

NEW MEXICO MEDICAL BOARD
Regular Board Meeting
August 9-10, 2018
DRAFT MINUTES

Members Present: Steve Jenkusky, MD, Chair
Steve Komadina, MD, Secretary/Treasurer
James Spence, MD – Present August 9, 2018 from 8:30 am to 2:00 pm.
Karen Carson, MD
Jennifer Anderson, Esquire, Public Member
Philip Styka, MD
Sebastian Dunlap, Esquire, Public Member – Present August 9, 2018 from 9:30 am to 3:15 pm and August 10, 2018 from 10:00 am to 12:30 pm.
Charles D. Otero, PA

Excused: Peter Beaudette, MD, Vice Chair – August 9-10, 2018
James Spence, MD – August 9, 2018 2:00 pm to 5:00 pm & August 10, 2018
Sebastian Dunlap, Esquire, Public Member – August 9, 2018 from 8:30 am to 9:30 am and 3:15 pm to 5:00 pm and August 10, 2018 from 8:30 am to 10:00 am.

Others Present: Sondra Frank, J.D., Executive Director
Yvonne Chicoine, J.D., Chief Legal Counsel
C. Grant La Farge, MD, Medical Director
Gayle Mascarenas, CFO/HR Manager
Barbara Oreder, Licensing Manager
Debbie Dieterich, Investigations Manager
Samantha Breen, Administrative Assistant
Amanda Quintana, Compliance Manager / PIO

1. **CALL TO ORDER / ROLL CALL**
Dr. Jenkusky, after establishing the presence of quorum, called the Regular Board Meeting of the New Mexico Medical Board to order at 8:35 a.m., Roll Call was completed.
2. **APPROVAL OF AGENDA**
MOTION was made by Dr. Jenkusky to approve the Agenda. **SECONDED** by Dr. Carson. **YES:** Dr. Jenkusky, PA Otero, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson and Dr. Styka. **ABSENT:** Dr. Beaudette and Mr. Dunlap. **MOTION CARRIED.**
3. **APPROVAL OF MINUTES**
MOTION was made by Dr. Jenkusky to accept and approve the minutes of the June 28, 2018 Interim Board Meeting as presented. **Discussion:** PA Otero requested that his name be fixed on the June 28, 2018 Board Meeting Minutes to Charles D. Otero, PA. **SECONDED** by PA Otero. **YES:** Dr. Jenkusky, PA Otero, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson and Dr. Styka. **ABSENT:** Dr. Beaudette and Mr. Dunlap. **MOTION CARRIED.**

EXECUTIVE SESSION: Complaint Committee Reports / Executive Committee Report / Licensing Issues, New Applicants / Reinstatements / Board Attorney Report

MOTION was made by Dr. Jenkusky to go into Executive Session pursuant to Section 10-15-1(H) (1) of the Open Meetings Act to discuss matters pertaining to the issuance, suspension, renewal or revocation of a license and disciplinary matters. **SECONDED** by Ms. Anderson. **YES:** Dr. Jenkusky, PA Otero, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson and Dr. Styka. **ABSENT:** Dr. Beaudette and Mr. Dunlap. **MOTION CARRIED.**

OPEN SESSION

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

4. ACTIONS RELATED TO EXECUTIVE SESSION

Complaint Committee A

RECOMMENDATION was made by Dr. Carson to **CLOSE** Case #2017-A-077; 2017-A-168; 2017-A-201; 2017-A-212; 2017-A-216; 2017-A-275. **YES:** Dr. Jenkusky, Dr. Komadina, Dr. Spence, Ms. Anderson, Dr. Styka, PA Otero and Mr. Dunlap. **ABSENT:** Dr. Beaudette. **RECUSED:** Dr. Carson.

Case #2017-A-239 RECOMMENDATION was made by Dr. Carson to close this case with an advisory letter regarding clear patient communication prior to testing and plan of care. **YES:** Dr. Jenkusky, Dr. Komadina, Dr. Spence, Ms. Anderson, Dr. Styka, PA Otero and Mr. Dunlap. **ABSENT:** Dr. Beaudette. **RECUSED:** Dr. Carson.

