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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 MEDICINE

TIME: 10:36 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

Tuesday, February 7, 2023

State Board of Medicine
February 7, 2023

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BOARD MEMBERS:

Arion R. Claggett, Acting Commissioner, Bureau of Professional and Occupational Affairs
Mark B. Woodland, M.S., M.D., FACOG, Chair
Donald M. Yealy, M.D., Vice Chair
Gerard F. Dillon, Ph.D., Public Member
Michael Ripchinski, M.D., MBA, CPE, FAAFP
Walter A. Eisenhauer, MMSC, M.Ed., PA-C
Debra L. Bogen, M.D., FAAP, FABM, Acting Secretary, Department of Health

BUREAU PERSONNEL:

Dean F. Picarella, Esquire, Senior Board Counsel
Shana M. Walter, Esquire, Board Counsel
Dana M. Wucinski, Esquire, Board Counsel
Heather J. McCarthy, Esquire, Senior Board Prosecutor
Jason T. Anderson, Esquire, Board Prosecution Liaison
Keith E. Bashore, Esquire, Board Prosecutor
Codi M. Tucker, Esquire, Board Prosecutor
Mark R. Zogby, Esquire, Board Prosecutor
Nathan C. Giunta, Esquire, Board Prosecutor
Adam J. Williams, Esquire, Board Prosecutor
Kelsey Ashworth, Esquire, Board Prosecutor
Jonelle Harter Eshbach, Esquire, Board Prosecutor
Jasmira L. Hunter, Board Administrator
Carolyn A. DeLaurentis, Esquire, Executive Deputy Chief Counsel, Department of State
Marc Farrell, Esquire, Regulatory Counsel, Office of Chief Counsel, Department of State
Andrew LaFratte, MPA, Executive Policy Specialist, Department of State
Danie Bendesky, Director of Intergovernmental Affairs, Department of State
Amanda Richards, Fiscal Chief, Bureau of Finance and Operations, Department of State
Deena Parmelee, Legal Office Administrator 1, Department of State
David Leshik, Intern, Department of State

State Board of Medicine
February 7, 2023

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ALSO PRESENT:

- Susan DeSantis, PA-C, Pennsylvania Society of Physician Assistants
- Angie Armbrust, Senior Associate, McNees-Winter Group LLC, representing the Pennsylvania Speech-Language-Hearing Association
- Ted Mowatt, CAE, Vice President/Lobbyist, Wanner Associates
- Misha Patel, M.D., Curriculum Education Assistant, Geisinger Commonwealth School of Medicine
- Andrea Wandling, Human Resources Manager, Pennsylvania Association of Community Health Centers
- Kari Orchard, Democratic Executive Director, House Professional Licensure Committee
- Randy Stevens, Director of Legislative Affairs, Pennsylvania Orthotic and Prosthetic Society
- Jennifer Smeltz, Republican Executive Director, Senate Consumer Protection & Professional Licensure Committee
- Nicole Sidle, Executive Director, Professional Licensure Committee, PA House of Representatives
- Wesley J. Rish, Esquire, Rish Law Office, LLC
- Linnea J. Spens, M.D., J.D.
- Tanya Miller, MS, LAT, ATC, Pennsylvania Athletic Trainers' Society
- Mary Marshall, Director, Workforce & Professional Development, The Hospital and Healthsystem Association of Pennsylvania
- Linda K. Moore
- Ben Morrow

1 ***

2 State Board of Medicine

3 February 7, 2023

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act,
6 at 8:45 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 currently pending before the
11 Board and to receive the advice of counsel. The
12 Board returned to open session at 10:30 a.m.]

13 ***

14 The regularly scheduled meeting of the State
15 Board of Medicine was held on Tuesday, February 7,
16 2023. Mark B. Woodland, M.S., M.D., FACOG, Chair,
17 called the meeting to order at 10:36 a.m.

18 Donald M. Yealy, M.D., Vice Chair, was not
19 present at the commencement of the meeting.

20 Chair Woodland recognized Black History Month,
21 American Heart Month, International Prenatal
22 Infection Prevention Month, Teen Dating Violence
23 Awareness Month, and National Condom Week in
24 February.

25 Chair Woodland welcomed Acting Secretary of

1 Health, Dr. Debra Bogen, to the State Board of
2 Medicine. He noted she would be a great addition to
3 the Board by providing news and updates from the
4 Department of Health.

5

6 Acknowledge Public - Turn Off Electronic Devices
7 [Chair Woodland welcomed everyone to the State Board
8 of Medicine Meeting. He asked everyone to turn off
9 or mute electronic devices. He reminded everyone
10 that the meeting was being recorded, and voluntary
11 participation constituted consent to be recorded.]

12

13 Introduction of Board Members/Attendees
14 [Chair Woodland provided an introduction of Board
15 members and attendees.]

16

17 Approval of minutes of the October 25, 2022 meeting
18 CHAIR WOODLAND:

19

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25

The first order of business is approval
of minutes. We have three sets of
minutes to approve. I need to recuse
myself from the November minutes.

I would entertain a motion to
approve the minutes from October 25,
2022 and December 13, 2022.

1 MR. EISENHAUER:

2 So moved.

3 DR. RIPCHINSKI:

4 Second.

5 CHAIR WOODLAND:

6 Roll call, please.

7 ACTING COMMISSIONER CLAGGETT:

8 Let's do separate motions for the
9 meeting minutes.

10 CHAIR WOODLAND:

11 We already have a motion and a second.

12 Without further discussion, we'll call
13 each one separately. October 25. Roll
14 call.

15

16 Arion Claggett, aye; Mark Woodland,
17 aye; Gerard Dillon, aye; Michael
18 Ripchinski, aye; Walter Eisenhauer,
19 aye; Debra Bogen, abstain.

20 [The motion carried. Debra Bogen abstained from
21 voting on the motion.]

22

23 Approval of minutes of the November 15, 2022 meeting

24 CHAIR WOODLAND:

25 November 15, 2022.

1

2

Arion Claggett, aye; Gerard Dillon,

3

aye; Michael Ripchinski, aye; Walter

4

Eisenhauer, aye; Debra Bogen, abstain;

5

Mark Woodland, abstain.

