

**NEW MEXICO MEDICAL BOARD
Interim Board Meeting
September 23, 2021
MINUTES**

MEETING MADE PUBLIC VIA ZOOM AND TELECONFERENCE

Members Present: Steve Jenkusky, M.D., Secretary Treasurer
Mark Unverzagt, M.D.

Video Conferencing: Peter Beaudette, M.D., Chair
Karen Carson, M.D., Vice Chair
James Spence, M.D.
Kathy Johnson, PA
Buffie Saavedra, Public Member
Kristin Reidy, DO

Excused: Eric Anderson, MD

Absent: Bradley Scoggins, DO

Others Present: Sondra Frank, Esquire, Executive Director
Amanda Quintana, Compliance Manager / PIO
Elishia Lucero, Administrative Assistant
Samantha Breen, Compliance Coordinator
Debbie Deterich, Investigations Manager
Michael Nunez, Esq., Chief Legal Counsel- Via Zoom
Antoinette Griego, Licensing Manager

1. CALL TO ORDER / ROLL CALL

Dr. Beaudette, after establishing the presence of a quorum, called the September 23, 2021, Interim Board Meeting of the New Mexico Medical Board to order at 3:05 pm, roll call was completed.

2. APPROVAL OF AGENDA

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

3. APPROVAL OF MINUTES

MOTION was made by Dr. Carson to approve the minutes from the August 12, 2021, Regular Board meeting. **SECONDED** by Dr. Spence. **YES:** Dr. Beaudette, Dr. Carson, Dr. Jenkusky, Dr. Spence, Dr. Unverzagt, Ms. Saavedra, PA Johnson, and Dr. Reidy. **EXCUSED:** Dr. Anderson. **ABSENT:** Dr. Scoggins. **MOTION CARRIED.**

EXECUTIVE SESSION: Complaint Committee Reports

MOTION was made by Spence 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. Carson. **YES:** Dr. Beaudette, Dr. Carson, Dr. Jenkusky, Dr. Spence, Dr. Unverzagt, Ms. Saavedra and Ms. Johnson. **EXCUSED:** Dr. Anderson. **ABSENT:** Dr. Scoggins. **MOTION CARRIED.**

OPEN SESSION

The Board returned to open session. Dr. Beaudette 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

4. Complaint Committee Reports

Committee A

Case # 2020-A-333 Recommendation was made by Dr. Jenkusky to close this case with issuance of a strongly worded advisory letter regarding professionalism and communications within the workplace and a warning that the Board will be monitoring any possible future complaints. **YES:** Dr. Beaudette, Dr. Carson, Dr. Spence, Dr. Unverzagt, Ms. Saavedra and PA Johnson. **RECUSED:** Dr. Jenkusky and Ms. Reidy. **EXCUSED:** Dr. Anderson. **ABSENT:** Dr. Scoggins. **MOTION CARRIED**

Case # 2021-A-153 Recommendation was made by Dr. Jenkusky to close this case with issuance of a license to practice in New Mexico along with an advisory letter reminding physician about the Board's Ethic Regulations on prescribing over the internet. **YES:** Dr. Beaudette, Dr. Carson, Dr. Spence, Dr. Unverzagt, Ms. Saavedra, and PA Johnson. **RECUSED:** Dr. Jenkusky and Ms. Reidy. **EXCUSED:** Dr. Anderson. **ABSENT:** Dr. Scoggins. **MOTION CARRIED**

Case # 2021-A-180 Recommendation was made by Dr. Jenkusky to close this case with an advisory letter to both Resident Physician and PGT Program Director regarding required licensure in New Mexico, the responsibility to follow through with the licensing process, and reminding them that unlicensed practice is a fourth-degree felony, along with assessing costs of \$300 to resident physician. The Board will also undertake an investigation against any license who was involved in allowing the resident physician to practice without license. **YES:** Dr. Beaudette, Dr. Carson, Dr. Spence, Dr. Unverzagt, Ms. Saavedra and PA Johnson. **RECUSED:** Jenkusky and Ms. Reidy. **EXCUSED:** Dr. Anderson. **ABSENT:** Dr. Scoggins. **MOTION CARRIED**

