

BOARD OF REGISTRATION IN MEDICINE

**178 Albion Street, Suite 330
Wakefield, Massachusetts 01880**

(Teleconference)

August 15, 2024

10:32 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
Jason Qu, M.D., Physician Member
Yvonne Y. Cheung, MD, MPH, MBA, Physician Member
Aviva Lee-Parritz, M.D., Physician Member

Member(s) Absent:

John McGahan, Public Member

Staff Present and Participating:

George Zachos, Executive Director
Vita P. Berg, General Counsel
Michael Sinacola, Director of Licensing
Steven Hoffman, Division of Law and Policy Manager

Robert E. Harvey Physician Health and Compliance Manager
Roisin Cahill, Assistant General Counsel

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 10:32 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. Cheung – Aye

Dr. Qu - Aye

Dr. Lee-Parritz - Aye

The Chair voted Aye.

Motion carried 6-0 (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.

Consideration of Approval for Continuing Medical Education Credits for Attending the Quality and Patient Safety Division Conference:

Dr. Bush and Dr. Cheung recused themselves from this matter and were not present during the Board's consideration of this matter.

Mr. O'Donnell was Acting Chair during the Board's consideration of this matter.

Vita P. Berg, General Counsel, provided a brief overview of this matter, highlighting that the request is for 6.5 Continuing Medical Education (CME) credits in risk management or general CME study for those attending the Quality and Patient Safety Division (QPSD) Conference on September 27, 2024. She informed the Board members that the biographies of the presenters and the Conference's agenda items were included with Ms. Prebensen's memorandum.

Mr. O'Donnell asked for a motion to approve 6.5 Continuing Medical Education Credits for Attending the Sept. 27, 2024 Quality and Patient Safety Division Conference.

Dr. Qu moved to approve 6.5 Continuing Medical Education (CME) study Credits for attending the Quality and Patient Safety Division Conference in risk manager or general CME study.

Dr. Jubbal seconded the motion.

Mr. O'Donnell called the Roll:

Dr. Jubbal – Aye

Dr. Qu - Aye

Dr. Lee-Parritz - Aye

The Acting Chair voted Aye.

Motion carried 4-0-2 (Drs. Bush and Cheung recused).

Hadlock, Theresa

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

Padilha, Marcus

The Board considered the Initial Limited License Application.

Dr. Jubbal recused himself from this matter and was not present during the Board's consideration of this matter.

Roisin Cahill, Assistant General Counsel, was present via teleconference.

Ms. Cahill provided an overview of this matter, highlighting Dr. Padilha's request for the Board's approval of the alternative verification that he is provided in support of his application for licensure, and she discussed the usual primary source verification requirements.

Ms. Cahill discussed the concerns with the alternative verification as provided including questions from the Board regarding accepting the alternative verification and she affirmed that should the Board decide to accept the alternative verification that such acceptance would not be precedent setting.

In the **Padilha** matter, Dr. Qu moved to accept the alternative verification of Dr. Padilha's medical school transcript and diploma and to approve the Initial Limited License Application. Mr. O'Donnell seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye

Dr. Cheung – Aye

Dr. Qu - Aye

Dr. Lee-Parritz - Aye

The Chair voted Aye.

Motion carried 5-0-1 (Dr. Jubbal recused).

Minutes

The Board considered the Public Session Minutes as amended of the July 18, 2024 Board meeting.

Mr. O'Donnell moved to approve the Public Session Minutes of the July 18, 2024 Board meeting.

Dr. Cheung seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye

Dr. Jubbal – Aye

Dr. Cheung – Aye

Dr. Qu - Abstain

Dr. Lee-Parritz - Aye

The Chair voted Aye.

Motion carried 5-0-1 (Dr. Qu abstained).

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. Qu is recused from applications involving Massachusetts General Hospital, Dr. Cheung is recused from Baystate Medical Center Springfield and Dr. Lee-Parritz is recused from Boston Medical Center.

Michael Sinacola, Director of Licensing, provided the Board members with an overview of the licensing data as of August 15, 2024.

Licensing Applications

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

Mr. O'Donnell moved to approve the applications presented for licensure.

Dr. Cheung seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye

Dr. Jubbal – Aye

Dr. Cheung – Aye

Dr. Qu - Aye

Dr. Lee-Parritz - Aye

The Chair voted Aye.

Motion carried 6-0 (unanimous).

Dr. Bush stated that the Board will meet in Executive Session as authorized by Mass. General Law, chapter 30A, section 21 for purposes set at subsections (a)(1) and (a)(7). Specifically, the Board will review a Petition to Amend a Probation Agreement and a full license application. In so doing, the Board will discuss the reputation, character, physical condition or mental health, rather than professional competence, of applicants or petitioners, or the discipline or dismissal of, or complaints or charges against applicants or petitioners, as permitted under purpose 1 and information that may not be publicly disclosed pursuant to Mass. General Law, chapter 112, section 5 and Mass. General Law, chapter 66A, section 2, as permitted under purpose 7. The Board will also be reviewing 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. Qu seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye

Dr. Jubbal – Aye

Dr. Cheung – Aye

Dr. Qu - Aye

Dr. Lee-Parritz - 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 10:44 a.m.

