

NEW MEXICO MEDICAL BOARD
Interim Board Meeting – June 28, 2023
2055 S. Pacheco Street, Suite 400
Santa Fe, NM 87505

MINUTES

MEETING MADE PUBLIC VIA ZOOM AND TELECONFERENCE

Video Conferencing: Karen Carson, MD, Chair
Eric Anderson, MD, Vice Chair
Kathy Johnson, PA, Secretary Treasurer
Mark Unverzagt, MD
Kristin Reidy, DO (joined at 4:45 p.m.)
Eileen Barrett, MD (left meeting after executive session)
Peter Beaudette, MD - ABSENT
Bradley Scoggins, DO
Buffie Saavedra, Public Member - ABSENT

Others Present: Amanda Quintana, Interim Executive Director - ABSENT
Steven Jenkusky, MD, Medical Director
Debbie Dieterich, Investigations Manager
Monique Parks, Licensing Manager
Lori Arevalo, Compliance Coordinator
Ann Pacheco, Administrative Assistant

1. CALL TO ORDER / ROLL CALL

Dr. Carson, after establishing the presence of a quorum, called the June 28, 2023, Board Meeting of the New Mexico Medical Board to order at 4:04 pm, roll call was completed.

2. APPROVAL OF AGENDA

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

3. APPROVAL OF MINUTES

MOTION was made by Dr. Carson to approve the minutes from the May 18 – 19, 2023, Board meeting. **SECONDED** by Dr. Anderson. **YES:** Dr. Barrett, Dr. Unverzagt, Dr. Carson, Dr. Scoggins, PA Johnson and Dr. Anderson. **ABSENT:** Dr. Beaudette. Ms. Saavedra and Dr. Reidy. **MOTION CARRIED.**

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

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

5. COMPLAINT COMMITTEE REPORTS

Committee C:

Case# 2022-C-080 Recommendation was made by Dr. Carson to close the case with a strongly worded advisory letter to physician regarding improved medical charting, conducting physical examinations and consideration for CME regarding infectious disease testing and treatment. **YES:** Dr. Scoggins, PA Johnson and Dr. Anderson. **ABSTAIN:** Dr. Reidy. **RECUSED:** Dr. Unverzagt and Dr. Carson. **ABSENT:** Dr. Barrett, Dr. Beaudette and Ms. Saavedra. **MOTION CARRIED.**

CASE# 2022-C-136 Recommendation was made by Dr. Carson to close the case with no further action. **YES:** Dr. Scoggins, PA Johnson, Dr. Anderson and Dr. Reidy. **RECUSED:** Dr. Unverzagt and Dr. Carson. **ABSENT:** Dr. Barrett, Dr. Beaudette and Ms. Saavedra. **MOTION CARRIED.**

CASE# 2022-C-047 Recommendation was made by Dr. Carson to offer physician a stipulated license requiring mandatory participation in NMHPWP for as long as he holds a New Mexico license to practice or until NMHPWP and the Board determine he no longer needs to be monitored. If physician does not accept, a notice of contemplated action will be issued based on, but not limited to, habitual/excessive use of alcohol and conduct likely to harm. **YES:** Dr. Scoggins, PA Johnson, Dr. Anderson and Dr. Reidy. **RECUSED:** Dr. Unverzagt and Dr. Carson. **ABSENT:** Dr. Barrett, Dr. Beaudette and Ms. Saavedra. **MOTION CARRIED.**

CASE# NMMB-20230085 Recommendation was made by Dr. Carson to offer applicant the issuance of a New Mexico license with an Agreed Order restricting applicant from performing any type of plastic or cosmetic surgery procedure, including any type of liposuction. If applicant does not accept, he may withdraw his application for licensure while under investigation or a notice of contemplated action will be issued based on, but not limited to, adverse licensure action in another state and conduct likely to harm. **YES:** Dr. Scoggins, PA Johnson, Dr. Anderson and Dr. Reidy. **RECUSED:** Dr. Unverzagt and Dr. Carson. **ABSENT:** Dr. Barrett, Dr. Beaudette and Ms. Saavedra. **MOTION CARRIED.**

Committee D:

CASE# 2020-D-020 Recommendation was made by PA Johnson to offer physician an agreed order of voluntary surrender of his license. If the physician does not agree, then a notice of contemplated action will be issued based on, but not limited to, conviction of a felony within the practice of medicine. **YES:** Dr. Anderson, Dr. Reidy, Dr. Unverzagt and Dr. Carson. **RECUSED:** Dr. Scoggins and PA Johnson **ABSENT:** Dr. Barrett, Dr. Beaudette and Ms. Saavedra. **MOTION CARRIED.**

