

**Commonwealth of Massachusetts
Department of Public Health
Bureau of Health Profession Licensure
Board of Registration of Physician Assistants**

**250 Washington Street
Boston, MA 02108**

**MEETING MINUTES
GENERAL SESSION
(OPEN SESSION)
September 14th, 2023
Via WebEx**

Board Members

Present:

Dr. Dipu Patel, PA-C, Physician Assistant 1, Chair
Dr. Richard Baum, MD, Physician Member
Jaime Jaronko, PA-C, Physician Assistant 4, Secretary
Mary Kuzmeski, PA-C, Physician Assistant 2
Hannah Nolan, MPAS PAC, Physician Assistant 3

Board Members

Not Present:

None

Staff Present:

Steven Joubert, Executive Director, Multi-Boards
Catherine Goldrick, Assistant Executive Director, Multi-Boards
Kayla Mikalauski, Office Support Specialist, Multi-Boards
Sarah Constantino, Office Support Specialist, Multi-Boards
Tracy Tam, Office Support Specialist, Multi-Boards
Heather Engman, Chief Board Counsel, Office of the General Counsel, DPH
Judith Bromley, Board Counsel, Office of the General Counsel, DPH
Jessica Uhing-Luedde, Chief Board Prosecutor, DPH

Staff Not Present:

None

I. Call to Order | Determination of Quorum | Notice of Electronic Recording

Dr. Dipu Patel, Board Chair, called the Regular Session of the Board of Registration of Physician Assistants meeting to order at 9:01 A.M. and asked for a roll call vote to determine quorum.

Roll-call as follows: Dr. Dipu Patel: present; Dr. Richard Baum: present; Jaime Jaronko: present; Mary Kuzmeski: present; Hannah Nolan: present.
Absent: None. Recused: None. Abstained: None.

II. Conflict of Interest | Approval of General Session Agenda

DISCUSSION:

Dr. Dipu Patel asked Board members to review the September 14th, 2023, General Session Agenda and make a motion to approve when ready. Board members were asked to disclose any conflicts of interest with the agenda.

ACTION:

Motion to approve the September 14th, 2023, General Session Agenda was made by Dr. Richard Baum, seconded by Ms. Jaime Jaronko, and unanimously passed by roll-call as follows:
Dr. Dipu Patel: approve; Dr. Richard Baum: approve; Jaime Jaronko: approve; Mary Kuzmeski: approve; Hannah Nolan: approve.
Absent: None. Recused: None. Abstained: None.

Document: September 14th, 2023, General Session Agenda

III. Approval of September 1st, 2023, General Session Minutes

DISCUSSION:

Dr. Dipu Patel asked Board members to review the September 1st, 2023, General Session Minutes and make a motion to approve when ready.

ACTION:

Motion to approve the September 1st, 2023, General Session Minutes was made by Ms. Jamie Jaronko, seconded by Ms. Mary Kuzmeski, and unanimously passed by roll-call as follows: Dr. Dipu Patel: approve; Dr. Richard Baum: approve; Jaime Jaronko: approve; Mary Kuzmeski: approve; Hannah Nolan: approve.
Absent: None. Recused: None. Abstained: None.

Document: September 1st, 2023, General Session Minutes

IV. Policies

A. Standard Consent Agreement Terms

DISCUSSION:

Ms. Jessica Uhing-Luedde, Chief Board Prosecutor, proposed a change to the Alford Plea language used in Standard Consent Agreements. Ms. Uhing-Luedde stated the current language uses the phrase “I admit that I did ...” and this policy would change the language to “I acknowledge the Board could find that I did...”. Ms. Uhing-Luedde stated many attorneys are reluctant to have their client sign an agreement where they outright admit to violations as this could open up civil or criminal liabilities.

Dr. Dipu Patel asked if this agreement would still count as disciplinary action. Ms. Uhing-Luedde stated it would still count as a disciplinary action and the terms of discipline would still be decided and imposed by the Board.

Dr. Patel asked if the Licensee would still come before the Board for a complaint. Ms. Uhing-Luedde stated that process would not change, the Licensee would still come before the Board and the Board would still have to vote and decide on the type of disciplinary action to impose.

Ms. Heather Engman stated the language proposed is the common language used in the Massachusetts General Attorney’s Office and other state boards.

ACTION:

Motion to adopt the Alford Plea Language Policy was made by Dr. Dipu Patel, seconded by Ms. Mary Kuzmeski, and unanimously passed by roll-call as follows: Dr. Dipu Patel: approve; Dr. Richard Baum: approve; Jaime Jaronko: approve; Mary Kuzmeski: approve; Hannah Nolan: approve.

Absent: None. Recused: None. Abstained: None.

Document: Alford Plea Language 5-22-23

B. Prosecutorial Discretion

DISCUSSION:

Ms. Jessica Uhing-Luedde stated sometimes new evidence is found after the investigation. Ms. Uhing-Luedde stated the first change proposed in the policy would remove the requirement for the Prosecution Counsel to appear before the Board for reconsideration and allow the Prosecution Counsel to delete certain factual allegations or regulatory violations from Consent Agreements after meeting with the Board Counsel or Executive Director as long as it does not change or affect the disciplinary outcome of the matter. Ms. Uhing-Luedde stated the Executive Director would choose to approve the changes or have the changes brought before the Board. Ms. Uhing-Luedde stated the Board would still decide on whether to take disciplinary action and the Board would still decide on the disciplinary terms or monitoring terms for a Licensee.

Dr. Dipu Patel asked if this policy would also allow Prosecution Counsel to add additional allegations or violations without appearing before the Board. Ms. Uhing-Luedde stated that would rarely happen to Consent Agreements, any additional allegations or violations would be added to the Order to Show Cause.

