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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: 9:35 a.m.

PENNSYLVANIA DEPARTMENT OF STATE
Board Room C
2601 North Third Street
Harrisburg, Pennsylvania 17110

December 12, 2018

1 State Board of Osteopathic Medicine
2 December 12, 2018

3
4 BOARD MEMBERS:

5
6 Randy G. Litman, D.O., Chairman
7 Katelin Lambert, Deputy Commissioner, Bureau of
8 Professional and Occupational Affairs
9 William B. Swallow, D.O., Vice Chairman
10 Burton T. Mark, D.O., Secretary
11 Arlene G. Seid, M.D., M.P.H, Department of Health,
12 present on behalf of Rachel Levine, M.D.,
13 Secretary of Health
14 John B. Bulger, D.O.
15 Christopher S. Poggi, D.O. - Absent
16 Frank M. Tursi, D.O.

17
18
19 BUREAU PERSONNEL:

20
21 Kenneth Suter, Esquire, Board Counsel
22 Peter Kovach, Esquire, Senior Prosecutor in Charge
23 Keith Bashore, Esquire, Board Prosecutor
24 Andrea Costello, Esquire, Board Prosecutor
25 Aaron Hollinger, Board Administrator

26
27
28 ALSO PRESENT:

29
30 Diana M. Ewert, MPA, CAE, CEO, Pennsylvania
31 Osteopathic Medical Association
32 Andy Sandusky, Executive/VP/EVP/CEO/COO/Director,
33 Government Affairs Professional/Association
34 Management, Pennsylvania Osteopathic Medical
35 Association
36 Brenda R. Dill, Director of Communications and
37 Education, Pennsylvania Osteopathic Medical
38 Association
39 Michael DePalma, MHS, PA-C, Director at Large, Pennsylvania
40 Society of Physician Assistants
41 M. Brett Ricci, Department of Health
42 Andrew C. Harvan, PA Medical Society

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1 ***

2 State Board of Osteopathic Medicine

3 December 12, 2018

4 ***

5 The regularly scheduled meeting of the State
6 Board of Osteopathic Medicine was held on Wednesday,
7 December 12, 2018. Randy G. Litman, D.O., Chairman,
8 officially called the meeting to order at 9:35 a.m.
9 Roll call was taken.

10 Katelin Lambert, Deputy Commissioner, Bureau of
11 Professional and Occupational Affairs, was not present
12 at the commencement of the meeting.

13 ***

14 Approval of Minutes of October 24, 2018 meeting.

15 CHAIRMAN LITMAN:

16 Do I have a motion to accept?

17 DR. TURSI:

18 So moved.

19 CHAIRMAN LITMAN:

20 Second?

21 DR. MARK:

22 Second.

23 CHAIRMAN LITMAN:

24 All in favor? Opposed? Recusals?

25 Abstentions?

1 [The motion carried unanimously.]

2 ***

3 [John B. Bulger, D.O. and Burton T. Mark, D.O., exited
4 the meeting at 9:36 a.m.]

5 ***

6 Report of Prosecuting Attorney

7 [Keith E. Bashore, Esquire, Board Prosecutor,
8 presented the Consent Agreement for File No. 18-53-
9 004514.]

10 ***

11 [John B. Bulger, D.O. and Burton T. Mark, D.O., re-
12 entered the meeting at 9:38 a.m.]

13 ***

14 [Keith E. Bashore, Esquire, Board Prosecutor,
15 presented the Consent Agreement for File No. 18-53-
16 00168.]

17 ***

18 [Andrea Costello, Esquire, Board Prosecutor, announced
19 her departure from this Board's staff. Anita
20 Shekletski, Esquire, will be handling the VRPs going
21 forward.]

22 Ms. Costello presented VRP Consent Agreements for
23 File No. 18-53-006305 and File No. 18-53-006327.]

24 ***

25 Report of Regulatory Counsel

1 Interstate Medical Licensure Compact

2 [Peter Kovach, Esquire, Senior Prosecutor in Charge,
3 provided highlights of the Interstate Medical
4 Licensure Compact Act. He explained the Act enables
5 doctors to receive licensure in other Compact states.

