

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

F I N A L M I N U T E S

MEETING OF:

STATE BOARD OF OSTEOPATHIC MEDICINE

TIME: 10:30 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE

2525 North 7th Street

CoPA HUB, Eaton Conference Room

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

Wednesday, February 12, 2025

State Board of Osteopathic Medicine
February 12, 2025

BOARD MEMBERS:

Arion R. Claggett, Acting Commissioner, Bureau of
Professional and Occupational Affairs
Robert Bonacci, M.D., on behalf of Debra L. Bogen,
M.D., FAAP, FABM, Secretary of Health
John B. Bulger, D.O., MBA, Chairman
Hillary D. Snyder, MSPAS, PA-C, Randy Litman, D.O.,
Secretary
Thomas S. Dardarian, D.O., Vice Chairman
Joseph M. Zawisza, D.O.
Jonathan P. Oline, D.O. - Absent
Ayanna S. Kersey-McMullen, D.O.
James R. Latronica, D.O. - Absent
Neil Curtis, EdD, LAT, ATC

BUREAU PERSONNEL:

Ashley B. Goshert, Esquire, Board Counsel
Todd P. Kriner, Esquire, Senior Board Prosecutor
Keith E. Bashore, Esquire, Board Prosecution Liaison
Mark R. Zogby, Esquire, Board Prosecutor
Jason T. Anderson, Esquire, Board Prosecutor
Berk V. Demiral, Esquire, Board Prosecutor
Patrick Greene, Esquire, Board Prosecutor
Adrianne Rachelle McClendon, Esquire, Board
Prosecutor
Courtney J. Restemayer, Esquire, Board Prosecutor
Priscilla Turek, Board Administrator
Carlton Smith, Deputy Chief Counsel, Prosecution
Division
Amanda Richards, Fiscal Supervisor, Bureau of Finance
and Procurement, Department of State
Taylor Koch, Fiscal Chief, Bureau of Finance and
Procurement, Department of State

ALSO PRESENT:

Susan DeSantis, PA-C, Executive Director,
Pennsylvania Society of Physician Assistants
Dane Doornbos, DMSc, PA-C, Assistant Professor,
Marywood University
Misha Patel, M.D., Curriculum Education Assistant,
Geisinger Commonwealth School of Medicine
Allison Walker, Sargent's Court Reporting Service,
Inc.

State Board of Osteopathic Medicine
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ALSO PRESENT: (Cont.)

Adam Williams
Holly Hoffman
Deena Parmalee
Stuart T. Lewis
Jennifer Smeltz
Tyler Burke
Laura Neal
Willow Marsh
Mary Marshall

1 ***

2 State Board of Osteopathic Medicine

3 February 12, 2025

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act,
6 at 9:30 a.m. the Board entered into Executive Session
7 with Ashley B. Goshert, Esquire, Board Counsel, for
8 the purpose of conducting quasi-judicial
9 deliberations on a number of matters that are
10 currently pending before the Board and to receive the
11 advice of counsel. The Board returned to open
12 session at 10:30 a.m.]

13 ***

14 The regularly scheduled meeting of the State
15 Board of Osteopathic Medicine was held on Wednesday,
16 February 12, 2025. John B. Bulger, D.O., MBA,
17 Chairman, called the meeting to order at 10:30 a.m.]

18 ***

19 Introduction of Board Members/Attendees

20 [Priscilla Turek, Board Administrator, provided an
21 introduction of Board members, staff, and attendees.

22 Chair Bulger welcomed Dr. Neil Curtis as a new
23 member of the Board. A quorum of Board members was
24 present.]

25 ***

1 Approval of minutes of the December 4, 2024 meeting

2 CHAIRMAN BULGER:

3 The first order of business is approval
4 of the minutes of the December 4
5 meeting. Are there any additions,
6 deletions, or corrections to the
7 minutes?

8 If not, do we have a motion to
9 approve the minutes?

10 DR. LITMAN:

11 Motion to approve.

12 CHAIR BULGER:

13 Do we have a second?

14 DR. DARDARIAN:

15 Second.

16 CHAIRMAN BULGER:

17 Any further discussion? Hearing none.
18 Priscilla, please call the roll.

19
20 Arion Claggett, abstain; John Bulger,
21 aye; Hillary Snyder, abstain; Randy
22 Litman, aye; Thomas Dardarian, aye;
23 Joseph Zawisza, aye; Ayanna Kersey-
24 McMullen, aye; Neil Curtis, abstain;
25 Robert Bonacci, aye.

