

**NEW MEXICO MEDICAL BOARD
Regular Board Meeting
February 20-21, 2020
MINUTES**

Members Present: Steve Jenkusky, MD, Chair
Peter Beaudette, MD, Vice Chair
James Spence, MD
Karen Carson, MD
Eric Anderson, MD - Arrived at 8:45am on February 20, 2020
Mark Unverzagt, MD
Jennifer Anderson, Esquire, Public Member- Present February 20, 2020 from 8:30am to 2:00pm.
Buffie Saavedra, Public Member Present February 20, 2020 from 8:30am to 3:00pm.

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
Amanda Quintana, Compliance Manager / PIO
Samantha Breen, Compliance Coordinator
Elishia Lucero, Administrative Assistant

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

3. APPROVAL OF MINUTES

MOTION was made by Dr. Spence to accept and approve the minutes of the January 9, 2020 Interim Board Meeting as presented. **SECONDED** by Dr. Carson **YES:** Dr. Beaudette, Dr. Spence, Dr. Carson, Ms. Anderson, and Dr. Unverzagt, **EXCUSED:** Dr. Anderson, **RECUSED:** Dr. Jenkusky and Ms. Saavedra **MOTION CARRIED.**

Suparna Saha, MD – Order following Evidentiary Hearing.

Dr. Jenkusky allowed Dr. Saha to make a statement to the Board.

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. Carson. **YES:** Dr. Jenkusky, Dr. Beaudette, Ms. Saavedra, Dr. Spence, Dr. Carson, Ms. Anderson, and Dr. Unverzagt. **EXCUSED:** 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. LICENSING ISSUES, NEW APPLICANTS / REINSTATEMENTS

Jonathan Marinaro, MD Case no. 2019-040 Decision and Order following Evidentiary Hearing. **MOTION** was made by Dr. Jenkusky to accept the first 13 Findings of Fact of the Hearing Officer Report as submitted and accept the Findings of Fact as proposed by Ms. Chicoine, the Administrative Prosecutor. **Seconded** by Dr. Anderson. **YES:** Dr. Jenkusky, Dr. Beaudette, Ms. Saavedra, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Unverzagt and Dr. Anderson. **MOTION CARRIED**

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

MOTION was made by Dr. Jenkusky to dismiss Case No. 2019-040 finding that the Board failed to establish by a preponderance of the evidence that Respondent failed to respond to the Board's request for documentation validating his successful completion of the CME hours required to renew his license. **Seconded** by Dr. Unverzagt. **YES:** Dr. Jenkusky, Dr. Beaudette, Ms. Saavedra, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Unverzagt and Dr. Anderson

Suparna Saha, MD – Consider Requests

MOTION was made by Dr. Jenkusky to accept the Hearing Officers Report and Findings of Fact as submitted. **Seconded** by Ms. Anderson. **YES:** Dr. Jenkusky, Dr. Beaudette, Ms. Saavedra, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Unverzagt and Dr. Anderson. **MOTION CARRIED**

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

MOTION was made by Dr. Jenkusky to revoke the medical license of Dr. Saha. Dr. Saha may reapply for licensure only after she has submitted evidence that she has undergone a forensic psychiatric evaluation and the recommended training has been completed. Both requirements must demonstrate competence to practice medicine. **Seconded** by Dr. Anderson. **YES:** Dr. Jenkusky, Dr. Beaudette, Ms. Saavedra, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Unverzagt and Dr. Anderson. **MOTION CARRIED**

Taylor Hawk, PSGT – Motion for Entry of Default Order.

MOTION was made by Dr. Jenkusky to accept the Motion of Entry of Default Order as presented. **Seconded** by Dr. Anderson. **YES:** Dr. Jenkusky, Dr. Beaudette, Ms. Saavedra, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Unverzagt and Dr. Anderson. **MOTION CARRIED.**

MOTION was made by Dr. Jenkusky to deny Ms. Hawk's application for reinstatement of license. **Seconded** by Dr. Anderson. **YES:** Dr. Jenkusky, Dr. Beaudette, Ms. Saavedra, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Unverzagt and Dr. Anderson. **MOTION CARRIED**

David Padgett, PSGT - Motion for Entry of Default Order.

