State Board of Osteopathic Medicine June 5, 2024

BOARD MEMBERS:

7 Arion R. Claggett, Acting Commissioner, Bureau of
8 Professional and Occupational Affairs
9 Sirisha Reddy, Special Assistant, on behalf of Debra
10 L. Bogen, M.D., FAAP, FABM, Acting Secretary of
11 Health
12 John B. Bulger, D.O., MBA, Chairman

Hillary D. Snyder, MSPAS, PA-C, Vice Chairperson Randy Litman, D.O., Secretary - Absent Thomas S. Dardarian, D.O.

Thomas S. Dardarian, D.O
Joseph M. Zawisza, D.O.
Jonathan P. Oline, D.O.

Ayanna S. Kersey-McMullen, D.O. - Absent James R. Latronica, D.O. - Absent

BUREAU PERSONNEL:

Dana M. Wucinski, Esquire, Board Counsel
Ashley Goshert, Esquire, Board Counsel
Keith E. Bashore, Esquire, Board Prosecution Liaison
Berk V. Demiral, Esquire, Board Prosecutor
Adrianne Rachelle McClendon, Esquire, Board
Prosecutor
Courtney J. Restemayer, Esquire, Board Prosecutor
Priscilla Turek, Board Administrator

Holly Hoffman, Law Clerk, Department of State

ALSO PRESENT:

Andy Sandusky, Executive Vice President, Public
 Policy and Association Affairs, Pennsylvania
 Osteopathic Medical Association
Mary Marshall, Director, Workforce & Professional
 Development, The Hospital and Healthsystem
 Association of Pennsylvania
Misha Patel, M.D., Curriculum Education Assistant,
 Geisinger Commonwealth School of Medicine
Susan DeSantis, PA-C, Pennsylvania Society of

Susan DeSantis, PA-C,
Physician Assistants

Autumn Karper, Sargent's Court Reporting Service, Inc.

3 * * * 1 2 State Board of Osteopathic Medicine 3 June 5, 2024 * * * 4 5 [Pursuant to Section 708(a)(5) of the Sunshine Act, at 9:30 a.m. the Board entered into Executive Session 6 7 with Dana M. Wucinski, Esquire, Board Counsel, for the purpose of conducting quasi-judicial deliberations on a number of matters that are 10 currently pending before the Board and to receive the 11 advice of counsel. The Board returned to open 12 session at 10:30 a.m.] 13 * * * 14 The regularly scheduled meeting of the State 15 Board of Osteopathic Medicine was held on Wednesday, 16 June 5, 2024. John B. Bulger, D.O., MBA, Chairman, 17 called the meeting to order at 10:30 a.m.] * * * 18 Introduction of Board Members/Attendees 19 20 [Priscilla Turek, Board Administrator, provided an 21 introduction of Board members, staff, and attendees.] 22 23 [The Board experienced technical difficulties from 24 10:31 a.m. until 10:35 a.m.]

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                  Hillary Snyder, aye; Dr. Dardarian,
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                  aye; Dr. Zawisza, aye; Dr. Oline, aye;
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                  Sirisha Reddy, aye.
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   [The motion carried unanimously.]
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   Report of Prosecuting Attorneys
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   [Keith E. Bashore, Esquire, Board Prosecution
   Liaison, introduced new prosecuting attorneys:
   Demiral, Courtney Restemayer, Adrianne McClendon, and
10
   Patrick Greene.
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        Chair Bulger welcomed new prosecutors to the
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   State Board of Osteopathic Medicine.
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        Mr. Bashore presented the Consent Agreements for
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   Case No. 21-53-015406, VRP Case No. 24-53-006320, and
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   Case No. 23-53-016779.]
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   [Dana M. Wucinski, Esquire, Board Counsel, noted the
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   Board entered into Executive Session this morning for
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   the purpose of conducting quasi-judicial
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   deliberations on a number of matters before currently
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   pending before the Board and to receive the advice of
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   counsel.1
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   MS. WUCINSKI:
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                  At agenda item 3, I believe the Board
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6 1 would entertain a motion to adopt the 2 Consent Agreement and Order at Case No. 3 21-53-015406. 4 CHAIRMAN BULGER: 5 Is there a motion? DR. DARDARIAN: 6 7 So moved. 8 DR. ZAWISZA: 9 Second. 10 CHAIRMAN BULGER: 11 Any discussion? Hearing none. Please call the roll. 12 13 14 Arion Claggett, aye; Dr. John Bulger, 15 aye; Hillary Snyder, aye; Dr. Thomas 16 Dardarian, aye; Dr. Joseph Zawisza, 17 aye; Dr. Jonathan Oline, aye; Sirisha 18 Reddy, aye. 19 [The motion carried unanimously. The Respondent's 20 name is Samir A. Wahib, D.O.] * * * 21 22 MS. WUCINSKI: 23 At agenda item 4, I believe the Board 24 would entertain a motion to adopt the

