

NEW MEXICO MEDICAL BOARD
Interim Board Meeting
April 20, 2022
MINUTES

MEETING MADE PUBLIC VIA ZOOM AND TELECONFERENCE

Members Present: Steve Jenkusky, MD, Secretary Treasurer
Mark Unverzagt, MD

Video Conferencing: Peter Beaudette, MD, Chair
Karen Carson, MD, Vice Chair
James Spence, MD
Eric Anderson, MD
Kathy Johnson, PA
Buffie Saavedra, Public Member
Kristin Reidy, DO
Bradley Scoggins, DO

Others Present: Sondra Frank, Esquire, Executive Director
Amanda Quintana, Compliance Manager / PIO
Debbie Dieterich, Investigations Manager
Michael Nunez, Administrative Prosecutor
Monique Parks, Licensing Specialist Supervisor
Samantha Breen, Compliance Coordinator
Ann Pacheco, Administrative Assistant

1. CALL TO ORDER / ROLL CALL

Dr. Beaudette, after establishing the presence of a quorum, called the April 20, 2022, Interim Board Meeting of the New Mexico Medical Board to order at 3:09 pm, roll call was completed.

2. APPROVAL OF AGENDA

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

3. APPROVAL OF MINUTES

MOTION was made by Dr. Reidy to approve the minutes from the March 3-4, 2022, Board meeting. **SECONDED** by Dr. Jenkusky. **YES:** Dr. Beaudette, Dr. Carson, Dr. Jenkusky, Dr. Spence, Dr. Unverzagt, Ms. Saavedra, PA Johnson, Dr. Scoggins, Dr. Reidy and Dr. Anderson. **MOTION CARRIED.**

4. Informal Compliance Interviews: Melissa Valmorla, PA

EXECUTIVE SESSION: Complaint Committee Reports

MOTION was made by Dr. Beaudette 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. Anderson **YES:** Dr. Beaudette, Dr. Carson, Dr. Jenkusky, Dr. Spence, Dr. Anderson, Dr. Unverzagt and Ms. Saavedra **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.

5. Complaint Committee Reports

Committee A: [SJ, KR]

Case #2022-A-020 Recommendation was made to offer naprothatic applicant the chance to withdraw his application while under investigation or a notice of contemplated action will be issued to deny licensure based on, but not limited to, habitual/excessive use of alcohol or substances and conduct likely to harm. **YES**, Dr. Unverzagt, Dr. Beaudette, Dr. Carson, Dr. Anderson, PA Johnson, Ms. Saavedra, Dr. Scoggins and Dr. Spence. **RECUSED**, Dr. Jenkusky, Dr. Reidy. **MOTON CARRIED**.

Committee B: [EA, KJ]

Case #2021-B-148 Recommendation was made to order physician to undergo an evaluation by an impaired physician committee. The case will remain open pending receipt of the committee report. **YES**, Dr. Unverzagt, Dr. Beaudette, Dr. Carson, Ms. Saavedra, Dr. Scoggins and Dr. Spence, Dr. Jenkusky and Dr. Reidy. **RECUSED**, Dr. Anderson, PA Johnson.

Case #2021-B-289 Recommendation was made to close the case and issue physician applicant a New Mexico medical license. **YES**, Dr. Unverzagt, Dr. Beaudette, Dr. Carson, Ms. Saavedra, Dr. Scoggins, Dr. Spence, Dr. Jenkusky, Kristin Reidy. **RECUSED**, Dr. Anderson, PA Johnson.

Committee C: [KC, BJS]

Case# 2021-C-192 Recommendation was made to offer resident physician applicant a stipulated license requiring mandatory participation in the NM Health Professional Wellness Program. If applicant does not accept offer, a notice of contemplated action will be issued to deny licensure based on, but not limited to, habitual/excessive use of alcohol and/or substances. **YES**, Dr. Unverzagt, Dr. Beaudette, Ms. Saavedra, Dr. Spence, Dr. Jenkusky, Dr. Reidy, Dr. Anderson and PA Johnson. **RECUSED**, Dr. Carson, Dr. Scoggins.

