New Mexico Medical Board 2055 South Pacheco Street Building 400 Santa Fe, NM 87505 First Quarter Meeting May 10-11, 2018

AGENDA

THURSDAY, May 10, 2018 - 8:30 a.m.

- 8:30 1. Call to Order
 - 2. Approve Agenda
 - 3. Approve Minutes

March 29, 2018 Interim Board Meeting

- 8:40 4. Complaint Committee Reports [closed*]
 - A. Licensees & Applicants

Committee A: 2016-A-289; 2017-A-060; 2017-A-065; 2017-A-082; 2017-A-098; 2017-A-111; 2017-A-135; 2017-A-172; 2017-A-216; 2017-A-232; 2017-A-251; 2017-A-305; 2018-A-063 [KC, PB]

Committee B: 2016-B-123; 2016-B-129; 2016-B-177; 2016-B-210; 2016-B-280; 2017-B-012; 2017-B-093; 2017-B-150; 2017-B-157; 2017-B-178; 2017-B-187; 2017-B-254; 2017-B-272; 2018-B-023 [SJ, SK]

Committee C: 2016-C-192; 2016-C-204; 2017-C-005; 2017-C-008; 2017-C-032; 2017-C-079; 2017-C-085; 2017-C-200 **Possible Action** 2017-C-019; 2017-C-027; 2018-C-059 [SD, JS]

Committee C: 2017-C-295 [SJ, SD, JS]

Committee D: 2017-D-069; 2017-D-130; 2017-D-196; 2017-D-197; 2017-D-198; 2017-D-218; 2017-D-283 **Possible Advisory Letter:** 2016-D-147; 2017-D-073; 2017-D-153; 2017-D-246 **Possible Action:** 2018-D-028; 2018-D-060 [JA, PS]

- **B.** Executive Committee Report [portions may be closed*] [SJ]
- 5. Actions Related to Executive Session
- **10:40 6. Licensing Issues, New Applicants/Reinstatements**: [portions may be closed*] **Bishnu Rauth, MD Case No. 2017-027** Decision on affirming or excusing Hearing Officer and other Motions.

Padmaneel Kanase, MD Case No. 2017-011 – Decision and Order
Robert Woody, MD Case No. 2016-013 – Motion to Lift Stay
Lynda Labranche, MD Case No. 2017-031 - Consider Possible Settlement
Steven Black, MD – Case No. 2018-007 – Consider Possible Settlement
Sitar Kothalanka, MD – Case No. 2017-006 – Consider Possible Settlement
Walter Seidel, MD Case No. 2014-062 – District Court remanded back to Board for decision
Walter Seidel, MD Case No. 2018-010 – Entry of Default Order

- **11:05 7. Board Attorney Report** [portions may be closed***] Margaret McLean, J.D. Report
- **11:15 8. Compliance Report** [portions may be closed*] **A. Board Monitored Compliance Report** [non MTP]
- 12:00 9. Working Lunch to Discuss FSMB Interstate Compact
- 1:00 10. New Mexico Health Professional Wellness Program (formerly MTP) Report [portions may be closed*]
- 1:3011.Informal Interviews [portions may be closed*]1:30Tracy Pritchard, MD (Telephonic) (SJ)Marc O'Cleireachain, MD (Telephonic) (KC)1:45Erika Garbrecht, MD (PS)Steven Greer, MD (PB)2:00Johannes Heynkamp, MD (SJ)2:15Stephen Cain, MD (SK)Benjamin Stake, MD (JA)

3:20

12.

Reports – [portions may be closed**] **A. Financial / HR Manager** [GM]

- Approve FY19 Operating Budget
 - Review of FY18 Budget Status Report ending April 30, 2018
 - Review of FY18 Revenue Status Report ending April 30, 2018
- FY18 Statistics Report ending April 30, 2018

B. Chair [SJ]

C. Executive Director [SF]

- 16.10.10 NMAC Reporting Regulation
- 16.10.16 NMAC Administering, Prescribing and Distribution of Medications: Rule Change Update
- FSMB Meeting April 25-29, 2018
- Adoption of the Open Meetings Act

D. Licensing Manager [BLO]

 Advisory Letter and Cost of Investigation issued for minor non-disclosure and misrepresentation on initial applications and renewals.

FRIDAY, May 11, 2018 - 8:30 a.m.

8:30 13. Informal Interviews Continued [portions may be closed*]

| 8:30 | Karen Concilio, PA (Telephonic) (KC) | Brian Berberian, MD (Telephonic) (PS) |
|------|--------------------------------------|---------------------------------------|
| 8:45 | Suparna Saha, MD (Telephonic) (SJ) | Jenny Hargrove, MD (SJ) |
| 9:00 | Miles Nelson, MD (SK) | Neil Pivar, MD (SK) |

9:30 14. Compliance Requests / Actions [portions may be closed*] [AQ]

Suparna Saha, MD – Request for release from stipulation.
 Neil Pivar, MD – Request for release from stipulation.
 Miles Nelson, MD – Request for reactivation of license.
 Karen Concilio, PA – Request for inactive status of license while under stipulation.
 Brian Berbarian, MD – Request for release from stipulation.

10:00 15. Actions Related to Executive Session

10:15 16. New Business

- NM Board of Optometry: Consider position on automated eye exams. (PB)
- Election of Officers

10:30 17. Old Business

- NMMB Medical Marijuana Physician and Physician Assistant Usage Policy (SJ)
- Medical Cannabis Dispensary Out of a Medical Practice James Rice, MD
- Mental Health Question on initial application and renewal application. (SJ) (GLF)
- Disciplinary Guidelines Update

12:00 18. Adjourn

^{* &}quot;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 certain matters pertaining to a particular license. All final actions concerning a license will be made in an open meeting."

^{** &}quot;Pursuant to NMSA 1978, Section 10-15-1 (H) (2) 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 limited personnel issues."

*** "Pursuant to NMSA 1978, Section 10-15-1 (H)(7) of the Open Meetings Act, Section s 10-15-1 to 10-15-4, The NM Medical Board may close portions of its meeting subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant."

**** Agenda item may be heard on either day of the meeting

Initials in red are members recused in disciplinary cases. Initials in blue indicate who will address the agenda item.

Items not completed on Thursday's Agenda shall be carried over to Friday's Agenda.