

**NEW MEXICO BOARD OF MEDICAL EXAMINERS**  
*Third Quarterly Meeting*  
*Marriott Pyramid Hotel Albuquerque, New Mexico*  
**August 21-22, 2003**

**MINUTES**

**1. CALL TO ORDER**

The regular meeting of the New Mexico Board of Medical Examiners convened at 4:04 p.m., Thursday, August 21, 2003 at the Marriott Pyramid Hotel in Albuquerque, New Mexico, **John S. Romine, M.D.** presiding. A quorum was declared, with all members present except for Ms. Boshier, who was excused.

**Members Present:**

John S. Romine, M.D., Chairman, Physician Member  
C. Grant La Farge, M.D., Secretary-Treasurer, Physician Member  
Paul Kovnat, M.D., Vice-Chair, Physician Member  
Vivian Giudice, M.D., Physician Member  
Prakash Ranka, M.D., Physician Member  
Steven Weiner, M.D., Physician Member  
Dick Heim, Public Member

**Members Absent:**

Maureen Boshier, Public Member

**Also Present:**

Charlotte Kinney, Executive Director  
G.T.S. Khalsa, Board Prosecutor  
Angela Martinez, Administrator  
Jenny Felmley, P.I.O.  
Jay Feierman, M.D., IPC Chair  
A list of all attendees is attached to these minutes

**2. APPROVAL OF AGENDA**

Dr. Kovnat **MOVED** the agenda be approved as presented. Mr. Heim **SECONDED** the motion, which **PASSED UNANIMOUSLY**.

**3. APPROVAL OF MINUTES**

Dr. La Farge **MOVED** the minutes of the May 15-16, 2003 regular meeting be approved as presented. Dr. Weiner **SECONDED** the motion, which **PASSED UNANIMOUSLY**.

Dr. La Farge **MOVED** the minutes of the May 29, 2003 special meeting be approved as presented.

Mr. Heim **SECONDED** the motion, which **PASSED UNANIMOUSLY**, with Dr. Kovnat abstaining.

Dr. La Farge **MOVED** the minutes of the June 25, 2003 special meeting be approved as presented. Mr. Heim **SECONDED** the motion, which **PASSED UNANIMOUSLY**, with Dr. Kovnat abstaining.

Dr. La Farge **MOVED** the minutes of the July 29, 2003 special meeting be approved as presented. Dr. Weiner **SECONDED** the motion, which **PASSED UNANIMOUSLY**, with Dr. Kovnat, Dr. Giudice, and Mr. Heim abstaining.

**4. INTRODUCTION OF IPC CHAIR, Jay Feierman, MD** – Dr. Romine introduced Dr. Feierman, who contracts with the Board to serve as Chair of all Impaired Physician Committees. Dr. Feierman gave information about his background and experience with evaluation of different impairments. Dr. La Farge provided additional information about the operation of Impaired Physician

Committees.

**Executive Session: MOTION** was made by Dr. Romine and seconded by Dr. La Farge to go into executive session to discuss matters of licensure. **YES:** Romine, La Farge, Giudice, Kovnat, Ranka, Weiner, and Heim. **MOTION CARRIED.**

#### **5. NM MONITORED TREATMENT PROGRAM REPORT**

The Board remained in Executive Session. Jaye Swoboda, MD, Mary Miesem, and John Thayer were present to discuss the status of mandatory participants.

The Board returned to open session. Dr. Romine stated for the record that the matters discussed in executive session were limited to only those specified in the motion for closure.

Mr. Thayer reported that activity at MTP remains stable. He has provided a copy of their Annual Report. There were no additional questions or discussion.

#### **6. INFORMAL INTERVIEWS**

**Executive Session: MOTION** was made by Dr. La Farge and **SECONDED** by Dr. Kovnat to go into executive session to discuss matters of licensure. **YES:** Romine, La Farge, Giudice, Kovnat, Ranka, Weiner, and Heim. **MOTION CARRIED. Laura Allen, MD, Ronald Trujillo, MD, Marc Denson, MD, Johnny Vigil, MD, Rajhan Mirchandani, MD, Richard Bergsrud, MD, and Valerie Dillon, MD,** were interviewed in executive session. The Board returned to open session. Dr. Romine stated for the record that the matters discussed in executive session were limited to only those specified in the motion for closure.

