

NEW MEXICO MEDICAL BOARD

Interim Meeting

June 26, 2008

MINUTES

Members Present:

Paul Kovnat, M.D., Chairman
Steven Weiner, M.D., Vice-Chair
John Lauriello, M.D., Secretary-Treasurer – by teleconference
Robert McRoberts, M.D. – by teleconference
Frank Crespin, M.D. – by teleconference
Dick Heim, Public Member – by teleconference
Reza Ghadimi, P.A.

Members Absent:

Vivian Giudice, M.D.
Becky Cochran, Public Member

Also Present:

Lynn Hart, Executive Director
Grant La Farge, M.D., Medical Director
G.I.S. Khalsa, Board Prosecutor
Lynn Tipton, Administrative Assistant
Andrea Buzzard, A.A.G.

1. **CALL TO ORDER**

The interim meeting of the New Mexico Medical Board convened at 4:00 p.m., Thursday, June 26, 2008 in the Board Conference Room, 2055 S. Pacheco, Santa Fe, New Mexico, **Paul Kovnat, M.D.** presiding. A quorum was declared with all members present except Vivian Giudice, M.D. and Becky Cochran.

2. **APPROVAL OF AGENDA**

Dr. Kovnat **MOVED** to approve the agenda as amended. The amendment was to remove Thomas Nelius, MD. Dr. Nelius will be placed on the Agenda at the August, 2008 quarterly meeting. **YES:** Kovnat, Weiner, Lauriello, Ghadimi, Heim, McRoberts and Crespin. **MOTION CARRIED**

3. **APPROVE MINUTES**

Dr. Weiner **MOVED** to approve the minutes of the May 22 – 23, 2008 Quarterly Board meeting. Mr. Ghadimi **SECONDED**. **YES:** Kovnat, Weiner, Lauriello, Ghadimi, McRoberts and Crespin. **RECUSED:** Heim. **ABSENT:** Giudice and Cochran. **MOTION CARRIED**.

4. **LICENSING ISSUES, NEW APPLICANTS/REINSTATEMENTS:**

- **Jeffrey Pollock, PA** – Dr. Kovnat **MOVED** to approve the Order to dismiss the Notice of Contemplated Action and Mr. Pollock has agreed to never apply for a license as a physician assistant in New Mexico. Dr. Crespin **SECONDED**. **YES:** Kovnat, Weiner, Heim, McRoberts and Crespin. **RECUSED:** Lauriello and Ghadimi. **ABSENT:** Giudice

and Cochran. **MOTION CARRIED.**

- **Case 2005-015** – Mr. Khalsa presented an Agreed Order prepared by himself and the respondent's attorney for approval from the board. Respondent, George Schwartz, MD would voluntarily surrender his New Mexico license and agree not to apply for licensure in any other state. Respondent requested additional time to consider the Agreed Order. Dr. Weiner **MOVED** that the Board agree to the Order and granted respondent until June 27, 2008 at 5:00 pm to review with his attorney and execute the Agreed Order and deliver to Ms. Hart at the board office. Dr. Crespin **SECONDED**. **YES:** Weiner, Lauriello, Ghadimi, McRoberts and Crespin. **RECUSED:** Kovnat and Heim. **ABSENT:** Giudice and Cochran. **MOTION CARRIED**
- **Ricardo Gonzales, MD** – Dr. Kovnat **MOVED** that the Board accept the request to make an exception to the 7 year rule for completion of all three steps of the USMLE and grant him an unrestricted license. Mr. Ghadimi **SECONDED**. **YES:** Kovnat, Weiner, Lauriello, Ghadimi, Heim, McRoberts and Crespin. **ABSENT:** Giudice and Cochran. **MOTION CARRIED**
- **Binu Sugunan, MD** - Dr. Kovnat **MOVED** that the Board accept the request to make an exception to the 7 year rule for completion of all three steps of the USMLE and grant him an unrestricted license. Dr. Weiner **SECONDED**. **YES:** Kovnat, Weiner, Lauriello, Ghadimi, Heim, McRoberts and Crespin. **ABSENT:** Giudice and Cochran. **MOTION CARRIED**

