

BOARD OF REGISTRATION IN MEDICINE

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

(Teleconference)

September 22, 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
Nawal Nour, M.D., M.P.H., Physician Member
Booker T. Bush, M.D., Physician Member
Frank O'Donnell, Esq., Public 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
Roisin Cahill, 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 10:33 a.m.

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

Mr. Giessmann – Aye

Dr. Oh- Aye

Dr. Nour-Aye

Dr. Bush – Aye

Mr. O'Donnell – Aye

The Chair voted Aye.

Motion carried 6-0 (unanimous).

Dr. Robinson informed those individuals in attendance that the Board meeting was being conducted via teleconference and additionally, that the Board meeting was being recorded by a stenographer.

Consideration of 2023 Board of Registration in Medicine (BORIM) Calendar:

George Zachos, Executive Director, informed the Board that they had before them two proposed BORIM Calendars for calendar year 2023. “Calendar A” mirrors the 2022 BORIM Calendar in that there are 22 Board meetings listed on the calendar. “Calendar B” proposes Board meetings in a three (3) week cadence for a total of 19 Board meetings.

After discussion, the Board members came to an agreement to maintain the current two-week cadence for the Board meetings and opted for “Calendar A.”

Dr. Bush moved to adopt the proposed “Calendar A” and maintain the two-week cadence of Board meetings.

Dr. Oh seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Oh- Aye

Dr. Nour-Aye

Dr. Bush – Aye

Mr. O’Donnell – Aye

The Chair voted Aye.

Motion carried 6-0 (unanimous).

Affiliated Monitoring Presentation:

Vita P. Berg, General Counsel, informed the Board members that the Affiliated Monitoring presentation would be deferred to a future Board meeting.

Proposed Policy 2022-06¹: Policy Implementing Protections for Reproductive and Gender Affirming Care (St. 2022, c. 127):

Ms. Berg provided the Board members with an overview of a law (*An Act Expanding Protections for Reproductive and Gender-Affirming Care*, St. 2022, c. 127 (Chapter 127)) enacted in July in response to the Supreme Court decision, Dobbs v. Jackson Women’s Health Organization, which overturned precedent establishing a constitutional right to an abortion.

¹ This policy was proposed to Board members as 2022-05, however to avoid duplication with previously adopted policy, the correct number for this policy is 2022-06.

The newly enacted law protects against adverse actions on license applications, discipline against a licensee, and publication of adverse history on a physician's public profile, in situation where a physician seeks, obtains, assists with obtaining, or provides reproductive care services or gender-affirming services that would be lawful in Massachusetts and is consistent with good professional practice in Massachusetts.

Ms. Berg stated that pursuant to the Proposed Policy, BORIM staff would screen the following types of events to determine whether the conduct would be lawful in Massachusetts and consistent with good professional practice in Massachusetts:

1. Conviction of a criminal offense in another state ;
2. Civil liability in another state;
3. Investigation in progress in another state;
4. Professional sanction in another state.
5. Disciplinary action in another state.
6. Report or complaint submitted to the Board by any person, agency or entity concerning conduct in another state.

The Division of Law and Policy will assist BORIM staff with determining when specific conduct would be lawful in Massachusetts.

Dr. Bush expressed appreciation that the Board was implementing these protective measures.

Dr. Oh moved to adopt BORIM Policy 2022-06, Implementing Protections for Reproductive and Gender-Affirming Care. The motion was seconded by Dr. Nour.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Oh- Aye

Dr. Nour-Aye

Dr. Bush – Aye

Mr. O'Donnell – Aye

The Chair voted Aye.

Motion carried 6-0 (unanimous).

Shiu, Ho Yin Aaron

The Board considered the Request to Terminate the Transitional Practice Plan.

Robert E. Harvey, Physician Health and Compliance Manager, was present via teleconference.

Mr. Harvey provided the Board members with an overview of this matter.

