1	COMMONWEALTH OF PENNSYLVANIA
2	DEPARTMENT OF STATE
3	BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
4	
5	FINAL MINUTES
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7	MEETING OF:
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9	STATE BOARD OF OSTEOPATHIC MEDICINE
10	
11	TIME: 9:35 A.M.
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13	BOARD ROOM C
14	One Penn Center
15	2601 North Third Street
16	Harrisburg, Pennsylvania 17110
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18	Wednesday, October 23, 2019
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	BOARD MEMBERS: Randy G. Litman, D.O., Chairman K. Kalonji Johnson, Acting Commissioner, Bureau of Professional and Occupational Affairs William B. Swallow, D.O., Vice Chairman Burton T. Mark, D.O., Secretary Arlene G. Seid, M.D., M.P.H., Medical Director of Quality Assurance, on behalf of Rachel Levine, M.D., Physician General/Secretary of Health
	John B. Bulger, D.O Absent Christopher S. Poggi, D.O. Frank M. Tursi, D.O.
	BUREAU PERSONNEL: Kenneth J. Suter, Esquire, Board Counsel Shana M. Walter, Esquire, Board Counsel Keith E. Bashore, Esquire, Board Prosecutor Jason T. Anderson, Esquire, Board Prosecutor Mark R. Zogby, Esquire, Board Prosecutor Jonelle Harter Eshbach, Esquire, Board Prosecutor Marc Farrell, Deputy Policy Director, Department of State Aaron Hollinger, Board Administrator
	ALSO PRESENT: Brenda R. Dill, Director, Communications and Education, Pennsylvania Osteopathic Medical Association Andy Sandusky, Executive Vice President, Public Policy and Association Affairs, Pennsylvania Osteopathic Medical Association Maraleen D. Shields, Esquire, Fitzpatrick, Lentz & Bubba Andrew C. Harvan, Esquire, Pennsylvania Medical Society

* * * 1 2 State Board of Osteopathic Medicine 3 October 23, 2019 * * * 4 5 The regularly scheduled meeting of the State 6 Board of Osteopathic Medicine was held on Wednesday, 7 October 23, 2019. Randy G. Litman, D.O., Chairman, 8 called the meeting to order at 9:35 a.m. 9 * * * 10 Approval of minutes of the August 14, 2019 meeting 11 CHAIRMAN LITMAN: 12 Do I have a call for approval of the minutes from August 14? 13 14 DR. TURSI: 15 So moved. 16 DR. SWALLOW: 17 Second. CHAIRMAN LITMAN: 18 All in favor? 19 20 [The motion carried unanimously.] 21 * * * 22 Report of Prosecutorial Division 23 [Keith E. Bashore, Esquire, Board Prosecutor, 24 presented the Consent Agreements for File No. 16-53-25 09458.]

4 * * * 1 2 [Jason T. Anderson, Esquire, Board Prosecutor, 3 introduced Jonelle Harter Eshbach, Esquire, as a new 4 Board Prosecutor and provided a brief summary of her 5 professional background. 6 Mr. Anderson presented the Consent Agreement for 7 File No. 19-53-002020.] * * * 8 9 [Jason T. Anderson, Esquire, Board Prosecutor, on behalf of Anita P. Shekletski, Esquire, Board 10 11 Prosecution Liaison, presented the Consent Agreements 12 for VRP File No. 19-53-008286, VRP File No. 19-53-012890, and VRP File No. 19-53-014686.] 13 * * * 14 15 [Mark R. Zogby, Esquire, Board Prosecutor, presented the Consent Agreement for File No. 17-53-13706.] 16 * * * 17 18 Report of Board Counsel 19 [Kenneth J. Suter, Esquire, Board Counsel, noted 20 reports from hearing examiners for discussion during 21 Executive Session. He noted one Final Adjudication 22 for Board approval that would not be addressed at this 23 meeting because it is not completed. He also noted 2.4 Item No. 13 for discussion during Executive Session. 25 Mr. Suter provided Act 41 updates for the Board

