

NEW MEXICO MEDICAL BOARD
Interim Board Meeting
July 20, 2022
MINUTES

MEETING MADE PUBLIC VIA ZOOM AND TELECONFERENCE

Members Present: Eric Anderson, Vice Chair, MD
Mark Unverzagt, MD

Video Conferencing: Karen Carson, MD, Chair
Steve Jenkusky, MD, Secretary Treasurer
Buffie Saavedra, Public Member
Kristin Reidy, DO (*Not able to communicate until 3:25pm, due to internet outage*)
Bradley Scoggins, DO
Eileen Barrett, MD

Others Present: Sondra Frank, Esquire, Executive Director
Amanda Quintana, Compliance Manager / PIO
Debbie Dieterich, Investigations Manager
Michael Nunez, Administrative Prosecutor via Zoom
Monique Parks, Licensing Specialist Supervisor
Ann Pacheco, Administrative Assistant

Excused: Peter Beaudette, MD,
Kathy Johnson, PA

1. CALL TO ORDER / ROLL CALL

Dr. Carson, after establishing the presence of a quorum, called the July 20, 2022, Interim Board Meeting of the New Mexico Medical Board to order at 3:08 pm, roll call was completed.

2. APPROVAL OF AGENDA

MOTION was made by Dr. Carson to approve the agenda. **SECONDED** by Dr. Anderson **YES:** Dr. Jenkusky, Dr. Barrett, Dr. Unverzagt, Dr. Anderson, Dr. Carson, PA Johnson, Ms. Saavedra, and Dr. Scoggins. (Dr. Reidy, not able to communicate due to internet outage at her location) **MOTION CARRIED.**

3. APPROVAL OF MINUTES

MOTION was made by Dr. Carson to approve the minutes from the June 2-3, 2022, Board meeting. **SECONDED** by Dr. Anderson. **YES:** Dr. Jenkusky, Dr. Barrett, Dr. Unverzagt, Dr. Anderson, Dr. Carson, PA Johnson, Ms. Saavedra, and Dr. Scoggins. (Dr. Reidy, not able to communicate due to internet outage at her location)

MOTION CARRIED.

4. COMPLAINT COMMITTEE REPORTS

Committee A: [SJ, BS]

Case #2021-A-204 Recommendation was made to offer physician an Agreed Order requiring successful completion of the "Enhanced Patient Communications Course" at CPEP with submission of post seminar report

recommendations and physician's plan of action and quarterly interviews with Board until such time physician is released from the agreed order. If physician does not accept offer, a notice of contemplated action will be issued based on, but not limited to, interaction with patients, family members and others that adversely affects patient care and conduct unbecoming. **YES:** Dr. Barrett, Dr. Unverzagt, Dr. Anderson, Dr. Carson, and Dr. Scoggins. (Dr. Reidy, not able to communicate due to internet outage at her location). **RECUSED:** Dr. Jenkusky and Ms. Saavedra.

Case #2021-A-218 Recommendation was made to offer physician an Agreed Order requiring successful completion of the "Enhanced Patient Communications Course" at CPEP with submission of post seminar report recommendations and physician's plan of action and quarterly interviews with Board until such time physician is released from the agreed order. If physician does not accept offer, a notice of contemplated action will be issued based on, but not limited to, interaction with patients, family members and others that adversely affects patient care and conduct unbecoming. **YES:** Dr. Barrett, Dr. Unverzagt, Dr. Anderson, Dr. Carson, and Dr. Scoggins. (Dr. Reidy, not able to communicate due to internet outage at her location). **RECUSED:** Dr. Jenkusky and Ms. Saavedra.

Case#2022-A-067 Recommendation was made to close this case with no action. **YES:** Dr. Barrett, Dr. Unverzagt, Dr. Anderson, Dr. Reidy, Dr. Carson, and Dr. Scoggins. **RECUSED:** Dr. Jenkusky, Ms. Saavedra.

Committee C: [KC, MU]

Case# 2021-C-092 Recommendation was made to close this case with an advisory letter reminding physician about the Board's regulation on reporting and assess \$150 in costs. **YES:** Dr. Jenkusky, Dr. Barrett, Dr. Anderson, Dr. Reidy, Ms. Saavedra, and Dr. Scoggins. **RECUSED:** Dr. Unverzagt and Dr. Carson.

