

**NEW MEXICO MEDICAL BOARD**  
**Board Meeting**  
**November 9-10, 2023**  
**MINUTES**

**MEETING MADE PUBLIC VIA ZOOM AND TELECONFERENCE**

**Members Present:** Karen Carson, MD, Chair  
Eric Anderson, MD, Vice Chair- Excused November 10<sup>th</sup>.  
Kathy Johnson, PA, Secretary Treasurer  
Mark Unverzagt, MD  
Kristin Reidy, DO – Excused November 9<sup>th</sup>.  
Kathy Johnson, PA  
Peter Beaudette, MD – Excused.

**Video Conferencing:** Bradley Scoggins, DO  
Buffie Saavedra, Public Member  
Eileen Barrett, MD

**Others Present:** Amanda Quintana, Interim Executive Director  
Steven Jenkusky, MD, Medical Director -Via video conferencing.  
Margaret McClean, Esq. – Special Counsel  
Michael Nunez, Esq. – Administrative Prosecutor  
Debbie Dieterich, Investigations Manager  
Monique Parks, Licensing Manager  
Lori Arevalo, Compliance Coordinator  
Ann Pacheco, Administrative Assistant

**CALL TO ORDER / ROLL CALL**

1. Dr. Carson, after establishing the presence of a quorum, called the November 9-10, 2023, Board Meeting of the New Mexico Medical Board to order at 8:38 AM, roll call was completed. **PRESENT**, Dr. Carson, Dr. Anderson, PA Johnson, Dr. Unverzagt, and Dr. Barrett and Dr. Scoggins. **EXCUSED**, Dr. Reidy and Dr. Beaudette. **ABSENT**, Ms. Saavedra.

2. **APPROVAL OF AGENDA**

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

3. **APPROVAL OF MINUTES**

**MOTION** was made by Dr. Carson to approve the minutes from the August 10-11, 2023, Board meeting. **SECONDED**, Dr. Anderson. **YES**, Dr. Carson, Dr. Anderson, PA Johnson, Dr. Unverzagt, and Dr. Barrett and Dr. Scoggins. **EXCUSED**, Dr. Reidy and Dr. Beaudette. **ABSENT**, Ms. Saavedra. **MOTION CARRIED.**

**MOTION** was made by Dr. Carson to approve the minutes from the October 3, 2023, Emergency Board meeting. **SECONDED**, Dr. Anderson. **YES**, Dr. Carson, Dr. Anderson, PA Johnson, Dr. Unverzagt, and Dr. Barrett and Dr. Scoggins. **EXCUSED**, Dr. Reidy and Dr. Beaudette. **ABSENT**, Ms. Saavedra. **MOTION CARRIED**.

4. **EXECUTIVE SESSION: Compliance, New Mexico Health Professional Wellness Program and Complaint Committee Reports.**

**MOTION** was made by Dr. Carson 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**, Dr. Anderson. **YES**, Dr. Carson, Dr. Anderson, PA Johnson, Dr. Unverzagt, Dr. Barrett and Dr. Scoggins. **EXCUSED**, Dr. Reidy and Dr. Beaudette. **ABSENT**, Ms. Saavedra. **MOTION CARRIED**.

5. **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.

6. **Informal Compliance Interviews**

Shannon Calhoun, DO, Timothy Bray, DO, Sterling Williams, MD, Quinn Stein, GC, Patrick Shanley, PA, Christopher Percy, MD and Richard Wolf, MD were interviewed by the Board.

**OPEN SESSION**

The Board returned to open session. Dr. Carson 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 A:**

**RECOMMENDATION** was made by Dr. Barrett to **CLOSE** the following cases: 2022-A-104, 2023-A-021, 2023-A-026, 2023-A-035, NMMB20230181, NMMB20230204. **YES**, Dr. Carson, Dr. Anderson, PA Johnson, Dr. Unverzagt, Ms. Saavedra and Dr. Scoggins. **RECUSED**, Dr. Barrett. **EXCUSED**, Dr. Reidy and Dr. Beaudette. **MOTION CARRIED**.

**Case # NMMB 20230111 RECOMMENDATION** was made by Dr. Barrett to **CLOSE** this case with an advisory letter reminding physician about the Board's regulation on reporting adverse actions and assessing \$150 in costs. **YES**, Dr. Carson, Dr. Anderson, PA Johnson, Dr. Unverzagt, Ms. Saavedra and Dr. Scoggins. **RECUSED**, Dr. Barrett. **EXCUSED**, Dr. Reidy and Dr. Beaudette. **MOTION CARRIED**.

**Case # 2022-A-137 RECOMMENDATION** was made by Dr. Barrett to offer physician an Agreed Order with issuance of a reprimand, payment of a fine in the amount of \$5,000 for the following reasons: (1) violation of protocol; (2) violation of required review of medical records; (3) failure to properly supervise pharmacist clinician; (4) medical record documentation; and (5) failure to practice within the standard of care; and a permanent restriction on physician's license from supervising pharmacist clinicians. If physician does not accept offer, a notice of contemplated action will be issued based on, but not limited to, failure to supervise and violation of Board regulation 16.10.11 NMAC. **YES**, Dr. Carson, Dr. Anderson, PA Johnson, Dr. Unverzagt, Ms. Saavedra and Dr. Scoggins. **RECUSED**, Dr. Barrett. **EXCUSED**, Dr. Reidy and Dr. Beaudette. **MOTION CARRIED**.

**Case # NMMB2023-0052 RECOMMENDATION** was made by Dr. Barrett to offer physician two options: (1) voluntary surrender of his medical license; or (2) undergo a competency skills assessment by CPEP or comparable program. If physician does not accept either option, a notice of contemplated action will be issued based on, but not limited to, incompetency to practice. **YES**, Dr. Carson, Dr. Anderson, PA Johnson, Dr. Unverzagt, Ms. Saavedra and Dr. Scoggins. **RECUSED**, Dr. Barrett. **EXCUSED**, Dr. Reidy and Dr. Beaudette. **MOTION CARRIED**.

**Case # NMMB2023-0153 RECOMMENDATION** was made by Dr. Barrett to offer physician a chance to voluntarily surrender his license in NM. If physician does not accept, a notice of contemplated action will be issued based on, but not limited to, adverse licensure action in other states, conduct likely to harm, and violation of drug laws. **YES**, Dr. Carson, Dr. Anderson, PA Johnson, Dr. Unverzagt, Ms. Saavedra and Dr. Scoggins. **RECUSED**, Dr. Barrett. **EXCUSED**, Dr. Reidy and Dr. Beaudette. **MOTION CARRIED**.

**Case # NMMB2023-0242 RECOMMENDATION** was made by Dr. Barrett to offer physician the following options: (1) withdraw his application while under investigation; or (2) acceptance of a stipulated license requiring mandatory participation in the NMHPWP; or (3) issuance of a notice of contemplated action to deny licensure based on, but not limited to, habitual/excessive use of alcohol or substances. **YES**, Dr. Carson, Dr. Anderson, PA Johnson, Dr. Unverzagt, Ms. Saavedra and Dr. Scoggins. **RECUSED**, Dr. Barrett. **EXCUSED**, Dr. Reidy and Dr. Beaudette. **MOTION CARRIED**.

