

**NEW MEXICO MEDICAL BOARD  
Interim Board Meeting  
January 12, 2017  
MINUTES**

**Members Present:** Albert Bourbon, P.A., Vice Chair  
Philip Styka, MD  
Steve Komadina, MD (arrived at 4:15)  
James Spence, MD (arrived at 4:10)  
Peter Beaudette, MD  
Jennifer Anderson, Esquire, Public Member, Secretary Treasurer (left meeting at 5:30)  
Karen Carson, MD (VIA Teleconference)

**Excused:** Steve Jenkusky, MD

**Others Present:** Sondra Frank, J.D., Executive Director  
Kara Szkotak, Assistant Attorney General  
Thomas Banner, J.D., Administrative Prosecutor  
Debbie Dieterich, Investigations Manager  
Amanda Quintana, Compliance Manager / PIO  
Samantha Breen, Administrative Assistant

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

Mr. Bourbon called the Interim Board Meeting of the New Mexico Medical Board to order at 4:05 p.m. and a quorum was present.

**2. APPROVAL OF AGENDA**

**MOTION** was made by Ms. Anderson to approve the Agenda. **SECONDED** by Dr. Styka. **YES:** Mr. Bourbon, Dr. Styka, Dr. Beaudette, Ms. Anderson and Dr. Carson **ABSENT:** Dr. Komadina (arrived late) and Dr. Spence (arrived late) **MOTION CARRIED.**

**MOTION** was made by Dr. Beaudette to start the meeting with the Compliance Requests/Actions as the two interviewees were in attendance. **SECONDED** By Ms. Anderson. **YES:** Mr. Bourbon, Dr. Styka, Dr. Beaudette, Ms. Anderson and Dr. Carson. **ABSENT:** Dr. Komadina (arrived late) and Dr. Spence (arrived late) **MOTION CARRIED.**

**3. APPROVAL OF MINUTES**

**MOTION** was made by Dr. Beaudette to accept and approve the minutes of the November 17-18, 2016 Board Meeting as presented. **SECONDED** by Mr. Bourbon. **YES:** Mr. Bourbon, Dr. Styka, Dr. Beaudette, Ms. Anderson and Dr. Carson. **ABSENT:** Dr. Komadina (arrived late) and Dr. Spence (arrived late) **MOTION CARRIED.**

**EXECUTIVE SESSION: Compliance Requests/Action and Complaint Committee Reports**

**MOTION** was made by Mr. Bourbon 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:** Mr. Bourbon, Dr. Styka, Dr. Beaudette, Ms. Anderson and Dr. Carson. **ABSENT:** Dr. Spence and Dr. Komadina **MOTION CARRIED.**

**OPEN SESSION**

The Board returned to open session. Mr. Bourbon 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**

**Nina Nandy, MD** – Consider amendment to Stipulation to allow direct patient care.

**MOTION** was made by Mr. Bourbon to amend Dr. Nandy's stipulation to allow her to return to direct patient care with the remaining stipulations in effect. **SECONDED** by Dr. Styka. **YES:** Mr. Bourbon, Dr. Styka, Dr. Komadina, Dr. Spence, Dr. Beaudette, Ms. Anderson and Dr. Carson. **MOTION CARRIED.**

**Kathleen Van Osten, MD** – Consider Reinstatement of Licensure

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

**Complaint Committee A**

**Case #2016-A-318 RECOMMENDATION** was made by Dr. Komadina to offer physician the chance to withdraw his application while under investigation or a notice of contemplated action will be issued to deny licensure based on, but not limited to, incompetency to practice and adverse licensure action in another state. **YES:** Mr. Bourbon, Dr. Styka, Dr. Spence, Dr. Beaudette and Ms. Anderson **RECUSED:** Dr. Komadina and Dr. Carson. **ABSENT:** Dr. Jenkusky. **MOTION CARRIED.**

**Case #2016-A-146 RECOMMENDATION** was made by Dr. Komadina to issue a notice of contemplated action based on, but not limited to, conduct unbecoming, misrepresentation on an application, habitual/excessive use of substances and/or alcohol, and adverse licensure action taken in another state. **YES:** Mr. Bourbon, Dr. Styka, Dr. Spence, Dr. Beaudette and Ms. Anderson **RECUSED:** Dr. Komadina and Dr. Carson. **ABSENT:** Dr. Jenkusky. **MOTION CARRIED.**

