

NEW MEXICO MEDICAL BOARD
Second Quarterly Meeting
May 18 - 19, 2006

MINUTES

Members Present:

Paul Kovnat, M.D., Chairman
Steven Weiner, M.D., Secretary-Treasurer
Vivian Giudice, M.D.
Allan Haynes, M.D.
Dick Heim, Public Member
Reza Ghadimi, P.A.
Alfredo Vigil, M.D.

Members Excused:

Prakash Ranka, M.D., Vice-Chair
Becky Cochran, Public Member

Also Present:

Lynn Hart, Executive Director
Grant La Farge, M.D., Medical Director
Corliss Thalley, A.A.G.
G.I.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, May 18, 2006 in the Board Conference Room, 2055 S. Pacheco, Santa Fe, New Mexico, *Paul Kovnat, M.D.* presiding. A quorum was declared, with seven (7) members present

2. APPROVAL OF AGENDA

Dr. Haynes **MOVED** to approve the agenda, amended to move lunch from 12 – 1 pm. Dr. Kovnat **SECONDED**. **YES:** Kovnat, Ghadimi, Giudice, Haynes, Heim, Vigil and Weiner **MOTION CARRIED**.

3. APPROVAL OF MINUTES

Mr. Heim **MOVED** to approve the minutes of the February 16-17, 2006 Quarterly Board meeting as presented. Dr. Weiner **SECONDED**. **YES:** Kovnat, Ghadimi, Giudice, Haynes, Heim, Vigil and Weiner **MOTION CARRIED**.
Dr. Haynes **MOVED** to approve the minutes of the March 30, 2006 Interim Board meeting as presented. Mr. Heim **SECONDED**. **YES:** Kovnat, Ghadimi, Giudice, Haynes, Heim, Vigil and Weiner **MOTION CARRIED**.

4. NM MONITORED TREATMENT PROGRAM REPORT

Mr. Thayer gave an update on the operating report and discussed the quarterly report and budget
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, Ghadimi, Giudice, Haynes, Heim, Vigil and Weiner **MOTION CARRIED**. Jon Thayer, Dan Collins, M.D., and Connie Merrell were present to discuss the status of mandatory participants

5. COMPLAINT COMMITTEE REPORTS

Executive Session: The Board remained in Executive Session for 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 2004-A-091, 2005-A-073, 2005-A-105, 2005-A-109, 2005-A-114, 2005-A-145, 2005-A-146, 2006-A-004, 2006-A-006, 2006-A-011, 2006-A-015, and 2006-A-016 be closed, as there was no evidence of a violation of the Medical Practice Act or rules. No second was required. **YES:** Kovnat, Ghadimi, Giudice, Haynes, Heim, and Vigil. **RECUSED:** Weiner. **MOTION CARRIED.**

On behalf of Complaint Committee A, Dr. Weiner **MOVED** that complaint case 2004-A-132 (Gerard Dericks, MD) be issued a Notice of Contemplated Action for disciplinary action based on repeated similar negligent acts, falsification of medical records, and providing false information to the Board during its investigation. No second was required. **YES:** Kovnat, Ghadimi, Giudice, Haynes, Heim, and Vigil. **RECUSED:** Weiner. **MOTION CARRIED.**

On behalf of Complaint Committee A, Dr. Weiner **MOVED** that complaint case 2005-A-133 (Max Odom, MD) be issued a Notice of Contemplated Action for disciplinary action, based on action taken in another state, failure to report DUI to the Board and failure to report other state action to the Board. No second was required. **YES:** Kovnat, Ghadimi, Giudice, Haynes, Heim, and Vigil. **RECUSED:** Weiner. **MOTION CARRIED.**

On behalf of Complaint Committee A, Dr. Weiner **MOVED** that complaint case 2006-A-002 (Rinly Gecosala, MD) be issued a Notice of Contemplated Action for disciplinary action, based on actions taken in another state and providing false information to the Board during its investigation. No second was required. **YES:** Kovnat, Ghadimi, Giudice, Haynes, Heim, and Vigil. **RECUSED:** Weiner. **MOTION CARRIED.**

