

NEW MEXICO MEDICAL BOARD
Board Meeting
September 22 - 23, 2022
MINUTES

MEETING MADE PUBLIC VIA ZOOM AND TELECONFERENCE

- Members Present:** Karen Carson, MD, Chair
Eric Anderson, MD, Vice Chair
Steve Jenkusky, MD, Secretary Treasurer
Mark Unverzagt, MD
Kristin Reidy, DO
Kathy Johnson, PA
- Video Conferencing:** Peter Beaudette, MD.
Eileen Barrett, MD (Joined in PM)
Buffie Saavedra, Public Member (Joined in PM)
Bradley Scoggins, DO - Excused
- Others Present:** Sondra Frank, Esquire, Executive Director
Amanda Quintana, Compliance Manager / PIO
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 September 22 - 23, 2022, Board Meeting of the New Mexico Medical Board to order at 8:40 AM, roll call was completed. **PRESENT** Dr. Carson, Dr. Beaudette, Dr. Jenkusky, Dr. Anderson, Dr. Reidy, Dr. Unverzagt, PA Johnson **ABSENT:** Ms. Saavedra and Dr. Barrett **EXCUSED:** Dr. Scoggins.
2. **APPROVAL OF AGENDA**
MOTION was made by Dr. Reidy to approve the agenda. **SECONDED** by Dr. Jenkusky. **YES:** Dr. Beaudette, Dr. Jenkusky, Dr. Reidy, Dr. Unverzagt, Dr. Carson, PA Johnson and Dr. Anderson. **ABSENT:** Ms. Saavedra and Dr. Barrett **EXCUSED:** Dr. Scoggins. **MOTION CARRIED**
3. **APPROVAL OF MINUTES**
MOTION was made by Dr. Jenkusky to approve the minutes from the July 20, 2022, Board meeting. **SECONDED** by Dr. Reidy. **YES:** Dr. Beaudette, Dr. Jenkusky, Dr. Reidy, Dr. Unverzagt, Dr. Carson, PA Johnson and Dr. Anderson. **ABSENT:** Ms. Saavedra and Dr. Barrett **EXCUSED:** Dr. Scoggins. **MOTION CARRIED.**

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

MOTION was made by Dr. Unverzagt 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. Reidy. **YES:** Dr. Beaudette, Dr. Jenkusky, Dr. Reidy, Dr. Unverzagt, Dr.

Carson, PA Johnson and Dr. Anderson. **ABSENT:** Ms. Saavedra and Dr. Barrett **EXCUSED:** Dr. Scoggins. **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

Bertrand Bassett, MD, Patrick Dunphy, PA, Jeffrey Neidhart, MD, Walter Simmons, MD, Quinn Stein, GC, Terry Hansen, MD, Richard Wolf, MD, Melisa Valmoria, PA, Rosemarie Freymark, MD and David Griffith, 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.

ACTIONS RELATED TO EXECUTIVE SESSION

Complaint Committee A:

RECOMMENDATION was made by Dr. Jenkusky to **CLOSE** the following cases: 2020-A-318, 2021-A-063, 2021-A-167, 2021-A-190, 2022-A-068, 2022-A-109 **YES**, Dr. Beaudette, Dr. Reidy, Dr. Unverzagt, Dr. Carson, PA. Johnson, an Dr. Anderson. **RECUSED:** Dr. Jenkusky. **ABSENT:** Ms. Saavedra and Dr. Barrett **EXCUSED** Dr. Scoggins. **MOTON CARRIED.**

Case # 2021-A-108 RECOMMENDATION was made by Dr. Jenkusky to **CLOSE** this case with an advisory letter warning physician that communications with patients must remain professional in order to ensure a safe environment and be void of personal politics. Physician will also be reminded of the statute that protects patients who file complaints with the board in good faith. **YES**, Dr. Beaudette, Dr. Reidy, Dr. Unverzagt, Dr. Carson, PA Johnson, Dr. Anderson, **RECUSED:** Dr. Jenkusky **ABSENT:** Ms. Saavedra and Dr. Barrett **EXCUSED:** Dr. Scoggins. **MOTON CARRIED.**