#### **Complaint Committee B:**

**RECOMMENDATION** was made by Dr. Unverzagt to **CLOSE** the following cases: 2022-B-099, 2023-B-032, NMMB2023-0184, **YES**, Dr. Carson, Dr. Anderson, PA Johnson, Ms. Saavedra, Dr. Barrett and Dr. Scoggins. **RECUSED**, Dr. Unverzagt. **EXCUSED**, Dr. Reidy and Dr. Beaudette. **MOTION CARRIED**.

**Case # NMMB 2023-0138 RECOMMENDATION** was made by Dr. Unverzagt to close this case with an advisory letter reminding Physician about the Board's regulation on reporting adverse actions and assessing \$150 in costs. **YES**, Dr. Carson, Dr. Anderson, PA Johnson, Ms. Saavedra, Dr. Barrett and Dr. Scoggins. **RECUSED**, Dr. Unverzagt. **EXCUSED**, Dr. Reidy and Dr. Beaudette. **MOTION CARRIED**.

**Case # NMMB2023-0051 RECOMMENDATION** was made by Dr. Unverzagt to offer Physician the chance to surrender her medical license. If Physician does not accept, a notice of contemplated action will be issued based on, but not limited to, conviction of an offense within the practice of medicine. **YES**, Dr. Carson, Dr. Anderson, PA Johnson, Ms. Saavedra, Dr. Barrett and Dr. Scoggins. **RECUSED**, Dr. Unverzagt. **EXCUSED**, Dr. Reidy and Dr. Beaudette. **MOTION CARRIED.**

**Case # NMMB2023-0243 RECOMMENDATION** was made by Dr. Unverzagt to offer Physician an agreed order with issuance of a reprimand and payment of fine in the amount of \$2,000. If Physician does not accept, a notice of contemplated action will be issue based on, but not limited to, adverse licensure action in another state and failure to report adverse action. **YES**, Dr. Carson, Dr. Anderson, PA Johnson, Ms. Saavedra, Dr. Barrett and Dr. Scoggins. **RECUSED**, Dr. Unverzagt. **EXCUSED**, Dr. Reidy and Dr. Beaudette. **MOTION CARRIED.**

### **Complaint Committee C:**

**RECOMMENDATION** was made by Dr. Carson to **CLOSE** the following cases: 2022-C-124, 2023-C-040, NMMB2023-0093. **YES**, Dr. Anderson, PA Johnson, Dr. Unverzagt, Ms. Saavedra, Dr. Barrett and Dr. Scoggins. **RECUSED**, Dr. Carson. **EXCUSED**, Dr. Reidy and Dr. Beaudette. **MOTION CARRIED.**

**Case# 2022-C-139 RECOMMENDATION** was made by Dr. Carson to close this case with an advisory letter to physician recommending improved communications with patients and recommending that Physician enroll in the enhanced patient communications course offered at CPEP due to pattern of complaints involving patient interaction. **YES**, Dr. Anderson, PA Johnson, Dr. Unverzagt, Ms. Saavedra, Dr. Barrett and Dr. Scoggins. **RECUSED**, Dr. Carson. **EXCUSED**, Dr. Reidy and Dr. Beaudette. **MOTION CARRIED.**

**Case# 2022-C-142 RECOMMENDATION** was made by Dr. Carson that Physician place his license on inactive status and obtain and assessment for boundary issues from the Professional Renewal Center in Kansas, or comparable program approved by the Board. Case will remain open in Investigations until receipt of the evaluation report. If Physician does not accept this offer, a summary suspension will be issued based on imminent danger to the public and a notice of contemplated action will be issued based on, but not limited to, conduct likely to harm and interaction with patients that adversely affects patient care. **YES**, Dr. Anderson, PA Johnson, Dr. Unverzagt, Ms. Saavedra, Dr. Barrett and Dr. Scoggins. **RECUSED**, Dr. Carson. **EXCUSED**, Dr. Reidy and Dr. Beaudette. **MOTION CARRIED.**

**Case# NMMB2023-0140 RECOMMENDATION** was made by Dr. Carson to offer Physician an agreed order with issuance of a reprimand and payment of a fine in the amount of \$1,000 along with requiring Physician to comply with Board regulations in New Mexico and to submit her standard operating procedures to the Board for review prior to practicing in this state. If Physician does not accept, a notice of contemplated action will be issued based on, but not limited to, adverse licensure action in another state(s). **YES**, Dr. Anderson, PA Johnson, Dr. Unverzagt, Ms. Saavedra, Dr. Barrett and Dr. Scoggins. **RECUSED**, Dr. Carson. **EXCUSED**, Dr. Reidy and Dr. Beaudette. **MOTION CARRIED.**

**Case# NMMB2023-0156 RECOMMENDATION** was made by Dr. Carson to order Physician to inactivate her medical license in NM and obtain an assessment by NMHPWP within the next 30 days. The case will remain open in Investigations until receipt of the assessment report and will return to the Board. If Physician does not comply, a notice of contemplated action will be issued based on, but not limited to, failure to cooperate with the Board request and habitual/excessive use of alcohol. **YES**, Dr. Anderson, PA Johnson, Dr. Unverzagt, Ms. Saavedra, Dr. Barrett and Dr. Scoggins. **RECUSED**, Dr. Carson. **EXCUSED**, Dr. Reidy and Dr. Beaudette. **MOTION CARRIED.**

**Case# NMMB2023-0219 RECOMMENDATION** was made by Dr. Carson to offer Physician the chance to voluntarily surrender his medical license. If Physician does not accept, a notice of contemplated action will be issued based on, but not limited to, violation of a Board order, conduct unbecoming, failure to cooperate with the Board and unlicensed practice. **YES**, Dr. Anderson, PA Johnson, Dr. Unverzagt, Ms. Saavedra, Dr. Barrett and Dr. Scoggins. **RECUSED**, Dr. Carson. **EXCUSED**, Dr. Reidy and Dr. Beaudette. **MOTION CARRIED.**

**Case# NMMB2023-0272 RECOMMENDATION** was made by Dr. Carson to issue a notice of contemplated action based on, but not limited to, failure to cooperate with a Board investigation and failure to report adverse actions to the Board as required **YES**, Dr. Anderson, PA Johnson, Dr. Unverzagt, Ms. Saavedra, Dr. Barrett and Dr. Scoggins. **RECUSED**, Dr. Carson. **EXCUSED**, Dr. Reidy and Dr. Beaudette. **MOTION CARRIED.**

