

NEW MEXICO MEDICAL BOARD
Fourth Quarterly Meeting
November 16 - 17, 2006

MINUTES

Members Present:

Paul Kovnat, M.D., Chairman
Prakash Ranka, M.D., Vice-Chair
Steven Weiner, M.D., Secretary-Treasurer
Becky Cochran, Public Member
Reza Ghadimi, P.A.
Vivian Giudice, M.D.
Dick Heim, Public Member
John Lauriello, M.D.
Alfredo Vigil, M.D.

Also Present:

Lynn Hart, Executive Director
Grant La Farge, M.D., Medical Director
Corliss Thalley, Assistant Attorney General
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 8:23 a.m., Thursday, November 16, 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 except Prakash Ranka, M.D.

2. APPROVAL OF AGENDA

Dr. Kovnat **MOVED** to approve the agenda. Dr. Weiner **SECONDED**. **YES:** Kovnat, Weiner, Giudice, Lauriello, Heim, Ghadimi, Vigil and Cochran. **MOTION CARRIED.**

3. APPROVAL OF MINUTES

Dr. Kovnat **MOVED** to approve the minutes of the August 24 - 24, 2006 Quarterly Board meeting as amended, with a minor change to page 5. Mr. Heim **SECONDED**. **YES:** Kovnat, Weiner, Giudice, Lauriello, Heim, Ghadimi, Cochran and Vigil. **ABSENT:** Ranka. **MOTION CARRIED.**

Dr. Kovnat **MOVED** to approve the minutes of the September 20, 2006 Emergency Board meeting as presented. Mr. Heim **SECONDED**. **YES:** Kovnat, Weiner, Giudice, Lauriello, Ghadimi, Cochran and Vigil. **ABSENT:** Ranka. **MOTION CARRIED.**

Dr. Vigil **MOVED** to approve the minutes of the September 28, 2006 Interim Board meeting as presented. Dr. Giudice **SECONDED**. **YES:** Kovnat, Weiner, Giudice, Lauriello, Ghadimi, Cochran, Heim and Vigil. **ABSENT:** Ranka. **MOTION CARRIED.**

4. ORAL ARGUMENT – Decision and Order – Re-Open and Reconsider Case 2006-004, Elias Said, M.D.

Dr. Kovnat presided over the re-opening and hearing of the case regarding Dr. Said. Prosecuting Attorney, GTS Khalsa and Representing Attorney, Mr. John Hollington each presented oral arguments. A transcript of the record is attached.

Executive Session: **MOTION** was made by Dr. Kovnat and **SECONDED** by Dr. Vigil to go into executive session to discuss matters of licensure. **YES:** Kovnat, Ghadimi, Giudice, Lauriello, Heim, Vigil, Cochran and Weiner. **ABSENT:** Ranka. **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. The Board asked Ms. Thalley to prepare an Order for the case, for review and decision later in the afternoon.

5. LICENSING REQUESTS AND ACTIONS:

A. Yesid Alvarado, M.D. – Dr. Kovnat **MOVED** that the Board accept the request to make an exception to the 7 year rule for completion of all three steps of the USMLE and grant him an unrestricted license. Mr. Heim **SECONDED.** **YES:** Kovnat, Ranka, Weiner, Lauriello, Ghadimi, Vigil, Giudice, Heim and Cochran. **MOTION CARRIED.**

B. Gerard Dericks, MD – Case 2006-019 – Mr. Khalsa informed the Board that negotiations for a settlement in this case have not resulted in an agreed settlement, so the case will proceed to a hearing.

