

NEW MEXICO BOARD OF MEDICAL EXAMINERS
Second Quarter Meeting
491 Old Santa Fe Trail, Santa Fe, New Mexico
May 15 - 17, 2002

MINUTES

1. CALL TO ORDER

The regular meeting of the New Mexico Board of Medical Examiners convened at 1:35 p.m., Wednesday, May 15, 2002 in the second floor conference room, Lamy Building, 491 Old Santa Fe Trail, Santa Fe, New Mexico, **John S. Romine, M.D.** presiding. Roll was called and a quorum was declared. Dr. Romine introduced the new members who are attending their first regular board meeting, Christine Glidden and Vittal Pai, M.D.

Members Present:

John S. Romine, M.D., President, Physician Member
Marvin D. Call, M.D., Vice-President, Physician Member
C. Grant La Farge, M.D., Secretary-Treasurer, Physician Member
Sambaiyah Kankanala, M.D., Physician Member, arrived at 8:12 a.m.
Karl Gutierrez, M.D., Physician Member
Vittal Pai, M.D., Physician Member
Lynda Kellahin, Public Member
Christine Glidden, Public Member

Also Present:

Charlotte Kinney, Executive Director
Angela Martinez, Administrator
Corliss Thalley, Assistant Attorney General
A list of all attendees is attached to these minutes

2. APPROVAL OF AGENDA

Dr. La Farge **MOVED** the agenda be approved as amended to include case #2001-A-133 in the discussion of actions related to executive session in #9. Dr. Kankanala **SECONDED** the motion, which **PASSED UNANIMOUSLY**.

3. APPROVAL OF MINUTES

Dr. Gutierrez **MOVED** the minutes of the February 21-22, 2002 regular meeting be approved with a correction on page 8 under Policy Actions which should read "seven-year rule on examinations is from the date applicant is notified of passing the exam." Dr. Kankanala **SECONDED** the motion, which **PASSED UNANIMOUSLY**.

Dr. Gutierrez **MOVED** the minutes of the March 15, 2002 special meeting be approved as presented. Dr. La Farge **SECONDED** the motion, which **PASSED UNANIMOUSLY**.

Dr. Gutierrez **MOVED** the minutes of the April 17, 2002 special meeting be approved as presented. Dr. Kankanala **SECONDED** the motion, which **PASSED UNANIMOUSLY**.

Dr. La Farge **MOVED** the minutes of the November 15, 2001 regular meeting be corrected on page 2 to reflect that Dr. Denson will be granted a stipulated license. Dr. Call **SECONDED** the motion, which **PASSED UNANIMOUSLY**.

4. REPORTS

A. Compliance. Charlotte Kinney reported on the status of those physicians being monitored for compliance with Board Orders. The Board asked that the report only reflect active cases.

5. CONSIDER ACTION

Executive Session: MOTION was made by Dr. Gutierrez and seconded by Dr. La Farge to go into executive session to discuss matters of licensure. **YES:** La Farge, Glidden, Kellahin, Kankanala, Gutierrez, Pai, Call, and Romine. **MOTION CARRIED.** Dr. Romine stated for the record that the Board returned to open session prior to discussing the following cases.

A. John Campa, M.D. Mr. Khalsa presented case #2002-003, summarizing that Dr. Campa was convicted of multiple crimes of health care fraud and is currently in prison. Dr. Campa agrees to a proposed Order revoking his license and stating he can reapply for a New Mexico license when he finishes parole. Dr. La Farge **MOVED** to accept the Order as presented. Dr. Kankanala **SECONDED** the motion. **YES:** La Farge, Glidden, Kankanala, Gutierrez, Pai, and Romine. **RECUSED:** Kellahin and Call.

B. & C. Samuel Goldman and Henry Garcia, M.D. were both present and in open session Mr. Khalsa presented the allegations that these physicians were prescribing for a patient who did not exist on the advise of a hospice nurse. There is not a pattern of practice and they have changed the process so it could not happen again. The proposed Order for Dr. Goldman suspends his license from June 27, 2002 through July 6, 2002. The proposed Order for Dr. Garcia suspends his license from June 14, 2002 through June 18, 2002. Dr. Kankanala **MOVED** to accept the Order for Dr. Goldman and Dr. Garcia as presented. Dr. Kankanala **SECONDED** the motion. **YES:** La Farge, Glidden, Kankanala, Gutierrez, Pai, and Romine. **RECUSED:** Kellahin and Call.

