

NEW MEXICO MEDICAL BOARD
Regular Board Meeting
August 8-9, 2019
DRAFT MINUTES

Members Present: Steve Jenkusky, MD, Chair
Peter Beaudette, MD, Vice Chair
James Spence, MD
Karen Carson, MD
Eric Anderson, MD (Excused 8/9/2019)
Mark Unverzagt, MD (Excused 8/9/2019)
Jennifer Anderson, Esquire, Public Member
Charles D. Otero, PA
Buffie Saavedra, Public Member

Others Present: Sondra Frank, Esquire, Executive Director
Yvonne Chicoine, Esquire, Chief Legal Counsel
C. Grant La Farge, MD, Medical Director
Gayle Mascarenas, CFO/HR Manager
Antoinette Griego, 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 Ms. Saavedra. **YES:** Dr. Jenkusky, Dr. Unverzagt, Dr. Spence, Dr. Beaudette, PA Otero, Dr. Carson, Ms. Anderson, Ms. Saavedra and Dr. Anderson. **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. **SECONDED** by PA Otero. **YES:** Dr. Jenkusky, Dr. Unverzagt, Dr. Spence, Dr. Beaudette, PA Otero, Dr. Carson, Ms. Anderson, Ms. Saavedra and Dr. Anderson. **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 PA Otero. **YES:** Dr. Jenkusky, Dr. Unverzagt, Dr. Spence, Dr. Beaudette, PA Otero, Dr. Carson, Ms. Anderson, Ms. Saavedra and Dr. Anderson. **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 Ms. Anderson to **CLOSE** Case #2018-A-034; 2018A-050; 2018-A-079; 2018-A-101; 2018-A-155; 2018-A-162; 2018-A-170; 2018-A-175; 2019-A-014 and 2019-A-137. **YES:** Dr. Jenkusky, Dr. Unverzagt, Dr. Spence, PA Otero, Dr. Carson, Ms. Saavedra and Dr. Anderson. **RECUSED:** Dr. Beaudette and Ms. Anderson.

Case #2018-A-052 RECOMMENDATION was made by Dr. Beaudette to close this case with an advisory letter asking Physician to consider revising the process in order to see pediatric patients in a timelier manner after they are discharged from the hospital. **YES:** Dr. Jenkusky, Dr. Unverzagt, Dr. Spence, PA Otero, Dr. Carson, Ms. Saavedra and Dr. Anderson. **RECUSED:** Dr. Beaudette and Ms. Anderson.

Case #2018-A-318 RECOMMENDATION was made by Dr. Beaudette to close this case with an advisory letter reminding Physician of the Board's Regulations on disclosing honest and complete information on a renewal application, along with assessing \$300 in administrative costs for misrepresentation on a renewal. **YES:** Dr. Jenkusky, Dr. Unverzagt, Dr. Spence, PA Otero, Dr. Carson, Ms. Saavedra and Dr. Anderson. **RECUSED:** Dr. Beaudette and Ms. Anderson.

Case #2019-A-013 RECOMMENDATION was made by Dr. Beaudette to close this case with an advisory letter reminding Physician Assistant about the Board's Regulations on reporting adverse action taken by a health plan and assessing \$150 in administrative cost for failure to report. **YES:** Dr. Jenkusky, Dr. Unverzagt, Dr. Spence, PA Otero, Dr. Carson, Ms. Saavedra and Dr. Anderson. **RECUSED:** Dr. Beaudette and Ms. Anderson.

Case #2019-A-082 RECOMMENDATION was made by Dr. Beaudette to close this case with an advisory letter for failure to report in a timely manner the adverse licensure action taken against her and assessment of \$150 in administrative costs. **YES:** Dr. Jenkusky, Dr. Unverzagt, Dr. Spence, PA Otero, Dr. Carson, Ms. Saavedra and Dr. Anderson. **RECUSED:** Dr. Beaudette and Ms. Anderson.

