

NEW MEXICO MEDICAL BOARD
First Quarter Meeting
February 17 – 18, 2011

MINUTES

Members Present: Steven Weiner, M.D., Chair
Rebecca Cochran, CPMSM, CPCS, Vice Chair, Public Member
Paul Kovnat, M.D., Secretary Treasurer
Roger Miller, M.D.
Steve Jenkusky, M.D.
Albert Bourbon, PA-C
Kathy Abeles, Public Member
Frank Crespin, M.D.
Ann Wehr, M.D.

Others Present: Lynn Hart, Executive Director
Geraldine Mascarenas, Deputy Director
Grant La Farge, M.D., Medical Director
Andrea Buzzard, Assistant Attorney General
Jerry Marshak, Board Prosecutor
J.J. Walker, Compliance Mgr. / PIO
Lynn Tipton, Administrative Assistant
Debbie Dieterich, Senior Investigator
Leann Adams, Investigator
Amanda Quintana, Licensing Manager

(See list of all attendees attached to these minutes.)

1. **CALL TO ORDER / ROLL CALL / INTRODUCTIONS:**
Dr. Weiner called the regular meeting of the New Mexico Medical Board to order at 8:30 a.m., and a quorum was present.
2. **APPROVAL OF AGENDA:**
MOTION was made by Dr. Weiner to approve the agenda. **SECONDED** by Ms. Abeles. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Dr. Wehr, Dr. Crespin, Dr. Miller, Mr. Bourbon and Dr. Jenkusky. **MOTION CARRIED.**
3. **APPROVAL OF MINUTES:**
MOTION was made by Dr. Weiner to approve the Minutes from the January 6, 2011 Interim Meeting. **SECONDED** by Dr. Jenkusky. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Dr. Wehr, Dr. Crespin, Dr. Miller, Mr. Bourbon and Dr. Jenkusky. **MOTION CARRIED.**

EXECUTIVE SESSION:

MOTION was made by Dr. Weiner to go into closed 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. **SECONDED** by Ms. Abeles. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Dr. Wehr, Dr. Crespin, Dr. Miller, Mr. Bourbon and Dr. Jenkusky. **MOTION CARRIED.**

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

4. COMPLAINT COMMITTEE REPORTS:

A. Licensees and Applicants

Complaint Committee A:

RECOMMENDATION was made by Dr. Wehr to close complaint cases 2009-A-125 and 2010-A-156, as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Ms. Abeles, Ms. Cochran, Dr. Crespin, Dr. Miller, Mr. Bourbon, Dr. Jenkusky and Dr. Weiner. **ABSTAINED:** Dr. Kovnat and Dr. Wehr. **RECOMMENDATION PASSED.**

Case No. 2010-A-137 RECOMMENDATION was made by Dr. Wehr to close this case and to issue physician an advisory letter asking him to clarify the Department of Health's protocols pertaining to the notification of patients with positive STD test results and advising him of his responsibility to the patient as a physician. **YES:** Ms. Abeles, Ms. Cochran, Dr. Crespin, Dr. Miller, Mr. Bourbon, Dr. Jenkusky and Dr. Weiner. **ABSTAINED:** Dr. Kovnat and Dr. Wehr. **RECOMMENDATION PASSED.**

Case No. 2009-A-173 RECOMMENDATION was made by Dr. Wehr to change license status to **LAPSED** while under investigation and close the case. **YES:** Ms. Abeles, Ms. Cochran, Dr. Crespin, Dr. Miller, Mr. Bourbon, Dr. Jenkusky and Dr. Weiner. **ABSTAINED:** Dr. Kovnat and Dr. Wehr. **RECOMMENDATION PASSED.**