Case # 2022-A-055 RECOMMENDATION was made by Dr. Jenkusky to offer physician the chance to immediately surrender his license while under investigation by the close of business today or a summary suspension will be issued based on imminent harm to the public along with a notice of contemplated action based on, but not limited to, sexual contact with a patient, conduct likely to harm, interaction with a patient that adversely affects patient care, and conduct unbecoming. . **YES**, Dr. Beaudette, Dr. Reidy, Dr. Unverzagt, Dr. Carson, PA Johnson, Dr. Anderson **RECUSED:** Dr. Jenkusky **ABSENT:** Ms. Saavedra and Dr. Barrett **EXCUSED:** Dr. Scoggins. **MOTON CARRIED.**

Case # 2022-A-059 RECOMMENDATION was made by Dr. Jenkusky to offer PA a stipulated license requiring mandatory participation in the NMHPWP. If PA does not accept, a notice of contemplated action will be issued based on, but not limited to, conduct likely to harm and failure to cooperate with the Board. **YES**, Dr. Beaudette, Dr. Reidy, Dr. Unverzagt, Dr. Carson, PA Johnson, Dr. Anderson. **RECUSED**: Dr. Jenkusky. **ABSENT**: Ms. Saavedra, and Dr. Barrett. **EXCUSED**: Dr. Scoggins. **MOTON CARRIED**.

Case # 2022-A-063 RECOMMENDATION was made by Dr. Jenkusky to offer physician an Agreed Order mirroring the terms and conditions of the Colorado Medical Board Order. 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 and conduct unbecoming. **YES**, Dr. Beaudette, Dr. Reidy, Dr. Unverzagt, Dr. Carson, PA Johnson, Dr. Anderson. **RECUSED**, Dr. Jenkusky. **ABSENT**: Ms. Saavedra and Dr. Barrett **EXCUSED**: Dr. Scoggins. **MOTON CARRIED**.

Complaint Committee B:

RECOMMENDATION was made by Dr. Anderson to **CLOSE** the following cases: 2021-B-115, 2021-B-170, 2021-B-259, 2022-B-034, 2022-B-110. **YES**, Dr. Jenkusky, Dr. Reidy, Dr. Unverzagt, Dr. Carson, PA Johnson, Dr. Beaudette. **RECUSED**, Dr. Anderson **ABSENT**: Ms. Saavedra and Dr. Barrett **EXCUSED**: Dr. Scoggins **MOTON CARRIED**.

Case # 2021-B-109 RECOMMENDATION was made by Dr. Anderson to **CLOSE** this case with an advisory letter to physician about ensuring the appropriate information is sent to other providers when referring patients and advising her of the Board's concern over the number of complaints filed against her relating to medical records. If any further complaints regarding medical records are received it will require a referral to a medical record keeping course. **YES**, Dr. Jenkusky, Dr. Reidy, Dr. Unverzagt, Dr. Carson, PA Johnson, Dr. Beaudette. **RECUSED**, Dr. Anderson **ABSENT**: Ms. Saavedra and Dr. Barrett **EXCUSED**: Dr. Scoggins **MOTON CARRIED**.

Case # 2021-B-211 RECOMMENDATION was made by Dr. Anderson to **CLOSE** this case with an advisory letter reminding PA to follow CDC guidelines for any COVID related treatment she may do. **YES**, Dr. Jenkusky, Dr. Reidy, Dr. Unverzagt, Dr. Carson, PA Johnson, Dr. Beaudette. **RECUSED**, Dr. Anderson **ABSENT**: Ms. Saavedra and Dr. Barrett. **EXCUSED**: Dr. Scoggins **MOTON CARRIED**.

Case # 2022-B-003 RECOMMENDATION was made by Dr. Anderson to **CLOSE** this case with a strongly worded advisory letter warning physician that his failure to follow OMASS guidelines and prescribing during a time when there was limited amount of medication available was inappropriate. The Board also warns physician to follow the CDC guidelines if treating COVID, not to treat family members, and remind physician about maintaining complete medical records on patients. **YES**, Dr. Jenkusky, Dr. Reidy, Dr. Unverzagt, Dr. Carson, PA Johnson, Dr. Beaudette. **RECUSED**, Dr. Anderson **ABSENT**: Ms. Saavedra and Dr. Barrett **EXCUSED**: Dr. Scoggins **MOTON CARRIED**.

