

NEW MEXICO MEDICAL BOARD
Board Meeting
June 2-3, 2022
MINUTES

MEETING MADE PUBLIC VIA ZOOM AND TELECONFERENCE

Members Present: Steve Jenkusky, MD, Secretary Treasurer
Mark Unverzagt, MD
Kristin Reidy, DO

Video Conferencing: Peter Beaudette, MD, Chair
Karen Carson, MD, Vice Chair
James Spence, MD - Excused
Eric Anderson, MD - Excused
Kathy Johnson, PA
Buffie Saavedra, Public Member
Bradley Scoggins, DO

Others Present: Sondra Frank, Esquire, Executive Director
Amanda Quintana, Compliance Manager / PIO
Debbie Dieterich, Investigations Manager
Antoinette Griego, CFO/HR
Monique Parks, Licensing Specialist Supervisor
Samantha Breen, Compliance Coordinator
Ann Pacheco, Administrative Assistant

CALL TO ORDER / ROLL CALL

1. Dr. Beaudette, after establishing the presence of a quorum, called the June 2-3, 2022, Board Meeting of the New Mexico Medical Board to order at 8:09, roll call was completed. **PRESENT** Dr. Beaudette, Dr. Jenkusky, Dr. Reidy, Dr. Unverzagt, Dr. Carson, Ms. Saavedra, PA Johnson and Dr. Scoggins. **EXCUSED:** Dr. Anderson and Dr. Spence.

Members of the public: Elizabeth Roberts (observer), and Dr. Barrett (newly appointed Board Member).
Dr. Beaudette welcomed Dr. Barrett to the Board.

2. **APPROVAL OF AGENDA**

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

3. **APPROVAL OF MINUTES**

MOTION was made by Dr. Jenkusky to approve the minutes from the April 20, 2022, Board meeting. **SECONDED** by Dr. Reidy. **YES:** Dr. Beaudette, Dr. Jenkusky, Dr. Reidy, Dr. Unverzagt, Dr. Carson, Ms. Saavedra, PA Johnson and Dr. Scoggins. **EXCUSED:** Dr. Anderson and Dr. Spence. **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. **SECOND** by Dr. Jenkusky. **YES:** Dr. Beaudette, Dr. Jenkusky, Dr. Reidy, Dr. Unverzagt, Dr. Carson, Ms. Buffie Saavedra, PA Johnson and Dr. Scoggins. **EXCUSED:** Dr. Anderson and Dr. Spence. **MOTION CARRIED.**

4. HPWP 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 Compliance Interviews

9:15:	Eric Peterson, MD (SJ) EXCUSED	
9:45:	Bertrand Bassett, MD (PB) EXCUSED	Shannon Calhoun, DO (BS)
10:00	Jon Fowler, DO (KR)	Jeffrey Fritz, MD (SJ)
10:15	Steven Hensley, PSGT (BS)	Frank Ralls, MD (EA)
10:30	Christina Fox, MD (MU)	Curtis Quintana, PA (KC)

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** Case 2021-A-067. **YES,** Dr. Beaudette, Dr. Reidy, Dr. Unverzagt, Dr. Carson, PA. Johnson, and Dr. Scoggins. **RECUSED:** Dr. Jenkusky and Ms. Saavedra. **ABSENT,** Dr. Anderson and Dr. Spence. **MOTON CARRIED.**

Case # 2021-A-032 RECOMMENDATION was made by Dr. Jenkusky to **CLOSE** this case with an advisory letter warning physician that offering intravenous hydrogen peroxide therapy as a medical treatment for which there is no medical efficacy for the treatment is a patient safety concern and request physician to cease this practice. The Board will be monitoring the care provided to patients by physician. **YES,** Dr. Beaudette, Dr. Reidy, Dr. Unverzagt, Dr. Carson, PA Johnson, Dr. Scoggins. **RECUSED,** Dr. Jenkusky and Ms. Saavedra. **ABSENT,** Dr. Anderson and Dr. Spence. **MOTON CARRIED.**

