

NEW MEXICO MEDICAL BOARD
Regular Board Meeting
March 3-4, 2022
MINUTES

MEETING MADE PUBLIC VIA ZOOM AND TELECONFERENCE

Members Present: Peter Beaudette, M.D., Chair
Karen Carson, M.D., Vice Chair
Steve Jenkusky, M.D., Secretary Treasurer
Eric Anderson, M.D.
Mark Unverzagt, M.D.
Kristin Reidy, D.O.
James Spence, M.D.
Kathy Johnson, PA

Video Conference: Buffie Saavedra, Public Member – arrived at 8:34
Bradley Scoggins, D.O

Others Present: Sondra Frank, Esquire, Executive Director
Amanda Quintana, Compliance Manager / PIO
Samantha Breen, Compliance Coordinator
Debbie Dieterich, Investigations Manager
Antoinette Griego, Licensing Manager
Gayle Mascarenas, CFO/HR Manager – via Zoom

1. CALL TO ORDER / ROLL CALL

Dr. Beaudette, after establishing the presence of a quorum, called the March 3-4, 2022, Regular Board Meeting of the New Mexico Medical Board to order at 8:30 a.m., roll call was completed.

2. APPROVAL OF AGENDA

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

3. APPROVAL OF MINUTES

MOTION was made by Dr. Spence to approve the minutes from the January 11, 2022, Interim Board meeting. **SECONDED** by Dr. Jenkusky. **YES:** Dr. Beaudette, Dr. Unverzagt, Ms. Johnson, Dr. Reidy, Dr. Spence, Dr. Carson, Dr. Anderson, Dr. Jenkusky and Dr. Scoggins. **ABSENT:** Ms. Saavedra. **MOTION CARRIED.**

EXECUTIVE SESSION: Compliance, New Mexico Health Professional Wellness Program and 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. Carson. **YES:** Dr. Beaudette, Dr. Unverzagt, Ms. Johnson, Dr. Reidy, Dr. Spence, Dr. Carson, Dr. Anderson, Dr. Jenkusky and Dr. Scoggins. **ABSENT:** Ms. Saavedra. **MOTION CARRIED.**

4. New Mexico Health Professional Wellness Program Report

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

5. **Informal Interviews- (appearing via zoom)**

Jane McMillan, MD; Sher Ali Khan, MD; Steven Black, MD; John Dacanay, MD; Stephen Coleman, MD; Jeffrey Neidhart, MD; Jennifer Tso, PA; James Martin, MD and Quin Stein, GC.

ABSENT: Melissa Valmoria, PA and Eric Peterson, MD.

6. **Reports**

A. Licensing Manager

None

B. Board Attorney-

For Review

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.

7. **ACTIONS RELATED TO EXECUTIVE SESSION**

Complaint Committee Reports A: Licensing and Applicants

Committee A

Recommendation was made by Dr. Jenkusky to **CLOSE** the following cases, 2021-A-250; 2021-A-296; **YES:** Dr. Beaudette, Dr. Unverzagt, Ms. Johnson, Dr. Spence, Dr. Carson, Dr. Anderson, Ms. Saavedra and Dr. Scoggins. **RECUSED:** Dr. Jenkusky and Dr. Reidy. **MOTION CARRIED.**

Case #2021-A-120 Recommendation was made by Dr. Jenkusky to close case with an advisory letter pertaining to professional courtesy to patients by office staff. **YES:** Dr. Beaudette, Dr. Unverzagt, Ms. Johnson, Dr. Spence, Dr. Carson, Dr. Anderson, Ms. Saavedra and Dr. Scoggins. **RECUSED:** Dr. Jenkusky and Dr. Reidy. **MOTION CARRIED.**

Case #2021-A-159 Recommendation was made by Dr. Jenkusky to close case with an advisory letter to the PA recommending he review the AMA ethical guidelines and other ethical guidelines governing his profession concerning social media and practitioner-patient relationships. **YES:** Dr. Beaudette, Dr. Unverzagt, Ms. Johnson, Dr. Spence, Dr. Carson, Dr. Anderson, Ms. Saavedra and Dr. Scoggins. **RECUSED:** Dr. Jenkusky and Dr. Reidy. **MOTION CARRIED.**