Case No. 2010-A-147 (Jared West, MD) RECOMMENDATION was made by Dr. Wehr to offer physician a stipulated license requiring mandatory participation in NM Monitored Treatment Program and other standard substance abuse stipulations. If physician does not accept the stipulated license, a Notice of Contemplated Action will be issued based on, but not limited to, habitual alcohol use. **YES:** Ms. Abeles, Ms. Cochran, Dr. Crespin, Dr. Miller, Mr. Bourbon, Dr. Jenkusky and Dr. Weiner. **ABSTAINED:** Dr. Kovnat and Dr. Wehr. **RECOMMENDATION PASSED.**

Case No. 2010-A-157 RECOMMENDATION was made by Dr. Kovnat to close this case and to issue physician an advisory letter regarding the Board's concerns about the DEA's case, along with his failure to report to the Medical Board in a timely manner the adverse action taken against him. **YES:** Ms. Abeles, Ms. Cochran, Dr. Crespin, Dr. Miller, Mr. Bourbon, Dr. Jenkusky and Dr. Weiner. **ABSTAINED:** Dr. Kovnat and Dr. Wehr. **RECOMMENDATION PASSED.**

Case No 2010-A-116 (Hisham Hashish, MD) RECOMMENDATION was made by Dr. Kovnat to offer physician the chance to voluntarily surrender his New Mexico License. If physician refuses, issue a Notice of Contemplated Action based on, but not limited to, repeated similar negligent acts and failure to report adverse action taken on his clinical privileges. **YES:** Ms. Abeles, Ms. Cochran, Dr. Crespin, Dr. Miller, Mr. Bourbon, Dr. Jenkusky and Dr. Weiner. **ABSTAINED:** Dr. Kovnat and Dr. Wehr. **RECOMMENDATION PASSED.**

Case No 2010-A-248 ([REDACTED]) RECOMMENDATION was made by Dr. Kovnat to offer physician the chance to withdraw his license while under investigation. If physician refuses, issue a Notice of Contemplated Action to deny licensure based on, but not limited to, misrepresentation in applying for licensure in New Mexico. **YES:** Ms. Abeles, Ms. Cochran, Dr. Crespin, Dr. Miller, Mr. Bourbon, Dr. Jenkusky and Dr. Weiner. **ABSTAINED:** Dr. Kovnat and Dr. Wehr. **RECOMMENDATION PASSED.**

Case No 2010-A-264 (Stephen Gregg, MD) RECOMMENDATION was made by Dr. Kovnat to offer physician the chance to voluntarily surrender his New Mexico License. If physician refuses, issue a Notice of Contemplated Action based on, but not limited to, injudicious prescribing. **YES:** Ms. Abeles, Ms. Cochran, Dr. Crespin, Dr. Miller, Mr. Bourbon, Dr. Jenkusky and Dr. Weiner. **ABSTAINED:** Dr. Kovnat and Dr. Wehr. **RECOMMENDATION PASSED.**

Complaint Committee AAA:

Case No. 2008-AAA-208 RECOMMENDATION was made by Dr. Weiner to close this case as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Ms. Abeles, Ms. Cochran, Dr. Kovnat, Dr. Wehr, Dr. Crespin, Dr. Miller, Mr. Bourbon and Dr. Jenkusky. **ABSTAINED:** Dr. Weiner. **RECOMMENDATION PASSED.**

Complaint Committee B:

RECOMMENDATION was made by Ms. Cochran to close complaint cases 2009-B-199; 2010-B-088; 2010-B-089; 2010-B-102 and 2010-B-135 as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Dr. Kovnat, Dr. Wehr, Dr. Crespin, Mr. Bourbon, Dr. Jenkusky, Dr. Weiner and Ms. Abeles. **ABSTAINED:** Ms. Cochran and Dr. Miller. **RECOMMENDATION PASSED.**

Case No. 2010-B-105 RECOMMENDATION was made by Ms. Cochran that physician enter a mini-sabbatical or mini-residency program at UNMH. UNMH will make the determination of the program. The Board will issue physician a Stipulated Resident license and the case will remain open until successful completion of the program, at which time the case will return to the Complaint Committee for final licensure recommendation. **YES:** Dr. Kovnat, Dr. Wehr, Dr. Crespin, Mr. Bourbon, Dr. Jenkusky, Dr. Weiner and Ms. Abeles. **ABSTAINED:** Ms. Cochran and Dr. Miller. **RECOMMENDATION PASSED.**