C. Henry Hansen, M.D. – Mr. Heim **MOVED** to approve the Settlement constituting a Letter of Reprimand and fine of \$500.00 for failure to report action taken by the Texas Medical Board. Dr. Weiner **SECONDED.** **YES:** Kovnat, Weiner, Lauriello, Ghadimi, Giudice and Heim. **NO:** Cochran. **RECUSED:** Vigil and Ranka. **MOTION CARRIED.**

6. DEFAULT HEARING – Case #2006-027, Stanton Packard, M.D.

Ms. Cochran **MOVED** to admit Exhibits 1 thru 9 into evidence. Dr. Weiner **SECONDED.** **YES:** Kovnat, Weiner, Lauriello, Ghadimi, Cochran, Giudice and Heim. **RECUSED:** Vigil and Ranka. **MOTION CARRIED.**

Executive Session: **MOTION** was made by Ms. Cochran and **SECONDED** by Dr. Giudice to go into executive session to discuss matters of licensure. **YES:** Kovnat, Ranka, Ghadimi, Giudice, Lauriello, Heim, Vigil, Cochran and Weiner. **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. After additional discussion, a decision in this case was postponed until the January Interim Board meeting.

7. Complaint Committee Reports

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, Ranka, Ghadimi, Giudice, Lauriello, Heim, Vigil, Cochran and Weiner. **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.

Complaint Committee A. On behalf of Complaint Committee A, Dr. Weiner **MOVED** that complaint cases 2005-A-158, 2006-A-022, 2006-A-077, 2006-A-089, 2006-A-098 and 2006-A-103 be closed as there was no evidence of a violation of the Medical Practice Act or rules. No second was required. **YES:** Kovnat, Ranka, Lauriello, Giudice, Vigil, Ghadimi and Heim. **RECUSED:** Weiner and Cochran. **MOTION CARRIED.**

On behalf of Complaint Committee A, Dr. Weiner **MOVED** that complaint case 2006-A-134 (Robert Knight, M.D.) be issued a Notice of Contemplated Action based on action taken by the Colorado Medical Board. No second was required. **YES:** Kovnat, Ranka, Lauriello, Giudice, Vigil,

Ghadimi and Heim. **RECUSED:** Weiner and Cochran. **MOTION CARRIED.**

On behalf of Complaint Committee A, Dr. Weiner **MOVED** that complaint case 2006-A-171 (Charles Eberle, M.D.) be issued a Stipulated License limiting him to non-surgical practice at the Carrie Tingley Facility only. This action is non-disciplinary - the physician has asked the Board for a limited license exclusively for this practice. **YES:** Kovnat, Ranka, Lauriello, Giudice, Vigil, Ghadimi and Heim. **RECUSED:** Weiner and Cochran. **MOTION CARRIED.**

Complaint Committee B. On behalf of Complaint Committee B, Dr. Vigil **MOVED** that complaint cases 2006-B-020, 2006-B-043, 2006-B-050, 2006-B-073, 2006-B-078, 2006-B-088, 2006-B-101, and 2006-B-123 be closed as there was no evidence of a violation of the Medical Practice Act or rules. No second was required. **YES:** Kovnat, Lauriello, Giudice, Weiner, Cochran, Ghadimi and Heim. **RECUSED:** Vigil and Ranka. **MOTION CARRIED.**

On behalf of Complaint Committee B, Dr. Vigil **MOVED** that complaint case 2006-B-038 (Mary Groves, M.D.) be issued a Notice of Contemplated Action based on action taken by the Arizona medical board. No second was required. **YES:** Kovnat, Weiner, Lauriello, Giudice, Ranka, Ghadimi and Heim. **RECUSED:** Vigil and Ranka. **MOTION CARRIED.**

On behalf of Complaint Committee B, Dr. Vigil **MOVED** that complaint case 2006-B-141 (Alexis Hallock, M.D.) be issued a Notice of Contemplated Action based on false statements of her New Mexico application for licensure and false statements in her responses to the Board. No second was required. **YES:** Kovnat, Weiner, Lauriello, Giudice, Ranka, Ghadimi and Heim. **RECUSED:** Vigil and Ranka. **MOTION CARRIED.**

Complaint Committee C. On behalf of Complaint Committee C, Dr. Giudice **MOVED** that complaint cases 2006-C-041, 2006-C-055, 2006-C-066, 2006-C-072, 2006-C-075, 2006-C-084 and 2006-C-099 be closed as there was no evidence of a violation of the Medical Practice Act or rules. No second was required. **YES:** Kovnat, Lauriello, Vigil, Ranka, Weiner, Cochran and Ghadimi. **RECUSED:** Giudice and Heim. **MOTION CARRIED.**

