

NEW MEXICO BOARD OF MEDICAL EXAMINERS
Fourth Quarterly Meeting
491 Old Santa Fe Trail, Santa Fe, New Mexico
November 21-22, 2002

MINUTES

1. CALL TO ORDER

The regular meeting of the New Mexico Board of Medical Examiners convened at 8:00 a.m., Thursday, November 21, 2002 in the second floor conference room, Lamy Building, 491 Old Santa Fe Trail, Santa Fe, New Mexico, **John S. Romine, M.D.** presiding. A quorum was declared, with all members. Ms. Schmolke was introduced as filling in for Ms. Kinney, who is out of the country.

Members Present:

John S. Romine, M.D., President, Physician Member
Marvin D. Call, M.D., Vice-President, Physician Member
C. Grant La Farge, M.D., Secretary-Treasurer, Physician Member
Karl Gutierrez, M.D., Physician Member
Sambaiiah Kankanala, M.D., Physician Member
Vittal Pai, M.D., Physician Member
Lynda Kellahin, Public Member
Christine Glidden, Public Member

Also Present:

G.T.S. Khalsa, Board Prosecutor
Lynne Schmolke
Angela Martinez, Administrator
Corliss Thalley, A.A.G.
A list of all attendees is attached to these minutes

2. APPROVAL OF AGENDA

Ms. Kellahin **MOVED** the agenda be approved as presented. Dr. La Farge **SECONDED** the motion, which **PASSED UNANIMOUSLY**. The agenda was later amended to add a discussion of personnel issues under Executive Session on Friday.

3. APPROVAL OF MINUTES

Dr. Kankanala **MOVED** the minutes of the August 22-23, 2002 regular meeting be approved as presented. Ms. Kellahin **SECONDED** the motion, which **PASSED UNANIMOUSLY**.
Dr. La Farge **MOVED** the minutes of the September 18, 2002 special meeting be approved as presented. Dr. Call **SECONDED** the motion, which **PASSED UNANIMOUSLY**.

4. NM MONITORED TREATMENT PROGRAM REPORT.

Dr. Swoboda, Mary Miesem, and John Thayer were present to discuss the status of mandatory participants.

Executive Session: **MOTION** was made by Ms. Kellahin and seconded by Ms. Glidden to go into executive session to discuss matters of licensure. **YES:** Romine, Call, La Farge, Gutierrez, Kankanala, Pai, Kellahin and Glidden. **MOTION CARRIED.**

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

Mr. Thayer reported that activity at MTP remains high. There have been several relapses this quarter.

5. COMPLAINT COMMITTEE REPORTS & LICENSING ISSUES

Executive Session: MOTION was made by Dr. Kankanala and seconded by Dr. Call to go into executive session to discuss matters of complaints and licensure. **YES:** Romine, Call, La Farge, Gutierrez, Kankanala, and Kellahin. **MOTION CARRIED.**

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

6. LICENSING ISSUES.

Following interviews or discussion in closed session, Dr. Call **MOVED** to remove all stipulations on **Ira Gordon, M.D.** Ms. Kellahin **SECONDED** the motion, which **PASSED UNANIMOUSLY.** Dr. Romine **MOVED** to notify **Ning Lin, M.D.**, there is no current exception to the seven-year rule. Ms. Kellahin **SECONDED** the motion, which **PASSED UNANIMOUSLY.** Dr. Gutierrez **MOVED** to issue an unrestricted license to practice in New Mexico to **Sabine Ross, M.D.** Dr. Call **SECONDED** the motion, which **PASSED UNANIMOUSLY.** Dr. Gutierrez **MOVED** to reinstate **Guy Wells, M.D.** with an unrestricted license to practice medicine in New Mexico. Dr. Call **SECONDED** the motion, which **PASSED UNANIMOUSLY.**