Case #2021-A-246 Recommendation was made by Dr. Jenkusky to close case with an advisory letter reminding physician about the Board's Regulation requirement on reporting adverse actions and assessing \$150 in costs and granting a NM license. **YES:** Dr. Beaudette, Dr. Unverzagt, Ms. Johnson, Dr. Spence, Dr. Carson, Dr. Anderson, Ms. Saavedra and Dr. Scoggins. **RECUSED:** Dr. Jenkusky and Dr. Reidy. **MOTION CARRIED.**

2020-A-098 and 2021-A-090 Recommendation was made by Dr. Jenkusky to offer physician the following options: (1) an Agreed Order requiring successful completion of controlled substance prescribing, medical recordkeeping, and ethics courses from CPEP or comparable in person program within 6 months, and a permanent practice restriction from treating addiction; or (2) voluntarily surrender medical license; or (3) issuance of a notice of contemplated action based on, but not limited to, injudicious prescribing, failure to

maintain adequate, complete and legible medical records and violation of the Board's Regulations on Management of Other Conditions with Controlled Substances and PMP Use. **YES:** Dr. Beaudette, Dr. Unverzagt, Ms. Johnson, Dr. Spence, Dr. Carson, Dr. Anderson, Ms. Saavedra and Dr. Scoggins. **RECUSED:** Dr. Jenkusky and Dr. Reidy. **MOTION CARRIED.**

2020-A-122 Recommendation was made by Dr. Jenkusky to offer physician an Agreed Order requiring payment of a fine not to exceed \$12,000; successful completion of an ethics course through CPEP or comparable program within six months; issuance of a reprimand and permanent restriction on her practice in that she can no longer engage in medical marijuana certification practice. If physician does not accept offer, a notice of contemplated action will be issued based on, but not limited to, making a false statement in a document connected with the practice of medicine; obtaining a fee by fraud; conduct likely to deceive the public; and conduct unbecoming. **YES:** Dr. Beaudette, Dr. Unverzagt, Ms. Johnson, Dr. Spence, Dr. Carson, Dr. Anderson, Ms. Saavedra and Dr. Scoggins. **RECUSED:** Dr. Jenkusky and Dr. Reidy. **MOTION CARRIED.**

2020-A-230 Recommendation was made by Dr. Jenkusky to offer resident physician a stipulated license requiring mandatory participation in the NMHPWP. If resident physician does not accept, a notice of contemplated action will be issued based on, but not limited to, habitual/excessive use of alcohol and substances. **YES:** Dr. Beaudette, Dr. Unverzagt, Ms. Johnson, Dr. Spence, Dr. Carson, Dr. Anderson, Ms. Saavedra and Dr. Scoggins. **RECUSED:** Dr. Jenkusky and Dr. Reidy. **MOTION CARRIED.**

Committee B

Recommendation was made by PA Johnson to **CLOSE** Case No. 2021-B-104; 2021-B-288; 2021-B-298. **YES:** Dr. Beaudette, Dr. Unverzagt, Dr. Reidy, Dr. Spence, Dr. Carson, Dr. Jenkusky, Ms. Saavedra and Dr. Scoggins. **RECUSED:** Dr. Anderson and PA Johnson. **MOTION CARRIED.**

Case #2021-B-181 Recommendation was made by PA Johnson to offer the issuance of a reprimand. If physician does not accept offer, a notice of contemplated action will be issued based on, but not limited to, violation of ethics regulation. **YES:** Dr. Beaudette, Dr. Unverzagt, Dr. Reidy, Dr. Spence, Dr. Carson, Dr. Jenkusky, Ms. Saavedra and Dr. Scoggins. **RECUSED:** Dr. Anderson and PA Johnson. **MOTION CARRIED.**

