

STATE BOARD OF

Osteopathic Medicine

NEWSLETTER

Winter 2005/2006



Commonwealth of Pennsylvania

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Bureau of Professional and
Occupational Affairs*

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Message from the Chairman

by Oliver C. Bullock, D.O.

An old Asian proverb contains the phrase, “May you live in interesting times.” I think that most of us would agree that these are interesting times in medicine. For those of us who remember what it was like to practice medicine under the old system, the changes that have occurred are disarming. Federally funded programs first began to dictate how hospital practice could be conducted under the term “relative value based grouping.” Even then, some of us could see the writing on the wall for intrusion into other areas of medicine. Most of us couldn’t believe that anyone would even attempt to regulate our practices under an arbitrarily chosen set of standards that we didn’t have a role in developing. The idea that a third party payer could one day dictate what medications a patient could receive despite what a physician prescribed seemed absurd. During the mid-nineties I had the honor to serve as a member of the Pew Health Commission. Our publication “Critical Challenges Revitalizing the Health Professions for the Twenty First Century” actually predicted the expansion of HMO’s and the closing of many hospitals.

Just as the development of the sigmoidoscope influenced the demise of proctology as a practice specialty, new developments in the way care is delivered and paid for will certainly mold the revolution of new specialties, such as, the hospitalist. Family Medicine is a specialty that may have to reinvent itself. Urban areas are already experiencing this need for a change. Applicants for Family Medicine Residency programs are declining to the point that some Osteopathic institutions have had to merge their program with other institutions to avoid disbanding them altogether. Lower reimbursement, intrusion by managed care into the heart of physician-patient relationship, and the perception of competition from other members of the health profession who deal with patients on the primary level, clearly have made some potential

Family Practice physicians rethink their choice when applying for a residency. Stringent regulations determining what can and cannot be done during a hospital stay and the constant threat of being reported to the Physician Data Bank have altered the way some internists operated within their hospital base. Runaway, poorly regulated litigation has forced many Obstetrician-Gynecologists to forgo the practice of obstetrics.

Many challenges face today’s physician. The Osteopathic Board continues to be alert to those that impact the practice of our physicians and will certainly make such interventions as possible to protect the practice of Osteopathic Medicine in Pennsylvania.

Governor’s Newsletter

Did you know that Governor Rendell sends out an e-newsletter to the Commonwealth each week? Sign up now at www.governor.state.pa.us to receive the weekly personal message from the governor on important issues facing the Commonwealth, its citizens, businesses and communities.

Board Regulations

The Board recently enacted regulations pertaining to continuing education requirements for biennial renewal of licenses. In particular, beginning with the licensure renewal period commencing November 1, 2006, at least 20 of the required 100 credit hours must be completed in AOA category 1-A approved activities. At least 12 credit hours must be completed in category 1 or category 2 approved activities in the area of patient safety and risk management. Approved activities in the area of patient safety and risk management can include topics such as improving medical records and recordkeeping, reducing medical errors, professional conduct and ethics, improving communications, preventative medicine and healthcare quality improvement. The remaining credit hours must be completed in any category 1 or category 2 approved activities. Credit will not be granted for courses in office management or practice building.

Physicians must retain official documentation of attendance for 2 years after renewal. A licensee must prove attendance only if the licensee is selected by a random audit. Electronic submission of documentation is permissible to prove compliance with these requirements.

The regulations allow the Board to grant a hardship waiver of all or a part of the continuing medical education requirement in cases of serious illness, military service or other good cause provided that the public's safety and welfare will not be jeopardized by the granting of the waiver. Requests for waiver must be made in writing, with appropriate documentation, and must include a description of circumstances sufficient to show why compliance is impossible. Waiver requests will be evaluated by the Board on a

case-by-case basis. The Board will send written notification of its approval or denial of a waiver request.