#### **7. INTERVIEW WITH PRACTICE MONITOR, David Bennahum, MD**

**Executive Session: MOTION** was made by Dr. and **SECONDED** by Dr. to go into executive session to discuss matters of licensure. **YES:** Romine, La Farge, Giudice, Kovnat, Ranka, Weiner, and Heim. **MOTION CARRIED.**

The Board returned to open session. Dr. Romine stated for the record that the matters discussed in executive session were limited to only those specified in the motion for closure.

**THE BOARD RECESSED AT 7:05 p.m.**

**THE BOARD RECONVENED AT 8:15 A.M. WITH ALL MEMBERS PRESENT.**

#### **8. COMPLAINT COMMITTEE REPORTS**

**Executive Session: MOTION** was made by Dr. La Farge and seconded by Dr. Ranka to go into executive session to discuss matters of complaints and licensure. **YES:** Romine, La Farge, Giudice, Kovnat, Ranka, Weiner, Boshier and Heim. **MOTION CARRIED.** The Board returned to open session. Dr. Romine stated for the record that the matters discussed in executive session were limited to only those specified in the motion for closure.

#### **8. ACTIONS RELATED TO EXECUTIVE SESSION**

**A. Complaint Committee A.** On behalf of Complaint Committee A, Dr. Weiner **MOVED** that the following complaint cases be closed as there was no evidence of a violation of the Medical Practice Act or rules: 2002-A-088, 2002-A-104, 2002-A-124, 2002-A-132, 2002-A-138, 2002-A-140, 2002-A-141, 2002-A-142, 2002-A-143, 2002-A-144, 2002-A-155, 2002-A-159, 2002-A-160, 2003-A-007, and 2003-A-034. No second was required. **YES:** Romine, La Farge, Giudice, Kovnat, Ranka and Heim. **RECUSED:** Weiner and Boshier. **MOTION CARRIED.**

On behalf of Complaint Committee A, Dr. Weiner **MOVED** the Board summarily suspend the license of the physician in case #2003-A-065 (Jonathan Burg, MD, #92-191) and issue a Notice of Contemplated Action for violation of a stipulated agreement. No second was required. **YES:** Romine, La Farge, Giudice, Kovnat, Ranka and Heim. **RECUSED:** Weiner and Boshier. **MOTION CARRIED.**

On behalf of Complaint Committee A, Dr. Weiner **MOVED** the Board offer the applicant in case

#2003-A-022 (Gail Roger Williams, MD) a stipulated license which limits his practice in New Mexico to correctional facilities. If the applicant does not agree to the stipulated license a Notice of Contemplated Action to deny will be issued. No second was required. **YES:** Romine, La Farge, Giudice, Kovnat, Ranka and Heim. **RECUSED:** Weiner and Boshier. **MOTION CARRIED.**

**B. Complaint Committee B.** On behalf of Complaint Committee B, Dr. Giudice **MOVED** that the following complaint cases be closed as there was no violation of the Medical Practice Act or rules: 2002-B-004, 2002-B-050, 2002-B-097, 2002-B-128, 2002-B-150, 2002-B-153, 2002-B-157, 2002-B-158, 2003-B-010, 2003-B-011, 2003-B-013, 2003-B-032, and 2003-B-033. No second was required. **YES:** Romine, La Farge, Kovnat, Weiner, Boshier and Heim. **RECUSED:** Giudice and Ranka. **MOTION CARRIED.**

On behalf of Complaint Committee B, Dr. Giudice **MOVED** the physician named in case #2003-B-030 be required to meet with the Complaint Committee before any actions are taken in the case. No second was required. **YES:** Romine, La Farge, Kovnat, Weiner, Boshier and Heim. **RECUSED:** Giudice and Ranka. **MOTION CARRIED.**