Case #2018-A-003 RECOMMENDATION was made by Dr. Beaudette to offer Physician a stipulated agreement requiring payment of a \$2000 fine, successful completion of an ethics course and issuance of a reprimand. If Physician does not accept, a notice of contemplated action will be issued based on, but not limited to, aiding and abetting the unlicensed practice of medicine; dishonesty; failure to maintain accurate medical records; conduct likely to deceive the public; and obtaining a fee by fraud. The NMMB will also initiate a separate complaint against the assistant to investigate the assistant's unlicensed practice. **YES:** Dr. Jenkusky, Dr. Unverzagt, Dr. Spence, PA Otero, Dr. Carson, Ms. Saavedra and Dr. Anderson. **RECUSED:** Dr. Beaudette and Ms. Anderson.

Case #2018-A-083 RECOMMENDATION was made by Dr. Beaudette to issue a cease and desist letter to unlicensed practitioner that includes language that the NMMB subpoenas are enforceable and referral to AG's Office and Board of Nursing for further handling. **YES:** Dr. Jenkusky, Dr. Unverzagt, Dr. Spence, PA Otero, Dr. Carson, Ms. Saavedra and Dr. Anderson. **RECUSED:** Dr. Beaudette and Ms. Anderson.

Complaint Committee B

RECOMMENDATION was made by Dr. Jenkusky to **CLOSE** Case #2018-B-035; 2018-B-053; 2018-B-167; 2018-B-176; 2018-B-229; 2018-305; 2018-B-314; 2019-B-133 and 2019-B-136. **YES:** Dr. Unverzagt, Dr. Spence, Dr. Beaudette, PA Otero, Dr. Carson, Ms. Anderson, Ms. Saavedra and Dr. Anderson. **RECUSED:** Dr. Jenkusky.

Case #2018-B-243 RECOMMENDATION was made by Dr. Jenkusky to **CLOSE** this case with an advisory letter reminding Physician about the appropriate management of patients on opiates and recommending improved understanding on when to refer patients to addiction clinics. **YES:** Dr. Unverzagt, Dr. Spence, Dr. Beaudette, PA Otero, Dr. Carson, Ms. Anderson, Ms. Saavedra and Dr. Anderson. **RECUSED:** Dr. Jenkusky.

Case #2017-B-309 RECOMMENDATION was made by Dr. Jenkusky to **CLOSE** this case with an advisory letter regarding use of chaperones in his exam room and mindful use of his stethoscope during exams. **YES:** Dr. Unverzagt, Dr. Spence, Dr. Beaudette, PA Otero, Dr. Carson, Ms. Anderson, Ms. Saavedra and Dr. Anderson. **RECUSED:** Dr. Jenkusky.

Case #2019-B-100 RECOMMENDATION was made by Dr. Jenkusky to offer Physician Assistant the chance to voluntarily surrender her license and if she does not accept, a notice of contemplated action will be issued based on, but not limited to, violation of a drug law; conduct unbecoming; dishonesty; failure to maintain patient records ; and injudicious prescribing. **YES:** Dr. Unverzagt, Dr. Spence, Dr. Beaudette, PA Otero, Dr. Carson, Ms. Anderson, Ms. Saavedra and Dr. Anderson. **RECUSED:** Dr. Jenkusky.

Case #2019-B-142 RECOMMENDATION was made by Dr. Jenkusky to offer Physician a stipulated license to NMHPWP requiring mandatory participation. If Physician does not accept, a notice of contemplated action will be issued based on, but not limited to, conduct unbecoming and habitual/excessive use of alcohol. **YES:** Dr. Unverzagt, Dr. Spence, Dr. Beaudette, PA Otero, Dr. Carson, Ms. Anderson, Ms. Saavedra and Dr. Anderson. **RECUSED:** Dr. Jenkusky.

Complaint Committee C

RECOMMENDATION was made by Dr. Spence to **CLOSE** Case #2018-C-031; 2018-C-047; 2018-C-058; 2018-C-138; 2018-C-205; 2018-C-224; 2018-C-232; 2019-C-003; 2019-C-012 and 2019-C-148. **YES:** Dr. Jenkusky, Dr. Unverzagt, Dr. Beaudette, PA Otero, Ms. Anderson, Ms. Saavedra and Dr. Anderson. **RECUSED:** Dr. Spence and Dr. Carson.

