

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: 10:39 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE

2525 North 7th Street

CoPA HUB, Eaton Conference Room

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

Thursday, August 15, 2024

1 State Board of Osteopathic Medicine
2 August 15, 2024

3
4
5 BOARD MEMBERS:

6
7 Arion R. Claggett, Acting Commissioner, Bureau of
8 Professional and Occupational Affairs
9 Aven Bittinger, William and Hannah Penn Fellow,
10 on behalf of Debra L. Bogen, M.D., FAAP, FABM,
11 Acting Secretary of Health
12 John B. Bulger, D.O., MBA, Chairman
13 Hillary D. Snyder, MSPAS, PA-C, Vice Chairperson
14 Randy Litman, D.O., Secretary
15 Thomas S. Dardarian, D.O.
16 Joseph M. Zawisza, D.O.
17 Jonathan P. Oline, D.O.
18 Ayanna S. Kersey-McMullen, D.O.
19 James R. Latronica, D.O.
20

21
22 BUREAU PERSONNEL:

23
24 Ashley B. Goshert, Esquire, Board Counsel
25 Jacqueline A. Wolfgang, Esquire, Regulatory Counsel
26 Keith E. Bashore, Esquire, Board Prosecution Liaison
27 Patrick Greene, Esquire, Board Prosecutor
28 Adrienne Rachelle McClendon, Esquire, Board
29 Prosecutor
30 Courtney J. Restemayer, Esquire, Board Prosecutor
31 Adam J. Williams, Esquire, Board Prosecutor
32 Priscilla Turek, Board Administrator
33 Andrew LaFratte, MPA, Deputy Policy Director,
34 Department of State
35 Holly Hoffman, Law Clerk, Department of State
36

37
38 ALSO PRESENT:

39
40 Andy Sandusky, Executive Vice President, Public
41 Policy and Association Affairs, Pennsylvania
42 Osteopathic Medical Association
43 Lawrence Miller, D.O.
44 Misha Patel, M.D., Curriculum Education Assistant,
45 Geisinger Commonwealth School of Medicine
46 Susan DeSantis, PA-C, Pennsylvania Society of
47 Physician Assistants
48 Wesley J. Rish, Esquire, Rish Law Office, LLC
49 Rachel Wilbur-Adams, Sargent's Court Reporting
50 Service, Inc.

1 ALSO PRESENT: (Continued)
2
3
4 Adrienne McClendon
5 Andrea Wandling
6 Holly Haverstick
7 Berk Demiral
8 Carlton Smith
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51

1 ***

2 State Board of Osteopathic Medicine

3 August 15, 2024

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act,
6 at 9:30 a.m. the Board entered into Executive Session
7 with Ashley B. Goshert, Esquire, Board Counsel, for
8 the purpose of conducting quasi-judicial
9 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 Thursday,
16 August 15, 2024. John B. Bulger, D.O., MBA,
17 Chairman, called the meeting to order at 10:39 a.m.]

18 ***

19 Introduction of Board Members/Attendees
20 [Priscilla Turek, Board Administrator, provided an
21 introduction of Board members, staff, and attendees.
22 A quorum of Board members was present.]

23 ***

24 Approval of minutes of the June 5, 2024 meeting
25 CHAIRMAN BULGER:

1 The second item on the agenda is to
2 approve the minutes of the June 5
3 meeting of the State Board of
4 Osteopathic Medicine.

5 Do we have a motion to approve the
6 minutes?

7 [Board members experienced technical difficulties
8 from 10:40 a.m. until 10:42 a.m.]

9 CHAIRMAN BULGER:

10 I'm looking for a motion to approve the
11 minutes.

12 DR. DARDARIAN:

13 So moved.

14 CHAIRMAN BULGER:

15 Do I have a second?

16 DR. ZAWISZA:

17 Second.

18 CHAIRMAN BULGER:

19 Any additions, deletions, corrections
20 to the minutes? All right. Call the
21 roll, please.

22

23 Arion Claggett, aye; John Bulger, aye;
24 Hillary Snyder, aye; Randy Litman, aye;
25 Thomas Dardarian, aye; Joseph Zawisza,

1 before the Board. The Board did
2 discuss the Consent Agreements
3 presented today, along with other
4 agenda items.