#### **Complaint Committee D:**

**RECOMMENDATION** was made by Dr. Scoggins to **CLOSE** the following cases: 2022-D-129, 2023-D-036, 2023-D-044, NMMB2023-0178, NMMB2023-0271. **YES**, Dr. Carson, Dr. Anderson, PA Johnson, Dr. Unverzagt, Ms. Saavedra, Dr. Barrett. **RECUSED**, Dr. Scoggins. **EXCUSED**, Dr. Reidy and Dr. Beaudette. **MOTION CARRIED.**

**Case # NMMB2023-0151 RECOMMENDATION** was made by Dr. Scoggins to close this case with an advisory letter reminding Physician of the Board's requirements on reporting adverse actions and assessing \$150 in costs. **YES**, Dr. Carson, Dr. Anderson, PA Johnson, Dr. Unverzagt, Ms. Saavedra, Dr. Barrett. **RECUSED**, Dr. Scoggins. **EXCUSED**, Dr. Reidy and Dr. Beaudette. **MOTION CARRIED.**

**Case # NMMB2023-0249 RECOMMENDATION** was made by Dr. Scoggins to close this case with an advisory letter cautioning the Physician about the use of marijuana and the Board's position on use of marijuana by its licensees. **YES**, Dr. Carson, Dr. Anderson, PA Johnson, Dr. Unverzagt, Ms. Saavedra, Dr. Barrett. **RECUSED**, Dr. Scoggins. **EXCUSED**, Dr. Reidy and Dr. Beaudette. **MOTION CARRIED.**

**Case # 2023-D-049 RECOMMENDATION** was made by Dr. Scoggins to offer an agreed order to Physician with issuance of a reprimand and fine in the amount of \$16,000, an amount that can be negotiated by the Board's prosecutor but not less than \$5,000. If Physician does not accept, a notice of contemplated action will be issued based on, but not limited to, aiding and abetting the unlicensed practice of medicine, and failure to maintain accurate medical records on patients. Any future residency affiliation agreements are required to be approved by the Board and all residents must be licensed in NM. **YES**, Dr. Carson, Dr. Anderson, PA Johnson, Dr. Unverzagt, Ms. Saavedra, Dr. Barrett. **RECUSED**, Dr. Scoggins. **EXCUSED**, Dr. Reidy and Dr. Beaudette. **MOTION CARRIED.**

**Case # NMMB2023-0131 RECOMMENDATION** was made by Dr. Scoggins to order Physician to undergo an NMHPWP assessment to be scheduled within 2 weeks and denies Physician's request for a stay of the case. If Physician refuses, a notice of contemplated action will be issued based on, but not limited to, failure to cooperate with a Board investigation and excessive use of substances. **YES**, Dr. Carson, Dr. Anderson, PA Johnson, Dr. Unverzagt, Ms. Saavedra, Dr. Barrett. **RECUSED**, Dr. Scoggins. **EXCUSED**, Dr. Reidy and Dr. Beaudette. **MOTION CARRIED**.

**Case # NMMB2023-0141 RECOMMENDATION** was made by Dr. Scoggins to issue a notice of contemplated action based on, but not limited to, failure to cooperate with a Board investigation and habitual/excessive use of alcohol or substances. **YES**, Dr. Carson, Dr. Anderson, PA Johnson, Dr. Unverzagt, Ms. Saavedra, Dr. Barrett. **RECUSED**, Dr. Scoggins. **EXCUSED**, Dr. Reidy and Dr. Beaudette. **MOTION CARRIED**.

### **Complaint Committee E:**

**RECOMMENDATION** was made by PA Johnson to **CLOSE** the following cases: 2022-E-101, 2023-E-014, NMMB2023-0095, NMMB2023-0105, NMMB2023-0134. **YES**, Dr. Carson, Dr. Anderson, Dr. Unverzagt, Ms. Saavedra, Dr. Barrett and Dr. Scoggins. **RECUSED**, PA Johnson. **EXCUSED**, Dr. Reidy and Dr. Beaudette. **MOTION CARRIED**.

**Case 2023-E-020 RECOMMENDATION** was made by PA Johnson to close the case with an advisory letter to the physician reminding him to clearly ask patients about students being in the exam room, and about appropriate follow-up with patients. **YES**, Dr. Carson, Dr. Anderson, Dr. Unverzagt, Ms. Saavedra, Dr. Barrett and Dr. Scoggins. **RECUSED**, PA Johnson. **EXCUSED**, Dr. Reidy and Dr. Beaudette. **MOTION CARRIED**.

**Case NMMB2023-0062 RECOMMENDATION** was made by PA Johnson to close this with an advisory letter reminding Physician about the Board's reporting requirements and assessing \$150 in costs. **YES**, Dr. Carson, Dr. Anderson, Dr. Unverzagt, Ms. Saavedra, Dr. Barrett and Dr. Scoggins. **RECUSED**, PA Johnson. **EXCUSED**, Dr. Reidy and Dr. Beaudette. **MOTION CARRIED**.

## **8. Licensing Requests and Actions, New Applicants/Reinstatements**

**IMO: Kenneth Stoller, MD – Case No. 2021-025** – Review and Decision of the Prosecutor's Motion for Reimbursement of Costs.

Kate Ferlic, Esq. spoke on behalf of her client, Kennet Stoller. Michael Nunez, Esq spoke on behalf of the Board.

**MOTION** was made by Dr. Carson 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**, Dr. Anderson. **YES**, Dr. Carson, Dr. Anderson, PA Johnson, Dr. Unverzagt, Dr. Barrett and Dr. Scoggins. **EXCUSED**, Dr. Reidy and Dr. Beaudette. **MOTION CARRIED**.

## **OPEN SESSION**

The Board returned to open session. Dr. Carson stated for the record that the matters discussed in executive session were limited only to those specified in the motion for closure.

**MOTION** was made by Dr. Carson to approve the Prosecutor's Motion for Reimbursement of Costs.

**SECONDED**, Dr. Scoggins. **YES**, Dr. Carson, Dr. Anderson, PA Johnson, Dr. Barrett and Dr. Scoggins. **NO**, Dr. Unverzagt. **EXCUSED**, Dr. Reidy and Dr. Beaudette. **MOTION CARRIED.**

## **9. Reports-** [portions may be closed\*\*]

### **A. Interim Executive Director**

Amanda Quintana, Interim Executive Director, spoke briefly on the following topics:

- Budget Hearing
- Status of New Board Members and Executive Director
- FSMB 2024 Annual Meeting
- Overdose Prevention and Pain Management Advisory Council
  - Ms. Quintana advised that the Board needs a representative on the Advisory Council. After some discussion, Dr. Barrett volunteered to be the Board's representative. Dr. Scoggins has agreed to be an alternate representative on behalf of the Board.

**MOTION** was made by Dr. Carson to appoint Dr. Barrett to the Overdose Prevention and Pain Management Advisory Council with Dr. Scoggins as an alternate appointee. **SECONDED**, Dr. Anderson. **YES**, Dr. Carson, Dr. Anderson, PA Johnson, Dr. Unverzagt, Dr. Barrett, Ms. Saavedra, Dr. Scoggins. **EXCUSED**, Dr. Reidy and Dr. Beaudette. **MOTON CARRIED.**

### **B. Chair Report**

Board Committees status:

- Dr. Carson discussed resuming FSMB Committee meetings with Dr. Unverzagt and Michael Nunez.
- Dr. Carson discussed possibly convening an IV Drip Committee to monitor this quickly growing industry.
- Telemedicine Rules Committee – Dr. Carson addressed the need to resume the Telemedicine Rules Committee and including Dr. Carson, Buffie Saavedra and Dr. Jenkusky.