Case # 2022-B-024 RECOMMENDATION was made by Dr. Anderson to offer physician a reprimand for violating 16.10.13.8 NMAC. If physician does not accept, a notice of contemplated action will be issued based on, but not limited to, same violation and failure to supervise. **YES**, Dr. Jenkusky, Dr. Reidy, Dr. Unverzagt, Dr. Carson, PA Johnson, Dr. Beaudette **RECUSED**: Dr. Anderson **ABSENT**: Ms. Saavedra and Dr. Barrett **EXCUSED**: Dr. Scoggins **MOTON CARRIED**.

Case # 2022-B-095 RECOMMENDATION was made by Dr. Anderson to offer PGT Applicant a stipulated license requiring mandatory participation in the NMHPWP. **YES**, Dr. Jenkusky, Dr. Reidy, Dr. Unverzagt, Dr. Carson, PA Johnson, Dr. Beaudette. **RECUSED**: Dr. Anderson **ABSENT**: Ms. Saavedra and Dr. Barrett **EXCUSED**: Dr. Scoggins **MOTON CARRIED**.

Case # 2022-B-097 RECOMMENDATION was made by Dr. Anderson to offer physician a stipulated license requiring mandatory participation in the NMHPWP with advisory letter reminding physician about complete disclosure on an application and assessing \$300 in costs. **YES**, Dr. Jenkusky, Dr. Barrett, Dr. Reidy, Dr. Unverzagt, Dr. Carson, PA Johnson, Dr. Beaudette. **RECUSED**, Dr. Anderson **ABSENT**: Ms. Saavedra **EXCUSED**: Dr. Scoggins **MOTON CARRIED**.

Complaint Committee C:

RECOMMENDATION was made by Dr. Unverzagt to **CLOSE** the following cases: 2021-C-043, 2021-C-073, 2021-C-110, 2021-C-188, 2021-C-287, **YES**, Dr. Jenkusky, Dr. Barrett, Dr. Reidy, PA Johnson, Dr. Anderson, Dr. Beaudette. **RECUSED**, Dr. Carson and Dr. Unverzagt. **ABSENT**, Ms. Saavedra **EXCUSED**: Dr. Scoggins. **MOTON CARRIED**.

Case# 2021-C-059 RECOMMENDATION was made by Dr. Carson to close case with an advisory letter reminding physician about timely and clear communication with patients regarding care. **YES**, Dr. Jenkusky, Dr. Barrett, Dr. Reidy, PA Johnson, Dr. Anderson, Dr. Beaudette and. **RECUSED**: Dr. Carson and Dr. Unverzagt. **ABSENT**: Ms. Saavedra **EXCUSED**: Dr. Scoggins. **MOTON CARRIED**.

Case# 2021-C-079 RECOMMENDATION was made by Dr. Unverzagt to close case with an advisory letter recommending that the physician should have considered confirmation of testing for contagious diseases during a pandemic in order to prevent harm to others. **YES**, Dr. Jenkusky, Dr. Barrett, Dr. Reidy, PA Johnson, Dr. Anderson, Dr. Beaudette. **RECUSED**: Dr. Carson and Dr. Unverzagt. **ABSENT**: Ms. Saavedra and **EXCUSED**: Dr. Scoggins. **MOTON CARRIED**.

Case # 2022-C-019 RECOMMENDATION was made by Dr. Carson to close case with a strongly worded advisory letter to physician about his pattern of conduct causing numerous adverse actions and complaints and that the Board will be monitoring future complaints against him; and assessing \$150 in costs for failure to report adverse action. **YES**, Dr. Jenkusky, Dr. Barrett, Dr. Reidy, PA Johnson, Dr. Anderson, Dr. Beaudette. **RECUSED**: Dr. Carson and Dr. Unverzagt. **ABSENT**: Ms. Saavedra **EXCUSED**: Dr. Scoggins. **MOTON CARRIED**.

Case # 2022-C-013 RECOMMENDATION was made by Dr. Unverzagt to offer physician an agreed order requiring inactivation of his license while he undergoes a required competency skills evaluation by CPEP and a neuropsych evaluation by Dr. Rex Jung – both within 90 days. If physician does not accept, a Summary Suspension will be issued based on imminent harm to the public along with a notice of contemplated action based on, but not limited to, incompetency to practice and conduct likely to harm. **YES**, Dr. Jenkusky, Dr. Barrett, Dr. Reidy, PA Johnson, Dr. Anderson, Dr. Beaudette. **RECUSED**: Dr. Carson and Dr. Unverzagt. **ABSENT**: Ms. Saavedra and **EXCUSED**: Dr. Scoggins. **MOTON CARRIED**.