The Board has also drafted proposed regulations pertaining to certified athletic trainers. Act 92 of 2001 gave the State Boards of Medicine and Osteopathic Medicine jurisdiction over certified athletic trainers and required both boards to promulgate regulations that define the certification, circumstances and protocol under which a certified athletic trainer may perform athletic training services and which define the supervision and personal direction required by the standards of acceptable medical practice embraced by the physician community in this Commonwealth. Until these regulations are promulgated, the regulation of athletic trainers remains with the State Board of Physical Therapy.

The Board has also drafted proposed regulations implementing Act 56 of 2004 which requires the State Boards of Medicine and Osteopathic Medicine to promulgate regulations establishing continuing education requirements for respiratory therapists. The Boards' regulations would require respiratory therapists to complete 20 credit hours of continuing education during the previous biennial renewal period. The regulations provide for exemption from the continuing education requirement for the first biennial renewal period after initial certification and provides for waiver of the requirements in cases of serious illness, undue hardship or military service.

Reminder to all Osteopathic Physicians

Licensure Renewal Requirements

In order to renew a license, osteopathic physicians in Pennsylvania must obtain 100 CME credit hours over a period of a two-year cycle as mandated by the Pennsylvania State Board of Osteopathic Medicine. Beginning with the licensure renewal period commencing November 1, 2006, twenty percent of these hours (20 hours) must be in AOA Category 1-A approved credits. As part of the 100 hours, a physician must earn 12 hours in the area of patient safety and risk management. Patient safety hours may be obtained in any CME credit category recognized by the AOA, the ACGME, or the AAFP. The present CME cycle runs from November 1, 2004, through October 31, 2006.

Address Change

Physicians who change their mailing address are required to report the new address to the State Board of Osteopathic Medicine within ten days.

Identifying D.O. Degree

Osteopathic physicians are reminded that Section 25.212(b) of the rules and regulations of the State Board of Osteopathic Medicine, 49 Pa. Code §25.212(b), requires that advertising, letterhead, publications or transmissions shall designate or indicate the licensee's school of medical practice by the term "D.O.," "doctor of osteopathy," "osteopathic physician" or "osteopathic physician and surgeon." These provisions were issued under section 16 of the Osteopathic Medical Practice Act (63 P.S. §271.16); and section 902(b) of the Health Care Services Malpractice Act (40 P.S. §1301.902(b)). The provisions of §25.212 were adopted January 10, 1992, and became effective on January 11, 1992, 22 Pa.B 209.

Incompetence or Unlicensed Activity

If you believe the practice or service provided by a licensed professional to be incompetent; or if you are aware of unlicensed practice, please call the Bureau of Professional and Occupational Affairs complaints hotline at:

In Pennsylvania: 1-800-822-2113

Out of State: 1-717-783-4854

A complaint form is available on the Department of State's website:

www.dos.state.pa.us

Meet Deputy Commissioner Marks

Peter V. Marks, Sr. was appointed Deputy Commissioner of the Bureau of Professional and Occupational Affairs by Governor Edward G. Rendell on January 31, 2005.

As Deputy Commissioner, he is primarily responsible for the day-to-day administrative oversight of the Bureau. The administrative responsibilities include Bureau staffing, budget and training. Other responsibilities include supervising Commissioner office staff, the Professional Health Monitoring Program (PHMP) as well as the Revenue Office. Deputy Marks assists the Commissioner in all relevant licensing board issues and acts as the Commissioner's designee on various boards and commissions.

Peter has served as Trustee on various Health, Welfare, Pension and Pre-Paid Legal Funds. He also functioned as lobbyist at the Pennsylvania State Legislature. Two notable successes in lobbying were the Pennsylvania Public Employee Collective Bargaining Act and the Pennsylvania Anti-Polygraph Law.

Deputy Marks has also served as Director of Organizing, Director of Education and as Director of Collective Bargaining (dealing with approximately 250 Collective Bargaining Agreements and supervising a staff of Representatives).

