

**NEW MEXICO MEDICAL BOARD**  
*First Quarterly Meeting*  
February 15 - 16, 2007

**MINUTES**

**Members Present:**

Paul Kovnat, M.D., Chairman  
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.

**Members Absent:**

Prakash Ranka, M.D., Vice-Chair

**Also Present:**

Lynn Hart, Executive Director  
Grant La Farge, M.D., Medical Director  
Corliss Thalley, Assistant Attorney General  
G.I.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 8:48 a.m., Thursday, February 15, 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 Prakash Ranka, M.D.

**2. APPROVAL OF AGENDA**

Dr. Kovnat **MOVED** to add the Hearing Officer's Report on Stanton Packard, M.D. to Friday's agenda and approve the agenda. Ms Cochran **SECONDED** the motion. **YES:** Kovnat, Weiner, Giudice, Lauriello, Heim, Ghadimi, Vigil and Cochran. **ABSENT:** Ranka. **MOTION CARRIED.**

**3. APPROVAL OF MINUTES**

Mr. Heim **MOVED** to approve the minutes of the November 16 – 17, 2007 Quarterly Board meeting as presented. Dr. Weiner **SECONDED**. **YES:** Kovnat, Weiner, Giudice, Lauriello, Heim, Ghadimi, Cochran and Vigil. **ABSENT:** Ranka. **MOTION CARRIED.**

Mr. Heim **MOVED** to approve the minutes of the January 11, 2007 Interim Board meeting as presented. Dr. Weiner **SECONDED**. **YES:** Kovnat, Weiner, Giudice, Lauriello, Ghadimi, Cochran, Heim and Vigil. **ABSENT:** Ranka. **MOTION CARRIED.**

**4. NM MONITORED TREATMENT PROGRAM REPORT**

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

Weiner. **ABSENT:** Ranka. **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 MTP operating report and discussed the quarterly report and budget. He also reported that they have moved their offices to a different suite within the same complex.

## **5. Complaint Committee Reports**

**Executive Session:** **MOTION** was made by Ms. Cochran and **SECONDED** by Mr. Heim 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.

**Complaint Committee A.** On behalf of Complaint Committee A, Dr. Weiner **MOVED** that complaint cases 2006-A-046, 2006-A-100, 2006-A-111, 2006-A-113, 2006-A-118, 2006-A-126, 2006-A-128, 2006-A-131, 2006-A-132, 2006-A-137, 2006-A-159 and 2006-A-181 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, Vigil, Ghadimi and Heim. **RECUSED:** Weiner and Cochran. **ABSENT:** Ranka **MOTION CARRIED.**

**Complaint Committee B.** On behalf of Complaint Committee B, Dr. Vigil **MOVED** that complaint cases 2006-B-080, 2006-B-083, 2006-B-096, 2006-B-110, 2006-B-133, 2006-B-138, 2006-B-151, 2006-B-167, 2006-B-172 and 2006-B-180 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. **ABSENT:** Ranka **MOTION CARRIED.**

On behalf of Complaint Committee B, Dr. Vigil **MOVED** that complaint case 2006-B-033 (James Wolter, MD) be issued a Notice of Contemplated Action based on allegations of unprofessional conduct, unless physician agrees to voluntarily surrender his license, which is reportable to the Healthcare Integrity and Protection Data Bank. No second was required. **YES:** Kovnat, Lauriello, Giudice, Weiner, Cochran, Ghadimi and Heim. **RECUSED:** Vigil and Ranka. **ABSENT:** Ranka **MOTION CARRIED.**

On behalf of Complaint Committee B, Dr. Vigil **MOVED** that complaint case 2006-B-114 (James Zaenglein, MD) be issued a Stipulated License, to match the stipulations on his Colorado medical license, stating that he will not perform vertebroplasty procedures in New Mexico. No second was required. **YES:** Kovnat, Weiner, Lauriello, Giudice, Cochran, Ghadimi and Heim. **RECUSED:** Vigil and Ranka. **ABSENT:** Ranka **MOTION CARRIED.**

