

**NEW MEXICO MEDICAL BOARD  
Emergency Board Meeting  
March 22, 2023**

**MINUTES**

**MEETING MADE PUBLIC VIA ZOOM AND TELECONFERENCE**

**Members Present:** None

**Video Conferencing:** Karen Carson, MD, Chair  
Eric Anderson, MD,  
Steve Jenkusky, MD  
Kristin Reidy, MD  
Mark Unverzagt, MD  
Bradley Scoggins, DO  
Eileen Barrett, MD  
Kathy Johnson, PA  
Peter Beaudette, MD

**Others Present:** Amanda Quintana, Interim Executive Director  
Margaret McLean, Special Counsel  
Lori Arevalo, Compliance Coordinator  
Debbie Dieterich, Investigations Manager  
Monique Parks, Licensing Manager  
Ana Allen, Licensing

\*The public was properly noticed per the Open Meetings Act for this Emergency Meeting. No members of the public were present.

**Excused:** Buffie Saavedra, Public Member

**1. CALL TO ORDER / ROLL CALL**

Dr. Carson, after establishing the presence of a quorum, called the March 22, 2023, Emergency Board Meeting of the New Mexico Medical Board to order at 4:30 pm, roll call was completed.

**2. APPROVAL OF AGENDA**

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

**3. HB-384 Social Worker and Veterinarian Licensure– Possible Board Resolution**

Margaret McLean, Special Counsel for the Board, presented an analysis of House Bill 384 (HB384) to the Board, along with a proposed draft letter and resolution for the Board's submission to the Governor. Ms. McLean highlighted the major issues with HB 384 that would impact the New Mexico Medical Board:

- 1) First, the Board was not notified about the drafting of the Committee Substitute for HB384, an agency analysis was not requested of the Board to be included in any Fiscal Impact Report (FIR), and notification was not given to the Board about any legislative committee hearings in which the bill was being presented.
- 2) HB 384 removes the Board's power to summarily suspend a licensee when that licensee poses a clear and imminent danger to the health and safety of the public if the licensee continues to practice medicine. The new provision in the ULA under HB 384 would instead mandate the Board going to the district court in the county where the licensee practices or resides to obtain a preliminary injunction when the Board believes a licensee poses a clear and immediate danger to the health and safety of the public if the licensee continues to practice medicine.
- 3) HB 384 permits a summary suspension to be taken by the Board on only two grounds: 1. Licensee is adjudged mentally incompetent by a final order or adjudication by a court of competent jurisdiction; or 2. Licensee has pled guilty to or has been found guilty of any offense directly related to the practice of the respective licensee.
- 4) HB384 removes Licensure by Endorsement out of the Medical Practice Act and replaces it with "Physician Expedited Licensure", which would mandate that the Board process an application and issue a license within 30 days provided that the Board receives a completed application, the licensee holds a license that is in good standing (presumably in any jurisdiction) and is current in a jurisdiction approved by the board and has practiced for at least three years. The expedited license would be "provisional" for one year, and then shall be renewed as a regular license.

Ms. McLean also presented a draft Board Resolution and letter to the Governor for the Board's review, approval, and ultimate submission to request a veto of HB384.

Dr. Carson noted that the gravest concern of the Board is the safety of the public and this Bill can lead to somebody being harmed, which will likely happen if the Board is not able to have autonomy over licensees and consistent with the purpose of the Board stated in the Medical Practice Act.

Dr. Jenkusky noted and emphasized that the way the Bill, as written shows, a fundamental lack of understanding of how the Board does business and what the Board needs to do to properly vet its licensees to practice in New Mexico. It is not entirely clear, but it seems to imply that if someone has a clean license in another state, territory

and country and has worked for three (3) years anywhere, that the Board must issue a license to that applicant.

Dr. Unverzagt noted his concerns about the fact that the Board was not contacted or notified in any way as this Bill took shape, which is highly problematic. Dr. Jenkusky commented that this Bill was added in the "Government Elections and Indian Affairs" committee and Dr. Carson added that this Bill is was and is still titled "Social Worker and Veterinary Licensure".

All Board members agreed that the resolution to veto HB 384 as drafted was acceptable for submission to Governor Lujan Grisham.

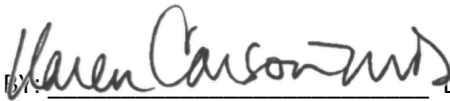
**MOTION** was made by Dr. Scoggins to approve the Resolution. **Second:** Dr. Jenkusky. **YES:** Dr. Carson, Dr. Barrett, Dr. Unverzagt, Dr. Beaudette, PA Johnson, and Dr. Scoggins, Dr. Anderson, Dr. Jenkusky and Dr. Reidy. **Excused:** Ms. Saavedra. **MOTION CARRIED.**

**4. Adjourn**

There being no further business before the Board, Dr. Carson adjourned the meeting at 5:04 p.m.

SUBMITTED BY:  DATE: 04/25/2023

Amanda L. Quintana, Interim Executive Director

APPROVED BY:  DATE: 04/25/2023

Karen Carson, M.D., Chair

APPROVED BY:  DATE: 04/25/2023

Eric Anderson, M.D., Vice Chair