7. ACTIONS RELATED TO EXECUTIVE SESSION

A. Complaint Committee A. On behalf of Complaint Committee A, Dr. Call **MOVED** that the following complaint cases be closed as there was no violation of the Medical Practice Act or rules: 2002-A-026, 2002-A-041, 2002-A-058, 2002-A-065, 2002-A-068, 2002-A-069, 2002-A-070, 2002-A-074, 2002-A-075, 2002-A-080, 2002-A-081, 2002-A-085, and 2002-A-087. No second was required. **YES:** Romine, La Farge, Gutierrez, Pai, and Kankanala. **RECUSED:** Call and Kellahin. **MOTION CARRIED.**

On behalf of Complaint Committee A, Dr. Call **MOVED** the Board offered a voluntary surrender under the provisions of the Impaired Provider Act from the physician in case #2002-A-092, and if not agreed to, that an NCA be issued based on the actions of the Colorado Board. (**Charles M. Collins, MD**). No second was required. **YES:** Romine, La Farge, Gutierrez, Pai and Kankanala. **RECUSED:** Call and Kellahin. **MOTION CARRIED.**

B. Complaint Committee B. On behalf of Complaint Committee B, Dr. Kankanala **MOVED** that the following complaint cases be closed: 2001-B-106, 2002-B-078, and 2002-B-083. No second was required. **YES:** Romine, Call, La Farge, Gutierrez, Glidden and Kellahin. **RECUSED:** Kankanala and Pai. **MOTION CARRIED.**

C. Complaint Committee C. On behalf of Complaint Committee C, Dr. Gutierrez **MOVED** that the following complaint cases be closed: 2002-C-015, 2002-C-062, 2002-C-077, and 2002-C-079. No second was required. **YES:** Romine, Call, La Farge, Pai, Kankanala and Kellahin. **RECUSED:** Gutierrez and Glidden. **MOTION CARRIED.**

D. Complaint Committee E. On behalf of Complaint Committee E, Dr. Romine **MOVED** the physician in case #2002-E-094 (Scott W. Rice, MD) be referred to Dr. Feierman for an independent medical evaluation. No second was required. **YES:** Call, La Farge, Gutierrez, Pai and Kankanala, Glidden and Kellahin. **RECUSED:** Romine. **MOTION CARRIED.**

8. REPORTS

A. Assistant Attorney General. Ms. Thalley reported to the Board on pending and on-going cases. All actions have been filed for **Marie Cortelyou, M.D.** and **Samir Roy, M.D.**

Executive Session: MOTION was made by Dr. La Farge and seconded by Ms. Kellahin to go into executive session to discuss pending litigation. **YES:** Romine, Call, La Farge, Gutierrez, Kankanala, Pai, Glidden and Kellahin. **MOTION CARRIED.**

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

RECESS FOR LUNCH

8. REPORTS, cont.

B. President. Dr. Romine reported on the Sunset Hearing, which was held in August in front of the Sunset Subcommittee of the Legislative Finance Committee. He spent about two and a half hours presenting an overview and answering various questions. Representative Sandoval had numerous questions about the status of HB170. He also reported that the Governor signed the CRNA Opt-Out provision.

In response to a letter from Dr. Comerici at UNM he offered to participate in the Clinical Pathologic Conference.

He asked for volunteers to serve on a committee to develop a public relations plan. Dr. La Farge and Ms. Kellahin offered to work with staff on this project.

C. Secretary-Treasurer. Dr. La Farge reported on an initiative he has developed for the website that he suggests calling "SOAP Notes," that can be used as an educational tool. He has drafted several articles, which will be reviewed by Mr. Khalsa and Ms. Kinney for approval before posting. Other Board members will be asked to review specific topics, as appropriate.

Dr. La Farge presented the list of new licensees and **MOVED** they be approval: 22 physician assistants, 7 public services licenses being converted to unrestricted licenses, and 205 new physician licenses. Ms. Kellahin **SECONDED** the motion, which **PASSED UNANIMOUSLY**. A copy of the list is attached to the minutes.

