

**NEW MEXICO MEDICAL BOARD
Board Meeting
November 7-8, 2024
MINUTES**

MEETING MADE PUBLIC VIA ZOOM AND TELECONFERENCE

THURSDAY, November 7, 2024

Members Present: Karen Carson, MD, Chair
Mark Unverzagt, MD

Video Conferencing*: Eileen Barrett, MD
Paul Roth, MD
Michael Richards, MD
Kathy Johnson, PA
Bradley Scoggins, DO
Kristin Reidy, DO
Jeannine Daniels, Public Member

Excused: Jeannine Daniels, Public Member (Day 1)
Eileen Barrett, MD (Day 2)

Others Present: Amanda Quintana, Interim Executive Director
Steven Jenkusky, MD, Medical Director (Day 2)
Tom Banner, Esq., Board Counsel
Monique Parks, Licensing Manager
Samantha Breen, QA Analyst
Natalie Padilla, Compliance Coordinator
David Dominguez, Investigator
Vanessa Montoya, Investigator
Kristiana Sandoval, Paralegal
Gayle Mascarenas, Auditor/ Contractor

**Due to inclement weather the majority of Board Members and Staff had to participate via Teleconference.*

1. CALL TO ORDER / ROLL CALL

Dr. Carson, after establishing the presence of a quorum, called the November 7-8, 2024, Board Meeting of the New Mexico Medical Board to order at 8:30 AM, roll call was completed. **PRESENT**, Dr. Carson, Dr. Barrett, Dr. Unverzagt, PA Johnson, Dr. Reidy, Dr. Scoggins, Dr. Roth, Dr. Richards. **EXCUSED**, Jeannine Daniels.

2. APPROVAL OF AGENDA

MOTION was made by Dr. Carson to approve the agenda. **SECONDED**, Mark Unverzagt. **YES**, Dr. Carson, Dr. Barrett, Dr. Unverzagt, PA Johnson, Dr. Reidy, Dr. Scoggins, Dr. Roth, Dr. Richards. **EXCUSED**, Ms. Daniels. **MOTION CARRIED.**

3. APPROVAL OF MINUTES

MOTION was made by Dr. Carson to approve the minutes from the August 1-2, 2024, Board meeting. **SECONDED** by Dr. Barrett. **YES**, Dr. Carson, Dr. Barrett, PA Johnson, Dr. Reidy, Dr. Scoggins, Dr. Roth, Dr. Richards. **RECUSED**, Dr. Unverzagt. **EXCUSED**, Ms. Daniels. **MOTION CARRIED.**

MOTION was made by Dr. Carson to approve the minutes from the September 27, 2024, Board meeting. **SECONDED** by Mark Unverzagt. **YES**, Dr. Carson, Dr. Barrett, Dr. Unverzagt, PA Johnson, Dr. Reidy, Dr. Scoggins, Dr. Roth, Dr. Richards. **EXCUSED**, Ms. Daniels. **MOTION CARRIED.**

EXECUTIVE SESSION: Compliance, New Mexico Health Professional Wellness Program and Complaint Committee Reports.

MOTION was made by Dr. Carson to go into Executive Session pursuant to NMSA 1978, Section 10-15-1 (H) (1) of the Open Meetings Act, Sections 10-15-1 to 10-15-4, the NM Medical Board may close portions of its meeting to discuss matters pertaining to a particular license, such as the issuance, suspension, renewal or revocation of a license. All final actions concerning any particular license will be made in an open meeting. **SECONDED**, Dr. Barrett. **YES**, Dr. Carson, Dr. Barrett, Dr. Unverzagt, PA Johnson, Dr. Reidy, Dr. Scoggins, Dr. Roth, Dr. Richards. **EXCUSED**, Ms. Daniels. **MOTION CARRIED.**

4. HPWP Report (Executive Session)

Mary Lynn Griffin, Leah Nelson, MD and Adam Vareika, Executive Director from HPWP presented the status of all mandatory HPWP participants and answered questions from the Board.

5. Informal Compliance Interviews (Executive Session)

Aaron Kaufman, DO, Gordon Lee, MD, Alexandria Cotter, PA, Morgan Day, DO, Arthur Caire, MD, William Elder Quintana, MD, Danielle Ortega, PA, Francisco Ralls, MD, Jennifer Bendokas, PA were interviewed by the Board. Flanagan Whitsitt, MD was not present via zoom for his interview.

