

**BOARD OF REGISTRATION IN MEDICINE**

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

**(Teleconference)**

**June 15, 2023**

**10:33 a.m.**

**Public Session I**

**Members Participating Remotely:**

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

Nawal Nour, M.D., M.P.H., Physician Member

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

Frank O'Donnell, Esq., Public Member

John McGahan, Public Member

Sandeep Singh Jubbal, M.D., Physician Member

**Member(s) absent:**

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

**Staff Present and Participating:**

George Zachos, Executive Director

Vita P. Berg, General Counsel

Susan Carson, Director of Operations

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

Roisin Cahill, Assistant General Counsel

Samuel Leadholm, 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 10:33 a.m.

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

Dr. Nour - Aye

Dr. Bush – Aye

Mr. O'Donnell – Aye

Mr. McGahan - Aye

Dr. Jubbal - Aye

The Chair voted Aye.  
Motion carried 6-0 (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.

**Mostert, Lelane**

The Board considered the Request for Waiver of an ECFMG Certificate, Waiver of Post Graduate Training Requirement and Initial Full License Application.

Dr. Mostert was present via teleconference.

Roisin Cahill, Assistant General Counsel, provided an overview of this matter, highlighting that the two requests made contemporaneously present a conflict but that under extraordinary circumstances can be allowed.

Dr. Robinson provided the other Board members with a recount of the previous Board meeting in which Dr. Mostert's matter was considered.

In the **Mostert** matter, Dr. Bush moved to allow the Request for a Waiver of the Requirement to Possess a Valid ECFMG Certificate and the Request to accept Clinical Teaching Experience In lieu of Accredited Postgraduate Training. Dr. Bush further moved to approve the Initial Full License Application.

Mr. O'Donnell seconded the motions.

Dr. Robinson called the Roll:

Dr. Nour - Aye  
Dr. Bush – Aye  
Mr. O'Donnell – Aye  
Mr. McGahan - Aye  
Dr. Jubbal - Aye

The Chair voted to Oppose.  
Motions carried 5-1-0 (Dr. Robinson opposed).

**Gladstone, Adam**

The Board considered the Request to Extend the Practice Plan.

Robert Harvey, Physician Health and Compliance Manager, provided the Board members with an overview of Dr. Gladstone's Practice Plan and why Dr. Gladstone was requesting an extension of time for his Practice Plan.

Mr. Harvey informed the Board that the other provisions in his Practice Plan remain unchanged.

In the **Gladstone** matter, Mr. O'Donnell moved to allow the Request to Extend the Practice Plan. Dr. Bush seconded the motion.

Dr. Robinson called the Roll:

Dr. Nour - Aye

Dr. Bush – Aye

Mr. O'Donnell – Aye

Mr. McGahan - Aye

Dr. Jubbal - Aye

The Chair voted Aye.

Motions carried 6-0 (unanimous).

### **Baskoy, Luftfullah**

The Board considered the Request for Waiver of the Seven-Year Rule.

Samuel Leadholm, Assistant General Counsel, provided the Board members with an overview of the Waiver of the Seven-Year Rule, the Licensing Committee's consideration of this matter and the Committee's reason for referring this matter to the full Board. Mr. Leadholm also discussed the examinations completed by Dr. Baskoy and recommendations that were submitted in support of Dr. Baskoy's possible licensure to practice medicine in Massachusetts.

Mr. Leadholm informed the Board that this matter was bifurcated and that they would continue their consideration of this matter in Executive Session.

Dr. Baskoy was present via teleconference.

Dr. Baskoy addressed questions posed to him by the Board members that included the reason for the delay. Dr. Baskoy confirmed that he had passed step 3 of the USMLE on his first attempt.

### **Proposed Amendments to the Board's Policy 15-05: Prescribing Practices Policy and Guidelines:**

Eileen A. Prebensen, Senior Policy Counsel, provided an overview of the proposed recommendations for amendments to the Policy as follows:

- The sections on "Treating Drug-Dependent Persons," and "Medication-Assisted Treatment of Opioid Addiction in the Medical Office" were amended to reflect the 2023 Drug Enforcement Administration changes eliminating the DATA-Waiver registration. Practitioners no longer need an X-Waiver to prescribe buprenorphine for the treatment of opioid use disorder and there is no limit on the number of patients a practitioner may prescribe to.