MOTION was made by Dr. Jenkusky to accept the Motion for Entry of Default Order as presented. **Seconded** by Dr. Anderson. **YES:** Dr. Jenkusky, Dr. Beaudette, Ms. Saavedra, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Unverzagt and Dr. Anderson. **MOTION CARRIED**

MOTION was made by Dr. Jenkusky to revoke David Padgett's License. **Seconded** by Dr. Anderson. **YES:** Dr. Jenkusky, Dr. Beaudette, Ms. Saavedra, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Unverzagt and Dr. Anderson. **MOTION CARRIED**

Joseph Lovato, MD - Motion for Entry of Default Order.

MOTION was made by Dr. Jenkusky to accept Motion for Entry of Default Order as presented. **Seconded** by Dr. Anderson. **YES:** Dr. Jenkusky, Dr. Beaudette, Ms. Saavedra, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Unverzagt and Dr. Anderson. **MOTION CARRIED**

MOTION was made by Dr. Jenkusky to deny Dr. Lovato's application for reinstatement of license. **Seconded** by Dr. Anderson **YES:** Dr. Jenkusky, Dr. Beaudette, Ms. Saavedra, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Unverzagt and Dr. Anderson. **MOTION CARRIED**

5. EXECUTIVE SESSION: Complaint Committee Reports

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. Anderson. **YES:** Dr. Jenkusky, Dr. Beaudette, Ms. Saavedra, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Unverzagt 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.

ACTIONS RELATED TO EXECUTIVE SESSION

Complaint Committee A

RECOMMENDATION was made by Dr. Jenkusky to **CLOSE** the following cases: 2018-A-089; 2018-A-097; 2018-A-322; 2019-A-020; 2019-A-028; 2019-A-029; 2019-A-030; 2019-A-036 and 2019-A-073 **YES:** Dr. Beaudette Ms. Saavedra, Dr. Spence, Dr. Carson, Ms. Anderson and Dr. Unverzagt. **RECUSED:** Dr. Jenkusky and Dr. Anderson. **MOTION CARRIED.**

Case #2019-A-096 RECOMMENDATION was made by Dr. Jenkusky to **CLOSE** this case with an advisory letter to physician reminding physician about the Boards regulations on PMP use, UDS testing and written agreements with patients and ~~that~~ the Board will be monitoring all future complaints that relate to prescribing. **YES:** Dr. Beaudette, Ms. Saavedra, Dr. Spence, Dr. Carson, Ms. Anderson and Dr. Unverzagt. **RECUSED:** Dr. Jenkusky and Dr. Anderson. **MOTION CARRIED.**

Case #2019-A-097 RECOMMENDATION was made by Dr. Jenkusky to **CLOSE** this case with an advisory letter to physician reminding physician about the Boards regulations on PMP use, UDS testing and written agreements with patients and the Board will monitor future complaints that relate to prescribing. **YES:** Dr. Beaudette, Ms. Saavedra, Dr. Spence, Dr. Carson, Ms. Anderson and Dr. Unverzagt. **RECUSED:** Dr. Jenkusky and Dr. Anderson. **MOTION CARRIED.**

Case #2019-A-210 RECOMMENDATION was made by Dr. Jenkusky to **CLOSE** this case with an advisory letter to physician relating to the Board's regulation on timely reporting and ~~will be~~ assessing \$150.00 in costs. **YES:** Dr. Beaudette, Ms. Saavedra, Dr. Spence, Dr. Carson, Ms. Anderson and Dr. Unverzagt. **RECUSED:** Dr. Jenkusky and Dr. Anderson. **MOTION CARRIED.**

