

**NEW MEXICO MEDICAL BOARD**  
**Regular Board Meeting**  
**August 13-14, 2020**  
**MINUTES**

Members Present: Peter Beaudette, MD, Chair  
Steve Jenkusky, Secretary Treasure

Video Conferencing: James Spence, MD  
Karen Carson, MD – Vice Chair  
Eric Anderson, MD  
Mark Unverzagt, MD  
Buffie Saavedra, Public Member

Excused: Eric Anderson, MD

Others Present: Sondra Frank, Esquire, Executive Director  
Debbie Dieterich, Investigations Manager  
Amanda Quintana, Compliance Manager / PIO  
Elishia Lucero, Administrative Assistant  
Gayle Mascarenas, CFO/HR Manager- Via Zoom  
Antoinette Griego, Licensing Manager- Via Zoom  
Yvonne Chicoine, Esq- Chief Legal Counsel -Via Zoom  
Grant LaFarge, MD- Medical Director- Via Zoom

**1. CALL TO ORDER / ROLL CALL**

Dr. Beaudette, after establishing the presence of quorum, called the Regular Board Meeting of the New Mexico Medical Board to order at 8:40 a.m., roll call was completed.

**2. APPROVAL OF AGENDA**

**MOTION** was made by Dr. Jenkusky to approve the Agenda. **SECONDED** by Dr. Carson **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Dr. Unverzagt and Ms. Saavedra **EXCUSED:** Dr. Anderson. **MOTION CARRIED.**

**3. APPROVAL OF MINUTES**

**MOTION** was made by Dr. Beaudette to accept and approve the minutes of the June 25, 2020 Interim Board Meeting as presented. **SECONDED** by Dr. Jenkusky **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Dr. Unverzagt and Ms. Saavedra **EXCUSED:** Dr. Anderson **MOTION CARRIED.**

**EXECUTIVE SESSION: Complaint Committee Reports**

**MOTION** was made by Dr. Beaudette 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. Jenkusky **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Dr. Unverzagt and Ms. Saavedra **EXCUSED:** Dr. Anderson **MOTION CARRIED.**

**OPEN SESSION**

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

**ACTIONS RELATED TO EXECUTIVE SESSION**

### **Complaint Committee A**

**RECOMMENDATION** was made by Dr. Jenkusky to **CLOSE** the following cases: 2018-A-247; 2020-A-040; **YES:** Dr. Beaudette, Dr. Spence, Dr. Carson, and Dr. Unverzagt. **RECUSED:** Dr. Jenkusky and Ms. Saavedra **EXCUSED:** Dr. Anderson **MOTION CARRIED**

**Case #2020-A-041 RECOMMENDATION** was made by Dr. Jenkusky to **CLOSE** this case with an advisory letter regarding the Board's reporting regulations and assessing \$150.00 in costs. **YES:** Dr. Beaudette, Dr. Spence, Dr. Carson and Dr. Unverzagt. **RECUSED:** Dr. Jenkusky and Ms. Saavedra **EXCUSED:** Dr. Anderson **MOTION CARRIED**

**Case #2020-A-071 RECOMMENDATION** was made by Dr. Jenkusky to **CLOSE** this case with an advisory letter regarding the Board's reporting regulations, advising physician about the Board's Telemedicine regulations, and assessing \$150.00 in costs. **YES:** Dr. Beaudette, Dr. Spence, Dr. Carson and Dr. Unverzagt. **RECUSED:** Dr. Jenkusky and Ms. Saavedra **EXCUSED:** Dr. Anderson **MOTION CARRIED**

**Case #2020-A-067 RECOMMENDATION** was made by Dr. Jenkusky to issue a notice of contemplated action based on, but not limited to, failure to cooperate with the Board and failure to report an arrest. **YES:** Dr. Beaudette, Dr. Spence, Dr. Carson and Dr. Unverzagt. **RECUSED:** Dr. Jenkusky and Ms. Saavedra **EXCUSED:** Dr. Anderson **MOTION CARRIED.**

**Case #2020-A-128 RECOMMENDATION** was made by Dr. Jenkusky to issue Resident Physician a postgraduate training license retroactively from July 2019 and issue a postgraduate training license for the 2020-2021 year with an advisory letter to the residency program director regarding their requirement to keep track of their resident licenses. **YES:** Dr. Beaudette, Dr. Spence, Dr. Carson and Dr. Unverzagt. **RECUSED:** Dr. Jenkusky and Ms. Saavedra **EXCUSED:** Dr. Anderson **MOTION CARRIED.**

