

# NEW MEXICO MEDICAL BOARD

Interim Meeting  
September 27, 2007

2055 S. Pacheco, Building 400  
Santa Fe, New Mexico

## MINUTES

**Members Present:** Steven Weiner, M.D., Vice-Chair  
John Lauriello, M.D., Secretary / Treasurer (by teleconference)  
Rebecca Cochran, Public Member (by teleconference until 5:55 p.m.)  
Reza Ghadimi, P.A. (by teleconference from 4: 10 p.m. until 6:00 p.m.)  
Vivian Giudice, M.D. (by teleconference)  
Robert McRoberts, M.D.  
Richard Heim, Public Member (by teleconference until 5:00 p.m.)

**Members Absent:** Paul Kovnat, M.D., Chairman

**Others Present:** Lynn Hart, Executive Director  
Corliss Thalley, Assistant Attorney General (as of 4:10 p.m.)  
G.T.S. Khalsa, Board Prosecutor  
J.J. Walker, Compliance Mgr. / PIO  
Lynn Tipton, Administrative Assistant  
Amanda Quintana, Investigator  
(See list of all attendees attached to these minutes.)

### **CALL TO ORDER / ROLL CALL:**

Dr. Weiner, Vice-Chair, called the interim meeting of the New Mexico Medical Board to order at 4:02 p.m., and a quorum was determined present.

### **1. APPROVAL OF AGENDA:**

**MOTION** was made by Dr. Weiner to approve the Agenda as presented. **SECONDED** by Dr. McRoberts. **YES:** Dr. McRoberts, Dr. Weiner, Ms. Cochran, Dr. Giudice, Mr. Heim, and Dr. Lauriello. **ABSENT:** Mr. Ghadimi. **MOTION CARRIED.**

### **2. LICENSING & COMPLAINTS:**

- A. Application Review in the absence of the Medical Director (9/23 – 10/22)  
**MOTION** was made by Dr. Weiner to designate Lynn Hart, Executive Director, as an agent of the board, to review license applications and approve completed applications that have no concerns when the Medical Director is unavailable. Applications with concerns will continue to require the approval of the Medical Director or a board member. **SECONDED** by Ms. Cochran. **YES:** Dr. McRoberts, Dr. Weiner, Ms. Cochran, Mr. Ghadimi, Dr. Giudice, Mr. Heim, and Dr. Lauriello. **MOTION CARRIED.**
- B. David Melamed, M.D. – Review of license application  
**MOTION** was made by Mr. Ghadimi to approve Dr. Melamed for an unrestricted license to practice medicine in New Mexico. **SECONDED** by Dr. Weiner. **YES:** Dr. McRoberts, Dr. Weiner, Ms. Cochran, Mr. Ghadimi, Dr. Giudice, Mr. Heim, and Dr. Lauriello. **MOTION CARRIED.**

- C. Edwin Ishoo, M.D. – Status and Decision Re: NCA  
**MOTION** was made by Mr. Heim to approve the recommendation that Dr. Ishoo's license be renewed upon receipt of a completed renewal application with the agreement that Dr. Ishoo will not use his New Mexico license to practice medicine unless he gives the NMMB notice within a 120-day period of his intent to use his New Mexico license. **SECONDED** by Dr. Weiner. **YES:** Dr. Weiner, Mr. Ghadimi, Dr. Giudice, Mr. Heim, and Dr. Lauriello. **NO:** Ms. Cochran and Dr. McRoberts. **MOTION CARRIED.**
- D. Anne Ortiz, M.D. – Applicant seeking exception to the 7 year rule  
**MOTION** was made by Mr. Ghadimi to approve Dr. Ortiz an unrestricted license to practice medicine in New Mexico. **SECONDED** by Dr. Weiner. **YES:** Mr. Heim, Dr. McRoberts, Dr. Weiner, Ms. Cochran, Mr. Ghadimi, Dr. Giudice, and Dr. Lauriello. **MOTION CARRIED.**
- E. Scott Gilbert, M.D. – Request to dismiss NCA and withdraw application  
**MOTION** was made by Dr. Lauriello to approve the proposed Order allowing Dr. Gilbert to withdraw his application for a New Mexico license to practice medicine, report this action to the Healthcare Integrity and Protection Data Bank, and dismiss the Notice of Contemplated Action without prejudice. **SECONDED** by Dr. McRoberts. **YES:** Dr. McRoberts, Mr. Ghadimi, Dr. Giudice, Mr. Heim, and Dr. Lauriello. **ABSTAINED:** Ms. Cochran and Mr. Weiner. **MOTION CARRIED.**
- F. Robert Stern, M.D. – CME Extension  
**MOTION** was made by Dr. Weiner to grant an additional extension to Dr. Stern's emergency deferral of the CME requirements until November 1, 2007. **SECONDED** by Ms. Cochran. **YES:** Dr. McRoberts, Dr. Weiner, Ms. Cochran, Mr. Ghadimi, Dr. Giudice, Mr. Heim, and Dr. Lauriello. **MOTION CARRIED.**
- G. Bert Tankleff, M.D. – CME Extension  
**MOTION** was made by Dr. Lauriello to grant an emergency deferral to Dr. Tankleff of the CME requirements until March 1, 2008. **SECONDED** by Ms. Cochran. **YES:** Dr. McRoberts, Dr. Weiner, Ms. Cochran, Mr. Ghadimi, Dr. Giudice, Mr. Heim, and Dr. Lauriello. **MOTION CARRIED.**
- H. John Campa, M.D. – Review of license application  
**MOTION** was made by Ms. Cochran to approve Dr. Campa an unrestricted license to practice medicine in New Mexico. **SECONDED** by Dr. Weiner. **YES:** Dr. McRoberts, Dr. Weiner, Ms. Cochran, Mr. Ghadimi, Mr. Heim, and Dr. Lauriello. **ABSENT:** Dr. Giudice. **MOTION CARRIED.**

