

BOARD OF REGISTRATION IN MEDICINE
178 Albion Street, Suite 330
Wakefield, Massachusetts 01880
(Teleconference)
August 3, 2023
10:33 a.m.
Public Session I

Members Participating Remotely:

Holly Oh, M.D., Physician Member, Secretary
Booker T. Bush, M.D., Physician Member
Frank O'Donnell, Esq., Public Member
John McGahan, Public Member
Sandeep Singh Jubbal, M.D., Physician Member

Members absent:

Julian N. Robinson, M.D., Physician Member, Chair
Nawal Nour, M.D., M.P.H., Physician 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
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.

Dr. Oh called the meeting to order at 10:30 a.m.

Dr. Oh was Acting Chair in Dr. Robinson's absence.

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

Dr. Bush – Aye

Mr. O'Donnell – Aye

Mr. McGahan - Aye

Dr. Jubbal - Aye

The Acting Chair voted Aye.

Motion carried 5-0 (unanimous).

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

Preliminary Screening Committee Recommendation for Committee on Acupuncture (COA) Member Appointment:

Eileen A. Prebensen, Senior Policy Counsel, provided the Board members with an overview of the Board's responsibility to appoint members to the Committee on Acupuncture and the process for fulfilling that responsibility.

Ms. Prebensen reminded the Board that at the Board's May 25, 2023 Board meeting they established a Preliminary Screening Committee to interview potential candidates for the open member position on the COA. The Preliminary Screening Committee was chaired by Michael Sinacola, Director of Licensing, Dr. Nawal Nour, Physician Member, Frank O'Donnell, Public Member, and Weidong Lu, Chair of the COA.

The Preliminary Screening Committee, after conducting interviews, unanimously recommended Dennis Moseman, D.C., Lic.Ac., Dipl.Ac. for appointment to the COA. Ms. Prebensen provided the Board members with an overview of Mr. Moseman's professional and educational background and informed them that Dr. Moseman's credentials were available in the materials provided to them.

Ms. Prebensen informed the Board that Mr. Moseman reported that he had consulted the State Ethics Commission for guidance on his service on the COA given his professional activities.

Ms. Prebensen asked the Board members to vote to approve the draft Minutes of the June 9, 2023 Preliminary Screening Committee to the COA and appoint Mr. Moseman to the COA.

Mr. O'Donnell moved to approve the Minutes of the June 9, 2023 Preliminary Screening Committee to the COA meeting.

Dr. Jubbal seconded the motion.

Dr. Oh called the Roll:

Dr. Bush – Abstained

Mr. O'Donnell – Aye

Mr. McGahan - Abstain

Dr. Jubbal - Abstained

The Acting Chair Abstained

Motion carried 1--0-4 (Dr. Oh, Dr. Bush, Mr. McGahan, and Dr. Jubbal abstained as they did not attend this meeting).

Mr. O'Donnell moved to appoint Dennis Moseman to the COA.
Dr. Jubbal seconded the motion.

Dr. Oh called the Roll:

Dr. Bush – Aye
Mr. O'Donnell – Aye
Mr. McGahan – Aye
Dr. Jubbal – Aye

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

Request for Approval of Continuing Medical Education Credit for Quality and Patient Safety Division (QPSD) Conference:

Dr. Bush recused himself from this matter and did not participate in the discussion of this matter.

Ms. Prebensen informed the Board members that QPSD will be holding an all-day conference at UMass Memorial Medical Center's medical school's auditorium on September 22, 2023. The purpose of this Conference is to demonstrate to participants/attendees the elements that comprise an effective Patient Care Assessment program. Ms. Prebensen briefly outlined the elements that would be discussed in this Conference.

Ms. Prebensen provided the Board members with a list of those individuals who would be providing presentations at this Conference and provided the Board members with the citation, 243 CMR 2.06(6)(h)3, that authorized the Board to approve proposed courses for Continuing Medical Education Credit.

