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# New Mexico Board of Medical Examiners

**Fiscal Year 1999-2000**

## **Annual Report**

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The New Mexico Board of Medical Examiners is pleased to present its FY00 annual report. This was a year focused on planning for the future and making it easier for our customers to access the Board.

### **OVERVIEW OF AGENCY**

By statute, the NM Board of Medical Examiners was created “in the interest of public health, safety and welfare and to protect the public from the improper, unprofessional, incompetent and unlawful practice of medicine...” The law further defines the primary duties and obligations of the Board to:

1. Issue licenses to qualified physicians;
2. Issue licenses to qualified physician assistants;
3. Discipline incompetent or unprofessional physicians and physician assistants; and
4. Aid in the rehabilitation of impaired physicians and physician assistants for the purpose of protecting the public.

In addition to the statutory mandate, the Board’s strategic plan identifies the following objectives:

- To protect the public by assuring that licenses are only issued to qualified applicants,
- To reduce the number of incompetent or unprofessional physicians and physician assistants licensed in the state through enhanced discipline,
- Provide customer service that meets or exceeds expectations,
- Provide improved service through the use of enhanced technology, and
- Provide a sound and stable working environment for agency staff.

<b>BOARD</b>
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The Board consists of 8 governor-appointed members who dedicate hundreds of hours each year reviewing complaints and developing policy for the agency. Six of the appointed members are physicians and two are public representatives.

<b>Member Name</b>	<b>Initially Appointed</b>	<b>Re-appointed</b>	<b>Term Expires</b>
John S. Romine, MD, President Farmington Orthopaedic Surgeon	11/30/95	3/13/00	12/31/03
Marvin D. Call, MD, Vice-President Albuquerque Family Practice	9/24/97	3/13/00	12/31/03
C. Grant La Farge, MD, Secretary Santa Fe Cardiology	3/16/98		1/1/02
Karl R. Gutierrez, M.D. Grants General Surgeon	8/5/91	8/14/95	12/31/03
Sambaiah Kankanala, M.D. Hobbs Internal Medicine	3/16/98		1/1/02
Livingston Parsons, Jr., M.D. Albuquerque General Surgeon	8/5/91	8/14/95 3/13/00	12/31/03
Lynda Kellahin Santa Fe Public Member, Property Manager	5/4/99		7/1/03
Ellen Syvertson Los Lunas Public Member, Small Business Owner	3/16/98		1/1/02

## *Board Leadership*

**John S. Romine, M.D.**, a Farmington orthopaedic surgeon, has led the Board as President since 1999. He has a clear vision of bringing the NMBME into the electronic age and addressing the issues that face the practice of medicine head-on.

**Marvin McCall, M.D.**, serves as Vice-President of the Board. He retired from Lovelace Health Systems in 1998, after working as a family practitioner for 20 years. He continues to volunteer occasionally at the PHS Indian Hospital in Tuba City, Arizona.

As Board Secretary, **C. Grant La Farge, M.D.**, serves a vital function in Board operations. He is in the board office approximately 30 hours per week, answering questions regarding medical practice that staff is unable to answer. He also serves as the primary interviewer for all applicants for licensure. Staff relies on Dr. La Farge for guidance on medical issues, initial drafting of proposed regulations, and special projects.

## *Meetings*

The Board held four quarterly meetings in FY00. Permanent licenses were issued at the May and November meetings, as provided for in the statute. The Board also held a special meeting in January to make decisions related to physician discipline.

## *Physician Assistant Committee*

The Physician Assistant Advisory Committee, made up of three physician assistants and a licensed physician, continues to meet on a quarterly basis with the Board. The purpose of this committee is to advise the Board in matters relating to physician assistants. The Board partially funded one PAAC member to attend the Annual Federation of State Medical Board meeting in FY2001.

## **STAFF**

## *Board Staff*

**Charlotte Kinney, MS**, Executive Director, replaced Kristen Hedrick in August 2000. Ms. Kinney has over twenty years of experience with State government, including fourteen years working with other regulatory boards.

