

BOARD OF REGISTRATION IN MEDICINE

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

(Teleconference)

November 3, 2022

10:33 a.m.

Public Session I

Members Participating Remotely:

Julian N. Robinson, M.D., Physician Member, Chair

Woody Giessmann LADC-I, CADC, CIP, AIS, Public Member, Vice Chair

Holly Oh, M.D., Physician Member, Secretary

Booker T. Bush, M.D., Physician Member

Frank O'Donnell, Esq., Public Member

Member(s) absent:

Nawal Nour, M.D., M.P.H., 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

Sarah E. Weber, Assistant General Counsel

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 10:30 a.m.

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

Mr. Giessmann – Aye

Dr. Oh -Aye

Dr. Bush – Aye

Mr. O'Donnell – Aye

The Chair voted Aye.

Motion carried 5-0 (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.

Review of Application Confidential Information Questions:

George Zachos, Executive Director, presented physician concerns raised by questions 51 and 52 on the physician licensing applications.

Mr. Zachos provided the Board members with several recommendations to address the concerns of the physician community regarding question 51 and proposed a change of language to question 52. The issue concerning question 51 is that it requested disclosure of a subset of health conditions responsive to question 50 but without the “safe haven” limitation on disclosure set in question 50. As a result, question 51 could be read to effectively negate the “safe haven” limitation of question 50. On question 52, the scope of responsive answers concerning the refusal to be tested was broader than intended; the proposed change limits the scope to an employment context.

At the request of Dr. Bush, Debra Grossbaum, General Counsel, Physician Health Services Inc., opined that she was in favor of eliminating question 51 from the physician licensing application and amending question 52 to include the employment context limitation.

Dr. Robinson asked for a motion to adopt the recommended changes to the application questions, i.e., eliminating question 51 and modifying question 52.

Mr. Giessmann moved to adopt the recommended changes to the application questions, eliminating question 51 and modifying question 52.

Dr. Oh second the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Oh -Aye

Dr. Bush – Aye

Mr. O'Donnell – Aye

The Chair voted Aye.

Motion carried 5-0 (unanimous).

Proposed Revisions to 243 CMR 2.00:

Vita P. Berg, General Counsel, presented to the Board the Division of Law and Policy's proposals for codifying within the Board of Registration in Medicine's (BORIM) Regulations the policies addressing Continuing Medical Education and post graduate training for international medical graduates that have been enacted within recent years.

Ms. Berg provided the Board members with an overview of the process for promulgating Regulations.

Dr. Robinson asked for a motion to seek administrative approval to move forward with the proposed revisions.

Mr. Giessmann moved to seek administrative approval to move forward with the proposed revisions.

Dr. Oh seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Oh -Aye

Dr. Bush – Aye

Mr. O'Donnell – Aye

The Chair voted Aye.

Motion carried 5-0 (unanimous).

Disclosures of Financial Interest pursuant to G.L. c. 268A, § 6 by Committee of Acupuncture Members:

Ms. Berg informed the Board that the Committee on Acupuncture (COA) has before it for consideration the issue of whether an Acupuncturist with a doctoral degree in Acupuncture or Oriental Medicine can advertise their doctoral degree as part of their practice. Currently, the doctoral degree must be from an educational institution accredited by the Accreditation Commission for Acupuncture and Herbal Medicine (ACAHM), or another Committee-approved national accrediting agency that grants doctoral degrees. To date, the COA has not approved any other accrediting agencies or process for requesting approval.

Additionally, pursuant to their financial disclosures, two COA members with doctoral degrees may have a possible conflict of interest as they may have a financial interest in the approval of a policy allowing for acupuncturists to advertise their doctoral degrees.

Ms. Berg presented the Board with a couple of proposed recommendations for the Board to consider as a means of addressing this issue.

Dr. Robinson asked for a motion that the Board, as appointing authority for the COA members, consider and act on the issue pending before the COA at a future Board meeting.