VRP Consent Agreement and Order at Case

No. 24-53-006320. 1 2 CHAIRMAN BULGER: 3 Do we have a motion? 4 DR. DARDARIAN: 5 So moved. DR. ZAWISZA: 6 7 Second. 8 CHAIRMAN BULGER: 9 Any discussion? Hearing none. Please 10 call the roll. 11 12 Arion Claggett, aye; Dr. John Bulger, 13 aye; Hillary Snyder, aye; Dr. Thomas 14 Dardarian, aye; Dr. Joseph Zawisza, 15 aye; Dr. Jonathan Oline, aye; Sirisha 16 Reddy, aye. [The motion carried unanimously.] 17 * * * 18 19 MS. WUCINSKI: 20 At agenda item 5, I believe the Board 21 would entertain a motion to adopt the 22 Consent Agreement and Order at Case No. 23 23-53-016779. 24 CHAIRMAN BULGER: 25 Do we have a motion?

8 1 DR. DARDARIAN: 2 So moved. 3 DR. ZAWISZA: 4 Second. 5 CHAIRMAN BULGER: 6 Any further discussion? Hearing none. 7 Please call the roll. 9 Arion Claggett, aye; Dr. John Bulger, 10 aye; Hillary Snyder, aye; Dr. Thomas 11 Dardarian, aye; Dr. Joseph Zawisza, 12 aye; Dr. Jonathan Oline, aye; Sirisha 13 Reddy, aye. 14 [The motion carried unanimously. The Respondent's 15 name is Joseph Matthew Palumbo, D.O.] 16 Report of Board Counsel - Proposed Adjudication and 17 18 Order of the Hearing Examiner MS. WUCINSKI: 19 20 At agenda item 6, I believe the Board 21 would entertain a motion to adopt the 22 Proposed Adjudication and Order of the 23 hearing examiner for Michael S. Cash, 24 D.O., at Case No. 23-53-016601. 25 CHAIRMAN BULGER:

9 1 Do we have a motion? 2 DR. DARDARIAN: 3 So moved. 4 DR. ZAWISZA: 5 Second. 6 CHAIRMAN BULGER: 7 Any further discussion? Hearing none. Please call the roll. 8 9 10 Arion Claggett, aye; Dr. John Bulger, 11 aye; Hillary Snyder, aye; Dr. Thomas 12 Dardarian, aye; Dr. Joseph Zawisza, 13 aye; Dr. Jonathan Oline, aye; Sirisha 14 Reddy, aye. 15 [The motion carried unanimously.] 16 17 Report of Board Counsel - Regulatory Status Report -18 Status of Regulations 19 [Dana M. Wucinski, Esquire, Board Counsel, referred 20 to the Status of Regulations Report that regulatory 21 counsel provided prior to the meeting for the Board's 22 review.] 23 24 Report of Board Counsel - FYI - House Bill 2294 25 [Dana M. Wucinski, Esquire, Board Counsel, addressed

House Bill 2294. She noted that physician assistants are licensed by both the State Board of Medicine and the State Board of Osteopathic Medicine, and the physician assistant (PA) supervising physician must be licensed by the state Board as directed in the current regulations.

