

**BOARD OF REGISTRATION IN MEDICINE**

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

**(Teleconference)**

**January 25, 2024**

**10:32 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

Roisin Cahill, Assistant General Counsel

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

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

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

Dr. Bush was Acting Chair, in Dr. Robinson's absence, and called the Roll to confirm that there was a quorum of the Board.

Mr. O'Donnell – Aye

Dr. Jubbal – Aye

Mr. McGahan - Aye

The Acting Chair 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 Best Practices for Closing a Medical Practice:**

Vita P. Berg, General Counsel, provided the Board members with an overview of the current Proposed Best Practice for Closing a Medical Practice.

Ms. Berg stated that this was a continuation of the topic that the Board considered at the last Board meeting and that the purpose of considering this matter was to continue the development of guidelines for physicians when closing their practice.

The goals of these guidelines are as follows:

- Preventing Patient Abandonment
- Notifying Appropriate Authorities and Healthcare Community
- Facilitating Medical Records Accessibility for Patients and their Subsequent Providers
- Maintaining Medical Record Confidentiality
- Proper Disposal of Regulated Items in Physician's Possession

Ms. Berg informed the Board members that the Board of Registration in Medicine (BORIM) staff receive many inquiries from physicians regarding this matter as well as from patients seeking to gain access to their medical records.

Ms. Berg provided the Board members with an overview of the AMA guidance and Massachusetts regulations addressing the issue of patient abandonment. She also outlined the proposals for best practice guidance to physicians in order to prevent possible patient abandonment issues. Ms. Berg discussed instances where patients and/or their new providers could not access the patient's medical records.

Mr. O'Donnells suggested that the Board consider how other states may be addressing these issues.

George Zachos, Executive Director, informed the Board that he would ask the Federation of State Medical Boards (FSMB) if other states had addressed this issue and stated he would share with the FSMB any guidance in this matter that is developed by the Board.

Dr. Bush opined that he sees the issues of possible patient abandonment and access to medical records to be an issue especially for small or individual medical practices. He advised that BORIM staff should seek input from the Massachusetts Medical Society (MMS) regarding this matter as it relates to individual and small medical practices.

Mr. Zachos affirmed that BORIM staff would be sharing the proposed Best Practice Guidance with MMS and with the Massachusetts Health and Hospital Association (MHHA) to allow them an opportunity to provide input in this matter.

**Proposed Policy 2024-01 Modification of Requirements for Temporary Appointments or Privileges in Exigent Circumstances :**

Ms. Berg informed the Board that its regulations at 243 CMR 3.05(1)(a) and (b) set forth the existing credentialing requirements for temporary appointments. However, because of the potential for major disruptions in Massachusetts healthcare systems at the present time, there is a need to be prepared to provide greater flexibility with these requirements.

This Proposed Policy would extend the amount of time that health care facilities may grant temporary privileges of physicians not seeking staff membership so long as they obtain core credentialing information. Ms. Berg provided the Board members with an overview of the core elements that would be required at the time of granting temporary privileges and those that could be obtained within 30 days of granting privileges. The additional 30 days for obtaining certain core elements would also apply to facilities granting temporary privileges to physicians who are seeking staff membership. These flexibilities would only be available when exigent circumstances exist as determined from a written recommendation by the Commissioner of Public Health. The recommendation would need to specify that the flexibility is warranted to maintain continuity of patient care and to prevent disruptions to the delivery of health care. The Commissioner would identify the healthcare facilities as to which the flexibility would apply. BORIM's Executive Director, in consultation with the Board Chair, would implement these modifications.

Dr. Jubbal moved to approve Policy 2024-01 as proposed.

Mr. O'Donnell seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye

Mr. McGahan - Aye

Dr. Jubbal – Aye

The Acting Chair voted Aye.

Motion carried 4-0 (unanimous).

**Aramayo, Carlos**

The Board considered the Lapsed Limited License Renewal Application.

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

Ms. Cahill informed the Board that this matter was before them because Dr. Aramayo's limited license renewal application was not submitted in a timely manner. Ms. Cahill provided the Board members with an overview of the circumstances that brought about this issue. She also informed the Board that they were being asked to approve his Lapsed Limited License Application

retroactively so that Dr. Aramayo could return to his Residency program at Mount Auburn Hospital.