On behalf of Complaint Committee B, Dr. Giudice **MOVED** the Board accept a voluntary surrender of a license to practice in lieu of investigation in case # 2002-B-076 (Gregory Uhl, MD, #82-146). No second was required. **YES:** Romine, La Farge, Kovnat, Weiner, Boshier and Heim. **RECUSED:** Giudice and Ranka. **MOTION CARRIED.**

**C. Complaint Committee C.** On behalf of Complaint Committee C, Dr. Kovnat **MOVED** that the following complaint cases be closed as there was no violation of the Medical Practice Act or rules: 2002-C-099, 2002-C-122, 2002-C-126, 2002-C-130, 2002-C-131, 2002-C-136, 2002-C-154, 2002-C-156, 2003-C-008, 2003-C-015, 2003-C-018, 2003-C-027, 2002-C-029, 2003-C-031, 2003-C-051 and 2003-C-053. No second was required. **YES:** Romine, La Farge, Giudice, Ranka, Weiner and Boshier. **RECUSED:** Kovnat and Heim. **MOTION CARRIED.**

On behalf of Complaint Committee C, Dr. Kovnat **MOVED** that the physician in case #2003-C-070 be referred to an Impaired Physician Committee for evaluation. No second was required. **YES:** Romine, La Farge, Giudice, Ranka, Weiner and Boshier. **RECUSED:** Kovnat and Heim. **MOTION CARRIED.** This motion was later rescinded and replaced with a motion for a NCA during the New Business portion of the meeting.

On behalf of Complaint Committee C, Dr. Kovnat **MOVED** the physician in case #2003-C-028 be referred to an Impaired Physician Committee for evaluation. No second was required. **YES:** Romine, La Farge, Giudice, Ranka, Weiner and Boshier. **RECUSED:** Kovnat and Heim. **MOTION CARRIED.**

**D. Complaint Committee D:** On behalf of Complaint Committee D, Dr. La Farge **MOVED** the following complaints be closed as there was no violation of the Medical Practice Act or rules: 2002-D-119, 2003-D-048, and 2003-D-054. No second was required. **YES:** Romine, Giudice, Kovnat, Ranka, Weiner, Boshier and Heim. **RECUSED:** La Farge. **MOTION CARRIED.**

On behalf of Complaint Committee D, Dr. La Farge **MOVED** the Board issue a Notice of Contemplated Action to deny the license application in case #2003-D-082 (Robert Steller, MD) based on actions on his license in California. No second was required. **YES:** Romine, Giudice, Kovnat, Ranka, Weiner, Boshier and Heim. **RECUSED:** La Farge. **MOTION CARRIED.**

On behalf of Complaint Committee D, Dr. La Farge **MOVED** the Board issue a Notice of Contemplated Action to deny the license application in case #2003-D-083 (Leandro Centenera, MD) based on falsification of application and unprofessional conduct. No second was required. **YES:** Romine, Giudice, Kovnat, Ranka, Weiner, Boshier and Heim. **RECUSED:** La Farge. **MOTION CARRIED.**

**E. Complaint Committee E:** On behalf of Complaint Committee E, Dr. Romine **MOVED** that the physician in case # 2003-E-079 be referred to an Impaired Physicians Committee. No second was required. **YES:** La Farge, Giudice, Kovnat, Weiner, Boshier and Heim. **RECUSED:** Ranka and Romine. **MOTION CARRIED.**

## **9. IMPAIRED COMMITTEE REPORTS.**

Dr. Romine **MOVED** that case #2002-E-117 be closed as there were no findings by the IPC. No second was required. **YES:** La Farge, Giudice, Kovnat, Ranka, Weiner, Boshier and Heim. **RECUSED:** Romine. **MOTION CARRIED.**

## **10. LICENSING ISSUES**

The Board remained in Executive Session to discuss further licensing issues.

The Board returned to open session. Dr. Romine stated for the record that the matters discussed in executive session were limited to only those specified in the motion for closure.

