

**NEW MEXICO MEDICAL BOARD
Third Quarter Meeting
August 11 - 12, 2011**

MINUTES

Members Present: Rebecca Cochran, CPMSM, CPCS, Vice Chair, Public Member
Paul Kovnat, M.D., Secretary Treasurer
Roger Miller, M.D.
Steve Jenkusky, M.D.
Sam Kankanala, M.D.
Albert Bourbon, PA-C
Kathy Abeles, Public Member

Members Absent: Steven Weiner, M.D., Chair (participated via teleconference
Friday, August 12, 2011)

Others Present: Lynn Hart, Executive Director
Grant La Farge, M.D., Medical Director
Andrea Buzzard, Assistant Attorney General
McKenzie Bryson, Administrative Prosecutor
Jerry Marshak, Administrative Prosecutor
J.J. Walker, Compliance Mgr. / PIO
Lynn Tipton, Administrative Assistant
Debbie Dieterich, Senior Investigator
Leann Adams, Investigator
Amanda Quintana, Licensing Manager

(See list of all attendees attached to these minutes.)

1. **CALL TO ORDER / ROLL CALL / INTRODUCTIONS:**
Ms. Cochran called the regular meeting of the New Mexico Medical Board to order at 8:30 a.m., and a quorum was present.
2. **APPROVAL OF AGENDA:**
MOTION was made by Ms. Cochran to approve the agenda. **SECONDED** by Dr. Kovnat.
YES: Ms. Cochran, Ms. Abeles, Dr. Kankanala, Dr. Kovnat, Dr. Miller and Dr. Jenkusky.
ABSENT: Mr. Bourbon. **MOTION CARRIED.**
3. **APPROVAL OF MINUTES:**
MOTION was made by Ms. Cochran to approve the Minutes from the June 30, 2011 Interim Meeting. **SECONDED** by Dr. Jenkusky. **YES:** Ms. Cochran, Ms. Abeles, Dr. Kankanala, Dr. Kovnat, Dr. Miller and Dr. Jenkusky. **ABSENT:** Mr. Bourbon. **MOTION CARRIED.**

EXECUTIVE SESSION:

MOTION was made by Ms. Cochran to go into closed 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. Jenkusky. **YES:** Ms. Cochran, Mr.

Bourbon, Ms. Abeles, Dr. Kankanala, Dr. Kovnat, Dr. Miller and Dr. Jenkusky. **MOTION CARRIED.**

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

4. **COMPLAINT COMMITTEE REPORTS:**

A. Licensees and Applicants

Complaint Committee A:

RECOMMENDATION was made by Dr. Kovnat to close complaint cases 2010-A-022; 2010-A-101; and 2011-A-042, as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Dr. Miller, Dr. Jenkusky, Ms. Cochran, Mr. Bourbon, Ms. Abeles and Dr. Kankanala. **ABSTAINED:** Dr. Kovnat. **RECOMMENDATION PASSED.**

Case No. 2010-A-097 RECOMMENDATION was made by Dr. Kovnat to close this case and to issue physician an advisory letter regarding disclosing information on her applications and the Board's reporting requirements. **YES:** Dr. Miller, Dr. Jenkusky, Ms. Cochran, Mr. Bourbon, Ms. Abeles and Dr. Kankanala. **ABSTAINED:** Dr. Kovnat. **RECOMMENDATION PASSED.**

Case No. 2010-A-162 RECOMMENDATION was made by Dr. Kovnat to close this case and to issue physician an advisory letter informing physician that when he is signing off on medical records, written or electronically, that it is his responsibility to make sure the information that is printed or inputted is accurate as well as communicating with the patient to confirm that the information is accurate. A copy of the letter will be sent to the Radiology Group. **YES:** Dr. Miller, Dr. Jenkusky, Ms. Cochran, Mr. Bourbon, Ms. Abeles and Dr. Kankanala. **ABSTAINED:** Dr. Kovnat. **RECOMMENDATION PASSED**

Case No. 2011-A-022 RECOMMENDATION was made by Dr. Kovnat to close this case and to issue resident physician an advisory letter recommending that he voluntarily enroll with the NM Monitored Treatment program. **YES:** Dr. Miller, Dr. Jenkusky, Ms. Cochran, Mr. Bourbon, Ms. Abeles and Dr. Kankanala. **ABSTAINED:** Dr. Kovnat. **RECOMMENDATION PASSED.**