Complaint Committee B. On behalf of Complaint Committee B, Dr. Vigil **MOVED** that complaint cases 2005-B-057, 2005-B-086, 2005-B-087, 2005-B-126, 2005-B-127, 2005-B-137, 2005-B-147, 2005-B-156, 2005-B-166, 2006-B-003, 2006-B-014, and 2006-B-028 be closed, as there was no evidence of a violation of the Medical Practice Act or rules. No second was required. **YES:** Kovnat, Ghadimi, Giudice, Haynes, Heim and Weiner. **RECUSED:** Vigil. **MOTION CARRIED.**

Complaint Committee C. On behalf of Complaint Committee C, Dr. Giudice **MOVED** that complaint cases 2005-C-108, 2005-C-121, 2005-C-122, 2005-C-143, 2005-C-144, 2005-C-153, 2005-C-167, 2006-C-009, 2006-C-012, and 2006-C-029 be closed, as there was no evidence of a violation of the Medical Practice Act or rules. No second was required. **YES:** Kovnat, Ghadimi, Haynes, Vigil and Weiner. **RECUSED:** Giudice and Heim. **MOTION CARRIED.**

Complaint Committee D. On behalf of Complaint Committee D, Mr. Ghadimi **MOVED** that complaint cases 2005-D-042, 2005-D-074, 2005-D-141, 2006-D-005, 2006-D-021 and 2006-D-024 be closed, as there was no evidence of a violation of the Medical Practice Act or rules. No second was required. **YES:** Kovnat, Giudice, Heim, Vigil and Weiner. **RECUSED:** Ghadimi and Haynes. **MOTION CARRIED.**

On behalf of Complaint Committee D, Mr. Ghadimi **MOVED** that complaint case 2004-D-175 (Christian Fitzpatrick, MD) be referred to an Impaired Physician Committee for evaluation. No second was required. **YES:** Kovnat, Giudice, Heim, Vigil and Weiner. **RECUSED:** Ghadimi and Haynes. **MOTION CARRIED.**

On behalf of Complaint Committee D, Mr. Ghadimi **MOVED** that complaint case 2005-D-090 (Heramb Singh, MD) be issued a Notice of Contemplated Action for disciplinary action, based on failure to provide adequate supervision. No second was required. **YES:** Kovnat, Giudice, Heim, Vigil and Weiner. **RECUSED:** Ghadimi and Haynes. **MOTION CARRIED.**

On behalf of Complaint Committee D, Mr. Ghadimi **MOVED** that complaint case 2005-D-090 (Constance Carr, PA) 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, Giudice, Heim, Vigil and Weiner. **RECUSED:** Ghadimi and Haynes. **MOTION CARRIED.**

On behalf of Complaint Committee D, Mr. Ghadimi **MOVED** that complaint case 2005-D-107 (Thomas Martin, MD) be issued a Notice of Contemplated Action to deny his application for licensure, based on actions taken by other state medical boards. No second was required. **YES:** Kovnat, Giudice, Heim, Vigil and Weiner. **RECUSED:** Ghadimi and Haynes. **MOTION CARRIED.**

On behalf of Complaint Committee D, Mr. Ghadimi **MOVED** that complaint case 2005-D-119 (Donna Nelson,

MD) be offered a Stipulated license requiring that she notify the Board at least 60 days prior to using her NM medical license, and undergo an evaluation by the NM Monitored Treatment Program at that time. No second was required. **YES:** Kovnat, Giudice, Heim, Vigil and Weiner. **RECUSED:** Ghadimi and Haynes. **MOTION CARRIED**

On behalf of Complaint Committee D, Mr. Ghadimi **MOVED** that complaint case 2005-D-154 (Cesar Villarreal, MD) be offered a Stipulated license requiring that he notify the Board at least 60 days prior to using his NM medical license, and undergo an evaluation by the NM Monitored Treatment Program at that time. No second was required. **YES:** Kovnat, Giudice, Heim, Vigil and Weiner. **RECUSED:** Ghadimi and Haynes. **MOTION CARRIED**.

