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

FINAL MINUTES

MEETING OF:

STATE BOARD OF MEDICINE

TIME: 10:32 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, October 24, 2023
State Board of Medicine
October 24, 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
Maria Dispenziere, Policy Director, on behalf of Debra L. Bogen, M.D., FAAP, FABM, Acting Secretary of Health, Pennsylvania Department of Health
John D. Six, M.D.
John A. Kutz, M.D., FACS
Benjamin S. Abella, M.D., MPhil
Catherine N. Udekwu, M.D.

BUREAU PERSONNEL:

Shana M. Walter, Esquire, Senior Board Counsel
Dana M. Wucinski, Esquire, Board Counsel
Heather J. McCarthy, Esquire, Senior Board Prosecutor and Prosecution Liaison
Mark R. Zogby, Esquire, Board Prosecutor
Jason T. Anderson, Esquire, Board Prosecutor
Keith E. Bashore, Esquire, Board Prosecutor
Patrick Greene, Esquire, Board Prosecutor
Kelsey B. Ashworth, Esquire, Board Prosecutor
Adam J. Williams, Esquire, Board Prosecutor
Lindsay Szymanski, Esquire, Board Prosecutor
Jonelle Harter Eshbach, Esquire, Board Prosecutor
Saiyad Ali, Board Administrator
Holly Hoffman, Law Clerk, Department of State
ALSO PRESENT:

Tracey Ziegler, Program Director, LifeGuard, Foundation of the Pennsylvania Medical Society
Aaron Young, PhD, Vice President of Research and Data Services, Federation of State Medical Boards
Ted Mowatt, CAE, Vice President/Lobbyist, Wanner Associates, on behalf of the Association for Professional Acupuncture
Melissa Mihriban Ulas, M.D.
Julia Stone
Jeremy Wigginton, M.D.
Grace Showalter MHIIM, BSN, RN, Founder and CEO, Vitruvian Consulting Group
Jacob Thomas Bender
Lauren Doliner, M.D.
Kari Orchard, Democratic Executive Director, House Professional Licensure Committee
Susan DeSantis, PA-C, Pennsylvania Society of Physician Assistants
Madeline Helmstetter
Wendy Ruderman
Randy Stevens, Pennsylvania Orthotic Prosthetic Society
State Board of Medicine
October 24, 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 Shana M. Walter, Esquire, Senior Board Counsel, and Dana M. Wucinski, 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, October 24, 2023. Mark B. Woodland, M.S., M.D., FACOG, Chair, called the meeting to order at 10:32 a.m.

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Acknowledge Public – Turn Off Electronic Devices
[Mark B. Woodland, M.S., M.D., FACOG, Chair, acknowledged that everyone present agreed to be recorded and welcomed everyone. He also requested all electronic devices be muted.]

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Introduction of Board Members/Attendees
[Mark B. Woodland, M.S., M.D., FACOG, Chair, provided
an introduction of Board members and attendees.]

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[John A. Kutz, M.D., FACS, was named in attendance but not called to vote on any of the motions.]

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Approval of minutes of the September 12, 2023 meeting

CHAIR WOODLAND:

Next is approval of the minutes. We will need a vote to approve the minutes of September 12, 2023, as written.

Do I have a motion?

DR. YEALY:

I move to approve.

MR. EISENHAUER:

Second.

CHAIR WOODLAND:

Any further discussion on the minutes? Hearing no further discussion, I'll take a roll call, Saiyad, for approval of the minutes.

Mr. Claggett, aye; Dr. Woodland, aye; Dr. Yealy, aye; Mr. Dillon, aye; Dr. Ripchinski, aye; Mr. Eisenhauer, aye; Ms. Dispensiere, abstain; Dr. Six, aye;
Dr. Abella, aye; Dr. Udekwu, aye.

[The motion carried. Maria Dispenziere abstained from voting on the motion.]

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Appointment - LifeGuard Presentation

[Tracey Ziegler, Program Director, LifeGuard, Foundation of the Pennsylvania Medical Society, presented to the Board to discuss their physician assistant assessment program and LifeGuard enhancements to current programs.]

Ms. Ziegler stated that LifeGuard is a nationally recognized assessment program that provides recommendations for remediation when deficiencies and concerns may be discovered with physicians or other healthcare participants. She noted that every case is unique and handled with an individualized and personalized care management plan.

Ms. Ziegler explained that the LifeGuard program was developed to assist physicians and other providers who have known or suspected clinical deficiencies or cognitive or medical deficiency. She mentioned working with physicians and providers who may have quality of care concerns, may be seeking reentry, have been out of practice for a period of time, or may have had disciplinary actions on their
medical license and are seeking reinstatement.

Ms. Ziegler addressed enhancements to fitness for duty, noting an overwhelming amount of physicians are being referred to LifeGuard for cognitive concerns and physical impairments and most recently for effects of long COVID. She reported receiving referrals from state boards, hospitals, local healthcare systems, and even from physician offices with physicians or other healthcare participants that need assessed because of professionalism issues.

Ms. Ziegler noted the professional support program is an enhancement to their fitness for duty assessment for physicians and other providers struggling with managing stressors and those who have disruptive behaviors that need addressed. She explained that it is a two-day assessment completed by their LifeGuard neuropsychologist, along with a LifeGuard psychiatrist if a psychiatric issue is found.

