

**NEW MEXICO MEDICAL BOARD**  
**Regular Meeting**  
**May 22-23, 2008**

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

**MINUTES**

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

Paul Kovnat, MD, Chairman, called the second quarter (regular) meeting of the New Mexico Medical Board to order at 8:31 a m , and a quorum was determined present.

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

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

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

(See list of all attendees attached to these minutes)

**2. APPROVAL OF AGENDA**

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

**3. APPROVAL OF MINUTES**

Dr. Kovnat noted for the record that Mr. Heim had decided to remain on the Board and noted that Mr. Heim informed him that he would be attending the next regular meeting.

**MOTION** was made by Dr. Kovnat to approve the Minutes from the February 14 - 15, 2008 quarterly meeting. **SECONDED** by Dr. Crespin. **YES:** Dr. Kovnat, Ms. Cochran, Dr. Crespin, Mr. Ghadimi, Dr. Weiner, Dr. McRoberts, Dr. Giudice and Dr. Lauriello. **MOTION CARRIED.**

**MOTION** was made by Dr. Kovnat to approve the Minutes from the April 1, 2008 interim meeting **SECONDED** by Ms. Cochran. **YES:** Dr. Kovnat, Ms. Cochran, Dr. Crespin, Mr. Ghadimi, Dr. Weiner, Dr. McRoberts, Dr. Giudice and Dr. Lauriello **MOTION CARRIED.**

4. **EXECUTIVE SESSION – BOARD COMMITTEE REPORTS**

**MOTION** was made by Dr. Kovnat to go into executive session pursuant to Section 10-15-1(H)(1) of the Open Meetings Act to discuss matters pertaining to the issuance, suspension, renewal or revocation of a license. **SECONDED** by Ms. Cochran. **YES:** Dr. Kovnat, Ms. Cochran, Dr. Crespin, Mr. Ghadimi, Dr. Weiner, Dr. McRoberts, Dr. Giudice and Dr. Lauriello. **MOTION CARRIED.**

The Board reconvened into Open Session. Dr. Kovnat stated for the record that the matters discussed in Executive Session were limited only to those specified in the motion for closure

5. **ACTIONS RELATED TO EXECUTIVE SESSION**

A. **Executive Committee**

- **Criminal History Hits**
- **Other Cases**

The Executive Committee reported on 94 cases. The Board decided that no action was required since the Board at this time was not referring any of the cases for administrative processing. However, the Board made the following changes to the Committee's recommendation:

2008-30 – Investigate

2008-40 – No Action

2008-41 – Investigate

2008-43 – No Action

2008-58 – No Action

2008-66 – No Action

2008-74 – Non-Report Letter

2008-79 – Non-Report Letter

2008-80 – Non-Report Letter

DR-7 – Non-Report Letter

AC-2 – in addition to referring to the Nursing Board also refer to the District Attorney's Office

The Board also decided that for the cases where no action will be initiated an appropriate letter will be sent to the licensee

B. **Parental Responsibility: 2008-BRD-020**

The Board decided to close the case since the matter had been resolved

C. **Complaint Committee**

- **Committee A:**

**Complaint Cases: 2007-A-164; 2007-A-170; 2007-A-182; 2007-A-183; 2008-A-001; 2008-A-005 – RECOMMENDATION** was made by Dr. Weiner to close, as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Dr. Kovnat, Ms. Cochran, Mr. Ghadimi, Dr. McRoberts, Dr. Giudice and Dr. Lauriello. **ABSTAINED:** Dr. Weiner and Dr. Crespin. **RECOMMENDATION PASSED.**

**Complaint Case 2007-A-137** – is to remain under investigation. No action was required

**Complaint Case No. 2008-A-009 – RECOMMENDATION** was made by Dr. Weiner to issue a Notice of Contemplated Action based on another state's action and making false statements on the application for licensure. **YES:** Dr. Kovnat, Ms. Cochran,

