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

FINAL MINUTES

MEETING OF:

STATE BOARD OF MEDICINE

TIME: 10:36 A.M.

Held at
PENNSYLVANIA DEPARTMENT OF STATE
2601 North Third Street
One Penn Center, Board Room C
Harrisburg, Pennsylvania 17110
as well as
VIA MICROSOFT TEAMS

Tuesday, February 7, 2023
State Board of Medicine  
February 7, 2023

BOARD MEMBERS:

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

BUREAU PERSONNEL:

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

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

February 7, 2023

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[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, February 7, 2023. Mark B. Woodland, M.S., M.D., FACOG, Chair, called the meeting to order at 10:36 a.m.

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

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

Chair Woodland welcomed Acting Secretary of...
Health, Dr. Debra Bogen, to the State Board of Medicine. He noted she would be a great addition to the Board by providing news and updates from the Department of Health.

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Acknowledge Public – Turn Off Electronic Devices

[Chair Woodland welcomed everyone to the State Board of Medicine Meeting. He asked everyone to turn off or mute electronic devices. He reminded everyone that the meeting was being recorded, and voluntary participation constituted consent to be recorded.]

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Introduction of Board Members/Attendees

[Chair Woodland provided an introduction of Board members and attendees.]

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Approval of minutes of the October 25, 2022 meeting

CHAIR WOODLAND:

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

I would entertain a motion to approve the minutes from October 25, 2022 and December 13, 2022.
MR. EISENHAUER:
   So moved.

DR. RIPCHINSKI:
   Second.

CHAIR WOODLAND:
   Roll call, please.

ACTING COMMISSIONER CLAGGETT:
   Let’s do separate motions for the
   meeting minutes.

CHAIR WOODLAND:
   We already have a motion and a second.
   Without further discussion, we’ll call
   each one separately. October 25. Roll
   call.

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

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

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Approval of minutes of the November 15, 2022 meeting

CHAIR WOODLAND:
   November 15, 2022.
Arion Claggett, aye; Gerard Dillon, aye; Michael Ripchinski, aye; Walter Eisenhauer, aye; Debra Bogen, abstain; Mark Woodland, abstain.

[The motion carried. Mark Woodland and Debra Bogen abstained from voting on the motion.]

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Approval of minutes of the December 13, 2022 meeting

CHAIR WOODLAND:

December 13, 2022.

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

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

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[Donald M. Yealy, M.D., Vice Chair, entered the meeting at 10:43 a.m.]

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Acting Commissioner Claggett informed Dr. Yealy that he would have to abstain from voting while using a phone and participating off camera.]
Report of Prosecuting Attorneys

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

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

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

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

MS. WALTER:

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

I believe the Board would entertain a motion to approve the VRP Agreements at items 3 through 8. Number 3, Case No. 22-49-016762; number 4, Case No.
22-49-017131; number 5, Case No. 22-49-011389; number 6, Case No. 22-49-017625; number 7, Case No. 22-49-017875; and number 8, Case No. 22-49-018043.

MR. EISENHAUER:

So moved.

DR. RIPCHINSKI:

Second.

CHAIR WOODLAND:

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

Arion Claggett, aye; Mark Woodland, aye; Gerard Dillon, aye; Michael Ripchinski, aye; Walter Eisenhauer, aye; Debra Bogen, aye.

[The motion carried unanimously.]

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

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MS. WALTER:

Number 9, Case No. 22-49-007202, I
believe the Board would entertain a
motion to approve the Consent
Agreement.

MR. EISENHAUER:
So moved.

DR. RIPCHINSKI:
Second.

CHAIR WOODLAND:
Any further discussion on this?
Hearing none. Jasmira, would you take
the roll call, please?

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

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

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Appointment - Prosecution Division Annual Report
Presentation
[Carolyn A. DeLaurentis, Esquire, Executive Deputy
Chief Counsel, Department of State, informed Board
members that she is now the executive deputy chief
counsel for the Department of State but is presenting
to the Board on behalf of the prosecution division in
her former role to provide the presentation.

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

Ms. DeLaurentis explained that the Office of
Chief Counsel is under the Governor’s Office of
General Counsel and assigned to the Department of
State, noting the prosecution division is one
division under the Office of Chief Counsel. She
noted the prosecution division works with the Bureau
of Enforcement and Investigation (BEI), along with
the Professional Compliance Office (PCO).

Ms. DeLaurentis stated BEI, PCO, and prosecution
are all tasked with receiving complaints,
investigating allegations, ensuring public safety,
and enforcing compliance with the acts and
regulations that govern the 29 licensing boards and
commissions.

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

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

Ms. DeLaurentis discussed levels of review,
including jurisdiction checks, noting administrative
assistants review every complaint to see if it falls
under one of the 29 boards and commissions. She mentioned complaints are referred to the appropriate agency if prosecution does not have jurisdiction.

