

**NEW MEXICO MEDICAL BOARD**  
**Regular Board Meeting**  
**February 9-10, 2017**  
**MINUTES**

**Members Present:** Steve Jenkusky, M.D., Chair  
Albert Bourbon, P.A., Vice Chair  
Jennifer Anderson, Esquire, Public Member, Secretary Treasurer (Arrived at 8:45 2/9/17)  
James Spence, M.D.  
Steven Komadina, M.D.  
Peter Beaudette, M.D.  
Karen Carson, M.D.  
Philip Styka, M.D. (Arrived at 11:30 2/9/17 & Excused Friday, 2/10/17)

**Others Present:** Sondra Frank, J.D., Executive Director  
Rick Word, J.D., Board Attorney  
Thomas Banner, Administrative Prosecutor  
Gayle Mascarenas, CFO/HR Manager  
Debbie Dieterich, Investigations Manager  
Amanda Quintana, Compliance Manager / PIO  
Barbara Orender, Licensing Manager  
Bernadette Ortega, Investigator  
Amanda Chavez, Investigator  
James Perez, Investigator

**1. CALL TO ORDER / ROLL CALL**

Dr. Jenkusky called the Regular Board Meeting of the New Mexico Medical Board to order at 8:40 a.m. and a quorum was present.

**2. APPROVAL OF AGENDA**

**MOTION** was made by Dr. Komadina to approve the Agenda. **SECONDED** by Dr. Carson. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Komadina; Dr. Spence; Dr. Carson and Mr. Bourbon. **Absent:** Ms. Anderson and Dr. Styka. **MOTION CARRIED.**

**3. APPROVAL OF MINUTES**

**MOTION** was made by Mr. Bourbon to accept and approve the minutes of the January 12, 2017 Board Meeting as presented. **SECONDED** by Dr. Beaudette. **YES:** Dr. Beaudette; Dr. Komadina; Dr. Spence; Dr. Carson and Mr. Bourbon. **Abstain:** Dr. Jenkusky. **Absent:** Ms. Anderson and Dr. Styka. **MOTION CARRIED.**

**EXECUTIVE SESSION: Complaint Committee Reports / Executive Committee 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 Dr. Carson. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Komadina; Dr. Spence; Dr. Carson and Mr. Bourbon. **Absent:** Ms. Anderson and Dr. Styka. **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 #2015-A-182; 2015-A-247; 2016-A-026; 2016-A-058; 2016-A-075; 2016-A-114 and 2016-A-211. **YES:** Dr. Jenkusky; Dr. Beaudette (for all but 2016-A-075 from which he is recused); Dr. Spence; Ms. Anderson and Mr. Bourbon. **RECUSED:** Dr. Carson and Dr. Komadina; Dr. Beaudette recused from 2016-A-075. **Absent:** Dr. Styka.

**Case #2015-A-031 RECOMMENDATION** was made by Dr. Carson to close the case with a strong advisory letter to physician regarding his availability for patient care if called and maintaining better documentation about phone communications when called by the ER. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Spence; Ms. Anderson and Mr. Bourbon. **RECUSED:** Dr. Carson and Dr. Komadina. **Absent:** Dr. Styka.

**Case #2016-A-158 RECOMMENDATION** was made by Dr. Carson to close the case with an advisory letter suggesting that patient samples should be single use rather than providing used patient samples. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Spence; Ms. Anderson and Mr. Bourbon. **RECUSED:** Dr. Carson and Dr. Komadina. **Absent:** Dr. Styka.

**Case #2016-A-230 RECOMMENDATION** was made by Dr. Carson to close the case with an advisory letter on the Board's PMP Regulations. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Spence; Ms. Anderson and Mr. Bourbon. **RECUSED:** Dr. Carson and Dr. Komadina. **Absent:** Dr. Styka.