On behalf of Complaint Committee C, Dr. Giudice **MOVED** that complaint case 2006-C-031 be referred to an Impaired Physician Committee. No second was required. **YES:** Kovnat, Lauriello, Vigil, Ranka, Weiner, Cochran and Ghadimi. **RECUSED:** Giudice and Heim. **MOTION CARRIED.**

Complaint Committee D. On behalf of Complaint Committee D, Dr. Lauriello **MOVED** that complaint cases 2006-D-053, 2006-D-067, 2006-D-082, 2006-D-085, 2006-D-095, 2006-D-105 and 2006-D-124 be closed as there was no evidence of a violation of the Medical Practice Act or rules. No second was required. **YES:** Kovnat, Vigil, Ranka, Weiner, Cochran, Giudice and Heim. **RECUSED:** Ghadimi and Lauriello. **MOTION CARRIED.**

Complaint Committee E. On behalf of Complaint Committee E, Dr. Kovnat **MOVED** that complaint case 2006-E-117 be closed as there was no evidence of a violation of the Medical Practice Act or rules. No second was required. **YES:** Lauriello, Vigil, Ranka, Weiner, Giudice, Heim, Cochran and Ghadimi. **RECUSED:** Kovnat. **MOTION CARRIED.**

Impaired Physician Committee Report – Case No. 2006-B-045, David Beauchamp, M.D. Dr. Ranka **MOVED** to accept the IPC Report and, finding no evidence of impairment or violation of the Medical Practice Act or rules, close case 2006-B-045 (David Beauchamp, M.D.). Ms. Cochran **SECONDED.** **YES:** Kovnat, Weiner, Lauriello, Ghadimi, Giudice, Cochran and Heim. **RECUSED:** Vigil and Ranka. **MOTION CARRIED.**

8. **ACTIONS RELATED TO EXECUTIVE SESSION.** No additional actions were discussed or taken.

9. **REPORTS**

A. **Chair.** Dr. Kovnat presented the 2007 Board Meeting Schedule. The four quarterly meetings are scheduled for February 15th & 16th, May 17th and 18th, August 16th & 17th and November 15th and 16th. The four interim meetings have been scheduled for January 11th, March 29th, June 28th and September 27th. He also reminded the board of the Federation of State Medical Boards meeting

to be held the first part of May, 2007. The Board has the budget to pay complete costs for the two board members attending for the first time and partial costs for all others.

B. Executive Director. Ms. Hart discussed the new organizational chart for Staff and the efficiency and roles of the licensing department and Jenny Felmley's new job title of Manager of Investigations and Compliance, with continuing duties as Public Information Officer. Ms. Felmley was given a raise for the tremendous amount of work she accomplishes. An additional person, Angel Roybal, was hired for HR and will be a backup to the Financial Department.

The Board discussed the five individuals who have not responded to the CME audit, but have renewed their license for 2006. The Board has previously offered settlements to licensees who respond to the audit but fall short of the required 75 hours – these current five licensees are different because they have not responded to the audit at all. It was decided that staff should do further research and bring a rule change proposal back to the board in February. The Board also discussed the possibility of working with UNM to develop an on-line CME program that would ensure that licensees are acquainted with the Medical Practice Act and Board rules.

C. Budget Report. Ms. Hart gave a brief overview of the budget as of November board meeting. We are within 30% of our expenditures.

D. Medical Director. Dr. La Farge reported that the changes to parts 11 and 12 of the rules reflect discussions within the taskforce, which continues to work on other aspects of supervision. One of the issues the taskforce has been considering is the number of physician assistants a given physician may supervise. Mr. Ghadimi pointed out that the number is currently set at two, in both statute and rule, and would require legislation to change. The Board discussed the issue, and determined that the taskforce should continue to work on developing a proposal and then present it to the Board. Given the late date, it is unlikely that the necessary information and agreement can be accomplished before the coming 2007 Legislative session; the Board may decide to request that the Governor include the issue on his Call for the 2008 session. Ms. Hart asked Kim Berge, from the Physician Assistant Association [check correct name of organization!] if the association had a specific legislative agenda, and Ms. Berge indicated that they had no other agenda items.

