COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  

FINAL MINUTES  

MEETING OF:  

STATE BOARD OF MEDICINE  

TIME: 10:30 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, April 18, 2023
State Board of Medicine
April 18, 2023

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
Sirisha Reddy, Special Assistant, on behalf Debra L. Bogen, M.D., FAAP, FABM, Acting Secretary 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/Prosecution Liaison
Mark R. Zogby, Esquire, Board Prosecutor
Adam J. Williams, Esquire, Board Prosecutor
Kelsey B. Ashworth, Esquire, Board Prosecutor
Nathan C. Giunta, Esquire, Board Prosecutor
Jonelle Harter Eshbach, Esquire, Board Prosecutor
Keith E. Bashore, Esquire, Board Prosecutor
Nichole Wray, Acting Board Administrator
Holly Hoffman, Law Clerk, Department of State
Danie Bendesky, Director of Intergovernmental Affairs, Department of State
Mark Farrell, Esquire, Regulatory Counsel
Saiyad Ali, Education Certification Evaluator, Department of State
State Board of Medicine
April 18, 2023

ALSO PRESENT:

Susan DeSantis, PA-C, Pennsylvania Society of Physician Assistants
Lexi Deisenroth, Executive Assistant/Communications Coordinator, Office of Income Maintenance (OIM) - Department of Human Services
Ali Fogarty, Communications Director, Pennsylvania Department of Human Services, Office of Press & Communications
Jennifer Smeltz, Republican Executive Director, Senate Consumer Protection & Professional Licensure
James J. Kutz, Esquire, Post & Schell, P.C.
Charles (Chachi) Angelo, Director of External Affairs,
Pennie Wesley J. Rish, Esquire, Rish Law Office, LLC
Angie Armbrust, Senior Associate, McNees-Winter Group LLC, representing the Pennsylvania Speech-Language-Hearing Association
Ted Mowatt, CAE, Vice President/Lobbyist, Wanner Associates
Nicole Sidie, Executive Director, Professional Licensure Committee, PA House of Representatives
Rebecca Belles, LGC, Genetic Counselor, Geisinger
Sean Campbell, Associate, Post & Schell, P.C.
Tej Ganti, M.D., Tower Health
Randy Stevens, Owner, Pedorthist and Orthotic Fitter, Randy Stevens Family Footcare
Joanne M. Magro, M.D.
Lauren Doliner, M.D.
Linda K. Moore
Nicole Montagano
Robert Ross, Pennsylvania Society of Physician Assistants
[Pursuant to Section 708(a)(5) of the Sunshine Act, at 8:45 a.m. the Board entered into Executive Session with Dana M. Wucinski, Esquire, Board Counsel, and Shana M. Walter, Esquire, Board Counsel, for the purpose of conducting quasi-judicial deliberations on a number of matters currently pending before the Board and to receive the advice of counsel. The Board returned to open session at 10:30 a.m.]

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The regularly scheduled meeting of the State Board of Medicine was held on Tuesday, April 18, 2023. Mark B. Woodland, M.S., M.D., FACOG, Chair, called the meeting to order at 10:30 a.m.

Chair Woodland welcomed everyone to the State Board of Medicine Meeting. He reminded everyone that the meeting was being recorded, and voluntary participation constituted consent to be recorded. He requested everyone mute electronic devices to help with feedback.

Chair Woodland recognized April as National Minority Health Month, Alcohol Awareness Month, and National Public Health Week. He thanked everyone for
their support with all of those issues from the State Board of Medicine.

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Approval of minutes of the March 7, 2023 meeting

CHAIR WOODLAND:

I would take a motion to approve the minutes from the last meeting.

DR. YEALY:

So moved.

MR. EISENHAUER:

Second.

CHAIR WOODLAND:

Nichole, could you do a roll call?

Mr. Claggett, aye; Dr. Woodland, aye; Dr. Yealy, aye; Mr. Dillon, aye; Dr. Ripchinski, aye; Mr. Eisenhauer, aye; Ms. Reddy, abstain.

[The motion carried. Sirisha Reddy abstained from voting on the motion.]

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Introduction of Board Members/Attendees

[Chair Woodland and Nichole Wray provided an introduction of Board members and attendees.]
Report of Prosecuting Attorneys

[Heather J. McCarthy, Esquire, Senior Board Prosecutor/Prosecution Liaison, presented the VRP Consent Agreements for Case No. 23-49-002297 and Case No. 23-49-002925.]

MS. WALTER:

Pursuant to Section 708(a)(5) of the Sunshine Act, the Board entered into Executive Session at 8:45 a.m. to have quasi-judicial deliberations and received advice of counsel regarding items on the agenda.

Number 4 on the agenda is VRP Case No. 23-49-002297, and number 5 is VRP Case No. 23-49-002925.

I believe the Board would entertain a motion to approve the VRP Agreements.

DR. YEALY:

So moved.

MR. EISENHAUER:

Second.

