

**NEW MEXICO MEDICAL BOARD
Regular Board Meeting
May 11-12, 2017
MINUTES**

Members Present: Steve Jenkusky, M.D., Chair
Albert Bourbon, P.A., Vice Chair
Jennifer Anderson, Esquire, Public Member, Secretary Treasurer
James Spence, M.D.
Steven Komadina, M.D.
Peter Beaudette, M.D.
Karen Carson, M.D.
Philip Styka, M.D.

Others Present: Sondra Frank, J.D., Executive Director
David Stevens, J.D., AAG (present 5/11/17 8:30 – 12:00pm)
Thomas Banner, Administrative Prosecutor
Gayle Mascarenas, CFO/HR Manager
Debbie Dieterich, Investigations Manager
Amanda Quintana, Compliance Manager / PIO
Barbara Orender, Licensing Manager
Bernadette Ortega, Investigator
Amanda Chavez, Investigator
James Perez, Investigator

1. CALL TO ORDER / ROLL CALL

Dr. Jenkusky called the Regular Board Meeting of the New Mexico Medical Board to order at 8:38 a.m. and a quorum was present.

2. APPROVAL OF AGENDA

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

3. APPROVAL OF MINUTES

MOTION was made by Mr. Bourbon to accept and approve the minutes of the March 30, 2017 Interim Board Meeting as presented. **SECONDED** by Dr. Jenkusky. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Bourbon. **MOTION CARRIED.**

EXECUTIVE SESSION: Complaint Committee Reports / Executive Committee Report

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

RECOMMENDATION was made by Dr. Carson to **CLOSE** Case #2015-A-170; 2015-A-234; 2016-A-011; 2016-A-040; 2016-A-079; 2016-A-083; 2016-A-092; 2016-A-106; 2016-A-201; 2016-A-203; 2016-A-309; 2016-A-314 and 2017-A-017. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Ms. Anderson, Dr. Styka and Mr. Bourbon.. **RECUSED:** Dr. Carson and Dr. Komadina.

Case #2015-A-159 RECOMMENDATION was made by Dr. Carson to close the case with an advisory letter to physician regarding the Board's regulations on PMP use. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Ms. Anderson, Dr. Styka and Mr. Bourbon. **RECUSED:** Dr. Carson and Dr. Komadina.

Case #2015-A-239 RECOMMENDATION was made by Dr. Carson to close the case with an advisory letter regarding the Board's reporting regulations. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Ms. Anderson, Dr. Styka and Mr. Bourbon. **RECUSED:** Dr. Carson and Dr. Komadina.

Case #2016-A-143 RECOMMENDATION was made by Dr. Carson to close the case with an advisory letter regarding patient communications and maintaining accurate, timely and complete medical records. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Ms. Anderson, Dr. Styka and Mr. Bourbon. **RECUSED:** Dr. Carson and Dr. Komadina.

Case #2016-A-231 RECOMMENDATION was made by Dr. Carson to close the case with an advisory letter reminding physician that the Board has received several complaints against her regarding patient communication and the pattern is concerning. Future complaints against the physician regarding communication may result in possible licensure action. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Ms. Anderson, Dr. Styka and Mr. Bourbon. **RECUSED:** Dr. Carson and Dr. Komadina.

Case #2016-A-140 RECOMMENDATION was made by Dr. Carson to offer physician a letter of reprimand. If he does not accept, a notice of contemplated action will be issued based on, but not limited to, failure to report adverse actions, conduct unbecoming and adverse licensure action taken in other states. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Ms. Anderson, Dr. Styka and Mr. Bourbon. **RECUSED:** Dr. Carson and Dr. Komadina.

Complaint Committee B

RECOMMENDATION was made by Dr. Spence to **CLOSE** Case #2016-B-027; 2016-B-066; 2016-B-124; 2016-B-130 and 2016-B-144. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Carson, Dr. Styka and Mr. Bourbon. **RECUSED:** Dr. Spence and Ms. Anderson.