Case #2018-C-188 RECOMMENDATION was made by Dr. Spence to **CLOSE** this case with the same advisory letter to Physician that he received in May 2019 relating to HIPAA issues around patient confidentiality. **YES:** Dr. Jenkusky, Dr. Unverzagt, Dr. Beaudette, PA Otero, Ms. Anderson, Ms. Saavedra and Dr. Anderson. **RECUSED:** Dr. Spence and Dr. Carson.

Case #2019-C-011 RECOMMENDATION was made by Dr. Spence to **CLOSE** this case with an advisory letter regarding Physician's timely communication with patients and their testing results. **YES:** Dr. Jenkusky, Dr. Unverzagt, Dr. Beaudette, PA Otero, Ms. Anderson, Ms. Saavedra and Dr. Anderson. **RECUSED:** Dr. Spence and Dr. Carson.

Case #2017-C-265 RECOMMENDATION was made by Dr. Spence to offer Physician (1) the chance to surrender license while under investigation with provision that she complies with recommendations of CPEP prior to reapplication with NMMB; or (2) accept a stipulated license requiring her to comply with recommendations of CPEP and any other subsequent Board recommendations. If she does not accept either, a notice of contemplated action will be issued based on, but not limited to, incompetency to practice. **YES:** Dr. Jenkusky, Dr. Unverzagt, Dr. Beaudette, PA Otero, Ms. Anderson, Ms. Saavedra and Dr. Anderson. **RECUSED:** Dr. Spence and Dr. Carson.

Case #2019-C-101 RECOMMENDATION was made by Dr. Spence to issue a notice of contemplated action based on violation of the Parental Responsibility Act and failure to cooperate with the Board. **YES:** Dr. Jenkusky, Dr. Unverzagt, Dr. Beaudette, PA Otero, Ms. Anderson, Ms. Saavedra and Dr. Anderson. **RECUSED:** Dr. Spence and Dr. Carson.

Case #2019-C-155 RECOMMENDATION was made by Dr. Spence to offer Resident Physician a stipulated license requiring mandatory participation in the NMHPWP. If she does not accept, a notice of contemplated action will be issued to deny licensure based on, but not limited to, failure to cooperate with the Board; interaction with others that could adversely affect patient care and conduct likely to harm. **YES:** Dr. Jenkusky, Dr. Unverzagt, Dr. Beaudette, PA Otero, Ms. Anderson, Ms. Saavedra and Dr. Anderson. **RECUSED:** Dr. Spence and Dr. Carson.

Complaint Committee D

RECOMMENDATION was made by PA Otero to **CLOSE** Case #2018-D-033; 2018-D-099; 2018-D-143; 2018-D-160; 2018-D-215; 2018-D-217; 2018-D-235; 2018-D-237 and 2019-D-171. **YES:** Dr. Jenkusky, Dr. Unverzagt, Dr. Spence, Dr. Beaudette, Dr. Carson Ms. Anderson, Ms. Saavedra and Dr. Anderson. **RECUSED:** PA Otero.

Case #2018-D-129 RECOMMENDATION was made by PA Otero 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, misrepresentation on an application, dishonesty, and conduct likely to harm. **YES:** Dr. Jenkusky, Dr. Unverzagt, Dr. Spence, Dr. Beaudette, Dr. Carson Ms. Anderson, Ms. Saavedra and Dr. Anderson. **RECUSED:** PA Otero.

Case #2019-D-139 RECOMMENDATION was made by PA Otero to offer Physician a reprimand and accept stipulation of licensure requiring payment of a \$3000 fine, prohibiting physician from serving as medical director of a sleep center and prohibiting him from administrative supervision of PSGT staff for one year. Physician must apply to the Board for approval to resume either role, which will not be granted without evidence of successful completion of Board-approved professionalism course. If Physician does not accept, a notice of contemplated action will be issued based on, but not limited to, aiding and abetting the unlicensed practice; conduct likely to deceive the public and failure to supervise. **YES:** Dr. Jenkusky, Dr. Unverzagt, Dr. Spence, Dr. Beaudette, Dr. Carson Ms. Anderson, Ms. Saavedra and Dr. Anderson. **RECUSED:** PA Otero.