6

[The motion carried. Mark Woodland and Debra Bogen

7

abstained from voting on the motion.]

8

9

Approval of minutes of the December 13, 2022 meeting

10

CHAIR WOODLAND:

11

December 13, 2022.

12

13

Arion Claggett, aye; Mark Woodland,

14

aye; Gerard Dillon, aye; Michael

15

Ripchinski, aye; Walter Eisenhauer,

16

aye; Debra Bogen, abstain.

17

[The motion carried. Debra Bogen abstained from

18

voting on the motion.]

19

20

[Donald M. Yealy, M.D., Vice Chair, entered the

21

meeting at 10:43 a.m.]

22

23

Acting Commissioner Claggett informed Dr. Yealy

24

that he would have to abstain from voting while using

25

a phone and participating off camera.]

1 ***

2 Report of Prosecuting Attorneys

3 [Jason T. Anderson, Esquire, Board Prosecutor,
4 informed Board members that Heather McCarthy would be
5 replacing him as the Board prosecution liaison.

6 Chair Woodland welcomed Ms. McCarthy and thanked
7 Mr. Anderson for his service to the Board.

8 Mr. Anderson presented the VRP Consent Agreements
9 for Case No. 22-49-016762, Case No. 22-49-017131,
10 Case No. 22-49-011389, Case No. 22-49-017625, Case
11 No. 22-49-017875, and Case No. 22-49-018043.

12 Mr. Anderson also presented the Consent Agreement
13 for Case No. 22-49-007202.]

14 MS. WALTER:

15 Pursuant to Section 708(a)(5) of the
16 Sunshine Act, the Board entered into
17 Executive Session at 8:45 a.m. to
18 conduct quasi-judicial deliberations
19 and receive advice of counsel for items
20 3 through 14, 16, 19 through 26, and 32
21 through 38.

22 I believe the Board would entertain
23 a motion to approve the VRP Agreements
24 at items 3 through 8. Number 3, Case
25 No. 22-49-016762; number 4, Case No.

1 22-49-017131; number 5, Case No. 22-49-
2 011389; number 6, Case No. 22-49-
3 017625; number 7, Case No. 22-49-
4 017875; and number 8, Case No. 22-49-
5 018043.

6 MR. EISENHAUER:

7 So moved.

8 DR. RIPCHINSKI:

9 Second.

10 CHAIR WOODLAND:

11 Any further discussion? Hearing none.
12 Jasmira, could we have a roll call,
13 please?

14
15 Arion Claggett, aye; Mark Woodland,
16 aye; Gerard Dillon, aye; Michael
17 Ripchinski, aye; Walter Eisenhauer,
18 aye; Debra Bogen, aye.

19 [The motion carried unanimously.]

20 ***

21 [Donald M. Yealy, M.D., Vice Chair, joined the
22 meeting via video.]

23 ***

24 MS. WALTER:

25 Number 9, Case No. 22-49-007202, I

1 believe the Board would entertain a
2 motion to approve the Consent
3 Agreement.

4 MR. EISENHAUER:

5 So moved.

6 DR. RIPCHINSKI:

7 Second.

8 CHAIR WOODLAND:

9 Any further discussion on this?

10 Hearing none. Jasmira, would you take
11 the roll call, please?

12

13 Arion Claggett, aye; Mark Woodland,
14 aye; Donald Yealy, aye; Gerard Dillon,
15 aye; Michael Ripchinski, aye; Walter
16 Eisenhauer, aye; Debra Bogen, aye.

17 [The motion carried unanimously. The Respondent's
18 name is Robert Lebaron Grant Stears, M.D., Case No.
19 22-49-007202.]

20

21 Appointment - Prosecution Division Annual Report
22 Presentation

23 [Carolyn A. DeLaurentis, Esquire, Executive Deputy
24 Chief Counsel, Department of State, informed Board
25 members that she is now the executive deputy chief

1 counsel for the Department of State but is presenting
2 to the Board on behalf of the prosecution division in
3 her former role to provide the presentation.

4 Ms. DeLaurentis presented to the Board to provide
5 a summary of the prosecution division's role and
6 present annual numbers for 2022. She informed Board
7 members that the Bureau of Professional and
8 Occupational Affairs provides administrative and
9 legal support to all 29 licensing boards and
10 commissions including the legal support of the
11 prosecution division, counsel division, and hearing
12 examiners. She noted the mission is to protect the
13 health and safety of the public and the integrity of
14 the profession.

15 Ms. DeLaurentis explained that the Office of
16 Chief Counsel is under the Governor's Office of
17 General Counsel and assigned to the Department of
18 State, noting the prosecution division is one
19 division under the Office of Chief Counsel. She
20 noted the prosecution division works with the Bureau
21 of Enforcement and Investigation (BEI), along with
22 the Professional Compliance Office (PCO).

23 Ms. DeLaurentis stated BEI, PCO, and prosecution
24 are all tasked with receiving complaints,
25 investigating allegations, ensuring public safety,

1 and enforcing compliance with the acts and
2 regulations that govern the 29 licensing boards and
3 commissions.

4 Ms. DeLaurentis stated the prosecution division
5 has five senior prosecuting attorneys because the
6 office is broken into five teams, along with legal
7 analysts, paralegals, and legal assistants. She also
8 noted Heather McCarthy is a senior prosecutor and the
9 new Board liaison, along with Karl Geschwindt as an
10 acting senior prosecutor, Paul Jarabeck, Ray
11 Michalowski, and William Newport for the other boards
12 and commissions. She mentioned there are currently
13 32 prosecuting attorneys serving under the senior
14 attorneys, including liaisons.

15 Ms. DeLaurentis addressed the complaint process,
16 noting complaints are received from any source but
17 she prefers complaints be submitted through the
18 Pennsylvania Licensing System (PALS) at pals.pa.gov
19 because it is the most efficient. She noted
20 prosecution also accepts complaints from sister
21 agencies, federal agencies, law enforcement, and
22 through media reports.