1 [The motion carried. Arion Claggett, Hillary Snyder,
2 and Neil Curtis abstained from voting on the motion.]

3 ***

4 Appointment - Annual Prosecution Report

5 [Carlton Smith, Esquire, Deputy Chief Counsel,
6 Prosecution Division, presented the Annual
7 Prosecution Report. He reported 20,794 active
8 licensees for the State Board of Osteopathic
9 Medicine. He noted 887 cases were opened in 2024,
10 which is a slight increase from 2023 at around 748
11 cases. He reported 954 cases are currently open and
12 638 were closed in 2024.

13 Mr. Smith informed Board members that prosecution
14 likes to see the number of closed cases near the
15 number of cases opened for the year to avoid a
16 backlog. He noted the prosecution team would be
17 looking at moving some of the cases through the
18 system a little faster for their Board. He mentioned
19 the average age to close a case was around 330 days
20 in 2024, noting prosecution would like to have a case
21 disposed of within 365 days.

22 Mr. Smith addressed discipline cases and reported
23 2 fines, 1 probationary case, 5 public reprimands, 2
24 revocations, 7 suspensions, and 3 voluntary
25 surrenders.

1 Mr. Smith also addressed cases without
2 discipline, including prosecution not warranted at
3 371 cases and 218 warning letters. He noted
4 prosecution looks at the strength of the evidence,
5 documentation, witnesses, standard of care, and
6 expert opinion for prosecution not warranted. He
7 discussed violation corrected for de minimis
8 violations, where the alleged violation was
9 corrected.

10 Mr. Smith also noted prosecution looks at the
11 strength of the case, evidence to prove the case,
12 discipline history, and seriousness of the
13 allegations for warning letters.

14 Mr. Smith addressed Unit 1 Voluntary Recovery
15 Program (VRP) cases, noting 12 licensees entered the
16 program in 2024 and 13 were discharged.]

17 ***

18 Appointment - Bureau of Finance and Procurement

19 Annual Budget Presentation - Follow-up

20 [Amanda Richards, Fiscal Supervisor, Bureau of
21 Finance and Procurement, Department of State,
22 presented to the Board to address questions brought
23 up at the Annual Financial Report presentation
24 concerning the restricted fund.

25 Ms. Richards explained that restricted funds are

1 like a savings account for their particular Board and
2 made up of revenue from the Board, including
3 renewals, fines, and applications. She stated the
4 money is pulled out of the restricted fund and put
5 into a checking account for expenses.

6 Ms. Richards mentioned that their Board is a
7 standalone appropriation, so nobody else can touch
8 any of their money. She explained that anything not
9 used at the end of their fiscal year is put back into
10 the restricted account to be used at a later time.

11 Acting Commissioner Claggett informed Ms.
12 Richards that she answered the inquiries he received
13 from the prior meeting.]

14 ***

15 [John B. Bulger, D.O., MBA, Chairman, reminded
16 everyone that the meeting was being recorded and
17 voluntary participation constituted consent to be
18 recorded.]

19 ***

20 Report of Prosecuting Attorneys

21 [Mark R. Zogby, Esquire, Board Prosecutor, presented
22 the Consent Agreement for Case No. 25-53-000877.]

23 MS. GOSHERT:

24 Pursuant to Section 708(a)(5) of the
25 Sunshine Act, at 9:30 a.m. the Board

1 entered into Executive Session with
2 counsel for the purposes of conducting
3 quasi-judicial deliberations and to
4 receive advice of counsel.

5 Based on those deliberations, I
6 believe the Board would entertain a
7 motion to approve the Consent Agreement
8 at Case No. 25-53-000877.

9 CHAIR BULGER:

10 Do we have a motion?

11 MS. SNYDER:

12 So moved.

13 DR. DARDARIAN:

14 Second.

15 MS. TUREK:

16 Arion Claggett, aye; John Bulger, aye;
17 Hillary Snyder, aye; Randy Litman, aye;
18 Thomas Dardarian, aye; Joseph Zawisza,
19 aye; Ayanna Kersey-McMullen, aye; Neil
20 Curtis, aye; Robert Bonacci, aye.

21 [The motion carried unanimously. The Respondent's
22 name is Jessie Kunkel, D.O.]

