

BOARD OF REGISTRATION IN MEDICINE
178 Albion Street, Suite 330
Wakefield, Massachusetts 01880
(Teleconference)
September 21, 2023
10:30 a.m.
Public Session I

Members Participating Remotely:

Julian N. Robinson, M.D., Physician Member, Chair
Holly Oh, M.D., Physician Member, Secretary
Nawal Nour, M.D., M.P.H., Physician Member
Booker T. Bush, M.D., Physician Member
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
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. Bush – Aye

Mr. O'Donnell – Aye

Mr. McGahan - Aye

Dr. Jubbal - Aye

Dr. Nour – 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.

Election of Board Officers:

The Board considered the possible nominations of Board Officers for the positions of Chair, Vice Chair and Secretary.

Dr. Bush moved to nominate Dr. Robinson to remain as Chair of the Board of Registration in Medicine (BORIM).

Dr. Nour 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 moved to nominate Dr. Nour to be the Vice Chair of BORIM.

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 moved to nominate Dr. Bush to be the Secretary of BORIM.

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).

2024 BORIM Calendar:

The Board considered the proposed 2024 BORIM Calendar.

Mr. O’Donnell moved to approve the 2024 BORIM Calendar as proposed.
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).

Quality and Patient Safety Division’s (QPSD) Online Reporting Launch:

Daniela Brown, Director of QPSD, provided the Board members with an overview of a QPSD initiative that will allow health care facilities to submit electronically their statutorily-required reporting (hereinafter “reports”) to QPSD. Up to this point, healthcare facilities have been mailing hardcopies of the reports.

Ms. Brown credited Dr. Julian Robinson for having requested this change to how healthcare facilities submit reports.

Ms. Brown provided an overview of QPSD’s efforts to educate and receive feedback from healthcare facilities regarding the electronic submission of reports. Users of the new online system have stated that the electronic reporting is “user-friendly” and “more secure.”

Ms. Brown informed the Board that QPSD has not received any exemption requests from healthcare facilities regarding the electronic filing of Reports.

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

Vita P. Berg, General Counsel, provided the Board members with an overview of how BORIM conducts Adjudicatory matters, pursuant to the State Administrative Procedure Act, M.G.L. c. 30A and the Standard Adjudicatory Rules of Practice and Procedure at 801 CMR 1.00, with respect to proceedings where the Division of Administrative Law Appeals (DALA) has issued a Recommended Decision in a BORIM matter.

BORIM has 180 days to issue a Final Decision and Order after DALA issues a Recommended Decision. If the Board has not done this, then the Recommended Decision (Recommended Findings of Law and Fact) becomes the Final Decision and Order. However, this means that the Final Decision and Order would issue without a Board sanction, a very undesirable result.

Ms. Berg stated that the purpose of this Proposed Policy was to provide the parties concerned in such matters with guidelines for reasonable extensions and provide a cap on excessive requests for extensions. This would facilitate BORIM's ability to issue a Final Decision and Order within the 180 days after DALA has issued a Recommended Decision.

Dr. Bush moved to adopt Policy 2023-02, Deadlines for Post-Recommended Decision Filings.

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).

Proposed Revision to Policy 98-02: Policy on Release of Physician Addresses:

Eileen A. Prebensen, Senior Policy Counsel, informed the Board members that physicians are required to provide their business and home addresses to BORIM. The Board is required by law to respond to public record requests and designated agency requests.

Ms. Prebensen stated that BORIM is required to publish the location of a licensee's primary practice setting in his/her public Profile. This includes the physician's home address if the physician lists their home address as their primary practice setting. However, the Board is not allowed to ask a public records requestor the reason for the request.

Ms. Prebensen provided the Board with an overview of the Proposed Revisions.

Dr. Bush moved to approve the Proposed Revisions to Policy 98-02.

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).

Proposed Replacement of Policy 2020-09: Interim Policy on Emergency Temporary Licenses for Full License Applicants:

Ms. Berg provided the Board with an overview of this history of the Board's implementation of Policy 2020-09 that allows for a health care facility to request an emergency temporary license for a full license applicant. However, the applicant must meet the core requirements for licensure.

This policy was implemented to allow healthcare facilities to address physician shortages during the COVID-19 pandemic.

Ms. Berg stated that the Board may wish to rescind Policy 2020-09 since the COVID-19 emergencies have been terminated and this Policy will sunset on September 30, 2023. In its place, she recommended that the Board approve the Proposed Policy 2023-03, Policy on Provisionally Issued Full Licenses for Qualified Applicants.

The Proposed Policy would allow BORIM to continue to accept and process healthcare facilities requests for emergency temporary licensure because some facilities are still experiencing physician shortages.

