

**NEW MEXICO MEDICAL BOARD
Regular Board Meeting
New Mexico Medical Board
2055 South Pacheco Street
Building 400
Santa Fe, NM 87505
May 16-17, 2019
FINAL MINUTES**

Members Present: Steve Jenkusky, MD, Chair
Peter Beaudette, MD, Vice-Chair
Steve Komadina, MD, Secretary/Treasurer
James Spence, MD
Karen Carson, MD
Phillip Styka, MD
Jennifer Anderson, Esquire, Public Member
Sebastian Dunlap, Esquire, Public Member
Charles D. Otero, PA

Others Present: Sondra Frank, J.D., Executive Director
C. Grant La Farge, MD, Medical Director
Gayle Mascarenas, CFO/HR Manager
Antoinette Griego, Licensing Manager
Debbie Dieterich, Investigations Manager
Samantha Breen, Administrative Assistant
Amanda Quintana, Compliance Manager / PIO

1. CALL TO ORDER / ROLL CALL

Dr. Jenkusky, after establishing the presence of quorum, called the Regular Board Meeting of the New Mexico Medical Board to order at 8:35 a.m., Roll Call was completed.

2. APPROVAL OF AGENDA

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

3. APPROVAL OF MINUTES

MOTION was made by Dr. Jenkusky to accept and approve the minutes of the March 28, 2019 Interim Board Meeting as presented. **SECONDED** by Ms. Anderson. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, PA Otero and Dr. Styka. **MOTION CARRIED.**

MOTION was made by Dr. Jenkusky to accept and approve the minutes of the April 17, 2019 Emergency Board Meeting as presented with the correction of removing Mr. Otero's vote on page 2 in Case #2018-B-096 and 2018-B-196 from yes to only recused. **SECONDED** by Mr. Otero. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, PA Otero and Dr. Styka. **MOTION CARRIED.**

EXECUTIVE SESSION: Complaint Committee Reports / Executive Committee Report / 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 Dr. Styka. **YES:** Dr. Jenkusky, Mr.

Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson 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.

4. ACTIONS RELATED TO EXECUTIVE SESSION

Complaint Committee A

RECOMMENDATION was made by Dr. Carson to **CLOSE** Cases #2018-A-064; 2018-A-073 and 2018-A-228. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Komadina, Dr. Spence, Ms. Anderson, PA Otero and Dr. Styka. **RECUSED:** Dr. Carson and Dr. Beaudette.

Case #2018-A-113 RECOMMENDATION was made by Dr. Carson to offer PSGT the chance to voluntarily surrender her PSGT license. If she does not accept the offer, PSGT will be offered a stipulated license requiring mandatory participation in NMHPWP with a psychiatric evaluation by an evaluator approved by the Board; required anger management course and/or ethics course; and pay a fine for PSGT's failure to report two arrests as required. If PSGT does not accept, a notice of contemplated action will be issued based on, but not limited to, failure to cooperate with a board request; failure to report; and conduct unbecoming. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Komadina, Dr. Spence, Ms. Anderson, PA Otero and Dr. Styka. **RECUSED:** Dr. Carson and Dr. Beaudette.

Case #2018-A-166 RECOMMENDATION was made by Dr. Carson to offer physician the chance to voluntarily surrender his license. If he does not accept, physician will be offered a stipulated license requiring a complete neuropsychological evaluation by an evaluator approved by the Board, and a clinical competency evaluation by CPEP, along with a reprimand and fine. If physician does not accept, a notice of contemplated action will be issued based on, but not limited to, sexual contact with a patient and conduct unbecoming. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Komadina, Dr. Spence, Ms. Anderson, PA Otero and Dr. Styka. **RECUSED:** Dr. Carson and Dr. Beaudette.

