

NEW MEXICO MEDICAL BOARD
Interim Board Meeting
State Bar of New Mexico
5121 Masthead NE, Albuquerque, NM 87109
March 28, 2019
FINAL MINUTES

Members Present: Steve Jenkusky, MD, Chair
Peter Beaudette, MD, Vice Chair
Steve Komadina, MD Secretary/Treasurer
Sebastian Dunlap, Esq., Public Member (arrived at 4:07)
James Spence, MD

Teleconference: Charles D. Otero, PA
Philip Styka, MD

Absent: Jennifer Anderson, Esq., Public Member
Karen Carson, MD

Other Staff Present: Sondra Frank, J.D., Executive Director
Debbie Dieterich, Investigations 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 4:05 p.m. and a quorum was present.

2. APPROVAL OF AGENDA

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

3. APPROVAL OF MINUTES

MOTION was made by Dr. Komadina to accept and approve the minutes of the February 21-22, 2019 Board Meeting as presented. **SECONDED** by Dr. Jenkusky. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Komadina, PA Otero and Dr. Styka. **ABSENT:** Ms. Anderson, Dr. Carson and Mr. Dunlap. **MOTION CARRIED.**

4. Chair Report

Dr. Jenkusky reported that he gave a presentation to the Academy of Family Practice Physicians regarding impaired physicians and physician wellness. The most popular question he received was regarding the Prescription Monitoring Program mailing sent by the Board regarding checking the PMP.

5. Executive Director

Ms. Frank gave a Legislative update to the Board on bills that affected or could have affected the New Mexico Medical Board. Senate Bill 135 is the Naturopathic Doctor Practice Act and if Governor Lujan Grisham signs the bill they will be licensed under the New Mexico Medical Board the following year.

MOTION was made by Dr. Spence to write a letter to Governor Lujan Grisham regarding Senate Bill 385. **SECONDED** by PA Otero. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Komadina, Mr. Dunlap, PA Otero and Dr. Styka. **ABSENT:** Ms. Anderson and Dr. Carson. **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. Beaudette. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Komadina, Mr. Dunlap, PA Otero and Dr. Styka. **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.

6. ACTIONS RELATED TO EXECUTIVE SESSION

Complaint Committee A

Case #2019-A-204 RECOMMENDATION was made by Dr. Beaudette to close the case and issue an unrestricted medical license. **YES:** Dr. Jenkusky, Dr. Spence, Dr. Komadina, Mr. Dunlap, PA Otero and Dr. Styka. **RECUSED:** Dr. Beaudette. **ABSENT:** Ms. Anderson and Dr. Carson. **MOTION CARRIED.**

Case #2019-A-056 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, conduct unbecoming; interaction with a patient or patient's family member that could adversely affect patient care; dishonesty; and multiple ethics violations. **YES:** Dr. Jenkusky, Dr. Spence, Dr. Komadina, Mr. Dunlap, PA Otero and Dr. Styka. **RECUSED:** Dr. Beaudette. **ABSENT:** Ms. Anderson and Dr. Carson. **MOTION CARRIED.**

Complaint Committee B

Case #2017-B-112 RECOMMENDATION was made by Dr. Jenkusky to close of this case with an advisory letter reminding physician of the reporting regulation requirements and assessing a \$150 administrative fee. Non-reportable non-public action. **YES:** Dr. Beaudette, Dr. Spence, Dr. Komadina, Mr. Dunlap, and Dr. Styka. **RECUSED:** Dr. Jenkusky and PA Otero. **ABSENT:** Ms. Anderson and Dr. Carson. **MOTION CARRIED.**

Case #2019-B-057 RECOMMENDATION was made by Dr. Jenkusky to offer physician the chance to place her license on inactive status and issue a notice of contemplated action based on, but not limited to, incompetency to practice medicine. If she does not accept, then a summary suspension will be issued based on imminent danger to the public, along with a notice of contemplated action based on same violation. **YES:** Dr. Beaudette, Dr. Spence, Dr. Komadina, Mr. Dunlap, and Dr. Styka. **RECUSED:** Dr. Jenkusky and PA Otero. **ABSENT:** Ms. Anderson and Dr. Carson. **MOTION CARRIED.**

Case #2019-B-058 RECOMMENDATION was made by Dr. Jenkusky to offer physician applicant the chance to withdraw his application for licensure while under investigation or the Board will issue a notice of contemplated action to deny licensure based on, but not limited to, habitual/excessive use of alcohol; adverse licensure actions in other states; conduct unbecoming; dishonesty. **YES:** Dr. Beaudette, Dr. Spence, Dr. Komadina, Mr. Dunlap, and Dr. Styka. **RECUSED:** Dr. Jenkusky and PA Otero. **ABSENT:** Ms. Anderson and Dr. Carson. **MOTION CARRIED.**

Complaint Committee D

Case #2019-D-059 RECOMMENDATION was made by Dr. Komadina to offer physician applicant the chance to withdraw his application for licensure while under investigation or the board will issue a notice of contemplated action to deny licensure based on, but not limited to, habitual/excessive use of alcohol; incompetency to practice; adverse licensure action in another state; misrepresentation on an application and conduct unbecoming. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Mr. Dunlap, and PA Otero. **RECUSED:** Dr. Komadina and Dr. Styka. **ABSENT:** Ms. Anderson and Dr. Carson. **MOTION CARRIED.**

7. **Executive Committee Report**

None

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

Robert Woody, MD – Decision and Order

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

MOTION was made by Dr. Jenkusky to accept the Prosecution's Proposed Findings of Fact and Conclusions of Law as proposed. **SECONDED** by Dr. Spence. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Komadina, Mr. Dunlap, PA Otero and Dr. Styka. **ABSENT:** Ms. Anderson and Dr. Carson. **MOTION CARRIED.**

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

Barry Miskin, MD – Prosecution's Motion to Withdraw NCA

MOTION was made by Dr. Jenkusky to **GRANT** the motion as presented and to issue Respondent an advisory letter reminding Respondent the importance of reporting actions taken by other licensing jurisdictions and imposing investigative fees of \$300.00 based on Respondent's failure to notify the Board of the actions taken against him in Pennsylvania and Hawaii. **SECONDED** by Mr. Dunlap. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Komadina, Mr. Dunlap, PA Otero and Dr. Styka. **ABSENT:** Ms. Anderson and Dr. Carson. **MOTION CARRIED.**

Siavash Karimian, MD – Joint Motion to Approve Proposed Agreed Order

MOTION was made by Dr. Jenkusky accept the proposed agreed order as presented. **SECONDED** by Mr. Dunlap. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Komadina, Mr. Dunlap, PA Otero and Dr. Styka. **ABSENT:** Ms. Anderson and Dr. Carson. **MOTION CARRIED.**

9. **Old Business**

10. **Adjourn**

4:45 p.m.

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

DATE: 5/20/19

APPROVED BY: 
Steve Jenkusky, MD, Chair

DATE: 5/21/19

APPROVED BY: 
Peter Beaudette, MD, Vice Chair

DATE: 5/17/19

