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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: 10:34 A.M.

Held at

**PENNSYLVANIA DEPARTMENT OF STATE**

2601 North Third Street

One Penn Center, Board Room C

Harrisburg, Pennsylvania 17110

as well as

**VIA MICROSOFT TEAMS**

Wednesday, December 14, 2022

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State Board of Osteopathic Medicine  
December 14, 2022

BOARD MEMBERS:

- Arion R. Claggett, Acting Commissioner, Bureau of Professional and Occupational Affairs
- Carolyn Byrnes, M.P.H., C.P.H., Department of Health on behalf of Denise A. Johnson, M.D., Acting Secretary of Health
- William B. Swallow, D.O., Chairman
- John B. Bulger, D.O., Vice Chairman - Absent
- Bette A. Grey, BA, RRT, CPFT, Secretary
- Thomas S. Dardarian, D.O.
- Joseph M. Zawisza, D.O.
- Hillary D. Snyder, MSPAS, PA-C

BUREAU PERSONNEL:

- Dean F. Picarella, Esquire, Senior Board Counsel
- Dana M. Wucinski, Esquire, Board Counsel
- Shana M. Walter, Esquire, Board Counsel
- Jason T. Anderson, Esquire, Board Prosecution Liaison
- Adam Williams, Esquire, Board Prosecutor
- Kelsey Ashworth, Esquire, Board Prosecutor
- Mark R. Zogby, Esquire, Board Prosecutor
- Nichole Wray, Board Administrator
- Holly Hoffman, Law Clerk, Department of State
- Marc Farrell, Acting Policy Director, Office of Policy, Department of State
- Danie Bendesky, Director of Intergovernmental Affairs, Department of State
- Carolyn DeLaurentis, Esquire, Deputy Chief Counsel
- Jasmira Hunter, Board Administrator

ALSO PRESENT:

- Andrea Wandling, Human Resources Manager, Pennsylvania Association of Community Health Centers
- Andy Sandusky, Executive Vice President, Public Policy and Association Affairs, Pennsylvania Osteopathic Medical Association
- Jennifer Smeltz, Republican Executive Director, Senate Consumer Protection & Professional Licensure Committee
- Susan DeSantis, PA-C, Pennsylvania Society of Physician Assistants
- Kathryn Witherow

1 \*\*\*

2 State Board of Osteopathic Medicine

3 December 14, 2022

4 \*\*\*

5 [Pursuant to Section 708(a)(5) of the Sunshine Act,  
6 at 9:30 a.m. the Board entered into Executive Session  
7 with Dana M. Wucinski, Esquire, Board Counsel, and  
8 Shana M. Walter, Esquire, Board Counsel, for the  
9 purpose of conducting quasi-judicial deliberations on  
10 a number of matters that are currently pending before  
11 the Board and to receive the advice of counsel. The  
12 Board returned to open session at 10:30 a.m.]

13 \*\*\*

14 Acting Commissioner Claggett informed Ms. Grey  
15 that she would have to abstain from voting since her  
16 camera was not working.]

17 \*\*\*

18 The regularly scheduled meeting of the State  
19 Board of Osteopathic Medicine was held on Wednesday,  
20 December 14, 2022. William B. Swallow, D.O.,  
21 Chairman, called the meeting to order at 10:34 a.m.

22 \*\*\*

23 [William B. Swallow, D.O., Chairman, reminded  
24 everybody that the Board meeting was being recorded,  
25 and their voluntary participation constituted consent

1 to be recorded.]

2 \*\*\*

3 Roll Call/Introductions

4 [Nichole Wray, Board Administrator, provided an  
5 introduction of the Board members, staff, and  
6 audience in attendance.]

7 \*\*\*

8 Approval of minutes of the October 12, 2022 meeting

9 CHAIRMAN SWALLOW:

10 Next on the agenda is approval of the  
11 minutes. You have all received a copy  
12 via email.

13 Are there any additions or  
14 corrections? Hearing none.

15 Is there a motion to approve?

16 MS. SNYDER:

17 So moved.

18 CHAIRMAN SWALLOW:

19 Second?

20 DR. ZAWISZA:

21 Second.

22 CHAIRMAN SWALLOW:

23 Are there any additions or corrections?

24 Hearing none.

25 Is there a motion to approve?

1 MS. SNYDER:

2                               So moved.

3 CHAIRMAN SWALLOW:

4                               Second?

5 DR. ZAWISZA:

6                               Second.

7 CHAIRMAN SWALLOW:

8                               Any discussion?   Hearing none.   Niki,  
9                               would you call the vote, please?