Case #2018-A-302 RECOMMENDATION was made by Dr. Carson to offer physician a stipulated license requiring mandatory participation in NMHPWP and a requirement for psychiatric care, along with a reprimand and fine. If physician does not accept, a notice of contemplated action will be issued based on, but not limited to, habitual/excessive use of alcohol, conduct unbecoming and failure to report an arrest to the Board as required. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Komadina, Dr. Spence, Ms. Anderson, PA Otero and Dr. Styka. **RECUSED:** Dr. Carson and Dr. Beaudette.

Case #2018-A-321 RECOMMENDATION was made by Dr. Carson to offer PA a stipulated license requiring mandatory participation in NMHPWP along with a requirement that PA successfully complete a Board approved ethics course, and issuance of a reprimand and fine. If PA does not accept, a notice of contemplated action will be issued based on, but not limited to, failure to report an arrest, misrepresentation on an application, habitual/excessive use of alcohol and conduct unbecoming. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Komadina, Dr. Spence, Ms. Anderson, PA Otero and Dr. Styka. **RECUSED:** Dr. Carson and Dr. Beaudette.

Case #2019-A-001 RECOMMENDATION was made by Dr. Carson to offer physician a stipulated license requiring him to undergo a formal psychiatric evaluation by an evaluator approved by the Board, along with the issuance of a reprimand and fine, and obtain a professionalism evaluation by a Board approved evaluator. If physician does not accept, a notice of contemplated action will be issued based on, but not limited to, conduct unbecoming and interaction with other healthcare providers that could adversely affect patient care. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Komadina, Dr. Spence, Ms. Anderson, PA Otero and Dr. Styka. **RECUSED:** Dr. Carson and Dr. Beaudette.

Case #2019-A-061 RECOMMENDATION was made by Dr. Carson to offer physician a stipulated license requiring mandatory participation in NMHPWP along with a reprimand and fine. If physician does not accept, a notice of contemplated action will be issued based on, but not limited to, excessive use of alcohol and conduct unbecoming. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Komadina, Dr. Spence, Ms. Anderson, PA Otero and Dr. Styka. **RECUSED:** Dr. Carson and Dr. Beaudette.

Complaint Committee B

RECOMMENDATION was made by Dr. Jenkusky to **CLOSE** Cases #2017-B-134; 2017-B-189 and 2017-B-231. **YES:** Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson and Dr. Styka. **RECUSED:** Dr. Jenkusky and PA Otero.

Case #2018-B-161 RECOMMENDATION was made by Dr. Jenkusky to **CLOSE** this case with an advisory letter to physician recommending improved communications with patients. **YES:** Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Ms. Anderson and Dr. Styka. **RECUSED:** Dr. Jenkusky, Dr. Carson and PA Otero.

Case #2018-B-214 RECOMMENDATION was made by Dr. Jenkusky to **CLOSE** this case with an advisory letter reminding physician to review coding in the EMR for past medical history of patients. **YES:** Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson and Dr. Styka. **RECUSED:** Dr. Jenkusky and PA Otero.

Case #2019-B-042 RECOMMENDATION was made by Dr. Jenkusky to **CLOSE** this case with a strongly worded advisory letter to physician reminding him of the Board's regulation regarding maintenance of patient medical records, along with a copy of the Board's regulation regarding maintenance of patient medical records, and warning physician that the Board will be monitoring future complaints against him. **YES:** Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson and Dr. Styka. **RECUSED:** Dr. Jenkusky and PA Otero.

Case #2019-B-045 RECOMMENDATION was made by Dr. Jenkusky to **CLOSE** this case with an advisory letter reminding physician to be aware about prescribing medications to patients who are in recovery and to assist in transitioning patient's care after they have been discharged from treatment. **YES:** Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson and Dr. Styka. **RECUSED:** Dr. Jenkusky and PA Otero.