6. ACTIONS RELATED TO EXECUTIVE SESSION

Complaint Committee A:

Case# NMMB-20240371 RECOMMENDATION was made by PA Johnson recommends closure of this case and issuance of a physician license in NM. **YES**, Dr. Carson, Dr. Barrett, Dr. Unverzagt, Dr. Reidy, Dr. Scoggins, Dr. Roth. **RECUSED**, PA Johnson, Dr. Richards. **EXCUSED**, Ms. Daniels. **MOTION CARRIED.**

Case# NMMB-20230273 RECOMMENDATION was made by PA Johnson to close this case with an advisory letter reminding the physician of the Board's requirement that licensees must keep the Board updated with correct contact information and assess a \$150 administrative fee. **YES**, Dr. Carson, Dr. Barrett, Dr. Unverzagt, Dr. Reidy, Dr. Scoggins, Dr. Roth. **RECUSED**, PA Johnson, Dr. Richards. **EXCUSED**, Ms. Daniels. **MOTION CARRIED**.

Case# NMMB-20240082 RECOMMENDATION was made by PA Johnson to close this case with a strongly worded advisory letter reminding the physician about patient rights [AMA Code of Ethics 1.1.3] and suggest she pursue professional communication courses and contact NMHPWP for support in professional wellness coaching. Board will be monitoring physician for additional complaints filed with the same allegations. **YES**, Dr. Carson, Dr. Barrett, Dr. Unverzagt, Dr. Reidy, Dr. Scoggins, Dr. Roth. **RECUSED**, PA Johnson, Dr. Richards. **EXCUSED**, Ms. Daniels. **MOTION CARRIED**.

Case# NMMB-20240277 RECOMMENDATION was made by PA Johnson for closure of the case with a strongly worded advisory letter reminding the physician about patient rights [AMA Code of Ethics 1.1.3] and suggest she pursue professional communication courses and contact NMHPWP for support in professional wellness coaching. Board will be monitoring physician for additional complaints filed with the same allegations. **YES**, Dr. Carson, Dr. Barrett, Dr. Unverzagt, Dr. Reidy, Dr. Scoggins, Dr. Roth. **RECUSED**, PA Johnson, Dr. Richards. **EXCUSED**, Ms. Daniels. **MOTION CARRIED**.

Case# NMMB-20240166 RECOMMENDATION was made by PA Johnson to offer the physician the opportunity to voluntarily surrender her license. She can apply for licensure if she can show proof she is fit for duty. If physician does not accept, a notice of contemplated action will be issued based on but not limited to habitual/excessive use of intoxicants/drugs, failure to report to the Board an adverse action taken against the licensee, and manifest incapacity or incompetence to practice as a licensee. **YES**, Dr. Carson, Dr. Barrett, Dr. Unverzagt, Dr. Reidy, Dr. Scoggins, Dr. Roth. **RECUSED**, PA Johnson, Dr. Richards. **EXCUSED**, Ms. Daniels. **MOTION CARRIED**.

Case# NMMB-20240345 RECOMMENDATION was made by PA Johnson to offer physician the opportunity to voluntarily surrender his NM license. If the physician does not accept, a notice of contemplated action will be issued based on, but not limited to, injudicious prescribing and pleading guilty to a felony offense in California. **YES**, Dr. Carson, Dr. Barrett, Dr. Unverzagt, Dr. Reidy, Dr. Scoggins, Dr. Roth. **RECUSED**, PA Johnson, Dr. Richards. **EXCUSED**, Ms. Daniels. **MOTION CARRIED**.

Undetermined Case# 2023-A-002 (Physician same as NMMB-20240005) RECOMMENDATION Board voted to return the case to investigations to subpoena medical charts of at least 20 patients from the past six months from physician's practice. The Board also wants the physician to obtain a neuropsychological evaluation within 90 days. **YES**, Dr. Carson, Dr. Barrett, Dr. Unverzagt, Dr. Reidy, Dr. Scoggins, Dr. Roth. **RECUSED**, PA Johnson, Dr. Richards. **EXCUSED**, Ms. Daniels. **MOTION CARRIED**.

Case# NMMB-20240005 RECOMMENDATION Board voted to return the case to investigations to subpoena medical charts of at least 20 patients from the past six months from physician's practice.

The Board also wants the physician to obtain a neuropsychological evaluation within 90 days. **YES**, Dr. Carson, Dr. Barrett, Dr. Unverzagt, Dr. Reidy, Dr. Scoggins, Dr. Roth. **RECUSED**, PA Johnson, Dr. Richards. **EXCUSED**, Ms. Daniels. **MOTION CARRIED**.