Dr. La Farge **MOVED** that **Dr. Ayodele Olugbemi** be issued an unrestricted license to practice medicine in New Mexico. There was no second and Dr. La Farge withdrew his motion. Dr. Kovnat **MOVED** that Dr. Olugbemi not be granted a license to practice in New Mexico because she does not meet the educational requirements for licensure. Dr. Ranka **SECONDED** the motion, **YES:** Romine, Kovnat, Weiner, Boshier, Ranka, an **NO:** Heim, **ABSTAIN:** La Farge. **MOTION CARRIED.** Dr. Kovnat stated that upon completion of one year of approved postgraduate training her application may be reconsidered.

Dr. La Farge **MOVED** that the Board accept the recalculated FLEX scores and issue **Dr. Matthew Ahranjani** an unrestricted license to practice. Dr. Kovnat **SECONDED** the motion, which **PASSED UNANIMOUSLY.**

Dr. Romine **MOVED** that **Dr. Lucas Birmelin** be granted an unrestricted license when he is released from his stipulation in Arizona. Dr. La Farge **SECONDED** the motion, which **PASSED UNANIMOUSLY.**

Dr. Ranka **MOVED** that **Dr. Hemal Amin** be issued an unrestricted license to practice medicine in New Mexico, following review of the diploma provided by the applicant. Dr. La Farge **SECONDED** the motion, which **PASSED UNANIMOUSLY.**

Dr. Romine **MOVED** that Dr. Ranka be authorized to approve any transcripts provided by **Dr. Amrita Chadha** prior to issuance of an unrestricted license to practice medicine in New Mexico. Dr. La Farge **SECONDED** the motion, which **PASSED UNANIMOUSLY.**

Dr. Romine **MOVED** to accept experience in lieu of a second year of approved postgraduate training for **Dr. Shakeel Durrani** and **Dr. Jaroslaw Saikewicz.** Dr. La Farge **SECONDED** the motion, which **PASSED UNANIMOUSLY.**

Several Hearings will need to be scheduled before the November meeting. Dr. Giudice expressed interest in serving as Hearing Officer for the Burg hearing and Dr. Kovnat for the Cohn hearing. Once the hearings are scheduled everyone will be notified and encouraged to attend.

## **RECESS FOR LUNCH**

### **RULE HEARING**

Dr. Romine convened the Rule Hearing at 1:10 p.m. with all members present and guests representing the NM Academy of Physician Assistants and the CRNA's. Dr. Romine asked Ms. Kinney to present exhibits documenting notice to the public and proposed language. No written comments had been received regarding the proposed rule changes. Proposed changes to Parts 3, 15, and 19, as well as the repeal of Part 18, were discussed with comments from the audience. Several changes were proposed based on the discussion. The Hearing ended at 1:40 p.m. Tapes of the rule hearing and the exhibits are available for review in the Board office.

Dr. Romine reconvened the Regular Meeting at 1:42 p.m. with all members present.

## **12. REPORTS**

**A. Chair.** Dr. Romine discussed the Annual Federation of State Medical Boards meeting in Washington, DC, in April and asked who would like to attend. The Chair and the Executive Director are

funded by FSMB and we should have funding for several other board members to attend. Ms. Kinney was asked to survey the members by email to give them the opportunity to check calendars. Dr. Romine also asked the physician members to consider serving as “Doc of the Day” during the legislative session, as it’s a good lobbying opportunity.

**B. Secretary-Treasurer.** Dr. La Farge spoke briefly about the change in processing license applications and asked Ms. Kinney to review the budget information. Ms. Kinney gave a brief overview of the year-end expenditures and revenue from FY03. She discussed the budget request that will be submitted next week and the plans to request two additional positions, one investigator and one additional licensing clerk. In addition, we need to replace the computer workstations, as they will be four years old by the 05-budget cycle. Ms. Boshier **MOVED** to approve the FY05 request. Dr. Weiner **SECONDED** the motion, which **PASSED UNANIMOUSLY**.

