

**NEW MEXICO MEDICAL BOARD**  
*Interim Meeting*  
**March 29, 2007**

**MINUTES**

**Members Present:**

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

**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, Public Information Officer  
Lynn Tipton, Administrative Assistant

**1. CALL TO ORDER**

The interim meeting of the New Mexico Medical Board convened at 4:05 p.m., Thursday, March 29, 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.

**2. APPROVAL OF AGENDA**

Dr. Kovnat **MOVED** to approve the agenda as amended to review Case No. 2007-D-048 and a possible settlement on 2006-017, Gerard Dericks, M.D. **YES:** Kovnat, Ranka, Weiner, Cochran, Giudice, Vigil, Heim, Ghadimi and Lauriello. **MOTION CARRIED.**

**3. COMPLAINT COMMITTEE REPORTS**

a. On behalf of Complaint Committee D, Mr. Ghadimi **MOVED** that the physician assistant in Case No. 2006-D-205 (Christopher Stacey, P.A.) be required to provide the NM Medical Board with a letter stating he will provide his immediate supervisor and all future supervisors information regarding his Washington State action; once the letter has been received by the Board, the PA will be issued an unrestricted license. No second was required. **YES:** Kovnat, Ranka, Weiner, Cochran, Giudice, Vigil, and Heim **RECUSED:** Ghadimi and Lauriello. **MOTION CARRIED.**

b. On behalf of Complaint Committee B, Dr. Ranka **MOVED** that complaint case 2005-B-049 be closed as there was no evidence of a violation of the Medical Practice Act or rules. No second was required. **YES:** Kovnat, Weiner, Cochran, Giudice, Heim, Lauriello and Ghadimi. **RECUSED:** Vigil and Ranka. **MOTION CARRIED.**

c. On behalf of Complaint Committee D, Mr. Ghadimi **MOVED** that complaint case 2007-D-048 be closed as there was no evidence of a violation of the Medical Practice Act or rules. No second

was required. **YES:** Kovnat, Ranka, Weiner, Cochran, Giudice, Vigil and Heim. **RECUSED:** Ghadimi and Lauriello. **MOTION CARRIED.**

**4. LICENSING AND COMPLIANCE ISSUES**

**a. Chris Gallagher, M.D.** – Dr. Kovnat **MOVED** that the Board not make any changes at this time to Dr. Gallagher's resident license. Dr. Weiner **SECONDED**. **YES:** Kovnat, Ranka, Weiner, Cochran, Giudice, Vigil, Heim, Ghadimi and Lauriello. **MOTION CARRIED.**

**b. Barry Maron, M.D.** – Dr. Kovnat **MOVED** that the Board postpone Dr. Maron's requests until they can meet with him at the May meeting. Dr. Weiner **SECONDED**. **YES:** Kovnat, Ranka, Weiner, Cochran, Giudice, Vigil, Heim, Ghadimi and Lauriello. **MOTION CARRIED.**

**c. Updates on Dr. Hartenbach, Dr. Holbrook, Dr. Graor and Dr. Vigil.**

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

**5. DEFAULT HEARING – Case No. 2006-032 – Mary Groves, M.D.** Mr. Khalsa presented the case against Dr. Groves as charged in the Notice of Contemplated Action (NCA) issued on February 16, 2007. The NCA was sent to the last known address of Dr. Groves by certified mail. A copy of the transcript of the Default Hearing is available in the Board office.

Dr. Weiner **MOVED** to suspend Dr. Groves's license, based on evidence presented in the default hearing. Pursuant to the Impaired Act, Section 61-7-9, Dr. Groves can request reinstatement of her license, but would need to meet with an Impaired Physician Committed prior to the Board considering reinstatement of her license. Dr. Kovnat **SECONDED**. **YES:** Kovnat, Weiner, Cochran, Giudice, Heim, Ghadimi and Lauriello. **RECUSED:** Ranka and Vigil. **MOTION CARRIED.**

**6. GERARD DERRICKS, M.D. – Case No. 2006-019 – possible settlement.** Mr. Ghadimi **MOVED** to approve an Order of Dismissal with Prejudice. Dr. Derricks has agreed not use his New Mexico license, and he will not reapply after his New Mexico license expires on June 30, 2008. This Order will be reported to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank. Dr. Vigil **SECONDED**. **YES:** Kovnat, Ranka, Vigil, Giudice, Heim, Ghadimi and Lauriello. **RECUSED:** Weiner and Cochran. **MOTION CARRIED.**

**7. DISCUSSION OF CRIMINAL BACKGROUND CHECKS IMPLEMENTATION.** Ms. Felmley updated the Board on the status of background checks. Resident licensees will be required to provide fingerprint cards in 2007 during their renewal process and background checks will be processed. Background checks of new physician applicants will go into effect July 1, 2007. Renewing physicians will start the process in April, 2008. At the May meeting discussion will be held regarding notifying the licensees of this new policy and procedure.

**8. LEGISLATIVE WRAP-UP.** Ms. Hart gave a status update of the bills that were being followed this legislative session by the Medical Board. A MEMO was sent to the Governor's office regarding the bill containing the Board's proposed amendments to the Medical Practice Act (SB 514): the emergency suspension of a license, retrieving peer review records and supervision of physician assistants. SB 514 passed both houses of the Legislature and is awaiting the Governor's signature. SB 807, the bill that was introduced which would have exempted insurance adjustors from the Medical Practice Act was tabled in House and Senate committees.

9. **DISCUSSION OF POTENTIAL RULE CHANGES:**

a. **Administrative Warnings** – The Board discussed this process and the legalities in New Mexico.

b. **Implementing MPA amendments:** A presentation will be made by the staff and committees at the May board meeting to amend the following rules:

- i. PA Supervision
- ii. Fees
- iii. Emergency suspension

c. **Other**

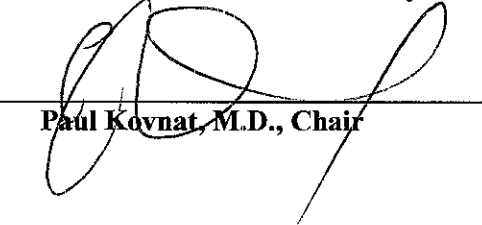
**Executive Session:** MOTION was made by Dr. Kovnat and SECONDED by Dr. Weiner to go into executive session to discuss matters of pending litigation. YES: Kovnat, Ranka, Weiner, Cochran, Giudice, Vigil, Heim, Ghadimi and Lauriello. MOTION CARRIED.

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.

10. **ADJOURN:** There being no further business, the meeting adjourned at 5:25 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