Case # 2021-A-146 Recommendation was made by Dr. Jenkusky to offer physician the chance to voluntarily surrender his license in New Mexico. If physician does not accept offer, the complaint committee recommends issuance of a notice of contemplated action based on, but not limited to, habitual/excessive use of alcohol, misrepresentation on an application, failure to report and incompetency to practice. **YES:** Dr. Beaudette, Dr. Carson, Dr. Spence, Dr. Unverzagt, Ms. Saavedra, and PA Johnson. **RECUSED:** Dr. Jenkusky and Ms. Reidy. **EXCUSED:** Dr. Anderson. **ABSENT:** Dr. Scoggins. **MOTION CARRIED**

Committee B

Recommendation was made by PA Johnson to **CLOSE** the following cases: 2020-B-209; 2020-B-284 and 2020-B-310. **YES:** Dr. Beaudette, Dr. Carson, Dr. Jenkusky, Dr. Spence, Dr. Unverzagt, Ms. Saavedra, and Dr. Reidy. **RECUSED:** PA Johnson. **EXCUSED:** Dr. Anderson. **ABSENT:** Dr. Scoggins. **MOTION CARRIED**

Case # 2020-B-153 Recommendation was made by PA Johnson to close this case with issuance of an advisory letter reminding physician about providing the appropriate dismissal letter to a patient. **YES:** Dr. Beaudette, Dr.

Carson, Dr. Jenkusky Dr. Spence, Dr. Unverzagt, Ms. Saavedra, and Ms. Reidy. **RECUSED:** PA Johnson. **EXCUSED:** Dr. Anderson. **ABSENT:** Dr. Scoggins. **MOTION CARRIED**

Case # 2021-B-094 Recommendation was made by PA Johnson to offer physician the chance to voluntarily surrender his license. 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. Carson, Dr. Jenkusky, Dr. Spence, Dr. Unverzagt, Ms. Saavedra, and Ms. Reidy. **RECUSED:** PA Johnson. **EXCUSED:** Dr. Anderson. **ABSENT:** Dr. Scoggins. **MOTION CARRIED**

Committee C

Recommendation was made by Dr. Carson to **CLOSE** Case No. 2021-C-077 **YES:** Dr. Beaudette, Dr. Jenkusky, Dr. Spence, Dr. Unverzagt, Ms. Saavedra, PA Johnson, and Dr. Reidy. **RECUSED:** Dr. Carson. **EXCUSED:** Dr. Anderson. **ABSENT:** Dr. Scoggins. **MOTION CARRIED**

Case # 2021-C-005 Recommendation was made by Dr. Carson to offer physician an Agreed Order with issuance of a reprimand, requirement to successfully complete an ethics course within six months and submit appropriate documentation to the Board from that course, submit a letter or notice to his patients notifying them that involving a minor in his practice was not reasonable or prudent, and requiring payment of a fine in the amount of \$10,000. If physician does not accept offer, a notice of contemplated action will be issued based on, but not limited to, conduct likely to harm public, conduct unbecoming and ethical violations. **YES:** Dr. Beaudette, Dr. Jenkusky, Dr. Spence, Dr. Unverzagt, Ms. Saavedra, PA Johnson, and Dr. Reidy. **RECUSED:** Dr. Carson. **EXCUSED:** Dr. Anderson. **ABSENT:** Dr. Scoggins. **MOTION CARRIED**

Case # 2021-C-091 Recommendation was made by Dr. Carson to offer physician a stipulated license requiring mandatory participation in the NMHPWP. If physician does not accept offer, a notice of contemplated action will be issued based on, but not limited to, habitual/excessive use of alcohol. **YES:** Dr. Beaudette, Dr. Jenkusky, Dr. Spence, Dr. Unverzagt, Ms. Saavedra, PA Johnson, and Dr. Reidy. **RECUSED:** Dr. Carson. **EXCUSED:** Dr. Anderson. **ABSENT:** Dr. Scoggins. **MOTION CARRIED**

Case # 2021-C-123 Recommendation was made by Dr. Carson to close this case with issuance of a New Mexico license along with an advisory letter, to be acknowledged and signed by applicant, that requires him to notify the Board if he plans to preform general surgery in the future in New Mexico and notify him that the Board is granting licensure with the understanding, he is only conducting outpatient wound care procedures. **YES:** Dr. Beaudette, Dr. Jenkusky, Dr. Spence, Dr. Anderson, Dr. Unverzagt, Ms. Saavedra, PA Johnson, and Dr. Reidy. **RECUSED:** Dr. Carson. **EXCUSED:** Dr. Anderson. **ABSENT:** Dr. Scoggins. **MOTION CARRIED**