Peter designed and implemented a pre-paid dental program for approximately 14,000 people. He served as Arbitrator for the Philadelphia Court system and was President of the Philadelphia Municipal Court Association of Arbitrators. He has been a New Jersey Superior Court Arbitrator and Arbitrator for the United States District Court of New Jersey.

Deputy Marks is a member of the American Bar Association, Labor and Employment Law Section and the Alternative Dispute Resolution Committee.

A native of Philadelphia, Peter earned a bachelor's degree in personnel and labor relations from LaSalle University and a law degree from Delaware Law School.

Peter has eight children, 10 grandchildren and currently resides in Dauphin County.

Disciplinary Actions

The following is a chronological listing of disciplinary actions taken by the Board from April 2005 through September 2005. Each entry includes the name, certificate or registration number (if any), and last known address of the respondent; the disciplinary sanction imposed; a brief description of the basis of the disciplinary sanction and the effective date of the disciplinary sanction.

Every effort has been made to ensure that the following information is correct. However, this information should not be relied on without verification from the Prothonotary's Office of the Bureau of Professional and Occupational Affairs. One may obtain verification of individual disciplinary action by writing or telephoning the Prothonotary's Office at P.O. Box 2649, Harrisburg, PA 17105-2649; (717) 772-2686. Please note that the names of persons listed below may be similar to the names of persons who have not been disciplined by the Board.

Ronald J. Scott, license no. **OA-000126-L**, of Clarks Summit, Lackawanna County, was issued an adjudication and order assessing a civil penalty of \$1,000 for practicing as a physician assistant on an expired certificate. (4-13-04)

John C. Mason, license no. **OS-004325-L**, of Wallace, NC, was denied reinstatement of his license until he submits a report from a psychiatrist who concludes that petitioner is competent to practice osteopathic medicine with reasonable skill and safety to patients and upon releasing all medical records related to his commitments to institutions. (6-17-04)

John W. Struthers, license no. **OS-002268-L**, of Northville, MI, was suspended until his licenses in Michigan, Florida, and Missouri are reinstated without restriction. The Board's action was based on findings that he was disciplined by the proper licensing authority of another state. (6-23-04)

Donald R. Kiser, license no. **OS-006751-E**, of Parkersburg, WV, was assessed a public reprimand and a \$500 civil penalty because he had disciplinary action taken against him by the proper licensing authority of another state. (7-14-04)

Charles E. Parker, license no. **OS-002569-L**, of Virginia Beach, VA, was agreeing to the permanent, immediate and voluntary surrender of his

license, because Parker practiced osteopathic medicine on a license that was disciplined by the proper licensing authority of another state (8-11-04)

Charles P. Pritchard, license no. **OS-000534-L**, of Bettendorf, IO, agreed to the permanent voluntary surrender of his license to practice Osteopathic Medicine in the Commonwealth of Pennsylvania because he had disciplinary action taken against his license by the proper licensing authority of another state. (8-11-04)

Mark Sickora, license no. **OS-006312-L**, of Champion, Fayette County, was indefinitely suspended retroactive to May 19, 2003 for a period of at least three years, was ordered to immediately cease and desist from the practice of medicine and to not represent himself as a Board licensee in any manner whatsoever because he is unable to practice osteopathic medicine and surgery with reasonable skill and safety to patients by reason of illness. After the suspension period the Respondent may apply for reactivation of his license through a petition to the Board. (8-11-04)

Bernard S. Zoranski, license no. **OS-004605-L**, of Glen Mills, Delaware County, was ordered to pay a civil penalty of \$250, because Zoranski failed to report to the Board within 60 days of receipt of notice of a complaint in a medical professional liability action that is filed against Respondent. (8-11-04)

John B. Asman, license no. **OS-001835-L**, of Smyrna, DE, was indefinitely suspended based on findings that he was disciplined by the proper licensing authority of another state. (8-3-04)

George L. Weber, license no. **OS-004871-L**, of Philadelphia, Philadelphia County was assessed a civil penalty of \$1,000 based on his failure to hold a current certificate of licensure to practice osteopathic medicine from November 2000 to January 2002. (8-3-04)

