

NEW MEXICO MEDICAL BOARD
Third Quarterly Meeting
August 24 - 25, 2006

MINUTES

Members Present:

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

Also Present:

Lynn Hart, Executive Director
Grant La Farge, M D , Medical Director
Sally Malave, Attorney, A G.'s Office
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 8:37 a m., Thursday, August 24, 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 Haynes **MOVED** to approve the agenda with the addition to have a general discussion prior to discussing complaint cases regarding failure of physicians reporting actions taken by other state Boards. Dr Weiner **SECONDED**. **YES:** Kovnat, Ranka, Weiner, Giudice, Haynes, Heim, Ghadimi, Vigil and Cochran. **MOTION CARRIED**

3. APPROVAL OF MINUTES

Dr Kovnat **MOVED** to approve the minutes of the May 18-19, 2006 Quarterly Board meeting as presented Mr Heim **SECONDED**. **YES:** Kovnat, Ranka, Weiner, Giudice, Haynes, Heim, Ghadimi and Vigil Cochran **ABSTAINED: MOTION CARRIED**

Dr Kovnat **MOVED** to approve the minutes of the June 23, 2006 Interim Board meeting as presented. Dr Haynes **SECONDED**. **YES:** Kovnat, Ranka, Weiner, Giudice, Haynes, Ghadimi, Cochran and Vigil. Heim **ABSTAINED: MOTION CARRIED**

Dr. Kovnat **MOVED** to approve the minutes of the June 29, 2006 Interim Board meeting as presented Dr Ranka **SECONDED**. **YES:** Kovnat, Ranka, Weiner, Giudice, Haynes, Ghadimi, Cochran, Heim and Vigil **MOTION CARRIED**

4. NM MONITORED TREATMENT PROGRAM REPORT

Mr. Thayer gave an update on the MTP annual report and operating report, and discussed the

quarterly report and budget. Mr Thayer reported that the MTP budget is still “in the red,” and explained that the agency has taken measures to ensure that its next fiscal year budget balances. He explained that MTP is now contracting out services that used to support the salaries of administrative staff, and that there are new fees in place that will fill that gap. Connie Merrell reported that MTP has expanded its behavioral health component, as required by the NMMB, and that she and Mr Thayer have both been traveling the state to expand their outreach and network of providers

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

A general discussion was held concerning physicians failing to report actions taken other state Boards.

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, Ranka, Ghadimi, Giudice, Haynes, Heim, Vigil, Cochran and Weiner. **MOTION CARRIED.** 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 2005-A-091, 2006-A-008, 2006-A-017, 2006-A-040, 2006-A-049, 2006-A-057, 2006-A-063, 2006-A-064, and 2006-A-087 be closed, as there was no evidence of a violation of the Medical Practice Act or rules. No second was required. **YES:** Kovnat, Ranka, Ghadimi, Giudice and Haynes **RECUSED:** Weiner and Cochran **ABSENT:** Vigil and Heim **MOTION CARRIED**

On behalf of Complaint Committee A, Dr. Weiner **MOVED** that complaint cases 2005-A-149, 2005-A-162, and 2006-A-062, be closed with no action, but with an advisory letter regarding the licensee’s responsibility to report any actions taken by any licensing jurisdiction to this Board. No second was required. **YES:** Kovnat, Ranka, Ghadimi, Giudice, Vigil and Haynes. **RECUSED:** Weiner and Cochran. **ABSENT:** Heim **MOTION CARRIED.**

On behalf of Complaint Committee A, Dr. Weiner **MOVED** that complaint case 2006-A-069 (Kip Wells, MD) be issued a Notice of Contemplated Action for disciplinary action based on felony convictions, falsification of his application for licensure by failing to disclose malpractice cases and his 2002 arrest, and providing false information in his response to the Board. No second was required. **YES:** Kovnat, Ranka, Ghadimi, Giudice, Vigil and Haynes **RECUSED:** Weiner and Cochran. **ABSENT:** Heim. **MOTION CARRIED.**