Ms. Ziegler mentioned that LifeGuard now administers the Maslach Burnout Inventory-Human Services Survey (MBI-HSS) to help identify aspects of healthcare burnout, along with assessing the physician's team environment and dynamics. She noted they also added the CliftonStrengths assessment,
which has bolstered their professionalism assessment and provides participants with their 34 talents focusing on natural talents and not weaknesses.

Ms. Ziegler addressed potential recommendations for next steps with the professionalism assessment, noting they change goals particular to each participant. She mentioned that health system recommendations are also provided when they see an issue within the health system itself that could be enhancing the disruptive behavior of the participant in the workplace.

Ms. Ziegler noted further evaluation may be recommended to focus on personality assessment and implications with a more in-depth program. She mentioned they are now able to recommend a six-month program that can be completed with a CliftonStrengths-certified individual who assists with their assessment and helps individuals learn professionalism skills.

Ms. Ziegler addressed their physician assistant reentry and return to practice program. She noted the assistant components include more of the same type of assessments used for their other programs and pathways but tailored to the needs of the physician assistant. She explained that assessment components
may include a knowledge exam, medical director and
clinical interviews, case presentations, and
standardized patient assessments, along with
providing a neurocognitive evaluation.

Ms. Ziegler stated it is a two- to three-day
onsite assessment with some components completed
remotely if necessary. She noted an evaluator team
discussion after the assessment for review of
findings and consensus on recommendations to help the
physician assistant move forward in their
reinstatement process. She also noted a final report
is completed and submitted to the referring entity
and LifeGuard participant.

Ms. Ziegler stated LifeGuard offers a written
knowledge exam for physician assistant participants
consisting of 110 questions created by their
physician assistant reviewers who are actively
working physician assistants and educators in
physician assistant programs across Pennsylvania.
She noted exam questions come from RoshReview, which
provides a question bank with PA-C review programs
and allows appropriate questions to be pulled to
create exams.

Ms. Ziegler stated a neurocognitive screening is
performed to indicate or rule out the need for a more
comprehensive neurocognitive assessment. She noted they have a medical director and clinical interviewer with the physician assistant participants, which allows a snapshot of the participant as well as the physician reviewer's impression of the participant's commitment, character, and candor.

Ms. Ziegler addressed oral case presentations, which are conducted by one of their two LifeGuard-vetted physician assistant reviewers and overseen by one of their LifeGuard physician reviewers. She also noted they offer a standardized patient assessment for physician assistants, which is designed to assess the examinee's skills in evaluation and management of patient types typically seen within the scope of practice. She noted it to be done through a Zoom process almost like a telehealth experience.

Ms. Ziegler addressed the LifeGuard enrollment process, including the application and review of materials, along with creating a proposal to be submitted to the participant, where they are given 30 days to decide if they want to move forward.

Ms. Ziegler provided a review of other program pathways LifeGuard is able to provide, including reentry/reinstatement of physician licensures, quality of care assessments, and practice monitoring.
for things, such as controlled substances and buprenorphine.

Ms. Ziegler mentioned LifeGuard does practice monitoring for infection control issues, records review, and physician mentoring, along with having an American Board of Emergency Medicine re-eligibility program, and assessment for an active retired physician license.

Chair Woodland referred to the CliftonStrengths assessment, noting everyone would benefit from that type of input given the issues with provider well-being.

Ms. Ziegler reported positive outcomes using the CliftonStrengths assessment, noting the coach is honing in on the fact of working with positives because it is better for all involved and increases patient safety.

Mr. Dillon asked whether there was an assessment of communication skills during the Zoom examination. Ms. Ziegler explained that it is a live session through Zoom, where a physician reviewer and/or physician assistant reviewer watch and monitor the real-time communication between the participant and standardized patient. She noted they also receive feedback from the standardized patient concerning the
encounter and how well the communication is with the
physician or physician assistant participant.

Chair Woodland thanked Ms. Ziegler for the
presentation, noting Susan DeSantis also thanked her
for the presentation in chat.]

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Appointment - Federation of State Medical Boards
(FSMB) Census Presentation

[Aaron Young, PhD, Vice President of Research
and Data Services, Federation of State Medical
Boards, informed everyone that FSMB is the membership
organization for medical boards across the United
States. He mentioned that FSMB only makes policy
recommendations but does not make policies.
He noted FSMB collects data throughout the country
from medical boards and shares that information
through a disciplinary alert service. He reported
the Board queried FSMB's Physician Data Center over
12,000 times in the past 12 months, and FSMB has sent
out 500 disciplinary alerts.

Dr. Young informed Board members that FSMB
receives licensure files and registries from medical
boards throughout the country on a monthly basis and
has enhanced licensure services over the past 12
years. He mentioned FSMB recognizes state medical
boards across the country are feeling the pinch of labor shortages and many things going on in the licensure field, whether it is the Interstate Medical Licensure Compact or reciprocity. He noted FSMB could assist with anything the Board sees at the national level and would like to implement at the state level.

Dr. Young addressed data services, noting FSMB receives most of their data from state medical boards when it comes to licensing and discipline but also receives disciplinary data from the the Drug Enforcement Administration (DEA) that comes through the Office of Inspector General (OIG).

Dr. Young noted any disciplinary actions taken from the DEA and Centers for Medicare and Medicaid Services (CMS), including fraud, is shared with medical boards, along with specialty certification from the American Osteopathic Association (AOA) and American Board of Medical Specialties (ABMS). He mentioned also working with the National Practitioner Data Bank and starting to have discussions and partnering with the American Medical Association as well.

