

NEW MEXICO MEDICAL BOARD
Regular Board Meeting
November 19-20, 2020
MINUTES

MEETING MADE PUBLIC VIA ZOOM AND TELECONFERENCE

Members Present: Steve Jenkusky, Secretary Treasure

Video Conferencing: Peter Beaudette, MD, Chair
Karen Carson, MD, Vice Chair
James Spence, MD
Eric Anderson, MD
Mark Unverzagt, MD
Buffie Saavedra, Public Member – Arrived at 8:58 am on 11/19/20

Others Present: Sondra Frank, Esquire, Executive Director
Amanda Quintana, Compliance Manager / PIO
Elishia Lucero, Administrative Assistant
Gayle Mascarenas, CFO/HR Manager- Via Zoom on 11/20/20
Antoinette Griego, Licensing Manager- Via Zoom on 11/20/20
Amanda Chavez, Senior Investigator – Via Zoom on 11/20/20
Samantha Breen, Compliance Coordinator- Via Zoom on 11/19/20

1. CALL TO ORDER / ROLL CALL

Dr. Beaudette, after establishing the presence of a quorum, called the Regular Board Meeting of the New Mexico Medical Board to order at 8:36 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. Beaudette, Dr. Carson, Dr. Jenkusky, Dr. Spence, Dr. Anderson, and Dr. Unverzagt. **ABSENT:** Ms. Saavedra **MOTION CARRIED.**

3. APPROVAL OF MINUTES

MOTION was made by Dr. Jenkusky to accept and approve the minutes of the September 24, 2020 Interim Board Meeting as presented. **SECONDED** by Dr. Unverzagt **YES:** Dr. Beaudette, Dr. Carson, Dr. Jenkusky, Dr. Spence, Dr. Anderson, and Dr. Unverzagt. **ABSENT:** Ms. Saavedra **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. Anderson **YES:** Dr. Beaudette, Dr. Carson, Dr. Jenkusky, Dr. Spence, Dr. Anderson, and Dr. Unverzagt **ABSENT:** Ms. Saavedra **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

Case #2020-A-246 RECOMMENDATION was made by Dr. Jenkusky to **CLOSE** the case and issue Physician Assistant a full unrestricted license. **YES:** Dr. Beaudette, Dr. Carson, Dr. Spence, Dr. Anderson, and Dr. Unverzagt. **RECUSED:** Dr. Jenkusky and Ms. Saavedra. **MOTION CARRIED**

Case #2020-A-045 RECOMMENDATION was made by Dr. Jenkusky to issue an advisory letter advising physician to provide full and appropriate informed consent when practicing medicine that appears to be outside of standard recommendations along with a letter of reprimand requiring payment of fines in the amount of \$500. If physician does not accept, a notice of contemplated action will be issued based on, but not limited to, inappropriate prescribing to family members and improper medical record keeping. **YES:** Dr. Beaudette, Dr. Carson, Dr. Spence, Dr. Anderson, and Dr. Unverzagt. **RECUSED:** Dr. Jenkusky and Ms. Saavedra. **MOTION CARRIED**

Case #2020-A-098 - Tabled

Case #2020-A-197 RECOMMENDATION was made by Dr. Jenkusky to issues a cease and desist letter to physician. **YES:** Dr. Beaudette, Dr. Carson, Dr. Spence, Dr. Anderson, and Dr. Unverzagt. **RECUSED:** Dr. Jenkusky and Ms. Saavedra. **MOTION CARRIED.**

Complaint Committee B

RECOMMENDATION was made by Dr. Anderson to **CLOSE** the following cases: 2019-B-243; 2020-B-032; 2020-B-064; 2020-B-109; 2020-B-123 and 2020-B129. **YES:** Dr. Beaudette, Dr. Carson, Dr. Jenkusky, Dr. Unverzagt and Ms. Saavedra. **RECUSED:** Dr. Spence and Dr. Anderson. **MOTION CARRIED.**

