

BOARD ACTIONS

(Actions taken between January 1, 2019 through March 31, 2019)

Michael Anikeev, MD – MD2011-0662 – Agreed Order for Voluntary Surrender of License While Under Investigation based on summary suspension of Ohio license for impairment; a domestic violence arrest; failure to report action taken by Ohio or his arrest and failure to respond to requests from NMMB investigator. (March 2019)

Steven Black, MD – MD2011-0547 – Notice of Contemplated Action issued based on failure to comply with Board rules regarding the management of pain by failing to review the PMP before prescribing controlled substances; failure to maintain adequate medical records; violation of state and/or federal drug laws; generation of medical records after a subpoena was issued by the Board; failure to comply with a subpoena for EMR audit logs issued by the Board; accessing a PMP record of an individual who was not a patient; and obtaining one or more controlled substances in the absence of a documented physical condition warranting issuance of the prescription. (January 2019)

Arlene Brown, MD – 82-170 – Notice of Contemplated Action issued based on injudicious prescribing of dangerous combinations of controlled substances; failure to meet the standard of care; failure to comply with the Board's pain management rule and demonstration of a pattern of negligent conduct. (January 2019)

Donald Daeke, MD – MD2014-0904 – Agreed Order for the Inactivation of License While under Investigation based on his license being suspended by the IL State Medical Board, and rejection of the NM Medical Board's offer that he accept a stipulation on his license requiring him to be monitored by the New Mexico Health Professional Wellness program and unprofessional and dishonorable conduct. (January 2019)

Andrew Dale, MD – RS2014-0440 – Agreed Order Stipulating to Investigative Findings based on unprofessional or dishonorable conduct, conduct unbecoming. (February 2019)

Julie DiCianno, MD – 90-182 – Notice of Contemplated Action was issued based on habitual or excessive use of intoxicants or drugs; manifest incapacity or incompetence to practice as a licensee; repeated similar negligent acts; abandonment of patients and conduct unbecoming in a person licensed to practice or detrimental to the best interests of the public. (March 2019)

Patrick Dunphy, PA – PA2010-0017 – Notice of Contemplated Action was issued based on habitual or excessive use of intoxicants or drugs; misrepresentation in connection with applying for or procuring renewal; the use of a false, fraudulent or deceptive statement in a document connected with the practice of a licensee; the prescribing, administering or dispensing of a narcotic, stimulant or hypnotic drugs for other than accepted therapeutic purposes; conduct likely to deceive, defraud or harm the public; repeated similar negligent acts; failure to furnish the Board, its investigators or representatives with information requested by the Board; injudicious prescribing, administering or dispensing of a drug or medicine; conduct unbecoming in a person licensed to practice or detrimental to the best interests of the public and improper management of medical records, including failure to maintain timely, accurate, legible

and complete medical records. (March 2019)

David B. Durham, MD – MD2008-0595 – Notice of Contemplated Action was issued based on failure to comply with Board rules regarding the management of pain by failing to review the PMP before prescribing controlled substances; made a false statement under oath; failure to maintain timely and accurate medical records; failure to comply with a subpoena issued by the Board for EMR information; some records do not accurately reflect actions taken with respect to those patients; failure to disclose a condition for which you were being treated that could affect patient care; obtaining one or more controlled substances in the absence of a documented physical condition warranting issuance of the prescription; violation of a state and/or federal drug law; prescribing controlled substances without a documented medical justification and prior disciplinary action for prescribing controlled substances and falsification of medical records. (January 2019)

Andrea Gonzalez, MD – Applicant – Agreed Order Accepting Respondent's Voluntary Withdrawal of Initial Application for License While Under Investigation was issued based on investigation during in connection with respondent's application for licensure. (March 2019)

Siavash Karimian, MD – MD2007-0234 – Agreed Order for Reprimand and Stipulations on Licensure was issued based on prescriptions for opioid medications he was writing for and receiving from another medical doctor; unprofessional conduct towards a pharmacist; failure to maintain adequate medical records for physician he was treating for chronic pain; failure to comply with the Board's pain management rule; failure to check the PMP before prescribing opiates; provided misleading testimony; failure to fully respond to Board subpoena; failure to disclose treatment for health condition that could affect patient care and failure to comply with the Board's rules regarding the treatment he was receiving for chronic pain. (March 2019)

Martin Maassen, MD – MD2016-0112 – Decision and Order Revoking License was issued based on failure to furnish the Board, its investigators or representatives with information requested by the Board; conduct unbecoming in a person licensed to practice or detrimental to the best interests of the public and dishonesty. (January 2019)