5 Based on those deliberations, I
6 believe the Board would entertain a
7 motion to approve the Consent Agreement
8 at item 3 on the agenda, Case No. 24-
9 53-001018.

10 CHAIRMAN BULGER:

11 Do we have a motion?

12 DR. DARDARIAN:

13 So moved.

14 CHAIRMAN BULGER:

15 Second?

16 DR. ZAWISZA:

17 Second.

18 CHAIRMAN BULGER:

19 Any further discussion? Hearing none.

20 Please call the roll.

21

22 Arion Claggett, aye; John Bulger, aye;
23 Hillary Snyder, aye; Randy Litman, aye;
24 Thomas Dardarian, aye; Joseph Zawisza,
25 aye; Jonathan Oline, aye; Ayanna

1 Kersey-McMullen, aye; James Latronica,
2 aye; Aven Bittinger, aye.

3 [The motion carried unanimously. The Respondent's
4 name for item 3 is Andrew Michael Epstein, D.O.]

5 ***

6 [Keith E. Bashore, Esquire, Board Prosecution
7 Liaison, presented the Consent Agreement for VRP Case
8 No. 24-53-009073.]

9 MS. GOSHERT:

10 I believe the Board would entertain a
11 motion to approve the VRP Agreement at
12 item 4, Case No. 24-53-009073.

13 CHAIRMAN BULGER:

14 Do we have a motion?

15 DR. DARDARIAN:

16 So moved.

17 DR. ZAWISZA:

18 Second.

19 CHAIRMAN BULGER:

20 Any further discussion? Hearing none.
21 We'll call the roll.

22

23 Arion Claggett, aye; John Bulger, aye;
24 Hillary Snyder, aye; Randy Litman, aye;
25 Thomas Dardarian, aye; Joseph Zawisza,

1 Hillary Snyder, aye; Randy Litman, aye;
2 Thomas Dardarian, aye; Joseph Zawisza,
3 aye; Jonathan Oline, aye; Ayanna
4 Kersey-McMullen, aye; James Latronica,
5 aye.

6 [The motion carried unanimously.]

7 ***

8 [Keith E. Bashore, Esquire, Board Prosecution
9 Liaison, presented the Consent Agreement for VRP Case
10 No. 24-53-009798.]

11 MS. GOSHERT:

12 I believe the Board would entertain a
13 motion to approve the VRP Agreement at
14 item 6, Case No. 24-53-009798.

15 DR. DARDARIAN:

16 So moved.

17 DR. ZAWISZA:

18 Second.

19 CHAIRMAN BULGER:

20 Any further discussion? Hearing none.
21 Call the roll, please.

22
23 Arion Claggett, aye; John Bulger, aye;
24 Hillary Snyder, aye; Randy Litman, aye;
25 Thomas Dardarian, aye; Joseph Zawisza,

1 aye; Jonathan Oline, aye; Ayanna
2 Kersey-McMullen, aye; James Latronica,
3 aye.

4 [The motion carried unanimously.]

5 ***

6 [Keith E. Bashore, Esquire, Board Prosecution
7 Liaison, presented the Consent Agreement for VRP Case
8 No. 24-53-011207.]

9 MS. GOSHERT:

10 I believe the Board would entertain a
11 motion to approve the VRP Agreement at
12 item 7, Case No. 24-53-011207.

13 CHAIRMAN BULGER:

14 Do we have a motion?

15 DR. DARDARIAN:

16 So moved.

17 DR. ZAWISZA:

18 Second.

19 CHAIRMAN BULGER:

20 Any further discussion? Hearing none.

21 Call the roll.

22

23 Arion Claggett, aye; John Bulger, aye;
24 Hillary Snyder, aye; Randy Litman, aye;
25 Thomas Dardarian, aye; Joseph Zawisza,

1 aye; Jonathan Oline, aye; Ayanna
2 Kersey-McMullen, aye; James Latronica,
3 aye.