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

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

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

Ms. DeLaurentis noted that if it goes to a hearing examiner, the hearing examiner usually issues a proposed adjudication and order and then it goes to the boards and commissions for their final decision.
because they have the ultimate authority for discipline. She addressed consent agreements, where both sides are conducting negotiations and trying to reach a resolution and present that to the Board, where the Board could accept or reject the agreement.

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

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

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

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

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

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

Ms. DeLaurentis referred to the confidentiality statute under 63 Pa.C.S. § 3109, where prosecution and investigative files are deemed privileged and
confidential under the law. She explained that investigative files are deemed noncriminal investigative records and exempt from disclosure under the Right-to-Know Law.

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

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

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

Ms. DeLaurentis informed Board members that an
annual report is issued to the General Assembly, which includes a breakdown of case categories, and would notify counsel when the report is available.

Ms. DeLaurentis addressed specific information for the State Board of Medicine, noting 3,728 cases were opened in 2022, 4,190 in 2021, and 1,942 in 2020. She reported a lot of Medical Care Availability and Reduction of Error (MCARE) cases. She noted 3,277 cases were closed in 2022, 2,093 in 2021, and 2,273 in 2020. She mentioned the number of cases opened and being closed is an appropriate place to be as far as the team being able to handle those cases. She noted 3,577 open cases as of January 3 and 3,090 in 2021.

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

Ms. DeLaurentis stated many cases are resolved with no discipline and referred to Z codes that are used in their case management system. She noted 200
warning letters in 2022, 233 in 2021, and 193 in 2020. She explained that warning letters are not disciplinary and are a great tool for prosecutors on behalf of the Board to remind licensees to follow the act and regulations. She mentioned that warning letters are given for de minimis violations and used to ensure that the health and safety of the public is protected and licensees are following the rules.

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

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

Chair Woodland thanked Ms. DeLaurentis for the presentation.]

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Appointment - Bureau of Finance and Operations Annual Budget Presentation [Amanda Richards, Chief of Fiscal Management, Bureau
of Finance and Operations, Department of State, referred to licensee population over the past seven years, noting the Board had 78,861 licensees in FY21-22 and 74,385 licensees at the time of the report in January, showing a decrease of 4,476 licensees. She reported an increase this morning of 472 licensees to 74,857. She referred to a four-year breakdown by licensee population, noting FY20-21 and FY22-23 were renewal years.

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

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

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

Ms. Richards noted the two main categories when reviewing expenses are administrative and legal
costs. She stated that expenses are brought in through direct costs, timesheet-based charges, and licensee population. She reported on the Board’s expenses in FY20-21, FY21-22, and as of January 24, 2023. She noted the budgeted figure was adequate for FY22-23 based on expenses.

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

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

Dr. Yealy commented that there were two consecutive years where the Board brought in roughly $1 million and spent a little over $7 million. He mentioned the large remaining balance seemed to exist from before and asked whether they need to think through the fees differently because the reserves would be chip away at the current pace.
Chair Woodland stated the Board suspended the fees for one or two years because of the high reserve, and the proposed projected budget for FY24-25 is up again, noting the fees are not extraordinary but still amount to a lot for people.

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

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

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

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

Chair Woodland referred to Mr. Dillon’s point and noted the importance of whether or not people are getting their licenses renewed in a timely fashion.
and whether constituents are happy. He looked forward to further discussion at the next meeting when more information is available.

Chair Woodland thanked Ms. Richards for the presentation.

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Report of Prosecuting Attorneys (cont.)

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

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

MS. WALTER:

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

MR. EISENHAUER:
So moved.

DR. RIPCHINSKI:

Second.

CHAIR WOODLAND:

Any further discussion on these?

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

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

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

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CHAIR WOODLAND:

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

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[Codi M. Tucker, Esquire, Board Prosecutor, presented
the Consent Agreement for Case No. 18-49-03852.]

MS. WALTER:

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

MR. EISENHAUER:

So moved.

DR. RIPCHINSKI:

Second.

CHAIR WOODLAND:

Any further discussion? Hearing none.

Jasmira, could we have a roll call,
please?

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

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

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Report of Board Counsel – Proposed Reports from
Hearing Examiner

MS. WUCINSKI:

At agenda item 19, I believe the Board
would entertain a motion to adopt as final the Proposed Adjudication and Order for Aaron Hasiuk, M.D., Case No. 22-49-002660.

MR. EISENHAUER:
   So moved.

DR. RIPCHINSKI:
   Second.

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

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

   [The motion carried unanimously.]

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MS. WUCINSKI:
   Agenda items 20 and 21 are tabled for the March meeting.