**Case #2016-A-246 RECOMMENDATION** was made by Dr. Carson to close the case with an advisory letter on the Board's PMP Regulations. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Spence; Ms. Anderson and Mr. Bourbon. **RECUSED:** Dr. Carson and Dr. Komadina. **Absent:** Dr. Styka.

**Case #2016-A-250 RECOMMENDATION** was made by Dr. Carson to close the case with an advisory letter on the Board's PMP Regulations. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Spence; Ms. Anderson and Mr. Bourbon. **RECUSED:** Dr. Carson and Dr. Komadina. **Absent:** Dr. Styka.

**Case #2015-A-037 RECOMMENDATION** was made by Dr. Carson to offer physician a reprimand and stipulation of licensure requiring physician to attend an in-depth chronic pain management course and in-depth medical record keeping course, to be approved by the Board, and to be completed within 6 months. If physician does not accept, a notice of contemplated action will be issued based on, but not limited to, injudicious prescribing, failure to maintain accurate or complete medical records, and falsifying a document in connection with the practice of medicine. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Spence; Ms. Anderson and Mr. Bourbon. **RECUSED:** Dr. Carson and Dr. Komadina. **Absent:** Dr. Styka.

**Case #2015-A-145 RECOMMENDATION** was made by Dr. Carson to offer physician a reprimand and a stipulated license requiring physician to take an in-depth ethics course, to be approved by the Board and completed within 6 months. If physician does not accept, a notice of contemplated action will be issued based on, but not limited to, failure to report, misrepresentation on renewal applications, obtaining a fee by fraud, and conduct unbecoming. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Spence; Ms. Anderson and Mr. Bourbon. **RECUSED:** Dr. Carson and Dr. Komadina. **Absent:** Dr. Styka.

**Case #2016-A-283 RECOMMENDATION** was made by Dr. Carson to offer physician a stipulated agreement requiring that she inactivate her license while under investigation, with a clause stating that if she attempts to reinstate her medical license, she will be subject to investigation and will need an MTP assessment and clearance to return to work. If she does not accept, then a notice of contemplated action will be issued based on, but not limited to, habitual/excessive use of alcohol and failure to cooperate with a board investigation. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Spence; Ms. Anderson and Mr. Bourbon. **RECUSED:** Dr. Carson and Dr. Komadina. **Absent:** Dr. Styka.

### **Complaint Committee B**

**RECOMMENDATION** was made by Dr. Spence to **CLOSE** Case #2015-B-035; 2015-B-209; 2015-B-213; 2016-B-076; 2016-B-081; 2016-B-099. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Komadina; Dr. Carson and Mr. Bourbon. **RECUSED:** Dr. Spence and Ms. Anderson. **Absent:** Dr. Styka.

**Case #2016-B-080 RECOMMENDATION** was made by Ms. Anderson to **CLOSE** the case with an advisory letter regarding being more attentive to the process when reordering patient medications. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Komadina; Dr. Carson and Mr. Bourbon. **RECUSED:** Dr. Spence and Ms. Anderson. **Absent:** Dr. Styka.

**Case #2016-B-227 RECOMMENDATION** was made by Ms. Anderson to **CLOSE** the case with an advisory letter on the Board's PMP Regulations **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Komadina; Dr. Carson and Mr. Bourbon. **RECUSED:** Dr. Spence and Ms. Anderson. **Absent:** Dr. Styka.

**Case #2016-B-251 RECOMMENDATION** was made by Ms. Anderson to **CLOSE** the case with an advisory letter on the Board's PMP Regulations **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Komadina; Dr. Carson and Mr. Bourbon. **RECUSED:** Dr. Spence and Ms. Anderson. **Absent:** Dr. Styka.

**Case #2016-B-270 RECOMMENDATION** was made by Ms. Anderson to issue a Notice of Contemplated Action based on, but not limited to, violation of the Board's Regulation found at 16.10.13.8 NMAC, specifically, supervision of Medical Assistants using medical/cosmetic devices and advertising. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Komadina; Dr. Carson and Mr. Bourbon. **RECUSED:** Dr. Spence and Ms. Anderson. **Absent:** Dr. Styka.

