

**NEW MEXICO MEDICAL BOARD**  
**Interim Meeting**  
**April 1, 2008**

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

**MINUTES**

**Members Present:** Paul Kovnat, M.D., Chairman  
Steven Weiner, M.D., Vice-Chair  
John Lauriello, M.D., Secretary / Treasurer (by teleconference)  
Rebecca Cochran, Public Member (by teleconference)  
Reza Ghadimi, P.A.  
Vivian Giudice, M.D. (by teleconference at 4:05pm)  
Robert McRoberts, M.D.  
Frank Crespin, M.D. (by teleconference)

**Members Absent:** Richard Heim, Public Member

**Others Present:** Lynn Hart, Executive Director  
Andrea Buzzard, Assistant Attorney General  
G.T.S. Khalsa, Board Prosecutor  
Grant La Farge, M.D., Medical Director  
J.J. Walker, Compliance Mgr. / PIO  
Lynn Tipton, Administrative Assistant  
Amanda Quintana, Licensing Manager

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

Paul Kovnat, MD, Chairman, called the interim meeting of the New Mexico Medical Board to order at 4:01 p.m., and a quorum was determined present.

**2. APPROVAL OF AGENDA:**

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

**3. LICENSING ISSUES, NEW APPLICANTS:**

A. Khaled Esmaeel Awad, M.D. – Applicant

Dr. La Farge explained that Dr. Esmaeel Awad qualifies for exception to the 7 year rule. **MOTION** was made by Dr. Kovnat to approve an unrestricted license for Dr. Esmaeel Awad to practice medicine in New Mexico. **SECONDED** by Dr. Weiner. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Ms. Cochran, Dr. McRoberts, Dr. Crespin. **ABSENT:** Mr. Ghadimi, Dr. Giudice. **MOTION CARRIED.**

B. Robert Van Osdell West, M.D. – Applicant

Dr. La Farge explained that Dr. West is requesting consideration of 30 years of experience in lieu of 1 year of post graduate training. **MOTION** was made by Dr. Kovnat to approve an unrestricted license for Dr. West to practice medicine in New Mexico. **SECONDED** by Dr. McRoberts. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Ms. Cochran, Dr. McRoberts, Dr. Crespin, Mr. Ghadimi. **ABSENT:** Dr. Giudice. **MOTION CARRIED.**

#### 4. STAFF REPORT:

##### A. Status of Legislation

Lynn Hart, Executive Director, reported that the Bills affecting the New Mexico Medical Board that passed both houses were signed by the Governor. HB 177 reflects the New Mexico Medical Board's authority for emergency summary suspension and will be implemented, however the bill was amended to strip the entire section pertaining to peer review records before it passed both houses. Dr. Kovnat directed staff to begin urging the blockers of the peer review portion of the bill to work with the Board.

Ms. Hart reported that the New Mexico Medical Board, pursuant to legislation enacted this year, will begin licensing Genetic Counselors and Polysomnographic Technologists. In addition the Medical Board is directed by the Legislature to work collaboratively with the NM Chiropractic Board to sanction schools for training of "Advanced Chiropractor" licensure. The Medical Board and the Chiropractic Board will also work in conjunction with the Pharmacy Board to establish a formulary as a precursor for "Advanced Chiropractors" to gain prescriptive authority. The Board requested copies of the two licensing acts and the act authorizing the Advanced Chiropractor to review immediately. Board staff will begin meeting with each group to begin researching and drafting proposed implementing rules. After discussion the Board agreed to have representatives for each license type and representatives of the Chiropractic Board and the Pharmacy Board visit the Medical Board at their May meeting.

##### B. Hearing Officers – Approval of List

Ms. Hart reported that she, Ms. Walker and Ms. Buzzard established a list of potential hearing officers that might be pre-approved for future hearings. The Board discussed the pros and cons of having an attorney as a hearing officer in lieu of a practitioner. Ms. Buzzard explained her role as the Board's council during a hearing.

##### C. Updates for May Meeting

Ms. Hart requested input for the May meeting agenda. Dr. Kovnat proposed the possibility of breaking the compliance interviews up into two interview groups. After a brief discussion the Board decided to have Dr. Kovnat and Dr. Weiner review the list of interviewees and determine if there are any candidates that can be interviewed every six months rather than quarterly.

##### D. Update on Fingerprint Process

Lynn Tipton, Administrative Assistant, explained the fingerprint rejection process to the Board. Ms. Tipton requested the Board consider having the FBI do a background check based on "name screening" (name and social security number) of licensees whose fingerprints have been rejected twice by the FBI. This process would be in lieu of requesting the licensee be fingerprinted a third time and pay administrative fees for re-processing their fingerprints. After a brief discussion the Board had no objections to the name screening.

##### E. Compliance Report – Proposal for Quarterly Visits

Details regarding this agenda item were discussed and are covered in these Minutes under "C. Updates for May Meeting"

##### F. Set Aside Default Order – Jeffrey Pollock, PA

G.T.S Khalsa explained that the Board issued an NCA to Mr Pollock, mailed the NCA to two addresses on file in the Board's database, the mailings were returned as undeliverable with no forwarding address. Mr. Pollock never responded and a default order was issued to revoke his license based on evidence presented in the default hearing on November 16, 2007. Correspondence from Mr. Pollock and further research indicated that the Board had received his change of address verbally by an investigator (Board Rules require written notification of change of address), but the original NCA was never mailed to the address the investigator noted in the file but not entered into the database. **MOTION** was made by Mr. Ghadimi to set aside the default order against Jeffrey Pollack, PA. **SECONDED** by Dr. Crespin. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Ms. Cochran, Dr. McRoberts, Dr. Crespin, Mr. Ghadimi, Dr. Giudice. **MOTION CARRIED.**

- Ms. Hart explained to the Board that a new process is in place with Board Staff to make communicated address changes in the database immediately and assure that written follow up is received by the licensee via email, fax or regular mail.

**5. CHAIR REPORT:**

A. Confirm FSMB Visit at the August 21-22, 2008 Board Meeting


Dr. Kovnat reported that FSMB will be presenting to the Board at their August 21-22, 2008 Board Meeting. The visit also includes an invitation to the Board and Board Staff to dinner in Santa Fe on Thursday, August 21<sup>st</sup>. Staff will send the Board Members accommodation information.

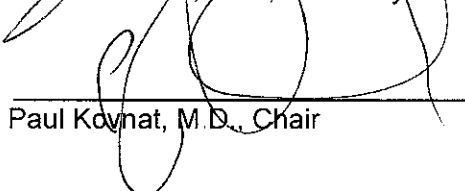
- Mr. Heim Resignation  
Dr. Kovnat announced that Mr. Heim intends to resign from the Board due to illness by letter of resignation to the Governor this week. Dr. Kovnat stated that a new public member will be needed and it would be interesting to have a non-medical person to offer a new perspective. Recommendations should be sent to Ms. Hart. Recognition of Mr. Heim's Board Membership and overall public service will be planned.

**6. ADJOURN:**

There being no further business, the meeting adjourned at 5:01 p.m.

SUBMITTED BY:  DATE: 5/23/08  
Lynn Hart, Executive Director

APPROVED BY:  DATE: 5/23/08  
John Lauriello, M.D., Secretary

APPROVED BY:  DATE: 5/23/08  
Paul Kovnat, M.D., Chair