

BOARD OF REGISTRATION IN MEDICINE

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

(Teleconference)

October 5, 2023

10:33 a.m.

Public Session I

Members Participating Remotely:

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

Holly Oh, M.D., Physician Member

Nawal Nour, M.D., M.P.H., Physician Member, Vice Chair

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

Frank O'Donnell, Esq., Public Member

John McGahan, Public Member

Sandeep Singh Jubbal, M.D., Physician Member

Staff Present and Participating:

George Zachos, Executive Director

Vita P. Berg, General Counsel

Michael Sinacola, Director of Licensing

Daniela Brown, Director of the Quality and Patient Safety Division

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, present to record the Board meeting.

Dr. Robinson called the meeting to order at 10:33 a.m.

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

Dr. Oh – Aye

Dr. Nour - Aye

Dr. Bush – Aye

Mr. O'Donnell – Aye

Mr. McGahan - Aye

Dr. Jubbal - Aye

The Chair voted Aye.

Motion carried 7-0 (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.

Quality and Patient Safety Division (QPSD) Conference:

Daniela Brown, Director of the Quality and Patient Safety Division (QPSD), provided the Board members with an overview of the September 22, 2023 QPSD Conference, held at the UMass Memorial Medical Center in Worcester. In this overview Ms. Brown outlined the objectives of the conference, the many health care professionals attending this conference, and the presentations. Presenters included Ms. Brown, Dr. Robinson, Chair of the Board and Dr. Bush, Chair of the QPSD Committee.

Ms. Brown stated that the feedback regarding the conference had a 98 percent “excellent” rating, with requests for further conferences by those individuals attending the September 22, 2023 QPSD Conference.

Ms. Brown thanked George Zachos, Executive Director, and Dr. Booker T. Bush, for their participation in the QPSD Conference.

Mr. Zachos opined that the QPSD Conference was substantively one of the best conferences that he has attended and that he is hopeful that there will be other such Conferences held in the future.

Mr. Zachos, on behalf of staff, thanked Dr. Bush for providing the opening and closing statements at the Conference.

United States Medical Licensing Examination (USMLE) 5th Attempt Sponsorship Requests:

Vita P. Berg, General Counsel, outlined for the Board members a change to USMLE rules. Candidates are now limited to four (4) attempts to pass each Step examination. However, this change of rules does allow for a candidate to make a 5th attempt to pass the examination if they are sponsored by a state board of medicine. Between February and June 2023 the Board of Registration in Medicine (BORIM) has received three (3) requests from candidates for such sponsorship.

Responsive to Dr. Bush’s inquiry, Ms. Berg stated that Virginia has a policy that allows for sponsorship of a candidate to make a 5th attempt at the USMLE. Georgia has a form for collecting information for those seeking sponsorship but no policy.

Additionally, Ms. Berg informed the Board members that 17 states currently allow more than four (4) attempts at USMLE Step 3; this does not include Massachusetts. Prior to August 2019,

under the BORIM's previous regulations, four applicants were approved for licensure despite not passing Step 3 of the USMLE within (4) attempts.

Ms. Berg provide two (2) possible options for the Board to consider in addressing this issue. The first option would be to not sponsor candidates for a 5th attempt at the USMLE. The second would be to collect information and then screen applicants to see if they meet the other Massachusetts requirements for licensure. If the other requirements for licensure are met by the candidates, the Board may consider sponsorship for a 5th attempt. This sponsorship would be only for Step 3 of the USMLE. There would be no state sponsorship for candidates seeking additional attempts to pass USMLE Steps 1 or 2.

Dr. Bush thanked Ms. Berg for her presentation. He further indicated that he was in favor of allowing 5th attempt but was concerned that this may be problematic for BORIM staff to handle such requests.

Mr. Zachos assured Dr. Bush and the other Board members that BORIM staff could handle such requests without issue.

Dr. Robinson expressed concern that sponsoring candidates for a 5th attempt of Step 3 of the USMLE may indicate that Massachusetts is in favor of a lower standard of medical care. Dr. Bush responded to Dr. Robinson stating that by sponsoring candidates for a 5th attempt of Step 3 of the USMLE Massachusetts could be a leader on this issue. Dr. Bush also opined on whether standardized exams are an effective measure of competency. Dr. Nour stated that poor test takers can be good physicians.

Mr. O'Donnell inquired as to whether BORIM could have a one-year test period for sponsoring candidates for a 5th attempt of Step 3 of the USMLE and then examine the data regarding such sponsorships to make a decision as to how to go forward with this issue.

Ms. Berg stated that BORIM could put forward a Pilot program with an expiration date.

