

**NEW MEXICO MEDICAL BOARD**  
*First Quarterly Meeting*  
February 16-17, 2006

**MINUTES**

**Members Present:**

Paul Kovnat, M.D., Chairman  
Prakash Ranka, M.D., Vice-Chair (by phone Thursday am only)  
Steven Weiner, M.D., Secretary-Treasurer  
Vivian Giudice, M.D.  
Allan Haynes, M.D.  
Alfredo Vigil, M.D.  
Reza Ghadimi, P.A.  
Dick Heim, Public Member  
Becky Cochran, Public Member

**Also Present:**

Barbara Mohler, Acting Executive Director  
Grant La Farge, M.D., Medical Director  
Corliss Thalley, A.A.G.  
G.T.S. Khalsa, Board Prosecutor  
Jenny Felmley, P.I.O.  
Lynn Tipton, Administrative Assistant  
A list of all attendees is attached to these minutes

**1. CALL TO ORDER**

The regular meeting of the New Mexico Medical Board convened at 8:40 a.m., Thursday, February 16, 2006 in the Board Conference Room, 2055 S. Pacheco, Santa Fe, New Mexico, *Paul Kovnat, M.D.* presiding. A quorum was declared, with all members present.

**2. APPROVAL OF AGENDA**

Dr. Kovnat **MOVED** to approve the agenda as presented. **YES:** Kovnat, Giudice, Weiner, Vigil, Heim, Cochran, Haynes and Ghadimi. **ABSENT:** Ranka. **MOTION CARRIED.**

Ms. Cochran **MOVED** to Amend the Agenda to add an interview with a perspective employee for an exempt staff position on Friday at 9:00 a.m. Dr. Haynes **SECONDED.** **YES:** Kovnat, Giudice, Weiner, Vigil, Heim, Cochran, Ghadimi and Haynes. **ABSENT:** Ranka. **MOTION CARRIED.**

**3. APPROVAL OF MINUTES**

Dr. Haynes **MOVED** to approve the minutes of the January 12, 2006 Board meeting as presented. Mr. Heim **SECONDED.** **YES:** Kovnat, Giudice, Weiner, Vigil, Heim, Ghadimi and Haynes. **ABSTAINED:** Cochran. **ABSENT:** Ranka. **MOTION CARRIED.**

**4. STATUS OF EXEMPT STAFF, DR. KOVNAT**

**Executive Session:** **MOTION** was made by Dr. Kovnat and seconded by Ms. Cochran to go into executive session to discuss personnel matters. **YES:** Kovnat, Giudice, Weiner, Vigil, Heim, Cochran, Heim, Ghadimi and Ranka (by telephone) **MOTION CARRIED.**

The Board returned to open session. Dr. Kovnat stated for the record that the matters discussed in executive session were limited to only those specified in the motion for closure.

**5. NM MONITORED TREATMENT PROGRAM REPORT**

Mr. Thayer gave an update on the operating report and discussed the quarterly report and budget. At this time their

finance committee is reviewing the budget to analyze their revenues which are in the red Expenses related to expanded services, combined with the new payment schedule established with the new contract, are the most likely causes of the shortfall.

**Executive Session:** **MOTION** was made by Dr Kovnat and **SECONDED** by Dr Weiner to go into executive session to discuss matters of licensure. **YES:** Kovnat, Haynes, Giudice, Weiner, Vigil, Heim, Cochran and Ghadimi. **ABSENT:** Ranka. **MOTION CARRIED.** Jon Thayer, Dan Collins, M D., and Connie Merrell were present to discuss the status of mandatory participants.

## 6. COMPLAINT COMMITTEE REPORTS

**EXECUTIVE SESSION:** The Board remained in executive session for discussion of the complaint committee reports. The Board returned to open session after a discussion of complaint committee reports. Dr Kovnat stated for the record that the matters discussed in executive session were limited to only those specified in the motion for closure.