### **Complaint Committee B**

**RECOMMENDATION** was made by Dr. Spence to **CLOSE** the following cases: 2019-B-173; 2020-B-031. **YES:** Dr. Jenkusky Dr. Beaudette, Dr. Carson, Dr. Unverzagt and Ms. Saavedra **RECUSED:** Dr. Spence **EXCUSED:** Dr. Anderson **MOTION CARRIED.**

**Case #2019-B-211 RECOMMENDATION** was made by Dr. Spence to **CLOSE** this case with an advisory letter reminding physician about the Board's regulations on reporting and about the Board's regulation on prescribing controlled substances for chronic pain and other conditions, along with assessing \$150.00 in costs. **YES:** Dr. Jenkusky Dr. Beaudette, Dr. Carson, Dr. Unverzagt and Ms. Saavedra **RECUSED:** Dr. Spence **EXCUSED:** Dr. Anderson **MOTION CARRIED.**

**Case #2020-B-125 RECOMMENDATION** was made by Dr. Spence to issue physician a license to practice in New Mexico with an advisory letter recommending continued voluntary participation in NMHPWP. **YES:** Dr. Jenkusky Dr. Beaudette, Dr. Carson, Dr. Unverzagt and Ms. Saavedra **RECUSED:** Dr. Spence **EXCUSED:** Dr. Anderson **MOTION CARRIED**

**Case #2020-B-133 RECOMMENDATION** was made by Dr. Spence to issue physician a license to practice in New Mexico with an advisory letter recommending continued voluntary participation in NMHPWP. **YES:** Dr. Jenkusky Dr. Beaudette, Dr. Carson, Dr. Unverzagt and Ms. Saavedra **RECUSED:** Dr. Spence **EXCUSED:** Dr. Anderson **MOTION CARRIED**

**Case #2019-B-310 RECOMMENDATION** was made by Dr. Spence offering physician the chance to voluntarily surrender his New Mexico medical license and if physician does not accept, a notice of contemplated action will be issued based on, but not limited to, adverse licensure action in another

state; failure to report adverse licensure action as required; and conduct unbecoming. **YES:** Dr. Jenkusky Dr. Beaudette, Dr. Carson, Dr. Unverzagt and Ms. Saavedra **RECUSED:** Dr. Spence **EXCUSED:** Dr. Anderson **MOTION CARRIED.**

**Case #2020-B-059 RECOMMENDATION** was made by Dr. Spence to offer physician assistant applicant the chance to withdraw his licensure application while under investigation or a notice of contemplated action to deny licensure will be issued based on, but not limited to, failure to cooperate with the Board, misrepresentation on an application and dishonesty. **YES:** Dr. Jenkusky Dr. Beaudette, Dr. Carson, Dr. Unverzagt and Ms. Saavedra **RECUSED:** Dr. Spence **EXCUSED:** Dr. Anderson **MOTION CARRIED**

**Case #2020-B-076 RECOMMENDATION** was made by Dr. Spence to offer physician a letter of reprimand along with a non-disciplinary advisory component cautioning physician against expanding his practice into specialty areas where his expertise and competence may not be apparent; along with assessment of fines totaling \$2,000.00. If physician does not accept the offer, a notice of contemplated action will be issued based on, but not limited to, failure to properly supervise and violation of Board Regulation Part 16.10.13 NMAC. **YES:** Dr. Jenkusky Dr. Beaudette, Dr. Carson, Dr. Unverzagt and Ms. Saavedra **RECUSED:** Dr. Spence **EXCUSED:** Dr. Anderson **MOTION CARRIED**

### **Complaint Committee C**

**RECOMMENDATION** was made by Dr. Beaudette to **CLOSE** the following cases: 2019-C-229 **YES:** Dr. Jenkusky, Dr. Spence, Dr. Unverzagt and Ms. Saavedra. **RECUSED:** Dr. Carson and Dr. Beaudette. **EXCUSED:** Dr. Anderson **MOTION CARRIED.**

