

**MeetingsNEW MEXICO MEDICAL BOARD**  
***Fourth Quarterly Meeting***  
**November 18-19, 2004**

**MINUTES**

**1. CALL TO ORDER**

The regular meeting of the New Mexico Medical Board convened at 8:17 a.m., Thursday, November 18, 2004 at the Board Conference room in Santa Fe, New Mexico, ***Paul Kovnat, M.D.*** presiding. A quorum was declared, with all members present except for Dr. Romine, Dr. Ranka and Ms. Boshier who were excused. Dr. Ranka participated in a portion of the meeting by teleconference.

**Members Present:**

John S. Romine, M.D., Chairman, arrived at 9:30 a.m.  
C. Grant La Farge, M.D., Secretary-Treasurer  
Paul Kovnat, M.D., Vice-Chair  
Vivian Giudice, M.D.  
Prakash Ranka, M.D. (present by phone for portion of the meeting)  
Steven Weiner, M.D.  
Reza Ghadimi, P.A.,  
Dick Heim, Public Member

**Also Present:**

Charlotte Kinney, Executive Director  
Corliss Thalley, A.A.G.  
G.T.S. Khalsa, Board Prosecutor  
Jenny Felmley, P.I.O.  
Lynn Tipton, Administrative Assistant  
A list of all attendees is attached to these minutes

**2. APPROVAL OF AGENDA**

Dr. La Farge **MOVED** the agenda be approved as presented. Dr. Heim **SECONDED** the motion, which **PASSED UNANIMOUSLY**.

**3. DECISION AND ORDER, Case #2004-012, Jonathan Burg, M.D.**

**Executive Session:** **MOTION** was made by Dr. La Farge and seconded by Mr. Heim to go into executive session to discuss matters of licensure. **YES:** La Farge, Heim, Ghadimi, Weiner, Giudice, and Kovnat. **MOTION CARRIED.** During the discussion in closed session the recused members left the room as the case was discussed. Dr. Ranka came on the line via teleconference. The Board returned to open session. Dr. Kovnat stated for the record that the matter discussed in executive session was limited to only what was specified in the motion for closure.

In Case #2004-012 (**Jonathan Burg, MD, #92-191**), Dr. La Farge **MOVED** to allow Dr. Burg to voluntarily surrender his license according to the request contained in the Motion for Specific Disposition of Case, with the condition that he not reapply for a period of four years and if any practice occurs during the four year period, he will be subject to the terms of §61-6-15c of the Medical Practice Act. Mr. Heim **SECONDED** the motion. **YES:** La Farge, Heim, Ghadimi, Kovnat and Ranka. **RECUSED:** Giudice and Weiner. **ABSENT:** Romine. **MOTION CARRIED.**

**4. APPROVAL OF MINUTES**

Mr. Heim **MOVED** the minutes of the August 19-20, 2004 regular meeting be approved with the following

corrections: Page 2, Item 6c, Kovnat and Heim recused and on Page 4 to grammatically correct Informal Interviews. Dr. Weiner **SECONDED** the motion, which **PASSED UNANIMOUSLY**. Dr. La Farge **MOVED** the minutes of the October Special Meeting Minutes be approved as presented. Mr. Ghadimi **SECONDED** the motion, which **PASSED** with Weiner and Heim abstaining.

## 5. NM MONITORED TREATMENT PROGRAM REPORT

**Executive Session: MOTION** was made by Dr. La Farge and seconded by Mr. Heim to go into executive session to discuss matters of licensure. **YES:** La Farge, Heim, Weiner, Giudice, Ghadimi, Kovnat and Romine. **MOTION CARRIED.** Jaye Swoboda, MD, Mary Miesem, and John Thayer were present to discuss the status of mandatory participants. The Board returned to open session. Dr. Romine stated for the record that the matters discussed in executive session were limited to only those specified in the motion for closure.

Jaye Swoboda presented his letter of resignation (copy attached) and expressed his commitment to an advocacy program for impaired practitioners. Mr. Thayer reported that activity at MTP remains stable. He provided a copy of the Financial and Operation Reports. Yvonne Garber, Garber and Associates from Denver will be evaluating the program at MTP. The Board discussed with MTP staff issues related to costs and voluntary participation.

