

NEW MEXICO BOARD OF MEDICAL EXAMINERS
Special Call Meeting
491 Old Santa Fe Trail, Santa Fe, New Mexico
November 20, 2003

MINUTES

Members Present:

John S. Romine, M.D., Chair, Physician Member, by teleconference
Paul Kovnat, M.D., Vice Chair, Physician Member
C. Grant La Farge, M.D., Secretary-Treasurer, Physician Member
Vivian Giudice, M.D., Physician Member, by teleconference
Prakash Ranka, M.D., Physician Member, by teleconference
Steve Weiner, M.D., Physician Member, by teleconference
Reza Ghadimi, P.A., Physician Assistant Member, by teleconference
Maureen Boshier, Public Member, by teleconference
Richard Heim, Public Member – by teleconference

Also Present:

Charlotte Kinney, Executive Director
Corliss Thalley, AGA
Jenny Felmley, PIO
Randy Childress, Attorney

CALL TO ORDER: The special meeting of the New Mexico Board of Medical Examiners convened at 5:35 p.m., Thursday, November 20, 2003, in the Executive Director's Office, Lamy Building, 491 Old Santa Fe Trail, Santa Fe, New Mexico, **Grant La Farge, M.D.** presiding. Dr. La Farge called the roll and a quorum was declared with all members present except for Mr. Ghadimi, who joined the call at 5:45. Since there was a quorum present, Dr. Ranka left the meeting as he was on call and expecting a delivery.

1. APPROVAL OF AGENDA

Ms. Boshier **MOVED** the agenda be approved as presented, but with the order of business changed to accommodate Mr. Childress. Dr. Giudice **SECONDED** the motion, which **PASSED UNANIMOUSLY**.

2. APPOINT HEARING OFFICER OR ACCEPT STIPULATION IN CASE #2003-009

Dr. Giudice and Ms. Thalley left the meeting before the Board went into Executive Session. Ms. Boshier and Dr. Weiner were present by teleconference but did not speak during the discussion of this case.

Dr. La Farge **MOVED** the Board go into executive session to discuss matters of licensure. Dr. Kovnat **SECONDED** the motion. **YES:** Romine, La Farge, Ghadimi, Kovnat, Weiner, and Heim. **ABSENT:** Giudice and Ranka. **MOTION CARRIED:** The Board returned to open session. Dr. La Farge stated for the record that the matters discussed in closed session were limited to only those specified in the motion for closure.

Dr. Kovnat **MOVED** the Board accept the stipulation between the parties that defines the process and time frames that will be used in reaching a decision in Case #2003-009. Dr. La Farge **SECONDED** the motion. **YES:** La Farge, Heim, Kovnat, Ghadimi, and Romine. **RECUSED:** Weiner and Boshier. **ABSENT:** Giudice and Ranka. **MOTION CARRIED.**

3. RECONSIDER APPLICATION REQUIREMENTS FOR EDWARD O'BRIEN

Dr. La Farge **MOVED** the Board go into executive session to discuss matters of licensure. Ms. Boshier **SECONDED** the motion. **YES:** Romine, La Farge, Ghadimi, Kovnat, Weiner, Giudice, and Heim. **MOTION CARRIED.** The Board returned to open session. Dr. La Farge stated for the record that the matters discussed in closed session were limited to only those specified in the motion for closure.

Dr. Kovnat **MOVED** the Board issue an unrestricted license to Edward O'Brien on the condition he sign a release with MTP to allow for the Board to get information about his evaluation and status; he accept a formal reprimand for lying on his application; he appear before the Board in February; and that if he refuses to accept the letter of reprimand and/or does not follow through with the evaluation by MTP he will be issued a Notice of Contemplated Action to deny or suspend his license. Dr. Weiner **SECONDED** the motion. **YES:** Heim, Kovnat, Weiner, Boshier, Ghadimi, and Romine. **RECUSED:** La Farge. **ABSTAIN:** Giudice. **MOTION CARRIED.**

4. CONSIDER ACTIONS, CASE #2003-004

Dr. Romine left the meeting since he is recused in this case. Dr. La Farge **MOVED** the Board go into executive session to discuss matters of licensure. Dr. Kovnat **SECONDED** the motion. **YES:** La Farge, Ghadimi, Boshier, Kovnat, Weiner, Giudice, and Heim. **MOTION CARRIED.** The Board returned to open session. Dr. La Farge stated for the record that the matters discussed in closed session were limited to only those specified in the motion for closure.