Complaint Committee B:

RECOMMENDATION was made by Dr. Unverzagt to **CLOSE** the following cases: 2022-B-145, NMMB-20230154, NMMB-20240064. **YES**, Dr. Carson, Dr. Barrett, PA Johnson, Dr. Reidy, Dr. Scoggins, Dr. Roth, Dr. Richards. **RECUSED**, Dr. Unverzagt. **EXCUSED**, Ms. Daniels. **MOTION CARRIED**.

Case# NMMB-20230145 RECOMMENDATION was made by Dr. Unverzagt to close this case with an advisory letter notifying the physician that the board has concerns with the legibility and quality of his records and recommend that he take a record keeping course. **YES**, Dr. Carson, Dr. Barrett, PA Johnson, Dr. Reidy, Dr. Scoggins, Dr. Roth, Dr. Richards. **RECUSED**, Dr. Unverzagt. **EXCUSED**, Ms. Daniels. **MOTION CARRIED**.

Case# NMMB-20240007 RECOMMENDATION was made by Dr. Unverzagt to close this case with an advisory letter reminding the physician of the Board's requirement that licensees must keep the Board updated with correct contact information and assess a \$150 administrative fee. **YES**, Dr. Carson, Dr. Barrett, PA Johnson, Dr. Reidy, Dr. Scoggins, Dr. Roth, Dr. Richards. **RECUSED**, Dr. Unverzagt. **EXCUSED**, Ms. Daniels. **MOTION CARRIED**.

Case# 2023-B-042 RECOMMENDATION was made by Dr. Unverzagt to offer the physician a chance to voluntarily surrender his license under the Impaired Healthcare Provider Act (IHPA) due to health reasons while under investigation. If this offer is refused, Committee recommends that, pursuant to the IHPA, the Board designate 3 licensed healthcare providers through NMHPWP to be members of an examining committee to conduct an examination of the physician to determine the physician's fitness to practice with reasonable skill or safety to patients either on a restricted or unrestricted basis and shall report its findings and recommendations to the Board, pursuant to section 61-7-5 NMSA. **YES**, Dr. Carson, Dr. Barrett, PA Johnson, Dr. Reidy, Dr. Scoggins, Dr. Roth, Dr. Richards. **RECUSED**, Dr. Unverzagt. **EXCUSED**, Ms. Daniels. **MOTION CARRIED**.

Complaint Committee C:

RECOMMENDATION was made by Dr. Reidy to **CLOSE** the following cases: NMMB-20230092, NMMB-20230137, NMMB-20230163, NMMB-20240113. **YES**, Dr. Carson, Dr. Unverzagt, PA Johnson, Dr. Scoggins, Dr. Roth, Dr. Richards. **RECUSED** Dr. Reidy, Dr. Barrett. **EXCUSED**, Ms. Daniels. **MOTION CARRIED**.

Case# NMMB-20240249 RECOMMENDATION was made by Dr. Barrett to close the case and issuance of a physician's license in NM. **YES**, Dr. Carson, Dr. Unverzagt, PA Johnson, Dr. Scoggins, Dr. Roth, Dr. Richards. **RECUSED** Dr. Reidy, Dr. Barrett. **EXCUSED**, Ms. Daniels. **MOTION CARRIED**.

Case# NMMB-20240140 RECOMMENDATION was made by Dr. Reidy to close the case with an advisory letter reminding the physician of his duties to comply with the Medical Practice Act regarding excessive use of drugs or alcohol, and recommending the physician continue voluntary treatment with HPWP and follow their recommendations. **YES**, Dr. Carson, Dr. Unverzagt, Dr. Scoggins, Dr. Roth, Dr. Richards. **NO**, PA Johnson. **RECUSED** Dr. Reidy, Dr. Barrett. **EXCUSED**, Ms. Daniels. **MOTION CARRIED.**

Case# NMMB-20230261 RECOMMENDATION was made by Dr. Barrett to offer the physician a stipulated agreement with the requirement that she take a communications course with CPEP. If the physician does not accept, a notice of contemplated action will be issued based on, but not limited to, interactions with physicians, hospital personnel, patients, family members, and others that interfere with patient care. **YES**, Dr. Carson, Dr. Unverzagt, PA Johnson, Dr. Scoggins, Dr. Roth, Dr. Richards. **RECUSED** Dr. Reidy, Dr. Barrett. **EXCUSED**, Ms. Daniels. **MOTION CARRIED.**