On behalf of Complaint Committee B, Dr. Vigil **MOVED** that complaint case 2006-B-196 (Steven Galyon, MD) be offered a formal Letter of Reprimand. If physician does not accept the Letter of Reprimand, then a Notice of Contemplated Action based on failure to report malpractice settlement, will be issued. **YES:** Kovnat, Weiner, Lauriello, Giudice, Cochran, Ghadimi and Heim. **RECUSED:** Vigil and Ranka. **ABSENT:** Ranka **MOTION CARRIED.**

**Complaint Committee C.** On behalf of Complaint Committee C, Mr. Heim **MOVED** that complaint cases 2006-C-106, 2006-C-108, 2006-C-115, 2006-C-127, 2006-C-143, 2006-C-146, 2006-C-164 and 2006-C-169 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, Weiner, Cochran and Ghadimi. **RECUSED:** Giudice and Heim. **ABSENT:** Ranka **MOTION CARRIED.**

On behalf of Complaint Committee C, Dr. Giudice **MOVED** that complaint case 2006-C-091 (Yvonne VanArsdale-Imani, MD) be issued a Notice of Contemplated Action for failure to comply with a Board request for information. No second was required. **YES:** Kovnat, Lauriello, Vigil, Weiner, Cochran and Ghadimi. **RECUSED:** Giudice and Heim. **ABSENT:** Ranka **MOTION CARRIED.**

On behalf of Complaint Committee C, Dr. Giudice **MOVED** that complaint case 2006-C-173 (Charles Goodell, MD) be offered a formal Letter of Reprimand and a \$750.00 fine. If physician does not accept this Letter of Reprimand and fine then a Notice of Contemplated Action based on failure to report action in another state will be issued. No second was required. **YES:** Kovnat, Lauriello, Vigil, Weiner, Cochran and Ghadimi. **RECUSED:** Giudice and Heim. **ABSENT:** Ranka **MOTION CARRIED.**

**Complaint Committee D.** On behalf of Complaint Committee D, Dr. Lauriello **MOVED** that complaint cases 2005-D-040, 2006-D-039, 2006-D-061, 2006-D-093, 2006-D-107, 2006-D-109, 2006-D-121, 2006-D-125, 2006-D-130, 2006-D-150 and 2006-D-168 be closed as there was no evidence of a violation of the Medical Practice Act or rules. No second was required. **YES:** Kovnat, Vigil, Weiner, Cochran, Giudice and Heim. **RECUSED:** Ghadimi and Lauriello. **ABSENT:** Ranka **MOTION CARRIED.**

On behalf of Complaint Committee D, Dr. Lauriello **MOVED** that the physician named in complaint case 2006-D-201 be asked to submit a letter stating that she will not use her New Mexico license without giving 120 days notice to the Board; an alternative would be for the physician to undergo an evaluation by the NM Monitor Treatment Program now, and then sign an out-of-state monitoring contract with MTP. If physician does not accept one of these options, then a Notice of Contemplated Action based on action in another state will be issued. No second was required. **YES:** Kovnat, Vigil, Weiner, Cochran, Giudice and Heim. **RECUSED:** Ghadimi and Lauriello. **ABSENT:** Ranka **MOTION CARRIED.**

On behalf of Complaint Committee D, Dr. Lauriello **MOVED** that the physician assistant applicant named in complaint case 2006-D-030 be informed that since he does not have current NCCPA certification, as required by Board rules, his application has been administratively denied for failure to meet minimal licensure requirements; this action would not be reportable to either national data bank and would close complaint case 2006-D-030. No second was required. **YES:** Kovnat, Vigil, Weiner, Cochran, Giudice and Heim. **RECUSED:** Ghadimi and Lauriello. **ABSENT:** Ranka **MOTION CARRIED.**

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

7. **LICENSING ISSUES, NEW APPLICANTS/REINSTATEMENTS:**

**A. 2006-B-141 (Alexis Hallock, MD)** - Dr. Kovnat **MOVED** to accept physician's request to withdraw her application for licensure and dismiss the pending Notice of Contemplated Action. Because the withdrawal would be while the application was under investigation, this action will be reported to the Healthcare Integrity and Protection Data Bank. Dr. Weiner **SECONDED.** **YES:** Kovnat, Weiner, Lauriello, Giudice, Cochran, Ghadimi and Heim. **RECUSED:** Vigil and Ranka. **ABSENT:** Ranka **MOTION CARRIED.**