Case No. 2011-A-011 (Bishnu Rauth, M.D.) RECOMMENDATION was made by Dr. Kovnat to offer physician a Stipulation of Licensure requiring him to complete medical record keeping courses, approved by the Board, and monitoring his medical record keeping for one year. Physician would be required to submit a sample of his records, 10% or greater, per quarter for review. If Physician does not accept the stipulation of licensure, a Notice of Contemplated Action will be issued based on, but not limited to, failure to maintain accurate, complete and legible medical records. **YES:** Dr. Miller, Dr. Jenkusky, Ms. Cochran, Mr. Bourbon, Ms. Abeles and Dr. Kankanala. **ABSTAINED:** Dr. Kovnat. **RECOMMENDATION PASSED.**

Complaint Committee B:

RECOMMENDATION was made by Dr. Miller to close complaint cases 2010-B-118; 2011-B-020; 2011-B-056 and 2011-B-078 as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Dr. Jenkusky, Mr. Bourbon, Ms. Abeles, Dr. Kankanala, Dr. Kovnat. **ABSTAINED:** Ms. Cochran and Dr. Miller. **RECOMMENDATION PASSED.**

Case No. 2011-B-019 RECOMMENDATION was made by Dr. Miller that Physician be referred to NM Monitored Treatment Program for an assessment. This case will return to the Board once assessment has been completed for final disposition. **YES:** Dr. Jenkusky, Mr.

Bourbon, Ms. Abeles, Dr. Kankanala, Dr. Kovnat. **ABSTAINED:** Ms. Cochran and Dr. Miller. **RECOMMENDATION PASSED.**

Case No. 2011-B-055 (Kevin Sullivan, M.D.) RECOMMENDATION was made by Dr. Miller to offer resident physician a stipulated license requiring mandatory participation in NM Monitored Treatment Program and other standard substance abuse stipulations. If resident physician does not accept the stipulated license, a Notice of Contemplated Action will be issued based on, but not limited to, habitual or excessive use of alcohol or drugs. **YES:** Dr. Jenkusky, Mr. Bourbon, Ms. Abeles, Dr. Kankanala, Dr. Kovnat. **ABSTAINED:** Ms. Cochran and Dr. Miller. **RECOMMENDATION PASSED.**

Case No. 2011-B-086 RECOMMENDATION was made by Dr. Miller that the Board accept the recommendations and orders of the Impaired Physician Committee. This case will remain open until Physician complies with these orders and until receipt of the final Impaired Physician Committee report. **YES:** Dr. Jenkusky, Mr. Bourbon, Ms. Abeles, Dr. Kankanala, Dr. Kovnat. **ABSTAINED:** Ms. Cochran and Dr. Miller. **RECOMMENDATION PASSED.**

Case No. 2011-B-108 (Robert Terdiman, M.D.) RECOMMENDATION was made by Dr. Miller to offer physician the opportunity to withdraw his application for licensure in New Mexico while under investigation based on health related issues, which is reportable to the national data bank. If physician does not accept the offer, a Notice of Contemplated Action will be issued based on, but not limited to, manifest incapacity or incompetency to practice. **YES:** Dr. Jenkusky, Mr. Bourbon, Ms. Abeles, Dr. Kankanala, Dr. Kovnat. **ABSTAINED:** Ms. Cochran and Dr. Miller. **RECOMMENDATION PASSED.**

Complaint Committee C:

RECOMMENDATION was made by Dr. Kankanala to close complaint cases 2010-C-119, 2010-C-187, 2011-C-067 and 2011-C-092 as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Dr. Kovnat, Dr. Miller, Dr. Jenkusky, Ms. Cochran and Mr. Bourbon. **ABSTAINED:** Dr. Kankanala and Ms. Abeles. **RECOMMENDATION PASSED.**

Case No. 2010-C-169 RECOMMENDATION was made by Dr. Kankanala to close this case and to issue physician an advisory letter informing him that if he applies for reinstatement in New Mexico, the New Mexico Medical Board will investigate the other state licensure action. **YES:** Dr. Kovnat, Dr. Miller, Dr. Jenkusky, Ms. Cochran and Mr. Bourbon. **ABSTAINED:** Dr. Kankanala and Ms. Abeles. **RECOMMENDATION PASSED.**