Case# 2022-C-022 Recommendation was made to close this case and issue physician applicant of New Mexico medical license. **YES**, Dr. Unverzagt, Dr. Beaudette, Ms. Saavedra, Dr. Spence, Dr. Jenkusky, Dr. Reidy, Dr. Anderson and PA Johnson. **RECUSED**, Dr. Carson, Dr. Scoggins.

Case# 2022-C-045 Recommendation was made to offer physician applicant the chance to withdraw his application while under investigation or a notice of contemplated action will be issued to deny licensure based on, but not limited to, adverse licensure action in another state, conduct likely to harm, interaction with others that could adversely affect patient care, conduct unbecoming, and ethical violations adopted by the Board by Regulation. **YES**, Dr. Unverzagt, Dr. Beaudette, Ms. Saavedra, Dr. Spence, Dr. Jenkusky, Dr. Reidy, Dr. Anderson and PA Johnson. **RECUSED**, Dr. Carson, Dr. Scoggins.

Committee D: [MU; PB]

Case# 2021-D-295 Recommendation was made to offer physician a stipulated license requiring mandatory participation in the NM Health Professional Wellness Program and payment of a \$150.00. If physician does not accept, a notice of contemplated action will be issued based on, but not limited to, habitual/excessive use of alcohol. **YES**, Ms. Saavedra, Dr. Spence, Dr. Jenkusky, Dr. Reidy, Dr. Anderson PA Johnson, Dr. Carson and Dr. Scoggins. **RECUSED**, Dr. Unverzagt, Dr. Beaudette.

6. **Compliance Requests/Actions**

Melissa Valmoria, PA-Request for reactivation of license. **MOTION** was made by Dr. Jenkusky to deny reactivation of license and request PA to engage with behavioral health provider for treatment of ADHD, provide documentation for how she is accommodating the educational recommendations of CPEP, and require PA to engage in NMHPWP for ongoing monitoring. **SECONDED**, Dr. Spence. **YES**, Dr. Jenkusky, Dr. Unverzagt, Dr. Carson, Dr. Spence, Dr. Anderson, PA Johnson, Ms. Saavedra, Dr. Reidy, Dr. Scoggins. **Motion Carried.**

7. **Licensing Requests and Actions, New Applications/Reinstatements**

In the Matter of Vinay Saini, MD – Proposed Settlement Offer. **MOTION** was made by Dr. Unverzagt to accept proposed settlement offer. **SECONDED**, Dr. Reidy. **YES**, Dr. Unverzagt, Dr. Reidy and Dr. Beaudette. **NO**, Ms. Saavedra, Dr. Spence, Dr. Jenkusky, Dr. Anderson, PA Johnson, Dr. Carson and Dr. Scoggins. **MOTION FAILED.**

In the Matter of Kenneth Stoller, MD, Case No. 2021-025 – Proposed Settlement Offer. **MOTION** was made by Dr. Jenkusky to not accept the proposed settlement offer. **SECONDED** by Dr. Unverzagt. **YES**, Dr. Jenkusky, Dr. Unverzagt, Dr. Beaudette, Dr. Carson, Dr. Anderson, PA Johnson, Ms. Saavedra, Dr. Scoggins and Dr. Spence. **NO**, Dr. Reidy.

8. **Licensing Manager [AG]**

Required Background Checks for Doctor of Osteopathic Medicine - Ms. Griego gave a brief explanation of the background check project for the licensees who have not complied with the required background check. Only about half of the overall licensees complied with the background check letter which was sent out in October 2021. A second effort will be initiated to bring those without background check back into compliance through a series of steps. Ms. Quintana explained that although fingerprints were taken under the DO Board approximately 20 years ago, the fingerprint cards appear to have never been processed therefore, no background checks can be verified under the DO Board. Ms. Griego indicated that recently no background were conducted.