Case #2017-A-240 RECOMMENDATION was made by Dr. Carson to close this case with an advisory letter regarding clear patient communication prior to testing and plan of care. **YES:** Dr. Jenkusky, Dr. Komadina, Dr. Spence, Ms. Anderson, Dr. Styka, PA Otero and Mr. Dunlap. **ABSENT:** Dr. Beaudette. **RECUSED:** Dr. Carson.

Case #2016-A-258 RECOMMENDATION was made by Dr. Carson to offer physician a stipulated license with a reprimand and fine of \$1000 with stipulation to be removed after payment of fine. If physician does not accept, a notice of contemplated action will be issued based on, but not limited to, adverse licensure action taken by another state medical board. **YES:** Dr. Jenkusky, Dr. Komadina, Dr. Spence, Ms. Anderson, Dr. Styka, PA Otero and Mr. Dunlap. **ABSENT:** Dr. Beaudette. **RECUSED:** Dr. Carson.

Case #2018-A-122 RECOMMENDATION was made by Dr. Carson to offer resident physician a stipulated license requiring mandatory participation in NMHPW Program. If resident physician does not accept, a notice of contemplated action to deny licensure will be issued based on, but not limited to, habitual/excessive use of alcohol. **YES:** Dr. Jenkusky, Dr. Komadina, Dr. Spence, Ms. Anderson, Dr. Styka, PA Otero and Mr. Dunlap. **ABSENT:** Dr. Beaudette. **RECUSED:** Dr. Carson.

Complaint Committee B

RECOMMENDATION was made by PA Otero to **CLOSE** Case #2016-B-123; 2017-B-145; and 2017-B-266. **YES:** Dr. Komadina, Dr. Spence, Dr. Carson, Dr. Styka and Mr. Dunlap. **ABSENT:** Dr. Beaudette. **RECUSED:** Dr. Jenkusky, PA Otero and Ms. Anderson.

Case #2016-B-259 RECOMMENDATION was made by Dr. Jenkusky to **CLOSE** this case with an advisory letter recommending PA to check other state's PMP on patient when the NM report shows an out of state prescribing provider. **YES:** Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Dunlap. **ABSENT:** Dr. Beaudette. **RECUSED:** Dr. Jenkusky and PA Otero.

Case #2017-B-257 RECOMMENDATION was made by Dr. Jenkusky to **CLOSE** this case with an advisory letter reminding physician about the Board's regulations on reporting and assessing a \$150 investigation cost; and notify physician that she needs to inform the Board if she ever plans to return to surgical practice. **YES:** Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Dunlap. **ABSENT:** Dr. Beaudette. **RECUSED:** Dr. Jenkusky and PA Otero.

Case #2018-B-084 RECOMMENDATION was made by Dr. Jenkusky to **CLOSE** this case with an advisory letter reminding physician of the Board's regulation on reporting requirements and assessing \$150 in investigation costs. **YES:** Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Dunlap **ABSENT:** Dr. Beaudette. **RECUSED:** Dr. Jenkusky and PA Otero.

Case #2016-B-194 RECOMMENDATION was made by Dr. Jenkusky to offer physician the chance to voluntarily surrender his license in New Mexico. If he does not accept, a notice of contemplated action will be issued based on, but not limited to, failure to cooperate with the board. **YES:** Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Dunlap **ABSENT:** Dr. Beaudette. **RECUSED:** Dr. Jenkusky, Dr. Carson and PA Otero.

Case #2017-B-262 RECOMMENDATION was made by Dr. Jenkusky to offer physician the chance to voluntarily surrender her license in New Mexico. If she does not accept, a notice of contemplated action will be issued based on, but not limited to, adverse action in another state; failure to report adverse action; conduct unbecoming and misrepresentation on a renewal application. **YES:** Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Dunlap **ABSENT:** Dr. Beaudette. **RECUSED:** Dr. Jenkusky and PA Otero.

Case #2018-B-081 RECOMMENDATION was made by Dr. Jenkusky to offer resident physician a stipulated license requiring mandatory participation in NMHPWP. If she does not accept, a notice of contemplated action will be issued based on, but not limited to, conduct likely to harm. **YES:** Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Dunlap **ABSENT:** Dr. Beaudette. **RECUSED:** Dr. Jenkusky and PA Otero.