6 Currently the principal licensure and letter of
7 qualifications is \$700 to the Compact state and then
8 licensure in every other state would be \$100 plus the
9 normal application fee.

10 Mr. Kovach referred to Article One of the Compact
11 for further discussion on telemedicine.

12 Mr. Kovach commented that this Act was a "quick
13 way of doing reciprocal licensure throughout the
14 country." He called attention to additional features
15 of the Act. Some of the logistics are still being
16 worked out.

17 Mr. Suter stated the Commissioner's Office is
18 hopeful for the implementation of this Act by the end
19 of the year, but further stated that Katelin Lambert's
20 opinion is that the implementation may not occur until
21 sometime next year.]

22 ***

23 Report of Board Counsel

24 [Kenneth Suter, Esquire, Board Counsel, stated the
25 proposed Preamble Fees regulation (16A-5334) was

1 within the Department for internal review.

2 Mr. Suter has been working with Dr. Tursi on
3 another regulation to address graduate training
4 residency and internship. He stated comments from the
5 American Osteopathic Association that the Board wanted
6 to adopt were incorporated within the draft. Mr.
7 Suter will have a draft of the preamble available at
8 the next meeting.

9 Mr. Suter discussed changes to § 25.251 of the
10 Proposed-Licensure Qualifications regulation (16A-
11 5335).]

12 ***

13 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
14 10:04 a.m. the Board entered into Executive Session
15 with Kenneth Suter, Esquire, for the purpose of
16 conducting quasi-judicial deliberations. The Board
17 returned to open session at 11:45 a.m.]

18 ***

19 [Katelin Lambert, Deputy Commissioner, Bureau of
20 Professional and Occupational Affairs, entered the
21 meeting during Executive Session.]

22 ***

23 MOTIONS:

24 MR. SUTER:

25 The Board was in Executive Session for

1 quasi-judicial deliberations. As a
2 result of the quasi-judicial
3 deliberations, there are some motions
4 before the Board.

5 The first motion is regarding Item
6 No. 3 on the agenda, File No. 18-53-
7 004514. And I understand that the Board
8 will entertain a motion to approve this
9 Consent Agreement.

10 Dr. Mark and Dr. Bulger did not
11 participate in deliberations and will not
12 vote.

13 DR. SWALLOW:

14 So moved.

15 DR. TURSI:

16 Second.

17 CHAIRMAN LITMAN:

18 All in favor?

19 [The motion carried. Dr. Mark and Dr. Bulger recused
20 from deliberations and voting on the motion. The
21 Respondent's name is Shannon Lee Swanson, D.O.]

22 ***

23 MR. SUTER:

24 The next matter is Item No. 4 on the
25 agenda. It is a Consent Agreement, File

1 No. 18-53-00168. I understand the Board
2 will entertain a motion to approve this
3 Consent Agreement.

4 CHAIRMAN LITMAN:

5 Do I have a motion?

6 DR. SEID:

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 E. Glen Friedman, D.O.]

14 ***

15 MR. SUTER:

16 The next motion I understand the Board
17 will entertain, and we'll take these
18 together, is Item Nos. 5 and 6 on the
19 agenda. These are both VRP agreements.
20 The respective File Nos. are 18-53-006305
21 and 18-53-006327.

22 DR. TURSI:

23 Motion to approve.

24 DR. SWALLOW:

25 Second.

1 CHAIRMAN LITMAN:

2 All in favor?

3 [The motion carried unanimously.]

4 ***

5 MR. SUTER:

6 The next item for consideration of a
7 motion is Item No. 7. Once again, the
8 same individuals are recused, Dr. Bulger
9 and Dr. Mark.

10 And this is Ashley Lauren Buxton,
11 L.R.T., File No. 17-53-13510. And this
12 is for approval of the Final Adjudication
13 and Order.

14 DR. SEID:

15 Motion.

16 DR. SWALLOW:

17 Second.

18 CHAIRMAN LITMAN:

19 All in favor?

20 [The motion carried. Dr. Bulger and Dr. Mark recused
21 from deliberations and voting on the motion.]