Case No. 2010-B-258 (Gireesh Velugubanti, MD) RECOMMENDATION was made by Ms. Cochran to offer physician a stipulated license requiring mandatory participation in NM Monitored Treatment Program and other standard substance abuse stipulations. If physician does not accept the stipulated license, a Notice of Contemplated Action will be issued based on, but not limited to, habitual use of alcohol and/or controlled substances. **YES:** Dr. Kovnat, Dr. Wehr, Dr. Crespin, Mr. Bourbon, Dr. Jenkusky, Dr. Weiner and Ms. Abeles. **ABSTAINED:** Ms. Cochran and Dr. Miller. **RECOMMENDATION PASSED.**

Case No. 2010-B-262 () RECOMMENDATION was made by Ms. Cochran to refer physician to an Impaired Physician Committee for a psychiatric assessment. This case will remain open until assessment is received and then returned to the Board for final recommendation. **YES:** Dr. Kovnat, Dr. Wehr, Dr. Crespin, Mr. Bourbon, Dr. Jenkusky, Dr. Weiner and Ms. Abeles. **ABSTAINED:** Ms. Cochran and Dr. Miller. **RECOMMENDATION PASSED.**

Complaint Committee C:

RECOMMENDATION was made by Dr. Crespin to close complaint cases 2010-C-058 and 2010-C-084 as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Dr. Miller, Mr. Bourbon, Dr. Jenkusky, Dr. Weiner, Ms. Cochran, Dr. Kovnat and Dr. Wehr. **ABSTAINED:** Dr. Crespin and Ms. Abeles. **RECOMMENDATION PASSED.**

Case No. 2010-C-079 RECOMMENDATION was made by Dr. Crespin to close this case and to issue physician an advisory letter regarding the communication of test results between a physician's office and patients, specifically, that it is inappropriate for Medical Assistants to communicate medical information on a patient's answering machine. **YES:** Dr. Miller, Mr.

Bourbon, Dr. Jenkusky, Dr. Weiner, Ms. Cochran, Dr. Kovnat and Dr. Wehr. **ABSTAINED:** Dr. Crespin and Ms. Abeles. **RECOMMENDATION PASSED.**

Case No. 2010-C-028 ([REDACTED]). **RECOMMENDATION** was made by Dr. Crespin to offer physician a letter of reprimand based on, but not limited to, licensure action in another state, failure to report licensure action in another state, and misrepresentation when renewing a license. If physician refuses letter, complaint committee recommends issuance of a Notice of Contemplated Action based on same. **YES:** Dr. Miller, Mr. Bourbon, Dr. Jenkusky, Dr. Weiner, Ms. Cochran, Dr. Kovnat and Dr. Wehr. **ABSTAINED:** Dr. Crespin and Ms. Abeles. **RECOMMENDATION PASSED.**

Case No. 2010-C-246 (Ejub Hadzic, MD). **RECOMMENDATION** was made by Dr. Crespin to offer physician a letter of reprimand based on, but not limited to, injudicious prescribing and failure to maintain accurate, complete records on a patient. If physician refuses letter, complaint committee recommends issuance of a Notice of Contemplated Action based on same. **YES:** Dr. Miller, Mr. Bourbon, Dr. Jenkusky, Dr. Weiner, Ms. Cochran, Dr. Kovnat and Dr. Wehr. **ABSTAINED:** Dr. Crespin and Ms. Abeles. **RECOMMENDATION PASSED.**

Complaint Committee D:

RECOMMENDATION was made by Dr. Jenkusky to close complaint cases 2010-D-130; 2010-D-188 and 2011-D-004 as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Dr. Wehr, Dr. Crespin and Dr. Miller. **ABSTAINED:** Mr. Bourbon and Dr. Jenkusky. **RECOMMENDATION PASSED.**

