

BOARD OF REGISTRATION IN MEDICINE

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

(Teleconference)

May 23, 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
Nawal Nour, M.D., M.P.H., Physician Member
Yvonne Y. Cheung, MD, MPH, MBA, Physician Member

Member(s) Absent:

Sandeep Singh Jubbal, M.D., Physician Member, Secretary
John McGahan, Public Member
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
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 10:35 a.m.

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

Mr. O'Donnell - Aye

Dr. Nour - Aye

Dr. Cheung - 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.

Eileen A. Prebensen, Senior Policy Counsel, informed the Board members that the Massachusetts Medical Society (MMS) contacted Board staff with a concern about a sentence in the recently amended Policy 2017-05, “A CME Pilot Program.” The MMS thought that this sentence might lead licensees to think that they could only take Category 1 courses to meet their 50 CME requirement.

She informed the Board that licensed physicians could take Category 1 courses and Category 2 courses for the biennial 50 CME course requirements.

Dr. Bush moved to approve the clarifying change to the language in the second paragraph, third sentence as proposed by Ms. Prebensen.

Mr. O'Donnell seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye

Dr. Nour - Aye

Dr. Cheung - Aye

The Chair voted Aye.

Motion carried 4-0 (unanimous).

Credit towards Biennial Opioid Training Requirement for DEA Training

Ms. Prebensen discussed a proposed update on the BORIM Opioid and Pain Management CME Requirement. Starting with applications filed on and after June 27, 2023, DEA-registered practitioners who attest on their DEA initial or renewal applications that they have satisfied the DEA's 8 hour substance use disorder training may apply this towards the Massachusetts 3-credit opioid education and pain management CME requirement set forth in 243 CMR 2.06(6)(d) for the BORIM license renewal cycle in which the attestation was made.

Mr. O'Donnell moved to approve the update on Opioid and Pain Management CME Requirement as proposed by Ms. Prebensen.

Dr. Nour seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye

Dr. Nour - Aye

Dr. Cheung - Aye

The Chair voted Aye.

Motion carried 4-0 (unanimous).

Arle, Jeffrey

The Board considered the Petition for Pre-Approval of a Continuing Medical Education (CME) course.

Robert E. Harvey, Physician Health and Compliance Manager, discussed the efforts he and the Director of Enforcement took to provide a list of acceptable courses to Dr. Arle.

In the Arle matter, Mr. O'Donnell moved to approve the proposed 5 CME credit course on the topic of HIPAA Privacy and Security towards the requirement in Dr. Arle's Probation Agreement that he complete 5 CME credits on the topic of patient confidentiality. Dr. Cheung seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye

Dr. Nour - Aye

Dr. Cheung - Aye

The Chair voted Aye.

Motion carried 4-0 (unanimous).

(NOTE: The Public Session Minutes of May 9, 2024 were considered in Public Session II.)

Licensing

The Board members stated their recusal information. Dr. Bush is recused from applications involving Baystate Medical Center Springfield, Dr. Nour is recused from applications involving Brigham and Women's Hospital and Dana Farber, Mr. McGahan is recused from applications involving the Gavin Foundation and Dr. Cheung is recused from Baystate Medical Center Springfield.

Michael Sinacola, Director of Licensing, provided the Board members with an overview of the licensing data as of May 23, 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. Nour seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye

Dr. Nour - Aye

Dr. Cheung - 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 review the termination of a Voluntary Agreement Not to Practice, a lapsed license application, Statement of Allegations, Consent Order and Probation Agreement, and an additional limited license application. Additionally, the Board will consider the ratification of the acceptance of a Voluntary Agreement Not to Practice. 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.

Dr. Nour seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell – Aye

Dr. Nour - Aye

Dr. Cheung - 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 10:45 a.m.

BOARD OF REGISTRATION IN MEDICINE
178 Albion Street, Suite 330
Wakefield, Massachusetts 01880
(Teleconference)
May 23, 2024
11:51 a.m.
Public Session II

Members Participating Remotely:

Booker T. Bush, M.D., Physician Member, Chair
Frank O'Donnell, Esq., Public Member, Vice Chair
Nawal Nour, M.D., M.P.H., Physician Member
Yvonne Y. Cheung, MD, MPH, MBA, Physician Member

Member(s) Absent:

Sandeep Singh Jubbal, M.D., Physician Member, Secretary
John McGahan, Public Member
Jason Qu, 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
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.

Minutes

The Board considered the Public Session Minutes of the May 9, 2024 Board meeting.

Mr. O'Donnell moved to approve the Public Session Minutes of the May 9, 2024 Board meeting,
Dr. Nour seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye

Dr. Nour - Aye

Dr. Cheung - Abstain

The Chair voted Aye.

Motion carried 3-0-1 (Dr. Cheung abstained).

Motions and Votes

In the **Hatton** matter, Dr. Nour moved to terminate the Voluntary Agreement Not to Practice, issue the Statement of Allegations, approve the Consent Order, suspending Dr. Hatton's inchoate right to renew his license to practice medicine. Dr. Nour further moved to approve Dr. Hatton's lapsed license and approve the Probation Agreement staying the suspension of Dr. Hatton's license to practice medicine.

Dr. Cheung seconded the motions.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye

Dr. Nour – Aye

Dr. Cheung - Aye

The Chair voted Aye.

Motions carried 4-0 (unanimous).

In the **Cespedes** matter, Dr. Nour moved to approve the Full License Application.

Dr. Cheung seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye

Dr. Nour – Aye

Dr. Cheung - Aye

The Chair voted Aye.

Motion carried 4-0 (unanimous).

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

Mr. O'Donnell seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye

Dr. Nour – Aye

Dr. Cheung - Aye

The Chair voted Aye.

Motion carried 4-0 (unanimous).

In the **Harris** matter, Dr. Nour 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. Cheung seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye

Dr. Nour – Aye

Dr. Cheung - Aye

The Chair voted Aye.

Motion carried 4-0 (unanimous).

In the **Nwoye** matter, Dr. Nour moved to issue the Amended Order of Preliminary Denial and Order to Show Cause and Order of Reference to the Division of Administrative Law Appeals.

Dr. Cheung seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye

Dr. Nour – Aye

Dr. Cheung - Aye

The Chair voted Aye.

Motion carried 4-0 (unanimous).

Board Member Availability:

The Board considered their anticipated availability to attend the June 13, 2024, June 27, 2024 and July 18, 2024 Board Meetings.

Drs. Cheung and Nour indicated that they did not anticipate attending the June 13, 2024 Board meeting.

Dr. Bush indicated that he 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 other scheduling conflicts identified by the attending Board members.

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

Dr. Cheung moved to adjourn the meeting.

Mr. O'Donnell seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye

Dr. Nour – Aye

Dr. Cheung – Aye

The Chair voted Aye.

Motion carried 4-0 (unanimous).

The Board meeting adjourned at 11:56 a.m.

Documents Considered in Public Sessions I and II:

- Memorandum RE: Credit towards Biennial Opioid Training Requirement for DEA Training
- Memorandum RE: Jeffrey Arle, M.D. – Request for Pre-Approval of Continuing Medical Education (CME) Course
- Public Session Minutes of the May 9, 2024 Board Meeting
- Licensing Applications Lists (see attached at TAB A)
- Motions and Votes