**Complaint Committee A.** On behalf of Complaint Committee A, Dr. Weiner **MOVED** that complaint cases 2003-A-091, 2004-A-092, 2004-A-143, 2005-A-039, 2005-A-055, 2005-A-084, 2005-A-098 and 2005-A-103 be closed, as there was no evidence of a violation of the Medical Practice Act or rules. No second was required. **YES:** Kovnat, Haynes, Giudice, Vigil, Ghadimi and Heim. **RECUSED:** Cochran and Weiner. **ABSENT:** Ranka. **MOTION CARRIED.**

On behalf of Complaint Committee A, Dr. Weiner **MOVED** that complaint cases 2003-A-149 and 2004-A-020 (Paul Engstrom, MD) be issued a Notice of Contemplated Action for disciplinary action based on providing false information to the Board during its investigation. No second was required. **YES:** Kovnat, Haynes, Giudice, Vigil, Ghadimi and Heim. **RECUSED:** Cochran and Weiner. **ABSENT:** Ranka. **MOTION CARRIED.**

On behalf of Complaint Committee A, Dr. Weiner **MOVED** that complaint case 2005-A-088 (Richard Gritzmacher, MD) be issued a Notice of Contemplated Action for disciplinary action, based on actions taken in Kentucky and Alabama, and for falsification of information on his NM license renewal. No second was required. **YES:** Kovnat, Haynes, Giudice, Vigil, Ghadimi, and Heim. **RECUSED:** Cochran and Weiner. **ABSENT:** Ranka. **MOTION CARRIED.**

**Complaint Committee B.** On behalf of Complaint Committee B, Dr. Vigil **MOVED** that complaint cases 2004-B-160, 2005-B-017, 2005-B-047, 2005-B-096, 2005-B-097, 2005-B-099, 2005-B-100, 2005-B-120, 2005-B-128 and 2005-B-139 be closed, as there was no evidence of a violation of the Medical Practice Act or rules. No second was required. **YES:** Kovnat, Haynes, Weiner, Giudice, Heim, Ghadimi and Cochran. **RECUSED:** Vigil. **ABSENT:** Ranka. **MOTION CARRIED.**

**Complaint Committee C.** On behalf of Complaint Committee C, Dr. Giudice **MOVED** that complaint cases 2004-C-027, 2004-C-099, 2004-C-182, 2005-C-059, 2005-C-081, 2005-C-101, 2005-C-113, 2005-C-135, 2005-C-136 and 2005-C-138 be closed, as there was no evidence of a violation of the Medical Practice Act or rules. No second was required. **YES:** Kovnat, Haynes, Weiner, Vigil, Ghadimi and Cochran. **RECUSED:** Giudice and Heim. **ABSENT:** Ranka. **MOTION CARRIED.**

On behalf of Complaint Committee C, Dr. Giudice **MOVED** that complaint case 2005-C-043 (Robert Pendrak, MD) be referred to CPEP for a thorough evaluation of his surgical skills. No second was required. **YES:** Weiner, Vigil, Haynes, Kovnat, Cochran and Ghadimi. **RECUSED:** Giudice and Heim. **ABSENT:** Ranka. **MOTION CARRIED.**

Dr. Giudice amended her recommendation and **MOVED** that Dr. Pendrak be referred to CPEP or an equivalent program for a thorough evaluation of his surgical skills. No second was required. **YES:** Weiner, Vigil, Haynes, Kovnat, Cochran and Ghadimi. **RECUSED:** Giudice and Heim. **ABSENT:** Ranka. **MOTION CARRIED.**

On behalf of Complaint Committee C, Dr. Giudice **MOVED** that complaint case 2005-C-065 (Gary Hall, MD) be issued a Notice of Contemplated Action for disciplinary action based on action in another state, failure to notify the Board of action in another state, and falsification of his license renewal application. No second was required. **YES:** Weiner, Vigil, Haynes, Kovnat, Cochran and Ghadimi. **RECUSED:** Giudice and Heim. **ABSENT:** Ranka. **MOTION CARRIED.**

On behalf of Complaint Committee C, Dr. Giudice **MOVED** that complaint case 2005-C-130 (Ken West, MD) be referred to the District Attorney for possible criminal or adjunctive action for alleged practicing medicine.