## 6. COMPLAINT COMMITTEE REPORTS

**A. Complaint Committee A.** On behalf of Complaint Committee A, Dr. Weiner **MOVED** that complaint cases 2002-A-111, 2002-A-139, 2003-A-039, 2004-A-032, 2004-A-041, 2004-A-051, 2004-A-058, 2004-A-061, 2004-A-062, 2004-A-070 and 2004-A-138 be closed, as there was no evidence of a violation of the Medical Practice Act or rules. No second was required. **YES:** La Farge, Heim, Giudice, Ghadimi, Kovnat and Romine. **RECUSED:** Weiner. **MOTION CARRIED.**

**B. Complaint Committee B.** On behalf of Complaint Committee B, Dr. Giudice **MOVED** that complaint cases 2004-B-030, 2004-B-034, 2004-B-054, 2004-B-059, 2004-B-074, 2004-B-075, 2004-B-084, 2004-B-116 and 2004-B-135 be closed, as there was no evidence of a violation of the Medical Practice Act or rules. No second was required. **YES:** La Farge, Heim, Weiner, Ghadimi, Kovnat and Romine. **RECUSED:** Giudice. **MOTION CARRIED.**

On behalf of Complaint Committee B, Dr. Giudice **MOVED** that complaint #2002-B-134 (Carrie Flury, P.A.) be released from Stipulation. No second was required. **YES:** Kovnat, La Farge, Heim, Weiner, Romine and Ghadimi. **RECUSED:** Giudice. **MOTION CARRIED.** On behalf of Complaint Committee B, Dr. Giudice **MOVED** that complaint #2004-B-090 (Timothy Kern, MD) be offered a Stipulated Agreement limiting practice to no direct patient care. No second was required. **YES:** La Farge, Heim, Weiner, Ghadimi, Kovnat and Romine. **RECUSED:** Giudice. **MOTION CARRIED.**

On behalf of Complaint Committee B, Dr. Giudice **MOVED** that complaint #2002-B-118 (Samuel Sandoval, MD) be issued a Notice of Contemplated Action based on action in Ohio. No second was required. **YES:** La Farge, Heim, Weiner, Ghadimi, Kovnat and Romine. **RECUSED:** Giudice. **MOTION CARRIED.**

**C. Complaint Committee C.** On behalf of Complaint Committee C, Mr. Heim **MOVED** that complaint cases 2003-C-101, 2003-C-175, 2004-C-009, 2004-C-066 and 2004-C-072 be closed, as there was no evidence of a violation of the Medical Practice Act or rules. No second was required. **YES:** La Farge, Weiner, Giudice, Ghadimi, and Romine. **RECUSED:** Heim and Kovnat. **MOTION CARRIED.**

On behalf of Complaint Committee C, Mr. Heim **MOVED** that complaint #2003-C-162 (Nathan Polan, MD) be issued a Notice of Contemplated Action based on lack of communication and non-cooperation, with the Board. No second was required. **YES:** La Farge, Weiner, Giudice, Ghadimi and Romine. **RECUSED:** Heim and Kovnat. **MOTION CARRIED.**

On behalf of Complaint Committee C, Mr. Heim **MOVED** that the physician in complaint #2004-C-088 be evaluated by the Monitored Treatment Program. No second was required. **YES:** La Farge, Weiner, Giudice, Ghadimi and Romine. **RECUSED:** Heim and Kovnat. **MOTION CARRIED.**

**D. Complaint Committee D.** On behalf of Complaint Committee D, Dr. La Farge **MOVED** that complaint cases 2004-D-038, 2004-D-049, 2004-D-055, 2004-D-063, 2004-D-067 and 2004-D-103 be closed, as there was no evidence of a violation of the Medical Practice Act or rules. No second was required. **YES:** Heim, Weiner, Giudice, Kovnat, and Romine. **RECUSED:** Ghadimi and La Farge. **MOTION CARRIED.**

On behalf of Complaint Committee D, Dr. La Farge **MOVED** that complaint #2004-D-147 (John A. Gianoli, MD) be required to be evaluated for his knowledge base and skills by a CPEP program or its equivalent and that a Notice of Contemplated Action to deny his application will be issued if he fails to do this on a voluntary basis. The NCA will be based on non-cooperation with the Board. No second was required. **YES:** Heim, Weiner, Giudice, Kovnat, and Romine. **RECUSED:** Ghadimi and La Farge. **MOTION CARRIED.**

## 7. LICENSING ISSUES

**EXECUTIVE SESSION:** **MOTION** was made by Dr. La Farge and seconded by Mr. Heim to go into executive session to discuss matters of licensure. **YES:** La Farge, Heim, Weiner, Giudice, Ghadimi, Kovnat and Romine. **MOTION CARRIED.** The Board returned to open session. Dr. Romine stated for the record that the matters discussed in executive session were limited to only those specified in the motion for closure.