Mr. Ghadimi, Dr. McRoberts, Dr. Giudice and Dr. Lauriello. **ABSTAINED:** Dr. Weiner and Dr. Crespin. **RECOMMENDATION PASSED.**

**Complaint Case No. 2008-A-025 – RECOMMENDATION** was made by Dr. Weiner to issue an advisory letter regarding disclosure. **YES:** Dr. Kovnat, Ms. Cochran, Mr. Ghadimi, Dr. McRoberts, Dr. Giudice and Dr. Lauriello. **ABSTAINED:** Dr. Weiner and Dr. Crespin. **RECOMMENDATION PASSED.**

- **Committee B:**

**Complaint Cases: 2007-B-179; 2007-B-185; 2007-B-189; 2008-B-002; 2008-B-003; 2008-B-030 – RECOMMENDATION** was made by Ms. Cochran to close, as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Dr. Kovnat, Dr. Crespin, Mr. Ghadimi, Dr. Weiner, Dr. Giudice and Dr. Lauriello. **ABSTAINED:** Ms. Cochran and Dr. McRoberts. **RECOMMENDATION PASSED.**

**Complaint Cases 2006-B-116, 2007-B-163 and 2007-B-172 –** are to remain under investigation. No action was required.

**Complaint Case No. 2006-B-135 – RECOMMENDATION** was made by Ms. Cochran to offer a formal agreement requiring the physician to give the Board a 90-day written notice of intent to practice in NM. If the physician does not accept a formal agreement then issue a Notice of Contemplated Action based on another state's action. **YES:** Dr. Kovnat, Dr. Crespin, Mr. Ghadimi, Dr. Weiner, Dr. Giudice and Dr. Lauriello. **ABSTAINED:** Ms. Cochran and Dr. McRoberts. **RECOMMENDATION PASSED.**

**Complaint Case No. 2008-B-028 – RECOMMENDATION** was made by Ms. Cochran to issue a Notice of Contemplated Action based on fraud or misrepresentation when applying for a license to practice medicine. **YES:** Dr. Kovnat, Dr. Crespin, Mr. Ghadimi, Dr. Weiner, Dr. Giudice and Dr. Lauriello. **ABSTAINED:** Ms. Cochran and Dr. McRoberts. **RECOMMENDATION PASSED.**

**Complaint Case No. 2008-B-049 – RECOMMENDATION** was made by Ms. Cochran to offer physician a referral for a CPEP evaluation. **YES:** Dr. Kovnat, Dr. Crespin, Mr. Ghadimi, Dr. Weiner, Dr. Giudice and Dr. Lauriello. **ABSTAINED:** Ms. Cochran and Dr. McRoberts. **RECOMMENDATION PASSED.**

- **Committee C:**

**Complaint Cases: 2005-C-031; 2006-C-044; 2006-C-189; 2007-C-100; 2007-C-184; 2007-C-186; 2008-C-010 – RECOMMENDATION** was made by Dr. Giudice to close as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Dr. Kovnat, Ms. Cochran, Dr. Crespin, Mr. Ghadimi, Dr. Weiner, Dr. McRoberts and Dr. Lauriello. **ABSTAINED:** Dr. Giudice. **RECOMMENDATION PASSED.**

**Complaint Cases 2007-C-105 and 2007-C-180 –** were referred back to investigation. No action was required.

**Complaint Case 2005-C-130 –** is to remain on hold. No action was required.

- **Committee D:**

**Complaint Cases: 2006-D-206; 2007-D-099; 2007-D-165; 2007-D-169; and 2007-D-187 – RECOMMENDATION** was made by Dr. Lauriello to close as there was no evidence of a violation of the Medical Practice Act or rules.

**YES:** Dr Kovnat, Ms. Cochran, Dr. Crespin, Dr. Weiner and Dr. Giudice.  
**ABSTAINED:** Dr. Lauriello, Mr. Ghadimi and Dr. McRoberts  
**RECOMMENDATION PASSED.**

**Complaint Case No. 2004-D-029 – RECOMMENDATION** was made by Dr Lauriello to issue a Notice of Contemplated Action based on repeated similar acts.