Complaint Committee B. On behalf of Complaint Committee B, Dr. Vigil **MOVED** that complaint cases 2004-B-118, 2005-B-125, 2006-B-013, 2006-B-032, 2006-B-048, 2006-B-054, 2006-B-065, and 2006-B-068 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, Cochran, Weiner, Heim and Haynes. **RECUSED:** Ranka and Vigil. **MOTION CARRIED.**

On behalf of Complaint Committee B, Dr. Vigil **MOVED** that complaint cases 2005-B-118 and 2005-B-159 be closed with no action, but with an advisory letter regarding the licensee’s responsibility to report any actions taken by any licensing jurisdiction to this Board. No second was required. **YES:** Kovnat, Weiner, Ghadimi, Giudice, Cochran, Heim and Haynes. **RECUSED:** Ranka and Vigil. **MOTION CARRIED.**

On behalf of Complaint Committee B, Dr. Vigil **MOVED** that complaint case 2005-B-150 (Henry A. Hansen, MD) be issued a Notice of Contemplated Action for disciplinary action based on action in another state and failure to report the other state’s action to this Board. No second was

required. **YES:** Kovnat, Weiner, Ghadimi, Giudice, Cochran, Heim and Haynes. **RECUSED:** Ranka and Vigil. **MOTION CARRIED.**

On behalf of Complaint Committee B, Dr. Vigil **MOVED** that complaint case 2005-B-163 (Stanton Packard, MD) be issued a Notice of Contemplated Action for disciplinary action based on action in another state, failure to report the other state's action, and providing false information in his response to this Board. No second was required. **YES:** Kovnat, Weiner, Ghadimi, Giudice, Cochran, Heim and Haynes. **RECUSED:** Ranka and Vigil. **MOTION CARRIED.**

On behalf of Complaint Committee B, Dr. Vigil **MOVED** that complaint case 2006-B-034 (Paul A. Mikkelsen, MD) be offered a Stipulated license requiring participation in the NM Monitored Treatment Program and other standard substance abuse stipulations. Dr. Mikkelsen may request the Board review his case after one year of successful participation. No second was required. **YES:** Kovnat, Weiner, Ghadimi, Giudice, Cochran, Heim and Haynes. **RECUSED:** Ranka and Vigil. **MOTION CARRIED.**

On behalf of Complaint Committee B, Dr. Vigil **MOVED** that complaint case 2006-B-112 (James Rose, 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:** Kovnat, Weiner, Ghadimi, Giudice, Cochran, Heim and Haynes. **RECUSED:** Ranka and Vigil. **MOTION CARRIED.**

On behalf of Complaint Committee B, Dr. Vigil **MOVED** that the physician in complaint case 2006-B-045 be referred to an Impaired Physician Committee for evaluation. No second was required. **YES:** Kovnat, Weiner, Ghadimi, Giudice, Cochran, Heim and Haynes. **RECUSED:** Ranka and Vigil. **MOTION CARRIED.**

Complaint Committee C. On behalf of Complaint Committee C, Dr. Giudice **MOVED** that complaint cases 2006-C-035, 2006-C-047, 2006-C-060, 2006-C-070, and 2006-C-074 be closed, as there was no evidence of a violation of the Medical Practice Act or rules. No second was required. **YES:** Kovnat, Ranka, Ghadimi, Haynes, Vigil, Cochran and Weiner. **RECUSED:** Giudice and Heim. **MOTION CARRIED.**

On behalf of Complaint Committee C, Dr. Giudice **MOVED** that complaint case 2005-C-151 (Rangram Chandran, MD), 2005-C-157 (Barry Thomas, MD), 2005-C-164 (Natali Rolfe, MD), 2006-C-010 (Guy Wells, MD), 2006-C-023 (Naiver Imam, MD) and 2006-C-051 (Jonathan Oppenheimer, MD) be issued an advisory letter regarding responsibility to report to the Board. No second was required. **YES:** Kovnat, Weiner, Haynes, Vigil, Cochran and Weiner. **ABSENT:** Ghadimi. **RECUSED:** Giudice and Heim. **MOTION CARRIED.**