Case #2015-B-079 RECOMMENDATION was made by Ms. Anderson to **CLOSE** the case with an advisory letter regarding being more responsive to the Board during an investigation when the Board is requesting information. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Carson, Dr. Styka and Mr. Bourbon. **RECUSED:** Dr. Spence and Ms. Anderson.

Case #2016-B-065 RECOMMENDATION was made by Ms. Anderson to **CLOSE** the case with an advisory letter regarding the physician being more responsive to the Board during an investigation when the Board is requesting information. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Carson, Dr. Styka and Mr. Bourbon. **RECUSED:** Dr. Spence and Ms. Anderson.

Case #2016-B-239 RECOMMENDATION was made by Ms. Anderson to **CLOSE** the case with an advisory letter regarding the Board's PMP Regulations. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Carson, Dr. Styka and Mr. Bourbon. **RECUSED:** Dr. Spence and Ms. Anderson.

Case #2016-B-243 RECOMMENDATION was made by Ms. Anderson to **CLOSE** the case with an advisory letter regarding the Board's PMP Regulations. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Carson, Dr. Styka and Mr. Bourbon. **RECUSED:** Dr. Spence and Ms. Anderson.

Case #2016-B-274 RECOMMENDATION was made by Ms. Anderson to **CLOSE** the case with an advisory letter recommending that physician provide advance notice to patients about complete exams at their initial visit. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Carson, Dr. Styka and Mr. Bourbon. **RECUSED:** Dr. Spence and Ms. Anderson

Case #2016-B-290 RECOMMENDATION was made by Ms. Anderson to **CLOSE** the case with an advisory letter regarding the Board's PMP Regulations. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Carson, Dr. Styka and Mr. Bourbon. **RECUSED:** Dr. Spence and Ms. Anderson.

Case #2017-B-009 RECOMMENDATION was made by Ms. Anderson to **CLOSE** the case with an advisory letter regarding the Board's PMP Regulations and prescribing opioids for chronic pain management. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Carson, Dr. Styka and Mr. Bourbon. **RECUSED:** Dr. Spence and Ms. Anderson.

Case #2015-B-186 RECOMMENDATION was made by Ms. Anderson to offer physician a stipulation of licensure requiring that he attend the in-depth chronic pain management course at CPEP, or comparable program, within 6 months. If physician does not accept, a notice of contemplated action will be issued based on, but not limited to, injudicious prescribing and failure to follow the Board's regulations on prescribing for chronic pain. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Carson, Dr. Styka and Mr. Bourbon. **RECUSED:** Dr. Spence and Ms. Anderson.

Case #2016-B-048 RECOMMENDATION was made by Ms. Anderson to refer case back to the investigations department for the purpose of referring physician assistant to a professional communications course to be completed within 3 months. The case will return to the Board after receipt of proof that this has been successfully completed. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Carson, Dr. Styka and Mr. Bourbon. **RECUSED:** Dr. Spence and Ms. Anderson.

Case #2016-B-135 RECOMMENDATION was made by Ms. Anderson to order physician to undergo an evaluation by the Impaired Physician Committee. The case will remain open until receipt of the report from the IPC, and then will return to the Board for final disposition. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Carson, Dr. Styka and Mr. Bourbon. **RECUSED:** Dr. Spence and Ms. Anderson.

Case #2017-B-028 RECOMMENDATION was made by Ms. Anderson to offer the physician applicant the opportunity to withdraw his application for licensure, or a notice of contemplated action will be issued to deny licensure based on, but not limited to, incompetency to practice medicine and misrepresentation on an application. **YES:** Dr. Beaudette, Dr. Komadina, Dr. Carson, Dr. Styka and Mr. Bourbon. **RECUSED:** Dr. Jenkusky, Dr. Spence and Ms. Anderson.

Case #2017-B-022 RECOMMENDATION was made by Ms. Anderson to offer physician applicant a stipulated resident license requiring mandatory participation in MTP for completion of a mini-sabbatical and hold MD application for results of mini-sabbatical. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Carson, Dr. Styka and Mr. Bourbon. **RECUSED:** Dr. Spence and Ms. Anderson.