Case #2019-D-162 RECOMMENDATION was made by PA Otero to offer sleep tech a stipulated license requiring payment of a fine of \$100 and requiring sleep tech to submit to the Board a corrective action plan detailing how she will rectify this licensing situation in the future, along with the issuance of a reprimand. If she does not accept, a notice of contemplated action will be issued to deny reinstatement of her license based on, but not limited to, unlicensed practice and failure to report an arrest. **YES:** Dr. Jenkusky, Dr. Unverzagt, Dr. Spence, Dr. Beaudette, Dr. Carson Ms. Anderson, Ms. Saavedra and Dr. Anderson. **RECUSED:** PA Otero.

Case #2019-D-163 RECOMMENDATION was made by PA Otero to offer sleep tech a stipulated license requiring payment of fine of \$1000 per every week that he scored sleep studies, to be determined by patient records, and issuance of a reprimand. This matter of unlicensed practice will also be referred to the Attorney General for handling. If he does not accept, a notice of contemplated action will be issued to based on, but not limited to, unlicensed practice and conduct likely to defraud and deceive the public. **YES:** Dr. Jenkusky, Dr. Unverzagt, Dr. Spence, Dr. Beaudette, Dr. Carson Ms. Anderson, Ms. Saavedra and Dr. Anderson. **RECUSED:** PA Otero.

Case #2019-D-152 RECOMMENDATION was made by PA Otero to issue a stipulated resident license requiring a professionalism evaluation, to be approved by the Board and to be conducted within 90 days of licensure, with a requirement to adhere to all recommendations made by evaluator and / or Board. If resident physician does not accept, a notice of contemplated action will be issued to deny licensure based on, but not limited to, conduct unbecoming and failure to cooperate with a Board request. **YES:** Dr. Jenkusky, Dr. Unverzagt, Dr. Spence, Dr. Beaudette, Dr. Carson Ms. Anderson, Ms. Saavedra and Dr. Anderson. **RECUSED:** PA Otero.

5. ACTIONS RELATED TO EXECUTIVE SESSION

None

6. LICENSING ISSUES, NEW APPLICANTS / REINSTATEMENTS

Sujan Thyagaraj, MD Case No. 2016-014 – Decision and Order

MOTION was made by Dr. Jenkusky to accept to the Hearing Officers Report with the following amendments in the proposed findings of fact: correct the error of the date of the NCA which should be March 25, 2016, not March 25, 2018. (FOF) #25 delete second sentence, # 75 should state that

Detective Gokey not the Respondent filed a criminal complaint, # 94 and # 97 are amended to delete Respondent's reference to Exhibit U which was not admitted into evidence. **Seconded** by Dr. Spence. **YES:** Dr. Jenkusky, Dr. Unverzagt, Dr. Spence, Dr. Beaudette, PA Otero, Dr. Carson, Ms. Anderson, Ms. Saavedra and Dr. Anderson. **MOTION CARRIED.**

MOTION was made by Dr. Jenkusky to accept the Conclusions of Law as presented by the Administrative Prosecutor. **Seconded** by Dr. Carson. **YES:** Dr. Jenkusky, Dr. Unverzagt, Dr. Spence, Dr. Beaudette, PA Otero, Dr. Carson, Ms. Anderson, Ms. Saavedra and Dr. Anderson. **MOTION CARRIED.**

MOTION was made by Dr. Jenkusky to **REVOKE** Dr. Thyagaraj's New Mexico Medical License. **Seconded** by Ms. Anderson. **YES:** Dr. Jenkusky, Dr. Unverzagt, Dr. Spence, Dr. Beaudette, PA Otero, Dr. Carson, Ms. Anderson, Ms. Saavedra and Dr. Anderson. **MOTION CARRIED.**

Vikas Dhawan, MD – Consider Approval of Non-ACGME Fellowship and Work Experience in the US in Lieu of 2 Years PGT for Issuance of an Unrestricted License.