Case #2020-B-178 - Tabled

Case #2020-B-068 RECOMMENDATION was made by Dr. Anderson to close this case with issuance of an advisory letter recommending improved physician-patient communication. **YES:** Dr. Beaudette, Dr. Carson Dr. Jenkusky, Dr. Unverzagt and Ms. Saavedra. **RECUSED:** Dr. Spence and Anderson. **MOTION CARRIED**

Case #2020-B-095 RECOMMENDATION was made by Dr. Anderson to close this case with issuance of an advisory letter recommending improved patient/physician communication. **YES:** Dr. Beaudette, Dr. Carson Dr. Jenkusky, Dr. Unverzagt and Ms. Saavedra. **RECUSED:** Dr. Spence and Anderson. **MOTION CARRIED**

Case #2020-B-196 RECOMMENDATION was made by Dr. Anderson to offer physician applicant a letter of reprimand requiring payment of fines in the amount of \$3,000. If physician applicant does not accept, he may withdraw his application while under investigation or a notice of contemplated action to deny licensure will be issued based on, but not limited to, misrepresentation on an application and dishonesty. **YES:** Dr. Beaudette, Dr. Carson Dr. Jenkusky, Dr. Unverzagt and Ms. Saavedra. **RECUSED:** Dr. Spence and Dr. Anderson. **MOTION CARRIED**

Complaint Committee C

RECOMMENDATION was made by Dr. Carson to **CLOSE** the following cases 2020-C-011, 2020-C-012, 2020-C-013, 2020-C-014, 2020-C-015, 2020-C-016, 2020-C-017, 2020-C-018, 2020-C-019, 2020-**YES:** Dr. Jenkusky, Dr. Spence, Dr. Anderson, Dr. Unverzagt and Ms. Saavedra. **RECUSED:** Dr. Carson and Dr. Beaudette. **MOTION CARRIED.**

Case #2019-C-149 RECOMMENDATION was made by Dr. Carson to issue a letter of reprimand and to offer physician a stipulation of licensure requiring fines of \$500 (\$100 x 5 patients) plus \$2,000. If physician does not accept offer, a notice of contemplated action will be issued based on, but not limited to, violation of board ethics regulation, (conduct unbecoming), failure to timely report adverse action, failure to maintain adequate medical records on patients. **YES:** Dr. Jenkusky, Dr. Spence, Dr. Anderson, Dr. Unverzagt and Ms. Saavedra. **RECUSED:** Dr. Carson and Dr. Beaudette. **MOTION CARRIED.**

Case #2019-C-311 RECOMMENDATION was made by Dr. Carson to offer physician the chance to place license on inactive status and enter into an agreed order requiring neuropsychiatric evaluation, CPEP assessment and requiring follow through with all of KSTAR recommendations. If physician does not accept the offer a notice of summary suspension will be issued based on imminent danger to the public, along with a Notice of Contemplated Action based on, but not limited to, conduct likely to harm and incompetency to practice. **YES:** Dr. Jenkusky, Dr. Spence, Dr. Anderson, Dr. Unverzagt and Ms. Saavedra. **RECUSED:** Dr. Carson and Dr. Beaudette. **MOTION CARRIED.**

Case #2020-C-043 RECOMMENDATION was made by Dr. Carson to offer physician assistant the following options: 1.) Enter into a stipulated license requiring mandatory participation in HPWP, obtain a complete neuropsychological evaluation and obtain a competency evaluation from CPEP; or 2,) voluntarily surrender license; or 3.) a Notice of Contemplated Action will be issued based on, but not limited to, incompetency to practice, repeated negligent acts and conduct likely to harm. **YES:** Dr. Jenkusky, Dr. Spence, Dr. Anderson, Dr. Unverzagt and Ms. Saavedra. **RECUSED:** Dr. Carson and Dr. Beaudette. **MOTION CARRIED.**