Case No. 2010-D-265 **RECOMMENDATION** was made by Dr. Jenkusky to close this case and to issue physician an advisory letter regarding prescription writing and accurate medical record keeping. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Dr. Wehr, Dr. Crespin and Dr. Miller. **ABSTAINED:** Mr. Bourbon and Dr. Jenkusky. **RECOMMENDATION PASSED.**

Case No. 2010-D-123 **RECOMMENDATION** was made by Dr. Jenkusky to change license status to **LAPSED** while under investigation and close the case. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Dr. Wehr, Dr. Crespin and Dr. Miller. **ABSTAINED:** Mr. Bourbon and Dr. Jenkusky. **RECOMMENDATION PASSED.**

Case No. 2009-D-090 (Richard Gibbs, MD) **RECOMMENDATION** was made by Dr. Jenkusky to offer to allow physician to withdraw his application for licensure in New Mexico while under investigation. If physician does not accept the offer, the committee recommends issuance of a Notice of Contemplated Action based on, but not limited to, licensure action in another state, and misrepresentation in applying for licensure. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Dr. Wehr, Dr. Crespin and Dr. Miller. **ABSTAINED:** Mr. Bourbon and Dr. Jenkusky. **RECOMMENDATION PASSED.**

Case No. 2010-D-241 ([REDACTED]) **RECOMMENDATION** was made by Dr. Jenkusky to refer physician to an Impaired Physician Committee for evaluation on possible physical and mental impairment. The case will remain open until the IPC Report is received and then will return to the Board for final recommendation. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Dr. Wehr, Dr. Crespin and Dr. Miller. **ABSTAINED:** Mr. Bourbon and Dr. Jenkusky. **RECOMMENDATION PASSED.**

Case No. 2010-D-243 (Michael Lente, MD) **RECOMMENDATION** was made by Mr. Bourbon to issue a Notice of Contemplated Action based on, but not limited to, false or fraudulent statements in a document connected with the practice of medicine, injudicious prescribing, improper

management of medical records and unprofessional conduct. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Dr. Wehr, Dr. Crespin and Dr. Miller. **ABSTAINED:** Mr. Bourbon and Dr. Jenkusky. **RECOMMENDATION PASSED.**

Case No. 2010-D-252 (Steven Black, MD) RECOMMENDATION was made by Dr. Jenkusky to offer to allow physician to withdraw his application for licensure in New Mexico while under investigation. If physician does not accept the offer, the committee recommends issuance of a Notice of Contemplated Action based on, but not limited to, licensure action in another state. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Dr. Wehr, Dr. Crespin and Dr. Miller. **ABSTAINED:** Mr. Bourbon and Dr. Jenkusky. **RECOMMENDATION PASSED.**

Complaint Committee E:

Case No. 2010-E-281 RECOMMENDATION was made by Dr. Weiner to close this case and to issue physician an advisory letter reminding physician that treating and prescribing to a patient in NM without a medical license is considered unlicensed practice, and reminding physician that it is an ethics violation to treat self and family members. The Pharmacy Board will be contacted in order to further monitor any possible future prescribing activities and a copy of the advisory letter will be sent to the Washington DC Medical Board. **YES:** Ms. Abeles, Ms. Cochran, Dr. Kovnat, Dr. Wehr, Dr. Crespin, Dr. Miller, Mr. Bourbon and Dr. Jenkusky. **ABSTAINED:** Dr. Weiner. **RECOMMENDATION PASSED.**

Case No. 2009-E-219 RECOMMENDATION was made by Dr. Weiner to reopen this investigation case. **YES:** Ms. Abeles, Ms. Cochran, Dr. Kovnat, Dr. Wehr, Dr. Crespin, Dr. Miller, Mr. Bourbon and Dr. Jenkusky. **ABSTAINED:** Dr. Weiner. **RECOMMENDATION PASSED.**

B. Executive Committee Report

• **Criminal History Hits**

The Board reviewed the reports on criminal background arrest records "hits" compiled by the Executive Committee in executive session. The Executive Committee members are Dr. Weiner, Ms. Cochran and Lynn Hart.

