

BOARD OF REGISTRATION IN MEDICINE

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

(Teleconference)

January 20, 2022

10:31 a.m.

Public Session I

Members Participating Remotely:

Julian N. Robinson, M.D., Physician Member, Vice Chair
Woody Giessmann, LADC-I, CADC, CIP, CAI, Public Member
Holly Oh, M.D., Physician Member
Booker T. Bush, M.D., Physician Member

Member(s) absent:

Deborah Levine, M.D., Physician Member
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
Michael Sinacola, Licensing Director

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.

Mr. Giessmann – Aye

Dr. Oh- Aye

Dr. Bush – Aye

The Chair voted Aye.

Motion carried 4-0 (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.

Licensing:

Dr. Robinson is recused from license applications from Newton Wellesley Hospital, Mr. Giessmann is recused from applications involving Right Turn, Dr. Oh is recused from applications involving The Dimock Center and City Block Health, and Dr. Bush is recused from applications involving Baystate Medical Center Springfield.

Michael Sinacola, Licensing Director presented the licensing data as of January 20, 2022.

Licensing Applications:

Applications for **full licensure** (Abtahi - Zia)

Dr. Oh moved to approve the full licenses.

Dr. Bush seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Oh – Aye

Dr. Bush – Aye

The Chair voted Aye.

Motion carried 4-0 (unanimous).

Applications for **limited licensure** (Delado-Munoz - Pereira)

Dr. Oh moved to approve the limited licenses.

Dr. Bush seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Oh – Aye

Dr. Bush – Aye

The Chair voted Aye.

Motion carried 4-0 (unanimous).

Application for **full licensure reviewed by the Board** (Urbanek).

Dr. Oh moved to approve the full license reviewed by the Board.

Dr. Bush seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Oh – Aye

Dr. Bush – Aye

The Chair voted Aye.
Motion carried 4-0 (unanimous).

Applications for **full licensure with waiver reviewed by the Licensing Committee** (Ayyash – Vermani).

Dr. Oh moved to approve the full licenses with waiver reviewed by the Licensing Committee.
Dr. Bush seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye
Dr. Oh – Aye
Dr. Bush – Aye

The Chair voted Aye.
Motion carried 4-0 (unanimous).

Applications for **full licensure reviewed by the Licensing Committee** (Cohen – Rossi).

Dr. Oh moved to approve the full licenses reviewed by the Licensing Committee.
Dr. Bush seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye
Dr. Oh – Aye
Dr. Bush – Aye

The Chair voted Aye.
Motion carried 4-0 (unanimous).

Application for **lapsed licensure reviewed by the Licensing Committee** (Kobylarz).

Dr. Oh moved to approve the lapsed license reviewed by the Licensing Committee.
Dr. Bush seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye
Dr. Oh – Aye
Dr. Bush – Aye

The Chair voted Aye.
Motion carried 4-0 (unanimous).

Patient Safety Action Network Survey of Board Websites:

George Zachos, Executive Director, presented the results of a 2021 survey ranking the state medical and osteopathic boards' websites.

Mr. Zachos informed the Board that the Massachusetts Board of Registration in Medicine's (BORIM) Website came in the second highest grouping according to the 2021 survey.

Mr. Zachos stated that BORIM staff were looking into improving BORIM's Website as a result of the survey.

Mr. Zachos stated that out of five areas identified in the 2021 survey as opportunities for improvement to BORIM's Website, two such areas the Board cannot address due to legal restrictions. However, BORIM staff would be looking into the other three areas in order to further improve BORIM's Website.

Proposed Policy 2022-02: Deceased Physicians:

Vita P. Berg, General Counsel, presented Policy 2022-02 that read as follows:

The Board of Registration in Medicine (Board) hereby adopts this policy in order to implement efficient and consistent procedures upon receipt of primary source documentation that a licensed physician has died.

For purposes of this policy, primary source documentation shall include a death certificate from the Massachusetts Registry of Vital Statistics or comparable government agency in another state. It shall also include information received through a data exchange between the Board and the Registry of Vital Statistics and between the Board and the Social Security Administration.

