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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  
VIA VIDEOCONFERENCE**

TIME: 10:30 A.M.

Wednesday, December 9, 2020



1 \*\*\*

2 State Board of Osteopathic Medicine

3 December 9, 2020

4 \*\*\*

5 [Pursuant to Section 708(a)(5) of the Sunshine Act, at  
6 9:30 a.m. the Board entered into executive session  
7 with Kenneth J. Suter, Esquire, Board Counsel, for the  
8 purpose of conducting quasi-judicial deliberations and  
9 to receive legal advice from Board counsel. The Board  
10 returned to open session at 10:30 a.m.]

11 \*\*\*

12 The regularly scheduled meeting of the State  
13 Board of Osteopathic Medicine was held on Wednesday,  
14 December 9, 2020. Randy G. Litman, D.O., Chairman,  
15 called the meeting to order at 10:30 a.m.

16 \*\*\*

17 Approval of minutes of the October 14, 2020 meeting

18 CHAIRMAN LITMAN:

19 May I get an approval for the minutes  
20 from October 14, 2020?

21 DR. TURSI:

22 So moved.

23 DR. SWALLOW:

24 Second.

25 CHAIRMAN LITMAN:

1 All in favor?

2 [The motion carried unanimously.]

3 \*\*\*

4 Report of Prosecutorial Division

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

6 presented the Consent Agreement for Case No. 19-53-

7 010756.]

8 \*\*\*

9 MR. SUTER:

10 As a result of discussions in executive  
11 session, I understand the Board will  
12 entertain a motion to approve this  
13 Consent Agreement.

14 DR. TURSI:

15 So moved.

16 DR. SWALLOW:

17 Second.

18 CHAIRMAN LITMAN:

19 All in favor?

20 [The motion carried unanimously. The Respondent's  
21 name is Damon D. Cary, D.O.]

22 \*\*\*

23 [Adam L. Morris, Esquire, Board Prosecutor, presented  
24 the Consent Agreement for Case No. 20-53-007791.]

25 \*\*\*

1 MR. SUTER:

2 As a result of discussions in executive  
3 session, I understand the Board will  
4 entertain a motion to accept this  
5 Consent Agreement.

6 DR. TURSI:

7 So moved.

8 DR. SWALLOW:

9 Second.

10 CHAIRMAN LITMAN:

11 All in favor?

12 [The motion carried unanimously. The Respondent's  
13 name is Robert W. Schorschinsky, D.O.]

14 \*\*\*

15 Report of Board Counsel

16 [Kenneth J. Suter, Esquire, Board Counsel, noted the  
17 Board was in executive session prior to the meeting  
18 for the purpose of discussing items 3, 4, 5, 6, 7, 8,  
19 12, 13, and 14 on the agenda.]

20 \*\*\*

21 Proposed Reports from the Hearing Examination

22 MR. SUTER:

23 I am going to do the proposed reports of  
24 the hearing examiner collectively, which  
25 are items 5, 6, and 7.

1 I understand that the Board will  
2 entertain a motion to accept all of  
3 these proposed reports of the Final  
4 Adjudication and Order of the Board.

5 DR. TURSI:

6 So moved.

7 CHAIRMAN LITMAN:

8 Second?

9 DR. SWALLOW:

10 Second.

11 CHAIRMAN LITMAN:

12 All in favor?

13 [The motion carried unanimously.]

14 \*\*\*

15 MR. SUTER:

16 Item 8 on the agenda is an Adjudication  
17 and Order. This will have an  
18 Application for Review filed by the  
19 respondent.

20 I understand as a result of the  
21 discussions in executive session, the  
22 Board will be adopting the Adjudication  
23 and Order as the Final Adjudication and  
24 Order and direct Board counsel to  
25 address the issues for the Application

1 for Review.

2 DR. TURSI:

3 So moved.

4 DR. SWALLOW:

5 Second.

6 CHAIRMAN LITMAN:

7 All in favor?

8 [The motion carried unanimously.]

9 \*\*\*

10 Report of Regulatory Counsel

11 [Kenneth J. Suter, Esquire, Regulatory Counsel,  
12 addressed Act 41 regarding licensure by endorsement.