Case# NMMB-20240178 RECOMMENDATION was made by Dr. Barrett to offer the physician a stipulated agreement with the requirement that she take a communications course with CPEP. If the physician does not accept, a notice of contemplated action will be issued based on, but not limited to interactions with physicians, hospital personnel, patients, family members, and others that interfere with patient care. **YES**, Dr. Carson, Dr. Unverzagt, PA Johnson, Dr. Scoggins, Dr. Roth, Dr. Richards. **RECUSED** Dr. Reidy, Dr. Barrett. **EXCUSED**, Ms. Daniels. **MOTION CARRIED.**

Complaint Committee D:

RECOMMENDATION was made by Dr. Scoggins to **CLOSE** the following cases: NMMB-20230275, NMMB-20240081. **YES**, Dr. Carson, Dr. Barrett Dr. Unverzagt, PA Johnson, Dr. Reidy, Dr. Richards. **RECUSED**, Dr. Scoggins, Dr. Roth. **EXCUSED**, Ms. Daniels. **MOTION CARRIED.**

Case# NMMB-20240002 RECOMMENDATION was made by Dr. Scoggins to close this case with an advisory letter stressing the importance of accurate medical record keeping. **YES**, Dr. Carson, Dr. Barrett Dr. Unverzagt, PA Johnson, Dr. Reidy, Dr. Richards. **RECUSED**, Dr. Scoggins, Dr. Roth. **EXCUSED**, Ms. Daniels. **MOTION CARRIED.**

Case# NMMB-20240288 RECOMMENDATION was made by Dr. Scoggins to close this case with an advisory letter reminding the physician to follow proper procedures when dismissing patients from her practice. **YES**, Dr. Carson, Dr. Barrett Dr. Unverzagt, PA Johnson, Dr. Reidy, Dr. Richards. **RECUSED**, Dr. Scoggins, Dr. Roth. **EXCUSED**, Ms. Daniels. **MOTION CARRIED.**

Case# NMMB-20240076 RECOMMENDATION was made by Dr. Scoggins to offer physician a stipulated order with issuance of a reprimand, payment of a \$3000 fine and completion of a medical ethics course, specifically through CPEP or equivalent program. If physician does not accept, a notice of contemplated action will be issued based on, but not limited to, conduct unbecoming, injudicious prescribing, and interactions with physicians, hospital personnel, patients, family members, and others that interfere with patient care. **YES**, Dr. Carson, Dr. Barrett, Dr. Unverzagt, PA

Johnson, Dr. Reidy, Dr. Richards. **RECUSED**, Dr. Scoggins, Dr. Roth. **EXCUSED**, Ms. Daniels. **MOTION CARRIED**.

Case# NMMB-20240090 RECOMMENDATION was made by Dr. Scoggins to notify the physician that he cannot retire his license while under investigation and offer the physician the chance to voluntarily surrender his license while under investigation or accept a letter of reprimand. If physician does not accept either option, a notice of contemplated action will be issued based on, but not limited to, interactions with physicians, hospital personnel, patients, family members, and others that interfere with patient care. **YES**, Dr. Carson, Dr. Barrett, Dr. Unverzagt, PA Johnson, Dr. Reidy, Dr. Richards. **RECUSED**, Dr. Scoggins, Dr. Roth. **EXCUSED**, Ms. Daniels. **MOTION CARRIED**.

Case# NMMB-20240197 RECOMMENDATION was made by Dr. Scoggins to offer the physician a reprimand. The physician must provide proof that he completed the 10 hours of CME's ordered by the Colorado Medical Board and provide evidence that he is in compliance with Maine's Stipulated Board order. **YES**, Dr. Carson, Dr. Barrett, Dr. Unverzagt, PA Johnson, Dr. Reidy, Dr. Richards. **RECUSED**, Dr. Scoggins, Dr. Roth. **EXCUSED**, Ms. Daniels. **MOTION CARRIED**.

Case# NMMB-20240373 RECOMMENDATION was made by Dr. Scoggins to allow the physician applicant to voluntarily withdraw his license application while under investigation. If the physician does not agree, a notice of contemplated action will be issued based on, but not limited to, incompetency to practice, adverse licensure action in another state, and conduct unbecoming. **YES**, Dr. Carson, Dr. Barrett, Dr. Unverzagt, PA Johnson, Dr. Reidy, Dr. Richards. **RECUSED**, Dr. Scoggins, Dr. Roth. **EXCUSED**, Ms. Daniels. **MOTION CARRIED**.