Case #2021-B-226 Recommendation was made by PA Johnson to offer PA an Agreed Order requiring PA to obtain a competency evaluation by CPEP or comparable program and be assessed \$300 in costs for failure to report adverse action and failure to maintain a current address with the Board. If PA does not accept offer, a notice of contemplated action will be issued based on, but not limited to, incompetency to practice and failure to report adverse actions taken against PA. **YES:** Dr. Beaudette, Dr. Unverzagt, Dr. Reidy, Dr. Spence, Dr. Carson, Dr. Jenkusky, Ms. Saavedra and Dr. Scoggins. **RECUSED:** Dr. Anderson and PA Johnson. **MOTION CARRIED.**

Case #2021-B-231 Recommendation was made by PA Johnson offering physician a stipulated license requiring mandatory participation in the NMHPWP. If physician does not accept, a notice of contemplated action will be issued based on, but not limited to, habitual/excessive use of alcohol and substances. **YES:** Dr. Beaudette, Dr. Unverzagt, Dr. Reidy, Dr. Spence, Dr. Carson, Dr. Jenkusky, Ms. Saavedra and Dr. Scoggins. **RECUSED:** Dr. Anderson and PA Johnson. **MOTION CARRIED.**

Committee C

Recommendation was made by Dr. Scoggins to **CLOSE** Case No. 2021-C-084 **YES:** Dr. Beaudette, Dr. Unverzagt, Ms. Johnson, Dr. Reidy, Dr. Spence, Dr. Anderson, Dr. Jenkusky and Ms. Saavedra. **RECUSED:** Dr. Carson and Dr. Scoggins. **MOTION CARRIED**

Case #2020-C-305 Recommendation was made by Dr. Scoggins to close this case with an advisory letter

recommending physician consider a professionalism evaluation and remind physician this is the second advisory letter issued to her relating to her communication style. Board will be monitoring future complaints. **YES:** Dr. Beaudette, Dr. Unverzagt, Ms. Johnson, Dr. Reidy, Dr. Spence, Dr. Anderson, Dr. Jenkusky and Ms. Saavedra. **RECUSED:** Dr. Carson and Dr. Scoggins. **MOTION CARRIED**

Case #2021-C-011 Recommendation was made by Dr. Scoggins to close this case with an advisory letter regarding the board's concerns with regard to her standard of care provided to this patient. **YES:** Dr. Beaudette, Dr. Unverzagt, Ms. Johnson, Dr. Reidy, Dr. Spence, Dr. Anderson, Dr. Jenkusky and Ms. Saavedra. **RECUSED:** Dr. Carson and Dr. Scoggins. **MOTION CARRIED**

Case #2021-C-107 Recommendation was made by Dr. Scoggins to close this case with an advisory letter reminding the physician about the board's Regulation on medical records and expressing concern over the loss of patient records, which could impact a minor patient's future care. **YES:** Dr. Beaudette, Dr. Unverzagt, Ms. Johnson, Dr. Reidy, Dr. Spence, Dr. Anderson, Dr. Jenkusky and Ms. Saavedra. **RECUSED:** Dr. Carson and Dr. Scoggins. **MOTION CARRIED**

Case #2021-C-147 Recommendation was made by Dr. Scoggins to close this case with an advisory letter regarding the board's concerns with regard to her standard of care provided to this patient. The Board will be monitoring future complaints against physician. **YES:** Dr. Beaudette, Dr. Unverzagt, Ms. Johnson, Dr. Reidy, Dr. Spence, Dr. Anderson, Dr. Jenkusky and Ms. Saavedra. **RECUSED:** Dr. Carson and Dr. Scoggins. **MOTION CARRIED**

Case #2020-C-073, 2020-C-168, and 2021-C-129 Recommendation was made by Dr. Scoggins to combine the three cases above and offer PA an Agreed Order requiring successful completion of an ethics course at CPEP or comparable program within 6 months, a clinical skills assessment by CPEP or comparable program within 6 months, a fine of \$7,000 and issuance of a reprimand. If PA does not accept offer, he may voluntarily surrender his PA license, or a NCA will be issued based on, but not limited to, incompetency to practice, making false or misleading statements regarding the skill of the licensee or the efficacy or value of a medicine, conduct unbecoming, false advertising (ethics violation), dishonesty (ethics violation), interaction with patients that could adversely affect patient care, and failure to maintain timely, accurate and complete medical records. **YES:** Dr. Beaudette, Dr. Unverzagt, Ms. Johnson, Dr. Reidy, Dr. Spence, Dr. Anderson, Dr. Jenkusky and Ms. Saavedra. **RECUSED:** Dr. Carson and Dr. Scoggins. **MOTION CARRIED**