D. Justin Weiss, M.D. Mr. Khalsa presented that Justin Weiss, MD, applied for a license to practice medicine in New Mexico, but prior to a license being issued Dr. Weiss practiced medicine on patients located in New Mexico. The proposed Order includes an agreement that Dr. Weiss will withdraw his application and agrees to never apply for any license to practice medicine in New Mexico. Dr. La Farge **MOVED** to accept the Order for Dr. Weiss as presented. Dr. Call **SECONDED** the motion. **YES** La Farge, Glidden, Kellahin, Pai, Call, and Romine. **RECUSED:** Kankanala and Gutierrez.

E. & F. Brian L Hjelle and Carol Kennon, M.D. Mr. Khalsa presented that these physicians are married and have been prescribing controlled substances to each other. The proposed Order prohibits Dr. Hjelle and Dr. Kennon from prescribing, administering or dispensing any prescription drugs to any of family members. If the terms of the Order are breached, the Board may summarily suspend their license to practice. Dr. Call **MOVED** to accept the Order for Dr. Hjelle and Dr. Kennon as presented. Ms. Kellahin **SECONDED** the motion. **YES:** La Farge, Glidden, Kellahin, Pai, Call, and Romine. **RECUSED:** Kankanala and Gutierrez. The Board also requested staff obtain a report from the Board of Pharmacy monitoring their prescribing practices for the next three years.

6. NEW BUSINESS

A. CRNA Opt Out Recommendation. Dr. Romine asked John Anderson, representing the New Mexico Medical Society, to give an overview of his understanding of the Opt-Out issue. He explained that CMS, the federal agency formerly known as HCFA, allows states to “opt-out” of mandatory physician supervision of CRNAs, with the approval of the Governor after getting recommendations from BME and BON. Hank Beckeroff, president of NM Association of Nurse Anesthetists, indicated their association did not initiate this request that the Board consider making a recommendation to the Governor. It was determined that the issue was the result of a request from the Hospital Association. Dan Weeks, representing the New Mexico Hospitals & Health Systems Association, expressed their support for “opt-out,” primarily because of reimbursement issues and particularly in rural areas. John Wills, MD, an anesthesiologist from UNM, indicated there are 3 issues: access, quality of care, and cost. Further he understands that access is not the issue, the problem is finding surgeons: cost is not the issue for us, but he believes the primary issue is the quality of care, particularly perioperative care. After further discussion, Dr. Romine stated that since the Board has not been requested to give a recommendation the discussion would be terminated. However, he expressed his appreciation to the audience for the information presented which will be helpful if we are requested to make a recommendation to the Governor in the future.

B. CRNA Formulary. Trudy DiLeo, representing the Board of Nursing and the CRNAs,

stated BON accepted the formulary as agreed upon at the previous meeting and all CRNAs have been informed of the decision. Any requests for exceptions to the agreed upon formulary are to be referred to BME for consideration.

C. HB170 Psychologist Prescriptive Authority. Following the presentation of an opening statement by Dr. Romine, there was a lengthy discussion about the process that would be used to implement HB170. Ed Snyder, representing the Psychology Board, stated that they envision a joint working committee with participants from each board to develop a process that will be used. Dr. La Farge, Dr. Call, Ms. Kellahin, and Ms. Glidden offered to participate on the working committee. Dr. Romine has discussed the issue with Dean Roth and selected individuals at the School of Medicine who have offered to serve on a committee to review the technical issues related to training and examination. The Board reviewed resumes and voted on the following individuals to be part of the technical committee: Mark Holdsworth, PharmD, Nancy Morrison, MD, Albert Vogel, MD, and Robert Bailey, MD. Ms. Kinney indicated the Board has contracted with Ms. Lynne Schmolke to provide administrative support for the committees working on this project.

The Board recessed at 4:50 p.m.

Dr. Romine called the meeting back to order on May 16, 2002 at 8:17 a.m. with all members present.