Complaint Committee D. On behalf of Complaint Committee D, Dr. Haynes **MOVED** that complaint cases 2004-D-168, 2005-D-051, 2006-D-007, 2006-D-018, 2006-D-036, 2006-D-056, 2006-D-079, 2006-D-086 and 2006-D-092 be closed, as there was no evidence of a violation of the Medical Practice Act or rules. No second was required. **YES:** Kovnat, Ranka, Cochran, Giudice, Heim, Vigil and Weiner. **RECUSED:** Haynes and Ghadimi. **MOTION CARRIED.**

On behalf of Complaint Committee D, Dr. Haynes **MOVED** that complaint cases 2005-D-152, 2005-D-160, 2005-D-161, 2005-D-165 and 2005-D-168 be closed with no action, but with an advisory letter regarding the licensee's responsibility to report any actions taken by any licensing jurisdiction to this Board. No second was required. **YES:** Kovnat, Weiner, Haynes, Vigil, Cochran and Weiner. **RECUSED:** Haynes and Ghadimi. **MOTION CARRIED.**

On behalf of Complaint Committee D, Dr. Haynes **MOVED** that complaint case 2006-D-059 (Jennifer Tso, PA) be offered a Stipulated physician assistant license requiring participation in the NM Monitored Treatment Program and other standard substance abuse stipulations. She may request the Board review her stipulation after one year of successful participation. No second was required. **YES:** Kovnat, Weiner, Haynes, Vigil, Cochran and Weiner. **RECUSED:** Haynes and Ghadimi. **MOTION CARRIED.**

On behalf of Complaint Committee D, Dr. Haynes **MOVED** that complaint case 2005-D-142

be returned to complaint committee for further review and discussion. No second was required. **YES:** Kovnat, Weiner, Haynes, Vigil, Cochran and Weiner. **RECUSED:** Haynes and Ghadimi. **MOTION CARRIED.**

Complaint Committee E. On behalf of Complaint Committee E, Dr. Kovnat **MOVED** that complaint case 2006-E-142 be closed, as there was no evidence of a violation of the Medical Practice Act or rules. No second was required. **YES:** Ranka, Ghadimi, Haynes, Vigil, Cochran, Giudice, Heim and Weiner. **RECUSED:** Kovnat. **MOTION CARRIED.**

On behalf of Complaint Committee E, Dr. Kovnat **MOVED** that complaint case 2005-E-110 (Bryan Wayne, MD) be issued a Notice of Contemplated Action for disciplinary action based on injudicious prescribing, substance abuse, failure to maintain accurate medical records, and unprofessional conduct. No second was required. **YES:** Ranka, Ghadimi, Haynes, Vigil, Cochran, Giudice, Heim and Weiner. **RECUSED:** Kovnat. **MOTION CARRIED.**

On behalf of Complaint Committee E, Dr. Kovnat **MOVED** that complaint case 2005-E-134 (Michael Nolan, MD) be issued an Order granting Dr. Nolan's request to withdraw his application while under investigation, and reporting this action to the HIPDB. No second was required. **YES:** Ranka, Ghadimi, Haynes, Vigil, Cochran, Giudice, Heim and Weiner. **RECUSED:** Kovnat. **MOTION CARRIED.**

Impaired Physician Committee Report - Case No. 2004-D-175 Christian Fitzpatrick, MD: Discussion of this item was deferred (see below).