Case #2020-C-210 RECOMMENDATION was made by Dr. Carson to offer naprapathic physician the chance to place his license on inactive status. If physician does not agree, a Notice of Summary Suspension will be issued based on the imminent danger to the public along with a Notice of Contemplated Action based on, but not limited to, conduct likely to harm, conduct unbecoming and failure to report adverse action to the Board as required. **YES:** Dr. Jenkusky, Dr. Spence, Dr. Anderson, Dr. Unverzagt and Ms. Saavedra. **RECUSED:** Dr. Carson and Dr. Beaudette. **MOTION CARRIED.**

Case #2020-C-213 RECOMMENDATION was made by Dr. Carson offering physician a stipulation of licensure requiring mandatory participation in HPWP and requirement to follow through with required impatient treatment. Board is awaiting the results of the PEth test and if positive, physician will be asked to place her license on inactive status. If physician does not accept the offer, a summary suspension notice will be issued based on, imminent danger to the public along with a notice of contemplated action based on, but not limited to, conduct likely to harm and habitual/excessive use of alcohol substances. **YES:** Dr. Jenkusky, Dr. Spence, Dr. Anderson, Dr. Unverzagt and Ms. Saavedra. **RECUSED:** Dr. Carson and Dr. Beaudette. **MOTION CARRIED.**

Complaint Committee D

RECOMMENDATION was made by Dr. Unverzagt to **CLOSE** the following case: # 2020-D-089 **YES:** Dr. Beaudette, Dr. Carson, Dr. Jenkusky, Dr. Spence, Dr. Anderson, and Ms. Saavedra. **RECUSED:** Dr. Unverzagt. **MOTION CARRIED.**

Case #2020-D-044 RECOMMENDATION was made by Dr. Unverzagt to **CLOSE** this case with an advisory letter reminding PA to continue to set boundaries within her practice and assessing \$150.00 in costs for misrepresentation on applications. **YES:** Dr. Beaudette, Dr. Carson, Dr. Jenkusky, Dr. Spence, Dr. Anderson, and Ms. Saavedra. **RECUSED:** Dr. Unverzagt. **MOTION CARRIED.**

Case #2020-D-151 RECOMMENDATION was made by Dr. Unverzagt to offer physician an Interim Agreed Order requiring him to place license on inactive status pending Colorado Medical Board's final determination. If physician does not accept a Notice of Contemplated Action will be issued based on,

but not limited to, conduct likely to harm and incompetency to practice. **YES:** Dr. Beaudette, Dr. Carson, Dr. Jenkusky, Dr. Spence, Dr. Anderson, and Ms. Saavedra. **RECUSED:** Dr. Unverzagt. **MOTION CARRIED.**

Case #2020-D-180 RECOMMENDATION was made by Dr. Unverzagt to offer physician a stipulated license to practice in New Mexico requiring payment of \$1,000 fine for each violation of the Medical Practice Act, giving the NMMB Prosecutor the chance to negotiate total amount of fines. If physician does not accept, he may withdraw his application while under investigation or a Notice of Contemplated Action will be issued to deny licensure based on, but not limited to, misrepresentation on an application, dishonesty, adverse licensure action in other states and interaction with others that adversely affects patient care. **YES:** Dr. Beaudette, Dr. Carson, Dr. Jenkusky, Dr. Spence, Dr. Anderson, and Ms. Saavedra. **RECUSED:** Dr. Unverzagt. **MOTION CARRIED.**

Executive Session: Compliance Report and New Mexico Health Professional Wellness Program **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. Anderson **YES:** Dr. Beaudette, Dr. Carson, Dr. Jenkusky, Dr. Spence, Dr. Anderson, and Dr. Unverzagt **ABSENT:** Ms. Saavedra **MOTION CARRIED.**

4. New Mexico Health Professional Wellness Program Report

Mary Lynn Griffin and Leah Nelson, MD from HPWP presented the status of all mandatory HPWP participants and answered questions from the Board.

5. Informal Interviews – (appearing via zoom)

Keith Levitt, MD; Sumir Brahmhatt, MD; Winston Nara, MD; Jennifer Bendokas, PA.

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.

ADJOURN

Dr. Beaudette adjourned the first day [November 19, 2020] of the November Regular Board Meeting at 11:35 a.m.