**B. 2005-C-043** - After review of the clinical skills evaluation from CPEP, Dr. Kovnat **MOVED** to close this case because the evidence does not indicate any violation of the Medical Practice Act or Board rules. Ms. Cochran **SECONDED.** **YES:** Kovnat, Lauriello, Vigil, Weiner, Cochran and Ghadimi. **RECUSED:** Giudice and Heim. **ABSENT:** Ranka **MOTION CARRIED.**

**C. 2006-017 (Constance Carr, PA) and 2006-018 (Heramb Singh, MD)** - Dr. Vigil **MOVED** to dismiss the Notices of Contemplated Action against the physician and physician assistant named in this case and close the case with no action. Mr. Heim **SECONDED.** **YES:** Kovnat, Weiner, Vigil, Lauriello, Giudice, Cochran and Heim. **RECUSED:** Ghadimi. **ABSENT:** Ranka **MOTION CARRIED.**

**D. Binu Sugunan, MD** - Dr. Kovnat **MOVED** that the Board accept the request to make exception to the 7 year rule for completion of all three steps of the USMLEs, and allow Dr. Sugunan to submit his application after he takes and passes the last section of the exam in April. Dr. Giudice **SECONDED.** **YES:** Kovnat, Cochran, Ghadimi, Giudice, Lauriello, Heim, Vigil and Weiner. **ABSENT:** Ranka **MOTION CARRIED.**

**E. Clark Chipman, MD** - Dr. Kovnat **MOVED** that the Board accept Dr. Chipman's thirty-three years of practice in lieu of a second year of post-graduate training, grant his request for an exception to

the rule, and grant approval for reinstatement of his license. Mr. Heim **SECONDED**. **YES:** Kovnat, Cochran, Ghadimi, Giudice, Lauriello, Heim, Vigil and Weiner. **ABSENT:** Ranka **MOTION CARRIED**.

F. **Leslie King, MD** – Dr. Vigil **MOVED** that the Board accept Dr King's nine and a half years of practice in lieu of a second year of post-graduate training, grant her request for an exception to the rule, and grant her an unrestricted license. Mr. Heim **SECONDED**. **YES:** Kovnat, Cochran, Ghadimi, Heim, Vigil and Weiner. **NO:** Giudice and Lauriello **ABSENT:** Ranka **MOTION CARRIED**.

8. **DEFAULT HEARING – Case #2006-030, Mary E. Groves, MD** - GIS Khalsa requested this item be removed from the agenda until a later date.

## 9. **OLD BUSINESS**

A. **Discussion of hospital reporting requirements and compliance** – Ms. Hart discussed the proposed letter and reporting forms which would be sent to hospitals and other entities that are required by state and federal law to report adverse actions against physicians to the Board. Mr. Heim **MOVED** the Board approve the letter and forms and have staff send them out to the appropriate healthcare entities. Ms. Cochran **SECONDED**. **YES:** Kovnat, Cochran, Ghadimi, Giudice, Heim, Lauriello, Vigil and Weiner. **ABSENT:** Ranka **MOTION CARRIED**.

B. **Summary of license revocations, 1975 – 2006** – Ms. Felmley reviewed the information with the Board. The Board has revoked the licenses of 47 licensees since 1975. The largest number of revocations were made by default, when licensees did not answer Board allegations; other revocations were spread fairly evenly over actions in other states, sexual misconduct, substance abuse, falsification of applications or renewals, and other violations of the Medical Practice Act.

C. **Public Disclosure of Disciplinary Actions** – Ms. Hart discussed the issue of the timing and extent of public disclosure of Board actions with the Board, and requested the Board provide staff with clear instructions as to when contemplated disciplinary action and the name of the involved licensee should be disclosed to the public. Also, she wanted the Board to consider sending disciplinary action to the hospitals and other healthcare entities throughout the state. Ms. Cochran **MOVED** that Notices of Contemplated Action, and the names of the involved licensees, will be listed in the newsletter as well as the website after they have been formally issued. Mr. Heim **SECONDED**. **YES:** Kovnat, Cochran, Heim, Lauriello, Vigil and Weiner. **NO:** Giudice and Heim. **ABSENT:** Ranka **MOTION CARRIED**.