Case #2021-C-238 Recommendation was made by Dr. Scoggins to summarily suspend the medical license of physician based on imminent harm to the public, along with the issuance of a notice of contemplated action based on, but not limited to, incompetency to practice, adverse licensure action taken against physician by other state medical boards, and failure to cooperate with a board investigation. **YES:** Dr. Beaudette, Dr. Unverzagt, Ms. Johnson, Dr. Reidy, Dr. Spence, Dr. Anderson, Dr. Jenkusky and Ms. Saavedra. **RECUSED:** Dr. Carson and Dr. Scoggins. **MOTION CARRIED**

Case #2021-C-243 Recommendation was made by Dr. Scoggins to offer PSGT applicant a stipulated license to practice in NM requiring mandatory participation in the NMHPWP. If applicant does not accept a notice of contemplated action will be issued to deny licensure based on, but not limited to, habitual/excessive use of alcohol or substances. **YES:** Dr. Beaudette, Dr. Unverzagt, Ms. Johnson, Dr. Reidy, Dr. Spence, Dr. Anderson, Dr. Jenkusky and Ms. Saavedra. **RECUSED:** Dr. Carson and Dr. Scoggins. **MOTION CARRIED**

Case #2021-C-260 Recommendation was made by Dr. Scoggins to offer physician a stipulated license to practice in NM requiring mandatory participation in the NMHPWP. If applicant does not accept a notice of contemplated action will be issued to deny licensure based on, but not limited to, habitual/excessive use of alcohol or substances. If physician does not accept, a notice of contemplated action will be issued based on, but not limited to, habitual/excessive use of alcohol or substances. **YES:** Dr. Beaudette, Dr. Unverzagt, Ms. Johnson, Dr. Reidy,

Dr. Spence, Dr. Anderson, Dr. Jenkusky and Ms. Saavedra. **RECUSED:** Dr. Carson and Dr. Scoggins. **MOTION CARRIED**

Case #2021-C-283 Recommendation was made by Dr. Carson to offer physician the issuance of a reprimand for spread of misinformation that threatens the health and wellbeing of the community and undermines the public trust in the medical profession. Additionally, the committee recommends an Agreed Order requiring physician attend and complete 10 hours of Project Echo in the area of infectious disease and covid education seminars. Physician will be required to appear before the Board after completing the required hours. If physician does not accept, a notice of contemplated action will be issued based on, but not limited to, ethical violations. **YES:** Dr. Beaudette, Dr. Unverzagt, Ms. Johnson, Dr. Reidy, Dr. Spence, Dr. Anderson, Dr. Jenkusky and Ms. Saavedra. **RECUSED:** Dr. Carson and Dr. Scoggins. **MOTION CARRIED**

Committee D

Recommendation was made by Dr. Unverzagt to **CLOSE** Case No. 2021-D-045; 2021-D-150; **YES:** Ms. Johnson, Dr. Reidy, Dr. Spence, Dr. Carson, Dr. Anderson, Dr. Jenkusky, Ms. Saavedra and Dr. Scoggins. **RECUSED:** Dr. Beaudette and Dr. Unverzagt. **MOTION CARRIED**

Case #2020-D-215 Recommendation was made by Dr. Unverzagt to close this case with an advisory letter recommending PA communicate with other physicians about results of diagnostic tests if not trained to read them. **YES:** Ms. Johnson, Dr. Reidy, Dr. Spence, Dr. Carson, Dr. Anderson, Dr. Jenkusky, Ms. Saavedra and Dr. Scoggins. **RECUSED:** Dr. Beaudette and Dr. Unverzagt. **MOTION CARRIED**

