BOARD OF REGISTRATION IN MEDICINE
178 Albion Street, Suite 330
Wakefield, Massachusetts 01880
(Teleconference)
April 11, 2024
10:35 a.m.
Public Session I

Members Participating Remotely:
Booker T. Bush, M.D., Physician Member, Chair
Frank O'Donnell, Esq., Public Member, Vice Chair
Sandeep Singh Jubbal, M.D., Physician Member, Secretary
Nawal Nour, M.D., M.P.H., Physician Member
John McGahan, Public Member
Yvonne Y. Cheung, MD, MPH, MBA, Physician Member

Member(s) Absent:
Jason Qu, M.D., Physician Member

Staff Present and Participating:
George Zachos, Executive Director
Vita P. Berg, General Counsel
Michael Sinacola, Director of Licensing
Lisa Fuccione, Director of Enforcement
Steven Hoffman, Division of Law and Policy Manager
Eileen A. Prebensen, Senior Policy Counsel
Robert E. Harvey, Physician Health and Compliance Manager

Minutes taken by: Donald LaPointe, Paralegal, Division of Law and Policy.

Marsha Johnson, Stenographer, was present to record the Board meeting.

Dr. Bush called the meeting to order at 10:33 a.m.

Dr. Bush called the Roll to confirm that there was a quorum of the Board.

Mr. O'Donnell – Aye
Dr. Jubbal – Aye
Dr. Nour - Aye
Mr. McGahan – Aye

The Chair voted Aye.
Motion carried 5-0 (unanimous).

Dr. Bush informed those individuals in attendance that the Board meeting was being conducted via teleconference. Additionally, the Board meeting was being recorded by a stenographer.

Executive Director's Update on Alerts to Physicians

Mr. Zachos informed the Board members that there have been increased inquiries regarding online renewals of physician's licenses. After reviewing such emails and data collected regarding the physicians utilizing the online licensing renewal system, Michael Sinacola, Director of Enforcement, and Richard Farmer, Licensing Division Manager, have identified areas of concern regarding online licensure renewal. An email reminder to renew, with FAQs and additional guidance, will be sent to physicians in the next few weeks.

Additionally, the Board of Registration in Medicine (BORIM) staff has sent out an email blast to physicians warning them about an telephone scam where the caller shows up as BORIM's main number and threatens disciplinary action unless money or personal information or financial information is provided over the phone. The email blast informs physicians that BORIM staff would never contact them asking for this type of information.

Best Practices Guidelines for Physicians Approaching Retirement, Transitioning between Practice Settings, or Closing a Practice

The Board deferred their consideration of this matter to a future Board agenda.

Policy Review Project: CME Policy 17-05, CME Guidelines and CME Chart

Eileen A. Prebensen, Senior Policy Counsel, presented revisions to the above-listed three core documents that make up the Continuing Medical Education Pilot Program.

Ms. Prebensen explained that captions were added to Policy 17-05, "A CME Pilot Program" as well as a paragraph to explain the history of the Pilot Program. Additionally, the term "Continuing Professional Development (CPD)" has been discontinued because it is no longer used in the field. Continuing Medical Education (CME) is the umbrella term for medical education, trainings and learning activities.

The CME Chart changed in one respect: The Alzheimer's Disease and Related Dementias requirement is a one credit CME requirement.

Also discussed by Ms. Prebensen was the changes to the "Guidelines for Fulfilling the CME Requirements and the Educational Trainings." A section explaining what "risk management study" was added and it includes "Physician Wellness and Burnout Studies." The Board added these two topics in Policy 19-06.

Dr. Bush welcomed Dr. Cheung to the Board Meeting at 10:41 a.m.

Dr. Bush asked if there was a motion to adopt the proposed changes to Policy 17-05, the CME Guidelines and the CME Chart.

Mr. O'Donnell moved to adopt the proposed change.
Mr. McGahan seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye
Dr. Jubbal - Aye
Mr. McGahan – Aye
Dr. Cheung – Aye
Dr. Nour - Aye

The Chair voted Aye.
Motion carried 6-0 (unanimous).

Arle, Jeffrey

The Board considered the Petition to Terminate Probation.

Robert E. Harvey, Physician Health and Compliance Manager, was present via teleconference.

Mr. Harvey provided the Board Members with an overview of the provisions contained in Dr Arle's Probation Agreement and informed them that the courses taken and referenced in Dr. Arle's Petition to Terminate his Probation Agreement are on point, but do not meet the specific definition of Continuing Medical Education.

Dr. Arle's attorney, Gregory Brown[1], addressed the Board regarding the Continuing Education courses taken by Dr. Arle, including the Board Members' inquiries regarding such courses.