Dr. Robinson moved to decline to adopt a policy for sponsoring 5th attempts and to direct Board staff to notify requestors accordingly. This motion failed as no Board member seconded this motion.

Dr. Bush moved to allow state sponsorship for a fifth attempt at the USMLE Step 3 examination for a one-year pilot program, limited to Step 3 only and screening out applicants who would not otherwise be eligible for Massachusetts licensure. Mr. O'Donnell seconded.

Dr. Robinson called the Roll:

Dr. Oh – Aye

Dr. Nour – Aye

Dr. Bush – Aye

Mr. O'Donnell – Aye
Mr. McGahan - Aye
Dr. Jubbal – Aye

The Chair voted Nay.
Motion carried 6-1-0 (Dr. Robinson opposed).

Accardi, Alexandra

The Board deferred until Public Session II to allow Dr. Accardi an opportunity to attend the Board's consideration of this matter.

Licensing matters were also deferred until Public Session II.

Minutes:

The Board considered the Public Session Minutes of the September 21, 2023 Board meeting.

Dr. Oh moved to approve the Public Session Minutes of the September 21, 2023 Board meeting.
Dr. Bush seconded the motion.

Dr. Robinson called the Roll:

Dr. Oh – Aye
Dr. Nour – Aye
Dr. Bush – Aye
Mr. O'Donnell – Aye
Mr. McGahan - Aye
Dr. Jubbal – Aye

The Chair voted Aye.
Motion carried 7-0 (unanimous).

Dr. Robinson 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 committee member disclosure pursuant to G.L. c. 268A: petitions to modify probation terms; and a petition to stay suspension. 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, Mass. General Law, chapter 66A, section 2, and Mass General Law, chapter 268A, 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. Robinson asked for a motion to go into Executive Session.

Dr. Jubbal moved to go into Executive Session.

Mr. O'Donnell seconded the motion.

Dr. Robinson called the Roll:

Dr. Oh – Aye

Dr. Nour – Aye

Dr. Bush – Aye

Mr. O'Donnell – Aye

Mr. McGahan - Aye

Dr. Jubbal – Aye

The Chair voted Aye.

Motion carried 7-0 (unanimous).

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

Public Session I ended at 10:51 a.m.

BOARD OF REGISTRATION IN MEDICINE

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

(Teleconference)

October 5, 2023

11:29 a.m.

Public Session II

Members Participating Remotely:

Julian N. Robinson, M.D., Physician Member, Chair
Holly Oh, M.D., Physician Member
Nawal Nour, M.D., M.P.H., Physician Member, Vice Chair
Booker T. Bush, M.D., Physician Member, Secretary
Frank O'Donnell, Esq., Public Member
John McGahan, Public Member
Sandeep Singh Jubbal, 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
Michael Sinacola, Director of Licensing
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, present to record the Board meeting.

Licensing:

Michael Sinacola, Director of Licensing, provided the Board members with an overview of the licensing data as of October 5, 2023.

The Board members stated their recusal information. Dr. Robinson and Mr. O'Donnell each stated he had none. Dr. Oh is recused from applications involving The Dimock Center and Cityblock Health, Dr. Nour is recused from Brigham and Women's Hospital and Dana Farber, Dr. Bush is recused from applications involving Baystate Medical Center Springfield, Dr. Jubbal is recused from applications involving UMass Memorial Medical Center, and Mr. McGahan is recused from applications involving the Gavin Foundation.

Licensing Applications:

Dr. Robinson asked for a motion to approve the applications for licensure that included licenses approved by the Executive Director (see attached at TAB A), licenses approved by the Licensing

Committee (see attached at TAB B) and an application for approval of withdrawal of an application for licensure (see attached at TAB C).

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

Mr. O'Donnell seconded the motion.

Dr. Robinson called the Roll:

Dr. Oh – Aye

Dr. Nour – Aye

Dr. Bush – Aye

Mr. O'Donnell – Aye

Mr. McGahan - Aye

Dr. Jubbal – Aye

The Chair voted Aye.

Motion carried 7-0 (unanimous).

Accardi, Alexandra

The Board considered the Revised Clinical Skills Assessment Proposal.

Dr. Accardi and her attorney, Joseph Doktor, were present via teleconference.

Mr. Harvey provided the Board members with the history of the Board's consideration of this request and the concerns previously expressed by the Board.

Motions and Votes

In the **Accardi** matter, Dr. Jubbal moved to approve the Revised Proposal for Clinical Skills Assessment of Dr. Strauss, to be completed within 60 days and reported to the Board within 30 days thereafter, and to stay the suspension until the later of 90 days, or, if the report is submitted timely, the Board's review of the report.