E. Assistant Attorney General. Ms. Thalley reported that Dr. Goldberg lost his appeal of the Board's action in District Court. In the Dr. Schwartz case, an appeal has been filed and fully briefed, but Dr. Schwartz's attorney has not yet requested a hearing date.

F. Compliance Report. Ms. Felmley reported that most licensees currently under monitoring are in compliance. Discussion of the non-compliant licensee is postponed to the afternoon session with the NM Monitored Treatment Plan.

THE BOARD RECESSED FOR LUNCH AT 12:00 p.m. and reconvened after the Rule Hearing at 1:00 p.m.

10. ACTIONS RELATED TO RULE HEARING.

Dr. Ranka **MOVED** to adopt the proposed changes to Part 2 of the rules, Physicians: Licensure Requirement. Dr. Weiner **SECONDED**. **YES:** Kovnat, Weiner, Lauriello, Ghadimi, Giudice, Heim, Cochran, Vigil and Ranka. **MOTION CARRIED.**

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

Mr. Ghadimi **MOVED** to adopt the proposed changes to Part 8 of the rules, Medical Ethics. Dr. Vigil **SECONDED**. **YES:** Kovnat, Weiner, Lauriello, Ghadimi, Giudice, Heim, Cochran, Vigil and Ranka. **MOTION CARRIED.**

Dr. Kovnat **MOVED** to adopt the proposed changes to Part 9 of the rules, Fees and accept the changes recommended by licensing staff to move the fees from Rule 16 10 11, Section 9 to this rule. Dr. Ranka **SECONDED**. **YES:** Kovnat, Weiner, Lauriello, Ghadimi, Giudice, Heim, Cochran, Vigil and Ranka. **MOTION CARRIED.**

Dr. Kovnat **MOVED** to adopt the proposed changes to Part 11 of the rules, Physicians Supervising Pharmacist Clinicians and to accept the changes recommended by licensing staff to move the fees to Rule 16 10 9 NMAC. Dr. Weiner **SECONDED**. **YES:** Kovnat, Weiner, Lauriello, Ghadimi, Giudice, Heim, Cochran, Vigil and Ranka. **MOTION CARRIED.**

Ms. Cochran **MOVED** to retain Part 8 3 and renumber it to 8 6 and adopt the proposed changes to Part 12 of the rules, Supervision of Non-Licensed Physicians. Mr. Heim **SECONDED**. **YES:** Kovnat, Weiner, Lauriello, Ghadimi, Giudice, Heim, Cochran, Vigil and Ranka. **MOTION CARRIED.**

11. NM MONITORED TREATMENT PROGRAM REPORT

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, Giudice, Lauriello, Heim, Vigil, Cochran and Weiner. **MOTION CARRIED.** Jon Thayer, Dan Collins, M.D., and Connie Merrell were present to discuss the status of mandatory MTP participants. 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. Mr. Thayer gave an update on the operating report and discussed the quarterly report and budget. He discussed the new category on their report called Other Behavioral. This category has been added to reflect relapses by individuals who are voluntarily in their program.

12. INFORMAL INTERVIEWS

Executive Session: **MOTION** was made by Dr. Kovnat and **SECONDED** by Mr. Ghadimi to go into executive session to discuss matters of licensure. **YES:** Kovnat, Ranka, Ghadimi, Giudice, Lauriello, Heim, Vigil, Cochran and Weiner. **MOTION CARRIED.** Nathan Crowder, P.A., Jennifer Iso, P.A., Christopher Gallagher, M.D., Todd Rose, M.D., James Bradley, M.D., Robert Graor, M.D., Johnny Vigil, M.D. and James Hartenbach, M.D. were 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. Cliff Brashar, M.D., James Holbrook, M.D. and Donald Rodgers, M.D. were interviewed in open session and discussed their current practices and compliance with the board. Virgie Herrin, M.D. and Barry Maron, M.D. failed to appear for their scheduled interview before the board.