Complaint Committee E. On behalf of Complaint Committee E, Dr. Kovnat **MOVED** that complaint case 2006-E-058 (James Bradley, MD) be offered a Stipulated license requiring participation in the NM Monitored Treatment Program and other standard substance abuse stipulations. No second was required. **YES:** Ghadimi, Giudice, Haynes, Heim, Vigil and Weiner. **RECUSED:** Kovnat. **MOTION CARRIED**

Impaired Physician Committee Report - Case No. 2004-A-170: **MOTION** was made by Dr. Weiner to accept the IPC report and to close the case as there was no evidence of a violation of the Medical Practice Act or rules. Dr. Vigil **SECONDED** the motion. **YES:** Kovnat, Ghadimi, Giudice, Haynes, Heim, and Vigil. **RECUSED:** Weiner. **MOTION CARRIED**.

6. LICENSING ISSUES AND ACTIONS RELATED TO EXECUTIVE SESSION

EXECUTIVE SESSION: **MOTION** was made by Dr. Haynes and seconded by Dr. Giudice to go into executive session to discuss matters of licensure. **YES:** Kovnat, Ghadimi, Giudice, Haynes, Heim, Vigil and Weiner. **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. Jose Lujan-Palma, MD - Dr. Haynes **MOVED** that the Board accept the ACCRAO evaluation of his medical education as equivalent to that of a U.S. medical school. Dr. Weiner **SECONDED**. **YES:** Kovnat, Ghadimi, Giudice, Haynes, Heim, Vigil and Weiner. **MOTION CARRIED**.

B. Patrick Dwyer, MD – Dr. Haynes **MOVED** to accept Dr. Dwyer's request to withdraw his application for reinstatement. Because the withdrawal is while the application is under investigation, this action will be reported to the appropriate national data bank(s). Dr. Vigil **SECONDED**. **YES:** Kovnat, Ghadimi, Giudice, Haynes, Heim, Vigil and Weiner. **MOTION CARRIED**.

7. DECISION AND ORDER

In Case #2006-004 (**Gary Gerlay, MD**), Dr. Gerlay and his attorneys were present for a brief discussion with the Board, during which Administrative Prosecutor GTS Khalsa explained that the parties had been unable to reach a settlement and the case will proceed to a hearing. Dr. Gerlay agreed to not use his NM medical license until the conclusion of the case.

8. DECISION AND ORDER

In Case #2006-005 (**Stephan Horton, MD**), Administrative Prosecutor GTS Khalsa explained that Dr. Horton would like to settle the case without proceeding to a hearing by voluntarily surrendering his NM medical license. Dr. Haynes **MOVED** to accept the proposed settlement. Dr. Vigil **SECONDED**. **YES:** Kovnat, Ghadimi, Giudice, Haynes, Heim, and Vigil. **RECUSED:** Weiner. **MOTION CARRIED**.

9. DECISION AND ORDER

In Case #2006-008 (**Gary Hall, MD**), Administrative Prosecutor GTS Khalsa explained that Dr. Hall would like to settle the case without proceeding to a hearing by voluntarily surrendering his NM medical license and agreeing to never reapply for licensure. Dr. Haynes **MOVED** to accept the proposed settlement. Dr. Vigil **SECONDED**. **YES:** Kovnat, Ghadimi, Haynes, Vigil and Weiner. **RECUSED:** Giudice and Heim. **MOTION CARRIED**.

10. DECISION AND ORDER

In Case #2005-020 (**Charles Pfaff, MD**), Dr. Haynes **MOVED** to accept the Hearing Officer's recommended Findings of Facts number 1, 2, and 4 through 32 in their entirety, as well as Finding number 3 amended to read " Respondent

