

# NEW MEXICO MEDICAL BOARD

Interim Meeting  
September 29, 2005

## MINUTES

### Members Present:

Paul Kovnat, M.D., Chairman  
Prakash M. Ranka, M.D., Vice Chair - by teleconference  
Steve Weiner, M.D., Secretary-Treasurer  
Alfredo Vigil, M.D.  
Reza Ghadimi, P.A.  
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

### Also Present:

Charlotte Kinney, Executive Director  
Jenny Felmley, P.I.O.  
Lynn Tipton, Administrative Assistant  
Grant La Farge, M.D., Medical Director  
Corliss Thalley, A.A.G.

The Interim meeting of the New Mexico Medical Board convened at 4:05 p.m., Thursday, September 29, 2005, 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 Weiner, Vigil, Giudice, Ghadimi, Cochran, Heim and Haynes present. Dr. Ranka joined the meeting at 4:08 p.m.

### 1. **APPROVE AGENDA**

Mr. Ghadimi **MOVED** the agenda be approved as presented. Dr. Weiner **SECONDED** the motion, which **PASSED UNANIMOUSLY**.

### 2. **CLOSE CASE 2005-E-064**

On behalf of Complaint Committee E, Dr. Kovnat **MOVED** to close case 2005-E-064, as there was no evidence of a violation of the Medical Practice Act or rules. No second was required. **YES:** Weiner, Vigil, Giudice, Ranka, Haynes, Ghadimi, Cochran and Heim **RECUSED:** Kovnat **MOTION CARRIED**.

### 3. **DISCUSS ISSUE OF RESTRICTED LICENSES FOR APPLICANTS WHO PRACTICE ADMINISTRATIVE MEDICINE, RECONSIDER RICHARD ROBERTS, MD**

The Board discussed inconsistencies in the granting of unrestricted licenses to physicians who have been in continuous practice. Dr. Kovnat **MOVED** to grant Richard Roberts, M.D. an unrestricted license and to make it a policy to go by our rules and only restrict a license if the physician is requesting initial licensure or license reinstatement after being retired, or not practicing medicine for the previous two years. Dr. Haynes **SECONDED** the motion. **YES:** Kovnat, Weiner, Vigil, Giudice, Ranka, Haynes, Ghadimi, Heim and Cochran. **MOTION CARRIED**.

### 4. **APPROVE DRAFT RULES:**

**Rule 16.10.13 (Use of Devices and Procedures).** Dr. Vigil **MOVED** to approve the draft language in the rule with corrections to the definition of a Medical Assistant to include language regarding licensed practitioners, including registered nurses and physician assistants are not considered to be medical assistants

and medical assistants may only use medical therapeutic and cosmetic devices when the supervising physician is immediately available on the premises. Dr. Weiner **SECONDED** the motion. **YES:** Kovnat, Weiner, Vigil, Giudice, Ranka, Haynes, Ghadimi, Heim and Cochran. **MOTION CARRIED.**

**Rule 16.10.17 (Medical Records)** Dr. Kovnat **MOVED** to accept the draft of the new rule with the exception of Section 10. This section will be reviewed by the committee and suggested changes introduced at a later time. Mr. Ghadimi **SECONDED** the motion. **YES:** Kovnat, Weiner, Vigil, Giudice, Ranka, Haynes, Ghadimi, Heim and Cochran. **MOTION CARRIED.**

**Rule 16.10.6 (Complaint Procedure & Institution of Disciplinary Action)** Dr. Kovnat **MOVED** to approve the changes to the complaint process, except for the proposed change to 16.10.6.12, Investigative Subpoenas. Mr. Ghadimi **SECONDED** the motion. **YES:** Kovnat, Weiner, Vigil, Giudice, Ranka, Haynes, Ghadimi, Heim and Cochran. **MOTION CARRIED.**

**Rule 16.10.2 (Licensing of Physicians, emergency provisions)** Dr. Kovnat **MOVED** to approve the emergency provisions as drafted for medical doctors in Federal Emergency Disaster Areas. Mr. Ghadimi **SECONDED** the motion. **YES:** Kovnat, Weiner, Vigil, Giudice, Ranka, Haynes, Ghadimi, Heim and Cochran. **MOTION CARRIED.**

