

**BOARD OF REGISTRATION IN MEDICINE**

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

**(Teleconference)**

**January 19, 2023**

**10:31 a.m.**

**Public Session I**

**Members Participating Remotely:**

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

Holly Oh, M.D., Physician Member, Secretary

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

Frank O'Donnell, Esq., Public Member

John McGahan, Public Member

**Member(s) absent:**

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

Sarah E. Weber, Assistant General Counsel

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

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

Dr. Robinson called the meeting to order at 10:32 a.m.

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

Dr. Oh -Aye

Dr. Bush – Aye

Mr. O'Donnell – Aye

Mr. McGahan - Aye

The Chair voted Aye.

Motion carried 5-0 (unanimous).

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

### **Introduction of New Board Member:**

The Board members individually introduced themselves to the newest Public Board Member, John McGahan, providing him with a brief background of their professional activities.

Mr. McGahan introduced himself to the Board members. Since 1994, Mr. McGahan has been the President/CEO of the Gavin Foundation, a nonprofit, community-based addiction education, substance abuse prevention and treatment program in the Greater Boston area. Mr. McGahan is a licensed addiction and drug counselor (LADC-I), a certified addiction specialist (CAS) and a certified domestic violence counselor.

### **Recommendations on Implementation of the Committee on Acupuncture Regulations Governing the Use of Titles and Advertising with Respect to Doctoral Degrees in Acupuncture:**

Vita P. Berg, General Counsel, provided the Board members with the historic background on the Committee on Acupuncture's (COA) consideration of acupuncturists using doctoral titles as part of their professional title and for use in advertising.

The COA created a Working Group to consider and develop recommendations regarding acupuncturists using doctoral degrees in their professional titles and advertising. The impetus for creating the working group was based on two requests. The first request sought authorization to advertise a doctoral degree. This request was from an acupuncturist who graduated from a doctoral degree program while the program was in pre-accreditation status, three months prior to the program achieving final accreditation. The second request was from Pacific College of Oriental Medicine (PCOM) asking the COA to recognize the regional accrediting organization, Western Association of Schools and Colleges (WASC), as an accrediting agency under the COA's regulations.

Ms. Berg informed the Board that because of a conflict of interest of two members of the COA, the Board had, under the state's ethics law, agreed to consider the issue on behalf of the COA.

Ms. Berg then provided the Board members with the following Working Group's recommendations:

(1) Designate ACAHM<sup>1</sup> as the sole COA-approved accrediting agency for doctoral programs under 243 CMR 5.09(1);

(2) Accept the proposed language that would allow a graduate of an ACAHM accredited doctoral

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<sup>1</sup> Accreditation Commission for Acupuncture and Herbal Medicine

program to advertise their degree following their name, i.e., *Jane Doe, DAOM* or *Jane Doe, Lic. Ac., Doctorate of Acupuncture and Oriental Medicine*.

(3) Not allow the use of the title, “Doctor” by graduates of doctoral programs as requested by PCOM; this would require a regulatory or policy change;

(4) Determine procedurally how future requests from graduates of non-ACAOM accredited doctoral programs are to be reviewed by the COA, or in the alternative, if they are to be found ineligible;

(5) Interpret “approval” by ACAHM under 243 CMR 5.09(1) to apply to both programs that have been accredited and those in candidacy or pre-accreditation status; and

(6) Accept petitions from licensees who do not qualify under the regulation (those who hold a doctoral degree in acupuncture from programs that were not ACAHM accredited or in ACAHM pre-accreditation status at the time of the licensee’s graduation).

Ms. Berg advised the Board that recommendations (1), (2) and (5) are consistent with current regulations and policies. Recommendation (3) is contrary to current COA regulations, which only limit use of the title to acupuncturists with a degree in a field other than acupuncture. The Working Group recommendations (4) and (6) are not supported by sufficient information at this time describing the criteria by which such petitions would be evaluated.

Accordingly, Ms. Berg recommended that the Board adopt Working Group recommendations (1), (2) and (5) and remand the issue back to the Committee on Acupuncture. Dr. Bush moved to adopt Working Group recommendations (1), (2) and (5).

Dr. Oh seconded the motion.

Dr. Robinson called the Roll:

Dr. Oh -Aye

Dr. Bush – Aye

Mr. O’Donnell – Aye

Mr. McGahan - Aye

The Chair voted Aye.

