

BOARD OF REGISTRATION IN MEDICINE

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

(Teleconference)

March 10, 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
Deborah Levine, M.D., Physician Member
Holly Oh, M.D., Physician Member
Nawal Nour, M.D., M.P.H., Physician Member
Booker T. Bush, M.D., Physician Member

Staff Present and Participating:

George Zachos, Executive Director
Vita P. Berg, General Counsel
Steven Hoffman, Division of Law and Policy Manager
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 10:36 a.m.

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

Mr. Giessmann – Aye

Dr. Levine – Aye

Dr. Oh- Aye

Dr. Nour - Aye

Dr. Bush – 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.

Licensing:

Dr. Robinson is recused from license applications from Newton Wellesley Hospital, Mr. Giessmann is recused from applications involving Right Turn, Dr. Levine is recused from Beth Israel Lahey Health, Dr. Nour is recused from Brigham and Women's Hospital and Dana Farber, Dr. Oh is recused from applications involving The Dimock Center, and Dr. Bush is recused from applications involving Baystate Medical Center Springfield.

Michael Sinacola, Licensing Director presented the licensing data as of March 10, 2022.

Licensing Applications:

Applications for **full licensure** (Adelayo - Zadeh)

Dr. Oh moved to approve the full licenses.

Dr. Levine seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Levine - Aye

Dr. Oh – Aye

Dr. Nour

Dr. Bush – Aye

The Chair voted Aye.

Motion carried 6-0 (unanimous).

Applications for **limited licensure** (Ahmad - Tjong)

Dr. Levine moved to approve the limited licenses.

Dr. Oh seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Levine - Aye

Dr. Oh – Aye

Dr. Nour

Dr. Bush – Aye

The Chair voted Aye.

Motion carried 6-0 (unanimous).

Application for **full licensure approved by the Executive Director on February 18, 2022** (Walko).

Dr. Oh moved to approve the full license application approved by the Executive Director on February 18, 2022.

Dr. Levine seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Levine - Aye

Dr. Oh – Aye

Dr. Nour

Dr. Bush – Aye

The Chair voted Aye.

Motion carried 6-0 (unanimous).

Application for **limited licensure approved pursuant to Policy 2021-003 on February 25, 2022** (Shuldiner).

Dr. Levine moved to approve the limited license application approved pursuant to Policy 2021-003 on February 25, 2022.

Dr. Oh seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Levine - Aye

Dr. Oh – Aye

Dr. Nour

Dr. Bush – Aye

The Chair voted Aye.

Motion carried 6-0 (unanimous).

Applications for **full licensure reviewed by the Licensing Committee** (David – Xie).

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

Dr. Levine seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Levine - Aye

Dr. Oh – Aye

Dr. Nour

Dr. Bush – Aye

The Chair voted Aye.

Motion carried 6-0 (unanimous).

Applications for **full licensure with waiver reviewed by the Licensing Committee** (Figueiro Longo – Wedin).

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

Dr. Levine seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Levine - Aye

Dr. Oh – Aye

Dr. Nour

Dr. Bush – Aye

The Chair voted Aye.

Motion carried 6-0 (unanimous).

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

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

Dr. Levine seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Levine - Aye

Dr. Oh – Aye

Dr. Nour

Dr. Bush – Aye

The Chair voted Aye.

Motion carried 6-0 (unanimous).

Applications for **changes to existing limited licensure reviewed by the Board** (Anayalebechi – Unwin).

Dr. Levine moved to approve the changes to existing limited licenses reviewed by the Board.

Dr. Oh seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Levine - Aye

Dr. Oh – Aye

Dr. Nour

Dr. Bush – Aye

The Chair voted Aye.

Motion carried 6-0 (unanimous).

Overview of Oral and Maxillofacial Surgery Training & Medical Licensure:

Mr. Sinacola presented the following policy for the Board’s consideration.

ACCEPTANCE OF ACCREDITED ORAL AND MAXILLOFACIAL SURGERY POSTGRADUATE TRAINING

The Board may consider that an applicant who has completed oral and maxillofacial surgery postgraduate training accredited by the Commission on Dental Accreditation (CODA), of the American Dental Association, meets the Board’s postgraduate training requirements, as defined in 243 CMR 2.02(2)(c) for U.S./Canadian medical graduates and 243 CMR 2.03(1)(d) for international medical graduates, upon demonstration of the successful completion of the following:

- At least twelve (12) months of postgraduate training accredited by the Accreditation Council for Graduate Medical Education (ACGME); Royal College of Physicians and Surgeons of Canada (RCPSC); or the College of Family Physicians of Canada (CFPC); and
- At least twenty-four (24) months of postgraduate training, accredited by CODA. CODA-accredited postgraduate training must be completed as part of an oral and maxillofacial surgery postgraduate training program as a resident after receiving a medical degree.