23 Ms. DeLaurentis discussed levels of review,
24 including jurisdiction checks, noting administrative
25 assistants review every complaint to see if it falls

1 under one of the 29 boards and commissions. She
2 mentioned complaints are referred to the appropriate
3 agency if prosecution does not have jurisdiction.

4 Ms. DeLaurentis stated that prosecution works
5 with BEI inspectors and investigators to determine
6 the most efficient use of resources. She noted
7 investigations may include interviewing witnesses and
8 gathering documents, along with paralegals and legal
9 analysts.

10 Ms. DeLaurentis addressed the various levels of
11 review **determine** whether there was a violation. She
12 explained that matters could be closed if there is
13 not a violation of the act or regulation and direct
14 attention to other cases.

15 Ms. DeLaurentis discussed the post-investigation
16 process, where attorneys may need to make charging
17 decisions based on evidence by filing an order to
18 show cause or a citation. She noted there is a
19 hearing process, which is similar to a regular trial,
20 where both parties are able to present evidence and
21 present legal arguments.

22 Ms. DeLaurentis noted that if it goes to a
23 hearing examiner, the hearing examiner usually issues
24 a proposed adjudication and order and then it goes to
25 the boards and commissions for their final decision

1 because they have the ultimate authority for
2 discipline. She addressed consent agreements, where
3 both sides are conducting negotiations and trying to
4 reach a resolution and present that to the Board,
5 where the Board could accept or reject the agreement.

6 Ms. DeLaurentis addressed the prosecution
7 division's role at Board meetings, including
8 presenting consent agreements and listening to
9 concerns of the Board. She pointed out that
10 prosecution has a confidentiality statute that
11 applies to their files, where **all** the contents within
12 their files is confidential under the law unless
13 presented publicly and is why prosecution cannot
14 speak on some matters.

15 Ms. DeLaurentis stated BEI conducts
16 investigations and interviews, gathers evidence, and
17 conducts inspections for certain boards. She noted
18 the role of the investigators is fact gathering and
19 serving subpoenas, orders, and letters. She **stated**
20 BEI does not have search warrant authority and is
21 limited.

22 Ms. DeLaurentis addressed document authority,
23 where some boards have regulations that require
24 cooperation if a request is made to review their
25 records but not everyone complies and charges may be

1 filed for failure to comply.

2 Ms. DeLaurentis stated BEI is only gathering
3 facts and not deciding whether the law has been
4 violated or deciding whether someone should be
5 charged but gathering information so the legal office
6 can review what BEI presented post-investigation.
7 She noted prosecuting attorneys work with legal
8 analysts to determine whether there was a violation
9 of the act or regulation to decide whether to close
10 the case or file charges.

11 Ms. DeLaurentis addressed immediate temporary
12 suspensions, where a license is immediately suspended
13 if someone is an immediate danger to the health and
14 safety of the public. She noted automatic
15 suspensions include 302 commitments and drug act
16 violations, and she explained orders for examination.
17 She also noted petitions for appropriate relief are
18 when someone has violated a board order.

19 Ms. DeLaurentis stated that levels of discipline
20 include revocations, suspensions, probations,
21 reprimands, fines, remedial education, and cost of
22 the investigation.

23 Ms. DeLaurentis referred to the confidentiality
24 statute under 63 Pa.C.S. § 3109, where prosecution and
25 investigative files are deemed privileged and

1 confidential under the law. She explained that
2 investigative files are deemed noncriminal
3 investigative records and exempt from disclosure
4 under the Right-to-Know Law.

5 Ms. DeLaurentis stated that information could be
6 shared with other agencies in furtherance of
7 investigative efforts but only their final action
8 could be shared publicly, including final
9 adjudications and orders, final consent agreements,
10 and final letters.

11 Ms. DeLaurentis provided data as of January 3,
12 2023, where the number of open cases for the
13 prosecution division was 13,154, which is down from
14 2022 at 15,141. She stated 16,084 cases were opened
15 in 2022 and is down from 2021 at 18,363 cases. She
16 reported closing 17,826 files in 2022 and is up from
17 2021, where 15,994 cases were closed. She thanked
18 the prosecution division, counsel division, hearing
19 examiners, BEI, and the Board for their group effort.

20 Chair Woodland informed Board members that he
21 requested information from Ms. DeLaurentis yesterday
22 concerning prior years to provide a perspective of
23 the prosecution's workload and commended Ms.
24 DeLaurentis.

25 Ms. DeLaurentis informed Board members that an

1 annual report is issued to the General Assembly,
2 which includes a breakdown of case categories, and
3 would notify counsel when the report is available.

4 Ms. DeLaurentis addressed specific information
5 for the State Board of Medicine, noting 3,728 cases
6 were opened in 2022, 4,190 in 2021, and 1,942 in
7 2020. She reported a lot of Medical Care Availability
8 and Reduction of Error (MCARE) cases. She noted
9 3,277 cases were closed in 2022, 2,093 in 2021, and
10 2,273 in 2020. She mentioned the number of cases
11 opened and being closed is an appropriate place to be
12 as far as the team being able to handle those cases.

13 She noted 3,577 open cases as of January 3 and 3,090
14 in 2021.

15 Ms. DeLaurentis referred to disposition of closed
16 cases, including discipline and non-discipline. She
17 mentioned that some cases have more than one type of
18 discipline imposed and would be counted in more than
19 one category. She reported 18 probations in 2022, 18
20 in 2021, and 13 in 2020; 20 reprimands in 2022, 22 in
21 2021, and 20 in 2020; and 21 suspensions in 2022, 46
22 in 2021, and 49 in 2020.

23 Ms. DeLaurentis stated many cases are resolved
24 with no discipline and referred to Z codes that are
25 used in their case management system. She noted 200

1 warning letters in 2022, 233 in 2021, and 193 in
2 2020. She explained that warning letters are not
3 disciplinary and are a great tool for prosecutors on
4 behalf of the Board to remind licensees to follow the
5 act and regulations. She mentioned that warning
6 letters are given for de minimis violations and used
7 to ensure that the health and safety of the public is
8 protected and licensees are following the rules.

