

**NEW MEXICO MEDICAL BOARD**  
*Second Quarterly Meeting*  
May 10 - 11, 2007

**MINUTES**

**Members Present:**

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

**Absent:**

Steven Weiner, M.D., Secretary-Treasurer

**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 8:36 a.m., Thursday, May 10, 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 Steven Weiner, M.D.

**2. APPROVAL OF AGENDA**

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

**3. APPROVAL OF MINUTES**

Ms. Cochran **MOVED** to approve the minutes of the February 15 - 16, 2007 Quarterly Board meeting. Mr. Heim **SECONDED**. **YES:** Kovnat, Giudice, Lauriello, Heim, Ghadimi, Cochran and Vigil. **ABSENT:** Ranka. **MOTION CARRIED.**

Mr. Heim **MOVED** to approve the minutes of the March 29, 2007 Interim Board meeting as presented. Ms. Cochran **SECONDED**. **YES:** Kovnat, Giudice, Lauriello, Ghadimi, Cochran and Vigil. **ABSENT:** Ranka. **MOTION CARRIED.**

**4. NM MONITORED TREATMENT PROGRAM REPORT**

Mr. Thayer gave an update on the operating report and discussed the third quarter report and budget. He corrected the total expense figure to reflect a small deficit of \$371.26. He also reported they were moving their offices to a different suite which would create more space and a savings in building expenses.

**Executive Session:** **MOTION** was made by Dr. Kovnat and **SECONDED** by Dr. Ranka to go into executive session to discuss matters of licensure **YES:** Kovnat, Ranka, Ghadimi, Giudice, Lauriello, Heim, Vigil and Cochran. **MOTION CARRIED.** Jon Thayer, Dan Collins, M.D., and Connie Merrell were present to discuss the status of mandatory MTP participants. Mr. Thayer, Dr. Collins and Ms. Merrell left the meeting and the Board remained in Executive Session to continue to discuss matters of licensure

#### **5. Complaint Committee Reports**

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, Ms. Cochran **MOVED** that complaint cases 2005-A-155, 2006-A-026, 2006-A-071, 2006-A-094, 2006-A-102, 2006-A-144, 2006-A-175, 2006-A-183, 2006-A-188, 2006-A-192, 2006-A-193, 2006-A-202, 2007-A-014 and 2007-A-024 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:** Cochran. **MOTION CARRIED.**

On behalf of Complaint Committee A, Ms. Cochran **MOVED** that complaint case 2005-A-089 (Worker's Compensation Insurance Adjusters) be referred to the Attorney General's Office for consideration to file suit against the Workers Compensation Administration for an injunction that would stop the adjusters from making medical decisions that directly affect patient care without the supervision of a licensed NM physician. No second was required. **YES:** Kovnat, Ranka, Lauriello, Giudice, Vigil, Ghadimi and Heim. **RECUSED:** Cochran. **MOTION CARRIED.**

**Complaint Committee B.** On behalf of Complaint Committee B, Dr. Ranka **MOVED** that complaint cases 2006-B-152, 2006-B-156, 2006-B-160, 2006-B-174, 2006-B-177, 2006-B-203, 2007-B-001, 2007-B-003, 2007-B-007, 2007-B-011, 2007-B-015, 2007-B-018, 2007-B-019 and 2007-B-030 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, Cochran, Ghadimi and Heim. **RECUSED:** Vigil and Ranka. **MOTION CARRIED.**

On behalf of Complaint Committee B, Dr. Ranka **MOVED** that the complainant in case 2007-B-050 be allowed to withdraw the complaint, and that the case be closed with no action. No second was required. **YES:** Kovnat, Lauriello, Giudice, Cochran, Ghadimi and Heim. **RECUSED:** Vigil and Ranka. **MOTION CARRIED.**

On behalf of Complaint Committee B, Dr. Ranka **MOVED** that the physician in complaint case 2006-B-090 (Vijay Agarwal, MD) be offered a formal letter of reprimand with the condition that he repay the fees he received. If the physician does not accept, then the Board will issue a Notice of Contemplated Action based on fraudulent billing. No second was required. **YES:** Kovnat, Lauriello, Giudice, Cochran, Ghadimi and Heim. **RECUSED:** Vigil and Ranka. **MOTION CARRIED.**