- The “2017 Amendment” discussing the federal DATA-Waiver is rescinded.
- The section on “Supervision of Healthcare Practitioners with Prescriptive Authority” was amended to reflect the changes in Massachusetts law<sup>2</sup> relating to Advanced Practice Registered Nurses with prescriptive authority.
- The phrase “continuing professional development (CPD)” (added in 2015) has been changed to the more commonly used term, “continuing medical education (CME).”
- The “2015 Update” is deleted as outdated.
- References to medications that are no longer on the market are deleted.
- There are updates to the section on pharmacist administration of vaccines.
- Appendix A, “Contact Information,” has been revised with the latest phone numbers and emails and some new contacts added.

Dr. Bush moved to adopt the proposed amendments to Policy 15-05 as recommended by Counsel.

Mr. O’Donnell seconded the motion.

Dr. Robinson called the Roll:

Dr. Nour - Aye

Dr. Bush – Aye

Mr. O’Donnell – Aye

Mr. McGahan - Aye

Dr. Jubbal - Aye

The Chair voted Aye.

Motions carried 6-0 (unanimous).

#### **Audit Results Relating to Board Policy 2020-06, Substantial Equivalency:**

This matter was deferred to a future Board agenda.

#### **Proposed Changes to Board Policy 2020-05, Interim Policy on Emergency Temporary Licenses:**

Vita P. Berg, General Counsel, informed the Board members that this Policy would sunset by June 30, 2023. Ms. Berg provided the Board members with the licensing data for those physicians licensed under this policy, including those physicians practicing telemedicine in Massachusetts.

Ms. Berg proposed that the Board extend this Policy until September 30, 2023 and allow the Board of Registration in Medicine (BORIM) staff to send out notification to physicians licensed under this Policy indicating that they can apply for licensure to practice medicine in Massachusetts through an expedited process. Physicians who choose to avail themselves of this expedited process would be allowed to practice medicine in Massachusetts until the completion of the review and approval process of their license application.

Mr. O'Donnell moved to approve the proposed change to Board Policy 2020-05 as presented by Counsel.

Dr. Jubbal seconded the motion.

Dr. Robinson called the Roll:

Dr. Nour - Aye

Dr. Bush – Aye

Mr. O'Donnell – Aye

Mr. McGahan - Aye

Dr. Jubbal - Aye

The Chair voted Aye.

Motions carried 6-0 (unanimous).

### **Minutes:**

The Board considered the Public Session Minutes of the May 25, 2023 Board meeting.

Dr. Bush moved to approve the Public Session Minutes of the May 25, 2023 Board meeting.

Dr. Nour seconded the motion.

Dr. Robinson called the Roll:

Dr. Nour - Aye

Dr. Bush – Aye

Mr. O'Donnell – Aye

Mr. McGahan - Aye

Dr. Jubbal - Aye

The Chair voted Aye.

Motions carried 6-0 (unanimous).

### **Licensing:**

Michael Sinacola, Director of Licensing, provided the Board members with an overview of the licensing data as of June 15, 2023.

Dr. Robinson is recused from license applications from Newton Wellesley Hospital, Dr. Nour is recused from Brigham and Women's Hospital and Dana Farber, Dr. Bush is recused from applications involving Baystate Medical Center Springfield and Dr. Jubbal is recused from applications involving UMass Memorial Medical Center.

### **Licensing Applications:**

Dr. Robinson asked for a motion to approve the applications for licensure that included licenses approved by the Executive Director (see attached at TAB A), Changes to Existing Limited Licenses (see attached at TAB B) and licenses approved by the Licensing Committee (see attached at TAB C).

Mr. O'Donnell moved to approve the above-listed applications for licensure.

Dr. Bush seconded the motion.

Dr. Robinson called the Roll:

Dr. Nour - Aye

Dr. Bush – Aye

Mr. O'Donnell – Aye

Mr. McGahan - Aye

Dr. Jubbal - Aye

The Chair voted Aye.

