

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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: 9:36 a.m.

BOARD ROOM C

One Penn Center

2601 North Third Street

Harrisburg, Pennsylvania 17110

Wednesday, August 9, 2017

1 State Board of Osteopathic Medicine
2 August 9, 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
12 John B. Bulger, D.O.
13 Randy G. Litman, D.O.
14 David A. Palmer, C.C.P., L.P.
15 William B. Swallow, D.O.
16
17

18 BUREAU PERSONNEL:

19
20 Teresa Lazo, Esquire, Board Counsel
21 Wesley Rish, Esquire, Board Counsel
22 Mark R. Zogby, Esquire, Board Prosecutor
23 Jason Anderson, Esquire, Board Prosecutor
24 Andrea Costello, Esquire, Board Prosecutor
25 Bridget Guilfoyle, Esquire, Board Prosecutor
26 Aaron Hollinger, Board Administrator
27
28

29 ALSO PRESENT:

30
31 Denise Getgen, Director, Pennsylvania Department of
32 Aging Protective Services
33 Tina Kotsalos, Director, Investor Education and
34 Consumer Outreach, Department of Banking and
35 Securities
36 Andrew Harvan, Pennsylvania Medical Society (PAMED)
37 Pam Minardi, PA-C, Pennsylvania Society of
38 Physician Assistants (PSPA)
39 Bruce Hironimus, Pennsylvania Osteopathic Medicine
40 Association (POMA)
41 Michael Ashburn, M.D., M.P.H., M.B.A., Penn Medicine
42 Mary Marshall, Hospital Association of
43 Pennsylvania (HAP)
44 Binyamin Rothstein, D.O.
45 Jay Rothstein
46 Diana Ewert, Pennsylvania Osteopathic Medicine
47 Association (POMA)
48 Brenda Dill, Pennsylvania Osteopathic Medicine
49 Association (POMA)
50

1 ***

2 State Board of Osteopathic Medicine

3 August 9, 2017

4 ***

5 The regularly scheduled meeting of the State
6 Board of Osteopathic Medicine was held on Wednesday,
7 August 9, 2017. Frank M. Tursi, D.O., Chairman,
8 called the meeting to order at 9:36 a.m.

9 It was noted the Committee on Application
10 Requirements met prior to the commencement of this
11 meeting.

12 ***

13 Approval of Minutes of the June 14, 2017 meeting

14 CHAIRMAN TURSI:

15 Approval of the minutes of June 14.

16 DR. BULGER:

17 Approval.

18 DR. SWALLOW:

19 Seconded.

20 CHAIRMAN TURSI:

21 Hearing none. All in favor?

22 [The motion carried unanimously.]

23 ***

24 Appointments - Rachel Levine, M.D., and Michael

25 Ashburn, M.D. - Pennsylvania Medical Students Core

1 Competencies

2 [Rachel Levine, M.D., Physician General, presented
3 before the Board to discuss the 2016 Drug Enforcement
4 Agency (DEA) report. Dr. Levine noted over 4,600
5 overdose deaths recently in Pennsylvania. Dr. Levine
6 noted involvement from the Department of State,
7 Department of Health and Human Services, and the
8 Department of Drug and Alcohol.

9 Dr. Levine reviewed prevention and the current
10 work on prescribing guidelines, as well as the
11 completion of the pediatric and adolescent guidelines
12 and the start of work on chronic noncancer pain
13 guidelines.

14 Dr. Levine discussed education with the
15 development of core competencies, which became a
16 legislative mandate last fall. Legislature passed a
17 Bill, signed by the Governor, requiring medical
18 schools, osteopathic medical schools, and other
19 healthcare professionals as well all prescribers and
20 dispensers to develop core competencies.

21 Dr. Levine stated this mandate was brought to the
22 Board of Allopathic Medicine for their consideration
23 and approval. This Board's consideration and approval
24 of the mandate is the next step.

25 Dr. Ashburn addressed the clinical practice

1 guidelines developed and endorsed by the State. He
2 discussed the need for a balance when prescribing
3 opioid medications for chronic noncancer pain or acute
4 pain. Dr. Ashburn stated 75 percent of individuals
5 who misuse opioids started with prescription opioids.

6 Dr. Ashburn noted that Dr. Levine started this
7 task force in 2015 in order to promote a better system
8 to educate medical students in training.

9 Dr. Ashburn discussed The Centers for Disease
10 Control and Prevention (CDC) Guidelines regarding
11 opioid use.

12 Dr. Ashburn stated that starting July 1, 2017,
13 this topic must be incorporated into medical school
14 education based on State Law.]