10

11                               Mr. Claggett, aye; Ms. Byrnes, aye; Dr.  
12                               Swallow, aye; Ms. Grey, abstain; Dr.  
13                               Dardarian, aye; Dr. Zawisza, aye; Ms.  
14                               Snyder, aye.

15 [The motion carried.   Bette Grey abstained from  
16 voting on the motion.]

17

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18 Report of Prosecuting Attorneys

19 [Jason T. Anderson, Esquire, Board Prosecution  
20 Liaison, presented the VRP Consent Agreement for Case  
21 No. 22-53-016353.]

22

\*\*\*

23 [Adam J. Williams, Esquire, Board Prosecutor,  
24 presented the Consent Agreement for Case No. 22-53-  
25 012679.]

1 MS. WALTER:

2 Pursuant to Section 708(a)(5) of the  
3 Sunshine Act, the Board entered into  
4 Executive Session at 9:30 a.m. for the  
5 purpose of conducting quasi-judicial  
6 deliberations on items on the agenda,  
7 specifically Consent Agreements and  
8 item 6, the Application of Dr. Evans.

9 I believe the Board would entertain  
10 a motion to accept the Consent  
11 Agreement at Case No. 22-53-016353.

12 CHAIRMAN SWALLOW:

13 Is there a motion?

14 MS. SNYDER:

15 So moved.

16 CHAIRMAN SWALLOW:

17 Second?

18 DR. ZAWISZA:

19 Second.

20 CHAIRMAN SWALLOW:

21 Any discussion? Hearing none. Ms.  
22 Wray.

23

24 Mr. Claggett, aye; Ms. Byrnes, aye; Dr.  
25 Swallow, aye; Dr. Dardarian, aye; Dr.

1                   Zawisza, aye; Ms. Snyder, aye.  
2 [The motion carried. Bette Grey abstained from  
3 voting on the motion.]

4   \*\*\*

5 MS. WALTER:

6                   I believe the Board would entertain a  
7 motion to accept the Consent Agreement  
8 at number 4 on the agenda at Case No.  
9 22-53-012679.

10 CHAIRMAN SWALLOW:

11                   Is there a motion?

12 MS. SNYDER:

13                   So moved.

14 CHAIRMAN SWALLOW:

15                   Second?

16 DR. ZAWISZA:

17                   Second.

18 CHAIRMAN SWALLOW:

19                   Any discussion? Hearing none. Ms.  
20 Wray.

21

22                   Mr. Claggett, aye; Ms. Byrnes, aye; Dr.  
23 Swallow, aye; Dr. Dardarian, aye; Dr.  
24 Zawisza, aye; Ms. Snyder, aye.

25 [The motion carried. Bette Grey abstained from

1 voting on the motion. The Respondent's name is  
2 Gabriel G. Ruggiero, D.O.]

3 \*\*\*

4 Report of Board Counsel - Final Adjudications for  
5 Board Approval

6 MS. WUCINSKI:

7 I believe the Board would entertain a  
8 motion to adopt as final the Draft  
9 Adjudication and Order for Christopher  
10 Shaun Evans, D.O., Case No. 20-53-  
11 001954, noting Dr. Swallow is recused.

12 CHAIRMAN SWALLOW:

13 Is there a motion?

14 MS. SNYDER:

15 So moved.

16 CHAIRMAN SWALLOW:

17 Second?

18 DR. ZAWISZA:

19 Second.

20 CHAIRMAN SWALLOW:

21 Any further discussion? Hearing none.

22 Ms. Wray.

23

24 Mr. Claggett, aye; Ms. Byrnes, aye; Dr.

25 Dardarian, aye; Dr. Zawisza, aye; Ms.



1 Snyder, aye.  
2 [The motion carried. Bette Grey abstained from  
3 voting on the motion. William Swallow recused  
4 himself from deliberations and voting on the motion.]

