Session
22		
23	11:14	Motions
24		
25	11:19	Report of Regulatory Counsel
26		
27	11:25	Report of Board Chairman
28		
29	11:25	Report of Commissioner
30		
31	11:30	For the Board's Information
32		
33	11:31	New Business
34		
35	11:32	Adjournment
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