**Case #2016-B-275 RECOMMENDATION** was made by Ms. Anderson to offer a stipulated license requiring physician to attend an in-depth communications/professionalism course, to be approved by the Board and to be completed within 6 months. If physician does not accept, a notice of contemplated action will be issued based on, but not limited to, interaction with patients, family members and others that could affect patient care. The Board also orders that physician be evaluated by an IPC and the case will remain open pending receipt of an IPC Evaluation Report. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Komadina; Dr. Carson and Mr. Bourbon. **RECUSED:** Dr. Spence and Ms. Anderson. **Absent:** Dr. Styka.

**Case #2016-B-271 RECOMMENDATION** was made by Ms. Anderson to issue a Notice of Contemplated Action based on, but not limited to, violation of the Board's Regulation found at 16.10.13.8 NMAC, specifically, supervision of Medical Assistants using medical/cosmetic devices and advertising. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Komadina; Dr. Carson and Mr. Bourbon. **RECUSED:** Dr. Spence and Ms. Anderson. **Absent:** Dr. Styka.

### **Complaint Committee C**

**RECOMMENDATION** was made by Mr. Bourbon to **CLOSE** Case #2016-C-077; 2016-C-078 and 2016-C-084. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Komadina; Dr. Spence; Dr. Carson and Ms. Anderson. **RECUSED:** Mr. Bourbon. **Absent:** Dr. Styka.

**Case #2015-C-135 RECOMMENDATION** was made by Mr. Bourbon to **CLOSE** the case with an advisory letter reminding practitioner of the Board's Pain regulation. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Komadina; Dr. Spence; Dr. Carson and Ms. Anderson. **RECUSED:** Mr. Bourbon. **Absent:** Dr. Styka.

**Case #2015-C-216 RECOMMENDATION** was made by Mr. Bourbon to **CLOSE** the case with an advisory letter reminding practitioner about dishonesty and falsification of a document connected with the practice of medicine and that NMMB will be monitoring possible future complaints against her carefully. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Komadina; Dr. Spence; Dr. Carson and Ms. Anderson. **RECUSED:** Mr. Bourbon. **Absent:** Dr. Styka.

**Case #2016-C-059 RECOMMENDATION** was made by Mr. Bourbon to **CLOSE** the case with an advisory letter regarding patient communications. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Komadina; Dr. Spence; Dr. Carson and Ms. Anderson. **RECUSED:** Mr. Bourbon. **Absent:** Dr. Styka.

**Case #2016-C-161 RECOMMENDATION** was made by Mr. Bourbon to **CLOSE** the case with an advisory letter regarding patient communications. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Komadina; Dr. Spence; Dr. Carson and Ms. Anderson. **RECUSED:** Mr. Bourbon. **Absent:** Dr. Styka.

**Case #2016-C-168 RECOMMENDATION** was made by Mr. Bourbon to **CLOSE** the case with an advisory letter reminding practitioner of the Board's Regulation on reporting adverse action on clinical privileges. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Komadina; Dr. Spence; Dr. Carson and Ms. Anderson. **RECUSED:** Mr. Bourbon. **Absent:** Dr. Styka.

**Case #2016-C-224 RECOMMENDATION** was made by Mr. Bourbon to **CLOSE** the case with an advisory letter on the Board's PMP Regulations. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Komadina; Dr. Spence; Dr. Carson and Ms. Anderson. **RECUSED:** Mr. Bourbon. **Absent:** Dr. Styka.

**Case #2016-C-236 RECOMMENDATION** was made by Mr. Bourbon to **CLOSE** the case with an advisory letter on the Board's PMP Regulations. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Komadina; Dr. Spence; Dr. Carson and Ms. Anderson. **RECUSED:** Mr. Bourbon. **Absent:** Dr. Styka.