Case #2020-A-012 RECOMMENDATION was made by Dr. Jenkusky to issue a resident license with an assessment of \$150 in costs and a strongly worded advisory letter notifying Resident that if he had

been a fully licensed M.D. who was practicing unlicensed, this matter would have been actionable, involve a fine of \$1000.00 per day and the action would have been reportable to the National Practitioners Data Bank. Copy of advisory letter will be sent to Joe Sparkman, Resident Director with UNM GME. **YES:** Dr. Beaudette, Ms. Saavedra, Dr. Spence, Dr. Carson, Ms. Anderson and Dr. Unverzagt. **RECUSED:** Dr. Jenkusky and Dr. Anderson. **MOTION CARRIED.**

Case #2020-A-013 RECOMMENDATION was made by Dr. Jenkusky to issue a resident license with an assessment of \$150.00 in costs and a strongly worded advisory letter notifying Resident that if they had been a fully licensed M.D. who was practicing unlicensed, this matter would have been actionable, involve a fine of \$1000.00 per day, and the action would have been reportable to the National Practitioners Data Bank. Copy of the advisory letter will be sent to Joe Sparkman, Resident Director with UNM GME. **YES:** Dr. Beaudette, Ms. Saavedra, Dr. Spence, Dr. Carson, Ms. Anderson and Dr. Unverzagt. **RECUSED:** Dr. Jenkusky and Dr. Anderson. **MOTION CARRIED.**

Case #2019-A-204 RECOMMENDATION was made by Dr. Jenkusky to offer PA a stipulated license requiring mandatory participation in NMHPWP. If the PA does not accept, a notice of contemplated action will be issued based on, but not limited to, habitual/excessive use of alcohol, conduct unbecoming and failure to report an arrest. **YES:** Dr. Beaudette, Ms. Saavedra, Dr. Spence, Dr. Carson, Ms. Anderson and Dr. Unverzagt. **RECUSED:** Dr. Jenkusky and Dr. Anderson. **MOTION CARRIED.**

Complaint Committee B

RECOMMENDATION was made by Dr. Beaudette to **CLOSE** the following cases: 2018-B-186; 2019-B-015; 2019-B-040; 2019-B-068 **YES:** Dr. Jenkusky, Ms. Saavedra, Dr. Spence, Dr. Carson, Ms. Anderson. Dr. Unverzagt and Dr. Anderson. **RECUSED:** Dr. Beaudette. **MOTION CARRIED.**

Case #2019-B-039 RECOMMENDATION was made by Dr. Beaudette to **CLOSE** this case with an advisory letter reminding physician to be cautious in his interactions with patients. **YES:** Dr. Jenkusky, Ms. Saavedra, Dr. Spence, Dr. Carson, Ms. Anderson. Dr. Unverzagt and Dr. Anderson. **RECUSED:** Dr. Beaudette. **MOTION CARRIED**

Case #2019-B-047 RECOMMENDATION was made by Dr. Beaudette to **CLOSE** this case with an advisory letter reminding physician that patient needed to be handed off to social services for further handling. **YES:** Dr. Jenkusky, Ms. Saavedra, Dr. Spence, Dr. Carson, Ms. Anderson. Dr. Unverzagt and Dr. Anderson. **RECUSED:** Dr. Beaudette. **MOTION CARRIED**

Case #2019-B-186 - Tabled

Case #2019-B-128 RECOMMENDATION was made by Dr. Beaudette 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, failure to report adverse action, and conduct unbecoming. **YES:** Dr. Jenkusky, Ms. Saavedra, Dr. Spence, Dr. Carson, Ms. Anderson. Dr. Unverzagt and Dr. Anderson. **RECUSED:** Dr. Beaudette. **MOTION CARRIED**