Complaint Committee E:

Case# NMMB-20240017 RECOMMENDATION was made by Dr. Carson to offer physician applicant a stipulated license requiring mandatory participation in NMHPWP. If he does not accept offer, a notice of contemplated action will be issued to deny licensure based on, but not limited to, habitual/excessive use of alcohol and substances. **YES**, Dr. Barrett, Dr. Unverzagt, PA Johnson, Dr. Reidy, Dr. Roth, Dr. Richards. **RECUSED**, Dr. Carson, Dr. Scoggins. **EXCUSED**, Ms. Daniels. **MOTION CARRIED**.

Dr. Carson stated that the meeting was moving on to Licensing Requests and Actions.

7. ACTIONS RELATED TO EXECUTIVE SESSION

Licensing Requests and Actions, New Applicants/Reinstatements

IMO: Douglas Zischkau, M.D. – Case No. 2022-023 – Review of Proposed Order Dismissing NCA.

MOTION was made by Dr. Carson to dismiss the NCA. **SECONDED**, Dr. Unverzagt. **YES**, Dr. Carson, Dr. Barrett, Dr. Unverzagt, PA Johnson, Dr. Reidy, Dr. Scoggins, Dr. Roth, Dr. Richards. **EXCUSED**, Ms. Daniels. **MOTION CARRIED**.

MOTION was made by Dr. Carson to dismiss the NCA and to restore the license to full licensure with no restrictions. **SECONDED**, Dr. Scoggins. **YES**, Dr. Carson, Dr. Barrett, Dr. Unverzagt, PA Johnson, Dr. Reidy, Dr. Scoggins, Dr. Roth, Dr. Richards. **EXCUSED**, Ms. Daniels. **MOTION CARRIED**.

8. Reports- [portions may be closed**]

Governmental Projects Coordinator

Richard Romero gave a recap of the activities that he has been involved in within the last quarter and let the Board know that he attended several interim committee meetings including Legislative Finance Committee Meeting, Health and Human Services Committee Meeting, Rural Economic Development Committee Meeting and the Hearts and Corrections Committee Meeting. Mr. Romero scheduled a meeting with the Senator Sedillo-Lopez, Dr. Jenkusky and PA Johnson to discuss the proposed legislation. Mr. Romero finished his report with informing the Board of specific legislative facts regarding the changes and movement within the House and Senate branches in the New Mexico legislature.

9. New Business:

New Mexico Medical Society

Annie Jung, Executive Director, Nick Autio JD, General Counsel and Carrie Robin Brunder, Legislative Liaison, spoke about how Scope Expansion is aiming to expand the scope of various health care professionals to be able to perform health care services that have traditionally been performed by physicians. NM has a medical workforce shortage – that is one of the key things that NMMS works on. They are targeted on retention and recruitment. Their goal is to keep the doctors that work in the state of NM here and working to their full potential. They are also focusing on patient needs continuing to grow and are focusing on meeting those needs.

Timely access to quality healthcare is another main priority of the NMMS. They are working to hold policies to maintain physicians as the leader of the healthcare team in the interest of high standards of quality care and patient safety. With Scope Expansion request, this puts the regulatory boards to determine who is sufficiently trained to expand their scope of what they can do to treat patients beyond schooling and training to aim toward the goal of increasing healthcare access in rural areas in New Mexico.

In studying the issue, they have found that the defining difference between physicians and other medical professionals is the requirement for a residency and believe this is extremely crucial. They also spoke about the Board’s role in education, training and experience when licensing.

NMMS stated that they believe the NMMB plays important roles in Scope Expansion discussion:

- Advisory role with the NM Legislature – it is crucial to let legislators know what Scope Expansion is and how it relates to patient safety and access to care
- Regulatory role – if a law is passed, it is the responsibility of the NMMB to develop regulations to implement and enforce laws.

NMMS concluded their presentation with speaking about working heavily with the legislature to advance policies to enhance policies to improve the professional environment for physicians and medical teams. They also informed the Board about legislative priorities and agenda with specifics on legislative information related to Scope Expansion and how it generally applies to patients and the healthcare system in New Mexico and how they are looking at solving the workforce shortage through legislation.

Think New Mexico

Fred Nathan Jr., Executive Director, Kristina G. Fisher, Associate Director, Alfredo Vigil M.D., Healthcare Reform Director, Katie Gutierrez, Tax, Budget, and Economic Development Reform Director, spoke about what Think New Mexico is and what their goals are around serving New Mexicans through solutions over political ideology. In early 2024 Think New Mexico put out a report on solving the healthcare worker shortage with 10 major recommendations.

Think New Mexico focused on speaking about the Compact for Doctors and how they envision mirroring Colorado's model of being in all 10 Compacts here in NM. The NMMB gave their comments and questions first regarding the concerns around joining the Compact and the concerns around licensing the individuals within the Compact system pertaining to different licensure requirements while stating that the priority is to keep all patients safe.