### **C. Licensing Manager**

Monique Parks, Licensing Manager spoke briefly about the following subjects:

- Approval of out of state resident – Cleveland Clinic.

**MOTION** was made by Dr. Carson to approve the Cleveland Clinic as an out-of-state residency program. **SECONDED**, Dr. Unverzagt. **YES**, Dr. Carson, Dr. Anderson, PA Johnson, Dr. Unverzagt, Dr. Barrett, Ms. Saavedra, Dr. Scoggins. **EXCUSED**, Dr. Reidy and Dr. Beaudette. **MOTON CARRIED**.

#### D. Finance

Ms. Mascarenas reported to the Board the following items.

##### **FY23 Financial Audit**

- The FY23 Financial Audit was conducted the month of October, with the exit audit conference held on October 27, 2023. In attendance were Thad Porch (the auditor), PA Johnson, Amanda and I via zoom.
- The audit has not been released by the State Auditor's office at this time, therefore it is not available for discussion, since it is not public until it is released.
- At the next interim or regular board meeting the Audit Firm, Porch & Associates, LLC (Thad Porch) will present the FY23 audit to the board. The Board will need to vote to approve the audit at that time.

##### **FY24 Budget/Revenue Status**

- Report the FY23 Budget/Revenue Status ending September 30, 2023.  
The Budget and Revenue Status ending September 30, 2023 are as follows:
  - ✓ From July 1, 2023 through September 30, 2023 expenditures total **\$611,715 (or 18.1%)** of budgeted expenditures (Opbud \$3,375,400).
  - ✓ From July 1, 2023 through September 30, 2023 the agency collected revenues in the amount of **\$482,934 (or 16.59%)** of budgeted revenues (Opbud \$2,909,900; FB \$465,500 = \$3,375,400).
- For your reference the Board received the FY24 Statistics Summary that reflects the application/renewal and other fees that makes up the total revenues collected in FY24 beginning on 7/1/23 through 9/30/2023 in the amount of **\$482,934**.
- The Cash balance as of today, November 9<sup>th</sup> 2023 is **\$1,991,793**.

##### **IT Appropriation – Licensing Database**

I provided the board with the summary report of expenditures and encumbrances to date for the Licensing Database. As of November 3, 2023 total expenditures on the Licensing Database project is \$1,445,466 (or 79.8% of the appropriated funds) and \$140,792 (or 7.7%) is currently committed through an encumbrance for Operations and Maintenance and Enhancements with Kyra Solutions. The appropriation end date is June 30, 2024.

##### **Approve FY25 Appropriation Request**

In the FY25 Appropriation Request, the agency is requesting 3.1% increase from the FY24 Operating Budget or (\$104.6 increase). The request includes projected revenues of \$3,000,000 and fund balance of \$480,000 for a total appropriation request of \$3,480,000. The increase is primarily in the Operating Category for the projected costs associated with a new building lease



and moving costs scheduled to take place in FY25. The appropriation request also includes a 5% vacancy rate.

- 200 \$1,803.5
  - 300\$ 918.7
  - 400\$ 757.8
- \$3,480.0

**MOTION** was made by Dr. Carson to approve the FY25 Appropriation Request (for the period 7/1/24 – 6/30/25). **SECONDED**, Dr. Anderson **YES**, Dr. Carson, Dr. Anderson, PA Johnson, Dr. Unverzagt, Dr. Barrett, Ms. Saavedra, , Dr. Scoggins, **EXCUSED**, Dr. Reidy and Dr. Beaudette. **MOTON CARRIED.**

**FRIDAY, November 10, 2023 – 8:30 a.m.**

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

**Christopher Percy, MD - Request to be released from stipulation.**

**MOTION** was made by Dr. Unverzagt to grant Dr. Percy’s request to be released from stipulation. **SECONDED**, Dr. Reidy. **YES**, Dr. Carson, PA Johnson, Dr. Unverzagt, Dr. Barrett, Ms. Saavedra, Dr. Scoggins, Dr. Reidy. **EXCUSED**, Dr. Anderson and Dr. Beaudette. **MOTON CARRIED.**

**Richard Wolf, MD – Request to be released from stipulation.**

**MOTION** was made by Dr. Reidy to grant Dr. Wolf’s request to be released from stipulation. **SECONDED**, PA Johnson. **YES**, Dr. Carson, PA Johnson, Dr. Unverzagt, Dr. Barrett, Ms. Saavedra, Dr. Scoggins, Dr. Reidy. **EXCUSED**, Dr. Anderson and Dr. Beaudette. **MOTON CARRIED.**

**Timothy Bray, DO- Request to be released from stipulation.**

**MOTION** was made by PA Johnson to grant Dr. Bray’s request to be released from stipulation. **SECONDED**, by Dr. Reidy. **YES**, Dr. Carson, PA Johnson, Dr. Unverzagt, Dr. Barrett, Ms. Saavedra, Dr. Scoggins, Dr. Reidy. **EXCUSED**, Dr. Anderson and Dr. Beaudette. **MOTON CARRIED.**

**Kyle Maestas, PA - Request to be released from stipulation. - VOTE ONLY**

**YES**, Dr. Carson, PA Johnson, Dr. Unverzagt, Dr. Barrett, Ms. Saavedra, Dr. Scoggins, Dr. Reidy. **EXCUSED**, Dr. Anderson and Dr. Beaudette. **MOTON CARRIED.**

**11. Medical Director**

Dr. Jenkusky presented a Draft NMMB FAQ/Opinion on Medical Spa Procedures. He talked about the definition of Medical Aesthetic (spa) Procedures and explained that when living tissue is affected that is considered the practice medicine. Dr. Jenkusky went over the responsibilities of a supervising physician. He asked if the Board would approve the draft opinion for posting on the Boards website and for use when staff receives questions about Med Spas. The was fine with posting and using as an educational tool for the public.