9 Ms. DeLaurentis informed Board members that
10 complaints regarding COVID-19 are down and believed
11 it to be around 59 COVID-related complaints in 2022,
12 112 in 2020, and 156 in 2021. She reported the
13 majority of cases were in January and February and
14 then a handful after that. She mentioned that COVID
15 cases are still prioritized but not as much as before
16 because things have calmed down and **are** manageable.

17 Chair Woodland felt assured that the majority of
18 licensees are not getting into trouble with only
19 about 3 percent who have complaints.

20 Chair Woodland thanked Ms. DeLaurentis for the
21 presentation.]

22

23 Appointment - Bureau of Finance and Operations

24 Annual Budget Presentation

25 [Amanda Richards, Chief of Fiscal Management, Bureau

1 of Finance and Operations, Department of State,
2 referred to licensee population over the past seven
3 years, noting the Board had 78,861 licensees in FY21-
4 22 and 74,385 licensees at the time of the report in
5 January, showing a decrease of 4,476 licensees. She
6 reported an increase this morning of 472 licensees to
7 74,857. She referred to a four-year breakdown by
8 licensee population, noting FY20-21 and FY22-23 were
9 renewal years.

10 Chair Woodland asked how many licensees are
11 graduate medical education licensees?

12 Acting Commissioner Claggett noted they would be
13 able to provide the graduate medical education (GME)
14 but could not present the information today.

15 Ms. Richards addressed revenue, noting it is
16 reviewed on a biennial basis. She reported on the
17 renewal fee waiver in FY20-21, which is why revenue
18 was low, and FY21-22 revenue, noting the biennial
19 total from July 2020 to June 2022. She noted 99
20 percent of revenue was from renewals and
21 applications. She stated that revenue is received
22 from other categories but is not consistent and
23 cannot count on that as a main source of revenue.

24 Ms. Richards noted the two main categories when
25 reviewing expenses are administrative and legal

1 costs. She stated that expenses are brought in
2 through direct costs, timesheet-based charges, and
3 licensee population. She reported on the Board's
4 expenses in FY20-21, FY21-22, and as of January 24,
5 2023. She noted the budgeted figure was adequate for
6 FY22-23 based on expenses.

7 Ms. Richards addressed revenue and expenses,
8 where there is a permanent renewal fee decrease for
9 medical physicians and surgeons and an application
10 fee increase for all applications in FY22-23. She
11 noted a projected balance for FY22-23 and FY25-26,
12 which is a healthy balance.

13 Chair Woodland mentioned previously waiving the
14 fee for one year based upon the large balance and
15 projected budget. He suggested the Board consider
16 waivers as an option, either just for the graduate
17 medical education or new applicants, given the
18 financial situation of their health care system.

19 Dr. Yealy commented that there were two
20 consecutive years where the Board brought in roughly
21 \$1 million and spent a little over \$7 million. He
22 mentioned the large remaining balance seemed to exist
23 from before and asked whether they need to think
24 through the fees differently because the reserves
25 would be chip away at the current pace.

1 Chair Woodland stated the Board suspended the
2 fees for one or two years because of the high
3 reserve, and the proposed projected budget for FY24-
4 25 is up again, noting the fees are not extraordinary
5 but still amount to a lot for people.

6 Dr. Yealy mentioned that it does not look like
7 the Board would be accruing a lot more in those two
8 years with collecting roughly \$18 million and
9 spending around \$17 million.

10 Acting Commissioner Claggett explained that
11 waiving the fees would require some investigation and
12 then put back on the next agenda for further
13 discussion.

14 Ms. Walter has been working on a regulation to
15 change the fees to reduce the renewal fee and
16 increase the application fee, which would compensate
17 for some of the overages in the budget. Mr. Dillon
18 asked Acting Commissioner Claggett whether resources
19 and personnel are adequately staffed.

20 Acting Commissioner Claggett explained that the
21 Board of Medicine is adequately staffed but need to
22 fill the current vacancies.

23 Chair Woodland referred to Mr. Dillon's point and
24 noted the importance of whether or not people are
25 getting their licenses renewed in a timely fashion

1 and whether constituents are happy. He looked
2 forward to further discussion at the next meeting
3 when more information is available.

4 Chair Woodland thanked Ms. Richards for the
5 presentation.]

6

7 Report of Prosecuting Attorneys (cont.)

8 [Keith E. Bashore, Esquire, Board Prosecutor,
9 presented the Consent Agreements for Case No. 21-49-
10 011406, Case No. 20-49-014713, Case No. 21-49-004092,
11 Case No. 21-49-010878, and Case No. 22-49-004811.

12 Wesley J. Rish, Esquire, Rish Law Office, LLC,
13 counsel for the respondent, was present regarding
14 Case No. 22-49-004811.]

15 MS. WALTER:

16 I believe the Board would entertain a
17 motion to approve the Consent
18 Agreements at the following agenda
19 items at number 10, Case No. 21-49-
20 011406; number 11, Case No. 20-49-
21 014713; number 12, Case No. 21-49-
22 004092; number 13, Case No. 21-49-
23 010878; number 14, and Case No. 22-49-
24 004811.

25 MR. EISENHAUER:

1 So moved.

2 DR. RIPCHINSKI:

3 Second.

4 CHAIR WOODLAND:

5 Any further discussion on these?

6 Hearing none. Jasmira, could you take
7 the roll call, please?

8

9 Arion Claggett, aye; Mark Woodland,
10 aye; Donald Yealy, aye; Gerard Dillon,
11 aye; Michael Ripchinski, aye; Walter
12 Eisenhauer, aye; Debra Bogen, aye.

13 [The motion carried unanimously. The Respondent's
14 name at number 10 is Ali El-Mohandes, M.D.; number
15 11, Xiang Yuan, M.D.; number 12, Robert F. Solarczyk,
16 PA-C; number 13, Nisha Jain, M.D.; number 14, and
17 Thomas J. Raley, M.D.]

18

19 CHAIR WOODLAND:

20 The next item on the agenda is number
21 15, Adam Williams. I believe this is
22 going to be tabled until the next
23 meeting.

24

25 [Codi M. Tucker, Esquire, Board Prosecutor, presented

1 the Consent Agreement for Case No. 18-49-03852.]