13. ACTIONS RELATED TO INFORMAL INTERVIEWS. There were no formal actions taken at this time.

Dr. Weiner, Dr. Ranka and Ms. Cochran departed the meeting for the day, since they are each recused from the Said case.

4. Decision and Order – Case 2006-004, Elias Said, M.D. (continued)

Dr. Kovnat **MOVED** that the Board affirm the Hearing Officer's rulings on pre-hearing and post-hearing motions. Dr. Vigil **SECONDED**. **YES:** Kovnat, Lauriello, Ghadimi, Giudice, Vigil and Heim. **RECUSED/ABSENT:** Weiner, Cochran and Ranka. **MOTION CARRIED.**

Dr. Kovnat **MOVED** that the Board admit Respondent's exhibit O, and not admit Respondent's exhibit

P Dr. Vigil **SECONDED**. **YES:** Kovnat, Lauriello, Ghadimi, Giudice, Vigil and Heim
RECUSED/ABSENT: Weiner, Cochran and Ranka **MOTION CARRIED**.

Dr Kovnat **MOVED** that the Board adopt the Hearing Officer's findings of fact numbered 1 through 78, as modified, and adopt additional findings of fact numbers 79 and 80. Dr. Vigil **SECONDED**. **YES:** Kovnat, Lauriello, Ghadimi, Giudice, Vigil and Heim **RECUSED/ABSENT:** Weiner, Cochran and Ranka. **MOTION CARRIED**.

Dr. Kovnat **MOVED** that the Board, by unanimous 6-0 vote of all members present, 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 Administrative Prosecutor proved by a preponderance of the evidence in the record that Respondent applied for a license in September 2005 and that the Monitored Treatment Program has not confirmed Respondent's abstinence from drugs and alcohol for eighteen months prior to reapplication in violation of the Board's October 5, 2004 Order. Respondent's violation of the Board's Order constitutes unprofessional or dishonorable conduct as alleged in ¶ 2(A) of the Amended NCA.
5. The Administrative Prosecutor proved by a preponderance of the evidence in the record that Respondent did not disclose taking substances that contain alcohol and ephedrine to staff at the Professional Renewal Center (PRC) before Respondent discovered he was being tested for alcohol by an ethylglucuronide (EtG) test. Respondent's conduct constitutes unprofessional or dishonorable conduct as alleged in ¶ 2(B) of the Amended NCA.
6. The Administrative Prosecutor proved by a preponderance of the evidence in the record that Respondent disclosed to PRC staff he was using products that contain alcohol and ephedrine only after Respondent discovered he being tested for ethylglucuronide (EtG) and that he tested positive for ephedrine. Respondent's conduct constitutes unprofessional or dishonorable conduct as alleged in ¶ 2(C) of the Amended NCA.
7. The Administrative Prosecutor proved by clear and convincing evidence in the record that Respondent was dishonest when he made statements to the PRC staff that the only possible source of alcohol allowing for a positive test for ethylglucuronide (EtG) was a product called "Breath Right Snore Relief" as alleged in ¶ 2(D) of the Amended NCA. Dishonestly constitutes unprofessional or dishonorable conduct in violation of § 61-6-15(D)(29) and Rule 16.10.8.8(H) NMAC.
8. Pursuant to Rule 16.10.8.8(H) NMAC, unprofessional or dishonorable conduct includes dishonesty.
9. The Board has sufficient evidence in the record to deny Respondent a license to practice medicine in New Mexico.

Dr. Vigil **SECONDED** the motion. **YES:** Kovnat, Lauriello, Ghadimi, Giudice, Vigil and Heim
RECUSED/ABSENT: Weiner, Cochran and Ranka. **MOTION CARRIED**.

Dr Kovnat **MOVED** that the Board, by unanimous 6-0 vote of all members present, issue an Order denying Dr Said's application for licensure to practice medicine in New Mexico. Dr. Said may reapply for licensure after five (5) years of confirmed abstinence from drugs and alcohol, commencing from May 9, 2005, as confirmed by the New Mexico Monitored Treatment Program and other testing performed by entities in connection with 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:** Kovnat, Lauriello, Ghadimi, Giudice, Vigil and Heim. **RECUSED/ABSENT:** Weiner, Cochran and Ranka. **MOTION CARRIED.**

RECESS 6:00 p m.

