

BOARD OF REGISTRATION IN MEDICINE

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

(Teleconference)

July 18, 2024

10: 32 a.m.

Public Session I

Members Participating Remotely:

Booker T. Bush, M.D., Physician Member, Chair
Frank O'Donnell, Esq., Public Member, Vice Chair
Sandeep Singh Jubbal, M.D., Physician Member, Secretary
John McGahan, Public Member
Yvonne Y. Cheung, MD, MPH, MBA, Physician Member
Aviva Lee-Parritz, M.D., Physician Member

Member(s) Absent:

Jason Qu, M.D., 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
Rebecca I. Lockwood, Assistant General Counsel

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

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

Dr. Bush called the meeting to order at 10:32 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. Cheung - Aye

The Chair voted Aye.

Motion carried 5-0 (unanimous). Dr. Lee-Parritz was not yet present at the meeting.

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 Revisions to Policies 19-04 and 19-05:

Steven Hoffman, Division of Law and Policy Manager, stated that the Board of Registration in Medicine's (BORIM) Policy 19-04, "Policy on Malpractice," requires BORIM staff to review both paid and unpaid medical malpractice claims against a physician. Accordingly, Mr. Hoffman proposed to revise this policy so that BORIM staff would only focus on paid medical malpractice claims. To support his proposal, he informed the Board that the Journal of the American Medical Association (JAMA)¹ has published a study that indicates that paid malpractice claims may be a potential indicator of quality-of-care issues.

Mr. Hoffman advised the Board that they should align the proposed changes to Policy 19-04 with the BORIM Policy 19-05, "Policy on Approving Initial Full and Limited License Applications." The proposed revisions in Policy 19-05 will align the criteria for Licensing Committee review of applicant malpractice history with the criteria for Complaint Committee review in Policy 19-04.

Additionally, under the revised policies, the Board may review the government payments made based on the care provided by a publicly-employed physician who is subject to the Federal Tort Claims Act (e.g., physicians working for a federal community health center).

Dr. Bush asked for a motion to approve changes to Policies 19-04 and 19-05 as proposed by Mr. Hoffman.

Mr. O'Donnell moved to approve the proposed changes to Policies 19-04 and 19-05.
Dr. Cheung seconded the motion.

Dr. Bush called the Roll:

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

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

Dr. Aviva Lee-Parritz joined the Board meeting after the vote at 10:38 a.m. There are now 6 Board members present at the meeting.

George Zachos, Executive Director, introduced Dr. Lee-Parritz to the Board members and provided an overview of her impressive professional background, activities and education.

¹

Dr. Lee-Parritz thanked Mr. Zachos for the introduction and stated that she intended to listen closely during today's meeting.

Dr. Bush thanked Dr. Lee-Parritz for joining the Board meeting and discussed the possibility of having an in-person Board meeting so that all the Board members could meet.

Department of Revenue suspension and reinstatement (Byungyol Chun, M.D.):

Vita P. Berg, General Counsel, informed the Board that under Massachusetts General Laws c. 119A, § 16, there is a process whereby a physician's license can be suspended pursuant to an order from the Department of Revenue's (DOR) Child Support Enforcement Division for non-payment of child support. The Board recently received notice from DOR to suspend a licensee and was shortly thereafter received notice from DOR that the Board should reinstate as the arrears had been paid. The Board suspended and then reinstated the physician's medical license in accordance with the law and DOR notices.

Chhatpar, Parul

The Board considered the Initial Limited License Application.

Rebecca I. Lockwood, Assistant General Counsel, was present via teleconference.

Dr. Chhatpar and her attorney, Andrew L. Hyams, and her Program Director, Dr. Coughlin-Strom, were present via teleconference.

Ms. Lockwood stated that Dr. Chhatpar has a provisional Limited License that was approved by the Board in May 2024 that allowed her to participate in a residency program at UMASS Memorial Medical Center. She then provided an overview of Dr. Chhatpar's struggles during her residency programs.

Mr. Hyams introduced Dr. Jackie Coughlin-Strom, Program Director, who provided her expressed support for the Board's approval of Dr. Chhatpar's Initial Limited License Application. According to Dr. Coughlin-Strom, Dr. Chhatpar is changing to a preventative medicine residency and the Program has "no reservations" about her.

In the **Chhatpar** matter, Mr. O'Donnell moved to approve the Initial Limited License Application.

Dr. Cheung seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye

Dr. Jubbal – Aye

Mr. McGahan – Aye

Dr. Cheung – Aye
Dr. Lee-Parritz - Abstain

The Chair voted Aye.
Motion carried 5-0-1 (Dr. Lee-Parritz abstained).

Minutes

The Board considered the Public Session Minutes as amended of the June 27, 2024 Board meeting.

Dr. Bush stated that a minor technical revision had been made to the Minutes.

Mr. O'Donnell moved to approve, as amended, the Public Session Minutes of the June 27, 2024 Board meeting.

Mr. McGahan seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye
Dr. Jubbal – Aye
Mr. McGahan – Aye
Dr. Cheung – Aye
Dr. Lee-Parritz - Abstain

The Chair voted to Abstain.
Motion carried 4-2-0 (Drs. Bush and Lee-Parritz abstained due to absence.).