Case # 2020-A-195 RECOMMENDATION was made by Dr. Jenkusky to offer physician an agreed order requiring the successful completion of a medical recordkeeping course and controlled substance prescribing course, through CPEP or comparable program, to be completed within 3 months. If physician does not accept, a notice of contemplated action will be issued based on, but not limited to, injudicious prescribing, and failure to maintain complete, accurate and legible medical records on a patient. **YES,** Dr. Beaudette, Dr. Reidy, Dr. Unverzagt, Dr. Carson, PA Johnson, Dr. Scoggins. **RECUSED,** Dr. Jenkusky and Ms. Saavedra. **ABSENT,** Dr. Anderson and Dr. Spence. **MOTON CARRIED.**

Case # 2021-A-093 RECOMMENDATION was made by Dr. Jenkusky to offer physician an agreed order requiring payment of a fine of \$2000 and issuance of a reprimand. If physician does not accept, a notice of contemplated

action will be issued based on, but not limited to, failure to maintain complete, accurate medical records and other ethical violations, including dishonesty. **YES**, Dr. Beaudette, Dr. Reidy, Dr. Unverzagt, Dr. Carson, PA Johnson, Dr. Scoggins. **RECUSED**, Dr. Jenkusky and Ms. Saavedra. **ABSENT**, Dr. Anderson and Dr. Spence. **MOTON CARRIED**.

Case # 2021-A-258 RECOMMENDATION was made by Dr. Jenkusky to issue a cease-and-desist letter to Respondent for procedures being performed that are considered the practice of medicine. **YES**, Dr. Beaudette, Dr. Reidy, Dr. Unverzagt, Dr. Carson, PA Johnson, Dr. Scoggins. **RECUSED**, Dr. Jenkusky and Ms. Saavedra. **ABSENT**, Dr. Anderson and Dr. Spence. **MOTON CARRIED**.

Case # 2021-A-240 and Case # 2021-A-297 RECOMMENDATION was made by Dr. Jenkusky to offer physician an agreed order requiring a neuropsychological evaluation to be conducted within 6 months, to be reviewed by the Board, payment of a fine of up to \$1000.00 per day to be negotiated by the Prosecutor for each day physician continued to work unlicensed and issuance of a reprimand. If physician does not accept, a notice of contemplated action will be issued based on, but not limited to, failure to respond to a Board investigation, unlicensed practice of medicine and conduct unbecoming. **YES**, Dr. Beaudette, Dr. Reidy, Dr. Unverzagt, Dr. Carson, PA Johnson, Dr. Scoggins. **RECUSED**, Dr. Jenkusky and Ms. Saavedra. **ABSENT**, Dr. Anderson and Dr. Spence. **MOTON CARRIED**.

Complaint Committee B:

RECOMMENDATION was made by Dr. Beaudette to **CLOSE** the following cases: 2021-B-168 and 2022-B-044. **YES**, Dr. Jenkusky, Dr. Reidy, Dr. Unverzagt, Dr. Carson, PA Johnson, Dr. Scoggins and Ms. Saavedra. **RECUSED**, Dr. Beaudette **ABSENT**, Dr. Anderson and Dr. Spence. **MOTON CARRIED**.

Case #2021-B-211 Tabled

Case # 2021-B-141 RECOMMENDATION was made by Dr. Beaudette to **CLOSE** this case with an advisory letter to physician reminding him to maintain adequate patient records. **YES**, Dr. Jenkusky, Dr. Reidy, Dr. Unverzagt, Dr. Carson, PA Johnson, Dr. Scoggins and Ms. Saavedra. **RECUSED**, Dr. Beaudette **ABSENT**, Dr. Anderson and Dr. Spence. **MOTON CARRIED**.

Case # 2021-B-293 RECOMMENDATION was made by Dr. Beaudette to **CLOSE** this case with an advisory letter reminding resident physician of the requirement to self-report adverse actions and assessing \$150 in costs. **YES**, Dr. Jenkusky, Dr. Reidy, Dr. Unverzagt, Dr. Carson, PA Johnson, Dr. Scoggins and Ms. Saavedra. **RECUSED**, Dr. Beaudette **ABSENT**, Dr. Anderson and Dr. Spence. **MOTON CARRIED**.

Case # 2022-B-010 RECOMMENDATION was made by Dr. Beaudette to **CLOSE** this case with an advisory letter reminding physician about the requirement to report adverse actions and to maintain a current address with the Board and assessing \$300 in costs for both. **YES**, Dr. Jenkusky, Dr. Reidy, Dr. Unverzagt, Dr. Carson, PA Johnson, Dr. Scoggins and Ms. Saavedra. **RECUSED**, Dr. Beaudette **ABSENT**, Dr. Anderson and Dr. Spence. **MOTON CARRIED**.

