

NEW MEXICO MEDICAL BOARD
Regular Board Meeting
February 21-22, 2019
MINUTES

Members Present: Steve Jenkusky, MD, Chair
Peter Beaudette, MD, Vice-Chair
Steve Komadina, MD, Secretary/Treasurer
James Spence, MD
Karen Carson, MD
Jennifer Anderson, Esquire, Public Member
Sebastian Dunlap, Esquire, Public Member
Charles D. Otero, PA

Absent: Phillip Styka, MD

Others Present: Sondra Frank, J.D., Executive Director
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 Dr. Carson. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Mr. Dunlap and PA Otero. **MOTION CARRIED.**

3. APPROVAL OF MINUTES

MOTION was made by Dr. Jenkusky to accept and approve the minutes of the January 10, 2019 Interim Board Meeting as presented. **SECONDED** by Ms. Anderson. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Mr. Dunlap and PA Otero. **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, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Mr. Dunlap and PA Otero. **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-050; 2017-A-089; 2017-A-092; 2017-A-101; 2017-A-188; 2017-A-274; 2017-A-298; 2017-A-299; 2017-A-300; 2018-A-006; 2018-A-010 and 2018-A-150. **YES:** Dr. Jenkusky, Dr. Komadina, Dr. Spence, Ms. Anderson, Mr. Dunlap and PA Otero. **RECUSED:** Dr. Carson and Dr. Beaudette.

Case #2017-A-261 RECOMMENDATION was made by Dr. Carson to **CLOSE** this case with an advisory letter warning physician about self-treatment and treatment of family members on a regular basis, reminding physician about full disclosure of information on an application. Physician will be assessed \$150 in costs. **YES:** Dr. Jenkusky, Dr. Komadina, Dr. Spence, Ms. Anderson, Mr. Dunlap and PA Otero. **RECUSED:** Dr. Carson and Dr. Beaudette.

Case #2018-A-180 RECOMMENDATION was made by Dr. Carson to **CLOSE** this case with an advisory letter warning physician that threats made to the public regarding their medical care can be construed as unethical, and that a physician should always uphold the standards of professionalism so as not to undermine the public's confidence in the profession. Board will continue to monitor complaints and may take action if further similar complaints are received. **YES:** Dr. Jenkusky, Dr. Komadina, Dr. Spence, Ms. Anderson, Mr. Dunlap and PA Otero. **RECUSED:** Dr. Carson and Dr. Beaudette.

Case #2018-A-117 RECOMMENDATION was made by Dr. Carson to offer physician a stipulated license requiring mandatory participation in the NMHPWP. If physician does not accept, a notice of contemplated action will be issued based on, but not limited to, habitual/excessive use of alcohol. **YES:** Dr. Jenkusky, Dr. Komadina, Dr. Spence, Ms. Anderson, Mr. Dunlap and PA Otero. **RECUSED:** Dr. Carson and Dr. Beaudette.

Case #2018-A-210 RECOMMENDATION was made by Dr. Carson to offer physician assistant a stipulated license requiring successful completion of an anger management course, approved by the Board, and assessment of a fine of \$500. As for his failure to report, the complaint committee recommends issuance of an advisory letter and assessing \$150 in costs. If physician assistant does not accept, a notice of contemplated action will be issued based on, but not limited to, conduct unbecoming, interaction with patients and others that could have an adverse effect on patient care, and failure to report adverse action on clinical privileges. **YES:** Dr. Jenkusky, Dr. Komadina, Dr. Spence, Ms. Anderson, Mr. Dunlap and PA Otero. **RECUSED:** Dr. Carson and Dr. Beaudette.

Case #2018-A-221 RECOMMENDATION was made by Dr. Carson to offer physician assistant a stipulated license requiring mandatory participation in the NMHPWP. 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 substances and conduct unbecoming. **YES:** Dr. Jenkusky, Dr. Komadina, Dr. Spence, Ms. Anderson, Mr. Dunlap and PA Otero. **RECUSED:** Dr. Carson and Dr. Beaudette.

Complaint Committee B

RECOMMENDATION was made by Dr. Jenkusky to **CLOSE** Case #2017-B-053; 2017-B-094; 2017-B-209; 2017-B-241; 2017-B-302; 2018-B-016; 2018-B-187 and 2018-B-204. **YES:** Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson and Mr. Dunlap. **RECUSED:** Dr. Jenkusky and PA Otero.

