

BOARD OF REGISTRATION IN MEDICINE

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

(Teleconference)

November 21, 2024

10:31 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
Aviva Lee-Parritz, M.D., Physician Member
Yvonne Y. Cheung, MD, MPH, MBA, Physician Member

Members absent:

Jason Qu, M.D., Physician Member

Staff Present and Participating:

George Zachos, Executive Director
Vita P. Berg, General Counsel
Steven Hoffman, Manager, Division of Law and Policy
Michael Sinacola, Director of Licensing
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 10:31 a.m.

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

Mr. O'Donnell - Aye

Dr. Jubbal – Aye

Dr. Lee-Parritz – 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.

Proposed revision to Board Policy 2023-02 Policy on Deadlines for Post-Recommended Decision Filings:

Vita P. Berg, General Counsel, provided the Board members with an overview of the proposed revisions to the Board members for approval. The changes to Policy 2023-02 would be to provide the parties with 60 days to file Memoranda on Disposition from the date of issuance of the Recommended Decision in those instances where neither party files objections. However, when one or both of the parties has filed objections, the Memoranda on Disposition would be due 30 days following the issuance of a ruling on objections, unless the ruling specifies a different due date.

Dr. Yvonne Y. Cheung entered the Board meeting, via teleconference, at 10:34 a.m.

Dr. Bush asked for a motion to approve the revision to Board Policy 2023-02 as proposed by Ms. Berg.

Dr. Jubbal moved to approve the revision to Board Policy 2023-02 as proposed by Ms. Berg. Mr. O'Donnell seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye

Dr. Jubbal – Aye

Dr. Lee-Parritz – Aye

Dr. Cheung - Abstained

The Chair voted Aye.

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

Dr. Cheung abstained from the above vote as she was not present for the full presentation.

Proposed revision to standard terms of Probation Agreements with Substance Use Disorder monitoring:

Robert E. Harvey, Physician Health and Compliance Manager, informed the Board members that currently the five-year term for Probation Agreements commences from the date of the Board's approval of the Probation Agreement. In some instances, Probation Agreements have, on a case by case basis, credited time that a physician has been in compliance with a Physician Health Services (PHS) contract towards sobriety requirements and towards the length of the Probation Agreement. Mr. Harvey informed the Board that PHS was supportive of a proposal to credit physicians for their time that they are involved in a PHS contract toward the five-year term of a Probation Agreement. In particular, PHS leadership notes that crediting time encourages physicians who are struggling with a substance use disorder to enter into a PHS contract sooner, and thus obtain the support and structure PHS offers towards their recovery.

In order to make this credit available uniformly, rather than case by case, Mr. Harvey proposed for the Board's approval the following change to the standard terms of the Probation Agreement:

- The Respondent may petition for modification that terminates the requirement of being enrolled in a PHS monitoring contract, as set forth in Paragraph IV.E. upon demonstrating five years of maintaining sobriety and compliance with his/her PHS monitoring contract, inclusive of time that the Respondent was monitored under a PHS contract prior to entering into this Probation Agreement, provided that the Respondent was engaged in monitored practice for at least three years.

Mr. Harvey stated to the Board that it would be in the Board's discretion to approve or deny such petitions and would not change the practice of starting the five-year term of a Probation Agreement from the date of approval. The proposed change to the terms of the Probation Agreement would allow for a physician who has entered into a Probation Agreement to petition for termination of PHS monitoring requirements in their Probation Agreement if they have been subject to a PHS contract prior to the Board approval of the Probation Agreement. In those instances where the Board is monitoring the physician's practice for other reasons in addition to substance use disorder, the non-PHS monitoring would remain in place. Conversely, the Board could consider terminating the Probation Agreement early if the reasons for monitoring are limited to a substance use disorder only.

Dr. Bush asked for a motion to approve the proposed revision to standard terms of Probation Agreements with Substance Use Disorder monitoring as presented by Mr. Harvey.

Mr. O'Donnell moved to approve the proposed revision to standard terms of Probation Agreements with Substance Use Disorder monitoring as presented by Mr. Harvey.

Dr. Jubbal seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye

Dr. Jubbal – Aye

Dr. Lee-Parritz – Aye

Dr. Cheung - Aye

The Chair voted Aye.

Motion carried 5-0 (unanimous).

Dr. Bush acknowledged the attendance of the Board meeting, via teleconference, by the following individuals:

- Mark Albanese, Medical Director, Physician Health Services, Inc.
- Debra A. Grossbaum, General Counsel, Physician Health Services, Inc.

Request for authorization to process License Applications with Affirmative Answers arising from circumstances exclusively attributable to Steward Bankruptcy:

Ms. Berg and Michael Sinacola, Director of Enforcement, presented this Request to the Board.