Dr. Young stated FSMB also has the Federation Credentials Verification Service (FCVS), noting the
Board could receive the National Practitioner Data Bank report through that profile or have a practitioner contact FSMB through Practitioner Direct, where they would connect with the National Practitioner Data Bank and provide the profile back to the Board or physician.

Dr. Young informed Board members that FSMB just published their Census of Licensed Physicians in the United States for 2022. He reported over 1 million physicians in the country and an increase of 23% from 2010. He addressed physician shortages, noted it to be more of a maldistribution of individuals throughout the states and country.

Dr. Young discussed the health and well-being of physicians and noted different work patterns, particularly from younger physicians, where they are working less and want a work-life balance.

Dr. Young addressed physician trends over the last few years, again noting the growing physician population since 2010 and the increase in licenses issued. He reported 129,000 new licenses were issued between 2020 and 2022 and is 27% larger than any other year. He believed they are seeing effects of the Interstate Medical Licensure Compact and impact of telehealth services throughout the country.
Dr. Young mentioned that medical boards are getting busier and issuing more licenses, noting Pennsylvania has an increase in the osteopathic segment most likely due to having a couple of osteopathic medical schools throughout the state. He also reported an increase in the osteopathic population over the last 12 years.

Dr. Young reported specialty board certification has gone from about 78% in 2010 to 85% nationwide with Pennsylvania being even higher at 88%. He mentioned the number of female physicians has increase over the last few years from 30% to 37%. He noted the demographic trend of younger physicians coming out of medical school is 50% male and 50% female. He also noted an increase in medical school graduates from the Caribbean.

Dr. Young mentioned having to care for more individuals due to aging of the general population and also recognized the aging physician population. He addressed Pennsylvania numbers showing 77% are U.S. medical school graduates and 23% are international graduates throughout the United States. He noted there are 2000 medical schools throughout the world that are represented by a diverse population of licensees throughout the country.
Dr. Young reported India to be the leader and believed that trend would continue. He again mentioned the Caribbean population has grown 20% over the last 12 years, noting 48% of all Caribbean medical school graduates were U.S. citizens in 2010 but has increased to almost 70%.

Dr. Young provided demographics concerning physician population, noting a balance from an age perspective 12 years ago but currently being within the crux of having an older general population and an older physician population, which raises care issues. He believed licensing and telehealth would help but that it will be an uphill climb for not only state medical boards but also for hospital systems, particularly in certain specialty areas.

Dr. Young reported a little over 65,000 Pennsylvania licensees and provided demographics specifically for Pennsylvania showing where individuals are license in other states with New York and New Jersey being at the top and Ohio being close. He addressed license transition, noting there has not been a big increase in folks who have two licenses but there has been significant growth with someone having three or four, particularly over the last three years.
Dr. Young stated the mobility aspect of being able to consult online has certainly been a perspective. He noted telehealth to be driving this, and he has seen cancer specialty hospitals expand to additional states.

Dr. Young offered to be a resource for the Board to assist with data and licensing but not govern or run anything. He provided contact information and encouraged the Board to reach out to him if they have any questions.

Chair Woodland commented that one of the unique things in Pennsylvania is that they are an interdisciplinary medical practice, where they are one of the legacy states with the State Board of Osteopathic Medicine, as well as the State Board of Medicine, and have a very large provider base of advanced practice professionals.

Chair Woodland asked whether the number of licenses goes along with the number of medical schools and whether there is any consistency with the number of trainees in the state.

Dr. Young explained that medical schools have certainly done their part to increase enrollment over the last 20 years. He mentioned that the biggest hurdle is residency positions but noted some states
have created their own positions that they are paying for out of various funds and seems to be the leverage point. He believed many folks that may have been planning to retire pushed through and held on through the pandemic for various reasons, including patient care purposes.

Dr. Young commented that the situation right now is individuals working less because they are further along in their career and the younger population coming in and generally wanting to work less, which will create stress on the environment, both statewide and nationally.

Chair Woodland thanked Dr. Young for the meaningful presentation and informed everybody that the report is available on the Federation of State Medical Boards website.]

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Report of Prosecuting Attorneys - Standard of Care Discussion

[Heather J. McCarthy, Esquire, Senior Board Prosecutor and Board Prosecution Liaison, provided information regarding prosecution's use of expert witnesses and their approach to determining the standard of care. She referred to the May 2023 report from the the Federation of State Medical
Boards entitled Considerations for Identifying the Standard of Care, noting she has no major disagreement with the report.

Ms. McCarthy stated prosecution uses expert witnesses to help determine what the standard of care is and whether there has been a deviation from the standard of care. She noted their review is anchored in the act, which authorizes discipline at section 41(8) "if a licensee is guilty of immoral or unprofessional conduct and includes departure from an ethical or quality standard of the profession. She mentioned that injury to a patient does not need to be established in order to prosecute a case.

Ms. McCarthy stated the prosecution division uses experts on a daily basis. She reported many cases are Medical Care Availability and Reduction of Error (MCARE) cases. She also reported many consumer complaint cases, where a patient or a family member makes a complaint about care the patient received. She reported 3,534 open cases, noting the State Board of Osteopathic Medicine also had approximately 700 open cases as well.

Ms. McCarthy stated the team has eight prosecuting attorneys, a legal analyst, and three paralegals who assist with cases. She noted experts
include five part-time in-house consulting physicians from different specialties who assist with evaluating cases but do not testify at hearings. She mentioned they routinely also send cases to external experts to write reports and file administrative charges called an order to show cause and testify to their opinion in a hearing.

