

BOARD OF REGISTRATION IN MEDICINE

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

(Teleconference)

May 9, 2024

10:33 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
Daniella Brown, Director of the Quality and Patient Safety Division
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, was present to record the Board meeting.

Dr. Bush called the meeting to order at 10:33 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.

Quality and Patient Safety Division Presentation

Daniela Brown, Director of the Quality and Patient Safety Division, thanked the Board Members for the opportunity to provide an update on the Quality and Patient Safety Division's (QPSD) initiatives.

Ms. Brown provided the Board with an overview of the mandated reports that healthcare facilities are required to submit to QPSD (i.e., Safety and Quality Review (SQR) reports). She informed them that such reports can be submitted electronically to QPSD, whereas such reports in the past would be submitted through the mail. SQR reports are analyzed and categorized by the event type (i.e., Surgical procedures) and are then further subcategorized (i.e., wrong site surgery). Additionally, QPSD can analyze healthcare events by race and ethnicity, location, service, and individual healthcare facility.

Ms. Brown presented the Board Members with a flow chart detailing how SQRs are received, processed, and analyzed to extrapolate data that can then be used to determine whether QPSD needs to further assess a healthcare facility's patient care assessment program. QPSD has several actions they can take when considering an SQR report, including seeking additional information and clarification and/or meeting with the facility to learn more about their Patient Care Assessment program. Additionally, QPSD, through the receipt and analysis of reports, can share de-identified analysis including trends and alerts with the healthcare community via communications and presentations.

Ms. Brown then informed the Board that the Quality and Patient Safety Committee (QPSC) hosted a successful full day conference on September 23, 2023 at UMASS Memorial Medical Center and is seeking to hold another such conference later in the year. Additionally, QPSD held a virtual educational workshop in February 2024 and in person educational workshops in March 2024 for the healthcare facilities that report to the QPSD.

Ms. Brown stated that the Quality and Patient Safety Committee meets monthly. Dr. Bush is the former Chair of the QPSC and Dr. Cheung is the present Chair. Ms. Brown concluded by thanking Drs. Bush and Cheung for their participation and contributions to the Quality Patient Safety Committee.

Dr. Bush thanked Ms. Brown for the phenomenal job that she is doing in QPSD. He also stated that QPSC was focused on improving patient care quality and preventing future patient care issues.

Policy Review Project: Board Approval of CME Activities and Guidelines

Eileen A. Prebensen, Senior Policy Counsel, informed the Board that 12 years ago the Board created two documents ("Guidelines for Requesting Board Approval of CME/CPD Activities")

and “Frequently Asked Questions regarding Board Approval of CPD Activities Designed to Enhance Physician’s Maintenance of Competence”).

Ms. Prebensen stated that the Board of Registration in Medicine’s (BORIM) goal was to combine these two documents into one set of Guidelines to assist CME course sponsors in determining how to obtain Board approval for their Continuing Medical Education (CME) activity, course or training.

Additionally, Ms. Prebensen provided an overview of the regulatory history of 243 CMR 2.06(6)(h)3, the legal authority under which the Board approves CMEs.

Ms. Prebensen requested that the Board approve the 2024 update to the 2012 Guidelines and rescind the FAQs.

Dr. Bush asked for a motion to approve the 2024 updates to the 2012 Guidelines and rescind the FAQs.

Mr. O’Donnell moved to adopt the 2024 Updates to the 2012 Guidelines and rescind the FAQs. 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).

Proposed Best Practices for Closing a Practice

Vita P. Berg, General Counsel, provided the Board with an overview of her presentation and indicated she would allow time for the Board members to ask her questions. Ms. Berg provided the Board with an overview of their previous consideration of earlier drafts of the “Best Practices Guidelines for Physicians Approaching Retirement, Transition between Practice Settings or Closure of a Practice.” The goals of the Best Practices Guidelines are to help physicians when determining how to appropriately close their practices without abandoning patients and how to maintain the confidentiality of patient medical records.

BORIM staff contacted the Federation of State Medical Boards (FSMB) and the FSMB provided BORIM staff with an overview of how each state managed the termination of the physician/patient relationship.

Upon review of this overview, Ms. Berg stated that the other states are seeking to address similar physician/patient relationship issues as Massachusetts and briefly discussed California's approach to the termination of physician/patient relationships versus that of Montana. Dr. Bush noted that this Board may be a leader in establishing written guidelines on this issue.

Ms. Berg then discussed that a draft of the Best Practices Guidelines was provided to the Massachusetts Health and Hospital Association (MHHA) and provided an overview of their feedback. One of the concerns MHA raised was the problem physicians and healthcare facilities face when trying to transfer patient care to new providers when new providers are not available.

The Board then discussed the practicalities of attempting to transfer patients to other providers when there is a physician shortage. They also discussed the question of what steps, taken by a physician and/or healthcare facility, determine an appropriate attempt to transfer patient care, particularly if there is a large patient panel that needs to be transferred. Dr. Jubbal asked what would constitute an attempt for a sole practitioner. Ms. Berg noted that the guidelines draft recommends that when a physician is ending their practice, they should not make non-emergent patient appointments to free up time to facilitate transfer of care.