MOTION was made by Dr. Jenkusky to accept the Non-ACGME Fellowship and Work Experience in the US in Lieu of 2 Years PGT and issue an unrestricted New Mexico Medical License. **Seconded** by Ms. Anderson. **YES:** Dr. Jenkusky, Dr. Unverzagt, Dr. Spence, Dr. Beaudette, PA Otero, Dr. Carson, Ms. Anderson, Ms. Saavedra and Dr. Anderson. **MOTION CARRIED.**

Bonni Frankel, MD – Consider Competency Evaluation Prior to Licensure, No Clinical Practice Since 2001.

MOTION was made by Dr. Jenkusky requesting Dr. Frankel complete and pass a CPEP evaluation to demonstrate competency before decision on issuance of a license. **Seconded** by PA Otero. **YES:** Dr. Jenkusky, Dr. Unverzagt, Dr. Spence, Dr. Beaudette, PA Otero, Dr. Carson, Ms. Anderson, Ms. Saavedra and Dr. Anderson. **MOTION CARRIED.**

7. **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 PA Otero. **YES:** Dr. Jenkusky, Dr. Unverzagt, Dr. Spence, Dr. Beaudette, PA Otero, Dr. Carson, Ms. Anderson, Ms. Saavedra and Dr. Anderson. **MOTION CARRIED.**

8. **Board Monitored Compliance Report [Non MTP]**
Ms. Quintana reviewed the compliance report and reported on the status of monitored licensees.
9. **New Mexico Health Professional Wellness Program Report (Formerly MTP)**
Andrea Newman, Randy Adair, DO and Mary Lynn Griffin of the NMHPWP presented the status of all mandatory MTP participants and answered questions from the Board.
10. **Informal Interviews**
Tracy Pritchard, MD (Telephonic); Ryan Grange, PA; Chad Berryman, MD; Charles Bennett, MD; Amit Gupta, MD (Telephonic); Sterling Williams, MD; Joseph Long, MD; Kaaren Mahan, MD; Jane McMillan, MD; Clyde Miller, MD; Richard Smith, MD; Miles Nelson, MD; Christopher Driskill, MD; Thomas Walsh, MD; Jennifer Tso, PA; and Nina Nandy, 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.

11. REPORTS

Financial / HR Manager

Ms. Mascarenas reported to the Board the following;

FY19 Budget/Revenue Status ending June 30, 2019.

From July 1, 2018 through June 30, 2019 expenditures total **\$1,906,817 (or 93.99%)** of budgeted expenditures (Opbud \$2,028,700);

From July 1, 2018 through June 30, 2019 the agency collected revenues in the amount of **\$2,121,703 (or 108.88%)** of budgeted revenues of **\$1,948,700**. In FY19 the agency also budgeted \$80,000 fund balance which may be utilized toward the end of the fiscal year if expenditures exceed the budgeted revenues.

The audited Fund Balance on June 30, 2018 is **\$1,151,939**. The cash balance as of June 30, 2019 is **\$1,440,551**. The June 30, 2019 audited Fund Balance will be available after the FY19 Audit has been completed and will be reported at the next regular board meeting.

Ms. Mascarenas also provided the Board the FY19 Statistics Summary that reflects the application/renewal and other fees that makes up the total revenues collected in FY19 beginning on July 1, 2018 through June 30, 2019 in the amount of \$2,121,703.

Further, Ms. Mascarenas reported the FY21 Appropriation Request is due to DFA and LFC by September 3, 2019 and will be working on the FY21 Appropriation Request next week that will include 2-3 new positions: State Investigator, Attorney and a Paralegal.

Executive Director Report

NMHA – Letter to the New Mexico Medical Board Regarding Peer Review

Ms. Frank presented a letter to the Board from David Johnson regarding clarification of the Board's position regarding types of peer review constitute the practice of medicine in New Mexico. Dr. Jenkusky suggested that he would like to review the peer review statute for a better definition of "peer review".

The Board had a brief discussion regarding the PMP and usage of the PMP. Ms. Saavedra would like to know if the data received from the Pharmacy Board can be sorted by specific location.