Richard Hugh Matthews, MD – MD2010-058 – Notice of Contemplated Action was issued based on incompetence to practice as a licensee and summary suspension by the Maryland Board of Registration in Medicine. (January 2019)

Richard Hugh Matthews, MD – MD2010-0258 – Agreement and Order Staying Proceedings and in return Dr. Matthews agreed to waive the requirements set forth in the Uniform Licensing Act; inactivate his license; before he can practice again in NM he must apply for reinstatement and acknowledge that the Board may impose conditions in connection with its consideration of his application. This action is based on Board Action by the Maryland Board of Registration in Medicine. (February 2019)

Barry Miskin, MD – 2003-0501 – Notice of Contemplated Action was issued based on discipline imposed on a licensee by another state based on acts by the licensee; failure to report to the Board adverse action taken against the licensee by another licensing jurisdiction. (March 2019)

Helson Pacheco-Serrant, MD – MD2016-0763 – Agreed Order for Reprimand and Stipulations on License was issued mirroring the requirements imposed by the Texas Medical Board which are to have his clinical skills assessed at the Texas A & M KSTAR program; successfully complete the assessment and any and all retraining, remedial measures and/or recommendations made by KSTAR and to have his practice monitored by an approved physician monitor for eight months, during which time the monitor would review patient medical records, prepare reports documenting perceived deficiencies and recommendations for improvements. This action is based on Action taken by the Texas Medical Board for failure to maintain adequate medical records for two surgical patients. (January 2019)

Elizabeth Palmer, MD – 91-106 – Agreed Order for Voluntary Surrender of License While Under Investigation was issued based on the lack of ability to practice medicine in her chosen field in a safe and effective manner; prescribed quantities and combinations of controlled substances to one or more patients in a manner not meeting established standards of care; engaged in irregular practices related to the prescribing of controlled substances over the course of several years; failed to comply with the Board's pain management rules; failed to maintain complete medical records on one or more patients; engaged in disruptive behavior in connection with the practice of medicine and made misrepresentations when renewing her license to practice medicine. (January 2019)

Christopher Percy, MD – 90-272 – Agreed Order for Stipulation of Licensure was issued mandating that physician abstain from the use of mind-altering substances, alcohol and non-prescribed controlled substances and must enter into a treatment contract with NM Health Professional Wellness Program. This is not considered a restriction on the license. (January 2019)

Joseph Strong, PSGT – PTR2019-0005 - Agreed Order for Stipulation of Licensure was issued mandating that physician abstain from the use of mind-altering substances, alcohol and non-prescribed controlled substances and must enter into a treatment contract with NM Health Professional Wellness Program. This is not considered a restriction on the license. (February 2019)

James Summa, MD – MD2017-0799 – Agreed Order for Reprimand and Stipulation on License was issued requiring that Dr. Summa pay the NMMB fines totaling \$2,000.00 within sixty days of the entry of the Agreed Order. Agreed order was based on the Texas Medical Board taking action against him for self-prescribing and based on findings that Dr. Summa had photographed and videotaped cheerleaders at a high school football game without their knowledge and in a manner that caused concern to the public. (January 2019)

Karin Van Der Gaarden, PA – PA2008-0066 – Agreed Order for Voluntary Surrender of License While Under Investigation was issued based on lack of compliance with the Board's Pain Management Rule; failure to disclose the extent of the limitations on her ability to practice when applying for renewal and failure to be forthcoming with the Board during its investigation. (January 2019)

Jonathan Wahl, MD – Applicant – Agreed Order Accepting Respondent's Voluntary Withdrawal of Initial Application for License While Under Investigation. (February 2019)

Thomas Walsh, MD – MD2014-0563 – Stipulation of Licensure issued mandating that physician abstain from the use of mind-altering substances, alcohol and non-prescribed controlled substances and must enter into a treatment contract with NM Health Professional Wellness Program. This is not considered a restriction on the license. (January 2019)

Jorg C. Winterer, MD – 79-305 – Notice of Contemplated Action was issued based on Summary Suspension of license issued by the Massachusetts Medical Board; failure to report other board action; failure to report criminal charges and investigations; failure to respond to a Board Investigator and failure to maintain current address with the Board. (January 2019)

Jorg C. Winterer, MD – 79-305 – Agreed Order for Voluntary Surrender of License While Under Investigation based on Massachusetts Medical Board Summarily Suspending his license; failure to furnish Board Investigator with information relating to his summary suspension in Massachusetts; conduct constituting the criminal offenses of harassment and malicious destruction of property following one or more confrontations with a neighbor and failure to maintain a current address with the Board. (January 2019)