MOTION was made by Dr. Kovnat to accept the Executive Committee's recommendations, as reported, on criminal background arrest records. **SECONDED** by Dr. Wehr. **YES:** Dr. Crespin, Dr. Miller, Mr. Bourbon, Dr. Jenkusky, Ms. Abeles, Dr. Kovnat and Dr. Wehr. **ABSTAINED:** Dr. Weiner and Ms. Cochran. **MOTION CARRIED.**

• **Other Cases**

The Board reviewed the reports on other cases compiled by the Executive Committee in executive session. The Executive Committee members are Dr. Weiner, Ms. Cochran and Lynn Hart.

MOTION was made by Dr. Kovnat to accept the Executive Committee's recommendations, as reported, on disciplinary arrest records and other reported actions. **SECONDED** by Dr. Wehr. **YES:** Dr. Crespin, Dr. Miller, Mr. Bourbon, Dr. Jenkusky, Ms. Abeles, Dr. Kovnat and Dr. Wehr. **ABSTAINED:** Dr. Weiner and Ms. Cochran. **MOTION CARRIED.**

5. ACTIONS RELATED TO EXECUTIVE SESSION

**6. LICENSING ISSUES, NEW APPLICANTS / REINSTATEMENTS:
EXECUTIVE SESSION:**

MOTION was made by Dr. Weiner to go into closed session pursuant to Section 10-15-1(H)(1) of the Open Meetings Act to discuss matters pertaining to the Keith Levitt, MD. **SECONDED** by Ms. Cochran.

YES: Dr. Kovnat, Dr. Wehr, Dr. Crespin, Dr. Miller, Mr. Bourbon, Dr. Jenkusky, Dr. Weiner, Ms. Abeles and Ms. Cochran. **MOTION CARRIED.**

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

- **Decision and Order – Keith Levitt, MD - MOTION** was made by Dr. Weiner to **ACCEPT** the Hearing Officer's report and Order in its entirety to **DENY** an application for licensure in New Mexico. **SECONDED** by Ms. Cochran. **YES:** Dr. Kovnat, Dr. Wehr, Dr. Crespin, Dr. Miller, Mr. Bourbon, Dr. Jenkusky, Dr. Weiner, Ms. Abeles and Ms. Cochran. **MOTION CARRIED.**
- **Default Hearing – Jeffrey Friedlander, MD – Case 2011-003**
MOTION was made by Dr. Wehr to accept the Prosecutor's Order to **REVOKE** the license of Dr. Friedlander based on evidence presented in the default hearing. **SECONDED** by Ms. Cochran. **YES:** Dr. Kovnat, Dr. Wehr, Dr. Miller, Mr. Bourbon, Dr. Jenkusky, Dr. Weiner and Ms. Cochran. **RECUSED:** Dr. Crespin and Ms. Abeles. **MOTION CARRIED.**

7. REPORTS

A. Chair – Consider Appointment of a Task Force to Review the Medical Board's Involvement with the Chiropractic Task Force – Discussion on this item was postponed.

B. Executive Director –

FSMB attendees - Ms. Hart reported that Ms. Cochran, who has been nominated to run for the Board of Directors of the Federation of State Medical Boards, will be our voting delegate at their Annual meeting in Seattle. Dr. LaFarge will also attend as our staff representative.