Licensing Manager

Ms. Griego reported to the Board on the application back log in licensing and explained that it is typical this time of year to be behind due to renewals.

Further Ms. Griego updated the Board on the status of using CE Brokers for the CME Renewal Audit and that we will be using them for the upcoming renewal cycle in 2020.

Board Chair

Nothing to Report

ADJOURN

Dr. Jenkusky adjourned the first day [August 8, 2019] of the August Regular Board Meeting at 4:57 p.m.

Friday, August 9, 2019

Dr. Jenkusky reconvened the Medical Board and called the meeting to order at 8:35 a.m. on Friday, August 9, 2019; 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, Dr. Spence, Dr. Beaudette, PA Otero, Dr. Carson, Ms. Anderson and Ms. Saavedra. **ABSENT:** Dr. Unverzagt and Dr. Anderson. **MOTION CARRIED.**

12. Informal Interviews

Farouk Kahn, MD (Telephonic); Jenny Hargrove, MD; Joshua Zamora (Excused), Sleep Tech.; Mark Standley, PA; Stephen Cain, MD; Yasin Choudry, MD; Kathleen Van Osten, MD and Patrick Shanley, 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.

13. Compliance Requests / Actions

Farouk Khan, MD – Consider Request for Release of Stipulation.

MOTION was made by Dr. Jenkusky to release Dr. Khan from stipulation and issue an unrestricted license with the condition that he must renew his medical license and has provided the Board with proof that the restrictions on his license in Illinois have been lifted. **SECONDED** by Ms. Saavedra. **YES:** Dr. Jenkusky, Dr. Spence, Dr. Beaudette, PA Otero, Dr. Carson, Ms. Anderson and Ms. Saavedra. **ABSENT:** Dr. Unverzagt and Dr. Anderson. **MOTION CARRIED.**

Joshua Zamora, Sleep Tech – Review PROBE Ethics Course, Consider Granting Full License.

Tabled until November 2019 Board Meeting.

Mark Standley, PA – Consider Waiving the Requirement of Having a Work Site Monitor.

MOTION was made by Dr. Jenkusky to deny Mr. Standley's request to waive the requirement of having a work site monitor. **SECONDED** by PA Otero. **YES:** Dr. Jenkusky, Dr. Spence, Dr. Beaudette, PA Otero, Dr. Carson, Ms. Anderson and Ms. Saavedra. **ABSENT:** Dr. Unverzagt and Dr. Anderson. **MOTION CARRIED.**

Stephen Cain, MD – Consider Request for Release of Stipulation.

MOTION was made by Dr. Jenkusky to release Dr. Cain from stipulation and issue an unrestricted license. **SECONDED** by PA Otero. **YES:** Dr. Jenkusky, Dr. Spence, Dr. Beaudette, PA Otero, Dr. Carson, Ms. Anderson and Ms. Saavedra. **ABSENT:** Dr. Unverzagt and Dr. Anderson. **MOTION CARRIED.**

Yasin Choudry, MD – Consider Request for Release of Stipulation.

MOTION was made by Dr. Jenkusky to release Dr. Choudry from stipulation and issue an unrestricted license. **SECONDED** by Dr. Carson. **YES:** Dr. Jenkusky, Dr. Spence, Dr. Beaudette, PA Otero, Dr. Carson, Ms. Anderson and Ms. Saavedra. **ABSENT:** Dr. Unverzagt and Dr. Anderson. **MOTION CARRIED.**

Patrick Shandley, PA – Consider Request to Reactivate License with Stipulation.

MOTION was made by Dr. Jenkusky to approve Mr. Shandley's request to reactivate his license with stipulation to HPWP. **SECONDED** by Ms. Anderson. **YES:** Dr. Jenkusky, Dr. Spence, Dr. Beaudette, PA Otero, Dr. Carson, Ms. Anderson and Ms. Saavedra. **ABSENT:** Dr. Unverzagt and Dr. Anderson. **MOTION CARRIED.**

Bradford Richardson, MD – Consider Request for Release of Stipulation.