Case No. 2011-C-057 ([REDACTED]) RECOMMENDATION was made by Dr. Kankanala to refer Physician to the NM Monitored Treatment Program to obtain a complete evaluation for possible substance abuse. This case will remain open until receipt of the evaluation report, and then will return to the Board for final disposition. **YES:** Dr. Kovnat, Dr. Miller, Dr. Jenkusky, Ms. Cochran and Mr. Bourbon. **ABSTAINED:** Dr. Kankanala and Ms. Abeles. **RECOMMENDATION PASSED.**

Complaint Committee D:

RECOMMENDATION was made by Mr. Bourbon to close complaint cases 2011-D-066 and 2011-D-132 as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Ms. Abeles, Dr. Kankanala, Dr. Kovnat, Dr. Miller and Ms. Cochran. **ABSTAINED:** Mr. Bourbon and Dr. Jenkusky. **RECOMMENDATION PASSED.**

Case No. 2011-D-087 RECOMMENDATION was made by Mr. Bourbon to close this case and to issue the unlicensed physician assistant a strongly worded advisory letter informing him that the NM Medical Board has evidence that he is practicing without a license and to immediately cease and desist such practice. A copy of the letter will be sent to the Second Judicial District Attorney's office in Albuquerque. **YES:** Ms. Abeles, Dr. Kankanala, Dr. Kovnat, Dr. Miller and Ms. Cochran. **ABSTAINED:** Mr. Bourbon and Dr. Jenkusky. **RECOMMENDATION PASSED.**

Case No. 2011-D-089 RECOMMENDATION was made by Mr. Bourbon to close this case and to issue the physician assistant an advisory letter informing her that if she attempts to reinstate her license in New Mexico, the NM Medical Board will investigate the other state licensure action. **YES:** Ms. Abeles, Dr. Kankanala, Dr. Kovnat, Dr. Miller and Ms. Cochran. **ABSTAINED:** Mr. Bourbon and Dr. Jenkusky. **RECOMMENDATION PASSED.**

Case No. 2010-D-075 and 2011-D-074 (George Peacock, M.D.) RECOMMENDATION was made by Mr. Bourbon to issue a Summary Suspension as the Physician is an immediate threat to the safety of the public, and simultaneously issue a Notice of Contemplated Action based on, but not limited to, injudicious prescribing and failure to maintain accurate and complete medical records. **YES:** Ms. Abeles, Dr. Kankanala, Dr. Kovnat, Dr. Miller and Ms. Cochran. **ABSTAINED:** Mr. Bourbon and Dr. Jenkusky. **RECOMMENDATION PASSED.**

Case No. 2011-D-103 and 2011-D-104 (Barry Maron, M.D.) RECOMMENDATION was made by Mr. Bourbon to add the allegations in these two cases to the pending Notice of Contemplated Action issued against physician. **YES:** Ms. Abeles, Dr. Kankanala, Dr. Kovnat, Dr. Miller and Ms. Cochran. **ABSTAINED:** Mr. Bourbon and Dr. Jenkusky. **RECOMMENDATION PASSED.**

Complaint Committee E:

RECOMMENDATION was made by Ms. Dieterich on behalf of Complaint Committee E to close this case 2010-E-245 as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Ms. Cochran, Mr. Bourbon, Ms. Abeles, Dr. Kankanala, Dr. Kovnat, Dr. Miller and Dr. Jenkusky. **RECOMMENDATION PASSED.**

Case No. 2008-E-233 ([REDACTED]) RECOMMENDATION was made by Ms. Dieterich on behalf of Complaint Committee E to issue a Notice of Contemplated Action to deny licensure based on, but not limited to, licensure action taken against physician in another state. **YES:** Ms. Cochran, Mr. Bourbon, Ms. Abeles, Dr. Kankanala, Dr. Kovnat, Dr. Miller and Dr. Jenkusky. **RECOMMENDATION PASSED.**

B. Executive Committee Report

- **Criminal History Hits**

The Board reviewed the reports on criminal background arrest records "hits" compiled by the Executive Committee in executive session. The Executive Committee members are Dr. Weiner, Ms. Cochran and Lynn Hart.

