

NEW MEXICO MEDICAL BOARD

Interim Meeting

March 30, 2006

MINUTES

Members Present:

Paul Kovnat, M.D., Chairman
Steve Weiner, M.D., Secretary-Treasurer
Prakash M. Ranka, M.D., Vice Chair - by teleconference
Alfredo Vigil, M.D.
Vivian Giudice, M.D. – by teleconference
Allan Haynes, Jr., M.D. - by teleconference
Richard Heim, Public Member – by teleconference
Becky Cochran, Public Member - by teleconference

Members Excused:

Reza Ghadimi, P.A.

Also Present:

Lynn Hart, Executive Director
Jenny Felmley, P.I.O.
Lynn Tipton, Administrative Assistant
Grant La Farge, M.D., Medical Director
G.T.S. Khalsa, Board Prosecutor
Corliss Thalley, A.A.G.

The Interim meeting of the New Mexico Medical Board convened at 4:08 p.m., Thursday, March 30, 2006, in the Conference Room, 2055 S. Pacheco, Building 400, Santa Fe, New Mexico, *Paul Kovnat, M.D.* presiding. Dr. Kovnat called the roll and a quorum was declared with members Kovnat, Weiner, Vigil, Cochran, Heim, Ranka, Giudice and Haynes present.

1. APPROVE AGENDA

Dr. Haynes **MOVED** the agenda be approved as amended and the motion **PASSED UNANIMOUSLY**.

2. INTRODUCE NEW EXECUTIVE DIRECTOR

Dr. Kovnat introduced and welcomed Ms. Hart as the Executive Director.

3. POSSIBLE SETTLEMENT AGREEMENT – Case No 2004-D-029, Donald Rodgers, MD

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, Weiner, Giudice, Heim, Vigil, Cochran and Ranka. **EXCUSED:** Ghadimi. **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.

Dr. Haynes moved to accept the Order in Case No. 2004-D-029, Donald Rodgers, M.D. as written with the correction to Paragraph 3 to read: The licensed practitioner must maintain at least \$1,000,000.00 of malpractice insurance or be covered under the New Mexico Medical Malpractice Act. Dr. Ranka **SECONDED** the motion. **YES:** Kovnat, Weiner, Vigil, Ranka, Haynes, Heim, Giudice and Cochran. **EXCUSED:** Ghadimi.

4. DECISION AND ORDER – Case No 2005-015, George Schwartz, MD

Executive Session: MOTION was made by Dr Haynes and **SECONDED** by Dr. Weiner to go into executive session to discuss matters of licensure **YES:** Haynes, Weiner, Giudice, Vigil, Cochran and Ranka **RECUSED:** Kovnat and Heim. **EXCUSED:** Ghadimi. **MOTION CARRIED.** The Board returned to open session. Dr. Ranka stated for the record that the matters discussed in executive session were limited to only those specified in the motion for closure

In Case #2005-015, (**George Schwartz, M.D.**), Dr. Weiner **MOVED** to accept the Hearing Officer's recommended Findings of Facts number 1 thru 29 in their entirety, including the Hearing Officer's Decisions on the pre-hearing motions. Dr. Haynes **SECONDED** the motion. **YES:** Ranka, Weiner, Haynes, Vigil, Cochran and Giudice **EXCUSED:** Ghadimi **RECUSED:** Kovnat and Heim. **MOTION CARRIED.**

Dr. Weiner **MOVED** that, based on a preponderance of the evidence, the Board has sufficient evidence in the record to accept the Conclusions of Law as alleged in Allegations 2a, 2b, 2c, 2e, 2f, 2g, 2h, 2i, 2j, 2p, and 2q of Item 16 of the Findings of Fact. (attached hereto). Dr. Haynes **SECONDED** the motion. **YES:** Ranka, Cochran, Haynes, Giudice, Vigil and Weiner **EXCUSED:** Ghadimi **RECUSED:** Kovnat and Heim. **MOTION CARRIED.**

Dr Haynes **MOVED** to permanently revoke **George Schwartz, M.D.** license to practice medicine effective April 7, 2006. Dr. Vigil **SECONDED** the motion. **YES:** Ranka, Cochran, Haynes, Weiner, Vigil, and Giudice. **ABSENT:** Ghadimi. **RECUSED:** Kovnat and Heim **MOTION CARRIED.**

Dr. Ranka **MOVED** to designate Dr. Weiner to sign the Order. Dr. Vigil **SECONDED** the motion. **YES:** Ranka, Cochran, Haynes, Weiner, Vigil, and Giudice. **EXCUSED:** Ghadimi. **RECUSED:** Kovnat and Heim. **MOTION CARRIED.**

Corliss Thalley requested the Board reconsider the Conclusions of Law for the case, specifically Allegation 2p. Dr. Haynes **MOVED** that Item 2p was proven by clear and convincing evidence. Dr. Vigil **SECONDED** the motion. **YES:** Ranka, Cochran, Haynes, Weiner, Vigil, and Giudice. **EXCUSED:** Ghadimi. **RECUSED:** Kovnat and Heim. **MOTION CARRIED.**