Ms. McCarthy addressed how prosecution finds experts, noting they look for someone in the particular specialty as the respondent doctor and review resumes and curricula vitae (CVs) prior to choosing an expert. She mentioned they check for any conflicts with the respondent and patient. She noted they use an expert contracting agency and have experts on direct contract through word of mouth or recruitment efforts.

Ms. McCarthy mentioned having some former Board members on contract, noting there must be a one-year gap before entering a contract with them. She noted they occasionally have people volunteer to be expert witnesses who have been vetted and interviewed and reported having at least five or six addiction psychiatrists who help evaluate impairment cases, where a petition for mental and physical evaluation would be issued.
Ms. McCarthy addressed documents and materials, including the complaint, the physician's response and medical records, and the investigation report. She noted they sometimes redact accounts for various reasons, including when someone insists on strict confidentiality and will not testify, because prosecution cannot base charges on information they cannot prove at a hearing by way of testimony. She noted prosecution receives a written report, summary of the case, and an analysis.

Ms. McCarthy addressed similarities and differences with the FSMB Report, noting prosecution cannot use Board members as experts in Pennsylvania because there is case law in that regard. She noted prosecution generally looks for a written report and not an oral report.

Ms. McCarthy agreed with one item mentioned in the FSMB Report, where their experts routinely cite published studies from medical journals and is a very important component of their review. She noted the article cited the Federal Rule of Evidence (FRE) 702, and the Pennsylvania Rule of evidence 702 is similar but not identical.

Ms. McCarthy noted sharing a definite understanding in agreement with the FSMB Report that
there is a clear distinction between medical malpractice versus an adverse outcome that is simply an adverse outcome and is not the result of medical malpractice. She noted their experts routinely consider and mention known complications or known risks of procedures and professional judgment calls of a licensee, where potentially there could be two courses of action and they make a judgment call.

Ms. McCarthy mentioned that they can consider the amount of the settlement in a case where there has been a civil settlement, especially if it is a particularly low amount. She stated they have an understanding of different approaches and evolving standards of care.

Ms. McCarthy addressed recommendations in the FSMB Report and pointed out a difference at number one of the report, where state medical boards should consider looking to national standards of care where they may be relevant to determine appropriate standards in quality-of-care cases. She emphasized the Board itself cannot determine the standard of care and is something prosecution must prove as their case-in-chief by way of their expert witness.

Chair Woodland thanked Ms. McCarthy for the presentation. He mentioned the importance of
remembering that FSMB is a guidance organization, not
a policy organization, and the Board must abide by
their own state regulations.]

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[Heather J. McCarthy, Esquire, Senior Board
Prosecutor and Board Prosecution Liaison, presented
the Consent Agreement for Case No. 21-49-005364.]

MS. WALTER:

Prior to that, the Board entered into
quasi-judicial deliberations at
8:45 a.m. to receive the advice of
counsel and deliberate on matters on
the agenda.

I believe the Board would entertain
a motion at Case No. 21-49-005364 to
approve the Consent Agreement.

DR. YEALY:

So moved.

MR. EISENHAUER:

Second.

CHAIR WOODLAND:

Any further discussion on this?
Hearing none. Saiyad, 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. Dispenziere, abstain; Dr. Six, aye; 
Dr. Abella, aye; Dr. Udekwu, aye. 

[The motion carried. Maria Dispenziere abstained 
from voting on the motion. The Respondent's name is 
Huaguang Qu, M.D.] 

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[Heather J. McCarthy, Esquire, Senior Board 
Prosecutor and Board Prosecution Liaison, also 
presented VRP Agreements for Case No. 23-49-013186, 
Case No. 23-49-007884, Case No. 23-49-010349, Case 
No. 23-49-009338, and Case No. 23-49-010063.] 
MS. WALTER: 
I believe the Board would entertain a 
motion to approve the VRP Agreements at 
items 7 through 11 on the agenda. 

Item 7 is Case No. 23-49-013186; 
item 8, Case No. 23-49-007884; item 9, 
Case No. 23-49-010349; item 10, Case 
No. 23-49-009338; and item 11, Case No. 
23-49-010063. 

CHAIR WOODLAND: 
Could I have a motion?
DR. YEALY:
So moved.

MR. EISENHAUER:
Second.

CHAIR WOODLAND:
Any further discussion? The only thing I would add as further discussion is it always does good to see that graduate medical education training could be part of the process of identifying and getting better, and hopefully, this will help shape their future lives and careers in medicine, as well as the future for their own health benefits.

Any other comments or questions? Hearing none. Saiyad, could we have a roll call vote, please?

Mr. Claggett, aye; Dr. Woodland, aye; Dr. Yealy, aye; Mr. Dillon, aye; Dr. Ripchinski, aye; Mr. Eisenhauer, aye; Ms. Dispenziere, abstain; Dr. Six, aye; Dr. Abella, aye; Dr. Udekwu, aye.

[The motion carried. Maria Dispenziere abstained from voting on the motion.]
[Jason T. Anderson, Esquire, Board Prosecutor, presented the Consent Agreement for Case No. 22-49-013469. He noted Dr. Six is recused from voting.]

MS. WALTER:

I believe the Board would entertain a motion to accept the Consent Agreement at item 12 on the agenda at Case No. 22-49-013469.

DR. YEALY:

So moved.

MR. EISENHAUER:

Second.

CHAIR WOODLAND:

Any further discussion? Hearing none. Saiyad, could we have a roll call vote?