Mr. Sinacola and Roisin Cahill, Assistant General Counsel, addressed the Board’s questions regarding training requirements for those licensing applicants seeking to perform oral and maxillofacial surgery compared to other surgical licensing applicants.

Mr. Giessmann inquired as to whether he should be present during the Board's consideration of this Policy as he provided, a year ago, testimony at the behest of Dr. Allen Budd, director of Dentists Concerned for Dentists.

Ms. Berg advised Mr. Giessmann that the Board was considering a general policy and that consideration of a general policy does not present a conflict of interest in this instance.

Mr. Giessmann decided not to recuse himself from the consideration of this Policy.

Mr. Giessmann moved to accept the proposed Policy 22-01: Acceptance of Accredited Oral and Maxillofacial Surgery Postgraduate Training.

Dr. Levine seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Levine - Aye

Dr. Oh – Aye

Dr. Nour - Aye

Dr. Bush – Aye

The Chair voted Nay.

Motion carried 5-1-0 (Dr. Robinson opposed).

Remand from Superior Court – Hilary Aroke, M.D.

Vita P. Berg, General Counsel provided the Board members with an overview of the history of Dr. Aroke's adjudicated matter with the Board of Registration in Medicine (BORIM) and his appeal thereof, which has been remanded back to the Board for further consideration.

Ms. Berg informed the Board that the Essex Superior Court remanded Dr. Aroke's matter to the Board in order to provide the Board with an opportunity to provide findings or a rationale for the Board's basis to deny Dr. Aroke's Petition for Reinstatement of his license to practice medicine.

Dr. Aroke's attorney, Joel Rosen, was present, via teleconference, and discussed with the Board the legal standard by which the Board was considering this matter.

Ms. Berg inquired of the Board members as to whether they had any concerns with the proposed supplemental order provided to them in the Board Package.

Responsive to Ms. Berg's inquiry, the Board members indicated that they agreed with the proposed supplemental order.

Minutes:

The Board considered the Public Session Minutes of the February 3, 2022 Board meetings.

Mr. Giessmann moved to approve the Public Session Minutes of the February 3, 2022 Board meeting.

Dr. Levine seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Levine – Aye

Dr. Oh - Aye

Dr. Nour - Aye

Dr. Bush – Aye

The Chair voted Aye.

Motion carried 6-0 (unanimous).

The Board considered the Public Session Minutes of the February 17, 2022 Board meetings.

Dr. Levine moved to approve the Public Session Minutes of the February 17, 2022 Board meeting.

Dr. Oh seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Levine – Aye

Dr. Oh - Aye

Dr. Nour - Aye

Dr. Bush – Aye

The Chair voted Aye.

Motion carried 6-0 (unanimous).

Dr. Robinson stated that the Board would 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 individuals relevant to their petitions. The Board would also be reviewing Executive Session Minutes. Dr. Robinson also announced that following Executive Session, the Board would meet in a closed adjudicatory session and a closed session pursuant to G.L. c. 112, § 65C, but that it would reconvene in public session following the closed sessions.

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

Dr. Levine moved to go into Executive Session.

Dr. Bush seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Levine – Aye

Dr. Oh - Aye

Dr. Nour – Aye

Dr. Bush – Aye

The Chair voted Aye.

Motion carried 6-0 (unanimous).

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

Public Session I ended at 11:10 a.m.

BOARD OF REGISTRATION IN MEDICINE
178 Albion Street, Suite 330
Wakefield, Massachusetts 01880
(Teleconference)
March 10, 2022
12:16 p.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
Deborah Levine, M.D., Physician Member
Holly Oh, M.D., Physician Member
Nawal Nour, M.D., M.P.H., Physician Member
Booker T. Bush, M.D., Physician Member

Staff Present and Participating:

George Zachos, Executive Director
Vita P. Berg, General 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 **Aroke** matter, Dr. Robinson moved to issue the Supplemental Order after Remand.
Dr. Oh seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Levine - Aye

Dr. Oh – Aye

Dr. Nour - Aye

Dr. Bush – Aye

The Chair voted Aye.

Motion carried 6-0 (unanimous).

In the **Brandon** matter, Dr. Robinson moved to grant the Petition to Terminate Probation Agreement.

Dr. Levine seconded the motions.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Levine - Aye

Dr. Oh – Aye

Dr. Nour - Aye

Dr. Bush – Aye

The Chair voted Aye.

Motion carried 6-0 (unanimous).

In the **Birkett** matter, Dr. Robinson moved to terminate the Voluntary Agreement Not to Practice but to otherwise deny the petition.

Dr. Levine seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Levine - Aye

Dr. Oh – Aye

Dr. Nour - Aye

Dr. Bush – Aye

The Chair voted Aye.

Motion carried 6-0 (unanimous).