RECONVENE. The Board reconvened at 9:08 a m on Friday morning with all members present except for John Lauriello, M D

14. OLD BUSINESS

A. Discussion of disclosure, public records and release of information. The Board discussed issues surrounding public access to information about licensees, and whether to place more or less information on the Board's web site, with or without time limits. There was general agreement that the names of licensees and applicants subject to Board action should not be included in meeting minutes or summaries, because there are often changes or settlements after the Board votes. Names of individuals against whom the Board takes formal action will be included in the Board's newsletter following finalization of the action – i e once the Notice of Contemplated Action has been drafted and served on the licensee, or once the Stipulation has been signed by both parties, etc.

Dr. Kovnat **MOVED** that information about licensees that is posted on the Board's web site shall include the number of malpractice settlements over \$100,000 made in the previous 10 years. Staff will develop a plan and format for presenting the information. Dr. Ranka **SECONDED**. **YES:** Kovnat, Ghadimi, Giudice, Vigil, Heim, Weiner, Cochran and Ranka. **MOTION CARRIED.**

Mr. Ghadimi **MOVED** that Board actions involving licensees who no longer have an active NM license be removed from the web site 10 years after the conclusion of the final decision or appeal. Dr. Ranka **SECONDED**. **YES:** Ghadimi, Giudice and Ranka. **NO:** Kovnat, Cochran, Weiner and Vigil. **ABSENT:** Heim. **MOTION FAILED.**

B. Criminal background checks and rules

The Board discussed changes to the national system for criminal background checks, which have made conducting limited statewide background checks much less effective or efficient. Staff was directed to develop proposed rule change language taking this change into account by the February 2007 Board meeting.

15. REPORTS, CONTINUED

A. Administrative Prosecutor. Mr. Khalsa informed the Board that there are currently three pending Notices of Contemplated Action, and hearings are being set in several other cases. One case is scheduled to be heard in January, and two other cases will be scheduled in February in Las Cruces.

16. NEW BUSINESS

A. Upcoming Legislation/Regulation The Board discussed possible legislation that might be introduced during the upcoming legislative session, including therapeutic interchange and changes to the scopes of practice of chiropractors and optometrists. The Board agreed to take no position on any legislative proposals until members have had the opportunity to review actual proposed language.

Staff presented language for possible proposed amendments to the Medical Practice Act, including providing the Board with the authority to issue emergency summary suspensions and impose an administrative fee for re-processing applications and renewals in certain cases. At least 22 other states have summary suspension powers.

Dr. Vigil **MOVED** that the Board support an amendment to the Medical Practice Act that would give the Board authority to summarily suspend a license if there is evidence that the licensee poses a clear and immediate danger to the public health and safety, or if the licensee has been adjudged mentally incompetent or insane by a court of competent jurisdiction. Dr. Weiner **SECONDED** the motion. **YES:** Kovnat, Ghadimi, Giudice, Vigil, Heim, Weiner, Cochran and Ranka. **MOTION CARRIED.**

Dr. Vigil **MOVED** that the Board support an amendment to the Medical Practice Act that would give the Board authority to impose a reasonable administrative fee, not to exceed the current fee for application, for reprocessing applications and renewals that include minor but significant errors and would otherwise be subject to investigation and possible disciplinary action. Dr. Giudice **SECONDED** the motion. **YES:** Kovnat, Ghadimi, Giudice, Vigil, Heim, Weiner, Cochran and Ranka. **MOTION CARRIED.**

B. Discussion of telemedicine and internet prescribing Dr. Kovnat appointed a committee to investigate and develop a proposal for possible clarification of Board rules on telemedicine and internet prescribing. The committee is composed of Dr. Vigil, Mr. Ghadimi and Dr. La Farge

C. NMMB Annual Roster The Board discussed public feedback about the format, content and utility of the annual roster of licensed physicians, physician assistants and osteopathic physicians. Physicians are currently listed in alphabetical order; each entry includes whatever primary specialty, if any, the licensee reported to the Board. The Board ruled out sorting the roster by specialty, which is more of an advertising function; it ruled out adding secondary specialties (if any) for the same reason. Ms. Hart noted that the same information that is in the printed roster is available on the Board's web site, and can also be purchased in CD format, which allows the purchaser to sort the data however they wish. Staff was instructed to continue printing the roster in alphabetical format, with the addition of an index by county.