Dr. La Farge also presented a letter from "Doctors Opposing Circumcision" reporting a physician who circumcises infants, when requested to do so by parents. He served as a Complaint Committee to analyze the issues and has prepared a letter in response closing the complaint, as there is no patient complaining. Dr. La Farge **MOVED** that the complaint be closed with a letter of no violation. No second was required. **YES:** Call, Romine, Gutierrez, Pai, Kankanala, Glidden, and Kellahin. **RECUSED:** La Farge. **MOTION CARRIED.**

Ms. Brandle and Ms. Connie Romero, a consultant who has been helping with the financial office, presented the current budget status reports. The Board expressed approval of the new report format, which easily identifies the current financial status.

D. Compliance Report. Ms. Brandle presented the report and updated status on each physician being tracked for compliance with final Orders.

E. Physician Assistant Advisory Committee. Mr. Otero reported on the recent move and resignation of Kirsten Thomsen, formerly PAAC Chair. Ms. Kim Berge, former President of the NM Academy of Physician Assistants, presented the recommendations of the Academy for Ms. Thomsen's replacement: Ms. Lori Daggett, PA, from Santa Fe, or Peter Carmany, PA, from Farmington. Dr. Call **MOVED** to appoint Ms. Daggett to the PA Advisory Committee. Dr. La Farge **SECONDED** the motion, which **PASSED UNANIMOUSLY**.

F. Report on Pain Conference. Ms. Glidden reported on the "Pain Conference and Summit" sponsored by the NM Pain Initiative. She and Dr. Call represented the Board at this meeting, which was a result of Senate Memorial 22. The conference was well received and gave the participants a good understanding of issues, including licensing issues, related to pain management. Lovelace will be sponsoring a similar conference in April and Ben Rich will speak on over and under prescribing issues.

G. Report on FSMB Workshop. Dr. Pai gave a brief report on the FSMB workshop on impaired physicians that he attended in Las Vegas. The success rate of physician treatment programs is high, generally 92-95%, but there is a need for long-term monitoring since participants frequently relapse after more than 5 years of sobriety.

H. Report on Conference. Dr. Gutierrez reported on the Physician Health Program (MTP equivalents) conference that he attended and served on a panel. The relationship between boards and the monitoring programs is quite varied, however the success rate is basically the same.

I. Executive Director. Ms. Kinney had prepared a written report for review. She requested board support should she choose to run for CLEAR president. The board agreed to support her, and Dr. Romine will write a letter to that effect.

9. OLD BUSINESS

A. SM22 Update – Updated information was available for review. There was no discussion.

B. Review of Proposed Changes to Medical Practice Act. There was extensive discussion about the proposed changes to the Medical Practice Act and the suggestions from the New Mexico Medical Society. After additional discussion about a board name Dr. La Farge **MOVED** to approve the name New Mexico Medical Board. Ms. Kellahin **SECONDED** the motion, which **PASSED UNANIMOUSLY**. Based on the suggestion of NMMS the Board agreed to keep physician membership on the Board at six and add one physician assistant member. §61-6-4,G was amended to allow “licensed practitioners” to interview applicants, instead of the proposed “authorized physicians.” There was additional discussion about deleting the statutory reference to temporary authorization for supervision of more than two PAs in Section 61-6-10.and clarification of reinstatement fees.

C. Immunization Policy. The Board reviewed proposed changes developed by Dr. La Farge, Bill Wahlert, PAAC, and Ms. Kinney. The word “micro-shield” was changed to “shield.” Dr. La Farge **MOVED** to approve the policy as revised. Ms. Kellahin **SECONDED** the motion, which **PASSED**, with Dr. Romine **ABSTAINING**.

D. CME Extension. Under the existing rules and emergency deferral of the CME deadline may be granted for 90 days. Three physicians were not able to meet the extended deadline. Dr. La Farge **MOVED** to allow the Secretary-Treasurer to extend the emergency deferral until the November Board meeting for good cause documented. The Board on a case-by-case basis will approve any additional extension. Ms. Glidden **SECONDED** the motion, which **PASSED UNANIMOUSLY**.