MOTION was made by Dr. Jenkusky to release Dr. Richardson from stipulation and issue an unrestricted license. **SECONDED** by Dr. Carson. **YES:** Dr. Jenkusky, Dr. Spence, Dr. Beaudette, PA Otero, Dr. Carson, Ms. Anderson and Ms. Saavedra. **ABSENT:** Dr. Unverzagt and Dr. Anderson. **MOTION CARRIED.**

Gregory Koury, MD – Consider Request for Release of Stipulation.

MOTION was made by Dr. Jenkusky to release Dr. Koury from stipulation and issue an unrestricted license. **SECONDED** by PA Otero. **YES:** Dr. Jenkusky, Dr. Spence, Dr. Beaudette, PA Otero, Dr. Carson, Ms. Anderson and Ms. Saavedra. **ABSENT:** Dr. Unverzagt and Dr. Anderson. **MOTION CARRIED.**

Tracy Pritchard, MD – Consider Request for Release of Stipulation.

MOTION was made by Dr. Jenkusky to release Dr. Pritchard from stipulation and issue an unrestricted license. **SECONDED** by Ms. Anderson. **YES:** Dr. Jenkusky, Dr. Spence, Dr. Beaudette, PA Otero, Dr. Carson, Ms. Anderson and Ms. Saavedra. **ABSENT:** Dr. Unverzagt and Dr. Anderson. **MOTION CARRIED.**

14. Actions Related to Executive Session

15. Rule Hearing

16.10.10 NMAC Administering, Prescribing and Distribution of Medication.

Rule Hearing Transcript Attached

Adoption of Rules

16.10.16 NMAC Administering, Prescribing and Distribution of Medication.

After a discussion about the details of the Rule Hearing a **MOTION** was made by PA Otero to **ADOPT** the rules as presented. **SECONDED** by Ms. Saavedra. **YES:** Dr. Jenkusky, PA Otero, Dr. Carson, Ms. Anderson and Ms. Saavedra. **NO:** Dr. Spence and Dr. Beaudette. **ABSENT:** Dr. Unverzagt and Dr. Anderson. **MOTION CARRIED.**

16. New Business

The Board Reviewed the Proposed Board Meeting Dates and moved the November meeting to November 12-13, 2020.

17. Old Business

Mark Beale, MD Affirm Revocation of License.

MOTION was made by Dr. Jenkusky to affirm the revocation of Respondent's license to practice medicine in New Mexico. **SECONDED** by PA Otero. **YES:** Dr. Jenkusky, Dr. Spence, Dr. Beaudette, PA Otero, Dr. Carson, Ms. Anderson and Ms. Saavedra. **ABSENT:** Dr. Unverzagt and Dr. Anderson. **MOTION CARRIED.**

18. Patrick Hudson, MD Presentation on Coaching Services.

Dr. Hudson presented to the Board his coaching services for physicians, he provides services for physicians only. All coaching is one-on-one, physician to physician. Coaching usually begins with an intervention lasting several hours and is tailored to the needs of the individual institution or physician. Dr. Hudson feels very strongly that his initial contact with

physicians need to involve the development of trust, so that the physician knows that coaching will benefit him or her, as well as an organization.

The recommended approach includes one or two days on intense coaching, a day is 5 hours of coaching. During this time, Dr. Hudson will get to know the physician and lay out the program for the next few weeks. After the initial intervention it is recommended that the average physician has 10-12 weekly live or telephone sessions each lasting about 50 minutes. All clients need a DiSC evaluation (which is an assessment to determine personality style) prior to the coaching and as needed other evaluations might be needed, including EQ (emotional intelligence assessment) and/or 360s (assessment helps identify strengths and developmental needs).

In closing Dr. Hudson stated that it is very unlikely a lifetime pattern of poor communication, anger or poor emotional intelligence will change quickly. After the conclusion of the sessions monthly telephone follow-up sessions for one year are recommended.

19. ADJOURN

There being no further business before the Board, Dr. Jenkusky adjourned the meeting at 11:58 P.M.

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

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

APPROVED BY: _____ DATE: _____
Peter Beaudette, M.D, Vice Chair