4 [The motion carried unanimously.]

5 ***

6 [Keith E. Bashore, Esquire, Board Prosecution
7 Liaison, presented the Consent Agreement for VRP Case
8 No. 24-53-011018.

9 MS. GOSHERT:

10 I believe the Board would entertain a
11 motion to approve the VRP Agreement at
12 item 8, Case No. 24-53-011018.

13 DR. DARDARIAN:

14 So moved.

15 DR. ZAWISZA:

16 Second.

17 CHAIRMAN BULGER:

18 Any further discussion? Hearing none.
19 Call the roll, please.

20
21 Arion Claggett, aye; John Bulger, aye;
22 Hillary Snyder, aye; Randy Litman, aye;
23 Thomas Dardarian, aye; Joseph Zawisza,
24 aye; Jonathan Oline, aye; Ayanna
25 Kersey-McMullen, aye; James Latronica,

1 aye.

2 [The motion carried unanimously.]

3 ***

4 [Keith E. Bashore, Esquire, Board Prosecution
5 Liaison, presented the Consent Agreement for VRP Case
6 No. 24-53-010363.]

7 ***

8 MS. GOSHERT:

9 I believe the Board would entertain a
10 motion to approve the VRP Agreement at
11 item 9, Case No. 24-53-010363.

12 DR. DARDARIAN:

13 So moved.

14 DR. ZAWISZA:

15 Second.

16 CHAIRMAN BULGER:

17 Any further discussion? Hearing none.
18 Call the roll.

19
20 Arion Claggett, aye; John Bulger, aye;
21 Hillary Snyder, aye; Randy Litman, aye;
22 Thomas Dardarian, aye; Joseph Zawisza,
23 aye; Jonathan Oline, aye; Ayanna
24 Kersey-McMullen, aye; James Latronica,
25 aye.

1 [The motion carried unanimously.]

2

3 [Adam J. Williams, Esquire, Board Prosecutor, on
4 behalf of Jason T. Anderson, presented the VRP
5 Consent Agreement for Case No. 21-53-017928.]

6 MS. GOSHERT:

7

8

9

I believe the Board would entertain a
motion to approve the VRP Agreement at
item 10, Case No. 21-53-017928.

10 CHAIRMAN BULGER:

11

Do we have a motion?

12 DR. DARDARIAN:

13

So moved.

14 DR. ZAWISZA:

15

Second.

16 CHAIRMAN BULGER:

17

Any further discussion? Hearing none.

18

Call the roll.

19

20

Arion Claggett, aye; John Bulger, aye;

21

Hillary Snyder, aye; Randy Litman, aye;

22

Thomas Dardarian, aye; Joseph Zawisza,

23

aye; Jonathan Oline, aye; Ayanna

24

Kersey-McMullen, aye; James Latronica,

25

aye.

1 [The motion carried unanimously.]

2

3 Report of Board Counsel - Regulatory Status Report -
4 16A-5336 Licensure Requirements - Final Preamble
5 and Annex

6 [Jacqueline A. Wolfgang, Esquire, Regulatory Counsel,
7 provided a draft of the final rulemaking for 16A-5336
8 regarding licensure requirements and licensure by
9 endorsement. She noted the amendments are necessary
10 to reflect the merger of the postgraduate training
11 bodies for osteopathic medical school graduates and
12 allopathic medical school graduates into a single
13 accreditation system.

14 Ms. Wolfgang stated the amendments also remove
15 the practical clinical skills examination licensure
16 requirement because the practical exam component has
17 been discontinued by the national exam provider. She
18 noted the rulemaking also implements Act 41, which
19 provides for licensure by endorsement.