**Complaint Committee B**

**Case #2016-B-269 RECOMMENDATION** was made by Dr. Spence to issue a summary suspension based on physician's violation of a Board Stipulation pursuant to NMAC 16.10.5.15(C), along with a notice of contemplated action based on, but not limited to, violation of a board order, habitual/excessive use of substances, falsification of a document connected with the practice of medicine, injudicious prescribing, conduct unbecoming, conduct likely to harm, violation of drug laws, self-treatment, unethical conduct, failure to maintain accurate, complete and timely records, interaction with staff, patients and others that adversely affects patient care, patient abandonment and violation of the Board Regulation on PMP use. **YES:** Mr. Bourbon, Dr. Styka, Dr. Komadina, Dr. Beaudette and Dr. Carson **RECUSED:** Dr. Spence and Ms. Anderson. **ABSENT:** Dr. Jenkusky. **MOTION CARRIED.**

**Complaint Committee C**

**Case #2016-C-287 RECOMMENDATION** was made by Dr. Styka offering the physician applicant a chance to withdraw his application while under investigation. If he does not accept offer, then a notice of contemplated action will be issued based on, but not limited to, incompetency to practice and habitual/excessive use of substances. **YES:** Dr. Komadina, Dr. Beaudette, Dr. Beaudette, Ms. Anderson and Dr. Carson **RECUSED:** Dr. Styka and Mr. Bourbon. **ABSENT:** Dr. Jenkusky. **MOTION CARRIED.**

**Complaint Committee D**

**Case #2016-D-139 RECOMMENDATION** was made by Dr. Beaudette to close this case with an advisory letter on the Board's reporting regulations. **YES:** Mr. Bourbon, Dr. Styka, Dr. Komadina, Dr. Spence, Ms. Anderson and Dr. Carson **RECUSED:** Dr. Beaudette **ABSENT:** Dr. Jenkusky. **MOTION CARRIED.**

5. **Chair Report:**

Mr. Bourbon reported to the Board that the PA Collaboration Bill will be reintroduced during the 2017 Legislative Session. The Board was sent a link to a video explaining the proposed bill. Mr. Bourbon went on to state that the Bill is still not welcomed by the Hospital Association and the Medical Society. He asked if the Board would support the Bill. Many pros and cons of the Bill were discussed at length including the need for healthcare practitioners in rural New Mexico and the possibility of a tiered system of licensure for PA's.

**MOTION** was made by Dr. Komadina stating that the Board does not support the PA Collaboration Bill in its current form. **SECONDED** By Dr. Spence. **YES:** Dr. Styka, Dr. Komadina, Dr. Spence, Dr. Beaudette, and Dr. Carson. **NO:** Mr. Bourbon. **ABSENT:** Ms. Anderson (left early) **MOTION CARRIED.**

**6. Executive Director Report:**

- Ms. Frank asked the Board who was interested in attending the Federation of State Medical Board's Annual Meeting on April 20-22, 2017. Dr. Beaudette stated that he is interested in attending.
- Ms. Frank presented the Bills that Board Staff has been asked to complete Fiscal Impact Reports on and Bills that may be of interest the Board as follows:  
SB8 – Amendments to Lynn and Erin Compassionate Use Act.  
SB68 – Posting of Medical Licensing Info.  
HB84 – Pharmacist Services Reimbursement.  
SB90 –Conditional Prescription Certificates.

Ms. Frank specifically asked for guidance on the Health Professional Loan Repayment Act Bill which would basically add \$100.00 to the license application and renewal fee's for the Health Professional Loan Repayment Program.