**YES:** Dr. Kovnat, Ms. Cochran, Dr. Crespin, Dr. Weiner and Dr. Giudice.  
**ABSTAINED:** Dr. Lauriello, Mr. Ghadimi and Dr. McRoberts.  
**RECOMMENDATION PASSED.**

**Complaint Case No. 2007-D-090 –** Committee D deferred making a recommendation until after an interview on Friday, May 23, 2008.

**Complaint Case No. 2007-D-102 – RECOMMENDATION** was made by Dr. Lauriello to offer Resident Physician an open-ended stipulated license requiring MTP participation and other standard substance abuse stipulations. **YES:** Dr. Kovnat, Ms. Cochran, Dr. Crespin, Dr. Weiner, Dr. McRoberts and Dr. Giudice. **ABSTAINED:** Dr. Lauriello and Mr. Ghadimi. **RECOMMENDATION PASSED.**

**Complaint Case No. 2007-D-178 – RECOMMENDATION** was made by Dr. Lauriello to close the case, as there was no evidence of a violation of the Medical Practice Act; however, an advisory letter will be issued regarding prescribing without a medical evaluation being performed. **YES:** Dr. Kovnat, Ms. Cochran, Dr. Crespin, Dr. Weiner, and Dr. Giudice. **ABSTAINED:** Dr. Lauriello, Dr. McRoberts and Mr. Ghadimi. **RECOMMENDATION PASSED.**

**Complaint Cases 2008-D-026 and 2008-D-027 –** are to remain under investigation. No action was required.

**Complaint Case No. 2008-D-052 – RECOMMENDATION** was made by Dr. Lauriello to offer the Physician a stipulated license requiring MTP participation and other standard substance abuse stipulations. **YES:** Dr. Kovnat, Ms. Cochran, Dr. Crespin, Dr. Weiner, Dr. McRoberts and Dr. Giudice. **ABSTAINED:** Dr. Lauriello and Mr. Ghadimi. **RECOMMENDATION PASSED.**

**Complaint Cases 2007-D-130 and 2008-D-057 –** are to remain on hold. No action was required.

- **Committee E:**

**Complaint Case 2005-E-110 –** at the August 24, 2006 board meeting the Board had voted to issue a Notice of Contemplated Action based on injudicious prescribing, substance abuse, failure to maintain adequate medical records and unprofessional conduct. As a result of further discussion, the Board's Prosecuting Attorney will move forward with the Notice of Contemplated Action.

**D. Tracking NCAs and On-Hold Cases** (Andrea Buzzard, A.A.G., Lynn Hart and GTS Khalsa)

Ms. Cochran noted that the Board is accountable for all cases and therefore cases need to continue to move forward.

Executive Director, Lynn Hart, stated that proposed stipulations need to be reviewed by the Board Attorney. Board Attorney, Andrea Buzzard, noted that her primary review is from the perspective of satisfying the Board's statute and rules.

Ms. Hart stated that there should be a document in standard format used for informal agreements agreed to by the Board and issued by the Board. Example: when a doctor agrees not to practice while a case is pending. After a lengthy discussion Dr. Kovnat formed a task force consisting of Andrea Buzzard, Lynn Hart and GTS Khalsa to develop policies and procedures.

**E. Process for Opening an Investigation**

Mr. Ghadimi recommended that a committee be formed to conduct an initial review of complaints to determine if a complaint should or should not be opened for investigation, and that committee members rotate quarterly. Mr. Ghadimi volunteered to serve on the first committee. The Board decided that the committee should meet weekly and that the membership rotate quarterly.

Mr. Khalsa recommended that if there is one (1) committee member who believes that a complaint rises to the level of an investigation then the case should be opened automatically for investigation. Therefore, there needs to be a consensus that a complaint does not rise to the level of an investigation in order for a complaint not to be opened for investigation.