20 Ms. Wolfgang informed Board members that the
21 proposed regulations were published on May 18, 2024,
22 and the Board received one comment from the
23 Pennsylvania Osteopathic Medical Association during
24 the 30-day public comment period in support of the
25 proposed regulation.

1 Ms. Wolfgang stated the Independent Regulatory
2 Review Commission reviewed the regulation and had no
3 objections, comments, or recommendations. She
4 mentioned that the final-form regulation will be
5 deemed approved if the Board does not make any
6 revisions and the legislative committees do not act.]

7 MS. WOLFGANG:

8 I would ask the Chair to entertain a
9 motion to approve the final regulation
10 and direct regulatory counsel to move
11 this final form through the regulatory
12 process.

13 What that means is basically we
14 will put this package together, and it
15 is all drafted. I have a Regulatory
16 Analysis Form ready to go, so within
17 about a week after this meeting, we
18 would deliver it, and it would get onto
19 IRRC's agenda and hopefully it will be
20 deemed approved.

21 My hope is if we can get the vote
22 today that we can get this published
23 before the end of the year.

24 CHAIRMAN BULGER:

25 Do we have a motion?

1 DR. DARDARIAN:

2 So moved.

3 DR. ZAWISZA:

4 Second.

5 CHAIRMAN BULGER:

6 Any further discussion on this topic?

7 Hearing none. We'll call the roll.

8

9 Arion Claggett, aye; John Bulger, aye;
10 Hillary Snyder, aye; Randy Litman, aye;
11 Thomas Dardarian, aye; Joseph Zawisza,
12 aye; Jonathan Oline, aye; Ayanna
13 Kersey-McMullen, aye; James Latronica,
14 aye.

15 [The motion carried unanimously.]

16

17 Report of Board Counsel - Regulatory Status Report -
18 Status of Regulations

19 [Jacqueline A. Wolfgang, Esquire, Regulatory Counsel,
20 referred to the Status of Regulations Report
21 reflecting a list of pending regulations. She
22 informed Board members of her work on the licensure
23 requirements and moving that forward.

24 Ms. Wolfgang discussed working on the opioid
25 prescribing regulation, Achieving Better Care by

1 Monitoring All Prescriptions Program (ABC-MAP). She
2 noted it would include opioid education requirements
3 into the Board's regulations. She mentioned for
4 clarity that the Board implemented those requirements
5 but noted the importance of adding those. She hoped
6 to have that completed by the following Board meeting
7 and informed Board members that she is working with
8 counsel to get through the regulations as quickly as
9 possible.]

10

11 Report of Board Counsel - FYI - Act 38 of 2024
12 [Ashley B. Goshert, Esquire, Board Counsel, informed
13 Board members that House Bill 1490 was written into
14 law as Act 38 of 2024 and would amend the Acupuncture
15 Licensure Act to provide for title protection of
16 acupuncturists and practitioners of oriental
17 medicine.

18 Ms. Goshert explained that the law allows
19 licensed acupuncturists from other jurisdictions to
20 practice in Pennsylvania for the purposes of
21 attending continuing education courses. She also
22 explained that the law contains an emergency clause,
23 which would allow acupuncturists from other
24 jurisdictions to practice in Pennsylvania in declared
25 states of emergency.

1 Ms. Goshert noted the law also requires
2 acupuncturists to attend and complete 30 hours of
3 mandatory CE during each two-year renewal cycle,
4 where an acupuncturist who is licensed as a physician
5 would do 9 hours as part of their 100-hour
6 requirement for physicians. She also reported that
7 it exempts those who are newly licensed from the
8 first biennial renewal cycle and will require some
9 updates to current regulations.]

10

11 Report of Board Counsel - FYI - Act 42 of 2024
12 [Ashley B. Goshert, Esquire, Board Counsel, informed
13 Board members that House Bill 2200 was signed into
14 law as Act 42 of 2024. She noted the law would
15 require an individual applying for licensure,
16 certification, registration, or permit as a
17 healthcare practitioner to submit to a full set of
18 fingerprints with the Pennsylvania State Police for a
19 check against records in a central repository for
20 purposes of obtaining a current record of any
21 criminal arrest or conviction.]

