

NEW MEXICO MEDICAL BOARD
Interim Meeting
June 28, 2007

MINUTES

Members Present:

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

Members Absent:

Alfredo Vigil, M.D.
Dick Heim
Prakash Ranka, 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 4:01 p.m., Thursday, June 28, 2007 in the Board Conference Room, 2055 S. Pacheco, Santa Fe, New Mexico, **Paul Kovnat, M.D.** presiding. A quorum was declared.

2. APPROVAL OF AGENDA

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

3. COMPLAINT COMMITTEE REPORTS

a. On behalf of Complaint Committee B, Dr. Kovnat **MOVED** that Case No. 2006-B-034 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 and Ghadimi. **ABSENT:** Heim, Vigil, Lauriello and Ranka. **RECUSED:** Vigil and Ranka. **MOTION CARRIED.**

b. On behalf of Complaint Committee C, Dr. Giudice **MOVED** that complaint case 2007-C-054 be closed as there was no evidence of a violation of the Medical Practice Act or rules. The case will be closed with an advisory letter regarding full disclosure. No second was required. **YES:** Kovnat, Weiner, Cochran and Ghadimi. **RECUSED:** Giudice and Heim. **ABSENT:** Heim, Vigil, Lauriello and Ranka. **MOTION CARRIED.**

c. On behalf of Complaint Committee D, Mr. Ghadimi **MOVED** that complaint case 2005-D-077 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 and Giudice. **RECUSED:** Ghadimi and Lauriello. **ABSENT:** Heim, Vigil, Lauriello and Ranka. **MOTION CARRIED.**

On behalf of Complaint Committee D, Mr. Ghadimi **MOVED** that complaint case 2006-D-204 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 and Giudice. **RECUSED:** Ghadimi and Lauriello. **ABSENT:** Heim, Lauriello, Vigil and Ranka. **MOTION CARRIED.**

4. LICENSING AND COMPLIANCE ISSUES

a. Anne Ortiz, M.D. – The Board considered Dr. Ortiz's request for an exception to the seven year examination rule, and determined that she does not meet the criteria for licensure in New Mexico. Dr. Kovnat **MOVED** to deny her application on administrative grounds. Dr. Weiner **SECONDED**. **YES:** Kovnat, Weiner, Cochran, Giudice, Ghadimi and Lauriello. **ABSENT:** Vigil, Ranka and Heim. **MOTION CARRIED.** The Board discussed the current limited exceptions allowed by rule, and asked staff to develop draft language for a proposed rule change that would somewhat expand grounds for exceptions, in time for the August 2007 rule hearing.

b. Nayankumar Patel, M.D. – Dr. Kovnat **MOVED** that the Board accept the request to make an exception to the 7 year rule for USMLE's and grant Dr. Patel an unrestricted license. Mr. Ghadimi **SECONDED**. **YES:** Kovnat, Weiner, Ghadimi, Giudice and Cochran. **ABSENT:** Vigil, Lauriello, Ranka and Heim. **MOTION CARRIED.**

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

c. Request for stipulation removal from Barry Maron, M.D. - Dr. Kovnat **MOVED** to remove the group practice stipulation from Dr. Maron's Order. Dr. Weiner **SECONDED**. **YES:** Kovnat, Weiner, Cochran, Giudice and Lauriello. **ABSENT:** Vigil, Ranka and Heim. **RECUSED:** Ghadimi. **MOTION CARRIED.**

d. Update on John Vigil, M.D. – No action was taken at this time.

e. Kip Wells, M.D. – request for extension of time, 2006-028 – Dr. Kovnat **MOVED** to grant Dr. Wells an additional sixty days to pay his fine, effective June 28, 2007. Mr. Ghadimi **SECONDED**. **YES:** Kovnat, Weiner, Cochran, Giudice, Ghadimi and Lauriello. **ABSENT:** Vigil, Ranka and Heim. **MOTION CARRIED.**

5. PHYSICIAN ASSISTANT RULE CHANGES

10.10.15 Physician Assistants: Licensure and Practice Requirements – The committee made recommendations to accept the changes to the rule and the Supervising Physician Statement of Responsibility form. Dr. Kovnat **MOVED** the wording in 16.10.15.7(D) be changed to read "Elements of effective supervision shall include:" Ms. Cochran **SECONDED**. **YES:** Kovnat, Cochran and Lauriello. **NO:** Giudice, Ghadimi and Weiner. **ABSENT:** Vigil, Ranka and Heim. **MOTION FAILS.**

Dr. Lauriello **MOVED** the wording in 16.10.15.7(D) be changed to read "Elements of effective supervision include:" Ms. Cochran **SECONDED**. **YES:** Kovnat, Weiner, Cochran, Ghadimi, Giudice and Lauriello. **ABSENT:** Vigil, Ranka and Heim. **MOTION CARRIED.**

Dr. Kovnat **MOVED** the wording in 16.10.15.7(D1) be changed to read "ongoing availability of direct communication, either face-to-face or by electronic means;" Ms. Cochran **SECONDED**. **YES:** Kovnat, Weiner, Cochran, Ghadimi, Giudice and Lauriello. **ABSENT:** Vigil, Ranka and Heim. **MOTION CARRIED.**

Also, under 16.10.15.7(G) the definition of Direct communication shall read "Direct communication" means communication between the supervisor and physician assistant, telephonically, by two-way radio, by email or other electronic means."

The Board directed staff to change the new Supervising Physician Statement of Responsibility form to change the wording on page two, "Please submit a separate page for each new

physician assistant.”

6. OLD BUSINESS

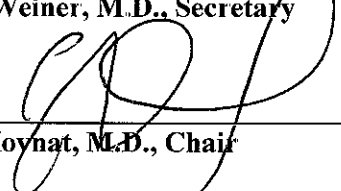
a. Update on status of FSMB pain management booklet mailing – The Board reviewed the letter prepared by Dr. Kovnat to be included in the booklet mailing. The Board decided that the CME credit card included in the booklet should be specific to New Mexico.

7. EXECUTIVE SESSION TO DISCUSS LIMITED PERSONNEL ISSUES – No action was taken at this time.

8. ADJOURN: There being no further business, the meeting adjourned at 5:34 p.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