**C. Compliance.** Ms. Kinney complimented Ms. Felmley on the comprehensive compliance report she has compiled. Ms. Felmley asked the Board if they wanted to continue to receive affidavits quarterly even when the respondent visits the Board less frequently. The consensus was to maintain quarterly reports.

**D. Executive Director.** Ms. Kinney thanked Ms. Felmley for putting together the workshop, which was held on Thursday. It was a major effort and turned out quite successfully. She gave a brief update on the status of the new licensing software and the RFP for new space. She asked if any Board members were interested in being involved in the decision-making process on the lease for new space. Dr. La Farge offered to assist with the site visits.

**E. A.A.G. Report.** Ms. Thalley reported on the status of case #2002-C-113, which was referred to the A.G.’s office for prosecution for the unlicensed practice of medicine.

### **13. OLD BUSINESS**

**Psychologist Prescribing Rules.** Dr. La Farge provided the board with a copy of the Report that was prepared for the legislature and a brief summary of the current status. The Board of Psychologist Examiners must make the first move on adopting rules. He anticipates we may have a joint meeting in November to finalize this work.

### **14. NEW BUSINESS**

**A. Decision on Proposed Rules.** Dr. La Farge **MOVED** to approve the changes to Parts 16.10.3, 16.10.15 and 16.10.19 NMAC with the following revisions to the proposed rules: 16.10.3.10, A, replace the new language “offered in the U.S.” with the words “as described in 16.10.3.8.c; 16.10.15.10.A, should read, “Interim permits are issued to eligible applicants who have completed the application process and complied with all licensure requirements except certification by the NCCPA”; 16.10.15.B, new language should read, “graduation from a program approved by ARC-PA or its successor agency” and; 16.10.15.C, add the letters “NCCPA” before the word “certification” and change “shall” to “may”. Dr. Romine **SECONDED** the motion, which **PASSED UNANIMOUSLY**.

Dr. La Farge **MOVED** to repeal 16.10.18 in its entirety. Dr. Romine **SECONDED** the motion, which **PASSED UNANIMOUSLY**.

Dr. Kovnat **MOVED** the Board go into Executive Session to discuss licensing matters. Dr. Ranka **SECONDED** the motion, **YES:** Romine, La Farge, Giudice, Kovnat, Ranka, Weiner, Boshier and Heim. **MOTION CARRIED.** The Board returned to open session. Dr. Romine stated for the record that the matters discussed in executive session were limited to only those specified in the motion for closure.

Dr. Kovnat **MOVED** to rescind the previous motion on case #2003-C-070. Dr. Ranka **SECONDED** the motion, which **PASSED UNANIMOUSLY**. On behalf of Complaint Committee C, Dr. Kovnat **MOVED** the physician in case #2003-C-070 be issued a Notice of Contemplated Action to deny her application for a resident license based on action in another state. No second was required. **YES:** Romine, Giudice, Ranka, Weiner and Boshier. **RECUSED:** La Farge, Kovnat and Heim. **MOTION CARRIED.**

**B. Review of Pain Management Guidelines.** Dr. Romine appointed a committee to review the suggested changes to the Pain Management Rule and report at the November meeting. Ms. Felmley,

Dr. La Farge, Ms. Kinney and Mr. Khalsa serve on the committee, as well as any other interested parties who can be identified.

**C. Invitation to CPEP Learning Summit.** Ms. Kinney was asked to check through email if any Board members will be able to attend this event.

**D. Correspondence.** The Board, without comment or discussion, reviewed the following documents:

- NMMS re Laboratory Testing
- FSMB re USMLE Step 2 Clinical Skills
- FSMB summary of Institute for Physician Evaluation
- FSMB re Directory of Physician Assessment & Remediation Programs
- American Academy of Cosmetic Surgery
- Letter from HCA on Performance of MD orders in another state

#### 15. INFORMAL INTERVIEWS

**Executive Session:** **MOTION** was made by Dr. La Farge and **SECONDED** by Dr. Ranka to go into executive session to discuss matters of licensure. **YES:** Romine, La Farge, Giudice, Kovnat, Ranka, Weiner, Boshier and Heim. **MOTION CARRIED.** The Board returned to open session. Dr. Romine stated for the record that the matters discussed in executive session were limited to only those specified in the motion for closure.