A. **Edwin Ishoo, M.D.**, information only

B. Dr. Kovnat **MOVED** that **Griggsby Wright, M.D.s'** legal action in Arizona will not prohibit the board from issuing a resident license if the University accepts him as a resident. **YES:** La Farge, Heim, Weiner, Giudice, Ghadimi, Kovnat and Romine. **MOTION CARRIED.**

C. Dr. La Farge **MOVED** that the Board approve an agreed Order and that **Edward Yavitz, M.D.** be issued a unrestricted license and a Letter of Reprimand for not accurately answering questions on his application for licensure concerning a reprimand issued by the Illinois board. Dr. Weiner **SECONDED** the motion. **YES:** Heim, Weiner, Giudice, Kovnat and Romine. **RECUSED:** La Farge and Ghadimi. **MOTION CARRIED.**

D. Dr. La Farge **MOVED** the approval of a Stipulation and Order with **Michael Flanagan, M.D.** that his license is suspended for ten days effective January 1, 2005 thru January 10, 2005 for misrepresentation on his renewal application only and this Stipulation and Order does not preclude the Board taking disciplinary action for any other misconduct. Mr. Heim **SECONDED** the motion. **YES:** La Farge, Heim, Giudice, Ghadimi, Kovnat and Romine. **RECUSED:** Weiner. **MOTION CARRIED.**

E. Dr. Kovnat **MOVED** that in response to his petition for reinstatement of his license to practice medicine, **Jesus Gonzales, M.D.** requires a formal, structured remediation program that is only available in a residency program. This is based upon CPEP's identified areas of demonstrated need in the areas of knowledge and judgment, the Board's history with Dr. Gonzales' non-compliance with NMMRA (New Mexico Medical Review Association) reviews, and, failure to comply with corrective action plans and agreements in other areas. It is the Board's judgment that Dr. Gonzales would be eligible for a residency license from the board. **YES:** La Farge, Heim, Weiner, Giudice, Ghadimi, and Kovnat. **ABSTAIN:** Romine. **MOTION CARRIED.**

**THE BOARD RECESSED FOR LUNCH AT 12:20 and reconvened at 1:40 p.m.**

## 7. LICENSING ISSUES, cont.

F. **Cliff Brashar, M.D.**, information only

G. Dr. La Farge **MOVED** that **Julie DiCianno, M.D.** be released from all Stipulations on her license and be granted a unrestricted license to practice in New Mexico. Dr. Weiner **SECONDED** the motion. **YES:** La Farge, Heim, Weiner, Giudice, and Ghadimi. **RECUSED:** Romine. **MOTION CARRIED.**

H. Dr. La Farge **MOVED** to grant **Jean-Michel Hassan, M.D.** an unrestricted license and accept

his fifteen years of practice experience in France and the United States in lieu of a 2<sup>nd</sup> year of post graduate training. Mr. Ghadimi **SECONDED** the motion. **YES:** La Farge, Heim, Weiner, Giudice, Ghadimi and Romine. **MOTION CARRIED.**

I. Dr. La Farge **MOVED** to approve **Robert Rice, M.D.**, for reinstatement of his medical license, which expired 7/1/04 and allow him until March 31, 2005, to obtain the required CMEs. Dr. Weiner **SECONDED** the motion. **YES:** La Farge, Heim, Weiner, Giudice, Ghadimi, Kovnat and Romine. **MOTION CARRIED.**

J. Dr. La Farge **MOVED** to allow **Joseph Walter, M.D.** until June 30, 2005, to obtain the required CME for his 7/04 renewal based on the criminal activities of his office manager. Dr. Weiner **SECONDED** the motion. **YES:** La Farge, Heim, Weiner, Giudice, Ghadimi, Kovnat and Romine. **MOTION CARRIED.**

**8. ACTIONS RELATED TO EXECUTIVE SESSION** are indicated above.

**9. DECISION AND ORDER**, Case 2004-014, Stephen Kitson, M.D.

**Executive Session:** **MOTION** was made by Dr. La Farge and seconded by Mr. Ghadimi to go into executive session to discuss matters of licensure. **YES:** La Farge, Heim, Weiner, Romine, Giudice, Ghadimi, and Kovnat. **MOTION CARRIED.**

During the discussion in closed session the recused members (Kovnat and Heim) left the room as the case was discussed. The Board returned to open session. Dr. Romine stated for the record that the matter discussed in executive session was limited to only what was specified in the motion for closure. Dr. Romine asked Ms. Thalley to draft a Decision and Order for final decision the next day.