Case #2018-B-128 RECOMMENDATION was made by Dr. Jenkusky to issue a summary suspension based on imminent danger to the public, along with the issuance of a notice of contemplated action based on, but not limited to incompetency to practice. Simultaneously with the above, the board shall also proceed under the Impaired Health Care Provider Act. **YES:** Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Dunlap **ABSENT:** Dr. Beaudette. **RECUSED:** Dr. Jenkusky and PA Otero.

Complaint Committee C

RECOMMENDATION was made by Dr. Spence to **CLOSE** Case #2017-C-182; 2017-C-242 and 2017-C-276. **YES:** Dr. Jenkusky, PA Otero, Dr. Komadina, Dr. Carson, Ms. Anderson and Dr. Styka. **ABSENT:** Dr. Beaudette. **RECUSED:** Dr. Spence and Mr. Dunlap.

Case #2016-C-180 RECOMMENDATION was made by Dr. Spence to **CLOSE** this case with an advisory letter suggesting improvement of professional communication with patients when dealing with their care. **YES:** Dr. Jenkusky, PA Otero, Dr. Komadina, Dr. Carson, Ms. Anderson and Dr. Styka. **ABSENT:** Dr. Beaudette. **RECUSED:** Dr. Spence and Mr. Dunlap.

Case #2018-C-045 RECOMMENDATION was made by Dr. Spence to offer the physician the chance to voluntarily surrender her license. If she does not accept, a notice of contemplated action will be issued based on, but not limited to, habitual/excessive use of alcohol; and conduct likely to harm. **YES:** Dr. Jenkusky, PA Otero, Dr. Komadina, Dr. Carson, Ms. Anderson and Dr. Styka. **ABSENT:** Dr. Beaudette. **RECUSED:** Dr. Spence and Mr. Dunlap.

Case #2018-C-106 RECOMMENDATION was made by Dr. Spence to offer a stipulated license requiring payment of a fine of \$1000 and issuance of a reprimand or a notice of contemplated action will be issued to deny licensure based on, but not limited to, misrepresentation on an application and interaction with others that could adversely affect patient care. **YES:** Dr. Jenkusky, PA Otero, Dr. Komadina, Dr. Carson, Ms. Anderson and Dr. Styka. **ABSENT:** Dr. Beaudette. **RECUSED:** Dr. Spence and Mr. Dunlap.

Case #2018-C-120 RECOMMENDATION was made by Dr. Spence to offer physician applicant the chance to withdraw his application for licensure while under investigation or a notice of contemplated action will be issued to deny licensure based on, but not limited to, adverse licensure action; conduct unbecoming; and interaction with others that could adversely affect patient care. **YES:** Dr. Jenkusky, PA Otero, Dr. Komadina, Dr. Carson, Ms. Anderson and Dr. Styka. **ABSENT:** Dr. Beaudette. **RECUSED:** Dr. Spence and Mr. Dunlap.

Case #2018-C-124 RECOMMENDATION was made by Dr. Spence to offer PSGT applicant a stipulated license requiring board approved ethics course, payment of \$1000 fine and required worksite monitor. License will be issued after successfully completing ethics course; or a notice of contemplated action will be issued to deny licensure based on, but not limited to, conviction of an offense punishable by incarceration; misrepresentation on an application; and dishonesty. **YES:** Dr. Jenkusky, PA Otero, Dr. Komadina, Dr. Carson, Ms. Anderson and Dr. Styka. **ABSENT:** Dr. Beaudette. **RECUSED:** Dr. Spence and Mr. Dunlap.

Complaint Committee D

RECOMMENDATION was made by Dr. Komadina to **CLOSE** Case #2016-D-175, 2017-D-072, 2017-D-202 and 2018-D-116. **YES:** Dr. Jenkusky; PA Otero; Dr. Spence; Dr. Carson; Ms. Anderson and Mr. Dunlap. **ABSENT:** Dr. Beaudette **RECUSED:** Dr. Komadina and Dr. Styka.

Case #2017-D-249 RECOMMENDATION was made by Dr. Komadina to **CLOSE** the case with an advisory letter reminding physician about the Board's reporting regulations and assessing \$150 in investigation costs. **YES:** Dr. Jenkusky; PA Otero; Dr. Spence; Dr. Carson; Ms. Anderson and Mr. Dunlap. **ABSENT:** Dr. Beaudette **RECUSED:** Dr. Komadina and Dr. Styka.

