

NEW MEXICO MEDICAL BOARD
Emergency Meeting
September 20, 2006

MINUTES

Members Present:

Paul Kovnat, M.D., Chair
Prakash M. Ranka, M.D., Vice Chair – by teleconference
Reza Ghadimi, P.A.
Richard Heim, Public Member
Alfredo Vigil, M.D.

Members Absent:

Steve Weiner, M.D., Secretary-Treasurer
Becky Cochran, Public Member
Vivian Giudice, M.D.
Allan Haynes, Jr., M.D.

Also Present:

Lynn Hart, Executive Director
Jenny Felmley, P.I.O.
Lynn Tipton, Administrative Assistant
G.T.S. Khalsa, Board Prosecutor
Corliss Thalley, A.A.G.
Donald Rodgers, MD – by teleconference
Steve Vidmar, JD – by teleconference

The Emergency meeting of the New Mexico Medical Board convened at 4:37 p.m., Wednesday, September 20, 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, Ranka, Vigil, Ghadimi, and Heim present. Dr. Kovnat noted for the record that this emergency meeting was called at the behest of Complaint Committee D, regarding Board action case 2006-010.

1. APPROVE AGENDA

Dr. Kovnat **MOVED** the agenda be approved. Dr. Vigil **SECONDED** the motion, which **PASSED UNANIMOUSLY**.

2. Administrative Prosecutor Statement

G.T.S. Khalsa addressed the Board, and explained that this meeting would not be a hearing. He would make a statement, and then Dr. Rodgers would make a statement. There would be no cross-communication between the parties, and after the statements the Board will go into executive session to discuss the case.

Mr Khalsa provided the Board with a review of the requirements established in the Board Order and Stipulation in Dr Rodgers' case that went into effect on May 1, 2006. He then summarized a variety of compliance inconsistencies that have arisen since that time, and explained that the emergency meeting was necessary because Dr Rodgers planned to resume performing cataract surgery the following day. He stated that the Board had three possible options: summarily suspend Dr Rodgers' license and follow with a Notice of Contemplated Action, per the Order; issue an NCA but no suspension; take no action at this time.

3. Donald Rodgers, MD Statement


Dr Rodgers also reviewed the requirements of the original Order, as summarized in his quarterly affidavit of compliance. He explained to the Board the various steps he has taken to address each of the difficulties that have arisen and stated that he now controls "100%" of the videotaping process himself. He explained that the gap the reviewing expert has noted between the patient's name and the start of surgery was his way of avoiding taping all of the pre-operative preparation of the patient, and agreed that future tapes will have no gaps in them. Dr Rodgers said that he has spent the last few weeks working with the biomedical technicians at Lovelace to ensure that all future videos are of consistent quality and completeness.

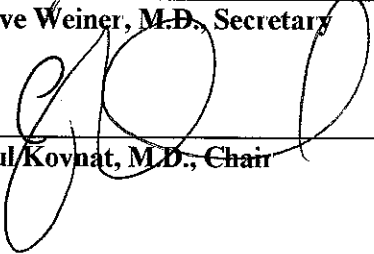
Executive Session: MOTION was made by Dr. Ranka and **SECONDED** by Dr Kovnat to go into executive session to discuss matters of licensure. **YES:** Kovnat, Ranka, Ghadimi, Heim and Vigil **MOTION CARRIED.** The Board returned to open session. Dr. Kovnat stated for the record that the matters discussed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

Dr Kovnat stated that the sense of the meeting is to take no formal action at this time, but to request expedited compliance from Dr Rodgers. The Board asks that Dr Rodgers send the tapes of tomorrow's procedures to the expert reviewer by overnight mail, and asks the expert reviewer to have a report on those tapes by the Board's regularly scheduled interim meeting next week, Thursday September 28.

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

SUBMITTED:  _____ **Date:** 11/17/06
Lynn Hart, Executive Director

APPROVED:  _____ **Date:** 11/16/06
Steve Weiner, M.D., Secretary

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