Dr. Kovnat appointed formed the initial committee: Mr. Ghadimi, Lynn Hart and GTS Khalsa.

**F. Process for Closing Files - Writing and Posting Orders; Data Bank and Public Reporting**

This item was discussed with agenda item 5 D above (Tracking NCAs and On-Hold Cases). The same task force is to address this item.

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

**A. Settlement of Case 2008-003 - Joan Lewis, M.D.**

**MOTION** was made by Dr. Kovnat to accept the proposed settlement in Case 2008-003 **SECONDED** by Dr. Weiner. **YES:** Dr. Kovnat, Ms. Cochran, Dr. Crespino, Mr. Ghadimi, Dr. Weiner, Dr. McRoberts and Dr. Lauriello. **RECUSED:** Dr. Giudice. **MOTION CARRIED.**

**B. Settlement of Case 2008-001 - Howard Schwartz, MD**

**MOTION** was made by Dr. Kovnat to accept the proposed settlement in Case 2008-001. **YES:** Dr. Kovnat, Ms. Cochran, Dr. Crespino, Mr. Ghadimi, Dr. McRoberts and Dr. Lauriello. **RECUSED:** Dr. Giudice. **NOT PRESENT:** Dr. Weiner. **MOTION CARRIED.**

**C. Dismissal of Case 2008-004 - George Schwartz, M.D.**

**MOTION** was made by Dr. Kovnat to accept the proposed order in Case 2008-004 **SECONDED** by Dr. Crespino. **YES:** Dr. Kovnat, Ms. Cochran, Dr. Crespino, Mr. Ghadimi, Dr. Weiner, Dr. McRoberts, Dr. Giudice and Dr. Lauriello. **MOTION CARRIED.**

**D. James Douglas Mickle, MD – accept 30 years of medical practice in lieu of second year of post graduate training and grant unrestricted medical license.**

**MOTION** was made by Dr. Kovnat to accept applicant's 30 years of medical practice in lieu of second year of post graduate training and grant an unrestricted medical license **SECONDED** by Dr. Weiner. **YES:** Dr. Kovnat, Ms. Cochran, Dr. Crespino, Mr. Ghadimi, Dr. Weiner, Dr. Giudice and Dr. Lauriello. **ABSTAINED:** Dr. McRoberts. **MOTION CARRIED.**

- E. Robert Beauford, MD – request exception to 7 year rule and grant unrestricted medical license.**  
**MOTION** was made by Dr. Kovnat to accept the exception request to the 7 year rule, pursuant to paragraph (1) of Subsection F of Section 10 of 16.10.3 NMAC, and grant an unrestricted medical license. **SECONDED** by Mr. Ghadimi. **YES:** Dr. Kovnat, Ms. Cochran, Dr. Crespin, Mr. Ghadimi, Dr. Weiner, Dr. McRoberts, Dr. Giudice and Dr. Lauriello. **MOTION CARRIED.**
- F. Teresa Smith de Cherif, MD - request exception to 7 year rule and grant unrestricted medical license.**  
**MOTION** was made by Mr. Ghadimi to accept the exception request to the 7 year rule, pursuant to paragraph (3) of Subsection F of Section 10 of 16.10.3 NMAC, and grant an unrestricted medical license. **SECONDED** by Dr. Kovnat. **YES:** Dr. Kovnat, Ms. Cochran, Dr. Crespin, Mr. Ghadimi, Dr. Weiner, Dr. McRoberts, Dr. Giudice and Dr. Lauriello. **MOTION CARRIED.**
- G. Valerie Tausch, MD – approve unrestricted license**  
**MOTION** was made by Dr. Kovnat to grant an unrestricted license to applicant, based on completion of a required practice monitoring period. **SECONDED** by Dr. Crespin. **YES:** Dr. Kovnat, Ms. Cochran, Dr. Crespin, Mr. Ghadimi, Dr. Weiner, Dr. McRoberts, Dr. Giudice and Dr. Lauriello. **MOTION CARRIED.**