Case #2020-D-281 Recommendation was made by Dr. Unverzagt to close this case with an advisory letter to physician reminding her about the Board's Regulation on PMP Use. **YES:** Ms. Johnson, Dr. Reidy, Dr. Spence, Dr. Carson, Dr. Anderson, Dr. Jenkusky, Ms. Saavedra and Dr. Scoggins. **RECUSED:** Dr. Beaudette and Dr. Unverzagt. **MOTION CARRIED**

Case #2020-D-283 Recommendation was made by Dr. Unverzagt to close this case with an advisory letter physician relaying the board's concerns about the standard of care provided to this patient. **YES:** Ms. Johnson, Dr. Reidy, Dr. Spence, Dr. Carson, Dr. Anderson, Dr. Jenkusky, Ms. Saavedra and Dr. Scoggins. **RECUSED:** Dr. Beaudette and Dr. Unverzagt. **MOTION CARRIED**

Case #2020-D-048 Recommendation was made by Dr. Unverzagt to offer physician the issuance of a reprimand based on failure to furnish the Board with information requested by the board; interaction with other healthcare professionals that could interfere with patient care; and violation of the Board Regulations on PMP Use. If physician does not accept, a notice of contemplated action will be issued based on, but not limited to, the same violations. **YES:** Ms. Johnson, Dr. Reidy, Dr. Spence, Dr. Carson, Dr. Anderson, Dr. Jenkusky, Ms. Saavedra and Dr. Scoggins. **RECUSED:** Dr. Beaudette and Dr. Unverzagt. **MOTION CARRIED**

Case #2021-D-186 Recommendation was made by Dr. Unverzagt to offer physician the issuance of a reprimand and Agreed Order requiring payment of \$1,000 fine based on conduct unbecoming [violation of state ordered mandate]. If physician does not accept, a notice of contemplated action will be issued based on, but not limited to, conduct unbecoming and ethical violations. **YES:** Ms. Johnson, Dr. Reidy, Dr. Spence, Dr. Carson, Dr. Anderson, Dr. Jenkusky, Ms. Saavedra and Dr. Scoggins. **RECUSED:** Dr. Beaudette and Dr. Unverzagt. **MOTION CARRIED**

Case #2021-D-197 Recommendation was made by Dr. Unverzagt to offer physician the issuance of a Censure and Agreed Order requiring payment of a fine in the amount of \$3,000. If physician does not accept, a notice of contemplated action will be issued based on, but not limited to, conduct unbecoming, ethical violations, and failure to report an arrest. **YES:** Ms. Johnson, Dr. Reidy, Dr. Spence, Dr. Carson, Dr. Anderson, Dr. Jenkusky, Ms. Saavedra and Dr. Scoggins. **RECUSED:** Dr. Beaudette and Dr. Unverzagt. **MOTION CARRIED**

Case #2021-D-241 Recommendation was made by Dr. Unverzagt issuance of a notice of contemplated action based on, but not limited to, failure to cooperate with a board investigator, adverse licensure action in another state and failure to report adverse action. **YES:** Ms. Johnson, Dr. Reidy, Dr. Spence, Dr. Carson, Dr. Anderson, Dr. Jenkusky, Ms. Saavedra and Dr. Scoggins. **RECUSED:** Dr. Beaudette and Dr. Unverzagt. **MOTION CARRIED.**

Committee E

Recommendation was made by Ms. Saavedra to **CLOSE** the following cases 2020-E-320; 2021-E-018 **YES:** Dr. Beaudette, Dr. Unverzagt; Ms. Johnson, Dr. Reidy, Dr. Carson, Dr. Anderson, Dr. Jenkusky, Ms. Saavedra and Dr. Scoggins. **RECUSED:** Dr. Spence and Ms. Saavedra. **MOTION CARRIED**

Case #2020-E-308 Recommendation was made by Ms. Saavedra to close this case with an advisory letter reminding physician about the Board's Regulation requiring notification to Board when closing a medical office. **YES:** Dr. Beaudette, Dr. Unverzagt; Ms. Johnson, Dr. Reidy, Dr. Carson, Dr. Anderson, Dr. Jenkusky, Ms. Saavedra and Dr. Scoggins. **RECUSED:** Dr. Spence and Ms. Saavedra. **MOTION CARRIED**

