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, June 20, 2023
State Board of Medicine
June 20, 2023

BOARD MEMBERS:

Arion R. Claggett, Acting Commissioner, Bureau of Professional and Occupational Affairs - Absent
Mark B. Woodland, M.S., M.D., FACOG, Chair
Donald M. Yealy, M.D., Vice Chair
Gerard F. Dillon, Ph.D., Public Member
Michael Riphinski, M.D., MBA, CPE, FAAFP
Walter A. Eisenhauer, MMSc, M.Ed., PA-C
Sirisha Reddy, Special Assistant, on behalf of 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/Board Prosecution Liaison
Nathan C. Giunta, Esquire, Board Prosecutor
Mark R. Zogby, Esquire, Board Prosecutor
Jason T. Anderson, Esquire, Board Prosecutor
Jonelle Harter Eshbach, Esquire, Board Prosecutor
Keith E. Bashore, Esquire, Board Prosecutor
Adam J. Williams, Esquire, Board Prosecutor
Lindsay Szymanski, Esquire, Board Prosecutor
Saiyad Ali, Acting Board Administrator
Nichole Wray, Division Chief
Holly Hoffman, Law Clerk, Department of State
Andrew LaFratte, MPA, Executive Policy Specialist, Department of State
State Board of Medicine  
June 20, 2023

ALSO PRESENT:
Rebecca Belles, LGC, Genetic Counselor, Geisinger  
Lisa Claypool Stevenson, Senior Associate Counsel, University of Pittsburgh Medical Center  
Linda K. Moore  
Nicole Sidle, Republican Executive Director, House Professional Licensure Committee  
Misha Patel, M.D., Curriculum Education Assistant, Geisinger Commonwealth School of Medicine  
Wesley J. Rish, Esquire, Rish Law Office, LLC  
Tom Santiano  
Derek Richmond
State Board of Medicine
June 20, 2023

***

[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.]

***

The regularly scheduled meeting of the State Board of Medicine was held on Tuesday, June 20, 2023. Mark B. Woodland, M.S., M.D., FACOG, Chair, called the meeting to order at 10:30 a.m.

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Introduction of Board Members/Attendees
[Saiyad Ali, Acting Board Administrator, provided an introduction of Board members and attendees.]

***

Acknowledge Public - Turn Off Electronic Devices
[Mark B. Woodland, M.S., M.D., FACOG, Chair, acknowledged that everyone present agreed to be part of the meeting and thanked them for attending. He]
also requested all electronic devices be turned off.]

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Approval of minutes of the May 23, 2023 meeting

CHAIR WOODLAND:

The first order of business we need to take care of on our agenda is approval of the minutes.

DR. YEALY:

Motion to approve.

MR. DILLON:

Second.

CHAIR WOODLAND:

Any further discussion? Hearing none.

Saiyad, we need a roll call for votes?

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

[The motion carried unanimously.]

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Report of Prosecuting Attorneys

[Heather J. McCarthy, Esquire, Senior Board Prosecutor/Board Prosecution Liaison, presented the VRP Consent Agreement for Case No. 23-49-006877.]
CHAIR WOODLAND:

Any questions? Hearing none. Could we have a motion to approve?

DR. YEALY:

So moved.

MR. DILLON:

Second.

CHAIR WOODLAND:

Any further discussion on this order? Hearing none. Saiyad, could we have a roll call for votes?

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

[The motion carried unanimously.]

***

[Keith E. Bashore, Esquire, Board Prosecutor, presented the Consent Agreement for Case No. 22-49-013969.

Mr. Dillon requested more information concerning the thinking behind the Pennsylvania discipline.

Mr. Bashore explained that the respondent would be out of prison in about four months and has $7.2 million in restitution to pay. He noted that three
years of supervised release combined with six months of imprisonment is less than four years and would allow the respondent to practice and pay back the restitution.

Mr. Dillon stated the individual’s Pennsylvania license has expired and asked whether they would be able to seek reactivation of their Pennsylvania license short of the four years.

Mr. Bashore noted the individual would be able to seek reinstatement of their license after prison.]

***

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MS. WALTER:

I believe the Board would entertain a motion to reject as too lenient the Consent Agreement at item 4, Case No. 22-49-013969.

DR. YEALY:
So moved.

MR. DILLON:

Second.

CHAIR WOODLAND:

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

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

[The motion carried unanimously.]

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[Jonelle Harter Eshbach, Esquire, Board Prosecutor, presented the Consent Agreement for Case No. 22-49-004549.]