## 7. REPORTS

- A. Chair – Board Approved Absence for Health Concerns - Mr. Heim**  
**MOTION** was made by Mr. Ghadimi to excuse Richard Heim, Public Member, from attendance of this board meeting due to health reasons. **SECONDED** by Dr. Kovnat. **YES:** Dr. Kovnat, Ms. Cochran, Dr. Crespin, Mr. Ghadimi, Dr. Weiner, Dr. McRoberts, Dr. Giudice and Dr. Lauriello. **MOTION CARRIED.**
- B. Executive Director**
- **Board Member Term Positions** – Ms. Hart reported that board members terms are not consistent with §61-6-2(D) of the Medical Practice Act for staggered terms, noting that the statute provides that no more than three terms expire in a year. Ms. Hart stated that she would submit a recommendation for staggered terms at the June 2008 interim board meeting.
  - **Report from NM Medical Society** – Ms. Hart reported that the NM Medical Society has requested that the Board work with them on medical record rules. Ms. Hart stated that a representative from the NM Medical Society will be at the August 2008 Board Meeting to discuss their concerns.
- Ms. Hart also reported to the NM Medical Society on the Board's decision to wait to provide the Health Policy Commission's Physician Survey to physicians until the 2009 renewal cycle.
- Ms. Hart reported that the NM Medical Society has an issue with the Board's requirement that a New Mexico license is required in order to order labs and x-rays, resulting in out-of-state physicians being unable to order labs and x-rays. Dr. Kovnat appointed Ms. Hart, Dr. La Farge, JJ Walker, and Dr. Crespin to work on a proposed resolution.
- **Public Citizen's Ranking Report** - Ms. Hart provided the Board with statistics for "Actions by State Medical Boards: 2005-2007". The report used data released by the

Federation of State Medical Boards on the disciplinary actions taken against doctors in 2007, which reflects a decrease in disciplinary action taken by medical boards for three consecutive years.

- **Personnel Issue** – Ms. Hart reported that Jonni Pool was hired into the vacant Investigator position. In addition, she reported that on June 2<sup>nd</sup> the Licensing Department is expected to have a new Licensing Clerk on board.

**C. Medical Director**

- **Update on FSMB Meeting**

Dr. La Farge reported that the USMLE examination will become a two-part examination, reflecting integration of the clinical sciences with the basic sciences throughout medical school training.

- **FSMB Maintenance of Licensure Report**

Dr. La Farge reported that the FSMB's Special Committee on Maintenance of Licensure has developed strong recommendations for mandatory Board recertification and other activities designed to enhance the maintenance of physician knowledge and clinical competence

**D. Telehealth Issues - Mr. Ghadimi**

Mr. Ghadimi reported that Telehealth is developing rapidly, which includes electronic record keeping, noting that the Governor has formed a Telehealth Commission. Mr. Ghadimi reported that New Mexico received \$15.5 million dollars in federal money that was funneled through UNM for T-1 computer connectivity aimed at enhancing Telehealth communication. Mr. Ghadimi stated that the Board should expect to see more and more Telehealth (Telemedicine) applications submitted to the Board.

**E. Assistant Attorney General**

There was nothing to report.

**F. Administrative Prosecutor**

Mr. Khalsa reported that he has eight (8) cases still pending administrative action, noting that the oldest one is from 2005. Mr. Khalsa also noted that two (2) of the cases were on the agenda for Board action.

**G. Licensing Manager - Application Task Force Report**

Ms. Amanda Quintana, Licensing Manager, reported that the Application Task Force consisting of herself, Dr. Kovnat, Ms. Cochran, Mr. Ghadimi and Dr. La Farge met on May 12, 2008, and that they reviewed possible changes to the Professional Practice Questions in the application for licensure. After a lengthy discussion, the Board accepted the recommendations of the Task Force with the following changes:

6c. should read: "Have you ever been subject to investigation by a governmental entity or Board irrespective of the outcome."