Ms. Uhing-Luedde stated the second change proposed in the policy asks Board members to provide the Prosecuting Counsel with a range for the disciplinary monitoring terms instead of a specific number. Ms. Uhing-Luedde also stated this will allow the Prosecuting Counsel to negotiate with Respondents and/or their attorneys within a range of discipline voted upon by the Board without appearing before the Board again for a formal reconsideration. Ms. Uhing-Luedde stated this would not apply to cases where there are set monitoring terms such as continuing education violations or a practitioner with substance abuse because those violations already have specific monitoring terms.

Ms. Uhing-Luedde stated the third change proposed in this policy would allow the Prosecuting counsel to add or remove violations from the Order to Show Cause based on supporting evidence after consulting with Board Counsel or the Executive Director. Ms. Uhing-Luedde stated an Order to Show Cause is issued as part of due process to give the respondent notice on what they would have to defend against. Ms. Uhing-Luedde stated the Prosecution Counsel would be able to include everything needed on the Order to Show Cause if the Executive Director chooses to approve the changes or the Executive Director could have the changes brought before the Board.

Dr. Patel stated the Board would like to receive an update to any changes made so they can avoid sending in the same violations that need to be altered.

Ms. Kuzmeski stated she would also like the Board to be notified so they can be aware of how the legal proceedings are being handled.

Ms. Uhing-Luedde stated the Board can amend the policy to receive a report on any changes made to the Order to Show Cause.

ACTION:

Motion to adopt the Policy on Delegation of Authority with an amendment was made by Ms. Jaime Jaronko, seconded by Ms. Mary Kuzmeski, and unanimously passed by roll-call as follows: Dr. Dipu Patel: approve; Dr. Richard Baum: approve; Jaime Jaronko: approve; Mary Kuzmeski: approve; Hannah Nolan: approve.

Absent: None. Recused: None. Abstained: None

Document: Prosecutorial Discretion Policy 5-25-23

V. Board Elections
A. Chair

DISCUSSION:

The Board was asked to nominate a member for the position of Board Chair.

ACTION:

Motion to nominate Ms. Mary Kuzmeski for the position of Board Chair was made by Dr. Dipu Patel, seconded by Ms. Jaime Jaronko, and unanimously passed by roll-call as follows: Dr. Dipu Patel: approve; Dr. Richard Baum: approve; Jaime Jaronko: approve; Hannah Nolan: approve. Absent: None. Recused: None. Abstained: None.

Ms. Mary Kuzmeski accepts the position of Board Chair.

B. Vice-Chair

DISCUSSION:

The Board was asked to nominate a member for the position of Board Vice-Chair.

ACTION:

Motion to nominate Dr. Dipu Patel for the position of Board Vice-Chair was made by Ms. Mary Kuzmeski, seconded by Dr. Richard Baum, and unanimously passed by roll-call as follows: Dr. Richard Baum: approve; Jaime Jaronko: approve; Mary Kuzmeski: approve, Hannah Nolan: approve. Absent: None. Recused: None. Abstained: None.

Dr. Dipu Patel accepts the position of Board Vice-Chair.

C. Secretary

DISCUSSION:

The Board was asked to nominate a member for the position of Board Secretary.

ACTION:

Motion to nominate Ms. Jaime Jaronko for the position of Board Secretary was made by Dr. Dipu Patel, seconded by Ms. Mary Kuzmeski, and unanimously passed by roll-call as follows: Dr. Dipu Patel: approve; Dr. Richard Baum: approve; Mary Kuzmeski: approve, Hannah Nolan: approve. Absent: None. Recused: None. Abstained: None.

Ms. Jaime Jaronko accepts the position of Board Secretary.

VI. Investigations:

Triage(s): N/A

Complaint(s): N/A

Staff Assignment(s): N/A

VII. Flex Session

DISCUSSION:

Dr. Dipu Patel asked for a status update on the vacancies on the Board. Mr. Steven Joubert stated there is ongoing active recruitment and names have been submitted to the Commissioner's Office for consideration. Dr. Patel requested diversity in terms of areas of practice and experience when filling the vacancies.

Dr. Dipu Patel and Ms. Jaime Jaronko stated they will not be able to attend the next Board meeting on Thursday, October 12th, 2023. Mr. Joubert stated there will be a loss of quorum and suggested rescheduling. All Board members agreed to reschedule the next Board meeting to Thursday, October 23rd, 2023, at 10:00 A.M.

VIII. Executive Session:

DISCUSSION:

Board Chair, Dr. Patel read the Executive Session Statement as follows: The Board will meet in Executive Session as authorized pursuant to M.G.L. c. 30A, § 21(a)(1) for the purposes of discussing the reputation, character, physical condition, or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against an individual. 1. Specifically, the Board will consider approving prior executive session minutes in accordance with M.G.L. ch.30A, § 22(a) for previous executive sessions of the Board. 2. Specifically, the Board will discuss complaints or charges brought against a Licensee or Licensees. The Board will not reconvene in public session subsequent to the closed session(s).

IX. 65C Session:

N/A

X. Adjudicatory Session:

N/A

XI. Adjournment:

Motion to adjourn and move to the Executive Session was made by Ms. Mary Kuzmeski, seconded by Ms. Jamie Jaronko, and unanimously passed by roll-call as follows:
Dr. Dipu Patel: approve; Dr. Richard Baum: approve; Jaime Jaronko: approve; Mary Kuzmeski: approve; Hannah Nolan: approve.
Absent: None. Recused: None. Abstained: None.

Let the record show that the meeting adjourned at 9:41 A.M.

The next meeting of the Board of Registration of Physician Assistants is scheduled for Monday, October 23rd, 2023, at 10:00 A.M. remotely on WebEx.

Respectfully Submitted:
The Board of Registration of Physician Assistants