

# NEW MEXICO MEDICAL BOARD

Interim Meeting  
January 10, 2008  
2055 S. Pacheco, Building 400  
Santa Fe, New Mexico

## MINUTES

**Members Present:** Paul Kovnat, M.D., Chairman  
Steven Weiner, M.D., Vice-Chair (Arrived at 4:02 p.m.)  
John Lauriello, M.D., Secretary / Treasurer (by teleconference)  
Rebecca Cochran, Public Member (by teleconference)  
Reza Ghadimi, P.A.  
Robert McRoberts, M.D. (by teleconference as of 4:15 p.m.)  
Frank Crespin, M.D.

**Members Absent:** Richard Heim, Public Member  
Vivian Giudice, MD

**Others Present:** Lynn Hart, Executive Director  
Grant LaFarge, M.D., Medical Director  
Andrea Buzzard, Assistant Attorney General  
G.T.S. Khalsa, Board Prosecutor  
J.J. Walker, Compliance Mgr. / PIO  
Lynn Tipton, Administrative Assistant  
Amanda Quintana, Licensing Manager  
(See list of all attendees attached to these minutes.)

### 1. CALL TO ORDER / ROLL CALL:

Dr. Kovnat, Chairman, called the interim meeting of the New Mexico Medical Board to order at 4:00 p.m., and a quorum was present. Dr. Kovnat introduced the Board's new Assistant Attorney General, Andrea Buzzard. Ms. Buzzard comes to the Board with over 27 years of experience with the Attorney General's office.

### 2. APPROVAL OF AGENDA:

**MOTION** was made by Dr. Crespin to approve the Agenda as amended to remove "PA Applicant" from Agenda Item #3. **SECONDED** by Dr. Kovnat. **YES:** Dr. Kovnat, Ms. Cochran, Mr. Ghadimi, Dr. Lauriello, and Dr. Crespin. **ABSENT:** Dr. Weiner and Dr. McRoberts. **MOTION CARRIED.**

### 3. LICENSING ISSUES, NEW APPLICANTS / REINSTATEMENTS:

- Merlin W. Kampf, MD – applicant – consider 48 years of experience in lieu of 2<sup>nd</sup> year of post graduate training

**MOTION** was made by Dr. Kovnat to accept 48 years of practice as an Internist in lieu of a second year of PGT and grant an unrestricted medical license.

**SECONDED** by Mr. Ghadimi. **YES:** Dr. Kovnat, Dr. Weiner, Ms. Cochran, Mr. Ghadimi, Dr. Lauriello, and Dr. Crespin. **ABSENT:** Dr. McRoberts. **MOTION CARRIED.**

- CME Audit – Recall NCAs  
**MOTION** was made by Dr. Kovnat to rescind the November 15, 2007 vote to issue a Notice of Contemplated Action to Licensee #1 and Licensee #2, as the board staff was able to locate the licensees and they are in compliance.  
**SECONDED** by Dr. Crespin. **YES:** Dr. Kovnat, Dr. Weiner, Ms. Cochran, Mr. Ghadimi, Dr. Lauriello, and Dr. Crespin. **ABSENT:** Dr. McRoberts. **MOTION CARRIED.**
- Amend August 16-17, 2007 minutes to delete physicians name from complaint cases 2006-D-154 and 2007-D-053  
**MOTION** was made by Mr. Ghadimi to amend the August 16-17 meeting minutes to delete the physicians name from complaint Case No. 2006-D-154 and Case No. 2007-D-053. **SECONDED** by Dr. Crespin. **YES:** Dr. Kovnat, Dr. Weiner, Ms. Cochran, Mr. Ghadimi, Dr. Lauriello, and Dr. Crespin. **ABSENT:** Dr. McRoberts. **MOTION CARRIED.**
- Complaint Case 2006-C-027 – add allegation in NCA for deceptive statements in response to complaint and inadequate records.  
Upon the recommendation of Complaint Committee C regarding Case No. 2006-C-027, to add allegations for deceptive statements made in response to the complaint, as well as, providing and maintaining adequate records, the Board voted to add these allegations to the Notice of Contemplated Action (NCA).  
**YES:** Dr. Kovnat, Dr. Weiner, Ms. Cochran, Mr. Ghadimi, Dr. Lauriello, and Dr. Crespin. **ABSENT:** Dr. McRoberts. **MOTION CARRIED.**
- Board Order – Thomas H. Chalmers, M.D.  
**MOTION** was made by Dr. Kovnat to release Thomas H. Chalmers, MD, from stipulation and issue an unrestricted license. **SECONDED** by Dr. Weiner.  
**YES:** Dr. Kovnat, Dr. Weiner, Ms. Cochran, Mr. Ghadimi, Dr. Lauriello, and Dr. Crespin. **ABSENT:** Dr. McRoberts. **MOTION CARRIED.**