10. NEW BUSINESS

A. Policy on Orientation and Applicant Interviews. The Board discussed mandatory applicant interviews and new license orientation, focusing on the barriers to licensing. Dr. Gutierrez **MOVED** to eliminate the Orientation meetings and provide information to new licensees on CD. Ms. Kellahin **SECONDED** the motion, which **PASSED UNANIMOUSLY**. Board members asked staff to develop a plan to send out the informational CD with a postcard to be returned to the office verifying receipt of the information. Dr. Call **MOVED** to only interview selected applicants. Ms. Kellahin **SECONDED** the motion, which **PASSED** with all members voting in favor except Dr. Gutierrez who voted **NO**. Staff was asked to develop a plan for implementing these changes, including the issuance licenses, policies for identifying who need a personal interview, and how to distribute orientation information.

B. Policy on Mandatory Reporting by Licensees of Impaired Practitioners. Dr. Romine asked Dr. La Farge, Mr. Khalsa and Ms. Kinney to develop a recommendation for consideration at the February meeting. Reporting – Mr. Khalsa thinks a policy is needed. There's currently no rule.

C. Correspondence. The following information was reviewed with no action:

- 1. FSMB Call for Nominations, Resolutions and Awards**
- 2. FSMB Re. Workshop**
- 3. AMA Re. Clinical Skills Assessment**
- 4. Bruce Mann, MD re. Pets in Office**
- 5. Letter from Mark Dickinson, MD**
- 6. Miscellaneous Articles**

11. INFORMAL INTERVIEWS.

Richard Bergsrud, MD was interviewed in open session.

Executive Session: MOTION was made by Dr. La Farge and seconded by Dr. Call to go into executive session to discuss matters of licensure. **YES:** Romine, Call, La Farge, Gutierrez, Kankanala, Pai, Glidden and Kellahin. **MOTION CARRIED.** The following licensees were interviewed in Closed Session:

Lindy Akes, MD

Edward Gilmour, PA

Rolando Tong, MD

The Board returned to open session. Dr. Romine stated for the record that the matters discussed in closed session were limited to only those specified in the motion for closure. There were no actions resulting from the interviews.

THE BOARD RECESSED AT 5:30 P.M.

FRIDAY, NOVEMBER 22, 2002

CONVENE MEETING

Dr. Romine reconvened the Regular Meeting following Orientation presentations at the Lovelace Medical Center, Education Building, at 8:00 a.m. A quorum was declared with all members present.

12. INFORMAL INTERVIEW

Executive Session: MOTION was made by Dr. Kankanala and seconded by Dr. La Farge to go into executive session to discuss matters of licensure. **YES:** Romine, Call, La Farge, Gutierrez, Kankanala, Pai, Glidden and Kellahin. **MOTION CARRIED.**

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

The Board interviewed David Bennahum, M.D. in closed session.

13. RULE HEARING

Dr. Romine convened the Rule Hearing at 9:05 a.m. with all members present. Dr. Romine presented exhibits documenting notice to the public, the draft language, and comments received regarding the proposed rules. Proposed changes to Parts 2, 9, 14 and 19 were discussed, with comments from the Physician Assistant Advisory Committee and Nurse Anesthetists Association. Several changes were proposed based on the comments. The Hearing ended at 10:19 a.m. Tapes of the rule hearing are available for review in the Board office.

RE-CONVENE REGULAR MEETING

Dr. Romine reconvened the Regular Meeting at 10:20 a.m. All members were present.

14. INFORMAL INTERVIEW

Executive Session: MOTION was made by Dr. La Farge and seconded by Ms. Kellahin to go into executive session to discuss matters of licensure. **YES:** Romine, Call, La Farge, Gutierrez, Kankanala, Pai, Glidden and Kellahin. **MOTION CARRIED.**

The Board returned to open session. Dr. Romine stated for the record that the matters discussed in closed session were limited only to those specified in the motion for closure. Dr. Romine informed the Board that **Valerie Dillon, MD**, had been excused from the meeting because we received her physician's letter stating that she would not be able to attend.