5. REQUEST TO REOPEN

In Case #2005-016, (**Michael Flanagan, M.D.**), Dr. Haynes **MOVED** to deny Dr. Flanagan's request to reopen the case since no new evidence was presented and Respondent was able to present evidence at the hearing. Dr. Vigil **SECONDED** the motion. **YES:** Kovnat, Haynes, Vigil, Giudice, Heim, and Ranka **EXCUSED:** Ghadimi. **RECUSED:** Weiner and Cochran **MOTION CARRIED.**

6. LICENSING AND COMPLAINTS, LICENSEES AND APPLICANTS

A. Denise Baskind, MD - Dr. Haynes **MOVED** the Board accept **Denise Baskind, M.D.**'s extensive experience in lieu of two years post graduate training and grant her an unrestricted medical license. Dr. Ranka **SECONDED.** **YES:** Kovnat, Haynes, Giudice, Weiner, Vigil, Heim, Cochran and Ranka. **EXCUSED:** Ghadimi **MOTION CARRIED.**

B. On behalf of Complaint Committee E, Dr. Kovnat **MOVED** that complaint case 2005-E-148, be closed, as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Weiner, Vigil, Giudice, Haynes, Ranka and Heim. **NO:** Cochran. **EXCUSED:** Ghadimi. **RECUSED:** Kovnat. **MOTION CARRIED.**

C. Patrick Dwyer, MD - Dr. Haynes **MOVED** to place the pending Notice of Contemplated Action in this case on hold, and refer Dr. Dwyer for an evaluation by an Impaired Physician Committee, as required by the Impaired Health Care Provider Act. Dr. Ranka **SECONDED.** **YES:** Kovnat, Ranka, Weiner, Vigil, Haynes, Cochran, Giudice and Heim. **EXCUSED:** Ghadimi **MOTION CARRIED.**

D. Georgette Cooper, PA – Dr. Kovnat **MOVED** to place the pending Notice of Contemplated Action in this case on hold, and refer Georgette Cooper, PA to NM Monitored Treatment Program for an

evaluation. Dr Ranka **SECONDED**. **YES:** Kovnat, Giudice, Weiner, Vigil, Heim, Cochran and Ranka. **RECUSED:** Haynes. **EXCUSED:** Ghadimi. **MOTION CARRIED.**

E. Justin Psaila, MD – Dr Haynes **MOVED** to dismiss the pending Notice of Contemplated Action and accept Dr. Psaila's voluntary surrender of his medical license. Dr. Weiner **SECONDED**. **YES:** Kovnat, Haynes, Giudice, Weiner, Heim and Cochran. **EXCUSED:** Ranka and Ghadimi. **RECUSED:** Vigil. **F. Laura Allen, MD** - NM Monitored Treatment Program status report.

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

7. LEGAL REPORT

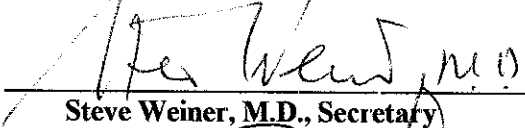
Ms. Thalley gave the Board an update of pending cases on the calendar that are to be heard, either by the Board or in district court.

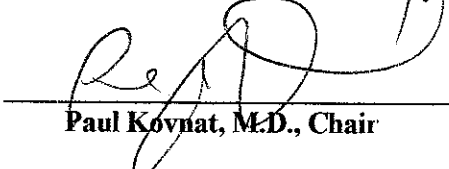
8. OLD BUSINESS

A. Review proposed changes to PA rule. Rule 16 10.15 (Physician Assistants: Licensure and Practice Requirements) Dr. Weiner **MOVED** to approve the proposed changes to the criminal background checks and license expirations for physician assistants. Dr. Kovnat **SECONDED**. **YES:** Kovnat, Haynes, Weiner, Giudice, Heim, Vigil and Cochran. **EXCUSED:** Ranka and Ghadimi. **MOTION CARRIED.** The proposed changes will be published for public comment and considered at a rule hearing on May 18, 2006.

9. ADJOURN There being no further business, the meeting adjourned at 5:30 p.m.

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

APPROVED:  _____ **Date:** 5/18/06
Steve Weiner, M.D., Secretary

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

**Meeting Actions
March 30, 2006**

Denise Baskind, MD, *applicant* – accept 20 years experience in lieu of 2nd year PGT and issue an unrestricted license to practice medicine

Georgette Cooper, PA, *pending reinstatement* – place the pending NCA on hold, and refer to NM Monitored Treatment Program for an evaluation.

Patrick Dwyer, MD, *pending reinstatement* – place the pending NCA on hold and refer to an Impaired Physician Committee for evaluation

Michael Flanagan, MD, *License #85-176* – deny the request to reopen Case #2005-016.

Justin Psaila, MD, *License #MD2004-0319* – dismiss the pending Notice of Contemplated Action and accept Dr Psaila's voluntary surrender of his medical license

Donald Rodgers, MD, *License #76-254* – issue an Order placing Dr Rodgers on probation and mandating limitations on and review of all surgical procedures, malpractice insurance of \$1,000,000.00 and other conditions as specified in the Order.

George Schwartz, MD, *License #71-84* – issue an Order revoking his license to practice medicine as of April 7, 2006, based on failure to maintain adequate records, gross negligence, injudicious prescribing and other conclusions of law as specified in the Order