Case # 2022-C-057 RECOMMENDATION was made by Dr. Carson to offer physician a reprimand. 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, ethical violations and conduct unbecoming. **YES**, Dr. Jenkusky, Dr. Barrett, Dr. Reidy, PA Johnson, Dr. Anderson, Dr. Beaudette. **RECUSED**: Dr. Carson and Dr. Unverzagt. **ABSENT**: Ms. Saavedra **EXCUSED**: Dr. Scoggins. **MOTON CARRIED**.

Case # 2021-C-096 RECOMMENDATION was made by Dr. Unverzagt to offer physician applicant a stipulated license requiring mandatory participation in the NMHPWP. **YES**, Dr. Jenkusky, Dr. Barrett, Dr. Reidy, PA Johnson, Dr. Anderson, Dr. Beaudette. **RECUSED**: Dr. Carson and Dr. Unverzagt. **ABSENT**: Ms. Saavedra **EXCUSED**: Dr. Scoggins. **MOTON CARRIED**.

Case # 2021-C-112 RECOMMENDATION was made by Dr. Carson to offer physician a stipulated license requiring mandatory participation in the NMHPWP. If physician does not agree, a notice of contemplated action will be issued based on, but not limited to, habitual/excessive use of alcohol or substances. **YES**, Dr. Jenkusky, Dr. Barrett, Dr. Reidy, PA Johnson, Dr. Anderson, Dr. Beaudette. **RECUSED**: Dr. Carson and Dr. Unverzagt. **ABSENT**: Ms. Saavedra **EXCUSED**: Dr. Scoggins. **MOTON CARRIED**.

Complaint Committee D:

RECOMMENDATION was made by PA Johnson to **CLOSE** the following cases: 2020-D-298, 2020-D-307, 2021-D-112. **YES**, Dr. Jenkusky, Dr. Barrett, Dr. Reidy, Dr. Carson, Dr. Unverzagt, Dr. Anderson, Dr. Beaudette. **RECUSED**: PA Johnson **ABSENT**: Ms. Saavedra **EXCUSED**: Dr. Scoggins. **MOTON CARRIED**.

Case # 2020-D-289 RECOMMENDATION was made by PA Johnson to close case with an advisory letter about the timely submission of medical records to patients. **YES**, Dr. Jenkusky, Dr. Barrett, Dr. Reidy, Dr. Carson and Dr. Unverzagt, Dr. Anderson, Dr. Beaudette. **RECUSED**: PA Johnson **ABSENT**: Ms. Saavedra **EXCUSED**: Dr. Scoggins. **MOTON CARRIED**.

Case # 2021-D-185 RECOMMENDATION was made by PA Johnson to offer physician a reprimand and payment of \$1,000 fine. If physician does not accept, a notice of contemplated action will be issued based on, but not limited to, conduct unbecoming. **YES**, Dr. Jenkusky, Dr. Barrett, Dr. Reidy, Dr. Carson, Dr. Unverzagt, Dr. Anderson, Dr. Beaudette. **RECUSED**: PA Johnson **ABSENT**: Ms. Saavedra **EXCUSED**: Dr. Scoggins. **MOTON CARRIED**.

Case # 2022-D-058 RECOMMENDATION was made by PA Johnson to offer physician a stipulated license requiring mandatory participation in NMHPWP and issuance of an advisory letter about reporting requirements and assessment of \$300 in costs. If physician does not accept, a notice of contemplated action will be issued based on, but not limited to, habitual/excessive use of alcohol, failure to report an arrest, and misrepresentation on a renewal application. **YES**, Dr. Jenkusky, Dr. Barrett, Dr. Reidy, Dr. Carson, Dr. Unverzagt, Dr. Anderson, Dr. Beaudette. **RECUSED**: PA Johnson **ABSENT**: Ms. Saavedra **EXCUSED**: Dr. Scoggins. **MOTON CARRIED**.