**Case #2016-C-256 RECOMMENDATION** was made by Mr. Bourbon to **CLOSE** the case with an advisory letter on the Board's PMP Regulations. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Komadina; Dr. Spence; Dr. Carson and Ms. Anderson. **RECUSED:** Mr. Bourbon. **Absent:** Dr. Styka.

#### **Complaint Committee D**

**RECOMMENDATION** was made by Dr. Jenkusky to **CLOSE** Case #2016-D-034; 2016-D-070; 2016-D-212; 2016-D-214. **YES:** Dr. Komadina; Dr. Spence; Dr. Carson; Ms. Anderson and Mr. Bourbon. **RECUSED:** Dr. Jenkusky and Dr. Beaudette. **Absent:** Dr. Styka.

**Case #2016-D-165 RECOMMENDATION** was made by Dr. Jenkusky to **CLOSE** the case with an advisory letter reminding practitioner about disclosing full information on an application with the NMMB. **YES:** Dr. Komadina; Dr. Spence; Dr. Carson; Ms. Anderson and Mr. Bourbon. **RECUSED:** Dr. Jenkusky and Dr. Beaudette. **Absent:** Dr. Styka.

**Case #2016-D-221 RECOMMENDATION** was made by Dr. Jenkusky to **CLOSE** the case with an advisory letter on the Board's PMP Regulations. **YES:** Dr. Komadina; Dr. Spence; Dr. Carson; Ms. Anderson and Mr. Bourbon. **RECUSED:** Dr. Jenkusky and Dr. Beaudette. **Absent:** Dr. Styka.

**Case #2016-D-225 RECOMMENDATION** was made by Dr. Jenkusky to **CLOSE** the case with an advisory letter on the Board's PMP Regulations. **YES:** Dr. Komadina; Dr. Spence; Dr. Carson; Ms. Anderson and Mr. Bourbon. **RECUSED:** Dr. Jenkusky and Dr. Beaudette. **Absent:** Dr. Styka.

**Case #2016-D-229 RECOMMENDATION** was made by Dr. Jenkusky to **CLOSE** the case with an advisory letter on the Board's PMP Regulations. **YES:** Dr. Komadina; Dr. Spence; Dr. Carson; Ms. Anderson and Mr. Bourbon. **RECUSED:** Dr. Jenkusky and Dr. Beaudette. **Absent:** Dr. Styka.

**Case #2016-D-237 RECOMMENDATION** was made by Dr. Jenkusky to **CLOSE** the case with an advisory letter on the Board's PMP Regulations. **YES:** Dr. Komadina; Dr. Spence; Dr. Carson; Ms. Anderson and Mr. Bourbon. **RECUSED:** Dr. Jenkusky and Dr. Beaudette. **Absent:** Dr. Styka.

**Case #2016-D-245 RECOMMENDATION** was made by Dr. Jenkusky to **CLOSE** the case with an advisory letter on the Board's PMP Regulations. **YES:** Dr. Komadina; Dr. Spence; Dr. Carson; Ms. Anderson and Mr. Bourbon. **RECUSED:** Dr. Jenkusky and Dr. Beaudette. **Absent:** Dr. Styka.

**Case #2016-D-249 RECOMMENDATION** was made by Dr. Jenkusky to **CLOSE** the case with an advisory letter on the Board's PMP Regulations and that as of January 2017, physician shall be exempt from part of the PMP Regulation with regard to hospice patients only. **YES:** Dr. Komadina; Dr. Spence; Dr. Carson; Ms. Anderson and Mr. Bourbon. **RECUSED:** Dr. Jenkusky and Dr. Beaudette. **Absent:** Dr. Styka.