Edward A. Kirsch, license no. **OT-010054**, of Bensalem, Bucks County, was actively suspended for violating the terms and conditions of his consent agreement and order. (8-11-04)

Robert Francis Linn, license no. **OS-008974-L**, of Huber Heights, OH, was suspended until he can provide certified documentation that

his license to practice in Ohio has been restored to an unrestricted status and that he is in good standing. The Board's decision was based on the fact that Dr. Linn disciplined by the proper licensing authority of another state. (8-16-04)

Sam Hill, license no. **OS-005537-L**, of Hillsboro, OH, was indefinitely suspended based on findings that he was disciplined by the proper licensing authority of the State of Ohio. (8-16-04)

Bart Keith Gershenbaum, license no. **OS-005419-L**, of Coral Springs, FL, was indefinitely suspended until he pays a \$5,000 civil penalty based on findings that he was disciplined by the proper licensing authority of another state. (8-20-04)

Martin Joseph Moy, certificate no. **YO-000467-L**, of Philadelphia, Philadelphia County, was assessed a civil penalty of \$1,000 and his license is suspended until he pays the civil penalty. The Board's action was based on his practicing as a respiratory care practitioner without holding a current certificate. (8-25-04)

Michael J. Pistoria, license no. **OS-009925-L**, of Allentown, Lehigh County, was assessed a \$2,000 civil penalty and ordered to complete 53.50 hours of continuing medical education credits within six months because he failed to complete the required continuing education for the November 1, 2002 through October 31, 2004 renewal period. (9-8-04)

Steven Konstantinos Costalas, license no. **OS-008477-L**, of Broomall, Delaware County, was ordered to pay a civil penalty of \$2,000, as well as agreeing to complete the needed sixty eight (68) credit hours of continuing education credits within twelve (12) months of the Order approving the Consent Agreement because he failed to submit proof of completion of the one hundred (100) credit hours of continuing education credits including twenty (20) credit hours of American Osteopathic Association approved Category I continuing education credits during the biennial renewal period from November 1, 2000 through October 31, 2002. (10-13-04)

Ralph Cooper, license no. **OS-000199-L**, of Joplin, MO, voluntarily surrendered his li-

Disciplinary Actions Continued

cense, because Cooper had his license to practice osteopathic medicine revoked by the proper licensing authority of another state. (11-10-04)

Dennis B. Zaslow, license no. **OS-003328-L**, of Philadelphia, Philadelphia County, was ordered to pay a civil penalty of \$3,000 and a public reprimand was placed on his permanent Board record, because Zaslow pled nolo contendere to a crime involving moral turpitude or a crime related to the practice of osteopathic medicine. (11-10-04)

Joseph M. Hassman, license no. **OS-002247-L**, of Berlin, NJ, was suspended for a period of two years stayed in favor of two years probation, had a public reprimand placed on his permanent Board record and was ordered to pay a civil penalty of \$5,000, because Hassman had disciplinary action taken against his license to practice osteopathic medicine and surgery by the proper licensing authority of another state. (11-10-04)

Kirth William Steele, license no. **OS-006036-L**, of Bethlehem, Lehigh County, was assessed a civil penalty of \$250 because he failed to report to the Board as required by the Mcare Act within 60 days of receipt of a complaint in a medical professional liability action that was filed against him. (11-17-04)

Frank Delia, license no. **OS-004822-L**, of Blue Bell, Montgomery County, had his license revoked and was ordered to immediately cease and desist from the practice of osteopathic medicine because he was convicted of a crime involving moral turpitude. (12-8-04)

Gregory Peter Papa, license no. **OS-005680-L**, of New Castle, DE, had a public reprimand placed on his permanent Board record because Dr. Papa had disciplinary action taken against his license by the proper licensing authority of another state. (12-8-04)