Ms. Hart provided an overview of the follow bills that have been introduced in the 2011 Legislative Session:

- **SB101 Responses to Medical Board Subpoenas –** SB 101 would amend the Review Organization Immunity Act to require health care review organizations to respond to Board subpoenas to obtain peer review records. SB 101 has passed through the Senate and is now in the House.
- **SB14 Healthcare Work Force Data Collection –** SB 14 directs the Department of Health to collect and analyze data on the state's health care work force. SB 14 also directs all health care licensing boards to collect additional data from applicants for licensure. SB 14 has passed through the Senate and is moving through the House.
- **HB99 Anesthesiologist and Assistant Licensure –** HB 99 would amend the definitions of "anesthesiologist" and "anesthesiologist assistant" as used in the Anesthesiologist Assistants Act, by dropping the requirement from both definitions that the defined person be an employee of the University of New Mexico Medical School. HB 99 has passed one House Committee.
- **HB107 Naprapathic Board Duties to Medical Board –** HB 107 proposes to transfer the function and duties of the Naprapathic Practice Board to the Medical Board and creates a task force that would advise the Medical Board regarding licensure of Naprapaths. HB 107 has passed the House and is in the Senate Public Affairs Committee.

- **HB127** Chiropractor Prescriptions & Procedures – HB 127 provides for a Certified Advanced Practice Chiropractic Physician to prescribe and administer drugs that are used in primary care practice. HB 127 was amended in the House and the Medical Board remains responsible to approve the formulary along with the Board of Pharmacy. HB 127 passed the House and is now in the Senate.
- **SB323** Health Care Provider Requirements (Name Tags and Advertising) – SB 323 would amend sections of the Trades Practices Regulations, Advertisement of Health Care Services laws. SB 323 has passed one Senate Committee and is in Senate Judiciary Committee.
- **SB332** Amend Medical Practice Act and Duplicate Bill HB282 – SB 332 and HB 282 are duplicate bills that would amend the Medical Practice Act to provide for the licensing of certain business entities. Neither of these bills has passed through the first assigned Committee.
- **SB333** Amend Medical Malpractice Act and Duplicate Bill HB267 – SB 333 and HB 267 are duplicate bills that would amend the Medical Malpractice Act to define “business entity” and “health care provider” in order to clarify that business entities are included as health care providers under the Act. HB 267 has not passed through the first assigned Committee. SB 333 was amended in its first Committee to increase the “caps” and is now in Senate Judiciary Committee.

C. **Medical Director** – No report at this time.

D. **Licensing Manager** – No report at this time.

E. **Administrative Prosecutor** - Mr. Marshak went over his case status report.

F. **Assistant Attorney General** – No report at this time.

G. **Financial / HR Manager** – Approve 2010 Annual Audit; Budget Status Report – FY 2011. Ms. Mascarenas reviewed the FY2011 Budget Status Report and reported that this was the year, by statutory requirement, to meet 50% of our budget by December, 2010. **MOTION** was made by Dr. Crespin to accept the 2010 Annual Audit. **SECONDED** by Ms. Cochran. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Dr. Wehr, Dr. Crespin, Dr. Miller, Mr. Bourbon and Dr. Jenkusky. **MOTION CARRIED.**

H. **Administrative Assistant** – No report at this time.

I. **Investigation Department** – No report at this time.

J. **Compliance / Public Information Officer** – Ms. Walker passed out a proposed newsletter article for board review regarding medical assistants. She asked that if the board had any edits or revisions to please send them to Dr. LaFarge.

8. COMPLIANCE

A. **Board Monitored Compliance Report** - Ms. Walker reviewed the compliance report and provided status on all licensees.

- **Board Order** – Leandro Centenera, M.D. – request probation be termination. **MOTION** was made by Dr. Weiner to remove all Stipulations and **GRANT** Dr. Centenera an unrestricted license. **SECONDED** by Ms. Cochran. **YES:** Dr. Kovnat,

Dr. Wehr, Dr. Crespin, Dr. Miller, Mr. Bourbon, Dr. Jenkusky, Dr. Weiner, Ms. Abeles and Ms. Cochran. **MOTION CARRIED.**