The Board Members opined about their concerns that Dr. Arle did not take "medical" education, i.e., education for physicians. They also discussed that the courses referenced in his Petition do not address the issues specified in his Probation Agreement.

Lisa Fuccione, Director of Enforcement, informed the Board Members that the Enforcement Division would look at this matter and provide Mr. Harvey with a list of acceptable CME courses that Dr Arle could take to address the provisions within his Probation Agreement.

In the **Arle** matter, Mr. McGahan moved to defer consideration of the Petition to Terminate the Probation Agreement pending receipt of certification of CME that meets the requirements of the

[1] Mr. Brown appeared in this matter as Dr. Arle's attorney because Attorney Paul R. Cirel was not available at the time.

Probation Agreement.
Mr. O'Donnell seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye
Dr. Jubbal – Aye
Mr. McGahan – Aye
Dr. Cheung – Aye
Dr. Nour – Aye

The Chair–voted Aye.
Motion carried 6-0 (unanimous).

<u>Heinis, Christian</u>

The Board considered the Request for Approval of Evaluator.

Mr. Harvey was present via teleconference.

Mr. Harvey informed the Board Members that the proposed evaluator, Affiliated Monitors, Inc., has been used before by the Board.

In the **<u>Heinis</u>** matter, Mr. O'Donnell moved to approve the Request for Approval of Practice Auditor.
Dr. Cheung seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye
Dr. Jubbal – Aye
Mr. McGahan – Aye
Dr. Cheung – Aye
Dr. Nour – Aye

The Chair–voted Aye.
Motion carried 6-0 (unanimous).

<u>Minutes</u>

The Board considered the Public Session Minutes of the March 28, 2024 Board meeting, March 22, 2024 Preliminary Screening Committee meeting Minutes and the March 28, 2024 Complaint Committee meeting Minutes.

Dr. Jubbal moved to approve the Public Session Minutes of the March 28, 2024 Board meeting, Mr. O'Donnell seconded the motion.

Dr. Bush called the Roll:

Mr. O’Donnell – Aye
Dr. Jubbal – Aye
Mr. McGahan – Aye
Dr. Cheung – Aye
Dr. Nour - Aye

The Chair voted Aye.
Motion carried 6-0 (unanimous).

Dr. Nour moved to approve the Public Session Minutes of the March 22, 2024 Preliminary Screening Committee meeting.
Mr. Zachos seconded the motion.

Dr. Bush called the Roll:

Dr. Nour – Aye
Mr. Zachos – Aye
Mr. Sinacola – Aye

Motion carried 3-0 (unanimous).

Mr. O’Donnell moved to approve the Public Session Minutes of the March 28, 2024 Complaint Committee meeting.
Dr. Jubbal seconded the motion.

Dr. Bush called the Roll:

Mr. O’Donnell – Aye
Dr. Jubbal – Aye

Motion carried 2-0 (unanimous).

Licensing

The Board members stated their recusal information. Dr. Bush is recused from applications involving Baystate Medical Center Springfield, Dr. Jubbal is recused from applications involving UMass Memorial Medical Center, Dr. Nour is recused from applications involving Brigham and Women’s Hospital and Dana Farber, Mr. McGahan is recused from applications involving the Gavin Foundation, and Dr. Cheung is recused from applications involving Baystate Medical Center Springfield.

Michael Sinacola, Director of Licensing, provided the Board members with an overview of the licensing data as of April 11, 2024.

Licensing Applications

Dr. Bush asked for a motion to approve the applications for licensure (see attached at TAB A).

Dr. Cheung moved to approve the applications presented for licensure.
Mr. O'Donnell seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye
Dr. Jubbal - Aye
Mr. McGahan – Aye
Dr. Cheung – Aye
Dr. Nour - Aye

The Chair voted Aye.
Motion carried 6-0 (unanimous).

Dr. Bush stated that the Board will meet in Executive Session to review Executive Session Minutes.

Following the Executive Session, the Board will meet in closed Adjudicatory Session, and then in closed session under Mass. General Laws, chapter 112, section 65C. The Board will reconvene in Public Session following the conclusion of the 65C Session.

Dr. Bush asked for a motion to go into Executive Session.

Mr. O'Donnell moved to go into Executive Session.
Dr. Jubbal seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye
Dr. Jubbal - Aye
Mr. McGahan – Aye
Dr. Cheung – Aye
Dr. Nour - Aye

The Chair voted Aye.
Motion carried 6-0 (unanimous).

Dr. Bush stated that the Board would go into Executive Session.

Public Session I ended at 10:59 a.m.