graduated from Pennsylvania State University Medical School” Dr. Weiner **SECONDED** the motion. **YES:** Ghadimi, Giudice, Haynes, Heim, Vigil and Weiner **RECUSED:** Kovnat **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. Pursuant to NMSA 1978 §61-6-15, the Board has authority to deny, suspend, or revoke a license upon satisfactory proof that Respondent has been guilty of unprofessional conduct, as defined in § 61-6-15(D), based upon a violation of one or more of the enumerated violations as alleged in the Notice of Contemplated Action.
4. Pursuant to § 61-6-15 (D)(30), the Board may take disciplinary action against Respondent for surrendering his license to practice medicine in another state while an investigation or discipline is pending.
5. Pursuant to 16.10.10.13 NMAC, the Board may take disciplinary action against Respondent for failure to report any actions taken by another licensing jurisdiction for acts or conduct similar to acts or conduct that would constitute grounds for action under the Medical Practice Act.
6. The Board concludes that there is sufficient, conclusive evidence in the record to prove by preponderance of the evidence that Respondent surrendered his license to practice medicine in the state of California while an investigation or discipline was pending, for acts that would be grounds for disciplinary action in New Mexico:
 - a. (failure to maintain medical records) in violation of §61-6-15 (D)33, improper management of medical records;
 - b. (gross negligence), in violation of § 61-6-15 (D)12;
 - c. (repeated acts of negligence), in violation of § 61-6-15(D)(19);
 - d. (unprofessional conduct), in violation of § 61-5-15 D and 16.10.8.8 L as alleged in ¶2 (A) of the NCA.
7. The Board concludes there is sufficient conclusive evidence in the record to prove by a preponderance of the evidence that Respondent did not report the surrender of his license in California to the New Mexico Medical Board, as alleged in ¶ 2(B) of the NCA. Failure to report any action taken by another licensing jurisdiction for acts or conduct similar to acts or conduct that would constitute grounds for action under the Medical Practice Act within 45 days of the date the action occurs is a violation of §61-6-15 D (21)(a), and Board Rule 16.10.10.13 NMAC.
8. The Board has sufficient evidence in the record to restrict Respondent’s renewal of his license to practice medicine.

Dr. Vigil **SECONDED** the motion. **YES:** Ghadimi, Giudice, Haynes, Heim, Vigil and Weiner **RECUSED:** Kovnat. **MOTION CARRIED.**

Dr. Haynes **MOVED** to issue Charles Pfaff, MD a Stipulated License placing him on probation for a period of five (5) years. Restrictions include that Dr. Pfaff shall surrender his DEA license for the probationary period, and shall not prescribe any medications other than those immediately necessary for radiological procedures. Dr. Pfaff may request release from these restrictions in five years; if he wishes to have his prescriptive privileges reinstated at the completion of his probation, Dr. Pfaff must take and successfully complete a course recognized by the Board in ethical prescriptive writing and appropriate boundaries in prescriptive writing. Dr. Weiner **SECONDED** the motion. **YES:** Ghadimi, Giudice, Haynes, Heim, Vigil and Weiner **RECUSED:** Kovnat **MOTION CARRIED.**

11. **REPORTS**

A. Chair. Dr. Kovnat discussed the recent rule changes proposed by the Board of Psychologist Examiners, and reported on a recent meeting with the Governor’s staff and members of the Board of Psychologist Examiners. Dr. Kovnat explained that he has appointed Drs. Giudice and Vigil to represent the Board in further discussions.

B. Assistant Attorney General. AAG Corliss Thalley reviewed a chart of the status of all pending disciplinary cases with the Board. Administrative Prosecutor GTS Khalsa reported that Dr. Guttman’s case against the Board is continuing, but that he and Dr. Romine are no longer directly involved in the case.

C. Executive Director. Lynn Hart reviewed licensing renewal statistics and presented the Board with a plan for encouraging better compliance with reporting requirements for hospitals and health plans. Ms. Hart also reviewed

the current and proposed budgets with the Board, the need for a Budget Adjustment Request (BAR) to cover unexpected expenses this fiscal year, and a possible increase in licensing fees to support the assignment of an Assistant Attorney General position within the Attorney General's Office that would be exclusively responsible for the Medical Board. Ms Hart explained that Dr. Jay Feierman is retiring from his position as the Chair of the Board's Impaired Physician Committees, and that staff will be developing an RFP for a new chair.

