

**NEW MEXICO MEDICAL BOARD
Third Quarter Meeting
August 15-16, 2013**

MINUTES

Members Present: Steve Weiner, M.D., Chair
Steven Jenkusky, M.D., Vice Chair
Paul Kovnat, M.D., Secretary / Treasurer
Roger Miller, M.D.
Sam Kankanala, M.D.
Steven Komadina, M.D.
Albert Bourbon, PA-C
Jennifer Anderson, Esquire, Public Member
Rick Wallace, FACHE, Public Member

Members Absent: None

Others Present: Lynn Hart, Executive Director
Grant La Farge, M.D., Medical Director
Andrea Buzzard, Assistant Attorney General
Dan Rubin, Administrative Prosecutor
Gayle Mascarenas, CFO/HR
Jackie Holmes, Compliance Manager/ PIO
Amanda Quintana, Licensing Manager
Debbie Dieterich, Investigations Manager
Amanda Chavez, Investigator
Leann Lovato, Investigator
Samantha Breen, Administrative Assistant

(See list of attendees attached to these minutes)

1. CALL TO ORDER / ROLL CALL / INTRODUCTIONS

Dr. Weiner called the regular meeting of the New Mexico Medical Board to order at 10:00 a. m., and a quorum was present.

2. APPROVAL OF AGENDA

MOTION was made by Dr. Weiner to approve the Agenda. **SECONDED** by Dr. Jenkusky. **YES:** Dr. Weiner; Mr. Wallace; Ms. Anderson; Dr. Miller; Dr. Komadina; Dr. Kankanala; Dr. Kovnat; Mr. Bourbon and Dr. Jenkusky. **MOTION CARRIED**

3. APPROVAL OF MINUTES

MOTION was made by Dr. Weiner to approve the minutes of the June 27, 2013 Interim Meeting. **SECONDED** by Dr. Kovnat. **YES:** Dr. Weiner; Mr. Wallace; Ms. Anderson; Dr. Miller; Dr. Komadina; Dr. Kankanala; Dr. Kovnat; Mr. Bourbon, and Dr. Jenkusky. **MOTION CARRIED.**

4. COMPLAINT COMMITTEE REPORTS

EXECUTIVE SESSION:

MOTION was made by Dr. Weiner 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. Jenkusky. **YES:** Dr. Weiner; Mr. Wallace; Ms. Anderson; Dr. Miller; Dr. Komadina; Dr. Kankanala; Dr. Kovnat; Mr. Bourbon and Dr. Jenkusky. **MOTION CARRIED.**

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

A. Licensees and Applicants

Complaint Committee A:

RECOMMENDATION was made by Dr. Kovnat to close complaint cases; 2012-A-149; 2012-A-153; 2012-A-162 and 2013-A-080, as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Dr. Weiner; Ms. Anderson; Dr. Miller; Dr. Komadina; Dr. Kankanala; Mr. Bourbon and Dr. Jenkusky. **RECUSED:** Dr. Kovnat and Mr. Wallace. **RECOMMENDATION PASSED.**

Case #2012-A-170 RECOMMENDATION was made by Dr. Kovnat to close this case and issue an advisory letter regarding the necessity of having a plan for handling patients with positive test results. **YES:** Dr. Weiner; Ms. Anderson; Dr. Miller; Dr. Komadina; Dr. Kankanala; Mr. Bourbon and Dr. Jenkusky. **RECUSED:** Dr. Kovnat and Mr. Wallace. **RECOMMENDATION PASSED.**

Case #2013-A-100 RECOMMENDATION was made by Dr. Kovnat to close this case with an advisory letter regarding failure to report adverse licensure action. **YES:** Dr. Weiner; Ms. Anderson; Dr. Miller; Dr. Komadina; Dr. Kankanala; Mr. Bourbon and Dr. Jenkusky. **RECUSED:** Dr. Kovnat and Mr. Wallace. **RECOMMENDATION PASSED.**

Case #2013-A-068 ([REDACTED]) RECOMMENDATION was made by Dr. Kovnat to offer sleep technician applicant a stipulated license to MTP requiring mandatory participation and standard substance abuse stipulations. If sleep technician applicant does not accept a Notice of Contemplated Action will be issued based on habitual or excessive alcohol use. **YES:** Dr. Weiner; Ms. Anderson; Dr. Miller; Dr. Komadina; Dr. Kankanala; Mr. Bourbon and Dr. Jenkusky. **RECUSED:** Dr. Kovnat and Mr. Wallace. **RECOMMENDATION PASSED.**

Complaint Committee B:

RECOMMENDATION was made by Dr. Komadina to close complaint cases 2012-B-152; 2012-B-154; 2012-B-169; 2013-B-096; 2013-B-101 and 2013-B-104, as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Dr. Weiner; Mr. Wallace; Ms. Anderson; Dr. Kankanala; Dr. Kovnat; Mr. Bourbon and Dr. Jenkusky. **RECUSED:** Dr. Miller and Dr. Komadina. **RECOMMENDATION PASSED.**

Case #2013-B-034 ([REDACTED]) RECOMMENDATION was made by Dr. Komadina to Order physician to be evaluated by an impaired physician committee under the Impaired Healthcare Provider Act, and to place physician's medical license on inactive status until the evaluation is received by the Board. An advisory letter will also be sent to

physician regarding his failure to report adverse action taken on his clinical privileges. If physician fails to present for the evaluation, his medical license will be suspended under the Impaired Healthcare Provider Act.