Case #2017-B-033 RECOMMENDATION was made by Dr. Jenkusky to **CLOSE** this case with an advisory letter regarding the need for improved communications with patients. **YES:** Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson and Mr. Dunlap. **RECUSED:** Dr. Jenkusky and PA Otero.

Case #2017-B-213 RECOMMENDATION was made by Dr. Jenkusky to **CLOSE** this case with an advisory letter regarding proper patient communication. **YES:** Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson and Mr. Dunlap. **RECUSED:** Dr. Jenkusky and PA Otero.

Case #2018-B-048 RECOMMENDATION was made by Dr. Jenkusky to **CLOSE** this case with an advisory letter regarding proper patient communications and reminding physician to use a name tag that reflects name shown on medical license in order to alleviate any confusion. **YES:** Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson and Mr. Dunlap. **RECUSED:** Dr. Jenkusky and PA Otero.

Case #2018-B-043 RECOMMENDATION was made by Dr. Jenkusky to offer the PA a stipulated license requiring him to successfully complete an ethics course, controlled substance prescribing course, medical recordkeeping course, require his cooperation with NMMB in Case 2018-B-044, assessment of fines and issuance of a reprimand. If PA does not accept, a notice of contemplated action will be issued based on, but not limited to, injudicious prescribing, failure to maintain accurate, timely and complete medical records, violation of Board's PMP Regulation, and conduct unbecoming. **YES:** Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson and Mr. Dunlap. **RECUSED:** Dr. Jenkusky and PA Otero.

Case #2018-B-044 RECOMMENDATION was made by Dr. Jenkusky to issue of a notice of contemplated action based on, but not limited to, injudicious prescribing; violation of a drug law; failure to maintain accurate, timely and complete medical records; falsifying a document connected with the practice of medicine; habitual/excessive use of alcohol and substances; and conduct unbecoming. **YES:** Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson and Mr. Dunlap. **RECUSED:** Dr. Jenkusky and PA Otero.

Case #2018-B-118 RECOMMENDATION was made by Dr. Jenkusky to offer the physician the chance to voluntarily surrender his license to practice in NM. If physician does not accept, a notice of contemplated action will be issued based on, but not limited to, adverse licensure action in another state and failure to report adverse licensure action to the Board as required. **YES:** Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson and Mr. Dunlap. **RECUSED:** Dr. Jenkusky and PA Otero.

Case #2018-B-132 RECOMMENDATION was made by Dr. Jenkusky to combine this case with the Board's pending Notice of Contemplated Action from November 2018 against physician. **YES:** Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson and Mr. Dunlap. **RECUSED:** Dr. Jenkusky and PA Otero.

Case #2018-B-147 RECOMMENDATION was made by Dr. Jenkusky to offer physician the chance to voluntarily surrender his license. If physician does not accept, a notice of contemplated action will be issued based on, but not limited to, adverse licensure action in another state, failure to report, habitual/excessive use of alcohol or substances and failure to cooperate with a board investigation. **YES:** Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson and Mr. Dunlap. **RECUSED:** Dr. Jenkusky and PA Otero.

Case #2019-B-007 RECOMMENDATION was made by Dr. Jenkusky to offer physician the chance to place her license on inactive status along with issuance of a notice of contemplated action; or issuance of 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, habitual/excessive use of alcohol or substances and incompetency to practice. **YES:** Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson and Mr. Dunlap. **RECUSED:** Dr. Jenkusky and PA Otero.

Complaint Committee C

RECOMMENDATION was made by Dr. Spence to **CLOSE** Case #2017-C-063; 2017-C-137; 2017-C-214; 2017-C-233; 2017-C-282; 2018-C-020; 2018-C-070; 2018-C-076 and 2018-C-077. **YES:** Dr.

Jenkusky, Dr. Beaudette; Dr. Komadina, Dr. Carson, Ms. Anderson and PA Otero. **RECUSED:** Dr. Spence and Mr. Dunlap.

Case #2017-C-121 RECOMMENDATION was made by Dr. Spence to **CLOSE** this case with an advisory letter advising physician that she should have documented her justifications in patient chart with regard to the medication prescribed and overruling the radiologist when ordering x-ray with contrast. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Carson, Ms. Anderson and PA Otero. **RECUSED:** Dr. Spence and Mr. Dunlap.