**Case #2016-D-319 RECOMMENDATION** was made by Dr. Jenkusky to **CLOSE** the case and issue an unrestricted license to practice medicine in NM with an advisory letter reminding practitioner to disclose full information on an application. **YES:** Dr. Komadina; Dr. Spence; Dr. Carson; Ms. Anderson and Mr. Bourbon. **RECUSED:** Dr. Jenkusky and Dr. Beaudette. **Absent:** Dr. Styka.

**Case #2016-D-163 RECOMMENDATION** was made by Dr. Jenkusky to offer physician a stipulated license requiring mandatory participation in the NM Monitored Treatment Program with standard substance abuse stipulations. If physician does not accept offer, a notice of contemplated action will be issued based on, but not limited to, habitual/excessive use of alcohol and/or substances. **YES:** Dr. Komadina; Dr. Spence; Dr. Carson; Ms. Anderson and Mr. Bourbon. **RECUSED:** Dr. Jenkusky and Dr. Beaudette. **Absent:** Dr. Styka.

#### **EXECUTIVE SESSION: 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 Mr. Bourbon. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Komadina; Dr. Spence; Dr. Carson; Ms. Anderson and Mr. Bourbon. **Absent:** Dr. Styka. **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.

#### **5. LICENSING ISSUES, NEW APPLICANTS / REINSTATEMENTS**

**Mark Walden, MD – Revocation of License.** **MOTION** was made by Ms. Anderson to allow Dr. Walden two weeks to show good cause as to why the Board should not revoke his license. If nothing is received from Dr. Walden in two weeks his license shall be automatically revoked. **SECONDED** by Dr. Jenkusky. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Komadina; Dr. Spence; Dr. Carson; Ms. Anderson and Mr. Bourbon. **Absent:** Dr. Styka. **MOTION CARRIED.**

**Guy Rosenshein, MD – Case No. 2016-051 – Ratify vote from January 2017 Interim Meeting.** **MOTION** was made by Dr. Jenkusky to ratify the January 12, 2017 vote regarding the default order to revoke Dr. Rosenshein's license. **SECONDED** by Dr. Spence. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Komadina; Dr. Spence; Dr. Carson; Ms. Anderson and Mr. Bourbon. **Absent:** Dr. Styka. **MOTION CARRIED.**

**Alaa Hamada, MD – Consider exception to seven year rule & consider accepting non-ACGME PGT and work experience in lieu of second year ACGME PGT.**

**Motion** was made by Dr. Jenkusky issue Dr. Hamada an unrestricted license. **Seconded** by Dr. Spence. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Komadina; Dr. Spence; Dr. Carson; Ms. Anderson and Mr. Bourbon. **Absent:** Dr. Styka. **MOTION CARRIED.**

#### **6. Board Attorney Report**

Mr. Word discussed the following cases in closed session:

Walter Seidel, MD – Appeal

John Wassner, MD – Appeal

Roderick Mitchell, MD – Appeal

Wilson Bernales, MD – Appeal  
Ronald Fisher, MD - Appeal

**CLOSED SESSION: PIO/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 Mr. Bourbon. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Komadina; Dr. Spence; Dr. Carson; Ms. Anderson; Dr. Styka and Mr. Bourbon. **MOTION CARRIED.**

**7. Board Monitored Compliance Report [Non MTP]**

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

**NM Monitored Treatment Program [MTP]**

Dan Collins, MD, Andrea Newman and Marylynn Griffin of the NM Monitored Treatment Program presented the status of all mandatory MTP participants and answered questions from the Board.

**Informal Interviews**

Estevan Apodaca, MD; Yasin Choudry, MD; Christopher Driskill, MD; Ryan Grange, PA; Kyle Greer, MD; Steven Greer, MD; Amit Gupta, MD; Kaaren Mahan-Riska, PA; Miles Nelson, MD; Daniel Pistone, MD; Welman Shrader, MD and Paul Walsky, 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.