13 Mr. Suter referred to correspondence from the  
14 Pennsylvania Medical Society requesting the Board  
15 consider defining "actively engaged." He explained  
16 that the Board could require a certain number of hours  
17 for each type of license, noting the language in the  
18 regulation comes from the Act. The Act does not  
19 define it. He mentioned that the Board did not  
20 previously define it in the regulation, because the  
21 language provides the Board flexibility in terms of  
22 considering a person's complete picture.

23 Chairman Litman stated Act 41 was to meet a need  
24 for services that were unavailable in a state region,  
25 and the Board's intent was that the individual had

1 some active form of patient care in 2 of 5 years.

2 Mr. Suter emphasized that another jurisdiction  
3 under Act 41 could be anywhere in the world as long as  
4 it were substantially equivalent to the requirements  
5 of the Commonwealth in terms of licensure.

6 Marc Farrell, Deputy Policy Director, Department  
7 of State, commented that once the Board established  
8 that a jurisdiction was substantially equivalent, the  
9 next step would be to prevent someone from coming to  
10 the state who had zero continuing education (CE) and  
11 had not worked on any patients. He stated the concern  
12 is someone could receive a license somewhere else and  
13 keep it active for 5 years without doing any medicine  
14 at all.

15 Dr. Swallow questioned whether there was any  
16 relevance to the situation where a retired physician,  
17 who maintained a retired license and desired to do  
18 COVID work at a hospital's request, must then apply  
19 for an unrestricted license.

20 Mr. Suter explained that a waiver was approved to  
21 allow individuals back into the profession for COVID  
22 work. He noted setting that aside from the Act 41  
23 situation. The Act 41 situation is ongoing for the  
24 indefinite future, and the waiver expired at the end  
25 of October.



1           Mr. Farrell noted there was more movement with  
2 other boards not get too picky and define it too  
3 specifically. He stated leaving vague language  
4 provides the Board the discretion to review matters on  
5 a case-by-case basis, like 2 of the last 5 years  
6 actively practicing and leave it at that.

7           Mr. Farrell addressed difficulties meeting the  
8 requirements for endorsement or reciprocity, where  
9 individuals were kept out on technicality. He noted  
10 Act 41 to be a pathway for individuals and to give  
11 boards room to let individuals in without sacrificing  
12 the Board's safety and protection.

13           Mr. Suter mentioned the first hurdle was being  
14 substantially equivalent. He noted the Board has an  
15 Act 41 Committee to meet and discuss the case. He  
16 explained that it will ultimately be the Board's  
17 decision if the recommendation from the committee is  
18 to disapprove. He noted that approvals were within  
19 the context of that committee.

20           Chairman Litman stated Mr. Hollinger does an  
21 extensive background check to parallel the state  
22 requirements to see if their requirements were equal  
23 or approximated Pennsylvania before it was addressed  
24 in the committee.

25           Mr. Hollinger further explained the process,

1 where a curriculum vitae is asked of all applicants  
2 regardless of whether they are coming in through Act  
3 41 or not. He and Mr. Suter review the other board  
4 requirements where an individual holds an active  
5 license to see requirements in that jurisdiction to  
6 determine whether or not the other jurisdiction is  
7 substantially equivalent to that of Pennsylvania.

8 Chairman Litman questioned whether Mr. Suter  
9 looked at an alternative language instead of 2 of 5  
10 years actively engaged.

11 Mr. Suter explained that the Board is mandated to  
12 have 2 of 5 years by the act, but the Board could  
13 define what actively engaged means. He reminded the  
14 Board that they will see the regulation again because  
15 it has not gotten to the proposed regulation stage.  
16 He noted his intent for the exposure draft is to head  
17 off any issues down the road, so there are no issues  
18 when the regulation is moving along.]

19 \*\*\*

20 MR. SUTER:

21 At this point, just to make it official,  
22 I will propose a motion based upon  
23 discussions that the words "actively  
24 engaged" is not being defined in the  
25 regulation.

1 DR. TURSI:

2 So moved.

3 DR. SWALLOW:

4 Second.

5 CHAIRMAN LITMAN:

6 All in favor?

7 [The motion carried unanimously.]

8 \*\*\*

9 [Kenneth J. Suter, Esquire, Regulatory Counsel, noted  
10 the comment from the Pennsylvania Society of Physician  
11 Assistants (PSPA) was a clarification and did not make  
12 changes.

