

NEW MEXICO MEDICAL BOARD
Interim Meeting
September 28, 2006

MINUTES

Members Present:

Prakash Ranka, M.D., Vice-Chair (by teleconference)
Steven Weiner, M.D., Secretary-Treasurer
Vivian Giudice, M.D. (by teleconference)
Allan Haynes, M.D. (by teleconference)
Dick Heim, Public Member
Reza Ghadimi, P.A.
Alfredo Vigil, M.D. (by teleconference)
Becky Cochran, Public Member (by teleconference)

Absent:

Paul Kovnat, M.D., Chairman

Also Present:

Lynn Hart, Executive Director
Corliss Thalley, A.A.G.
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

The interim meeting of the New Mexico Medical Board convened at 4:05 p.m., Thursday, September 28, 2006 in the Board Conference Room, 2055 S. Pacheco, Santa Fe, New Mexico, *Prakash Ranka, M.D.* presiding. Ms Hart called the roll and a quorum was declared with members Ranka, Weiner, Ghadimi, Heim, Giudice and Cochran. Dr. Vigil and Dr. Haynes joined the meeting at 4:15 p.m.

1. APPROVAL OF AGENDA

Mr. Khalsa requested the board not consider Gerard Dericks, MD case. Mr. Ghadimi **MOVED** to amend the Agenda and to not consider this case. Dr. Weiner **SECONDED**. **YES:** Ranka, Weiner, Giudice, Cochran, Heim and Ghadimi. **MOTION CARRIED**

2. Licensing and Complaints, Licensees and Applicants

A. Committee C: On behalf of Complaint Committee C, Dr. Giudice **MOVED** that complaint case 2005-C-008 be closed. There was no evidence of a violation of the Medical Practice Act or rules. No second was required. **YES:** Ranka, Ghadimi, Cochran and Weiner. **RECUSED:** Giudice and Heim. **MOTION CARRIED.**

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

B. Committee D: On behalf of Complaint Committee D, Mr. Ghadimi **MOVED** that complaint case 2006-D-140 (Nathan Crowder, PA) be offered a Stipulated license requiring

participation in the NM Monitored Treatment Program and other standard substance abuse stipulations. No second was required. **YES:** Ranka, Giudice, Cochran Vigil, Heim and Weiner. **RECUSED:** Ghadimi and Haynes. **MOTION CARRIED.**

C Wendy Linder, MD: Dr. Ranka **MOVED** to grant Dr. Linder an unrestricted licensed to practice medicine in New Mexico. Dr. Weiner **SECONDED** the motion. **YES:** Ranka, Weiner, Heim, Ghadimi, Giudice, Cochran, Vigil and Haynes. **MOTION CARRIED.**

3. Old Business

A. Review proposed changes to Board rules

Rule 16.10.2 (Physicians: Licensure Requirements). Dr. Weiner **MOVED** to approve the draft language in the rule and present for public comment at the November, 2006 board meeting. Mr. Ghadimi **SECONDED** the motion. **YES:** Ranka, Weiner, Heim, Ghadimi, Giudice, Cochran, Haynes and Vigil. **MOTION CARRIED.**

Rule 16.10.7 (License Expiration, Renewal, and Reinstatement). Dr. Haynes **MOVED** to approve the draft language in the rule and present for public comment at the November, 2006 board meeting. Ms. Cochran **SECONDED** the motion. **YES:** Ranka, Weiner, Heim, Ghadimi, Giudice, Cochran, Haynes and Vigil. **MOTION CARRIED.**

Rule 16.10.8 (Medical Ethics). Dr. Haynes **MOVED** to approve the draft language in the rule and present for public comment at the November, 2006 board meeting. Mr. Heim **SECONDED** the motion. **YES:** Ranka, Weiner, Heim, Ghadimi, Giudice, Cochran, Haynes and Vigil. **MOTION CARRIED.**

Rule 16.10.9 (Fees). Dr. Weiner **MOVED** to approve the draft language in the rule and present for public comment at the November, 2006 board meeting. Mr. Heim **SECONDED** the motion. **YES:** Ranka, Weiner, Heim, Ghadimi, Giudice, Cochran, Haynes and Vigil. **MOTION CARRIED.**