2 MS. WALTER:

3 I believe the Board would entertain a
4 motion to accept the Consent Agreement
5 at item 16 at Case No. 18-49-03852.

6 MR. EISENHAUER:

7 So moved.

8 DR. RIPCHINSKI:

9 Second.

10 CHAIR WOODLAND:

11 Any further discussion? Hearing none.
12 Jasmira, could we have a roll call,
13 please?

14
15 Arion Claggett, aye; Mark Woodland,
16 aye; Donald Yealy, aye; Gerard Dillon,
17 aye; Michael Ripchinski, aye; Walter
18 Eisenhauer, aye; Debra Bogen, aye.

19 [The motion carried unanimously. The Respondent's
20 name at number 16 is David James Horton, M.D.]

21 ***

22 Report of Board Counsel - Proposed Reports from
23 Hearing Examiner

24 MS. WUCINSKI:

25 At agenda item 19, I believe the Board

1 would entertain a motion to adopt as
2 final the Proposed Adjudication and
3 Order for Aaron Hasiuk, M.D., Case No.
4 22-49-002660.

5 MR. EISENHAUER:

6 So moved.

7 DR. RIPCHINSKI:

8 Second.

9 CHAIR WOODLAND:

10 Any further discussion? Hearing none.
11 Jasmira, could we have a roll call,
12 please?

13
14 Arion Claggett, aye; Mark Woodland,
15 aye; Donald Yealy, aye; Gerard Dillon,
16 aye; Michael Ripchinski, aye; Walter
17 Eisenhauer, aye; Debra Bogen, aye.

18 [The motion carried unanimously.]

19 ***

20 MS. WUCINSKI:

21 Agenda items 20 and 21 are tabled for
22 the March meeting.

23 ***

24 Report of Board Counsel - Final Adjudications for
25 Board Approval

1 MS. WUCINSKI:

2 Moving down to agenda item 22 and 23, I
3 believe the Board would entertain a
4 motion to adopt as final the Draft
5 Adjudication and Order for the
6 following: Jarad Bonda, ATC, Case No.
7 22-49-007733; Mark Foster, M.D., Case
8 No. 17-49-07733.

9 MR. EISENHAUER:

10 So moved.

11 DR. RIPCHINSKI:

12 Second.

13 CHAIR WOODLAND:

14 Any further discussion? Hearing none.
15 Jasmira, could we have a roll call,
16 please?

17

18 Arion Claggett, aye; Mark Woodland,
19 aye; Donald Yealy, aye; Gerard Dillon,
20 aye; Michael Ripchinski, aye; Walter
21 Eisenhauer, aye; Debra Bogen, aye.

22 [The motion carried unanimously.]

23

24 [Debra Bogen, M.D., FAAP, FABM, Acting Secretary,
25 Department of Health, exited the meeting at 12 p.m.]

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Report of Board Counsel - Other

MS. WUCINSKI:

Agenda item 24. There is no vote
needed.

MS. WUCINSKI:

Moving on to agenda item 25, I believe
the Board would entertain a motion to
deny the Proposed Preceptorship under
John R. Cifelli, M.D. for Paul M.
DiLorenzo, M.D.

MR. EISENHAUER:

So moved.

DR. RIPCHINSKI:

Second.

CHAIR WOODLAND:

Any further conversation on this?
Hearing none. Jasmira, please?

Arion Claggett, aye; Mark Woodland,
aye; Donald Yealy, aye; Gerard Dillon,
aye; Michael Ripchinski, aye; Walter
Eisenhauer, aye.

[The motion carried unanimously.]

1 ***

2 MS. WUCINSKI:

3 Number 26, I believe the Board would
4 entertain a motion to approve the
5 retraining program offered by the
6 Children's Hospital of Philadelphia
7 (CHOP) and to issue a nonpublic, non-
8 disciplinary order granting the license
9 of that retraining program for Virginia
10 M. Hamilton.

11 MR. EISENHAUER:

12 So moved.

13 DR. RIPCHINSKI:

14 Second.

15 CHAIR WOODLAND:

16 Any further discussion? Jasmira, could
17 we have a roll call, please?

18
19 Arion Claggett, aye; Mark Woodland,
20 aye; Donald Yealy, aye; Gerard Dillon,
21 aye; Michael Ripchinski, aye; Walter
22 Eisenhauer, aye.

23 [The motion carried unanimously.]

24 ***

25 Applications for Licensure - Allied Health

1 Professionals

2 MS. WUCINSKI:

3 Moving down to agenda item 32, I
4 believe the Board would entertain a
5 motion to provisionally deny the Permit
6 for Prescriptive Authority of Pamela
7 Craddock.

8 MR. EISENHAUER:

9 So moved.

10 DR. RIPCHINSKI:

11 Second.

12 CHAIR WOODLAND:

13 Any further discussion? Hearing none.
14 Jasmira, could we have a roll call,
15 please?

16
17 Arion Claggett, aye; Mark Woodland,
18 aye; Donald Yealy, aye; Gerard Dillon,
19 aye; Michael Ripchinski, aye; Walter
20 Eisenhauer, aye.

21 [The motion carried unanimously.]

22 ***

23 Applications for Licensure - Reactivations

24 MS. WUCINSKI:

25 Agenda item 33, I believe the Board

1 would entertain a motion to Reactivate
2 a License to Practice Medicine and
3 Surgery to Active Retired Status for
4 David Junkin, M.D.

5 MR. EISENHAUER:

6 So moved.

7 DR. RIPCHINSKI:

8 Second.

9 CHAIR WOODLAND:

10 Any further discussion? Hearing none.

11 Jasmira, could we have a vote?

12

13 Arion Claggett, aye; Mark Woodland,
14 aye; Donald Yealy, aye; Gerard Dillon,
15 aye; Michael Ripchinski, aye; Walter
16 Eisenhauer, aye.

17 [The motion carried unanimously.]

18

19 MS. WUCINSKI:

20 At item 34, I believe the Board would
21 entertain a motion to send a standard
22 reentry letter to James Wong, M.D.

23 MR. EISENHAUER:

24 So moved.

25 DR. RIPCHINSKI:

1 Second.

2 CHAIR WOODLAND:

3 Any further discussion? Jasmira, could
4 we have a roll call, please?

5

6 Arion Claggett, aye; Mark Woodland,
7 aye; Donald Yealy, aye; Gerard Dillon,
8 aye; Michael Ripchinski, aye; Walter
9 Eisenhauer, aye.