Case # 2021-C-194 Recommendation was made by Dr. Carson to close this case with an advisory letter reminding physician about the Board's regulations on Telemedicine and notifying him that if he plans to renew his New Mexico license, he needs to notify the Board at that time if he plans to treat patients in New Mexico. **YES:** Dr. Beaudette, Dr. Jenkusky, Dr. Spence, Dr. Unverzagt, Ms. Saavedra, PA Johnson, and Dr. Reidy. **RECUSED:** Dr. Carson. **EXCUSED:** Dr. Anderson. **ABSENT:** Dr. Scoggins. **MOTION CARRIED**

Committee D

Recommendation was made by Dr. Unverzagt to **CLOSE** Case No. 2021-D-023 **YES:** Dr. Carson, Dr. Jenkusky, Dr. Spence, Ms. Saavedra, PA Johnson, and Dr. Reidy. **RECUSED:** Dr. Beaudette and Dr. Unverzagt. **EXCUSED:** Dr. Anderson. **ABSENT:** Dr. Scoggins. **MOTION CARRIED**

Case # 2021-D-037 Recommendation was made by Dr. Unverzagt to close this case with an advisory letter recommending that patients should be provided courtesy by the physician's practice. **YES:** Dr. Carson, Dr. Jenkusky, Dr. Spence, Ms. Saavedra, PA Johnson, and Dr. Reidy. **RECUSED:** Dr. Beaudette and Dr. Unverzagt.

EXCUSED: Dr. Anderson. **ABSENT:** Dr. Scoggins. **MOTION CARRIED**

Case # 2020-D-161 Recommendation was made by Dr. Unverzagt to close this case with issuance of a license to practice in New Mexico with an advisory letter reminding physician about his duty to fully disclose information on his application and assess costs of \$150. **YES:** Dr. Carson, Dr. Jenkusky, Dr. Spence, Ms. Saavedra, PA Johnson, and Dr. Reidy. **RECUSED:** Dr. Beaudette and Dr. Unverzagt. **EXCUSED:** Dr. Anderson. **ABSENT:** Dr. Scoggins. **MOTION CARRIED**

Case # 2020-D-321 Recommendation was made by Dr. Unverzagt to offer physician the issuance of a reprimand based on injudicious prescribing of an off-label medication that adversely affected patient care with physician's failure to address the adverse effects the medication had on patient. If physician does not accept offer, a notice of contemplated action will be issued based on, but not limited to, injudicious prescribing and conduct unbecoming. **YES:** Dr. Carson, Dr. Jenkusky, Dr. Spence, Ms. Saavedra, PA Johnson, and Dr. Reidy. **RECUSED:** Dr. Beaudette and Dr. Unverzagt. **EXCUSED:** Dr. Anderson. **ABSENT:** Dr. Scoggins. **MOTION CARRIED**

Case # 2020-D-092 Recommendation was by Dr. Unverzagt to offer physician a reprimand based on, but not limited to, interaction with a patient that adversely affected quality of patient care. If physician does not accept, a notice of contemplated action will be issued. **YES:** Dr. Carson, Dr. Jenkusky, Dr. Spence, Ms. Saavedra, PA Johnson, and Dr. Reidy. **RECUSED:** Dr. Beaudette and Dr. Unverzagt. **EXCUSED:** Dr. Anderson. **ABSENT:** Dr. Scoggins. **MOTION CARRIED**

Committee E

Recommendation was made by Dr. Spence to **CLOSE** the following cases:2020-E-185; 2020-E-198 and 2021-E-038. **YES:** Dr. Beaudette, Dr. Carson, Dr. Jenkusky, Dr. Unverzagt, PA Johnson, and Dr. Reidy. **RECUSED:** Dr. Spence and Ms. Saavedra. **EXCUSED:** Dr. Anderson. **ABSENT:** Dr. Scoggins. **MOTION CARRIED**

Committee

Case # 2021-F-176 Recommendation was made by Dr. Jenkusky to close this case with issuance of an advisory letter to physician. Board will also provide a position statement on its website and will provide the statement via other public notice settings. **YES:** Dr. Spence, Dr. Unverzagt, Ms. Saavedra, PA Johnson, and Dr. Reidy. **RECUSED:** Dr. Beaudette, Dr. Carson and Dr. Jenkusky. **EXCUSED:** Dr. Anderson. **ABSENT:** Dr. Scoggins. **MOTION CARRIED**