In the **Shiu** matter, Dr. Oh moved to terminate the Transitional Practice Plan.
Dr. Bush seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Oh- Aye

Dr. Nour-Aye

Dr. Bush – Aye

Mr. O'Donnell – Aye

The Chair voted Aye.

Motion carried 6-0 (unanimous).

Kazem Zadeh Azad, Babak

The Board considered the Request for Waiver of Postgraduate Training Requirements and the Full License Application.

Dr. Kazem Zadeh Azad was present via teleconference.

Dr. Kazem Zadeh Azad addressed the Board, including questions posed to him by the Board members.

In the **Kazem Zadeh Azad** matter, Dr. Bush moved to grant the request for waiver of postgraduate training requirements and approve the Full License Application.
Dr. Nour seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Oh- Aye

Dr. Nour-Aye

Dr. Bush – Aye
Mr. O'Donnell – Aye

The Chair voted Aye.
Motion carried 6-0 (unanimous).

Licensing:

Dr. Robinson is recused from license applications from Newton Wellesley Hospital, Mr. Giessmann is recused from applications involving Right Turn, Dr. Nour is recused from Brigham and Women's Hospital and Dana Farber, 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 September 22, 2022.

Licensing Applications:

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

- Applications for Full Licensure (Acheampong - Zheng)
- Applications for Limited Licensure (Carroll – Taechariyakul)
- Application for Temporary Faculty Licensure Reviewed by the Licensing Committee (Khany)
- Applications for Full Licensure with Waiver Reviewed by the Licensing Committee (da Cruz – Sharma)
- Applications for Full Licensure Reviewed by the Licensing Committee (Graham – Lipov)
- Application for Limited Licensure with Waiver Reviewed by the Licensing Committee (Navarro Galindo)
- Applications for Limited Licensure Approved Pursuant to Policy 2021-03 on May 20, 2022 (Adams – Zhong)
- Applications for Limited Licensure Approved Pursuant to Policy 2021-03 on May 27, 2022 (Abdul – Ziadkhanpour)
- Applications for Limited Licensure Approved Pursuant to Policy 2021-03 on June 3, 2022 (Abbott – Velez Florez)
- Applications for Limited Licensure Approved Pursuant to Policy 2021-03 on June 10, 2022 (Ababneh – Yukselen)
- Applications for Limited Licensure Approved Pursuant to Policy 2021-03 on June 17, 2022 (Abrams – Yune)

- Applications for Limited Licensure Approved Pursuant to Policy 2021-03 on June 4, 2022 (Aboueisha – Wendeu)
- Applications for Limited Licensure Approved Pursuant to Policy 2021-03 on June 30, 2022 (Abumoawad – Zhu)
- Application for Lapsed Licensure Reviewed by the Licensing Committee (Strebel)

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. Nour-Aye

Dr. Bush – Aye

Mr. O'Donnell – Aye

The Chair voted Aye.

Motion carried 6-0 (unanimous).

Minutes:

The Board considered the Public Session Minutes of the September 8, 2022 Board meetings.

Dr. Bush moved to approve the Public Session Minutes of the September 8, 2022 Board meeting.

Dr. Oh seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Abstained

Dr. Oh- Aye

Dr. Nour-Aye

Dr. Bush – Aye

Mr. O'Donnell – Aye

The Chair voted Aye.

Motion carried 5--0-1 (Mr. Giessmann abstained).

Dr. Robinson stated that the Board would 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 would discuss and evaluate the reputation, character, physical condition or mental health, rather than professional competence, of individuals relevant to their petitions for licensure

and their petitions for modification of their probation agreement. The Board would also be reviewing Executive Session Minutes.

Following the Executive Session, the Board would meet in closed Adjudicatory Session, and then closed Mass. General Law, chapter 112, section 65C Session. The Board would 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:

Mr. Giessmann – Aye

Dr. Oh- Aye

Dr. Nour-Aye

Dr. Bush – Aye

Mr. O'Donnell – Aye

The Chair voted Aye.

Motion carried 6-0 (unanimous).

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

Public Session I ended at 10:57 a.m.