15 CHAIRMAN TURSI:

16 Would someone like to move?

17 DR. POGGI:

18 So moved.

19 DR. MARK:

20 Second.

21 CHAIRMAN TURSI:

22 Any further discussion? All in favor?

23 Any opposed?

24 [The motion carried unanimously.]

25

1 [Ian J. Harlow, Commissioner of Professional and
2 Occupational Affairs, and Frank M. Tursi, D.O.,
3 Chairman, exited the meeting at 10:00 a.m.]

4

5 Appointment - Pennsylvania Department of Banking and
6 Securities - Elderly Financial Abuse Prevention
7 Awareness

8 [Denise Getgen, Director of the Pennsylvania
9 Department of Aging Protective Services, and Tina
10 Kotsalos, Director of the Investor Education and
11 Consumer Outreach, Department of Banking and
12 Securities, presented before the Board to discuss
13 elder financial exploitation. A video regarding the
14 matter was shown.

15 Ms. Kotsalos discussed the role of the Department
16 of Banking and Securities in the matter. She stated
17 the department regulates all of the financial
18 institutions in Pennsylvania. She educates the
19 community on fraud abuse and the reporting of fraud
20 abuse.

21 Ms. Getgen commented on elder abuse growth
22 annually. She discussed self-neglect, caregiver
23 neglect, and financial exploitation. She reviewed the
24 importance of the role of physicians in the matter.

25 The Pennsylvania Law mandates the Older Adults

1 Protective Service Act and voluntary reporting. Ms.
2 Getgen noted immunity for people who report in good
3 faith.

4 Ms. Getgen stated concerned citizens should
5 contact their local Area Agency on Aging to assess the
6 situation and send an investigator. The outcome may
7 be substantial or unsubstantial.

8 Ms. Kotsalos informed the Board of free
9 conferences and continuing education courses for
10 medical and social professionals.]

11 ***

12 [Chairman Tursi re-entered the meeting at 10:22 a.m.]

13 ***

14 Report of Prosecuting Attorneys

15 [Mark R. Zogby, Esquire, Board Prosecutor, presented
16 the Consent Agreement for File No. 16-53-00872]

17 ***

18 [Dr. Poggi, Dr. Mark, and Dr. Bulger exited the
19 meeting at 10:25 for recusal purposes.]

20 ***

21 [Mark R. Zogby, Esquire, Board Prosecutor, presented
22 the Consent Agreement for File No. 17-53-06442.]

23 ***

24 [Dr. Poggi, Dr. Mark, and Dr. Bulger re-entered the
25 meeting at 10:35 following the presenting of the above

1 matters.]

2 ***

3 [Jason Anderson, Esquire, Board Prosecutor, presented
4 the Consent Agreement for File No. 16-53-11649.]

5 ***

6 [Andrea Costello, Esquire, Board Prosecutor, presented
7 the following VRP Consent Agreements: File No. 16-53-
8 12364, File No. 16-53-14468, File No. 17-53-03639,
9 File No. 17-53-04646, and File No. 17-53-05137.]

10 ***

11 [Bridget Guilfoyle, Esquire, Board Prosecutor, on
12 behalf of Ashley Goshert, presented the Consent
13 Agreement for File Nos. 10-53-04073, 10-53-09424, 11-
14 53-04666.]

15 ***

16 Report of Department of Health - No Report

17 ***

18 Report of Vice Chairman - No Report

19 ***

20 Report of Commissioner - No Report

21 ***

22 Report of Board Chair

23 [Frank M. Tursi, D.O., Chairman, discussed the cost of
24 EpiPen use and suggested the use of a multidose vial.
25 Aaron Hollinger, Board Administrator, stated the

1 Pennsylvania Licensing System (PALS) is developing a
2 portal whereby licensees may report and track their
3 CEs in the new system.]

4 ***

5 Report of Regulatory Counsel

6 [Teresa Lazo, Esquire, Board Counsel, discussed the
7 Proposed Annex for the Temporary Graduate Perfusionist
8 Licensure and the elimination of section 25.804.]

9 CHAIRMAN TURSI:

10 Could I have a motion that we accept
11 the recommendations?

12 DR. POGGI:

13 So moved.

14 DR. MARK:

15 Second.

16 CHAIRMAN TURSI:

17 Any discussion? All in favor? Any
18 opposed?

19 [The motion carried unanimously.]

20 ***

21 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
22 10:53 a.m. the Board entered into Executive Session
23 with Wesley Rish, Esquire, Board Counsel, and Teresa
24 Lazo, Esquire, Board Counsel, for the purpose of
25 conducting quasi-judicial deliberations and to receive

1 legal advice from Board Counsel. The Board returned
2 to open session at 11:31 a.m.]

3 ***

4 MOTIONS

5 MS. LAZO:

6 The Board met in Executive Session to
7 conduct quasi-judicial deliberations on
8 the matters that they will now vote on,
9 at Number 3 on the agenda, File No. 16-
10 53-00872.