without a license. No second was required. **YES:** Weiner, Vigil, Haynes, Kovnat, Cochran and Ghadimi  
**RECUSED:** Giudice and Heim. **ABSENT:** Ranka. **MOTION CARRIED.**

**Complaint Committee D.** On behalf of Complaint Committee D, Mr. Ghadimi **MOVED** that complaint cases 2004-D-159, 2004-D-165, 2005-D-015, 2005-D-085, 2005-D-102, 2005-D-111, 2005-D-123, 2005-D-124 and 2005-D-132 be closed, as there was no evidence of a violation of the Medical Practice Act or rules. No second was required. **YES:** Kovnat, Weiner, Vigil, Giudice, Heim and Cochran. **RECUSED:** Ghadimi and Haynes. **ABSENT:** Ranka. **MOTION CARRIED.**

On behalf of Complaint Committee D, Mr. Ghadimi **MOVED** that complaint case #2005-D-142 (Georgette Cooper, PA) be issued a Notice of Contemplated Action to deny reinstatement, based on substance abuse and falsification of reinstatement application. No second was required. **YES:** Kovnat, Weiner, Heim, Giudice, Cochran and Vigil. **RECUSED:** Ghadimi and Haynes. **ABSENT:** Ranka. **MOTION CARRIED.**

**Complaint Committee E.** On behalf of Complaint Committee E, Dr. Kovnat **MOVED** that complaint case #2006-E-019 (George Schwartz, MD) be issued a Notice of Contemplated Action for disciplinary action based on unprofessional and dishonorable conduct and falsification on his license renewal application. No second was required. **YES:** Haynes, Giudice, Cochran, Weiner, Vigil, Ghadimi and Heim. **RECUSED:** Kovnat. **ABSENT:** Ranka. **MOTION CARRIED.**

## 7. LICENSING ISSUES AND ACTIONS RELATED TO EXECUTIVE SESSION

**EXECUTIVE SESSION:** **MOTION** was made by Dr. Kovnat and seconded by Dr. Haynes to go into executive session to discuss matters of licensure. **YES:** Kovnat, Haynes, Giudice, Weiner, Vigil, Ghadimi, Heim, and Cochran. **ABSENT:** Ranka. **MOTION CARRIED.** The Board returned to open session after a discussion of Licensing Issues. Dr. Kovnat stated for the record that the matters discussed in executive session were limited to only those specified in the motion for closure.

**A. Patrick Dwyer, MD - Ms. Cochran** **MOVED** a Notice of Contemplated Action be issued to deny application for reinstatement based on failure to follow Board requirements for reinstatement. Dr. Haynes **SECONDED.** **YES:** Kovnat, Haynes, Giudice, Weiner, Vigil, Heim, Cochran and Ghadimi. **ABSENT:** Ranka. **MOTION CARRIED.**

**B. John Barsotti, MD - Dr. Kovnat** **MOVED** a letter be issued denying his application based on failure to meet minimum licensing requirements. Dr. Haynes **SECONDED.** **YES:** Kovnat, Haynes, Giudice, Weiner, Vigil, Heim, Cochran and Ghadimi. **ABSENT:** Ranka. **MOTION CARRIED.**

**C. Rahul Dewan, MD - Dr. Kovnat** **MOVED** the Board accept the ACCRAO evaluation of his medical education as equivalent to that of a U.S. medical school. Dr. Haynes **SECONDED** the motion. **YES:** Kovnat, Haynes, Giudice, Weiner, Vigil, Heim, Cochran and Ghadimi. **ABSENT:** Ranka. **MOTION CARRIED.**

## 8. DECISION AND ORDER

In Case #2005-018, (**Robert Graor, M.D.**), Dr. Graor briefly addressed the Board, and then Administrative Prosecutor GTS Khalsa addressed the Board. **MOTION** was made by Dr. Kovnat and seconded by Dr. Haynes to go into executive session to discuss matters of licensure. **YES:** Kovnat, Haynes, Giudice, Weiner, Vigil, Ghadimi, Heim, and Cochran. **ABSENT:** Ranka. **MOTION CARRIED.** The Board returned to open session after a discussion of Licensing Issues. Dr. Kovnat stated for the record that the matters discussed in executive session were limited to only those specified in the motion for closure. Mr. Heim **MOVED** to accept the Hearing Officer's recommended Findings of Facts number 1 thru 16 in their entirety. Dr. Haynes **SECONDED** the motion. **YES:** Kovnat, Weiner, Weiner, Ghadimi, Haynes, Heim and Giudice. **ABSENT:** Ranka. **RECUSED:** Vigil. **MOTION CARRIED.**