On behalf of Complaint Committee B, Dr. Ranka **MOVED** that complaint case 2007-B-018 be closed as there was no evidence of a violation of the Medical Practice Act or rules. No second was required. No second was required. **YES:** Kovnat, Lauriello, Cochran, Ghadimi and Heim. **RECUSED:** Ranka. **ABSENT:** Giudice and Vigil. **MOTION CARRIED.**

**Complaint Committee C.** On behalf of Complaint Committee C, Dr. Giudice **MOVED** that complaint cases 2006-C-149, 2006-C-153, 2006-C-158, 2006-C-162, 2006-C-176, 2006-C-185, 2006-C-198, 2006-C-199, 2006-C-207, 2007-C-010, 2007-C-012, and 2007-C-022 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, Cochran and Ghadimi. **RECUSED:** Giudice and Heim. **MOTION CARRIED.**

On behalf of Complaint Committee C, Dr. Giudice **MOVED** that complaint case 2006-C-208 (John Mathias, MD) be closed with a serious letter of concern. This letter is not a formal reprimand and therefore is not reportable to the NPDB. No second was required. **YES:** Kovnat, Lauriello, Vigil, Ranka, Cochran and Ghadimi **RECUSED:** Giudice and Heim. **MOTION CARRIED.**

On behalf of Complaint Committee C, Dr. Giudice **MOVED** that the physician in complaint case 2007-C-032 be referred for evaluation by an Impaired Physician Committee. No second was required. **YES:** Kovnat, Lauriello, Vigil, Ranka, Cochran and Ghadimi. **RECUSED:** Giudice and Heim. **MOTION CARRIED.**

**Complaint Committee D.** On behalf of Complaint Committee D, Dr. Lauriello **MOVED** that complaint cases 2005-D-112, 2006-D-076, 2006-D-139, 2006-D-145, 2006-D-166, 2006-D-170, 2006-D-179, 2006-D-187, 2006-D-191, 2006-D-197, 2007-D-004, 2007-D-005 and 2007-D-006 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, Cochran, Giudice and Heim **RECUSED:** Ghadimi and Lauriello. **MOTION CARRIED.**

On behalf of Complaint Committee D, Dr. Lauriello **MOVED** that complaint case 2006-D-120 be closed as there was no evidence of a violation of the Medical Practice Act or rules. No second was required. **YES:** Kovnat, Ranka, Cochran and Heim **RECUSED:** Ghadimi and Lauriello **ABSENT:** Giudice and Vigil. **MOTION CARRIED.**

On behalf of Complaint Committee D, Dr. Lauriello **MOVED** that the physician in complaint case 2007-D-009 (Timothy Busch, PA) be offered a stipulated license requiring participation in the Monitored Treatment Program and other standard substance abuse stipulations. If refused, then the Board will issue a Notice of Contemplated Action based on substance abuse and impairment. No second was required. **YES:** Kovnat, Vigil, Ranka, Cochran, Giudice and Heim. **RECUSED:** Ghadimi and Lauriello. **MOTION CARRIED.**

**Complaint Committee E.** Dr. Kovnat did not report at this time on complaint case 2007-E-056.

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

**7. Decision and Order - Case 2006-031, Robert Knight, MD.**

Dr. Kovnat **MOVED** to accept the Hearing Officer's recommended Findings of Facts number 1 through 39 in their entirety. Dr. Ranka **SECONDED** the motion. **YES:** Kovnat, Ranka, Heim, Ghadimi and Lauriello. **RECUSED:** Cochran **ABSENT:** Giudice and Vigil.

Dr. Kovnat **MOVED** to accept the proposed Conclusions of Law. Dr. Ranka **SECONDED** the motion. **YES:** Kovnat, Ranka, Heim, Ghadimi and Lauriello. **RECUSED:** Cochran **ABSENT:** Giudice and Vigil.