6. LICENSING ISSUES AND ACTIONS

A. Adinarayana Lagudu, MD - Dr. Vigil **MOVED** that the Board accept the request to make an exception to the 7 year rule for USMLEs and grant him an unrestricted license. Mr. Ghadimi **SECONDED**. **YES:** Kovnat, Ranka, Cochran, Ghadimi, Giudice, Haynes, Heim, Vigil and Weiner. **MOTION CARRIED.**

B. Steven D. Taylor, MD - Dr. Vigil **MOVED** that the Board accept the request to make an exception to the 7 year rule for USMLEs and grant him an unrestricted license. Dr. Haynes **SECONDED**. **YES:** Kovnat, Ranka, Cochran, Ghadimi, Giudice, Haynes, Heim, Vigil and Weiner. **MOTION CARRIED.**

C. Chawki Nahabet, MD - Dr. Vigil **MOVED** that the Board accept copies of documentation provided from Massachusetts and the Sisters of Charity since he is unable to obtain original documents from Egypt and grant him an unrestricted license to practice medicine in New Mexico. Dr. Haynes **SECONDED**. **YES:** Kovnat, Ranka, Cochran, Ghadimi, Giudice, Haynes, Heim, Vigil and Weiner. **MOTION CARRIED.**

D. Christian Fitzpatrick, MD - **MOTION** was made by Dr. Haynes to accept Dr. Fitzpatrick's request to voluntarily surrender his license in lieu of further investigation. **YES:** Kovnat, Ranka, Cochran, Giudice, Heim, Vigil and Weiner. **RECUSED:** Haynes and Ghadimi. **MOTION CARRIED.**

E. Christopher Gallagher, MD - Dr. Haynes **MOVED** to grant Dr. Gallagher a stipulated resident license with standard substance abuse stipulations so that he may complete a residency at UNM. Dr. Ranka **SECONDED**. **YES:** Kovnat, Ranka, Cochran, Ghadimi, Giudice, Haynes, Heim, Vigil and Weiner. **MOTION CARRIED.**

F. Thomas R. Martin, MD - **MOTION** was made by Dr. Haynes to accept Dr. Martin's request to dismiss the Notice of Contemplated Action and allow him to withdraw his application while disciplinary action was pending. **YES:** Kovnat, Ranka, Cochran, Giudice, Heim, Vigil and Weiner. **RECUSED:** Haynes and Ghadimi. **MOTION CARRIED.**

G. Maximillian Odom, MD - No action was taken at this time to consider a proposed settlement for case 2006-011.

H. Paul Engstrom, MD - No action was taken at this time to consider a proposed settlement for case 2006-009.

7. **ACTIONS RELATED TO EXECUTIVE SESSION** – No additional actions were discussed.

8. **REPORTS**

A. Chair. Dr. Kovnat discussed the travel requests for this fiscal year. Mr. Heim would like to attend the Citizen Advisory Group meeting October 17th – 20th in Williamsburg, Virginia. Also, the Board agreed to pay in full for Dr. Vigil and the new Board member to attend the FSMB meeting in San Francisco May 3rd, 4th and 5th, 2007. Full registration fees will be paid for all Board members, as well as a percentage of the travel fees.

B. Executive Director. Ms. Hart gave a report on the Psychologist Prescribing Authority Rules. The Psychology Board's rule hearing was held in Las Cruces. Proposed changes from both Boards were agreed on. The Psychology Board requested the Medical Board, in their next newsletter, communicate information regarding the program and need for physician supervision. Also, the Board discussed providing a contact and phone number at the Psychology Board if physicians have any questions.

The physician survey is still in development with the different health agencies and will be put online when it is finalized. Ms. Hart discussed the measures for FY07 and informed the Board of our legislative hearing in September.

C. Budget. Ms. Hart and Ms. Mascarenas gave an update on the FY07 operating budget and provided the FY08 budget requests which are due at the end of August. A request is going in for a new full time employee and a new part time employee. The full time employee will be placed in the licensing department and the part time employee would assist in the finance department and handle the human resources for the agency. Discussion was also held to consider staffing an attorney from the attorney general's office in the FY08 budget requests. Ms. Mascarenas provided an update on the SHARE project and the adjustments that were being made. The new process is slowly coming together, but there have been some problems. Ms. Hart also discussed and the Board approved discontinuing the certified mail process for a new license and to start sending the licenses regular mail. Dr. Kovnat suggested a physician should send notice if they do not receive their license.