BOARD OF REGISTRATION IN MEDICINE
178 Albion Street, Suite 330
Wakefield, Massachusetts 01880
(Teleconference)
April 11, 2024
11:49 a.m.
Public Session II

Members Participating Remotely:
Booker T. Bush, M.D., Physician Member, Chair
Frank O'Donnell, Esq., Public Member, Vice Chair
Sandeep Singh Jubbal, M.D., Physician Member, Secretary
Nawal Nour, M.D., M.P.H., Physician Member
John McGahan, Public Member
Yvonne Y. Cheung, MD, MPH, MBA, Physician Member

Member(s) Absent:
Jason Qu, M.D., Physician Member

Staff Present and Participating:
George Zachos, Executive Director
Vita P. Berg, General Counsel
Steven Hoffman, Division of Law and Policy Manager
Eileen A. Prebensen, Senior Policy Counsel

Minutes taken by: Donald LaPointe, Paralegal, Division of Law and Policy.

Marsha Johnson, Stenographer, present to record the Board meeting.

Motions and Votes

In the **Galizio** matter, Mr. O'Donnell moved to issue the Statement of Allegations and approve the Consent Order reprimanding Dr. Galizio and requiring him to successfully complete five (5) Continuing Medical Education (CME) credits on medical record documentation and provide proof of successful completion within 90 days.
Mr. McGahan seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye
Dr. Jubbal - Aye
Mr. McGahan – Aye
Dr. Cheung – Aye
Dr. Nour - Aye

The Chair voted Aye.
Motion carried 6-0 (unanimous).

In the **Langan** matter, Mr. O'Donnell moved to accept the Resignation of Dr. Langan's license to practice medicine, pursuant to 243 CMR 1.05(5)(a).
Dr. Cheung seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye
Dr. Jubbal – Aye
Mr. McGahan – Aye
Dr. Cheung – Aye
Dr. Nour - Aye

The Chair voted Aye.
Motion carried 6-0 (unanimous).

In the **Murray** matter, Mr. O'Donnell moved to ratify the acceptance of the Voluntary Agreement Not to Practice.
Dr. Jubbal seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye
Dr. Jubbal – Aye
Mr. McGahan – Aye
Dr. Cheung – Aye
Dr. Nour - Aye

The Chair voted Aye.
Motion carried 6-0 (unanimous).

In the **Hallowell** matter, Mr. O'Donnell moved to issue the Statement of Allegations, Order to Use Pseudonyms and Impound Identities and Medical Records, and Order of Reference to the Division of Administrative Law Appeals.
Dr. Jubbal seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye
Dr. Jubbal – Aye
Mr. McGahan – Aye
Dr. Cheung – Aye
Dr. Nour - Aye

The Chair voted Aye.
Motion carried 6-0 (unanimous).

Status Update RE: Preliminary Denials, Pending Appeals and Litigation, and Quarterly Report on Matters pending at the Division of Administrative Law Appeals

The Board considered the materials provided to them on this matter and did not have any questions for Ms. Berg.

Board Member Availability:

The Board considered their anticipated availability to attend the April 25, 2024, May 9, 2024 and May 23, 2024 Board Meetings.

Dr. Bush indicated that he did not anticipate attending the April 25, 2024 Board meeting. Accordingly, Mr. O'Donnell will be the Acting Chair in Dr. Bush's absence.

Drs. Cheung and Nour indicated that they did not anticipate attending the May 9, 2024 Board Meeting.

Mr. McGahan and Dr. Jubbal indicated that they did not anticipate attending the May 23, 2024 Board Meeting.

There were no other scheduling conflicts identified by the attending Board members.

Dr. Bush asked for a motion to adjourn the Board meeting.

Mr. McGahan moved to adjourn the meeting.

Dr. Jubbal seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye
Dr. Jubbal - Aye
Mr. McGahan – Aye
Dr. Cheung – Aye
Dr. Nour - Aye

The Chair voted Aye.
Motion carried 6-0 (unanimous).

The Board meeting adjourned at 11:54 a.m.

Documents Considered in Public Sessions I and II:

- Memorandum RE: Policy Review Project: Policy 17-05, Guidelines on CME and CME Chart
- Memorandum RE: Jeffrey Arle, M.D. – Petition to Terminate Probation Agreement
- Memorandum RE: Christian Heinis, M.D. – Request to Approve Monitor
- Public Session Minutes of the March 28, 2024 Board Meeting, March 22, 2024 Preliminary Screening Committee meeting Minutes and March 28, 2024 Complaint Committee Meeting Minutes
- Licensing Applications Lists (see attached at TAB A)
- Motions and Votes
- Memoranda RE: Status Updates on Preliminary Denials, Pending Appeals and Litigations, and Quarterly Report on Matters pending at the Division of Administrative Law Appeals