#### **EXECUTIVE SESSION:**

**MOTION** was made by Dr. Weiner to go into closed session to discuss matters pertaining to the issuance, suspension, renewal or revocation of a license. **SECONDED** by Ms. Cochran. **YES:** Dr. McRoberts, Dr. Weiner, Ms. Cochran, Mr. Ghadimi, Mr. Heim, and Dr. Lauriello. **ABSENT:** Dr. Giudice. **MOTION CARRIED.**

The Board returned to open session. Dr. Weiner stated for the record that the matters discussed in executive session were limited only to those specified in the motion for closure.

- I. Clifton Brashar, M.D. – Compliance  
**MOTION** was made by Dr. Weiner to request Dr. Brashar voluntarily surrender his license pursuant to the Impaired Health Care Provider Act. Dr. Brashar will have until 5:00 p.m. on October 2, 2007, before alternative action is taken. If Dr. Brashar does not

voluntarily surrender his license, the Board will summarily suspend his license to practice medicine and issue a Notice of Contemplated Action (NCA) for alleged violations of his stipulation. **SECONDED** by Ms. Cochran. **YES:** Dr. McRoberts, Dr. Weiner, Ms. Cochran, Mr. Ghadimi, Dr. Giudice, and Dr. Lauriello. **ABSENT:** Mr. Heim. **MOTION CARRIED.**

J. Nathan Crowder, PA – Compliance

Mr. Crowder will be interviewed by the Board in November; no action was taken

K. Complaint Cases

**Case No. 2007-A-035 (Frederick Mosley, MD).** **RECOMMENDATION** was made by Dr. Weiner to close this case. No second was required. **YES:** Dr. Lauriello, Dr. Giudice, Dr. McRoberts, and Mr. Ghadimi. **ABSTAINED:** Ms. Cochran and Dr. Weiner. **ABSENT:** Mr. Heim

**Case No. 2007-B-122 (Douglas Krell, MD).** **RECOMMENDATION** was made by Dr. Weiner to offer a stipulation restricting the physician from treating patients with chronic pain for no more than thirty (30) days. No second was required. **YES:** Dr. Lauriello, Dr. Giudice, Dr. McRoberts, and Mr. Ghadimi. **ABSENT:** Mr. Heim.

**Case No. 2006-C-163 (Thomas Purtzer, MD).** **RECOMMENDATION** was made by Dr. Weiner to close this case. No second was required. **YES:** Dr. Lauriello, Dr. Giudice, Dr. McRoberts, and Mr. Ghadimi. **ABSTAINED:** Dr. Giudice. **ABSENT:** Mr. Heim.

**Case No. 2005-D-154 (Cesar Villarreal, MD).** **RECOMMENDATION** was made by Dr. Weiner to close this case. No second was required. **YES:** Dr. McRoberts, Dr. Weiner, Ms. Cochran, and Dr. Giudice. **ABSTAINED:** Dr. Lauriello and Mr. Ghadimi. **ABSENT:** Mr. Heim

**Case No. 2007-D-079 (Gonzalo Corona-Gonzalez, MD).** **RECOMMENDATION** was made by Dr. Weiner to close this case. No second was required. **YES:** Dr. Weiner, Dr. Giudice, Ms. Cochran, and Dr. McRoberts. **ABSTAINED:** Dr. Lauriello and Mr. Ghadimi. **ABSENT:** Mr. Heim.

**Case No. 2007-E-131 (Joe Herrera, MD).** **RECOMMENDATION** was made by Dr. Weiner to close this case. No second was required. **YES:** Dr. Weiner, Ms. Cochran, Dr. McRoberts, Dr. Lauriello, Dr. Giudice, and Mr. Ghadimi. **ABSENT:** Mr. Heim.