Case #2017-D-288 RECOMMENDATION was made by Dr. Komadina to **CLOSE** the case with an advisory letter reminding physician about his responsibility to patients. **YES:** Dr. Jenkusky; PA Otero; Dr. Spence; Dr. Carson; Ms. Anderson and Mr. Dunlap. **ABSENT:** Dr. Beaudette **RECUSED:** Dr. Komadina and Dr. Styka.

Case #2018-D-002 RECOMMENDATION was made by Dr. Komadina to **CLOSE** the case with an advisory letter reminding the physician about the Board's reporting requirements and assessing \$150 in investigation costs. **YES:** Dr. Jenkusky; PA Otero; Dr. Spence; Dr. Carson; Ms. Anderson and Mr. Dunlap. **ABSENT:** Dr. Beaudette **RECUSED:** Dr. Komadina and Dr. Styka.

Case #2018-D-078 RECOMMENDATION was made by Dr. Komadina to **CLOSE** the case with an advisory letter reminding physician about appropriate patient communication and maintaining professional conduct. **YES:** Dr. Jenkusky; PA Otero; Dr. Spence; Dr. Carson; Ms. Anderson and Mr. Dunlap. **ABSENT:** Dr. Beaudette **RECUSED:** Dr. Komadina and Dr. Styka.

Case #2018-D-107 RECOMMENDATION was made by Dr. Komadina to offer physician applicant the chance to withdraw his application for licensure while under investigation or a notice of contemplated action will be issued to deny licensure based on, but not limited to, excessive/habitual use of alcohol; misrepresentation on an application; conduct unbecoming; failure to cooperate with the board; and dishonesty. **YES:** Dr. Jenkusky; PA Otero; Dr. Spence; Dr. Carson; Ms. Anderson and Mr. Dunlap. **ABSENT:** Dr. Beaudette **RECUSED:** Dr. Komadina and Dr. Styka.

Complaint Committee E

Case #2017-E-290 RECOMMENDATION was made by Ms. Anderson to **CLOSE** the case with an advisory letter reminding physician about the need for clear communication with patients. **YES:** Dr. Jenkusky; PA Otero; Dr. Komadina; Dr. Spence; Dr. Carson; Dr. Styka and Mr. Dunlap. **ABSENT:** Dr. Beaudette. **RECUSED:** Ms. Anderson.

Case #2018-E-072 RECOMMENDATION was made by Ms. Anderson to **CLOSE** the case with an advisory letter reminding physician about the need for clear communication with patients. **YES:** Dr. Jenkusky; PA Otero; Dr. Komadina; Dr. Spence; Dr. Carson; Dr. Styka and Mr. Dunlap. **ABSENT:** Dr. Beaudette. **RECUSED:** Ms. Anderson.

Case #2017-E-023 RECOMMENDATION was made by Ms. Anderson to issue a notice of contemplated action based on, but not limited to, conviction of an offense punishable by incarceration and conduct unbecoming. **YES:** Dr. Jenkusky; PA Otero; Dr. Komadina; Dr. Spence; Dr. Carson; Dr. Styka and Mr. Dunlap. **ABSENT:** Dr. Beaudette. **RECUSED:** Ms. Anderson.

Case #2018-E-029 RECOMMENDATION was made by Ms. Anderson to offer physician the chance to withdraw his application for licensure reinstatement while under investigation or a notice of contemplated action will be issued based on, but not limited to, misrepresentation on an application; incompetency to practice; and unlicensed practice of medicine. **YES:** Dr. Jenkusky; PA Otero; Dr. Komadina; Dr. Spence; Dr. Carson; Dr. Styka and Mr. Dunlap. **ABSENT:** Dr. Beaudette. **RECUSED:** Ms. Anderson.

Case #2018-E-108 RECOMMENDATION was made by Ms. Anderson to offer PSGT applicant the chance to withdraw her application for licensure while under investigation or a notice of contemplated action will be issued based on, but not limited to, misrepresentation on an application for licensure and failure to cooperate with the board. **YES:** Dr. Jenkusky; PA Otero; Dr. Komadina; Dr. Spence; Dr. Carson; Dr. Styka and Mr. Dunlap. **ABSENT:** Dr. Beaudette. **RECUSED:** Ms. Anderson.