10 [The motion carried unanimously.]

11

12 Miscellaneous

13 MS. WUCINSKI:

14 At item 35, I believe the Board would
15 entertain a motion to approve the
16 Professional Health Monitoring
17 Program's recommendations of the
18 Voluntary Recovery Program for J.M.

19 MR. EISENHAUER:

20 So moved.

21 DR. RIPCHINSKI:

22 Second.

23 CHAIR WOODLAND:

24 Any further discussion? Hearing none.

25 Jasmira, could we have a vote, please?

1

2

Arion Claggett, aye; Mark Woodland,

3

aye; Donald Yealy, aye; Gerard Dillon,

4

aye; Michael Ripchinski, aye; Walter

5

Eisenhauer, aye.

6

[The motion carried unanimously.]

7

8

MS. WUCINSKI:

9

At item 36, I believe the Board would

10

entertain a motion to direct Board

11

Counsel to issue an order removing the

12

restriction on the License to Practice

13

Medicine and Surgery of Jeffrey

14

Solomon, M.D., noting Dr. Ripchinski is

15

recused.

16

MR. EISENHAUER:

17

So moved.

18

DR. YEALY:

19

Second.

20

CHAIR WOODLAND:

21

Any further discussion? Hearing none.

22

Jasmira, could we have a vote, please?

23

24

Arion Claggett, aye; Mark Woodland,

25

aye; Donald Yealy, aye; Gerard Dillon,

1 aye; Walter Eisenhower, aye.

2 [The motion carried. Michael Ripchinski recused
3 himself from deliberations and voting on the motion.]

4 ***

5 MS. WUCINSKI:

6 At item 37, I believe the Board would
7 entertain a motion to approve the
8 retraining program offered by CHOP and
9 to issue a nonpublic, non-disciplinary
10 order granting a license limited to the
11 auspices of that retraining program for
12 Linnea Spens, M.D., J.D.

13 MR. EISENHAUER:

14 So moved.

15 DR. RIPCHINSKI:

16 Second.

17 CHAIR WOODLAND:

18 Any further discussion? Hearing none.

19 Could we have a roll call, please,
20 Jasmira?

21

22 Arion Claggett, aye; Mark Woodland,
23 aye; Donald Yealy, aye; Gerard Dillon,
24 aye; Michael Ripchinski, aye; Walter
25 Eisenhower, aye.

1 [The motion carried unanimously.]

2

3 MS. WUCINSKI:

4 At agenda item 38, I believe the Board
5 would entertain a motion to approve the
6 retraining program offered by Lehigh
7 Valley Health Network as outlined in
8 the correspondence to the Board and to
9 issue a nonpublic, non-disciplinary
10 order granting a license limited to the
11 auspices of that retraining program for
12 Matthew Schreiber, M.D.

13 MR. EISENHAUER:

14 So moved.

15 DR. RIPCHINSKI:

16 Second.

17 CHAIR WOODLAND:

18 Any further discussion? Hearing none.

19 Could we have a roll call, please,
20 Jasmira?

21

22 Arion Claggett, aye; Mark Woodland,
23 aye; Donald Yealy, aye; Gerard Dillon,
24 aye; Michael Ripchinski, aye; Walter
25 Eisenhauer, aye.

1 [The motion carried unanimously.]

2

3 Ratifications

4 MS. WUCINSKI:

5

I am going to do agenda items 39

6

through 43 together. I believe the

7

Board would entertain a motion to

8

ratify the granting of the following

9

Applications: Initial Physician and

10

Surgeon by Endorsement for Marcelino

11

Enrique Murillo DeLuquez, M.D.; Initial

12

Physician and Surgeon by Endorsement

13

for Amed Natour, M.D.; Initial

14

Physician and Surgeon by Endorsement

15

for Stefanie Marek-Iannucci, M.D.;

16

Initial Physician and Surgeon by

17

Endorsement for Mohamed Hatem El

18

Gabaly, M.D.; Athletic Trainer for

19

Christopher Cowger.

20 MR. EISENHAUER:

21

So moved.

22 DR. RIPCHINSKI:

23

Second.

24 CHAIR WOODLAND:

25

Any further discussion? Hearing none.

1 Jasmira, could we have a roll call,
2 please?

3
4 Arion Claggett, aye; Mark Woodland,
5 aye; Donald Yealy, aye; Gerard Dillon,
6 aye; Michael Ripchinski, aye; Walter
7 Eisenhauer, aye.

8 [The motion carried unanimously.]

9 ***

10 For the Board's Information/Discussion

11 MS. WUCINSKI:

12 Item 44. I believe the Board would
13 entertain a motion to send three people
14 to attend the FSMB Annual Meeting,
15 noting Mr. Dillon will act as a
16 delegate for the Board.

17 MR. EISENHAUER:

18 So moved.

19 DR. RIPCHINSKI:

20 Second.

21 CHAIR WOODLAND:

22 Any further discussion? I will just
23 make the note that as I sit on the
24 Board of Directors for the FSMB, I will
25 be attending in a dual capacity and is

1 why we need to have someone else be the
2 delegate. It is great that we have
3 another delegate for the meeting, and
4 we will report back after the meeting.

5 Jasmira, a quick vote.

6
7 Arion Claggett, aye; Mark Woodland,
8 aye; Donald Yealy, aye; Gerard Dillon,
9 aye; Michael Ripchinski, aye; Walter
10 Eisenhauer, aye.

11 [The motion carried unanimously.]

12 ***

13 Regulatory Status Report

14 [Shana M. Walter, Esquire, Board Counsel, informed
15 Board members that she is working on the responses
16 from the seven pages of comments from the Independent
17 Regulatory Review Commission (IRRC) for 16A-4953
18 regarding naturopathic doctors.