Case # 2022-B-021 RECOMMENDATION was made by Dr. Beaudette to **CLOSE** this case with an advisory letter about the Board's timely reporting requirement and assessing \$150 in costs. **YES**, Dr. Jenkusky, Dr. Reidy, Dr.

Unverzagt, Dr. Carson, PA Johnson, Dr. Scoggins and Ms. Saavedra. **RECUSED**, Dr. Beaudette **ABSENT**, Dr. Anderson and Dr. Spence. **MOTON CARRIED**.

Complaint Committee C:

RECOMMENDATION was made by Dr. Carson to **CLOSE** the following cases: 2021-C-095, 2021-C-096, 2021-C-097, 2021-C-098, 2021-C-099, 2021-C-100, 2021-C-101 and 2021-C-102 , **YES**, Dr. Jenkusky, Dr. Reidy, PA Johnson, Dr. Scoggins, Dr. Beaudette and Ms. Saavedra. **RECUSED**, Dr. Carson and Dr. Unverzagt. **ABSENT**, Dr. Anderson and Dr. Spence. **MOTON CARRIED**.

Case# 2022-C-130 RECOMMENDATION was made by Dr. Carson to offer an amended agreed order to physician requiring physician to enroll in NMHPWP for mandatory participation for mental health to include urine drug testing; to obtain a medical evaluation; and to retake and successfully complete CPEP's ethics ProBE program. If physician does not accept amended agreed order, then a notice of contemplated action will be issued based on, but not limited to, violation of current stipulation, conduct unbecoming and interaction with others that could adversely affect patient care. **YES**, Dr. Jenkusky, Dr. Reidy, PA Johnson, Dr. Scoggins, Dr. Beaudette and Ms. Saavedra. **RECUSED**, Dr. Carson and Dr. Unverzagt. **ABSENT**, Dr. Anderson and Dr. Spence. **MOTON CARRIED**.

Case# 2021-C-105 RECOMMENDATION was made by Dr. Unverzagt to offer physician an agreed order requiring payment of a fine of \$2000 and issuance of a reprimand. If physician does not accept, a notice of contemplated action will be issued based on, but not limited to, conduct unbecoming and conduct likely to harm. **YES**, Dr. Jenkusky, Dr. Reidy, PA Johnson, Dr. Scoggins, Dr. Beaudette and Ms. Saavedra. **RECUSED**, Dr. Carson and Dr. Unverzagt. **ABSENT**, Dr. Anderson and Dr. Spence. **MOTON CARRIED**.

Case # 2021-C-290 RECOMMENDATION was made by Dr. Carson to offer physician either (1) an agreed order that mirrors the stipulations in the California Medical Board Order, or (2) voluntarily surrender her license in NM. If physician does not accept either offer, a notice of contemplated action will be issued based on, but not limited to, adverse licensure action in another state and failure to report adverse licensure action as required. **YES**, Dr. Jenkusky, Dr. Reidy, PA Johnson, Dr. Scoggins, Dr. Beaudette and Ms. Saavedra. **RECUSED**, Dr. Carson and Dr. Unverzagt. **ABSENT**, Dr. Anderson and Dr. Spence. **MOTON CARRIED**.

Case # 2021-C-294 RECOMMENDATION was made by Dr. Unverzagt to offer physician a stipulation of license requiring mandatory participation in the NMHPWP and assessment of \$150 in costs for his failure to report an arrest. If physician does not accept, a notice of contemplated action will be issued based on but not limited to, habitual/excessive use of alcohol, conduct unbecoming, and failure to report an arrest. **YES**, Dr. Jenkusky, Dr. Reidy, PA Johnson, Dr. Scoggins, Dr. Beaudette and Ms. Saavedra. **RECUSED**, Dr. Carson and Dr. Unverzagt. **ABSENT**, Dr. Anderson and Dr. Spence. **MOTON CARRIED**.