CASE# 2022-D-111 Recommendation was made by Dr. Scoggins to offer physician applicant a license to practice under an agreed order requiring proctoring of his laparoscopic procedures until such time that his proctor indicates applicant is safe to practice independently. The approved proctor will submit monthly reports to the Board for review. This proctoring action is non-reportable but is a public action. If physician applicant does not accept, he may withdraw his application for licensure while under investigation or a notice of contemplated action will be issued based on, but not limited to, incompetency to practice. **YES:** Dr. Anderson, Dr. Reidy, Dr. Unverzagt and Dr. Carson. **RECUSED:** Dr. Scoggins and PA Johnson **ABSENT:** Dr. Barrett, Dr. Beaudette and Ms. Saavedra. **MOTION CARRIED.**

CASE# NMMB-20230076 Recommendation was made by PA Johnson to offer physician applicant the opportunity to withdraw his application while under investigation or a notice of contemplated action to deny licensure will be issued based on, but not limited to, incompetency to practice, dishonesty, and misrepresentations on application. **YES:** Dr. Anderson, Dr. Reidy, Dr. Unverzagt and Dr. Carson. **RECUSED:** Dr. Scoggins and PA Johnson **ABSENT:** Dr. Barrett, Dr. Beaudette and Ms. Saavedra. **MOTION CARRIED.**

CASE# NMMB-20230077 Recommendation was made by Dr. Scoggins to offer physician applicant a referral to CPEP or comparable program to obtain a competency skills evaluation prior to the Board determining licensure issuance. Case will be held in investigations and return to full Board. A closure letter from the Ohio Medical Board investigation must also be received prior to licensure determination. If physician applicant does not accept, he may withdraw his licensure application while under investigation or a notice of contemplated action will be issued to deny licensure based on, but not limited to, incompetency to practice, dishonestly, and misrepresentation on an application. **YES:** Dr. Anderson, Dr. Reidy, Dr. Unverzagt and Dr. Carson. **RECUSED:** Dr. Scoggins and PA Johnson **ABSENT:** Dr. Barrett, Dr. Beaudette and Ms. Saavedra. **MOTION CARRIED.**

6. Licensing Requests and Actions, New Applicants/Reinstatements

IMO: Arthur Caire, MD, Case 2023-001 – Review of Proposed Settlement Agreement.

A MOTION was made by PA Johnson to accept the Proposed Settlement Agreement. **SECONDED** by Dr. Scoggins **YES:** Dr. Unverzagt, Dr. Carson, Dr. Scoggins, PA Johnson and Dr. Reidy. **RECUSED:** Dr. Anderson. **ABSENT:** Dr. Barrett, Dr. Beaudette and Ms. Saavedra. **MOTION CARRIED.**

IMO: Don Hedges, DO, Case 2022-061 – Review of Proposed Settlement Agreement.

MOTION was made by Dr. Scoggins to accept the Proposed Settlement Agreement. **SECONDED** by Dr. Carson. **YES:** Dr. Anderson, Dr. Unverzagt, Dr. Carson, Dr. Scoggins, PA Johnson and Dr. Reidy. **ABSENT:** Dr. Barrett, Dr. Beaudette and Ms. Saavedra. **MOTION CARRIED.**

7. Chair Report

Dr. Carson discussed changing the dates of the November Board meeting from November 2-3, 2023, to November 9-10, 2023. All members present are available on those dates except Dr. Reidy.

8. Medical Director

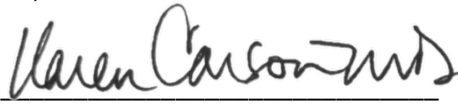
Dr. Jenkusky gave updates on the following topics:


- DEA and CMS Rules regarding Telemedicine.
- Safe Harbor recommendations have been implemented. The Board's licensing application professional practice questions have been updated to reflect those changes.
- Dr. Jenkusky is creating FAQ's relating to cosmetic procedures in medical spas and eventually the Board's rules will be amended. The Board of Nursing will be promulgating regulations regarding Medical Spas in November 2023. Dr. Carson suggested the Board include a dermatologist who may be able to assist with this.
- Board staff is currently working on the planned merger of the licensing of Podiatrists with the Board effective July 1. Names have been submitted to form the Podiatry Advisory Committee and Amanda Quintana is working on the Board's regulations for podiatrists.
- The Board's promulgated rules from the passage of House Bill 384 will go into effect July 10 via emergency rule making and will be in place for 90 days. The Board will hold a formal rule hearing on these rules at the September Interim Board Meeting.
- Endorsement of FSMB policies, including physicians changing specialties, will be reviewed and discussed at a future board meeting.

9. Adjourn

There being no further business before the Board, Dr. Carson adjourned the meeting at 5:40 p.m.

SUBMITTED BY:  DATE: 08/24/2023
Amanda Quintana, Interim Executive Director

APPROVED BY:  DATE: 08/24/2023
Karen Carson, M.D., Chair

APPROVED BY:  DATE: 08/24/2023
Eric Anderson, M.D., Vice Chair