CHAIR WOODLAND:

Any further discussion on these two? Hearing none. Nichole, could we have a roll call, please?
Mr. Claggett, aye; Dr. Woodland, aye;
Dr. Yealy, aye; Mr. Dillon, aye; Dr.
Ripchinski, aye; Mr. Eisenhauer, aye;
Ms. Reddy, abstain.

[The motion carried. Sirisha Reddy abstained from
voting on the motion.]

[Keith E. Bashore, Esquire, Board Prosecutor,
presented the Consent Agreements for Case No. 21-49-
011504, Case No. 19-49-014709, and Case No. 21-49-
017014.]

MS. WALTER:

I believe the Board would entertain a
motion to approve the Consent
Agreements at the following agenda
items: Number 6, Case No. 21-49-
011504; number 7, Case No. 19-49-
014708; number 8, Case No. 21-49-
017014.

DR. YEALY:

So moved.

MR. EISENHAUER:

Second.

CHAIR WOODLAND:
Any further discussion on these three items? Hearing none. Nichole, could we have a roll call, please?

Mr. Claggett, aye; Dr. Woodland, aye; Dr. Yealy, aye; Mr. Dillon, aye; Dr. Ripchinski, aye; Mr. Eisenhauer, aye; Ms. Reddy, abstain.

[The motion carried. Sirisha Reddy abstained from voting on the motion. The Respondent’s name at number 6 is Kelsey Anne Martin, LAT; number 7, Shawn Paul Robinson, M.D.; and number 8, Michael G. McMannis, M.D.]

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[Jonelle Harter Eshbach, Esquire, Board Prosecutor, presented the Consent Agreement for Case No. 20-49-000524.]

MS. WALTER:

I believe the Board would entertain a motion to accept the Consent Agreement at agenda number 9 at Case No. 20-49-000524.

DR. YEALY:

So moved.

MR. EISENHAUER:
Second.

CHAIR WOODLAND:

Any further discussion? Hearing none.

Nichole, could we have a roll call, please?

Mr. Claggett, aye; Dr. Woodland, aye; Dr. Yealy, aye; Mr. Dillon, aye; Dr. Ripchinski, aye; Mr. Eisenhauer, aye; Ms. Reddy, abstain.

[The motion carried. Sirisha Reddy abstained from voting on the motion. The Respondent’s name at number 9 on the agenda is James Beck, M.D.]

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[Adam J. Williams, Esquire, Board Prosecutor, presented the Consent Agreement for Case No. 19-49-016002.]

MS. WALTER:

I believe the Board would entertain a motion at agenda number 10, Case No. 19-49-016002, to accept the Consent Agreement.

DR. YEALY:

So moved.

MR. EISENHAUER:
CHAIR WOODLAND:

Any further discussion on this item? Hearing none. Nichole, could we have a roll call, please?

Mr. Claggett, aye; Dr. Woodland, aye; Dr. Yealy, aye; Mr. Dillon, aye; Dr. Ripchinski, aye; Mr. Eisenhauer, aye; Ms. Reddy, abstain.

[The motion carried. Sirisha Reddy abstained from voting on the motion. The Respondent’s name at number 10 is Lisa Halpern, M.D.]

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Report of Board Counsel – Proposed Reports from Hearing Examiner

MS. WUCINSKI:

I believe the Board would entertain a motion to direct Board Counsel to draft an Adjudication and Order consistent with discussions in Executive Session for K. Keith Jeffords, M.D. at Case No. 22-49-000196.

DR. YEALY:

So moved.
MR. EISENHAUER:

Second.

CHAIR WOODLAND:

Any further discussion? Hearing none. Nichole, could we have a roll call, please?

Mr. Claggett, aye; Dr. Woodland, aye; Dr. Yealy, aye; Mr. Dillon, aye; Dr. Ripchinski, aye; Mr. Eisenhauer, aye; Ms. Reddy, abstain.

[The motion carried. Sirisha Reddy abstained from voting on the motion.]

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Report of Board Counsel – Final Adjudications for Board Approval

MS. WUCINSKI:

At agenda items 12 and 13, I believe the Board would entertain a motion to adopt as final the Draft Adjudication and Orders for the following: Joanne M. Magro, M.D. at Case No. 22-49-004446 and Jay Jacobs, M.D. at Case No. 22-49-001448.

DR. YEALY:
So moved.

MR. EISENHAUER:

Second.

CHAIR WOODLAND:

Any further discussion? Hearing none.

Nichole, could we have a roll call, please?

Mr. Claggett, aye; Dr. Woodland, aye; Dr. Yealy, aye; Mr. Dillon, aye; Dr. Ripchinski, aye; Mr. Eisenhauer, aye; Ms. Reddy, abstain.

[The motion carried. Sirisha Reddy abstained from voting on the motion.]

***

Applications for Licensure – Allied Health Professionals

MS. WUCINSKI:

At agenda item 19, I believe the Board would entertain a motion to provisionally deny the Initial Application for a License to Practice as a Physician Assistant of Robert Dill.

DR. YEALY:
So moved.