**10. NEW BUSINESS**

**A. Policy on Medical Records, appoint committee to consider.** Dr. Giudice expressed an interest in developing a Board policy on various aspects of medical records. Dr. Romine appointed Dr. Giudice, Dr. La Farge and an outside medical record expert to work on developing a proposal for Board review.

**B. Policy for Non-Response on Audit Requests.** Ms. Kinney discussed the problem with the 15 people that have not responded to the CME audit. She suggested a certified letter be sent with a December 31, 2004 deadline to respond. If no response is received, a Notice of Contemplated Action will be issued regarding failure to provide information to the Board. The Board accepted the recommendation.

**C. Correspondence.** The Board reviewed the following documents.

**1. FSMB Call for Resolutions, Reference Committees**

**2. Dennis Sandoval, MD, re: Rule 13.** Dr. La Farge discussed some of the limitations of our current rule in that it only applies to laser hair removal. Dr. Romine appointed Dr. La Farge and Mr. Heim to review Rule 13 and propose revisions. He also requested this committee be mentioned in the newsletter to solicit input for other physicians interested in this topic.

**3. American Association of Electrodiagnostic Medicine**

**12. OLD BUSINESS**

**A. Psychologist Prescriptive Authority Rule.** Ms. Felmley and Dr. La Farge reported that the Psychology Board adopted rules that we believe to be inconsistent with the law. At this time the Superintendent of the Regulation and Licensing Department is reviewing the rule, as approved by the Psychology Board. The Psychology Board will meet again on December 2 and may reconsider the two rules we believe are inconsistent with the law and the recommendations of the Joint Conference Committee. Dr. Kovnat proposed the Medical Board go on record as not agreeing with the changes that were made to the Rule by the Psychology Board after the committee from both Boards had met extensively and agreed upon language that was acceptable to the Medical Board and consistent with the law. This information will be included in the newsletter forthcoming.

**B. Annual Review of Pain Rule.** Dr. Giudice will be attending the FSMB February workshop on Pain Management. Mr. Ghadimi and Ms. Felmley recently returned from the November workshop. The committee (Dr. La Farge, Dr. Weiner, Ms. Felmley, and Mr. Ghadimi) will draft language and schedule a short meeting in December to discuss any proposed changes. Ms. Felmley also discussed the potential of including extensive information on our website regarding Pain Management.

**7. LICENSING ISSUES, cont.**

**Executive Session: MOTION** was made by Dr. La Farge and seconded by Dr. Romine to go into executive session to discuss matters of licensure or discipline. **YES:** La Farge, Heim, Weiner, Giudice, Ghadimi, Kovnat and Romine. **MOTION CARRIED.** Dr. Bhasker and his attorney were included in a portion of the Executive Session. The Board returned to open session. Dr. Romine stated for the record that the matters discussed in executive session were limited to only those specified in the motion for closure.

K. Dr. Romine **MOVED** that the Stay on the Board Order regarding **Ravi Bhasker, M.D.** be extended to January 7, 2005 for the required evaluation. Dr. Giudice **SECONDED** the motion. **YES:** La Farge, Weiner, Giudice, and Romine. **ABSTAIN:** Ghadimi. **ABSENT:** Ranka and Boshier. **MOTION CARRIED.** It was agreed by the parties that Mr. Sanchez, Dr. La Farge and Ms. Thalley would identify a mutually agreeable person or organization to perform the evaluation.

**13. INFORMAL INTERVIEWS**

**Executive Session: MOTION** was made by Dr. La Farge and seconded by Mr. Ghadimi to go into executive session to discuss matters of licensure. **YES:** La Farge, Giudice, Ghadimi, Kovnat, Heim, Weiner, and Romine. **MOTION CARRIED.**

**Johnnie Vigil, MD, Edward McKenzie, MD, Julie DiCianno, MD, Richard Bergsrud, MD, Sandy Herrin, MD, Patricia Rowley, MD and Robert Palmer, MD were interviewed in executive session.** The Board returned to open session. Dr. Romine stated for the record that the matters discussed in executive session were limited to only those specified in the motion for closure.