## 12. Rule Hearing

**16.10.2:** Physicians: Licensure Requirements. **TABLED**

**16.10.5:** Disciplinary Power of the Board.

**16.10.6:** Complaint Procedures and Institution of Disciplinary Actions.

**MOTION** was made by Dr. Carson to Table Rule 16.10.2: Physicians: Licensure Requirements. **SECONDED**, Ms. Saavedra. **YES**, Dr. Carson, PA Johnson, Dr. Unverzagt, Dr. Barrett, Ms. Saavedra, Dr. Scoggins, Dr. Reidy. **EXCUSED**, Dr. Anderson and Dr. Beaudette. **MOTON CARRIED.**

**MOTION** was made by Dr. Carson to approve Rule 16.10.5: Disciplinary Power of the Board as presented. **SECONDED**, Dr. Unverzagt. **YES**, Dr. Carson, PA Johnson, Dr. Unverzagt, Dr. Barrett, Ms. Saavedra, Dr. Scoggins, Dr. Reidy. **EXCUSED**, Dr. Anderson and Dr. Beaudette. **MOTON CARRIED.**

**MOTION** was made by Dr. Carson to approve Rule 16.10.6: Complaint Procedures and Institution of Disciplinary Action as presented. **SECONDED**, Dr. Unverzagt. **YES**, Dr. Carson, PA Johnson, Dr. Unverzagt, Dr. Barrett, Ms. Saavedra, Dr. Scoggins, Dr. Reidy. **EXCUSED**, Dr. Anderson and Dr. Beaudette. **MOTON CARRIED.**

( Rule Hearing Transcripts Attached )

## 13. EXECUTIVE SESSION:

**MOTION** was made by Dr. Reidy 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, disciplinary matters and matters pertaining to possible litigation.

**SECONDED**, Dr. Scoggins. **YES**, Dr. Carson, Dr. Barrett, Dr. Unverzagt, Dr. Reidy, PA Johnson, Ms. Saavedra and Dr. Scoggins. **EXCUSED**, Dr. Anderson and Dr. Beaudette. **MOTION CARRIED.**

### OPEN SESSION

The Board returned to open session. Dr. Carson stated for the record that the matters discussed in executive session were that of any possible litigation with the Board attorneys, Michael Nunez and Margaret McClean.

## 14. New Business

-Approve a Rule Hearing to transfer the Podiatric Physician Rules from RLD to NMMB at the February 2024 Board Meeting.

**MOTION** was made by Dr. Carson to approve the Rule Hearing for the February 1-2, 2023 Board Meeting. **SECONDED**, Dr. Scoggins. **YES**, Dr. Carson, PA Johnson, Dr. Unverzagt, Dr. Barrett, Ms. Saavedra, Dr. Scoggins, Dr. Reidy. **EXCUSED**, Dr. Anderson and Dr. Beaudette. **MOTON CARRIED.**

## 15. Old Business

**Subcommittee Status** – Discussed during Board Chair Report.

**Adjourn**

There being no further business before the Board, Dr. Carson adjourned the meeting at 11:35 pm.

SUBMITTED BY: \_\_\_\_\_  
Amanda Quintana, Interim Executive Director

DATE: \_\_\_\_\_

APPROVED BY: \_\_\_\_\_  
Karen Carson, M.D., Chair

DATE: \_\_\_\_\_

APPROVED BY: \_\_\_\_\_  
Eric Anderson, M.D., Vice Chair

DATE: \_\_\_\_\_

1 NOTICE OF PROPOSED RULE HEARING

2  
3 Moderated by Hearing Officer, Karen Carson, MD

4 Friday, November 10, 2023

5 10:00 a.m. MDT.

6  
7 Hearing held via Zoom

8 Hearing adjourned at 11:35 a.m. MDT

9  
10 REPORTED BY: KRISTINE KACZOR, RPR  
11 NM CCR #545

12  
13 JOB NO: 6163701

14 Parties Present:

15 Karen Carson, MD  
16 Steve Jenjuskys, MD  
Eric Anderson, MD  
17 Mark Unverzagt, MD  
Kristin Reidy, MD  
18 Kathy Johnson, PA  
Buffie Saavedra  
19 Bradley Scoggins, MA  
Michael Nunez, ESQ  
20 Margret McLean, ESQ.  
Jula Reten  
21 Spencer Scott  
Carry Robin Brunder  
22 Ann Pacheco  
Richard Romero  
23 Debbie Rodriguez  
Monique Parks  
24 Laurie Aribula  
Amanda Quintana

1 P R O C E E D I N G S

2 HEARING OFFICER: This hearing will please  
3 come to order. I am Karen Carson MD and chair of  
4 the New Mexico Medical Board. I will be acting as  
5 the presiding officer for this rule hearing.

6 Pursuant to NMSA 1978 61-6-1B. In the interest of  
7 the public health safety and welfare and to protect  
8 the public from the improper, unprofessional,  
9 incompetent, and unlawful practice of medicine, it  
10 is necessary to provide laws and rules controlling  
11 the granting and use of the privilege to practice  
12 medicine and to establish a medical board to  
13 implement and enforce the laws and rules. Mission  
14 of the board quote, "promote excellence in the  
15 practice of medicine through licensing, discipline,  
16 and rehabilitation" end quote.

17 The purpose of this hearing is for the  
18 board to receive public comment on the proposed  
19 changes to 16.10.2 NMAC, Physicians Licensure  
20 Requirements. As a general summary, the proposed  
21 changes to 16.10.2 NMAC are to define a complete  
22 application, define license renewal, change the  
23 definition of a military service member, add  
24 expedited license to categories of active licenses,  
25 change medical license by endorsement to expedited

1 licensure, remove the application requirement to  
2 receive proof of citizenship, add the meaning of  
3 continuous practice, add the provision that the  
4 board has discretion to require that an applicant  
5 for an expedited license take a competency  
6 examination, add the procedure for an incomplete  
7 application.

8 Under criminal arrest and convictions,  
9 include that the board shall not include an  
10 otherwise qualified applicant on the sole basis the  
11 person has been previously arrested or convicted of  
12 a crime unless the person has a disqualifying  
13 criminal conviction.

14 16.10.5 NMAC, Disciplinary Power of the  
15 Board. As a general summary, the proposed changes  
16 to 16.10.5 NMAC are to clarify the definitions of  
17 license and licensee, clarify the provision of  
18 reinstatement after the suspension of a license, add  
19 the definition of the probation, and add the  
20 conditions of probation, change the penalty for  
21 practicing without a license from \$1,000 to \$10,000,  
22 add that all fines received by the board be  
23 deposited into the current school fund, strike  
24 reimbursement of costs and add limitations to the  
25 disciplinary power of the board.

1           And, finally, 16.10.6 NMAC, Complaint  
2 Procedure and Institution of Disciplinary Action.  
3 As a general summary, the proposed changes to  
4 16.10.6 NMAC are to do some basic clarification of  
5 the rule, add acceptable correspondence, methods for  
6 administrative prosecution purposes. Add the  
7 provision for preemptory challenge of hearing  
8 officer in the case of more than one hearing under  
9 one case number.

10           Add to the definition of ex parte  
11 communication, add deadlines for receipt of hearing  
12 officer's report, and define the completion and  
13 closure of a hearing, add that a record of hearing  
14 shall include all evidence proffered, but not  
15 admitted and admitted evidence, add that the record  
16 shall designate and seal those portions of the  
17 record that are privileged, confidential, or  
18 redacted at the direction of the hearing officer,  
19 the request of a party, or the request of a witness,  
20 and add the definition of venue of a hearing.