Mr. Claggett, aye; Dr. Woodland, aye; Dr. Yealy, aye; Mr. Dillon, aye; Dr. Ripchinski, aye; Mr. Eisenhauer, aye; Ms. Dispenziere, abstain; Dr. Six, recuse; Dr. Abella, aye; Dr. Udekwu, aye.

[The motion carried. Maria Dispenziere abstained from voting on the motion. John Six recused himself]
from deliberations and voting on the motion. The Respondent's name is Joseph D. Macut, PA.]

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[Keith E. Bashore, Esquire, Board Prosecutor, presented the Consent Agreement for Case No. 23-49-004142.]

MS. WALTER:

I believe the Board would entertain a motion to accept the Consent Agreement at Case No. 23-49-004142.

DR. YEALY:

So moved.

MR. EISENHAUER:

Second.

CHAIR WOODLAND:

Any further discussion? Hearing none. Saiyad, 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. Dispenziere, abstain; Dr. Six, aye; Dr. Abella, aye; Dr. Udekwu, aye. [The motion carried. Maria Dispenziere abstained
from voting on the motion. The Respondent's name at Case No. 23-49-004142 is Chris B. Bjarke, M.D.]

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[Jonelle Harter Eshbach, Esquire, Board Prosecutor, presented the Consent Agreements for Case Nos. 23-49-011066 & 23-49-011068 and Case No. 22-49-008891.]

MS. WALTER:

I believe the Board would entertain a motion to adopt the Consent Agreements at items 14 and 15 on the agenda at Case Nos. 23-49-011066 & 23-49-011068.

CHAIR WOODLAND:

Could I have a motion?

DR. YEALY:

So moved.

MR. EISENHAUER:

Second.

CHAIR WOODLAND:

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

Mr. Claggett, aye; Dr. Woodland, no; Dr. Yealy, no; Mr. Dillon, aye; Dr. Ripchinski, no; Mr. Eisenhauer, aye; Ms. Dispenziere, abstain; Dr. Six, aye;
[The motion carried. Maria Dispenziere abstained from voting on the motion. Mark Woodland, Donald Yealy, Michael Ripchinski, and Catherine Udekwu opposed the motion. The Respondent's name for items 14 and 15 is Rick L. Millen.]

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MS. WALTER:

For item 16 on the agenda at Case No. 22-49-008891, I believe the Board would entertain a motion to reject the Consent Agreement as too lenient.

DR. YEALY:

So moved.

MR. EISENHAUER:

Second.

CHAIR WOODLAND:

Any further discussion? Hearing none. Saiyad, we need a roll call.

Mr. Claggett, aye; Dr. Woodland, yes; Dr. Yealy, yea; Mr. Dillon, aye; Dr. Ripchinski, aye; Mr. Eisenhauer, aye; Ms. Dispenziere, abstain; Dr. Six, aye; Dr. Abella, aye; Dr. Udekwu, aye.
[The motion carried. Maria Dispenziere abstained from voting on the motion.]

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Report of Board Counsel – Proposed Reports from Hearing Examiner

**MS. WUCINSKI:**

Item 17 on the agenda. I believe the Board would entertain a motion to adopt the hearing examiner's Proposed Adjudication and Order for **Bernard Okem Ogon, M.D., Case No. 23-49-003195.**

**DR. YEALY:**

So moved.

**MR. EISENHAUER:**

Second.

**CHAIR WOODLAND:**

Any further discussion? Hearing none. Could we have a vote, Saiyad, please?

Mr. Claggett, aye; Dr. Woodland, aye; Dr. Yealy, aye; Mr. Dillon, aye; Dr. Ripchinski, aye; Mr. Eisenhauer, aye; Ms. Dispenziere, abstain; Dr. Six, aye; Dr. Abella, aye; Dr. Udekwu, aye.

[The motion carried. Maria Dispenziere abstained]
from voting on the motion.]

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Report of Board Counsel – Final Adjudications for
Board Approval

MS. WUCINSKI:

Agenda item 18. I believe the Board would entertain a motion to adopt as Final the Draft Adjudication and Order for Prabhakara R. Tumpati, M.D., Case No. 17-49-11519.

DR. YEALY:

So moved.

MR. EISENHAUER:

Second.

CHAIR WOODLAND:

Any further discussion? Hearing none. Saiyad, 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. Dispenziere, abstain; Dr. Six, aye; Dr. Abella, aye; Dr. Udekwu, aye.

[The motion carried. Maria Dispenziere abstained
from voting on the motion.]

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Report of Board Counsel - Regulatory Status Report

[Dana M. Wucinski, Esquire, Board Counsel, noted 16A-4956 regarding acupuncturists and practitioners of oriental medicine was published as final in the Pennsylvania Bulletin on September 16, 2023.

Ms. Wucinski informed Board members that 16A-4955 regarding physician assistants has made it through the Office of General Counsel and the Governor's Policy Office and has been at the Office of Attorney General since October 17, where they have 30 days to respond.]

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Report of Board Counsel - Other

[Dana M. Wucinski, Esquire, Board Counsel, addressed House Bill 1722 concerning a Military Medical Personnel Pilot Program to amend Title 51 regarding the Department of Military Affairs to require the Pennsylvania Department of Military and Veterans Affairs, Pennsylvania Department of Health, and the Pennsylvania Department of State work together to establish a pilot program for medically trained military service personnel to perform certain medical duties that constitutes the practice of medicine]
under the supervision of a physician or podiatrists once they come out of the military.

Ms. Wucinski stated the bill would require the Department Health and Department of State to work together to establish general requirements for the program.