Case #2018-E-114 RECOMMENDATION was made by Ms. Anderson to offer resident physician a stipulated license requiring mandatory participation in NMHPWP or a notice of contemplated action will be issued based on, but not limited to, conduct unbecoming. **YES:** Dr. Jenkusky; PA Otero; Dr. Komadina; Dr. Spence; Dr. Carson; Dr. Styka and Mr. Dunlap. **ABSENT:** Dr. Beaudette. **RECUSED:** Ms. Anderson.

5. LICENSING ISSUES, NEW APPLICANTS / REINSTATEMENTS

Bishnu Rauth, MD Case No. 2017-027 – Decision and Order

MOTION was made by Dr. Jenkusky to accept to the Hearing Officers Report including the findings of fact. **Seconded** by PA Otero. **YES:** Dr. Jenkusky, PA Otero, Dr. Komadina, Dr. Spence, Dr. Carson and Mr. Dunlap. **RECUSED:** Ms. Anderson and Dr. Styka **ABSENT:** Dr. Beaudette. **MOTION CARRIED.**

MOTION was made by Dr. Jenkusky to accept Conclusions of Law 1 through 11; to amend Conclusion of Law number 12 in that “The documentary evidence and credible testimony in this matter support the continued suspension and revocation of Respondent’s license to practice medicine as a physician in the State of New Mexico”; and add Conclusion of Law number 13, conduct unbecoming in a person licensed to practice or detrimental to the best interests of the public pursuant to NMSA 1978, §61-6-15 D(29).” **Seconded** by Dr. Komadina. **YES:** Dr. Jenkusky, PA Otero, Dr. Komadina, Dr. Spence, Dr. Carson and Mr. Dunlap. **RECUSED:** Ms. Anderson and Dr. Styka **ABSENT:** Dr. Beaudette. **MOTION CARRIED.**

MOTION was made by Dr. Jenkusky to **REVOKE** Dr. Rauth’s New Mexico Medical License. **Seconded** by Dr. Komadina. **YES:** Dr. Jenkusky, PA Otero, Dr. Komadina, Dr. Spence, Dr. Carson and Mr. Dunlap. **RECUSED:** Ms. Anderson and Dr. Styka **ABSENT:** Dr. Beaudette. **MOTION CARRIED.**

Padmaneel Kanase, MD Case No. 2017-011 – Motion for Reimbursement of Costs

MOTION was made by Dr. Jenkusky to approve the Motion for Reimbursement of Costs. **Seconded** by PA Otero. **YES:** Dr. Jenkusky, PA Otero, Dr. Komadina, Dr. Spence, Dr. Carson, Dr. Styka and Mr. Dunlap. **RECUSED:** Ms. Anderson and Dr. Spence **ABSENT:** Dr. Beaudette. **MOTION CARRIED.**

Thomas Prose, MD Case No. 2017-026 – Motion for Reimbursement of Costs -

MOTION was made by Dr. Jenkusky to approve the Motion for Reimbursement of Costs **Seconded** by Dr. Spence. **YES:** Dr. Jenkusky, PA Otero, Dr. Spence, Ms. Anderson, Dr. Styka and Mr. Dunlap. **RECUSED:** Dr. Komadina and Dr. Carson **ABSENT:** Dr. Beaudette. **MOTION CARRIED.**

Robert Woody, MD Case No. 2016-013 – Motion to Lift Stay

MOTION was made by Dr. Spence to approve the Motion to Lift Stay **Seconded** by PA Otero **YES:** PA Otero, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Dunlap. **RECUSED:** Dr. Jenkusky **ABSENT:** Dr. Beaudette. **MOTION CARRIED.**

Sujan Thyagaraj, MD Case No. 2016-014 – Motion to Lift Stay

MOTION was made by Dr. Jenkusky to approve the Motion to Lift Stay **Seconded** by Dr. Carson. **YES:** Dr. Jenkusky, PA Otero, Dr. Komadina, Dr. Spence, Dr. Carson, Dr. Styka and Mr. Dunlap. **RECUSED:** Ms. Anderson **ABSENT:** Dr. Beaudette. **MOTION CARRIED.**