MOTION was made by Ms. Cochran to accept the Executive Committee's recommendations, as reported, on criminal background arrests, disciplinary arrest records, and other reported actions. **SECONDED** by Dr. Jenkusky. **YES:** Ms. Cochran, Mr. Bourbon, Ms. Abeles, Dr. Kankanala, Dr. Kovnat, Dr. Miller and Dr. Jenkusky. **MOTION PASSED.**

- Other Cases

The Board reviewed the reports on other cases compiled by the Executive Committee in executive session. The Executive Committee members are Dr. Weiner, Ms. Cochran and Lynn Hart.

5. LICENSING REQUESTS AND ACTIONS, NEW APPLICANTS / REINSTATEMENTS:

- **Default Hearing – Juan Ruffier, M.D. – Case No. 2011-021**
MOTION was made by Dr. Kovnat to accept the Prosecutor's Order to **DENY** the license application of Dr. Ruffier based on licensure action being taken against him by another state, repeated similar negligent acts, and conduct detrimental to the best interests of the public. **SECONDED** by Dr. Jenkusky. **YES:** Ms. Cochran, Mr. Bourbon, Dr. Kankanala, Dr. Kovnat, Dr. Miller and Dr. Jenkusky. **RECUSED:** Ms. Abeles. **MOTION PASSED.**
- **Default Hearing – Trisha Dipprey, M.D. – Case No. 2011-009**
MOTION was made by Dr. Kovnat to accept the Prosecutor's Order to **REVOKE** the physician's license to practice medicine in New Mexico based on licensure action being taken against her by another state, failure to report licensure action, and misrepresentation in connection with applying for licensure renewal. **SECONDED** by Dr. Jenkusky. **YES:** Ms. Cochran, Mr. Bourbon, Dr. Kankanala, Dr. Kovnat, Dr. Miller and Dr. Jenkusky. **RECUSED:** Ms. Abeles. **MOTION PASSED.**
For the record – Exhibit 9 is **SEALED.**
- **Consider Settlement – Michael Lente, PA – Case No. 2011-018**
MOTION was made by Dr. Kovnat to accept the proposed Stipulated Agreement as presented by Jerry Marshak, Administrative Prosecutor. Mr. Lente agreed to a **Stipulated License**, containing certain terms and conditions of licensure, and surrendering his DEA license for a minimum of two years. **SECONDED** by Dr. Miller. **YES:** Ms. Cochran, Ms. Abeles, Dr. Kankanala, Dr. Kovnat and Dr. Miller. **RECUSED:** Mr. Bourbon and Dr. Jenkusky. **MOTION PASSED.**
- **Consider Settlement – Barry Maron, M.D. – Case No. 2011-019**
MOTION was made by Dr. Kovnat to accept the proposed Stipulated Order as presented by Jerry Marshak, Administrative Prosecutor. Dr. Maron agrees to **SURRENDER** his license to practice medicine in New Mexico. **SECONDED** by Ms. Abeles. **YES:** Ms. Cochran, Ms. Abeles, Dr. Kankanala, Dr. Kovnat and Dr. Miller. **RECUSED:** Mr. Bourbon and Dr. Jenkusky. **MOTION PASSED.**
- **Consider Settlement – Gary Simpson, M.D. – Case No. 2011-031**
MOTION was made by Dr. Kovnat to accept the proposed Settlement of a Letter of Reprimand as presented by McKenzie Bryson, Administrative Prosecutor. If Dr. Simpson does not accept this Letter of Reprimand, the case will be set for Hearing. **SECONDED** by Dr. Jenkusky. **YES:** Ms. Cochran, Mr. Bourbon, Dr. Jenkusky, Dr. Kankanala, Dr. Kovnat and Dr. Miller. **RECUSED:** Ms. Abeles **MOTION PASSED.**