Ms. Wucinski noted physician assistants work for both the boards in hospitals forcing them to obtain a license by both boards if a PA wants to have a supervising physician of those types. She reported it to be a licensure burden, because the PA switches between supervising physicians quite frequently.

Ms. Wucinski explained that the legislation would change the definition of supervising physician to include a Medical Doctor (MD) or Doctor of Osteopathic Medicine (DO). She reported a similar bill is being proposed for the Medical Practice Act as well.

Ms. Snyder mentioned being confused between the draft legislation and the memorandum noting the difference between dual-license issuing as far as just getting a new number versus actually changing the acts to say the physician assistant can be licensed under either board.

Ms. Snyder stated that being licensed under the

State Board of Osteopathic Medicine but having a
written agreement under the State Board of Medicine
becomes confusing because there are two different
practice acts and logistical issues as far as the
regulations, especially now when regulations are
drafted for the State Board of Medicine but not yet
for the State Board of Osteopathic Medicine.

Ms. Snyder also noted there are separate fees for each board and renewals seem to be an oversimplification of a very cumbersome process. She agreed with decreasing the burden on physician assistants, but believed this falls short of doing that and may further complicate the licensing process.

Ms. Wucinski stated it is helpful to hear some of the potential issues, because the Bureau's staff is drafting a bill analysis and will include those comments.

Ms. Wucinski addressed a comment by Susan

DeSantis from the Pennsylvania Society of Physician

Assistants asking whether the Board is open to

reciprocity between the boards within a Pennsylvania

license since both boards have the same licensing

requirements. She mentioned the bill was created

because of the six- to eight-week processing time for

a PA to obtain a license and the urgent need to add a
PA to the opposite board because the primary
supervisor has a capacity under the 1:6 ratio.

Ms. Wucinski explained that the details would have to be worked out if this were to pass. She mentioned that it also has to do with PAs in the hospitals and with their primary supervising physician being whoever the attending physician is and PAs having to basically jump from an MD to a DO.

Ms. Snyder explained that the PA can work underneath the alternate supervising physician, If the PA has a primary agreement under an MD but the group, the practice, or the hospital is a mixed setting, the PA does not need a separate written agreement for each physician and no switching is needed.

Ms. Snyder mentioned the new legislation says that the PA only has to name one and can have the list of alternate supervising physicians at the practice level. She stated it is less of an issue of people working in the hospital needing a different attending, which is a separate hospital-based issue as far as who their alternate physicians are.

Ms. Snyder noted the supervising physician is their primary agreement within the practice and

becomes more of an issue, where the PA has a

physician who leaves the practice, who was their

supervising physician and under a different board

than the new hire, then the PA needs to have a new

license under the same board as the physician who has
been hired.

- Ms. Snyder commented that it seems more of a hiring/onboarding issue or a capacity issue. She believed it to be an oversimplification of the actual problem and whether they are talking about issues in hiring, issues in ratios, or turnover problems that the PAs are coming on having a lapse in licensure, or does the Board want to say the PA can have a license with one board and then choose a physician under either board.
- Dr. Dardarian commented that the other issue is if the PA wants to change jobs. If the PA works in family practice and their supervising physician is an MD, and then the PA takes a job in another family practice group, the PA is leaving private practice. He mentioned that no one is going to wait eight weeks for a PA and will hire somebody else. He noted the Board needs to find a way to make it seamless so PAs are not getting penalized for switching over. He mentioned the PA might have to apply to the other job

before they leave their current job and hope they get their license before they start the next job.

Ms. Snyder expressed concern that it is trying to avoid a certain board, where they will avoid certain boards and get licensed under the board that allows them to have a written agreement under either board.

Ms. Wucinski commented that Act 78 and Act 79 are identical and will be more identical once the osteopathic PA regulation is drafted.