The following physicians were interviewed in executive session: **Jeff Neidhart, MD, Robert Palmer, MD, Rolando Tong, MD, Patricia Rowley, MD, Barry Maron, MD, and Joan Lewis, MD.**

Dr. Ranka was excused at 5:45 p.m. to catch his plane.

#### 16. ACTIONS RELATED TO EXECUTIVE SESSION

Dr. La Farge **MOVED** to remove all stipulations from Dr. Jerry Roy's license. Dr. Romine **SECONDED** the motion, which **PASSED UNANIMOUSLY.**

Dr. Romine **MOVED** to amend Dr. Dillon's stipulation to allow her to prescribe class 5 drugs with a note that she is not authorized to treat patients. She is required to have a DEA permit for the IME work she is doing. Dr. La Farge **SECONDED** the motion, which **PASSED UNANIMOUSLY.**

Dr. Romine **MOVED** to amend Dr. Neidhart's stipulation to require biannual visits with the Board instead of quarterly visits. Ms. Boshier **SECONDED** the motion, which **PASSED UNANIMOUSLY.**

Dr. Romine **MOVED** to authorize Dr. Palmer to take the SPEX exam to demonstrate current competence and refer him for a psychiatric consultation prior to considering his request for licensure. Ms. Boshier **SECONDED** the motion, which **PASSED UNANIMOUSLY.**

17. **ADJOURN:** The meeting adjourned at 5:50 p.m.

**SUBMITTED:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**Charlotte Kinney, Executive Director**

**APPROVED:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**John Romine, M.D., President**

**APPROVED:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**C. Grant La Farge, M.D., Secretary-Treasurer**

## MEETING SUMMARY

August 21-22, 2003

### **Licensing Actions, in alpha order:**

- Ahranjani, Matthew, MD – accept recalculated FLEX score and issue unrestricted license
- Amin, Hemal, MD – accept transcripts from applicant and issue unrestricted license
- Birmelin, Lucas, MD, #2001-16 – grant unrestricted license when we are notified that Arizona has removed him from monitoring
- Burg, Jonathan, MD, # 92-191 – approved summary suspension and Notice of Contemplated Action for violation of existing stipulated agreement
- Centenera, Leandro, MD – approved Notice of Contemplated Action to deny application for licensure based on falsification of application and unprofessional conduct
- Dillon, Valerie, MD, #82-33 - approved amended Stipulation to allow her to prescribe class 5 drugs with a note that she is not authorized to treat patients
- Durrani, Shakeel, MD – accepted his experience in lieu of 2<sup>nd</sup> year of PGT and approved unrestricted license
- Neidhart, Jeffrey, MD, #2002-0176 – approved amended Stipulation to require only biannual visits with the Board
- Olugbemi, Ayodele, MD – denied application for failure to meet PGT requirements, will reconsider application when she has at least one year of PGT in an ACGME approved program
- Palmer, Robert, MD – authorized to take the SPEX exam to demonstrate current competence and referred for a psychiatric consultation prior to considering his request for licensure
- Roy, Jerry, MD, #95-333 – removed all stipulations and granted unrestricted license
- Saikewicz, Jaroslaw, MD – accepted his experience in lieu of 2<sup>nd</sup> year of PGT and approved unrestricted license
- Stellar, Robert, MD – approved Notice of Contemplated Action to deny application for licensure based on action in California
- Uhl, Gregory, MD, #82-146 – agreed to accept voluntary surrender in lieu of investigation
- Valdez, Brenda, MD – approved Notice of Contemplated Action to deny Resident License based on action in another state
- Williams, Gail Roger, MD – agreed to offer applicant license in NM with his work restricted to correctional psychiatry in correctional facilities