Complaint Committee C

RECOMMENDATION was made by Mr. Bourbon to **CLOSE** Case #2015-C-208, 2016-C-025, 2016-C-067, 2016-C-119, 2016-C-121, 2016-C-134, 2016-C-159, 2016-C-171 and 2016-C-308. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson and Ms. Anderson. **RECUSED:** Dr. Styka and Mr. Bourbon

Case #2016-C-196 RECOMMENDATION was made by Mr. Bourbon to **CLOSE** the case with an advisory letter warning physician that the board is concerned about the history of complaints and his interaction with patients and others that could adversely affect patient care, and that the Board will be monitoring future complaints with regard to his conduct. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson and Ms. Anderson. **RECUSED:** Dr. Styka and Mr. Bourbon

Case 2016-C-125 RECOMMENDATION was made by Mr. Bourbon to offer physician assistant issuance of a reprimand and stipulated license requiring a neuropsychological evaluation to be completed within 90 days, along with a letter of clearance to return to work. Per Board Regulation, physician assistant cannot return to work until these 2 requirements have been fulfilled. If physician assistant does not accept and continues to work, then a notice of contemplated action will be issued based on, but not limited to, violation of board regulations, and misrepresentation on applications for licensure. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson and Ms. Anderson. **RECUSED:** Dr. Styka and Mr. Bourbon

Case #2016-C-137 RECOMMENDATION was made by Mr. Bourbon to offer physician assistant a stipulated license requiring mandatory participation in the NM Monitored Treatment Program and an advisory letter on misrepresentation on a renewal application. If physician assistant refuses, then a notice of contemplated action will be issued based on, but not limited to, habitual and excessive use of alcohol or substances and misrepresentation on an application. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson and Ms. Anderson. **RECUSED:** Dr. Styka and Mr. Bourbon

Case #2016-C-156 RECOMMENDATION was made by Mr. Bourbon to offer physician a reprimand and stipulation of licensure requiring an in-depth ethics course and medical recordkeeping course to be taken at CPEP within 6 months. If physician does not accept, a notice of contemplated action will be issued based on, but not limited to, violation of drug laws, failure to maintain medical records on patients, and self-treatment and treatment of family members. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson and Ms. Anderson. **RECUSED:** Dr. Styka and Mr. Bourbon

Complaint Committee D

RECOMMENDATION was made by Dr. Jenkusky to **CLOSE** Case #2015-D-125, 2015-D-199, 2015-D-228, 2016-D-050, 2016-D-063, 2016-D-064, 2016-D-103, 2016-D-111, 2016-D-117, 2016-D-136, 2016-D-155, 2016-D-185, 2016-D-189, 2016-D-190, 2016-D-198 and 2016-D-301. **YES:** Dr. Komadina; Dr. Spence; Dr. Carson; Ms. Anderson, Dr. Styka and Mr. Bourbon. **RECUSED:** Dr. Jenkusky and Dr. Beaudette.

Case #2016-D-150 RECOMMENDATION was made by Dr. Jenkusky to offer physician a stipulated license requiring mandatory participation in the NM Monitored Treatment Program. If physician does not accept, a notice of contemplated action will be issued based on, but not limited to, habitual and excessive use of alcohol and or substances. **YES:** Dr. Komadina; Dr. Spence; Dr. Carson; Ms. Anderson, Dr. Styka and Mr. Bourbon. **RECUSED:** Dr. Jenkusky and Dr. Beaudette.

Case #2016-D-317 and 2017-D-020 RECOMMENDATION was made by Dr. Jenkusky to offer resident physician the opportunity to voluntarily surrender her resident license. If she does not accept, a notice of contemplated action will be issued based on, but not limited to, incompetency to practice and interaction with patients and others that could adversely impact patient care. **YES:** Dr. Komadina; Dr. Spence; Dr. Carson; Ms. Anderson, Dr. Styka and Mr. Bourbon. **RECUSED:** Dr. Jenkusky and Dr. Beaudette.