CHAIR WOODLAND:

Any questions? Hearing none. Do I have a motion?

MS. WALTER:

I believe the Board would entertain a motion to accept the Consent Agreement at item 5, Case No. 22-49-004549.

DR. YEALY:

So moved.
MR. DILLON:
Second.

CHAIR WOODLAND:
Any further discussion on the motion? Hearing none. Could we have a roll call, please, Saiyad?

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

[The motion carried unanimously. The Respondent’s name at number 5 is Jean M. Hayduk, P.O.]

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[Jonelle Harter Eshbach, Esquire, Board Prosecutor, presented the Consent Agreement for Case No. 22-49-010787.]

CHAIR WOODLAND:
Any questions? Hearing none. Shana, do you want to make a motion?

MS. WALTER:
I believe the Board would entertain a motion to accept the Consent Agreement at number 6 on the agenda, Case No. 22-49-010787.

DR. YEALY:
So moved.

MR. DILLON:

Second.

CHAIR WOODLAND:

Any further discussion on this case? Hearing none. Saiyad, could we have a vote, please?

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

[The motion carried unanimously. The Respondent’s name at number 6 is Bruce Oliver Hough, M.D.]

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Report of Board Counsel

MS. WALTER:

Pursuant to the Sunshine Act at Section 708(a)(5), the Board entered into quasi-judicial deliberations at 8:45 a.m. for the purposes of discussing items 3 through 6 and 10 through 18 on the agenda.

MS. WUCINSKI:

At agenda item 10, I believe the Board would entertain a motion to direct
Board Counsel to issue an order removing the limitation on the License to Practice Medicine and Surgery of Paul M. DiLorenzo, M.D., to practice only under the auspices of a preceptorship.

DR. YEALY:
So moved.

MR. DILLON:
Second.

CHAIR WOODLAND:
Any further discussion? Hearing none.
Saiyad, could we have a vote, please?

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

[The motion carried unanimously.]

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Applications for Licensure – Graduate Medical Trainee

MS. WUCINSKI:
At agenda item 11, I believe the Board would entertain a motion to recommend that J.L. enter into the Voluntary Recovery Program for a minimum of five

Sargent's Court Reporting Service, Inc.
(814) 536-8908
1 years.
2 DR. YEALY:
3   So moved.
4 MR. DILLON:
5   Second.
6 CHAIR WOODLAND:
7   Any further discussion? Hearing none.
8   Saiyad, could we have a vote, please?
9
10 Dr. Woodland, yea; Dr. Yealy, aye; Mr. Dillon, aye; Dr. Ripchinski, aye; Mr. Eisenhauer, aye; Ms. Reddy, aye.
11
12 [The motion carried unanimously.]
13 ***
14 MS. WUCINSKI:
15   At agenda item 12, I believe the Board would entertain a motion to deny the Waiver Request of Kunal Malik to waive the requirement that he complete Step 3 of the USMLE prior to beginning his PGY-3 training.
16 DR. YEALY:
17   So moved.
18 MR. DILLON:
19   Second.
CHAIR WOODLAND:

Any further discussion? Hearing none.

Saiyad, could we have a roll call, please?

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

[The motion carried unanimously.]

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Applications for Licensure – Unrestricted Physician and Surgeon

MS. WUCINSKI:

I believe the Board would entertain a motion to invite the following applicants to apply for an institutional license at agenda item 13, Samar Altamimi, M.D. and agenda item 14, Federica Bellussi, M.D.

DR. YEALY:

So moved.

MR. DILLON:

Second.

CHAIR WOODLAND:

Any further discussion on these two
items? Hearing none. Saiyad, could we have a vote, please?

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

[The motion carried unanimously.]

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MS. WUCINSKI:

Agenda item 15 is tabled for the Board to obtain additional information on the Applicant’s practice under his institutional license.

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MS. WUCINSKI:

Moving on to item 16 I believe the Board would entertain a motion to provisionally deny the Application for a License to Practice as a Physician and Surgeon of Paul Eduardo Hiedra Valarino, M.D.

DR. YEALY:

So moved.

MR. DILLON:

Second.
CHAIR WOODLAND:

Any further discussion from anybody?
Hearing none. Saiyad, could we have a vote, please?

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

[The motion carried unanimously.]

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Applications for Licensure – Reactivations

MS. WUCINSKI:

At agenda item 17, the Board is tabling this item for the Board to obtain additional information regarding current job duties for Patrick Francis Fogarty, M.D.