**8. ACTIONS RELATED TO EXECUTIVE SESSION**

None

**9. REPORTS**

**Financial / HR Manager**

Ms. Mascarenas presented the following:

The FY16 Audit was completed with no findings. An exit conference was held on November 18, 2016 and was attended by Dr. Jenkusky, Sondra Frank and Ms. Mascarenas.

**Motion** was made by Dr. Jenkusky to approve the FY16 Audit as presented. **Seconded** by Ms. Anderson. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Komadina; Dr. Spence; Dr. Carson; Ms. Anderson; Dr. Styka and Mr. Bourbon. **MOTION CARRIED.**

Ms. Mascarenas presented the FY17 Budget/Revenue Status and FY18 Appropriation Request as follows:

The Budget/Revenue Status (projections ending January 31, 2017):

- Expenditures total \$911.6 (or 48.2%) of budgeted expenditures from July 1, 2016 thru January 31, 2017 (Opbud \$1,891,000);
- Revenues collected from July 1, 2016 through January 31, 2017 total \$438.3 (or 24.4%) of budgeted revenues. The agency also budgeted \$100.0 FB in FY17.
- The Cash Balance as of February 7, 2017 is \$474,993.24.

FY18 Appropriation Request:

The FY18 Appropriation Request HAFC hearing was held on February 6, 2017. Ms. Frank and Ms. Mascarenas attended the hearing. The HAFC approved the DFA Recommendation of \$1,787.0, which is a decrease of \$104.0 or (5.5%) under the FY17 Operating Budget. The sources include \$1,787.0 in projected Revenues and an increase of .5 FTE for a total of 16.0 FTE.

Ms. Mascarenas stated that for future Appropriation Request(s) the agency may request an Expansion(s) through the Appropriation Request to increase program needs or to add a new program. She stated that the process is lengthy, about two (2) years, and therefore if the Board is considering any expansions now (through June) is the time to be discussing and approving such expansion(s) for the FY19 Appropriation Request which, if approved, would not become effective and available until July 1, 2018.

#### **Chair Report**

Dr. Jenkusky and the Board discussed the Editorial printed in the Albuquerque Journal on January 17, 2017 titled "NM medical boards in need of higher standards".

#### **Executive Director**

Ms. Frank reported on the status of the 2017 Legislative Session with emphasis on the following Bills:

SB68 – Posting of Medical Licensing Information

SB90 – Conditional Prescript Certificates

HB170 – Cancer Patient Prescription Exemptions

SB152 – Professional Loan Repayment Fund

HB215 – Physician and Physician Assistant Collaboration

SB150 – Advanced Chiropractor Licensure

SB295 – Healthcare Provider Malpractice Disclosure

HB299 – Registered Lay Midwives as Practitioners

#### **Licensing Manager**

At the request of the Behavioral Health Workforce Committee, Ms. Orender requested Board consideration and approval of the addition of questions regarding the specialty of psychiatry and languages spoken by licensees to be added to the Renewal Survey. Ms. Anderson expressed her concern regarding the portion of the question that asked "Do you speak more than one language?" After a short discussion, it was the consensus of the Board to leave that part of the question out but to go ahead with the additions of the other questions.

Ms. Orender also requested to add a statement to the renewal application certifying that licensees have reviewed the Medical Practice Act and Rules prior to renewal. Dr. Styka expressed his concerns about this addition and it was the consensus of the Board to not add this to the renewal questions.

Regarding the draft of the Board Rule Scenarios, Dr. Styka commented that the scenarios were really good and Ms. Frank stated that she and Ms. Quintana get a lot of questions from licensees regarding the pain management rule and they will get together and pick out five of the scenarios that cover the majority of the questions being asked to be included starting with the 2017 MD renewal with the possibility of additional scenarios being included in future renewal cycles.

#### **ADJOURN**

Dr. Jenkusky adjourned the first day [February 9, 2017] of the February Regular Board Meeting at 5:15 p.m.