Dr. Kovnat **MOVED** to issue an Order to deny Robert Knight, MD's application for a license to practice medicine in New Mexico. He will not be eligible to reapply until more than five years from the date of the Decision and Order. If he re-applies in the future, Dr. Knight will be required to satisfy the requirements for licensure at the time the application is made and successfully complete and pass a special examination for current competence as required under 16 10.3.11 NMAC or any subsequent regulation. Moreover, if Dr. Knight re-applies, he shall have the burden to prove by a preponderance of the evidence that he is fully rehabilitated from the grounds that gave rise to the allegations in the Colorado disciplinary action and that he is currently qualified to practice medicine in a professional manner without a risk of harm or danger to the public. The Board may also require that he be evaluated by a psychiatrist or a psychologist approved by the Board prior to obtaining a license. Mr. Heim **SECONDED** the motion. **YES:** Kovnat, Ranka, Heim, Ghadimi and Lauriello. **RECUSED:** Cochran **ABSENT:** Giudice and Vigil.

A copy of the Findings of Fact, Conclusions of Law and Final Decision and Order is attached

**8. Decision and Order – Case 2006-028, Kip Wells, MD.**

Dr. Kovnat **MOVED** to affirm the Hearing Officer's decision granting the Administrative Prosecutor's Pre-Hearing Motion to Amend NCA. Mr. Heim **SECONDED** the motion. **YES:** Kovnat, Ranka, Heim, Ghadimi and Lauriello. **RECUSED:** Cochran. **ABSENT:** Giudice and Vigil.

Dr. Kovnat **MOVED** to affirm the Hearing Officer's decision to deny Respondent's Pre-Hearing Motion to Dismiss the Charges. Mr. Heim **SECONDED** the motion. **YES:** Kovnat, Ranka, Heim, Ghadimi and Lauriello. **RECUSED:** Cochran. **ABSENT:** Giudice and Vigil.

Mr. Ghadimi **MOVED** to continue the Protective Order concerning Respondent's Treatment Records, Board Exhibit 1. Dr. Kovnat **SECONDED** the motion. **YES:** Kovnat, Ranka, Heim, Ghadimi and Lauriello. **RECUSED:** Cochran. **ABSENT:** Giudice and Vigil.

Dr. Ranka **MOVED** to accept the Hearing Officer's recommended Findings of Facts number 1 through 18 in their entirety. Dr. Kovnat **SECONDED** the motion. **YES:** Kovnat, Ranka, Heim, Ghadimi and Lauriello. **RECUSED:** Cochran. **ABSENT:** Giudice and Vigil.

Dr. Kovnat **MOVED** to accept the proposed Conclusions of Law. Dr. Ranka **SECONDED** the motion. **YES:** Kovnat, Ranka, Heim, Ghadimi and Lauriello. **RECUSED:** Cochran. **ABSENT:** Giudice and Vigil.

Dr. Kovnat **MOVED** to issue an Order that Dr. Wells shall receive a formal written letter of reprimand and shall be assessed a fine of \$1,000.00. The fine shall be paid within thirty (30) days of date of this Order. It is further ordered that this disciplinary action shall be reported to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank. Mr. Heim **SECONDED** the motion. **YES:** Kovnat, Ranka, Heim, Ghadimi and Lauriello. **RECUSED:** Cochran. **ABSENT:** Giudice and Vigil. A copy of the Decision and Order is attached.

**THE BOARD RECESSED FOR LUNCH AT 12:00 p.m.**

**9. LICENSING ISSUES, NEW APPLICANTS/REINSTATEMENTS**

**Christine Carlos, MD** – No report was given at this time.

**Lisa Noya-Burnett, MD** – Dr. Kovnat **MOVED** to grant a six month waiver to supervise up to four physician assistants. Dr. Noya-Burnett must submit a written supervisory plan to the Board office within 30 days, and at the end of the six month waiver any renewal will be subject to the rules for PA supervision that are in place at that time. Dr. Vigil **SECONDED**. **YES:** Kovnat, Lauriello, Vigil, Cochran, Heim, Ghadimi and Lauriello. **ABSENT:** Ranka.

**Odiah Nwaezeapu, MD** – 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. Dr. Vigil **SECONDED**. **YES:** Kovnat, Lauriello, Vigil, Cochran, Heim, Ghadimi and Lauriello. **ABSENT:** Ranka.

**Claudia Paz, MD** – Dr. Vigil **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 her an unrestricted license. Mr. Heim **SECONDED**. **YES:** Kovnat, Lauriello, Vigil, Cochran, Heim, Ghadimi and Lauriello. **ABSENT:** Ranka.