George Zachos, Executive Director, discussed calls received by BORIM staff from patients attempting to find a physician and highlighted the efforts made by one practice group. This practice group reached out to Board staff in advance of the closing, and had a plan for transfer of care and availability of records similar to the recommendations in the guidelines. As a result of this provider's proactive efforts, BORIM has not received any complaints from patients. Mr. Zachos stated that this is an example of how advance preparation can lead to a positive outcome for both physician and patients.

Further discussion by the Board included suggestions of looking at this issue through a disaster recovery lens and taking into consideration the challenges of transferring patient care when a large-scale healthcare entity (i.e., Steward) closes. Discussion of advanced planning for potential catastrophic events could be a separate, stand-alone document from the Best Practices Guidelines.

Mr. O'Donnell brought up the idea of physicians' creating their own business continuity plan, suggesting that this could be a Board requirement or at least a best practice. Could we create a template for such a plan?

Dr. Bush stated that today's discussion demonstrates this is a difficult, multi-faceted issue. He suggested that the Board not take a vote today on a final document in order to provide the Board members with time to reflect on the information and discussion from this meeting. Dr. Bush suggested that perhaps this could come back at the June 27th meeting.

Ms. Berg informed the Board that the Board of Pharmacy has a policy which addresses limited instances in which a pharmacist may fill a prescription when the prescriber becomes

unavailable. The Board members indicated that they would like to see the Pharmacy guidance and Ms. Berg said she would send it to them.

Minutes

The Board considered the Public Session Minutes of the April 25, 2024 Board meeting.

Mr. O'Donnell moved to approve the Public Session Minutes of the April 25, 2024 Board meeting.

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 Abstain.

Motion carried 4-0-1 (Dr. Bush abstained).

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 is 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 May 9, 2024.

Licensing Applications

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

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

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).

Dr. Bush stated that the Board will meet in Executive Session as authorized by Mass. General Law, chapter 30A, section 21 for purposes set forth at subsections (a)(1) and (a)(7). Specifically, the Board will review a full license application. 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.

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 11:25 a.m.

BOARD OF REGISTRATION IN MEDICINE

**178 Albion Street, Suite 330
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May 9, 2024

12:47 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 **Mannam** matter, Dr. Jubbal moved to preliminarily deny the full license application.
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 **Ahn** matter, Mr. O'Donnell moved to issue the Final Decision and Order dismissing the Statement of Allegations against Dr. Ahn and exonerating Dr. Ahn, pursuant to M.G.L. c. 112, § 5.

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 **Altman** matter, taking into account the written victim impact statement in accordance with Massachusetts General Law chapter 112, section 5, Mr. O'Donnell moved to issue the Final Decision and Order, that imposes a fine of \$10,000, and indefinitely suspends Dr. Altman's license to practice medicine, but immediately stays the suspension for 60 days to allow Dr. Altman to enter into a Board-approved Probation Agreement in accordance with the Final Decision and Order.

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 **Mohamed** matter, Mr. O'Donnell moved to issue the Statement of Allegations and approve the Consent Order, reprimanding Dr. Mohamed's license to practice medicine.

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 **Kenger** matter, Mr. O'Donnell 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. 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 May 23, 2024, June 13, 2024 and June 27, 2024 Board Meetings.

Mr. McGahan and Dr. Jubbal and Dr. Qu indicated that they did not anticipate attending the May 23, 2024 Board Meeting.

Mr. Zachos stated that he would follow up with Drs. Cheung and Nour as to whether they anticipate attending the May 23, 2024 Board meeting.

For the June 13, 2024 meeting, Dr. Cheung and Dr. Nour had previously indicated that they could not attend.

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

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

Ms. Berg reminded the Board Members that they need to submit their Certifications affirming that they have read the Open Meeting Law. For the Board members' convenience, Ms. Berg will resend to them a blank certification form.

Dr. Bush asked the Board members to contact Ms. Berg and/or Mr. Zachos with their feedback regarding the latest draft of the Best Practices Guidelines.

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. Jubbal – Aye

Mr. McGahan – Aye

Dr. Qu – Aye

The Chair voted Aye.

Motion carried 5-0 (unanimous).

The Board meeting adjourned at 12:53 p.m.

Documents Considered in Public Sessions I and II:

- PowerPoint Presentation for the Quality and Patient Safety Division Presentation
- Policy Review Project: Memorandum on Board Approval of CME Activities and 2024 Update to Guidelines
- Memorandum RE: Best Practices Guidelines for Physicians Approaching Retirement, Transition between Practice Settings, or Closure of a Practice
- Public Session Minutes of the April 25, 2024 Board Meeting
- Licensing Applications Lists (see attached at TAB A)
- Motions and Votes