22

23 Report of Board Counsel - Other

24 MS. GOSHERT:

25

I believe, based on Executive Session

1 deliberations, the Board would
2 entertain a motion to direct Board
3 Counsel to issue a Delegation Order so
4 that a hearing can be held as it
5 relates to the Petition for
6 Reinstatement to Non-Probationary
7 Unrestricted filed on behalf of
8 Lawrence I. Miller, D.O., Case No. 24-
9 53-009717.

10 CHAIRMAN BULGER:

11 Do we have a motion?

12 DR. DARDARIAN:

13 So moved.

14 CHAIRMAN BULGER:

15 Second?

16 DR. ZAWISZA:

17 Second.

18 CHAIRMAN BULGER:

19 Any further discussion on this item?

20 Hearing none. We'll call the roll.

21

22 Arion Claggett, aye; John Bulger, aye;
23 Hillary Snyder, aye; Randy Litman, aye;
24 Thomas Dardarian, aye; Joseph Zawisza,
25 aye; Jonathan Oline, aye; Ayanna

1 Kersey-McMullen, aye; James Latronica,
2 aye.

3 [The motion carried unanimously.]

4 ***

5 Report of Board Counsel - Other

6 [Ashley B. Goshert, Esquire, Board Counsel, stated
7 the Board received requests to provide clarity as it
8 relates to the status of Act 78 of 2021 and Act 79 of
9 2021, particularly as it relates to the waiver
10 process. She explained that the Board cannot provide
11 any legal opinions or legal advice related to this or
12 any other matter or any specific set of facts.

13 Ms. Turek addressed the current waiver request
14 process. She explained that the Medical Practice Act
15 requires good cause to be shown, which can include a
16 statement of explanation from the supervising
17 physician detailing the information, along with the
18 amount of additional physician assistants that the
19 supervising physician is requesting to be added, the
20 reasoning behind the request to add the additional
21 physician assistants, and the additional written
22 agreements.

23 Ms. Turek stated the requests are reviewed by the
24 Board on a case-by-case basis, and the supervising
25 physician will be notified by the Board once the

1 decision is made regarding the next steps for
2 initiating any additional written agreements. She
3 noted requests can be emailed to their resource
4 account at st-osteopathic@pa.gov.

5 Ms. Snyder requested confirmation that the
6 requests could only be considered when they have a
7 Board meeting every two months, because it is pulled
8 out of the regular approval process and needs to be
9 reviewed independently on a case-by-case basis by the
10 Board. She mentioned that it may be a barrier to
11 those providers.

12 Acting Commissioner Claggett mentioned that a
13 committee could be created to address the requests in
14 between Board meetings.

15 Chairman Bulger suggested the Applications Review
16 Committee review those requests, and Board members
17 agreed.]

18 ***
19 Report of Board Chair - No Report

20 ***
21 Report of Vice Chair - No Report

22 [Hillary D. Snyder, MSPAS, PA-C, Vice Chair, also
23 welcomed new Board members.]

24 ***
25 Report of Acting Commissioner

1 [Arion R. Claggett, Acting Commissioner, Bureau of
2 Professional and Occupational Affairs, informed Board
3 members that all of the board websites were recently
4 updated after receiving complaints that they were not
5 user-friendly and advised everyone to check out their
6 new website.

7 Chairman Bulger asked whether everything is good
8 to go on the website for the renewal this year.

9 Acting Commissioner Claggett noted the website
10 is ready for the renewal process and reminded
11 everyone that the renewal will be 60 days instead of
12 90.

13 Chairman Bulger also reminded everyone that
14 there are a few questions that are part of the
15 license renewal process, such as the continuing
16 medical education (CME) requirements and child abuse
17 guidelines, requiring verification of completion to
18 the state. He advised everyone that it may take up
19 to 72 hours for the primary source to get back to the
20 state and encouraged everyone to provide their
21 documentation early so they receive their license on
22 time.