The draft minutes will continue to only reference case numbers, not the individual's name, until the minutes are approved by the Board.

D. **Review of NMMB Pain Management rule** – Discussion was held on the different pain management specialists and facilities, their relationships with the primary care physicians and continuing concerns about possible under treatment and over treatment of patient that may result from a lack of coordination between treating physicians. Dr. Kovnat requested that Dr. LaFarge invite Dr. Walter Forman from U.N.M. to attend the next Board meeting and update the Board about these issues. The Board also directed staff to do some research into what the Board might do to assist physicians who are treating complex pain management cases establish better networks with one another.

## E. **LEGISLATIVE SESSION UPDATES**

1. **Medical Practice Act amendments (SB 514 – Medical Licenses and Record Confidentiality)**, introduced by Senator Tim Jennings. Ms. Hart provided a status of this bill, which has moved from the Senate Public Affairs Committee to the Senate Judiciary Committee. The bill was amended to include language that was inadvertently omitted during the drafting process, including language that was agreed to by the NM Hospital Association.

2. **Insurance Adjuster Exemption (SB 807 – Medical Practice Act Exceptions)** was introduced by the chairman of the Judiciary Committee, Senator Cisco McSorley. The bill would exempt all insurance and workers compensation claims adjusters from the Medical Practice Act. A companion House Bill has also been introduced. After discussion, the Board agreed that claims adjusters do, indeed, practice medicine when they make determinations that affect current patient care, and that they should not be exempted from the MPA. Dr. Kovnat **MOVED** the Board strongly oppose SB 807. Mr. Ghadimi

**SECONDED. YES:** Kovnat, Cochran, Heim, Lauriello, Vigil, Giudice, Heim and Weiner. **ABSENT:** Ranka **MOTION CARRIED.**

**3. Unlicensed Practitioners (SB 18 – Permit Certain Unlicensed Health Care)** was introduced by Senator Komadina and would exempt persons engaged in traditional, cultural, complementary or alternative health care and who inform their clients that they are not practicing medicine from the licensure requirements of the Uniform Licensing Act. The Board agreed that it is not in the best interest of the health and safety of the NM public to allow anyone who simply says they are not practicing medicine, regardless of what they are, in fact, doing, to avoid any regulation or oversight by the state. Mr Ghadimi reported that he had spoken with Senator Komadina, who told him that SB 18 was given to him by someone from the Regulation and Licensing Department. Mr. Heim **MOVED** the Board strongly oppose this SB 18. Ms. Cochran **SECONDED**. **YES:** Kovnat, Cochran, Heim, Lauriello, Vigil, Giudice, Heim and Weiner. **ABSENT:** Ranka **MOTION CARRIED.**

**4. Telemedicine Bills (HB427 / SB 456 and HB428 / SB 538)** These are two bills introduced by Representative Danice Picraux, that have to do with different elements of telemedicine. Both bills include the definition of “telemedicine,” and Ms Felmley reported that she had discussed with Rep Picraux the possibility of amending both bills to include a clearer definition of “telemedicine.” The Board is considering ways to distinguish between internet prescribing and authentic telemedicine, and a clearer definition in statute would be quite useful. However, Rep Picraux indicated that she is not interested in amending either of the bills.

**5. Other bills of Interest** – Ms Felmley provided the Board with a table of bills that the Board has been asked to submit analyses for, to date. No discussion was held on these bills, but Dr Vigil asked that staff explain the process by which the Board becomes involved with any specific bill. Ms Hart explained that staff follows all bills that would affect the Board operations directly, as well as bills about issues that the Board has voted to take a position on.