5 concerning competency, which was delegated to the 1 2 committee. He stated Chairman Litman, who is the 3 committee, decided it is stronger to adopt that the applicant has at least practiced two of the last five 4 5 years because individuals licensed by the Board are 6 required to complete continuing education.] * * * 7 8 [Christopher S. Poggi, D.O., exited the meeting at 9 9:44 a.m.1 10 * * * 11 [Mr. Suter noted established criteria for a physician 12 that includes experience in the profession for at 13 least two of the five years immediately preceding the 14 date of application and received passing scores on 15 Parts I, II, and III of the National Board 16 Examination. 17 Mr. Suter noted established criteria for a 18 physician assistant that includes experience in the 19 profession for at least two of the five years 20 immediately preceding the date of application and 21 received a passing score on the National Commission on 2.2 Certification of Physician Assistants (NCCPA) 23 proficiency examination. 24 Mr. Suter noted established criteria for a 25 perfusionists that includes experience in the

profession for at least two of the five years 1 2 immediately preceding the date of application and 3 current certification by a certifying agency approved by a nationally-recognized accrediting agency approved 4 5 by the Board.] * * * 6 7 [Christopher S. Poggi, D.O., reentered the meeting at 8 9:46 a.m.1 9 * * * 10 [Mr. Suter noted established criteria for a genetic 11 counselor that includes experience in the profession 12 for at least two of the five years immediately 13 preceding the date of application and received a 14 passing score on the examination for certification of 15 genetic counselor by the American Board of Genetic Counseling (ABGC) or American Board of Medical 16 17 Genetics and Genomics (ABMGG) or received a passing score on the examination for certification as a PhD in 18 medical genetics and genomics by the ABMGG. 19 20 Mr. Suter referred to licensure requirements 21 currently in the regulations at § 25.241(1), graduated 22 from an approved osteopathic medical college; 23 § 25.241(2), received passing scores on Parts I, II, and III of the National Board Examination; 2.4 25 § 25.241(3), received a passing score on the practical

1 examination; and § 25.241(4), completed an approved 2 internship.

Mr. Suter noted current requirements under \$ 25.241(3) that include receiving a passing score on the practical examination in osteopathic diagnosis and manipulative therapy, which is not in the criteria. He stated an applicant will not be granted a license through endorsement if the examination was not passed. This will demonstrate substantial equivalency.

10 Chairman Litman stated that neighboring states 11 and their requirements were compared to uniformly set 12 a list of parameters that paralleled all of the 13 constituent groups that applied under Act 41 to obtain 14 licensure by endorsement.

15 Mr. Suter noted the importance of considering the jurisdiction requirements with regard to being 16 17 substantially equivalent to Pennsylvania, which must 18 be decided before moving onto the competency criteria. 19 Chairman Litman noted one proposed doctor of 20 osteopathic medicine school in Mexico that had not 21 opened and accepted students yet but will be approved 2.2 by the Commission on Osteopathic College Accreditation 23 (COCA).

24 Mr. Suter mentioned the common denominator with 25 all licenses, where individuals practiced two of the

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last five years prior to the application and then 1 2 passage of the respective examination. The thought 3 being if the examination is passed, then the applicants are probably competent to practice. 4 Ms. Walter stated the Medical Board already has 5 6 very comprehensive regulations for foreign medical 7 students, which only need to be adjusted slightly for Act 41 purposes. 8 Mr. Suter commented that the Board will probably 9 not find a license anywhere else in the world that is 10 11 substantially equivalent to the Board's license. 12 Mr. Suter suggested developing initially criteria 13 to establish a foundation to evaluate applications. 14 This will provide information for the Board to 15 consider when drafting the language in its regulation. He mentioned the committee approved one application 16

17 after applying the criteria.

18 Chairman Litman commented that the right time for 19 discussion would be when a school is actually 20 established, approved by COCA, and is about to start 21 in that country, assuming AOA will be assisting in 22 terms of licensure.] 23

* * *

We need a vote on this in terms of if

24 MR. SUTER:

25

you are willing to adopt this as your 1 2 criteria. 3 DR. TURSI: 4 I move we accept, as written, the 5 criteria. 6 DR. SWALLOW: 7 Second. 8 CHAIRMAN LITMAN: 9 All in favor? 10 [The motion carried unanimously.] * * * 11 12 Report of Regulatory Counsel [Kenneth J. Suter, Esquire, Regulatory Counsel, 13 referred to Senate Bill 871 of 2019 information 14 15 regarding physician assistants for the Board's review. 16 Mr. Suter stated the Commissioner's Office 17 forwarded the proposed Annex 16A-5335 regarding 18 Licensure Qualifications to the Governor's Office for 19 review. Essentially, the Governor's Office will not 20 approve the language in the regulation in terms of the 21 additional education for individuals to be licensed in Pennsylvania. 22 23 Chairman Litman referred to § 25.1 regarding 24 definitions, noting approved "residencies" must 25 include at least 24 weeks of rotation should be