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Report of Board Counsel - Final Adjudications for Board Approval
MS. WUCINSKI:

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

MR. EISENHAUER:

So moved.

DR. RIPCHINSKI:

Second.

CHAIR WOODLAND:

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

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

[The motion carried unanimously.]

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[Debra Bogen, M.D., FAAP, FABM, Acting Secretary, Department of Health, exited the meeting at 12 p.m.]
Report of Board Counsel – Other

MS. WUCINSKI:

Agenda item 24. There is no vote needed.

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MS. WUCINSKI:

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

MR. EISENHAUER:

So moved.

DR. RIPCHINSKI:

Second.

CHAIR WOODLAND:

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

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

[The motion carried unanimously.]
MS. WUCINSKI:

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

MR. EISENHAUER:

So moved.

DR. RIPCHINSKI:

Second.

CHAIR WOODLAND:

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

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

[The motion carried unanimously.]

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Applications for Licensure - Allied Health
MS. WUCINSKI:

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

MR. EISENHAUER:

So moved.

DR. RIPCHINSKI:

Second.

CHAIR WOODLAND:

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

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

[The motion carried unanimously.]

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Applications for Licensure - Reactivations

MS. WUCINSKI:

Agenda item 33, I believe the Board
would entertain a motion to Reactivate a License to Practice Medicine and Surgery to Active Retired Status for David Junkin, M.D.

MR. EISENHAUER:
   So moved.

DR. RIPCHINSKI:
   Second.

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

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

[The motion carried unanimously.]

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MS. WUCINSKI:
   At item 34, I believe the Board would entertain a motion to send a standard reentry letter to James Wong, M.D.

MR. EISENHAUER:
   So moved.

DR. RIPCHINSKI:
Second.

CHAIR WOODLAND:

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

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

[The motion carried unanimously.]

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Miscellaneous

MS. WUCINSKI:

At item 35, I believe the Board would entertain a motion to approve the Professional Health Monitoring Program’s recommendations of the Voluntary Recovery Program for J.M.

MR. EISENHAUER:

So moved.

DR. RIPCHINSKI:

Second.

CHAIR WOODLAND:

Any further discussion? Hearing none.

Jasmira, could we have a vote, please?
Arion Claggett, aye; Mark Woodland, aye; Donald Yealy, aye; Gerard Dillon, aye; Michael Ripchinski, aye; Walter Eisenhauer, aye.

[The motion carried unanimously.]

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MS. WUCINSKI:

At item 36, I believe the Board would entertain a motion to direct Board Counsel to issue an order removing the restriction on the License to Practice Medicine and Surgery of Jeffrey Solomon, M.D., noting Dr. Ripchinski is recused.

MR. EISENHAUER:

So moved.

DR. YEALY:

Second.

CHAIR WOODLAND:

Any further discussion? Hearing none. Jasmira, could we have a vote, please?

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

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

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MS. WUCINSKI:

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

MR. EISENHAUER:

So moved.

DR. RIPCHINSKI:

Second.

CHAIR WOODLAND:

Any further discussion? Hearing none.

Could we have a roll call, please, Jasmira?

Arion Claggett, aye; Mark Woodland, aye; Donald Yealy, aye; Gerard Dillon, aye; Michael Ripchinski, aye; Walter Eisenhauer, aye.
[The motion carried unanimously.]

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MS. WUCINSKI:

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

MR. EISENHAUER:

So moved.

DR. RIPCHINSKI:

Second.

CHAIR WOODLAND:

Any further discussion? Hearing none. Could we have a roll call, please, Jasmira?

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

MS. WUCINSKI:

I am going to do agenda items 39 through 43 together. I believe the Board would entertain a motion to ratify the granting of the following Applications: Initial Physician and Surgeon by Endorsement for Marcelino Enrique Murillo DeLuquez, M.D.; Initial Physician and Surgeon by Endorsement for Amed Natour, M.D.; Initial Physician and Surgeon by Endorsement for Stefanie Marek-Iannucci, M.D.; Initial Physician and Surgeon by Endorsement for Mohamed Hatem El Gabaly, M.D.; Athletic Trainer for Christopher Cowger.

MR. EISENHUER:

So moved.

DR. RIPCHINSKI:

Second.

CHAIR WOODLAND:

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

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

[The motion carried unanimously.]

***

For the Board’s Information/Discussion

MS. WUCINSKI:

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

MR. EISENHAUER:

So moved.

DR. RIPCHINSKI:

Second.

CHAIR WOODLAND:

Any further discussion? I will just make the note that as I sit on the Board of Directors for the FSMB, I will be attending in a dual capacity and is
why we need to have someone else be the delegate. It is great that we have another delegate for the meeting, and we will report back after the meeting.

Jasmira, a quick vote.