Mr. O'Donnell moved to approve the Proposed Policy on Provisionally Issued Full Licenses for Qualified Applicants.

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).

Dr. Oh moved to rescind Policy 2020-09 after the full license applications of emergency licenses issued as of September 30, 2023 have been fully adjudicated.
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).

Proposed Revisions to Standard Probation Agreement Template:

Robert E. Harvey, Physician Health and Compliance Manager, informed the Board that since the Board previously voted in favor of the request by Physician Health Services (PHS) concerning changes to PHS' quarterly reporting format, the Board should now consider corresponding changes to the Probation Agreement template. In addition, the Division of Law and Policy made recommendations for other updates to the template to clarify requirements to be met by individuals while on probation.

Mr. Harvey provided the Board members with a detailed accounting of the proposed changes to the Probation Agreement templates.

Mr. O'Donnell moved to approve the Proposed Revisions to the Standard Probation Agreement Template.
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).

Minutes:

The Board considered the Public Session Minutes of the September 7, 2023 Board meeting.

Dr. Bush moved to approve the Public Session Minutes of the September 7, 2023 Board meeting.
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).

Licensing:

Michael Sinacola, Director of Licensing, provided the Board members with an overview of the licensing data as of September 21, 2023.

The Board members stated their recusal information. 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 applications ready for licensing (see attached at TAB C).

Mr. O'Donnell moved to approve the above-listed applications for licensure.

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).

Per Dr. Robinson's inquiry, Mr. Sinicola stated that the Online Licensing System was performing well and gave a brief overview of license applications processing time.

Dr. Robinson stated that the Board will meet in Executive Session as authorized pursuant to M.G.L. c.30A § 21(a)(1) for the purpose of discussing the reputation, character, physical condition or mental health, rather than professional competence, of an individual. Specifically, the Board will discuss and evaluate the reputation, character, physical condition or mental health, rather than professional competence of an individual, relative to a board ordered examination pursuant to M.G.L. c. 112, § 5H. 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. Oh moved to go into Executive Session.

Dr. Nour 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 11:00 a.m.

BOARD OF REGISTRATION IN MEDICINE
178 Albion Street, Suite 330
Wakefield, Massachusetts 01880
(Teleconference)
September 21, 2023
11:31 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
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 **Geller** matter, Dr. Robinson moved issue the Final Decision and Order, reprimanding Dr. Geller'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 **Lance** matter, Dr. Robinson moved to issue the Final Decision and Order, adopting the Recommended Order of Dismissal, dismissing the April 27, 2023 Statement of Allegations without prejudice, and reserving discretion to issue a new Statement of Allegations in the event that the Respondent seeks to be relicensed in the Commonwealth.

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).

In the **Shackelford** matter, Dr. Robinson moved to issue the Final Decision and Order, dismissing the October 8, 2020 Statement of Allegations.

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 **Cardone** matter, Dr. Robinson moved to accept the Resignation of Dr. Cardone's inchoate right to renew his license to practice medicine, pursuant to 243 CMR 1.05(5)(a).

Dr. Jubbal 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 **Kink** matter, Dr. Robinson moved to issue the Statement of Allegations and Order of Reference to the Division of Administrative Law Appeals.
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).

In the **Poore** matter, Dr. Robinson moved to issue the Statement of Allegations and the Order of Reference to the Division of Administrative Law Appeals.
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).

In the **Kristiansen** matter, Dr. Robinson moved to accept the Resignation of Dr. Kristiansen's license to practice medicine, pursuant to 243 CMR 1.01(5)(a). The Board further voted to terminate Dr. Kristiansen's Voluntary Agreement Not to Practice.
Dr. Jubbal 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).

Board Member Availability:

The Board considered their anticipated availability to attend the October 5, 2023, October 19, 2023 and November 2, 2023 Board Meetings.

Dr. Nour indicated that she did not anticipate attending the October 19, 2023 Board meeting.

Mr. O'Donnell indicated that he may not be available to attend the November 2, 2023 Board meeting.

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

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

Dr. Jubbal moved to adjourn the meeting.

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).

The Board meeting adjourned at 11:36 a.m.

Documents Considered in Public Sessions I and II:

- Proposed 2024 BORIM Calendar
- Memorandum RE: Proposed Policy on Deadline for Post-Recommended Decision Filings

- Memorandum RE: Proposed Revision to Policy 98-02: Policy on Release of Physician Addresses
- Memorandum RE: Proposed Revisions to Standard Probation Agreement Template
- Public Session Minutes of the September 7, 2023 Board meeting
- Motions and Votes
- Licensing Applications Lists (see attached at TABs A-C)