MOTION was made by Dr. Vigil and **SECONDED** by Dr. Haynes to approve the budget requests for FY08. **YES:** Kovnat, Haynes, Giudice, Weiner, Ghadimi, Heim, Vigil, Ranka and Cochran
MOTION CARRIED.

D. Medical Director. Dr. La Farge provided an update of the TeleHealth Work Group and the research they are doing to develop a plan with video conferencing and prescribing medicine to the patient. The physician supervision task force held their first meeting and the first item discussed was developing consistency throughout our rules for supervising physician assistants, pharmacist clinicians, temporary licenses, medical residents, etc. Dr. La Farge met with Ellen Cosgrove, MD who is responsible for the mini-sabbatical program at UNM. He will provide the Board with the documentation when it is ready on how the Board will pre-screen physicians who will be going for mini-sabbaticals. Work is still being done with UNM and the Ethics CMEs. Dr. La Farge requested a committee be established regarding Impaired Colleagues and reporting to the Board. Dr. Haynes and Dr. Vigil will work with Dr. La Farge to review the process.

E. Assistant Attorney General. Sally Malave from the Attorney General's office attended the meeting and no report was given at this time.

F. Compliance. Ms. Felmley presented the Compliance Report and reported that everyone who is being actively monitored is in compliance.

9. **OLD BUSINESS**

A. Update on Hospital Reporting. Ms. Hart discussed the obligations of hospitals to report disciplinary actions as well as discrepancies in credentialing applications. Ms. Cochran has created two separate reporting forms with the time frames for reporting adverse actions and

credentialing discrepancies by occurrence. After discussion with the Board members it was decided further research needed to be done and the forms and cover letter redrafted.

B. Update on website posting of disciplinary documents. The Board again discussed the issue of what to post on the Board's web site and for how long. Staff reported that all but 2 of the other state boards that responded to our query post complete documents and do not ever remove them. After lengthy discussion, Dr. Kovnat **MOVED** to table this issue again and requested the staff do further research and help establish guidelines for the Board to review. Dr. Ranka **SECONDED**. **YES:** Kovnat, Giudice, Weiner, Ghadimi, Heim, Vigil, Ranka and Cochran. **NO:** Haynes **MOTION CARRIED**.

10. INFORMAL INTERVIEWS

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

Cliff Brashar, MD, James Hartenbach, MD, Jeff Neidhart, MD, Donald Rodgers, MD, Robert Graor, MD, James Holbrook, MD, Johnny Vigil, MD and Laura Allen, MD were interviewed in executive session. The Board returned to open session after the conclusion of the interviews. 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. ACTIONS RELATED TO INFORMAL INTERVIEWS.

MOTION was made by Dr. Haynes to accept the workplace change for Dr. Holbrook and issue an Amended Stipulation stating that the New Mexico Monitor Treatment Program be allowed to make future decisions regarding any further change of work location. Ms. Cochran **SECONDED**. **YES:** Kovnat, Haynes, Giudice, Weiner, Ghadimi, Heim, Vigil, Ranka and Cochran. **MOTION CARRIED**.

RECESS 5:09 p.m.

RECONVENE. The Board reconvened at 9:12 a.m. on Friday morning with all members present.

12. CHARLOTTE ROYBAL, DIRECTOR OF HEALTH ACTION NEW MEXICO

Dr. Weiner introduced Charlotte Roybal. Ms. Roybal discussed Governor Richardson's five point plan for health care coverage for all New Mexicans. Governor Richardson has formed a committee to develop or identify three to five different health care models, which will then be submitted to national experts for financial analysis of the expected costs. Based on public input and the financial analysis, the committee will make recommendations to the Governor and the Legislature. Ms. Roybal also discussed the Health Care for All campaign, a joint effort by several concerned organizations to promote a set of principles regarding the right of all New Mexicans to have access to affordable, high quality health care. She encouraged members of the Board to contact the Governor's office to show support for Health Care for All. Dr. Vigil **MOVED** the Medical Board make a position statement in support of the principles of Health Care for All. Dr. Weiner **SECONDED**. **YES:** Kovnat, Haynes, Giudice, Weiner, Ghadimi, Heim, Vigil, Ranka and Cochran. **MOTION CARRIED**.