23 ***

24 Report of Board Counsel - Proposed Adjudication and
25 Order of the Hearing Examiner

1 MS. GOSHERT:

2 Based on Executive Session
3 deliberations, I believe the Board
4 would entertain a motion to adopt the
5 Proposed Adjudication issued in Case
6 No. 23-53-018307 for Petitioner, Stuart
7 Todd Lewis and Case No. 23-53-018307
8 for Petitioner, Kulbir Rangî.

9 CHAIR BULGER:

10 Do we have a motion?

11 MS. SNYDER:

12 So moved.

13 CHAIR BULGER:

14 Do we have a second?

15 DR. DARDARIAN:

16 Second.

17 CHAIR BULGER:

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

20

21 Arion Claggett, aye; John Bulger, aye;
22 Hillary Snyder, aye; Randy Litman, aye;
23 Thomas Dardarian, aye; Joseph Zawisza,
24 aye; Ayanna Kersey-McMullen, aye; Neil
25 Curtis, aye; Robert Bonacci, aye.

1 [The motion carried unanimously.]

2 ***

3 Report of Board Counsel - Regulatory Status Report
4 [Ashley B. Goshert, Esquire, Board Counsel, noted the
5 Regulatory Status Report prepared by Ms. Wolfgang for
6 the Board's review. She highlighted the physician
7 assistant regulation, noting it was made a priority
8 based on potential legislation.

9 Susan DeSantis, PA-C, Executive Director,
10 Pennsylvania Society of Physician Assistants, thanked
11 the Board for prioritizing the regulations.]

12 ***

13 Report of Board Counsel - 16A-5336 - Licensure
14 Requirements

15 [Ashley B. Goshert, Esquire, Board Counsel, referred
16 to 16A-5336 and informed Board members that Act 41
17 and other licensure requirement changes in the
18 regulations were put into the *Pennsylvania Bulletin*
19 and are now part of their regulations. She believed
20 many of the changes had already been implemented in
21 their applications.

22 Ms. Goshert has been working with Ms. Turek to
23 update their website to reflect the new regulations.]

24 ***

25 Report of Board Counsel - Other - House Bill 75

1 [Ashley B. Goshert, Esquire, Board Counsel, addressed
2 House Bill 75, noting the proposed legislation would
3 amend the Board's law and the Medical Practice Act to
4 allow physician assistants to work with either
5 classification of physician, meaning they could work
6 with a medical doctor (MD) or doctor of osteopathic
7 medicine (DO) without having to align with the
8 physician's license type.

9 Ms. Goshert informed Board members that House
10 Bill 75 was referred to the House Professional
11 Licensure Committee on January 15, 2025.

12 Ms. Snyder commented that the Board's previous
13 discussion still stands, and the process can be
14 discussed if they are worried about people receiving
15 licensure quickly. She stated choosing the Board
16 with which they are licensed under and then having
17 either physician as their supervising physician would
18 be difficult in practice.

19 Ms. Goshert informed Board members that all of
20 their comments were relayed to the legislative staff,
21 and she would reach out to Board members for feedback
22 if there is any new iteration of House Bill 75.

23 Ms. DeSantis informed Board members that Shana
24 Walter met with the executive director from the
25 Professional Licensure Committee to discuss some of

1 the things Ms. Snyder was alluding to, and there
2 would be further investigation at the Department of
3 State level.

4 Ms. DeSantis commented that the implementation of
5 it as written is one of the bigger areas of concern,
6 as well as the risk of discipline based on practicing
7 under the Practice Act of a different Board other
8 than the Board someone is licensed under.]

9
10 Report of Board Counsel - Other - Pennsylvania DOH's
11 Office of Drug Surveillance and Misuse Prevention
12 MS. GOSHERT:

13 At agenda item 12, we have Pennsylvania
14 DOH's Office of Drug Surveillance and
15 Misuse Prevention, Comprehensive
16 Approaches to Pain Management, Opioid
17 Prescribing, and Substance Abuse Care
18 Curriculum that we were asked to review
19 as a Board and see if it would be
20 sufficient to satisfy patient safety,
21 risk management, and Act 124 continuing
22 education requirements.

23 I believe based on Executive
24 Session deliberations, the Board would
25 entertain a motion to approve the

1 curriculum as presented.

2 MS. SNYDER:

3 So moved.

4 DR. DARDARIAN:

5 Second.

6 CHAIR BULGER:

7 Any further discussion? Hearing none.

8 Priscilla, please call the roll.

9

10 Arion Claggett, aye; John Bulger, aye;
11 Hillary Snyder, aye; Randy Litman, aye;
12 Thomas Dardarian, aye; Joseph Zawisza,
13 aye; Ayanna Kersey-McMullen, aye; Neil
14 Curtis, aye; Robert Bonacci, recuse.