Friday, November 20, 2020

Dr. Beaudette reconvened the Medical Board and called the meeting to order at 8:30 a.m. on Friday, November 20, 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 Jenkusky. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Dr. Anderson, Dr. Unverzagt and Ms. Saavedra. **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.

6. LICENSING ISSUES, NEW APPLICANTS / REINSTATEMENTS

Luis Cisneros, MD- Joint Motion Requesting Approval of Proposed Agreed Order

MOTION was made by Dr. Beaudette to approve the Joint Motion Requesting Approval of Proposed Agreed Order. **SECONDED** by Dr. Jenkusky **YES:** Dr. Beaudette, Dr. Carson, Dr. Jenkusky, Dr. Spence, Dr. Anderson, Dr. Unverzagt and Ms. Saavedra. **MOTION CARRIED**

Justin Lee, MD- Motion for Entry of Default Order

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

MOTION was made by Dr. Beaudette to revoke Dr. Lee's license to practice in New Mexico. **SECONDED** by Dr. Jenkusky. **YES:** Dr. Beaudette, Dr. Carson, Dr. Jenkusky, Dr. Spence, Dr. Anderson, Dr. Unverzagt and Ms. Saavedra. **MOTION CARRIED**

Matthew Clark, PA- Motion for Entry of Default Order

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

MOTION was made by Dr. Beaudette to deny Mr. Clark's application for licensure. **SECONDED** by Dr. Anderson. **YES:** Dr. Beaudette, Dr. Carson, Dr. Jenkusky, Dr. Spence, Dr. Anderson, Dr. Unverzagt and Ms. Saavedra. **MOTION CARRIED**

Steven Black, MD- Joint Motion Requesting Approval of Proposed Agreed Order

MOTION was made by Dr. Beaudette to approve the Joint Motion for Proposed Agreed Order. **SECONDED** by Dr. Jenkusky. **YES:** Dr. Beaudette, Dr. Carson, Dr. Jenkusky, Dr. Spence, Dr. Anderson, Dr. Unverzagt and Ms. Saavedra. **MOTION CARRIED**

Steven Chapman, PA- Joint Motion Requesting Approval of Proposed Agreed Order

MOTION was made by Dr. Beaudette approve the Joint Motion for Proposed Agreed Order. **SECONDED** by Dr. Jenkusky. **YES:** Dr. Beaudette, Dr. Carson, Dr. Jenkusky, Dr. Spence, Dr. Anderson, Dr. Unverzagt and Ms. Saavedra. **MOTION CARRIED**

David Durham, MD- Joint Motion Requesting Approval of Proposed Agreed Order

MOTION was made by Dr. Beaudette to approve the Joint Motion for Proposed Agreed Order. **SECONDED** by Dr. Anderson. **YES:** Dr. Carson, Dr. Jenkusky, Dr. Spence, Dr. Anderson, Dr. Unverzagt and Ms. Saavedra. **RECUSED:** Dr. Beaudette **MOTION CARRIED**

Padmaneeel B. Kanase, MD- Approval and Entry of Final Amended Order of Reprimand

MOTION was made by Dr. Beaudette to approve the Entry of Final Amended Order of Reprimand following resolution of two appeals in State District Court. **SECONDED** by Dr. Jenkusky **YES:** Dr. Beaudette Dr. Carson, Dr. Jenkusky, Dr. Spence, Dr. Anderson, Dr. Unverzagt and Ms. Saavedra. **MOTION CARRIED**

Executive Session: Compliance Interviews Continued

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

7. **Informal compliance Interviews Continued-** (appearing via zoom)
Avra Larrakker, MD; Analisa Villarreal, MD; Clyde Miller, MD; Jeffery Giddens, MD; Joseph Long, MD; Ryan Grange, PA; Nina Nandy, MD.