Ms. Snyder commented that there are two boards in Pennsylvania and the secondary issue is the six- to eight-week issue, where a PA wants to get a job in Pennsylvania but can get licensed faster in another state. She noted some new grads, who are educated in Pennsylvania and paid through state dollars, leave for another state.

Chairman Bulger commented that it is mostly a recruiting issue but sometimes an administrative issue, where an office has an MD and three DOs, and the supervising physicians and MD are licensed under the MD board but the MD leaves and the PA is now in an office of three DOs and has to get a license from the Board to be able to continue what they do every day.

Chairman Bulger stated that fixing that makes

sense, and the concern is in the bills, where they
are going to give reciprocity to both boards and
solves everything. He noted it creates other
unintended consequences, including discipline to both
boards and reviewing the discipline separately, fee
schedules, and other things.

Chairman Bulger mentioned that the licensing requirements are the same for both boards, but the procedures of both boards are not exactly the same, along with the practice acts. He noted the pragmatics of what happens afterward need to be worked out at the regulatory level before promulgating a regulation that would put into practice the legislative intent. He commented that it is not as simple as saying someone who applies to one board is now licensed by both boards.

Ms. Wucinski noted she was not sure that is what it says. She mentioned they use the term "registered," which needs to be updated, but the supervising physician can be licensed under either board.

Chairman Bulger commented the process needs to be laid out, because the PA could be with an MD in the morning and a DO in the afternoon taking care of the same patient. He asked whether they would both look

at it and have separate opinions if something happens within the purview of the boards. He noted there are practical issues, and the problem needs solved because it does not make any sense to have someone reapply for something that is the exactly the same.

Ms. Wucinski noted it is currently written that a physician assistant licensed under both boards with an issue can be disciplined under both boards, even if they are only licensed under the Medical Board and being supervised by a DO, only the Medical Board has the authority to discipline because they do not have a license under the Osteopathic Board. She noted that is a concern to place in the bill analysis.

Ms. Snyder commented that the bill does not say they apply under one board and receive a license under both. She explained that the bill says someone applying under one board can have a supervising physician who is licensed under either board, so the written agreement will go to either board but still creates a lot of downstream issues.]

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Report of Board Counsel - FYI House Bill 2200

[Dana M. Wucinski, Esquire, Board Counsel, addressed House Bill 2200 regarding criminal history background checks. She mentioned Pennsylvania has joined

several interstate licensure compacts, including the
Interstate Medical Licensure Compact (IMLC) in the
last couple of years, but never became fully
operational because of the background check language
in the Pennsylvania statute was deemed unacceptable
to join the multistate compacts.

Ms. Wucinski stated after years of negotiation between the the Federal Bureau of Investigation (FBI), Department of State, and the Pennsylvania State Police, all parties have agreed to changes in the background checks that will finally allow them to join the compacts and allow it to be fully implemented in Pennsylvania.

Ms. Wucinski explained that the legislation amends Title 63 of the Pennsylvania Consolidated Statutes to require applicants for a multistate compact license to get an FBI background check with fingerprints. She noted the agreement would also require all new applicants for licenses in health-related fields to undergo an FBI fingerprint background check. She also noted that individuals who are already licensed in Pennsylvania will not need to complete an FBI background check to renew their license.]

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1 Report of Board Counsel - FYI - Implicit Bias and 2 Cultural Competence 3 [Dana M. Wucinski, Esquire, Board Counsel, addressed 4 House Bill 2178 regarding implicit bias and cultural 5 competence. She noted the legislation will require 6 all health-related boards within the Department of 7 State to complete complicit bias training as part of 8 each profession's continuing education requirements. She mentioned the Board has provided feedback over 10 the last several years and noted it is working its 11 way around again.] 12 13 Report of Board Counsel - Discussion Regarding 14 Schedule II Prescriptions 15 [Dana M. Wucinski, Esquire, Board Counsel, addressed 16 Schedule II prescriptions. She noted it has been 17 requested that the Board review their regulations to 18 determine whether a regulatory change should be made 19 to create an exception for the 30-day supply rule to 20 permit PA spray prescriptions or orders for refills 21 of intrathecal pain pumps currently under § 25.177, 22 entitled prescribing and dispensing drugs, 23 pharmaceutical aids, and devices. 24 Ms. Wucinski stated a PA is limited with their 25 Schedule II prescribing to a 30-day dose, noting pain pumps are good for three- to six-months but technically under the existing regulations, a PA would not be able to prescribe those.