Case #2017-B-235 and 2018-B-061 RECOMMENDATION was made by Dr. Jenkusky to combine the two cases and offer physician a stipulated license requiring educational, controlled substance and medical recordkeeping courses, to be taken at an entity approved by the Board, along with a restriction on Physician's controlled substance prescribing until physician has successfully completed the courses and issuance of a reprimand. Physician shall also be restricted from receiving prescriptions from practice partner and restricted from prescribing to practice partner. Finally, physician will be audited for appropriate CMEs at every renewal as long as he is licensed in New Mexico. If physician refuses to accept offer, a notice of contemplated action will be issued based on, but not limited to, violation of the Board's regulation on PMP use, failure to maintain accurate and complete medical records on patients, conduct unbecoming, injudicious prescribing; and self-prescribing. **YES:** Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson and Dr. Styka. **RECUSED:** Dr. Jenkusky and PA Otero.

Case #2018-B-046 Tabled until Friday, May 17, 2019. See Agenda Item 13.

Case #2018-B-320 RECOMMENDATION was made by Dr. Jenkusky to offer physician a stipulated license requiring physician to successfully complete both an ethics and medical recordkeeping course at CPEP, and requiring physician to undergo a clinical competency assessment in addiction medicine. Physician must place his license on inactive status until these courses and the assessment have been completed. Physician will also be issued a reprimand. If physician does not accept, a notice of

contemplated action will be issued based on, but not limited to, failure to maintain accurate and complete medical records on patients; conduct unbecoming; failure to report termination to the NMMB as required; interaction with patients that could adversely affect patient care; conduct likely to harm and dishonesty. **YES:** Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson and Dr. Styka. **RECUSED:** Dr. Jenkusky and PA Otero.

Case #2019-B-081 RECOMMENDATION was made by Dr. Jenkusky to offer PA a stipulated license requiring mandatory participation in NMHPWP, along with issuance of a reprimand. If PA does not accept, a notice of contemplated action will be issued based on, but not limited to, conduct likely to harm, conduct unbecoming, and habitual/excessive use of alcohol and/or substances. **YES:** Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson and Dr. Styka. **RECUSED:** Dr. Jenkusky and PA Otero.

Complaint Committee C

RECOMMENDATION was made by Dr. Spence to **CLOSE** Cases #2017-C-158; 2017-C-205; 2018-C-008 and 2018-C-225. **YES:** Dr. Jenkusky, Dr. Beaudette; Dr. Komadina, Dr. Carson, Ms. Anderson, PA Otero and Dr. Styka. **RECUSED:** Dr. Spence and Mr. Dunlap.

Case #2017-C-287 and 2018-C-304 RECOMMENDATION was made by Dr. Spence to **CLOSE** each case with an advisory letter warning physician that he has an established pattern of complaints with the Board concerning his interaction with patients and the Board will be monitoring any future complaints received that relate to same. Physician may be invited to meet with the Board in the future. **YES:** Dr. Jenkusky, Dr. Beaudette; Dr. Komadina, Dr. Carson, Ms. Anderson, PA Otero and Dr. Styka. **RECUSED:** Dr. Spence and Mr. Dunlap.

Case #2017-C-297 RECOMMENDATION was made by Dr. Spence to **CLOSE** this case with an advisory letter regarding the untimely amendments made to a patient's medical record after their death, which is viewed by the Board as a failure to maintain accurate, complete and timely records on a patient. **YES:** Dr. Jenkusky, Dr. Beaudette; Dr. Komadina, Dr. Carson, Ms. Anderson, PA Otero and Dr. Styka. **RECUSED:** Dr. Spence and Mr. Dunlap.

Case #2018-C-189 and 2018-C-194 RECOMMENDATION was made by Dr. Spence to **CLOSE** each case with an advisory letter reminding physician about HIPAA issues relating to patient confidentiality. **YES:** Dr. Jenkusky, Dr. Beaudette; Dr. Komadina, Dr. Carson, Ms. Anderson, PA Otero and Dr. Styka. **RECUSED:** Dr. Spence and Mr. Dunlap.

Case #2019-C-032 RECOMMENDATION was made by Dr. Spence to **CLOSE** this case with an advisory letter to physician reminding him of the Board's regulation regarding medical records and providing him with a copy of that regulation. **YES:** Dr. Jenkusky, Dr. Beaudette; Dr. Komadina, Dr. Carson, Ms. Anderson, PA Otero and Dr. Styka. **RECUSED:** Dr. Spence and Mr. Dunlap.