13 Mr. Suter mentioned receiving a letter of support  
14 for the regulation from the Pennsylvania Osteopathic  
15 Medical Association (POMA).

16 Mr. Suter noted the Pennsylvania Society for  
17 Respiratory Care (PSRC) had a number of issues and  
18 suggested Ms. Grey, because of her involvement in  
19 working of the language for respiratory therapists,  
20 present a response to the letter for the Board to  
21 consider.

22 Mr. Suter addressed Act 116 of 2020 regarding  
23 carryover of continuing education. He informed the  
24 Board that it passed legislation and is now an option  
25 that allows the Board to carryover continuing

1 education from one biennial renewal period to the  
2 next. He mentioned that credits could be limited.

3 Chairman Litman commented that carryover may be  
4 license-saving for candidates for renewal who have  
5 done more than required and in the subsequent renewal  
6 are 20 credits short because it would provide the  
7 opportunity to carryover those credits.

8 Dr. Tursi commented that it defeated the whole  
9 purpose of license credit requirements and believed it  
10 would be difficult to decide which get carried over  
11 and by whom.

12 Dr. Tursi expressed a concern with stockpiling  
13 credits by going to the same conferences and not going  
14 back to some of the courses. He mentioned the  
15 unintended consequences of how it may affect the  
16 bottom line of entities like the Pennsylvania Medical  
17 Society and POMA, who exist on their credit charge.

18 Ms. Grey suggested allowing some portion of the  
19 credit that is attended in the seat be carried forward  
20 in the event hospitals are overwhelmed and individuals  
21 cannot get out.

22 Chairman Litman discussed Category 1-A in-person  
23 credit and Category 2-B online credit. He stated 1-A  
24 credits would reflect what Dr. Tursi reviewed, which  
25 is the revenue of many organizations and suggested

1 limiting the number because people with hospital  
2 requirements or practice requirements cannot get away.  
3 He noted 2-B credits can be completed online, and  
4 there should be no reason to carry those over.

5 Mr. Suter noted the need to explore this further,  
6 because there were so many types of licensees for the  
7 Board. He stated the Board wanted limitations and an  
8 amount of credits that could be carried over depending  
9 on the type of license. He commented that Board  
10 counsel will provide a proposal.]

11 \*\*\*

12 Report of Board Chair

13 [Randy G. Litman, D.O., Chairman, noted Commissioner  
14 Johnson's kind words to all members of the Board.

15 Chairman Litman thanked all of the individuals at  
16 the state level who are working from home during the  
17 pandemic.

18 Chairman Litman addressed requests made from  
19 applicants applying for residency positions within the  
20 commonwealth. He noted questions regarding being  
21 unable, due to cancelations, to take the Comprehensive  
22 Osteopathic Medical Licensing Examination (COMLEX)  
23 Level 2-Performance Evaluation (PE) and due to their  
24 current stage in their training of not being able to  
25 take the COMLEX Level 3.

1 Chairman Litman stated the medical schools  
2 agreed, and he believed most had the Commission on  
3 Osteopathic College Accreditation (COCA) approval to  
4 graduate students that completed Level 1 of the COMLEX  
5 and Level 2-Cognitive Evaluation (CE) of the COMPLEX  
6 in order to graduate from medical school.

7 Chairman Litman noted clarification, where those  
8 who graduated from medical school and it has been  
9 approved by a COCA-accredited medical school that they  
10 graduate, then they are qualified to apply and obtain  
11 a training license for graduate medical education in  
12 the Commonwealth.

13 Chairman Litman also noted that those who apply  
14 for an unrestricted license, either during or upon  
15 completion of their residency, will have had to  
16 satisfy COMLEX Level 2-PE as well as COMLEX Level 3 to  
17 get that license.

18 Chairman Litman commented that as long as the  
19 individual receives a diploma from their school, the  
20 individual can obtain a graduate training license; and  
21 as long as the individual completes all parts of the  
22 COMLEX upon application for an unrestricted license, a  
23 license can be granted.

