

BOARD OF REGISTRATION IN MEDICINE

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

(Teleconference)

June 13, 2024

10:30 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
Jason Qu, M.D., Physician Member

Member(s) Absent:

Nawal Nour, M.D., M.P.H., 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
Steven Hoffman, Division of Law and Policy Manager
Eileen A. Prebensen, Senior Policy Counsel
Robert E. Harvey, Physician Health and Compliance Manager

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 10:30 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. Qu - Aye

The Chair voted Aye.

Motion carried 5-0 (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.

Policy on Expedited Processing of Change of Program Requests

George Zachos, Executive Director, and Vita P. Berg, General Counsel, were present via teleconference.

Mr. Zachos discussed the proposed Policy that would authorize the Board of Registration in Medicine (BORIM) staff to expedite the processing of limited licensees' change of program requests if a healthcare facility suddenly discontinues or closes a graduate training program. In this discussion, Mr. Zachos provided a brief overview of the criteria that BORIM staff would require to expedite such requests.

Dr. Bush asked if there was a motion to approve the Policy as proposed by Mr. Zachos and Ms. Berg.

Mr. O'Donnell moved to approve the Policy as proposed.

Dr. Jubbal seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye

Dr. Jubbal – Aye

Mr. McGahan - Aye

Dr. Qu - Aye

The Chair voted Aye.

Motion carried 5-0 (unanimous).

Ferzoco, Vincent

The Board considered an Update on an Audit Requirement.

Robert E. Harvey, Physician Health and Compliance Manager, was present via teleconference.

Mr. Harvey discussed the audit requirements for Dr. Ferzoco's prescribing of benzodiazepines and opiates, pursuant to the provisions of his Probation Agreement. In this discussion, he informed the Board that there have been challenges in trying to execute this audit and that he has been working with the Department of Public Health, Prescription Monitoring Program to identify patients who had been prescribed both benzodiazepines and opiates. However, one challenge to executing an audit is that Dr. Ferzoco does not have possession of these patients' records.

At this juncture, Mr. Harvey informed the Board that there were the following three options before them:

1. Proceed with the Audit

2. Waive the Audit Requirement
3. Modify the Audit Requirement to apply only to a subset of patients identified from the PMP data.

Dr. Bush discussed the patients contained in the Prescription Monitoring Program data analysis results. He stated that some cases involved a onetime dose and that he didn't think that such cases warranted an audit. He then proposed that the Patients identified as 1, 5, 6, 7, 8, 12, 13, 14, 16, 18, 19 and 20 for monitoring.

In the **Ferzoco** matter, Dr. Bush moved to modify the audit requirement in the Probation Agreement to apply only to Patients 1, 5, 6, 7, 8, 12, 13, 14, 16, 18, 19 and 20.

Dr. Jubbal seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye

Dr. Jubbal – Aye

Mr. McGahan - Aye

Dr. Qu - Aye

The Chair voted Aye.

Motion carried 5-0 (unanimous).

Minutes

The Board considered the Public Session Minutes of the May 23, 2024 Board meeting.

Mr. O'Donnell moved to approve the Public Session Minutes of the May 23, 2024 Board meeting

Dr. Jubbal seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye

Dr. Jubbal – Abstain

Mr. McGahan - Abstain

Dr. Qu - Abstain

The Chair voted Aye.

Motion carried 2-0-3 (Dr. Jubbal, Mr. McGahan and Dr. Qu 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, and Dr. Qu recused from applications involving Massachusetts General Hospital.

Michael Sinacola, Director of Licensing, provided the Board members with an overview of the licensing data as of June 13, 2024.

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. Jubbal seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye

Dr. Jubbal – Aye

Mr. McGahan - Aye

Dr. Qu - Aye

The Chair voted Aye.

Motion carried 5-0 (unanimous).

Dr. Bush stated that the Board will meet in Executive Session as authorized pursuant to M.G.L. c.30A § 21(a)(1) and (7). Specifically, the Board will discuss reputation, character, physical condition or mental health, rather than professional competence, of licensees relative to their compliance with agreements with the Board as permitted under purpose 1, and also evaluate 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.

Mr. McGahan seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye

Dr. Jubbal – Aye

Mr. McGahan - Aye

Dr. Qu - Aye

The Chair voted Aye.