Complaint Committee D

Dr. Jenkusky stated for the record that Dr. Komadina does not have to recuse himself as he did not participate with the Complaint Committee.

RECOMMENDATION was made by Dr. Styka to **CLOSE** Cases #2017-D-234; 2017-D-268; 2018-D-165 and 2018-D-241. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson and PA Otero. **RECUSED:** Dr. Styka.

Case #2017-D-273 RECOMMENDATION was made by Dr. Styka to **CLOSE** this case with a strongly worded advisory letter warning physician that the Board felt that he did not meet community standards of care in this specific patient's case and the Board will be monitoring any future complaints received

against physician. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson and PA Otero. **RECUSED:** Dr. Styka.

Case #2018-D-298 RECOMMENDATION was made by Dr. Styka to **CLOSE** this case with an advisory letter advising physician to ensure that EMR documentation on patients is accurate. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson and PA Otero. **RECUSED:** Dr. Styka.

Case #2018-D-319 RECOMMENDATION was made by Dr. Styka to **CLOSE** this case with an advisory letter reminding physician about full disclosure on all renewal applications and assess physician a \$450 administrative fee for his misrepresentations on his renewal application. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson and PA Otero. **RECUSED:** Dr. Styka.

Case #2017-D-118 RECOMMENDATION was made by Dr. Styka to issue a notice of contemplated action based on, but not limited to, failure to maintain medical records on patients; repeated similar negligent acts; conduct unbecoming; failure to cooperate with a board investigation; and misrepresentation on a renewal application. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson and PA Otero. **RECUSED:** Dr. Styka.

Case #2018-D-254 RECOMMENDATION was made by Dr. Styka to offer physician a stipulated license with issuance of a reprimand and a fine pursuant to suggested penalties which are attached. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson and PA Otero. **RECUSED:** Dr. Styka.

Case #2018-D-255 RECOMMENDATION was made by Dr. Styka to offer physician a stipulated license with issuance of a reprimand and a fine pursuant to suggested penalties which are attached. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson and PA Otero. **RECUSED:** Dr. Styka.

Case #2018-D-256 RECOMMENDATION was made by Dr. Styka to offer physician a stipulated license with issuance of a reprimand and a fine pursuant to suggested penalties which are attached. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson and PA Otero. **RECUSED:** Dr. Styka.

Case #2018-D-257 RECOMMENDATION was made by Dr. Styka to offer physician a stipulated license with issuance of a reprimand and a fine pursuant to suggested penalties which are attached. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson and PA Otero. **RECUSED:** Dr. Styka.

Case #2018-D-258 RECOMMENDATION was made by Dr. Styka to offer physician a stipulated license with issuance of a reprimand and a fine pursuant to suggested penalties which are attached. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson and PA Otero. **RECUSED:** Dr. Styka.

Case #2018-D-259 RECOMMENDATION was made by Dr. Styka to offer physician a stipulated license with issuance of a reprimand and a fine pursuant to suggested penalties which are attached. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson and PA Otero. **RECUSED:** Dr. Styka.

Case #2018-D-260 RECOMMENDATION was made by Dr. Styka to offer physician a stipulated license with issuance of a reprimand and a fine pursuant to suggested penalties which are attached. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson and PA Otero. **RECUSED:** Dr. Styka.

Case #2018-D-261 RECOMMENDATION was made by Dr. Styka to offer physician a stipulated license with issuance of a reprimand and a fine pursuant to suggested penalties which are attached. **YES:** Dr.

Jenkusky, Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson and PA Otero. **RECUSED:** Dr. Styka.

Case #2018-D-262 RECOMMENDATION was made by Dr. Styka to offer physician a stipulated license requiring physician to provide the required 75 CME hours within 30 days or their license will be suspended, along with issuance of a reprimand and a fine pursuant to suggested penalties which are attached. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson and PA Otero. **RECUSED:** Dr. Styka.