Ms. Wucinski asked how the pain pump, which is infusing this medication over a three- to six-month period, fits into the Schedule II requirement, whether they prohibited, and whether the Board is open to a regulation change to make an exception. She noted it was discussed with the Medical Board and believed that they were in favor but would double check.

Chairman Bulger did not have any trouble with the exception but asked whether there was some other way to deal with this other than the regulatory process.

Ms. Wucinski explained that it would have to be a regulatory change because it is in the regulation and is limited to 30 days.

Chairman Bulger commented that it is really not a six-month supply because they are giving one aliquot of the drug because or maybe someone from the Pharmacy Board saying it is not a 30-day supply.

Dr. Dardarian commented that he did not see the impetus of the issue and asked whether it is coming from neurosurgeons or pain management because they could just send it to the covering physician.

Ms. Wucinski noted Ms. DeSantis said there was a question raised by the neurosurgery and pain management.

Ms. Wucinski stated if the Board accepts the physician assistants prescribing this pain pump that the Board can then decide whether or not a regulatory change needs to be made or whether the existing regulations are sufficient. She noted the regulations talk about two different ways that they can prescribe, where a physician assistant may prescribe a Schedule II controlled substance for initial therapy up to a 72-hour dose, which would also affect that because then the physician assistant shall notify the supervising physician of the prescription as soon as possible but longer than 24 hours of the issuance.

Chairman Bulger commented that none of that was written with a three- to six-month pain pump because they are all written about pills.

Ms. Wucinski stated the Board would have to let them know whether they agree with the regulatory change in the physician assistant prescribing it and could it be for the initial prescription. She noted Ms. DeSantis said the Medical Board decided they agree with the regulatory change, but it has to be an

2.1

explicit notification.

Dr. Zawisza commented that he agreed with renewal but not with the start of the medication. He explained that there needs to be certain limitations and a physician needs to be directly involved when talking about a pain pump.

Ms. Wucinski explained that regulatory counsel would draft a regulation if the Board moves forward.

Chair Bulger commented that he agreed with moving forward because it will come back to the Board again. He asked whether there was a way to ascertain whether this was acceptable and could regulatory counsel review the current regulation and ascertain if it was covered in the current regulation given the fact that the regulation was written before this existed. He noted there has to be explicit notification within 72 hours of initial prescription. He also noted that anything that happens needs to be in the collaborative agreement explicitly.]

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21 [The Board experienced technical difficulties from 22 11:11 a.m. until 11:12 a.m.]

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24 Report of Board Counsel - Other - BPOA Annual Report 25 [Dana M. Wucinski, Esquire, Board Counsel, referred

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to BPOA's Annual Report the department is required to
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   send to the Professional Licensure Committee.
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   noted the report was sent on April 25, 2024, and the
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   Board already had a presentation. She explained that
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   the report includes dispositions of the cases and
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   case categories for their specific Board.]
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   Report of Board Counsel - Other
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   MS. WUCINSKI:
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                  At agenda item 13, I believe the Board
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                  would entertain a motion to grant the
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                  Application to Practice as an
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                  Osteopathic Graduate Trainee of Andrew
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                  Waltersdorf.
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   DR. DARDARIAN:
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                  So moved.
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   DR. ZAWISZA:
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                  Second.
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   CHAIRMAN BULGER:
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                  Any further discussion? Please call
21
                  the roll.
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                  Arion Claggett, aye; Dr. John Bulger,
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                  aye; Hillary Snyder, aye; Dr. Thomas
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                  Dardarian, aye; Dr. Joseph Zawisza,
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1 aye; Dr. Jonathan Oline, aye; Sirisha

2 Reddy, aye.

3 [The motion carried unanimously.]