#### 4. **STAFF REPORT:**

- Annual Review of Application and Oath Questions  
Dr. Kovnat suggested all Board Members review the licensing application once per year to discuss possible revisions. The Board decided the application should be included annually with the February meeting packet for this review.
- Audit Results and Recommendations  
Geraldine Mascarenas, Financial Manager, summarized the audit results. The annual audit was completed by the due date. Ms. Mascarenas reported there were two proposed audit findings. One finding refers to a cap of \$1,500 pursuant to the provisions of the Per Diem and Mileage Act when board members are reimbursed for attendance at board meetings, including in-state and/or out-of-state travel. In order to comply with the requirements of the Per Diem and Mileage Act, Section 10-8-5(1), the Board should establish policies and procedures for submitting itemized statements to the Governor's office when board business requires reimbursement that exceeds \$1,500 cumulatively over the fiscal year. Ms. Mascarenas and Ms. Hart will present a proposed policy regarding these issues at the February 2008 meeting. The second finding

requires the Board to formally accept the annual audit each year and reflect the acceptance in the board minutes.

- Budget

Ms. Hart reported that the Fiscal Year 09 budget request is currently being reviewed by the Legislative Finance Committee (LFC) and the Department of Finance and Administration (DFA). She explained the positive and negative impacts to the Board's operating budget depending on which proposal the Legislature approves.

The DFA proposal includes general fund dollars to cover waiving the application fee for residents; however, it also includes cutting the Board's proposed budget in exchange for the general fund dollars and this might have a negative impact. A more positive outcome might be approval of the Board's request, not including general fund dollars, and having the Board vote to approve waiving the application fee for first year licensees.

- Medical Society Updates

Ms. Hart announced she would be attending the quarterly meeting of the NM Medical Society on Saturday, January 12, 2008, and inquired if any board members had issues for her to share. She will update the Board at the February 2008 meeting.

- Public Information – When the name of a licensee who is subject to discipline is to be made public

The Board discussed the timeline for publicizing the name of an applicant or licensee whose license is subject to discipline. The Board's prosecutor explained that a Notice of Contemplated Action (NCA) is not an action of the Board until signed and filed. The Board agreed that the applicant or licensee should be given guidance regarding their reporting obligations once an action is taken against them. Ms. Buzzard was directed to draft standard language that may be used in the Board's Orders. (e.g., For reporting purposes, this order constitutes a board action.)

**MOTION** was made by Dr. Kovnat not to release the name of an applicant or licensee involved in a disciplinary action, including Notices of Contemplated Action (NCA) and offers of stipulation, until the action is signed and filed.

**SECONDED** by Dr. Crespin. **YES:** Dr. Kovnat, Dr. Weiner, Ms. Cochran, Mr. Ghadimi, Dr. Lauriello, Dr. McRoberts, and Dr. Crespin. **MOTION CARRIED.**

- Renewals – PAs and MDs

Amanda Quintana, Licensing Manager, reported a total of 229 Physician Assistant licenses are eligible for renewal. As of 1/03/08, 17 Physician Assistant licensees have renewed. Second notices will be mailed by 1/15/08.

2,530 Physician licenses are to be renewed by 7/01/08. The physician renewal notices and fingerprint cards are scheduled to be mailed out the week of January 14<sup>th</sup>, 2008.

Due to the fingerprint requirement, the Board office plans two separate renewal bulletins. A list of fingerprinting sources (agencies and businesses) will be included with the fingerprint packets and posted to the Board's web site.