Motions carried 6-0 (unanimous).

Dr. Robinson stated that 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 will discuss and evaluate the reputation, character, physical condition or mental health, rather than professional competence, of individuals relevant to their petition for licensure and their petition to terminate their probation agreement. 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 Mass. General Law, chapter 112, section 65C session. 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. Robinson called the Roll:

Dr. Nour - Aye

Dr. Bush – Aye

Mr. O'Donnell – Aye

Mr. McGahan - Aye

Dr. Jubbal - Aye

The Chair voted Aye.

Motions carried 6-0 (unanimous).

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

Public Session I ended at 10:51 a.m.

**BOARD OF REGISTRATION IN MEDICINE**  
**178 Albion Street, Suite 330**  
**Wakefield, Massachusetts 01880**  
**(Teleconference)**  
**June 15, 2023**  
**1:00 p.m.**  
**Public Session II**

**Members Participating Remotely:**

Julian N. Robinson, M.D., Physician Member, Chair  
Booker T. Bush, M.D., Physician Member  
Frank O'Donnell, Esq., Public Member  
Sandeep Singh Jubbal, M.D., Physician Member

**Member(s) absent:**

Holly Oh, M.D., Physician Member, Secretary  
Nawal Nour, M.D., M.P.H., Physician Member  
**John McGahan, Public Member**

**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.

There are now 4 Board members present and a quorum of 4 is present.

**Accardi, Alexandra**

The Board considered the Clinical Skills Assessment conducted by Dr. Strauss offered by Dr. Accardi.

Dr. Accardi and her attorney, Mr. Doktor, were present via teleconference.

Mr. Harvey presented this matter and provided the Board members with an overview of the issues with the Clinical Skills Assessment provided to the Board by Dr. Accardi. Mr. Harvey advised the Board that the Clinical Skills Assessment could be approved retroactively should they choose to do so. However, Mr. Harvey indicated that this assessment was limited to a single patient and not as complete as most assessments for the Board.



Mr. Doktor addressed the Board and discussed issues that he experienced in trying to find an individual that the Board would approve for the purpose of conducting a clinical skills assessment.

The Board discussed with Ms. Berg and Mr. Harvey the possible provisions of any future Clinical Skills Assessment that the Board would consider for approval.

In the **Accardi** matter, Dr. Bush moved to reject Dr. Strauss's evaluation and extend the stay of suspension by 90 days to complete a Clinical Skills assessment by a Board-approved provider. Mr. O'Donnell seconded the motion.

Dr. Robinson called the Roll:

Dr. Bush – Aye

Mr. O'Donnell – Aye

Dr. Jubbal - Aye

The Chair voted Aye.

Motion carried 4-0 (unanimous).

### **Motions and Votes**

In the **Baskoy** matter, Dr. Robinson to allow the Request for Waiver of Seven-Year Rule. Dr. Robinson further moved to approve the Initial Full License Application. Mr. O'Donnell seconded the motions.

Dr. Robinson called the Roll:

Dr. Bush – Aye

Mr. O'Donnell – Aye

Dr. Jubbal - Aye

The Chair voted Aye.

Motions carried 4-0 (unanimous).

In the **Welter** matter, Dr. Robinson moved to allow the Petition to Terminate Probation Agreement.

Mr. O'Donnell seconded the motion.

Dr. Robinson called the Roll:

Dr. Bush – Aye

Mr. O'Donnell - Aye

Dr. Jubbal – Aye

The Chair voted Aye.

Motions carried 4-0 (unanimous).

In the **Rafael** matter, Dr. Robinson moved to approve the Initial Limited License Application.

Dr. Jubbal seconded the motion.

Dr. Robinson called the Roll:

Dr. Bush – Aye

Mr. O'Donnell – Aye

Dr. Jubbal - Aye

The Chair voted Aye.

Motion carried 4-0 (unanimous).

In the **Bucci** matter, Dr. Robinson moved to issue the Final Decision and Order imposing no further sanction but setting requirements that must be met with any petition to stay the previously imposed indefinite suspension.

Mr. O'Donnell seconded the motion.

