

BOARD OF REGISTRATION IN MEDICINE

**178 Albion Street, Suite 330
Wakefield, Massachusetts 01880
(Teleconference)
October 24, 2024
10:32 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
Yvonne Y. Cheung, MD, MPH, MBA, Physician Member

Members absent:

Aviva Lee-Parritz, M.D., Physician Member
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
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 10:34 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. 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.

Healthcare Provider Education Campaign Grant:

Steven Hoffman, Manager, Division of Law and Policy, informed the Board members that the Board had received a grant from the American Rescue Plan Act of 2021. This bill provides additional relief to address the continued impact of COVID-19 on the public health. Board Senior Staff decided the best use of the funds would be to establish a program educating and motivating physicians in the safe and ethical use of medications to treat substance use issues. This program would be free and available online to physicians via the Board of Registration in Medicine's website. Currently, there is a public bidding process for interested vendors to develop this online program. The bids close November 1, 2024.

Minutes

The Board considered the Public Session Minutes of the October 10, 2024 Board meeting.

Mr. O'Donnell moved to approve the Public Session Minutes of the October 10, 2024 Board meeting.

Dr. Jubbal seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye

Dr. Jubbal – Aye

Dr. Cheung - Abstain

The Chair voted Aye.

Motion carried 3-0-1 (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, 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 October 24, 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. 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 a Petition to Terminate Probation Agreement and review a licensee who has entered into a Probation Agreement and determine whether the licensee in compliance with their Probation Agreement. 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. 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 10:41 a.m.

BOARD OF REGISTRATION IN MEDICINE

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

(Teleconference)

October 24, 2024

12:49 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
Yvonne Y. Cheung, MD, MPH, MBA, Physician Member

Members absent:

Aviva Lee-Parritz, M.D., Physician Member
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
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 **Diggs** matter, Mr. O'Donnell moved to issue the Ruling on Motion for Remand, which rejects the recommendation that the Board dismiss this proceeding and remands this matter to the Division of Administrative Law Appeals ("DALA") for further proceedings consistent with the Order of Reference issued by the Board with the Statement of Allegations.

Dr. Cheung seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye

Dr. Jubbal – Aye

Dr. Cheung - Aye

The Chair voted Aye.

Motion carried 4-0 (unanimous).

Pursuant to an inquiry from the floor by Dr. Diggs' attorney, Amy Magher, Ms. Berg informed her that the Ruling on Motion for Remand would restore the proceeding to its status at DALA

prior to the issuance of the recommended decision and that the proceeding would be conducted by DALA.

In the **Harris** matter, Mr. O'Donnell moved to issue the Final Decision and Order revoking Dr. Harris' license to practice medicine.

Dr. Cheung seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye

Dr. Jubbal – Aye

Dr. Cheung - Aye

The Chair voted Aye.

Motion carried 4-0 (unanimous).

In the **Froio** matter, Dr. Cheung 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.

Mr. O'Donnell seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye

Dr. Jubbal – Aye

Dr. Cheung - Aye

The Chair voted Aye.

Motion carried 4-0 (unanimous).

In the **Marcus** matter, Mr. O'Donnell moved to issue the Statement of Allegations and Order to Use Pseudonyms and Impound Identities and Medical Records and approve the Consent Order reprimanding Dr. Marcus' license to practice medicine.

Dr. Jubbal seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye

Dr. Jubbal – Aye

Dr. Cheung - Aye

The Chair voted Aye.

Motion carried 4-0 (unanimous).

In the **Nouvellon** matter, Mr. O'Donnell moved to allow the Motion to Re-open Docket No. 20-268, and further to issue the Order of Temporary Suspension pursuant to 243 CMR 1.03(11)(a), along with the Order of Impoundment, Order to Use Pseudonyms and Impound Identities and

Medical Records, Statement of Allegations 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. Jubbal – Aye

Dr. Cheung - Aye

The Chair voted Aye.

Motion carried 4-0 (unanimous).

In the **Rater** matter, Mr. O'Donnell move to ratify the acceptance of the Voluntary Agreement Not to Practice.

Dr. Cheung seconded the motion.

Dr. Bush called the Roll:

Mr. O'Donnell - Aye

Dr. Jubbal – 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 November 7, 2024, November 21, 2024 and December 5, 2024 Board meetings.

- Mr. O'Donnell and Dr. Cheung indicated that they did not anticipate attending the November 7, 2024 Board meeting.
- The four members present indicated they would attend the November 21, 2024 Board meeting.
- Dr. Cheung indicated that she did not anticipate attending the December 5, 2024 Board meeting.

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

The Board meeting adjourned at 12:56 p.m.

Documents Considered in Public Sessions I and II:

- Public Session Minutes of the October 10, 2024 Board Meeting
- Licensing Applications Lists (see attached at TAB A)
- Motions and Votes