5

6

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7 Miscellaneous

8 MS. WUCINSKI:

9 I believe the Board would entertain a  
10 motion to deny the Request of David  
11 Tabby, D.O. to reinstate his license  
12 to probationary status prior to the  
13 agreed upon date at Case No. 21-53-  
14 010256. The Board will  
15 administratively reinstate his license  
16 to probationary status on January 27,  
17 2023.

18 CHAIRMAN SWALLOW:

19 Do I have a motion?

20 MS. SNYDER:

21 So moved.

22 CHAIRMAN SWALLOW:

23 Second?

24 DR. ZAWISZA:

25 Second.

1 CHAIRMAN SWALLOW:

2 Any further discussion? Hearing none.

3 Ms. Wray.

4

5 Mr. Claggett, aye; Ms. Byrnes, aye; Dr.

6 Swallow, aye; Ms. Grey, abstain; Dr.

7 Dardarian, aye; Dr. Zawisza, aye; Ms.

8 Snyder, aye.

9 [The motion carried. Bette Grey abstained from  
10 voting on the motion.]

11

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12 Report of Board Counsel - FSMB Attorney Workshop

13 [Dana M. Wucinski, Esquire, Board Counsel, informed

14 Board members of her attendance at the Federation of

15 State Medical Boards (FSMB) Board Attorneys Workshop

16 in San Diego, where she spoke with attorneys from

17 medical and osteopathic boards and shared information

18 on best practices and current issues pertinent to

19 board attorneys.

20 Ms. Wucinski addressed a session, Does Free

21 Speech Protect COVID-19-related Misinformation and

22 Disinformation, where Carl Coleman, JD, Professor of

23 Law and Academic Director, Division of Online

24 Learning Seton Hall Law School, discussed

25 constitutional limits on disciplinary actions and

1 pointed out that courts would have to use a strict  
2 scrutiny standard for content-based restrictions.

3 Ms. Wucinski mentioned discussion regarding the  
4 difference between misinformation made by a physician  
5 to the public versus a client-patient relationship  
6 and whether misinformation is spread with the  
7 knowledge it is false with reckless disregard.

8 Ms. Wucinski also discussed another session,  
9 Dobbs Decision: Post-Roe Considerations for  
10 Licensing Boards, pertaining to regulatory efforts,  
11 bills, and executive orders and how the Interstate  
12 Medical Licensure Compact is impacted by Dobbs.

13 Ms. Wucinski noted there were various other  
14 sessions, including State of the States, where they  
15 compared how their state handles other state issues.]

16

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17 Report of Regulatory Counsel - Other

18 [Dana M. Wucinski, Esquire, Board Counsel, informed  
19 Board members that 16A-66 regarding Act 53 was  
20 published as proposed on November 18 and would have a  
21 30-day public comment period.

22 Ms. Walter also noted House Bill 2847 of 2022 for  
23 the Board's review.

24 Ms. Wucinski referred to House Bill 2915  
25 regarding reproductive health services for the

1 Board's review. She stated the bill was introduced  
2 to ensure licensed professionals cannot be penalized  
3 for performing reproductive health services on an  
4 individual who resides outside of Pennsylvania where  
5 such services may be illegal.

6 Ms. Wucinski noted the legislation would also  
7 allow people to bring civil action against any entity  
8 that entered judgment against them in another  
9 jurisdiction. She mentioned that it would also  
10 prohibit the issuance of subpoenas, summons, or  
11 extradition of a person to another state for  
12 reproductive health services they legally performed  
13 in Pennsylvania. She noted the bill was introduced  
14 on November 2, 2022.]

15 \*\*\*  
16 Report of Board Chair - No Report

17 \*\*\*  
18 Report of Vice Chair - No Report

19 \*\*\*  
20 Report of Acting Commissioner - No Report

21 \*\*\*  
22 Report of Department of Health  
23 [Carolyn Byrnes, M.P.H., C.P.H., Department of  
24 Health, addressed COVID-19, influenza, and  
25 respiratory syncytial virus (RSV), stating that

1 hospital beds and pediatric beds have been  
2 constrained, along with having shortages of pediatric  
3 amoxicillin and Tamiflu. She noted hospital and  
4 Intensive Care Unit (ICU) bed availability is posted  
5 on their COVID-19 Dashboard and is updated on  
6 Wednesdays. She reported 18 percent of ICU beds are  
7 available, 17 percent of medical-surgical beds, 5  
8 percent of ICU pediatric beds, and 24 percent of  
9 pediatric beds.