- Health Policy Commission Physician Survey

In May 2006, the Board voted to incorporate the NM Health Policy Commission Physician survey into future years' on-line renewals; however, due to other new requirements, including providing fingerprint cards and a new fee schedule, the Board agreed this survey should be included, but not with the 2008 renewal cycle. Inclusion of the survey will be revisited prior to the 2009 renewal cycle.

5. **CHAIR REPORT:**

- Parental Responsibility Policy for Licensee on the NM Certified List

The Board discussed procedures and options for addressing child support enforcement violations, including incorporating procedures into a rule.

**MOTION** was made by Ms. Cochran to have NMMB staff automatically send noncompliant licensees or applicants a formal letter giving the licensee 20 days from the date of the letter to be removed from the certified list. The letter shall be sent to the last address that the licensee gave to the Board and the Human Services Department (HSD), Child Support Division. If at the end of the 20 days, the Board has not received notice from HSD that the licensee has been removed from the noncompliant list, the Board shall vote to issue an NCA pursuant to §40-5A-4,5 and 6 of the Parental Responsibility Act at the next scheduled meeting.

**SECONDED** by Dr. Weiner. **YES:** Dr. Kovnat, Dr. Weiner, Ms. Cochran, Mr. Ghadimi, Dr. Lauriello, Dr. McRoberts, and Dr. Crespin. **MOTION CARRIED.**

- Hearing Officers Needed

(3/28/08 – Craig Northcutt, MD – Albuquerque)

**MOTION** was made by Dr. Kovnat to appoint Robert McRoberts, M.D., as the hearing officer in the matter of Craig Northcutt, MD. **SECONDED** by Mr.

Ghadimi. **YES:** Dr. Kovnat, Dr. Weiner, Ms. Cochran, and Dr. Crespin.

**ABSTAINED:** Dr. Lauriello and Mr. Ghadimi. **RECUSED:** Dr. McRoberts.

**MOTION CARRIED.**

(George Schwartz, MD)

**MOTION** was made by Dr. Kovnat to explore the possibility of appointing John S. Romine, M.D., as the hearing officer in the matter of George Schwartz, MD.

**SECONDED** by Dr. Lauriello. **YES:** Dr. Weiner, Ms. Cochran, Mr. Ghadimi, Dr.

Lauriello, Dr. McRoberts, and Dr. Crespin. **ABSTAINED:** Dr. Kovnat. **MOTION CARRIED.**

- Status of Invitation to Dr. Michael Gendel, Medical Director of the Colorado Physician Health Program

Dr. La Farge announced that Dr. Gendel has accepted the Board's invitation to give a presentation related to physicians with mental health issues. The presentation is planned for Friday, February 15, 2008, immediately following the board meeting.

**6. LEGISLATION:**

- Medical Practice Act Amendments

Representative Jim Trujillo has agreed to sponsor the Board's Bill providing for summary suspension and subpoena of hospital peer review records that was vetoed in 2007. Ms. Hart will discuss Senate sponsorship and introduction of the Bill in both houses with Representative Trujillo.

- Summary of Governor Richardson's Proposal to Achieve Universal Health Coverage

All Board Members received a copy of the Governor's proposal to achieve universal health coverage. The NM Medical Society no longer plans to oppose the legislation since the fee setting and mandatory participation portions have been removed and placed as provisions for further study or analysis.

- Approval of Nomination of Secretary Vigil

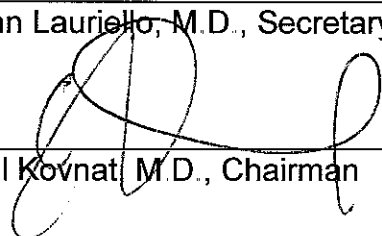
Ms. Hart announced that former board member Dr. Alfredo Vigil will be scheduled for Senate confirmation during the 2008 Legislative Session and the current board members are invited to attend the confirmation in support of Dr. Vigil.

**7. ADJOURN:**

There being no further business, the meeting adjourned at 5:20 p.m.

SUBMITTED BY:  DATE: 2/19/08  
Lynn Hart, Executive Director

APPROVED BY:  DATE: 2/15/08  
John Lauriello, M.D., Secretary

APPROVED BY:  DATE: 2/15/08  
Paul Kovnat, M.D., Chairman