MR. EISENHAUER:

Second.

CHAIR WOODLAND:

Any further discussion? Hearing none.

Nichole, could we have a roll call, please?

Mr. Claggett, aye; Dr. Woodland, aye; Dr. Yealy, aye; Mr. Dillon, aye; Dr. Ripchinski, aye; Mr. Eisenhauer, aye; Ms. Reddy, abstain.

[The motion carried. Sirisha Reddy abstained from voting on the motion.]

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MS. WUCINSKI:

At items 20 and 21, I believe the Board would entertain a motion to approve the following: the Initial Application for a License to Practice as a Respiratory Therapist of Cheri Simoni and the Initial Application for a License to Practice as an Athletic Trainer of Makenna Behrens.

DR. YEALY:
So moved.

MR. EISENHAUER:

Second.

CHAIR WOODLAND:

Any further discussion? Hearing none. Nichole, could we have a roll call, please?

Mr. Claggett, aye; Dr. Woodland, aye; Dr. Yealy, aye; Mr. Dillon, aye; Dr. Ripchinski, aye; Mr. Eisenhauer, aye; Ms. Reddy, abstain.

[The motion carried. Sirisha Reddy abstained from voting on the motion.]

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MS. WUCINSKI:

At agenda item 22, I believe the Board would entertain a motion to deny the request of Pamela Craddock to reconsider the Board’s provisional denial for an Application for Nurse-Midwife Prescriptive Authority.

DR. YEALY:

So moved.

MR. EISENHAUER:
CHAIR WOODLAND:

Any further discussion? Hearing none.

Could we have a roll call, please?

Mr. Claggett, nay; Dr. Woodland, aye;
Dr. Yealy, aye; Mr. Dillon, aye; Dr. Ripchinski, aye; Mr. Eisenhauer, aye;
Ms. Reddy, abstain.

[The motion carried. Sirisha Reddy abstained from voting on the motion. Arion Claggett opposed the motion.]

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Applications for Licensure – Unrestricted Physician and Surgeon

MS. WUCINSKI:

I believe the Board would entertain a motion to send a standard reentry letter to the following applicants:

Agenda item 23, Lauren Doliner, M.D.;
agenda item 27, Charles Bemis, M.D.;
Agenda item 36, Kathleen Velosa, M.D.

DR. YEALY:

So moved.

MR. EISENHAUER:
CHAIR WOODLAND:

Any further discussion on these three? Hearing none. Could we have a roll call, Nichole, please?

Mr. Claggett, aye; Dr. Woodland, aye; Dr. Yealy, aye; Mr. Dillon, aye; Dr. Ripchinski, aye; Mr. Eisenhauer, aye; Ms. Reddy, abstain.

[The motion carried. Sirisha Reddy abstained from voting on the motion.]

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Applications for Licensure – Reactivations

MS. WUCINSKI:

I believe the Board would entertain a motion to grant the following Reactivation Applications to Practice as a Respiratory Therapist: Agenda item 24, Amy Bergesi; agenda item 26, Donielle Markey.

DR. YEALY:

So moved.

MR. EISENHAUER:

Second.
CHAIR WOODLAND:

Any further discussion on these two items? Hearing none. Nichole, could we have a roll call, please?

Mr. Claggett, aye; Dr. Woodland, aye; Dr. Yealy, aye; Mr. Dillon, aye; Dr. Ripchinski, aye; Mr. Eisenhauer, aye; Ms. Reddy, abstain.

[The motion carried. Sirisha Reddy abstained from voting on the motion.]

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MS. WUCINSKI:

Agenda item 25 is tabled so that the Board office can request additional information from the applicant.

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MS. WUCINSKI:

I believe the Board would entertain a motion to grant the following Reactivation Applications: Agenda item 28, Dino Boni, M.D.; agenda item 29, John Dobrota, M.D.; agenda item 33, Pratima Srivastava, M.D.; agenda item 34, John Stack, M.D.; agenda item 35,
Ronald Stunz, M.D.

DR. YEALY:
So moved.

MR. EISENHAUER:
Second.

CHAIR WOODLAND:
Any further discussion on these?
Hearing none. Nichole, could we have a roll call, please?

Mr. Claggett, aye; Dr. Woodland, aye; Dr. Yealy, aye; Mr. Dillon, aye; Dr. Ripchinski, aye; Mr. Eisenhauer, aye; Ms. Reddy, abstain.

[The motion carried. Sirisha Reddy abstained from voting on the motion.]

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MS. WUCINSKI:
At agenda item 30, I believe the Board would entertain a motion to deny the request of Mable Jones, M.D. to waive the required continuing medical education necessary to reactive her license to practice as a Physician and Surgeon.
DR. YEALY:

So moved.

MR. EISENHAUER:

Second.

CHAIR WOODLAND:

Any further discussion? Hearing none.

May we have a roll call, please, Nichole?

Mr. Claggett, aye; Dr. Woodland, aye;
Dr. Yealy, aye; Mr. Dillon, aye; Dr.
Ripchinski, aye; Mr. Eisenhauer, aye;
Ms. Reddy, abstain.

