

BOARD OF REGISTRATION IN MEDICINE

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

(Teleconference)

March 14, 2024

10:35 a.m.

Public Session I

Members Participating Remotely:

Booker T. Bush, M.D., Physician Member, Chair
Frank O'Donnell, Esq., Public Member, Vice Chair
John McGahan, Public Member
Jason Qu, M.D., Physician Member

Member(s) absent:

Sandeep Singh Jubbal, M.D., Physician Member, Secretary
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

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 10:35 a.m.

Introduction of New Physician Board Member

Dr. Bush welcomed Jason Qu, M.D., Physician Member, and stated that there is another new Physician Member, Yvonne Cheung, M.D., who will attend a future Board meeting.

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

Dr. Qu – Aye

Mr. O'Donnell – Aye

Mr. McGahan - Aye

The 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.

Vita P. Berg, General Counsel, introduced Attorney Emily Gauthier as a new attorney in the Division of Law and Policy.

Request for CME Credit from the New England Society of Allergy

Eileen A. Prebensen, Senior Policy Counsel, informed the Board that the New England Society of Allergy will hold a conference on April 5, 2024. Ms. Prebensen provided the Board members with an overview of the conference, the individuals presenting and the courses that will occur.

Ms. Prebensen stated that the New England Society of Allergy was requesting that the Board approve two Continuing Medical Education (CME) Credits in risk management or general CME study to those physicians attending this conference.

Dr. Bush asked for a Motion to approve the request for CME Credits.

Mr. O'Donnell moved to approve the Request for CME Credits.

Mr. McGahan seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye

Mr. McGahan – Aye

Dr. Qu – Aye

The Chair voted Aye.

Motion carried 4-0 (unanimous).

Review of a License Application Question

Michael Sinacola, Director of Licensing, presented this matter.

Mr. Sinacola informed the Board that, prior to implementation of the online licensing system in 2022, physicians seeking to renew Full licenses were asked to disclose whether they were the subject of any investigation since the most recently signed application (initial or renewal).

However, since the implementation of the online licensing system, this application question has been amended to include the words “complaint” and “inquiry.”

Mr. Sinacola explained that the Board was being asked to vote to remove the additions of the words “complaint” and “inquiry” from this online license application question, because it has the potential of eliciting information that is not related to qualifications for renewal.

Dr. Bush asked if there was a motion to approve the change of this licensing application question as requested.

Mr. O'Donnell moved to approve the requested change to the license application question.
Mr. McGahan seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye
Mr. McGahan – Aye
Dr. Qu – Aye

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

Minutes

The Board considered the Public Session Minutes of the February 29, 2024 Board meeting.

Mr. O'Donnell moved to approve the Public Session Minutes of the February 29, 2024 Board meeting.

Dr. Bush seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye
Mr. McGahan – Abstain
Dr. Qu – Abstain

The Chair voted Aye.
Motion carried 2-0-1 (Mr. McGahan and Dr. Qu abstained).

Licensing

The Board members stated their recusal information. Dr. Bush is recused from applications involving Baystate Medical Center Springfield, 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 March 14, 2024.

Licensing Applications

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

Dr. Bush moved to approve the applications presented for licensure.

Mr. McGahan seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye

Mr. McGahan – Aye

Dr. Qu - Aye

The Chair voted Aye.

Motion carried 4-0 (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 be considering possible evaluator(s). 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 the petitioner, 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.

Mr. McGahan seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye

Mr. McGahan– Aye

Dr. Qu - Aye

The Chair voted Aye.

Motion carried 4-0 (unanimous).

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

Public Session I ended at 10:47 a.m.

BOARD OF REGISTRATION IN MEDICINE
178 Albion Street, Suite 330
Wakefield, Massachusetts 01880
(Teleconference)
March 14, 2024
11:38 a.m.
Public Session II

Members Participating Remotely:

Booker T. Bush, M.D., Physician Member, Chair
Frank O'Donnell, Esq., Public Member, Vice Chair
John McGahan, Public Member
Jason Qu, M.D., Physician Member

Member(s) absent:

Sandeep Singh Jubbal, M.D., Physician Member, Secretary
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 **Langan** matter, Mr. O'Donnell moved to authorize Board staff to issue the proposed ruling denying the Respondent's Motion for Remand, unless the Respondent submits a Resignation prior to the next Board meeting.

Mr. McGahan seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye

Dr. Qu - Aye

Mr. McGahan – Aye

The Chair voted Aye.

Motion carried 4-0 (unanimous).

In the **Eaton** matter, Mr. O'Donnell moved to issue the Statement of Allegations and approve the Consent Order reprimanding Dr. Eaton's license to practice medicine and requiring him to successfully complete five continuing medical education credits on medical record documentation.

Dr. Qu seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye

Dr. Qu – Aye

Mr. McGahan – Aye

The Chair voted Aye.

Motion carried 4-0 (unanimous).

In the **Heinis** matter, taking into consideration the Victim Impact Statement provided to the Board, Mr. O'Donnell moved to issue the Amended Statement of Allegations and the Revised Order to Use Pseudonyms and Impound Identities and Medical Records and to approve the Consent Order suspending Dr. Heinis' license to practice medicine. He further moved to allow the Petition to Stay Suspension and to approve the Probation Agreement.

Mr. McGahan seconded the motions.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye

Dr. Qu – Aye

Mr. McGahan – Aye

The Chair voted Aye.

Motions carried 4-0 (unanimous).

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

Dr. Qu seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye

Dr. Qu - Aye

Mr. McGahan – Aye

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

Policy on Physician Reentry

Ms. Prebensen stated that BORIM formed a Working Group to study the issue of physician reentry after a period of clinical inactivity. The team consisted of Michael Sinacola, Director of Licensing, Carol Purmort, Deputy Director of Licensing, Roisin Cahill, Licensing Counsel, Vita Berg, General Counsel, and herself.