Case # 2022-C-046 RECOMMENDATION was made by Dr. Carson to offer physician the chance to withdraw her application while under investigation. If physician does not accept, a notice of contemplated action will be issued to deny licensure based on, but not limited to, incompetency to practice and adverse licensure actions in other states. **YES**, Dr. Jenkusky, Dr. Reidy, PA Johnson, Dr. Scoggins, Dr. Beaudette and Ms. Saavedra. **RECUSED**, Dr. Carson and Dr. Unverzagt. **ABSENT**, Dr. Anderson and Dr. Spence. **MOTON CARRIED**.

Case # 2021-C-182 Tabled

Complaint Committee D:

RECOMMENDATION was made by PA Johnson to **CLOSE** the following cases: 2021-D-154; 2021-D-201 and 2022-D-018. **YES**, Dr. Jenkusky, Dr. Reidy, Dr. Beaudette, Dr. Carson, Dr. Unverzagt and Ms. Saavedra. **RECUSED**, Dr. Scoggins and PA Johnson. **ABSENT**, Dr. Anderson and Dr. Spence. **MOTON CARRIED**.

Case # 2022-D-131 RECOMMENDATION was made by Dr. Scoggins to offer physician the chance to voluntarily surrender his license or a notice of contemplated action will be issued based on, but not limited to, injudicious prescribing; failure to maintain accurate, complete medical records on patients; violation of Board Regulations on prescribing controlled substances for chronic pain and other conditions and PMP Use; violation of drug laws; and failure to provide medical records when requested to do so by NMMB. **YES**, Dr. Jenkusky, Dr. Reidy, Dr. Beaudette, Dr. Carson, Dr. Unverzagt and Ms. Saavedra. **RECUSED**, Dr. Scoggins and PA Johnson. **ABSENT**, Dr. Anderson and Dr. Spence. **MOTON CARRIED**.

Case # 2022-D-014 RECOMMENDATION was made by PA Johnson to offer physician to either (1) Voluntarily surrender his license in New Mexico; or (2) obtain a clinical skills assessment by CPEP or comparable program within 6 months. If physician does not accept either option, a notice of contemplated action will be issued based on, but not limited to, incompetency to practice and failure to report adverse action on clinical privileges. **YES**, Dr. Jenkusky, Dr. Reidy, Dr. Beaudette, Dr. Carson, Dr. Unverzagt and Ms. Saavedra. **RECUSED**, Dr. Scoggins and PA Johnson. **ABSENT**, Dr. Anderson and Dr. Spence. **MOTON CARRIED**.

Case # 2022-D-023 RECOMMENDATION was made by Dr. Scoggins to offer physician applicant the chance to withdraw his 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 and adverse licensure actions in other states. **YES**, Dr. Jenkusky, Dr. Reidy, Dr. Beaudette, Dr. Carson, Dr. Unverzagt and Ms. Saavedra. **RECUSED**, Dr. Scoggins and PA Johnson. **ABSENT**, Dr. Anderson and Dr. Spence. **MOTON CARRIED**.

Complaint Committee E:

RECOMMENDATION was made by Dr. Reidy to **CLOSE** the following cases: 2021-E-026 and 2021-E-058. **YES**, Dr. Jenkusky, Dr. Beaudette, Dr. Carson, Dr. Unverzagt, Dr. Scoggins, PA Johnson and Ms. Saavedra. **RECUSED**, Dr. Reidy **ABSENT**, Dr. Anderson and Dr. Spence. **MOTON CARRIED**.

Case #2021-E-088 RECOMMENDATION was made by Dr. Reidy to **CLOSE** this case with an advisory letter to physician recommending more appropriate charting without documenting emotions. **YES**, Dr. Jenkusky, Dr. Beaudette, Dr. Carson, Dr. Unverzagt, Dr. Scoggins, PA Johnson and Ms. Saavedra. **RECUSED**, Dr. Reidy **ABSENT**, Dr. Anderson and Dr. Spence. **MOTON CARRIED**.

Case # 2021-E-171 RECOMMENDATION was made by Dr. Reidy to **CLOSE** this case with an advisory letter reminding physician about the law requiring death certificates to be signed within 48 hours of a patient's death. **YES**, Dr. Jenkusky, Dr. Beaudette, Dr. Carson, Dr. Unverzagt, Dr. Scoggins, PA Johnson and Ms. Saavedra. **RECUSED**, Dr. Reidy **ABSENT**, Dr. Anderson and Dr. Spence. **MOTON CARRIED**.