Dominique Hill, MD Case No. 2018-025 – Default Order

MOTION was made by Dr. Carson to approve the Default Order **Seconded** by PA Otero. **YES** PA Otero, Dr. Komadina, Dr. Carson, Ms. Anderson and Dr. Styka. **RECUSED:** Dr. Jenkusky, Mr. Dunlap, Dr. Spence. **ABSENT:** Dr. Beaudette. **MOTION CARRIED.**

James Marc Beverly, PA Case No. 2017-039 – Motion for Reimbursement of Costs

MOTION was made by Dr. Jenkusky to approve the Motion for Reimbursement of Costs **Seconded** by Dr. Carson. **YES:** Dr. Jenkusky, Dr. Komadina, Dr. Spence, Dr. Carson, Dr. Styka and Mr. Dunlap. **RECUSED:** Ms. Anderson and PA Otero **ABSENT:** Dr. Beaudette. **MOTION CARRIED.**

James Marc Beverly, PA Case No. 2017-039 – Motion for Proposed Settlement

MOTION was made by Dr. Jenkusky to approve the Motion for Proposed Settlement **Seconded** by Dr. Carson. **YES:** Dr. Jenkusky, Dr. Komadina, Dr. Spence, Dr. Carson, Dr. Styka and Mr. Dunlap. **RECUSED:** Ms. Anderson and PA Otero **ABSENT:** Dr. Beaudette. **MOTION CARRIED.**

6. Board Attorney Report

Margaret McLean, J.D. – For review.

CLOSED SESSION: Compliance Report and New Mexico Monitored Treatment Program Report

MOTION was made by Dr. Jenkusky to go into Executive Session pursuant to Section 10-15-1(H) (1) of the Open Meetings Act to discuss matters pertaining to the issuance, suspension, renewal or revocation of a license and disciplinary matters. **SECONDED** by Ms. Anderson. **YES:** Dr. Jenkusky, PA Otero, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Dunlap. **ABSENT:** Dr. Beaudette. **MOTION CARRIED.**

7. Board Monitored Compliance Report [Non MTP]

Ms. Quintana reviewed the compliance report and reported on the status of monitored licensees.

8. New Mexico Health Professional Wellness Program Report (Formerly MTP)

Andrea Newman, Dan Collins, MD and Mary Lynn Griffin of the NMHPWP presented the status of all mandatory MTP participants and answered questions from the Board.

9. Informal Interviews

Charles Bennett, MD; Chad Berryman, MD; Yasin Choudry, MD; Christopher Driskill, MD; Ryan Grange, PA; Kyle Greer, MD (Telephonic); Amit Gupta, MD; Keith Levitt, MD; Joseph Long, MD

Ryan Lubert, MD; Kaaren Mahan, PA; Orlando Ortiz, MD (Telephonic); Richard Smith, MD; Jennifer Tso, PA.

OPEN SESSION

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

10. ACTIONS RELATED TO EXECUTIVE SESSION

None

11. REPORTS

Financial / HR Manager

FY18 Budget/Revenue Status

- Ms. Mascarenas reported that the Budget and Revenue Status ending June 30, 2018 are as follows:
 - ✓ From July 1, 2017 through June 30, 2018 expenditures total \$1,838,251 (or 96.75%) of budgeted expenditures (Opbud \$1,900,000);
 - ✓ From July 1, 2017 through June 30, 2018 the agency collected revenues in the amount of \$2,271,581 (or 24.81%) over the budgeted revenues of \$1,820,000. In FY18 the agency also budgeted \$80,000 fund balance and utilized \$18,251 of the budgeted fund balance.
 - ✓ The unaudited Fund Balance on June 30, 2018 is **\$1,124,175**.
- Ms. Mascarenas stated that on the Boards CD the FY18 Statistics Summary reflects the application/renewal and other fees that makes up the total revenues collected in FY18 beginning on 7/1/17 through 6/30/18 in the amount of \$2,271,581.

