

**NEW MEXICO MEDICAL BOARD**  
*Interim Meeting*  
**April 8, 2010**

**MINUTES**

**Members Present:**

Steven Weiner, M.D., Chairman  
Rebecca Cochran, Vice-Chair, Public Member – by teleconference at 4:10 pm  
Paul Kovnat, M.D., Secretary Treasurer – by teleconference at 4:10 pm  
Roger Miller, M.D.  
Frank Crespin, M.D. – by teleconference  
Steve Jenkusky, M.D. – by teleconference  
Ann Wehr, M.D. – by teleconference  
Kathy Abeles, Public Member – by teleconference  
Albert Bourbon, P.A. – by teleconference

**Also Present:**

Lynn Hart, Executive Director  
GTS Khalsa, Prosecuting Attorney  
Lynn Tipton, Administrative Assistant  
Andrea Buzzard, A.A.G. – by teleconference  
Debbie Dieterich, Senior Investigator  
Amanda Quintana, Licensing Manager

**1. CALL TO ORDER**

The interim meeting of the New Mexico Medical Board convened at 4:05 p.m., Thursday, April 8, 2010 in the Board Conference Room, 2055 S. Pacheco, Santa Fe, New Mexico, *Steve Weiner, M.D.* presiding. A quorum was declared.

**2. APPROVAL OF AGENDA**

Ms. Abeles **MOVED** to approve the agenda. Dr. Weiner **SECONDED**: **YES**: Dr. Weiner, Dr. Miller, Dr. Crespin, Dr. Wehr, Dr. Jenkusky, Ms. Abeles and Mr. Bourbon. **ABSENT**: Dr. Kovnat and Ms. Cochran. **MOTION CARRIED.**

**3. APPROVE MINUTES**

Ms. Abeles **MOVED** to approve the minutes of the February 18 – 19, 2010 Quarterly Board meeting and the March 18, 2010 Special Board meeting. Dr. Crespin **SECONDED**. **YES**: Dr. Weiner, Dr. Miller, Dr. Crespin, Dr. Wehr, Dr. Jenkusky, Ms. Abeles and Mr. Bourbon. **ABSENT**: Dr. Kovnat and Ms. Cochran. **MOTION CARRIED.**

**4. LICENSING REQUESTS AND ACTIONS, NEW APPLICANTS/REINSTATEMENTS**

- **Mark Whitaker, M.D.** – Consider reinstatement of license with a non-disciplinary stipulation.  
**MOTION** was made by Ms. Cochran to **ISSUE** Dr. Whitaker a non-disciplinary stipulated license limiting his license to administrative, non-clinical work only and if accepted, grant reinstatement of license #2001-334. **SECONDED** by Ms. Abeles. **YES**: Dr. Weiner, Dr. Kovnat, Dr. Crespin, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Ms. Abeles, Mr. Bourbon and Ms. Cochran. **MOTION CARRIED.**

- **Arthur Johnson, P.A. - Consider Settlement - Case #2010-011**  
**MOTION** was made by Ms. Cochran to **GRANT** the Agreed Dismissal of Notice of Contemplated Action Without Prejudice and allow Mr. Johnson to withdraw his application for reinstatement while under investigation. Dr. Crespín **SECONDED**. **YES:** Dr. Weiner, Dr. Kovnat, Dr. Crespín, Dr. Miller, Dr. Wehr, Ms. Cochran and Ms. Abeles. **ABSTAIN:** Mr. Bourbon and Dr. Jenkusky. **MOTION CARRIED.**

**5. INVESTIGATIONS**

**Executive Session:** **MOTION** was made by Dr. Weiner and **SECONDED** by Ms. Cochran to go into executive session to discuss matters of licensure and discipline. **YES:** Dr. Kovnat, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Ms. Cochran, Ms. Abeles, Mr. Bourbon, Dr. Weiner and Dr. Crespín. **MOTION CARRIED.**

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

- **Complaint Committee A:**

**CASE NO. 2010-A-059 ( [REDACTED] )** **MOTION** was made by Ms. Cochran to accept the Letter of Agreement and authorize Dr. Weiner to sign the Agreement on behalf of the Medical Board. **SECONDED** by Ms. Abeles. **YES:** Dr. Miller, Dr. Jenkusky, Ms. Cochran, Ms. Abeles, Mr. Bourbon, Dr. Weiner and Dr. Crespín. **RECUSED:** Dr. Wehr and Dr. Kovnat. **MOTION CARRIED.**

**CASE NO. 2010-A-059 ( [REDACTED] )** **MOTION** was made by Mr. Bourbon to vote again to accept the Letter of Agreement and authorize Dr. Weiner to sign the Agreement on behalf of the Medical Board. **SECONDED** by Ms. Abeles. **YES:** Dr. Miller, Dr. Jenkusky, Ms. Abeles, Mr. Bourbon, Dr. Weiner and Dr. Crespín. **RECUSED:** Dr. Wehr and Dr. Kovnat. **ABSENT:** Ms. Cochran **MOTION CARRIED.**