7. NM MONITORED TREATMENT PROGRAM.

Dr. Swoboda, Mary Meisum, and Jon Thayer were present to discuss the status of mandatory participants. **Executive Session: MOTION** was made by Dr. La Farge and seconded by Dr. Call to go into executive session to discuss licensing matters. **YES:** La Farge, Glidden, Kellahin, Kankanala, Gutierrez, Pai, Call, and Romine. **MOTION CARRIED.** The Board returned to open session. Dr. Romine stated for the record that the matters discussed in closed session were limited only to those specified in the motion for closure.

Mr. Thayer distributed current financial information and indicated they are moving into new space about June 7th. The phone numbers will stay the same, as they are just moving up the street to 11930 Menaul, Suite 113. The organization is evaluating their business processes, including the evaluation process. The financial outlook continues to improve, but the move will be expensive.

There has been one relapse; the physician is in treatment at Springbrook. There was a discussion about whether all relapses are reported to the Board. Dr. Swoboda indicated that they do not believe a “therapeutic relapse,” where the individual is still following recommendations of program, should be reported. However when it is a multiple relapser, there is potential patient harm, or when the individual has failed to self-report to the Board when recommended by MTP, these individuals are reported to the Board. The Board requested a blank copy of the contract with voluntary participants.

There was further discussion about how relapses in voluntary participants are handled. Dr. Romine asked Ms. Thalley and Mr. Khalsa to review the voluntary contract and report at the next meeting. It was suggested we might need to put an actual number on relapses before they are reported or maybe all relapses should be referred through complaint committees.

8. COMPLAINT COMMITTEE REPORTS

Executive Session: MOTION was made by Dr. La Farge and seconded by Dr. Kankanala to go into executive session to discuss matters of licensure. **YES:** La Farge, Glidden, Kellahin, Kankanala, Gutierrez, Pai, Call, and Romine. **MOTION CARRIED.** The Board returned to open session. Dr. Romine stated for the record that the matters discussed in closed session were limited only to those specified in the motion for closure.

Complaint Committee A

On behalf of Complaint Committee A, Dr. Call recommended that the following cases be closed: **2001-A-131, 2001-A-133, 2001-A-147, 2001-A-152, 2002-A-001, and 2002-A-009.** No second was required. **YES:** La Farge, Glidden, Gutierrez, Pai, Kankanala, and Romine. **RECUSED:** Call and

Kellahin. **MOTION CARRIED.**

Complaint Committee B

On behalf of Complaint Committee B, Dr. Kankanala recommended that the following cases be closed: **2001-B-058, 2001-B-128, 2001-B-141, 2001-B-143, 2001-B-150, 2002-B-007** and **2002-B-014**. No second was required. **YES:** La Farge, Glidden, Kellahin, Gutierrez, Call, and Romine. **RECUSED:** Kankanala and Pai. **MOTION CARRIED.**

Dr. Kankanala **MOVED** that the physician cited in **2002-B-024** be referred to an Impaired Physician Committee based on alleged relapse of substance abuse **YES:** La Farge, Glidden, Kellahin, Gutierrez, Call, and Romine. **RECUSED:** Kankanala and Pai. **MOTION CARRIED.**

Complaint Committee C

On behalf of Complaint Committee C, Dr. Gutierrez recommended that the following complaint files be closed: **2001-C-134, 2001-C-136, 2002-C-006, 2002-C-010, 2002-C-011, 2002-C-018,** and **2002-C-021**. No second was required. **YES:** La Farge, Kellahin, Kankanala, Pai, Call, and Romine. **RECUSED:** Gutierrez and Glidden. **MOTION CARRIED.**

On behalf of Complaint Committee C, Dr. Gutierrez **MOVED** that the Board accept the voluntary withdrawal of application for reinstatement of the physician cited in **2001-C-015 (Jorge Valcarcel, MD, #82-329)**. No second was required. **YES:** La Farge, Kellahin, Kankanala, Pai, Call, and Romine. **RECUSED:** Gutierrez and Glidden. **MOTION CARRIED.**

On behalf of Complaint Committee C, Dr. Gutierrez **MOVED** that the physician cited in **2001-C-132** be referred to an Impaired Physician Committee for evaluation of possible mental illness. No second was required. **YES:** La Farge, Kellahin, Kankanala, Pai, Call, and Romine. **RECUSED:** Gutierrez, and Glidden. **MOTION CARRIED.**