24 Mr. Hollinger further explained that based on the  
25 current regulations, the Board does not look at

1 examination results to issue graduate training  
2 licenses. He noted the COMLEX Level 2-PE Examination  
3 delay would not affect new graduates who will be  
4 entering the training programs because the Board did  
5 not ask for any examination scores for a training  
6 license.

7 Mr. Hollinger also stated they would have to pass  
8 all parts of the COMLEX Examination when applying for  
9 their unrestricted license according to the current  
10 regulations.]

11 \*\*\*

12 Report of Vice Chair

13 [William B. Swallow, D.O., Vice Chairman, informed the  
14 Board of his second term confirmation by the Senate  
15 and thanked Mr. Hollinger for his assistance in  
16 facilitating the process.

17 Chairman Litman congratulated Dr. Swallow on his  
18 reappointment, noting appreciation for his work.]

19 \*\*\*

20 Report of Commissioner - No Report

21 [K. Kalonji Johnson, Commissioner, Bureau of  
22 Professional and Occupational Affairs, extended  
23 gratitude for the kind words and further acknowledged  
24 it had been a privilege and a pleasure to work with  
25 the Board through what had been an unusual year. He

1 thanked Mr. Suter, Mr. Hollinger, and program staff  
2 for all of their hard work. He also thanked  
3 stakeholders and members of the public.

4 Commissioner Johnson offered his thoughts and  
5 prayers to all essential workers dealing with the  
6 pandemic and for ensuring public safety and health.]

7 \*\*\*

8 Report of Department of Health

9 [Mary Pat Howard, M.S., RN-BC, Executive Assistant of  
10 Quality Assurance, on behalf of Rachel Levine, M.D.,  
11 Physician General/Secretary of Health, updated the  
12 Board regarding COVID-19. She reported 436,614  
13 positive cases of COVID with 5,421 hospitalizations  
14 and 1,115 in the intensive care unit. She noted the  
15 positivity rate through December 3, 2020, was 14.4.  
16 She noted the Department of Health (DOH) website had a  
17 COVID-19 Data Dashboard for information.

18 Ms. Howard reported nursing and personal care  
19 homes had 40,541 resident cases of COVID-19 and 7,447  
20 employee cases at 1,349 different facilities out of  
21 the 66 counties. She noted everyone can sign up at  
22 [www.ready.pa.gov/beinformed/signup](http://www.ready.pa.gov/beinformed/signup) for updates and  
23 alerts.]

24 \*\*\*

25 Applications for Licensure - Unrestricted



1 MR. SUTER:

2 Item 12 on the agenda is an Application  
3 for Unrestricted Licensure of Matthew  
4 Joseph Carey, D.O.

5 I understand as a result of the  
6 discussions in executive session, the  
7 Board would entertain a motion to  
8 provisionally deny this license.

9 DR. SWALLOW:

10 So moved.

11 MS. GREY:

12 I'll second it.

13 CHAIRMAN LITMAN:

14 All in favor?

15 [The motion carried unanimously.]

16 \*\*\*

17 Applications for Licensure - Allied Health  
18 Professionals

19 MR. SUTER:

20 Items 13 and 14 are both Applications  
21 for Written Agreements by Corey Schutt,  
22 D.O. Both 13 and 14 are about this  
23 individual.

24 I understand the Board will  
25 entertain a motion, as a result of the

1 discussions in executive, to table both  
2 of these Written Agreements and direct  
3 the Board administrator to obtain  
4 additional information on the applicant.

5 DR. TURSI:

6 So moved.

7 DR. SWALLOW:

8 Second.

9 CHAIRMAN LITMAN:

10 All in favor?

11 [The motion carried unanimously.]

12 \*\*\*

13 Report of Board Administrator

14 [Aaron Hollinger, Board Administrator, noted recent  
15 Board reappointments of Dr. Swallow and Dr. Bulger,  
16 along with the new appointment of Dr. Dardarian.]

17 \*\*\*

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

20 [Aaron Hollinger, Board Administrator, noted the  
21 proposed 2022 Board meeting dates for the Board's  
22 approval. He informed the Board that 2021 meeting  
23 dates have been approved. He noted the next meeting  
24 date is February 10, 2021.]

25 \*\*\*

1 CHAIRMAN LITMAN:

2 Motion to approve?

3 DR. SWALLOW:

4 So moved.

5 MS. GREY:

6 Second.

7 CHAIRMAN LITMAN:

8 All in favor?

9 [The motion carried unanimously.]