**Case #2019-C-067** was made by Dr. Beaudette to offer physician issuance of reprimand and fine of \$500.00 for each request for response sent by the Board or a notice of contemplated action will be issued based on, but not limited to, failure to cooperate with the Board. **YES:** Dr. Jenkusky, Dr. Spence, Dr. Unverzagt and Ms. Saavedra. **RECUSED:** Dr. Carson and Dr. Beaudette. **EXCUSED:** Dr. Anderson **MOTION CARRIED.**

**Case #2019-C-147 RECOMMENDATION** was made by Dr. Beaudette offering physician issuance of a reprimand along with a fine of \$1,000.00 per violation, which would total \$4,000.00, and a fine of \$100 per every patient treated in New Mexico, or a notice of contemplated action will be issued based on, but not limited to, misrepresentation on an application, adverse licensure action in another state, failure to report the adverse action and violation of the Board's Ethics Regulation (conduct unbecoming). **YES:** Dr. Jenkusky, Dr. Spence, Dr. Unverzagt and Ms. Saavedra. **RECUSED:** Dr. Carson and Dr. Beaudette. **EXCUSED:** Dr. Anderson **MOTION CARRIED.**

**Case #2020-C-096 RECOMMENDATION** was made by Dr. Beaudette to offer physician applicant the chance to withdraw application for licensure while under investigation or a notice of contemplated action to deny licensure will be issued based on, but not limited to, incompetency to practice. **YES:** Dr. Jenkusky, Dr. Spence, Dr. Unverzagt and Ms. Saavedra. **RECUSED:** Dr. Carson and Dr. Beaudette. **EXCUSED:** Dr. Anderson **MOTION CARRIED.**

### **Complaint Committee D**

**RECOMMENDATION** was made by Dr. Unverzagt to **CLOSE** the following cases: # 2019-D-223; **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson and Ms. Saavedra. **RECUSED:** Dr. Unverzagt. **EXCUSED:** Dr. Anderson **MOTION CARRIED.**

**Case #2020-D-060 RECOMMENDATION** was made by Dr. Unverzagt to **CLOSE** this case with an advisory letter cautioning the physician assistant about the Board's polypharmacy prescribing concerns and reminding the physician assistant to document decision making and patient treatment plan carefully

in medical records. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson and Ms. Saavedra. **RECUSED:** Dr. Unverzagt. **EXCUSED:** Dr. Anderson **MOTION CARRIED.**

**Case #2020-D-078 RECOMMENDATION** was made by Dr. Unverzagt to **CLOSE** this case with an advisory letter to unlicensed respondent advising him to cautious about misleading the public by using his doctor title and recommend that he change the use of certain medical terms on his website to avoid future complaints to the Board and so the public is not misled by his role in any way.. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson and Ms. Saavedra. **RECUSED:** Dr. Unverzagt. **EXCUSED:** Dr. Anderson **MOTION CARRIED.**

**Case #2018-D-308 RECOMMENDATION** was made by Dr. Unverzagt to issue a notice of contemplated action based on, but not limited to, conduct unbecoming; interaction with others that could affect patient care; and failure to report adverse action on privileges. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson and Ms. Saavedra **RECUSED:** Dr. Unverzagt. **EXCUSED:** Dr. Anderson **MOTION CARRIED**

**Case #2019-D-238 and 2019-D-308 RECOMMENDATION** was made by Dr. Unverzagt to combine Cases 2019-D-238 and 2019-D-308 and offer physician the issuance of a reprimand, along with a fine of \$3,000.00 and a requirement that he successfully completes an in-depth course on professionalism, to be approved by the Board. If physician does not accept, a notice of contemplated action will be issued based on, but not limited to, interaction with healthcare providers and others that adversely affect patient care, conduct unbecoming and dishonesty. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence and Ms. Saavedra. **RECUSED:** Dr. Carson and Dr. Unverzagt. **EXCUSED:** Dr. Anderson **MOTION CARRIED**

#### 4. REPORTS

##### Financial /HR Manager

##### Review of FY20 Budget Status Report, ending June 30, 2020

Ms. Mascarenas reported to the Board the Following:

##### **FY20 Budget Status ending June 30, 2020.**

From July 1, 2019 through June 30, 2020 expenditures total **\$2,048,292 (or 94.86%)** of budgeted Expenditures.

From July 2019 through June 30, 2020 the agency collected revenues in the amount of **\$2,423,564 or (112.24%)** of budgeted revenues with a 12% increase.