The following licensees were interviewed in closed session:

Marc Denson, MD, Harrison Alley, MD, Rajan Mirchandani, MD, Jerry Roy, MD, Jonathan Burg, MD, Ronald Trujillo, MD, Henry Garcia, MD, Julie DiCianno, MD, Jeff Neidhart, MD, Edward McKenzie, MD, Laura Allen, MD, Jorge Vargas, MD, Norma Atkison, PA, Joan Lewis, MD, and Johnnie Vigil, MD. Jesus Gonzales, MD did not appear for his scheduled appointments.

Dr. Lynn Bryant, MD, representing the New Mexico Medical Review Association, was also interviewed in closed session.

15. ACTIONS RELATED TO EXECUTIVE SESSION

Dr. La Farge **MOVED** to accept the voluntary surrender-of license under the Impaired Act from **Harrison H. Alley, MD**. The Voluntary Surrender will be effective as of December 4, 2002. Ms. Kellahin **SECONDED** the motion, which **PASSED UNANIMOUSLY**.

Executive Session: MOTION was made by Dr. La Farge and seconded by Ms. Kellahin to go into executive session to discuss personnel matters. **YES:** Romine, Call, La Farge, Gutierrez, Kankanala, Pai, Glidden and Kellahin. **MOTION CARRIED.**

The Board returned to open session. Dr. Romine stated for the record that the matters discussed in closed session were limited only to those specified in the motion for closure. There were no actions as a result of the discussion.

16. CONTINUATION OF NEW BUSINESS

A. Decision on Proposed Rules.

Dr. La Farge **MOVED** to approve the proposed changes to 16.10.2 NMAC with the changes discussed during the hearing, which include corrections to definitions of HSC and FCVS, changes related to elimination of required interview and orientation, and several technical corrections. Dr. Kankanala **SECONDED** the motion, which **PASSED UNANIMOUSLY**.

Dr. La Farge **MOVED** to approve the proposed changes to 16.10.9 NMAC as proposed. Dr. Kankanala **SECONDED** the motion, which **PASSED UNANIMOUSLY**.

Dr. La Farge **MOVED** to approve the proposed changes to 16.10.14 NMAC with the changes discussed during the hearing and included in the hearing exhibits. Ms. Glidden **SECONDED** the motion, which **PASSED UNANIMOUSLY**.

Dr. Call **MOVED** to approve the proposed changes to 16.10.19 NMAC with an amendment of increasing the required enhanced supervision to one year from the start of practice. Dr. La Farge **SECONDED** the motion, which **PASSED UNANIMOUSLY**.

17. JOINT MEETING /MEDICAL BOARD AND PSYCHOLOGY BOARD

Dr. Romine, along with Dr. Vargas from the Board of Psychologist Examiners, convened a joint meeting of the two organizations to discuss the progress on implementing HB170, the Act that granted prescriptive authority to PhD psychologists. Dr. Romine **MOVED** to have Dr. La Farge work with Dr. Vargas on a draft report for the legislature and for Ms. Schmolke to develop a proposal for funding some of the work of the Joint Committee. Dr. Gutierrez **SECONDED** the motion, which **PASSED UNANIMOUSLY**. Dr. Kankanala left prior to the Joint Meeting.

18. ADJOURN: The meeting adjourned at 3:30 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 21 – 22, 2002

Licensing Actions, in alpha order

Alley, Harrison MD – Board agreed to accept voluntary surrender of license under the Impaired Act

Collins, Charles, M, MD - Board agreed to offer voluntary surrender under the provisions of the Impaired Provider Act, and if not agreed to, that an NCA be issued based on the actions taken by the Colorado State Board.

Gordon, Ira, M.D - removed all stipulations and granted unrestricted license

Rice, Scott W., MD - referred to Dr. Feierman for an independent medical evaluation.

Ross, Sabine, MD – approved an unrestricted license to practice in New Mexico

Wells, Guy, MD – approved license reinstatement