In the **Aramayo** matter, Mr. O'Donnell moved to approve the Limited License Renewal Application, Nunc Pro Tunc, to June 30, 2023.

Dr. Jubbal seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye

Mr. McGahan - Aye

Dr. Jubbal – Aye

The Acting Chair 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 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 25, 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) and Changes to Existing Limited Licenses (see attached at TAB B).

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

The Acting Chair voted Aye.

Motion carried 4-0 (unanimous).

Dr. Bush informed the other Board members that the Minutes of all Sessions from the January 5, 2024 Board meeting would be deferred for the Board's consideration to a future Board agenda.

Dr. Bush stated that the Board will meet in Executive Session as authorized by Mass. General Law, chapter 30A, section 21 for purposes set forth at subsections (a)(1) and (a)(7). Specifically, the Board will review license applications and will discuss the reputation, character, physical condition or mental health, rather than professional competence, of applicants, or the discipline or dismissal of, or complaints or charges against applicants, 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.

Following the Executive Session, the Board will meet in closed session under Mass. General Laws, chapter 112, section 65C. There is no Adjudicatory Session today. The Board will reconvene in Public Session following the conclusion of the 65C Session.

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

Mr. O'Donnell moved to go into Executive Session.

Dr. Jubbal seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye

Mr. McGahan - Aye

Dr. Jubbal – Aye

The Acting Chair voted Aye.

Motion carried 4-0 (unanimous).

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

Public Session I ended at 10:54 a.m.

**BOARD OF REGISTRATION IN MEDICINE**

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

**(Teleconference)**

**January 25, 2024**

**11:55 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

Michael Sinacola, Director of Licensing

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 **Gonzalez-Hidalgo** matter, Mr. O'Donnell moved to approve the Lapsed Full License Application.

Dr. Jubbal seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye

Mr. McGahan – Aye

Dr. Jubbal – Aye

The Acting Chair voted Aye.

Motion carried 4-0 (unanimous).

In the **Healey** matter, Mr. McGahan moved to approve the Full License Application.

Dr. Jubbal seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye

Mr. McGahan – Aye

Dr. Jubbal – Aye

The Acting Chair voted Aye.

Motion carried 4-0 (unanimous).

In the **Kuziez** matter, Mr. McGahan moved to approve the Full License Application.

Dr. Jubbal seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye

Mr. McGahan – Aye

Dr. Jubbal – Aye

The Acting Chair voted Aye.

Motion carried 4-0 (unanimous).

In the **Morgan** matter, Mr. McGahan moved to approve the Full License Application.

Mr. O'Donnell seconded the motions.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye

Mr. McGahan – Aye

Dr. Jubbal – Aye

The Acting Chair voted Aye.

Motions carried 4-0 (unanimous).

In the **Weldon** matter, Mr. McGahan moved to issue the Statement of Allegations and approve the Consent Order admonishing and fining Dr. Weldon's license to practice medicine \$3,000.

Mr. O'Donnell seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye

Mr. McGahan - Aye

Dr. Jubbal – Aye

The Acting Chair voted Aye.

Motion carried 4-0 (unanimous).

**Board Member Availability:**

The Board considered their anticipated availability to attend the February 8, 2024 and February 29, 2024 and March 14, 2024 Board Meetings.

Mr. McGahan indicated that he would not be able to attend the February 29, 2024 meeting.

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

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

Mr. McGahan moved to adjourn the meeting.

Mr. O'Donnell seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye

Mr. McGahan - Aye

Dr. Jubbal – Aye

The Acting Chair voted Aye.

Motion carried 4-0 (unanimous).

The Board meeting adjourned at 11:59 a.m.

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

- Memorandum RE: Proposed Best Practices for Closing a Practice
- Memorandum RE: Proposed Policy 2024-01 Modification of Requirements for Temporary Appointments or Privileges in Exigent Circumstances
- Memorandum RE: Carlos Aramayo, M.D. – Limited License Renewal Application
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- Licensing Applications Lists (see attached at TAB A and B)
- Motions and Votes