#### **Friday, February 10, 2017**

Dr. Jenkusky reconvened the Medical Board and called the meeting to order at 8:35 a.m. on Friday, February 10, 2017; 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 Mr. Bourbon. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Komadina; Dr. Spence; Dr. Carson; Ms. Anderson and Mr. Bourbon. **ABSENT:** Dr. Styka.

### **10. Informal Interviews**

Clyde Miller, MD; Adrian Morretti, MD; Richard Smith, MD; David Stalker, MD; Bertrand Bassett, MD and Paul De Sefano, MD.

### **11. Compliance Requests / Actions**

**David Stalker, MD – Consider request to be released from stipulation.**

**MOTION** was made by Dr. Jenkusky to release Dr. Stalker from stipulation. **SECONDED** by Ms. Anderson. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Komadina; Dr. Spence; Dr. Carson; Ms. Anderson and Mr. Bourbon. **ABSENT:** Dr. Styka. **MOTION CARRIED.**

**Richard Smith, MD – Consider Request for Reinstatement of Licensure.**

**MOTION** was made by Dr. Jenkusky to reinstate Dr. Smith's license with a stipulation to be monitored by MTP. **SECONDED** by Mr. Bourbon. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Komadina; Dr. Spence; Dr. Carson; Ms. Anderson and Mr. Bourbon. **ABSENT:** Dr. Styka. **MOTION CARRIED.**

**Clyde Miller, MD – Request to apply for reinstatement of DEA License**

**MOTION** was made by Dr. Jenkusky to allow Dr. Miller to apply for reinstatement of his DEA registration after April 1, 2017. **SECONDED** by Mr. Bourbon. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Komadina; Dr. Spence; Dr. Carson; Ms. Anderson and Mr. Bourbon. **ABSENT:** Dr. Styka. **MOTION CARRIED.**

**Paul De Stefano, MD – Request to be released from stipulation.**

**MOTION** was made by Dr. Jenkusky to release Dr. De Stefano from stipulation. **SECONDED** by Dr. Beaudette. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Komadina; Dr. Spence; Dr. Carson; Ms. Anderson and Mr. Bourbon. **ABSENT:** Dr. Styka. **MOTION CARRIED.**

### **12. Old Business**

**Steven Rosenberg, MD – Presented on Medical Marijuana**

Dr. Rosenberg discussed at length medical cannabis and the thousands of different types of medical cannabis and explained that it is a very complex field to keep up with. He discussed the difference between CBD and THC and their different strains which is continuously changing.

Dr. Rosenberg handed out the short version of the JAMA article regarding marijuana and medical regulation and the FSMB recommendations regarding model policy for regulations. He reported that there are now 28 states that approved Medical Marijuana for use on patients.

Pros and Cons of Medical Cannabis were discussed at length by the Board. SB8, SB177 and the Senate Public Affairs Committee Substitute Bill regarding Amendments to Lynn & Erin Compassionate Use Act were discussed.

**Feedback on Rule Change: 16.10.14 Management of Pain and Other Conditions with Controlled Substances.**


Ms. Frank presented a few letters sent in from licensees regarding the 16.10.14 Rule Change. Ms. Frank stated that she wanted to give the Board a sense of the feedback. One question that has been asked quite a bit and was asked by the Pharmacy Board is can a patient be prescribed a six month supply of Ambien without pulling a PMP every three months. Most prescriptions for Ambien are for six




months. Dr. Jenkusky stated that Z drugs, i.e. Ambien, are a cousin of Benzodiazepines and because they are a Controlled Substance prescribers must pull a PMP every three months upon refill.

11. **ADJOURN**

There being no further business before the Board, Dr. Jenkusky adjourned the meeting at 11:50 a.m.

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

DATE: March 31, 2017

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

DATE: March 31, 2017

APPROVED BY:   
Albert Bourbon, PA-C, Vice Chair

DATE: March 31, 2017