Mr. Dillon commented that the program is very preliminary and vague, and there would be time to shape the program going forward.]

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Applications for Licensure - Allied Health Professionals

MS. WUCINSKI:

Agenda item 22. I believe the Board would entertain a motion to grant the License to Practice as an Athletic Trainer for Jacob Thomas Bender.

DR. YEALY:

So moved.

MR. EISENHAUER:

Second.

CHAIR WOODLAND:

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

Sargent's Court Reporting Service, Inc. (814) 536-8908
Mr. Claggett, aye; Dr. Woodland, aye; Dr. Yealy, aye; Mr. Dillon, aye; Dr. Ripchinski, aye; Mr. Eisenhauer, aye; Ms. Dispenziere, abstain; Dr. Six, aye; Dr. Abella, aye; Dr. Udekwu, aye.

[The motion carried. Maria Dispenziere abstained from voting on the motion.]

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MS. WUCINSKI:

Agenda item 23. I believe the Board would entertain a motion to grant the License to Practice as a Behavior Specialist for Shaneisa Magambo.

DR. YEALY:

So moved.

MR. EISENHAUER:

Second.

CHAIR WOODLAND:

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

Mr. Claggett, nay; Dr. Woodland, aye; Dr. Yealy, aye; Mr. Dillon, nay; Dr. Ripchinski, nay; Mr. Eisenhauer, nay;
Ms. Dispenziere, abstain; Dr. Six, aye; Dr. Abella, aye; Dr. Udekwu, nay.

[The motion failed. Maria Dispenziere abstained from voting on the motion. Arion Claggett, Gerard Dillon, Michael Ripchinski, Walter Eisenhauer, and Catherine Udekwu opposed the motion.]

***

MS. WUCINSKI:

I believe the Board would entertain a motion to provisionally deny the Application for a License to Practice as a Behavior Specialist for Shaneisa Magambo.

CHAIR WOODLAND:

Could we have a motion to move it before we discuss this?

DR. YEALY:

So moved.

MR. EISENHAUER:

Second.

CHAIR WOODLAND:

Any discussion? Hearing no further discussion. Saiyad, could we have a roll call vote, please?
Mr. Claggett, aye; Dr. Woodland, aye;
Dr. Yealy, nay; Mr. Dillon, aye; Dr.
Ripchinski, aye; Mr. Eisenhauer, aye;
Ms. Dispenziere, abstain; Dr. Six, nay;
Dr. Abella, nay; Dr. Udekwu, aye.

[The motion carried. Maria Dispenziere abstained
from voting on the motion. Donald Yealy, John Six,
and Benjamin Abella opposed the motion.]

***

MS. WUCINSKI:

Agenda item 24. I believe the Board
would entertain a motion to grant the
License to Practice as a Respiratory
Therapist of Laiken Swann Goodrich.

DR. YEALY:

So moved.

MR. EISENHAUER:

Second.

CHAIR WOODLAND:

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

Mr. Claggett, aye; Dr. Woodland, aye;
Dr. Yealy, aye; Mr. Dillon, aye; Dr.
Ripchinski, aye; Mr. Eisenhauer, aye;
Ms. Dispenziere, abstain; Dr. Six, aye; Dr. Abella, aye; Dr. Udekwu, aye.

[The motion carried. Maria Dispenziere abstained from voting on the motion.]

***

MS. WUCINSKI:

Agenda item 25. I believe the Board would entertain a motion to provisionally deny the Application to Practice as a Respiratory Therapist of Colleen Githens.

DR. YEALY:

So moved.

MR. EISENHAUER:

Second.

CHAIR WOODLAND:

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

Mr. Claggett, aye; Dr. Woodland, aye; Dr. Yealy, aye; Mr. Dillon, aye; Dr. Ripchinski, aye; Mr. Eisenhauer, aye; Ms. Dispenziere, abstain; Dr. Six, aye; Dr. Abella, aye; Dr. Udekwu, aye.

[The motion carried. Maria Dispenziere abstained]
Applications for Licensure - Unrestricted Physician and Surgeon

MS. WUCINSKI:

I believe the Board would entertain a motion to table agenda items 26 through 28 and have the following applicants undergo a reentry evaluation: Ricky Cohen, M.D.; Yelena Oleynikov, M.D.; Jeremy Wigginton, M.D.

DR. YEALY:

So moved.

MR. EISENHAUER:

Second.

CHAIR WOODLAND:

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

Mr. Claggett, aye; Dr. Woodland, aye; Dr. Yealy, aye; Mr. Dillon, aye; Dr. Ripchinski, aye; Mr. Eisenhauer, aye; Ms. Dispenziere, abstain; Dr. Six, aye; Dr. Abella, aye; Dr. Udekwu, aye.

[The motion carried. Maria Dispenziere abstained from voting on the motion.]***
from voting on the motion.

***

MS. WUCINSKI:

Agenda item 29. I believe the Board would entertain a motion to grant the initial Application to Practice as a Physician and Surgeon of Melissa Mihriban Ulas, M.D.

DR. YEALY:

So moved.

MR. EISENHAUER:

Second.

CHAIR WOODLAND:

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

Mr. Claggett, aye; Dr. Woodland, aye; Dr. Yealy, aye; Mr. Dillon, aye; Dr. Ripchinski, aye; Mr. Eisenhauer, aye; Ms. Dispenziere, abstain; Dr. Six, aye; Dr. Abella, aye; Dr. Udekwu, aye.

[The motion carried. Maria Dispenziere abstained from voting on the motion.]

