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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

2601 North Third Street

One Penn Center, Board Room C

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

Wednesday, June 14, 2023

State Board of Osteopathic Medicine
June 14, 2023

BOARD MEMBERS:

Arion R. Claggett, Acting Commissioner, Bureau of
Professional and Occupational Affairs
Sirisha Reddy, Public Health Program Manager,
on behalf Debra L. Bogen, M.D., FAAP, FABM, Acting
Secretary of Health
William B. Swallow, D.O., Chairman
John B. Bulger, D.O., Vice Chairman - Absent
Bette A. Grey, BA, RRT, CPFT, Secretary
Thomas S. Dardarian, D.O. - Absent
George J. Wolters, D.O.
Joseph M. Zawisza, D.O.
Hillary D. Snyder, MSPAS, PA-C - Absent

BUREAU PERSONNEL:

Dean F. Picarella, Esquire, Senior Board Counsel
Shana M. Walter, Esquire, Board Counsel
Heather J. McCarthy, Esquire, Senior Board Prosecutor
and Prosecution Liaison
Jason T. Anderson, Esquire, Board Prosecutor
Mark R. Zogby, Esquire, Board Prosecutor
Keith E. Bashore, Esquire, Board Prosecutor
Jonelle Harter Eshbach, Esquire, Board Prosecutor
Nichole Wray, Division Chief, Acting Board
Administrator
Priscilla Turek, Board Administrator - Absent
Cynthia K. Montgomery, Esquire, Deputy Chief
Counsel, Counsel Division, Department of State
Holly Hoffman, Law Clerk, Department of State
Andrew LaFratte, MPA, Executive Policy Specialist,
Department of State

ALSO PRESENT:

Andy Sandusky, Executive Vice President, Public
Policy
and Association Affairs, Pennsylvania Osteopathic
Medical Association
Charles Gartland, D.O.
Susan DeSantis, PA-C, Pennsylvania Society of
Physician Assistants

State Board of Osteopathic Medicine
June 14, 2023

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ALSO PRESENT: (cont.)

Mary Marshall, Director, Workforce & Professional
Development, The Hospital and Healthsystem
Association of Pennsylvania
Misha Patel, M.D., Curriculum Education Assistant,
Geisinger Commonwealth School of Medicine
Stewart Lewis
Mary K. Taylor
Victoria Lantz
Adam Williams
Marc Farrell
Kelsey Ashworth

1 ***

2 State Board of Osteopathic Medicine

3 June 14, 2023

4 ***

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

14 ***

15 The regularly scheduled meeting of the State
16 Board of Osteopathic Medicine was held on Wednesday,
17 June 14, 2023. William B. Swallow, D.O., Chairman,
18 called the meeting to order at 10:30 a.m.

19 Chair Swallow informed everyone that the Board
20 meeting was being recorded, and voluntary
21 participation constituted consent to be recorded.]

22 ***

23 Introduction of Board Members/Attendees

24 [Nichole Wray, Division Chief, Acting Board
25 Administrator, provided an introduction of the Board

1 members, staff, and audience in attendance.]

2 ***

3 Approval of minutes of the April 12, 2023 meeting

4 CHAIRMAN SWALLOW:

5 You have all received the minutes
6 electronically.

7 Are there any additions or
8 corrections? Hearing none.

9 Is there a motion to approve?

10 DR. ZAWISZA:

11 So moved.

12 CHAIRMAN SWALLOW:

13 Is there a second?

14 MS. GREY:

15 Second.

16 CHAIRMAN SWALLOW:

17 It's been properly moved and seconded
18 to approve the minutes. Is there any
19 further discussion? Hearing none. Ms.
20 Wray.

21

22 Acting Commissioner Arion Claggett,
23 aye; Ms. Reddy, aye; Dr. Swallow, aye;
24 Ms. Grey, aye; Dr. Wolters, aye; Dr.
25 Zawisza, aye.

1 [The motion carried unanimously.]

2 ***

3 Report of Prosecuting Attorneys

4 [Heather J. McCarthy, Esquire, Senior Board
5 Prosecutor/Board Prosecution Liaison, presented the
6 VRP Consent Agreement for Case No. 21-53-015702.]

7 ***

8 [Keith E. Bashore, Esquire, Board Prosecutor,
9 presented the Consent Agreement for Case No. 21-53-
10 015407.]

11 ***

12 MS. WALTER:

13 Pursuant to Section 708(a)(5) of the
14 Sunshine Act, the Board entered into
15 quasi-judicial deliberations at
16 9:30 a.m. to discuss items 3 through 6
17 on the agenda.