Case #2021-E-009 Recommendation was made by Ms. Saavedra to close this case and issuing NM medical license with an advisory letter regarding disclosing complete information on an application and assessing \$150 in costs. **YES:** Dr. Beaudette, Dr. Unverzagt; Ms. Johnson, Dr. Reidy, Dr. Carson, Dr. Anderson, Dr. Jenkusky, Ms. Saavedra and Dr. Scoggins. **RECUSED:** Dr. Spence and Ms. Saavedra. **MOTION CARRIED**

Case #2021-E-083 Recommendation was made by Ms. Saavedra to close this case with an advisory letter recommending physician educate staff on insurance issues to avoid patient conflict and complaints. **YES:** Dr. Beaudette, Dr. Unverzagt; Ms. Johnson, Dr. Reidy, Dr. Carson, Dr. Anderson, Dr. Jenkusky, Ms. Saavedra and Dr. Scoggins. **RECUSED:** Dr. Spence and Ms. Saavedra. **MOTION CARRIED**

Case #2021-E-204 ND 2021-E-218 Recommendation was made by Dr. Spence that physician be ordered to undergo an evaluation by an Impaired Physician Committee and be assessed \$150 in costs for failure to report adverse action taken against physician. **YES:** Dr. Beaudette, Dr. Unverzagt; Ms. Johnson, Dr. Reidy, Dr. Carson, Dr. Anderson, Dr. Jenkusky, Ms. Saavedra and Dr. Scoggins. **RECUSED:** Dr. Spence and Ms. Saavedra. **MOTION CARRIED**

8. Compliance Request/Actions

Peter Tiernan, MD – Review of Neuropsychological Evaluation
Tabled

Steven Black, MD- Request to be released from stipulation.

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

Jane McMillan, MD - Request to be released from stipulation.

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

John Dacanay, MD - Request to be released from stipulation.

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

Steven Coleman, MD Request to be released from stipulation.

Tabled

Eric Peterson, MD Request to be released from stipulation.

MOTION was made by Dr. Jenkusky to deny Dr. Peterson's request for release from stipulation. **SECONDED:** Dr. Anderson. **YES:** Dr. Beaudette, Dr. Unverzagt, Ms. Johnson, Dr. Reidy, Dr. Spence, Dr. Carson, Dr. Anderson, Dr. Jenkusky, Ms. Saavedra and Dr. Scoggins. **MOTION CARRIED.**

Sher Ali Khan, MD Request to be released from stipulation.

MOTION was made by Dr. Jenkusky to release Dr. Khan from stipulation effective April 18, 2022. **SECONDED:** Dr. Anderson. **YES:** Dr. Beaudette, Dr. Unverzagt, Ms. Johnson, Dr. Reidy, Dr. Spence, Dr. Carson, Dr. Anderson, Dr. Jenkusky, Ms. Saavedra and Dr. Scoggins. **MOTION CARRIED.**

Jeffrey Neidhart, MD - Request to waive the requirement to have a worksite monitor.

MOTION was made by Dr. Jenkusky to approve Dr. Neidhart's request to waive the requirement to have a worksite monitor. **SECONDED:** Dr. Anderson. **YES:** Dr. Beaudette, Dr. Unverzagt, Ms. Johnson, Dr. Reidy, Dr. Spence, Dr. Carson, Dr. Anderson, Dr. Jenkusky, Ms. Saavedra and Dr. Scoggins. **MOTION CARRIED.**

9. **Licensing Issues, New Applicants/Reinstatements**

None

10. **Reports continued**

C. **Executive Director**

Ms. Frank reminded the board about the retreat on Friday, March 4, 2022.

D. **Finance**

Ms. Mascarenas provided the board with the portions of HAFC, Substitute for HB2 that pertain to the NMMB's FY23 Operating Budget for their reference. Once Governor Lujan Grisham signs HB2, the NMMB's FY23 Operating Budget will include \$2,700.0 (*p. 53-54*) (*6% increase from FY22*) plus the FY22 Compensation appropriation (starting on p. 216) which is based on HB2 and calculated by the Department of Finance & Administration (DFA).