The topics of abortion, rural community healthcare access, and graduation/ training requirements (IMG & FTP) for applicants all around the world. NMMB re-stated that they are keeping the safety of New Mexican patients as the main priority.

Meeting Adjourned at 4:50pm

FRIDAY, November 8, 2024

1. CALL TO ORDER / ROLL CALL

Dr. Carson, after establishing the presence of a quorum, called the November 7-8, 2024, Board Meeting of the New Mexico Medical Board to order at 8:30 AM, roll call was completed.

PRESENT, Dr. Carson, Dr. Unverzagt, PA Johnson, Dr. Reidy, Dr. Scoggins, Ms. Daniels, Dr. Roth, Dr. Richards. **EXCUSED**, Dr. Barrett.

2. Old Business

New Mexico Pharmacist Association

Amy Bachyrycz, PHARMD, RPH and Lex Garcia, Executive Director, followed up on the status of the Uncomplicated UTI Protocol for Prescriptive Authority and the changes that were made regarding the language in the document to read MUST as well as modifying the inclusion criteria and referral criteria information. This will assist in adding more guidance for the pharmacist.

The NMMB brought up some additional questions regarding the language in the documents pertaining to the way things are worded and how we are looking at assessments, referrals and criteria information and test to treat protocols.

TABLED

3. Reports Continued

a. Chair Report

Appointment of Interim Executive Director

MOTION was made by Dr. Carson to vote Monique Parks in as Interim Executive Director. **SECONED**, Dr. Scoggins. **YES**, Dr. Carson, Dr. Unverzagt, PA Johnson, Dr. Reidy, Dr. Scoggins, Ms. Daniels, Dr. Roth, Dr. Richards. **EXCUSED**, Dr. Barrett. **MOTION CARRIED.**

Fiscal Impact Report

Amanda Quintana spoke about the process she has used for drafting the synopsis of the FIR bills that come in from each legislative session. She informed the NMMB that Monique Parks will be taking over this process and what it will look like moving forward. She informed the NMMB that Dr. Carson has the final approval before the synopsis goes back out to the LFC. Amanda Quintana suggested that all FIR's that were worked on within each week during the legislative session be sent out to all of the Board Members so that everyone knows what has been worked on. Dr. Carson stated that when needed, she will include other Board Members on the decision-making process when needed based on the information in the FIR bill.

b. Board Attorney Report

No information was talked about.

c. Special Counsel Report

No information was talked about.

d. Medical Director

Review and Approval of Agency Guidelines for:

A.I.

Dr. Carson spoke about the policy that had been sent out regarding A.I. There were several concerns from the NMMB around the policy pertaining to HIPA and Duty to Disclose to Patients. Dr. Carson addressed and stated that the information around the concerns is found areas that were already incorporated into the policy. Dr. Richards brought up a topic of staying away from being any more prescriptive than what is already in the policy. Dr. Carson spoke about all areas that A.I. is currently

being used and noted that the goal is to keep the policy as non-specific as possible but to make sure follow the basic ethic guidelines of medicine.

IV Therapy

Dr. Jenkusky spoke about how this topic came to his attention. He informed the Board about the information that he shared with the NM Board of Nursing and let the NMMB know that they clearly see it as the practice of medicine and should be done only with an assessment and doctor's order. Dr. Jenkusky wrote additional guidelines and had them reviewed by Board of Pharmacy and the Board of Nursing Directors to address the issue that it should be only falling under the practice of medicine and that all guidelines with practicing medicine are applicable. Dr. Jenkusky asked the NMMB to review the policy to consider posting on the NMMB website. There were a few notes and concerns brought up by the NMMB that Dr. Jenkusky addressed by mentioning the practice of medicine and expertise when looking at these topics. Dr. Carson and the NMMB made the final suggestion for the policy to include more direct information that clinical care sights MUST adhere to appropriate rules regulations and guidelines and stated that it will go to vote.

Prescribing Psychologists

Dr. Jenkusky stated that this topic will not need a vote as it was only informational. He provided the history on this topic including speaking about the timeframe that this has been around and where this is happening here in New Mexico. Dr. Jenkusky let the NMMB know that they may see the request for the Prescribing Psychologists to be under the NMMB. The NMMB has been tasked with working directly with this group as a committee on a training protocol, possible practicum and other topics that arise when looking at getting this going. Dr. Carson asked if there were any Board Members that were interested in working with this group and Dr. Scoggins volunteered to assist. It was talked out that both the NMMB and the Phycologist Licensing Board will need to be involved in this project.