21           All right. We're going to move on to the  
22 attendance sheet, so may I remind everyone to sign  
23 the attendance sheet that will later be entered as  
24 an exhibit into the record of this hearing.

25 Attendees via Zoom, your names and titles will be

1 add to the transcript. Would the interim executive  
2 director, Amanda Quintana call the rule of board  
3 members present for this hearing.

4 MS. QUINTANA: Walter Carson?

5 MR. CARSON: Present.

6 MS. QUINTANA: Dr. Anderson? PA Johnson?

7 MS. JOHNSON: Johnson, present.

8 MS. QUINTANA: Dr. Unverzagt?

9 DR. UNVERZAGT: Dr. Unverzagt, present.

10 MS. QUINTANA: Ms. Saavedra?

11 MS. SAAVEDRA: Saavedra, present.

12 MS. QUINTANA: Dr. Scoggins?

13 DR. SCOGGINS: Dr. Scoggins, present.

14 MS. QUINTANA: Dr. Reidy.

15 DR. REIDY: Reidy, present.

16 MS. QUINTANA: Dr. Barrett? Dr. Beaudette?

17 HEARING OFFICER: Let the record show that  
18 Michael Nunez and Margret McLean, the boards  
19 attorneys, are present to advise the board. For the  
20 record, would the members of the audience, please  
21 introduce themselves, state their affiliation, and  
22 inform the board if they wish to present testimony.

23 MS. QUINTANA: I'm going to name the  
24 individually the people on Zoom to come on and  
25 introduce yourselves. Julia Reten.



1 MS. RETEN: Hi there. My name is Julia  
2 Reten. I'm with the New Mexico Hospital  
3 Association, and I don't have any public comments  
4 today. Thank you.

5 MS. QUINTANA: Dr. Jenkusky?

6 DR. JENKUSKY: Hi. This is  
7 Dr. Steve Jenkusky, the medical director with the  
8 New Mexico Medical Board, and I will not be making  
9 any comments.

10 MS. QUINTANA: Spencer Shot?

11 MR. SHOT: Spencer Shot, I'm a reporter  
12 with KLB4. I will not be making any comments today.

13 MS. QUINTANA: Matt Groves? Carry Brunder

14 MS. BRUNDER: Good morning. My name is  
15 Carry Robin Brunder. I am the registered lobbyist  
16 for the New Mexico Medical Society. We don't have  
17 any public comment for today, but we did submit  
18 public comment in writing for the Boards'  
19 consideration. Thank you so much.

20 MS. QUINTANA: And once again, Matt Groves.

21 MS. PACHECO: Ann Pacheco with the  
22 New Mexico Medical Board.

23 MR. ROMERO: Richard Romero with the  
24 New Mexico Medical Board as the government relations  
25 person.

1 MS. McLEAN: Good morning. Margret McLean,  
2 special counsel of the New Mexico Medical Board.

3 MS. RODRIGUEZ: Debbie Rodriguez.  
4 New Mexico Medical Board.

5 MS. PARKS: Monique Parks. New Mexico  
6 Medical Board.

7 MR. NUNEZ: Michael Nunez. New Mexico  
8 Medical Board.

9 MS. ARIBULA: Laurie Aribula. New Mexico  
10 Medical Board.

11 MS. QUINTANA: Amanda Quintana. New Mexico  
12 Medical Board.

13 HEARING OFFICER: Okay. Is that everybody?

14 MS. QUINTANA: It is. Except for  
15 Matt Groves.

16 HEARING OFFICER: This public hearing is  
17 now open. Ms. Quintana, at this time, do you have  
18 any exhibits to introduce into evidence?

19 MS. QUINTANA: Yes. I have the following  
20 exhibits to enter into evidence.

21 Exhibit 1, Title 16 Chapter 10 part 2 NMAC,  
22 proposed changes to the boards' rule entitled,  
23 Physicians Licensure Requirements.

24 Exhibit 2, Title 16 Chapter 10 part 5 NMAC,  
25 proposed changes to the boards' rule entitled,

1 Disciplinary Power of the Board.

2 Exhibit 3, Title 16 Chapter 10 part 6 NMAC  
3 proposed changes to the boards' rule entitled,  
4 Complaint Procedure and Institution of Disciplinary  
5 Action.

6 Exhibit 4, the legal affidavit of  
7 publication in the New Mexico register published  
8 September 26th, 2023 meeting the advanced notice  
9 requirement for a public rule hearing.

10 Exhibit 5, the legal notice posted in the  
11 New Mexico Sunshine portal on September 12th, 2023  
12 meeting the advanced notice requirement for a public  
13 rule hearing.

14 Exhibit Number 6, the legal notice  
15 published in the Albuquerque Journal on October 8th,  
16 2023 meeting the advanced notice of the requirement  
17 for public rule hearing.

18 Exhibit Number 7, public comment from Troy  
19 Clark, president and CEO of the New Mexico Hospital  
20 Association.

21 Exhibit 8, public comment from Azial  
22 Zebley, executive director of ATA Action.

23 Exhibit Number 9, public comment from Annie  
24 Young, executive director of the NMMS. And  
25 Todd William, MD, president of the NMMS or

1 New Mexico Medical Society.

2 Exhibit Number 10, summaries of applicants  
3 who would have been licensed if the boards' current  
4 veting system had not been in place.

5 Exhibit Number 11, licensing statistics.

6 Exhibit Number 12, NMSA 1978 61-613,  
7 Physician Expedited Licensure.

8 HEARING OFFICER: Thank you. Are there any  
9 questions about these exhibits from the board  
10 members?

11 All right. Any persons wishing to testify  
12 and who wish to submit evidence for their comments  
13 shall do so when they are recognized to testified.  
14 Each document submitted shall be introduced as an  
15 exhibit into the record. Board members will be  
16 permitted to ask questions before I rule on the  
17 admissibility of the evidence. Upon admissibility,  
18 each exhibit will be marked and numbered and entered  
19 into the record.

20 I am going to, just quickly for the board  
21 members and in general, go over the definitions -- a  
22 few definitions just so we have some clarity here.  
23 So we have rules and statues. Statutes are also  
24 known as acts. Acts and statutes are terms for a  
25 formal body of law, okay? Rules are a guideline.

1 They provide details, which have not been provide by  
2 the act. Rules are generally written by agencies to  
3 supplement laws that were passed by legislature. So  
4 we're looking at rules today. And so we have a  
5 break-down of three different sections.

6 16.10.2 NMAC, that's our first rule. Our  
7 second Rule is the 16.10.5. And then the third one  
8 that we'll look at is 16.10.6, okay? Just to note  
9 for everyone. That at this point, all public  
10 comment that we've received up to this point is only  
11 regarding 16.10.2. We haven't receive any comment,  
12 positive or negative, regarding the other two rules.