**14. ACTIONS RELATED TO INFORMAL INTERVIEWS & LICENSING ISSUES**

Dr. La Farge **MOVED** to release Richard Bergsrud, MD from his current Stipulations and be issued an unrestricted license to practice in New Mexico. Dr. Romine **SECONDED** the motion. **YES:** La Farge, Heim, Weiner, Giudice, Ghadimi, Kovnat and Romine. **MOTION CARRIED.**

Dr. Kovnat **MOVED** that complaint cases 2004-C-068 and 2003-C-148 be closed as there was no evidence of a violation of the Medical Practice Act or rules. Dr. La Farge **SECONDED.** **YES:** La Farge, Weiner, Giudice, Ghadimi, and Romine. **RECUSED:** Kovnat and Heim. **MOTION CARRIED.**

Dr. La Farge **MOVED** that Patricia Rowley, MD be released from her Stipulations and be issued an unrestricted license to practice in New Mexico. Dr. Romine **SECONDED** the motion. **YES:** La Farge, Heim, Weiner, Ghadimi, Kovnat and Romine. **RECUSED:** Giudice. **MOTION CARRIED.**

**The Board recessed at 5:20 p.m.**

**THE BOARD RECONVENED AT 8:30 a.m., FRIDAY, NOVEMBER 19, 2004 with all members present except Ms. Boshier and Dr. Ranka.**

**9. REPORTS**

**B. CHAIR.** Dr. Romine suggested the Board host an Open House, which was scheduled for Thursday, February 17, 2005. It will be mentioned in the newsletter that is going out in December and invitations will go to the Governor and other agencies involved with the Medical Board. Ms. Kinney, Dr. La Farge, Dr. Kovnat and Mr. Ghadimi will attend a meeting at UNM regarding approval of international education. Committee was appointed regarding Rule 13. (See correspondence)

**Jessica Sutin, Health Policy Advisor** from the Governor's office visited with the Board. Ms. Sutin is

the Board's liaison to the Governor. Dr. Romine discussed the Board's need to have a public member appointed to replace Ms. Boshier. Ms. Sutin encouraged the Board to communicate with her regarding issues of concern. Dr. Romine offered to provide her with our meeting agenda in the future. She also mentioned an Executive Order just signed by the Governor and encouraged the Medical Board to work with other licensing boards to streamline licensing of behavioral health provider.

**A. Assistant Attorney General.** Ms. Thalley updated the Board about petitions for records. She gave her report on pending cases. Dr. Henry has entered a plea agreement and will be surrendering his license. To date, Ms. Thalley had not seen the plea agreement. Dr. Said's time to appeal elapsed November 8, 2004. Dr. Bhasker was granted an extended stay. Psychology Prescribing Rules were discussed earlier in the meeting and Dr. Roy's case is still in the courts. Ms. Thalley also reported she had the Conclusions, Findings and Order drafted in Case # 2004-014.

**Executive Session: MOTION** was made by Dr. Romine and seconded by Dr. La Farge to go into executive session to discuss matters of licensure. **YES:** La Farge, Weiner, Giudice, Ghadimi, and Romine. **MOTION CARRIED.** Mr. Heim and Dr. Kovnat were recused and left the meeting before Executive Session. The Board returned to open session. Dr. Romine stated for the record that the matters discussed in executive session were limited to only those specified in the motion for closure.

In Case #2004-014 (**Stephen Kitson, MD**), Dr. Romine **MOVED** to accept the Hearing Officer's recommended Findings of Facts number 1 thru 24 in their entirety. Mr. Ghadimi **SECONDED** the motion.

**YES:** La Farge, Weiner, Giudice, Ghadimi and Romine. **RECUSED:** Heim and Kovnat. **MOTION CARRIED.**

Dr. La Farge **MOVED** to accept the following Conclusions of Law:

1. The Board has jurisdiction over the Respondent and the subject matter.
2. The Board has complied with all notice and hearing requirements of the Uniform Licensing Act and has afforded Respondent all due process rights required by law. The Decision is timely rendered.
3. Pursuant to Section 61-6-15(D)(14), the Board has authority to refuse an application for license for discipline imposed on a licensee by another state, including license revocation, based upon acts by the licensee similar to acts described as unprofessional or dishonorable conduct under Section 61-6-15(D) of the New Mexico Medical Practice Act.
4. Pursuant to Section 61-6-15(D)(14), a certified copy of the record of revocation from another jurisdiction is conclusive evidence. Based on conclusive evidence presented at the hearing, Respondent's license to practice medicine was revoked on December 29, 1997 by the Division of Occupational and Professional Licensing, Department of Commerce, state of Utah, for sexual misconduct. More specifically, Respondent's license was revoked in Utah for multiple instances of inappropriate sexual conduct with two female patients, gross negligence in his psychiatric practice, physical and sexual exploitation of the two female patients, and unprofessional conduct and sexual exploitation of the two female patients. Respondent was disciplined in Utah for sexual conduct with patients expressly for his sexual gratification that were clearly not for any proper medical purpose and could only be considered as physical and sexual exploitation of patients.
5. Pursuant to Section 61-6-15(A), the Board may refuse an application for unprofessional or dishonorable conduct.
6. Pursuant to Section 61-6-15(D)(32), unprofessional or dishonorable conduct includes sexual contact [defined in Section 61-6-6(L)] with a patient when the licensee uses or exploits treatment, knowledge, emotions, or influence derived from the previous professional relationship.
7. Board Rule 16.10.8.8(B) NMAC defines unprofessional or dishonorable conduct to include sexual misconduct that occurs concurrently with the physician-patient relationship.
8. Based on substantial evidence supported by conclusive evidence, the Board concludes that Respondent had discipline imposed by the state of Utah based upon acts by Respondent in Utah that are similar to acts described as unprofessional or dishonorable conduct in New Mexico, unprofessional conduct and sexual exploitation of two female patients and sexual misconduct that occurs concurrently with the physician-patient relationship as alleged in ¶ 2 of the NCA.
9. Based on a preponderance of the evidence, the Board has insufficient evidence to conclude that Respondent committed fraud, misrepresentation, or dishonesty in applying for a license as alleged in ¶¶ 3 and 4 of

the NCA.

10. Based on a preponderance of the evidence, the Board has sufficient evidence in the record to deny Respondent's application to practice medicine in New Mexico.

Dr. Weiner **SECONDED** the motion. **YES:** La Farge, Weiner, Giudice, Ghadimi and Romine. **RECUSED:** Heim and Kovnat. **MOTION CARRIED.**

Dr. La Farge **MOVED** to Order Dr. Kitson's application for licensure be denied with the following terms and conditions by which he may reapply:

That Respondent may reapply for licensure in New Mexico after three years of active practice in the state of Utah, provided Respondent shall be in full compliance with the terms and conditions of the Memorandum of Understanding (MOU) Probationary License, Case No DOPL 2003-142. If Respondent reapplies for a license as provided herein, Respondent shall agree to accept a Stipulated Probationary License that shall include all the terms and conditions of the state of Utah MOU, with the additional requirement that Respondent shall receive ongoing psychological treatment with a licensed psychologist or psychiatrist with specialized training and experience in treating sexual boundary violations. During the term of the Stipulated Probationary License, Respondent may be subject to an independent psychological evaluation at the request of the Board by a psychologist or psychiatrist selected by the Board. Respondent shall agree to waive therapist-patient confidentiality in order for the Board to receive reports from the therapist and copies of Respondent's records. The Board shall establish the duration of the Stipulated Probationary License, which shall be a minimum of two (2) years.

In the alternative, Respondent is eligible to receive a New Mexico residency license in a non-psychiatric residency program, provided that Respondent shall agree to receive ongoing psychological therapy with a licensed psychologist or psychiatrist with specialized training and experience in treating sexual boundary violations. If Respondent successfully completes a residency program without violations, Respondent may apply for a license to practice in New Mexico, which, if granted, shall include the terms and conditions of the state of Utah MOU. In addition, Respondent shall agree to receive ongoing psychological treatment if required by the Board, shall agree to waive therapist-patient confidentiality, and shall be subject to an independent psychological evaluation at the request of the Board. The Board shall establish the duration of the Stipulated Probationary License, which shall be a minimum of two (2) years.

Dr. Weiner **SECONDED** the motion. **YES:** La Farge, Weiner, Giudice, Ghadimi and Romine. **RECUSED:** Heim and Kovnat. **MOTION CARRIED.**

### 13. INFORMAL INTERVIEWS

**Executive Session:** Motion was made by Dr. Kovnat and seconded by Dr. Weiner to go into executive session to discuss matters of licensure. **YES:** Kovnat, Weiner, Giudice and Heim. **MOTION CARRIED.** **Barry Maron, MD, Joan Lewis, MD, James Holbrook, MD, Kathleen Van Osten, MD, Laura Allen, MD, and Rolando Tong, MD were interviewed in executive session.**

The Board returned to open session. Dr. Kovnat stated for the record that the matters discussed in executive session were limited to only those specified in the motion for closure.