Ms. Prebensen stated that the Board would flag initial and renewal applicants who have been out of practice for 24 consecutive months or longer. She then provided a detailed overview of the proposed process, set out in the Proposed Physician Reentry Policy. The first step for the physician is to demonstrate “current clinical capacity.” If the physician can do so, and all other licensing requirements are met, then he/she may be licensed. If the physician cannot demonstrate current clinical capacity, then he/she must enter into a physician reentry program. There are two options: an Onboarding Plan with an employer or a Formal Reentry Program. The physician signs a Reentry Plan Agreement and is licensed. The employer/Mentor or the Reentry Program reports progress monthly to the Board.

Dr. Bush asked for a motion to approve the Policy on Physician Reentry as proposed.

Mr. McGahan moved to approve the new Policy on Physician Reentry as proposed.

Dr. Qu seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye

Dr. Qu - Aye

Mr. McGahan – Aye

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

Voluntary Agreement Not to Practice Template Revision

Ms. Berg presented to the Board the proposed revisions to the Voluntary Agreement Not to Practice (VANP) template. She provided them with an overview of the purpose of the VANP, highlighting that the VANP was often offered to the physician in lieu of the Enforcement Division's pursuing a Summary Suspension of that physician's license to practice medicine.

Ms. Berg discussed the revisions to the template which included a provision for those physicians who are in solo practice so that they can arrange for their patients' continuity of care. The

proposal removes language restricting a physician's ability to practice medicine or apply for medical licensure with another state, as the Board does not have jurisdiction over other states. The proposed provisions clarify that the Board may still pursue a Summary Suspension if, during the pending of the Enforcement Division's investigation, further information becomes available that would indicate the Enforcement Division needs to pursue a Summary Suspension, or if the physician violated the VANP.

Mr. O'Donnell moved to accept the proposed revisions to the VANP template.

Dr. Qu seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye

Dr. Qu – Aye

Mr. McGahan – Aye

The Chair voted Aye.

Motion carried 4-0 (unanimous).

Introduction to Policy Review Project with proposed revisions to Policy 93-01 and Policy 95-01

Ms. Berg informed the Board that she and Ms. Prebensen are reviewing 52 BORIM policies, some dating back to the 1990s, to determine whether the policies need to be amended, rescinded or kept as currently drafted. She stated that she will attempt to provide periodically at Board meetings the policies that may need to be amended or rescinded.

The first policy Ms. Berg discussed for possible amendment was the Policy 93-01, Applicants for Temporary License: Visiting Short-Term Faculty and provided an overview of the circumstances where this Policy would be applicable.

The proposed updates to Proposed Policy 93-01 would streamline the current Policy's language and would provide for the following revisions:

- Update to reflect the necessity of submitting an application form designated by the board along with the specified information;
- Update to bring the Temporary license status into alignment with full and limited licenses, insofar as the Executive Director would be authorized to approve and issue, in the absence of responses or information that would require review by the Licensing Committee per Board Policy 19-05. This would avert the need for an emergency meeting

to issue the license in circumstances where the next board meeting is too remote for the time frame of the desired appointment; and

- Update to eliminate the variations “with or without lapsed full license” since the baseline criteria for both options are meeting requirements for temporary licensure under M.G.L. c. 112, § 9B(1).

Mr. O'Donnell moved to approve the revisions as proposed to Policy 93-01.

Dr. Qu seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye

Dr. Qu – Aye

Mr. McGahan – Aye

The Chair voted Aye.

Motion carried 4-0 (unanimous).

Ms. Berg then discussed the proposed revision to Policy 95-01, Certain Requests Relating to Probation Agreements. the previous process of having a Board member assigned to review and approve certain probation requests is no longer viable, because the Board no longer assigns a Board member to perform this role.

The proposed revisions would authorize the Division of Law and Policy to make specific, routine modifications to Probation Agreements without the necessity of bringing the matter to a Board meeting.

Such proposed revisions include:

- Worksite change within the same campus/organization previously approved by the Board;
- Worksite monitor change if existing monitor becomes unavailable due to employment change, illness or death, provided that the proposed new monitor has an active Massachusetts license in good standing with no complaint history; and
- A First-time extension of 90 days for completion of an audit or evaluation.

Dr. Qu moved to approve the proposed revisions to Policy 95-01.

Mr. O'Donnell seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye

Dr. Qu - Aye

Mr. McGahan – Aye

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

Board Member Availability:

The Board considered their anticipated availability to attend the March 28, 2024, April 11, 2024 and April 25, 2024 Board Meetings.

Dr. Qu indicated that he may not be able to attend the March 28, 2024 Board meeting.

Dr. Bush stated that Dr. Chung informed him that she anticipated attending the March 28, 2024 Board meeting.

Dr. Bush indicated that he did not anticipate attending the April 25, 2024 Board meeting. Accordingly, Mr. O'Donnell would be the Acting Chair in Dr. Bush's absence.

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

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

Mr. O'Donnell moved to adjourn the meeting.

Dr. Qu seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye

Dr. Qu - Aye

Mr. McGahan – Aye

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

The Board meeting adjourned at 12:07 p.m.

Documents Considered in Public Sessions I and II:

- Memorandum RE: Proposed revisions to Board Policies 93-01 and 95-01
- Memorandum RE: Proposed Policy on Physician Reentry into Practice: Policy, Agreement and Onboarding Template
- Memorandum RE: Proposed Revisions to Standard VANP
- Memorandum RE: Amending Renewal Application Question Relating to Investigations
- Public Session Minutes of the February 29, 2024 Board Meetings
- Licensing Applications Lists (see attached at TAB A)

- Motions and Votes