Robert R. Clark, license no. **OS-002054-L**, of Philadelphia, Philadelphia County, was assessed a civil penalty of \$250 for failing to complete the Board's continuing education requirements. His license is now suspended due to not complying with the Board's order. (2-17-05)

James G. Kantor, license no. **OS-003487-L**, of Warminster, Bucks County, was ordered to pay

a civil penalty of \$250, because Kantor failed to report to the Board within 60 days of receipt of notice of a complaint in a medical professional liability action filed against respondent. (2-09-05)

James Joseph White, license no. **OS-006517-L**, of New Hope, Bucks County, is indefinitely suspended for no less than ten (10) years with an effective date of August 14, 2003, the date upon which Respondent sold his practice and voluntarily withdrew from the practice of medicine in the Commonwealth of Pennsylvania. The remaining period of suspension is stayed in favor of 10 years of probation with strict conditions concerning ongoing evaluation and treatment for his addiction to controlled substances and convictions for numerous misdemeanor offenses committed in the practice of osteopathic medicine. (3-09-05)

David Jay Zweiback, license no. **OS-007761-L**, of Jenkintown, Montgomery County, was ordered to pay a civil penalty of \$250, because he failed to report to the Board within 60 days of receipt of a notice of complaint in a medical professional liability action that was filed against him. (3-09-05)

Karen M. Sciascia, license no. **OS-005575-L**, of Bethlehem, Northampton County, was ordered to pay a civil penalty of \$250, because Sciascia failed to report to the Board within 60 days of receipt of notice of a complaint in a medical professional liability action that is filed against her. (5-18-05)

Adam Drew Scioli, license no. **OS-013237**, of Philadelphia, Philadelphia County, was automatically suspended for being convicted of felonies under the Controlled Substance, Drug, Device and Cosmetic Act. (5-24-05)

William S. Delp, license no. **OS-000546-L**, of Bethlehem, Lehigh County, was ordered to complete 100 credit hours of approved continuing medical education with at least 20 hours in courses granted AOA category I accreditation prior to seeking reinstatement to practice. William S. Delp failed to complete the required continuing education credits for the biennial period from November 1, 1998 through October 31, 2000. (6-24-05)

Randy Blake Barnett, license no. **OS-007493-**

L, of Philadelphia, Philadelphia County, was ordered to pay a civil penalty of \$5,000, because he was convicted of a felony for selling or causing to be sold thousands of non-controlled prescription drug samples to a pharmacist who in turn placed the samples into the pharmacy's inventory and sold them to customers. (9-14-05)

Rebecca M. Hanigosky, license no. **OS-008739-L**, of Sharon, Mercer County, was ordered to pay a civil penalty of \$1,200, because Hanigosky violated the regulation in that respondent failed to complete 100 hours of continuing education credits. (9-14-05)

Antoninus J. Manos, license no. **OS-006148-L**, of West Chester, Chester County, was granted a Motion for Early Termination of Probation by the US District Court and as a result the parties are agreeing to an early termination of probation. (9-14-05)

Andrew S. Poulschock, license no. **OS-007204-L**, of Philadelphia, Philadelphia County, was ordered to pay a civil penalty of \$10,000 because he violated the Osteopathic Medical Practice Act and the Criminal History Record Information Act in that he pled guilty to Causing the Misbranding of Drugs in violation of Title 21, United States Code. (9-14-05)

Clarification of Disciplinary Action

In the Board's 2004 Winter Newsletter, the Board published information that Dr. Gregory J. Lynch had disciplinary action taken against him because he practiced on a suspended license. The Board wishes to acknowledge and conclude that Dr. Lynch was unaware that his license was suspended in 1997 and, therefore, he practiced unknowingly while his license was suspended in 1997. The Board apologizes for this confusion.