6. Actions Related to Executive Session - Actions are listed in Item #5 above

7. REPORTS

- A. Vice Chair** – Ms. Cochran reported on a proposed bill, titled “Increasing Telehealth and Access to Care through Physician Licensing and Credentialing Portability Act” that may be introduced in Congress by New Mexico’s Senator Tom Udall. This bill is regarded as a proposal for national licensure. Ms. Cochran shared the concerns that were addressed with Senator Udall’s legal assistant Fern Goodhart during a conference call on July 21, 2011. Those concerns include: state’s loss of jurisdiction over licensees, quality of care, protection of the public, the impact on Medicare-Medicaid, credentialing and peer review.
A meeting will be arranged with Senator Udall to be attended by Dr. Weiner, Dr. Kovnat and Ms. Hart.
- B. Executive Director** –
Ms. Hart updated the Board on the activities of the Drug Overdose Taskforce. An unofficial drug overdose taskforce was established under the Department of Health (DOH) about a year ago that Ms. Hart has served on. She has attended the initial meetings of the Taskforce established under House Memorial 77 (HM77). Ms. Hart shared that the Taskforce has discussed the legislation’s directives and plans to review guidelines from other states. So far, the State of Washington seems to have adopted good rules for the management of chronic noncancer pain, including dosing criteria and guidance for tracking opioids use. HM77 requires the Taskforce submit its findings to the Legislative Health and Human Services Committee by November 1, 2011. Dr. Jenkusky and Ms. Hart will both participate on this Taskforce.
- C. Medical Director** – No report at this time.
- D. Assistant Attorney General** – Ms. Buzzard discussed Dr. Kenneth Bull’s Decision and Order. A request had been made by opposing counsel to clarify Paragraph 3 of the Order. She has amended Paragraph 3 of the Order to read:
Dr. Bull may not prescribe narcotics, including but not limited to, all opioid analgesics, including buprenorphine and all synthetic opioid analgesics, as defined by the Controlled Substance Act NMSA Section 30-31-2.
She asked that the board determine whether this is acceptable and make a Motion.
(See Item 8)
- F. Administrative Prosecutor** – Ms. Bryson reviewed the status of cases regarding recommendations the Board voted on.
- G. Licensing Manager** – 2011 Licensing Renewal Update
Ms. Quintana reviewed the statistics for the 2011 fiscal year licensing measures for all licensees. Approximately 12% of physicians still have not renewed their license. Late renewal will end October 1st. Approximately 10% of all other licensees did not renew. Dr. Kankanala requested the information regarding the one hour CME credit (statutory review) a physician can earn be added to our on-line renewal application.
- H. Financial / HR Manager** – Ms. Hart presented the FY11 Year End expenditure and revenue report for the Board’s review.
- I. Investigations Department** - No report at this time.

- J. **Compliance / Public Information Officer** – Ms. Walker gave her report under Compliance in executive session.

EXECUTIVE SESSION:

MOTION was made by Ms. Cochran to go into closed 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. Jenkusky. **YES:** Ms. Cochran, Mr. Bourbon, Dr. Jenkusky, Dr. Kankanala, Dr. Kovnat, Dr. Miller and Ms. Abeles. **MOTION CARRIED.**

8. COMPLIANCE

- **Board Monitored Compliance Report** - Ms. Walker reviewed the compliance report and provided status on all licensees.
- **Kenneth Bull, M.D.** - Consider Motion to Amend Decision and Order
MOTION was made by Ms. Abeles to **ACCEPT** the Amended Order as presented. **SECONDED** by Dr. Kovnat. **YES:** Ms. Cochran, Ms. Abeles, Dr. Kankanala, Dr. Kovnat and Dr. Miller. **RECUSED:** Dr. Jenkusky and Mr. Bourbon. **MOTION PASSED.**
- **Debra Irizarry M.D.** – Consider amendment to Stipulation
MOTION was made by Dr. Kovnat to **AMEND** Dr. Irizarry’s Stipulation revising reporting to the Board from quarterly to bi-annual. **SECONDED** by Dr. Jenkusky. **YES:** Ms. Cochran, Mr. Bourbon, Ms. Abeles, Dr. Kankanala, Dr. Kovnat, Dr. Miller and Dr. Jenkusky. **MOTION PASSED.**
- **Board Order – Gregory Uhl, M.D.** – request probation be terminated
MOTION was made by Dr. Jenkusky to remove all Stipulations and **GRANT** Dr. Uhl an unrestricted license. **SECONDED** by Mr. Bourbon. **YES:** Ms. Cochran, Mr. Bourbon, Ms. Abeles, Dr. Kankanala, Dr. Kovnat, Dr. Miller and Dr. Jenkusky. **MOTION PASSED.**
- **Board Order – Mark Leatherwood, M.D.** – request release from Agreed Order
MOTION was made by Dr. Kovnat to **DENY** Dr. Leatherwood’s request to be released from his Agreed Order. **SECONDED** by Dr. Kankanala. **YES:** Ms. Cochran, Mr. Bourbon, Ms. Abeles, Dr. Kankanala, Dr. Kovnat, Dr. Miller and Dr. Jenkusky. **MOTION PASSED.**

9. NM MONITORED TREATMENT PROGRAM

Jon Thayer, MTP Executive Director and Dan Collins, M.D., MTP Medical Director discussed the status of mandatory and voluntary MTP participants and Mr. Thayer gave an update on the operations report.