Upon primary source documentation that a licensed physician has died, the board authorizes staff to:

1. Update the physician's license status to "Deceased."
2. Remove the physician's profile from the publicly accessible profile website in accordance with GL c112, s5, paragraph 7.
3. Close any pending investigation against the deceased physician.
4. Issue an order dismissing any pending Statement of Allegations against the deceased physician.
5. Issue an order terminating any pending Agreement between the Board and the Physician.

In the event that a pending investigation, complaint or Statement of Allegations arises from a consumer complaint, board staff shall also provide notice to the complainant that the matter has been closed or dismissed. The notice shall inform the complainant that the closure or dismissal of the matter is due to the death of the physician and is not a reflection of the merits of the matter.

Actions taken to close or dismiss any investigation, complaint or Statement of Allegations pursuant to this policy shall not serve as precedent with respect to the facts alleged in the investigation, complaint or statement of allegations. The final decision and order dismissing a Statement of Allegations pursuant to this policy shall state that the reason for dismissal is the death of the Respondent.

Dr. Robinson asked if there was a motion to adopt Policy 2022-02.

Dr. Oh moved to adopt Policy 2022-02 as presented.

Dr. Bush seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Oh – Aye

Dr. Bush – Aye

The Chair voted Aye.

Motion carried 4-0 (unanimous).

Proposed Policy 2022-03: Preliminary Denial of Licensure:

Vita P. Berg, General Counsel, presented Policy 2022-03 that read as follows:

The Board of Registration in Medicine (Board) hereby adopts this policy in order to implement efficient and consistent procedures upon issuance of an order of preliminary denial on a license application.

For purposes of this policy,

“Email address of record” means the email address identified by the Applicant on his or her application as the email address used for communication about the application;

“Mailing address of record” means the mailing address identified by the Applicant on his or her application as the mailing address used for communication about the application;

“Delivery date” means the earliest of the following:

- (1) The date that the order of preliminary denial was emailed to the Applicant at the email address of record;
- (2) The date the order of preliminary denial was emailed to counsel of record for the Applicant;
- (3) The date that the United States Postal Service indicates that it delivered the certified mail item containing the order of preliminary denial to the mailing address of record; or
- (4) The date that United States Postal Service indicates that it attempted delivery of the certified mail item containing the order of preliminary denial at the mailing address of record and left notice of the attempted delivery.

Following the Board's issuance of an order of preliminary denial of a license application, the Board authorizes staff to take the following actions:

1. In the event that the Applicant requests a hearing within twenty-one business days from the delivery date for the Order of Preliminary Denial, Board staff may issue:
 - a. An Order to Show Cause why the Board should not issue an Order of Final Denial based on the reasons set forth in the Order of Preliminary Denial, which shall be attached and incorporated into the Order to Show Cause.
 - b. An Order of Reference to the Division of Administrative Law Appeals for findings of fact and necessary conclusions of law on the Order to Show Cause.
2. In the event that the Applicant has not requested a hearing and more than twenty-one business days have passed since the delivery date for the Order of Preliminary Denial, Board staff may issue an Order of Final Denial on the basis of the reasons set forth in the Order of Preliminary Denial.
3. Board staff shall prepare a report summarizing actions taken pursuant to this policy for submission at the next Board meeting following the actions.

Mr. Giessmann moved to adopt Policy 2022-03 as presented.

Dr. Bush seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Oh – Aye

Dr. Bush – Aye

The Chair voted Aye.

Motion carried 4-0 (unanimous).

Minutes:

The Board considered the Public Session Minutes of the January 6, 2022 Board meetings.

Dr. Oh moved to approve the Public Session Minutes of the January 6, 2022 Board meeting.

Dr. Bush seconded the motion.

Mr. Giessmann – Aye

Dr. Oh – Aye

Dr. Bush – Aye

The Chair voted Aye.

Motion carried 4-0 (unanimous).