5. Licensing Requests and Actions, New Applicants/Reinstatements

IMO-Natalie Pavelock, MD – Motion and Order for Reimbursement of Costs (Case No. 2020-053)

MOTION was made by Dr. Jenkusky to grant the Motion and Order for Reimbursement of Cost. **SECONDED** by Dr. Carson. **YES:** Dr. Beaudette, Dr. Carson, Dr. Jenkusky, Dr. Spence, Dr. Unverzagt, Ms. Saavedra, PA Johnson, and Dr. Reidy. **EXCUSED:** Dr. Anderson. **ABSENT:** Dr. Scoggins. **MOTION CARRIED**

IMO-Ryan Ross Freemyer, MD – Request for Reinstatement after Suspension of License (Case No. 2019-071)

MOTION was made by Dr. Jenkusky to deny Dr. Freemyer's request for reinstatement after suspension of license. The Board recommends that Dr. Freemyer follow the directives previously offered to him by the Board and he must notify the Texas licensing Board of New Mexico's actions. **SECONDED** by Dr. Spence. **YES:** Dr. Beaudette, Dr. Carson, Dr. Jenkusky, Dr. Spence, Dr. Unverzagt, Ms. Saavedra, PA Johnson, and Dr. Reidy. **EXCUSED:** Dr. Anderson. **ABSENT:** Dr. Scoggins. **MOTION CARRIED**

6. New Business

Information on the recent release from HHS regarding pharmacist provision of COVID-19 therapies.

Ms. Frank provided the Board with the Expanding access to COVID-19 therapeutics and the HHS Prep Act Declaration that was forwarded from the Pharmacy Association, to provide the Board

with updated information on the COVID-19 therapeutics that have been recently amended to provide liability protection to licensed pharmacists, pharmacy technicians and pharmacy interns.

7. **Reports**

A. Licensing Manager- Audit CME Process

Ms. Griego provided the Board with information on the CME audit during renewals and the issues the board recognizes for licensees who are not forthcoming on their renewal application. Ms. Griego provided the Board with a proposed policy for handling non-compliant licensees.

After much discussion, the following motion was made.

MOTION was made by Dr. Jenkusky adopt the policy as presented. **SECONDED** by Dr. Unverzagt. **YES:** Dr. Beaudette, Dr. Carson, Dr. Jenkusky, Dr. Spence, Dr. Unverzagt, Ms. Saavedra, PA Johnson, and Dr. Reidy. **EXCUSED:** Dr. Anderson. **ABSENT:** Dr. Scoggins. **MOTION CARRIED.**

B. Executive Director- Approval of: Ascension St. John, Emergency Room program, which is an ACGME approved program.

Ms. Frank informed the Board of the rules and regulations for resident physicians enrolling in a rotation in New Mexico and the requirements they must meet to obtain a resident license. One requirement being individuals enrolled in a board approved training programs outside of New Mexico must graduate from or have completed a program approved by the board.


Ms. Frank stated that programs that are not approved by the board but are currently ACGME accredited raises issues for residents enrolling in a rotation in New Mexico. Ms. Frank requested that the Board approve Ascension St. John, Emergency room program that is currently ACGME accredited.


After much discussion, the following motion was made.

MOTION was made by Dr. Jenkusky approve Ascension St. John, Emergency room program. **SECONDED** by Ms. Saavedra. **YES:** Dr. Beaudette, Dr. Carson, Dr. Jenkusky, Dr. Spence, Dr. Unverzagt, Ms. Saavedra, PA Johnson, and Dr. Reidy. **EXCUSED:** Dr. Anderson. **ABSENT:** Dr. Scoggins. **MOTION CARRIED.**

8. **ADJOURN**

There being no further business before the Board, Dr. Beaudette adjourned the meeting at 5:45 p.m.

SUBMITTED BY:  DATE: 11/04/2021
Sondra Frank, J.D., Executive Director

APPROVED BY:  DATE: 11/04/2021
Peter Beaudette, M.D, M.D., Chair

APPROVED BY:

Karen Carson, M.D.

Karen Carson, M.D., Vice Chair

DATE: 11/04/2021