15 [The motion carried. Robert Bonacci recused himself
16 from deliberations and voting on the motion.]

17 ***

18 Report of Board Chair - No Report

19 [John B. Bulger, D.O., MBA, Chairman, requested an
20 update concerning the status of their until successor
21 qualifies for Board members and Board vacancies for
22 public members.

23 Acting Commissioner Claggett offered to provide
24 an update at the next meeting.]

25 ***

1 Report of the Vice Chair - No Report

2 ***

3 Report of Acting Commissioner - No Report

4 ***

5 Report of Department of Health

6 [Robert Bonacci, M.D., on behalf of Debra Bogen,
7 Secretary of Health, informed Board members that
8 influenza activity across the state is very high and
9 has not reached its peak. He reported influenza A is
10 primarily being seen around Pennsylvania and reminded
11 clinicians to ask their patients whether they have
12 been vaccinated for influenza or COVID and whether
13 they are eligible for respiratory syncytial virus
14 (RSV) and to encourage vaccination.

15 Dr. Bonacci also encouraged any patients or
16 individuals who have not been vaccinated to consider
17 speaking with their primary care doctor or going to
18 be vaccinated.

19 Dr. Bonacci highlighted a couple of alerts on the
20 Pennsylvania Health Alert Network (PA HAN) released
21 by the Department of Health. He noted *Resources for*
22 *Health Care Professionals on Health Effects of*
23 *Environmental Exposures* was released on January 13
24 and has a number of educational resources for
25 providers when answering questions about the impacts

1 of environmental health on patients.

2 Dr. Bonacci also noted the release on December 18
3 titled, *Hospitals and Behavioral Health Providers are*
4 *Reporting Severe and Worsening Presentations of*
5 *Withdrawal Among People Who Use Drugs in*
6 *Philadelphia.*

7 Dr. Bonacci reported it to be related to the
8 adulterated opioid supply and fentanyl and other
9 opioids being adulterated with things like
10 medetomidine and xylazine. He noted the report
11 highlights clinical presentations and things to be
12 aware of as a clinician.]

13 ***

14 Report of Board Administrator
15 [Priscilla Turek, Board Administrator, reminded Board
16 members to complete their Statement of Financial
17 Interest with the State Ethics Commission by May 1,
18 2025.]

19 ***

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

22 [John B. Bulger, D.O., MBA, Chairman, noted the next
23 scheduled Board meeting is April 9, 2025.]

24 ***

25 Miscellaneous - Federation of State Medical Boards

1 Conference in Seattle, WA, April 24-26, 2025

2 CHAIR BULGER:

3 I do believe we have to vote on the
4 Miscellaneous piece, which is to accept
5 two scholarships and approve sending
6 two members to the Federation of State
7 Medical Boards Conference in April in
8 Seattle.

9 Do we have a motion for that?

10 MS. SNYDER:

11 So moved.

12 CHAIR BULGER:

13 Do we have a second?

14 DR. DARDARIAN:

15 Second.

16 CHAIR BULGER:

17 Any further discussion? Hearing none.
18 Priscilla, please call the roll.

19

20 Arion Claggett, aye; John Bulger, aye;
21 Hillary Snyder, aye; Randy Litman, aye;
22 Thomas Dardarian, aye; Joseph Zawisza,
23 aye; Ayanna Kersey-McMullen, aye; Neil
24 Curtis, aye; Robert Bonacci, aye.

25 [The motion carried unanimously.]

Report of Board Counsel - Other - Sunshine Act and
Recusal Presentation

[Ashley B. Goshert, Esquire, Board Counsel, provided a PowerPoint presentation on the Pennsylvania Sunshine Act. She stated the general purpose of the Sunshine Act is for transparency and to assure stakeholders and the public can be part of the conversation when the Board is making important decisions.

Ms. Goshert explained that meetings must be open to the public after public notice of the meeting anytime an agency holds a meeting at which deliberations or official action takes place. She provided a definition of agency, deliberation, and official action. She discussed public notice and special meetings.

Ms. Goshert discussed Act 65 of 2021 additions to the Sunshine Act and encouraged Board members to notify Ms. Turek in advance if there is a topic they wish to discuss for it could be placed on the agenda.