RECOMMENDATION was also made to issue a letter to the hospital notifying them of their non-compliance in reporting adverse action to the Board as required and to report the hospital to the National Practitioner Data Bank. **YES:** Dr. Weiner; Mr. Wallace; Ms. Anderson; Dr. Kankanala; Dr. Kovnat; Mr. Bourbon and Dr. Jenkusky. **RECUSED:** Dr. Miller and Dr. Komadina. **RECOMMENDATION PASSED.**

Case #2013-B-042 ([REDACTED]) RECOMMENDATION was made by Dr. Komadina to Order physician to be evaluated by an Impaired Physician Committee, specifically to obtain a neuropsychological evaluation pursuant to CPEP's recommendation. If physician fails to present for the evaluation, his medical license will be suspended under the Impaired Healthcare Provider Act. **YES:** Dr. Weiner; Mr. Wallace; Ms. Anderson; Dr. Kankanala; Dr. Kovnat; Mr. Bourbon and Dr. Jenkusky. **RECUSED:** Dr. Miller and Dr. Komadina. **RECOMMENDATION PASSED.**

Complaint Committee C:

RECOMMENDATION was made by Dr. Kankanala to close complaint cases 2011-C-225, 2012-C-030, 2012-C-143, 2012-C-150, 2012-C-172; 2012-C-173 and 2012-C-107, as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Dr. Weiner; Mr. Wallace; Ms. Anderson; Dr. Miller; Dr. Komadina and Dr. Kovnat. **RECUSED:** Dr. Kankanala and Mr. Bourbon. Dr. Jenkusky **RECUSED** himself on case #2012-C-172, but voted **YES** on the other Complaint Committee C cases. **RECOMMENDATION PASSED.**

Case #2013-C-025 RECOMMENDATION was made by Dr. Kankanala to close the case with a strong advisory letter regarding failure to report licensure actions and adverse action taken on privileges. If the Board receives additional complaints in the future, licensure action will be initiated against this physician and this complaint information will be used against him. **YES:** Dr. Weiner; Mr. Wallace; Ms. Anderson; Dr. Miller; Dr. Komadina; Dr. Kovnat and Dr. Jenkusky. **RECUSED:** Dr. Kankanala and Mr. Bourbon. **RECOMMENDATION PASSED.**

Case #2013-C-054 RECOMMENDATION was made by Dr. Kankanala to close the case with an advisory letter regarding prescribing to close friends and/or their family members and maintaining the appropriate medical records. **YES:** Dr. Weiner; Mr. Wallace; Ms. Anderson; Dr. Miller; Dr. Komadina; Dr. Kovnat and Dr. Jenkusky. **RECUSED:** Dr. Kankanala and Mr. Bourbon. **RECOMMENDATION PASSED.**

Case #2013-C-102 RECOMMENDATION was made by Dr. Kankanala to close the case with an advisory letter regarding effective communication between healthcare providers, about their patients, so that the patient's wellbeing is not adversely affected. **YES:** Dr. Weiner; Mr. Wallace; Ms. Anderson; Dr. Miller; Dr. Komadina; Dr. Kovnat and Dr. Jenkusky. **RECUSED:** Dr. Kankanala and Mr. Bourbon. **RECOMMENDATION PASSED.**

Case #2013-C-026 ([REDACTED]) RECOMMENDATION was made by Dr. Kankanala to issue a Notice of Contemplated Action based on, but not limited to, injudicious prescribing, violation of drug laws, misrepresentation on application, failure to cooperate with a board investigation, making a false statement in a document connected with the practice of medicine and habitual or excessive use of substances. **YES:** Dr. Weiner; Mr.