10 Ms. Byrnes provided influenza data for the week  
11 ending December 3, 2022, where seasonal influenza  
12 activity in Pennsylvania and the United States is  
13 high. She noted influenza A, B, and C have been  
14 identified by lab testing but influenza A is  
15 dominant. She stated 74,832 laboratory-confirmed  
16 influenza cases have been reported this season to  
17 date. She noted flu-like illness is higher than  
18 usual for this time of year and reported eight  
19 confirmed influenza-associated deaths. She invited  
20 everyone to visit the 2022-2023 Influenza Season Data  
21 page and noted they could go to [vaccines.gov](https://www.vaccines.gov) to find  
22 a flu vaccine.

23 Ms. Byrnes stated the Department of Health issued  
24 a health alert regarding RSV on October 28. She  
25 mentioned the Centers for Disease Control and

1 Prevention (CDC) is collecting RSV surveillance data  
2 from states and could be viewed on their website.

3 Ms. Byrnes reported over 3.3 million COVID-19  
4 cases. She addressed the week ending December 6,  
5 2022, showing 1,191 cases per day and 1,264  
6 hospitalizations and 48,527 reported deaths. She  
7 discussed COVID community levels, noting 41 counties  
8 in Pennsylvania are green, 20 are yellow, and 6 are  
9 orange.

10 Ms. Byrnes reported over 26.6 million COVID  
11 vaccinations have been administered with 76.4 percent  
12 of those 5 and over completing their primary series,  
13 which is 72.9 percent of the United States  
14 population.

15 Ms. Byrnes reminded everyone that bivalent  
16 boosters are now available and could be received at  
17 least two months after the last COVID dose. She  
18 noted a low uptick on boosters for all ages. She  
19 informed everyone that the CDC has added COVID  
20 vaccines to the list of vaccines for children.

21 Ms. Byrnes addressed monkeypox, noting over  
22 82,000 cases globally with 29,711 confirmed in the  
23 United States. She reported 858 confirmed cases in  
24 Pennsylvania and reminded everyone the JYNNEOS  
25 vaccine is available. She referred to a Morbid and

1 Mortality Weekly Report (MMWR) from the CDC showing  
2 the effectiveness of the vaccine and offered to  
3 provide the link.

4 Ms. Byrnes reported a rise in syphilis cases over  
5 the past five years with 39 confirmed cases of  
6 congenital syphilis excluding Philadelphia since  
7 2018. She encouraged people to practice safe sex and  
8 use condoms to prevent syphilis and noted the  
9 importance of testing, especially during the first  
10 prenatal visit, third trimester, and delivery. She  
11 noted syphilis can be treated and cured with  
12 antibiotics.

13 Ms. Byrnes stated Dr. Johnson issued an opposite  
14 editorial addressing domestic violence and offered to  
15 share the link. She provided the National Domestic  
16 Violence Hotline number at 1-800-799-7233.

17 Dr. Dardarian asked whether there was any data  
18 showing the uptick in influenza cases were in the  
19 vaccinated population or mainly the unvaccinated  
20 population.

21 Ms. Byrnes offered to provide the information at  
22 a later time because she did not have the data  
23 available.]

24 \*\*\*

25 Report of Board Administrator

1 [Nichole Wray, Board Administrator, provided  
2 corrections from the last meeting regarding  
3 continuing education as it relates to renewals. She  
4 noted most of what was said at the last meeting is  
5 still valid.

6 Ms. Wray addressed renewals, noting that licenses  
7 that expired October 31, 2022, and extended to  
8 November 30, 2022, but were unable to submit a  
9 renewal due to the PALS system being down were given  
10 additional time and had until the end of December 7,  
11 2022. She stated renewal has officially closed for  
12 those individuals and addressed the process for those  
13 who did not successfully submit a renewal  
14 application.

15 Acting Commissioner Claggett clarified that the  
16 renewal period ended November 30, 2022, and the date  
17 up until December 7, 2022, is processing time for  
18 renewals.

