

**NEW MEXICO MEDICAL BOARD
Interim Board Meeting
January 10, 2019
FINAL MINUTES**

Members Present: Steve Jenkusky, MD, Chair
Peter Beaudette, MD, Vice Chair
Steve Komadina, MD Secretary/Treasurer
Sebastian Dunlap, Esq., Public Member
Jennifer Anderson, Esq., Public Member (arrived at 4:02)
James Spence, MD
Philip Styka, MD

Teleconference: Karen Carson, MD
Charles D. Otero, PA

Other Staff Present: Sondra Frank, J.D., Executive Director
Debbie Dieterich, Investigations Manager
Deloisa Trujillo, Investigations
Barbara Orender, Licensing Manager
Antoinette Griego, Licensing Manager
Samantha Breen, Administrative Assistant

1. CALL TO ORDER / ROLL CALL

Dr. Jenkusky called the Interim Board Meeting of the New Mexico Medical Board to order at 4:00 p.m. and a quorum was present.

2. APPROVAL OF AGENDA

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

3. APPROVAL OF MINUTES

MOTION was made by Dr. Spence to accept and approve the minutes of the November 1-2, 2018 Board Meeting as presented. **SECONDED** by Dr. Jenkusky. **YES:** Dr. Jenkusky, Dr. Spence, Dr. Styka, Dr. Beaudette, Dr. Komadina, Mr. Dunlap, Ms. Anderson, Dr. Carson and PA Otero. **MOTION CARRIED.**

4. Chair Report

Dr. Jenkusky reported that he has been invited to attend the New Mexico Family Practitioners meeting at the end of February, he will be preparing a power point regarding the Board's perspective on physician wellness for the meeting and will share the power point at the next scheduled New Mexico Medical Board meeting.

5. Executive Director

Ms. Frank provided the Board a Legislative update on current bills that affect the New Mexico Medical Board, Senate Bill 21, Senate Bill 70, Senate Bill 97 and Senate Bill 135.

Senate Bill 21 is regarding amending the Health Professional Loan Repayment Act, the Medical Practice Act and the Osteopathic Medicine Act to establish designated health professional loan

repayment funding to assist allopathic and osteopathic primary care physicians working in designated health professionals shortage areas. The Board discussed a number of concerns including the Bills effect as a tax on MDs and whether the loan repayment would support other allied health care providers or just NMMB licensees.

MOTION was made by Dr. Spence to **OPPOSE** Senate Bill 21. **SECONDED** by Dr. Komadina. **YES:** Dr. Jenkusky, Dr. Spence, Dr. Styka, Dr. Beaudette, Dr. Komadina, Mr. Dunlap, Dr. Carson and PA Otero. **RECUSED:** Ms. Anderson. **MOTION CARRIED.**

Senate Bill 70 is regarding amending sections of the Chiropractic Physician Act.

Senate Bill 97 is regarding enacting the Interstate Medical Licensure Compact Act.

Senate Bill 135 is regarding enacting the Naturopathic Doctors Act.

Dr. Rosenberg presented to the Board a draft bill that would amend sections of the Lynn and Erin Compassionate Use Act, specifically amending the act to require patients who would have to renew their medical marijuana card every three years as opposed to every year. Dr. Rosenberg believes this does not meet the standard of care and is not in the patients' best interest. The Board discussed a number of concerns about the Bill.

MOTION was made by Dr. Jenkusky to **OPPOSE** the draft bill to amend sections of the Lynn and Erin Compassionate Use Act. **SECONDED** by Dr. Spence. **YES:** Dr. Jenkusky, Dr. Spence, Dr. Styka, Dr. Beaudette, Dr. Komadina, Mr. Dunlap, Ms. Anderson, Dr. Carson and PA Otero. **MOTION CARRIED.**

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 Dr. Spence. **YES:** Dr. Jenkusky, Dr. Spence, Dr. Styka, Dr. Beaudette, Dr. Komadina, Mr. Dunlap, Ms. Anderson, Dr. Carson 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.