19 Chair Woodland pointed out a few wording issues
20 and questioned the definition of low-level laser
21 treatment. He referred to § 18.15, where it reads
22 patients with no symptoms, noting patients with no
23 symptoms to be an interesting statement. He also
24 referred to page 11, where the Board can do any
25 disciplinary actions related to civil penalties and

1 looks like they could only do civil penalties.

2 Ms. Wucinski addressed 16A-4995 regarding the
3 physician assistant annex exposure draft
4 incorporating all of the changes from Act 79 of 2021.

5 She noted suggestions from the Pennsylvania Society
6 of Physician Assistants have been incorporated into
7 the draft annex. She requested a vote from the Board
8 to send it out as an exposure draft for comments.

9 Chair Woodland commented that the national group
10 recognizes the national change from physician
11 assistants to physician associates would have a lag
12 because of legislative issues and definitions **within**
13 **the different states.]**

14 MS. WUCINSKI:

15 I believe the Board would entertain a
16 motion that the draft annex for
17 Regulation 16A-4955, titled Physician
18 Assistant, be sent out as an exposure
19 draft.

20 MR. EISENHAUER:

21 So moved.

22 DR. RIPCHINSKI:

23 Second.

24 CHAIR WOODLAND:

25 Any further discussion? Hearing none.

1 Jasmira, could we have a vote, please?

2

3 Arion Claggett, aye; Mark Woodland,
4 aye; Donald Yealy, aye; Gerard Dillon,
5 aye; Michael Ripchinski, aye; Walter
6 Eisenhauer, aye.

7 [The motion carried unanimously.]

8

9 Report of Regulatory Counsel

10 [Dana M. Wucinski, Esquire, Board Counsel, noted 16A-
11 4948 regarding examination and 16A-4947 regarding
12 orthotic fitter extension of temporary practice
13 permit regulations have been published as final and
14 are done.

15 Ms. Wucinski provided comments from IRRC and a
16 draft final rulemaking for 16A-4956 regarding
17 acupuncturists and practitioners of oriental
18 medicine. She mentioned that there were no comments
19 from the public or House or Senate Professional
20 Licensure Committees. She noted comments from IRRC
21 related mostly to clarity in the preamble and the
22 Regulatory Analysis Form (RAF) which was able to
23 address in the draft final rulemaking package for the
24 Board's review today.]

25 MS. WUCINSKI:

1 If you are okay with the final
2 rulemaking package and responses to
3 comments as drafted, I would ask for a
4 vote to direct counsel to proceed to
5 final rulemaking.

6 MR. EISENHAUER:

7 So moved.

8 DR. RIPCHINSKI:

9 Second.

10 CHAIR WOODLAND:

11 Any further discussion? Hearing none.
12 Jasmira, could we have a roll call,
13 please?

14
15 Arion Claggett, aye; Mark Woodland,
16 aye; Donald Yealy, aye; Gerard Dillon,
17 aye; Michael Ripchinski, aye; Walter
18 Eisenhauer, aye.

19 [The motion carried unanimously.]

20 ***

21 Report of Vice Chair - No Report

22 ***

23 Report of Acting Commissioner

24 [Arion R. Claggett, Acting Commissioner, Bureau of
25 Professional and Occupational Affairs, addressed new

1 functionality in the Pennsylvania Licensing System
2 (PALS) called Act 35, which provides expedited
3 application review for service members, veterans, and
4 military spouses. He stated the application types
5 included in the expedited review are initial
6 applications, renewal applications, and reactivation
7 applications.

8 Acting Commissioner Claggett noted Act 35 gives
9 them the ability to waive the initial application fee
10 for spouses when they are required to move due to
11 military orders. He mentioned that the fee waiving
12 functionality in PALS is not available and that
13 refunds would be issued.

14 Acting Commissioner Claggett noted Act 35 also
15 has directed them to create a military crosswalk
16 explaining how military experience transfers over to
17 licensure and is available on the Board web pages.

18 Acting Commissioner Claggett stated Act 35 also
19 gives them the ability to provide temporary permits
20 for applicants whose military experience may be
21 lacking something needed for licensure.

22 Chair Woodland asked whether there was a Portable
23 Document Format (PDF) that could be sent out with the
24 minutes.

25 Acting Commissioner Claggett explained that there

1 is a link on the Board web pages and could send out a
2 link directing people where to find it on the Board
3 pages. He mentioned there would be a press release
4 forthcoming as well.]

5 ***

6 Report of Department of Health - No Report

7 ***

8 Report of Committee on Health-Related Professionals -
9 No Report

10 ***

11 Report of Committee on Legislation/Policy Development
12 and Review

13 [Michael Ripchinski, M.D. MBA, CPE, FAAFP, informed
14 Board members that the Federation of State Medical
15 Boards recently put together a draft report on
16 determining and enforcing the standards of care with
17 their Ethics and Professionalism Committee.

18 Dr. Ripchinski explained that the committee is
19 charged with addressing ethical and professional
20 issues pertinent to medical regulation and assisting
21 state medical boards with overcoming challenges
22 related to determining and enforcing medical
23 standards of care. He mentioned the committee was
24 tasks recently with providing guidance on how to
25 assess standards for use in quality-of-care cases

1 where they would have to comment.

2 Dr. Ripchinski provided an outline of the report,
3 where the first section discusses obtaining and
4 working with medical experts in quality-of-care cases
5 and how the Board would evaluate the quality of the
6 testimony and whether the statement of the expert
7 could provide an informed opinion on the topics. He
8 noted a summary of the expert's opinion would be
9 included in the report and any relevant concerns the
10 expert has regarding the conduct should be given to
11 them in a report from a medical expert.

12 Dr. Ripchinski stated the second part of the
13 report talks about how they would go about
14 determining an appropriate medical expert to use
15 based on specialty guidelines.

16 Dr. Ripchinski addressed the third aspect of the
17 report, which was determining and analyzing medical
18 expert testimony using legal precedence or the
19 Daubert standard. He referred to Rule 702 of the
20 Federal Rules of Evidence for use in them determining
21 and assessing medical expert testimony.

22 Dr. Ripchinski stated the fourth section concerns
23 analyzing expert medical testimony using academic
24 research methods, looking at levels of evidence and
25 commenting on controlled trials and systematic

1 reviews as a way to assess standards of care.