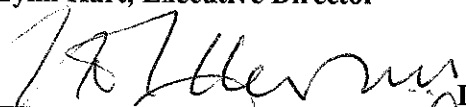
D. Correspondence The Board reviewed the following document that required no action

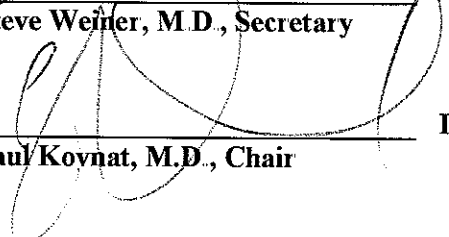
1) Letter from Smart Document Solutions regarding the medical records rule

17. MEET WITH OSTEOPATHIC EXAMINERS BOARD Richard Saiser, past executive director of the Osteopathic Medical Association, spoke with the Board about growing support among the members of the Osteopathic Examiners Board for a composite MD-DO board in New Mexico. Dr. Kovnat explained that the Medical Board would be happy to review and consider any proposal the Osteopathic Board would like to make.

18. ADJOURN: There being no further business, the meeting adjourned at 12:17 p.m.

SUBMITTED:  Date: 2/14/07
Lynn Hart, Executive Director

APPROVED:  Date: 2/14/07
Steve Weiner, M.D., Secretary

APPROVED:  Date: 2/16/7
Paul Kovnat, M.D., Chair

November, 2006
MEETING SUMMARY

Licensing Actions, in alpha order:

Alvarado, Yesid, MD, – grant exception to the 7 year rule for examinations, and grant unrestricted license

Hanson, Henry, MD, MD2004-0113 – Case 2006-026 – Accept settlement proposal of Letter of Reprimand and \$500 fine for failure to report action taken in another state to the NMMB

Mikkelson, Paul, MD, MD2005-0318 – Case 2006-B-034 – Rescind proposed Stipulated License and keep complaint case open pending one-year successful voluntary participation in the NM Monitored Treatment Program.

Said, Elias, MD, - Case 2006-004 – Issue Order denying application for licensure and establishing conditions for reapplication in the future.

2006-C-031 (licensee) – Refer to Impaired Physician Committee for evaluation.

2006-B-038 (Mary Groves, M.D) – Issue a Notice of Contemplated Action for disciplinary action, based on action taken by the Arizona medical board.

2006-A-134 (Robert Knight, M D) – Issue a Notice of Contemplated Action to deny licensure based on action taken by the Colorado medical board

2006-B-141 (Alexis Hallock, M.D) – Issue a Notice of Contemplated Action to deny licensure based on falsification of her application and false statements in her response to the NMMB

2006-A-171 (Charles Eberle, M D) – Offer a Stipulated License limiting licensee to a non-surgical practice at Carrie Tingley Hospital only, noting that licensee plans only to teach.

Other Board decisions

Board voted to approve changes to the following Rules:

- Rule 16 10 2 NMAC - Physicians: Licensure Requirements
- Rule 16 10 7 NMAC - License Expiration, Renewal, and Reinstatement
- Rule 16 10 8 NMAC - Medical Ethics
- Rule 16 10 9 NMAC - Fees
- Rule 16 10 11 NMAC - Physicians Supervising Pharmacist Clinicians
- Rule 16 10 12 NMAC - Supervision of Non-Licensed Physicians

Board voted to support proposed amendments to the Medical Practice Act related to establishing emergency summary suspension authority and an administrative reprocessing fee