The cash balance as of June 30, 2020 is **\$1,825,168.**

Ms. Mascarenas also provided the Board with the FY20 Statistics Summary that reflects the application/renewal and other fees that makes up the total revenue collected in FY20 beginning on July 1, 2019 through June 30, 2020 in the amount of **\$2,423,564.**

##### Executive Director Report

##### **Opioid Litigation/Memorandum Agreement between NMMB and Office of Attorney General**

Ms. Frank shared with the Board that New Mexico is currently engaged in litigation against dozens of Companies that manufacture and distribute opioids. As an agency of the State of New Mexico, The New Mexico Medical Board has been required to accumulate any information the New Mexico Office of The Attorney General can use as a plaintiff against the opioid manufactures or distributors.

Ms. Frank informed the Board that the New Mexico Medical Board and the Office of Attorney General have generated a memorandum that allows the Attorney General's Office to support and facilitate the New Mexico Medical Board in simplifying, streamlining and controlling the discovery process.

**MOTION** was made by Dr. Unverzagt to accept the Memorandum Agreement between the New Mexico Medical Board and the New Mexico Office of the Attorney General. **SECONDED** by Dr. Jenkusky. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Dr. Unverzagt and Ms. Saavedra. **EXCUSED:** Dr. Anderson **MOTION CARRIED.**

### **Pharmacist Point of Care Treatment Protocol**

Dale Tinker, Executive Director of New Mexico Pharmacist Association, gave a brief description on the Pharmacist Prescribing of Dangerous Drugs in Conjunction with Point-of-Care testing protocol to the Board.

Dale informed the Board that the purpose of the protocol was to assist pharmacists in providing safe and effective prescribing of dangerous drugs in conjunction with the CLIA-Waived point-of-care testing. The protocol focuses on properly trained and certified pharmacist providing treatment that includes the ability to prescribe to eligible patients that have been tested for HIV-PEP, Statins, COVID-19 influenza and the acute Group A Beta-Hemolytic pharyngitis.

After much discussion, the Board agreed to form a work group/subcommittee, Dr. Carson and Dr. Unverzagt volunteered to be on the committee and the following motion was made.

**MOTION** was made by Dr. Jenkusky that the Board form a work group to review the protocol and discuss information with other entities and providers to provide a recommendation to the Pharmacist Association. **SECONDED** by Ms. Saavedra **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Carson, Dr. Unverzagt and Ms. Saavedra. **No:** Dr. Spence **EXCUSED:** Dr. Anderson **MOTION CARRIED**

### **Grant Authority to Executive Director to approve the following applications:**

Ms. Frank asked the Board to grant her additional authority to approve certain issues that arise when applicants apply for licensure. Granting her authority would decrease the number of issues that go before the Board and cut down on the number of days a license application is pending.

One issue being FCSA equivalency evaluation. Ms. Frank reminded the Board that foreign medical school graduates who have graduated from a school that is not listed on the California's approved or disapproved list is sent to FCSA for an evaluation. Based on the evaluation received from FCSA, the board makes its decision on granting or denying a license.

The second issue being work experience in lieu of postgraduate training. Applicants who apply for licensure but have not completed two years of ACGME accredited PGT, but who otherwise meet all other licensing requirements, may present work experience for consideration in lieu of the approved PGT.

Finally, the exception to the seven-year rule. Ms. Frank reminded the Board that according to statute, applicants who apply for licensure must successfully complete the entire USMLE series within seven years from the date of the first step was passed, however, exception to the seven year rule may be granted for qualified applicants.

Ms. Frank stated that, with review and approval from the Medical Director, these issues can be approved at staff level.

After discussion, the following motion was made.

**MOTION** was made by Dr. Jenkusky to grant Ms. Frank the authority to approve applications that have been reviewed by FSCA and are equivalent to US accredited school, work experience in lieu of ACGME accredited PGT and Exemption to the 7-year rule. **SECONDED** by Dr. Beaudette **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Dr. Unverzagt and Ms. Saavedra. **EXCUSED:** Dr. Anderson **MOTION CARRIED**

#### **ADJOURN**

Dr. Jenkusky adjourned the first day [ August 13, 2020] of the May Regular Board Meeting at 11:30 a.m.

#### **Friday, August 14, 2020**

Dr. Beaudette reconvened the Medical Board and called the meeting to order at 8:36 a.m. on Friday, August 14, 2020; a quorum was present.