Complaint Committee E

RECOMMENDATION was made by Ms. Anderson to **CLOSE** Cases #2018-E-017; 2018-E-137; 2018-E-145; 2018-E-212 and 2019-E-043. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, PA Otero and Dr. Styka. **RECUSED:** Ms. Anderson.

Case #2018-E-193 RECOMMENDATION was made by Ms. Anderson to **CLOSE** this case with an advisory letter reminding him about timely, courteous and respectful communications with a patient's healthcare team. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, PA Otero and Dr. Styka. **RECUSED:** Ms. Anderson.

Case #2018-E-223 RECOMMENDATION was made by Ms. Anderson to **CLOSE** this case with an advisory letter reminding physician about the Board's regulation on reporting along with payment of a \$150 administrative fee for failure to report. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, PA Otero and Dr. Styka. **RECUSED:** Ms. Anderson.

Case #2018-E-233 RECOMMENDATION was made by Ms. Anderson to **CLOSE** this case with an advisory letter to physician regarding his communication and expression of humor in difficult patient circumstances. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, PA Otero and Dr. Styka. **RECUSED:** Ms. Anderson.

Case #2018-E-197 RECOMMENDATION was made by Ms. Anderson to issue a notice of contemplated action based on, but not limited to, adverse licensure action in another state, misrepresentation on an application, conduct unbecoming, dishonesty, and failure to report adverse action as required. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, PA Otero and Dr. Styka. **RECUSED:** Ms. Anderson.

Case #2018-E-242 Tabled until Friday, May 17, 2019. See Agenda Item 13.

Case #2018-E-289 RECOMMENDATION was made by Ms. Anderson to issue a notice of contemplated action based on, but not limited to, failure to provide information to the Board when requested, patient abandonment, failure to provide medical records, violation of Board regulation on Medical Records and Leaving a Practice and conduct unbecoming. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, PA Otero and Dr. Styka. **RECUSED:** Ms. Anderson.

Case #2019-E-060 RECOMMENDATION was made by Ms. Anderson to issue a notice of contemplated action based on, but not limited to, conduct unbecoming; adverse licensure action in another state; failure to report adverse licensure action; and possible incompetency. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, PA Otero and Dr. Styka. **RECUSED:** Ms. Anderson.

5. LICENSING ISSUES, NEW APPLICANTS / REINSTATEMENTS

Steven Greer, MD – Decision and Order

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

MOTION was made by Dr. Jenkusky to accept the Prosecution's Proposed Findings of Fact and Conclusions of Law but striking item C(2). **SECONDED** by Dr. Carson. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, PA Otero and Dr. Styka. **MOTION CARRIED.**

Motion was amended on Friday, May 17, 2019.

MOTION was made by Dr. Jenkusky to **REVOKE** Respondent's license to practice medicine and prohibit Respondent from reapplying for licensure for 5 years due to repeated pattern of relapses and needed time period to determine stability and recovery. **SECONDED** by Dr. Beaudette. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, PA Otero and Dr. Styka. **MOTION CARRIED.**

Robert Woody– Motion for Reimbursement of Costs

Tabled from Thursday, May 16, 2019 and voted on Friday, May 17, 2019

MOTION was made by Dr. Jenkusky to grant the Motion for Reimbursement of Costs. **SECONDED** by Mr. Otero. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, PA Otero and Dr. Styka. **MOTION CARRIED.**

Paul Mabry, MD – Consider Approval of Texas Competency Evaluation for Issuance of An Unrestricted License.

MOTION was made by Dr. Jenkusky to issue a full and unrestricted license. **SECONDED** by Dr. Beaudette. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, PA Otero and Dr. Styka. **MOTION CARRIED.**

Sharef Al Mulaabed, MD - Consider Approval of FCSA Evaluation of Medical Education for Issuance of Unrestricted License.

MOTION was made by Dr. Jenkusky to issue a full and unrestricted license. **SECONDED** by PA Otero. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, PA Otero and Dr. Styka. **MOTION CARRIED.**

Irving Alvarado Gonzales, MD (Resident Application) – Consider Approval of FCSA Evaluation of Medical Education for Issuance of Unrestricted License.