Dr. Robinson called the Roll:

Dr. Bush – Aye

Mr. O'Donnell – Aye

Dr. Jubbal - Aye

The Chair voted Aye.

Motion carried 4-0 (unanimous).

In the **Luna** matter, Dr. Robinson moved to issue the Final Decision and Order admonishing Dr. Luna's license to practice medicine.

Mr. O'Donnell seconded the motion.

Dr. Robinson called the Roll:

Dr. Bush – Aye

Mr. O'Donnell – Aye

Dr. Jubbal - Aye

The Chair voted Aye.

Motion carried 4-0 (unanimous).

In the **Nasif** matter, Dr. Robinson moved to deny the Respondent's Petition to Reinstate License to Practice Medicine, pursuant to 243 CMR 1.05(4), The Respondent may not submit a new Petition for Reinstatement to the Board for two years from the date of this Order.

Dr. Bush seconded the motion.

Dr. Robinson called the Roll:

Dr. Bush – Aye

Mr. O'Donnell – Aye

Dr. Jubbal - Aye

The Chair voted Aye.

Motion carried 4-0 (unanimous).

In the **Pahuja** matter, Dr. Robinson moved to issue the Partial Final Decision and Order as to Findings of Fact and Conclusions of Law Only.

Mr. O'Donnell seconded the motion.

Dr. Robinson called the Roll:

Dr. Bush – Aye

Mr. O'Donnell – Aye

Dr. Jubbal - Aye

The Chair voted Aye.

Motion carried 4-0 (unanimous).

In the **Lance** matter, Dr. Robinson moved to dismiss the Statement of Allegations without prejudice provided that Dr. Lance provides the requested letter within 60 days.

Dr. Bush seconded the motion.

Dr. Robinson called the Roll:

Dr. Bush – Aye

Mr. O'Donnell – Aye

Dr. Jubbal - Aye

The Chair voted Aye.

Motion carried 4-0 (unanimous).

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

Dr. Bush seconded the motion.

Dr. Robinson called the Roll:

Dr. Bush – Aye

Mr. O'Donnell – Aye

Dr. Jubbal - Aye

The Chair voted Aye.

Motion carried 4-0 (unanimous).

In the **Downes** matter, Dr. Robinson moved to accept the Resignation of Dr. Downes' inchoate right to renew his license to practice medicine, pursuant to 243 CMR 1.05(5)(a).

Mr. O'Donnell seconded the motion.

Dr. Robinson called the Roll:

Dr. Bush – Aye

Mr. O'Donnell – Aye

Dr. Jubbal - Aye

The Chair voted Aye.

Motion carried 4-0 (unanimous).

#### **Status of Pending Appeals and Litigation and Status of Preliminary Denials**

This matter was deferred to a future Board agenda.

#### **Board Member Availability**

The Board discussed their anticipated availability to attend the June 29,2023, July 13, 2023 and August 3,2023 Board Meetings.

Mr. O'Donnell stated that he did not anticipate attending the June 29, 2023 Board meeting.

Dr. Bush stated that he may not be available to attend the July 13, 2023 Board meeting.

Dr. Robinson indicated that he did not anticipate attending the August 3, 2023 Board meeting.

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

Mr. O'Donnell moved to adjourn the meeting.

Dr. Bush seconded the motion.

Dr. Robinson called the Roll:

Dr. Bush – Aye  
Mr. O'Donnell – Aye  
Dr. Jubbal - Aye

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

The Board meeting adjourned at 1:29 p.m.

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

- Memorandum RE: LeLane Mostert, M.D. – Full License Application
- Memorandum RE: Adam Gladstone, M.D.- Request to Extend Practice Plan
- Memorandum RE: Luftfullah Baskoy, M.D. – Request for Waiver of Seven-Year Rule
- Memorandum RE: Proposed amendments to the Board's policy 15-05, Prescribing Practices Policy and Guidelines
- Memorandum RE: Proposed changes to Board Policy 2020-05 Interim Policy on Emergency Temporary Licenses
- Public Session Minutes of the May 25, 2023 Board meetings
- Motions and Votes
- Licensing Applications Lists (see attached at TABs A-C)