**Victor Mancha, MD** – Dr. Lauriello **MOVED** that the Board accept Dr. Mancha's request to supervise Janelle Mancha, RDH as his medical assistant for intra-oral anesthesia, pursuant to Board rules. Ms. Mancha may only use her RDH credentials as consistent with and permitted by the Dental Board. Ms. Cochran **SECONDED**. **YES:** Kovnat, Lauriello, Vigil, Ranka, Cochran, Heim, Ghadimi and Lauriello.

**Matthew Hudkins, MD** – Dr. Kovnat **MOVED** to deny Dr. Hudkin's request for an exception to Board rules requiring completion of two years of postgraduate training. Ms. Cochran **SECONDED**. **YES:** Kovnat, Lauriello, Vigil, Ranka, Cochran, Heim, Ghadimi and Lauriello.

**Marvin Godner, MD** – Dr. Kovnat **MOVED** that the Board grant 40 hours continuing medical education hours to Dr. Godner for his teaching work in Southeast Asia. Dr. Vigil **SECONDED**. **YES:** Kovnat, Lauriello, Vigil, Ranka, Cochran, Heim, and Ghadimi .  
**ABSTAIN:** Giudice.

## **10. NEW BUSINESS**

**A. Election of Officers.** Dr Ranka announced that he would not be standing for reelection as Vice Chair. Ms. Cochran **MOVED** that the Board continue Dr Kovnat as Chair, accept the nomination of Dr Weiner for Vice-Chair and the nomination of Dr. Lauriello for Secretary-Treasurer. Dr. Vigil **SECONDED**. **YES:** Kovnat, Lauriello, Vigil, Ranka, Cochran, Heim, Ghadimi and Giudice.

**B. Adopt Open Meetings Resolution.** Dr. Vigil **MOVED** that the Board adopt the Open Meetings Resolution as presented. Ms. Cochran **SECONDED**. **YES:** Kovnat, Lauriello, Vigil, Ranka, Cochran, Heim, Ghadimi and Giudice.

**C. Schedule Meeting Dates for 2008.** Dr Kovnat suggested that the Board tentatively accept the meeting dates as presented and finalize at the June Interim Meeting.

**D. Implementation of the Lynn and Erin Compassionate Use Act (SB 523).** Ms Hart reminded everyone that the Medical Society has been given the task of providing the Department of Health with a list of nominations for the Advisory Board that will assist the Department in developing and implementing the medical marijuana program. She also informed the Board that if they have someone they would like to recommend for the Advisory Board to let her know and she would forward the information to the Medical Society.

**E. Implementation of Physician Licensure Requirements (SB 20).** SB 20 removed the limitation of two physician assistants per supervising physician, and the Board will need to make changes to the PA rules to implement the new law. A committee of Dr Vigil, Dr Lauriello, Dr Weiner and Mr Ghadimi, staffed by Dr La Farge and Ms Felmley, will develop proposed rules changes and present them to the Board at the June Interim Meeting. The proposed changes will then be made available for public comment prior to the rule hearing planned for the August Board meeting.

**F. House Joint Memorial 71 – Scope of Practice Study.** Staff will continue to follow this memorial and report to the Board.

**G. Senate Memorial 48 – Legal Protection of Health Care Therapies.** Staff will continue to follow this memorial and report to the Board.

**H. Internet prescribing – proposed change to 16.10.8 Medical Ethics.** Ms. Cochran **MOVED** to replace the word “adequate” with “appropriate” in Paragraph 16.10.8.7 and accept the proposed changes to this rule. The proposed changes will be made available for public comment prior to the rule hearing planned for the August Board meeting. Dr. Kovnat **SECONDED**. **YES:** Kovnat, Lauriello, Vigil, Ranka, Cochran, Heim, Ghadimi and Lauriello

**I. NM Medical Society Resolutions B-201 and B-202.** The Board members read these two resolutions, and will await further communication from the Medical Society about the outcome of the discussion at the upcoming meeting of the NM Medical Society House of Delegates.