MOTION was made by Dr. Carson to approve Board Policy for A.I. **SECONDED**, Ms. Daniels. **YES**, Dr. Carson, Dr. Unverzagt, PA Johnson, Dr. Reidy, Dr. Scoggins, Ms. Daniels, Dr. Roth, Dr. Richards. **EXCUSED**, Dr. Barrett. **MOTION CARRIED**.

MOTION was made by Dr. Carson to approve the Board Policy for IV Therapy with the following changes, "It is the opinion of the New Mexico Medical Board in collaboration with the New Mexico Board of Nursing and the New Mexico Pharmacy Board that this practice falls under the practice of medicine and is subject to the respective statutes that regulate the delivery of healthcare and must follow reasonable standards of care." And "All clinical care sites must adhere to appropriate pharmacy rules, regulations and guidelines.". **SECONDED**, Dr. Unverzagt. **YES**, Dr. Carson, Dr. Unverzagt, PA Johnson, Dr. Reidy, Dr. Scoggins, Ms. Daniels, Dr. Roth, Dr. Richards. **EXCUSED**, Dr. Barrett. **MOTION CARRIED**.

e. Licensing Manager

Monique Parks, Licensing Manager, spoke briefly about the following subjects:

October Licensing Stats:

Total licenses issued

- MD/DO – 172
- PA – 20
- Mid-Level – 6
- POD – 2
- Expedited – 14
- Pending applications 262
- Pending expedited – 17

Amanda Quintana introduced Lusan Leyba as the NMMB New

CFO. FY25 Budget/Revenue Status

- Report the FY25 Budget/Revenue Status ending September 30, 2024.

The Budget and Revenue Status ending September 30, 2024 are as follows:

- ✓ From July 1, 2024 through September 30, 2024 expenditures total **\$519,174.24 (or 14.7%)** of budgeted expenditures (Opbud \$3,525,300).
- ✓ From July 1, 2024 through September 30, 2024 the agency collected revenues in the amount of **\$453,397 (or 14.9%)** of budgeted revenues (Opbud \$3,045,300; FB \$480,000 = \$3,525,300).
- The Cash Balance as of November 8, 2024, is **\$2,709,744.**

Approve FY26 Appropriation Request

In the FY26 Appropriation Request, the agency is requesting 1.5% increase from the FY25 Operating Budget or (\$52.7 increase). The request includes projected revenues of \$3,328,000 and fund balance of \$250,000 for a total appropriation request of \$3,578,000. The increase is primarily in the Salaries & Benefits Category for the addition of a Governor-Exempt Public Relations/Public Information Officer \$47.9 and an increase in contractual services \$145.3 for legal costs. The Other category includes a reduction of (\$140.5). The appropriation request also includes a 17% vacancy rate.

- 200 \$1,896.7
- 300 \$ 1,064.0
- 400 \$ 617.3
- \$3,578.0

The Board needs to vote to approve the FY26 Appropriation Request.

MOTION was made by Dr. Carson to approve the changes to the Uncomplicated UTI Protocol for Prescriptive Authority. **SECONDED**, Dr. Scoggins. **YES**, Dr. Carson, Dr. Unverzagt, PA Johnson, Dr.

Reidy, Dr. Scoggins, Ms. Daniels, Dr. Roth, Dr. Richards. **EXCUSED**, Dr. Barrett. **MOTION CARRIED.**

MOTION was made by Dr. Carson to have New Mexico endorse the Interstate Medical Licensure Compact. **SECONDED**, Dr. Unverzagt. **YES**, Dr. Carson, Dr. Unverzagt, PA Johnson, Dr. Reidy, Dr. Scoggins, Ms. Daniels, Dr. Roth, Dr. Richards. **EXCUSED**, Dr. Barrett. **MOTION CARRIED.**

MOTION was made by Dr. Carson to approve the FY26 Appropriation Request. **SECONDED**, Dr. Scoggins. **YES**, Dr. Carson, Dr. Unverzagt, PA Johnson, Dr. Reidy, Dr. Scoggins, Ms. Daniels, Dr. Roth, Dr. Richards. **EXCUSED**, Dr. Barrett. **MOTION CARRIED.**

4. **Old Business Continued**
Review and Approval of Proposed 2025 Board Meeting Calendar

MOTION was made by Dr. Scoggins to approve the Proposed 2025 Board Meeting Calendar with the change for the Interim Meeting scheduled for January 8, 2025, and to remove the Interim Meeting shown for December 2024. **SECONDED**, Dr. Unverzagt. **YES**, Dr. Carson, Dr. Unverzagt, PA Johnson, Dr. Reidy, Dr. Scoggins, Ms. Daniels, Dr. Roth, Dr. Richards. **EXCUSED**, Dr. Barrett. **MOTION CARRIED.**

EXECUTIVE SESSION: Licensing Requests and Actions, New Applicants/Reinstatements.