10. INFORMAL INTERVIEWS

Henry Borra, MD, Mark Leatherwood, MD; Adelfio Fronterotta, MD, Marc Masotti, MD, Steven Black, MD, Jennifer Tso, PA, Sally D’Angelo, MD; Ralph Hansen, MD, Roger Felix, MD; Tim Klein, MD, Robert Orchard, MD, Ricardo Gomez, MD, Kenneth Bull, MD, Kathleen Van Osten, MD, Timothy Busch, PA, Leroy Rise, MD, David Melamed, MD, Richard Hempstead, MD (via teleconference) and Keith McClung, MD (via teleconference) were interviewed in Executive Session regarding current practices and compliance with the Board.

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

11. ACTIONS RELATED TO EXECUTIVE SESSION – No actions at this time

FRIDAY, AUGUST 12, 2011

Ms. Cochran called the meeting to Order at 9:00 am

12. RULE HEARING – ADOPTION OF RULES

A rule hearing was held on Friday at 9:00 am and the following rules were considered:

- 16.6.1 thru 16.6.11 NMAC, Naprapathic Practitioners

13. ADOPTION of RULES

16.6.1 thru 16.6.11 NMAC, Naprapathic Practitioners

MOTION was made by Dr. Kovnat to adopt Title 16, Chapter 6, Parts 1 thru 11 as amended for the reasons stated in the Rule Hearing. **SECONDED** by Dr. Jenkusky. **YES:** Ms. Cochran, Ms. Abeles, Dr. Kankanala, Dr. Kovnat, Dr. Miller, Mr. Bourbon and Dr. Jenkusky. **MOTION PASSED.**

14. NEW BUSINESS

A. Administering Travel Immunizations – Dr. Francine Olmstead

Dr. Olmstead provided an informative presentation regarding the challenges in travel medicine and concerns for the public's safety in obtaining and monitoring immunizations to travel out of the country. The Board agreed to encourage physicians and other practitioners to obtain the appropriate certification, education and training required for any health care provider who will administer travel immunizations.

B. Naprapathic Practitioners – Dr. Patrick Nuzzo, Dr. Kirsten La Vista and Anne Uhring

House Bill 107 transferred the duties of the Naprapathic Practice Board from the Regulation and Licensing Department to the NM Medical Board. Ms. Cochran introduced and welcomed Dr. Patrick Nuzzo to the Board. Dr. Nuzzo provided a brief history of naprapathic medicine and how they have evolved in New Mexico. Currently there are twelve (12) Naprapaths licensed in New Mexico

C. Naprapathic Task Force Appointments

House Bill 107 created the Naprapathic Task Force under the direction of the NM Medical Board to advise the Board regarding licensure of Naprapaths. Ms. Hart shall be the staff contact between the Board and the Task Force.

MOTION was made by Ms. Abeles to **APPOINT** Dr. Patrick Nuzzo, Dr. Leslie Joven, Dr. Barbara Petkus and Anne Uhring as members of the Naprapathic Task Force.

SECONDED by Dr. Miller. **YES:** Ms. Cochran, Mr. Bourbon, Ms. Abeles, Dr. Kankanala, Dr. Kovnat, Dr. Miller and Dr. Jenkusky. **MOTION PASSED.**

D. Correspondence

- **Eye Associates – Pharmacy Board (Intraocular Injections) – Rule Clarification**
The Medical Board reviewed the May 17, 2011, letter received from Eye Associates concerning the handling of Avastin for patients with wet-type Macular degeneration. A response letter was drafted to the Board of Pharmacy stating that the Medical Board has determined that the requirement for an established Physician-Patient

relationship, as defined in Rule 16.10.8.7, has been met by the time the injection is given.