The following physicians were interviewed in open session. **Douglas Zischkau, MD, Johnny Vigil, MD.**

### 14. ACTIONS RELATED TO INTERVIEWS & LICENSING ISSUES

Dr. Kovnat **MOVED** the Board remove all stipulations and grant an unrestricted license to practice medicine in New Mexico to **Joan Lewis, M.D.** Dr. Weiner **SECONDED.** **YES:** Weiner, Giudice, Kovnat, Ghadimi, Romine, La Farge, Heim. **MOTION CARRIED.** After additional discussion Dr. Kovnat **MOVED** to rescinded the prior motion on **Joan Lewis, M.D.** Dr. Giudice **SECONDED.** **YES:** La Farge, Heim, Weiner, Giudice, Ghadimi, Kovnat and Romine. Motion **RESCINDED.** Dr. Kovnat **MOVED** to remove all Stipulations on the license of **Joan Lewis, M.D.,** except for the required repayment of expenses and the requirement that she meet annually with the Board until the balance of her debt is paid off. Mr. Heim **SECONDED.** **YES:** La Farge, Heim, Weiner, Giudice, Ghadimi, Kovnat and Romine. **MOTION CARRIED.**

Dr. Kovnat **MOVED** the Board amend **Barry Maron, M.D.**'s stipulation to have quarterly visits with his psychologist instead of monthly. Dr. La Farge **SECONDED**. **YES:** Weiner, Giudice, Kovnat, La Farge, and Heim. **RECUSED:** Ghadimi and Romine. **MOTION CARRIED.**

Dr. La Farge **MOVED** the Board change the Stipulation on **Rolando Tong, M.D.** to require only semi-annual meetings with the Board. Mr. Ghadimi **SECONDED**. **YES:** Heim, Weiner, Giudice, Ghadimi, Kovnat, Romine and La Farge. **MOTION CARRIED.**

On behalf of Complaint Committee B, Dr. Giudice **MOVED** to amend the **MOTION** on Case 2002-B-118 (**Samuel Sandoval, M.D.**) to issue a Notice of Contemplated Action to deny license reinstatement based on action in Ohio and having sex with a patient. No second was required. **YES:** La Farge, Heim, Weiner, Ghadimi, Kovnat and Romine. **RECUSED:** Giudice. . **MOTION CARRIED.**

Dr. Kovnat **MOVED** the Board amend **Lindy Akes, M.D.**'s stipulation to remove all requirements except the prohibition against prescribing schedule 2 and 3 drugs. Dr. La Farge **SECONDED**. **YES:** La Farge, Heim, Weiner, Giudice, Ghadimi, Kovnat and Romine. **MOTION CARRIED.**

## **9. REPORTS, cont.**

**C. Secretary-Treasurer.** Dr. La Farge asked Ms. Kinney to review the Budget report. Dr. La Farge suggested the Board establish four interim meeting dates to put on the calendar for Special Meetings. The following dates were established, all at 4:00 p.m.: Thursday, January 13, 2005, Thursday, March 31, 2005, Thursday, June 23, 2005, and Thursday, September 29, 2005. Board Meeting dates for the next year were confirmed as: February 17-18, 2005, May 5-6, 2005, August 18-19, 2005, and November 10-11, 2004

**D. Reports of Conferences and Meetings.** Dr. Kovnat discussed the issue the Board is being confronted with regarding approved medical schools: UNM and the NM Medical Society have issues with the way our Rule reads for approved medical schools. Dr. Kovnat made a **MOTION** that the Board respond to the NMMS with a statement that the Board is strongly opposed to a unilateral approach to licensing residents from unapproved medical schools, but is committed to working collegially to the address the issue and identify alternative solutions through the committee of Dr. Kovnat, Dr. La Farge and Mr. Ghadimi. Dr. Weiner **SECONDED**. **YES:** La Farge, Heim, Weiner, Giudice, Ghadimi, Kovnat and Romine. **MOTION CARRIED**

**E. Compliance.** There were no questions on the report as presented. Members commented that the compliance rate seems to be improving.

**F. Executive Director.** Ms. Kinney briefly discussed a project called "Veri-Doc" that will provide on-line verifications for state licensing agencies. Dr. Romine made a **MOTION** to authorize the staff to use Veri-Doc for on-line verifications. Dr. La Farge **SECONDED** the Motion. **YES:** La Farge, Heim, Weiner, Giudice, Ghadimi, Kovnat and Romine. **MOTION CARRIED.** She mentioned that licensing staff is working with UNM to eliminate duplication in our request for documentation through an initiative to share source documents.

Ms. Kinney also asked the Board for a position on the current statutory requirement that all parts of the USMLE examination be passed within seven years of the date the first part of the exam is passed. Last year we supported a change that would allow the Board to develop exceptions to this requirement by rule. If the Medical Practice Act is opened during the 2005 legislative session we may want to insert this language. The Board continues to support this change.