MOTION was made by Dr. Carson to go into Executive Session pursuant to NMSA 1978, Section 10-15-1 (H) (1) of the Open Meetings Act, Sections 10-15-1 to 10-15-4, the NM Medical Board may close portions of its meeting to discuss matters pertaining to a particular license, such as the issuance, suspension, renewal or revocation of a license. All final actions concerning any particular license will be made in an open meeting. **SECONDED**, Dr. Scoggins. **YES**, Dr. Carson, Dr. Unverzagt, PA Johnson, Dr. Reidy, Dr. Scoggins, Ms. Daniels, Dr. Roth, Dr. Richards. **EXCUSED**, Dr. Barrett. **MOTION CARRIED.**

5. **Compliance Requests/Actions**

Aaron Kaufman, D.O. - Request to be released from stipulations.

MOTION was made by Dr. Carson that the NMMB recommends Dr. Kaufman provide the board with a structured educational plan within 90 days that incorporates the recommendations of CPEP and is approved by the NMMB specifically addressing areas of documented deficiencies. **SECONDED**, Dr. Unverzagt. **YES**, Dr. Carson, Dr. Unverzagt, PA Johnson, Dr. Reidy, Dr. Scoggins, Ms. Daniels, Dr. Roth, Dr. Richards. **EXCUSED**, Dr. Barrett. **MOTION CARRIED.**

Arthur Caire, M.D. – Request to be released from stipulations.

MOTION was made by PA Johnson to grant Dr. Caire’s request to be released from stipulations. **SECONED**, Dr. Scoggins. **YES**, Dr. Carson, Dr. Unverzagt, PA Johnson, Dr. Reidy, Dr. Scoggins, Ms. Daniels, Dr. Roth, Dr. Richards. **EXCUSED**, Dr. Barrett. **MOTION CARRIED.**

Morgan Day, D.O. – Request to be released from stipulations.

MOTION was made by Dr. Carson to grant DO Day’s request to be released from stipulations. **SECONED**, Dr. Unverzagt. **YES**, Dr. Carson, Dr. Unverzagt, PA Johnson, Dr. Reidy, Dr. Scoggins, Ms. Daniels, Dr. Roth, Dr. Richards. **EXCUSED**, Dr. Barrett. **MOTION CARRIED.**

Gordon Lee, M.D. – Request to be released from stipulations.

MOTION was made by PA Johnson to grant Dr. Lee’s request to be released from stipulations. **SECONED**, Dr. Unverzagt. **YES**, Dr. Carson, Dr. Unverzagt, PA Johnson, Dr. Reidy, Dr. Scoggins, Ms. Daniels, Dr. Roth, Dr. Richards. **EXCUSED**, Dr. Barrett. **MOTION CARRIED.**

Jennifer Bendokas, P.A. – Request to be released from stipulations.

MOTION was made by Dr. Scoggins to grant PA Bendokas’s request to be released from stipulations. **SECONED**, PA Johnson. **YES**, Dr. Carson, Dr. Unverzagt, PA Johnson, Dr. Reidy, Dr. Scoggins, Ms. Daniels, Dr. Roth, Dr. Richards. **EXCUSED**, Dr. Barrett. **MOTION CARRIED.**

- Dr. Carson concluded the meeting with a request for committee involvement with Foreign Trained Physicians, Prescribing Psychologist and Telemedicine.
- Dr. Reidy, Dr. Scoggins, PA Johnson and Dr. Unverzagt offered to assist with these committees.
- Ms. Daniels and Dr. Richards offered to be Board Rep. to meet with the Board of Pharmacy and Board of Nursing for lunch time meetings.
- Dr. Roth offered to assist Dr. Carson with guidelines.

Adjourn

There being no further business before the Board, Dr. Carson adjourned the meeting at 11:46 am.

SUBMITTED BY: 
Monique Parks, Interim Executive Director

DATE: 1/8/2025

APPROVED BY: 
Karen Carson, M.D., Chair

DATE: 1/8/2025

APPROVED BY: 
Bradley Scoggins, D.O., Secretary Treasurer

DATE: 1/8/2025