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

13. NEW BUSINESS

A. Expedited Partner Therapy. Dr. La Farge introduced Dr. Steve Jenison, Internist and Infectious Disease Specialist and Bruce Trigg, Medical Director for the Sexually Transmitted Disease Program for the Department of Health Regions 1 and 3. Dr. Jenison discussed the benefits of expedited partner therapy (EPT) which allows a physician to prescribe for the sexual partner(s) of a patient with a sexually transmitted disease, without having to establish a physician-patient relationship with the partner(s). Dr. La Farge noted that EPT would require a revision to Board Rule 16.10.8, asked that the Board review proposed language at the September interim meeting.

B. Internet prescribing. Reviewed letter from Louisiana State Medical Board regarding their policy on internet prescribing. The Board chose not to comment on this correspondence.

C. Unlicensed Activity Fine. Reviewed the correspondence from the NM Accounting Board regarding a possible increase in the fine for unlicensed practice. The Board asked staff to send a response stating that the Medical Board rarely uses this fine, and instead refers physicians suspected of practicing without a license to the District Attorney's office for possible criminal prosecution.

D. Pharmacist vaccinations. Dr. La Farge introduced Bill Harvey, RPh, executive director of the NM Pharmacy Board, and Dale Tinker, executive director of the NM Pharmacist Association. They requested that the Medical Board consider and approve proposed changes to Pharmacy Board rule 16.19.26.9, which provides pharmacists with prescriptive authority for vaccines. The pharmacists would like to expand the protocol to include vaccines for HPV, rotavirus, shingles and travel vaccines as listed in the CDC's Travelers Health yellow book. There was extensive discussion among the Board regarding the training program for and regulation of prescribing pharmacists, and Mr. Tinker pledged to work with the NM Obstetrics and Gynecology Association to develop appropriate training for the HPV vaccine in specific. Dr. Haynes **MOVED** to approve the Pharmacy Board rule change. Dr. Vigil **SECONDED** the motion. **YES:** Kovnat, Weiner, Haynes, Heim, Giudice, Ghadimi, Vigil and Cochran. **NO:** Ranka. **MOTION CARRIED.**

E. Discussion of Rule 16.10.7. The Board discussed the matter of physicians who do not renew or change the status of their license prior to October 1 of their renewal year, as required by Board rule. The Board expressed concern that some of these physicians may be practicing with expired licenses, and others may have left the state and be unaware that they need to take some sort of action regarding the status of their NM license. The Board requested that staff gather further information in the area of reporting to the National Practitioners Data Bank, and present any proposed language changes to a rules committee for review prior to the September interim meeting.

F. Discussion of Rule 16.10.8. Ms. Hart and Dr. La Farge presented proposed changes to language in Rule 16.10.8(I), medical ethics, which would allow physicians to prescribe expedited partner therapy for sexually transmitted diseases without always having to establishing a patient-physician relationship. The Board will consider this proposal at the September interim meeting.

G. Discussion of Rule 16.10.11. Dr. La Farge introduced the proposed language changes to this rule, which governs pharmacist clinicians. The Pharmacy Board and our Board are trying to be consistent in the rules of both boards. The proposed changes include clarification of the requirements for physician supervision of pharmacist clinicians, scope of practice and registration guidelines. The Board will consider this proposal at the September interim meeting.

H. Discussion of Rule 16.10.12. GTS Khalsa presented information on visiting physicians who do not have a NM license being able to work under the supervision of a NM-licensed physician. The rule currently does not place a clear time limit on this type of situation, nor does it require Board approval. The changes being proposed would establish a time limit and also establish a process for applying to the Board for approval.

Dr. Kovnat and Ms. Cochran will work as a committee on the proposed rule changes and present them for Board review at the Interim Meeting in September.