15. delete entirely.

16. should read: "Are you now, or were you in the past, addicted to, abusive of, or in treatment for abuse of any illegal drugs, controlled substances, habit-forming drugs, prescription medication or alcohol? You may answer "no" if you are a voluntary participant in a board-approved monitoring program."

The Board also recommended that the questions on the Applicant's Oath page be moved and grouped with the Professional Practice Questions

**H. Financial / Human Resources Manager**

- **FY07 Audit Report** – Ms. Mascarenas reported that the FY07 Audit Report was previously reported at the February 14, 2008 board meeting, noting that there was no additional information to report

**MOTION** was made by Dr. Crespin to approve the FY07 Audit Report **SECONDED** by Mr. Ghadimi. **YES:** Dr. Kovnat, Ms. Cochran, Dr. Crespin, Mr. Ghadimi, Dr. Weiner, Dr. Giudice and Dr. Lauriello. **ABSENT:** Dr. McRoberts. **MOTION CARRIED.**

- **FY08 Budget Status Report** – Ms. Mascarenas reported that the Board is on target with revenues and expenditures for FY08, noting that the majority of revenue is generated during the months of April through July.
- **FY09 Operating Budget** – Ms. Mascarenas reported that the FY09 Operating Budget was previously reported at the February 14, 2008 board meeting, noting that there was no additional information to report.

**MOTION** was made by Dr. Kovnat to approve the FY09 Operating Budget **SECONDED** by Ms. Cochran. **YES:** Dr. Kovnat, Ms. Cochran, Dr. Crespin, Mr. Ghadimi, Dr. Weiner, Dr. Giudice and Dr. Lauriello. **ABSENT:** Dr. McRoberts. **MOTION CARRIED.**

- **FY09 MTP Contract** – Ms. Mascarenas reported that the FY09 MTP contract was being processed, noting that the contract includes an increase of 3% for inflation as provided in the RFP

**I. Administrative**

There was nothing to report.

**J. Compliance / Public Information Officer**

- **Genetic Counselor Licensing Timeline**  
Ms. Walker reported that the effective date of licensure for Genetic Counselors is July 1, 2009, noting that the Board has met with the Genetic Counselor Committee to work on drafting rules and to develop application forms
- **Polysomnographic Technologist Licensing Timeline**  
Ms. Walker reported that the effective date of the Polysomnography Practice Act is July 1, 2008, noting that the Board should receive a list of recommended advisory committee members for approval at the August 2008 Board Meeting. Ms. Walker stated that the advisory board will then commence to draft rules and application forms for implementation of the Polysomnography Practice Act. The effective date for licensure is July 1, 2010
- **Compliance Task Force**  
Ms. Walker reported that the Compliance Task Force met on April 23, 2008. Jon Thayer of the NM Monitored Treatment Program provided the Task Force with an overview of their processes.



8. **DISCUSSION WITH WILLIAM HARVEY, EXECUTIVE DIRECTOR, PHARMACY BOARD REGARDING THE CHIROPRACTIC ACT (House Bill (HB) 275)**

William Harvey, Executive Director of the Pharmacy Board, appeared before the Board to explain the Pharmacy Board's role in the implementation of HB 275 and what he expects the process will involve.

Mr. Harvey stated that the first thing that needs to be looked at is the statutory authority in HB275 that allows prescribing, to be followed by working at determining what substances can be prescribed, and then determining the training needed in order to prescribe such substances. He then emphasized that the specified formulary determines the training required. Mr. Harvey referred to a similar process in which the Pharmacy Board is involved with the Acupuncture Board, noting that the Pharmacy Board has yet to agree on what substances Doctors of Oriental Medicine can prescribe. He expects that the Pharmacy Board will also face similar issues with the Chiropractic Board on what can be prescribed under HB 275. Dr. Lauriello stated that the formulary needs to be based on the education and how that education fits within the scope of practice as provided in the Chiropractic Act.