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Ratifications

MS. WUCINSKI:

At number 18, I believe the Board would entertain a motion to ratify the granting of the Application for a License to Practice as a Physician and Surgeon of Ashlesha Satish Udare, M.D.
DR. YEALY:
So moved.

MR. DILLON:
Second.

CHAIR WOODLAND:
Any further discussion on this one?
Hearing none. Saiyad, could we have a vote, please?

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

[The motion carried unanimously.]

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Report of Board Counsel – Other

[Dana M. Wucinski, Esquire, Board Counsel, noted Senate Bill 674 of 2023 and Senate Bill 677 are identical bills, but one is for the State Board of Osteopathic Medicine and the other is for the State Board of Medicine. The bills are entitled Disclosure of Complaints Filed Against Physicians.

Ms. Wucinski stated complaints against physicians found by the Bureau of Enforcement and Investigation (BEI) to either be frivolous or meritless still must be disclosed by physicians when asked if their
license has ever been subject to an investigation or complaint.

Ms. Wucinski mentioned that physicians lack the ability to explain the nature of the complaint because details of the internal investigations are confidential. She explained that the legislation would no longer require physicians to acknowledge the existence of a complaint filed against their medical license if the case was closed without any formal action and no Board action is taken.

Ms. Wucinski reminded Board members that she and Ms. Walter would ask for their position on any bills that begin to gain traction if they are asked to complete a bill analysis.

Ms. Walter informed Board members that Senate Bill 710 of 2023 is regarding a prohibition on telemedicine for prescribing drugs that are on the Food and Drug Administration’s (FDA) list for risk evaluation and mitigation strategy.

Chair Woodland noted the difficulty of staying in the lanes of what can and cannot be done with telemedicine. He commented that summary statements would be needed at some point as far as what states permit in each jurisdiction.

Ms. Walter informed Chair Woodland that there is
a website and Bill 710 was referred to the committee in May.]

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For the Board’s Information - Meeting Dates

[Mark B. Woodland, M.S., M.D., FACOG, Chair, noted the remaining 2023 meeting dates are July 18, September 12, October 24, and December 12. He also noted 2024 meeting dates are listed on the agenda.]

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Miscellaneous

[Mark B. Woodland, M.S., M.D., FACOG, Chair, referred to the Annual Report on the agenda for the Board’s information.]

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Report of Board Chair

[Mark B. Woodland, M.S., M.D., FACOG, Chair, thanked everyone for participating in the State Board of Medicine Meeting.

Chair Woodland acknowledged Flag Day and Juneteenth, as well as Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ)+ Pride Month in June. He also noted the government’s June medical awareness issues include Alzheimer’s and Brain Awareness, Men’s Health, Migraine and Headache Awareness, LGBTQ+ Health Awareness, Posttraumatic
Stress Syndrome Awareness, and Vision Research Awareness.

Chair Woodland addressed topics from the Federation of State Medical Boards (FSMB) website at fsmb.org, including continued reporting on the Interstate Medical Licensure Compact for physicians who wish to practice in multiple states. He mentioned they are currently in the process of establishing a bill to lift some of the restrictions preventing states like Pennsylvania from fully enacting and participating with the Interstate Medical Licensure Compact (IMLC).

Chair Woodland addressed artificial intelligence (AI), noting it is starting to grow in the daily lives of everyone and medical care and regulatory areas. He noted one of the issues is developing a realistic map to protect everyone from abuse and misuse. He stated they qualify things regarding AI as the current discussion around the ethics involved, regulation, and responsibility of all parties involved, including providers and patients.

Chair Woodland provided a map for clinical practice with AI, looking at challenges and concerns, winners and losers, and the future. He stated he is currently chairing the Ethics Committee for FSMB and
would be providing a position statement on AI this year.

Dr. Yealy commented that it is going to be a topic in evolution, where everyone would have to be willing to adopt and adapt to it from both sides of the equation.

Chair Woodland noted that scams are increasing and is something everyone should be careful about, especially with privacy issues related to protected health information.

Chair Woodland stated mental health providers is still a big topic at the American Medical Association (AMA), FSMB, and others. He mentioned that some of the surveys show electronic medical record and productivity issues are a concern of providers, along with finances of healthcare, which is something to watch because of people leaving the workforce because of finances and other issues.

Chair Woodland informed everyone that FSMB has a lot of teaching modules for all providers to assist with understanding medical regulations in the United States and include the Introduction to Medical Regulation, Understanding Medical Licensure, and Understanding Physician Assistants Licensure, along with many other modules.
Chair Woodland reported utilizing those modules to help educate students and residents and encouraged others to utilize those as well.

