

**NEW MEXICO MEDICAL BOARD  
Interim Board Meeting  
State Bar of New Mexico  
5121 Masthead NE, Albuquerque, NM 87109  
September 26, 2019  
MINUTES**

**Members Present:** Steve Jenkusky, MD, Chair  
Peter Beaudette, MD, Vice Chair  
Charles D. Otero, PA  
James Spence, MD  
Mark Unverzagt, MD  
Buffie Saavedra, Public Member

**Teleconference:** Eric Anderson, MD  
Karen Carson, MD

**Absent:** Jennifer Anderson, Esq., Public Member

**Other Staff Present:** Sondra Frank, Esq., Executive Director  
Debbie Dieterich, Investigations Manager  
Amanda Quintana, Compliance Manager  
Samantha Breen, Compliance Coordinator

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

Dr. Jenkusky called the Interim Board Meeting of the New Mexico Medical Board to order at 4:12 p.m. and a quorum was present.

**2. APPROVAL OF AGENDA**

**MOTION** was made by Dr. Jenkusky to approve the Agenda. **SECONDED** by PA Otero. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Unverzagt, Ms. Saavedra, PA Otero, Dr. Anderson and Dr. Carson. **ABSENT:** Ms. Anderson. **MOTION CARRIED.**

**3. APPROVAL OF MINUTES**

**MOTION** was made by Dr. Jenkusky to accept and approve the minutes of the August 8-9, 2019 Board Meeting as presented. **SECONDED** by Dr. Beaudette. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Unverzagt, Ms. Saavedra, PA Otero, Dr. Anderson and Dr. Carson. **ABSENT:** Ms. Anderson. **MOTION CARRIED.**

**4. Chair Report**

Dr. Jenkusky reported that he, Ms. Frank, Ms. Dieterich and Ms. Quintana had a meeting with William Brady, MD, who is a NMHPWP Board Member to discuss the issues that the New Mexico Medical Board is having with NMHPWP. Dr. Jenkusky reported that Dr. Brady will be doing assessments for the New Mexico Medical Board in the interim.

**5. Executive Director**

Ms. Frank reported that on Friday, September 27, 2019 the Naturopathic Advisory Committee is going to meet with staff to continue working on the rules for licensure of Naturopathic Doctors. Ms. Quintana

is preparing the Visiting Sports Physician rules, Ms. Frank also reported that the PA prescribing rule is completed.

**EXECUTIVE SESSION: Complaint Committee Reports / Executive Committee Report / Licensing Issues, New Applicants / Reinstatements /**

**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. Spence, Dr. Unverzagt, Ms. Saavedra, PA Otero, Dr. Anderson and Dr. Carson. **ABSENT:** Ms. 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.

**6. ACTIONS RELATED TO EXECUTIVE SESSION**

**Complaint Committee A**

**Case #2019-A-189 RECOMMENDATION** was made by Dr. Beaudette to offer physician applicant a stipulated license requiring payment of \$1000 fine along with the issuance of a reprimand, and payment of \$1500 in costs for the PPQs answered incorrectly on all Board applications. If physician applicant does not accept, he may 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, dishonesty, misrepresentations on multiple applications and failure to report adverse action as required. **YES:** Dr. Jenkusky, Dr. Spence, Dr. Unverzagt, Ms. Saavedra, PA Otero, Dr. Anderson and Dr. Carson. **RECUSED:** Dr. Beaudette. **ABSENT:** Ms. Anderson. **MOTION CARRIED.**

**Case #2019-A-196 RECOMMENDATION** was made by Dr. Beaudette to issue an unrestricted medical license with payment of \$450 in administrative costs for incorrect PPQ answers on application and an advisory letter reminding physician about full disclosure in an application for licensure. **YES:** Dr. Jenkusky, Dr. Spence, Dr. Unverzagt, Ms. Saavedra, PA Otero, Dr. Anderson and Dr. Carson. **RECUSED:** Dr. Beaudette. **ABSENT:** Ms. Anderson. **MOTION CARRIED.**

**Complaint Committee B**

**Case #2019-B-145 RECOMMENDATION** was made by Dr. Jenkusky to issue a Notice of Contemplated Action based on, but not limited to, injudicious prescribing and repeated similar negligent acts contingent upon a finding following expert review, but also giving prosecutor flexibility to combine this case with the pending prosecution case against physician. **YES:** Dr. Beaudette, Dr. Spence, Dr. Unverzagt, Ms. Saavedra, PA Otero and Dr. Carson. **RECUSED:** Dr. Jenkusky and Dr. Anderson. **ABSENT:** Ms. Anderson. **MOTION CARRIED.**

**Case #2019-B-197 RECOMMENDATION** was made by Dr. Jenkusky to offer physician applicant a stipulated license requiring mandatory participation in NMHPWP. If physician applicant does not accept, he may withdraw his application for licensure while under investigation or a notice of contemplated action will be issued based on, but not limited to, habitual and excessive use of alcohol or substances and adverse licensure action in another state. **YES:** Dr. Beaudette, Dr. Spence, Dr. Unverzagt, Ms. Saavedra, PA Otero and Dr. Carson. **RECUSED:** Dr. Jenkusky and Dr. Anderson. **ABSENT:** Ms. Anderson. **MOTION CARRIED.**