"internship." He explained prior discussion was to 1 2 define approved internship training for obtaining a 3 license after one year, which is an approved 4 osteopathic internship, a PGY-1 year approved by the 5 AOA or designated osteopathic program that has 24 weeks of rotations. He also noted the error again on 6 7 page 2, where the term becomes approved residencies. 8 Chairman Litman referred to licensing education 9 and graduate training requirements § 25.241(1), 10 graduated from an approved medical college and 11 § 25.241(2), received passing scores on Parts I, II, 12 and III. He noted "received passing scores on Parts I, II, and III of the National Board Examination" is 13 14 supposed to read "received passing scores on Level 1, 15 Level 2-CE, Level 2-PE, and Level 3 of the 16 Comprehensive Osteopathic Medical Licensing 17 Examination (COMLEX)." It does make reference to the 18 performance evaluation, which is the Level 2-PE. Нe 19 noted this to be the definition for initial licensure 20 in Pennsylvania. 21 Chairman Litman also referred to § 25.241(4), 22 successfully completed an approved internship or 23 successfully completed an approved residency. He 24 stated those who completed residencies in disciplines 25 that would not include those 24 weeks would still be

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qualified to be licensed in Pennsylvania. He noted that it was giving an applicant the opportunity to apply for a license upon completion of an approved internship or completing the entire residency program in no additional time.

6 Marc Farrell, Deputy Policy Director, Department 7 of State, explained there is a regulations point 8 person at Governor Wolf's Office of Budget and the 9 Office of General Counsel (OGC), where changes will be 10 reviewed and made by someone who is familiar with the 11 regulation.

12 Dr. Seid noted the two changes as being what the 13 Governor objected to and naming the right exam. 14 Acting Commissioner Johnson suggested referring 15 to the examination but providing general language 16 behind that in order to future-proof particular 17 language by using Board-approved equivalent, so the 18 Board would not have to amend it if the testing agency 19 changes.

20 Dr. Swallow noted concerns regarding Senate Bill 21 871 of 2019 and encouraged the Board to review the 22 language.

Ms. Walter suggested Board members make comments on pending legislation through their local legislature and not as a member of the Board.

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Acting Commissioner Johnson recommended the Board 1 2 relay any concerns to Board Counsel. The Board 3 Counsel can relay the concerns to the Office of 4 Legislative Affairs and to not reach out directly as 5 Board members.] * * * 6 7 Report of Acting Commissioner 8 [K. Kalonji Johnson, Acting Commissioner, Bureau of 9 Professional and Occupational Affairs, addressed Board 10 access to pa.gov, noting it to be the only email 11 address the Board should be using. He mentioned the 12 Right-to-Know Law requirements. He stated to contact 13 the Office of Administration with any issues 14 concerning the pa.gov address. 15 Chairman Litman questioned whether someone from 16 information technology (IT) could address the Board. 17 Acting Commissioner will have someone from IT 18 available to assist the Board at the next or 19 subsequent meeting.

Acting Commissioner Johnson informed the Board of the security transition, where security will be provided by Capitol Police starting November 1, 2019. He also informed the Board that the lobby hours would be from 8:30 a.m. to 4:00 p.m. He noted no reentry into the building once a Board member leaves, unless