BOARD OF REGISTRATION IN MEDICINE

**178 Albion Street, Suite 330
Wakefield, Massachusetts 01880**

(Teleconference)

August 15, 2024

1:14 p.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
Jason Qu, M.D., Physician Member
Yvonne Y. Cheung, MD, MPH, MBA, Physician Member
Aviva Lee-Parritz, M.D., Physician Member

Member(s) Absent:

John McGahan, Public Member

Staff Present and Participating:

George Zachos, Executive Director
Vita P. Berg, General Counsel
Michael Sinacola, Director of Licensing
Eileen A. Prebensen, Senior Policy Counsel
Steven Hoffman, Division of Law and Policy Manager

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 **Sheerer** matter, Dr. Qu moved to ratify the acceptance of the Voluntary Agreement Not to Practice.

Mr. O'Donnell seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye

Dr. Jubbal – Aye

Dr. Cheung – Aye

Dr. Qu – Aye

Dr. Lee-Parritz – Aye

The Chair voted –ye.

Motion carried 6-0 (unanimous).

In the **Kroll** matter, Mr. O'Donnell moved to issue the Statement of Allegations and approve the Consent Order reprimanding Dr. Kroll's license to practice medicine.
Dr. Jubbal seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye

Dr. Jubbal – Aye

Dr. Cheung – Aye

Dr. Qu – Aye

Dr. Lee-Parritz – Aye

The Chair voted –ye.

Motion carried 6-0 (unanimous).

In the **Kirk** matter, Dr. Qu moved to issue the Statement of Allegations and approve the Consent Order admonishing Dr. Kirk's license to practice medicine.
Mr. O'Donnell seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye

Dr. Jubbal – Aye

Dr. Cheung – Aye

Dr. Qu – Aye

Dr. Lee-Parritz – Aye

The Chair voted –ye.

Motion carried 6-0 (unanimous).

In the **Sachs** matter Dr. Cheung moved to issue the Statement of Allegations and approve the Consent Order reprimanding Dr. Sachs' license to practice medicine.
Mr. O'Donnell seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye

Dr. Jubbal – Aye

Dr. Cheung – Aye

Dr. Qu – Aye

Dr. Lee-Parritz – Aye

The Chair voted –ye.

Motion carried 6-0 (unanimous).

In the **Weyler** matter, Dr. Qu moved to issue the Statement of Allegations and approve the Consent Order suspending Dr. Weyler's license to practice medicine. I further move to approve the Probation Agreement thereby staying the suspension of Dr. Weyler's license to practice medicine.

Mr. O'Donnell seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye

Dr. Jubbal – Aye

Dr. Cheung – Aye

Dr. Qu – Aye

Dr. Lee-Parritz – Aye

The Chair voted –ye.

Motion carried 6-0 (unanimous).

In the **Hinnebusch** matter, Dr. Cheung moved to issue the Statement of Allegations and Approve the Consent Order reprimanding Dr. Hinnebusch's license to practice medicine.

Dr. Qu seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye

Dr. Jubbal – Aye

Dr. Cheung – Aye

Dr. Qu – Aye

Dr. Lee-Parritz – Aye

The Chair voted –ye.

Motion carried 6-0 (unanimous).

Discussion of the Board of Registration in Medicine's Budget

George Zachos, Executive Director, and Susan Carson, Director of Operations, were present via teleconference.

Dr. Bush informed the Board that this matter was before them for informational purposes only.

Mr. Zachos introduced Ms. Carson to the Board.

Mr. Zachos informed the Board that payroll is administered by the Department of Public Health and that the Division of Capital Asset Management (DCAM) oversees BORIM's lease agreement. He then briefly discussed some of the line items contained in the Budget Update that was provided to the Board.

Dr. Bush informed the other Board members that this matter was brought before them so that they could determine whether there needs to be further discussion regarding the budget.

Item(s) Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Board Meeting

Mr. Zachos stated that after holding discussions with Ms. Fuccione and her team that it was decided that the Complaint Committee would benefit from hold additional meetings for the remainder of the year (Sept., Oct., and Nov.). Accordingly, Mr. Zachos asked the Board members to contact Ms. Fuccione regarding their anticipated availability to attend these additional meetings.

Drs. Bush and Jubbal indicated that he would be available to attend the additional meetings, if needed.

Mr. Zachos informed the Board members that Mr. McGahan would be resigning his Board member position, but that Mr. McGahan indicated that he anticipated attending the Board's September 12, 2024 meeting.

Board Member Availability:

The Board considered their anticipated availability to attend the September 12, 2024, September 26, 2024 and October 10, 2024 Board Meetings.

Mr. O'Donnell indicated that he would have to check his schedule to confirm whether he anticipated attending the September 12, 2024 Board meeting.

Drs. Qu and Cheung indicated that they did not anticipate attending the September 26, 2024 Board meeting.

Dr. Jubbal indicated that he may not be able to attend the October 10, 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.

Dr. Cheung moved to adjourn the meeting.

Dr. Lee-Parritz seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye

Dr. Jubbal – Aye

Dr. Cheung – Aye

Dr. Qu - Aye

Dr. Lee-Parritz - Aye

The Chair voted Aye.

Motion carried 6-0 (unanimous).

The Board meeting adjourned at 1:27 p.m.

Documents Considered in Public Sessions I and II:

- Memorandum RE: Consideration of Approval for Continuing Medical Education Credits for Attending the Quality and Patient Safety Division Conference
- Memorandum RE: Initial Limited License Application - Marcus Padilha, M.D.
- Public Session Minutes of the July 18, 2024 Board Meeting
- Fiscal Year 2025 Projected Spending Plan
- Licensing Applications Lists (see attached at TAB A)
- Materials RE: Status Update on Preliminary Denials of Licensure, Pending Appeals and Litigation, and the Quarterly Report on Matters pending at the Division of Administrative Law Appeals
- Motions and Votes