**MOTION** was made by Dr. Spence stating that the Board is opposed to the Health Professional Loan Repayment Act Bill. **SECONDED** By Dr. Komadina. **YES:** Mr. Bourbon, Dr. Styka, Dr. Komadina, Dr. Spence, Dr. Beaudette, and Dr. Carson. **ABSENT:** Ms. Anderson (left early) and Dr. Jenkusky **MOTION CARRIED.**

**7. Executive Committee Report**  
None

**8. LICENSING ISSUES, NEW APPLICANTS / REINSTATEMENTS**

**Joseph DiTuro, MD – License No. 2002-0357, Case no. 2016-044 – Default Order.**

**MOTION** was made by Dr. Spence to accept the Default Order as presented. **SECONDED** by Mr. Bourbon. **YES:** Mr. Bourbon, Dr. Styka, Dr. Komadina, Dr. Spence, Dr. Beaudette, and Dr. Carson. **ABSENT:** Ms. Anderson and Dr. Jenkusky **MOTION CARRIED.**

**Guy Rosenschein, MD – License No. MD2012-0827, Case no. 2016-051– Default Order.**

**MOTION** was made by Mr. Bourbon to accept the Default Order as presented. **SECONDED** by Dr. Beaudette. **YES:** Mr. Bourbon, Dr. Styka, Dr. Komadina, Dr. Spence, Dr. Beaudette, and Dr. Carson. **ABSENT:** Ms. Anderson and Dr. Jenkusky **MOTION CARRIED.**

**Roy Heilbron, MD – License No. MD2016-0145, Case No. 2015-029– Consider Proposed Stipulation.**

**MOTION** was made by Dr. Komadina to accept the stipulation as proposed. **SECONDED** by Dr. Styka. **YES:** Mr. Bourbon, Dr. Styka, Dr. Komadina, Dr. Spence, and Dr. Beaudette **RECUSED:** Dr. Carson. **ABSENT:** Ms. Anderson and Dr. Jenkusky **MOTION CARRIED.**

Rolando Tong, MD – License No. 89-109, Case No. 2015-021 – Decision and Order.  
MOTION was made by Dr. Komadina to accept the Hearing Officers Report in its entirety. **SECONDED** by Dr. Styka. **YES:** Mr. Bourbon, Dr. Styka, Dr. Komadina, Dr. Beaudette, and Dr. Carson. **RECUSED:** Dr. Spence. **ABSENT:** Ms. Anderson and Dr. Jenkusky **MOTION CARRIED.**

**EXECUTIVE SESSION: Licensing Issues, New Applicants / Reinstatements**

MOTION was made by Mr. Bourbon 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. Spence. **YES:** Mr. Bourbon, Dr. Styka, Dr. Komadina, Dr. Spence, Dr. Beaudette, and Dr. Carson. **ABSENT:** Ms. Anderson and Dr. Jenkusky **MOTION CARRIED.**

**OPEN SESSION**

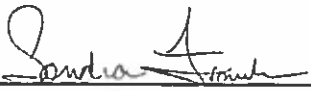
The Board returned to open session. Mr. Bourbon stated for the record that the matters discussed in executive session were limited only to those specified in the motion for closure.

MOTION was made by Mr. Bourbon to **REVOKE** Dr. Tong's NM Medical License based on violations in the Medical Practice Act as set forth in the Conclusions of Law from the Hearing Officer's Report. **SECONDED** by Dr. Spence. **YES:** Mr. Bourbon, Dr. Styka, Dr. Komadina, Dr. Beaudette, and Dr. Carson. **RECUSED:** Dr. Spence **ABSENT:** Ms. Anderson and Dr. Jenkusky. **MOTION CARRIED.**

**Rolando Tong, MD – License No. 89-109, Case No. 2015-021 – Motion for Costs.**

MOTION was made by Mr. Bourbon to Grant the Motion for Costs. **SECONDED** by Dr. Styka. **YES:** Mr. Bourbon, Dr. Styka, Dr. Komadina, Dr. Beaudette, and Dr. Carson. **RECUSED:** Dr. Spence **ABSENT:** Ms. Anderson and Dr. Jenkusky. **MOTION CARRIED.**

9. **ADJOURN** - There being no further business before the Board, Mr. Bourbon adjourned the meeting at 6:25 p.m.

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

DATE: Feb. 9, 2017

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

DATE: Feb 9, 2017

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

DATE: Feb 9, 2017