***
Applications for Licensure - Applications - Reactivations

MS. WUCINSKI:

I believe the Board would entertain a motion to table agenda items 30 through 32 and send standard reentry letters to the following applicants:

Phoebe Horton, M.D.; Martin Ian Seltman, M.D.; Paula Stillman, M.D.

DR. YEALY:

So moved.

MR. EISENHAUER:

Second.

CHAIR WOODLAND:

Any further discussion on these items we are tabling? Saiyad, could we have a vote on these, please?

Mr. Claggett, aye; Dr. Woodland, aye; Dr. Yealy, aye; Mr. Dillon, aye; Dr. Ripchinski, aye; Mr. Eisenhauer, aye; Ms. Dispenziere, abstain; Dr. Six, aye; Dr. Abella, aye; Dr. Udekwu, aye.

[The motion carried. Maria Dispenziere abstained from voting on the motion.]
Ratifications

MS. WUCINSKI:

Agenda item 33. I believe the Board would entertain a motion to ratify the granting of a License to Practice as a Physician and Surgeon of Mehtap Becker Acay, M.D., noting Dr. Yealy recused himself.

MR. EISENHAUER:

So moved.

MR. DILLON:

Second.

CHAIR WOODLAND:

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

Mr. Claggett, aye; Dr. Woodland, aye; Dr. Yealy, recuse; Mr. Dillon, aye; Dr. Ripchinski, aye; Mr. Eisenhauer, aye; Ms. Dispenziere, abstain; Dr. Six, aye; Dr. Abella, aye; Dr. Udekwu, aye.

[The motion carried. Maria Dispenziere abstained from voting on the motion. Donald Yealy recused]
himself from deliberations and voting on the motion.)

***

MS. WUCINSKI:

I believe the Board would entertain a motion to ratify the granting of the following applications: Agenda item 34, Abiola Familusi, M.D., for a Physician and Surgeon; item 35, Yogesh Jethava, M.D., for a Physician and Surgeon; item 36, Hima Bindu Musunuru, M.D., for a Physician and Surgeon; item 38, Ibiouf Sulieman, M.D., for a Physician and Surgeon.

DR. YEALY:

So moved.

MR. EISENHAUER:

Second.

CHAIR WOODLAND:

Any further discussion on those four items? Hearing none. Saiyad, could we have a roll call vote, please?

Mr. Claggett, aye; Dr. Woodland, aye; Dr. Yealy, aye; Mr. Dillon, aye; Dr. Ripchinski, aye; Mr. Eisenhauer, aye;
Ms. Dispenziere, abstain; Dr. Six, aye; Dr. Abella, aye; Dr. Udekwu, aye.

[The motion carried. Maria Dispenziere abstained from voting on the motion.]

***

MS. WUCINSKI:

I believe the Board would entertain a motion to ratify the granting of a License to Practice as a Physician and Surgeon for Omar Ramadan, M.D., noting Dr. Woodland is recused.

DR. YEALY:

So moved.

MR. EISENHAUER:

Second.

CHAIR WOODLAND:

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

Mr. Claggett, aye; Dr. Woodland, recuse; Dr. Yealy, aye; Mr. Dillon, aye; Dr. Ripchinski, aye; Mr. Eisenhauer, aye; Ms. Dispenziere, abstain; Dr. Six, aye; Dr. Abella, aye;
Dr. Udekwu, aye.

[The motion carried. Maria Dispenziere abstained from voting on the motion. Mark Woodland recused himself from deliberations and voting on the motion.]

***

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

[Mark B. Woodland, M.S., M.D., FACOG, Chair, noted upcoming 2023 and 2024 Board meeting dates have been listed and posted.]

***

Miscellaneous

MS. WUCINSKI:

Agenda item 40. I believe the Board would entertain a motion to grant an Unrestricted License limited to practice under the auspices of a preceptorship under Adam J. Albert, M.D., for a period of 12 months for John Showalter, M.D.

DR. YEALY:

So moved.

MR. EISENHAUER:

Second.

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

Mr. Claggett, aye; Dr. Woodland, aye;
Dr. Yealy, aye; Mr. Dillon, aye; Dr.
Ripchinski, aye; Mr. Eisenhauer, aye;
Ms. Dispenziere, abstain; Dr. Six, aye;
Dr. Abella, aye; Dr. Udekwu, aye.

[The motion carried. Maria Dispenziere abstained
from voting on the motion.]

***

MS. WUCINSKI:

Agenda item 41. I believe the Board
would entertain a motion to deny the
Request to Waive CME Requirements for
Reactivation for Binod Sinha, M.D.

DR. YEALY:

So moved.

MR. EISENHAUER:

Second.

CHAIR WOODLAND:

Any further discussion on this one?
Hearing none. Saiyad, could we have a
roll call vote, please?
Mr. Claggett, aye; Dr. Woodland, aye; Dr. Yealy, aye; Mr. Dillon, aye; Dr. Ripchinski, aye; Mr. Eisenhauer, aye; Ms. Dispenziere, abstain; Dr. Six, aye; Dr. Abella, aye; Dr. Udekwu, aye.

[The motion carried. Maria Dispenziere abstained from voting on the motion.]

***

MS. WUCINSKI:

Agenda item 42. I believe the Board would entertain a motion to deny the Reconsideration Request of Karla Dunston, M.D. to Waive a Reentry Evaluation.

DR. YEALY:

So moved.

MR. EISENHUER:

Second.