Case #2017-D-036 RECOMMENDATION was made by Dr. Jenkusky to offer physician a stipulated license requiring mandatory participation in the NM Monitored Treatment Program. If he does not accept a notice of contemplated action will be issued based on, but not limited to, habitual/excessive use of alcohol or substances. **YES:** Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Bourbon. **RECUSED:** Dr. Jenkusky and Dr. Beaudette.

Case #2017-D-045 RECOMMENDATION was made by Dr. Jenkusky to close this case and issue physician applicant and unrestricted medical license. **YES:** Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Bourbon. **RECUSED:** Dr. Jenkusky and Dr. Beaudette.

Case #2017-D-058 RECOMMENDATION was made by Dr. Jenkusky to offer physician the opportunity to withdraw his application while under investigation; or demonstrate competency by obtaining a clinical skills assessment. If applicant does not accept, a notice of contemplated action will be issued based on,

but not limited to, incompetency to practice and misrepresentation on an application for licensure. **YES:** Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Bourbon. **RECUSED:** Dr. Jenkusky and Dr. Beaudette.

EXECUTIVE SESSION: Licensing Issues, New Applicants / Reinstatements / Board Attorney Report

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, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Bourbon. **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.

5. LICENSING ISSUES, NEW APPLICANTS / REINSTATEMENTS

John Flores, MD – Case No. 2016-020 – Consider Joint Motion for Approval of Proposed Stipulation and Order for Voluntary Surrender of License. **MOTION** was made by Dr. Jenkusky to approve the Motion. **SECONDED** by Ms. Anderson. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Bourbon. **MOTION CARRIED.**

Suparna Saha, MD – Case No. 2017-003 – Consider Joint Motion for Approval of Proposed Stipulation of Licensure and Order of Reprimand. **MOTION** was made by Dr. Jenkusky to approve the Motion. **SECONDED** by Ms. Anderson. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Bourbon. **MOTION CARRIED.**

Paul Willette, MD – Case No. 2016-040 - Consider Motion For Costs.
Tabled until August 10-11, 2017 Board Meeting.

Shabbar Hussain, MD – Case No. 2016-052 - Consider Motion For Costs.
Tabled until August 10-11, 2017 Board Meeting.

Rolando Tong, MD – Case No. 2015-021 - Consider Motion For Stay.
Tabled – No request from Respondent has been received by the Board to date.

Anita Arias-Prado, MD – Consider approval of FCSA evaluation of medical education for issuance of unrestricted license. **MOTION** was made by Dr. Jenkusky to approve the FCSA evaluation and issue a full and unrestricted license to Dr. Arias-Prado. **SECONDED** by Dr. Carson. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Bourbon. **MOTION CARRIED.**

John Bray-Morris, MD – Case No. 2017-002 – Possible Action
Tabled.

EXECUTIVE SESSION: Board Attorney Report

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, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Bourbon. **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. Board Attorney Report

Wilson Bernales, MD – Review Stipulated Order Permitting Board to Reopen Administrative Case and Dismissing Appeal Without Prejudice. MOTION was made by Mr. Bourbon to reopen the Administrative Case. **SECONDED** by Dr. Jenkusky. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Bourbon. **MOTION CARRIED.**

EXECUTIVE SESSION: Board Attorney Report

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, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Bourbon. **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.

Wilson Bernales, MD – Review Stipulated Order Permitting Board to Reopen Administrative Case and Dismissing Appeal Without Prejudice. MOTION was made by Dr. Jenkusky to amend the Order dated December 2, 2016, and strike finding of fact E.2, the finding of conduct likely to harm the public, and strike finding of fact E.6, the finding of a violation of the AMA Code of Medical Ethics, and amend Line E to state that there are supporting grounds for the discipline of licensure and the revocation of physician's license. **SECONDED** by Dr. Beaudette. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Bourbon. **MOTION CARRIED.**

CLOSED SESSION: PIO/Compliance Report and New Mexico Monitored Treatment Program Report

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

7. Board Monitored Compliance Report [Non MTP]

Ms. Quintana reviewed the compliance report and reported on the status of licensees.

