

**NEW MEXICO MEDICAL BOARD
Interim Board Meeting
April 1, 2021
MINUTES**

MEETING MADE PUBLIC VIA ZOOM AND TELECONFERENCE

Video Conferencing: Peter Beaudette, M.D., Chair
Karen Carson, M.D., Vice Chair
Steve Jenkusky, M.D., Secretary
James Spence, M.D.
Eric Anderson, M.D.
Mark Unverzagt, M.D.
Kathy Johnson, PA
Buffie Saavedra, Public Member

Others Present: Sondra Frank, Esquire, Executive Director
Amanda Quintana, Compliance Manager / PIO- Via Zoom
Elishia Lucero, Administrative Assistant
Samantha Breen, Compliance Coordinator- Via Zoom
Debbie Deterich, Investigations Manager -Via Zoom
Antoinette Griego, Licensing Manager-Via Zoom

1. CALL TO ORDER / ROLL CALL

Dr. Beaudette, after establishing the presence of a quorum, called the April 1, 2021 Interim Board Meeting of the New Mexico Medical Board to order at 3:10 pm, roll call was completed.

2. APPROVAL OF AGENDA

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

3. APPROVAL OF MINUTES

MOTION was made by Dr. Jenkusky to approve the minutes from the February 18-19, 2021 Regular Board meeting. **SECONDED** by Dr. Carson. **YES:** Dr. Beaudette, Dr. Carson, Dr. Jenkusky, Dr. Spence, D. Anderson, Dr. Unverzagt, Ms. Saavedra and Ms. Johnson. **MOTION CARRIED.**

EXECUTIVE SESSION: Complaint Committee Reports

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

4. Complaint Committee Reports

Committee A

Case # 2019-A-255 Recommendation was made by Dr. Jenkusky to issue a Notice of Contemplated Action based on, but not limited to, conduct unbecoming, habitual/excessive use of a substance and or/ alcohol, and ethical violations. Prosecutor has the option to combine with Case 2021-A-039. **YES:** Dr. Beaudette, Dr. Carson, Dr. Spence, Dr. Anderson, Dr. Unverzagt and Ms. Saavedra. **RECUSED:** Dr. Jenkusky and Ms. Johnson. **MOTION CARRIED**

Case # 2021-A-039 Recommendation was made by Dr. Jenkusky to Summarily Suspend physician's license pursuant to 16.10.5.15 NMAC, violation of a board stipulation. A Notice of Contemplated Action shall be issued within 10 days of the summary suspension based on, but not limited to, conduct unbecoming, habitual/excessive use of substances. The prosecutor has the option of combining with Case 2019-A-255. **YES:** Dr. Beaudette, Dr. Carson, Dr. Spence, Dr. Anderson, Dr. Unverzagt and Ms. Saavedra. **RECUSED:** Dr. Jenkusky and Ms. Johnson. **MOTION CARRIED**

Case # 2020-A-324 Recommendation was made by Dr. Jenkusky to offer physician applicant the chance to withdraw her application while under investigation or a Notice of Contemplated Action will be issued based on, but not limited to, failure to respond to the Board and interaction with others that could adversely affect patient care. **YES:** Dr. Beaudette, Dr. Carson, Dr. Spence, Dr. Anderson, Dr. Unverzagt and Ms. Saavedra. **RECUSED:** Dr. Jenkusky and Ms. Johnson. **MOTION CARRIED**

Committee B

Case # 2020-B-241 and 2021-B-007 Recommendation was made by Dr. Anderson to combine these two cases and offer physician a letter of reprimand along with assessing \$1,000.00 fine for each case. If physician does not accept offer, a Notice of Contemplated Action will be issued based on, but not limited to, conduct unbecoming. **YES:** Dr. Beaudette, Dr. Carson, Dr. Jenkusky, Dr. Unverzagt, Ms. Saavedra and Ms. Johnson. **RECUSED:** Dr. Anderson and Dr. Spence. **MOTION CARRIED**

Committee C

Recommendation was made by Dr. Carson to **CLOSE** Case No. 2019-C-098. **YES:** Dr. Beaudette, Dr. Jenkusky, Dr. Spence, Dr. Anderson, Dr. Unverzagt, and Ms. Johnson. **RECUSED:** Dr. Carson, Ms. Saavedra **MOTION CARRIED**

Case # 2021-C-013 Recommendation was made by Dr. Carson to refer physician applicant to CPEP for a competency evaluation. If physician applicant does not accept referral, she may withdraw her application for licensure while under investigation or a Notice of Contemplated Action will be issued to deny licensure based on, but not limited to, incompetency to practice. **YES:** Dr. Beaudette, Dr. Jenkusky, Dr. Spence, Dr. Anderson, Dr. Unverzagt, and Ms. Johnson. **RECUSED:** Dr. Carson and Ms. Saavedra. **MOTION CARRIED**