Motion carried 5-0 (unanimous).

### **SJC Decision on Physician Assisted Suicide:**

Sarah E. Weber, Assistant General Counsel, presented a summary of a recent Supreme Judicial Court case<sup>2</sup> on physician-assisted suicide. The case was brought by a patient with metastatic prostate cancer, and a physician who wished to discuss and provide physician-assisted suicide as an end-of-life option but does not currently do so for fear of criminal prosecution.

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<sup>2</sup> Kligler v. Attorney General, 491 Mass. 38 (2022)

The Supreme Judicial Court ruled that physicians could violate Massachusetts criminal law on manslaughter if they prescribe medical aid in dying medications. The high court also held that physician-assisted suicide is not a fundamental right protected by the Massachusetts Constitution.

### **Minutes:**

The Board considered the Public Session Minutes of the January 5, 2023 Board meeting.

Dr. Oh moved to approve the Public Session Minutes of the January 5, 2023 Board meeting.  
Dr. Bush seconded the motion.

Dr. Robinson called the Roll:

Dr. Oh- Aye

Dr. Bush – Aye

Mr. O'Donnell – Aye

Mr. McGahan – Abstain due to absence

The Chair voted Aye.

Motion carried 4-0-1 (Mr. McGahan abstained).

### **Licensing:**

Dr. Robinson is recused from license applications from Newton Wellesley Hospital, Dr. Oh is recused from applications involving The Dimock Center and Cityblock Health, and Dr. Bush is recused from applications involving Baystate Medical Center, Springfield.

Michael Sinacola, Licensing Director, presented the licensing data as of January 19, 2023.

### **Licensing Applications:**

Dr. Robinson asked for a motion to approve the following applications for licensure:

- Applications for Full Licensure Approved by the Executive Director on December 16, 2022 (Fong - Morrow)
- Applications for Full Licensure approved by the Executive Director on December 19, 2022 (Gala - Mehta)
- Applications for Full Licensure approved by the Executive Director on December 22, 2022 (Barot - Weber)
- Applications for Full Licensure approved by the Executive Director on December 23, 2022 (Cotton - Salemmme)
- Applications for Full Licensure approved by the Executive Director on December 27, 2022 (Miller - Zapata)

- Application for Full Licensure approved by the Executive Director on December 28, 2022 (Cho)
- Application for Full Licensure approved by the Executive Director on December 30, 2022 (Bianca)
- Application for Full Licensure approved by the Executive Director on January 4, 2023 (Purkayastha)
- Applications for Full Licensure approved by the Executive Director on January 6, 2023 (Alston - Wen)
- Applications for Full Licensure approved by the Executive Director on January 9, 2023 (Abinante - Thomas)
- Applications for Full Licensure approved by the Executive Director on January 10, 2023 (Char - Zorach)
- Applications for Full Licensure approved by the Executive Director on January 11, 2023 (Beaute - Xu)
- Applications for Full Licensure approved by the Executive Director on January 12, 2023 (Cedar Baum - Wollborn)
- Applications for Full Licensure approved by the Executive Director on January 13, 2023 (Aaron - Luan)
- Applications for Full Licensure approved by the Executive Director on January 17, 2023 (Andrews - Walker)
- Applications for Full Licensure approved by the Executive Director on January 18, 2023 (Andrews - Zampariello)
- Applications for Full Licensure approved by the Licensing Committee (Adams - Waldron)
- Applications for Full Licensure with Waiver approved by the Licensing Committee (Ali-Schum)

Dr. Oh moved to approve the above-listed applications for licensure.

Mr. O'Donnell seconded the motion.

Dr. Robinson called the Roll:

Dr. Oh- Aye

Dr. Bush – Aye

Mr. O'Donnell – Aye

Mr. McGahan - Aye

The Chair voted Aye.

Motion carried 5-0 (unanimous).

Mr. Sinacola informed the Board that the online licensing system was performing well and that the processing time for online licensing applications was significantly decreasing. When the volume of online licensing applications becomes statistically significant, a report will be made to the Board.

Responsive to Dr. Bush's inquiry, Dr. Robinson stated that he was receiving positive feedback from the physician community regarding the online licensing application process.

Dr. Robinson stated that the Board would meet in Executive Session to review Executive Session Minutes.

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

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

Dr. Bush moved to go into Executive Session.

Dr. Oh seconded the motion.