**Case #2019-B-219 RECOMMENDATION** was made by Dr. Jenkusky to offer physician a stipulation of licensure that allows for increased monitoring of physician by Board in order to ensure compliance. Specifically, physician shall return to and comply with the initial NMHPWP contract requirements that have been lifted or decreased by NMHPWP and submit all required documentation to NMHPWP and

the Board. In addition, physician shall comply with any biological testing as mandated by the Board. Physician shall also comply with all recommendation made by Bradford; shall be restricted from prescribing amphetamines; and shall pay a fine of \$1000. If physician does not accept, a Notice of Contemplated Action will be issued based on, but not limited to, violation of a board stipulation, dishonesty and conduct unbecoming. **YES:** Dr. Beaudette, Dr. Spence, Dr. Unverzagt, Ms. Saavedra, PA Otero and Dr. Carson. **RECUSED:** Dr. Jenkusky and Dr. Anderson. **ABSENT:** Ms. Anderson. **MOTION CARRIED.**

#### **Complaint Committee C**

**Case #2019-C-131 RECOMMENDATION** was made by Dr. Spence to issue physician applicant an unrestricted license. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Unverzagt, Ms. Saavedra, PA Otero and Dr. Anderson. **RECUSED:** Dr. Spence and Dr. Carson. **ABSENT:** Ms. Anderson. **MOTION CARRIED.**

#### **Case #2019-C-220**

Tabled.

#### **Complaint Committee D**

**Case #2019-D-130 RECOMMENDATION** was made by PA Otero to offer physician applicant a stipulated license requiring that he successfully complete the terms and conditions set forth by the Vermont Medical Board and provide his written narrative of each CME course to the NM Medical Board, along with assessing \$450 administrative costs and issuance of an advisory letter on the requirement for answering PPQs on an application correctly. **YES:** Dr. Beaudette, Dr. Spence, Ms. Saavedra, Dr. Anderson and Dr. Carson. **RECUSED:** Dr. Unverzagt and PA Otero. **ABSENT:** Ms. Anderson. **MOTION CARRIED.**

#### **Complaint Committee E**

**Case #2019-E-194 RECOMMENDATION** was made by Ms. Saavedra to issue a full and unrestricted license to physician and assess a fee of \$150 in administrative costs with issuance of an advisory letter reminding physician about full disclosure of information on an application for licensure. If he does not accept, physician applicant can withdraw his application while under investigation or a Notice of Contemplated Action will be issued to deny licensure based on, but not limited to, habitual/excessive use of alcohol, dishonesty and conduct unbecoming. **YES:** Dr. Beaudette, Dr. Spence, Dr. Unverzagt, PA Otero, Dr. Anderson and Dr. Carson. **RECUSED:** MS. Saavedra. **ABSENT:** Ms. Anderson. **MOTION CARRIED.**

#### **7. Executive Committee Report**

None

#### **8. Informal Compliance Interviews**

Austin Oetken, MD

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

##### **Charles O'Hearn, MD – Motion for Reimbursement of Costs**

**MOTION** was made by Dr. Jenkusky to accept Prosecution's Motion for Reimbursement of Costs as presented. **SECONDED** by Ms. Saavedra. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Ms. Saavedra, PA Otero, Dr. Anderson and Dr. Carson. **ABSTAIN:** Dr. Unverzagt. **ABSENT:** Ms. Anderson. **MOTION CARRIED.**

##### **Sujan Thyagaraj, MD – Motion for Reimbursement of Costs**

**MOTION** was made by Dr. Jenkusky to accept Prosecution's Motion for Reimbursement of Costs as presented. **SECONDED** by Ms. Saavedra. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr.

Unverzagt, Ms. Saavedra, PA Otero, Dr. Anderson and Dr. Carson. **ABSENT:** Ms. Anderson. **MOTION CARRIED.**

**Julie DiCianno, MD Case No. 2019-013 – Joint Motion to Approve Proposed Agreed Order.**  
Tabled


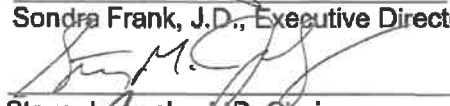
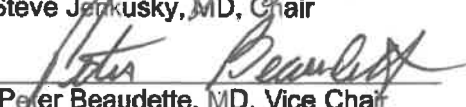
**Patrick Dunphy, MD Case No. 2019-010 – Joint Motion to Approve Proposed Agreed Order.**  
Tabled

**Michael Clements, MD – Joint Motion to Approve Proposed Agreed Order.**  
Tabled

10. **Old Business**

11. **Adjourn**

6:04 p.m.

SUBMITTED BY:		DATE:	<u>11/18/19</u>
	Sondra Frank, J.D., Executive Director		
APPROVED BY:		DATE:	<u>11/18/19</u>
	Steve Jankusky, MD, Chair		
APPROVED BY:		DATE:	<u>11-14-19</u>
	Peter Beaudette, MD, Vice Chair		