#### **EXECUTIVE SESSION: LICENSING ISSUES, NEW APPLICANTS/ REINSTATMENTS**

**MOTION** was made by Dr. Beaudette 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. Jenkusky **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Dr. Unverzagt and Ms. Saavedra **EXCUSED:** Dr. Anderson. **MOTION CARRIED.**

#### **5. New Mexico Health and Professional Wellness Program Report**

William Brady, MD of the NMHPWP presented the status of all mandatory HPWP participants and answered questions from the Board

#### **6. Informal Interviews**

Amit Gupta, MD (Virtual); Austin Oetken, MD (Virtual); Kathleen Van Osten, MD (Virtual); Martin Taylor, PA (Virtual); Paul Wheeler, MD (virtual); Phillip Milstein, MD (Telephonic); Victor Cruz, MD (Virtual); Thomas Walsh, MD (Virtual); Johannes Heynekamp, MD (Telephonic)

#### **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

#### **7. Compliance Requests / Actions**

##### **Amita Gupta, MD – Request for Release Stipulation.**

**MOTION** was made by Dr. Unverzagt to release Dr. Gupta from Stipulation and issue an unrestricted license. **SECONDED** by Dr. Jenkusky **Yes:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Dr. Unverzagt and Ms. Saavedra. **Excused:** Dr. Anderson **MOTION CARRIED**

##### **Austin Oetken, MD – Request for Release Stipulation.**

**MOTION** was made by Dr. Jenkusky to release Dr. Oetken from Stipulation and issue an unrestricted license. **SECONDED** by Dr. Carson **Yes:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Dr. Unverzagt and Ms. Saavedra. **Excused:** Dr. Anderson **MOTION CARRIED**

##### **Kathleen Van Osten, MD – Request for Release Stipulation.**

**MOTION** was made by Dr. Unverzagt release Dr. Van Osten from Stipulation and issue an unrestricted license. **SECONDED** by Dr. Jenkusky **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Dr. Unverzagt and Ms. Saavedra. **Excused:** Dr. Anderson **MOTION CARRIED**

##### **Paul Wheeler, MD – Request for Release Stipulation.**

**MOTION** was made by Dr. Unverzagt to release Dr. Wheeler from Stipulation and issue an unrestricted license. **SECONDED** by Dr. Jenkusky **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Dr. Unverzagt and Ms. Saavedra. **Excused:** Dr. Anderson **MOTION CARRIED**

**Phillip Milstein, MD – Request for Release Stipulation.**

**MOTION** was made by Dr. Unverzagt to release Dr. Milstein from Stipulation and issue an unrestricted license. **SECONDED** by Dr. Jenkusky **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Dr. Unverzagt and Ms. Saavedra. **Excused:** Dr. Anderson **MOTION CARRIED**

**Victor Cruz, MD – Request for Release Stipulation.**

**MOTION** was made by Dr. Unverzagt to release Dr. Cruz from Stipulation and issue an unrestricted license. **SECONDED** by Dr. Jenkusky **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Dr. Unverzagt and Ms. Saavedra. **Excused:** Dr. Anderson **MOTION CARRIED**

**Martin Lee Taylor, PA – Request for Release Stipulation.**

**MOTION** was made by Dr. Unverzagt to release Martin Taylor from Stipulation and issue an unrestricted license. **SECONDED** by Dr. Jenkusky **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Dr. Unverzagt and Ms. Saavedra. **Excused:** Dr. Anderson **MOTION CARRIED**

**Thomas Walsh, MD – Request for Release Stipulation.**

**MOTION** was made by Dr. Unverzagt to release Dr. Walsh from Stipulation and issue an unrestricted license. **SECONDED** by Dr. Jenkusky **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Dr. Unverzagt and Ms. Saavedra. **Excused:** Dr. Anderson **MOTION CARRIED**

**Johannes Heynkamp, MD – Request for Release Stipulation.**

**MOTION** was made by Dr. Unverzagt to release Dr. Heynkamp from Stipulation and issue an unrestricted license. **SECONDED** by Dr. Jenkusky **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Dr. Unverzagt and Ms. Saavedra. **Excused:** Dr. Anderson **MOTION CARRIED**