MOTION was made by Dr. Jenkusky to issue a full and unrestricted Resident license. **SECONDED** by Dr. Styka. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, PA Otero and Dr. Styka. **MOTION CARRIED.**

6. Board Attorney Report

Margaret McLean, J.D. – For review.

CLOSED SESSION: Compliance Report and New Mexico Health Professional Wellness 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 Dr. Carson. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, PA Otero and Dr. Styka. **MOTION CARRIED.**

Working Lunch

7. Board Monitored Compliance Report [Non MTP]

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

Status of PMP Compliance Efforts

Tabled.

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. **New Mexico Health Professional Wellness Program Report (Formerly MTP)**

Andrea Newman, Randy Adair, DO and Mary Lynn Griffin of the NMHPWP presented the status of all mandatory NMHPWP participants and answered questions from the Board.

9. **Informal Interviews**

Marc O'Cleireachain, MD (Telephonic), Erika Charley, MD, Yasin Choudry, MD, Stephen Coleman, MD, Johannes Heynkeamp, MD, Austin Oetken, MD, Stephen Cain, MD, Curtis Quintana, PA, Marques Pena, MD Bradford Richardson, MD Adrian Moretti, MD and Deborah Parr, 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.

10. **REPORTS**

Financial /HR Manager

Approve FY2020 Annual Operating Budget

Ms. Mascarenas reported that the FY20 Operating Budget that starts on July 1, 2019 was due on May 1, 2019 and submitted to the Department of Finance & Administration, State Budget Division and the Legislative Finance Committee. The operating budget consists of:

Personal services and employee benefits	\$1,372.2
Contractual services	\$ 364.1
Other	\$ 418.0
Total:	<u>\$2,159.3</u>

Sources consist of: **\$2,159.3 Other Revenues**

The operating budget includes additional BAR Authority language in the amount of \$100,000 from other state funds for administrative hearing and litigation process in FY20.

MOTION was made by Dr. Jenkusky to **APPROVE** the FY2020 Operating Budget. **SECONDED** by Dr. Styka. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, PA Otero and Dr. Styka. **MOTION CARRIED.**

FY19 Budget/Revenue Status

Ms. Mascarenas reported to the Board the Budget and Revenue Status ending April 30, 2019 are as follows:

- ✓ From July 1, 2018 through April 30, 2019 expenditures total **\$1,532,768 (or 75.55%)** of budgeted expenditures (Opbud \$2,028,700);
- ✓ From July 1, 2018 through April 30, 2019 the agency collected revenues in the amount of **\$866,812 (or 44.48%)** of budgeted revenues of **\$1,948,700**. In FY19 the agency also budgeted \$80,000 fund balance which may be utilized toward the end of the fiscal year if expenditures exceed the budgeted revenues.
- ✓ The audited Fund Balance on June 30, 2018 is **\$1,151,939**. The cash balance as of May 10, 2019 is **\$1,175,146**.

Ms. Mascarenas also provided the Board with the FY19 Statistics Summary that reflects the application/renewal and other fees that makes up the total revenues collected in FY19 beginning on 7/1/18 through 4/30/19 in the amount of \$866,812.

Executive Director

Adoption of the Open Meetings Act.

MOTION was made by Dr. Komadina to adopt the Open Meetings Act. **SECONDED** by Mr. Otero. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, PA Otero and Dr. Styka. **MOTION CARRIED.**

April 25-27, 2019 FSMB Meeting – Ms. Frank reported that Dr. La Farge and Dr. Beaudette attended the meeting. Dr. Beaudette presented on the various issues that were discussed at the meeting, such as how disciplinary Boards are going forward in the next ten years, Artificial Intelligence and telemedicine.

ADJOURN

Dr. Jenkusky adjourned the first day [May 16, 2019] of the May Regular Board Meeting at 5:00 p.m.