18 Number 3 on the agenda is VRP Case
19 No. 21-53-016702. I believe the Board
20 would entertain a motion to approve
21 this VRP Consent Agreement.

22 CHAIRMAN SWALLOW:

23 Is there a motion?

24 DR. ZAWISZA:

25 So moved.

1 CHAIRMAN SWALLOW:

2 Is there a second?

3 MS. GREY:

4 Second.

5 CHAIRMAN SWALLOW:

6 It's been properly moved and seconded
7 to approve. Ms. Wray, would you call
8 the vote?

9

10 Mr. Claggett, aye; Ms. Reddy, aye; Dr.
11 Swallow, aye; Ms. Grey, aye; Dr.
12 Wolters, aye; Dr. Zawisza, aye.

13 [The motion carried unanimously.]

14

15 MS. WALTER:

16 Number 4 on the agenda, Case No. 21-53-
17 015407, I believe the Board would
18 entertain a motion to approve this
19 Consent Agreement.

20 CHAIRMAN SWALLOW:

21 Is there a motion?

22 DR. ZAWISZA:

23 So moved.

24 CHAIRMAN SWALLOW:

25 Second, please?

1 MS. GREY:

2 Second.

3 CHAIRMAN SWALLOW:

4 Is there any further discussion?

5 Hearing none. Ms. Wray, would you call
6 the vote, please?

7

8 Mr. Claggett, aye; Ms. Reddy, aye; Dr.

9 Swallow, aye; Ms. Grey, aye; Dr.

10 Wolters, aye; Dr. Zawisza, aye.

11 [The motion carried unanimously.]

12

13 Report of Board Counsel - Proposed Reports from the
14 Hearing Examiner

15 MS. WALTER:

16 Number 5 on the agenda is the Proposed
17 Report from the Hearing Examiner in the
18 matter of Virgil McMillion, D.O., Case
19 No. 23-53-000953.

20 I believe the Board would entertain
21 a motion to adopt the Proposed
22 Adjudication and Order.

23 CHAIRMAN SWALLOW:

24 May I have a motion, please?

25 DR. ZAWISZA:

1 So moved.

2 CHAIRMAN SWALLOW:

3 Second, please?

4 MS. GREY:

5 Second.

6 CHAIRMAN SWALLOW:

7 Is there any further discussion on the
8 motion? Hearing none. Ms. Wray, call
9 the vote, please.

10

11 Mr. Claggett, aye; Ms. Reddy, aye; Dr.
12 Swallow, aye; Ms. Grey, aye; Dr.
13 Wolters, aye; Dr. Zawisza, aye.

14 [The motion carried unanimously.]

15

16 MS. WALTER:

17 Number 6 on the agenda is the Report of
18 the Hearing Examiner for Charles
19 Gartland, D.O., Case No. 23-53-015550.

20

21 I believe the Board would entertain
22 a motion to direct Board Counsel to
23 draft a Final Adjudication and Order
24 addressing exceptions consistent with
25 discussions during Executive Session.

CHAIRMAN SWALLOW:

1 May I have a motion?

2 DR. ZAWISZA:

3 So moved.

4 CHAIRMAN SWALLOW:

5 Second, please?

6 MS. GREY:

7 Second.

8 CHAIRMAN SWALLOW:

9 It's been properly moved and seconded
10 to approve. Is there any further
11 discussion? Hearing none. Ms. Wray,
12 please, call the vote.

13

14 Mr. Claggett, aye; Ms. Reddy, aye; Dr.
15 Swallow, aye; Ms. Grey, aye; Dr.
16 Wolters, aye; Dr. Zawisza, aye.

17 [The motion carried unanimously.]

18

19 Report of Board Counsel - Regulatory Status Report
20 [Cynthia K. Montgomery, Esquire, Deputy Chief
21 Counsel, Counsel Division, Department of State, noted
22 the Board voted to promulgate 16A-5326 regarding
23 child abuse reporting requirements as proposed on
24 August 12, 2020. She provided the proposed rulemaking
25 as published in on October 22, 2022, for public

1 comment. She informed Board members that no public
2 comments were received during the 30-day public
3 comment period, after which the Independent
4 Regulatory Review Commission provided their letter
5 indicating that they had no comments on the
6 rulemaking.