Rule 16.10.11 (Physicians Supervising Pharmacist Clinicians). Dr. Weiner **MOVED** to approve the draft language in the rule and present for public comment at the November, 2006 board meeting. Mr. Heim **SECONDED** the motion. **YES:** Ranka, Weiner, Heim, Ghadimi, Giudice, Cochran, Haynes and Vigil. **MOTION CARRIED.**

Rule 16.10.12 (Supervision of Non-Licensed Physicians). Dr. Weiner **MOVED** to approve the draft language in the rule and present for public comment at the November, 2006 board meeting. Mr. Heim **SECONDED** the motion. **YES:** Ranka, Weiner, Heim, Ghadimi, Giudice, Cochran, Haynes and Vigil. **MOTION CARRIED.**

4. New Business

A. Discussion was held regarding a draft newsletter article "What is Public Record". The board agreed to remove the article and discuss further what information is required to be disclosed to the public at their November board meeting.

5. Licensing Requests and Actions:

A. Mr. Heim **MOVED** to issue a stipulated order placing Paul Engstrom, MD license on probation for a period of three years. He must maintain his medical records in his medical office with the understanding that he may give, with the consent of his patients, copies of the records to other healthcare providers and must submit quarterly reports to the board attesting to his compliance with the Order. Dr. Haynes **SECONDED** the motion. **YES:** Ranka, Heim, Ghadimi, Giudice, Haynes and Vigil. **RECUSED:** Weiner and Cochran. **MOTION CARRIED.**

B. Dr. Haynes **MOVED** to issue a stipulated order placing Richard Gritzmacher, MD license on probation for three years. His license shall be suspended for thirty days beginning September 28, 2006. He must appear before the board on a quarterly basis and submit written reports to the Board attesting to his compliance with this Order. Mr. Ghadimi **SECONDED** the motion. **YES:** Ranka, Heim, Ghadimi, Giudice, Haynes and Vigil. **RECUSED:** Weiner and

Cochran **MOTION CARRIED.**

C. Dr. Haynes **MOVED** to issue a stipulated order against Maximillian Odom, MD. Dr. Odom will pay a fine of \$1,000.00, abstain from mind-altering substances, controlled substances or alcoholic beverages and shall continue to comply with the requirements in the Orders entered by the Arkansas State Medical Board. He must notify the board at least 90 days before he intends to use his New Mexico license to practice medicine. Mr. Heim **SECONDED** the motion. **YES:** Ranka, Heim, Ghadimi, Giudice, Haynes and Vigil. **RECUSED:** Weiner and Cochran. **MOTION CARRIED.**

D. Dr. Haynes **MOVED** to issue a stipulated order requiring Rinly Gecosala, MD comply with the Order entered by the Arizona Medical Board. A letter of reprimand will be issued for violations of the Medical Practice Act and Dr. Gecosala will be fined \$1,000.00. Also, he must notify the board in writing at least 90 days before he intends to use his New Mexico license to practice medicine. Dr. Ranka **SECONDED** the motion. **YES:** Ranka, Heim, Ghadimi, Giudice, Haynes and Vigil. **RECUSED:** Weiner and Cochran. **MOTION CARRIED.**

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

6. Decision and Order

Dr. Ranka stated for the record, he has not nor will he participate in any discussion or decision making process for this case. He excused himself as did Dr. Weiner and Ms. Cochran from the proceedings in Elias Said, MD case.

In Case #2006-004, (Elias Said, MD), Ms. Thalley requested the board vote to accept the Hearing Officer's rulings with respect to the various Motions that were entered pre-hearing and post hearing in the case. Mr. Ghadimi **MOVED** to accept the hearing officer's approval for the Motion to Amend the Notice of Contemplated Action. Mr. Heim **SECONDED** the motion. **YES:** Ghadimi, Giudice, Heim, Haynes and Vigil.