## **10. NEW BUSINESS**

### **A. Proposed Rule Changes**

**1.** Dr. Kovnat **MOVED** to amend the language in Part 8 to read “One hour of required 75 hours of CME must be earned by reviewing the New Mexico Medical Practice Act and the Board rules. Physicians must certify that they have completed this review at the time they submit their triennial renewal application” and adopt the proposed changes to Part 1, 11, 12, 13 and 15 of the rules, Continuing Medical Education. Ms. Cochran **SECONDED** the motion. **YES:** Kovnat, Cochran, Heim, Lauriello, Vigil, Giudice, Heim and Weiner. **ABSENT:** Ranka **MOTION CARRIED.**

**2.** Ms. Cochran **MOVED** to adopt the proposed changes to Parts 9 and 15 of the rules, Physician Assistants: Licensure and Practice Requirements. Dr. Kovnat **SECONDED** the motion. **YES:** Kovnat, Ghadimi, Giudice, Haynes, Heim, Vigil and Weiner. **ABSENT:** Ranka **MOTION CARRIED.**

Mr. Ghadimi **MOVED** to adopt the proposed changes to Part 10 of the rules, Physician Assistants: Licensure and Practice Requirements. Ms. Cochran **SECONDED** the motion. **YES:** Kovnat, Ghadimi, Giudice, Haynes, Heim, Vigil and Weiner. **ABSENT:** Ranka **MOTION CARRIED.**

**3.** Ms. Cochran **MOVED** to adopt the proposed changes to Part 12 of the rules, Fees. Mr. Ghadimi **SECONDED** the motion. **YES:** Kovnat, Ghadimi, Giudice, Haynes, Heim, Vigil and Weiner. **ABSENT:** Ranka **MOTION CARRIED.**

**4.** The Board discussed the concept of creating a new license type that would limit licensees to the practice of administrative medicine. This would require a change to the Medical Practice Act as well as to Board rules. The issue arises from the half-dozen or so license applications the Board receives every year from physicians who have not actively practiced clinical medicine for the previous two years, some of whom ask for an exemption to that requirement on the basis that they plan to practice only administrative medicine. The Board has historically offered these applicants the choice of demonstrating current competence or accepting a stipulated license that limits their practice. A stipulation, however, is a reportable disciplinary action, and some of the applicants object to that characterization. The Board does not license by specialty – once licensed, a physician may practice any medical specialty he or she decides

to – hence the notion of a new license category. Staff reported that a survey of other state medical boards found that only two have an administrative license category; others follow the same policy as the NMMB. After some discussion, Dr Kovnat **MOVED** that the Board affirm its existing policy: applicants who have not actively practiced clinical medicine for the two years prior to application must demonstrate current competence through a method approved by the Board, accept a stipulated license, or have their application for licensure denied for failure to meet minimum licensing requirements. Mr. Heim **SECONDED** the motion. **YES:** Kovnat, Ghadimi, Giudice, Haynes, Heim, Vigil and Weiner. **ABSENT:** Ranka **MOTION CARRIED.**

**B. Request from NM Medical Society re: notification of Board actions** – The Medical Society has requested the Board provide information about all Board actions, including NCAs and Orders, to hospitals more rapidly. Currently, hospitals must contact the Board office, check the Board’s web site for specific physicians, or request NPDB reports to find information about their physicians and physicians assistants. Ms Felmley reported that she currently has an email notification list, but that only a few hospitals have requested to be added to that list. The Board directed Ms. Hart to handle the request proactively by contacting all hospitals in the state and asking how they would like to receive Board information.

**C. Articles – “Discipline against doctors goes unreported critics say” Des Moines Register** – The Board reviewed the article and no action was required.

#### **11. INFORMAL INTERVIEWS**

Cliff Brashar, M.D., James Bradley, M.D., Nathan Crowder, P.A., Jennifer Iso, P.A., Todd Rose, M.D., and Chris Gallagher, M.D. were interviewed in open session and discussed their current practices and compliance with the Board.

**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, Cochran, Ghadimi, Giudice, Lauriello, Heim, Vigil and Weiner. **ABSENT:** Ranka **MOTION CARRIED.** Laura Allen, M.D., Sandy Herrin, M.D., Johnnie Vigil, M.D., Jeff Neidhart, M.D., and Robert Graor, 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.

**RECESS 6:17 p.m.**

**RECONVENE.** The Board reconvened at 9:02 a.m. on Friday morning with all members present except for Prakash Ranka, M.D.