The Board discussed Dr. Sameer Roy's request to have the details of his disciplinary action removed from the Board's web site, and whether a general policy of web site retention needs to be developed. Dr Kovnat **MOVED** that if the licensee has been revoked and is not practicing medicine, the Order does not have to be posted on the web site, and that all Orders shall be removed from the site after three years. Mr. Ghadimi **SECONDED** the motion. Mr. Heim **MOVED** that the issue be tabled until Board members have had time to review the web site and consider the issue. Dr Vigil **SECONDED** the motion. **YES:** Giudice, Haynes, Heim, Vigil and Weiner. **NO:** Ghadimi and Kovnat. **MOTION TO LAY ON THE TABLE CARRIED.**

D. Compliance Report. Jenny Felmley reported that all physicians currently being monitored for compliance with Board Orders and Stipulations are in compliance.

E. Health Care Regulatory Boards. Jenny Felmley presented a composite report on the various health care regulatory boards in NM, as requested by the Board. The Board discussed the idea of inviting the other boards to a seminar or presentation on legal issues facing all health care boards. Staff was directed to develop some possibilities in this area.

THE BOARD RECESSED FOR LUNCH AT 12:00 and reconvened after the Rule Hearing at 2:40 p.m.

12. NEW BUSINESS

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

Dr. Kovnat **MOVED** to adopt the proposed changes to Part 7 of the rules, License Expiration, Renewal and Reinstatement. Mr. Heim **SECONDED** the motion. **YES:** Kovnat, Ghadimi, Giudice, Haynes, Heim, Vigil and Weiner. **MOTION CARRIED.**

Dr. Kovnat **MOVED** to adopt the proposed changes to Part 9 of the rules, Fees. Mr. Heim **SECONDED** the motion. **YES:** Kovnat, Ghadimi, Giudice, Haynes, Heim, Vigil and Weiner. **MOTION CARRIED.**

Dr. Kovnat **MOVED** to adopt the proposed changes to Part 15 of the rules, Physician Assistants: Licensure and Practice Requirements. Mr. Heim **SECONDED** the motion. **YES:** Kovnat, Ghadimi, Giudice, Haynes, Heim, Vigil and Weiner. **MOTION CARRIED.**

Dr. Haynes **MOVED** to adopt the proposed new Part 17 of the rules, Management of Medical Records, as amended. Dr. Kovnat **SECONDED** the motion. **YES:** Kovnat, Ghadimi, Giudice, Haynes, Heim, Vigil and Weiner. **MOTION CARRIED.**

B. Election of Officers. Dr. Haynes **MOVED** that the Board continue its current officers by acclaim. Mr. Heim **SECONDED** the motion. With no opposition, the **MOTION CARRIED.**

C. Adopt Open Meetings Resolution. Dr. Vigil **MOVED** that the Board adopt the Open Meetings Resolution as presented. Mr. Heim **SECONDED** the motion. **YES:** Kovnat, Ghadimi, Giudice, Haynes, Heim, Vigil and Weiner. **MOTION CARRIED.**

D. Schedule Meeting Dates for 2007. Dr. Kovnat **MOVED** to accept meeting dates as presented. Dr. Haynes **SECONDED** the motion. **YES:** Kovnat, Ghadimi, Giudice, Haynes, Heim, Vigil and Weiner. **MOTION CARRIED.**

E. 2006 Physician Survey. Dr. Kovnat **MOVED** that the Board support and participate in the 2006 Physician Survey, and continue that support by incorporating survey questions into future years' on-line renewals. Dr. Haynes **SECONDED** the motion. **YES:** Kovnat, Ghadimi, Giudice, Haynes, Heim, Vigil and Weiner. **MOTION CARRIED.**

F. Psychiatry Telemedicine Workgroup. The Board agreed that Dr. La Farge shall represent the Board on this workgroup.

G. Correspondence and Articles. The Board reviewed the following documents that required no action:

- 1) US House Committee on Energy and Commerce
- 2) Public Citizens Ranking of State Medical Boards
- 3) FSMB Trends in Physician Regulation April 2006