6. ACTIONS RELATED TO EXECUTIVE SESSION

Complaint Committee D

Case #2018-D-246 RECOMMENDATION was made by Dr. Styka to offer physician a stipulated license requiring mandatory participation in the NM HPWP. If physician does not accept, then a notice of contemplated action will be issued based on, but not limited to, habitual/excessive use of alcohol, and conduct unbecoming. **YES:** Dr. Jenkusky, Dr. Spence, Dr. Beaudette, Mr. Dunlap, Ms. Anderson, Dr. Carson and PA Otero. **RECUSED:** Dr. Styka and Dr. Komadina. **MOTION CARRIED.**

Case #2018-D-286 RECOMMENDATION was made by Dr. Styka 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, conviction of an offense within the practice of medicine; adverse licensure actions taken by other state medical boards; and incompetency to practice. **YES:** Dr. Jenkusky, Dr. Spence, Dr. Beaudette, Mr. Dunlap, Ms. Anderson, Dr. Carson and PA Otero. **RECUSED:** Dr. Styka and Dr. Komadina. **MOTION CARRIED.**

Complaint Committee E

Case #2018-E-184 RECOMMENDATION was made by Ms. Anderson to offer resident physician a stipulated agreement stipulating to the investigative findings of UNM. If resident physician does not accept, a notice of contemplated action will be issued based on, but not limited to, conduct unbecoming and interaction with peers that interferes with patient care. **YES:** Dr. Jenkusky, Dr. Spence, Dr. Styka, Dr. Beaudette, Dr. Komadina, Mr. Dunlap, Dr. Carson and PA Otero. **RECUSED:** Ms. Anderson. **MOTION CARRIED.**

Case #2018-E-288 RECOMMENDATION was made by Ms. Anderson to offer physician applicant reinstatement of her license with the issuance of a reprimand and fine, in the amount of \$8000.00. If physician applicant does not accept, a notice of contemplated action will be issued to deny reinstatement of licensure based on, but not limited to, the unlicensed practice of medicine and conduct unbecoming. **YES:** Dr. Jenkusky, Dr. Spence, Dr. Styka, Dr. Beaudette, Dr. Komadina, Mr. Dunlap, Dr. Carson and PA Otero. **RECUSED:** Ms. Anderson. **MOTION CARRIED.**

7. Executive Committee Report

8. LICENSING ISSUES, NEW APPLICANTS / REINSTATEMENTS

Martin Maassen, MD – Decision and Order

MOTION was made by Ms. Anderson to accept the Hearing Officer's Report with the following modifications: striking Finding #32 and striking the rest of the language after the word "continuance" in Finding #33. **SECONDED** by Dr. Spence. **YES:** Dr. Jenkusky, Dr. Spence, Dr. Styka, Dr. Beaudette, Dr. Komadina, Mr. Dunlap, Ms. Anderson, Dr. Carson and PA Otero. **MOTION CARRIED.**

MOTION was made by Dr. Jenkusky to accept the Prosecution's Proposed Conclusions of Law 1 through 5 d. **SECONDED** by Dr. Spence. **YES:** Dr. Jenkusky, Dr. Spence, Dr. Styka, Dr. Beaudette, Dr. Komadina, Mr. Dunlap, Ms. Anderson Dr. Carson and PA Otero. **MOTION CARRIED.**

MOTION was made by Dr. Jenkusky to **REVOKE** Respondent's license to practice medicine in New Mexico and if he reappplies for a license he will be required to pay a \$2000.00 fine **SECONDED** by Dr. Spence. **YES:** Dr. Jenkusky, Dr. Spence, Dr. Styka, Dr. Beaudette, Dr. Komadina, Mr. Dunlap, Ms. Anderson, Dr. Carson and PA Otero. **MOTION CARRIED.**

Donald Daeke, MD - Request for Approval of Agreed Order

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

Awa Touray, MD – Consider Request for Exemption to the 7 Year Rule

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

9. Old Business

10. Adjourn

6:00 p.m.

SUBMITTED BY:


Sondra Frank, J.D., Executive Director

DATE: 2.22.19

APPROVED BY: Steve Jenkusky
Steve Jenkusky, MD, Chair

DATE: 8/22/19

APPROVED BY: Peter Beaudette
Peter Beaudette, MD, Vice Chair

DATE: 2/22/19