**Rule 16.10.15 (Physician Assistants, emergency provisions)** Dr. Kovnat **MOVED** to approve the emergency provisions as drafted for physician assistants in Federal Emergency Disaster Areas. Mr. Ghadimi **SECONDED** the motion. **YES:** Kovnat, Weiner, Vigil, Giudice, Ranka, Haynes, Ghadimi, Heim and Cochran. **MOTION CARRIED.**

## **5. REPORT ON FIRST MEETING OF PAIN MANAGEMENT ADVISORY COUNCIL - DR. GIUDICE, RECONSIDER ASSIGNED DELEGATE**

Dr. Weiner, the Board's delegate, was unable to attend the first meeting of the Pain Management Advisory Council. Dr. Giudice attended in his place since it was held in Albuquerque over a lunch hour. The council is just getting organized and plans to meet quarterly over lunch on Friday. This is a hardship for Dr. Giudice and she suggested Jenny Felmley replace her as delegate to the Council. She does not believe the representative necessarily needs to be a board member or physician. Since Ms. Felmley has been actively involved with the Pain Management Task Force she will be an excellent representative for the board. Ms. Kinney will contact Council staff and let them know that the board has selected Ms. Felmley as their delegate. Other board members may be able to attend from time to time and are very interested, but she will be the consistent representative.

## **6. LICENSING ISSUES**

**A.** Dr. Kovnat **MOVED** to approve the application for licensure of Robert Block, M.D. Dr. Weiner **SECONDED** the motion. **YES:** Kovnat, Weiner, Vigil, Giudice, Ranka, Haynes, Ghadimi, Heim and Cochran. **MOTION CARRIED.**

**B.** Dr. Kovnat **MOVED** to approve the practice location for James Holbrook, M.D. Mr. Ghadimi **SECONDED** the motion. **YES:** Kovnat, Weiner, Vigil, Giudice, Ranka, Haynes, Ghadimi, Heim and Cochran. **MOTION CARRIED.**

**C.** Dr. Kovnat **MOVED** to approve a one month extension for Nancy M. Greces, M.D. to complete her CMEs. Dr. Giudice **SECONDED** the motion. **YES:** Kovnat, Weiner, Vigil, Giudice, Ranka, Haynes, Ghadimi, Heim and Cochran. **MOTION CARRIED.**

**D.** Dr. Haynes **MOVED** to grant Jan P. Goldthwait, M.D. one more extension to complete her required CME credits. The extension was granted until November 30, 2005. After this time, her license will lapse and she will need to reinstate her license. Dr. Ranka **SECONDED** the motion. **YES:** Kovnat, Weiner, Vigil, Giudice, Ranka, Haynes, Ghadimi, Heim and Cochran. **MOTION CARRIED.**

**Executive Session:** **MOTION** was made by Dr. Kovnat and seconded by Dr. Haynes to go into executive session to discuss matters of licensure and discipline. **YES:** Kovnat, Weiner, Vigil, Giudice, Ghadimi, Haynes, Ranka, Heim and Cochran. **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. COMMITTEE UPDATES: BACKGROUND CHECKS (staff), FOCUSED EDUCATION (LaFarge, Vigil, Weiner, Ghadimi), PRACTICE MANAGEMENT WITH DR. CASSEL (LaFarge, Ranka, Haynes, Giudice)**

The Background Check committee is just starting up and will provide information at the November board meeting. Dr. La Farge updated the board on the Focused Education committee. They are meeting with Ann Simpson, Director of the Center for Ethics at UNM, to explore ways to offer CMEs in Ethics and Pain Management, not only at UNM, but in other areas of the state. The committee on Practice Management will be meeting with Dr. Cassel in late October or early November to discuss how practice management CMEs that are used for specialty board certification may be applied to licensing board requirements. Dr. Giudice offered to share her position with Mr. Ghadimi on the Practice Management committee.

**8. NMMS MEETING OCTOBER 22, 9:30 A.M.**

Dr. Haynes will represent the board at the Medical Society meeting and Mr. Ghadimi will also be attending.

**9. ADJOURN**

There being no further business, the meeting adjourned at 5:20 p.m.

SUBMITTED: Charlotte Kinney Date: 11/10/05  
Charlotte Kinney, Executive Director

APPROVED: Steve Weiner, M.D. Date: Nov. 10, 2005  
Steve Weiner, M.D., Secretary

APPROVED: Paul Kovnat, M.D. Date: 11 10 05  
Paul Kovnat, M.D., Chair