Mr. McGahan seconded the motions.

Dr. Robinson called the Roll:

Dr. Oh – Aye

Dr. Nour – Aye

Dr. Bush – Aye

Mr. O'Donnell – Aye

Mr. McGahan - Aye

Dr. Jubbal – Aye

The Chair voted Aye.
Motions carried 7-0 (unanimous).

In the **Myers** matter, Dr. Robinson moved to stay the suspension without the requirement that she enter into a Probation Agreement.

Dr. Oh seconded the motion.

Dr. Robinson called the Roll:

Dr. Oh – Aye
Dr. Nour – Aye
Dr. Bush – Aye
Mr. O'Donnell – Aye
Mr. McGahan - Aye
Dr. Jubbal – Aye

The Chair voted Aye.
Motion carried 7-0 (unanimous).

In the **Lederer** matter, Dr. Robinson moved to allow the Petition for Approval of Workplace Monitor Change. The Board requested that Dr. Lederer submit the results of his clinical skills assessment for the Board's consideration at a future Board meeting.

Mr. O'Donnell seconded the motion.

Dr. Robinson called the Roll:

Dr. Oh – Recused
Dr. Nour – Aye
Dr. Bush – Aye
Mr. O'Donnell – Aye
Mr. McGahan - Aye
Dr. Jubbal – Aye

The Chair voted Aye.
Motion carried 6--1 (Dr. Oh recused).

In the **Steinhardt** matter, Dr. Robinson moved to allow the Petition to Amend Probation Agreement to Change Monitors, approving Dr. Limin Yu as Dr. Steinhardt's new monitor.

Dr. Oh seconded the motion.

Dr. Robinson called the Roll:

Dr. Oh – Aye
Dr. Nour – Aye
Dr. Bush – Aye

Mr. O'Donnell – Aye
Mr. McGahan - Aye
Dr. Jubbal – Aye

The Chair voted Aye.
Motions carried 7-0 (unanimous).

In the **Gosselin** matter, Dr. Robinson moved to issue the Final Decision and Order, revoking Dr. Gosselin's inchoate right to renew his license to practice medicine.
Mr. McGahan seconded the motion.

Dr. Robinson called the Roll:

Dr. Oh – Aye
Dr. Nour – Aye
Dr. Bush – Aye
Mr. O'Donnell – Aye
Mr. McGahan - Aye
Dr. Jubbal – Aye

The Chair voted Aye.
Motion carried 7-0 (unanimous).

In the **Weiss** matter, Dr. Robinson moved to issue the Statement of Allegations and approve the Consent Order, reprimanding Dr. Weiss' license to practice medicine and imposing a fine of \$5000.
Dr. Oh seconded the motion.

Dr. Robinson called the Roll:

Dr. Oh – Aye
Dr. Nour – Aye
Dr. Bush – Aye
Mr. O'Donnell – Aye
Mr. McGahan – Ayer.
Dr. Jubbal – Aye

The Chair voted Aye.
Motion carried 7-0 (unanimous).

Appeals Status Update:

The Board deferred its consideration of this matter until the next Board meeting.

Board Member Availability:

The Board considered their anticipated availability to attend the October 19, 2023, November 2, 2023 and November 16, 2023 Board Meetings.

Mr. O'Donnell and Dr. Nour indicated that they did not anticipate being available to attend the November 2, 2023 Board meeting.

Mr. McGahan indicated that he did not anticipate attending the November 16, 2023 Board meeting.

Dr. Robinson announced that this would be Dr. Oh's last Board meeting. He thanked her for her contributions to the Board and expressed his appreciation of her hard work.

Dr. Nour stated that Dr. Oh served as her role model as a Board member and Mr. McGahan concurred with Dr. Nour.

Dr. Bush stated that Dr. Oh was a wonderful Acting Chair when the current Chair was not available.

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

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

Dr. Oh moved to adjourn the meeting.

Dr. Jubbal seconded the motion.

Dr. Robinson called the Roll:

Dr. Oh – Aye

Dr. Nour – Aye

Dr. Bush – Aye

Mr. O'Donnell – Aye

Mr. McGahan - Aye

Dr. Jubbal – Aye

The Chair voted Aye.

Motion carried 7-0 (unanimous).

The Board meeting adjourned at 11:40 a.m.

Documents Considered in Public Sessions I and II:

- Memorandum RE: USMLE 5th Attempt Sponsorship Requests
- Memorandum RE: Alexandra Accardi, M.D. - Revised Clinical Skills Assessment Proposal
- Public Session Minutes of the September 21, 2023 Board meeting

- Motions and Votes
- Licensing Applications Lists (see attached at TABs A-C)