On behalf of Complaint Committee C, Dr. Gutierrez **MOVED** that the physician cited in **2002-C-003 (Brian Goldweber, MD, applicant)** be issued a Notice of Contemplated Action to deny his application for licensure based on action in another state and fraud in an application for licensure. No second was required. **YES:** La Farge, Kellahin, Kankanala, Pai, Call, and Romine. **RECUSED:** Gutierrez and Glidden. **MOTION CARRIED.**

Complaint Committee D

On behalf of special Complaint Committee D, Dr. La Farge **MOVED** that the physician cited in **2002-D-025 (Dan Umanoff, MD, applicant)** be requested to voluntarily participate in PLAS or an equivalent evaluation program prior to further consideration for licensure or, if he refuses to voluntarily participate, to issue a NCA to deny his application for licensure based on action in NY. No second was required. **YES:** Glidden, Kellahin, Kankanala, Gutierrez, Pai, Call, and Romine. **RECUSED:** La Farge. **MOTION CARRIED.**

Complaint Committee E

On behalf of special Complaint Committee E, Dr. Romine **MOVED** that the physician cited in **2002-E-032 (Thomas Easter, MD, #87-56)** be issued a Notice of Contemplated Action based on a criminal conviction in Texas for violation of controlled substance act and failure to report this conviction to the NM Board. **YES:** La Farge, Glidden, Kellahin, Kankanala, Gutierrez, Pai, and Call. **RECUSED:** Romine. **MOTION CARRIED.**

10. LICENSING ISSUES

A. During Executive Session **Oscar Lipana, MD**, reported on the status of his compliance with the Board Order. In open session, Dr. Kankanala **MOVED** to remove all stipulations from Dr. Lipana's license. Dr. La Farge **SECONDED** the motion, which **PASSED UNANIMOUSLY.**

11. INFORMAL INTERVIEWS – NEW APPLICANTS

A. Jeffrey Neidhart, MD

B. E. John Steinhilber, MD

Following discussion in closed session, Dr. Call **MOVED Dr. Neidhart** be issued a license with standard stipulations for substance abuse. Ms. Kellahin **SECONDED** the motion, which **PASSED UNANIMOUSLY**. Dr. Kankanala **MOVED Dr. Steinhilber** be issued a license with standard stipulations for substance abuse. Dr. Call **SECONDED** the motion, which **PASSED UNANIMOUSLY**.

4. REPORTS, cont.

B. Assistant Attorney General. Ms. Thalley reported on three cases currently in appellate Courts, including Samir Roy who filed a petition Writ of Certiorari in the Court of Appeals, which he lost, upholding decision of the Board. He has now filed in the Supreme Court and they have extended time to consider until May. This is his last option.

Cortelyou appeal is still pending in Court of Appeals. She filed in August 2001 but it is not on the calendar for decision yet.

Guttman case is before District Court. Appeal has been filed and we have a motion to strike the new material in the appeal. In April the District Court upheld our motion to strike portions of the appeal and denied motion to modify the record. Case is pending a hearing on the merits of the case.

Hearing on Quarmby was held on April 29th and we are waiting the Hearing Officers report.

The Board recessed for lunch and reconvened.

C. President. Dr. Romine reported on the Annual Federation of State Medical Boards meeting in April. Dr. La Farge, MD, Dr. Gutierrez, MD, Dan Otero, PA, Bill Wahlert, PA, and Kirsten Thomsen, PA, also attended the meeting. Issues included continuing competency (how and how often it should be measured); medical errors and patient safety; license portability and the initiation of fast track licensing systems; complementary and alternative medicine; and guidelines for the regulation of outpatient surgery.

The House of Delegates accepted Model guidelines including the Use of Complementary Medicine, Appropriate Use of the Internet, Office Treatment of Opioid Addiction, and Outpatient Surgery. Dr. Gutierrez indicated he felt medical errors was the primary focus of the meeting.

D. Secretary-Treasurer. Dr La Farge reported on his participation in the GAMA Task Force on Physician Retention and shared recent census information.