Following discussion about the Job Description for Medical Director presented by Dr. La Farge and Ms. Kinney, Dr. Romine **MOVED** to advertise the position of Medical Director with the job description listed in the MEMO dated November 17, 2004, but also identifying if the position is full-time or part-time. Mr. Heim **SECONDED** the Motion. **YES:** La Farge, Heim, Weiner, Giudice, Ghadimi, Kovnat and Romine. **MOTION CARRIED.**

Dr. Weiner **MOVED** to amend Rule 16.10.3.8(G) NMAC to read: **PHYSICIAN PRECEPTORS.** A maximum of thirty (30) ours of credit during a three year reporting period is acceptable for licensed physicians who are acting as preceptors for students enrolled in an accredited medical school or physician



assistant school. Dr. La Farge **SECONDED** the **MOTION**. **YES:** La Farge, Heim Weiner, Giudice, Ghadimi, Kovnat and Romine. **MOTION CARRIED.**

Dr. Weiner further suggested that the Board develop a better relationship with physicians throughout the state, possibly by attending hospital staff meetings or the NMMS annual conference.

Mr. Ghadimi mentioned a discussion he had with Dr. Voorhees (DOH) about getting appropriate medications to partners of patients being treated for STD. Dr. Romine expressed concerns about allowing physicians to prescribe for patients they have not examined.

Dr. Romine left the meeting at noon.

**10. NEW BUSINESS, cont.**

**D. Overview of Initial Licensing Requirements & Process.** Barbara Mohler, Licensing Manager, discussed the application process and reviewed some of the issues staff face with the Board.

Mr. Heim left the meeting at 12:15 p.m.

**15. ADJOURN:** There being no further business, the meeting adjourned at 12:50 p.m.

**SUBMITTED:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**Charlotte Kinney, Executive Director**

**APPROVED:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**John Romine, M.D., President**

**APPROVED:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**C. Grant La Farge, M.D., Secretary-Treasurer**

**MEETING SUMMARY  
November 18-19, 2004**

**Licensing Actions, in alpha order:**

**Akes, Lindy, M.D.** - approved change in Order to remove all terms and conditions of probation with the exception of the prohibition on prescribing schedule 2 and 3 drugs

**Allen, Laura, M.D.** - amended visits with the Board to semi-annual

**Bergsrud, Richard, M.D.** - removed all Stipulations and granted unrestricted license

**Bhasker, Ravi, M.D.** - extended the Stay on the Board Order for the required evaluation until January 7, 2005

**Burg, Jonathan, M.D.** - accepted Voluntary Surrender with agreement not to reapply for 4 years and to not appeal the decision of the Board

**DiCianno, Julie, M.D.** - removed all Stipulations and granted unrestricted license

**Flanagan, Michael, M.D.** #85-176 – approved Stipulation and Order suspending license for ten days effective January 1 through 10, 2005 for misrepresentation on his renewal application

**Flury, Carrie A., P.A.** - removed all Stipulations and granted unrestricted license

**Gonzalez, Jesus, M.D.** – approved Order requiring participation in an ACGME approved residency

program based on identified deficiencies in CPEP report

- Hassan, Jean-Michel, M.D.** - accepted experience in lieu of second year of PGT and granted unrestricted license to practice medicine in New Mexico
- Kitson, Stephen, M.D.** - approved Final Order the his application for licensure be denied with specific terms and conditions by which he may reapply
- Lewis, Joan, M.D.** - removed all conditions from Stipulation except for the requirement to pay for the cost of the proceedings
- Maron, Barry, M.D.** #71-177 – approved Amended Stipulation to require only quarterly visits with his treating psychiatrist.
- Rice, Robert, M.D.** - approved license reinstatement with agreement that he obtain 50 hours of CME prior to March 31, 2005
- Rowley, Patricia, M.D.** - removed all Stipulations and granted unrestricted license
- Sandoval, Samuel, M.D.** - approved NCA to deny reinstatement based on action in Ohio and sex with a patient
- Tong, Rolando, M.D.** - amended visits with the Board to semi-annual
- Walter, Joseph, M.D.** - approved extension of time to document or obtain CME until June 30, 2005
- Wright, Griggsby, M.D.** - Board agreed to inform the University of New Mexico that the incident in Arizona will not prohibit the New Mexico Medical Board from issuing a Resident license to Dr. Wright
- Yavitz, Edward, M.D.** - approved for an unrestricted license following Order agreeing to accept formal reprimand for misrepresentation of fraud in applying for a license to practice medicine in New Mexico.