Chair Woodland addressed reports from AMA, including shortages in this country with the most recent being chemotherapeutics that have been in short supply and noted it to be incumbent upon them to keep aware of shortages.

Chair Woodland addressed a bill in Maine’s legislature that would have the medical practice statute of limitations clock start running when the patient discovers the negligence, not when the negligence occurs, which means it could be an open-ended statute of limitations on malpractice cases.

Chair Woodland referred to the change in Pennsylvania’s venue in August 2022 and its impact on the cost of medicine from the malpractice premiums, noting it to be something to watch, especially given the financial situation and many of the healthcare issues.

Dr. Yealy commented that the venue changed and also means that people involved in any kind of medical care related to work might have to go great distances and do this in front of people who are not anywhere near their community or their lives in order
to adjudicate in addition to the potential implications it has for healthcare delivery organizations or sites.

Dr. Yealy mentioned that the shortages give them a chance to think about how they use agents, noting oxycodone is a short-acting, very common opioid used for pain management and its supply is going to be in short use that will enable each prescribing provider to think longer about whether an opioid is the right choice. He noted there are silver linings in some of the shortages that allow them to reflect on practice.

Dr. Yealy mentioned that the same thing is true of many of the injected corticosteroid preparations, where there are often alternatives. He noted there are opportunities to tighten that up but also opportunities to ask why they do what they do.

Chair Woodland agreed, stating that the unintended consequences of anything could be something better and they may need to rethink the thought process.

Mr. Dillon noted that one of the things FSMB does every two years is a fairly detailed census of physicians practicing in the United States that should be released soon. He mentioned FSMB also has an interactional infographic that is very interesting.
as well on their website.

Chair Woodland stated physician assistants also have a huge data collection base that is very important to Pennsylvania because they have such a large constituent of physician assistant providers in the state.

Chair Woodland addressed graduate medical education, recognizing they are in an interesting period of time when all of the graduate medical education (GME) trainees are graduating and new people are coming in. He reported this year to be the largest match ever with Pennsylvania having one of the largest cohorts of graduate medical education trainees coming into the state. He noted the state medical boards have done a good job of getting those licensures up to date.

Mr. Ali informed Board members that the division has been modifying standard operating procedures in order to account for the influx of graduate training applications. He reported being on track and continuing to process applications, including overtime, to ensure residents can begin their training in a reasonable time frame. He encouraged applicants and licensees to check their emails and their Pennsylvania Licensing System (PALS) account...
regularly for any updates and to resolve any outstanding discrepancies with their applications.

Ms. Wray thanked Board staff for their hard work and noted appreciation to all of the applicants and licensees for their patience. She commented that they are still on track despite the influx of applications and decrease in staff.

Chair Woodland mentioned that the most common reasons applications are held up would be inconsistencies or not providing enough information about those inconsistencies, so the Board could figure out what is going on with licensure. He noted being straightforward and forthcoming are the two most important things to ensure a license goes through.]

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Report of Vice Chair - No Report

[Donald M. Yealy, M.D., Vice Chair, commented that this time of year is the deluge of people of all different forms seeking licensure and he was impressed with the Bureau of Professional Occupational Affairs, particularly the State Board of Medicine. He noted being amazed at how quickly things go through the process and thanked Board staff for doing a fabulous job.]
Report of Acting Commissioner - No Report

[Mark B. Woodland, M.S., M.D., FACOG, Chair, noted Acting Commissioner Claggett provided information on low-income licensed professions by the Institute for Justice and requested it be included on the next agenda when Acting Commissioner Claggett is present.]

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Report of Department of Health - No Report

[Mark B. Woodland, M.S., M.D., FACOG, Chair, noted the Department of Health is transitioning to more interval data regarding COVID. He reported most of the institutions adopted the federal statutes on the pandemic and lifting of restrictions.]

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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

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Report of Committee on Licensure Qualifications - No Report

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Report of Acting Board Administrator - No Report
Next Board Meeting

[Mark B. Woodland, M.S., M.D., FACOG, Chair, noted the next scheduled Board meeting date is July 18 with public session starting at 10:30 a.m.]

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Adjournment

DR. YEALY:

Move to adjourn.

MR. DILLON:

Second.

CHAIR WOODLAND:

We will talk in July. Great to see everybody.

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[There being no other business, the State Board of Medicine Meeting adjourned at 11:18 a.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.

Derek Richmond,
Minute Clerk
Sargent’s Court Reporting
Service, Inc.
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