### **Administrative Staff**

Angela Martinez, Administrator II

Joe Montoya, Financial Administrator IV

Deborah Brandle, Financial Specialist III

**Licensing Staff**

Imelda Gallegos, Licensing Manager IV

Dee Perea, Clerk Specialist

Julie Martinez, Clerk IV

**Investigative Staff**

Carmen T. Carrillo, Investigator III

Randy Harris, Investigator II

*Legal Staff***G.T.S. Khalsa**, Board Attorney**Leslie Lowe**, Assistant Attorney General**ENFORCEMENT**

Quality enforcement is the most critical component for any state medical board. Through our enforcement program, the Board responds to consumers who initiate complaints against licensed physicians and physician assistants. In addition to tracking formal complaints, the Board keeps a comprehensive file on informal complaints, referrals to other agencies, and malpractice actions.

*Disciplinary Actions*

In FY00, the following actions were taken by the Board:

**Physicians:**

Notice of Contemplated Action Issued	7
Summary suspensions	1
Hearings	3
Licenses revoked	1
Licenses surrendered in lieu of action	0
Applications/reinstatements denied	1
License suspended	2
License stipulated	11
Reduction of stipulated terms	9
Public Letter of Reprimand	0
Referrals to examining committees under Impaired Physician Act	3

Voluntary surrender of license under Impaired Health Care Provider Act	0
Completed terms of probation and unrestricted license restored	7

**Physician Assistants – no actions were taken against PAs in FY00.**

***Complaints***

In FY00 the Board received 236 formal complaints against physicians and physician assistants. All complaints that fall within the Board’s jurisdiction are investigated by board staff and reviewed by the Board Attorney. After preliminary investigation, three complaint committees, each made up of two board members, review these consumer complaints. The complaint committees meet prior to quarterly board meetings carefully reviewing the records and evidence. When a committee considers a complaint regarding a physician assistant, a member of the Physician Assistant Advisory Committee participates in the review.

After a thorough review, the complaint committee makes a recommendation to the full Board for further action or closure. All complaints are confidential and referred to only by number unless, or until, action is taken in an open meeting of the Board. When action is taken by the full Board, the members of the recommending complaint committee are recused, and do not vote on the issue.

***Impaired Health Care Provider Act***

The Impaired Health Care Provider Act, §61-7-1 to 61-7-5, NMSA 1978, gives the Board authority to restrict, suspend or revoke a license if the practitioner is unable to practice with reasonable skill or safety because of mental illness, physical illness, or habitual or excessive use or abuse of drugs or alcohol. A physicians may request voluntary restriction of a medical license, or the Board may, through the use of an examining committee, make the determination the physician is impaired.

The Impaired Health Care Provider Act also gives the Board authority to contract with a program of care and rehabilitation services to provide for the detection, intervention and monitoring of impaired providers. The Board has a current contractual agreement with the New Mexico Monitored Treatment Program to provide these services. To fund this program, \$30 per year is collected as part of each license renewal.

***Expert Witness/Medical Record Review***

The Board has an agreement with the University of New Mexico School of Medicine for expert review of medical records. The Board has contracts with other medical experts to review records, render opinions and testify at hearings.

### ***Consumer Information***

The Board has created a brochure containing information on how the public can submit a complaint against a physician or a physician assistant. This brochure is sent to individuals who are considering filing a complaint against a licensed practitioner. It is also available through the New Mexico Medical Society and is being sent to hospital administrators statewide to be available to patients on request. This brochure contains information on how to file a complaint, the Board's statutory jurisdiction, and information on other avenues that a patient may pursue if the complaint falls outside of the Board's jurisdiction. A copy is attached to this report.

### ***Website***

During the last year the Board has struggled with the creation of a useful and informative website. Although a preliminary website provided some information, it is being re-worked and should be available in early 2001. In addition to application and complaint information, it will include licensing information on physicians and physician assistants, as well as other informative subjects such as the Medical Practice Act and regulations, recent newsletters, meeting minutes, meeting notices, policy statements, and useful links to other sites. The website may be accessed at [www.state.nm.us/nmbme/](http://www.state.nm.us/nmbme/).

### ***Physician Directory***

The Board has traditionally published an annual directory of active physicians and physician assistants and mailed it to all licensees. Although the directory will continue to be made available in a printed format to individuals who request it, and to the State Library, it will also be made available on the Board's website in early 2001. Information included on the website can be updated routinely, thus eliminating the current problem of a directory that is obsolete before it is even printed because of address changes and new licensees.