[The motion carried. Sirisha Reddy abstained from voting on the motion.]

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MS. - WUCINSKI:

At agenda item 31, I believe the Board would entertain a motion to grant the Reactivation Application to practice as a Physician and Surgeon of Karenga Lemmons, M.D.

DR. YEALY:

So moved.

MR. EISENHAUER:
Second.

CHAIR WOODLAND:

Any further discussion? Hearing none.

Could we have a roll call, please, Nichole?

Mr. Claggett, aye; Dr. Woodland, aye; Dr. Yealy, aye; Mr. Dillon, aye; Dr. Ripchinski, aye; Mr. Eisenhauer, aye; Ms. Reddy, abstain.

[The motion carried. Sirisha Reddy abstained from voting on the motion.]

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MS. WUCINSKI:

At agenda item 32, the Application to Practice as a Physician and Surgeon of Mohammad Saleem, M.D. has already been granted and issued.

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Miscellaneous

MS. WUCINSKI:

At agenda item 40, I believe the Board would entertain a motion to deny the request to grant an Exemption to the USMLE Step 1 Examination Attempt Limit
of Ana Bhattacharyya, M.D.

DR. YEALY:
So moved.

MR. EISENHUAER:
Second.

CHAIR WOODLAND:
Any further discussion on this item?
Hearing none. Could we have a roll
call, please, Nichole?

Mr. Claggett, aye; Dr. Woodland, aye;
Dr. Yealy, aye; Mr. Dillon, aye; Dr.
Ripchinski, aye; Mr. Eisenhauer, aye;
Ms. Reddy, abstain.

[The motion carried. Sirisha Reddy abstained from
voting on the motion.]

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MS. WUCINSKI:
At agenda item 41, I believe the Board
would entertain a motion to grant the
Joint Motion to Dismiss for Mehyar
Hefazı Torghabeh, M.D. at Case No. 22-
49-002489.

DR. YEALY:
So moved.
MR. EISENHAUER:
  Second.

CHAIR WOODLAND:
  Any further discussion? Hearing none.
  Nichole, could we have a roll call, please?

  Mr. Claggett, aye; Dr. Woodland, aye; Dr. Yealy, aye; Mr. Dillon, aye; Dr. Ripchinski, aye; Mr. Eisenhauer, aye; Ms. Reddy, abstain.

  [The motion carried. Sirisha Reddy abstained from voting on the motion.]

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Appointment – Department of Human Services and Pennsylvania Health Insurance Exchange Authority – Pennie Insurance Presentation

[Lexi Deisenroth, Executive Assistant/Communications Coordinator, Office of Income Maintenance (OIM) – Department of Human Services, presented to the Board to provided information regarding the unwind of continuous coverage for Medicaid and communications associated with the renewal process over the next 12 months. She stated that a Federal Public Health Emergency was declared in 2020 as a result of the
coronavirus pandemic, and Congress passed a law for states to receive additional Medicaid funding regardless of status of eligibility known as the continuous coverage requirement.

Ms. Deisenroth explained that the Department of Human Services (DHS) continued to communicate and send annual renewal paperwork to individuals in March 2020, but individuals were not disenrolled if they did not meet eligibility criteria or respond to renewals. She reported 3.6 million Pennsylvanians were enrolled in Medicaid as of March 2023 and approximately 632,000 are ineligible based on their most recent renewal.

Ms. Deisenroth noted Congress passed the Consolidated Appropriations Act of 2023, which separated the end of the continuous coverage requirement from the end of the public health emergency on March 31, 2023, and DHS returned to the pre-pandemic renewal process.

Ms. Deisenroth stated that all individuals who have maintained their eligibility would have the opportunity to renew benefits and would be reviewed over a 12-month period until March 31, 2024, and not lose coverage. She addressed the renewal process, including texts, email, and helper call.
Ms. Deisenroth noted that DHS communicates with individuals about 90 days before their renewal is due requesting updated contact information, sends out a letter 60 days ahead of renewal prompting individuals to start the renewal process early, sends a packet 30 days before renewal and a text message reminding them the renewal is coming, and another text message 5 five days before the renewal is due. She stated that the lists of communications could be found at dhs.pa.gov/staycovered.

Ms. Deisenroth addressed the renewal communications process following the renewal process, where the household gets an eligibility notice whether they are still eligible for coverage at their current coverage level, as well as appeal and reconsideration processes.

Ms. Deisenroth stated that information would be securely and automatically transferred to Pennie for anyone found ineligible. She noted that anyone who does not complete the renewal would receive a mailing informing them that they have the ability to return the renewal late to avoid loss of coverage. She mentioned that the information would also be given to Pennie.