Case #2018-C-110 RECOMMENDATION was made by Dr. Spence to offer physician the following options: (1) chance to obtain a professionalism evaluation, and case will remain open pending receipt of the evaluation; (2) offer physician a stipulated license restricting him from patient care; or if he does not accept either option, the Board will issue a Notice of Contemplated Action based on, but not limited to, interaction with patients that could adversely affect patient care. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Carson, Ms. Anderson and PA Otero. **RECUSED:** Dr. Spence and Mr. Dunlap.

Case #2019-C-025 RECOMMENDATION was made by Dr. Spence to offer physician a stipulated license requiring the proctoring of his practice and requirement to meet all other CPEP educational requirements. If the does not accept, a Notice of Contemplated Action will be issued to deny licensure based on, but not limited to, incompetency to practice. **YES:** Dr. Beaudette, Dr. Komadina, Dr. Carson, Ms. Anderson and PA Otero. **RECUSED:** Dr. Jenkusky, Dr. Spence and Mr. Dunlap.

Complaint Committee D

RECOMMENDATION was made by Dr. Komadina to **CLOSE** Case #2017-D-041, 2017-D-081; 2017-D-100, 2017-D-211, 2017-D-229, 2017-D-279, 2017-D-280, 2017-D-303, 2018-D-019, 2018-D-049, 2018-D-111 and 2018-D-287. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Ms. Anderson and PA Otero. **RECUSED:** Dr. Komadina and Dr. Styka.

Case #2018-D-306 RECOMMENDATION was made by Dr. Komadina to offer physician the chance to voluntarily surrender his license. If physician does not accept, a Notice of Contemplated Action will be issued based on, but not limited to, conviction of an offense punishable by incarceration; failure to report arrest and conviction, and incompetency to practice. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Ms. Anderson and PA Otero. **RECUSED:** Dr. Komadina and Dr. Styka.

Case #2019-D-022 RECOMMENDATION was made by Dr. Komadina to offer PSGT Trainee Applicant a stipulated license requiring mandatory participation in NMHPWP and if he does not accept, the Board will issue a Notice of Contemplated Action to deny licensure based on, but not limited to, habitual/excessive use of alcohol or substances. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Ms. Anderson and PA Otero. **RECUSED:** Dr. Komadina and Dr. Styka.

Case #2019-D-026 RECOMMENDATION was made by Dr. Komadina to offer physician the chance to withdraw her application for licensure while under investigation or issuance of a Notice of Contemplated Action to deny licensure based on, but not limited to, failure to cooperate with a Board request to provide information and misrepresentation on an application for licensure. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Ms. Anderson and PA Otero. **RECUSED:** Dr. Komadina and Dr. Styka.

Complaint Committee E

RECOMMENDATION was made by Ms. Anderson to **CLOSE** Case #2017-E-301, 2017-E-304, 2018-E-009, 2018-E-015, 2018-E-036, 2018-E-037 and 2018-E-038. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Mr. Dunlap and PA Otero. **RECUSED:** Ms. Anderson.

Case #2018-E-307 RECOMMENDATION was made by Ms. Anderson to **CLOSE** this case with an advisory letter regarding reporting regulations and assessing \$150 in costs. Non-reportable actions.

YES: Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Mr. Dunlap and PA Otero.
RECUSED: Ms. Anderson.

Case #2019-E-023 RECOMMENDATION was made by Ms. Anderson to **CLOSE** this case and issue a medical license with an advisory letter on answering all questions on an application truthfully, along with assessment of \$600 in costs. These actions are non-reportable. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Mr. Dunlap and PA Otero. **RECUSED:** Ms. Anderson.

Case #2018-E-133 RECOMMENDATION was made by Ms. Anderson to offer physician a stipulated license requiring an evaluation by an entity such as Professional Resource Center, or other such entity approved by the Board. Upon receipt of that evaluation, the Board may, in its discretion, stipulate physician to other terms and conditions as needed. For his failure to report adverse action taken by a hospital, an advisory letter will be issued and \$150 in costs will be assessed. If he does not accept, a notice of contemplated action will be issued based on, but not limited to, interaction with hospital personnel that can adversely impact patient care; conduct unbecoming; misrepresentation on 2018 renewal application; and failure to report adverse action taken by a healthcare entity. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Mr. Dunlap and PA Otero. **RECUSED:** Ms. Anderson.

Case #2018-E-182 Tabled until Friday, February 22, 2019. See Agenda Item 13.