**12. NM HEALTH POLICY COMMISSION – PAT LARRAGOITE, DDS, EXECUTIVE DIRECTOR AND COMMISSIONERS** – The Director and Members of the Health Policy Commission (HPC) visited with the Board. HPC staff presented a map with the number of physicians licensed in each NM county and discussed the pending physician survey that will be going out to all physicians licensed in our state. They hope to start providing agencies with more accurate information to use for individual research or information. Dr Larragoite also informed the Board about House Bill 764, which proposes to relocate the functions of the Health Policy Commission to a new division within the Department of Health. Mr Heim **MOVED** that the sense of the Board is that the Health Policy Commission performs valuable functions for the state, and should remain an independent agency. Mr. Ghadimi **SECONDED** the motion. **YES:** Kovnat, Ghadimi, Giudice, Lauriello, Heim, Vigil and Weiner. **ABSENT:** Cochran and Ranka **MOTION CARRIED**

#### **13. INFORMAL INTERVIEWS, CONTINUED**

**Kevin Holbrook, MD - Executive Session:** **MOTION** was made by Dr. Giudice and **SECONDED** by Ms. Cochran to go into executive session to discuss matters of licensure. **YES:** Kovnat, Cochran,

Ghadimi, Giudice, Lauriello, Heim, Vigil 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.

**DECISION AND ORDER, Case #2006-027, Stanton Clark Packard, MD** – This case was considered in a default hearing by the Board in an earlier meeting; in the interim, staff was able to locate Dr Packard, the initial Board decision was set aside and a new hearing was scheduled. Dr. Lauriello **MOVED** to accept the Hearing Officer's Report and accept the Settlement Agreement and fine of \$750.00 that Dr Packard has already agreed to. Mr. Heim **SECONDED.** **YES:** Heim, Giudice, Lauriello, Kovnat and Weiner. **RECUSED:** Ranka and Vigil. **ABSENT:** Ranka, Ghadimi and Cochran. **MOTION CARRIED.**

#### **LICENSING ISSUES**

**2006-C-031 Reconsider IPC Requirement** – the Board discussed that the physician named in this case has placed his license on inactive status and moved to another state. Because of this, the Board was willing to reconsider their requirement that he return to NM for a meeting with an Impaired Physician Committee. **MOTION** was made by Dr. Vigil to dismiss the IPC requirement and close Case 2006-C-031. Mr. Ghadimi **SECONDED.** **YES:** Kovnat, Lauriello, Vigil, Weiner and Ghadimi. **RECUSED:** Giudice and Heim. **ABSENT:** Ranka, Heim and Cochran. **MOTION CARRIED.**

On behalf of Complaint Committee D, Mr. Ghadimi **MOVED** that complaint case 2006-D-093 be closed as there was no evidence of a violation of the Medical Practice Act or rules. No second was required. **YES:** Kovnat, Heim, Giudice, Weiner and Vigil. **RECUSED:** Ghadimi and Lauriello. **ABSENT:** Ranka and Cochran **MOTION CARRIED.**

**James Hartenbach, MD, Case No. 2005-009** – The Board noted that Dr Hartenbach has provided the Board with a letter stating that he will not practice medicine in New Mexico until he receives authorization from the Board. The Board directed Ms Felmley to send Dr Hartenbach a letter informing him of the Board's strong request that he begin immediately to follow the recommendations of a recent evaluation and to start the process of re-establishing participation in MTP. The Board will review the case and consider next steps at the March interim meeting.

#### **14. REPORTS**

**A. Chair.** Dr. Kovnat asked which Board members will be attending the FSMB meeting in May. Mr. Heim, Dr. Vigil and Mr. Ghadimi plan to attend. Dr. Weiner will let the Board know at a later date. Also, the Board was reminded that the May meeting has been moved to May 10 and 11, 2007

**B. Executive Director.** Ms. Hart gave an update of the budget and explained that there is a shortfall for FY07 and FY08. The primary area of concern is in expenses for disciplinary hearings – the expenses include expert testimony, court reporters, hearing officers, etc, and vary from hearing to hearing, year to year. In order to support the Board's ability to pursue disciplinary action whenever appropriate, without financial limitations, Ms Hart has requested additional authority to spend above the standard 5% budget adjustment request authority. The budget has not yet been passed by the Legislature. Ms Hart also presented to the Board processes that have been set up by staff to provide a thorough review of licensing applications.