13 So, would anyone wish to comment on the  
14 proposed changes to the board rules that have been  
15 posted and advertised for 30 days prior to this  
16 hearing that I just summarized on record? So there  
17 aren't any questions. Okay. All right. And  
18 there's nobody in the audience. Okay. So I think  
19 at this time we can move into close session. We can  
20 close the hearing --

21 MS. QUINTANA: We can close the hearing out  
22 and then we'll go to close session.

23 HEARING OFFICER: Okay. So we'll close --  
24 I'm sorry. So what we'll do is we will close the  
25 hearing. And at this time, since there are no

1 questions or discussion, the attendance sheet shall  
2 be marked as an exhibit and entered into the record.

3 MS. QUINTANA: I ask admission of the  
4 attendance sheet as Exhibit Number 13.

5 HEARING OFFICER: So Exhibit Number 13 is  
6 hereby admitted into the record. And -- so let me  
7 look here. I think I can keep going, all right.  
8 The comments submitted in discussion heard during  
9 the rule hearing will be considered and will be  
10 discussed further by the board during the open  
11 meeting following the rule hearing. The proposed  
12 rule will be voted on by the board at that time.

13 Any rules adopted by the board will be  
14 filed at state records and archives in accordance  
15 with the State Rules Act and New Mexico register  
16 publication deadlines. The adopted rule becomes  
17 effective 30 days after they are filed in records  
18 and archives. The regular meeting of the board will  
19 begin immediate following the rule hearing. Let the  
20 record show that this hearing was adjourned at  
21 10:17 a.m.

22 So, now I will make a motion, and I'll need  
23 a second to go into executive session pursuant to  
24 Section 1015 1H1 of the Open Meetings Act to discuss  
25 matters pertaining to the issuance suspension,

1 renewal, or revocation of license or other board  
2 actions.

3 MS. QUINTANA: Dr. Carson?

4 DR. CARSON: Carson, yes.

5 MS. QUINTANA: Dr. Barrett? PA Johnson?

6 MS. JOHNSON: Johnson, yes.

7 MS. QUINTANA: Ms. Saavedra?

8 MS. SAAVEDRA: Saavedra, yes.

9 MS. QUINTANA: Dr. Reidy?

10 DR. REIDY: Reidy, yes.

11 MS. QUINTANA: Dr. Scoggins?

12 DR. SCOGGINS: Scoggins, yes.

13 MS. QUINTANA: And for the court reporter,  
14 Kristine, I'm going to put you in the waiting room  
15 until we come out, and if you could just also  
16 transcribe the vote after. So bear with me.

17 (Off the record.)

18 (Back on the record.)

19 HEARING OFFICER: Okay. Everyone is in.  
20 We are returning to open session. And matters  
21 discussed in executive session were only matters of  
22 discussion of any possible litigation with the board  
23 attorneys, Michael Nunez and Margret McLean. So at  
24 this time, I do want to do a little review of the  
25 board discussion. And I do want to point out --

1 what exhibit was that? 11. Correct. Yes.  
2 Exhibit 11. Just so that we have that excellent job  
3 by the boards' staff.

4 And I do want to say that these rules,  
5 specifically, 1610.2, but all of these rules were  
6 proposed by the board to help us comply with House  
7 Bill 384. The New Mexico Medical Board does not  
8 wish to place roadblocks for practice in New Mexico.  
9 And, in fact, looking at our Exhibit 11 from years  
10 2020 to 2023 to date, we have approved 2,820  
11 licenses for physicians, MDs, DOs, and  
12 tele-medicine. And we have only denied 28 in three  
13 years.

14 We are charged to ensure the safety of the  
15 public. The New Mexico Medical Board does want to  
16 ensure compliance with the statute and avoid  
17 litigation. We also want to thank both the New  
18 Mexico Medical Society and the New Mexico Hospital  
19 Association for their valuable contributions. And  
20 we look forward to partnership with them as we  
21 continue to work on these rules.

22 So at this point in time, I make a motion  
23 that we table Rule 16.10.2. Do I have a second?

24 DR. CARSON: Second.

25 MS. QUINTANA: Dr. Carson?



1 DR. CARSON: Carson, yes.  
2 MS. QUINTANA: Dr. Barrett? Dr. Unverzagt?  
3 DR. UNVERZAGT: Unverzagt, yes.  
4 MS. QUINTANA: Ms. Saavedra?  
5 MS. SAAVEDRA: Saavedra, yes.  
6 MS. QUINTANA: PA Johnson?  
7 MS. JOHNSON: Johnson, yes.  
8 MS. QUINTANA: Dr. Reidy?  
9 DR. REIDY: Reidy, yes.  
10 MS. QUINTANA: Dr. Scoggins?  
11 DR. SCOGGINS: Scoggins, yes.  
12 HEARING OFFICER: All right. Thank you.  
13 Now, we have Rule 1610.5. Disciplinary Power of the  
14 Board. And I make a motion that we approve this  
15 rule and I would need a second.  
16 DR. SCOGGINS: Second.  
17 MS. QUINTANA: Dr. Carson?  
18 DR. CARSON: Carson, yes.  
19 MS. QUINTANA: Dr. Unverzagt?  
20 DR. UNVERZAGT: Unverzagt, yes.  
21 MS. QUINTANA: Ms. Saavedra?  
22 MS. SAAVEDRA: Saavedra, yes.  
23 MS. QUINTANA: PA Johnson?  
24 MS. JOHNSON: Johnson, yes.  
25 MS. QUINTANA: Dr. Reidy?

1 DR. REIDY: Reidy, yes.

2 MS. QUINTANA: Dr. Scoggins?

3 DR. SCOGGINS: Scoggins, yes.

4 HEARING OFFICER: Thank you. Regarding  
5 16.10.6, Complaint Procedure and Institution of  
6 Disciplinary Action. I make a motion that we  
7 approve this Rule. Do I have a second?

8 DR. SCOGGINS: Second.

9 MS. QUINTANA: Dr. Carson?

10 DR. CARSON: Carson, yes.

11 MS. QUINTANA: Ms. Saavedra?

12 MS. SAAVEDRA: Saavedra, yes.

13 MS. QUINTANA: PA Johnson?

14 MS. JOHNSON: Johnson, yes.

15 MS. QUINTANA: Dr. Reidy?

16 DR. REIDY: Reidy, yes.

17 MS. QUINTANA: Dr. Scoggins?

18 DR. SCOGGINS: Scoggins, yes.

19 HEARING OFFICER: All right. Thank you  
20 everybody. I think we're just going to just move  
21 new business. I'm sorry. I thought I had something  
22 more. So we do need to approve a rule hearing for  
23 transfer the podiatric position rules from RLD to  
24 New Mexico Medical Board at the February 2024th  
25 board meeting. So I will move that we approve a

1 rule hearing, and I will need a second.