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5 Report of Board Counsel - Other - New Board Counsel

6 | [Dana M. Wucinski, Esquire, Board Counsel, informed

7 | Board members that she has been promoted to an acting

B senior position and introduced new Board Counsel,

9 Ashley Goshert.

10 Chairman Bulger welcomed Ms. Goshert and

11 | congratulated Ms. Wucinski on her promotion.]

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13 Report of Board Chair - No Report

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15 Report of Vice Chair - No Report

16 [Hillary D. Snyder, MSPAS, PA-C, Vice Chair, also

17 | congratulated Ms. Wucinski and thanked her for all of

18 the help and advice over the years. She also

19 | welcomed Ms. Goshert. |

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21 Report of Acting Commissioner

22 | [Arion R. Claggett, Acting Commissioner, Bureau of

23 Professional and Occupational Affairs, informed Board

24 members that e-licensure was enabled in the

25 Pennsylvania Licensing System (PALS) on May 31, 2024,

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to allow licensees to print their own license.

Acting Commissioner Claggett noted that licenses will continue to be printed as they are issued until the new licensing system is implemented. There will be no fee for printing their own license. He reported being on track to go into the new licensure system in the summer of 2025.]

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9 Report of Department of Health - No Report

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11 Report of Board Administrator

12 [Priscilla Turek, Board Administrator, addressed her 13 attendance at the Federation of State Medical Boards 14 (FSMB) Annual Meeting in April. She mentioned that 15 it was her first meeting and interesting to hear the 16 different aspects of the medical profession. discussed workforce issues, where it is estimated 17 18 that there will possibly be a shortage of physicians 19 by 2030. She reported the top five countries for international medical graduates were India, 20

Caribbean, Pakistan, Philippines, and Mexico.

Ms. Turek noted the census of licensed physicians in the United States and District of Columbia was over 1 million. She reported 1 million opioid deaths since 1999 with a 75% increase in overdose deaths in

25 She noted that artificial intelligence was 1 2021. 2 mentioned concerning the medical field, and they are 3 looking at possible regulatory status.] * * * 4 5 For the Board's Information/Discussion - Board 6 Meeting Dates 7 [John B. Bulger, D.O., MBA, Chairman, noted the 2024 and 2025 Board meeting dates.] 9 10 [Chairman Bulger acknowledged the 80th anniversary of 11 D-Day.] 12 13 Adjournment 14 CHAIRMAN BULGER: 15 Motion to adjourn. DR. DARDARIAN: 16 17 So moved. 18 DR. ZAWISZA: 19 Second. * * * 20 21 [There being no further business, the State Board of 22 Osteopathic Medicine Meeting adjourned at 11:19 a.m.] 23 24

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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.

Autumn Karper,
Minute Clerk
Sargent's Court Reporting

Service, Inc.

STATE BOARD OF OSTEOPATHIC MEDICINE REFERENCE INDEX

1 2	STATE BOARD OF OSTEOPATHIC MEDICINE REFERENCE INDEX	
2 3 4 5 6 7 8 9 10 11 21 3 14 15 16 17 18 19 20 21 22 22 22 22 23 33 33 33 33 33 33 33 33		June 5, 2024
	TIME	AGENDA
		Executive Session Return to Open Session
	10:30	Official Call to Order
	10:31	Introduction of Board Members/Attendees
	10:36	Approval of Minutes
	10:39	Report of Prosecuting Attorneys
	10:44	Report of Board Counsel
	11:15	Report of Acting Commissioner
	11:16	Report of Board Administrator
	11:18	For the Board's Information/Discussion
	11:19	Adjournment