BOARD OF REGISTRATION IN MEDICINE

**178 Albion Street, Suite 330
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(Teleconference)

September 22, 2022

11:52 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
Nawal Nour, M.D., M.P.H., Physician Member
Booker T. Bush, M.D., Physician Member

Member(s) absent:

Frank O'Donnell, Esq., Public 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 **Sharma** matter, Dr. Robinson moved to deny the Petition as to termination of the Probation Agreement but to further reduce the onsite observations to once every three months and to reduce the record review.

Dr. Nour seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Oh- Aye

Dr. Nour-Aye

Dr. Bush – Aye

The Chair voted Aye.

Motion carried 5-0 (unanimous).

In the **Fisher** matter, Dr. Robinson moved to preliminarily deny the Full License application on grounds that the pattern of unprofessional conduct documented through disciplinary action imposed by the residency program, and knowing disregard and violation of the residency program's moonlighting rules, constitutes conduct that demonstrates a lack of good moral character and conduct that, if engaged in by a licensee, would warrant discipline by the Board as unprofessional conduct and a violation of Board Policy 2001-01, Disruptive Physician Behavior. Dr. Bush seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Oh- Aye

Dr. Nour-Aye

Dr. Bush – Aye

The Chair voted Aye

Motions carried 5-0 (unanimous).

In the **Perrone** matter, Dr. Robinson moved to issue the Final Decision and Order, adopting the findings of fact and conclusions of law set forth in the Recommended Decision but imposing no sanction because Dr. Perrone's license is currently revoked. Dr. Robinson further moved to place Dr. Perrone on notice that in the event that he should in the future petition for reinstatement, the Board would consider the facts established in this Final Decision and Order along with all other relevant facts and circumstances, including any additional sanctions imposed against his medical licenses in other jurisdictions, when making a decision on any such petition. Dr. Bush seconded the motions.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Oh- Aye

Dr. Nour-Aye

Dr. Bush – Aye

The Chair voted Aye.

Motions carried 5-0 (unanimous).

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

Dr. Oh seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Oh- Aye

Dr. Nour-Aye

Dr. Bush – Aye

The Chair voted Aye

Motion carried 5-0 (unanimous).

In the **Mitton** matter, Dr. Robinson moved to accept the Resignation of Dr. Mitton's license to practice medicine, pursuant to 243 CMR 1.05(5)(a).

Dr. Oh seconded the motions.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye

Dr. Oh- Aye

Dr. Nour-Aye

Dr. Bush – Aye

The Chair voted Aye

Motions carried 5-0 (unanimous).

Board Member Availability

The Board discussed their anticipated availability to attend the October 6, 2022, October 20, 2022 and November 3, 2022 Board Meetings.

Dr. Nour stated that she did not anticipate attending the October 20, 2022 and November 3, 2022 Board meetings.

No other Board members indicated that they had any scheduling conflict that would prevent them from attending the Board meetings.

Dr. Robinson asked Mr. Zachos to follow-up with Mr. O'Donnell regarding Mr. O'Donnell's anticipated availability to attend the Board meetings.

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

Dr. Oh moved to adjourn the Board meeting.
Dr. Bush seconded the motion.

Dr. Robinson called the Roll:

Mr. Giessmann – Aye
Dr. Oh- Aye
Dr. Nour-Aye
Dr. Bush – Aye

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

Meeting adjourned at 11:57 a.m.

Documents Considered in Public Sessions I and II:

- Proposed 2023 BORIM Calendars
- Memorandum RE: Proposed Policy 22-05: Policy Implementing Protections for Reproductive and Gender-Affirming Care (Chapter 127)
- Memorandum RE: Ho Yin Aaron Shiu, M.D. – Request to Terminate Transitional Practice Plan
- Memorandum RE: Babak Kazem Zadeh Azad , M.D. – Request for Waiver of Postgraduate Training Requirements and the Full License Application.
- Public Session Minutes of the September 8, 2022 Board Meeting
- Motions and Votes
- Licensing Applications List