Dr. Robinson stated that the Board would meet under G.L. c. 30A, § 21(a)(7) to comply with, or act under the authority of, G.L. c. 112, § 5, concerning physician profile disputes.

Additionally, 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 would discuss and evaluate the reputation, character, physical condition or mental health, rather than professional competence, of individuals relevant to their petitions for licensure. The Board would also be reviewing Executive Session Minutes.

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

Dr. Oh moved to go into Executive Session.

Dr. Bush seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Oh - Aye

Dr. Bush – Aye

The Chair voted Aye.

Motion carried 4-0 (unanimous).

Dr. Robinson 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 20, 2022
11:40 a.m.
Public Session II

Members Participating Remotely:

Julian N. Robinson, M.D., Physician Member, Vice Chair
Woody Giessmann, LADC-I, CADC, CIP, CAI, Public Member
Holly Oh, M.D., Physician Member
Booker T. Bush, M.D., Physician Member

Member(s) absent:

Deborah Levine, M.D., Physician Member
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 **DeBell** matter, Dr. Robinson moved to approve the Lapsed License Application.
Dr. Oh seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Oh – Aye

Dr. Bush – Aye

The Chair voted Aye.

Motion carried 4-0 (unanimous).

In the **Shiu** matter, Dr. Robinson moved to approve the Lapsed License Application and
Transitional Practice Plan.

Dr. Oh seconded the motions.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Oh – Aye

Dr. Bush – Aye

The Chair voted Aye.

Motion carried 4-0 (unanimous).

In the **Baecher** matter, Dr. Robinson moved to issue the Statement of Allegations and Order to Use Pseudonyms and Impound Identities and Medical Records, and approve the Consent Order for Reprimand.

Dr. Oh seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Oh – Aye

Dr. Bush – Aye

The Chair voted Aye.

Motion carried 4-0 (unanimous).

In the **Wespiser** matter, Dr. Robinson moved to issue the Statement of Allegations and the Order to Use Pseudonyms and Impound Identities and Medical Records, and approve the Consent Order for Reprimand and approve the Probation Agreement.

Dr. Oh seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Oh – Aye

Dr. Bush – Aye

The Chair voted Aye.

Motion carried 4-0 (unanimous).

In the **Cogswell** matter, Dr. Robinson moved to issue the Statement of Allegations and Order of Reference to the Division of Administrative Law Appeals.

Dr. Oh seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann-Aye

Dr. Oh – Aye

Dr. Bush – Aye

The Chair voted Aye.

Motions carried 4-0 (unanimous).

In the **Micley** matter, Dr. Robinson moved to accept the Resignation of Dr. Micley's inchoate right to renew his license to practice medicine, pursuant to 243 CMR 1.05(5)(b). He further moved to terminate the Voluntary Agreement Not to Practice.

Dr. Oh seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Oh – Aye

Dr. Bush – Aye

The Chair voted Aye.

Motion carried 4-0 (unanimous).

Board Member Availability

The Board members discussed their anticipated availability to attend the February 3, 2022, February 17, 2022, and March 10, 2022 Board meetings.

The Board members in attendance indicated that they anticipated attending the February 3, 2022, February 17, 2022, and March 10, 2022 Board meetings. However, Dr. Oh indicated that she had a "hard stop" at 11:30 a.m. on March 10, 2022.

Mr. Zachos informed the Board members that he would contact the other Board members in order to ascertain their availability for the above listed Board meetings.

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

Dr. Oh moved to adjourn the Board meeting.

Mr. Giessmann seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Oh – Aye

Dr. Bush – Aye

The Chair voted Aye.

Motions carried 4-0 (unanimous).

Meeting adjourned at 11:45 a.m.

Documents Considered in Public Sessions I and II:

- Memorandum RE: Patient Safety Action Network Survey of Board Websites
- Licensing Applications List
- Proposed Policy 2022-02: Deceased Physicians
- Proposed Policy 2022-03: Preliminary Denial of Licensure
- Public Session Minutes of the January 6, 2022 Board meetings
- Motions and Votes