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

[The motion carried unanimously.]

***

Regulatory Status Report

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

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

Ms. Wucinski addressed 16A-4995 regarding the physician assistant annex exposure draft incorporating all of the changes from Act 79 of 2021. She noted suggestions from the Pennsylvania Society of Physician Assistants have been incorporated into the draft annex. She requested a vote from the Board to send it out as an exposure draft for comments.

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

MS. WUCINSKI:

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

MR. EISENHAUER:

So moved.

DR. RIPCHINSKI:

Second.

CHAIR WOODLAND:

Any further discussion? Hearing none.
Jasmira, could we have a vote, please?

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

[The motion carried unanimously.]

***

Report of Regulatory Counsel

[Den A. Wucinski, Esquire, Board Counsel, noted 16A-4948 regarding examination and 16A-4947 regarding orthotic fitter extension of temporary practice permit regulations have been published as final and are done.

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

MS. WUCINSKI:
If you are okay with the final rulemaking package and responses to comments as drafted, I would ask for a vote to direct counsel to proceed to final rulemaking.

MR. EISENHAUER:
So moved.

DR. RIPCHINSKI:
Second.

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

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

[The motion carried unanimously.]

***

Report of Vice Chair - No Report

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Report of Acting Commissioner

[Arion R. Clagget, Acting Commissioner, Bureau of Professional and Occupational Affairs, addressed new
functionality in the Pennsylvania Licensing System (PALS) called Act 35, which provides expedited application review for service members, veterans, and military spouses. He stated the application types included in the expedited review are initial applications, renewal applications, and reactivation applications.

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

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

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

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

Acting Commissioner Claggett explained that there
is a link on the Board web pages and could send out a
link directing people where to find it on the Board
pages. He mentioned there would be a press release
forthcoming as well.]

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Report of Department of Health – No Report

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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

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

Dr. Ripchinski explained that the committee is
charged with addressing ethical and professional
issues pertinent to medical regulation and assisting
state medical boards with overcoming challenges
related to determining and enforcing medical
standards of care. He mentioned the committee was
tasks recently with providing guidance on how to
assess standards for use in quality-of-care cases
where they would have to comment.

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

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

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

Dr. Ripchinski stated the fourth section concerns analyzing expert medical testimony using academic research methods, looking at levels of evidence and commenting on controlled trials and systematic
reviews as a way to assess standards of care.

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

***

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

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

Mr. Dillon explained the Board might want to focus on three main ideas in order to establish
substantial equivalence: 1) the quality of the undergraduate medical education in the original country, perhaps as measured by whether the medical school is accredited by an independent agency, 2) whether the original licensing authority requires individuals to continue education beyond undergraduate and have some postgraduate training and experience, and 3) whether there is an independent assessment of the individual’s qualifications and skills.

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

***

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

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

Sargent's Court Reporting Service, Inc.
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the DATA-Waiver Program; however, the Drug
Enforcement Administration (DEA) fully supports
significant policy reform because of the epidemic of
opioid use disorders.

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

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

Chair Woodland provided highlights from the
Federation of State Medical Boards, noting that the
workforce is working very hard, but
provider/physician burnout and depression is getting
worse. He mentioned the need to look at why that is
happening. He noted there has been a lot of attention
placed on provider/physician resilience and well-
being but more there had been further erosion of the
resilience and an actual increase in the extent of
suicidal ideation among providers that impacts health
care.
Chair Woodland informed Board members that FSMB is running seminars and webinars, including one on Valentine’s Day on Changing the System: Removing Barriers to Treatment through Licensing Reform.

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

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

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

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Report of Board Administrator – No Report

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Board Meeting Dates

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

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Adjournment

CHAIR WOODLAND:
I look for a motion to adjourn the meeting.

MR. EISENHAUER:
So moved.

CHAIR WOODLAND:
We need a second?

DR. RIPCHINSKI:
Second.

CHAIR WOODLAND:
Everybody have a great day. I look forward to seeing everybody next month.

***

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

***
CERTIFICATE

I hereby certify that the foregoing summary minutes of the State Board of Medicine meeting, was reduced to writing by me or under my supervision, and that the minutes accurately summarize the substance of the State Board of Medicine meeting.

Benjamin Morrow,
Minute Clerk
Sargent’s Court Reporting Service, Inc.
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<td>Appointment - Carolyn A. DeLaurentis, Esquire, Executive Deputy Chief Counsel, Department of State, Annual Prosecutorial Division Presentation</td>
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<td>Appointment - Bureau of Finance and Operations Annual Budget Presentation</td>
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STATE BOARD OF MEDICINE
REFERENCE INDEX
(cont.)
February 7, 2023

TIME AGENDA

12:26 Report of Board Chair

12:34 Adjournment