Case # 2021-E-222 RECOMMENDATION was made by Dr. Reidy to **CLOSE** this case with advisory letter reminding physician about maintaining professionalism in the physician-patient relationship. **YES**, Dr. Jenkusky,

Dr. Beaudette, Dr. Carson, Dr. Unverzagt, Dr. Scoggins, PA Johnson and Ms. Saavedra. **RECUSED**, Dr. Reidy **ABSENT**, Dr. Anderson and Dr. Spence. **MOTON CARRIED**.

Case # 2021-E-268 RECOMMENDATION was made by Dr. Reidy to **CLOSE** this case with an advisory letter cautioning physician that he must abide by each hospital's mandates relating to visitation by a patient's physician who does not hold privileges at that hospital. **YES**, Dr. Jenkusky, Dr. Beaudette, Dr. Carson, Dr. Unverzagt, Dr. Scoggins, PA Johnson and Ms. Saavedra. **RECUSED**, Dr. Reidy **ABSENT**, Dr. Anderson and Dr. Spence. **MOTON CARRIED**.

7. Compliance Requests/Actions

Eric Peterson, MD – Request for release from stipulation
Tabled

8. EXECUTIVE SESSION: Licensing Requests, Actions, and New Applicants/Reinstatements

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. Carson, Dr. Unverzagt, Dr. Scoggins, Dr. Reidy, PA Johnson and Ms. Saavedra. **ABSENT**, Dr. Anderson and Dr. Spence. **MOTON 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

In the Matter of Martin Somervil, DN, Case No. 2021-027 – Decision and Order following Evidentiary Hearing:

MOTION was made by Dr. Jenkusky to **ACCEPT** the Hearing Officer's Findings of Fact in full. **YES**, Dr. Jenkusky, Dr. Beaudette, Dr. Carson, Dr. Unverzagt, Dr. Scoggins, Dr. Reidy, PA Johnson and Ms. Saavedra. **ABSENT**, Dr. Anderson and Dr. Spence. **MOTON CARRIED**.

MOTION was made by Dr. Jenkusky to **ACCEPT** the Prosecutor's Conclusions of Law with an amendment to Paragraph L(3) to read: Conduct likely to harm the public. **YES**, Dr. Jenkusky, Dr. Beaudette, Dr. Carson, Dr. Unverzagt, Dr. Scoggins, Dr. Reidy, PA Johnson and Ms. Saavedra. **ABSENT**, Dr. Anderson and Dr. Spence. **MOTON CARRIED**.

MOTION was made by Dr. Jenkusky to **REVOKE** the license of Respondent. . **YES**, Dr. Jenkusky, Dr. Beaudette, Dr. Carson, Dr. Unverzagt, Dr. Scoggins, Dr. Reidy, PA Johnson and Ms. Saavedra. **ABSENT**, Dr. Anderson and Dr. Spence. **MOTON CARRIED**.

In the Matter of Idrys McField, PA, Case No. 2022-006 - Motion for Default Order - TABLED

8. Reports-

A. Executive Director

- **Status of New Salesforce System-** Ms. Frank reported to the Board that the new system implementation is going very well, however the main work will begin in July after renewals. It is anticipated that it will take approximately six months to complete the process, and of course we will have to work out some bugs after the completion of implementation. Ms. Frank also reported that one of the requirements for successful implantation is “Organizational Change Management” which is continuous communication with all of the NMMB’s stakeholders such as Board Members, staff, contractors and most importantly licensees regarding the new system and what is required of everyone to make this system work optimally. Currently all of the focus is on data cleansing and documenting process requirements.
- **Distribution of Disciplinary Summaries to Board-** From this point forward Board Members will receive Board Action summaries quarterly which includes the name of the licensee and a brief summary of each action taken every quarter.
- **Subjects coming up this year -** Naturopath Doctors are going to come to the Board to request expansion of their prescriptive authority. Ms. Frank reported that Dr. Jenkusky and she will be meeting with the Naturopathic Advisory Committee to flush out any questions or concerns before their request is brought to the full Board.

B. Finance

Ms. Mascarenes and Ms. Griego reported to the Board, the following items.

