

BOARD OF REGISTRATION IN MEDICINE
178 Albion Street, Suite 330
Wakefield, Massachusetts 01880
(Teleconference)
September 7, 2023
10:30 a.m.
Public Session I

Members Participating Remotely:

Julian N. Robinson, M.D., Physician Member, Chair
Nawal Nour, M.D., M.P.H., Physician Member
Holly Oh, M.D., Physician Member, Secretary
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
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 10:30 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.

Hayes, John

The Board considered the Request for Waiver of Substantial Equivalency of Medical Education and the Full License Application.

Dr. Hayes was present via teleconference.

Rosin Cahill, Assistant General Counsel, was present via teleconference.

Ms. Cahill provided the Board members with an overview of Dr. Hayes' educational background and history of the Licensing Committee's consideration of Dr. Hayes' Request for Waiver of Substantial Equivalency of Medical Education. This Request was previously denied by the Licensing Committee and referred to the full Board for further consideration.

Dr. Holly Oh, Licensing Committee Chair, informed the other Board members that the Licensing Committee referred this matter to the full Board because the Board has not previously approved students for licensure who graduated from the University of Science, Arts and Technology (hereinafter USAT) in Montserrat.

Dr. Hayes addressed questions regarding the Board's concerns with granting his request given the Board has not approved graduates from the University in Montserrat for licensure. Dr. Hayes informed the Board that all his clinical rotations were done in the United States.

Dr. Julian Robinson, Chair, informed Dr. Hayes that the Board would be setting a precedent if they approved his request and Full License application, given the Board has not approved students from the USAT in Montserrat.

Board members considered that ECFMG announced that USAT students with a graduation date of 2019 or later are not eligible to apply to for ECFMG Certification or to sit for the USMLE exams. Additionally, graduates from 2003 to 2018, will be subject to enhanced procedures that must be met in order to be eligible to apply for ECFMG Certification. However, Dr. Hayes graduated from USAT in 2017 and received his ECFMG Certification in May 2017, prior to ECFMG's determination regarding graduates of USAT. Dr. Robinson asked if there was a motion to allow the Request for Waiver of Substantial Equivalency of Medical Education and to approve the Full License Application.

In the **Hayes** matter, Dr. Oh moved to allow the Request for Waiver of Substantial Equivalency of Medical Education and approve the Full License Application.

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).

Minutes:

The Board considered the Public Session Minutes of the August 3, 2023 Board meeting.

Dr. Bush moved to approve the Public Session Minutes of the August 3, 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 7, 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 and Dr. Jubbal is recused from applications involving UMass Memorial Medical Center.

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), Changes to Existing Limited Licenses (see attached at TAB B) and licenses approved by the Licensing Committee (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).

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 relevant to his petition to modify his probation agreement and of individuals relevant to a complaint pending before the Board. 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 10:43 a.m.

BOARD OF REGISTRATION IN MEDICINE
178 Albion Street, Suite 330
Wakefield, Massachusetts 01880
(Teleconference)
September 7, 2023
12:48 p.m.
Public Session II

Members Participating Remotely:

Julian N. Robinson, M.D., Physician Member, Chair
Nawal Nour, M.D., M.P.H., Physician Member
Holly Oh, M.D., Physician Member, Secretary
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
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 **Kulcsar** matter, Dr. Robinson moved to allow the Petition to Modify the Probation Agreement.

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).

In the **Hamilos** matter, Dr. Robinson moved to issue the Statement of Allegations, the Order to Use Pseudonyms and Impound Identities and Medical Records, and to approve the Consent Order reprimanding Dr. Hamilos.

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 **Brody** matter, Dr. Robinson moved to issue the Final Decision and Order, suspending Dr. Brody's inchoate right to renew his license to practice medicine.

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 **Foe** matter, Dr. Robinson moved to deny the Respondent's Motion to Refer this Matter Back to the Division of Administrative Law Appeals. Dr. Robinson further moved to issue the Final Decision and Order, reprimanding Dr. Foe, and to issue the Order of Impoundment.

Dr. Bush seconded the motions.

Dr. Robinson called the Roll:

Dr. Oh – Abstained

Dr. Nour – Aye

Dr. Bush – Aye

Mr. O'Donnell – Aye

Mr. McGahan - Aye
Dr. Jubbal – Nay

The Chair voted Nay.

Motions carried 6-2-1 (Drs. Robinson and Jubbal opposed and Dr. Oh abstained).

In the **Gillespie** matter, Dr. Robinson moved to issue the Statement of Allegations, the Order to Use Pseudonyms and Impound Identities and Medical Records, and the Order of Reference to the Division of Administrative Law Appeals.

Dr. Oh seconded the motion.

Dr. Robinson called the Roll:

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

The Chair voted Aye.

Motion carried 6-0-1 (Dr. Oh abstained).

In the **Lawrence** matter, Dr. Robinson moved to issue the Statement of Allegations, the Order to Use Pseudonyms and Impound Identities and Medical Records, and the Order of Reference to the Division of Administrative Law Appeals.

Dr. Oh seconded the motion.

Dr. Robinson called the Roll:

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

The Chair voted Aye.

Motion carried 6-0-1 (Dr. Nour abstained).

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

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 **Smith** matter, Dr. Robinson moved to accept the Resignation of Dr. Smith's license to practice medicine, pursuant to 243 CMR 1.05(5)(b).
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 **Todd** matter, Dr. Robinson moved to ratify the acceptance of the Voluntary Agreement Not to Practice.
Dr. Oh seconded the motion.

Dr. Robinson called the Roll:

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

The Chair voted Aye.
Motion carried 6-0-1 (Dr. Nour abstained).

Statutory Changes Relevant to BORIM in FY24 State Budget:

Ms. Berg submitted a memorandum addressing two changes relevant to the Board that were in the recently approved state budget. Responsive to Ms. Berg's inquiry, the Board indicated that they did not have any questions regarding the materials provided to them.

Board Member Availability:

The Board considered their anticipated availability to attend the September 21, 2023, October 5, 2023 and October 19, 2023 Board Meetings.

Dr. Oh indicated that she would not be available for the October 19, 2023 Board meeting and thereafter.

Dr. Robinson informed the other Board members that Dr. Oh was leaving the Board as of October 5, 2023 and expressed his appreciation for her service to the Board.

Dr. Oh thanked the Board members and Board staff for a terrific learning experience.

Dr. Bush expressed his appreciation for Dr. Oh's service to the Board and other Board members and staff also indicated their appreciation for her service

The other Board members indicated that they anticipated attending the Board meetings.

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

Dr. Oh moved to adjourn the meeting.

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).

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

Documents Considered in Public Sessions I and II:

- Memorandum RE: John Hayes, M.D. (Request for Waiver of Substantial Equivalency of Medical Education and Full License Application)
- Public Session Minutes of the August 3, 2023 Board meetings
- Motions and Votes
- Licensing Applications Lists (see attached at TABs A-C)
- Memorandum RE: Board of Registration in Medicine Relevant Statutory Changes in FY 24 State Budget