Ms. Berg began by addressing the fact that applications for both full and limited licenses inquire whether the applicant has had privileges at a health care facility terminated or not renewed. Applications with affirmative answers to this question are, under existing Board policy, referred to the Licensing Committee for review. She noted that physicians whose privileges were affected by the closure or transfer of ownership of facilities as a result of the Steward Bankruptcy would answer this question affirmatively. Accordingly, Ms. Berg proposed to the Board that they authorize Licensing staff to forgo referring licensing applicants, who lost privileges for reasons solely attributable to the Steward Bankruptcy to the Licensing Committee.

Responsive to Dr. Lee-Parritz's inquiry, Mr. Sinacola clarified that this authorization request only applies to circumstances where the license applicant has lost privileges due solely to the facility closures or transfers, and not to professional issues. Ms. Berg noted that healthcare facilities are mandated to report physicians who have had their privileges at that facility terminated or disciplined for professional or competency issues.

Dr. Bush asked for a motion to authorize the proposed processing of License Applications with Affirmative Answers arising from circumstances exclusively attributable to Steward Bankruptcy without referral to the Licensing Committee.

Mr. O'Donnell moved to approve the proposed processing of License Applications with Affirmative Answers arising from circumstances exclusively attributable to Steward Bankruptcy without referral to the Licensing Committee. Dr. Jubbal seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye

Dr. Jubbal – Aye

Dr. Lee-Parritz – Aye

Dr. Cheung - Aye

The Chair voted Aye.

Motion carried 5-0 (unanimous).

Minutes

The Board considered the Public Session Minutes of the November 7, 2024 Board meeting.

Mr. O'Donnell moved to approve the Public Session Minutes of the November 7, 2024 Board meeting. Dr. Lee-Parritz seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye

Dr. Jubbal – Aye

Dr. Lee-Parritz – Aye

Dr. Cheung - Abstain

The Chair voted Aye.

Motion carried 4-1-0 (Dr. Cheung 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, Dr. Lee-Parritz is recused from Boston Medical Center, and Dr. Cheung is recused from Baystate Medical Center, Springfield, Baystate Noble Hospital and Baystate Wing Hospital.

Michael Sinacola, Director of Licensing, provided the Board members with an overview of the licensing data as of November 21, 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

Dr. Lee-Parritz- Aye

Dr. Cheung - 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 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. The Board will also be reviewing Executive Session Minutes.

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

Mr. O'Donnell moved to go into Executive Session.

Dr. Cheung seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye

Dr. Jubbal – Aye

Dr. Lee-Parritz- Aye

Dr. Cheung - 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 10:49 a.m.

BOARD OF REGISTRATION IN MEDICINE

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

(Teleconference)

November 21, 2024

12:48 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
Aviva Lee-Parritz, M.D., Physician Member
Yvonne Y. Cheung, MD, MPH, MBA, Physician Member

Members absent:

Jason Qu, M.D., Physician Member

Staff Present and Participating:

George Zachos, Executive Director
Vita P. Berg, General Counsel
Steven Hoffman, Manager, Division of Law and Policy

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 **Foster** matter, Mr. O'Donnell 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. Jubbal seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye

Dr. Jubbal – Aye

Dr. Lee-Parritz- Aye

Dr. Cheung - Aye

The Chair voted Aye.

Motion carried 5-0 (unanimous).

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

Dr. Bush called the Roll:

Mr. O'Donnell - Aye
Dr. Jubbal – Aye
Dr. Lee-Parritz- Aye
Dr. Cheung - Aye
The Chair voted Aye.
Motion carried 5-0 (unanimous).

In the **Perlman** matter, Mr. O'Donnell moved to ratify the acceptance of the Voluntary Agreement Not to Practice.
Dr. Lee-Parritz seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye
Dr. Jubbal – Aye
Dr. Lee-Parritz- Aye
Dr. Cheung - Aye
The Chair voted Aye.
Motion carried 5-0 (unanimous).

Board Member Availability:

The Board considered their anticipated availability to attend the December 5, 2024, December 19, 2024 and January 9, 2025 Board meetings.

Dr. Cheung indicated that she did not anticipate attending the December 5, 2024 Board meeting.

Drs. Jubbal and Cheung indicated that they did not anticipate attending the January 9, 2025 Board meeting.

Dr. Bush indicated that he may have a scheduling conflict on January 9, 2025 as he will be out-of-state then.

The Board members present did not indicate any other scheduling conflicts.

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. Jubbal – Aye

Dr. Lee-Parritz- Aye

Dr. Cheung - Aye

The Chair voted Aye.

Motion carried 5-0 (unanimous).

Documents Considered in Public Sessions I and II:

- Proposed revision to Board Policy 2023-02 Policy on Deadlines for Post-Recommended Decision Filings
- Memorandum RE: Proposed revision to standard terms of Probation Agreements with Substance Use Disorder monitoring
- Public Session Minutes of the November 7, 2024 Board Meeting
- Licensing Applications Lists (see attached at TAB A)
- Motions and Votes