Request for Approval of the FY23 Operating Budget

The General Appropriation Act of 2022 (Laws 2022, 55th Legislature, Second Session, Chapter 54) FY22 NM Medical Board Operating Budget consists of the following:

NMMB

200	\$1,706.6
300	\$ 650.0
400	\$ 424.1
	<u>\$2,780.7</u>

Under Section 7. Information Technology Appropriations, item 14 the NM Medical Board Received approval to utilize \$1,311.2 from the NM Medical Board fund balance for the continuation of the implementation of the licensing software upgrade. To date, the agency has budgeted \$500.0 appropriated in FY21, and \$1,311.2 appropriated in FY22 for a total of \$1,811.2.

MOTION was made by Ms. Saavedra to approve the FY2022 Operating Budget. **SECONDED** by Dr. Jenkusky. **YES:** Dr. Beaudette, Dr. Carson, Dr. Jenkusky, Dr. Spence, Dr. Anderson, Dr. Unverzagt, Ms. Saavedra and Ms. Johnson. **ABSENT: Dr. Anderson and Dr. Spence. MOTION CARRIED**

FY22 Budget and Revenue Status

Report the FY22 Budget/Revenue Status ending April 30, 2022. The Budget and Revenue Status ending April 30, 2022, are as follows:

- From July 1, 2021, through April 30, 2022, expenditures total **\$1,682,546 (or 66.11%)** of budgeted expenditures (Opbud \$2,552,200).
- From July 1, 2021, through April 30, 2022, the agency collected revenues in the amount of **\$936,401 (or 36.7%)** of budgeted revenues of **\$2,522,200** (\$30,000 FB budgeted in FY 22). (\$1234,305 collected last fiscal year for the same period-\$297.9 less this yr.)
- The Fund Balance on June 30, 2021, is **\$2,336,745**. The cash balance as of April 30, 2022, is **\$517,378**.

IT Appropriation – Licensing Database

To date the agency has spent \$166,823 from the funds appropriated in FY21 and FY22 for the Licensing Database for Project Management (\$126.9) and IV & V Services (\$39.9).

C. Chair Report

- Dr. Beaudette stated that he received several questions about licensees having to re-report disciplinary action to the Board upon renewal and asked if there was a way to avoid the redundancy. Ms. Frank explained that the renewal question is worded the way it is, because the Board was receiving a significant amount of reports from licensees who did not initially report an action on their application or subsequent renewals. The language in the question was tightened up to reiterate that a licensee has a continuing duty to report all actions to the Board. At a previous meeting the Board voted to change the language to “Have you ever...” instead of “Since your last renewal....”.
- Dr. Beaudette reported that he was not going to stand for re-election of the Board Chair position.

D. Medical Director

- **Licensee Use of Cannabis** –Dr. Jenkusky reported that many other state board websites have a “Policy Page”, where you can see what the Board’s interpretations are of certain issues, or the Board’s elaboration of certain rules, etc. Dr. Jenkusky then presented a draft policy regarding licensee use of cannabis. Since cannabis became legal the Board office has received multiple inquiries regarding the Board’s view of cannabis use by licensees. Dr. Jenkusky stated that the Board cannot outright tell licensees that they cannot use cannabis because it is legal, however if the Board receives a complaint or becomes aware of an impaired licensee the Board will take action against them regardless of the substance. HPWP’s opinion is that a licensee who is being monitored must refrain from the use of cannabis. Finally, Dr. Jenkusky stated that he added into the draft that licensees need to check with their employers, risk management and malpractice carriers to find out their policies regarding cannabis use.

MOTION was made by Dr. Jenkusky to approve the policy with minor changes. **SECOND** by Dr. Carson. **YES:** Dr. Beaudette, Dr. Jenkusky, Dr. Reidy, Dr. Unverzagt, Dr. Carson, Ms. Buffie Saavedra, PA Johnson and Dr. Scoggins. **EXCUSED:** Dr. Anderson and Dr. Spence. **MOTION CARRIED.**

- **Telehealth-** Dr. Jenkusky presented draft rules regarding Telemedicine and requested approval from the Board to send the draft out for comment and hold a public rule hearing.