### ***Newsletter***

Two newsletters were published during FY00. All disciplinary actions taken by the Board for the year are listed in this newsletter. By 2001 each newsletter will be available on the Board's website to allow public access to the information.

### ***Board Presentations***

The Board has created three presentations to help explain issues impacting

medical practice. The topics are “Pain Management,” “Disruptive Physicians,” and “New Directions – 2000.” These PowerPoint presentations are available on request for groups of physicians and other health care professionals.

**LICENSING**

A majority of Board resources go into the initial licensing and license renewal of physicians and physician assistants.

<i>Category</i>	<i>FY99</i>	<i>FY00</i>
# of active MD licensees	5,654	5739
# of active MD licensees practicing in NM	3,610	3585
# of new licenses issued	400	286
# of MD licenses renewed	1,747	2119
# of active physician assistant licenses	234	249
# of new physician assistant licenses	27	29

***Physician Application Procedure***

Applicants for licensure as a physician in New Mexico must apply through the Federation Credentials Verification Service (FCVS) for purposes of ensuring primary source verification of the applicant’s fundamental credentials, such as medical school and postgraduate training. In addition, each applicant completes a New Mexico application form and is interviewed by a member of the Board. When the application is complete, including the required formal interview, the applicant is issued an interim permit. Permanent licenses are issued twice a year, in May and in November, following a mandatory Orientation meeting.

***Physician Assistant Application Procedure***

Applicants for licensure as a physician assistant complete a New Mexico application form, submit documentation of training and examination, and are interviewed by a member of the Board. When the application is complete, including the required formal interview, the applicant is issued an interim permit. Permanent physician assistant licenses are issued twice a year, in May and in November, following a mandatory Orientation meeting.

### *Verification of Licensure*

During FY00 telephonic and written license verification continued to be a major task. A fee is charged for processing and mailing written verification requests. The Board continues to provide phone verifications as a courtesy to other State Agencies, other State Medical Boards, and concerned citizens at no charge. All other requests for verifications must be made in writing, either as a single verification request or in a list format, with applicable fees for service. Over 11,800 verifications were processed in FY00.

<b>BUDGET</b>
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The Approved Operating Budget for FY00 was \$791,000.

### *FY00 Revenues*

The operation of the Board is funded entirely through self-generated fees, primarily through licensing and license verification.

Licensing Fees, initial and renewal licenses: -----	\$579,200
Other Fees, primarily license verification: -----	\$105,400
Other Registration Fees (Impaired Program): -----	\$174,700
Late Fees and Penalties: -----	\$22,100
<b>Total Revenue: -----</b>	<b><del>\$881,400</del></b>

### *FY00 Expenses, by category*

000	Personal Services -----	\$324,800
010	Employee Benefits -----	\$119,500
020	Travel, In-State -----	\$11,900
030	Maintenance/Repairs -----	\$2,100
040	Supplies -----	\$11,800
050	Contractual Services -----	\$202,000
060	Operating Costs -----	\$40,800
070	Other Costs -----	0
080	Capital Outlay -----	\$5,200
090	Out-of-State Travel -----	\$4,000
101	Operating Transfers Out -----	\$200
	Other Financing Uses -----	\$200
	<b>Total Expenditures -----</b>	<b><del>\$732,500</del></b>



## *Audit*

The annual audit of the agency has been completed, submitted, and approved by the State Auditor with no adverse findings on the audit for the past five years.

### A LOOK AHEAD

The Board of Medical Examiners will be making many changes during the next few years to streamline our business processes and better serve our customers, primarily the citizens of New Mexico. Goals for the next year are to streamline the license renewal process; review and simplify the rules adopted in FY00; accept credit card payments for licensing fees; reduce the number of written verifications; convert the existing licensing data base to a windows-based environment; and to provide current physician and physician assistant information on our website. The Board is also looking forward to a “less paper” environment, where renewals can be handled electronically, required paperwork can be stored in archives, and meeting information can be shared on laptop computers.

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C. Grant La Farge, M.D.  
Secretary-Treasurer

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Charlotte J. Kinney,  
Executive Director

copy for: John S. Romine, M.D., President