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they have security access or badges are keyed for 1 2 secured entry. He noted Capitol Police will be 3 actively checking badges, so anyone on Board-related 4 business or a Commonwealth employee are expected to 5 have their badges visible at all times. He noted 6 those without badges will be given a visitor's pass or 7 sign a login sheet before viewing one of the Board 8 meetings.] 9 * * * 10 [K. Kalonji Johnson, Acting Commissioner, Bureau of 11 Professional and Occupational Affairs, exited the 12 meeting at 10:22 a.m.] * * * 13 14 Report of Department of Health 15 [Arlene G. Seid, M.D., M.P.H., Medical Director of Quality Assurance, on behalf of Rachel Levine, M.D., 16 17 Physician General/Secretary of Health, Department of 18 Health, updated the Board on Act 96 of 2018 regarding e-Prescribing, which officially goes into effect 19 20 October 24, 2019. She noted FAQs were recently 21 updated on the department's website, and there will 22 not be any enforcement of Act 96 of 2018 until the 23 department has finished promulgating the regulation. Dr. Seid noted the 2019 Medication-Assisted 24 25 Treatment (MAT) Regional Summit with the Department of

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Health and Department of Drug and Alcohol programs are
convening eight regional MAT Summits scheduled through
November 14, 2019.

4 Dr. Seid noted the Department of Drug and Alcohol 5 and the Mid-Atlantic High-Intensity Drug Trafficking 6 Area programs are convening a Pennsylvania 7 Psychostimulant Symposium at the Best Western Premier 8 in Harrisburg on November 19, 2019. She mentioned 9 plenary sessions featuring speakers focusing on 10 multiple aspects of stimulant use disorders and dual 11 breakout sessions to provide participants with 12 opportunities to prioritize the most relevant training 13 opportunities. 14 Dr. Seid recommended checking the Department of 15 Health website for Act 96 of 2018 updates and to 16 contact the Pennsylvania Osteopathic Medical

17 Association (POMA), who has been in contact with the 18 department, if there are any issues or comments.] 19 ***

20 Report of Board Chairman - No Report 21 *** 22 Report of Vice Chair - No Report

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24 [Pursuant to Section 708(a)(5) of the Sunshine Act, at 25 10:22 a.m. the Board entered into Executive Session

* * *

with Kenneth J. Suter, Esquire, Board Counsel, and 1 Shana M. Walter, Esquire, Board Counsel, for the 2 3 purpose of conducting quasi-judicial deliberations and to receive legal advice from Board counsel. The Board 4 5 returned to open session at 11:25 a.m.] * * * 6 7 MOTIONS 8 MR. SUTER: 9 The Board was in executive session. The 10 purpose of the Executive Session was to 11 discuss items 2, 3, 4, 5, 6, 7, 8, 9, 12 10, 11, 13, 17, and 18 on the agenda. As a result of the executive session, I 13 understand the Board will entertain some 14 15 motions. 16 The first motion is to approve Item 17 No. 2 on the agenda, which is File No. 16-53-09458. This is a consent 18 19 agreement. 20 DR. SWALLOW: 21 So moved. 2.2 DR. MARK: 23 Second. 24 CHAIRMAN LITMAN: 25 All in favor?

16 [The motion carried unanimously. The Respondent's 1 2 name is Michael J. Sasso D.O.] * * * 3 4 MR. SUTER: 5 The next motion is to approve Item No. 3 6 on the agenda, which is File No. 19-53-7 002020. This is a consent agreement. 8 I understand the Board will 9 entertain a motion to approve the 10 consent agreement. 11 DR. TURSI: 12 So moved. DR. SEID: 13 14 Second. 15 CHAIRMAN LITMAN: All in favor? 16 17 [The motion carried unanimously. The Respondent's 18 name is Myron L. Rodos, D.O.] * * * 19 20 MR. SUTER: 21 The next motion the Board will entertain 22 is regarding Item No. 4 on the agenda. 23 It's File No. 17-53-13706. This is a 24 consent agreement. 25 DR. TURSI:

17 1 Move to approve. 2 DR. SWALLOW: 3 Second. 4 CHAIRMAN LITMAN: 5 All in favor? [The motion carried unanimously. The Respondent's 6 7 name is Susan Christine Mullooly, D.O.] * * * 8 9 MR. SUTER: 10 Next, we'll address items 5, 6, and 7 on 11 the agenda collectively. These are all 12 VRP agreements. They are for the respective files of File No. 19-53-13 14 008286, File No. 19-53-012890, and File 15 No. 19-53-014686. 16 DR. TURSI: 17 Motion to approve. DR. SWALLOW: 18 19 Second. 20 CHAIRMAN LITMAN: 21 All in favor? 22 [The motion carried unanimously.] 23 * * * 24 MS. WALTER: 25 Number 8 on the agenda. I believe the