Charles (Chachi) Angelo, Director of External

Sargent's Court Reporting Service, Inc.  
(814) 536-8908
Affairs, Pennie, stated that Pennie was established from Act 42 of 2019 to move Pennsylvania away from HealthCare.gov as the federal marketplace and set up a state-based marketplace called the Pennsylvania Health Insurance Exchange Authority. He addressed the importance of increasing the awareness of Medicaid unwinding and introducing Pennie. He noted Pennie at pennie.com is where individuals go to purchase Affordable Care Act coverage that includes financial assistance, advanced premium tax credits, and cost-sharing reductions to reduce the cost of health coverage.

Mr. Angelo noted the importance of making people aware of Pennie and enhanced subsidies provided from the American Rescue Plan and Inflation Reduction Act. He mentioned that individuals who reply to their renewal packet but are ineligible would automatically be transferred over to Pennie and those who do not reply would also be sent to Pennie. He noted that individuals who reply to the renewal have a head start in the enrollment process, where an account would automatically be created, but individuals who do not respond must create a Pennie account on their own.

Mr. Angelo mentioned that they want to make all
of their materials co-branded to show that DHS, Children’s Health Insurance Program (CHIP), and Pennie are working together to help Pennsylvanians.

Chair Woodland requested information regarding the languages available to individuals.

Ms. Deisenroth explained that all of the DHS languages for mailers are in English, Spanish, and the next top five or six languages, along with tagline language on envelopes to indicate where an individual could go to make sure translations would go through. She noted that all texts and emails are in English and Spanish and helper calls are done in English, Spanish, and the next top six languages.

Mr. Angelo stated that the application for Pennie is available in Spanish. He also stated that the co-branded letter would be English, and Spanish and notices and communications indicate that help can be received in their preferred language.

Mr. Angelo addressed policy changes that now includes a 120-day special enrollment period for loss of Medicaid, Medical Assistance, or CHIP but encouraged individuals to enroll with 60 days to avoid a gap in coverage. He noted working with DHS to create a no wrong door policy to help individuals to the appropriate program. He stated that Pennie
has help available in person, by phone, and virtually. He encouraged anyone who may come across somebody who lost MA coverage to send them to Pennie. Ali Fogarty, Communications Director, Pennsylvania Department of Human Services, Office of Press & Communications, addressed the long-term advertising campaign with Pennie and DHS through commercials, radio, outdoor advertising through billboards, transit systems, and social media in several languages. She also mentioned they would be engaging in a grassroots outreach effort to build a broader coalition of people to share resources and utilizing dhs.pa.gov/staycovered for the media campaign.

Ms. Fogarty noted the helper portal could be accessed through dhs.pa.gov/staycovered and explained it to be a Listserv ran through DHS in partnership with Pennie and encouraged everyone to sign up as a helper.

Ms. Deisenroth noted the importance of keeping Pennsylvanians covered over the next year, whether it is through Medicaid, Pennie, or CHIP, and appreciated any awareness or efforts made to get the word out.

Chair Woodland thanked Ms. Fogarty, Ms. Deisenroth, and Mr. Angelo for their presentation and
expressed his appreciation for their effort in minimizing obstacles for anyone in need.]

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Report of Board Counsel – Regulatory Status Report

[Shana M. Walter, Esquire, Board Counsel, addressed 16A-4953 regarding naturopathic doctors. She mentioned that advanced notice of final rulemaking (ANFR) was prepared based on comments from the public and the Independent Regulatory Review Commission (IRRC). She noted changes were made to the annex related to definitions because there were no definitions for several key terms identified by IRRC in the initial final annex.

Ms. Walter provided definitions in the ANFR and revised annex that include “naturopathic medicine” relating to use of naturopathic physical medicine, natural therapies, and/or counseling; “naturopathic physical medicine” relating to use of physical agents and modalities; “naturopathic service” relating to providing or performing naturopathic physical medicine, natural therapies, and/or counseling; and “natural therapies” relating to treatment utilizing plant, mineral, or fungal-derived active ingredients.

Ms. Walter noted the Board replaced the term “commercial activity” and “purveyor of merchandise”
with the term “marketing activity” relating to a communication about a service or merchandise. Ms. Walter noted there were other changes identified by IRRC as vague or ambiguous.

MS. WALTER:

At this time, I would ask the Board for a vote to publish the final ANFR and receive public comments.

DR. YEALY:

So moved.

MR. EISENHAUER:

Second.

CHAIR WOODLAND:

Any further discussion on this?

[The Board discussed the motion.]

CHAIR WOODLAND:

Any other further discussion? Nichole, hearing nothing, could we have a roll call, please?

Mr. Claggett, aye; Dr. Woodland, aye; Dr. Yealy, aye; Mr. Dillon, aye; Dr. Ripchinski, aye; Mr. Eisenhauer, aye; Ms. Reddy, abstain.

[The motion carried. Sirisha Reddy abstained from
Report of Board Counsel – Regulatory Status Report

[Dana M. Wucinski, Esquire, Board Counsel, referred to 16A-4955 regarding physician assistants, noting the Board received positive comments and some minor edits to the annex and provided those for the Board’s review. She informed Board members that she made some minor edits to the annex and drafted the preamble for approval.]