Case # 2022-D-069 RECOMMENDATION was made by PA Johnson to offer physician an agreed order that permanently prohibits physician from prescribing compound medications in New Mexico; requires completion of the Probe Ethics Course at CPEP within 90 days and the issuance of a reprimand. If physician does not accept, a notice of contemplated action will be issued based on, but not limited to, conviction of a misdemeanor within the practice of medicine, failure to report an arrest and conduct unbecoming. **YES**, Dr. Jenkusky, Dr. Barrett, Dr. Reidy, Dr. Carson, Dr. Unverzagt, Dr. Anderson, Dr. Beaudette. **RECUSED**: PA Johnson **ABSENT**: Ms. Saavedra **EXCUSED**: Dr. Scoggins. **MOTON CARRIED**.

Case # 2022-D-098 RECOMMENDATION was made by PA Johnson to offer physician an agreed order mirroring the conditions in the Texas Medical Board Order and issuing physician an advisory letter regarding timely reporting along with assessing physician \$150 in costs. 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 and failure to report within required time period. **YES**, Dr. Jenkusky, Dr. Barrett, Dr. Reidy, Dr. Carson, Dr. Unverzagt, Dr. Anderson, Dr. Beaudette. **RECUSED**: PA Johnson **ABSENT**: Ms. Saavedra **EXCUSED**: Dr. Scoggins. **MOTON CARRIED**.

Case # 2022-D-113 RECOMMENDATION was made by PA Johnson to offer PA Applicant a stipulated license requiring mandatory participation in the NMHPWP. If PA applicant does not accept, a notice of contemplated action will be issued to deny licensure based on, but not limited to, habitual/excessive use of alcohol or substances. **YES**, Dr. Jenkusky, Dr. Barrett, Dr. Reidy, Dr. Carson, Dr. Unverzagt, Dr. Anderson, Dr. Beaudette. **RECUSED**: PA Johnson **ABSENT**: Ms. Saavedra **EXCUSED**: Dr. Scoggins. **MOTON CARRIED**.

Complaint Committee E:

RECOMMENDATION was made by Dr. Reidy to **CLOSE** the following cases: 2021-E-024, 2021-E-076, 2021-E-157, 2021-E-178, 2021-E-203, 2021-E-216, 2021-E-221. **YES**, Dr. Jenkusky, Dr. Barrett, Dr. Carson, Dr. Unverzagt, Dr. Anderson, Dr. Beaudette, PA Johnson **RECUSED**: Dr. Reidy **ABSENT**: Ms. Saavedra **EXCUSED**: Dr. Scoggins. **MOTON CARRIED**.

Case # 2022-E-108 RECOMMENDATION was made by Dr. Reidy to *close* case and issue license with an advisory letter relating to importance of professionalism. **YES**, Dr. Jenkusky, Dr. Barrett, Dr. Carson, Dr. Unverzagt, Dr. Anderson, Dr. Beaudette, PA Johnson **RECUSED**: Dr. Reidy **ABSENT**: Ms. Saavedra **EXCUSED**: Dr. Scoggins.
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.

7. Compliance Requests/Actions

IMO: Natalie Pavelock, MD – Case #2020-053 – Void original Order of Suspension entered on September 3, 2021 and consider entry of Order of Suspension consistent with August 3, 2022 Order issued by Judge Wilson.

Gretchen Elsner, Attorney for Dr. Pavelock, spoke for ten minutes.

MOTION was made by Dr. Anderson to Reaffirm all Findings of Fact and Conclusions of Law made in the Decision and Order of August 23, 2021, Requiring Participation and Compliance and Reimbursement of Board Costs; to Reaffirm the findings that Natalie Pavelock, MD failed to comply with the Decision and Order within the ten (10) day period at pages 34 to 35 and reaffirms the Order of Costs. **Seconded** Dr. Jenkusky **YES**, Dr. Jenkusky, Dr. Barrett, Dr. Carson, Dr. Unverzagt, Dr. Anderson, Dr. Reidy, PA Johnson. **ABSENT**: Dr. Beaudette **EXCUSED**: Dr. Scoggins. **MOTON CARRIED.**

Motion was made by Dr. Jenkusky to declare the previous Order of Suspension void because the suspension did not state a certain time period as required by NMSA 1978 61-1-2(1) of the uniform licensing act. Pursuant to Section 61-6-15 of the Medical Practice Act, the Board suspends the medical license of Natalie Pavelock, MD from September 2, 2021, until Friday, September 30, 2022. The Board directs Natalie Pavelock, MD to contact NMHPWP by Friday, September 30, 2022, at 5pm MST, to comply with all provisions of the Decision and Order which includes signing a mandatory participation agreement with the NMHPWP program; comply with all HPWP monitoring requirements and sign and maintain any and all releases necessary for participation in the NMHPWP program. The Board will allow Natalie Pavelock, MD a second and final opportunity to comply with the Decision and Order by the end of the period of suspension or Friday, September 30, 2022, at 5pm MST. If Natalie Pavelock, MD fails to comply with the Decision and Order during the stated period of suspension by Friday, September 30, 2022, by 5pm MST, the Board orders the license of Natalie Pavelock, MD to be revoked.