19 Ms. Wray noted renewals are still open for  
20 genetic counselors, athletic trainers, perfusionists,  
21 and respiratory therapists who expire on December 31,  
22 2022. She mentioned there are several boards in  
23 renewals, and the system can get very overloaded  
24 toward those deadlines.

25 Ms. Wray encouraged anyone with questions



1 concerning renewals to call or email the Board at st-  
2 osteopathic@pa.gov or submit a PALS ticket through  
3 their PALS account. She mentioned they are  
4 experiencing longer than normal wait times due to the  
5 sheer volume and appreciated everyone's patience.]

6

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7 For the Board's Information/Discussion - Old  
8 Business/New Business - Meeting Dates  
9 [William B. Swallow, D.O., Chairman, noted upcoming  
10 2023 and proposed 2024 Board meeting dates.

11 Ms. Wray informed Board members that some of the  
12 2024 dates deviate from the usual Board meetings on  
13 every second Wednesday of every other month due to  
14 the availability of certain dates.]

15 CHAIRMAN SWALLOW:

16 Is there a motion to accept the  
17 proposed dates for 2024?

18 MS. SNYDER:

19 So moved.

20 DR. ZAWISZA:

21 Second.

22 CHAIRMAN SWALLOW:

23 It has been properly moved and  
24 seconded. Any discussion? Hearing  
25 none. Ms. Wray.

1

2

Mr. Claggett, aye; Ms. Byrnes, aye; Dr.

3

Swallow, aye; Dr. Dardarian, aye; Dr.

4

Zawisza, aye; Ms. Snyder, aye.

5

[The motion carried. Bette Grey abstained from

6

voting on the motion.]

7

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8

For the Board's Information/Discussion - Annual

9

Election of Officers

10

[William B. Swallow, D.O., Chairman, recommended

11

election of officers be tabled until all Board

12

members are present.]

13

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14

For the Board's Information/Discussion - Review

15

Members for Applications Committee and Probable

16

Cause Screening Committee

17

[William B. Swallow, D.O., Chairman, noted that the

18

Board would be gaining a new Board member and

19

believed that person should be present when review of

20

appointments for the Applications Committee and

21

Probable Cause Screening Committee is conducted.]

22

CHAIRMAN SWALLOW:

23

I would ask for a motion to table items

24

13, 14, and 15 on the agenda to the

25

February Board meeting.

1 MS. SNYDER:

2 So moved.

3 DR. ZAWISZA:

4 Second.

5 CHAIRMAN SWALLOW:

6 Any discussion? Hearing none. Ms.  
7 Wray.

8

9 Mr. Claggett, aye; Ms. Byrnes, aye; Dr.  
10 Swallow, aye; Dr. Dardarian, aye; Dr.  
11 Zawisza, aye; Ms. Snyder, aye.

12 [The motion carried. Bette Grey abstained from  
13 voting on the motion.]

14 \*\*\*

15 Adjournment

16 CHAIRMAN SWALLOW:

17 Motion to adjourn, please.

18 MS. SNYDER:

19 So moved.

20 DR. ZAWISZA:

21 Second.

22 CHAIRMAN SWALLOW:

23 We stand adjourned.

24 \*\*\*

25 [There being no further business, the State Board of

1 Osteopathic Medicine Meeting adjourned at 11:05 a.m.]

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4

CERTIFICATE

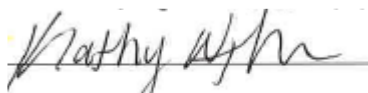
5

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

12

13

14



15

Kathryn Witherow,

16

Minute Clerk

17

Sargent's Court Reporting

18

Service, Inc.

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STATE BOARD OF OSTEOPATHIC MEDICINE  
REFERENCE INDEX

December 14, 2022

TIME	AGENDA
9:30	Executive Session
10:30	Return to Open Session
10:34	Official Call to Order
10:34	Roll Call/Introductions
10:35	Approval of Minutes
10:36	Report of Prosecuting Attorneys
10:41	Report of Board Counsel
10:42	Miscellaneous
10:44	Report of Board Counsel (cont.)
10:46	Report of Regulatory Counsel
10:48	Report of Department of Health
10:56	Report of Board Administrator
11:01	For the Board's Information/Discussion
11:12	Adjournment