What is BEI?

by Thomas Bat, PCI and Edmund Booth, PCI both of the Scranton Regional Office

Perhaps as a licensee you already know that the Commonwealth of PA Department of State, Bureau of Professional and Occupational Affairs (BPOA), provides administrative and legal support to 27 professional and occupational licensing boards and commissions. BPOA protects the health, safety, and welfare of the public from fraudulent and unethical practitioners. Professionals range from physicians and cosmetologists to accountants and funeral directors. However, many licensees are not aware of another Bureau in the Department of State that is equally important, the BUREAU OF ENFORCEMENT AND INVESTIGATION (BEI).

BEI is mandated by legislation to conduct investigations and enforce selected regulations of all 27 boards and commissions in Pennsylvania. BEI is able to accomplish this task through the use of Professional Conduct Investigators (PCIs), Regulatory Enforcement Inspectors (REI's), funeral home inspectors, and pharmacy inspectors.

What does a PCI do?

All of the cases PCIs investigate are complaint driven. All complaints against any licensee are filed through the BPOA's Complaints Office first, where legal staff determines whether the allegation, if true, would potentially constitute a violation of the respective licensing Act or regulations. If so, the Complaints Office will open a case and request BEI to conduct an investigation.

The PCI then conducts field interviews with the complainant, licensee, witnesses, and anyone else who has personal knowledge of the subject matter being examined. The PCI will collect and categorize all the documents that are pertinent to the case. If the need arises, the PCI will take photographs, verify records, serve subpoenas, and visit sites in order to accurately record any relevant facts. This information is submitted to the prosecuting attorney of that licensing board, who will make a decision as to whether to close the case or file appropriate charges. Those charges are filed via a document called an "Order to Show Cause (OSC)." The PCI may be called to testify as a witness at a formal hearing to present any information he or she personally gathered during the investigation.

If you are ever visited by a PCI, the most important thing to remember is that they are there not to determine whether you have committed a violation. Their job is to simply obtain your side of the story, so that a prosecutor has as much information as possible in order to make the appropriate charging decision.

What does an inspector do?

The Regulatory Enforcement Inspector (REI), mortuary inspector, and pharmacy inspector performs field inspection work to determine that a facility is in compliance with the laws, rules and regulations regarding professional and occupational licensing and other areas under the jurisdiction of the Secretary of the Commonwealth. The REI does routine and new business inspections for the Cosmetology, Barber, Real Estate and Motor Vehicle Boards. Typically, an inspector will make an appointment to do a new business inspection. All routine inspections, for obvious reasons, are unannounced.

When an inspector enters your place of business, it is to verify that your facility is in compliance with that particular board's rules and regulations. During the inspection, BEI will ask to see your current licenses, required equipment/material/devices and reference books, etc.

Does BEI have the authority to impose any disciplinary action?

When violations are discovered, the inspector may issue a citation (ticket) under Act 48 of 1993. The PA Legislature created Act 48 in an effort to streamline the disciplinary process for BPOA. Currently, citations may be issued for certain violations under the following boards: Barber, Cosmetology, Funeral, Pharmacy, Real Estate, Vehicle, Accountancy, Architect, Auctioneer, Engineering and Dentistry. Thus, there are occasions when a PCI may also issue a citation during the course of an investigation. By and large, however, most of the significant charging decisions are made by a BPOA prosecutor and are filed via an Order to Show Cause, as noted above.

An important thing for all licensees to remember is that during the course of an investigation/inspection, the PCI/inspector is gathering facts to be considered by the licensing board. Although BEI is not the ultimate decision maker in most instances, failure to cooperate with the PCI/REI is paramount to not cooperating with the mandates of the licensing board itself.

We hope this brief introduction gives you a better understanding of what to expect when a PCI or an inspector visits you. BEI maintains four regional offices, located in Harrisburg, Pittsburgh, Philadelphia, and Scranton. BEI employs approximately 75 PCIs and 28 inspectors to cover the 67 counties in Pennsylvania in an expeditious, professional, and customer oriented manner.

State Board of
Osteopathic Medicine

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2006 Board Meeting Dates

January 11	February 8	March 8	
April 12	May 10	June 14	July 12
August 9	September 13	October 11	
November 8	December 13		