Friday, May 17, 2019

Dr. Jenkusky reconvened the Medical Board and called the meeting to order at 8:35 a.m. on Friday, May 17, 2019; 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 PA Otero. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, PA Otero and Dr. Styka. **MOTION CARRIED.**

11. Informal Interviews

Kyle Greer, MD, Ferial Abood, MD, Heather Beasley, MD, Keith Levitt, MD, Benjamin Stake, MD, Mark Standley, PA and David Williams, 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.

12. Compliance Requests / Actions

Adrian Moretti, MD - Request for Release from Stipulation.

MOTION was made by Dr. Jenkusky to release Dr. Moretti from stipulation effective June 2019 and issue an unrestricted license. **SECONDED** by Dr. Carson. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, PA Otero and Dr. Styka. **MOTION CARRIED.**

Ferial Abood, MD – Request for Release from Stipulation.

MOTION was made by Dr. Jenkusky to release Dr. Abood from stipulation and issue an unrestricted license. **SECONDED** by Ms. Anderson. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, PA Otero and Dr. Styka. **MOTION CARRIED.**

Kyle Greer, MD - Request for Release from Stipulation.

MOTION was made by Dr. Jenkusky to release Dr. Greer from stipulation effective August 2019 and issue an unrestricted license. **SECONDED** by PA Otero. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, PA Otero and Dr. Styka. **MOTION CARRIED.**

Heather Beasley, MD - Request for Release from Stipulation.

MOTION was made by Dr. Jenkusky to release Dr. Beasley from stipulation and issue an unrestricted license. **SECONDED** by PA Otero. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, PA Otero and Dr. Styka. **RECUSED:** Ms. Anderson. **MOTION CARRIED.**

Erika Charley, MD - Request for Release from Stipulation.

MOTION was made by Dr. Jenkusky to release Dr. Charley from stipulation and issue an unrestricted license. **SECONDED** by Dr. Carson. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, PA Otero and Dr. Styka. **MOTION CARRIED.**

MOTION was made by Dr. Jenkusky to relieve Dr. Coleman of the worksite monitor requirement in his stipulation and NMHPWP contract. **SECONDED** by Mr. Dunlap. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, PA Otero and Dr. Styka. **MOTION CARRIED.**

MOTION was made by Dr. Jenkusky to relieve Dr. Stake of his urine drug screen requirement in his stipulation and NMHPWP contract. **SECONDED** by Dr. Komadina. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, PA Otero and Dr. Styka. **MOTION CARRIED.**

Case #2018-E-242 Tabled from Thursday, May 16, 2019.

Case #2018-E-242 RECOMMENDATION was made by Ms. Anderson to offer physician a stipulated license along with reprimand and fine of \$1000; requirement that physician mandatorily disclose his NMMB public action to future patients along with the Board's phone number to file a complaint if needed; professionalism coaching requirement; and required quarterly meetings with the Board. If physician does not accept, a notice of contemplated action will be issued based on, but not limited to, conduct unbecoming and repeated similar negligent acts. **YES:** Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Mr. Dunlap and PA Otero. **RECUSED:** Ms. Anderson and Dr. Jenkusky.

Case #2018-B-046 Tabled from Thursday, May 16, 2019.

Tabled until June 27, 2019 Interim Board Meeting.

13. Actions Related to Executive Session

Nothing to Report

14. Reports

Licensing Manager

MD Renewal – Continuing Medical Education Reporting

Ms. Griego provided the Board an update about CME Reporting with the renewal. Ms. Griego also reported to the Board about issues with the online renewal and what is being done to correct them.

15. Board Chair Report

Benzodiazepine Guidelines.

Dr. Jenkusky presented to the Board the Benzodiazepine Guidelines that he prepared for the New Mexico Overdose Prevention and Pain Management Advisory Council. The Board had a brief discussion regarding the guidelines.

MOTION was made by PA Otero to endorse the Benzodiazepine Guidelines as presented.

SECONDED by Dr. Spence. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, PA Otero and Dr. Styka. **MOTION CARRIED.**

CDC Revised View on Opioids Guidelines.