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

IMO: Brian Wood, MD Case #2021-014 – Motion for Entry of Default Order.

Dr. Wood – Not present.

MOTION was made by Dr. Jenkusky to approve Prosecutor's Motion for Entry of Default Order. **Seconded** Dr. Anderson **YES**, Dr. Jenkusky, Dr. Beaudette, Dr. Carson, Dr. Unverzagt, Dr. Anderson, Dr. Reidy, PA Johnson **ABSENT:** Dr. Barrett, Ms. Saavedra **EXCUSED:** Dr. Scoggins **MOTON CARRIED.**

MOTION was made by Dr. Jenkusky to revoke Dr. Wood's License. **Seconded** Dr. Anderson **YES**, Dr. Jenkusky, Dr. Beaudette, Dr. Carson, Dr. Unverzagt, Dr. Anderson, Dr. Reidy, PA Johnson **ABSENT**: Dr. Barrett, Ms. Saavedra **EXCUSED**: Dr. Scoggins **MOTON CARRIED**.

IMO: Vinson DiSanto, DO Case #2022-005 – Decision and Order following Evidentiary Hearing.

Dr. DiSanto spoke for several minutes on his own behalf. New Mexico Medial Board Prosecutor spoke briefly.

Motion was made by Dr. Jenkusky to accept the Hearing Officer's Findings of Fact with the amendment of #61 to state which Dr. DiSanto felt it was a disaster. **Seconded**: Dr. Anderson **YES**, Dr. Jenkusky, Dr. Barrett, Dr. Beaudette, Dr. Carson, Dr. Unverzagt, Dr. Anderson, Dr. Reidy, PA Johnson and Ms. Saavedra **EXCUSED**: Dr. Scoggins **MOTON CARRIED**.

MOTION was made by Dr. Jenkusky to **ACCEPT** the Prosecution's Conclusion of Law. **Seconded**: Dr. Reidy **YES**, Dr. Jenkusky, Dr. Barrett, Dr. Beaudette, Dr. Carson, Dr. Unverzagt, Dr. Anderson, Dr. Reidy, PA Johnson, Ms. Saavedra **EXCUSED**: Dr. Scoggins **MOTON CARRIED**.

MOTION was made by Dr. Jenkusky requiring Dr. DiSanto to obtain an assessment by CPEP for clinical competence and comply with all recommendations made by CPEP to the Board's satisfaction. Dr. DiSanto must complete the assessment with CPEP within six (6) months or his license will be revoked. He may petition the Board for reactivation after completion of CPEP assessment. **Seconded**: Dr. Reidy **YES**, Dr. Jenkusky, Dr. Barrett, Dr. Beaudette, Dr. Carson, Dr. Unverzagt, Dr. Anderson, Dr. Reidy, PA Johnson and Ms. Saavedra **EXCUSED**: Dr. Scoggins **MOTON CARRIED**.

IMO: Leah Becker, PA – Approval of Stipulated License (reinstatement)

MOTION was made by Dr. Jenkusky to issue a stipulated license that requires supervision by a physician who is willing to provide the Board with updates regarding PA Becker's clinical competency. This stipulation will remain in effect for at least one year at which time the Board will reevaluate issuing an unrestricted license. **Seconded**: Dr Carson **YES**, Dr. Jenkusky, Dr. Barrett, Dr. Beaudette, Dr. Carson, Dr. Unverzagt, Dr. Anderson, Dr. Reidy, PA Johnson, Ms. Saavedra. **EXCUSED**: Dr. Scoggins **MOTON CARRIED**.

8. Reports-

A. Executive Director

- Personnel Actions – Closed

B. Finance

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

FY22 Budget/Revenue Status

- Report the FY22 Budget/Revenue Status ending June 30, 2022.