Ms. Goshert addressed the recording of votes for all open meetings and the requirement of minutes. She mentioned that the only applicable exceptions to open meeting requirements are executive sessions and

1 conferences, noting agency business may not occur at
2 a conference. She explained that executive session
3 is an exception and may be held to discuss personnel
4 issues, consulting with legal counsel, and to review
5 and discuss agency business that would violate a
6 lawful privilege or lead to disclosure of information
7 or confidentiality protected by law if held in
8 public.

9 Ms. Goshert addressed legal challenges for
10 violations, noting anyone can challenge a meeting
11 based on a violation of the Sunshine Act but must be
12 filed within 30 days of the date of the meeting or
13 discovery of any action in which the Sunshine Act was
14 violated. She also discussed penalties for violating
15 the Sunshine Act.

16 Ms. Goshert noted Board business should be
17 conducted in open meetings, and Board members should
18 not be discussing agency business outside of an
19 official Board meeting. She stated committee meeting
20 deliberations to formulate policy, regulations, etc.,
21 should take place at an open meeting with appropriate
22 public notice. She mentioned that any committee
23 performing administrative functions or prosecutorial
24 functions are not subject to open meeting
25 requirements.

1 Ms. Goshert addressed mandatory recusals, where a
2 Board member may have a prosecutorial role or direct
3 personal or financial interest in the outcome of the
4 matter.

5 Ms. Goshert addressed strongly suggested
6 recusals, where a Board member has a personal
7 affection or outside knowledge and cannot make a fair
8 and unbiased determination.

9 Dr. Kersey-McMullen commented that the executive
10 meeting prior to the public meeting actually fits one
11 of the caveats where they do not have to have it in a
12 public session even though they are discussing things
13 for the next meeting.

14 Ms. Goshert explained that the Board would be
15 deliberating, discussing, and asking counsel advice,
16 which would be exempt from having to be done in
17 public session.

18 Ms. Goshert noted that discretionary recusals are
19 when a Board member cannot hear and dispose of the
20 case or participate in a decision on a subject fairly
21 and without prejudice. She encouraged Board members
22 who are uncertain whether to recuse themselves to
23 discuss the matter with counsel.

24 Ms. Goshert addressed abstention, noting
25 abstention means someone is withholding their vote

1 but does not affect quorum requirements. She noted
2 the Board member is unable to vote with recusal and
3 can affect the quorum requirement.

4 Ms. Goshert discussed conflicts of interests,
5 where no member of any professional examining or
6 licensing board shall at the same time be an officer
7 or an agent of any statewide association or
8 organization representing the profession or the
9 occupation subject to the Board's actions.

10 Ms. Goshert also mentioned public members cannot
11 have any connection to the profession.

12 Ms. Goshert announced Jason Giurintano is the new
13 Deputy Chief Counsel and helped construct the
14 PowerPoint presentation.]

15 ***

16 [Arion R. Claggett, Acting Commissioner, Bureau of
17 Professional and Occupational Affairs, referred to
18 Chair Bulger's question earlier concerning
19 reappointments, noting Dr. Kersey-McMullen and Dr.
20 Dardarian are slated to be reappointed and confirmed
21 in the spring. He reported no public members have
22 been identified to join the Board at this time.]

23 ***

24 Adjournment

25 CHAIRMAN BULGER:

1 Do we have a motion to adjourn?

2 MS. SNYDER:

3 So moved.

4 DR. DARDARIAN:

5 Second.

6 CHAIRMAN BULGER:

7 We are adjourned.

8 ***

9 [There being no further business, the State Board of
10 Osteopathic Medicine Meeting adjourned at 11:22 a.m.]

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CERTIFICATE

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

A handwritten signature in dark ink, appearing to read 'Allison Walker', is written over a horizontal line.

Allison Walker,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF OSTEOPATHIC MEDICINE
REFERENCE INDEX

February 12, 2025

TIME	AGENDA
9:30	Executive Session
10:30	Return to Open Session
10:30	Official Call to Order
10:30	Introduction of Board Members/Attendees
10:33	Approval of Minutes
10:34	Appointment - Annual Prosecution Presentation
10:45	Appointment - Annual Budget Presentation - Follow-up
10:46	Report of Prosecuting Attorneys
10:49	Report of Board Counsel
10:59	Report of Department of Health
11:01	Report of Board Administrator
11:02	For the Board's Information/Discussion
11:03	Miscellaneous
11:03	Report of Board Counsel (cont.)
11:22	Adjournment