Dr. Robinson called the Roll:

Dr. Oh-Aye

Dr. Bush – Aye

Mr. O'Donnell – Aye

Mr. McGahan - Aye

The Chair voted Aye.

Motion carried 5-0 (unanimous).

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

Public Session I ended at 10:53 a.m.

**BOARD OF REGISTRATION IN MEDICINE**  
**178 Albion Street, Suite 330**  
**Wakefield, Massachusetts 01880**  
**(Teleconference)**  
**January 19, 2023**  
**11:14 a.m.**  
**Public Session II**

**Members Participating Remotely:**

Julian N. Robinson, M.D., Physician Member, Chair  
Holly Oh, M.D., Physician Member, Secretary  
Booker T. Bush, M.D., Physician Member  
Frank O'Donnell, Esq., Public Member  
John McGahan, Public Member

**Member(s) absent:**

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 **Myers** matter, Dr. Robinson moved to issue the Final Decision and Order, indefinitely suspending Dr. Myers' inchoate right to renew her license to practice medicine.

Dr. Oh seconded the motion.

Dr. Robinson called the Roll:

Dr. Oh - Aye

Dr. Bush – Aye

Mr. O'Donnell – Aye

Mr. McGahan - Aye

The Chair voted Aye.

Motions carried 5-0 (unanimous).

In the **Starer** matter, Dr. Robinson moved to ratify the acceptance of the Voluntary Agreement Not to Practice.

Dr. Oh seconded the motion.

Dr. Robinson called the Roll:

Dr. Oh - Aye

Dr. Bush – Aye

Mr. O'Donnell – Aye

Mr. McGahan - Aye

The Chair voted Aye.

Motion carried 5-0 (unanimous).

In the **Tangban** matter, Dr. Robinson moved to rescind the Board's January 5, 2023 vote and revote, nunc pro tunc, to terminate the Voluntary Agreement Not to Practice, issue the Statement of Allegations, approve the Consent Order for probation, approve the Probation Agreement, allow Dr. Tangban's request for retroactive approval of an evaluator, and approve his request to commence the probationary term retroactive to the date of his Physician Health Services contract.

Dr. Oh seconded the motion.

Dr. Robinson called the Roll:

Dr. Oh - Aye

Dr. Bush – Aye

Mr. O'Donnell – Aye

Mr. McGahan - Aye

The Chair voted Aye.

Motion carried 5-0 (unanimous).

In the **Dallas** matter, Dr. Robinson moved to approve the Consent Order for Final Denial of the Full Licensing Application.

Dr. Oh seconded the motion.

Dr. Robinson called the Roll:

Dr. Oh - Aye

Dr. Bush – Aye

Mr. O'Donnell – Aye

Mr. McGahan - Aye

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

In the **Tran** matter, Dr. Robinson moved to allow the Request to Terminate the Voluntary Agreement Not to Practice. Dr. Robinson further moved to issue the Statement of Allegations, approve the Consent Order with an indefinite suspension, allow the Petition for Stay of Suspension, and approve the Probation Agreement.  
Dr. Bush seconded the motions.

Dr. Robinson called the Roll:

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

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

### **Board Member Availability**

The Board discussed their anticipated availability to attend the February 2, 2023, February 16, 2023 and March 2, 2023 Board Meetings.

Dr. Robinson indicated that he did not anticipate attending the February 16, 2023 Board Meeting. Dr. Robinson stated that Dr. Oh would be Acting Chair for the February 16, 2023 Board Meeting.

Dr. Oh and Mr. McGahan indicated that they did not anticipate attending the March 2, 2023 Board meeting.

The Board members did not indicate any other scheduling conflicts that would prevent them from attending the aforementioned Board meetings.

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

Dr. Bush moved to adjourn the Board meeting.  
Dr. Oh seconded the motion.

Dr. Robinson called the Roll:

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

The Chair voted Aye.

Motion carried 5-0 (unanimous).

Meeting adjourned at 11:18 a.m.

**Documents Considered in Public Sessions I and II:**

- Memorandum RE: Recommendations on Implementation of the Committee on Acupuncture Regulations Governing the Use of Titles and Advertising with Respect to Doctoral Degrees in Acupuncture
- Memorandum RE: SJC Decision on Physician Assisted Suicide
- Public Session Minutes of the January 5, 2023 Board Meeting
- Motions and Votes
- Licensing Applications Lists