Joe Montoya reported on the financial status. There was general sentiment that they liked the report format. He stated the Board has about \$1.5 million in cash balance and Ms. Kinney indicated we are committed to reducing the cash balance. Dr. Kankanala **MOVED** to approve a Contract for Dr. La Farge to serve as Secretary Treasurer for next fiscal year. Dr. Pai **SECONDED** the motion, which **PASSED UNANIMOUSLY**. The was discussion about the contract for MTP and Dr. Gutierrez shared the problems of several years ago when the Board tried to handle it as a sole-source and did not go out to bid. Ms. Kinney explained it would be impossible to go to bid prior to the expiration of the existing contract on June 30. There was further discussion about the availability of other contractors to provide this service. Dr. Gutierrez **MOVED** to continue the contract with MTP for another year and recommended that staff study the availability of other sources of this service. Dr. Romine **SECONDED** the motion, which **PASSED UNANIMOUSLY**.

E. Physician Assistant Advisory Committee. Mr. Otero stated the PAAC met with Thomas Engel who is applying for reinstatement and they recommend approval of his request. He requested the Board consider reappointment of Ms. Thomsen and Mr. Wahlert. If approved Thomsen would serve as Chair. The PAAC appreciates funding for attendance at FSMB Annual meeting. They have some concerns about application processing time and will do anything they can to help.

Dr. Kankanala **MOVED** approval of report including reappointment of Ms. Thomsen and Mr. Wahlert. Ms. Kellahin **SECONDED** the motion, which **PASSED UNANIMOUSLY**. Dr. La Farge **MOVED** to approve the reinstatement application of Thomas Engel. Ms. Kellahin **SECONDED** the motion, which **PASSED UNANIMOUSLY**.

F. Executive Director. Ms. Kinney reported on continuing problems with the new database. The recent rule changes, as they affect the application process, have not been implemented yet as the forms are still being designed. They should be complete in the next few weeks. She further discussed paperless meetings and that the laptop computers should be distributed to members at the August meeting. There have been some changes to Orientation, which we hope will expedite the time spend waiting in line. Handout information is being provided on CD, unless specifically requested in hardcopy.

Ms. Kinney asked the Board's approval to provide copies of disciplinary actions not related to substance abuse on the website. She has discussed this issue with Mr. Marshall who was not opposed to making the public documents on disciplinary actions more accessible. There was extensive discussion about the public nature of the information and how it would be accessed. The plan is to have a link to any public documents on the individual physician data form, i.e., everyone with action would not be listed in one place, but will only be linked to each specific physician. Ms. Kellahin **MOVED** to provide a link to individual all disciplinary information on the website for a period of five years from the date of action. The **MOTION DIED** for lack of a second. After further discussion Ms Kellahin **MOVED** to provide all public records related to disciplinary action on the website. Ms. Glidden seconded the motion, which **PASSED** with La Farge, Glidden, Kellahin, Pai, Call, and Romine voting in favor and Gutierrez and Kankanala voting against the motion.

Ms. Kinney also brought up the issue of complaint closure letters and the problems with errors when we try and get them out in time for signature at the meeting. The consensus was to use a signature stamp and get approval of the letters before they go out.

12. OLD BUSINESS

A. Pain Management Task Force, SM22. Dr. La Farge summarized the status of the SM22 Task Force activities. The entire task force meets in June to integrate the different subcommittee recommendations. Dr. La Farge briefly reviewed his concerns on the recent report from the regulatory subcommittee. Ms Glidden spoke to the amount of time required for the process and the fact the deadline for recommendations was May 15. Mr. Khalsa gave examples of some of the proposed legislative recommendations, which include that the Board not be allowed to investigate complaints of over prescribing and that the Board be required to pay attorney fees if the respondent prevails in a disciplinary hearing. The subcommittee members have little understanding of how the Board handles complaints and the amount of peer review inherent in our complaint review. The perception seems to be that under treatment of pain is primarily in response to fear of repercussions by the Board. Therefore if the Board stops taking actions for over prescribing the problem of under prescribing will be resolved.

Consistent with the plan approved at the last meeting, Dr. Romine asked for volunteers to serve on the committee to review proposed guidelines. This committee will proposed acceptable guidelines for consideration at a public hearing at the November meeting the Board will adopt the Pain Management Guidelines, incorporating appropriate revisions, as a new rule. Dr. Swoboda, Frank Spring, Mr. Khalsa, Dr. La Farge, Mr. Wahlert and Ms. Glidden were selected to serve on the Committee. In addition, the Board of Pharmacy will be requested to send a representative.

