

**NEW MEXICO MEDICAL BOARD**  
*Interim Meeting*  
**January 11, 2007**

**MINUTES**

**Members Present:**

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

**Members Absent:**

Alfredo Vigil, M.D.

**Also Present:**

Lynn Hart, Executive Director  
Grant La Farge, M.D., Medical Director  
G I S Khalsa, Board Prosecutor  
Lynn Tipton, Administrative Assistant

**1. CALL TO ORDER**

The interim meeting of the New Mexico Medical Board convened at 4:04 p.m., Thursday, January 11, 2007 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 Alfredo Vigil, M.D.

**2. APPROVAL OF AGENDA**

Dr. Kovnat **MOVED** to approve the agenda as amended to review issues of the minutes from the last meeting. **YES:** Kovnat, Cochran, Weiner, Giudice, Ranka, Heim and Lauriello. **MOTION CARRIED.**

**3. COMPLAINT COMMITTEE REPORT**

a. **“Old” Committee D: Possible Action: 2006-D-206** – No action at this time.

**4. STAFF REPORT ON ‘RED FLAG’ APPLICATIONS PROCESS**

Dr. La Farge discussed the process established by staff to review applications. Red flags are attached to applications if there is concern regarding the information or lack of information provided. Applications are reviewed by three staff members and at times by the investigation department. The Board decided to set up a committee to review and clarify or reorganize and improve the application review process and to present a report at the next Board meeting. Dr. Kovnat and Ms. Cochran will serve on this committee.

**5. PROPOSED MEDICAL PRACTICE ACT AMENDMENTS**

a. **Clarify proposed language for emergency summary suspension** – GTS Khalsa presented the proposed language that he and Ms. Hart will present to the Medical Society for approval

regarding an emergency summary suspension. This proposed language lists three areas in which the Board would be able to issue an emergency summary suspension to a licensee. First, if there is an immediate danger to the public. Second, if the licensee has been adjudged mentally incompetent or insane by a final order of the court, and third, if the licensee has plead guilty to a felony drug offense or any violent criminal offense in this state or in another jurisdiction. If approved by the Medical Society Council on January 13th, the proposed amendment will be taken to the Legislature. Ms. Cochran **MOVED** to approve the draft language as presented except to strike out the following from Section A (2) "by voluntary commitment to an institution for the treatment of mental illness". In any case of emergency summary suspension, the licensee could, by request, obtain a hearing regarding the suspension within fifteen (15) days. Dr. Kovnat **SECONDED**. **YES:** Kovnat, Weiner, Lauriello, Ghadimi, Giudice, Heim, Cochran and Ranka. **ABSENT:** Vigil **MOIION CARRIED**

**b. Proposed Peer Review legislation** – The draft language has been reviewed by the Medical Society and the Hospital Association. If passed by the Legislature, the Medical Board would be able to subpoena peer review records from a health care entity once adverse, reportable action against a licensee has been taken. The records would be confidential and not made available to the public. Any person acting as a peer review member or expert participating in a peer review process could not be compelled to participate in any Board investigation or action. Any documents the Board receives would only be related to the action that is by law reportable to the Board. If a third party subpoenaed the peer review records received by the Board, the Board would give notice of the subpoena to the peer review organization that provided the records. Ms. Cochran **MOVED** to approve the draft language as presented. Dr. Ranka **SECONDED**. **YES:** Kovnat, Weiner, Lauriello, Ghadimi, Giudice, Heim, Cochran and Ranka. **ABSENT:** Vigil **MOIION CARRIED**.

Ms. Hart discussed two additional amendments to the Medical Practice Act which had been reviewed by the Board at the last meeting. The first amendment would create and authorize an administrative fee for redoing or correcting applications. This fee will not exceed the original amount of the application. Dr. Weiner **MOVED** to approve the draft language as presented. Dr. Kovnat **SECONDED**. **YES:** Kovnat, Weiner, Lauriello, Ghadimi, Giudice, Heim, Cochran and Ranka. **ABSENT:** Vigil **MOIION CARRIED**.

The second amendment is to expand the language that allows our Board to initiate disciplinary action against a licensee based on discipline imposed on that licensee by another state board; new language would add disciplinary action imposed by this state board. Ms. Cochran **MOVED** to approve the draft language as presented. Dr. Kovnat **SECONDED**. **YES:** Kovnat, Weiner, Lauriello, Ghadimi, Giudice, Heim, Cochran and Ranka. **ABSENT:** Vigil **MOIION CARRIED**.

## **6. PHYSICIAN ASSISTANT ISSUES**

**a. Legislation re: supervising physicians** – The Board was not comfortable supporting an amendment striking 61-6-10 (C) which may be advocated by the Academy of Physician Assistants in this session of the Legislature. Dr. Kovnat **MOVED** that the Medical Board could accept the language that "A Physician Assistant shall be supervised by a physician as approved by the Board". Ms. Cochran **SECONDED**. **YES:** Kovnat, Weiner, Lauriello, Ghadimi, Heim, Cochran and Ranka. **ABSENT:** Vigil and Giudice **MOIION CARRIED**.

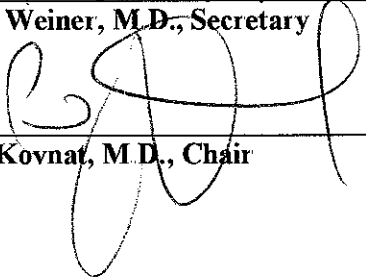
**b. License content and format** – Dr. Kovnat **MOVED** to remove the supervising physician's name from a physician assistant license. Dr. Weiner **SECONDED**. **YES:** Kovnat, Weiner, Lauriello, Ghadimi, Giudice, Heim, Cochran and Ranka. **ABSENT:** Vigil **MOIION CARRIED**.

Dr. Kovnat discussed the draft November minutes that were submitted to the Board members for review prior to public disclosure. All members agreed they would not like the names of practitioners who had been subject to Board action added until the minutes have been approved. Only the case numbers will be listed. Further discussion regarding this issue will be held at the February Board meeting.

7. **ADJOURN:** There being no further business, the meeting adjourned at 5:17 p.m.

**SUBMITTED:**  **Date:** 2/16/07  
Lynn Hart, Executive Director

**APPROVED:**  **Date:** 2/16/07  
Steve Weiner, M.D., Secretary

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