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

8. **Compliance Requests / Actions**

Avra Laarakker, MD – Request for Release from Stipulation

MOTION was made by Dr. Jenkusky to release Dr. Laarakker from stipulation and issue an unrestricted License. **SECONDED** by Dr. Anderson **YES:** Dr. Beaudette, Dr. Carson, Dr. Jenkusky, Dr. Spence, Dr. Anderson, Dr. Unverzagt and Ms. Saavedra. **MOTION CARRIED**

Clyde Miller, MD- Request for Release from Stipulation

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

Jeffery Giddens, MD- Request for Release from Stipulation

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

Joseph Michael Long, MD – Request for Release from Stipulation

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

Ryan Grange, PA- Request for Release from Stipulation

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

Nina Nandy, MD- Request for release from Stipulation

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

Analisa Villarreal, MD- Request for release from Stipulation

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

9. **Reports**

Financial /HR Manager

Ms. Mascarenas reported to the Board the following:

FY20 Financial Audit Conducted- October 2020

The FY20 Financial Audit was conducted in October 2020 by Porch \$ Associates, LLC.

The exit conference was held on October 15, 2020, in attendance was Thad Porch, Dr. Beaudette and Ms. Mascarenas.

At the next regular Board meeting the Audit Firm, Thad Porch & Associates, LLC, who conducted the Financial Audit will present the FY20 audit to the Board and the Board will need to vote to approve the audit at that time.

FY21 NM Medical Board Revenues- Ending October 15, 2020

Report the FY21 Budget/Revenue Status ending October 31, 2020

From July 1, 2020 through October 31, 2020 expenditures total \$654,722 (or 28.02%) of budgeted expenditures (Opbud \$2,336,900);

From July 1, 2020 through October 31, 2020 the agency collected revenues in the amount of \$476,071 (or 22.3%) of budgeted revenues of \$2,136,900

The Fund Balance on June 30, 2020 is \$1,717,603. The cash balance as of November 19, 2020 is \$1,541,970.

Ms. Mascarenas provided the Board for their reference the FY21 Statistics Summary that reflects the application/renewal and other fees that makes up the total revenues collected in FY21 beginning on 7/1/20 through 10/31/20 in the amount of \$476,071.

10. Executive Director Report

Approve Disciplinary Rule Change

Ms. Frank reported to the Board that staff has been working on amending the Disciplinary Rules, specifically Parts 5 and 6 of the rules. Ms. Frank stated that the amended rules will be presented at the next full Board meeting.

Merging the Board of Osteopathic Medicine and the NMMB

Ms. Frank informed the Board that she has been in discussion with the President of the Osteopathic Association, Thomas Ely, DO, and Jeremy Edmonds, Chair of the Osteopathic Medical Board regarding the possibility of Merging the Osteopathic Board with Medical Board because the DO Board will be sunsetting their legal authority to be regulate DO's in 2021.

Ms. Frank also informed the Board that she is preparing for legislation and is gathering information on amending the Medical Practice Act so that the NMMB is prepared for the merger with the Osteopathic Board when the time comes.

Pharmacist Protocol

Dale Tinker, Executive Director of New Mexico Pharmacist Association, along with Amy Bachyrycz, presented to the Board the updated Protocol for Pharmacists prescribing of dangerous drugs in conjunction with Point-of-Care Testing (POCT). Dale reminded the Board that the protocol was presented to the Board members back in August. The Board formed a subcommittee to review and update the protocol. Board members, Mark unverzagt, M.D., and Karen Carson, M.D., were part of the subcommittee.

After much discussion, the following motions were made.

MOTION was made by Ms. Saavedra to approve the HIV Post-Exposure Prophylaxis Protocol.