Case #2019-B-251 RECOMMENDATION was made by Dr. Beaudette to offer physician applicant a stipulated license requiring payment of a fine of \$1000.00 and issuance of a reprimand. If the physician applicant does not accept the offer, a notice of contemplated action to deny licensure will be issued based on, but not limited to, misrepresentations on application and conduct unbecoming. **YES:** Dr. Jenkusky, Ms. Saavedra, Dr. Spence, Dr. Carson, Ms. Anderson. Dr. Unverzagt and Dr. Anderson. **RECUSED:** Dr. Beaudette. **MOTION CARRIED**

Case #2019-B-289 RECOMMENDATION was made by Dr. Beaudette to offer physician applicant the chance to withdraw his application for licensure while under investigation. If physician applicant does not accept the offer, a notice of contemplated action to deny licensure will be issued based on, but not limited to, habitual/excessive use of alcohol or substances, adverse licensure action taken by another state and incompetence to practice. **YES:** Dr. Jenkusky, Ms. Saavedra, Dr. Spence, Dr. Carson, Ms. Anderson. Dr. Unverzagt and Dr. Anderson. **RECUSED:** Dr. Beaudette. **MOTION CARRIED**

Case #2019-B-304 RECOMMENDATION was made by Dr. Beaudette to **CLOSE** the case and issue an unrestricted license. **YES:** Dr. Jenkusky, Ms. Saavedra, Dr. Spence, Dr. Carson, Ms. Anderson. Dr. Unverzagt and Dr. Anderson. **RECUSED:** Dr. Beaudette. **MOTION CARRIED**

Complaint Committee C

RECOMMENDATION was made by Dr. Carson to **CLOSE** the following cases: 2018-C-100-; 2018-C-200; 2018-C-216; 2018-C-297; 2019-C-019; 2019-C-050; 2019-C-122 **YES:** Dr. Jenkusky, Dr. Beaudette, Ms. Saavedra, Dr. Spence, Dr. Unverzagt and Dr. Anderson. **RECUSED:** Dr. Carson and Ms. Anderson **MOTION CARRIED.**

Case #2018-C-088, 2018-C-098, 2018-C-102, 2019-C-064 and 2019-C-256 RECOMMENDATION was made by Ms. Anderson to **CLOSE** these cases with an advisory letter advising physician that although she has been deemed safe to practice, the Board is very concerned about the number of complaints relating to her interpersonal skills with patients. The Board is recommending that she follow the recommendations of NMHPWP and meet with Dr. Brady for a refresher on conflict handling and obtain grief counseling. The Board warns physician that they will not stipulate her license requiring these recommendations but will be monitoring future complaints against physician and will take licensure action if more complaints are received. **YES:** Dr. Jenkusky, Dr. Beaudette, Ms. Saavedra, Dr. Spence, Dr. Unverzagt and Dr. Anderson. **RECUSED:** Dr. Carson and Ms. Anderson **MOTION CARRIED.**

Case #2018-C-173 RECOMMENDATION was made by Ms. Anderson to **CLOSE** this case with an advisory letter to the physician reminding him about the requirement to respond to the Board when sent a patient complaint. **YES:** Dr. Jenkusky, Dr. Beaudette, Ms. Saavedra, Dr. Spence, Dr. Unverzagt and Dr. Anderson. **RECUSED:** Dr. Carson and Ms. Anderson **MOTION CARRIED.**

Case #2019-C-005 RECOMMENDATION was made by Ms. Anderson to **CLOSE** this case with an advisory letter advising physician that if patients have left her practice, it needs to be clearly documented in the patient's chart and to also be responsive to physicians when contacted. **YES:** Dr. Jenkusky, Dr. Beaudette, Ms. Saavedra, Dr. Spence, Dr. Unverzagt and Dr. Anderson. **RECUSED:** Dr. Carson and Ms. Anderson **MOTION CARRIED**