Dr. Kovnat **MOVED** to accept the following Conclusions of Law:

1. The Board has jurisdiction over the Respondent and the subject matter
2. The Board has complied with all notice and hearing requirements of the Uniform Licensing Act and has afforded Respondent all due process required by law. This decision and order is timely rendered.
3. The Board concludes that there is conclusive evidence in the record to prove that Respondent's license was revoked by the State Medical Board of Ohio for making false, fraudulent and deceptive statements in documents

connected with the practice of medicine and such revocation imposed by the State of Ohio is based upon acts similar to acts that would be ground for disciplinary action in New Mexico as alleged in the Notice of Contemplated Action.

4. Pursuant to §61-6-15(B) NMSA 1978, the Board has authority and has sufficient evidence in the record to place Respondent's license on indefinite probation for protection of the public and for the purpose of rehabilitation.

Mr. Ghadimi **SECONDED** the motion. **YES:** Kovnat, Weiner, Cochran, Haynes, Giudice, Heim and Ghadimi. **ABSENT:** Ranka. **RECUSED:** Vigil. **MOTION CARRIED.**

Dr. Kovnat **MOVED** to issue Robert Graor, MD a Stipulated License requiring a mental health evaluation and participation in NM MIP, full disclosure of disciplinary history to all employers and associates, Board approval of practice settings, and other monitoring requirements as specified in the Order. Dr. Haynes **SECONDED** the motion. **YES:** Kovnat, Weiner, Cochran, Haynes, Giudice, Heim and Ghadimi. **ABSENT:** Ranka. **RECUSED:** Vigil. **MOTION CARRIED.**

## 9. DECISION AND ORDER

In Case #2005-016, (Michael Flanagan, M.D.), Dr. Haynes **MOVED** to accept the Hearing Officer's recommended Findings of Facts number 1 thru 13 in their entirety. Mr. Ghadimi **SECONDED** the motion. **YES:** Kovnat, Haynes, Vigil, Giudice, Heim and Ghadimi. **ABSENT:** Ranka. **RECUSED:** Cochran and Weiner. **MOTION CARRIED.**

Dr. Haynes **MOVED** to accept the following Conclusions of Law:

1. The Board has jurisdiction over the Respondent and the subject matter.

2. The Board has complied with all notice and hearing requirements of the Uniform Licensing Act and has afforded Respondent all due process rights required by law. This Decision and Order is timely rendered.

3. The Board concludes that there is sufficient evidence in the record to prove by a preponderance of the evidence that Respondent committed gross negligence in violation of §61-6-15(D)(12) NMSA 1978 as alleged in ¶ 2(A) of the Amended Notice of Contemplated Action.

4. The Board concludes that there is sufficient evidence in the record to prove by clear and convincing evidence that Respondent violated Rule 16.10.8.8(H) NMAC and § 61-6-15(D) in that Respondent was dishonest and deceptive as alleged in ¶ 2(B) of the Amended Notice of Contemplated Action and made dishonest, false, fraudulent, or deceptive statements in documents connected to the practice of medicine as alleged in ¶ 2(C) of the Amended Notice of Contemplated Action.

5. The Board concludes that there is sufficient evidence in the record to prove by a preponderance of the evidence that Respondent violated §61-6-15(D)(26) NMSA 1978, in that Respondent is guilty of injudicious prescribing, administering, or dispensing certain drugs as alleged in ¶ 2(D) of the Amended Notice of Contemplated Action.

6. The Board concludes that there is sufficient evidence in the record to prove by a preponderance of the evidence that Respondent violated Rule 16.10.14 NMAC and §61-6-15(D) as alleged in ¶ 2(F) of the Amended Notice of Contemplated Action.