FY19 Operating Budget

- Ms. Mascarenas said that the Budget and Revenue Status ending July 31, 2018 are as follows:
 - ✓ From July 1, 2018 through July 31, 2018 expenditures total \$125,625 (or 6.2%) of budgeted expenditures (Opbud \$2,028,700);
 - ✓ From July 1, 2018 through July 31, 2018 the agency collected revenues in the amount of \$124,922 (or 6.4%) of FY19 budgeted revenues in the amount of \$1,948,700. In FY19 the agency also budgeted \$80,000 fund balance.
- This fiscal year all state agencies must comply with 50% Rule per Section 6-3-6 and the General Appropriation Act of 2018, where it states “for the first six-month period of each odd-numbered fiscal year shall be limited to one-half of the appropriation or approved budget, whichever is less, for that fiscal year”. The purpose of the 50% rule is intended to ensure that at least 50% of an agency’s operating budget is available for a new agency head/elected official taking office as a result of an election for statewide offices. On December 1, 2018 all agencies will be required to submit written certification that the agency is in compliance with the 50% Rule.

FY20 Appropriation Request

- Finally Ms. Mascarenas stated that she will be working on the FY20 Appropriation Request next week which will include an Expansion Request for a Compliance Officer requested by Ms. Frank which has to be approved by the Governor’s Office before the request is submitted. The instruction by DFA-State Budget Division for Executive agencies for the FY20 Appropriation Request is FLAT from the FY19 level.

Chair Report

Dr. Jenkusky reported the he and Ms. Frank are doing a presentation regarding licensing and Board matters at the September 14-15, 2018 New Mexico Medical Society meeting.

Executive Director Report

Medical Marijuana – Ms. Frank reported that at the last Board meeting the HPWP requested guidance about the usage of Medical Marijuana by monitored practitioners. The Board asked Ms. Frank to research what polices or regulations the Colorado Medical Board has with regard to this issue. Ms. Frank stated that Colorado does not have any polices regarding non-monitored practitioners using medical marijuana. The Colorado PHP program does have a prohibition for people being monitored. The Colorado Medical Board does however informally counsel a practitioner if they come up positive for marijuana.

MOTION was made by Dr. Jenkusky that licensees being monitored for substance abuse should not be using medical marijuana. **SECONDED** by Dr. Carson **YES:** Dr. Jenkusky, PA Otero, Dr. Komadina, Dr. Carson, Ms. Anderson and Dr. Styka. **ABSENT:** Dr. Beaudette, Dr. Spence and Mr. Dunlap.
MOTION CARRIED.

Executive Order – Ms. Frank presented the DRAFT of the response to Governor Martinez' Executive Order 2018-037.

The Board moved their November 8-9, 2018 Meeting to November 1-2, 2018.

Licensing Manager

None

12. **New Business**

Dr. Juliette Sweet from the New Mexico Association of Naturopathic Physicians, along with Jacqueline Villalobos, Dr. Jessica Franco-Chavez, Dr. Sandra Jones, Joanna Hooper, MD, Lilly Marie Blecher and Janet Gabriel came before the Board to obtain feedback regarding the possible regulation of Naturopathic Physicians in New Mexico and the steps they are taking to become regulated. The group explained to the Board that Naturopathic Medicine emphasizes prevention and the self-healing process to treat holistically and improve outcomes while lowering health care costs. Rather than just suppressing symptoms, naturopathic doctors work to identify underlying causes of illness and develop personalized treatment plans to address them.

The group further explained that naturopathic doctors are educated and trained in accredited naturopathic medical schools. Naturopathic medical education curricula include certain areas of study not covered in conventional medical school and at the same time they receive training in the same biomedical and diagnostic sciences as MD's and DO's. They are also trained in pharmacology and how to use pharmaceutical drugs when necessary. If their profession is regulated and if their license permitted they would prescribe themselves, otherwise patients would be referred to a conventional medical colleague. In addition the group reported that when life, limb or function must be preserved they would refer patients to MD's who are expertly trained in these arenas, and simultaneously use complementary or supportive therapies to decrease side effects and increase effectiveness of these invasive procedures.

The Board discussed further exploration into the credentials of Naturopathic Physicians and expressed that they would prefer to have them regulated by the NMMB.

ADJOURN

Dr. Jenkusky adjourned the first day [August 9, 2018] of the May Regular Board Meeting at 5:00 p.m.

Friday, August 10, 2018

Dr. Jenkusky reconvened the Medical Board and called the meeting to order at 8:35 a.m. on Friday, August 10, 2018; a quorum was present.

