

New Mexico Medical Board  
2055 South Pacheco Street  
Building 400  
Santa Fe, NM 87505

**May 13-14, 2021**  
**New Mexico Medical Regular Board Meeting**

**ZOOM Meeting ID: 810-0197-0696 Passcode: 1aeTPX** Or go to the Board's Website  
at <https://www.nmmb.state.nm.us/> to find the Zoom Meeting Link.

## **AGENDA**

**Thursday, May 13, 2021- 8:30a.m.**

- 8:30**     **1.    Call to Order**
- 2.    Approve Agenda**
- 3.    Approve Minutes**  
                  - April 1, 2021 Interim Board Meeting Minutes  
                  - April 26, 2021 Special Board Meeting Minutes
- 8:40**     **4.    HPWP Report [portions may be closed\*\*]**
- 9:00**     **5.    Informal Compliance Interviews [Portions may be closed\*\*] [AQ]**  
                  9:00: James Martin, MD (PB)     Christopher Percy, MD (MU)  
                  9:15: Chad Berryman, MD (KC)   Patrick Shanley, PA (KJ)  
                  9:30: Steven Black, MD (EA)     Jennifer Tso, PA (KC)
- 10:00**    **6.    Complaint Committee Reports [closed\*]**
- A.    Licensees and Applicants**  
                  **Committee A:** 2020-A-211 **Possible Advisory Letter:** 2020-A-229; 2020-A-309  
                  **Possible Action:** 2021-A-029; 2021-A-050 [KJ, SJ]  
                  **Committee B:** 2019-B-154; 2020-B-208; 2020-B-212; 2020-B-280 **Possible Action:**  
                  2021-B-022; 2021-B-049 [EA, JS]  
                  **Committee C:** 2020-C-175; 2020-C-203; 202-C-251; 2020-C-282 **Possible Advisory**  
                  **Letter:** 2020-C- 081 **Possible Action:** 2020-C-130; 2020-C-194 [KC, BS]  
                  **Committee D:** 2019-D-183; 2020-D-166; 2020-D-214 **Possible Action:** 2020-D-092;  
                  2020-D-204 [MU, PB]
- B.    Executive Committee Report [portions may be closed\*] [SJ]**

**11:00 7. Actions Related to Executive Session**

**Friday May 14, 2021- 8:30 a.m.**

**8:30 8. Informal Compliance Interviews [Portions may be closed\*\*] [AQ]**

9:00: Miles Nelson, MD (SJ) Elliott Marcus, MD (JS)  
9:15: Erica Garbrecht, MD (BS) David Durham, MD (SJ)  
9:30: Steven Coleman, MD (KC)  
9:45: Patrick Dunphy, PA (KJ) Daniel Good, MD (EA)  
9:50: Karl Robinson, MD (MU)

**10:00 9. Compliance Requests/Actions [Portions may be closed\*\*] [AQ]**

**Miles Nelson, MD**- Request for release from stipulation  
**Elliott Marcus, MD** – Request for removal of stipulation  
**Erica Garbrecht, MD** – Request for release from stipulation  
**David Durham, MD** – Request for release from stipulation  
**Chad Berryman, MD** - Request for release from stipulation  
**Karl Robinson, MD** – Request for release from stipulation

**10:15 10. Licensing Requests and Actions, New Applicants/Reinstatements**

**IMO: Vinay Saini, MD**- Respondent’s Motion to Dismiss (Case No. 2020-036)  
**Vinay Saini, MD**- Burden of Proof (Case No. 2020-03)  
**Vinay Saini-MD**- Respondent’s Duty to Report and Duty to Disclose (Case No. 2020-036)  
**Vinay Saini, MD**-Decision and Order Following Evidentiary Hearing (Case No. 2020-036)  
**IMO: Catherine Lewis, MD**- Decision and Order Following Evidentiary Hearing (Case No. 2020-035)  
**IMO: Jon Eason Perry, PA**- Ratification of Approval of Stipulated Order (Case No. 2021-001)

**11:00 11. Reports- [portions may be closed\*\*]**

**A. Executive Director**

Order to Show Cause issued by BOP and other PMP compliance information

**B. Finance**

- Approve FY220 Operating Budget  
- SB345- New Per Diem Rates Effective 4/6/21(Board member/Commissioner Travel)  
- FY21 NM Medical Board Expenditures- Ending March 31, 2021  
- FY21 NM Medical Board Revenues- Ending March 31, 2021  
- FY21 NM Medical Board Statistics- Ending March 31, 2021

**C. Licensing Manger**

- Federal Emergency License-Status Regarding Pandemic

**D. Chair Report**

- Recognizing Boards Prosecutor, Yonne Chicoine on her retirement.

- 11:20**    **12. Board Attorney Report-** [portions may be closed\*\*\*]  
- Yvonne Chicoine, Esq. – Presenting Prosecution’s Report  
- Margaret McLean, Esq.- For Review

- 11:25**    **13. New Business**  
- Election of Officers  
- Adoption of Open Meetings Act  
- Medical Marijuana and Legal Marijuana  
- Consider Automatic Approval of an Agreed Order to Voluntarily Surrender License.

- 11:40**    **14. Old Business**  
- Process on Motion and Amendments During a Board Meeting

- 12:00**    **15. Adjourn**

\*" Pursuant to NMSA 1978, Section 10-15-1 (H) (1) of the Open Meetings Act, Sections 10-15-1 to 10-15-4, the NM Medical Board may close portions of its meeting to discuss certain matters pertaining to a particular license. All final actions concerning a license will be made in an open meeting."

\*\* "Pursuant to NMSA 1978, Section 10-15-1 (H) (2) of the Open Meetings Act, Sections 10-15-1 to 10-15-4, the NM Medical Board may close portions of its meeting to discuss limited personnel issues."

\*\*\* " Pursuant to NMSA 1978, Section 10-15-1 (H)(7) of the Open Meetings Act, Section s 10-15-1 to 10-15-4, The NM Medical Board may close portions of its meeting subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant."

Initials in red are members recused in disciplinary cases.

Initials in blue indicate who will address the agenda item.