MS. WUCINSKI:

I believe the Board would entertain a motion to approve the draft proposed preamble and annex for Regulation 16A-4955, Physician Assistant, and to direct Board Counsel to publish the regulation as proposed.

DR. YEALY:

So moved.

MR. EISENHAUER:

Second.

CHAIR WOODLAND:

Any further discussion on this? Hearing none. Would you take a roll call, Nichole? Thank you.
Mr. Claggett, aye; Dr. Woodland, aye;
Dr. Yealy, aye; Mr. Dillon, aye; Dr.
Ripchinski, aye; Mr. Eisenhauer, aye;
Ms. Reddy, abstain.

[The motion carried. Sirisha Reddy abstained from
voting on the motion.]

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Report of Board Counsel – Other

[Dana M. Wucinski, Esquire, Board Counsel, referred
to Act 147 of 2022 regarding the Expedited Partner
Therapy Act, which allows a health care practitioner
to issue a prescription or furnish antibiotics to the
partner of a patient with a sexually transmitted
disease (STD). She mentioned there is also no
penalty for not furnishing drugs to partners of
patients as well.

Chair Woodland noted that one of his residents in
attendance commented that he utilized the law today
for one of their patients.

Chair Woodland commented that Act 147 of 2022 is
a move forward for Pennsylvania because they were one
of the few states that did not have Expedited Partner
Therapy (EPT) legislation that protected providers
and helped patients and partners.
Ms. Wucinski addressed House Bill 758 of 2023, which would require the Pennsylvania Human Relations Commission to develop training to include the understanding of social bias, including practical techniques to mitigate social bias and improve cultural competence for commonwealth employees, school employees, trade school employees, and licensees would have to complete the training every 2 years. She mentioned the bill was referred to the House Human Services Committee on March 30, 2023.

Chair Woodland noted House Bill 758 would increase mandatory education but is a step forward for the state and would be helpful if it is enacted.

Dr. Ripchinski agreed that it would increase mandatory training requirements and asked whether there was any proof the training provides long-term behavioral change. He commented that maybe it could be a one-time requirement versus ongoing mandatory education.

Dr. Yealy agreed with Dr. Ripchinski concerning the reeducation intervals. He commented that no one is disputing the importance of the topic but mandatory education adds up.

Dr. Ripchinski commented that tracking individual required components over time adds to complexity
because they do not take them all at the same time.

Chair Woodland noted the child abuse reporting and the opioid use disorder mandatory education, noting the importance of raising awareness but not making mandatory education onerous on the licensees.

Ms. Wucinski mentioned that if the bill starts gaining traction and counsel is asked to provide a bill analysis that she and Ms. Walter would reach out to Board members for input.

Chair Woodland suggested the Board look a little deeper and gather thoughts in case they are asked for input.

Ms. Walter referred to information from the Drug Enforcement Administration (DEA) related to medication-assisted treatment (MAT) and the end of the X-Waiver for MAT. She noted that any DEA registrant is required to complete 8 hours of training that could be found on the DEA website.

Dr. Ripchinski requested clarification because he believed that anyone who already possesses an X-Waiver did not need to pursue any additional training.

Ms. Walter referred Dr. Ripchinski to the DEA website for information regarding specific exemptions.
and how to meet the requirements.]

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For the Board’s Information – Meeting Dates

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

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For the Board’s Information – Old/New Business

[Shana M. Walter, Esquire, Board Counsel, noted the
Federation of State Medical Boards (FSMB) conducted a
webinar a few months ago related to practitioner
mental health and the stigma often attached to a
health care practitioner when they undergo mental
health treatment. She noted the Dr. Lorna Breen
Heroes’ Foundation is a well-being, first-recognition
title to state medical boards. She mentioned that
the State Board of Medicine and State Board of
Osteopathic Medicine’s initial and renewal
applications do not have a specific question related
to mental health.]

MS. WALTER:

Is there a motion to direct Board
Counsel to send the medical licensure
and renewal applications to the Lorna
Breen Foundation for purposes of
obtaining all in well-being first
recognition?

DR. YEALY:

So moved.

MR. EISENHAUER:

Second.

CHAIR WOODLAND:

Any further discussion about this?

Nichole, can we have a vote, please?

Mr. Claggett, aye; Dr. Woodland, aye;

Dr. Yealy, aye; Mr. Dillon, aye; Dr.

Ripchinski, aye; Mr. Eisenhauer, aye.

[The motion carried unanimously. Sirisha Reddy was not present.]

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For the Board’s Information - Old/New Business

[Shana M. Walter, Esquire, Board Counsel, addressed the letter from the United States Senate to the Department of Justice concerning the Americans with Disabilities Act (ADA) compliance questions and health questions on applications for medical licensure that call out some states for having questions on applications that may contradict the requirements of the Americans with Disabilities Act or are otherwise invasive.
Ms. Walter noted that their Board does not have those questions, but the information is necessary for the Board to make a determination whether or not a practitioner is safe to practice. She mentioned that she and Mr. Dillon would be looking into additional requirements from suggestions of the Lorna Breen Heroes’ Foundation for having application questions that not only support practitioners who may need assistance for mental health but also protect the confidentiality and encourage practitioners to seek help when needed. She informed Board members that further information would be provided at an upcoming meeting.