In the **Mehrtash** matter, Dr. Robinson moved to deny the Motion for Reconsideration and make no changes to the Final Decision and Order.

Dr. Bush seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Oh – Aye

Dr. Nour - Aye

Dr. Bush – Aye

The Chair voted Aye.

Motion carried 5-0-1 (Dr. Levine recused).

In the **Arle** matter, Dr. Robinson moved to ratify the acceptance of the Voluntary Agreement Not to Practice.

Dr. Oh seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann - Aye

Dr. Oh – Aye

Dr. Nour - Aye

Dr. Bush – Aye

The Chair voted Aye.

Motions carried 5-0-1 (Dr. Levine recused).

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

Dr. Levine seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Levine - Aye

Dr. Oh – Aye

Dr. Nour - Aye

Dr. Bush – Aye

The Chair voted Aye.

Motion carried 6-0 (unanimous).

In the **Geller** 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. Levine - Aye

Dr. Oh – Aye

Dr. Nour - Aye

Dr. Bush – Aye

The Chair voted Aye.

Motions carried 6-0 (unanimous).

In the **Gewirtz** matter, Dr. Robinson moved to accept the Resignation of Dr. Gewirtz's inchoate right to renew his license to practice medicine, pursuant to 243 CMR 1.05(5)(b).
Dr. Oh seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Levine - Aye

Dr. Oh – Aye

Dr. Nour - Aye

Dr. Bush – Aye

The Chair voted Aye.

Motions carried 6-0 (unanimous).

Extension of Open Meeting Law Rules Allowing for Virtual Meetings:

Ms. Berg provided the Board members with the following update:

The Massachusetts Legislature has extended the period in which meetings of public bodies may be conducted virtually from an end date of April 1, 2022 to July 15, 2022. For BORIM, this means that virtual meetings can continue until the August 4, 2022 meeting.

Since March 2020, BORIM has been able to conduct its meeting virtually through measures that temporarily modify pre-existing limits on meetings of public bodies set in M.G.L. c. 30A, §§ 18-25, Open Meeting Law (OML). Those limits include the requirements that public bodies meet in person, at a location accessible by the public, and allow individual members to attend remotely only if a quorum of members is physically present. M.G.L. c. 30A, § 20. At the onset of the pandemic, OML requirements were temporarily superseded during the State of Emergency by an Emergency Order of Governor Baker, which allowed members to attend meetings virtually, provided that the meeting take place in a manner which allows “adequate, alternative access” by the public. In June 2021, as the State of Emergency ended and Governor Baker’s Order was rescinded, the Massachusetts Legislature passed a law which temporarily allows meetings to continue to be conducted virtually, “notwithstanding” the OML statutes. However, this law contained a built-in sunset of April 1, 2022. In February of 2022, the Massachusetts Legislature amended the sunset date to July 15, 2022.

There are currently two bills pending in the legislature, one in the Senate and one in the House of Representatives, that would amend Open Meeting Law statutes at M.G.L. c. 30A, §§ 18-25 to allow remote participation at meetings using a virtual platform.

Ms. Berg noted that the Board members would be provided updates as Board staff learns more about the status and progress of these two bills. In the event that no new law is passed, and the sunset date is not amended, the pre-existing limits will resume.

Ms. Berg stated that if the legislature did not vote on the two bills prior to the end of July 2022, the Board would need to have a quorum of members physically present for Board meetings.

Items not Reasonably Anticipated by the Chair 48 hours in Advance of the Meeting.

Mr. Giessmann acknowledged the recent passing of Charles Yetman, Program Director of the Boston Public Health Commission, and highlighted his work in educating physicians in the treatment of substance use disorders.

Board Member Availability

The Board members discussed their anticipated availability to attend the March 31, 2022, April 14, 2022 and May 5, 2022 Board meetings.

Dr. Bush indicated that he would not be available for the March 31, 2022 Board meeting.

Dr. Robinson indicated that would not be available for April 14, 2022 Board meeting.

All Board members in attendance indicated their availability to attend the May 5, 2022 Board meeting.

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

Dr. Levine moved to adjourn the Board meeting.

Dr. Oh seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Levine - Aye

Dr. Oh – Aye

Dr. Nour - Aye

Dr. Bush – Aye

The Chair voted Aye.

Motions carried 6-0 (unanimous).

Meeting adjourned at 12:25 p.m.

Documents Considered in Public Sessions I and II:

- Memorandum RE: Overview of Oral and Maxillofacial Surgery Training & Medical Licensure
- Memorandum RE: Remand from Superior Court – Hilary Aroke, M.D.
- Licensing Applications List

- Memorandum RE_Extension of Open Meeting Law Rules Allowing for Virtual Meetings
- Public Session Minutes of the February 3, 2022 and February 17, 2022 Board meetings
- Motions and Votes