NM Monitored Treatment Program [MTP]

Andrea Newman and Marylynn Griffin of the NM Monitored Treatment Program presented the status of all mandatory MTP participants and answered questions from the Board.

Informal Interviews

Molly Hutsinpillar, MD (telephonic), Tracy Pritchard, MD (telephonic – no answer), Welman Shrader, MD, Stephen Cain, MD, Alden Cockburn, MD, Jenny Hargrove, MD, Randolph Baca, MD, Nina Nandy, MD, Michael Bellas, MD and Kathleen Van Osten, MD.

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.

8. **ACTIONS RELATED TO EXECUTIVE SESSION**

None

9. **REPORTS**

Financial / HR Manager

Ms. Mascarenas presented the following:

The FY18 Operating Budget that starts on July 1, 2017 was submitted to the Department of Finance & Administration-State Budget Division and the Legislative Finance Committee (submitted on April 25, 2017 – due statutorily by May 1, 2017). The operating budget consists of:

Personal services and employee benefits	\$1,195.0
Contractual services	\$ 338.0
Other	\$ 367.0
Total:	\$1,900.0

Sources consist of: **\$1,820.0 Other Revenues and \$80.0 Fund Balance**

In addition, HB2 Section 9 includes additional BAR Authority in the amount of \$100,000 from other state funds for administrative hearing and litigation process in FY18.

Report the FY17 Budget/Revenue Status ending April 30, 2017.

The Budget and Revenue Status projections ending April 30, 2017 are as follows:

Expenditures total \$1,381.2 (or 73%) of budgeted expenditures from July 1, 2016 thru April 30, 2017 (Opbud \$1,891,000);

Revenues collected from July 1, 2016 through April 30, 2017 total \$847.9 (or 47.3%) of budgeted revenues. The agency also budgeted \$100.0 FB in FY17.

The Cash Balance as of May 9, 2017 is **\$237,825.60**.

Note: Regarding SB 113 Fund Sweep of \$703,700 (Per Laws 2017, 1st S, Ch 2, Sec 005-O) – 50% or \$351,850 was transferred to the Department of Finance and Administration on March 1, 2017. The Balance of \$351,850 will be transferred after we have collected the revenues, but before June 30, 2017. After the fund balance transfer on March 1, 2017 the Board’s cash balance was in the negative from mid-March through April 21, 2017.

FY17 Fund Sweeps:	Laws 2016, 2 nd SS, Ch 4, Sec 003-A-036	\$500,000 (Transferred on 11/16/16)
	Laws 2017, 1 st S, Ch 2, Sec 005-O	\$703,700 (Transferred 50% on 3/01/17)
		<u>\$1,203,700</u>
FY15-16 Fund Sweeps:	Laws 2015, 1 st SS, Ch 3, Sec 73	<u>\$1,000,000</u> (Capital Projects Transfer to UNM- Health Education Building – paid via check – 9/1/15)
	Laws 2016, 2 nd S, Ch 12, Sec 001-A-1001	<u>\$1,000,000</u> (Transferred on 6/6/16)
	Total:	<u>\$3,203,700</u>

MOTION was made by Dr. Jenkusky to approve the FY18 Operating Budget **SECONDED** by Dr. Carson. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Bourbon. **MOTION CARRIED.**

Chair Report

Dr. Jenkusky briefly discussed a presentation he gave at GAMA. He believes that the Board’s rules regarding Opiate Prescribing is getting out there. NM is no longer at number one of Opiate deaths a year, we are now at number 5. The total number of Opiates being prescribed has gone down.