2 DR. SCOGGINS: Second.

3 MS. QUINTANA: Dr. Carson?

4 DR. CARSON: Carson, yes.

5 MS. QUINTANA: Dr. Unverzagt?

6 DR. UNVERZAGT: Unverzagt, yes.

7 MS. QUINTANA: Ms. Saavedra?

8 MS. SAAVEDRA: Saavedra, yes.

9 MS. QUINTANA: PA Johnson?

10 MS. JOHNSON: Johnson, yes.

11 MS. QUINTANA: Dr. Reidy?

12 DR. REIDY: Reidy, yes.

13 MS. QUINTANA: Dr. Scoggins?

14 DR. SCOGGINS: Scoggins, yes.

15 HEARING OFFICER: All right. And I don't  
16 think we have any other business. So does any of  
17 the board members have any other business? Then we  
18 are adjourned. Thank you, everybody.

19 (Hearing adjourned at 11:35 a.m.)

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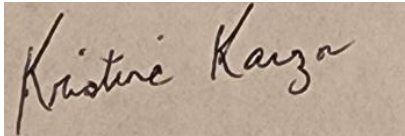
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REPORTER'S CERTIFICATE

I, Kristine Kaczor, Certified Reporter and Registered Professional Reporter for the State of New Mexico, do hereby certify:

That said proceeding was taken down by me in stenotype on November 10, 2023, at the place therein named, and was thereafter transcribed, and that a true and correct transcription of said testimony is set forth from preceding pages, according to my ability to hear and understand the proceedings.

I further certify that I am not kin or otherwise associated with any of the parties to said cause of action and that I am not interested in the outcome thereof.



Kristine Kaczor, RPR, CCR  
Certified Court Reporter #545  
License Expires: 12-31-23

[1 - azial]

<p><b>1</b></p> <p><b>1</b> 7:21  <b>1,000</b> 3:21  <b>10</b> 1:4 7:21,24  8:2 9:2 17:4  <b>10,000</b> 3:21  <b>1015</b> 11:24  <b>10:00</b> 1:5  <b>10:17</b> 11:21  <b>11</b> 9:5 13:1,2,9  <b>11:35</b> 1:8 16:19  <b>12</b> 9:6  <b>12-31-23</b> 17:15  <b>12th</b> 8:11  <b>13</b> 11:4,5  <b>16</b> 7:21,24 8:2  <b>16.10.2</b> 2:19,21  10:6  <b>16.10.2.</b> 10:11  13:23  <b>16.10.5</b> 3:14,16  <b>16.10.5.</b> 10:7  <b>16.10.6</b> 4:1,4  10:8 15:5  <b>1610.2</b> 13:5  <b>1610.5.</b> 14:13  <b>1978</b> 2:6 9:6  <b>1h1</b> 11:24</p>	<p><b>2024th</b> 15:24  <b>26th</b> 8:8  <b>28</b> 13:12  <b>28951</b> 17:13</p> <p><b>3</b></p> <p><b>3</b> 8:2  <b>30</b> 10:15 11:17  <b>384</b> 13:7</p> <p><b>4</b></p> <p><b>4</b> 8:6</p> <p><b>5</b></p> <p><b>5</b> 7:24 8:10  <b>545</b> 1:11 17:14</p> <p><b>6</b></p> <p><b>6</b> 8:2,14  <b>61-6-1b</b> 2:6  <b>61-613</b> 9:6  <b>6163701</b> 1:13</p> <p><b>7</b></p> <p><b>7</b> 8:18</p> <p><b>8</b></p> <p><b>8</b> 8:21  <b>8th</b> 8:15</p> <p><b>9</b></p> <p><b>9</b> 8:23</p> <p><b>a</b></p>	<p><b>act</b> 10:2 11:15  11:24  <b>acting</b> 2:4  <b>action</b> 4:2 8:5  8:22 15:6 17:9  <b>actions</b> 12:2  <b>active</b> 2:24  <b>acts</b> 9:24,24  <b>add</b> 2:23 3:2,3  3:6,18,19,22,24  4:5,6,10,11,13  4:15,20 5:1  <b>adjourned</b> 1:8  11:20 16:18,19  <b>administrative</b>  4:6  <b>admissibility</b>  9:17,17  <b>admission</b> 11:3  <b>admitted</b> 4:15  4:15 11:6  <b>adopted</b> 11:13  11:16  <b>advanced</b> 8:8  8:12,16  <b>advertised</b>  10:15  <b>advise</b> 5:19  <b>affidavit</b> 8:6  <b>affiliation</b> 5:21  <b>agencies</b> 10:2  <b>albuquerque</b>  8:15  <b>amanda</b> 1:24  5:2 7:11</p>	<p><b>anderson</b> 1:16  5:6  <b>ann</b> 1:22 6:21  <b>annie</b> 8:23  <b>applicant</b> 3:4  3:10  <b>applicants</b> 9:2  <b>application</b>  2:22 3:1,7  <b>approve</b> 14:14  15:7,22,25  <b>approved</b>  13:10  <b>archives</b> 11:14  11:18  <b>aribula</b> 1:24  7:9,9  <b>arrest</b> 3:8  <b>arrested</b> 3:11  <b>associated</b> 17:8  <b>association</b> 6:3  8:20 13:19  <b>ata</b> 8:22  <b>attendance</b>  4:22,23 11:1,4  <b>attendees</b> 4:25  <b>attorneys</b> 5:19  12:23  <b>audience</b> 5:20  10:18  <b>avoid</b> 13:16  <b>azial</b> 8:21</p>
<p><b>2</b></p> <p><b>2</b> 7:21,24  <b>2,820</b> 13:10  <b>2020</b> 13:10  <b>2023</b> 1:4 8:8,11  8:16 13:10  17:4</p>	<p><b>a.m.</b> 1:5,8  11:21 16:19  <b>ability</b> 17:6  <b>acceptable</b> 4:5  <b>accordance</b>  11:14</p>		

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			<p><b>waiting</b> 12:14 <b>walter</b> 5:4 <b>want</b> 12:24,25 13:4,15,17 <b>we've</b> 10:10 <b>welfare</b> 2:7 <b>william</b> 8:25 <b>wish</b> 5:22 9:12 10:13 13:8 <b>wishing</b> 9:11 <b>witness</b> 4:19 <b>work</b> 13:21 <b>writing</b> 6:18</p>
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	<p><b>table</b> 13:23 <b>take</b> 3:5 <b>taken</b> 17:4 <b>tele</b> 13:12 <b>terms</b> 9:24</p>		

**[written - zoom]**

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<b>years</b> 13:9,13 <b>young</b> 8:24
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New Mexico Rules of Civil Procedure for the  
District Courts

Article 5, Rule 1-030

(e) Review by Witness; Changes; Signing.

If requested by the deponent or a party before completion of the deposition, the deponent shall have thirty (30) days after being notified by the officer that the transcript or recording is available in which to review the transcript or recording and, if there are changes in form or substance, to sign a statement reciting such changes and the reasons given by the deponent for making them. The officer shall indicate in the certificate prescribed by Subparagraph (1) of Paragraph F of this rule whether any review was requested and, if so, shall append any changes made by the deponent during the period allowed.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES  
ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.  
THE ABOVE RULES ARE CURRENT AS OF APRIL 1,  
2019. PLEASE REFER TO THE APPLICABLE STATE RULES  
OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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