**C. Medical Director.** Dr. LaFarge gave an update on the Supervision Task Force. The committee has met three times and reviewed different parts of the Rule and also the Medical Practice Act. They have come up with suggestions for changes, but will have to wait until the next legislative session to suggest changes to the Medical Practice Act. Dr. Lauriello and the Task Force will meet again to review areas dealing with the supervisory concerns that apply to prescribing Psychologist and their supervising Physicians. Dr. La Farge also briefly reviewed the annual update of the table of NM licensed, practicing Physicians by county. The number continues to increase annually, though data are not available to calculate number of MD's per 100,000 population.

**D. Assistant Attorney General** – Ms Thalley reported on the status of the District Court appeals of Drs Goldberg, Schwartz and Said. Dr Goldberg lost his appeal in District Court but is working

## MEETING SUMMARY

### Licensing Actions, in alpha order:

#### Licensing

Clark Chipman, MD – grant exception to 2 year PGT rule and issue full license  
Leslie King, MD – grant exception to 2 year PGT rule and issue full license  
Binu Sugunan, MD – grant exception to 7 year rule and issue full license

#### Discipline/Compliance

**Constance Carr, PA, 2006-018** - Dismiss NCA and close complaint case 2005-D-090 with no action

**Heramb Singh, MD, 2006-017** - Dismiss NCA and close complaint case 2005-D-090 with no action

**Stanton Packard, MD, 2006-027** - Accept Hearing Officer's Report and settlement of fine and letter of reprimand based on failure to report action by another board and falsification of response to NMMB

**James Wolter, MD, 2006-B-033** - Issue Notice of Contemplated Action based on unprofessional conduct

**Yvonne VanArsdale-Imani, MD, 2006-C-091** - Issue Notice of Contemplated Action based on failure to respond to Board investigation

**James Zaenglein, MD, 2006-B-114** - Offer stipulation of licensure to match action taken in another state

**Alexis Hallock, MD, 2006-B-141** - Accept request to withdraw application while under investigation, report to HIPDB

**Charles Goodell, MD, 2006-C-173** - Offer letter of reprimand and fine for failure to report action taken by another state

**Steven Galyon, MD, 2006-B-196** - Offer letter of reprimand for failure to report action by another state

#### Proposed rule changes – cleared for public hearing process

Continuing Medical Education - 16.10.4 NMAC  
Physician Assistants: Licensure & Practice Requirements - 16.10.15 NMAC  
Fees - 16.10.9 NMAC

#### Other actions/decisions

Board strongly opposes passage of SB807 and HB18




on taking the case for further appeal, and Dr Schwartz has filed an appeal with District Court but has not yet requested a hearing date. The case has been fully briefed. Dr Said has filed an appeal with District Court, and briefs in the case are due soon.

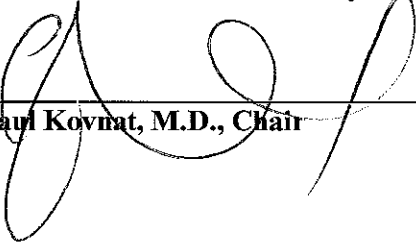
**E. Administrative Prosecutor** – Mr. Khalsa did not have a report at this time.

**F. Compliance Report.** Ms. Felmley reviewed the compliance report and provided status on all licensees. As discussed with MIP and during the informal interviews, one licensee has relapsed and two other licensees are not currently in full compliance with their agreements with the Board. Ms. Felmley indicated that she had received necessary direction from the Board on all of these cases.

**15. ADJOURN:** There being no further business, the meeting adjourned at 12:00 p.m.

SUBMITTED:  Date: 5/10/07  
Lynn Hart, Executive Director

APPROVED:  Date: 5/10/07  
Steve Weiner, M.D., Secretary

APPROVED:  Date: 5/10/07  
Paul Kovnat, M.D., Chair