SECONDED by Dr. Unverzagt. **YES:** Dr. Beaudette, Dr. Carson, Dr. Unverzagt and Ms. Saavedra. **NO:** Dr. Jenkusky, Dr. Spence and Dr. Anderson. **MOTION CARRIED.**

MOTION was made by Ms. Saavedra to approve the COVID-19 Prophylaxis Therapy protocol. **SECONDED** by Dr. Unverzagt. **YES:** Dr. Beaudette, and Dr. Unverzagt. **NO:** Dr. Carson, Dr. Jenkusky, Dr. Spence and Dr. Anderson. **MOTION FAILED.**

MOTION was made by Dr. Unverzagt to approve the Group A Beta-Hemolytic Streptococcus Protocol. **SECONDED** by Ms. Saavedra. **YES:** Dr. Unverzagt and Ms. Saavedra. **NO:** Dr. Beaudette, Dr. Carson, Dr. Jenkusky, Dr. Spence and Dr. Anderson. **MOTION FAILED.**

MOTION was made by Dr. Unverzagt to approve the Influenza Antiviral Therapy Protocol. **SECONDED** by Ms. Saavedra. **YES:** Dr. Unverzagt and Ms. Saavedra. **NO:** Dr. Beaudette, Dr. Carson, Dr. Jenkusky, Dr. Spence and Dr. Anderson. **MOTION FAILED.**

The Board explained that this vote would not preclude pharmacists from administering vaccines including a COVID-19 vaccine. Pharmacists already have the ability to give vaccines. However, given the reservations of the Board concerning differential diagnosis and the limitations of the pharmacist scope, the Board declined to approve the protocols, except for the HIV protocol.

Subcommittees of the Board

Review and Approve the Professional Practice Questions

Ms. Frank presented the final updated version of the Professional Practice Questions that will be used on applications and renewals from this point forward.

After review of the Professional Practice Questions, the following motion was made.

MOTION was made by Dr. Beaudette to approve the Professional Practice Questions as presented. **SECONDED** by Dr. Unverzagt. **YES:** Dr. Beaudette, Dr. Carson, Dr. Jenkusky, Dr. Spence, Dr. Unverzagt and Ms. Saavedra. **ABSENT:** Dr. Anderson. **MOTION CARRIED.**

Telemedicine Rule Review

Ms. Frank provided the Board with information on the Telemedicine license process and regulations. Currently the Telemedicine Regulation regarding licensure is lenient and given the current situation with the COVID-19 Pandemic, the NMMB has been issuing more Telemedicine licenses.

Ms. Frank would like the Board to take into consideration making the Telemedicine Regulation more rigorous and require that more information be provided during the application process.

Dr. Jenkusky suggested the Board come back with a “white paper” that provides multiple options for different telemedicine application requirements, that could tighten up the application process.

Chair Report

CME Requirements and Granting Additional Extensions

Ms. Frank reported to the Board that multiple requests have been received for CME time extensions due to the COVID-19 Pandemic and the inability to attend CME courses in person.

Ms. Frank requested the Board’s position of continuing to allow her to approve extension requests.

After much discussion, the Board agreed to continue with their current process in allowing a three month extension because of the abundance of online CME offered.

11. Board Attorney Report

Margaret McLean, Esq. – Report for Review Only.

Yvonne Chicoine, Esq. – Report for Review Only.

12. New Business

Workforce Report

Dr. Spence presented a PowerPoint Presentation to the Board regarding the New Mexico Health Care Workforce Committee 2020 Annual report.

Dr. Spence informed the Board that in 2011 the legislature mandated that all healthcare professionals be surveyed at each license renewal. The information gathered will assist in recruiting and increase access to providers in the State’s rural and underserved areas.

Dr. Spence discussed with the Board members the information presented by the NM Health Care Workforce committee.

CME Course Regarding NMMB Regulations

Ms. Frank reported to the Board that she and Dr. Jenkusky are working with a provider who would like to offer online CME regarding the Board’s Regulations.

13. Old Business

Adopt Proposed Board Meeting Dates- Calendar Year 2021

The Board reviewed the Board Meeting dates for calendar year 2021. No changes were made.

14. ADJOURN

There being no further business before the Board, Dr. Beaudette adjourned the meeting at 11:25am.

SUBMITTED BY: _____ DATE: _____

Sondra Frank, J.D., Executive Director

APPROVED BY: _____ DATE: _____

Peter Beaudette, M.D, M.D., Chair

APPROVED BY: _____ DATE: _____

Karen Carson, M.D., Vice Chair