- **Board Order** – Steven Petrakis, M.D. – request Amended Order. **MOTION** was made by Dr. Weiner to remove all Stipulations and **GRANT** Dr. Petrakis an unrestricted license. **SECONDED** by Ms. Cochran. **YES:** Dr. Kovnat, Dr. Wehr, Dr. Crespin, Dr. Miller, Mr. Bourbon, Dr. Jenkusky, Dr. Weiner, Ms. Abeles and Ms. Cochran. **MOTION CARRIED.**
- **Board Order** – Howard Schwartz, M.D. – request probation be terminated. **MOTION** was made by Dr. Weiner to remove all Stipulations and **GRANT** Dr. Schwartz an unrestricted license. **SECONDED** by Dr. Jenkusky. **YES:** Dr. Kovnat, Dr. Wehr, Dr. Crespin, Dr. Miller, Mr. Bourbon, Dr. Jenkusky, Dr. Weiner, Ms. Abeles and Ms. Cochran. **MOTION CARRIED.**

EXECUTIVE SESSION:

MOTION was made by Dr. Weiner to go into closed 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. **SECONDED** by Ms. Cochran. **YES:** Dr. Kovnat, Dr. Wehr, Dr. Crespin, Dr. Miller, Mr. Bourbon, Dr. Jenkusky, Dr. Weiner, Ms. Abeles and Ms. Cochran. **MOTION CARRIED.**

9. NM MONITORED TREATMENT PROGRAM

Jon Thayer, MTP Executive Director and Dan Collins, M.D., MTP Medical Director discussed the status of mandatory and voluntary MTP participants and Mr. Thayer gave an update on the operations report.

10. ACTIONS RELATED TO EXECUTIVE SESSION

11. INFORMAL INTERVIEW

David Melamed, MD; Mark Leatherwood, MD; Henry Borra, MD; Adelfio Fronterotta, MD; Leandro Centenera, MD; Steven Petrakis, MD; Robert Orchard, MD; Ralph Hansen, MD; Sally D'Angelo, MD; Roger Felix, MD; Mark Masotti, MD; Timothy Busch, PA; Timothy Klein, MD; Howard Schwartz, MD and Twana Sparks, MD (via teleconference) were interviewed in Executive Session regarding current practices and compliance with the Board.

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

12. ACTIONS RELATED TO EXECUTIVE SESSION

13. NEW BUSINESS

- **Resident Disciplinary Actions** – Joe Sparkman, Sr. Program Director and David P. Sklar, MD, Associate Dean & Designated Institutional Officer – UNM Graduate Medical Education – Ms. Hart led the discussion with Mr. Sparkman and Dr. Sklar on ways information could be shared when Resident physicians are facing discipline by the University or are being investigated by the Board. Discussion was held regarding the status of a resident license when they leave the program. A license is good for one year, but if the resident leaves the program early, UNM should notify the board and the status of the license should be changed to lapse. All parties agreed this would be beneficial for everyone concerned.
- **Discussion of the Role and Purpose of the Interviews** – This was discussed in executive session.
- **Licensing Process – Amanda Quintana, Licensing Manager** – The board requested this information be presented at the May Meeting.

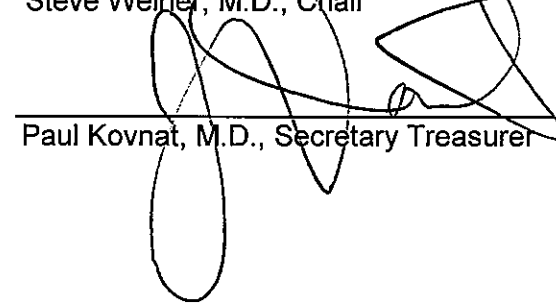
14. ACTIONS RELATED TO EXECUTIVE SESSION

15. OLD BUSINESS

16. ADJOURN - There being no further business, the meeting adjourned at 10:55 a.m.

SUBMITTED BY:  DATE: 4/7/11
Lynn Hart, Executive Director

APPROVED BY:  DATE: 4/7/11
Steve Weiner, M.D., Chair

APPROVED BY:  DATE: 4 7 11
Paul Kovnat, M.D., Secretary Treasurer