**CASE NO. 2010-A-059 ( [REDACTED] )** **RECOMMENDATION** was made by Dr. Kovnat to refer physician to an Impaired Physician Committee for evaluation on possible mental impairment. The case will remain open pending receipt of the committee's report. **YES:** Dr. Miller, Dr. Jenkusky, Ms. Abeles, Mr. Bourbon, Dr. Weiner and Dr. Crespín. **RECUSED:** Dr. Wehr and Dr. Kovnat. **ABSENT:** Ms. Cochran **RECOMMENDATION CARRIED.**

- **Complaint Committee B:**

**CASE NO. 2010-B-052 ( [REDACTED] )** **RECOMMENDATION** was made by Ms. Cochran to issue a Notice of Contemplated Action based on licensure action in another state. **YES:** Dr. Weiner, Dr. Kovnat, Dr. Wehr, Dr. Crespín, Dr. Jenkusky, Ms. Abeles and Mr. Bourbon. **ABSTAINED:** Ms. Cochran and Dr. Miller. **RECOMMENDATION CARRIED.**

- **Complaint Committee D:**

**CASE NO. 2009-D-218 ( [REDACTED] )** **RECOMMENDATION** was made by Mr. Bourbon to refer physician to an Impaired Physician Committee for evaluation on possible mental impairment. The case will remain open pending receipt of the committee's report. **YES:** Dr. Weiner, Dr. Miller, Dr. Kovnat, Dr. Wehr, Dr. Crespín, Ms. Abeles and Ms. Cochran. **ABSTAINED:** Mr. Bourbon and Dr. Jenkusky. **RECOMMENDATION CARRIED.**

**EXECUTIVE COMMITTEE REPORT**

- **Other cases**

**MOTION** was made by Ms. Abeles to accept the Executive Committee’s recommendations, as reported, on disciplinary records and other reported actions. **SECONDED** by Dr. Crespin. **YES:** Dr. Kovnat, Dr. Wehr, Dr. Crespin, Dr. Jenkusky, Dr. Miller, Ms. Abeles and Mr. Bourbon. **ABSTAINED:** Dr. Weiner and Ms. Cochran. **MOTION CARRIED.**

**6. PROPOSED RULE CHANGE**

- Rule 16.10.4 NMAC – Continuing Medical Education  
(Offer CME credit for experts who review cases in Investigations)

**MOTION** was made by Ms. Cochran to adopt the proposed language to Part 4 as presented for a public hearing on May 21, 2010. **SECONDED** by Dr. Wehr. **YES:** Dr. Weiner, Dr. Kovnat, Mr. Bourbon, Dr. Miller, Ms. Cochran, Dr. Crespin, Dr. Jenkusky, Dr. Wehr and Ms. Abeles. **MOTION CARRIED.**

**7. STAFF REPORT**

- **Executive Director** – FY2011 Budget; Proposed 2011 Calendar

Ms. Hart informed the Board that the Fiscal Year 2011 budget was approved at approximately \$1,638,000.00 and discussed the issue with the current fund balance. She presented the 2011 Calendar of proposed meeting dates which will be voted on at the second quarterly meeting in May.

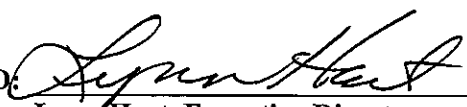
**8. CHAIR REPORT - Suggestions from Board Members for topics and speakers for Friday meetings.**


Dr. Weiner went over suggestions for topics and speakers for our future meetings and asked the Board Members to send ideas to Lynn Hart for the meeting in May.

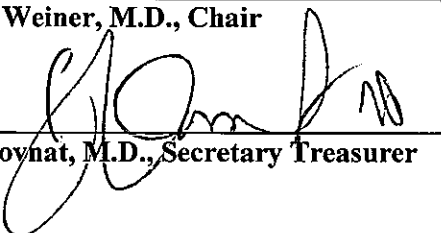
Some of the suggestions were as follows:

- Legislative speakers
- Tutorial of rules and regulations
- Discussion and process of Impaired Physician Committees
- Discussion of Health Care Reform for New Mexico (Senator Dede Feldman and Dr. Ann Wehr)
- Mini Sabbatical Programs at UNM – review process (Ellen Cosgrove, MD)
- The investigation process (Debbie Dieterich and Jonni Lu Pool)

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

**SUBMITTED:**  **Date:** May 20, 2010  
Lynn Hart, Executive Director

**APPROVED:**  **Date:** May 20, 2010  
Steven Weiner, M.D., Chair

**APPROVED:**  **Date:** 5/20/2010  
Paul Kovnat, M.D., Secretary Treasurer