Wallace; Ms. Anderson; Dr. Miller; Dr. Komadina; Dr. Kovnat and Dr. Jenkusky.
RECUSED: Dr. Kankanala and Mr. Bourbon. **RECOMMENDATION PASSED.**

Case #2013-C-115 ([REDACTED]) RECOMMENDATION was made by Dr. Kankanala that pursuant to 16.10.6.28 NMAC, physician applicant be evaluated for competence by CPEP based on his substantial malpractice history. The applicant's case will be held pending receipt of CPEP's report and licensure determination will be made, including monitoring by MTP for habitual use of substances. If applicant does not accept, he may withdraw his application for licensure while under investigation, which is reportable. If applicant refuses the above options, issuance of a Notice of Contemplated Action is recommended based on incompetency to practice, habitual use of substances and adverse licensure actions in other states. **YES:** Dr. Weiner; Mr. Wallace; Ms. Anderson; Dr. Miller; Dr. Komadina; Dr. Kovnat and Dr. Jenkusky. **RECUSED:** Dr. Kankanala and Mr. Bourbon. **RECOMMENDATION PASSED.**

Complaint Committee D:

RECOMMENDATION was made by Dr. Jenkusky to close complaint cases 2012-D-167, 2012-D-168; 2012-D-174, 2012-D-177 and 2013-D-004 as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Dr. Weiner; Mr. Wallace; Dr. Miller; Dr. Komadina; Dr. Kankanala; Dr. Kovnat; and Mr. Bourbon. **RECUSED:** Dr. Jenkusky and Ms. Anderson. **RECOMMENDATION PASSED.**

Case #2013-D-097 RECOMMENDATION was made by Dr. Jenkusky to close the case with an advisory letter reminding physician of state and federal drug laws. **YES:** Dr. Weiner; Mr. Wallace; Dr. Miller; Dr. Komadina; Dr. Kankanala; Dr. Kovnat; and Mr. Bourbon. **RECUSED:** Dr. Jenkusky and Ms. Anderson. **RECOMMENDATION PASSED.**

Case #2012-D-119; Case #2013-D-030; Case #2013-D-052 and Case #2013-D-093 are all against the same physician ([REDACTED]). **RECOMMENDATION** was made by Dr. Jenkusky to issue a Notice of Contemplated Action based on incompetency to practice as demonstrated by physician's prescribing habits, including controlled substances and non-controlled substances. **YES:** Dr. Weiner; Mr. Wallace; Dr. Miller; Dr. Komadina; Dr. Kankanala; Dr. Kovnat; and Mr. Bourbon. **RECUSED:** Dr. Jenkusky and Ms. Anderson. **RECOMMENDATION PASSED.**

Case #2012-D-141 ([REDACTED]) RECOMMENDATION was made by Dr. Jenkusky to issue a letter of reprimand based on injudicious prescribing and failure to maintain accurate and complete medical records on a patient. If physician does not accept, a Notice of Contemplated Action will be issued based on same. **YES:** Dr. Weiner; Mr. Wallace; Dr. Miller; Dr. Komadina; Dr. Kankanala; Dr. Kovnat and Mr. Bourbon. **RECUSED:** Dr. Jenkusky and Ms. Anderson. **RECOMMENDATION PASSED.**

Case #2013-D-069 ([REDACTED]) RECOMMENDATION was made by Dr. Jenkusky to issue a Notice of Contemplated Action based on conduct likely to harm the public, habitual or excessive use of alcohol and failure to cooperate with a board investigation. **YES:** Dr. Weiner; Mr. Wallace; Dr. Miller; Dr. Komadina; Dr. Kankanala; Dr. Kovnat; and Mr. Bourbon. **RECUSED:** Dr. Jenkusky and Ms. Anderson. **RECOMMENDATION PASSED.**

Case #2013-D-114 (Bray-Morris, John MD) RECOMMENDATION was made by Dr. Jenkusky to summarily suspend physician's medical license based on violation of a

Board Order. A Notice of Contemplated Action will be simultaneously issued based on, but not limited to, violation of a Board Order, falsifying records and conduct unbecoming. **YES:** Dr. Weiner; Mr. Wallace; Dr. Miller; Dr. Komadina; Dr. Kankanala; Dr. Kovnat; and Mr. Bourbon. **RECUSED:** Dr. Jenkusky and Ms. Anderson. **RECOMMENDATION PASSED.**

Complaint Committee E:

Case # 2013-E-113 RECOMMENDATION was made by Dr. Weiner to close this case and issue physician applicant an unrestricted medical license to practice in New Mexico and issue an advisory letter regarding disclosure of information on applications. **YES:** Mr. Wallace; Ms. Anderson; Dr. Miller; Dr. Komadina; Dr. Kankanala; Dr. Kovnat; Mr. Bourbon and Dr. Jenkusky. **RECUSED:** Dr. Weiner. **RECOMMENDATION PASSED.**

Case #2013-E-134 ([REDACTED]) RECOMMENDATION was made by Dr. Weiner that pursuant to 16.10.6.28 NMAC, physician be evaluated for competence. Complaint committee also recommends offering physician a letter of reprimand regarding falsification of a medical record and failure to report. If physician does not accept, a Notice of Contemplated Action will be issued for incompetency to practice, falsification of a medical record, and failure to report. **YES:** Mr. Wallace; Ms. