

NEW MEXICO MEDICAL BOARD
Interim Board Meeting
March 31, 2017
MINUTES

Members Present: Steve Jenkusky, MD, Chair
Albert Bourbon, P.A., Vice Chair
Philip Styka, MD
Steve Komadina, MD
James Spence, MD
Peter Beaudette, MD

Excused: Jennifer Anderson, Esquire, Public Member, Secretary Treasurer
Karen Carson, MD

Other Staff Present: Sondra Frank, J.D., Executive Director
Thomas Banner, J.D., Administrative Prosecutor
Debbie Dieterich, Investigations Manager
Amanda Quintana, Compliance Manager / PIO

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

3. APPROVAL OF MINUTES

MOTION was made by Mr. Bourbon to accept and approve the minutes of the February 11-12, 2017 Board Meeting as presented. **SECONDED** by Dr. Jenkusky. **YES:** Dr. Jenkusky, Mr. Bourbon, Dr. Styka, Dr. Spence, Dr. Komadina, Dr. Beaudette. **ABSENT:** Ms. Anderson and Dr. Carson. **MOTION CARRIED.**

EXECUTIVE SESSION: Complaint Committee Reports / Licensing Requests and Actions

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 Mr. Bourbon. **YES:** Dr. Jenkusky, Mr. Bourbon, Dr. Styka, Dr. Spence, Dr. Komadina, Dr. Beaudette. **ABSENT:** Ms. Anderson and Dr. Carson. **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 B

Case #2015-B-214 RECOMMENDATION was made by Dr. Spence to offer physician a stipulated license requiring mandatory participation in NM Monitored Treatment Program and issue an advisory letter on reporting adverse actions to the Board. If physician does not accept, a notice of contemplated action will be issued based on, but limited to, failure to report and conduct likely to harm. **YES:** Dr.

Jenkusky, Mr. Bourbon, Dr. Styka, Dr. Komadina, Dr. Beaudette. **RECUSED:** Dr. Spence. **ABSENT:** Ms. Anderson and Dr. Carson. **MOTION CARRIED.**

Case #2016-B-275 RECOMMENDATION was made by Dr. Spence to add to the Board's vote on the same case from February 2017 and offer physician a letter of reprimand and a fine of \$1000.00. If physician does not accept, a notice of contemplated action will be issued, based on, but not limited to, interaction with patients that could have an adverse effect on the physician-patient relationship and conduct unbecoming. **YES:** Dr. Jenkusky, Mr. Bourbon, Dr. Styka, Dr. Komadina, Dr. Beaudette. **RECUSED:** Dr. Spence. **ABSENT:** Ms. Anderson and Dr. Carson. **MOTION CARRIED.**

Case #2016-B-286 RECOMMENDATION was made by Dr. Spence to close the case with an advisory letter on the Board's regulations regarding timely reporting requirements. **YES:** Dr. Jenkusky, Mr. Bourbon, Dr. Styka, Dr. Komadina, Dr. Beaudette. **RECUSED:** Dr. Spence. **ABSENT:** Ms. Anderson and Dr. Carson. **MOTION CARRIED.**

5. **Chair Report:**
None

6. **Executive Director Report:**
2017 Legislative Update – Postponed to May 2017 Meeting.

7. **Executive Committee Report**
None

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

Paul Willette, MD – Case no. 2016-040 – Decision and Order.

MOTION was made by Dr. Jenkusky to accept the Hearing Officer's Report as presented. **SECONDED** by Mr. Bourbon. **YES:** Dr. Jenkusky, Mr. Bourbon, Dr. Styka, Dr. Spence and Dr. Beaudette. **RECUSED:** Dr. Komadina. **ABSENT:** Ms. Anderson and Dr. Carson. **MOTION CARRIED.**

MOTION was made by Dr. Jenkusky to revoke Dr. Willette's New Mexico Medical License. Dr. Willette may reapply after he can demonstrate clinical competency through an assessment by CPEP and completes a neuropsychological examination demonstrating psychological competency. **SECONDED** by Mr. Bourbon. **YES:** Dr. Jenkusky, Mr. Bourbon, Dr. Styka, Dr. Spence and Dr. Beaudette. **RECUSED:** Dr. Komadina. **ABSENT:** Ms. Anderson and Dr. Carson. **MOTION CARRIED.**

Shabbar Hussain, MD – Case no. 2016-052– Decision and Order.

MOTION was made by Dr. Jenkusky to accept the Hearing Officer's Report as presented. **SECONDED** by Mr. Bourbon. **YES:** Dr. Jenkusky, Mr. Bourbon, Dr. Styka, Dr. Komadina, Dr. Beaudette. **RECUSED:** Dr. Spence. **ABSENT:** Ms. Anderson and Dr. Carson. **MOTION CARRIED.**

MOTION was made by Dr. Jenkusky to offer Dr. Hussain a stipulated license with the condition that his practice be proctored by direct supervision [by a Board approved supervisor]. Supervisor must provide performance monitoring reports to Board Staff monthly until such time the Board is assured that Dr. Hussain can practice without supervision. **SECONDED** by Mr. Bourbon. **YES:** Dr. Jenkusky, Mr. Bourbon, Dr. Styka, Dr. Komadina, Dr. Beaudette. **RECUSED:** Dr. Spence. **ABSENT:** Ms. Anderson and Dr. Carson. **MOTION CARRIED.**

9. **ADJOURN** - There being no further business before the Board, Dr. Jenkusky adjourned the meeting at 5:15 p.m.

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

DATE: 5/18/17

APPROVED BY: 
Steve Jenkusky, MD, Chair

DATE: 5/18/17

APPROVED BY: Albert J. Bourbon
Albert Bourbon, MD, Vice Chair

DATE: 5/18/17