

STATE BOARD OF OSTEOPATHIC MEDICINE
P O BOX 2649
HARRISBURG PA 17105-2649
www.dos.pa.gov/ost

BOARD ACTION REPORT

NAME: MIKAELA POTRAKO
LICENSE TYPE: ATHLETIC TRAINER
LIC NUMBER: RTO000377
ORIG LIC DATE: 01/30/2018
EXP DATE: 12/31/2020
ADDRESS: 322 SOUTH FIVE POINTS ROAD
WEST CHESTER PA 19382
DOB: 10/29/1992
SSN:
SCHOOL: UNIVERSITY OF DELAWARE
YR OF GRAD: 2015

Date of Order: 02/01/2021

Effective Date of Action: 02/22/2021

Action Taken: MEMORANDUM ORDER. Respondent's license will be SUSPENDED INDEFINITELY effective February 22, 2021, (20 days after the date of mailing of this order), Respondent shall be responsible for all costs of investigation, including those costs associated with failing to attend the mental and physical examination as scheduled, and the Board will issue a final adjudication and order to that effect.

Reason for Action: Respondent failed to submit to a mental and physical examination directed by the Board.

PA STATE BOARD OF OSTEOPATHIC MEDICINE
ADMINISTRATIVE OFFICER
February 26, 2021

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF OSTEOPATHIC MEDICINE**

Commonwealth of Pennsylvania,	:	
Bureau of Professional and	:	
Occupational Affairs	:	Case No. 19-53-012921
v.	:	
	:	
Mikaela Potrako, LAT	:	
Respondent	:	

MEMORANDUM ORDER

AND NOW, this 1st day of February, 2021, the State Board of Osteopathic Medicine (Board), upon consideration of the *Motion to Enter Default and Deem Facts Admitted* (Motion) filed by the Commonwealth on July 8, 2020, concerning the Commonwealth’s *Petition to Compel Mental and Physical Examination* of Mikaela Porako, LAT (Respondent), license number RTO000377, and pursuant to section 15(b)(5) of the Osteopathic Medical Practice Act (Act), 63 P.S. § 271.15(b)(5), and the holding of *Lencovich v. Bureau of Professional and Occupational Affairs*, 829 A.2d 1238 (Pa. Cmwlth. 2003), the Board finds that:

1. On April 29, 2020, the Board’s Probable Cause Screening Committee¹ approved a *Petition to Compel Mental and Physical Examination* (Petition) and issued an *Order Compelling Mental and Physical Examination* (Order), and *Notice of Mental and Physical Examination* (Notice) in the matter of *In Re: The Fitness of Mikaela Potrako, LAT to Practice as an Osteopathic Athletic Trainer with Reasonable Skill and Safety* at Case No. 19-53-012921. (Motion at ¶¶ 1-3; attached Exhibit 1).

2. On May 5, 2020, the Commonwealth sent the *Notice, Order, and Petition* to

¹ The committee members consisted of Burton T. Mark, D.O. and John B. Bulger, D.O.

Prothonotary Filed On: Feb 01 2021 10:32 AM Department of State

Respondent at her address on file with the Board by mailing one copy via certified mail, return receipt requested, item and another copy via first class mail, postage prepaid, to 322 South Five Points Road, West Chester, PA 19382. (Motion at ¶ 4; attached Exhibit 1 at Certificate of Service).

3. The *Notice, Order* and *Petition* that the Commonwealth sent to Respondent via certified mail was delivered, as the true and correct copy of the United States Postal Service tracking information indicates. (Motion at ¶ 5; Exhibit 2).

4. The May 5, 2020 *Notice* and *Order* directed Respondent to submit to a mental and physical examination on June 30, 2020 at 11:00 a.m. by James W. Cornish, M.D at 230 South Broad Street, Floor 17, Philadelphia, PA 19103 (Motion at Exhibit 1).

5. Respondent failed to submit to the mental and physical examination by Dr. Cornish as directed in the *Notice* and *Order*. (Motion at ¶ 6; Exhibit 3).

6. Respondent made no attempts to contact Dr. Wright regarding the scheduled examination or to request a new evaluation date and time. (Motion at ¶ 7; Exhibit 3).

7. Section 15(b)(6) of the Act, 63 P.S. §§ 271.15(b)(6), provides that failure to submit to a mental and physical examination when directed shall constitute an admission of the allegations against the licensee unless failure is due to circumstances beyond licensee's control, and this provision permits the Board to enter a Default and Final Order without the taking of testimony or the presentation of evidence.

Accordingly, it appears that Respondent is in default of failing to submit to the examination, which authorizes the Board to **INDEFINITELY SUSPEND** Respondent's license to practice as an osteopathic physician, subject to notice, hearing, adjudication, and appeal. **The indefinite suspension will become effective unless Respondent files a request for a hearing to challenge the validity of the order compelling the examination or to contest the allegations**

of the motion to enter default and deem facts admitted, along with an answer, within 20 days from the date of this order. If Respondent's license is indefinitely suspended because she fails to request a hearing and file and answer within this time frame, and Respondent shall, at reasonable intervals, be afforded an opportunity to demonstrate that she can resume competent practice as an osteopathic physician with reasonable skill and safety to patients.

Respondent shall file her request for hearing and answer with Prothonotary, Department of State, 2601 North Third Street, Harrisburg, PA 17110 or by email at ra-prothonotary@pa.gov. A copy of the request for hearing and answer shall be served on the prosecuting attorney identified below and mailed to the address set forth below. **To the extent Respondent challenges the validity of the order compelling an examination, Respondent shall file an answer to the petition to compel a mental and physical examination, specifically admitting or denying each allegation of each numbered paragraph of the petition. To the extent Respondent opposes the motion to enter default and deem facts admitted, Respondent shall file an answer to the motion to enter default and deem facts admitted, specifically admitting or denying each allegation of each numbered paragraph of the motion.** A hearing before a hearing examiner shall be scheduled within 30 days of receipt of the request for a hearing and answer. Continuances will only be granted for good cause shown. If any future formal proceedings related to this matter occur, the record developed during the hearing described above may be introduced by the parties subject to appropriate objections. The hearing examiner is directed to issue a final adjudication promptly after close of the record. The Board will permit the hearing examiner's adjudication to become final under 1 Pa. Code § 35.226(3). Nothing herein shall be construed as prohibiting the Commonwealth from bringing charges pursuant to provisions of the Act that the Commonwealth determines are warranted. If a request for hearing and answer are not filed within the time period

set forth above, Respondent's license will be **SUSPENDED INDEFINITELY** effective February 22, 2021, (20 days after the date of mailing of this order as indicated below), **Respondent shall be responsible for all costs of investigation, including those costs associated with failing to attend the mental and physical examination as scheduled**, and the Board will issue a final adjudication and order to that effect.

BY ORDER:

**BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS**



**K. KALONJI JOHNSON
COMMISSIONER**

**STATE BOARD OF OSTEOPATHIC
MEDICINE**



**RANDY G. LITMAN, D.O.
CHAIR**

Respondent:

Mikaela Potrako, LAT
322 South Five Points Road
West Chester, PA 19382

For the Commonwealth:

Keith E. Bashore, Esquire

Board Counsel:

Dana M. Wucinski, Esquire

Date of Mailing:

February 2, 2021