10 \*\*\*

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

12 Business

13 MR. SUTER:

14 Are there any nominations for chair of  
15 the Board?

16 DR. TURSI:

17 I nominate Dr. Randy Litman for Chairman  
18 of the Board.

19 MR. SUTER:

20 Is there a second to that motion?

21 DR. SWALLOW:

22 Second.

23 CHAIRMAN LITMAN:

24 Any other nominations for chair?

25 MS. GREY:

1 I move that nominations are closed for  
2 chair.

3 MR. SUTER:

4 Thank you Ms. Grey. Is there a second  
5 to that motion?

6 DR. TURSI:

7 Second.

8 MR. SUTER:

9 All those in favor of closing  
10 nominations? Anybody opposed?  
11 Abstentions? All those in favor of Dr.  
12 Litman maintaining the chairmanship,  
13 signify by saying aye. Opposed?  
14 Abstentions? Congratulations, you  
15 remain the chair.

16 [The motion carried unanimously.]

17 \*\*\*

18 CHAIRMAN LITMAN:

19 May I have a nomination for vice chair?

20 DR. TURSI:

21 I nominate Dr. Swallow for vice chair.

22 MS. GREY:

23 Second.

24 CHAIRMAN LITMAN:

25 Do I have any other nominations for vice

1 chair?

2 MS. GREY:

3 I move that nominations are closed.

4 DR. TURSI:

5 Second.

6 CHAIRMAN LITMAN:

7 All in favor. Dr. Swallow has been  
8 unanimously affirmed as vice chair.

9 [The motion carried unanimously.]

10 \*\*\*

11 CHAIRMAN LITMAN:

12 May I have a nomination for secretary?

13 DR. SWALLOW:

14 I nominate Dr. Chris Poggi.

15 CHAIRMAN LITMAN:

16 May I have a second?

17 DR. TURSI:

18 Second.

19 CHAIRMAN LITMAN:

20 Do I have any further nominations?

21 DR. TURSI:

22 I move the nominations be closed.

23 DR. SWALLOW:

24 Second.

25 CHAIRMAN LITMAN:

1 All in favor. Dr. Poggi has been  
2 unanimously reelected as secretary of  
3 the Board.

4 [The motion carried unanimously.]

5 \*\*\*

6 [Chair Litman noted the next scheduled meeting date is  
7 February 10, 2021.]

8 \*\*\*

9 [Dr. Tursi thanked Mr. Suter for his work over and  
10 above what would be expected and hoped for future  
11 success in his next endeavor.]

12 \*\*\*

13 Adjournment

14 CHAIRMAN LITMAN:

15 May I have a motion to adjourn?

16 DR. SWALLOW:

17 So moved.

18 DR. TURSI:

19 Second.

20 CHAIRMAN LITMAN:

21 Thank you.

22 [The motion carried unanimously.]

23 \*\*\*

24 [There being no further business, the State Board of  
25 Osteopathic Medicine Meeting adjourned at 11:30 a.m.]

\*\*\*

## CERTIFICATE

1  
2  
3  
4  
5 I hereby certify that the foregoing summary  
6 minutes of the State Board of Osteopathic Medicine  
7 meeting, was reduced to writing by me or under my  
8 supervision, and that the minutes accurately summarize  
9 the substance of the State Board of Osteopathic  
10 Medicine meeting.

11  
12  
13 

14 Morgan McKendrick,

15 Minute Clerk

16 Sargent's Court Reporting  
17 Service, Inc.

18  
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STATE BOARD OF OSTEOPATHIC MEDICINE  
REFERENCE INDEX

December 9, 2020

TIME	AGENDA
9:30	Executive Session
10:30	Return to Open Session
10:30	Official Call to Order
10:30	Approval of Minutes
10:32	Report of Prosecutorial Division
10:32	Report of Board Counsel
10:34	Report of Regulatory Counsel
11:12	Report of Board Chair
11:16	Report of Vice Chair
11:18	Report of Department of Health
11:20	Applications for Licensure
11:23	Report of Board Administrator
11:25	For the Board's Information/Discussion
11:30	Adjournment