2 Dr. Ripchinski noted FSMB meets in May and the
3 idea is to have a final report and recommendations
4 presented to the FSMB Board of Directors after their
5 House of Delegates and Annual Business Meeting or
6 during it in May.]

7

8 Report of Committee on Licensure Qualifications -
9 [Gerard F. Dillon, Ph.D., Public Member, addressed
10 Act 41, which establishes a pathway for someone to
11 apply for licensure in Pennsylvania who already has a
12 license in another jurisdiction, including other
13 countries. He reminded the Board members that there
14 are a number of requirements to be met under Act 41,
15 along with options for the Board of Medicine to
16 require additional measures or documents.

17 Mr. Dillon stated one of the main features of Act
18 41 is for the Board to determine if licensure in the
19 originating country is substantially equivalent to
20 requirements in Pennsylvania. He mentioned the
21 Committee on Licensure Qualifications reviewed Act 41
22 and provided a draft, noting the goal at this time is
23 to have further discussion.

24 Mr. Dillon explained the Board might want to
25 focus on three main ideas in order to establish

1 substantial equivalence: 1) the quality of the
2 undergraduate medical education in the original
3 country, perhaps as measured by whether the medical
4 school is accredited by an independent agency, 2)
5 whether the original licensing authority requires
6 individuals to continue education beyond
7 undergraduate and have some postgraduate training and
8 experience, and 3) whether there is an independent
9 assessment of the individual's qualifications and
10 skills.

11 Mr. Dillon commented that he believed that no
12 action is needed to be taken by the Board at this
13 point but requested advice from Board Counsel.]

14 ***

15 Report of Board Chair

16 [Mark B. Woodland, M.S., M.D., FACOG, Chair, noted a
17 summary of the physician assistant profession
18 progress at the end of 2022 that highlighted
19 practicing across state lines, the alternative
20 Physician Assistant National Recertifying exam
21 process, and the changing of their moniker from
22 assistants to associates.]

23 Chair Woodland reminded everyone that the DEA
24 DATA-Waiver has been rescinded. He noted the
25 Consolidated Appropriations Act of 2023 eliminated

1 the DATA-Waiver Program; however, the Drug
2 Enforcement Administration (DEA) fully supports
3 significant policy reform because of the epidemic of
4 opioid use disorders.

5 Chair Woodland further explained that limits were
6 imposed on those who practiced medical assisted
7 therapy as far as what they could do, how they could
8 do it, and the number of patients they could see. He
9 also noted special training was required to receive
10 an X-waiver on their DEA license.

11 Ms. Walter clarified that the changes are only
12 related to the DEA regulations and practitioners
13 still have the obligations of their Medical Practice
14 Act relating to controlled substance.

15 Chair Woodland provided highlights from the
16 Federation of State Medical Boards, noting that the
17 workforce is working very hard, but
18 provider/physician burnout and depression is getting
19 worse. He mentioned the need to look at why that is
20 happening. He noted there has been a lot of attention
21 placed on provider/physician resilience and well-
22 being but more there had been further erosion of the
23 resilience and an actual increase in the extent of
24 suicidal ideation among providers that impacts health
25 care.

1 Chair Woodland informed Board members that FSMB
2 is running seminars and webinars, including one on
3 Valentine's Day on *Changing the System: Removing*
4 *Barriers to Treatment through Licensing Reform.*

5 Chair Woodland noted FSMB is seeking resolutions
6 from all member boards for the upcoming House of
7 Delegates Meeting. He mentioned that the resolutions
8 are on FSMB's website, and everyone could write in
9 their comments.

10 Chair Woodland mentioned the 14th International
11 Conference on Medical Regulation would be in Bali,
12 Indonesia in November.

13 Chair Woodland noted a review in the Journal of
14 Medical Regulations titled, *An Historical*
15 *Perspective on Medical Boards, Disciplinary Actions,*
16 *and Abortion* by David Johnson.]

17 ***

18 Report of Board Administrator - No Report

19 ***

20 Board Meeting Dates

21 [Mark B. Woodland, M.S., M.D., FACOG, Chair, noted
22 2023 and 2024 Board meeting dates.]

23 ***

24 Adjournment

25 CHAIR WOODLAND:

1 I look for a motion to adjourn the
2 meeting.

3 MR. EISENHAUER:

4 So moved.

5 CHAIR WOODLAND:

6 We need a second?

7 DR. RIPCHINSKI:

8 Second.

9 CHAIR WOODLAND:

10 Everybody have a great day. I look
11 forward to seeing everybody next month.

12 ***

13 [There being no other business, the State Board of
14 Medicine Meeting adjourned at 12:34 p.m.]

15 ***

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CERTIFICATE

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

Benjamin Morrow

Benjamin Morrow,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF MEDICINE
REFERENCE INDEX

February 7, 2023

	TIME	AGENDA
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8		
9	8:45	Executive Session
10	10:30	Return to Open Session
11		
12	10:36	Official Call to Order
13		
14	10:38	Introduction of Board Members/Attendees
15		
16	10:40	Approval of Minutes
17		
18	10:44	Report of Prosecuting Attorneys
19		
20	10:58	Appointment - Carolyn A. DeLaurentis,
21		Esquire, Executive Deputy Chief
22		Counsel, Department of State, Annual
23		Prosecutorial Division Presentation
24		
25	11:35	Appointment - Bureau of Finance and
26		Operations Annual Budget Presentation
27		
28	11:48	Report of Prosecuting Attorneys (cont.)
29		
30	11:57	Report of Board Counsel
31		
32	12:02	Applications for Licensure
33		
34	12:05	Miscellaneous
35		
36	12:08	Ratifications
37		
38	12:09	For the Board's Information/Discussion
39		
40	12:10	Regulatory Status Report
41		
42	12:16	Report of Acting Commissioner
43		
44	12:18	Report of Committee on
45		Legislation/Policy Development and
46		Review
47		
48	12:21	Report of Committee on Licensure
49		Qualifications
50		

STATE BOARD OF MEDICINE
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February 7, 2023

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TIME	AGENDA
12:26	Report of Board Chair
12:34	Adjournment