Under Section 7. Information Technology Appropriations (p. 209), item 14, HB2 includes \$1,311.2 for the continuation of the implementation of the licensing software upgrade. To date, the agency has budgeted \$500.0 appropriated in FY22 and has spent \$86,062.68 through March 1, 2022 for Program Manager and IV&V services (this includes \$16,127.31 of our regular appropriation). DFA has not approved the last C2 funding budget request for this appropriation (submitted to DFA in January, 2022) in the amount of \$316,000.

Ms. Mascarenas also provided the board an update on FY22 Budget/Revenue Status

The Budget and Revenue Status ending January 31, 2022 are as follows:

- ✓ From July 1, 2021 through January 31, 2022 expenditures total **\$1,183,228 (or 46.49%)** of budgeted expenditures (Opbud \$2,545,100);
- ✓ From July 1, 2021 through January 31, 2022 the agency collected revenues in the amount of **\$623,214 (or 24.8%)** of budgeted revenues of **\$2,515,100** (\$30,000 FB budgeted in FY22). (\$650,608 collected last fiscal year for the same period)
- ✓ The Fund Balance on June 30, 2021 is **\$2,336,745**. The cash balance as of March 1, 2022 is **\$1,705,347** (last year at this time the cash balance was \$1,227,063).

Also provided for reference is the FY22 Statistics Summary that reflects the application/renewal and other fees that makes up the total revenues collected in FY22 beginning on 7/1/21 through 1/31/2022 in the amount of \$623,214.

E. Chair

11. New Business

Revision of Professional Practice Question #4 (a).

Ms. Dieterich requested that an amendment be made to the PPQ language in the new physician application relating to PPQ#4(a) to include “investigated” and “placed on administrative leave”. The proposed question would read, “Have you, for any reason, ever been investigated, placed on administrative leave, suspended, dismissed, terminated, resigned, or withdrawn from a medical school or PGT program?” **MOTION** was made by Dr. Anderson to amend professional practice question #4(a) as requested by Ms. Dieterich. **SECONDED** by Dr. Jenkusky **YES:** Dr. Beaudette, Dr. Unverzagt, Ms. Johnson, Dr. Reidy, Dr. Spence, Dr. Carson, Dr. Anderson, Dr. Jenkusky, Ms. Saavedra and Dr. Scoggins. **MOTION CARRIED.**

Review and consider approval of rules for rule hearing in June of 2022:

16.10.2 NMAC – Physicians: Licensure Requirements:

Ms. Griego presented to the board the proposed rule change that would allow any Foreign Medical Graduate that is ECFMG certified to apply for a license and that will be the only requirement that will be looked at in lieu of the Foreign Medical School evaluation or being on the California Medical Board approved list. The board had a brief discussion. **MOTION** was made by Dr. Spence to approve changes to 16.10.2 NMAC as presented by Ms. Griego. **SECONDED** by Dr. Anderson **YES:** Dr. Beaudette, Dr. Unverzagt, Ms. Johnson, Dr. Reidy, Dr. Spence, Dr. Carson, Dr. Anderson, Dr. Jenkusky, Ms. Saavedra and Dr. Scoggins. **MOTION CARRIED.**

Ms. Quintana presented to the board the proposed addition of a temporary license type for traveling sports team physicians. The board had a brief discussion.

MOTION was made by Dr. Jenkusky to approve changes to 16.10.2 NMAC as presented by Ms. Quintana. **SECONDED** by Dr. Carson **YES:** Dr. Beaudette, Dr. Unverzagt, Ms. Johnson, Dr. Reidy, Dr. Spence, Dr. Carson, Dr. Anderson, Dr. Jenkusky, Ms. Saavedra and Dr. Scoggins. **MOTION CARRIED.**

12. Old Business

Dr. Jenkusky informed the Board that he has been renominated to be on the Governors Overdose Prevention and Pain Management Advisory Council.

13. Adjourn

There being no further business before the Board, Dr. Beaudette adjourned the meeting at 3:06 pm.

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: _____