After a lengthy discussion a **MOTION** was made by Dr. Jenkusky to approve the telemedicine rule as presented to send out for public comment and rule hearing. **SECOND** by Ms. Saavedra. **YES:** Dr. Beaudette, Dr. Jenkusky, Dr. Reidy, Dr. Unverzagt, Dr. Carson, Ms. Buffie Saavedra, PA Johnson and Dr. Scoggins. **EXCUSED:** Dr. Anderson and Dr. Spence. **MOTION CARRIED.**

- **Ketamine Policy** – Dr. Jenkusky reported that Ketamine is starting to be used to treat depression and PTSD and is being administered at medi-spas. There is concern that Ketamine is being administered in ways that could potentially be unwarranted and unsafe. The Board has received a handful of requests for information regarding the Board’s stand on administering Ketamine to patients for depression, PTSD and in a medi-spa setting. After a brief discussion the Board agreed that a policy should be drafted regarding the administration of Ketamine.

E. Licensing Manager

- **Federal Emergency License (FEL): Consideration of renewal for one year.** Ms. Griego and Ms. Parks reported to the Board that the Federal Emergency Licenses are up for renewal on July 1, 2022. The Board granted renewal in 2021. There are now thirteen out of sixty FEL licenses that have not converted to full licenses. Staff is asking if the Board wants to renew these for another year or mandate that they convert to a full license or let it lapse.

After some discussion **MOTION** was made by Dr. Jenkusky to stop issuing Federal Emergency Licenses effective June 2, 2022. **SECOND** by Dr. Scoggins. **YES:** Dr. Beaudette, Dr. Jenkusky, Dr. Reidy, Dr. Unverzagt, Dr. Carson, Ms. Buffie Saavedra, PA Johnson and Dr. Scoggins. **EXCUSED:** Dr. Anderson and Dr. Spence. **MOTION CARRIED.**

MOTION was made by Dr. Jenkusky that Federal Emergency Licenses are not renewable after the expiration date of July 1, 2022 but allow for a three month grace period for the licensee to convert to a full license. **SECOND** by Dr. Unverzagt. **YES:** Dr. Beaudette, Dr. Jenkusky, Dr. Reidy, Dr. Unverzagt, Dr. Carson, Ms. Buffie Saavedra, PA Johnson and Dr. Scoggins. **EXCUSED:** Dr. Anderson and Dr. Spence. **MOTION CARRIED.**

F. Board Attorney

- Margaret McLean, Esq.- For Review

9. New Business

- **Misinformation/Disinformation Relating to Covid** – Dr. Jenkusky reported that he and Dr. Beaudette attended the portion of the FSMB Meeting regarding Misinformation/Disinformation Relating to Covid. They both gave a brief summary of the discussion. Dr. Carson stated that the Board should put a task force together to draft something about not only Covid disinformation but all medical disinformation. She stated that it’s going to take some work and some time but she is willing to be a part of the task force.

FRIDAY, June 3 – 8:30 a.m.

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. **SECOND** by Dr. Jenkusky. **YES:** Dr. Beaudette, Dr. Jenkusky, Dr. Reidy, Dr. Unverzagt, Dr. Carson, Ms. Buffie Saavedra, PA Johnson and Dr. Scoggins. **EXCUSED:** Dr. Anderson and Dr. Spence. **MOTION CARRIED.**

10. Informal Interviews Continued [portions may be closed*]

8:30:	Jonathan Eck, MD (MU)	Mark Standley, PA (KJ)
8:45:	James Martin, MD (SJ)	Jennifer Tso, PA (KJ)

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.

11. Compliance Requests / Actions [portions may be closed*] [AQ]

Jonathan Eck, MD- Request to be released from stipulation.

MOTION was made by Dr. Jenkusky to release Dr. Eck from stipulation. **SECONDED:** Dr. Beaudette. **YES:** Dr. Beaudette, Dr. Jenkusky, Dr. Reidy, Dr. Unverzagt, Dr. Carson, Ms. Buffie Saavedra, PA Johnson and Dr. Scoggins. **EXCUSED:** Dr. Anderson and Dr. Spence. **MOTION CARRIED.**

James Martin, MD – Request to be released from stipulation.

MOTION was made by Dr. Jenkusky to release Dr. Martin from stipulation. **SECONDED:** Dr. Reidy.