CHAIR WOODLAND:

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

Mr. Claggett, aye; Dr. Woodland, aye;
Dr. Yealy, aye; Mr. Dillon, aye; Dr. Ripchinski, aye; Mr. Eisenhauer, aye; Ms. Dispenziere, abstain; Dr. Six, aye; Dr. Abella, aye; Dr. Udekwu, aye.

[The motion carried. Maria Dispenziere abstained from voting on the motion.]

***

Report of Vice Chair

[Donald M. Yealy, M.D., Vice Chair, welcomed the new members of the State Board of Medicine. He commented that each member brings individual expertise and is committed to evaluating actions, which is why the vote is not always unanimous.

Chair Woodland echoed Dr. Yealy's comments and applauded the efforts of the Board when reviewing documentation and taking each case very seriously.]

***

Report of Acting Commissioner

[Arion R. Claggett, Acting Commissioner, Bureau of Professional and Occupational Affairs, informed Board members that the request for proposal (RFP) for the Pennsylvania Licensing System (PALS) replacement was released. He will follow up after additional information is received.

Chair Woodland noted licensing staff has
relocated to the new facility but was unaware of when the Board meetings would be held at the new building.]

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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 - No Report

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Report of Committee on Licensure Qualifications

[Gerard F. Dillon, Ph.D., Public Member, reported having no topics directly related to committee work but addressed licensure qualifications. He mentioned being a member of FSMB's Advisory Committee to the the United States Medical Licensing Examination (USMLE) program, and they would be meeting with that group before the next Board meeting.

   Mr. Dillon noted it to be an opportunity to get some updates on the evolution and development of the examinations and a chance for state board members to raise issues and questions. He encouraged anyone who sees any issues between now and late November related
to the USMLE program, the Education Commission for Foreign Medical Graduates (ECFMG) Certification, or medical school accreditation to send him the information so he could raise any issues with the staff of USMLE.]

***

Report of Board Chair

[Mark B. Woodland, M.S., M.D., FACOG, Chair, reminded everybody that health observances for October are Health Literacy, National Breast Cancer Awareness, and National Acquired Immunodeficiency Syndrome (AIDS) Awareness Day. He mentioned there are inequities in healthcare, including AIDS, and the importance of reaching out to communities.

Chair Woodland also recognized November is Diabetes Awareness and COPD Awareness Month, along with Antibiotic Awareness Week. He highlighted that one in three adults in the United States have prediabetes, and many of them will go on to diabetes. He noted COPD Awareness has a lot to do with smoking cessation, as well as tracking smoking awareness and illnesses.

Chair Woodland noted Antibiotic Awareness Week is an earmark for an opportunity to raise awareness about antibiotic resistance for the public and
providers to utilize antibiotic therapy appropriately.

Chair Woodland addressed the Hospital and Health System Association of Pennsylvania's summary of different areas, including the healthcare update. He mentioned they also have their own provider workforce survey that clinical providers in Pennsylvania should take.

Chair Woodland also addressed the public health updates, noting the American Heart Association and their affiliation with maternal health and heart disease. He mentioned they also represent them as a clinical workforce looking at transforming access and rural health care.

Chair Woodland also addressed FSMB's highlights for this month. He stated primary care specialties have been suffering after the pandemic. He referred to the physician workforce, noting a huge loss in 2021 and 2022. He noted the aging physician population may be an issue for Pennsylvania, not to mention the provider well-being issue and burnout affecting almost 50% of physicians and other advanced practice providers (APPs) in the state.

Chair Woodland informed everyone that the Board Attorneys Workshop is going to occur November 30
through December 1. He noted the 2024 USMLE Bulletin is now available. He stated FSMB is seeking nominations for the annual awards to honor excellence in medical regulation as put forth by the state medical board.

Chair Woodland mentioned that U.S. News & World Report released their rankings of top hospitals and commented that Pennsylvania is lucky to have so many wonderful medical facilities.]

***

Report of Board Administrator - No Report

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[Mark B. Woodland, M.S., M.D., FACOG, Chair, mentioned Dr. Yealy noted the next scheduled Board meeting is December 12.]

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Adjournment

CHAIR WOODLAND:

Could I have a motion for adjournment?

DR. YEALY:

Move to adjourn.

MR. EISENHAUER:

Second.

CHAIR WOODLAND:

Thank you for attending and being part
of the State Board of Medicine.

***

[There being no other business, the State Board of Medicine Meeting adjourned at 12:28 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.

[Signature]

Madeline Helmstetter,
Minute Clerk
Sargent’s Court Reporting Service, Inc.
STATE BOARD OF MEDICINE
REFERENCE INDEX
October 24, 2023

TIME AGENDA
8:45 Executive Session
10:30 Return to Open Session
10:32 Official Call to Order
10:34 Introduction of Board Members/Attendees
10:34 Acknowledge Public – Turn Off Electronic Devices
10:36 Approval of Minutes
10:38 Appointment – Tracey Ziegler, Program Director, LifeGuard, Foundation of the Pennsylvania Medical Society
11:02 Appointment – Aaron Young, PhD, Vice President of Research and Data Services, Federation of State Medical Boards
11:12 Report of Prosecuting Attorneys
11:36 Report of Board Counsel
11:41 Applications for Licensure
11:50 Ratifications
12:12 For the Board’s Information/Discussion
12:15 Miscellaneous
12:16 Report of Vice Chair
12:18 Report of Acting Commissioner
12:20 Report of Committee on Licensure Qualifications
12:21 Report of Board Chair
12:28 Adjournment