22 ***

23 MR. SUTER:

24 The next item is Item No. 8 on the
25 agenda. This is Patricia L. Sutton,

1 D.O., File No. 18-53-004850. Once again,
2 same three individuals are recused, Dr.
3 Poggi, Dr. Mark and Dr. Bulger.

4 And this was for consideration of two
5 motions filed by the Respondent and one
6 motion filed by the Commonwealth. And I
7 understand the Board will entertain a
8 motion to direct Counsel to deny the two
9 motions from the Respondent. The motion
10 from the Commonwealth will no longer be
11 an issue and, therefore, will not be
12 addressed, and to delegate this matter
13 back to a Hearing Examiner for review of
14 the Petition for Appropriate Relief.

15 DR. TURSI:

16 I move as stated by Counsel.

17 DR. SEID:

18 Second.

19 CHAIRMAN LITMAN:

20 All in favor?

21 [The motion carried. Dr. Poggi, Dr. Burton and Dr.
22 Bulger recused from deliberations and voting on the
23 motion.]

24 ***

25 MR. SUTER:

1 Item No. 9 on the agenda is the next
2 matter, Edward Arthur Blounts, Jr., D.O.,
3 File No. 12-53-9167.

4 And the Board is directing Counsel to
5 issue a Final Memorandum Order addressing
6 the Respondent's Application for Review
7 and adopting the Hearing Examiner's
8 Adjudication and Order substituting a
9 Board Order that would recognize the
10 period of time that has elapsed since the
11 Hearing Examiner's Adjudication and Order
12 essentially providing potential credit
13 for time that would have been served in
14 the disciplinary monitoring unit, which
15 now can potentially be eliminated due to
16 the passage of time.

17 DR. SWALLOW:

18 Move as stated by Counsel.

19 DR. TURSI:

20 Second.

21 CHAIRMAN LITMAN:

22 All in favor?

23 [The motion carried unanimously.]

24 ***

25 MR. SUTER:

1 Next on the agenda is Item No. 11. It is
2 an Application filed by Phillip Anthony
3 Helmbright, D.O. And I understand the
4 Board will entertain a motion for a
5 provisional denial of this licensure
6 application.

7 DR. SEID:

8 So moved.

9 DR. TURSI:

10 Second.

11 CHAIRMAN LITMAN:

12 All in favor?

13 [The motion carried unanimously.]

14 ***

15 MR. SUTER:

16 Next is Item 12, Kulbir Singh Rang,
17 D.O., I understand the Board will
18 entertain a motion for a provisional
19 denial of this application.

20 DR. TURSI:

21 So moved.

22 DR. SWALLOW:

23 Second.

24 CHAIRMAN LITMAN:

25 All in favor?

1 [The motion carried unanimously.]

2 ***

3 MR. SUTER:

4 Next on the agenda is Item 13, Petition
5 for Exception of COMLEX Attempt Limit
6 Policy of Selase Agbenoto. And I
7 understand Dr. Tursi has a motion on
8 this.

9 DR. TURSI:

10 Mr. Chairman, I make a motion that we
11 agree and approve the Petition for
12 Exception of the COMPLEX Attempt Limit
13 Policy.

14 DR. MARK:

15 Second.

16 CHAIRMAN LITMAN:

17 All in favor?

18 [The motion carried. Dr. Litman opposed the motion.

19 Dr. Seid abstained from voting on the motion.]

20 ***

21 MR. SUTER:

22 Next on the agenda is Item No. 14, the
23 Upcoming 2019 Board Meeting Dates.

24 The Board will entertain a motion to
25 approve the meeting dates, including the

1 June 12, 2019 proposed date.

2 DR. SWALLOW:

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 Next on the agenda are the Proposed 2020
12 Board Meeting Dates.

13 I understand the Board will entertain
14 a motion to approve these dates.

15 DR. TURSI:

16 So moved.

17 DR. SWALLOW:

18 Second.

19 CHAIRMAN LITMAN:

20 All in favor?

21 [The motion carried unanimously.]

22 ***

23 MR. SUTER:

24 Next on the agenda is Item No. 17. Can I
25 have a motion for the 2019 Federation of

1 State Medical Boards Annual Meeting April
2 25 through 27, 2019? And the Board is
3 entertaining a motion to send Dr. Mark as
4 the Board's representative with the usual
5 travel expenditures included.