Ms. Prebensen stated the Daniella Brown, Director of QPSD, has submitted an application with the Board of Registration in Medicine requesting that the Board grant Continuing Medical Education credits to be awarded to those individuals attending this Conference.

Ms. Prebensen requested that the Board vote to approve the Conference for 6.0 Category 1 CME Credits in risk management or general CME study.

Mr. O'Donnell moved to approve the Request for Approval of CME Credits.
Dr. Jubbal seconded the motion.

Dr. Oh called the Roll:

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

The Acting Chair voted Aye.

Motion carried 4-0-1 (Dr. Bush recused as he is a presenter in this Conference.).

Licensing:

Michael Sinacola, Director of Licensing, provided the Board members with an overview of the licensing data as of August 3, 2023.

Dr. Oh is recused from applications involving The Dimock Center and Cityblock Health, Dr. Bush is recused from applications involving Baystate Medical Center Springfield and Dr. Jubbal is recused from applications involving UMass Memorial Medical Center.

Licensing Applications:

Dr. Oh asked for a motion to approve the applications for licensure that included licenses approved by the Executive Director (see attached at TAB A), Changes to Existing Limited Licenses (see attached at TAB B) and licenses approved by the Licensing Committee (see attached at TAB C).

Mr. O'Donnell moved to approve the above-listed applications for licensure.

Mr. McGahan seconded the motion.

Dr. Oh called the Roll:

Dr. Bush – Aye

Mr. O'Donnell – Aye

Mr. McGahan - Aye

Dr. Jubbal - Aye

The Acting Chair voted Aye.

Motion carried 5-0 (unanimous).

Minutes:

The Board considered the Public Session Minutes of the July 13, 2023 Board meeting.

Dr. Bush moved to approve the Public Session Minutes of the July 13, 2023 Board meeting.

Dr. Jubbal seconded the motion.

Dr. Oh called the Roll:

Dr. Bush – Aye

Mr. O'Donnell – Aye

Mr. McGahan - Aye

Dr. Jubbal - Aye

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

Dr. Oh stated that the Board will meet in Executive Session as authorized pursuant to M.G.L. c.30A § 21(a)(1) for the purpose of discussing the reputation, character, physical condition or mental health, rather than professional competence, of an individual. Specifically, the Board will discuss and evaluate the reputation, character, physical condition or mental health, rather than professional competence, of individuals relevant to their petition to terminate their probation agreement. 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. Oh asked for a motion to go into Executive Session.

Dr. Bush moved to go into Executive Session.
Dr. Jubbal seconded the motion.

Dr. Oh called the Roll:

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

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

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

Public Session I ended at 10:43 a.m.

BOARD OF REGISTRATION IN MEDICINE
178 Albion Street, Suite 330
Wakefield, Massachusetts 01880
(Teleconference)
August 3, 2023
1:12 p.m.
Public Session II

Members Participating Remotely:

Holly Oh, M.D., Physician Member, Secretary
Booker T. Bush, M.D., Physician Member
Frank O'Donnell, Esq., Public Member
John McGahan, Public Member
Sandeep Singh Jubbal, M.D., Physician Member

Members absent:

Julian N. Robinson, M.D., Physician Member, Chair
Nawal Nour, M.D., M.P.H., 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 **Heinis** matter, Dr. Oh moved to issue the Ruling on Motion for Leave to File Interlocutory Appeal and Ruling on Interlocutory Appeal.

Mr. O'Donnell seconded the motion.

Dr. Oh called the Roll:

Dr. Bush – Aye

Mr. O'Donnell – Aye

Mr. McGahan - Aye

Dr. Jubbal - Aye

The Acting Chair voted Aye.

Motion carried 5-0 (unanimous).

In the **Kim** matter, Dr. Oh moved to issue the Final Decision and Order revoking Dr. Kim's inchoate right to renew his license to practice medicine.

Mr. McGahan seconded the motion.