7. Pursuant to §61-6-15(A) NMSA 1978 and Rule 16.10.5.1 NMAC, the Board has authority and has sufficient evidence in the record to revoke Respondent's license to practice medicine in New Mexico.

Mr. Heim **SECONDED** the motion. **YES:** Kovnat, Haynes, Vigil, Giudice, Heim and Ghadimi. **ABSENT:** Ranka. **RECUSED:** Cochran and Weiner. **MOTION CARRIED.**

Dr. Haynes **MOVED** that the Board concludes that there is insufficient evidence in the record to prove that Respondent violated Rule 16.10.8(H) NMAC as alleged in ¶ 2(E) and dismisses ¶ 2(E). Mr. Heim **SECONDED** the motion. **YES:** Kovnat, Haynes, Vigil, Giudice, Heim and Ghadimi. **ABSENT:** Ranka. **RECUSED:** Cochran and Weiner. **MOTION CARRIED.**

Dr. Kovnat **MOVED** to issue Michael Flanagan, MD an Order revoking his license to practice medicine in New Mexico, effective ten days from the date the Order is signed. Mr. Heim **SECONDED** the motion. **YES:** Kovnat, Haynes, Vigil, Giudice, Heim and Ghadimi. **ABSENT:** Ranka. **RECUSED:** Cochran and Weiner. **MOTION CARRIED.**

Dr. Haynes **MOVED** to include in the Order that at any time after fifteen (15) years from the date of this decision and order, Dr. Flanagan may seek licensure by filing a new application for licensure with the Board. If Dr. Flanagan applies for re-licensure, he will have the burden of demonstrating to the Board that

he is capable of the competent practice of medicine with reasonable skill and safety to the public, and the Board may attach whatever conditions it deems appropriate to his practice. Dr. Kovnat **SECONDED** the motion **YES:** Kovnat, Haynes, Vigil, Giudice, Heim and Ghadimi. **ABSENT:** Ranka. **RECUSED:** Cochran and Weiner.

## 10. REPORTS

**A. Chair.** Dr. Kovnat discussed the Federation meeting to be held in April. Eight board members will be attending. The Board has the budget to pay complete costs for the two Board members attending for the first time, and partial costs for all others.

**B. Assistant Attorney General.** No report at this time.

**C. Medical Director.** Dr. La Farge provided the status of the Practice Management committee. They met with Dr. Cassel on November 22<sup>nd</sup> and then met again on February 3<sup>rd</sup>. Direction and ideas are still under discussion regarding CME credits. The UNM-NMMB ethics CME committee is on hold at this time. The DOH proposal on partner therapy for STDS is still being reviewed by the Department of Health. A current Psychologist prescribing authority application committee is on hold. The Board is still waiting for the required appointment by the psychologist board as to what psychiatrist will serve on the application committee. Dr. La Farge also presented the end of year physician-by-county information.

**D. Acting Executive Director.** Ms. Mohler presented the Budget update and discussion was held confirming the budget is on target for FY 06. The current status of PA renewals was discussed and a letter will be going out to the PAs who have not renewed reminding them of the March 1<sup>st</sup> deadline. The Board asked staff to develop proposed rule language for PA renewals that matches the license expiration language for MDs, and language that will allow currently licensed PAs one year to pass the NCCPA certification exam. Jenny Felmley gave an update of the 2006 Legislative session. She explained that the original LFC budget had cut approximately \$30,000 from the Board's budget, as a result of a failure to adequately explain the costs of the expanded MTP contract. However, thanks to the assistance of Senator Tim Jennings, the amount was successfully added back into the budget. The Board agreed that a letter of thanks to Senator Jennings is in order.

**E. Compliance.** Ms. Felmley reported that all licensees currently under monitoring are in compliance.

**EXECUTIVE SESSION: MOTION** was made by Dr. Kovnat and seconded by Dr. Haynes to go into executive session to discuss matters of licensure. **YES:** Kovnat, Haynes, Giudice, Weiner, Vigil, Ghadimi, Heim, and Cochran. **ABSENT:** Ranka. **MOTION CARRIED.** The Board returned to open session after a discussion of Licensing Issues. Dr. Kovnat stated for the record that the matters discussed in executive session were limited to only those specified in the motion for closure.