Case #2019-C-063 Tabled

Case #2019-C-089 RECOMMENDATION was made by Ms. Anderson to offer physician a stipulated license requiring a medical recordkeeping course to be taken and successfully passed at CPEP within 6 months and payment of a \$1000 fine, along with issuance of a reprimand. If physician does not accept, a notice of contemplated action will be issued based on, but not limited to, failure to release records when legally requested to do so by a patient and failure to cooperate with the Board. **YES:** Dr. Jenkusky, Dr. Beaudette, Ms. Saavedra, Dr. Spence, Dr. Unverzagt and Dr. Anderson. **RECUSED:** Dr. Carson and Ms. Anderson **MOTION CARRIED**

Case #2019-C-213 RECOMMENDATION was made by Ms. Anderson offering physician applicant the chance to withdraw his application while under investigation. If physician does not accept, a notice of contemplated action to deny licensure will be issued based on, but not limited to, conduct unbecoming.

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

Complaint Committee D

RECOMMENDATION was made by Dr. Spence to **CLOSE** Case # 2019-D-305 and issue a medical license. **YES:** Dr. Jenkusky; Dr. Beaudette, Ms. Saavedra, Dr. Carson, Ms. Anderson, and Dr. Anderson **RECUSED:** Dr. Spence and Dr. Unverzagt. **MOTION CARRIED.**

Case # 2018-D-202 RECOMMENDATION was made by Dr. Spence to **CLOSE** this case with an advisory letter regarding physician-patient communications. **YES:** Dr. Jenkusky; Dr. Beaudette, Ms. Saavedra, Dr. Carson, Ms. Anderson, and Dr. Anderson. **RECUSED:** Dr. Spence and Dr. Unverzagt. **MOTION CARRIED.**

Case # 2019-D-268 RECOMMENDATION was made by Dr. Spence to close case and issue applicant a NM license with an advisory letter notifying physician that the Board has identified certain issues and even though they are granting physician a license, the Board will be closely monitoring any future complaints against him. **YES:** Dr. Jenkusky; Dr. Beaudette, Ms. Saavedra, Dr. Carson, Ms. Anderson, and Dr. Anderson. **RECUSED:** Dr. Spence and Dr. Unverzagt. **MOTION CARRIED.**

Case #2019-D-264 Tabled

Lunch

CLOSED SESSION: Compliance Report and New Mexico Health Professional Wellness Program

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

6. Board Monitored Compliance Report

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

7. New Mexico Health Professional Wellness Program Report

William Brady, MD, Rita Gill and Mary Lynn Griffin of the NMHPWP presented the status of all mandatory HPWP participants and answered questions from the Board.

8. Informal Interviews

Jenny Hargrove, MD (Telephonic) excused; Joseph Long, MD (Telephonic); Miles Nelson, MD; Chad Berryman, MD; Christopher Driskill, MD; Ryan Grange, PA; Amit Gupta, MD; Johannes Heynkeamp, MD; Charlesly Joseph, Jane McMillan, MD (Absent) Irene Lazarus, MD; Jane McMillan, MD; Clyde Miller, MD; Curtis Quintana, PA; Patrick Shanley, PA and Kathleen Van Osten, 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.

9. REPORTS

Financial / HR Manager

Ms. Mascarenas reported to the Board the following:

Approve FY19 Financial Audit

Auditor Robert Rivera, CPA, PC presented the FY19 Financial Audit to the Board.

MOTION was made by Dr. Jenkusky to **APPROVE** the FY19 Annual Audit. **SECONDED** by Dr. Beaudette **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Dr. Unverzagt and Dr. Anderson. **MOTION CARRIED**

FY21 Appropriation Request Budget Hearing

Ms. Mascarenas reported that her and Ms. Frank attended the HAFC subcommittee hearing on January 14, 2020, in which the HAFC approved the LFC recommendation (7.2% less or \$180.0) from the amount requested by the agency. On February 18, 2020 the HAFC Adopted Substitute for HB2, 2020 General Appropriations Act which includes \$2,330.0, funding for one (1) new position in FY21, and additional BAR authority language of \$100,000.