Mr. Ghadimi **MOVED** to accept the hearing officer's decision to deny the Second Motion to Amend NCA. Mr. Heim **SECONDED** the motion. **YES:** Ghadimi, Giudice, Heim, Haynes and Vigil. **RECUSED:** Weiner, Ranka and Cochran. **MOTION CARRIED.**

Mr. Ghadimi **MOVED** to accept the hearing officer's decision to deny the Respondent's Motion to Dismiss the Case. Mr. Heim **SECONDED** the motion. **YES:** Ghadimi, Giudice, Heim, Haynes and Vigil. **RECUSED:** Weiner, Ranka and Cochran. **MOTION CARRIED.**

Mr. Ghadimi **MOVED** to accept the hearing officer's decision to deny the Motion to Reopen the Case after the closure of the evidence presented. Mr. Heim **SECONDED** the motion. **YES:** Ghadimi, Giudice, Heim, Haynes and Vigil. **RECUSED:** Weiner, Ranka and Cochran. **MOTION CARRIED.**

Mr. Ghadimi **MOVED** to accept the Hearing Officer's recommended Findings of Fact number 1 thru 78 in their entirety except on Page 2, Paragraph 8 change the word abuse to use. Mr. Heim **SECONDED** the motion. **YES:** Ghadimi, Giudice, Heim, Haynes and Vigil. **RECUSED:** Weiner, Ranka and Cochran. **MOTION CARRIED.**

Mr. Ghadimi **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 required by law. This decision and order is timely rendered.

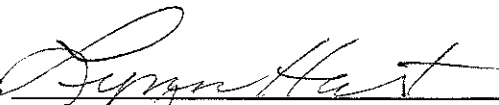
3. Pursuant to §61-6-15(A) and (D) NMSA 1978, the Board has authority to refuse a license upon satisfactory proof being made to the Board that an applicant has been guilty of unprofessional or dishonorable conduct.

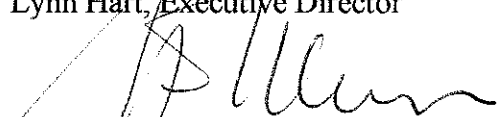
4. The Board concludes that there is sufficient evidence in the record to prove by a preponderance of the evidence that Respondent as alleged in the Notice of Contemplated Action has committed unprofessional or dishonorable conduct as alleged in 2A, B, and C of the Amended Notice of Contemplated Action and there is clear and convincing evidence of violation as alleged in 2D of the Amended Notice of Contemplated Action. Dr. Vigil **SECONDED** the motion. **YES:** Ghadimi, Giudice, Heim, Haynes and Vigil **RECUSED:** Weiner, Ranka and Cochran. **MOTION CARRIED.**

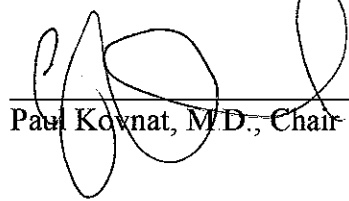
Mr Ghadimi **MOVED** to issue Elias Said, MD an Order denying a license to practice medicine in New Mexico. Dr. Said may reapply for a license after five (5) years of confirmed abstinence from drugs and alcohol, commencing from May 9, 2005, as confirmed by the New Mexico Monitor Treatment Program and other testing performed by entities in connection with a board-approved comprehensive psychiatric evaluation as described herein, proof of current competence, if required, and a comprehensive psychiatric evaluation by a board-approved source addressing the issues that led to the license denial. The comprehensive psychiatric evaluation shall be within three (3) months of the new application for licensure. Dr. Vigil **SECONDED** the motion. **YES:** Ghadimi, Giudice, Heim, Haynes and Vigil. **RECUSED:** Weiner, Ranka and Cochran. **MOTION CARRIED.**

Dr. Vigil **MOVED** to appoint Mr Ghadimi sign the Decision and Order for the board. Dr. Haynes **SECONDED** the motion. **YES:** Ghadimi, Giudice, Heim, Haynes and Vigil. **RECUSED:** Weiner, Ranka and Cochran. **MOTION CARRIED.**

7. **ADJOURN** There being no further business, the meeting adjourned at 5:37 p.m.

SUBMITTED:  _____ **Date:** 11/17/04
Lynn Hart, Executive Director

APPROVED:  _____ **Date:** 11/17/04
Steve Weiner, M.D., Secretary

APPROVED:  _____ **Date:** 11/17/04
Paul Kovnat, M.D., Chair