Dr. Jenkusky provided the CDC Revised View on Opioid Guidelines for the Boards review.

16. New Business

Election of Officers

MOTION was made by Dr. Spence to continue with the current Officers, Dr. Jenkusky, Chair, Dr. Beaudette, Vice-Chair and Dr. Komadina, Secretary Treasurer. **SECONDED** by Dr. Carson. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, PA Otero and Dr. Styka. **MOTION CARRIED.**

Complaint Committee Reassignments.

Ms. Frank reminded the Board that staff will be reassigning the Complaint Committees.

Collect Board Member Dues \$100.

Ms. Frank reminded the Board Members that their dues are due.

17. Old Business

Consider Rule Hearing to Amend 16.10.16 NMAC – Administering, Prescribing, and Distribution of Medication.

MOTION was made by PA Otero to hold a rule hearing at the August 8-9, 2019 Board Meeting to Amend 16.10.16 NMAC – Administering, Prescribing, and distribution of Medication. **SECONDED** by Dr. Komadina. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, PA Otero and Dr. Styka. **MOTION CARRIED.**

Approval of Naturopathic Doctors' Advisory Council.

Juliette Sweet, Alley Darnell and Celeste Griego presented to the Board the resumes of possible candidates for the Naturopathic Doctors' Advisory Council. They put together an "A" list and a "B" list. The "A" list being the preferred council members.

MOTION was made by PA Otero to accept the "A" list for the initial Naturopathic Doctors' Advisory Council as presented with Lilly-Marie Blecher, ND, DOM as a 4 year appointee, Jackie Villalobos, ND as a 3 year appointee and Fred Sandoval as a 3 year appointee. **SECONDED** by Dr. Jenkusky. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, PA Otero and Dr. Styka. **MOTION CARRIED.**

Visiting Sports Physicians Rule Sub Committee.

The Board gave Ms. Frank permission to have the staff be on the Sub Committee to begin the rule promulgation for Visiting Sports Physicians. Dr. Carson will be available for questions if needed.

Proposal to Amend 16.10.19.11 NMAC – Anesthesiologist Assistants Supervision Requirements

Dr. Styka spoke to the Board about shortage of Anesthesiologist Assistants in the State. He proposed increasing the number of Anesthesiologist Assistant's a physician can supervise from the current regulations limit of 3 supervisors per physician. Marilyn Archambeault, A.A. informed the Board of what duties she performs as an Anesthesiologist Assistant. The Board would like the proposed changes to be presented at the June 2019 Interim Board Meeting.

MOTION was made by Dr. Komadina to change the Anesthesiologist Assistants rule to allow up to 5 Anesthesiologist Assistant's per Supervisor, and have prepared for the Board to review at the June 27, 2019 Interim Meeting. **SECONDED** by Dr. Jenkusky. **YES:** Dr. Jenkusky, Mr. Dunlap, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson and PA Otero. **RECUSED:** Dr. Styka. **MOTION CARRIED.**

18. Albert Bourbon, P.A. – P.A.'s Providing Medication-Assisted Treatment

Mr. Bourbon and Jeremy Kirsty, PA presented to the Board two clips from a program on PBS regarding healthcare in rural areas called "The Providers". Additionally, Mr. Bourbon presented a PowerPoint regarding Medication Assisted Treatment "MAT" and how PA's would like to prescribe buprenorphine

for the treatment of addiction. Dr. Jenkusky suggested to have more discussion regarding whether PA's should be allowed to prescribe buprenorphine at the June 27, 2019 Interim Board.

19. ADJOURN

There being no further business before the Board, Dr. Jenkusky adjourned the meeting at 1:00 P.M.

SUBMITTED BY:  DATE: 6-27-19
Sondra Frank, J.D., Executive Director

APPROVED BY:  DATE: 6/27/19
Steven M. Jenkusky, M.D., Chair

APPROVED BY:  DATE: 6-27-19
Peter Beaudette, M.D., Vice Chair