200	\$1,483.5
300	\$ 430.0
400	<u>\$ 416.5</u>
Total:	<u>\$ 2,330.0</u>

\$2,130.0 Other Revenues - \$200.0 Fund Balance = \$2,330.0

FY20 Budget/Revenue Status

Ms. Mascarenas reported the FY20 Budget/Revenue Status ending January 31, 2020.

The Budget and Revenue Status ending January 31, 2020 are as follows:

- ✓ From July 1, 2019 through January 31, 2020 expenditures total **\$1,165,372 (or 53.97%)** of budgeted expenditures (Opbud \$2,159,300).
- ✓ From July 1, 2019 through January 31, 2020 the agency collected revenues in the amount of **\$585,898 (or 27.13%)** of budgeted revenues of **\$2,159,300**.
- ✓ The Fund Balance on June 30, 2019 is **\$1,342,981**. The cash balance as of February 19, 2020 is **\$798,332**.

Ms. Mascarenas reported to the Board the FY20 Statistics Summary that reflects the application/renewal and other fees that makes up the total revenues collected in FY20 beginning on 7/1/19 through 1/31/20 in the amount of \$585,898.

Reference to handout to report on the FY18-FY21 Operating Budget Comparison

Executive Director Report

Closure of Service Complaints.

Ms. Frank asked the Board about the possibility of closing out certain “service complaints” at staff level. Ms. Frank provided the Board with a list of what would fall under the definition of “service complaints” and explained that the Board being inundated with these complaints at a complaint committee level was taking time away from the more egregious cases that required the Board’s attention. After Board discussion, Dr. Jenkusky tabled the matter and suggested that the discussion continue when Ms. Saavedra and Ms. Anderson return the next day.

Distribution of Investigation cases between quarterly and interim meetings.

Ms. Frank proposed to the Board that more investigation cases be distributed to complaint committees at the interim meetings rather than taking the bulk of the cases to just the quarterly meetings. This is being requested of the Board to reduce case overload on staff. After Board discussion, Dr. Jenkusky

tabled the matter and suggested that the discussion continue when Ms. Saavedra and Ms. Anderson return the next day.

Legislative Update.

Ms. Frank provided the Board with an update on the following bills.

SB16-Diabetes Education Funding

HB30-Expedited Licensure for Military Family

SB1-Wholesale Prescription Drug Importation Act

HB142-Nurse Practitioner Prescriptive Authority

HB215-Emergency Mental Health Evaluations

SB160-Opioid Antagonist Warning Requirements

SB137-Licensure Eligibility without Lawful Presence.

The Board had a brief discussion.

Licensing Manager

Review of Professional Practice Questions.

Ms. Griego provided Board Members with updated questions. Board members will review and edit the questions and, discuss them at their May meeting.

CME Audit/Discussion and Decision on Renewal of CME Audit.

Ms. Griego reported to the Board the CME process during renewals and audits and provide information on CE Broker. After discussion, the Board agreed to continue utilizing CE Broker for CME audits.

Number of Licenses Issued for 2019.

Ms. Griego provided the Board the statistical information on the number of licenses issued for all applicants in 2019. In 2019 the Board issued 1,317 licenses to applicants.

Board Chair Report:

Dr. Jenkusky moved the Board Chair Report to the next day.

10. Old Business

NMHA-Letter to New Mexico Medical Board regarding Peer Review and the requirement to be licensed to perform peer review in NM. Update. Presentation By: David Johnson.

David Johnson along with Kaye Green, CEO of Roosevelt General Hospital presented clarification on whether peer review requires a license in the state of New Mexico. Specifically, he asked whether out of state, non-NM licensed physicians can perform peer review, which is retrospective in nature for small, rural hospitals. After discussion, the Board clarified that peer review in this state requires a license pursuant to the direct language in the MPA. However, there is no issue with a NM licensed peer reviewer to consult with out of state, non-NM licensed physicians as consultants as long as it was infrequent and the final decision on the peer review came from the NM licensed Physician.