7 Ms. Montgomery also mentioned that no comments
8 were received from the House Professional Licensure
9 Committee or Senate Consumer Protection and
10 Professional Licensure Committee. She informed Board
11 members that the final-form rulemaking would be
12 deemed approved if redelivered unchanged under the
13 Regulatory Review Act. She provided a face sheet,
14 final preamble where the Board adopts the rulemaking
15 unchanged, and the annex.

16 Ms. Montgomery explained that the purpose of the
17 regulation is to update the Board's existing child
18 abuse reporting requirement regulations to
19 incorporate numerous amendments made to the Child
20 Protective Services Law from 2014 through 2019.]

21 MS. MONTGOMERY:

22 It would be appropriate for the Chair
23 to entertain a motion by a Board member
24 to promulgate the final-form rulemaking
25 as presented.

1 CHAIRMAN SWALLOW:

2 Is there a motion to promulgate this
3 information?

4 DR. ZAWISZA:

5 So moved.

6 CHAIRMAN SWALLOW:

7 Is there a second?

8 MS. GREY:

9 Second.

10 CHAIRMAN SWALLOW:

11 Discussion? Hearing no discussion.

12 Ms. Wray, would you call the vote?

13

14 Mr. Claggett, aye; Ms. Reddy, aye; Dr.

15 Swallow, aye; Ms. Grey, aye; Dr.

16 Wolters, aye; Dr. Zawisza, aye.

17 [The motion carried unanimously.]

18 ***

19 Report of Board Counsel - Other

20 [Shana M. Walter, Esquire, Board Counsel, referred to

21 Senate Bill 674 of 2023 regarding disclosure of

22 complaints filed against physicians for the Board's

23 information. She explained that the bill would

24 remove a requirement that the disclosure of a

25 complaint relating to the disclosure of a complaint

1 when no discipline has been entered against the
2 licensee and was referred to the Professional
3 Licensure Committee on May 15, 2023.

4 Ms. Walter addressed Senate Bill 710 of 2023 that
5 proposes no telemedicine for prescriptions and
6 medications, noting the Food and Drug Administration
7 has issued a risk evaluation mitigation strategy, and
8 was referred to the Health and Human Services
9 Committee on May 15, 2023.]

10 ***

11 Report of Board Chair - No Report

12 ***

13 Report of Vice Chair - No Report

14 ***

15 Report of Acting Commissioner - No Report

16 ***

17 Report of Department of Health - No Report

18 ***

19 Report of Board Administrator - No Report

20 [Nichole Wray, Division Chief, Acting Board
21 Administrator, informed Board members that today
22 would be the last Board meeting she would be
23 attending, noting Priscilla Turek is officially the
24 new Board administrator.

25 Chair Swallow thanked Ms. Wray on behalf of the

1 Board for all of her service provided to the State
2 Board of Osteopathic Medicine.]

3 ***

4 For the Board's Information/Discussion - Board
5 Meeting

6 Dates

7 [William B. Swallow, D.O., Chairman, noted 2023 and
8 2024 Board meeting dates.]

9 Chair Swallow informed Board members that Ms.
10 Snyder would be addressing her attendance at the
11 Federation of State Medical Boards (FSMB) Meeting in
12 Minnesota at the next meeting.]

13 ***

14 Miscellaneous

15 [William B. Swallow, D.O., Chairman, noted the 2022
16 Annual Bureau of Professional and Occupational
17 Affairs (BPOA) Report and the 2022 Medical Care
18 Availability and Reduction of Error (MCARE) Final
19 Report for the Board's information.]

20 ***

21 Adjournment

22 CHAIRMAN SWALLOW:

23 Is there a motion to adjourn?

24 DR. ZAWISZA:

25 So moved.

1 CHAIRMAN SWALLOW:

2 Is there a second?

3 MS. GREY:

4 Second.

5 CHAIRMAN SWALLOW:

6 We stand adjourned.

7 ***

8 [There being no further business, the State Board of
9 Osteopathic Medicine Meeting adjourned at 10:48 a.m.]

10 ***

11

12 CERTIFICATE

13

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

20

21



22

Victoria Lantz,

23

Minute Clerk

24

Sargent's Court Reporting

25

Service, Inc.

26

STATE BOARD OF OSTEOPATHIC MEDICINE
REFERENCE INDEX

June 14, 2023

TIME	AGENDA
9:30	Executive Session
10:30	Return to Open Session
10:30	Official Call to Order
10:31	Introduction of Board Members/Attendees
10:32	Approval of Minutes
10:33	Report of Prosecuting Attorneys
10:36	Report of Board Counsel
10:47	For the Board's Information/Discussion
10:48	Miscellaneous
10:48	Adjournment

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