Mr. Giessmann so moved.
Dr. Oh seconded the motion.

Dr. Robinson called the Roll: Mr. Giessmann – Aye
Dr. Oh -Aye
Dr. Bush – Aye
Mr. O'Donnell – Aye

The Chair voted Aye.
Motion carried 5-0 (unanimous).

Gladstone, Adam

The Board considered the Petition to Approve Transitional Practice Plan and the Addendum thereto.

Sarah Weber, Assistant General Counsel, was present via teleconference.

Dr. Gladstone and his attorney, W. Scott Liebert, were present via teleconference.

Ms. Weber provided the Board members with a brief synopsis of this matter.

Mr. Liebert addressed the Board, highlighting that the Probation Agreement entered into by Dr. Gladstone does not allow him to prescribe opioids or benzodiazepines for the first year of his practice in the Probation Agreement. Additionally, after the first year, Dr. Gladstone could not prescribe these drugs without first petitioning the Board for approval.

In the **Gladstone** matter, Dr. Oh moved to approve the 26-week transitional practice plan for Dr. Gladstone, with the proviso that authorization to practice medicine shall terminate in 28 weeks unless the Board approves a subsequent practice plan.

Dr. Bush seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye
Dr. Oh -Aye
Dr. Bush – Aye
Mr. O'Donnell – Aye

The Chair voted Aye.
Motion carried 5-0 (unanimous).

Minutes:

The Board considered the Public Session Minutes of the October 20, 2022 Board meeting.

Dr. Bush moved to approve the Public Session Minutes of the October 20, 2022 Board meeting.
Dr. Oh seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye
Dr. Oh-Aye
Dr. Bush – Aye
Mr. O'Donnell – Aye

The Chair voted Aye.
Motion carried 5-0 (unanimous).

Dr. Robinson stated that the Board would 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 Petition to Reconsider a 5H Order and will discuss the reputation, character, physical condition, or mental health, rather than professional competence, of the petitioner. The Board would also be reviewing Executive Session Minutes.

Following the Executive Session, the Board will meet in closed Adjudicatory Session, and then in closed Mass. General Law, chapter 112, section 65C session. The Board will reconvene in Public Session following the conclusion of the 65C Session.

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

Dr. Oh moved to go into Executive Session.
Dr. Bush seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye
Dr. Oh-Aye
Dr. Bush – Aye
Mr. O'Donnell – Aye

The Chair voted Aye.
Motion carried 5-0 (unanimous).

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

Public Session I ended at 10:53 a.m.

BOARD OF REGISTRATION IN MEDICINE

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

(Teleconference)

November 3, 2022

11:35 a.m.

Public Session II

Members Participating Remotely:

Julian N. Robinson, M.D., Physician Member, Chair

Woody Giessmann LADC-I, CADC, CIP, AIS, Public Member, Vice Chair

Holly Oh, M.D., Physician Member, Secretary

Booker T. Bush, M.D., Physician Member

Frank O'Donnell, Esq., Public Member

Member(s) absent:

Nawal Nour, M.D., M.P.H., 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 **Carp** matter, Dr. Robinson moved to deny the request for reconsideration of the October 6, 2022 Order for a neuropsychiatric evaluation. Dr. Robinson further moved to issue the Statement of Allegations with amendments to include allegations of non-compliance with the Board's October 6, 2022 Order, and also to issue the Order to Use Pseudonyms and Impound Identities and Medical Records, and Order of Reference to the Division of Administrative Law Appeals..

Dr. Oh seconded the motions.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Oh- Aye

Dr. Bush – Aye

Mr. O'Donnell - Aye

The Chair voted Aye.
Motions carried 5-0 (unanimous).

In the **Saxena** matter, Dr. Robinson moved to issue the Statement of Allegations and approve the Consent Order.