11 Based on discussions in Executive
12 Session, I recommend a motion accepting
13 the Consent Agreement as presented.

14 DR. POGGI:

15 So moved.

16 DR. MARK:

17 Second.

18 CHAIRMAN TURSI:

19 It's been seconded. Any further
20 discussion? All in favor? Any
21 opposed?

22 [The motion carried unanimously. The Respondent's
23 name is Michael H. Segal, D.O.]

24 ***

25 MS. LAZO:

1 At Number 4 on the agenda at File No.
2 17-53-06442, based on discussions in
3 Executive Session, I recommend a motion
4 rejecting the Consent Agreement as too
5 lenient. Dr. Poggi, Dr. Mark, and Dr.
6 Bulger are recused.

7 DR. SWALLOW:

8 So moved.

9 DR. LEVINE:

10 Second.

11 CHAIRMAN TURSI:

12 It's been seconded. Any further
13 discussion? All in favor? Any
14 opposed?

15 [The motion carried. Dr. Poggi, Dr. Mark, and Dr.
16 Bulger recused from deliberations and voting on the
17 motion.]

18 ***

19 MS. LAZO:

20 At Number 5 on the agenda at File No.
21 16-53-11649, based on discussions in
22 Executive Session, I recommend a motion
23 approving the Consent Agreement as
24 presented.

25 DR. POGGI:

1 So moved.

2 DR. MARK:

3 Second.

4 CHAIRMAN TURSI:

5 Poggi, seconds Dr. Mark. All in favor?

6 Any opposed?

7 [The motion carried unanimously. The Respondent's
8 name is Steven Thomas Puccio, D.O.]

9 ***

10 MS. LAZO:

11 At Number 7 on the agenda at File Nos.
12 10-53-04073, 10-53-09424, and 11-53-
13 4666, based on discussions in Executive
14 Session, I recommend a motion approving
15 the Consent Agreement as presented.

16 DR. POGGI:

17 So moved.

18 DR. MARK:

19 Second.

20 CHAIRMAN TURSI:

21 It's been seconded. Any further
22 discussion? Hearing none. All in
23 favor? Any opposed?

24 [The motion carried unanimously. The Respondent's
25 name is Garo Charles Avetian, D.O.]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MS. LAZO:

At Numbers 6, 8, 9, 10, and 11, File Nos. 16-53-12364, 16-53-14468, 17-53-03639, 17-53-04646, and 17-53-05137, all Voluntary Recovery Program Consent Agreements, based on discussions in Executive Session, I recommend a motion approving those Consent Agreements.

DR. POGGI:

So moved.

DR. MARK:

Second.

CHAIRMAN TURSI:

Moved and seconded. Any further discussion? Hearing none. All in favor? Any opposed?

[The motion carried unanimously.]

MS. LAZO:

The next item on the agenda is Number 12, the matter of Commonwealth vs. Regis Paul Burlas, D.O., File No. 17-53-00980.

Based on discussions in Executive

1 Session, I recommend a motion adopting
2 the proposed Report and Order from the
3 Hearing Examiner.

4 DR. POGGI:

5 So moved.

6 DR. MARK:

7 Second.

8 CHAIRMAN TURSI:

9 Any further discussion? All in favor?
10 Any opposed?

11 [The motion carried unanimously.]

12 ***

13 MS. LAZO:

14 At Number 13 on your agenda,
15 Commonwealth vs. Daniel Fuller Royal,
16 D.O., File No. 15-53-07911, based on
17 discussions in Executive Session, I
18 recommend a motion adopting that
19 proposed Report and Order from the
20 Hearing Examiner.

21 DR. POGGI:

22 So moved.

23 DR. MARK:

24 Second.

25 CHAIRMAN TURSI:

1 Motion seconded. Any further
2 discussion? Hearing none. All in
3 favor? Any opposed?

4 [The motion carried unanimously.]

5 ***

6 MS. LAZO:

7 At Number 14 on the agenda, the Motion
8 to Enter Default and Deem Facts
9 Admitted in the matter of Commonwealth
10 vs. Maureen L. Whitely, D.O., File No.
11 16-53-00411, based on discussions in
12 Executive Session, I recommend a motion
13 to grant the Commonwealth's Motion to
14 Enter Default and direct Board Counsel
15 to draft an Adjudication and Order
16 consistent with the Board's discussion.

17 DR. POGGI:

18 So moved.

19 DR. MARK:

20 Second.

21 CHAIRMAN TURSI:

22 Any further discussion? All in favor?
23 Any opposed?

24 [The motion carried unanimously.]

