

COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION OF PERFUSIONISTS
BOARD MEETING

Thursday, October 12, 2023

250 Washington Street
Boston, MA 02114
Via WebEx

M.G.L. c. 30A, § 20 Regular Session Minutes
(Open Session)

Board Members Present: Kyle Spear, Certified Clinical Perfusionist 4, Chair
Kevin Lilly, Certified Clinical Perfusionist 1, Vice Chair
Nelson Thaemert, M.D., Anesthesiologist, Cardiac Anesthesia, Secretary
Prem Shekar, M.D., Cardiovascular Surgeon

Board Members not Present: None

Staff Present: Steven Joubert, Executive Director, BHPL
Katie Goldrick, Assistant Executive Director, BHPL
Heather Engman, Board Counsel, Office of the General Counsel, DPH
Judith Bromley, Board Counsel, Office of the General Counsel, DPH
Kayla Mikalauskis, Office Support Specialist, BHPL

I. Call to Order | Determination of Quorum

Kyle Spear asked for a call to order to determine quorum.

Members present via WebEx via roll call: Kyle Spear: Yes; Kevin Lilly: Yes; Nelson Thaemert: Yes; Prem Shekar: Yes; Abstained: None; Absent: None; Recused: None

Mr. Kyle Spear called to order the Regular Session of the Board of Registration of Perfusionists at 8: 05a.m. Mr. Spear reminded those present via WebEx that the meeting was being recorded.

II. Conflict of Interest | Approval of Agenda

Mr. Spear asked the Board members to disclose any conflicts of interest with the present meeting agenda.

DISCUSSION:

Board members reviewed the agenda, and there were no conflicts of interest reported.

ACTION:

Motion to approve the agenda as presented made by Mr. Lilly, seconded by Dr. Thaemert, and unanimously passed by roll call vote as follows: Kyle Spear: Yes; Kevin Lilly: Yes; Nelson Thaemert: Yes; Prem Shekar: Yes; Abstained: None; Absent: None; Recused: None

Document: October 12, 2023 Board Meeting Regular Agenda

III. **Approval of Minutes**

Mr. Spear asked everyone to review the minutes from the March 7th, 2023 Regular Session meeting.

DISCUSSION:

None.

ACTION:

Motion to approve the March 7, 2023, minutes as presented made by Mr. Kevin Lilly, seconded by Dr. Shekar, and unanimously approved by roll call vote as follows: Kyle Spear: Yes; Kevin Lilly: Yes; Nelson Thaemert: Yes; Prem Shekar: Yes; Abstained: None; Absent: None; Recused: None

Document: March 7, 2023 Board of Registration of Perfusionists Meeting Minutes

IV. **Policies**

DISCUSSION:

Mr. Joubert introduced Chief Prosecutor, Ms. Jessica Uhing-Luedde. Ms. Uhing-Luedde stated that we are discussing these policies to reduce the number of times a prosecutor needs to come before the Board to reconsider settlement terms, which would expedite agendas and make things run more efficiently. Ms. Uhing-Luedde stated that the language in place now when a standard consent agreement says that “the licensee admits...” followed by the allegations. The “Alfred Plea” presented today would change the language to something along the lines of, “the licensee and the Board agree to resolve this complaint without making any admissions or findings and without proceeding to an adjudicatory hearing...” followed by the allegations. Ms. Uhing-Luedde stated that the purpose of this language change is to facilitate settlements. It does not prohibit other states from using these agreements for out-of-state discipline. By admitting something outright in these agreements, sometimes open themselves up to civil disputes making some people reluctant to enter into the agreement. Ms. Uhing-Luedde stated that the language of “admitting” versus the policy proposed does not benefit the Board in any way and discipline is still required by the licensee if agreed upon.

Ms. Uhing-Luedde stated that we are discussing these policies to reduce the amount of times a prosecutor needs to come before the Board to reconsider settlement terms, which would

expedite agendas and make things run more efficiently. Ms. Uhing-Luedde stated that they are looking to expand a bit the discretion afforded to the Office of Prosecution when drafting legal documents, such as the Consent Agreement and Order to Show Cause. Currently, when the Board refers to a case for discipline, they indicate the consent terms that are agreed upon. If the Board Counsel wants to enter terms other than that, the council will still need to come back to the Board. They are looking to change their ability to craft the language. They are looking for the ability to negotiate with the other parties involved regarding what they would like to explicitly admit to. They would make these decisions with the executive Director and Board Council. Instead of offering a specific settlement, they want the Board to offer a range of disciplines.

ACTION:

Motion to approve the policies as presented made by Mr. Kevin Lilly, seconded by Dr. Shekar, and unanimously approved by roll call vote as follows: Kyle Spear: Yes; Kevin Lilly: Yes; Nelson Thaemert: Yes; Prem Shekar: Yes; Abstained: None; Absent: None; Recused: None

V. Flex Session:

Mr. Joubert stated that he was going to start moving the meetings to Thursdays at 8am if all board members were in agreement. All members agreed to this proposal.

VI. Adjourn

The board made a motion to adjourn the General Session and go into Executive Session made by Mr. Lilly seconded by Dr. Shekar, and unanimously approved by roll call vote as follows: Kyle Spear: Yes; Kevin Lilly: Yes; Nelson Thaemert: Yes; Prem Shekar: Yes; Abstained: None; Absent: None; Recused: None.

The next scheduled meeting of the Board of Registration of Perfusionists is Thursday December 7, 2023.

Respectfully submitted by the Board of Registration of Perfusionists