B. Application Requirements. Dr. La Farge discussed various issues that could be considered during the strategic planning session or in the future that would make the application process less burdensome for applicants. Another issue is the possibility of resident applications being approved when there are actions in other states – should they also be required to go to a complaint committee? The general consensus was that they should be handled the same as other license applications. Resident application questions need to be the same as the general application questions.

C. Requirement for Original Transcripts. Ms. Kinney asked the Board to clarify the policy on original transcripts. It is her understanding that these must be provided directly from the source and that the only option, when they are not available, is Board approval of requests to accept original documents provided by the applicant. Following discussion the Board agreed to consider Dr. La Farge's review of the documents, but the decision will be made at a Board meeting and no interim license will be issued. She also asked for blanket approval for the physicians attending this orientation who have been

approved without documents from the source.

6. NEW BUSINESS, cont.

D. Election of Officers – The current officers offered to remain in their positions. Dr. Gutierrez **MOVED** to close nominations and accept re-election of the current officers by **ACCLAMATION**. The motion **PASSED UNANIMOUSLY**.

E. Adopt Open Meetings Resolution. Dr. La Farge **MOVED** to adopt Board Resolution 2002-01 as presented. Ms. Kellahin **SECONDED** the motion, which **PASSED UNANIMOUSLY**.

F. Correspondence

1. FSMB, Clinical Skills Examination – information only
2. FSMB, Cost of USMLE Exams – information only
3. FSMB, Internet Prescribing – information only
4. BUZZEO Assoc, Drug Treatment Act of 2000 - information only
5. Letter from Ford Family

G. Preliminary Sunset Report – proposed statute changes provided in packets, but no discussion.

14. INFORMAL INTERVIEWS

MOTION was made by Dr. La Farge and **SECONDED** by Dr. Romine to go into executive session to discuss matters of licensure. **YES:** La Farge, Kellahin, Kankanala, Gutierrez, Call, and Romine. **MOTION CARRIED.**

A. David Bernitsky, MD was interviewed in closed session

B. Roland Tong, MD was interviewed in closed session

C. Paul Walsky, MD was interviewed in closed session

D. Edward Gilmour, MD - Dr. Gilmour was called to New Jersey because of an emergency with his sister, who subsequently died. He will come to the August meeting. The Board refused to make any decisions on requests to modify his stipulations without talking to him.

THE BOARD RECESSED AT 5:05 P.M.

FRIDAY, May 17, 2002

CONVENE REGULAR MEETING

Dr. Romine reconvened the Regular Meeting at 8 a.m. All members were present with the exception of Dr. Gutierrez who arrived late.

14. INFORMAL INTERVIEWS

David Bennahum, MD was present to discuss the monitoring of Dr. Lewis' practice.

MOTION was made by Dr. La Farge and **SECONDED** by Dr. Call to go into executive session to discuss matters of licensure. **YES:** La Farge, Glidden, Kellahin, Kankanala, Pai, Call, and Romine. **MOTION CARRIED.** The Board returned to open session. Dr. Romine stated for the record that the matters discussed in closed session were limited only to those specified in the motion for closure.

The Board recessed to attend Orientation and reconvened still in Executive Session.

15. INFORMAL INTERVIEWS

The following individuals were interviewed in closed session: Dr. Barry Maron, Dr. Ronald Trujillo, Dr. Carl Bettinger, Dr. Julie DiCianno, Dr. Henry Garcia, Dr. Michelle Moro, Ms. Norma Atkison, PA, Dr. Rajan Mirchendani, Dr. Jonathan Burg, Dr. Peter Moorhead, and Dr. Marc Denson.

16. ACTIONS RELATED TO EXECUTIVE SESSION

Dr. La Farge **MOVED** Ms. Atkison's stipulated agreement be amended to require annual visits

with the Board. Ms. Kellahin **SECONDED** the motion, which **PASSED** with Dr. Gutierrez **RECUSED**.

Dr. Gutierrez **MOVED** that all stipulations be removed from the license of Carl Bettinger, MD. Dr. Call **SECONDED** the motion, which **PASSED UNANIMOUSLY**.