25 ***

1 MS. LAZO:

2 At Number 15 on the agenda, the matter
3 of the Approval of a Practice Monitor
4 for Binyamin C. Rothstein, D.O., File
5 No. 07-53-03224, based on discussions
6 in Executive Session, I recommend a
7 motion to approve LifeGuard as Dr.
8 Rothstein's monitor.

9 DR. POGGI:

10 So moved.

11 DR. MARK:

12 Second.

13 CHAIRMAN TURSI:

14 Any further discussion? Hearing none.

15 All in favor? Any opposed? Thank you.

16 [The motion carried unanimously.]

17 ***

18 MS. LAZO:

19 At Number 17 on the agenda, the
20 Application for Unrestricted License of
21 Jason Ly, D.O., based on discussions in
22 Executive Session, I recommend a motion
23 granting the application.

24 DR. POGGI:

25 So moved.

1 DR. MARK:

2 Second.

3 CHAIRMAN TURSI:

4 Any discussion? All in favor? Any
5 opposed? Thank you.

6 [The motion carried unanimously.]

7 ***

8 MS. LAZO:

9 At Numbers 18, 19, and 20, all
10 Applications for Reactivation of
11 Licensure for Daniel Brown, D.O.;
12 Richard Dobrusin, D.O.; and Steven
13 Puccio, D.O., based on discussions in
14 Executive Session, I recommend a motion
15 granting the applications for
16 reactivation for those three
17 physicians.

18 DR. POGGI:

19 So moved.

20 DR. MARK:

21 Second.

22 CHAIRMAN TURSI:

23 Further discussion? Hearing none. All
24 in favor? Any opposed?

25 [The motion carried unanimously.]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MS. LAZO:

At Number 21 on your agenda, the Application for an Athletic Trainer's License for Cody Coven, based on discussions in Executive Session, I recommend a motion provisionally denying the application.

DR. POGGI:

So moved.

DR. MARK:

Second.

CHAIRMAN TURSI:

The motion seconded. Any further discussion? All in favor of denial, say aye? Any opposed?

[The motion carried unanimously.]

MS. LAZO:

At Number 22 on your agenda, the Request for Approval of a Written Supervisory Agreement for a Physician Assistant for Mark Frantz, D.O., I recommend a motion to table that application at this time and direct the

1 Board's administrative officer to send
2 a letter to Dr. Frantz requesting
3 additional information as instructed by
4 the Board.

5 DR. POGGI:

6 So moved.

7 DR. MARK:

8 Second.

9 CHAIRMAN TURSI:

10 Any further discussion? Hearing none.

11 All in favor? Any opposed? Thank you.

12 [The motion carried unanimously.]

13 ***

14 MS. LAZO:

15 The Application Requirement Committee
16 met this morning at 8:30 and recommends
17 to the Board to direct counsel to draft
18 a regulation package to amend section
19 25.242 related to unrestricted license
20 by endorsement at subsection 4, such
21 that in order to get an unrestricted
22 license by endorsement, a person could
23 either, what is currently required,
24 receive a passing score on the
25 practical examination in osteopathic

1 diagnosis and manipulative therapy,
2 developed and administered by the Board
3 or designated professional testing
4 organization, or the new part would be,
5 or demonstrate that they have completed
6 3 hours of in-person OMM, emphasis AOA
7 Category 1-A credits within two years
8 prior to the date of application or
9 some such wording.

10 So, I am looking for a motion to
11 accept the recommendation of the
12 committee to move that regulation.

13 CHAIRMAN TURSI:

14 I make those motions. I so move.

15 DR. POGGI:

16 Second.

17 [Chairman Tursi provided additional information on the
18 motion.]

19 CHAIRMAN TURSI:

20 It's been moved and seconded. Any
21 further discussion? All in favor of
22 the Board's approval of those
23 recommendations, say aye? Any opposed?
24 Thank you.

25 [The motion carried unanimously.]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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
August 9, 2017

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7	9:36	Official Call to Order
8		
9	9:36	Roll Call
10		
11	9:36	Approval of Minutes
12		
13	9:38	Appointments - Rachel Levine, M.D. and
14		Michael Ashburn, M.D. -
15		PA Medical Students Core Competencies
16		
17	10:00	Appointments - Denise Getgen and Tina
18		Kotsalos -
19		Elder Financial Abuse Prevention
20		Awareness
21		
22	10:23	Report of Prosecutorial Division
23		
24	10:51	Report of Regulatory Counsel
25		
26	10:48	Report of Chairman
27		
28	10:53	Executive Session
29	11:31	Return to Open Session
30		
31	11:32	Motions
32		
33	11:40	Old Business/New Business
34		
35	11:43	Adjournment
36		
37		
38		
39		
40		
41		
42		
43		
44		
45		
46		
47		
48		
49		
50		