MOTION was made by Dr. Kovnat to **ACCEPT** the response letter as presented. **SECONDED** by Ms. Cochran. **YES:** Ms. Cochran, Mr. Bourbon, Ms. Abeles, Dr. Kankanala, Dr. Kovnat, Dr. Miller and Dr. Jenkusky. **MOTION PASSED.**

- **UNM Hospital – Request Waiver for Refill Conversion**

A written request from UNM Hospital (UNMH) was discussed and a draft response letter was reviewed. The response letter states that the NM Medical Board has concluded that a waiver is not needed for the activities described in the July 11, 2011 letter from UNMH that apply to the relationship between the UNMH-CRS program, the Physician (provider), the Pharmacist, and the Patient. The key provision is the uniform approval for the refill by the patient's primary care practitioner. UNMH also agreed not to allow the Pharmacist to order 90 day refills unless the provider has directly approved of that change for the patient.

MOTION was made by Dr. Jenkusky to **ACCEPT** the response letter as amended. **SECONDED** by Dr. Miller. **YES:** Ms. Cochran, Mr. Bourbon, Ms. Abeles, Dr. Kankanala, Dr. Kovnat, Dr. Miller and Dr. Jenkusky. **MOTION PASSED.**

E. Visit from Federation of State Medical Boards

Dr. Steingard, D.O., Member, Board of Directors

Dave Johnson, Vice President of Assessment Service

Dr. Steingard and Mr. Johnson presented an overview of the services provided by the Federation of State Medical Boards (FSMB) to the state licensing boards. Currently, those services and other projects include:

- Changes in the current structure of the FSMB and its Directors
- Standing and Special committees, including
 - Maintenance of Licensure (MOL)
 - Physician "Drift" and "Reentry"
 - License Portability and Expedited Licensure
- Preparations for the 2012 100th Anniversary of the FSMB
- Products and services, including
 - The Federation Credentials Verification Service (FCVS)
 - The FSMB Foundation
 - The United States Medical Licensing Exams (USMLE)
 - The FSMB Physician data center and Board notification
 - An updated edition of the book, "Responsible Opioid Prescribing" with ten hours CME (AMA Category 1)
 - The Journal of Medical Regulation
 - Multiple resources on the FSMB website
 - Library services with ability to search and research
 - On-line Prescriber Education Network (OPEN)
- Special Projects
 - Uniform Application for License (UAL)
 - Medical Board participation in writing exam questions
 - Member Board advocacy

15. OLD BUSINESS

A. NMMB Comments on Proposed Chiropractic Rules

Ms. Hart briefed the Medical Board on the issue of the upcoming August 30th hearing of new proposals by the Chiropractic Board for the addition of injectables to their Advanced Practice formulary. The Medical Board must approve any "dangerous" (prescription) drugs and the way in which they are administered. Ms. Hart plans to attend the Rule Hearing in order to oppose the proposed rule changes and the new formulary. Meanwhile, the Medical Board will submit a formal letter of opposition to the Chiropractic Board.

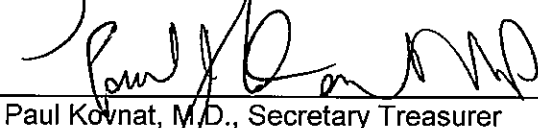
MOTION was made by Dr. Weiner to **ACCEPT** the letter as written and to have Ms. Hart attend the Rule Hearing on behalf of the Medical Board. **SECONDED** by Dr. Miller. **YES:** Ms. Cochran, Mr. Bourbon, Ms. Abeles, Dr. Kankanala, Dr. Kovnat, Dr. Miller and Dr. Jenkusky. **MOTION PASSED.**

Ms. Buzzard, Assistant Attorney General recommended also that in addition to Ms. Hart, that a couple of the Board Members should also appear at the Rule Hearing.

16. **ADJOURN** - There being no further business, the meeting adjourned at 11:40 a.m.

SUBMITTED BY:  DATE: 10/5/11
Lynn Hart, Executive Director

APPROVED BY:  DATE: 10-4-11
Rebecca Cochran, CPMSM, CPCS, Vice Chair

APPROVED BY:  DATE: 9 30 2011
Paul Kovnat, M.D., Secretary Treasurer