5. INVESTIGATIONS

- The board was informed that a complaint has been filed with the Pharmacy Board involving a pharmacist assistant. Due to joint jurisdiction, rules require two representatives from the NMMB to review the case. Dr. LaFarge and Dr. Lauriello will work with the Pharmacy Board to review the complaint case.
- **Complaint Committee A.** On behalf of Complaint Committee A, Dr. Weiner **MOVED** that complaint case 2008-A-101 be closed as there was no evidence of a violation of the Medical Practice Act or rules. No second was required. **YES:** Kovnat, Lauriello, Ghadimi, Heim and McRoberts. **RECUSED:** Weiner and Crespin. **ABSENT:** Giudice and Cochran. **MOTION CARRIED.**

6. COMPLIANCE

- At the May 2008 board meeting, Board Staff was directed to investigate the Patient Rx History Report received from the Board of Pharmacy in Case No. 2008-002 which reflected excessive prescribing. Staff discovered the Patient Rx History Report was not accurate. The Board of Pharmacy was contacted and responded that the error was due to software that did not identify the suffixes related to the DEA numbers from UNM. The Pharmacy board has agreed to investigate the pharmacy that was primarily used to fill the prescriptions and also reported that the software is being upgraded to eliminate this type of error. The University of New Mexico was also contacted regarding the residents writing the prescriptions and they immediately took corrective action.

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

- The Executive Committee will meet with Ms. Walker to review the list of monitored treatment interviewees and determine if there are any participants that may be excused

from attending the August meeting.

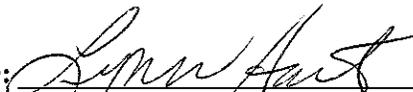
7. **STAFF REPORT**

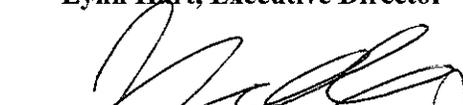
- The board reviewed the proposed expired terms for their members.
- Personnel Issues: **MOTION** was made by Dr. Kovnat and **SECONDED** by Mr. Ghadimi to go into executive session to discuss matters of personnel. **YES:** Kovnat, Weiner, Lauriello, Ghadimi, Heim, McRoberts and Crespin **ABSENT:** Giudice and Cochran **MOTION CARRIED.**
- Ms. Hart reviewed the Advisory Letter and Non Report Letter that is sent out to licensees with a criminal background history. She reported on the corrections made by Andrea Buzzard on the Non Report Letter. These letters will again be addressed at the August board meeting.
- Amanda Quintana, Licensing Manager provided an update on the Physicians and Physician Assistants who were renewing their license for 2008. Overall, 80% had already renewed as of June 25th.

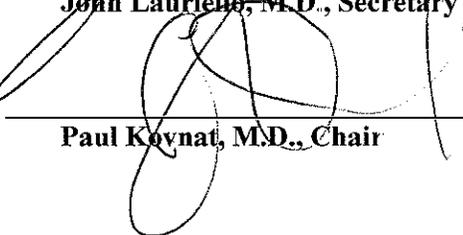
8. **CHAIR REPORT**

- Dr. Kovnat requested confirmation of attendance at the FSMB dinner on August 21st be given to Lynn Tipton by July 15, 2008
- Dr. Kovnat discussed the meeting that was held with Dr. Roth, Dean of Medicine, UNM and other representatives from UNM. Reporting requirements of disciplinary actions against individual physicians and malpractice cases was clarified. Also discussed were the issues faculty members were facing with academics and supervision. Both agreed they needed to meet once a year to cover any new policies or situations

9. **ADJOURN:** There being no further business, the meeting adjourned at 5:38 p.m.

SUBMITTED:  Date: 8/25/08
Lynn Hart, Executive Director

APPROVED:  Date: 8/21/08
John Lauriello, M.D., Secretary

APPROVED:  Date: 8/21/08
Paul Kovnat, M.D., Chair