Dr. Oh seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Oh- Aye

Dr. Bush – Aye

Mr. O'Donnell - Aye

The Chair voted Aye.
Motion carried 5-0 (unanimous).

In the **Richards** matter, Dr. Robinson moved to issue the Statement of Allegations and approve the Consent Order and Probation Agreement.

Dr. Oh seconded the motions.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Oh- Aye

Dr. Bush – Aye

Mr. O'Donnell - Aye

The Chair voted Aye.
Motion carried 5-0 (unanimous).

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

Dr. Oh seconded the motions.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Oh- Aye

Dr. Bush – Aye

Mr. O'Donnell - Aye

The Chair voted Aye.
Motion carried 5-0 (unanimous).

In the **Howland** matter, Dr. Robinson moved to accept the Voluntary Agreement Not to Practice. Dr. Oh seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Oh- Aye

Dr. Bush – Aye

Mr. O'Donnell - Aye

The Chair voted Aye.

Motion carried 5-0 (unanimous).

Board Member Availability

The Board discussed their anticipated availability to attend the November 17, 2022, December 1, 2022 and December 15, 2022 Board Meetings.

The attending Board members did not indicate any scheduling conflicts that would prevent them from attending the above-listed Board meetings.

Licensing:

Dr. Robinson is recused from license applications from Newton Wellesley Hospital, Mr. Giessmann is recused from applications involving Right Turn, Dr. Oh is recused from applications involving The Dimock Center and Cityblock Health, and Dr. Bush is recused from applications involving Baystate Medical Center Springfield.

Michael Sinacola, Licensing Director, presented the licensing data as of November 3, 2022.

Licensing Applications:

Dr. Robinson asked for a motion to approve the following applications for licensure:

- Applications for Full Licensure (Allen - Ravinder)
- Application for Limited Licensure (Lott)
- Applications for Temporary Faculty Licensure Reviewed by the Licensing Committee (Berkowitz - Rkaiby)
- Application for Full Licensure Approved by the Executive Director on October 28, 2022, pursuant to Policy 2019-05 (Char)
- Applications for Full Licensure Approved by the Executive Director on November 1, 2022, pursuant to Policy 2019-05 (Mehta - Trifonova)
- Applications for Full Licensure with Waiver Reviewed by the Licensing Committee (Chen - Pourvaziri)

- Application for Full Licensure Reviewed by the Licensing Committee (Hutton)
- Application for Full Licensure Reviewed by the Licensing Committee on November 3, 2022 (Carol - Wright)
- Application for Change of Programs Reviewed by Licensing Committee (Moore)
- Applications for Lapsed Licensure Reviewed by the Licensing Committee (Alexander – Thomas)

Dr. Oh moved to approve the above-listed applications for licensure.

Dr. Bush seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Oh- Aye

Dr. Bush – Aye

Mr. O'Donnell – Aye

The Chair voted Aye.

Motion carried 5-0 (unanimous).

Announcements

Mr. Zachos, Executive Director, expressed his gratitude and appreciation to Mr. Sinacola, Licensing Director, and the entire Licensing Division team, who have worked hard to achieve a smooth transition to BORIM's new online licensing program.

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

Mr. Giessmann moved to adjourn the Board meeting.

Dr. Oh seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Oh- Abstain

Dr. Bush – Aye

Mr. O'Donnell - Aye

The Chair voted Aye.

Motion carried 5-0 (unanimous).

Meeting adjourned at 11:43 a.m.

Documents Considered in Public Sessions I and II:

- Memo RE: Review of Application Confidential Information Questions
- Memo RE: Proposed Revisions to 243 CMR 2.00
- Memo RE: Disclosures of Financial Interest pursuant to G.L. c. 268A, § 6 by Committee of Acupuncture Members
- Memo RE: Adam Gladstone, M.D. - Petition to Approve Transitional Practice Plan and the Addendum thereto
- Public Session Minutes of the October 20, 2022 Board Meeting
- Motions and Votes
- Licensing Applications List