Dr. La Farge **MOVED** to approve a stipulated license for Barry Maron, MD that allows non-surgical practice in a group setting and requires monthly visits to his treating psychiatrist and quarterly reports to the Board. Prior to license issuance Dr. Maron must take and pass the SPEX exam with a score of at least 75% and no more than 3 attempts. Dr. La Farge **SECONDED** the motion, which **PASSED** with all members voting in favor and Dr. Romine **RECUSED**.

Dr. Call **MOVED** to refer MD #78-283 to an Impaired Physicians Committee. Ms. Kellahin **SECONDED** the motion, which **PASSED** with all members voting in favor and Dr. Romine **RECUSED**.

17. **CONSIDER ACTION**

A. Joan Lewis, MD – no action required, Dr. Lewis will be starting a mini-residency with Roger Cicala, MD, through Methodist University Hospital in Memphis, an affiliate of the University of Tennessee, on May 16, 2002. The mini-fellowship will be for two consecutive workweeks (Monday through Friday) then with two weeks back in Albuquerque for a period of six months.

B. Jorge Vargas, MD was present and in open session Mr. Khalsa presented the allegations that he released confidential information about an adult patient to the patient's father. Dr. Vargas has agreed to an Order that suspends his license from July 8, 2002 through July 12, 2002, and requires submission of an original paper of at least 2,500 words on the subject of confidentiality in the psychiatrist-patient relationship. Dr. Kankanala **MOVED** to accept the Order as presented. Dr. La Farge **SECONDED** the motion. **YES:** La Farge, Glidden, Kankanala, Gutierrez, Pai, and Romine. **RECUSED:** Kellahin and Call.

The Board recessed to the Albuquerque Petroleum Club for strategic planning. No policy issues were discussed or decided during the strategic planning.

6. **ADJOURN:** There being no further business, the meeting adjourned at 5:15 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

May 15 – 17, 2002

Licensing Actions, in alpha order:

Atkison, Norma, PA – approved amended Order to require only annual visits with the Board
Bettinger, Carl, MD, #83-162 – removed all stipulations and granted unrestricted license

Campa, John, MD, #83-172 – approved Order revoking Dr. Campa’s license based on felony conviction in Tennessee for health care fraud and allowing him to reapply when he finishes probation/parole.

Engel, Thomas, PA – approved reinstatement application.

Garcia, Henry, MD, #81-198 – approved Order suspending his license from June 14, 2002 through June 18, 2002 based on allegations of injudicious prescribing

Goldman, Samuel, MD, #94-53 – approved Order suspending his license from June 27, 2002 through July 6, 2002 based on allegations of injudicious prescribing

Goldweber, Brian, MD – approved Notice of Contemplated Action to deny his application for licensure based on action in another state and fraud in an application for licensure.

Hjelle, Brian L, MD, #89-215 – approved Order prohibiting prescribing, administering or dispensing any prescription drugs to any family members.

Kennon, Carol E., MD, #89-228 – approved Order prohibiting prescribing, administering or dispensing any prescription drugs to any family members.

Lipana, Oscar, MD, #92-283 – removed all stipulations and granted unrestricted license.

Maron, Barry, MD, #71-177 – approved a stipulated license that allows non-surgical practice in a group setting and requires monthly visits to his treating psychiatrist and quarterly reports to the Board. Prior to license issuance Dr. Maron must take and pass the SPEX exam with a score of at least 75% and no more than 3 attempts.

Neidhart, Jeffrey, MD, #2002-0176 – approved license with standard stipulations for substance abuse.

Steinhilber, E. John, MD – approved unrestricted licenses to practice medicine in New Mexico.

Valcarcel, Jorge MD, #82-329 – approved request to withdraw his application for license reinstatement.

Vargas, Jorge, MD, #88-278 – approved Order that suspends his license from July 8, 2002 through July 12, 2002, and requires submission of an original paper of at least 2,500 words on the subject of confidentiality in the psychiatrist-patient relationship.

Weiss, Justin F, MD – approved Order allowing Dr. Weiss to withdraw his application for licensure and he agrees to never apply for any license to practice medicine in New Mexico.

Policy Actions

Original transcripts – when source documents are not available, the Board agreed to consider Dr. La Farge’s review of the documents, but the final decision on whether to accept the documents provided by the applicant will be made at a Board meeting and no interim license will be issued.

Public information on Internet – Board decided to provide all public records related to disciplinary action on the website.

Compliance Reports – Board requested reports only contain those individuals currently on probation.