**J. 2006 Survey of New Licenses.** Ms Felmley gave an update of responses received on the 2006 new licensee surveys. An estimated 30% of new licensees returned the survey to the Board, and of these, 85% rated their overall satisfaction with the service they received from the Board as “excellent” or “very good.” The Board asked the licensing staff – Barbara Mohler, Julie Martinez, David Padilla and Diana Padilla – to come into the room so that they could congratulate them all on their hard work.

**K. Announcement.** Dr Vigil informed the Board that he will be leaving the Board because he has just been appointed to be the new Secretary of the NM Department of Health, effective June 4<sup>th</sup>.

## **11. INFORMAL INTERVIEWS**

Cliff Brashar, MD, James Bradley, MD, Todd Rose, MD, Jennifer Iso, PA, Nathan Crowder,

PA, Robert Graor, MD, Johnnie Vigil, MD and Chris Gallagher, MD were interviewed in open session and discussed their current practices and compliance with the Board. Dr. Lauriello **MOVED** to amend Dr. Rose's stipulation from quarterly to biannual visits with the Board. Ms. Cochran **SECONDED**. **YES:** Kovnat, Ranka, Ghadimi, Giudice, Lauriello, Heim, Vigil and Cochran **MOTION CARRIED.**

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

Laura Allen, MD, Kevin Holbrook, MD and Barry Maron, MD 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.

Ms. Hart introduced Linda Lee, Deputy Director of Boards and Commissions from Regulation and Licensing. She is also the administrator for the Psychologist Board and looks forward to working with our Board.

**RECESS** 5:30 p.m.

**RECONVENE.** The Board reconvened at 9:10 a.m. on Friday morning with all members present except for Vivian Giudice, MD, Steven Weiner, MD and Alfredo Vigil, MD.

## **12. OLD BUSINESS**

**A. Criminal Background Check "roll out" and rule re-writes.** Ms. Felmley provided an update on the Criminal Background Checks. The Board discussed the importance to continue to get the news out that we will require all new licensees to provide two fingerprint cards with their application effective July 1, 2007 and all physicians renewing in 2008 will be required to provide the cards. The Board was particularly concerned that current licensees need to be well-informed prior to their next renewal, and given the opportunity to disclose any previously undisclosed criminal history before the official background check is conducted. Staff was asked to prepare draft educational materials for review at the August meeting. Ms. Felmley informed the Board that changes within the Department of Public Safety have occurred since the first set of criminal background check rules were adopted by the Board, and updates need to be made to the following rules:

- 1. 16.10.2 Physicians: licensure requirements**
- 2. 16.10.7 License expiration, renewal and reinstatement**
- 3. 16.10.9 Fees**
- 4. 16.10.15 Physician assistants: licensure and practice requirements**

**MOTION** was made by Mr. Heim and **SECONDED** by Dr. Lauriello to adopt the proposed changes to Part 2, 7, 9 and 15 of the rules, as amended. **YES:** Kovnat, Ghadimi, Ranka, Lauriello, Heim and Cochran. **MOTION CARRIED.** The proposed changes will be made available for public comment prior to the rule hearing planned for the August Board meeting.

### **B. Discussion of continuing medical education options**

**1. 16.10.4 Continuing Medical Education** - Further information will be provided at the Interim Meeting in June.

### **C. Proposed rule change for posting malpractice information on the web site**

**1. 16.10.1 General Provisions** - Ms. Felmley presented proposed changes to the rule about what the Board posts on its web site, to match the Board's decision last year to post certain malpractice information. After some discussion about the confusing meaning and interpretation of malpractice information, Mr. Ghadimi made a **MOTION** to rescind the Board's decision to post certain malpractice information on the web site, and to therefore not adopt the proposed change to Part

16.10.19C Dr. Lauriello **SECONDED YES:** Kovnat, Ghadimi, Lauriello, Ranka and Cochran.  
**ABSTAIN:** Heim **MOTION CARRIED.**

### 13. **REPORTS**

**A. Chair – FSMB report** – Dr. Kovnat provided an up date on the Federation of State Medical Boards meeting. He discussed several sessions he attended and thought it would be a good idea to invite Dr. Michael Gendell, Director of the Colorado Physicians Health Program to give a presentation in New Mexico to the Board, hospital administrators and medical officers. Dr. Gendell gave a presentation at the FSMB meeting on Managing Disruptive Behavior.