18 Board would entertain a motion to accept 1 2 the proposed Adjudication and Order of 3 the hearing examiner in the matter of 4 Charles J. Gartland, D.O., File Nos. 19-53-001997 & 19-53-002237. 5 6 Motion to accept the proposed 7 Adjudication and Order by the hearing 8 examiner and direct counsel to adopt the 9 order as a final order. 10 DR. POGGI: 11 So moved. 12 DR. TURSI: Second. 13 14 CHAIRMAN LITMAN: All in favor? 15 16 [The motion carried unanimously.] * * * 17 MS. WALTER: 18 19 Number 9 on the agenda, Phillip Anthony 20 Helmbright, D.O., File Nos. 19-53-003199 21 & 17-53-02254. I believe the Board would entertain 2.2 23 a motion to accept the hearing 24 examiner's proposed Adjudication and 25 Order and direct counsel to prepare a

final order accepting that proposal. 1 2 DR. TURSI: 3 So moved. 4 DR. POGGI: 5 Second. 6 CHAIRMAN LITMAN: 7 All in favor? 8 [The motion carried unanimously.] * * * 9 10 MR. SUTER: The next motion that the Board will 11 12 entertain is regarding Item No. 10 on 13 the agenda, Kulbir Singh Rangi, D.O., File No. 19-53-000783. 14 I understand the motion will be to 15 16 adopt the hearing examiner's findings of facts and conclusions of law in 17 discussion but directing your Board 18 19 counsel to issue an order substituting 20 the Board's opinion for the order, which 21 basically will reflect much of the 2.2 provisions contained in the proposed 23 Adjudication and Order, making some 24 modifications and corrections to the 25 type of licensing issued as well as the

20 1 terms of probation. 2 DR. POGGI: 3 So moved. 4 DR. TURSI: 5 Second. 6 CHAIRMAN LITMAN: 7 All in favor? 8 [The motion carried unanimously.] * * * 9 10 MR. SUTER: 11 The next item is No. 11 on the agenda, 12 Binyamin Rothstein, D.O., File No. 19-13 53-004889. 14 I understand the Board will 15 entertain a motion to adopt the proposed 16 Adjudication and Order as the Board's 17 final Adjudication and Order. DR. TURSI: 18 19 So moved. 20 DR. POGGI: 21 Second. 22 CHAIRMAN LITMAN: 23 All in favor? 24 [The motion carried unanimously.] * * * 25

21 1 MR. SUTER: 2 The next item on the agenda that the 3 Board will entertain a motion for is 4 Item No. 13. This relates to Paul B. 5 Williams, D.O., File No. 15-53-07935. The issue in this case and the 6 7 motion regards the substitute practice 8 monitor. I understand the Board will 9 approve Mark Douglas Burd, M.D. as the 10 new substitute practice monitor in this 11 case. 12 DR. TURSI: 13 So moved. DR. POGGI: 14 15 Second. 16 CHAIRMAN LITMAN: 17 All in favor? 18 [The motion carried unanimously.] * * * 19 20 MR. SUTER: 21 The next item the Board will entertain a 22 motion for is an application. It's Item 23 No. 17 on the agenda, the Application of 24 Robert Anthony Sharp, D.O. 25 I understand the Board will

22 entertain a motion to approve this 1 2 application. 3 DR. TURSI: So moved. 4 5 DR. POGGI: 6 Second. 7 CHAIRMAN LITMAN: All in favor? 8 9 [The motion carried unanimously.] * * * 10 11 MR. SUTER: The last motion at this time is 12 13 regarding Item No. 18 on the agenda 14 regarding Stephen Iorfido, D.O. 15 I understand this is an application 16 for an Allied Health Professional 17 registration as a supervisor. The Board will entertain a motion for conditional 18 19 approval of the application with 20 modification, and the Board will ratify 21 that action at the next Board meeting. 22 DR. TURSI: 23 So moved. 24 DR. SEID: 25 Second.