13. INFORMAL INTERVIEWS

Jerry Alaniz, MD, Laura Allen, MD, Cliff Brasher, MD, Robert Graor, MD, James Hartenbach, MD, James Holbrook, MD, and Sandy Herrin, MD, were interviewed in open session and discussed their current practices and compliance with Board Orders and Stipulations. Jeffrey Neidhart, MD failed to appear for his interview with the Board. Dr. Haynes **MOVED** to remove all stipulations from Dr. Alaniz's license and issue an unrestricted license. Dr. Kovnat **SECONDED** the motion. **YES:** Kovnat, Ghadimi, Giudice, Haynes, Heim, Vigil and Weiner. **MOTION CARRIED.** Dr. Haynes **MOVED** to amend Dr. Herrin's stipulation from quarterly to biannual visits with the Board. Dr. Vigil **SECONDED** the motion. **YES:** Kovnat, Ghadimi, Giudice, Haynes, Heim, Vigil and Weiner. **MOTION CARRIED.**

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, Ghadimi, Giudice, Haynes, Heim, Vigil and Weiner. **MOTION CARRIED.** Johnny Vigil, MD was interviewed in executive session.

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.

RECESS 5:25 p.m.

RECONVENE. The Board reconvened at 9:13 a.m. on Friday morning with all members present except Prakash Ranka, MD and Ms. Becky Cochran, both of whom were excused.

14. REPORTS, continued

F. Medical Director. Dr. La Farge reported to the Board on several ongoing projects.

1. Expedited partner therapy for STD. NMMS has approved Expedited Partner Therapy in principle, and has asked the Department of Health (Ron Voorhees, Steve Jenison) to work with the Pharmacy Board (Bill Harvey) and NMMB in shaping the Rules of NMMB and Pharmacy Board to make this possible.

2. U.N.M. & Ethics CME: Dr. Anne Simpson is currently putting together a plan to create a Statewide program for CME programs in Ethics and also, possibly, for Pain Management.

3. ABIM & Practice Management CME: The Committee (Kovnat, Giudice, La Farge) met with Dr. Cassel by Teleconference. Further discussion will be held with Dr. Cassel about how this form Practice Management CME may be implemented.

4. Reporting Impaired Colleagues: This project is still in the information-gathering stage (the Board is receiving comments as a result of the April Newsletter request). This will be followed by collation of comments, the creation of a proposed approach to a rule, and a meeting of the Board Committee.

5. Pharmacist Clinician: MD Supervisor Rules: Dr. La Farge & Staff (Julie Martinez, Barbara Mohler) continue to meet and to discuss (with Greg D'Amour, and Bill Harvey) the Pharmacy Boards "Re-do" of their Pharmacist Clinician Rules, especially dealing with special MD Supervisory procedures. The Pharmacy Board is currently formulating their recommendations.

6. Mini-Sabbaticals—U.N.M.: Graduate Medical Education at U.N.M. has questioned how the Medical Board determines that an individual physician is *ready and can profit* from a Mini-Sabbatical at U.N.M. Dr. La Farge will be meeting with Dr. Ellen Cosgrove to formulate a proposed mechanism for coordinating mini-Sabbaticals better.

7. Internet CME: With the change in Internet CME toward many more AMA approved, Category I CME sites, Dr. La Farge proposed that the Board review our current CME requirements with respect to Internet CME. Currently we allow 25/75 hours to be Internet-based. During discussion of this proposal, the Board agreed to consider AMA-approved Category I sites as legitimate CME, without restriction as to hours allowed. A proposed Rule change will be made to bring to the Board at its next meeting.

15. **PRESENTATION.** Maureen Sanders, of the Sanders and Westbrook law firm, spoke to the Board about issues of ex parte communications and conflict of interest for Board members. She explained the different functions of any licensing board – executive, legislative and judicial – and provided advice about how the Board might best maintain the separation of these functions, when possible.

16. **OLD BUSINESS.**

A. Application and renewal questions. The Board discussed the professional practice questions on the initial application for licensure, as well as the renewal application, and asked staff to make changes to clarify several of the questions.