23 Acting Commissioner Claggett was not able to
24 provide a date for renewals to open, because it would
25 require testing from their vendor to ensure

1 everything is working properly. He explained that
2 all licensees will receive an email stating that the
3 renewal period has begun.]

4 ***
5 Report of Department of Health - No Report
6 [Arion R. Claggett, Acting Commissioner, Bureau of
7 Professional and Occupational Affairs, mentioned that
8 the Department of Health experienced an internet
9 blackout period and had not been able to participate
10 in the meeting.]

11 ***
12 Applications for Licensure
13 MS. GOSHERT:
14 Based on Executive Session
15 deliberations, I believe the Board
16 would entertain a motion to
17 provisionally deny the Applications for
18 Initial Unrestricted Osteopathic
19 Physician Licensure for Applicants
20 Charles Payne and Christopher Bilboa.

21 DR. DARDARIAN:
22 So moved.

23 DR. ZAWISZA:
24 Second.

25 CHAIRMAN BULGER:

1 Any further discussion? Hearing none.
2 We'll call the roll.

3
4 Arion Claggett, aye; John Bulger, aye;
5 Hillary Snyder, aye; Randy Litman, aye;
6 Thomas Dardarian, aye; Joseph Zawisza,
7 aye; Jonathan Oline, aye; Ayanna
8 Kersey-McMullen, aye; James Latronica,
9 aye.

10 [The motion carried unanimously.]

11 ***

12 Report of Board Administrator - No Report

13 ***

14 For the Board's Information/Discussion - Board
15 Meeting Dates

16 [John B. Bulger, D.O., MBA, Chairman, noted the 2024
17 and 2025 Board meeting dates.]

18 ***

19 Miscellaneous

20 MS. GOSHERT:

21 Based on Executive Session discussions,
22 I believe the Board would entertain a
23 motion to grant the Petition for
24 Exception filed by JuliAnn Tonks.

25 CHAIRMAN BULGER:

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.

8 Call the roll.

9

10 Arion Claggett, aye; John Bulger, aye;
11 Hillary Snyder, aye; Randy Litman, aye;
12 Thomas Dardarian, aye; Joseph Zawisza,
13 aye; Jonathan Oline, aye; Ayanna
14 Kersey-McMullen, aye; James Latronica,
15 aye.

16 [The motion carried unanimously.]

17

18 For the Board's Information/Discussion - New Business

19 [John B. Bulger, D.O., MBA, Chairman, referred to a
20 question raised concerning questions on the renewal
21 application related to behavioral health and
22 requested information concerning whether more
23 appropriate language has been utilized for the
24 impairment question.

25 Acting Commissioner Claggett explained that the

1 impairment question on the renewal application has
2 been changed to make it less invasive.]

3 ***

4 Adjournment

5 CHAIRMAN BULGER:

6 I'll accept a motion to adjourn.

7 DR. DARDARIAN:

8 Motion to adjourn.

9 DR. ZAWISZA:

10 Second.

11 CHAIRMAN BULGER:

12 We are done. Thank you.

13 ***

14 [There being no further business, the State Board of
15 Osteopathic Medicine Meeting adjourned at 11:21 a.m.]

16 ***

17

18

19

20

21

22

23

24

25

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
26

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.



Rachel Wilbur-Adams,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF OSTEOPATHIC MEDICINE
REFERENCE INDEX

August 15, 2024

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
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

TIME	AGENDA
9:30	Executive Session
10:30	Return to Open Session
10:39	Official Call to Order
10:39	Introduction of Board Members/Attendees
10:40	Approval of Minutes
10:44	Report of Prosecuting Attorneys
10:57	Report of Board Counsel
11:13	Report of Acting Commissioner
11:17	Applications for Licensure
11:18	For the Board's Information/Discussion
11:20	Miscellaneous
11:20	For the Board's Information/Discussion (cont.)
11:21	Adjournment