YES: Dr. Beaudette, Dr. Jenkusky, Dr. Reidy, Dr. Unverzagt, Dr. Carson, Ms. Buffie Saavedra, PA Johnson and Dr. Scoggins. **EXCUSED:** Dr. Anderson and Dr. Spence. **MOTION CARRIED.**

Mark Standley, PA- Request to be released from stipulation.

MOTION was made by Dr. Jenkusky to release PA Standley from Stipulation. **SECONDED** by Dr. Reidy.

YES: Dr. Beaudette, Dr. Jenkusky, Dr. Reidy, Dr. Unverzagt, Dr. Carson, Ms. Buffie Saavedra, PA Johnson and Dr. Scoggins. **EXCUSED:** Dr. Anderson and Dr. Spence. **MOTION CARRIED.**

Jennifer Tso, PA- Request to be released from stipulation.

MOTION was made by Dr. Jenkusky to release PA Tso from stipulation. **SECONDED:** Dr. Reidy.

YES: Dr. Beaudette, Dr. Jenkusky, Dr. Reidy, Dr. Unverzagt, Dr. Carson, Ms. Buffie Saavedra, PA Johnson and Dr. Scoggins. **EXCUSED:** Dr. Anderson and Dr. Spence. **MOTION CARRIED.**

14. **Rule Hearing (TRANSCRIPT ATTACHED)**

16.10.2: Physicians: Licensure Requirements

- Addition of Traveling Sports Team Physicians
- Accept ECFMG Certification as having graduated from an acceptable medical education program.

Adoption of Rules

After some discussion a **MOTION** was made by Dr. Jenkusky to adopt the proposed amendments to Chapter 16, Title 10, Part 2 NMAC. **SECONDED** by Dr. Reidy. **YES:** Dr. Beaudette, Dr. Jenkusky, Dr. Reidy, Dr. Unverzagt, Dr. Carson, Ms. Buffie Saavedra, PA Johnson and Dr. Scoggins. **EXCUSED:** Dr. Anderson and Dr. Spence. **MOTION CARRIED.**

15. **New Business**

• **Election of Officers**

Dr. Carson was nominated by Dr. Jenkusky to be Chair. There were no objections.

Dr. Anderson was nominated by Dr. Carson to be Vice Chair. There were no objections.

Dr. Jenkusky volunteered to be Secretary Treasure. There were no objections.

MOTION was made by Dr. Jenkusky to approve the nominated officers. **Second** by Dr. Reidy. **YES:** Dr. Beaudette, Dr. Jenkusky, Dr. Reidy, Dr. Unverzagt, Dr. Carson, Ms. Buffie Saavedra, PA Johnson and Dr. Scoggins. **EXCUSED:** Dr. Anderson and Dr. Spence. **MOTION CARRIED.**

• **Adoption of the Open Meetings Act.**

MOTION was made by Dr. Jenkusky to adopt the Open Meetings Act. **SECONDED** by Dr. Reidy. **YES:** Dr. Beaudette, Dr. Jenkusky, Dr. Reidy, Dr. Unverzagt, Dr. Carson, Ms. Buffie Saavedra, PA Johnson and Dr. Scoggins. **EXCUSED:** Dr. Anderson and Dr. Spence. **MOTION CARRIED.**

• **Status of DO Background Checks.**

Ms. Dieterich reported that out of 885 DO licensees there were 351 DO's who had not completed their background check. On May 5, 2022, the third notice was sent out to those 351 DO's that they were still out of compliance and that any DO renewing on July 1, 2022 would not be able to be renewed without the completed background check. A final notice was sent out on May 20, 2022. As of June 3, 2022, 225 DO's had not completed their background check. After discussion, Dr. Reidy and Dr. Scoggins volunteered to reach out to the DO's who are not in compliance and explain the necessity of this requirement and notify the licensees that their license will not be renewed if they do not comply. This matter will return to July board meeting.

- **Board Member Dues** - For information only.

16. Old Business

Interstate Medical Licensure Compact (IMLCC) Discussion – Marschall S. Smith, Executive Director of the Interstate Medical Licensure Compact presented an overview of the IMLCC and its benefits and structure. The Board had a thorough discussion about the steps they need to take to get this back in front the Legislature for possible adoption. The Board will work towards getting a draft bill to the 2023 Legislative Session.

Adjourn

There being no further business before the Board, Dr. Beaudette adjourned the meeting at 11:35 a.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: _____