## 11. NEW BUSINESS

**A. Decision on Proposed Rules.** Dr. Haynes **MOVED** to adopt the proposed changes to Part 2 of the rules, Physicians: Licensure Requirement. Mr. Ghadimi **SECONDED** the motion. **YES:** Kovnat, Haynes, Weiner, Giudice, Heim, Vigil, Cochran and Ghadimi. **ABSENT:** Ranka. **MOTION CARRIED.**

**B. Correspondence and Articles.** The Board reviewed the following documents that required no action

1. **Disciplinary Action by Medical Boards and Prior Behavior in Medical School.**
2. **Health Grades State's Doctor Rankings.**
3. **Masking Malpractice Cases.**
4. **Lawsuit filed in hair removal death.**
5. **Washington State forbids doctors from dating patients.**

## 12. INFORMAL INTERVIEWS

Cliff Brasher, MD, Sandy Herrin, MD, Jerry Alaniz, MD, James Hartenbach, MD, Johnny Vigil, MD and Laura Allen, MD were interviewed in executive session. Robert Palmer, MD sent the Board a letter stating that he is withdrawing his request for reinstatement.

**Executive Session: MOTION** was made by Dr. Weiner and **SECONDED** by Dr. Haynes to go into executive session to discuss matters of licensure. **YES:** Kovnat, Haynes, Giudice, Weiner, Ghadimi, Vigil, Heim, and Cochran.

**ABSENT:** Ranka **MOTION CARRIED.** Dr. Kovnat stated for the record that the matters discussed in executive session were limited to only those specified in the motion for closure

**RECESS** 5:01 p.m.

**RECONVENE.** The Board reconvened at 9:07 a.m. on Friday morning with all members present except Dr. Prakash Ranka, MD.

**13. EXEMPT STAFF INTERVIEW.**

Dr. Kovnat **MOVED** to go into executive session to discuss limited personnel matters. Dr. Weiner **SECONDED** the motion **YES:** Kovnat, Haynes, Vigil, Giudice, Heim, Cochran, Weiner and Ghadimi **ABSENT:** Ranka. The Board met with Ms. Lynn Hart in closed session. Dr. Kovnat stated for the record that the matters discussed in executive session were limited to only those specified in the motion for closure.

**14. ACTIONS RELATED TO INTERVIEWS & LICENSING ISSUES.**

On behalf of Complaint Committee B, Dr. Vigil **MOVED** that complaint case 2004-B-117 be closed, as there was no evidence of a violation of the Medical Practice Act or rules. No second was required **YES:** Kovnat, Haynes, Weiner, Giudice, Heim, Cochran and Ghadimi. **RECUSED:** Vigil. **ABSENT:** Ranka. **MOTION CARRIED.**

On behalf of Complaint Committee B, Dr. Vigil **MOVED** that complaint case 2004-D-067 be closed, as there was no evidence of a violation of the Medical Practice Act or rules. No second was required. **YES:** Kovnat, Haynes, Weiner, Giudice, Heim, Cochran and Ghadimi. **RECUSED:** Vigil. **ABSENT:** Ranka. **MOTION CARRIED.**

Dr. Haynes **MOVED** to remove all stipulations and issue an unrestricted license to Rolando Long, MD. Mr. Ghadimi **SECONDED** the motion. **YES:** Kovnat, Haynes, Weiner, Giudice, Cochran, Ghadimi, Heim and Vigil. **ABSENT:** Ranka. **MOTION CARRIED.**

**15. OLD BUSINESS.**

**A. Mandatory reporting of impaired colleagues rule.** Dr. La Farge has been collecting background information on mandatory and voluntary reporting of impaired colleagues, and is nearly ready to convene the committee.

