

BOARD OF REGISTRATION IN MEDICINE

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

(Teleconference)

January 11, 2024

10:31 a.m.

Public Session I

Members Participating Remotely:

Booker T. Bush, M.D., Physician Member, Secretary

Frank O'Donnell, Esq., Public Member

John McGahan, Public Member

Sandeep Singh Jubbal, M.D., Physician Member

Member(s) absent:

Julian N. Robinson, M.D., Physician Member, Chair

Nawal Nour, M.D., M.P.H., Physician Member, Vice Chair

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: Jennifer Sadowski, Paralegal, Division of Law and Policy.

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

Dr. Bush, serving today as Acting Chair, called the meeting to order at 10:31 a.m.

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

Mr. O'Donnell – Aye

Dr. Jubbal – Aye

Mr. McGahan - Aye

Dr. Bush voted Aye.

Motion carried 4-0 (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.

Proposed Policy on Closing A Medical Practice

Vita P. Berg, General Counsel, noted that recently several large healthcare service organizations and physicians' offices have suddenly closed. The Board is concerned about additional practices closing and the impact on patient continuity of care and access to medical records. The Board's regulations do not directly address what a physician should do when closing a practice. Ms. Berg stated that she hoped to begin a discussion of this issue with the Board and develop guidelines on best practices when closing medical practice.

The primary consideration for the Board is preventing patient abandonment, which is the applicable standard of practice. Additional concerns include:

- Notifying appropriate authorities and the health care community of a closing;
- Facilitating medical records accessibility for patients and their subsequent providers;
- Maintaining medical records confidentiality; and
- Proper disposal of regulated items in a physician's possession.

Ms. Berg provided the Board with information from a variety of resources on the subject of closing a physician's practice. Ms. Berg asked the Board to review the documentation so that we can discuss it at the next available Board meeting. Ms. Berg indicated that today's presentation was an introduction to the topic and that staff welcomed Board feedback.

Dr. Bush asked Attorney Berg if there were topics related to practice closure that the Board would not focus on. Attorney Berg stated that we will not be focusing on the business aspect of closing a practice. The Board's focus will be on patient abandonment, medical records, maintaining patient confidentiality, notifications to authorities and proper disposal of regulated items (e.g., controlled substances, etc.).

Mr. O'Donnell stated that while he has served on the Complaint Committee he has seen this issue arise frequently. Mr. O'Donnell believes it's extremely important that the Board address this issue.

Minutes

The Board considered the Public Session Minutes of the December 21, 2023, Board meeting.

Mr. O'Donnell moved to approve the Public Session Minutes of the December 21, 2023, Board meeting.

Dr. Jubbal seconded the motion.

Dr. Bush called the Roll:

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

Dr. Bush voted Aye
Motion carried 4-0 (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 in Worcester, and Mr. McGahan is recused from applications involving the Gavin Foundation.

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

Licensing Applications:

Dr. Bush asked for a motion to approve the applications for licensure approved by the Executive Director (see attached at TAB A), Changes to Existing Limited Licenses (see attached at TAB B), and Applications recommended by the Licensing Committee for the Board's approval (see attached at TAB C).

Mr. O'Donnell moved to approve the above-listed applications for licensure.
Dr. Jubbal seconded the motion.

Dr. Bush called the Roll:

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

Dr. Bush voted Aye.
Motion carried 4-0 (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. McGahan moved to go into Executive Session.

Mr. O'Donnell seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye

Mr. McGahan - Aye

Dr. Jubbal – Aye

Dr. Bush voted Aye.

Motion carried 4-0 (unanimous).

Dr. Bush 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)

January 11, 2024

11:45 a.m.

Public Session II

Members Participating Remotely:

Booker T. Bush, M.D., Physician Member, Secretary

Frank O'Donnell, Esq., Public Member

John McGahan, Public Member

Sandeep Singh Jubbal, M.D., Physician Member

Member(s) absent:

Julian N. Robinson, M.D., Physician Member, Chair

Nawal Nour, M.D., M.P.H., Physician Member, Vice Chair

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: Jennifer Sadowski, Paralegal, Division of Law and Policy.

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

Motions and Votes

In the **Moe** matter, Dr. Bush moved to issue a ruling denying the Motion to Remand.

Mr. McGahan seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye

Mr. McGahan - Aye

Dr. Jubbal – Aye

Dr. Bush voted Aye.

Motion carried 4-0 (unanimous).

In the **Swierzewski** matter, Dr. Bush moved to issue a ruling reaffirming the Order for Psychiatric Examination.

Dr. Jubbal seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye

Mr. McGahan - Aye

Dr. Jubbal – Aye

Dr. Bush voted Aye.

Motion carried 4-0 (unanimous).

In the **Leung** matter, Dr. Bush moved to issue the Statement of Allegations and approve the Consent Order reprimanding Dr. Leung's license to practice medicine.

Mr. O'Donnell seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye

Mr. McGahan - Aye

Dr. Jubbal – Aye

Dr. Bush voted Aye.

Motion carried 4-0 (unanimous).

In the **Aaron** matter, Dr. Bush moved to accept the Resignation of Dr. Aaron's license to practice medicine, pursuant to 243 CMR 1.05(5)(b).

Mr. O'Donnell seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye

Mr. McGahan - Aye

Dr. Jubbal – Aye

Dr. Bush voted Aye.

Motion carried 4-0 (unanimous).

Status Update on Preliminary Denials and Pending Appeals and Litigation

Vita P. Berg, General Counsel, asked the Board members if they had any questions on the quarterly update on the preliminary denials, pending appeals and litigation.

The Board members had no questions.

Board Member Availability:

The Board considered their anticipated availability to attend the January 25, 2024, February 8, 2024 and February 29, 2024 Board Meetings.

Dr. Robinson had indicated that he would not be available for the Jan. 25, 2024 meeting.

All members present indicated availability for the Feb. 8th meeting.

Mr. McGahan indicated that he would not be available for the February 29th meeting.

George Zachos, Executive Director, will reach out to Dr. Nour for availability.

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

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

Mr. O'Donnell moved to adjourn the meeting.

Mr. McGahan seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye

Mr. McGahan - Aye

Dr. Jubbal – Aye

Dr. Bush voted Aye.

Motion carried 4-0 (unanimous).

The Board meeting adjourned at 11:49 a.m.