Executive Director Ms. Frank explained the steps. First, both the DO Association and the NMMB will issue email blasts to licensees notifying them that the board will be requiring immediate compliance with the background check. NMMB website will also be updated with this effort and with information on Gemalto, the background check processing entity. About two weeks after the email notification, a strong letter will be sent to those persons who have still not registered and/or completed the background check. Licensees without a background check have a “hold” placed on their renewals until they complete a background check. Most licensees will comply, but those who do not, will be issued an Order to Show Cause to appear before a subcommittee of the board to explain their noncompliance. This OTC will be a non-disciplinary first attempt to assure compliance. In June, the Board will be apprised of the compliance rate and next steps.

PMP noncompliance will also be handled similarly with an OTC for those who have not been compliant with PMP for four or more times. This will be started in July 2022 after renewals.

9. **New Business**

Use Hospital Services Corporation (HSC) as the Boards Primary Application Processor for Physician applications as a temporary emergency rule. The board had a discussion about the use of HSC as our only application processor. This is due to an extreme increase in the number of applications being received especially this year,

from about 650 per year five years ago, to over 900 last year, and this year to over 1000 is projected. Ms. Griego said that we have issued approximately 600 licenses this year and we are only in April. This is an unmanageable amount of applications being received.

The Board's approval is requested to use HSC as the only processor of applications for a period of one year because staff cannot keep up with this level of applications. This would be valid for one year only under an emergency rule. Dr. Jenkusky added that there are many calls and emails about delays in processing of applications but almost universally this is due to incomplete applications being submitted by the applicant or the applicant's processor, credentialer, or recruiter. The staff is doing the absolute best they can do. This will require an additional fee to the HSC itself in addition to our fees.

Ms. Frank indicated that most hospitals and entities spoken to about using HSC indicated that anything that allows an application to be issued more quickly is the key, not necessarily the money to apply. In addition, the Executive Director can waive our licensing fees [based on need]. Dr. Spence pointed out that this is an additional fee and could hurt private practice folks. Ms. Frank indicated that waivers of fee will be liberally given during this year. HSC has proven itself to be an excellent processor of applications. Dr. Carson indicated that \$350 is a relatively minor amount of money and supported the proposal.

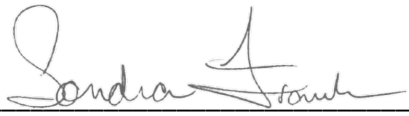
This is temporary for one year and once our computer system gets implemented, staff may not need HSC as our primary processor. The new data system will begin being created around July 1, 2022. Dr. Jenkusky indicated that the increase in applications might be a blip in terms of licensing due to increased telemed. It may also be a blip because Medicaid and Medicare are not accepting our telemed licensees who are switching to a full license, which may also pass.

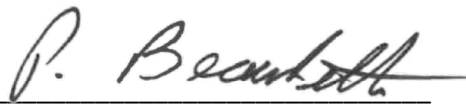
A **MOTION** was made by Dr. Jenkusky to approve the use of HSC as the board's primary application processor for Physician applications for one year under a temporary emergency rule.

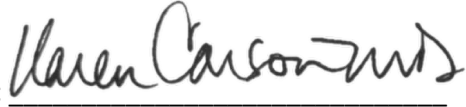
SECOND by Dr. Carson, **YES**, Dr. Jenkusky, Dr. Unverzagt, DO Reidy, Dr. Beaudette, Dr. Carson, Dr. Anderson, PA Johnson, Ms. Saavedra and Dr. Scoggins. **No**, Dr. Spence.

Adjourn

There being no further business before the Board, Dr. Beaudette adjourned the meeting at 5:26 p.m.

SUBMITTED BY:  DATE: June 2, 2022
Sondra Frank, J.D., Executive Director

APPROVED BY:  DATE: June 2, 2022
Peter Beaudette, M.D, M.D., Chair

APPROVED BY:  DATE: June 2, 2022
Karen Carson, M.D., Vice Chair