5. ACTIONS RELATED TO EXECUTIVE SESSION

None

6. LICENSING ISSUES, NEW APPLICANTS / REINSTATEMENTS

Andrea Cordero-Reyes, MD – Consider Request for Exception to the 7 Year Rule

MOTION was made by Dr. Jenkusky to issue an unrestricted license to practice medicine in New Mexico. **SECONDED** by PA Otero. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Mr. Dunlap and PA Otero. **MOTION CARRIED.**

Richard Matthews, MD – Consider Motion for Stay

MOTION was made by Dr. Jenkusky to **GRANT** the motion as presented. **SECONDED** by Dr. Carson. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Mr. Dunlap and PA Otero. **MOTION CARRIED.**

7. Board Attorney Report

Margaret McLean, J.D. – For review.

CLOSED SESSION: Compliance Report and New Mexico Health Professional Wellness 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 Dr. Carson. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Mr. Dunlap and PA Otero. **MOTION CARRIED.**

8. Board Monitored Compliance Report [Non MTP]

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

Status of PMP Compliance Efforts

Ms. Quintana updated the Board on the status of the PMP Compliance Efforts.

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.

Ms. Quintana provided the Board with a copy of the Annual Report for review and requested that if the Board Members have any revisions to contact her within the following week.

Lunch

CLOSED SESSION: Compliance Report and New Mexico Health Professional Wellness 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 Dr. Carson. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Mr. Dunlap and PA Otero. **MOTION CARRIED.**

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 HPWP participants and answered questions from the Board.

10. Informal Interviews

Richard Smith, MD; Heather Beasley, MD; Charles Bennett, MD; Christopher Driskill, MD; Ryan Grange, PA; Clyde Miller, MD; Jane McMillan, MD (Telephonic); Jennifer Tso, PA; Joseph Long, MD; Ryan Lubert, MD and Kaaren Mahan, 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.

11. REPORTS

Financial /HR Manager

Approve FY2018 Annual Audit

Auditor Robert Rivera reported on the FY2018 Annual Audit.

MOTION was made by Dr. Jenkusky to **APPROVE** the FY2018 Annual Audit. **SECONDED** by PA Otero. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Mr. Dunlap and PA Otero. **MOTION CARRIED.**

FY20 Appropriation Request Budget Hearing

Ms. Mascarenas presented that on February 18, 2019 the H AFC Adopted Substitute for HB2, 2019 General Appropriations Act which includes the requested amount by the agency in the amount of \$2,112.8 (Ms. Frank and Ms. Mascarenas attended the H AFC subcommittee hearing on January 21, 2019) and includes additional BAR authority language of \$100,000.

200	\$1,330.7
300	\$ 364.1
400	<u>\$ 418.0</u>
Total:	<u>\$ 2,112.8</u>

\$2,112.8 Other Revenues
(\$100.0—Add BAR Authority)

FY19 Budget/Revenue Status

Ms. Mascarenas reported the FY19 Budget/Revenue Status ending January 31, 2019.

- ✓ From July 1, 2018 through January 31, 2019 expenditures total \$1,068,100 (or 52.65%) of budgeted expenditures (Opbud \$2,028,700);
- ✓ From July 1, 2018 through January 31, 2019 the agency collected revenues in the amount of \$439,962 (or 22.58%) 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 today is \$467,477

Ms. Mascarenas also provided the Board for reference the FY19 Statistics Summary that reflects the application/renewal and other fees that makes up the total revenues collected in FY19 beginning on 7/1/18 through 1/31/19 in the amount of \$439,962.

Executive Director

Legislative Update –

Ms. Frank provided the Board with an update on the following bills;
 SB0097 – Interstate Medical Licensure Compact
 SB0135 – Naturopathic Doctors’ Practice Act
 SB0349 – Licensure for Visiting Sports Teams
 SB0448 – Medical Licensure Requirements
 HB0448 – New Chiro Physician Act Changes
 SB0590 – Postgraduate Training for Certain Physicians

The Board discussed the bills.

Licensing Manager

MD Renewal – Continuing Medical Education Reporting

Ms. Griego provided the Board an update about CME Reporting, beginning this renewal cycle all licensed Medical Doctors will be required to list out each continuing education course taken to meet the 75 hour continuing medical education requirement per board rule 16.10.4.8 NMAC. On both the online renewal application and paper renewal application, licensees will be provided with a section where they will be asked to enter in the names of the courses and number of hours received per course. She also provided a copy of a brochure from CE Brokers, the company that will be used to track and audit the licensees CME. The licensing department will initiate a test run using CE Brokers this next renewal cycle with the 10% licensees who are audited.