**8. LICENSING ISSUES, NEW APPLICANTS / REINSTATEMENTS**

**Susana Silva Romero, PTR- Motion for Entry of Default Order**

**MOTION** was made by Dr. Unverzagt to grant the Motion for Entry of Default Order. **SECONDED** by Dr. Beaudette **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Dr. Unverzagt and Ms. Saavedra. **Excused:** Dr. Anderson **MOTION CARRIED**

**MOTION** was made by Dr. Unverzagt revoke Susana Silva-Romero's polysomnographic trainee license. **SECONDED** by Dr. Carson. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Dr. Unverzagt and Ms. Saavedra. **Excused:** Dr. Anderson **MOTION CARRIED**

**Andrew Dale, MD – Motion to Approve Proposed Settlement**

**MOTION** was made by Dr. Beaudette to grant the Motion to Approve the Proposed Settlement. **SECONDED** by Dr. Jenkusky **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Dr. Unverzagt and Ms. Saavedra. **Excused:** Dr. Anderson **MOTION CARRIED**

**Andrew Dale, MD – Motion to Approve Proposed Settlement**

**Kang Lu, MD – Motion to Approve Proposed Settlement**

**MOTION** was made by Dr. Unverzagt to accept the proposed findings of fact as presented by Prosecution. **SECONDED** by Dr. Jenkusky **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Dr. Unverzagt and Ms. Saavedra. **Excused:** Dr. Anderson **MOTION CARRIED**

**MOTION** was made by Dr. Jenkusky to adopt the Prosecutions Conclusions of Law **SECONDED** by Dr. Beaudette **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Dr. Unverzagt and Ms. Saavedra. **Excused:** Dr. Anderson **MOTION CARRIED**

**MOTION** was made by Dr. Beaudette to suspend Dr. Lu's license indefinitely; Dr. Lu may petition the Board in lifting the suspension of his medical license when he has complied with the requirements set by the Massachusetts Medical Board. The Board will impose a fine of \$3000.00 at the time of Dr. Lu's petition. The Board has the discretion to impose further requirements to ensure fitness to practice.

**SECONDED** by Dr. Jenkusky **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Dr. Unverzagt and Ms. Saavedra. **Excused:** Dr. Anderson **MOTION CARRIED**

**David Perez-Ingels – Consider Approval of FCSA Evaluation of Foreign Medical School**

**MOTION** was made by Unverzagt to accept the FCSA evaluation issue a full unrestricted license.

**SECONDED** by Beaudette. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Dr. Unverzagt and Ms. Saavedra. **Excused:** Dr. Anderson **MOTION CARRIED**

**9. REPORTS Continued from Thursday, August 13, 2020**

**Licensing Manager**

Ms. Frank reminded the Board that one of the directives from the Board was to rethink and revise the professional practice questions. Ms. Frank stated that a subcommittee was formed to review the professional practice questions to ensure the clarity of the questions and to eliminate redundancy. Ms. Frank presented the updated PPQ's to the Board for their recommendations.

After much discussion, the Board agreed to have the subcommittee review the professional practice questions and provide a revised version for their next Board Meeting.

**Board Chair Report**

**Changes to the 42 CFR part and the PMP**

Dr. Jenkusky shared with the Board the information he received from Cheranne McCracken, Executive director at Regulation and Licensing Board on the federal rule, 42 CRF part 2, that prevents the reporting of methadone treatment to the PMP. In the future, the opioid advisory committee would like to make changes to this rule that would make reporting of methadone, regardless of the dosage a requirement.

**Recognizing Dr. Lafarge on his retirement.**

Dr. Beaudette along with other Board members, took a moment to honor Dr. Lafarge on his 22 years of service at the Board.

**10. Board Attorney Report**

**Margaret McLean, Esq.** – For review

**Yvonne Chicoine, Esq.** – Report

Yvonne Chicoine, Esq. Provided the Board with a summary of Prosecution Statistics

**11. ADJOURN**

There being no further business before the Board, Dr. Beaudette adjourned the meeting at 1:20 P.M.

SUBMITTED BY: \_\_\_\_\_

DATE: \_\_\_\_\_



Sondra Frank, J.D., Executive Director

APPROVED BY: \_\_\_\_\_  
Steven M. Jenkusky, M.D., Chair

DATE: \_\_\_\_\_

APPROVED BY: \_\_\_\_\_  
Peter Beaudette, M.D, Vice Chair

DATE: \_\_\_\_\_