Mr. Harvey recommended that the Chiropractic Board work on a draft formulary and then present it to the NM Medical Board and the Pharmacy Board for review and consideration. Mr. Harvey stated that the Pharmacy Board will want to know the process of how the Chiropractic Board derived the drug formulary and whether it will be listed substance-by-substance or by pharmacological class.

9. **CHIROPRACTIC BOARD - Implementation of House Bill (HB) 275**

William H. Doggett, D.C. and George Simmons D.C., appeared before the Board to present information about the provisions of HB 275 and to answer any questions the Board might have regarding implementation of HB 275. He emphasized that HB 275 establishes an advanced practice chiropractic certification registry for chiropractic physicians trained in the fundamentals of prescribing.

Dr. Doggett stated that the first step in accomplishing this task includes the NM Medical Board approving the institutions that will provide the clinical and didactic course work. The two (2) institutions presented to the Board for consideration were the National University of Health Science located in Lombard, IL and Texas College of Chiropractic located in Arlington, TX.

Dr. Doggett reported that the NM Medical Board along with the Board of Pharmacy are also charged with the task of approving the formulary developed by the Chiropractic Board for the Advanced Practice Chiropractic Registry.

**MOTION** was made by Dr. Kovnat to approve the National University of Health Science and Texas College of Chiropractic to start development of a curriculum for review and to appoint a committee consisting of Dr. La Farge and JJ Walker, along with Dr. Barbara McGuire (appointed by the NM Medical Society), to work with the Chiropractic Board on implementing HB275. **SECONDED** by Dr. Crespin. **YES:** Dr. Kovnat, Dr. Crespin, Mr. Ghadimi, Dr. Weiner, Dr. McRoberts, Dr. Giudice and Dr. Lauriello. **ABSTAINED:** Ms. Cochran. **MOTION CARRIED.**

10. **EXECUTIVE SESSION – COMPLIANCE**

**MOTION** was made by Dr. Kovnat to go into executive session pursuant to Section 10-15-1(H)(1) of the Open Meetings Act to discuss matters pertaining to the issuance, suspension, renewal or revocation of a license. **SECONDED** by Dr. Crespin. **YES:** Dr. Kovnat, Ms. Cochran, Dr. Crespin, Mr. Ghadimi, Dr. Weiner, Dr. McRoberts, Dr. Giudice and Dr. Lauriello.

**MOTION CARRIED.**

The Board reconvened into Open Session. Dr. Kovnat stated for the record that the matters discussed in Executive Session were limited only to those specified in the motion for closure.



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

- **Rule 16.10.16 NMAC - Administering, Prescribing and Distribution of Medications**  
**MOTION** was made by Dr. Kovnat to adopt Rule 16.10.16 NMAC as proposed. **SECONDED** by Mr. Ghadimi. **YES:** Dr. Kovnat, Ms. Cochran, Dr. Crespin, Mr. Ghadimi, Dr. Weiner, Dr. McRoberts, Dr. Giudice and Dr. Lauriello. **MOTION CARRIED.**

**13. EXECUTIVE SESSION**

**MOTION** was made by Dr. Kovnat to go into closed session pursuant to Section 10-15-1(H)(1) of the Open Meetings Act to discuss **Complaint Case No. 2007-D-090**. **SECONDED** by Ms. Cochran. **YES:** Dr. Kovnat, Ms. Cochran, Dr. Crespin, Mr. Ghadimi, Dr. Weiner, Dr. McRoberts, Dr. Giudice and Dr. Lauriello. **MOTION CARRIED.**

The Board reconvened into Open Session. Dr. Kovnat stated for the record that the only matter discussed in Executive Session was **Complaint Case No. 2007-D-090**.