I. Correspondence

1) **Letter from Josh Brown** - The letter was reviewed. The Board chose not to

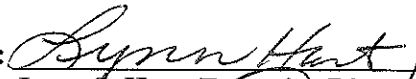
comment on this correspondence.

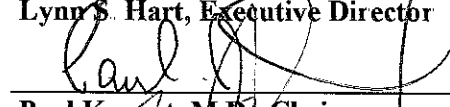
J. Legislative Agenda – Ms Hart ask the Board if there were any legislative issues that needed to be pursued other than budget. Mr Khalsa would like to see legislation introduced that would allow the Board specific access to peer review records, without having to seek approval from the courts. After some discussion among the Board members about the possible effect this might have on the willingness of physicians to serve on peer review committees, Mr. Ghadimi **MOVED** to support the proposal of legislation to allow the Board to obtain peer review records from the hospitals and maintain their confidentiality under the same standards that govern all Board investigations. Dr. Haynes **SECONDED**. **YES:** Kovnat, Haynes, Giudice, Weiner, Ghadimi, Heim, Ranka and Cochran **NO:** Vigil. **MOTION CARRIED.**


14. PLANNING AGENDA – STRATEGIC PLAN 08 BOARD GOALS, LONG AND SHORT TERM. The Board requested information be sent to them for review and input.

15. Sense of appreciation. Dr Kovnat **MOVED** that the Board express its sense of great appreciation for Dr Haynes' contributions to the Medical Board, as he departs the Board and the state. The motion passed by unanimous acclaim.

16. ADJOURN: There being no further business, the meeting adjourned at 11:56 a.m.

SUBMITTED:  Date: 11/17/06
Lynn S. Hart, Executive Director

APPROVED:  Date: 11/17/06
Paul Kovnat, M.D., Chair

APPROVED:  Date: 11/16/06
Steven Weiner, M.D., Secretary-Treasurer

August, 2006
MEETING SUMMARY

Licensing Actions, in alpha order

Fitzpatrick, Christian, MD, License 90-37 – Order approving voluntarily surrender license in lieu of further investigation; close case 2004-D-175

Gallagher, Christopher, MD, License 92-54 – Approve request for stipulated resident license, with standard substance abuse stipulations

Hansen, Henry, MD, License MD2004-0113 – Issue Notice of Contemplated Action for disciplinary action based on action in another state and failure to report that action to NMMB

Holbrook, James, MD, License MD2005-0707 – Approve current work site, and amend stipulation to delegate further work site approvals to MTP

Lagudu, Adinarayana, MD, Applicant – Grant request for exception to 7 year rule and issue unrestricted medical license

Martin, Thomas, MD, Applicant – Issue Order dismissing NCA [2006-013] and allowing withdrawal of application while disciplinary action pending

Mikkelson, Paul, MD, License MD2005-0318 – Offer stipulated license with standard substance abuse stipulations, with review after one year of successful compliance

Nahabet, Chawki, MD – Accept existing documentation of education and issue unrestricted medical license

Nolen, Michael, MD, Applicant – Issue Order granting request to withdraw application while under investigation

Packard, Stanton, MD, License MD2004-0001 – Issue Notice of Contemplated Action for disciplinary action based on action in another state, failure to report that state's action to the NMMB, and providing false information in a response to the NMMB

Rose, James T., MD, Applicant – Offer stipulated license with standard substance abuse stipulations

Taylor, Stephen D, MD, Applicant – Grant request for exception to 7 year rule and issue unrestricted medical license

Tso, Jennifer, PA, Applicant – Offer stipulated physician assistant license with standard substance abuse stipulations

Wayne, Bryan, MD, License 2000-305 – Issue Notice of Contemplated Action for disciplinary action based on injudicious prescribing, substance abuse, failure to maintain accurate medical records and unprofessional conduct

Wells, Kip, MD, License MD2005-0007 – Issue Notice of Contemplated Action for disciplinary action based on felony convictions, falsification on his application for NM licensure by failing to disclose malpractice cases and his 2002 arrest, and for providing false information in his response to the NMMB.