6 DR. TURSI:

7 So moved.

8 DR. MARK:

9 Second.

10 CHAIRMAN LITMAN:

11 All in favor?

12 [The motion carried unanimously.]

13 ***

14 Election of Officers

15 MR. SUTER:

16 All of these items were discussed in
17 Executive Session as well as a report
18 from Dr. Seid as the representative from
19 the Department of Health, who provided
20 confidential numbers internally from the
21 Department.

22 The Act requires us to elect a Chair
23 and Secretary, although it's the normal
24 tradition of this Board to also elect a
25 Vice Chairperson.

1 DR. TURSI:

2 I'd like to make a motion we elect Dr.
3 Randy Litman for Chair, Dr. William
4 Swallow for Vice Chair, and Dr. Burton
5 Mark for Secretary.

6 DR. BULGER:

7 Second.

8 MR. SUTER:

9 Is there a motion to close nominations or
10 are there any other nominations?

11 DR. TURSI:

12 Motion to close nominations.

13 DR. BULGER:

14 Second.

15 MR. SUTER:

16 All those in favor of the motion simply
17 signify by saying aye? Opposed?
18 Abstentions?

19 [The motion carried unanimously.

20 ***

21 Report of Board Chair

22 [Randy G. Litman, D.O., Board Chairman, brought to the
23 Board's attention the receipt of questions regarding
24 the recent PDMP email regarding the use of
25 benzodiazepines and opioids on the same patient and

1 whether Board licenses would be in jeopardy. Dr.
2 Litman responded that it was advisory information.]

3 ***

4 Report of Vice Chairman - No Report

5 ***

6 Commissioner's Report

7 [Katelin Lambert, Deputy Commissioner, Bureau of
8 Professional and Occupational Affairs, updated Board
9 members on Allied Health Professions that expire on
10 December 31, 2018. She indicated that osteopathic
11 respiratory therapists are approximately 77 percent
12 completed; profusionists are roughly 66 percent
13 completed; and athletic trainers are nearly 57 percent
14 completed. She noted reminders would be sent out
15 regarding the renewals.

16 Ms. Lambert discussed the development of a written
17 agreement form in PALS for physician assistants. She
18 further noted that training will occur in January for
19 all hospitals and stakeholders at the Farm Show
20 Complex relating to the graduate medical training
21 licenses. An update will be provided to the Board at
22 its February meeting.

23 Ms. Lambert explained that discussions have
24 commenced with Interstate Medical Licensure Compact
25 (IMLC) with regard to linking workloads and web

1 services to the PALS system. She will also provide an
2 update at the next meeting.]

3 ***

4 Report of Department of Health

5 [Arlene G. Seid, M.D., M.P.H, Department of Health,
6 present on behalf of Rachel Levine, M.D., Secretary of
7 Health, noted the week of December 10 through 15,
8 2018, is Stop the Overdoses in PA - Get Help Now week.
9 She indicated that 80 locations across the state will
10 be providing a naloxone kit to anyone requesting one.

11 The hotline number to contact is 1-800-662-HELP
12 (4357).]

13 ***

14 Adjournment

15 CHAIRMAN LITMAN:

16 I'll take a motion for adjournment of
17 open session.

18 DR. MARK:

19 So moved.

20 DR. SEID:

21 Second.

22 ***

23 [There being no further business, the State Board of
24 Osteopathic Medicine meeting adjourned at 12:02 p.m.]

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CERTIFICATE

I hereby certify that the foregoing summary minutes of the State Board of Osteopathic Medicine 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.



Seth R. Baier,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF OSTEOPATHIC MEDICINE
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TIME	AGENDA
9:35	Official Call to Order
9:35	Adoption of Minutes
9:36	Report of Prosecutorial Division
9:43	Report Of Regulatory Counsel
9:43	Report of Board Counsel
10:04	Executive Session
11:45	Return to Open Session
11:45	Motions
11:57	Report of Board Chair
11:58	Report of Commissioner
12:01	Report of Department of Health
12:02	Adjournment