Chair Woodland noted Senator Fetterman is raising awareness of mental health issues at all levels of professional life and how to overcome issues. He stated that it would benefit the Board to keep raising those issues and awareness to maybe mitigate some of those issues given the rate of physician provider suicide in the country.

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Report of Vice Chair – No Report

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Report of Acting Commissioner – No Report

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[Sirisha Reddy, Special Assistant, Department of Health, on behalf of Debra L. Bogen, M.D., FAAP, FABM, Acting Secretary of Health, informed Board members that the State Health Improvement Plan from 2023 to 2028 was released two weeks ago. She explained that the plan was developed in collaboration with Healthy Pennsylvania Partnership with support from Harrisburg University. She stated the department's vision is to create a healthy Pennsylvania for all and provide a roadmap to improve health outcomes and eliminate health disparities by focusing on health equity, chronic disease prevention, and whole person care.

Ms. Reddy announced that the national emergency related to the COVID-19 pandemic was terminated on Monday, April 10, 2023. She provided a quote from the Centers for Medicare and Medicaid Services, where an end to the COVID-19 national emergency does not impact the planned May 11 expiration of the Federal Public Health Emergency for COVID-19 or any associated unwinding plans.

Ms. Reddy mentioned that the Department of Health continues to assess the impact of the public health emergency (PHE) ending on COVID vaccination and
testing and would provide updates. She noted there would still be free and accessible COVID-19 over the counter tests and vaccines available at state health centers for the foreseeable future despite changes at the federal level.

Chair Woodland noted the importance of receiving regular updates and guidance from the state to make sure everybody is in line and compliant and thanked Ms. Reddy for the presentation.]

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Report of Committee on Health-Related Professionals – No Report

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Report of Committee on Legislation/Policy Development and Review – No Report

[Michael Ripchinski, M.D., MBA, CPE, FAAFP, provided an update from the March edition of the Journal of Medical Regulation. He addressed an article regarding increasing access to a diverse mental health workforce through emergency reciprocity licensure in New Jersey concerning how New Jersey granted temporary licenses to around 31,000 out-of-state healthcare practitioners, where a quarter of them were mental health providers.

Dr. Ripchinski stated that the article, mostly
from the Rutgers’ faculty, discussed how the initiative was successful in diversifying telemental health by improving the availability and access of that workforce to the patients in New Jersey matched to their preferred language.

Chair Woodland commented that there are many scholarly articles being published about the outcomes of mental health televideo access in areas across the country that can save lives.]

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Report of Committee on Licensure Qualifications – No Report

[Nichole Wray, Acting Board Administrator, reminded Board members that the filing of the Financial Disclosure Statement for the State Ethics Commission and Code of Conduct for the Office of Administration are due May 1. She noted it is being advised that Board members file online through Employee Self-Service and should have received an email with the link.]

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Report of Board Chair

[Mark B. Woodland, M.S., M.D., FACOG, Chair, again recognized April as National Minority Health Month, Alcohol Awareness Month, and National Public Health
Chair Woodland announced Pennsylvania was successful with the match and noted some interesting changes regarding different specialties. He mentioned one of the changes was in emergency medicine, where emergency medicine as a specialty did not do as well as in the past.

Donald M. Yealy, M.D., Vice Chair, stated that 4 years ago with roughly 2,700 training positions, something like a dozen, would have been unfilled after the first day for the emergency medicine match. He mentioned it to be a signal last year when that went to roughly 140 or 150 and then this year to 550. He noted it went from a very popular destination for medical students to unpopular.

Dr. Yealy mentioned that there had been some workforce predictions given the demand for emergency services and other health care partners. He stated that the Commonwealth of Pennsylvania generates a lot of medical student graduates and emergency medicine residency graduates but still has a distribution issue. He noted the importance of finding the reasons to be able to serve the communities with fully trained emergency physicians.

Chair Woodland commented that Reading Hospital
has one of the largest emergency departments in the
country and filled half of their positons in the
first round but was an unusual situation because they
typically fill all of them.

Chair Woodland addressed analysis post-Dobbs
decision about where trainees applied and how they
applied and whether the Dobbs decision affected any
of that situation. He noted being down 5 percent
across the country and 10 percent among American
graduates in applicants for obstetrics and gynecology
(OB/GYN).

Chair Woodland mentioned the importance of the
match for not only graduate medical education
trainees and licensure but because it is their future
workforce. He mentioned that around 60-70 percent of
trainees stay in the state where they train.

Chair Woodland addressed the National Board of
Osteopathic Medical Examiners Annual Report, noting
an increase in growth in the osteopathic world in
education and an expanded to help meet the needs of
the workforce issues.