Dr. Kovnat **MOVED** to accept the Findings of Fact in their entirety. Mr. Heim **SECONDED** the motion. **YES:** La Farge, Ghadimi, Boshier, Kovnat, Weiner, Giudice, and Heim. **MOTION CARRIED.** Dr. La Farge **MOVED** to accept the Conclusions of Law, numbers 1 through 6 in their entirety. Mr. Heim **SECONDED** the motion. **YES:** La Farge, Ghadimi, Boshier, Kovnat, Weiner, Giudice, and Heim. **MOTION CARRIED.**

Dr. La Farge **MOVED** that based on a preponderance of the evidence, the Board has sufficient evidence to conclude that Respondent failed to comply with the terms of probation as alleged in paragraph 3 of the NCA. Mr. Heim **SECONDED** the motion. **YES:** La Farge, Ghadimi, Boshier, Kovnat, Weiner, Giudice, and Heim. **MOTION CARRIED.**

Dr. La Farge **MOVED** that based on a preponderance of the evidence the Board has sufficient evidence in the record to conclude that Respondent is guilty of unprofessional or dishonorable conduct as defined by Board rule as alleged in paragraph 5 of the NCA. Mr. Heim **SECONDED** the motion. **YES:** La Farge, Ghadimi, Boshier, Kovnat, Weiner, Giudice, and Heim. **MOTION CARRIED.**

Dr. La Farge **MOVED** that proof of unprofessional or dishonorable conduct is conduct unbecoming in a person licensed to practice as alleged in paragraph 4 of the NCA. Mr. Heim **SECONDED** the motion. **YES:** La Farge, Ghadimi, Boshier, Kovnat, Weiner, Giudice, and Heim. **MOTION CARRIED.**

Dr. La Farge **MOVED** that pursuant to Section 61-6-15 (C), the Board has authority to revoke or suspend a license upon evidence that the licensee has failed to comply with the terms of probation. Mr. Heim **SECONDED** the motion. **YES:** La Farge, Ghadimi, Boshier, Kovnat, Weiner, Giudice, and Heim. **MOTION CARRIED.**

Dr. La Farge **MOVED** that pursuant to Section 61-6-15 (C), the Board has authority to revoke or suspend a license upon satisfactory proof that the holder of the license is guilty of unprofessional or dishonorable conduct. Mr. Heim **SECONDED** the motion. **YES:** La Farge, Ghadimi, Boshier, Kovnat, Weiner, Giudice, and Heim. **MOTION CARRIED.**

Dr. La Farge **MOVED** that pursuant to Medical Board Rule 16 NMAC 10.5.11.2, the term of suspension may be indefinite. Mr. Heim **SECONDED** the motion. **YES:** La Farge, Ghadimi, Boshier, Kovnat, Weiner, Giudice, and Heim. **MOTION CARRIED.**

Dr. La Farge **MOVED** the Board order to suspend the license of Dr. Gonzalez and allow reinstatement under the following conditions: (1) the respondent completes an evaluation at CPEP in Colorado; (2) respondent provides a copy of the evaluation to the Board; (3) respondent agrees to the terms and conditions of remediation, if any; recommended by CPRP, provided that the terms and conditions of remediation may be enhanced or modified by the Board. Following receipt of the CPEP evaluation and any recommendations for remediation, respondent shall agree to and successfully participate in and complete the educational program, corrective action plan, examination, and monitoring or supervision of practice recommended by CPEP and any other terms and conditions ordered by the Board. The terms and conditions of a remediation plan shall be reduced to writing and shall be the conditions for reinstatement to practice under a restricted license.

In addition the Respondent shall take and pass the written SPEX examination, or equivalent examination approved by the Board, before Respondent's license is restored to good standing, unless this requirement is waived by subsequent written order of the Board.

It is further ordered that Respondent shall complete, report, and document continuing medical education (CME) required of licensed physicians for license renewal during the period of suspension or restriction. After respondent has successfully participated in and completed the plan of remediation, if any, the written examination, unless waived, and documented completion of CME credits, respondent may petition the Board to have his license restored to good standing.

Respondent shall be responsible for all costs and expenses of CPEP, costs and expenses of the remediation plan, if any, cost of the written examination, and the cost of a license reinstatement fee.

Failure by Respondent to fully comply with this Decision and order and any Addendum to this Decision and Order or failure to take and pass a written examination, unless the written examination is waived by subsequent order of the Board, shall be ground for denial of reinstatement to practice under a restricted license, denial of restoration of good standing, and/or further disciplinary action by the Board.

. Mr. Heim **SECONDED** the motion. **YES:** La Farge, Ghadimi, Boshier, Kovnat, Weiner, Giudice, and Heim. **MOTION CARRIED.**

Ms. Boshier **MOVED** to authorize Dr. La Farge to sign the Order when prepared by Ms. Thalley. Dr. Weiner **SECONDED** the motion. **YES:** La Farge, Ghadimi, Boshier, Kovnat, Weiner, Giudice, and Heim. **MOTION CARRIED.**

4. ADJOURN

There being no further business, the meeting adjourned at 6:38 p.m.

SUBMITTED: _____ **Date:** _____
Charlotte Kinney, Executive Director

APPROVED: _____ **Date:** _____
C. Grant La Farge, M.D., Secretary

APPROVED: _____ **Date:** _____
John Romine, M.D., President