Dr. Oh called the Roll:

Dr. Bush – Aye

Mr. O'Donnell – Aye

Mr. McGahan - Aye

Dr. Jubbal - Aye

The Acting Chair voted Aye.

Motion carried 5-0 (unanimous).

In the **Poor** matter, Dr. Oh moved to issue the Statement of Allegations and Consent Order imposing a reprimand.

Mr. O'Donnell seconded the motion.

Dr. Oh called the Roll:

Dr. Bush – Aye

Mr. O'Donnell – Aye

Mr. McGahan - Aye

Dr. Jubbal - Aye

The Acting Chair voted Aye.

Motion carried 5-0 (unanimous).

In the **Wood** matter, Dr. Oh moved to issue the Statement of Allegations and Consent Order imposing a reprimand.

Dr. Bush seconded the motion.

Dr. Oh called the Roll:

Dr. Bush – Aye

Mr. O'Donnell – Aye

Mr. McGahan - Aye

Dr. Jubbal - Aye

The Acting Chair voted Aye.

Motion carried 5-0 (unanimous).

In the **Howland** matter, Dr. Oh moved to allow the Motion for Order for Neuropsychological Examination and issue the Order to Use Pseudonyms and Impound Identities and Medical Records.

Dr. Jubbal seconded the motion.

Dr. Oh called the Roll:

Dr. Bush – Aye

Mr. O'Donnell – Aye

Mr. McGahan - Aye

Dr. Jubbal - Aye

The Acting Chair voted Aye.

Motion carried 5-0 (unanimous).

In the **Higgins** matter, Dr. Bush moved to deny the Motion for Order for Psychiatric Examination and the Order to Use Pseudonyms and Impound Identities and Medical Records, contingent upon receipt of documentation from Respondent confirming that he has engaged with Physician Health Services to undergo their assessment within 10 days, and further move that if Respondent does not submit such documentation within 10 days, that the Orders will be issued at that time.

Dr. Jubbal seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye

Mr. McGahan - Aye

Dr. Jubbal - Aye

The Acting Chair in this matter, Dr. Bush, voted Aye.

Motion carried 4-0-1 (Dr. Oh recused.).¹

Board Member Availability:

The Board considered their anticipated availability to attend the September 7, 2023, September 21, 2023 and October 5, 2023 Board Meetings.

Mr. O'Donnell indicated that he was not sure if he would be able to attend the October 5, 2023 Board meeting.

The Board members did not indicate any other scheduling conflicts.

¹ Dr. Booker Bush was Acting Chair in the matter of Mikhail Higgins, M.D. because Dr. Holly Oh recused herself and was not present during the Board's consideration of this matter.

Announcements:

Ms. Berg informed the Board that the FY2024 Budget had been passed by the Legislature and was awaiting the Governor's signature. Two matters within the Budget could impact the Board and its licensees. The first provision will allow pharmacists to prescribe hormonal contraception. The second provision will create an exception to peer reporting of physicians if a physician is in a treatment program. This latter provision will include physicians with mental health issues. It is expected that the Governor will sign the Budget and approve these two provisions.

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

Dr. Bush moved to adjourn the meeting.

Dr. Jubbal seconded the motion.

Dr. Oh called the Roll:

Dr. Bush – Aye

Mr. O'Donnell – Aye

Mr. McGahan - Aye

Dr. Jubbal - Aye

The Acting Chair voted Aye.

Motion carried 5-0 (unanimous).

The Board meeting adjourned at 1:17 p.m.

Documents Considered in Public Sessions I and II:

- Memorandum RE: Preliminary Screening Committee Recommendation for Committee on Acupuncture Member Appointment
- Memorandum RE: Request for Approval of Continuing Medical Education Credit for Quality and Patient Safety Division Conference
- Public Session Minutes of the July 13, 2023 Board meetings
- Motions and Votes
- Licensing Applications Lists (see attached at TABs A-C)