Chair Woodland referred to more information from
the FSMB medical regulatory trends and actions posted
on their website, especially where the Pennsylvania
State Board of Medicine compares to other state
Chair Woodland noted the FSMB Interstate Medical Licensure Compact was adopted by Pennsylvania in session 2015 but has not been enacted because of some federal regulation issues. He mentioned that FSMB is supporting House Bill 1310, which is a bipartisan bill that would help eliminate some of those to be able to move forward as a state.

Chair Woodland reemphasized that the Board would be presenting a poster at the FSMB Annual Meeting on remote and hybrid access to state medical boards and how it affected them positively. He noted Mr. Dillon would be the Board’s representative at the House of Delegates Meeting.

Gerard F. Dillon, Ph.D., Public Member, mentioned that the annual meeting of the Federation of State Medical Boards is made up of about 70 members from medical boards from across the country, where members come together for educational programs and to meet with colleagues from other boards, especially with ones who have the same kind of role. He noted the House of Delegates Meeting provides an opportunity to vote on a whole series of issues.

Mr. Dillon addressed one of the documents for approval regarding considerations for identifying
standards of care. He explained that the House of Delegates is provided with and asked to approve FSMB policies but that the policies are not binding and states are not required to follow all of FSMB recommendations. He further explained that one of the proposed policies, which was described to our Board previously by Dr. Ripchinski, is related to how best to determine applicable standards of care, how to assess medical expert qualifications, and how to assess expert testimony.

In addition, Mr. Dillon noted the federation has been struggling with defining their own strategic plan and their vision, mission, values, and goals and how to keep them relevant to the current world. He noted that this would also be one of the topics at the meeting.

Chair Woodland commented that the Board of Directors of FSMB have been in several retreats, where they defined a strategic plan that revolves around getting the FSMB to be recognized more frequently by physicians in undergraduate medical education, graduate medical education, continuing medical education, and licensure.

Chair Woodland explained that FSMB sits on every board, whether it is the Liaison Committee on Medical
Education (LCME), the Accreditation Council for Graduate Medical Education (ACGME), or the National Board of Osteopathic Medical Examiners (NBOME), noting the importance of making that more apparent to people and raise awareness amongst individual practitioners.

Mr. Dillon mentioned that a House of Delegates Agenda book and a document discussing individuals who run for office within the Federation of State Medical Boards is on the federation's annual meeting website for 2023. He noted that the Pa Board of Medicine has a strong connection with the Board of Directors through Chair Woodland’s membership on that group. He suggested that if anyone wanted to provide thoughts or recommendations about the upcoming meeting, they could do so to him or Dr. Woodland.

Mr. Dillon mentioned that Chair Woodland could perhaps provide some guidance before the voting occurs for new members of the FSMB Board of Directors in terms of what perspectives might best support the federation's activities.

Chair Woodland thanked Mr. Dillon for his representation at the FSMB Meeting.]

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Public Comment
[Susan DeSantis, PA-C, Pennsylvania Society of Physician Assistants, requested information regarding the next step in the language for the regulation concerning physician assistants.

Ms. Wucinski provided an overview of the regulatory process. She explained that after she finishes drafting the Regulatory Analysis Form (RAF) that it would go internally through their Department to the Office of General Counsel, Office of Budget, and Office of Policy and then be published as proposed.

Ms. Wucinski stated that after receiving feedback and comments on the proposed rulemaking, it would go back on the Board's agenda to determine whether any changes should be made to the final rulemaking based on the comments received. After that, she would then draft final rulemaking. She noted the regulation would then go through the internal Department review process and the IRRC process]

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Next Board Meeting

[Mark B. Woodland, M.S., M.D., FACOG, Chair, noted the next Board meeting is scheduled for May 23.]

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Adjournment
CHAIR WOODLAND:
  Could I have a motion to adjourn?

DR. YEALY:
  So moved.

MR. EISENHAUER:
  Second.

CHAIR WOODLAND:
  Thank you everybody.

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[There being no other business, the State Board of Medicine Meeting adjourned at 12:15 p.m.]

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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.

Nicole Montagano,
Minute Clerk
Sargent’s Court Reporting Service, Inc.
STATE BOARD OF MEDICINE
REFERENCE INDEX

April 18, 2023

TIME    AGENDA

8:45    Executive Session
10:30   Return to Open Session
10:30   Official Call to Order
10:31   Approval of Minutes
10:31   Introduction of Board Members/Attendees
10:34   Report of Prosecuting Attorneys
10:48   Report of Board Counsel
10:50   Applications for Licensure
10:58   Miscellaneous
11:00   Appointment – Department of Human
        Services and Pennsylvania Health
        Insurance Exchange Authority – Pennie
        Insurance Presentation
11:35   Report of Board Counsel (cont.)
11:49   For the Board’s Information/Discussion
11:55   Report of Department of Health
11:58   Committee on Legislation/Policy
        Development and Review
12:00   Report of Board Administrator
12:01   Report of Board Chair
12:12   Public Session
12:15   Adjournment