Motion carried 5-0 (unanimous).

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

Public Session I ended at 10:42 a.m.

BOARD OF REGISTRATION IN MEDICINE

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

(Teleconference)

June 13, 2024

12:22 p.m.

Public Session II

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
Jason Qu, M.D., Physician Member

Member(s) Absent:

Nawal Nour, M.D., M.P.H., Physician Member
Yvonne Y. Cheung, MD, MPH, MBA, 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 **Diggs** matter, Mr. McGahan moved to issue the Amended Statement of Allegations adding allegations arising from complaint 23-650 and removing allegations relating to dissemination of misinformation and further to issue the Order to Use Pseudonyms and Impound Identities and Medical Records.

Dr. Jubbal seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye

Dr. Jubbal – Aye

Mr. McGahan - Aye

Dr. Qu - Aye

The Chair voted Aye.

Motion carried 5-0 (unanimous).

In the **Healey** matter, Mr. O'Donnell moved to terminate the Voluntary Agreement Not to Practice. Mr. O'Donnell further moved to accept the Resignation of Dr. Healey's license to practice medicine, pursuant to 243 CMR 1.05(5)(a).

Mr. McGahan seconded the motions.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye

Dr. Jubbal – Aye

Mr. McGahan - Aye

Dr. Qu - Aye

The Chair voted Aye.

Motions carried 5-0 (unanimous).

In the **Bergus** matter, Mr. O'Donnell 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.

Dr. Qu seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye

Dr. Jubbal – Aye

Mr. McGahan - Aye

Dr. Qu - Aye

The Chair voted Aye.

Motion carried 5-0 (unanimous).

In the **Oladipo** matter, Mr. O'Donnell moved to issue the Statement of Allegations and Order of Reference to the Division of Administrative Law Appeals.

Dr. Qu seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye

Dr. Jubbal – Aye

Mr. McGahan - Aye

Dr. Qu - Aye

The Chair voted Aye.

Motion carried 5-0 (unanimous).

In the **Purdy** matter, Mr. O'Donnell moved to issue the Statement of Allegations and approve the Consent Order, reprimanding Dr. Purdy and fining her \$1,000.

Mr. McGahan seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye

Dr. Jubbal – Aye

Mr. McGahan - Aye

Dr. Qu - Aye

The Chair voted Aye.

Motion carried 5-0 (unanimous).

In the **Howland** matter, Dr. Qu moved to terminate the Voluntary Agreement Not to Practice. He further moved to issue the Statement of Allegations, approve the Consent Order suspending Dr. Howland's license to practice Medicine, allow the Petition to Stay Suspension and approve the Probation Agreement.

Mr. O'Donnell seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye

Dr. Jubbal – Aye

Mr. McGahan - Aye

Dr. Qu - Aye

The Chair voted Aye.

Motion carried 5-0 (unanimous).

Board Member Availability:

The Board considered their anticipated availability to attend the June 27, 2024, July 18, 2024 and August 15, 2024 Board Meetings.

Drs. Bush and Qu indicated that they did not anticipate attending the June 27, 2024 Board meeting.

Mr. O'Donnell indicated that he was unsure of his availability for the July 18, 2024 meeting.

There were no scheduling conflicts identified by the attending Board members for the August 15, 2024 meeting.

Announcements:

Mr. Zachos announced that it is anticipated that Dr. Aviva Lee-Parritz will be joining the Board at its July 18, 2024 Board meeting as a Physician Member of the Board. He also provided an overview of her professional background and activities.

Dr. Bush thanked Dr. Nour, in absentia, for her service to BORIM. He briefly discussed her professional activities and initiatives that she participated in.

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

Dr. Jubbal – Aye

Mr. McGahan - Aye

Dr. Qu - Aye

The Chair voted Aye.

Motion carried 5-0 (unanimous).

The Board meeting adjourned at 12:30 p.m.

Documents Considered in Public Sessions I and II:

- Memorandum RE: Policy on Expedited Processing of Change of Program Requests
- Memorandum RE: Victor Ferzoco, M.D. – Audit Update
- Public Session Minutes of the May 23, 2024 Board Meeting
- Licensing Applications Lists (see attached at TAB A)
- Motions and Votes