23 CHAIRMAN LITMAN: 1 All in favor? 2 3 [The motion carried unanimously.] * * * 4 5 For the Board's Information/Discussion - Old/New 6 Business 7 [Kenneth J. Suter, Esquire, Board/Regulatory Counsel, addressed scam phone calls received across several of 8 9 the Boards regarding licensees being informed they owe 10 money to the Bureau of Professional and Occupational 11 Affairs (BPOA). 12 Chairman Litman suggested sending a letter to the 13 respective state societies and to also include information in a POMA newsletter. 14 15 Mr. Hollinger will send a bulk email to all 16 Pennsylvania training hospital contacts. 17 Mr. Hollinger addressed correspondence from the 18 Accreditation Council for Continuing Medical 19 Education's request for the Board to designate 20 Interprofessional Continuing Education (IPCE) credits 21 as acceptable to meeting continuing medical education 22 (CME) requirements for relicensure. 23 Dr. Tursi requested additional clarification 24 regarding ACCME requirements for medical lectures in 25 terms of performance objectives, behavioral

objectives, and the objectives of the lecture to see 1 2 if it parallels with the interprofessionals. 3 Dr. Tursi recommended sending a copy to POMA for 4 their input of how it would positively or negatively 5 affect their ability to provide CMEs. Chairman Litman referred to information released 6 7 by Penn State Health Milton S. Hershey Medical Center 8 with an Association of American Medical Colleges 9 (AAMC) label on it that was written to residency 10 applicants to Penn State Hershey, basically stating 11 that Pennsylvania is one of a few states that has 12 special rules about training and licensing for 13 osteopathic physicians who train in an allopathic 14 residency program and encouraging students to speak 15 with their medical schools, professional associations, 16 or the Pennsylvania State Board for Osteopathic Medicine for a more direct and authoritative 17 18 explanation. 19 Chairman Litman addressed a response received 20 from the Pennsylvania Osteopathic Association. Нe

from the Pennsylvania Osteopathic Association. He noted that President Goldman's understanding is if a graduate of an osteopathic medical school does all three years of family medicine residency training in an allopathic ACGME program that the resident is not allowed to practice in the state of Pennsylvania after

1 residency.

2	Chairman Litman explained that this is a
3	misunderstanding of words like approved internship and
4	approved residency and will respond to the letter
5	noting no loopholes in the Pennsylvania for a new
6	application. He also noted the need for a courtesy
7	letter to Hershey and a copy to POMA.
8	Dr. Tursi suggested sending a copy of the letter
9	to the current programs and state schools so the
10	residency directors have the proper answer.
11	Mr. Suter recommended working with the
12	Commissioner's Office as a joint letter with the
13	Commissioner and the Board Chair, being careful not to
14	give advisory opinions.
15	Dr. Tursi suggested mentioning changes by the
16	Board have been to expedite licensure in Pennsylvania,
17	not to prohibit.]
18	* * *
19	Adjournment
20	CHAIRMAN LITMAN:
21	Do I have a motion to adjourn?
22	DR. MARK:
23	So moved.
24	DR. SEID:
25	Second.

26 1 [The motion carried unanimously.] * * * 2 3 [There being no further business, the State Board of Osteopathic Medicine Meeting adjourned at 11:49 a.m.] 4 * * * 5 6 7 CERTIFICATE 8 9 I hereby certify that the foregoing summary 10 minutes of the State Board of Osteopathic Medicine 11 meeting, was reduced to writing by me or under my 12 supervision, and that the minutes accurately summarize 13 the substance of the State Board of Osteopathic 14 Medicine meeting. 15 16 17 18 Béhe, Α. Lori 19 Minute Clerk 20 Sargent's Court Reporting 21 Service, Inc. 22 23 24 25 26

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1 2 3 4 5 6 7	STATI	E BOARD OF OSTEOPATHIC MEDICINE REFERENCE INDEX	
5 4 5		October 23, 2019	
5 6 7	TIME	AGENDA	
8 9	9:35	Official Call to Order	
9 10 11	9:35	Approval of Minutes	
11 12 13	9:36	Report of Prosecutorial Division	
13 14 15	9:42	Report of Board Counsel	
15 16 17	10:02	Report of Regulatory Counsel	
18	10:10	Report of Department of Health	
19 20 21	10:13	Report of Acting Commissioner	
22	10:19	Report of Department of Health	
23 24 25 26		Executive Session Return to Open Session	
27	11:25	Motions	
28 29 30	11:34	For the Board's Information/Discussion	n
31	11:49	Adjournment	
32 33			
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