Case# 2022-C-056 Recommendation was made to close this case with an advisory letter reminding resident physician about the board's reporting requirements and assess \$150 in costs. **YES:** Dr. Jenkusky, Dr. Barrett, Dr. Anderson, Dr. Reidy, Ms. Saavedra, and Dr. Scoggins. **RECUSED:** Dr. Unverzagt and Dr. Carson.

Case# 2022-C-061 Recommendation was made to close this case and issue a license with an advisory letter reminding physician about New Mexico's telemedicine regulations. **YES:** Dr. Jenkusky, Dr. Barrett, Dr. Anderson, Dr. Reidy, Ms. Saavedra and Dr. Scoggins. **RECUSED:** Dr. Unverzagt and Dr. Carson

Case# 2022-C-073 Recommendation was made to offer physician a stipulated license requiring mandatory participation in NMHPWP. If physician 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. **YES:** Dr. Jenkusky, Dr. Barrett, Dr. Anderson, Dr. Reidy, Ms. Saavedra and Dr. Scoggins. **RECUSED,** Dr. Unverzagt and Dr. Carson.

Case#2022-C-077 Recommendation was made to offer physician applicant an Agreed Order requiring granting licensure on probation for a period of two years requiring quarterly interviews with the Board and requiring successful completion of ethics, medical recordkeeping and communications courses through CPEP, or comparable program. If physician applicant does not accept offer, he can withdraw his application while under investigator or a notice of contemplated action will be issued to deny licensure based on, but not limited to, conduct unbecoming. **YES:** Dr. Jenkusky, Dr. Barrett, Dr. Anderson, Dr. Reidy, Ms. Saavedra, and Dr. Scoggins. **RECUSED:** Dr. Unverzagt and Dr. Carson.

Committee D: [BSJ; KJ]

Case# 2021-D-291 Recommendation was made to close case with no action. **YES:** Dr. Jenkusky, Dr. Barrett, Dr. Unverzagt, Dr. Anderson, Dr. Reidy, Dr. Carson and Ms. Saavedra. **RECUSED,** Dr. Scoggins.

Case# 2022-D-062 Recommendation was made to offer physician applicant the chance to withdraw his application while under investigation or a notice of contemplated action will be issued to deny licensure based on, but not limited to, conduct unbecoming, failure to provide information requested by the Board, and interaction with others that could adversely affect patient care. **YES:** Dr. Jenkusky, Dr. Barrett, Dr. Unverzagt, Dr. Anderson, Dr. Reidy, Dr. Carson, and Ms. Saavedra. **RECUSED:** Dr. Scoggins.

Case#2022-D-074 Recommendation was made to offer physician applicant a stipulated license requiring mandatory participation in the NMHPWP. If physician 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 and substances. **YES:** Dr. Jenkusky, Dr. Barrett, Dr. Unverzagt, Dr. Anderson, Dr. Reidy, Dr. Carson, and Ms. Saavedra. **RECUSED:** Dr. Scoggins.

Case#2022-D-076 Recommendation was made to offer physician applicant the chance to withdraw his 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, misrepresentation on application, failure to cooperate with a board investigation and dishonesty. **YES:** Dr. Jenkusky, Dr. Barrett, Dr. Unverzagt, Dr. Anderson, Dr. Reidy, Dr. Carson, and Ms. Saavedra. **RECUSED:** Dr. Scoggins.

5. **Licensing Requests and Actions, New Applications/Reinstatements**

None.

6. **Board Attorney**

None.

7. **Old Business - DO Background Checks**

Ms. Frank reported to the Board that there are approximately 80 DO's who have not complied with the background check requirement. The next steps were discussed and it was determined that the Board Prosecutor will draft Orders to Show Cause to the non-compliant licensees. Then a subcommittee of the Board will interview the non-compliant licensees at an approximate rate of 10 interviews over an 8 week period.

MOTION was made by Dr. Unverzagt to appoint Ms. Saavedra, Dr. Scoggins and PA Johnson to the DO Background Check Subcommittee of the Board. **SECOND:** Dr. Anderson. **YES:** Dr. Jenkusky, Dr. Barrett, Dr. Unverzagt, Dr. Anderson, Dr. Reidy, Dr. Carson, Ms. Saavedra and Dr. Scoggins.