Case # 2021-C-027 Recommendation was made by Dr. Carson to refer physician applicant to CPEP for a competency evaluation. If physician applicant does not accept referral, she may withdraw her application for licensure while under investigation or a Notice of Contemplated Action will be issued to deny licensure based on, but not limited to, incompetency to practice and misrepresentation on application. **YES:** Dr. Beaudette, Dr. Jenkusky, Dr. Spence, Dr. Anderson, Dr. Unverzagt and Ms. Johnson. **RECUSED:** Dr. Carson and Ms. Saavedra. **MOTION CARRIED**

Committee D

Case # 2021-D-006 Recommendation was made by Dr. Beaudette to offer resident physician a stipulated license requiring mandatory participation in NMHPWP. If resident physician does not accept, a Notice

of Contemplated Action will be issued based on, but not limited to, misrepresentation on application, failure to report and adverse licensure action taken by another state medical board. **YES:** Dr. Carson, Dr. Jenkusky, Dr. Spence, Dr. Anderson, Ms. Saavedra and Ms. Johnson. **RECUSED:** Dr. Unverzagt and Dr. Beaudette. **MOTION CARRIED**

Case # 2021-D-012 Recommendation was made by Dr. Unverzagt to close this case and issue a PA license to applicant with an advisory letter recommending that a professional communication course might benefit her. **YES:** Dr. Carson, Dr. Jenkusky, Dr. Spence, Dr. Anderson, Ms. Saavedra and Ms. Johnson. **RECUSED:** Dr. Unverzagt and Dr. Beaudette. **MOTION CARRIED**

5. Licensing Requests and Actions, New Applicants/Reinstatements

Dexter Russell, N.D.- Motion for Entry of Default Order

MOTION was made by Dr. Unverzagt 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, Ms. Saavedra and Ms. Johnson. **MOTION CARRIED**

MOTION was made by Dr. Spence to Revoke Russell Dexter, N.D. license. **SECONDED** by Dr. Jenkusky **YES:** Dr. Beaudette, Dr. Carson, Dr. Jenkusky, Dr. Spence, Dr. Anderson, Dr. Unverzagt, Ms. Saavedra and Ms. Johnson. **MOTION CARRIED**

6. Compliance Requests

Danielle Hewey, PA – Request for reactivation while continuing monitoring by HPWP.

MOTION was made by Ms. Saavedra to reactive Danielle Hewey's, P.A. license while continuing monitoring by HPWP **SECONDED** by Dr. Jenkusky **YES:** Dr. Beaudette, Dr. Carson, Dr. Jenkusky, Dr. Spence, Dr. Anderson, Dr. Unverzagt, Ms. Saavedra and Ms. Johnson. **MOTION CARRIED.**

Steven Chapman, PA – PA Scope of Practice Course

MOTION was made by Dr. Jenkusky to amend his order to take the CPEP PROBE ethics course in lieu of his scope of practice course **SECONDED** by Dr. Anderson. **YES:** Dr. Beaudette, Dr. Carson, Dr. Jenkusky, Dr. Spence, Dr. Anderson, Dr. Unverzagt, Ms. Saavedra and Ms. Johnson. **MOTION CARRIED.**

7. Reports

A. Executive Director

Legislative Update

Ms. Frank reported that SB279- Osteopathic merger has passed the legislature and has been submitted to the Governor's office for signature.

Ms. Frank stated that 90 days after the Governor's has signed the bill, the Osteopathic Board and NMMB will become one Board.

Ms. Frank also reported that licensing fees were increased in SB279.

B. Licensing Manager

Federal Emergency License-Status Regarding Pandemic

Mrs. Griego reported to the Board her concerns with the current Federal Emergency License, and the ability providers with questionable history have to get licensed.

Ms. Griego reminded the Board that the Federal Emergency license requires less documentation at the onset of the application process to receive a Temporary license quickly. Ms. Griego is concerned about the lack of documentation needed for verification of applicants with derogatory and or discrepancies on record.

After much discussion, the Board agreed to readdress this concern in more detail and for a formal vote at the next Board meeting.

8. New Business

Process Motions and Amendments During a Board Meeting

Ms. Frank would like the Board to consider implementing Roberts rules for Motions and Amendments during a Board meeting.

After much discussion, the Board agreed to review this at the next Board meeting.

9. ADJOURN

There being no further business before the Board, Dr. Beaudette adjourned the meeting at 5:00 p.m.

SUBMITTED BY: _____
Sondra Frank, J.D., Executive Director

DATE: _____

APPROVED BY: _____
Peter Beaudette, M.D, M.D., Chair

DATE: _____

APPROVED BY: _____
Karen Carson, M.D., Vice Chair

DATE: _____