**B. Executive Director – Budget Report** – Ms. Hart reviewed the Budget Report, and reminded the Board that revenues are routinely lower just before the start of the renewal cycle **MOTION** was made by Ms. Cochran and **SECONDED** by Mr. Heim to prepare an amendment to Dr. La Farge's contract extending the term of the contract for an additional year of service. **YES:** Kovnat, Ghadimi, Ranka, Lauriello, Heim and Cochran. **MOTION CARRIED.**

**MOTION** was made by Dr. Kovnat and **SECONDED** by Dr. Ranka to prepare an amendment to the NM Monitored Treatment Program's contract extending the term of service and increasing the amount by 5 percent per year. **YES:** Kovnat, Ghadimi, Ranka, Lauriello, Heim and Cochran. **MOTION CARRIED.**

**MOTION** was made by Dr. Kovnat and **SECONDED** by Dr. Ranka to increase the amount of Dr. LaFarge's contract by 5 percent. **YES:** Kovnat, Ghadimi, Ranka, Lauriello, Heim and Cochran. **MOTION CARRIED.**

**C. Medical Director** – Dr. LaFarge also discussed some of the sessions at the FSMB meeting, and presented a list of different power point presentations that could be made available from the Federation meeting. He also discussed recent communications he had with the FSMB, regarding a new project in responsible prescribing. The FSMB has developed a booklet entitled "Responsible Opioid Prescribing" and would like New Mexico to serve as a 'lead state' in distributing the booklet. The FSMB would provide copies of the book at no charge, and would also cover the cost of mailing to all current in-state licensees. The Board discussed including a copy of the pain management rule and other New Mexico specific materials with the booklet, and also the possibility of offering CME credit for licensees who would review the booklet. Dr. LaFarge also explained to the Board that he has begun exploring the process for finding someone to cover the Medical Director's duties when he needs to be away.

**D. Assistant Attorney General** – Ms. Thalley provided an update on the cases that have gone to District Court on appeal. The Court upheld the Board's decision in Dr. Goldberg's case. Dr. Said has a hearing scheduled for June 1 in District Court and no date for Dr. Schwartz's hearing has been announced.

**E. Administrative Prosecutor** – GTS Khalsa reported that there are no outstanding NCAs and no hearings are pending or scheduled at this time.

**F. Compliance** – Jenny Felmley provided measures on the Complaint cases for last year. Mr. Heim asked that staff develop additional statistics that would break down the cases by type or allegation, and percent closed or acted on. Dr. Lauriello expressed concern that many complainants do not seem to understand the distinction between the types of complaints that the Board can act on and the types of situations that might be better addressed by civil action. Ms. Felmley explained that the investigations staff makes several efforts to communicate this to complainants, and said she would send the complaint brochure to the Board members for review and comment. Ms. Felmley also reported that all physicians currently being monitored for compliance with Board Orders and Stipulations are in compliance.

#### 1. **Correspondence from James Hartenbach, MD**

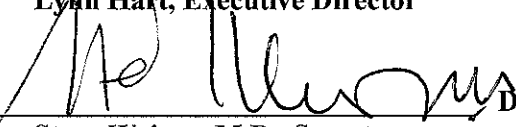
**Executive Session:** **MOTION** was made by Dr. Kovnat and **SECONDED** by Dr. Ranka to go into executive session to discuss matters of licensure. **YES:** Kovnat, Ranka, Ghadimi, Lauriello, Heim,

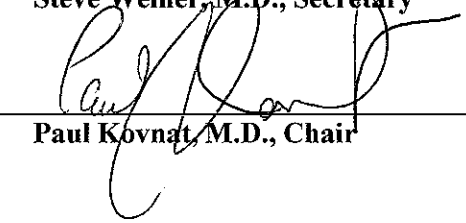
and Cochran. MOTION CARRIED.

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.

14. ADJOURN: There being no further business, the meeting adjourned at 11:38 a.m.

SUBMITTED:  Date: 8/16/07  
Lynn Hart, Executive Director

APPROVED:  Date: 8/16/07  
Steve Weiner, M.D., Secretary

APPROVED:  Date: 8-16-07  
Paul Kovnat, M.D., Chair