ADJOURN

Dr. Jenkusky adjourned the first day [February 21, 2019] of the February Regular Board Meeting at 4:15 p.m.

Friday, February 22

Dr. Jenkusky reconvened the Medical Board and called the meeting to order at 8:35 a.m. on Friday, February 22, 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. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Mr. Dunlap and PA Otero. **MOTION CARRIED.**

12. **Informal Interviews**

Orlando Ortiz, MD (Telephonic); Keith Levitt, MD (Absent); Sterling Williams, MD (Telephonic); Amit Gupta, MD; Miles Nelson, MD; Chad Berryman, MD and Ferial Abood, 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

Ferial Abood, MD - Review CPEP Report

The Board reviewed in closed session.

Chad Berryman, MD - Request for Reactivation of Stipulated License

MOTION was made by Dr. Jenkusky to **ALLOW** reactivation of license to Dr. Berryman with the existing stipulations. **SECONDED** by Dr. Carson. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Mr. Dunlap and PA Otero. **MOTION CARRIED.**

Miles Nelson, MD - Request for Reactivation of Stipulated License

MOTION was made by Dr. Jenkusky to **ALLOW** reactivation of license to Dr. Nelson with the existing stipulations. **SECONDED** by PA Otero. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Mr. Dunlap and PA Otero. **MOTION CARRIED.**

Case #2018-E-182 Tabled from Thursday, February 21, 2019.

Case #2018-E-182 RECOMMENDATION was made by Ms. Anderson to offer physician a stipulated license requiring successful completion of the PROBE Ethics Course at CPEP; successful completion of a medical recordkeeping course at CPEP; and assessment of a fine associated with physician's unlicensed practice of medicine to be calculated at \$1,000 per day of practice over 10 months, with possible negotiation of such fine approved by Board. If applicant does not accept, a Notice of Contemplated Action will be issued based on, but not limited to, unlicensed practice of medicine, injudicious prescribing and failure to maintain accurate, timely and complete medical records. **YES:** Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Mr. Dunlap and PA Otero. **RECUSED:** Ms. Anderson and Dr. Jenkusky.

14. Board Chair Report

Physician Wellness and the New Mexico Medical Board

Dr. Jenkusky provided the Board with a PowerPoint Presentation he will be presenting at the Family Practice Association Conference on February 22, 2019 regarding physician wellness.

Dr. Jenkusky also updated the Board that professionalism evaluations done by Dr. Bolton's at UNM are not protected from the Inspection of Public Records Act due to the fact the Professionals Evaluation Center is not considered a medical practice. Dr. Bolton may not offer these evaluations any longer.

Dr. Jenkusky additionally reported to the Board that there were two articles on recruiting doctors in NM and he was interviewed by the Albuquerque Journal. In the article he noted how hard it is to get jobs in NM, due to student debt loans and placing physicians in rural areas.

15. New Business

Nothing reported.

16. Old Business

Newsletter Update

Ms. Quintana provided the Board with copies of the upcoming electronic newsletter and requested feedback from the Board Members.

Board Member Dues

Ms. Frank reminded the Board Members that the upcoming dues are due in May, 2019.

PA Prescribing Rule

The Board reviewed the latest proposed PA Prescribing Rule. **MOTION** was made by Mr. Otero to send the proposed rule to the Pharmacy Board for consultation. **SECONDED** by Dr. Carson. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Mr. Dunlap and PA Otero. **MOTION CARRIED.**

17. Patrick Nuzzo, DN – Naprapath School Update and Stress Relief

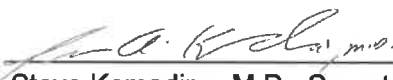
Dr. Nuzzo presented to the Board the background of the practice of Naprapathic Medicine. He also updated the Board on the Naprapath School and that they are hopefully in the near future going to become an accredited school. Dr. Nuzzo provided stress relief to the Board Members who chose to go through the treatment.

18. ADJOURN

There being no further business before the Board, Dr. Jenkusky adjourned the meeting at 10:56 A.M.

SUBMITTED BY:  DATE: 3/29/19
Sondra Frank, J.D., Executive Director

APPROVED BY:  DATE: 3/29/19
Steven M. Jenkusky, M.D., Chair

APPROVED BY:  DATE: 3/29/19
Steve Komadina, M.D., Secretary Treasurer