Prosecutions Statistical Information

Ms. Quintana provided the Board with statics of Board actions issued from 2001-2019.

11. Board Attorney Report

Margaret McLean, J.D. – For Review.

Yvonne Chicoine, Esq. – Report

Yvonne Chicoine, Esq. Provided the Board with a summary of Prosecution Statistics over the past five

years.

ADJOURN

Dr. Jenkusky adjourned the first day [February 20, 2020] of the February Regular Board Meeting at 4:45 p.m.

Friday, February 21,2020

Dr. Jenkusky reconvened the Medical Board and called the meeting to order at 8:30 a.m. on Friday, November 21, 2020; 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 Dr. Beaudette. **YES:** Dr. Jenkusky, Dr. Beaudette, Ms. Saavedra, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Unverzagt and Dr. Anderson.

MOTION CARRIED

12. Informal Interviews

Tushar Dandade, MD; Gary Jacques, MD; David Elliott, MD; Siavash Karimian, MD; Kaaren Mahan, PA; Thomas Walsh, MD; Jennifer Tso, PA; Avra Laarakker, MD and Marcus Pena, 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

Tushar Pritman Dandade, MD – Request for Release Stipulation.

MOTION was made by Dr. Spence to release Dr. Dandade from Stipulation and issue an unrestricted license. **SECONDED** by Dr. Unverzagt. **YES:** Dr. Beaudette, Ms. Saavedra, Dr. Spence, Dr. Carson, Ms. Anderson Dr. Unverzagt and Dr. Anderson. **RECUSED:** Dr. Jenkusky. **MOTION CARRIED.**

Gary Jacques, MD – Request for Release Stipulation.

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

David Elliott, MD – Request for Release Stipulation.

MOTION was made by Dr. Jenkusky to deny Dr. Elliott's request to be released from stipulation. **SECONDED** by Dr. Spence. **YES:** Dr. Jenkusky, Dr. Beaudette, Ms. Saavedra, Dr. Spence, Dr. Carson, Ms. Anderson and Dr. Unverzagt. **RECUSED:** Dr. Anderson. **MOTION CARRIED**

David Elliott, MD – Request for Release Stipulation.

MOTION was made by Dr. Jenkusky to Summarily Suspend Dr. Elliott's license. **SECONDED** by Dr. Beaudette. **YES:** Dr. Jenkusky, Dr. Beaudette, Ms. Saavedra, Dr. Spence, Dr. Carson, Ms. Anderson and Dr. Unverzagt. **RECUSED:** Dr. Anderson. **MOTION CARRIED**

Siavash Karimian, MD – Request for Release from Stipulation.

MOTION was made by Dr. Jenkusky to deny Dr. Karimian's request to be released from stipulation and requests that he repeat the PROBE Ethics Course and pass the Boards jurisprudence test.

SECONDED by Dr. Anderson. **YES:** Dr. Jenkusky, Dr. Beaudette, Ms. Saavedra, Dr. Spence, Ms. Anderson, Dr. Unverzagt and Dr. Anderson. **RECUSED:** Dr. Carson. **MOTION CARRIED**

Kaaren Mahan, PA – Request for Release from Stipulation.

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

Marques Pena, MD – Request for Release from Stipulation.

MOTION was made by Dr. Jenkusky to deny Dr. Pena’s request to be released from stipulation. **SECONDED** by Dr. Anderson. **YES:** Dr. Jenkusky, Dr. Beaudette, Ms. Saavedra, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Unverzagt and Dr. Anderson. **MOTION CARRIED**

Christopher Driskill, MD – Request for Release from Stipulation.

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

14. Actions Related to Executive Session

LICENSING ISSUES, NEW APPLICANTS / REINSTATEMENTS-

Continued from February 20, 2020.

Suparna Saha, MD- Motion to Strike Respondents Requests.