**3. OLD BUSINESS:**

A Review proposed changes to Board rules

**MOTION** was made by Dr. Weiner to accept the proposed revisions to Part 3, 4, and 11 for a rule hearing posting. The Board also accepted amended revisions to Part 2 after the discussion on fee increases. The amendment is to revise Section 9, Subsection G of 16.10.2 NMAC to add, "If New Mexico is the first state of licensure, initial licenses are valid for a period of not less than twenty-four months or more than thirty-five months and shall be renewed on July 1." **SECONDED** by Ms. Cochran. **YES:** Dr. McRoberts, Dr. Weiner, Ms. Cochran, Mr. Ghadimi, Dr. Giudice, and Dr. Lauriello. **MOTION CARRIED.**

**MOTION** was made by Dr. Weiner to accept the recommended fee changes to Part 9 as proposed for a rule hearing posting. **SECONDED** by Mr. Ghadimi. **YES:** Dr. Weiner, Ms. Cochran, Mr. Ghadimi, Dr. McRoberts, and Dr. Lauriello. **ABSENT:** Mr. Heim and Dr. Giudice. **MOTION CARRIED.**

A rule hearing on the proposed revisions will be set for November 15, 2007

**B** Criminal Background Checks

**MOTION** was made by Dr. Weiner to revise the licensee information data as discussed regarding arrest records resulting from the nationwide criminal history screening and approve the criminal history screening data sheet, as amended, for distribution.

**SECONDED** by Ms. Cochran **YES:** Dr. McRoberts, Dr. Weiner, Ms. Cochran, Mr. Ghadimi, Dr. Giudice, and Dr. Lauriello **ABSENT:** Mr. Heim and Mr. Ghadimi.

**MOTION CARRIED.**

The Board discussed setting a policy for handling the criminal background hits. Recommendations include giving the hits to a committee and the committee decides which ones go to a complaint committee and which ones have an investigation opened.

Beginning at the November meeting, the FBI or state reported convictions (criminal hits) are to be presented without names identified. The Board will also be advised what criteria the committee uses to determine which reported convictions get closed and which ones get investigated.

**C** Proposed Compliance and Monitoring Plan for Dr. Hartenbach

Ms. Hart updated the Board regarding a proposed compliance and monitoring plan for Dr. Hartenbach. Dr. Hartenbach will be scheduled for a board interview at the November meeting.

**D** Elias Said, M.D. – Request to revise 2004 HIPDB report

Dr. Said's attorney has requested that the NMMB revise the 2004 report that was given to the National Practitioner Data Bank. Corliss Thalley, Assistant Attorney General advised the Board, the Supreme Court denied Dr. Said's appeal to appeal his case any further. The Board decided to postpone any action on Dr. Said's request until the November meeting.

**4. NEW BUSINESS:**

**A.** Draft Newsletter

The Board reviewed and approved a draft of the October 2007 newsletter

**B.** Anonymous Complaints – GTS Khalsa

The Board reviewed and approved the Investigation Department's process for handling anonymous complaints.

**5. REPORTS:**

**A.** Executive Director – FY 2009 Operating Budget

Ms. Hart provided the Board with a copy of the proposed Fiscal Year 09 budget request for their review and input.

**MOTION** was made by Dr. Weiner to approve the proposed budget for Fiscal Year 09 **SECONDED** by Ms. Cochran. **YES:** Dr. McRoberts, Dr. Weiner, Ms. Cochran, Mr. Ghadimi, Dr. Giudice, and Dr. Lauriello. **ABSENT:** Mr. Heim. **MOTION CARRIED.**

**B.** Vacant Board Seat – Executive Director

The New Mexico Medical Society has submitted a list of names to the Governor for consideration to fill the vacant physician member seat on the Board. Any board member may provide comments to the Governor's office in support of someone on the list.

C. Compliance Task Force – J.J. Walker

Ms Walker reported that a meeting has been set for October 18, 2007 at 1:00 p.m  
Members of the Compliance Task Force include: Dr. Kovnat, Dr. Lauriello, Ms. Hart, Mr. Khalsa, Ms. Mascarenas, and Ms. Walker

The Task Force will be drafting a Request for Proposal (RFP) due to the impending expiration of the current monitored treatment program contract and would like input from the Board on any other compliance-related issues to be addressed.

**6. ADJOURN:**

There being no further business, the meeting adjourned at 6:12 p.m.

SUBMITTED BY:  DATE: 11/15/07  
Lynn Hart, Executive Director

APPROVED BY:  DATE: 11-15-07  
John Lauriello, M.D., Secretary

APPROVED BY:  DATE: 11/15/07  
Steven Weiner, M.D., Vice-Chair