CLOSED SESSION: Informal Compliance Interviews Continued

MOTION was made by Dr. Jenkusky to go into Executive Session pursuant to Section 10-15-1(H) (1) of the Open Meetings Act to discuss matters pertaining to the issuance, suspension, renewal or revocation of a license and disciplinary matters. **SECONDED** by PA Otero. **YES:** Dr. Jenkusky, PA Otero, Dr. Carson, Ms. Anderson and Dr. Styka. **ABSENT:** Dr. Komadina (arrived at 9:00 am), Mr. Dunlap (arrived at 9:30 am), Dr. Spence and Dr. Beaudette. **MOTION CARRIED.**

13. Informal Interviews

Suparna Saha, MD; Mark Van Wormer, MD; Lisa Staber, MD (Telephonic); Ann Mercer, MD; Maria Martinez-Ugarte, MD; Jane McMillan, MD (Telephonic) and Clyde Miller, MD.

OPEN SESSION

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

14. Compliance Requests / Actions

Suparna Saha, MD – Request for release from stipulation.

Tabled

Lisa Staber, MD – Request for release from stipulation.

MOTION was made by Dr. Jenkusky to release Dr. Staber from stipulation. **SECONDED** by Dr. Styka **YES:** Dr. Jenkusky, PA Otero, Dr. Komadina, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Dunlap. **ABSENT:** Dr. Beaudette and Dr. Spence. **MOTION CARRIED.**

Ann Mercer, MD – Request for release from stipulation.

MOTION was made by Dr. Jenkusky to release Dr. Mercer from stipulation. **SECONDED** by Dr. Styka **YES:** Dr. Jenkusky, PA Otero, Dr. Komadina, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Dunlap. **ABSENT:** Dr. Beaudette and Dr. Spence. **MOTION CARRIED.**

Maria Martinez-Ugarte, MD – Request for release from stipulation.

MOTION was made by Dr. Jenkusky to release Dr. Martinez-Ugarte from stipulation. **SECONDED** by Dr. Styka **YES:** Dr. Jenkusky, PA Otero, Dr. Komadina, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Dunlap. **ABSENT:** Dr. Beaudette and Dr. Spence. **MOTION CARRIED.**

Mark Van Wormer, MD – Request to amend stipulation to remove the required 12 months of practice monitoring.

MOTION was made by Dr. Jenkusky to amend Dr. Van Wormer's stipulation to remove the required 12 months of practice monitoring. **SECONDED** by Dr. Styka **YES:** Dr. Jenkusky, PA Otero, Dr. Komadina, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Dunlap. **ABSENT:** Dr. Beaudette and Dr. Spence. **MOTION CARRIED.**

15. Rule Hearing

16.10.10 NMAC Report of Settlements, Judgments, Adverse Actions and Credentialing Discrepancies.

16.10.16 NMAC Administering, Prescribing and Distribution of Medication.

See Transcript.

16. Adoption of Rules

16.10.10 NMAC Report of Settlements, Judgments, Adverse Actions and Credentialing Discrepancies.

Tabled until Special Board Meeting on Friday, August 17, 2018.

16.10.16 NMAC Administering, Prescribing and Distribution of Medication.

Tabled until Special Board Meeting on Friday, August 17, 2018.

**17. Old Business
Interstate Compact – Tabled**

DO Merger – Tabled

Professional Practice Question 18

MOTION was made by Dr. Jenkusky to approve “Do you have or have you been diagnosed with an illness or condition which impairs your judgment or affects your ongoing ability to practice medicine in a competent, ethical and professional manner?” as the new professional practice question number 18 on initial licensure applications and renewals. **SECONDED** by Dr. Styka **YES:** Dr. Jenkusky, Dr. Komadina, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Dunlap. **ABSENT:** Dr. Beaudette, PA Otero and Dr. Spence. **MOTION CARRIED.**

Chiropractors – School Accreditation Issues - Tabled

18. ADJOURN

There being no further business before the Board, Dr. Jenkusky adjourned the meeting at 12:30 P.M.

SUBMITTED BY: _____ DATE: _____
Sondra Frank, J.D., Executive Director

APPROVED BY: _____ DATE: _____
Steven M. Jenkusky, M.D., Chair

APPROVED BY: _____ DATE: _____
Steve Komadina, M.D., Secretary Treasurer