MOTION was made by Dr. Jenkusky to **TABLE** the prosecution’s Motion to Strike Respondents Requests. **SECONDED** by Ms. Saavedra. **YES:** Dr. Jenkusky, Dr. Beaudette, Ms. Saavedra, Dr. Spence, Dr. Carson, Ms. Anderson and Dr. Unverzagt and Dr. Anderson. **MOTION CARRIED**

Closure of Service Complaints.

Continued from February 20, 2020.

After a brief discussion the Board accepted the request for closure of service complaints at staff level.

Distribution of Investigation cases between quarterly and interim meetings.

Continued from February 20, 2020.

After some discussion the Board agreed to the proposed request by Ms. Frank.

Board Chair Report

Dr. Jenkusky wanted to remind Board members of Board Member terms, roles and vacancies within the Board, and the upcoming Board elections in May.

15. Rule Hearing

16.10.2 NMAC – Physicians: Licensure Requirements

16.10.9 NMAC – Fees

16.10.14 NMAC –Management of Pain and Other Conditions with Controlled Substances

16.10.16 NMAC– Administering, Prescribing and Distribution of Medication

16.10.22 NMAC –Naturopathic Doctors: Licensure and Practice Requirements

Rule Hearing Transcripts Attached

Adoption of Rules

16.10.2 NMAC – Physicians: Licensure Requirements

Tabled

16.10.9 NMAC – Fees

After a discussion about the details of the Rule Hearing a **MOTION** was made by Jenkusky to **ADOPT** the rules with an amendment to remove the language about Traveling Sports Teams in 16.10.9.8 (D) NMAC. **SECONDED** by Dr. Unverzagt. **YES:** Dr. Jenkusky, Dr. Beaudette, Ms. Saavedra, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Unverzagt and Dr. Anderson. **MOTION CARRIED.**

16.10.14 NMAC – Management of Pain and Other Conditions with Controlled Substances

After a discussion about the details of the Rule Hearing a **MOTION** was made by Ms. Saavedra to **ADOPT** the rules as presented. **SECONDED** by Dr. Jenkusky. **YES:** Dr. Jenkusky, Dr. Beaudette, Ms. Saavedra, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Unverzagt and Dr. Anderson. **MOTION CARRIED**

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 Ms. Saavedra to **ADOPT** the rules as presented. **SECONDED** by Dr. Jenkusky. **YES:** Dr. Jenkusky, Dr. Beaudette, Ms. Saavedra, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Unverzagt and Dr. Anderson. **MOTION CARRIED**

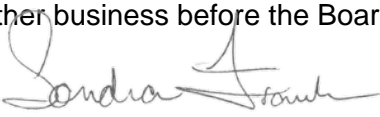
16.10.22 NMAC – Naturopathic Doctors: Licensure and Practice Requirements

After a discussion about the details of the Rule Hearing a **MOTION** was made by Jenkusky to **ADOPT** the rules as presented. **SECONDED** by Dr. Unverzagt. **YES:** Dr. Jenkusky, Dr. Beaudette, Ms. Saavedra, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Unverzagt and Dr. Anderson. **MOTION CARRIED**

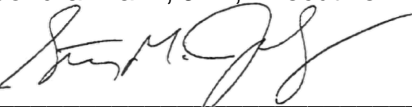
Rule Hearing Transcripts Attached

16. ADJOURN

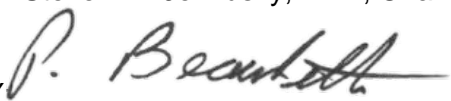
There being no further business before the Board, Dr. Jenkusky adjourned the meeting at 12:15 P.M.

SUBMITTED BY:  DATE: 3/27/2020

Sondra Frank, J.D., Executive Director

APPROVED BY:  DATE: 3/27/2020

Steven M. Jenkusky, M.D., Chair

APPROVED BY:  DATE: 3/27/2020

Peter Beaudette, M.D, Vice Chair