The Budget and Revenue Status ending June 30, 2022 are as follows:

- ✓ From July 1, 2021 through June 30, 2022 expenditures total **\$2,189,039 (or 86%)** of budgeted expenditures (Opbud \$2,552,200).
- ✓ From July 1, 2021 through June 30, 2022 the agency collected revenues in the amount of **\$2,810,639 (or 111.4%)** of budgeted revenues of **\$2,522,200 (\$30,000 FB budgeted in FY22)**. (Last FY the agency collected \$2,596,632 in revenues. The increase from FY21 to FY22 is 8.2% or \$214,000 increase in revenues collected in FY22). The increase was primarily in application fees from \$420,885 collected in FY21 to \$588,475 collected in FY22 – 39.8% increase or \$167,590 more revenues collected in FY22).
- ✓ The Fund Balance on June 30, 2021 is **\$2,336,745**. The cash balance as of June 30, 2022 is **\$3,377,596 (last year at this time the cash balance was \$2,445,840)**.

The Statistics Summary for FY22 is provided for the board’s information

IT Appropriation – Licensing Database

- The IT Multi-year appropriation for the Licensing Database budgeted in FY22 is \$1,811,200 utilizing fund balance. As of September 2, 2022, the agency expended \$396,867 and encumbered (committed) \$710,170 of the appropriation for a total of \$1,107,037 expended and encumbered. You can see the detailed expenses and encumbrances by vendor provided to you on the status report.

Approve FY24 Appropriation Request

- The agency is requesting 17.24% increase in the FY24 Appropriation Request compared to the FY23 Operating Budget. Additional funds in the 300 (contractual services) and 400 (other/operating costs) categories are primarily to address recurring costs for licensing and maintenance of the new Licensing Database. In FY22 and FY23 the agency requested and received approval through the C2 request process for the “NMMB Licensing Software Modernization”. The appropriation request also includes an increase in contractual services to assist NMMB staff during the transition of the licensing database upgrade and additional funds for hearing officers, attorney services and an increase to the NMMP contract. The Appropriation Request also includes a 2% vacancy rate (in comparison to the FY23 Operating Budget) in salaries and benefits.

200	\$1,673.3
300	\$ 975.8
400	<u>\$ 611.1</u>
	<u>\$3,260.2</u>

Motion was made by Dr. Carson to approve the FY24 Appropriation Request. **Seconded** by Dr. Anderson **YES**, Dr. Jenkusky, Dr. Barrett, Dr. Beaudette, Dr. Carson, Dr. Unverzagt, Dr. Anderson, Dr. Reidy, PA Johnson and Ms. Saavedra. **EXCUSED:** Dr. Scoggins **MOTION CARRIED.**

C. Chair Report

Dr. Carson thanked Dr. Beaudette for his service as Chair.

D. Medical Director

Dr. Jenkusky discussed the possibility of Prescribing Psychologists joining the New Mexico Medical Board.

E. Licensing Manager

Sondra Frank noted that normally it would take 60 days to complete an application. Since partnering with HSC, it now takes an average of 31 days. In the ten years that she has been with the Board application have gone from 650 in her first year to 1,600 now. Yet we are still processing within the same time frame and that is thanks to HSC.

F. Board Attorney

Margaret McLean, Esq.- For Review

FRIDAY, September 23 – 8:30 a.m.

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

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

The Board interviewed Eric Peterson, MD, Charlesly Joseph, MD and Jason Trujillo, MD. Dr. Mohs was excused.

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.

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

Eric Peterson, MD- Request to be released from stipulation.

MOTION was made by Dr. to release Dr. Peterson from stipulation and be given an unrestricted license. **SECONDED:** Dr. Unverzagt. **YES:** Dr. Beaudette, Dr. Jenkusky, Dr. Reidy, Dr. Unverzagt, Ms. Saavedra, PA Johnson and Dr. Anderson. **RECUSED:** Dr. Carson **ABSENT:** Dr. Barrett **EXCUSED:** Dr. Scoggins. **MOTION CARRIED.**

Walter Simmons, MD – Request to retake CPEP’s PROBE Ethics Course.