**B. Criminal background checks rule.** Dr. Haynes **MOVED** to adopt the proposed changes to Parts 16.10.2, 16.10.7, 16.10.9, and 16.10.15 of the rules, requiring nationwide criminal history screening for all new applicants and statewide criminal history screening for all renewing licensees. Dr. Giudice **SECONDED** the motion. **YES:** Kovnat, Haynes, Weiner, Giudice, Cochran, Ghadimi, Heim and Vigil. **ABSENT:** Ranka. **MOTION CARRIED.**

**C. Medical records rule.** Dr. Vigil **MOVED** to adopt the proposed new Part 17 of the rules, 16.10.17, Management of Medical Records with the amendment to section 10, to read: "shredded, incinerated or other method that provides permanent destruction of the records." Dr. Kovnat **SECONDED** the motion. **YES:** Kovnat, Haynes, Weiner, Giudice, Cochran, Ghadimi, Heim and Vigil. **ABSENT:** Ranka. **MOTION CARRIED.**

**D. Report on malpractice survey.** Ms. Felmley presented a survey of malpractice information conducted on current licensees. The Board decided any licensee with three or more malpractice suits in the past ten years shall be sent to a complaint committee for review.

**16. ADJOURN:** There being no further business, the meeting adjourned at 10:47 a.m.

**SUBMITTED:**  **Date:** 5/19/06  
Lynn S. Hart, Executive Director

**APPROVED:**  **Date:** 5/18/06  
Paul Kovnat, M.D., Chair

**APPROVED:**  **Date:** 5/18/06  
Steven Weiner, M.D., Secretary-Treasurer

**February, 2006  
MEETING SUMMARY**

**Licensing Actions, in alpha order:**

**Barsotti, John, MD, applicant** – Application for licensure denied based on failure to meet minimum licensing requirements.

**Cooper, Georgette, PA, applicant** – Issue a Notice of Contemplated Action to deny reinstatement, based on substance abuse and falsification of reinstatement application.

**Dewan, Rahul, MD, pending applicant** – Board accepts the ACCRAO evaluation of his medical education

**Dwyer, Patrick, MD, applicant for reinstatement** – Issue a Notice of Contemplated Action to deny application for reinstatement based on failure to follow Board requirements for reinstatement.

**Engstrom, Paul, MD, 2000-181** – Issue a Notice of Contemplated Action for disciplinary action based on providing false information to the Board during its investigation

**Flanagan, Michael, MD, 85-176** – Issue an Order of License Revocation.

**Graor, Robert, MD, applicant** – Issue an Order mandating a Stipulated License that requires a mental health evaluation, participation in NM MTP, full disclosure of disciplinary history to all employers and associates, Board approval of practice settings, and other monitoring requirements as specified in the Order

**Gritzmacher, Richard, MD, 2000-198** – Issue a Notice of Contemplated Action for disciplinary action based on actions taken in Kentucky and Alabama, and for falsification of his NM license renewal

**Hall, Gary, MD, 94-260** – Issue a Notice of Contemplated Action for disciplinary action based on action in another state, failure to notify the Board of action in another state, and falsification of his license renewal applications.

**Pendrak, Robert, MD, MD2005-0209** – Refer the physician to CPEP, or an equivalent program, for a thorough evaluation of his surgical skills.

**Schwartz, George, MD, 71-84** – Issue a Notice of Contemplated Action for disciplinary action based on unprofessional and dishonorable conduct and falsification of a renewal application.

**Tong, Rolando, MD, 89-109** - Remove all stipulations and issue an unrestricted license.

**Valencia, Andrew, PA** – As part of closure of complaint cases 2004-A-092 and 2005-A-055, send a letter requesting that he cease and desist enhancing his credentials by telling patients that he is an applicant for a PA license; refer case to the District Attorney for possible criminal or adjunctive action for alleged practicing medicine without a license.

**West, Ken** – Refer case to District Attorney for possible criminal or adjunctive action for alleged practicing medicine without a license.

**Proposed Rule Changes**

- Accept proposed changes to 16.10.2, Physicians: Licensure Requirements
- Accept proposed new rule 16.10.17, Management of Medical Records
- Accept proposed new amendments to rules providing for nationwide and statewide criminal history screenings, Parts 16.10.2, 16.10.7, 16.10.9, and 16.10.15