B. June Interim Meeting. Dr Giudice asked the members of the Board if the Interim meeting currently scheduled for June 29th could be moved to June 22nd. All members agreed, so there was no motion or vote.

17. **BOARD RESOLUTION.** Mr Heim **MOVED** that the Board adopt by acclaim a Resolution expressing the Board's condolences to Charlotte Kinney for the recent loss of her father. Dr Kovnat **SECONDED** the motion. With no opposition, the **MOTION CARRIED**. Staff was directed to draft a letter for the Chair's signature.

18. **MEETING WITH THE OSTEOPATHY BOARD.** The Osteopathy Board was unable to make a planned meeting with the Board, although Dr Shively did come to visit with the Board.

19. **ADJOURN:** There being no further business, the meeting adjourned at 11:30 pm.

SUBMITTED:  Date: 8/25/06
Lynn S. Hart, Executive Director

APPROVED:  Date: 8-25-6
Paul Kovnat, M.D., Chair

APPROVED:  Date: 8/24/06
Steven Weiner, M.D., Secretary-Treasurer

May, 2006
MEETING SUMMARY

Licensing Actions, in alpha order:

- Jerry Alaniz, MD, license #78-101 – Remove all stipulations and grant an unrestricted license.
- James Bradley, MD, license #97-194 - Offer MD a Stipulated License, standard substance abuse stipulations.
- Constance Carr, PA, license #96-PA18 - Issue a Notice of Contemplated Action for disciplinary action based on providing false information to the Medical Board during its investigation
- Gerard Dericks, MD, license #95-223 - Issue a Notice of Contemplated Action for disciplinary action based on repeated similar negligent acts, falsification of medical records and false statements in his response to the NMMB's request for information
- Patrick Dwyer, MD, license #82-187 - Accept withdrawal of request for reinstatement, report to data national bank
- Christian Fitzpatrick, MD, license #90-37 - Refer MD to IPC for evaluation
- Rinly Gecosala, MD, license #2000-34 - Issue a Notice of Contemplated Action for disciplinary action based on action in another state, falsification of a renewal application, and false statements in his response to the NMMB's request for information.
- Gary Hall, MD, license #94-260 - Accept voluntary surrender settlement of case 2006-008, report to national data bank.
- Virgle Herrin, MD, license #80-44 - Amend stipulation from quarterly to biannual meetings with the Board
- Stephan Horton, MD, license #MD2004-0669 - Accept voluntary surrender settlement of case 2006-005, report to national data bank.
- Thomas Martin, MD, applicant - Issue a Notice of Contemplated Action to deny application based on actions taken by the Massachusetts and Washington medical boards
- Donna Nelson, MD, license #88-235 - Offer MD a Stipulated License, requiring that she notify the NMMB and undergo an evaluation by the NM Monitored Treatment Program at least 60 days prior to using her NM medical license or practicing medicine in New Mexico.
- Max Odom, MD, license #97-328 - Issue a Notice of Contemplated Action for disciplinary action based on action in another state and failure to report the DUI and the other state action to the NMMB.
- Charles Pfaff, MD, license #84-237 - Issue Order placing restrictions on license: 5 year probation, surrender DEA certificate, no prescriptions other than those immediately needed for radiologic procedures, may request release in 5 years, will need to provide evidence of successful completion of prescribing and ethics continuing education
- Heramb Singh, MD, license #MD2004-0072 - Issue a Notice of Contemplated Action for disciplinary action based on failure to supervise.
- Cesar Villareal, MD, license #2003-0179 - Offer MD a Stipulated License, requiring that he notify the NMMB and undergo an evaluation by the NM Monitored Treatment Program at least 60 days prior to using his NM medical license or practicing medicine in New Mexico

Rule Changes Adopted

- 16.10.2, Physicians: Licensure Requirements
- 16.10.17, Management of Medical Records
- 16.10.2, 16.10.7, 16.10.9, and 16.10.15 – adding to each section language providing for nationwide and statewide criminal history screenings.