8. **New Business - Appointment of New Mexico Healthcare Workforce Committee.** Sondra Frank, J.D. Executive Director explained that because Dr. Spence is no longer on the board, another board member is needed to take his place on this committee. Ms. Frank explained the committee looks at the work force in NM for health care professionals, this committee meets quarterly thru UNM. Dr. Jenkusky states that they do a nice newsletter and make recommendations as well. Ms. Frank says the questions in our package are generated by them so it's important to be involved. Amanda Quintana, Compliance Manager / PIO states the board is required by the legislature for the board to be active. Dr. Barrett gladly volunteers to be the new member. **MOTION,** Dr. Jenkusky, **SECOND,** Dr. Anderson. **YES,** Dr. Jenkusky, Dr. Barrett, Dr. Unverzagt, Dr. Anderson, Dr. Reidy, Dr. Carson, Ms. Saavedra and Dr. Scoggins.

Ms. Frank reported to the Board that Dr. Spence was the NMMB representative on the New Mexico Healthcare workforce Committee. Being that Dr. Spence is no longer on the Board a new member needs to be appointed to the Committee. Dr. Barrett volunteered to represent the NMMB.

MOTION was made by Dr. Jenkusky to appoint Dr. Barrett to the New Mexico Healthcare Workforce Committee. **SECOND:** Dr. Anderson. **YES:** Dr. Jenkusky, Dr. Barrett, Dr. Unverzagt, Dr. Anderson, Dr. Reidy, Dr. Carson, Ms. Saavedra, and Dr. Scoggins.

Disinformation Policy Subcommittee

Dr. Carson reported to the Board that the Disinformation subcommittee, Dr. Carson, Dr. Jenkusky and Dr. Reidy, met as a subcommittee to put together a policy. The Committee recommends that the Board adopt the FSMB's Ethics and Professionalism Committee Report on Professional Expectations Regarding Medical Misinformation and Disinformation. Specifically, the subcommittee would like the Complaint Committees of the Board to use the bullets on page 8 and 9 of the report when considering cases related to the dissemination of misinformation. The Committee also recommends adding the already drafted Ivermectin policy to the Board's policy page online and also directing complaint committees to review when considering cases relating to same. **MOTION** was made by Dr. Unverzagt to adopt the FSMB's "Professional Expectations Regarding Medical Misinformation and Disinformation" report as a Board Policy. **SECOND,** Dr. Anderson. **YES,** Dr. Jenkusky, Dr. Barrett, Dr. Unverzagt, Dr. Anderson, Dr. Reidy, Dr. Carson, Ms. Saavedra and Dr. Scoggins.

Governor's Executive Order Regarding Access to Reproductive Health Services

Ms. Frank reported to the Board that Governor Michelle Lujan Grisham issued an Executive Order regarding Access to Reproductive Health Services. The Executive Order does not technically apply to the NMMB but applies to the boards and commissions of the Regulation and Licensing Department. This is an area that should be addressed by the NMMB, however, as the services are within the purview of NMMB. Ms. Frank spoke to the Superintendent of RLD, Ms. Trujillo, about next steps in creating a policy that would be helpful to both the NMMB and RLD. The NMMB will draft the policy for the NMMB and will provide our policy to RLD for their reference as well. Drs. Carson and Jenkusky have also preliminarily reviewed the Executive Order and determined how to approach this policy effectively but also reserving the board ability to take disciplinary action that is not related to the provision of abortion services directly, such as billing fraud, for example. It was pointed out that the NMMB does not investigate or take licensure action against an abortion provider [applicant] as long as they are practicing within the standard of care and NMMB does not, as a matter of law, share information about abortion providers with other states who might act against providers for the provision of abortion services.

After some discussion the Board decided to create a subcommittee of the Board to draft a policy for the NMMB. The Subcommittee is Ms. Saavedra, Dr. Barrett and Dr. Unverzagt.

Consider moving November Interim Board Meeting from Wednesday, November 2, 2022, to Friday Morning, November 4, 2022.

Ms. Frank reported to the Board that to accommodate a Board and Staff retreat, she recommends changing the date of the November 2, 2022 Interim Meeting to Friday November 4, 2022 so that the Board can have their Interim Meeting and go directly into their retreat. After some discussion, it was determined that the best date for the meeting and the retreat is October 21, 2022.

19. Adjourn

There being no further business before the Board, Dr. Carson adjourned the meeting at 4:28 p.m.

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

DATE: _____

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

DATE: _____

APPROVED BY: _____
Eric Anderson, M.D., Vice Chair

DATE: _____