Executive Director

Ms. Frank reported on the 2017 Legislative Session with emphasis on the following Bills:

SB68 & SJM28 – Posting of Medical Licensing Information
SB463 & SM133 – Merging the Medical Board and Osteo Board
SB240 – Professional Loan Repayment Fund
HB171 – End of Life Options Act
HB228 – Right to Try Act
SB355 - Physician and Physician Assistant Collaboration
SB90 – Conditional Prescript Certificates
HB170 – Cancer Patient Prescription Exemptions
HB299 – Registered Lay Midwives as Practitioners

Licensing Manager

Ms. Orender provided the Board with an update of the number of PAs that have renewed since December 15, 2016 and the number that have not renewed (54 or 13%) as of May 11, 2017. She also provided the Board with the number of Pharmacist Clinician Supervisor, Anesthesiologist Assistant, Naprapath, Medical Doctor and Telemedicine renewal notices that were sent out in April.

Ms. Orender explained that per Executive Order from Gov. Richardson in 2008, the Board waives the application fee for those MDs and PAs that choose NM as their first state of licensure and asked the Board if they were interested in no longer waiving the fee. After a short discussion, Dr. Styka stated that he did not think it made a difference in applicant's decision to practice in NM whether we charged the fee or not.

ADJOURN

Dr. Jenkusky adjourned the first day [May 11, 2017] of the May Regular Board Meeting at 4:45 p.m.

Friday, May 12, 2017

Dr. Jenkusky reconvened the Medical Board and called the meeting to order at 8:35 a.m. on Friday, May 12, 2017; a quorum was present.

CLOSED SESSION: Informal Compliance Interviews Continued

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

10. Informal Interviews

Paul Walsky, MD, Francisco Ampuero, MD, Franklin Miller, MD, Douglas Krell, MD, Benjamin Stake, MD, Erika Garbrecht, MD and Brandon Murguia, MD.

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.

11. Compliance Requests / Actions

Brandon Murguia, MD – Consider request to be released from stipulation.

MOTION was made by Dr. Jenkusky to approve Dr. Murguia's request to be released from stipulation. **SECONDED** by Mr. Bourbon. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Bourbon. **MOTION CARRIED.**

Paul Walsky, MD – Consider request to be released from stipulation.
Tabled until June 29, 2017 Interim Board Meeting.

Douglas Krell, MD, Case No. 2007-011 & Case No. 2014-036- Consider request to be released from stipulation. MOTION was made by Dr. Jenkusky to approve Dr. Krell's request to be released from both stipulations. SECONDED by Ms. Anderson. YES: Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Bourbon. MOTION CARRIED.

Franklin Miller, MD – Review of CPEP Practice Monitoring Report.
No action taken.

12. New Business
NCCPA Presentation

Dawn Morton-Rias, Ed.D, PA-C presented PA Practice Patterns and Certification to the Board. The presentation included a history of NCCPA, PA Practice Patterns in New Mexico, PA Certification and PA Certification Maintenance. The Board briefly discussed whether national certification for PA's is actually necessary and the fees for PANRE and NCCPA Certificaton and re-certification.

Disciplinary Guidelines – Sub-Committee Volunteers

Ms. Frank explained to the Board that she would like to put together a committee of Board Members and staff to explore the possibility of creating disciplinary guidelines to assist the Board when contemplating disciplinary on the Board's cases. She presented the Texas and California Medical Board's Disciplinary Guideline tables for review. The Board briefly discussed the value of consistency when deciding on disciplinary actions and the possibility of staff making decisions on cases using established disciplinary guidelines by estoppel or by consent agenda. Dr. Komadina stated that that he does not find the investigation case load burdensome and that it is important that Board Members remain the main reviewers of investigation files. Dr. Styka, Dr. Spence and Ms. Anderson volunteered to serve on the committee.


13. Old Business
Election of Officer's

Dr. Jenkusky offered to remain in the position of Chair of the NMMB.

MOTION was made by Mr. Bourbon to keep Dr. Jenkusky, Chair; Mr. Bourbon, Vice Chair and Ms. Anderson, Secretary and Treasurer of the Board, with the knowledge that responsibilities will be expanding to other Board Members. SECONDED by Ms. Anderson. YES: Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Bourbon. MOTION CARRIED.

11. ADJOURN

There being no further business before the Board, Dr. Jenkusky adjourned the meeting at 11:50 a.m.

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

DATE: June 29, 2017

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

DATE: June 29, 2017

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

DATE: June 29, 2017