**Complaint Case No. 2007-D-090 – RECOMMENDATION** was made by Dr. Lauriello to close the case with an advisory letter. **YES:** Dr. Kovnat, Ms. Cochran, Dr. Crespin, Dr. Weiner, Dr. McRoberts and Dr. Giudice. **ABSTAINED:** Dr. Lauriello and Mr. Ghadimi. **MOTION CARRIED.**

**14. PRESENTATION – GENETIC COUNSELORS**

Ms. Lori Ballinger, representing the Genetic Counselors, provided a brief history of Genetic Counseling, and explained what Genetic Counselors do, what the training involves and what their recertification process is

**15. PRESENTATION – POLYSOMNOGRAPHIC TECHNOLOGISTS**

Mr. Craig Eaves, representing the Polysomnographic Technologists, provided a brief summary regarding the practice of Polysomnography (Sleep Technology), including the practice of sleep testing and the process of diagnosing people with sleep disorders. Mr. Eaves noted that Tennessee is the only other state that maintains licensure for Polysomnographic Technologists.

**16. NEW BUSINESS**

**A. Election of Officers**

Ms. Cochran nominated Dr. Kovnat as Chairman, Dr. Weiner as Vice-Chair and Dr. Lauriello as Secretary-Treasurer. The nomination was **SECONDED** by Dr. Crespin. **YES:** Dr. Kovnat, Ms. Cochran, Dr. Crespin, Mr. Ghadimi, Dr. Weiner, Dr. Giudice and Dr. Lauriello. **ABSENT:** Dr. McRoberts. **MOTION CARRIED.**

**B. Adopt Open Meetings Resolution**

**MOTION** was made by Dr. Kovnat to adopt the Open Meetings Resolution as presented. **SECONDED** by Mr. Ghadimi. **YES:** Dr. Kovnat, Ms. Cochran, Dr. Crespin, Mr. Ghadimi, Dr. Weiner, Dr. Giudice and Dr. Lauriello. **ABSENT:** Dr. McRoberts. **MOTION CARRIED.**

**C. Proposed Schedule Meeting Dates for 2009 calendar**

**Quarterly Meetings:**

February 19-20, 2009, May 14-15, 2009, August 13-14, 2009 and November 12-13, 2009

**Interim Meetings:**

January 8, 2009, April 2, 2009, June 25, 2009 and September 24, 2009

The next annual FSMB meeting is scheduled for April 30-May 2, 2009 at the Crystal City Hyatt Regency in Washington DC.

**MOTION** was made by Dr. Crespin to accept the proposed schedule meeting dates for the 2009 calendar. **SECONDED** by Dr. Kovnat. **YES:** Dr. Kovnat, Ms. Cochran, Dr. Crespin, Mr. Ghadimi, Dr. Weiner, Dr. Giudice and Dr. Lauriello. **ABSENT:** Dr. McRoberts. **MOTION CARRIED.**

**D. Lethal Injection Survey, Columbia University**

Columbia University sent out a survey regarding professional medical ethics pertaining to guidelines and restrictions about physician participation in executions by lethal injections. The Board decided that they would not complete the survey. Columbia University was verbally advised of the Board's ethics rules pursuant to Section 9 of 16.10.8 NMAC.

**17. OLD BUSINESS**


• **Code of Conduct**

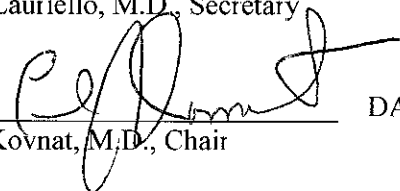
The Board tabled adopting a Code of Conduct pending further review and revision.

**18. ADJOURN**

There being no further business, the meeting adjourned at 12:14 p.m.

SUBMITTED BY:  DATE: 6/26/08  
Lynn Hart, Executive Director

APPROVED BY:  DATE: 6/26/08  
John Lauriello, M.D., Secretary

APPROVED BY:  DATE: 6/26/08  
Paul Kovnat, M.D., Chair