

NEW MEXICO BOARD OF MEDICAL EXAMINERS
Special Call Meeting
491 Old Santa Fe Trail, Santa Fe, New Mexico
June 25, 2003

MINUTES

Members Present:

John S. Romine, M.D., Chairman, Physician Member – by teleconference
C. Grant La Farge, M.D., Secretary-Treasurer, Physician Member
Vivian Giudice, M.D., Physician Member – by teleconference
Steve Weiner, M.D., Physician Member – by teleconference
Maureen Boshier, Public Member – by teleconference
Richard Heim, Public Member – by teleconference

Also Present:

Charlotte Kinney, Executive Director
G.T.S Khalsa, Administrative Prosecutor
Corliss Thalley, AGA
Jenny Felmley, PIO

1. CALL TO ORDER

The special meeting of the New Mexico Board of Medical Examiners convened at 5:00 p.m., Wednesday, June 25, 2003, in the Executive Director's Office, Lamy Building, 491 Old Santa Fe Trail, Santa Fe, New Mexico, **Grant La Farge, M.D.** presiding. Dr. La Farge called the roll and a quorum was declared with six members present.

2. APPROVAL OF AGENDA

Dr. Romine **MOVED** the agenda be approved as presented. Dr. La Farge **SECONDED** the motion, which **PASSED UNANIMOUSLY**.

EXECUTIVE SESSION: Dr. La Farge **MOVED** to go into closed session to discuss matters of licensure. Dr. Giudice **SECONDED** the motion, which **PASSED UNANIMOUSLY**. The Board returned to open session. Dr. La Farge stated for the record that the matters discussed in closed session were limited to only those specified in the motion for closure.

3. LICENSE # 91-292

Dr. LaFarge **MOVED** that Patricia Rowley, MD (#91-292) be granted a stipulated license, requiring her to: participate in the Monitored Treatment Program under criteria to be established by MTP; submit quarterly reports to the Board attesting to her compliance with the stipulations; have her treating psychiatrist submit quarterly progress reports to the Board; and to appear before the Board quarterly or upon request. The alternative, should Dr. Rowley not accept these stipulations, would be to issue a Notice of Contemplated Action to revoke her license under the Impaired Physician Act. Dr. Romine **SECONDED** the motion. **YES:** Boshier, Giudice, Heim, La Farge, Romine, and Weiner. **MOTION CARRIED.**

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specified in the motion for closure.

4. FURTHER CLARIFICATION OF TONG STIPULATION

Dr. La Farge **MOVED** that Dr. Rolando Tong's (#89-109) stipulation be amended to: remove the requirement for monitoring by the NMMRA; continue MTP until the Board has received a letter from MTP recommending his release; and to offer Dr. Tong two options to chose from. The first option is that Dr. Tong may enter solo practice IF he completes a 90-day mini-residency at UNM, arranges to have all exams with female patients chaperoned, and informs his office staff and patients of this requirement. The second option is for Dr. Tong to practice only in a group practice or clinic setting. Mr. Heim **SECONDED**. **YES:** Boshier, Giudice, Heim, La Farge, Romine, and Weiner. **MOTION CARRIED.**

5. SCHEDULE HEARING FOR JESUS GONZALEZ, MD (#99-008)

After discussion about whether to hear this case before the whole Board or appoint a hearing officer to report to the Board at its August meeting, Ms. Boshier **MOVED** to appoint Dr. La Farge the hearing officer in the case of Jesus Gonzalez, MD. Mr. Heim **SECONDED** the motion. **YES:** Boshier, Giudice, Heim, La Farge, and Weiner. **RECUSED:** Romine. **MOTION CARRIED.**

6. APPROVE ADA WAIVER FOR ANTOINE ANTYPAS, MD

At the request of ADA Thalley, the Board revisited the issue of granting Dr. Antoine Antypas an unrestricted license. The recent *Hason v. Medical Board of California* case determined that the Americans with Disabilities Act (ADA) applies to the licensure activities of a state licensing board because a medical license constitutes "services, programs or activities of a public entity." Dr. Antypas is a qualified applicant with a disability, as defined by the ADA, and granting him an extended time to complete his USMLE exams is a reasonable accommodation. Based on this reasoning, Dr. La Farge **MOVED** to grant Dr. Antoine Antypas an unrestricted license to practice medicine in New Mexico, based on his status as a qualified applicant with a disability, as defined by the Americans with Disabilities Act. Dr. Giudice **SECONDED** the motion, which **PASSED UNANIMOUSLY.**

7. ANNOUNCEMENT

Ms. Kinney informed the Board that UNM has completed its review of Dr. Griggsby Wright's (#2002-B-049) appeal and has determined not to restore his residency there. Therefore the Board's NCA in the case has been issued.

8. ADJOURN

There being no further business, the meeting adjourned at 6:05 p.m.

SUBMITTED: _____ **Date:** _____
Charlotte Kinney, Executive Director

APPROVED: _____ **Date:** _____
C. Grant La Farge, M.D., Secretary

APPROVED: _____ **Date:** _____
John Romine, M.D., President