MOTION was made by Dr. Jenkusky to grant Dr. Simmons request to re-take CPEP’s PROBE Ethics Course. **SECONDED:** Dr. Anderson. **YES:** Dr. Beaudette, Dr. Jenkusky, Dr. Reidy, Dr. Unverzagt, Dr. Carson, Ms. Saavedra, PA Johnson and Dr. Anderson. **Absent:** Dr. Barrett **EXCUSED:** Dr. Scoggins. **MOTION CARRIED.**

Melisa Valmoria, PA- Request to return to work while under stipulation.

MOTION was made by Dr. Jenkusky to deny PA Valmoria’s request to return to work while under stipulation. **SECONDED** by Dr. Unverzagt. **YES:** Dr. Beaudette, Dr. Jenkusky, Dr. Reidy, Dr. Anderson, Dr. Unverzagt, Dr. Carson, Ms. Saavedra, PA Johnson. **Absent:** Dr. Barrett **EXCUSED:** Dr. Scoggins. **MOTION CARRIED.**

14. Rule Hearing (TRANSCRIPT ATTACHED)

16.10.18: Telemedicine

After the rule hearing **MOTION** was made by Dr. Jenkusky to reject the proposed amendments to Chapter 16, Title 10, Part 18 NMAC. **SECONDED** by Dr. Unverzagt. **YES:** Dr. Jenkusky, Dr. Reidy, Dr. Unverzagt, Dr. Carson, Ms. Saavedra, PA Johnson and Dr. Anderson. **ABSENT:** Dr. Barrett **EXCUSED:** Dr. Beaudette and Dr. Scoggins. **MOTION CARRIED.**

15. New Business

- **Ketamine Policy Subcommittee**

After a brief discussion a **MOTION** was made by Dr. Anderson to approve Ketamine policy as presented. **Seconded:** Dr. Carson **YES:** Dr. Beaudette, Dr. Jenkusky, Dr. Reidy, Dr. Unverzagt, Dr. Carson, Ms. Saavedra, PA Johnson and Dr. Anderson. **ABSENT:** Dr. Barrett **EXCUSED:** Dr. Scoggins. **MOTION CARRIED.**

- **Naturopathic Doctor Statutory Changes**

Lilly-Marie Blecher ND, DOM of the New Mexico Association of Naturopathic Physicians spoke to the Board about the Association's intention to make additions, changes, and updates to the Naturopathic Doctor's Act.

- **Psychedelic Science Society**

Marisa C de Baca and Dr. Jerry Valentine spoke on behalf of the Psychedelic Science Society regarding the benefits of psilocybin containing mushrooms for therapeutic use or Psychedelic assisted therapy. These treatment modalities are making headways as they are moving through their phase studies. The main goal is accessibility and research. Those who can benefit should have access to it. They have formed a 501C4 to help with legislation. There is an MD, LCSW and licensed psychiatrist on staff.

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

16. Old Business

- **Access to Reproductive Healthcare Subcommittee Report**


Dr. Unverzagt and Dr. Reidy discussed the resolution for Protecting Access to Reproductive Health Care Services in New Mexico. A **MOTION** was made by Dr. Reidy to approve the resolution as presented. **Seconded:** Dr. Unverzagt **YES:** Dr. Jenkusky, Dr. Reidy, Dr. Unverzagt, Dr. Carson, Ms. Saavedra, PA Johnson and Dr. Anderson **NO:** Dr. Beaudette **ABSENT:** Dr. Barrett **EXCUSED:** Dr. Scoggins. **MOTION CARRIED.**

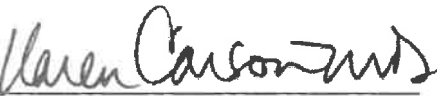
- **Pharmacist Protocols**

Dale Tinker and Amy Bachyrycz briefly discussed the protocol for pharmacists prescribing of dangerous drugs in conjunction with point-of-care testing. They are requesting that the Board assist pharmacists in providing safe and effective prescribing of dangerous drugs in conjunction with CLIA-Waived point-of-care testing in New Mexico.

Adjourn

There being no further business before the Board, Dr. Carson adjourned the meeting at 12:20 pm.

SUBMITTED BY:  DATE: 01/30/2023
Sondra Frank, J.D., Executive Director

APPROVED BY:  DATE: 01/30/2023
Karen Carson, M.D., Chair

APPROVED BY:  DATE: 01/30/23
Eric Anderson, M.D., Vice Chair