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, Mr. McGahan is recused from applications involving the Gavin Foundation, Dr. Cheung is recused from Baystate Medical Center Springfield and Dr. Lee-Parritz is recused from Boston Medical Center.

Michael Sinacola, Director of Licensing, provided the Board members with an overview of the licensing data as of June 27, 2024.

Mr. Sinacola informed the Board that today the Licensing Committee voted to grant Board sponsorship of an applicant who wishes to make a fifth attempt at passing USMLE Step 3. This sponsorship is part of a pilot program the Board created in Policy 2023-04 on October 3, 2023. The applicant will still need to obtain the approval of the USMLE Composite Committee before taking the examination.

Licensing Applications

Dr. Bush asked for a motion to approve the applications for licensure (see attached at TAB A).

Mr. O'Donnell moved to approve the applications presented for licensure.

Dr. Cheung seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye

Dr. Jubbal – Aye

Mr. McGahan – Aye

Dr. Cheung – Aye

Dr. Lee-Parritz - Aye

The Chair voted Aye.

Motion carried 6-0 (unanimous).

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

Dr. Jubbal – Aye

Mr. McGahan – Aye

Dr. Cheung – Aye

Dr. Lee-Parritz - Aye

The Chair voted Aye.

Motion carried 6-0 (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
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July 18, 2024

1:00 p.m.

Public Session II

Booker T. Bush, M.D., Physician Member, Chair
Frank O'Donnell, Esq., Public Member, Vice Chair
Sandeep Singh Jubbal, M.D., Physician Member, Secretary
John McGahan, Public Member
Aviva Lee-Parritz, M.D., Physician Member

Member(s) Absent:

Jason Qu, M.D., Physician Member
Yvonne Y. Cheung, MD, MPH, MBA, Physician Member

Staff Present and Participating:

George Zachos, Executive Director
Vita P. Berg, General Counsel
Michael Sinacola, Director of Licensing
Eileen A. Prebensen, Senior Policy Counsel
Steven Hoffman, Division of Law and Policy Manager

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 **Kink** matter, Mr. McGahan moved to issue the Final Decision and Order revoking Dr. Kink's inchoate right to renew his license to practice medicine.

Mr. O'Donnell seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye

Dr. Jubbal – Aye

Mr. McGahan – Aye

Dr. Lee-Parritz - Aye

The Chair voted Aye.

Motion carried 5-0 (unanimous).

In the **Lindgren** matter Mr. McGahan moved to issue the Statement of Allegations, Order to Use Pseudonyms and Impound Identities and Medical Records, and Order of Reference to the Division of Administrative Law Appeals.

Mr. O'Donnell seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye

Dr. Jubbal – Aye

Mr. McGahan – Aye

Dr. Lee-Parritz - Aye

The Chair voted Aye.

Motion carried 5-0 (unanimous).

In the **Kinrys** matter, Mr. McGahan moved to issue the Statement of Allegations and Order of Reference to the Division of Administrative Law Appeals.

Mr. O'Donnell seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye

Dr. Jubbal – Aye

Mr. McGahan – Aye

Dr. Lee-Parritz - Aye

The Chair voted Aye.

Motion carried 5-0 (unanimous).

In the **Gutierrez** matter, Mr. McGahan moved to accept the Voluntary Agreement Not to Practice.

Mr. O'Donnell seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye

Dr. Jubbal – Aye

Mr. McGahan – Aye

Dr. Lee-Parritz - Aye

The Chair voted Aye.

Motion carried 5-0 (unanimous).

Status Update

The Board considered the Status Update provided by Ms. Berg regarding the Preliminary Denials of Licensure, Pending Appeals and Litigation, and the Quarterly Report on Matters pending at the Division of Administrative Law Appeals.

Board Member Availability:

The Board considered their anticipated availability to attend the August 15, 2024, September 12, 2024 and September 26, 2024 Board Meetings.

Mr. McGahan indicated that he would not be available for the September 26, 2024 meeting.

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

Responsive to Mr. O'Donnell's earlier inquiry, Mr. Zachos informed the Board that, according to data from the Federation of State Medical Boards from 2021-2023, there have been 153 state medical board sponsorships of applicants seeking a fifth attempt to take the USMLE Step 3.

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

Dr. Jubbal – Aye

Mr. McGahan – Aye

Dr. Lee-Parritz - Aye

The Chair voted Aye.

Motion carried 5-0 (unanimous).

The Board meeting adjourned at 1:05 p.m.

Documents Considered in Public Sessions I and II:

- Memorandum RE: Proposed Revisions to Policies 19-04 and 19-05
- Memorandum RE: Department of Revenue suspension and reinstatement (Byungyol Chun, M.D.)
- Memorandum RE: Initial Limited License Application – Parul Chhatpar, M.D.
- Public Session Minutes of the June 27, 2024 Board Meeting
- Licensing Applications Lists (see attached at TAB A)

- Materials RE: Status Update on Preliminary Denials of Licensure, Pending Appeals and Litigation, and the Quarterly Report on Matters pending at the Division of Administrative Law Appeals
- Motions and Votes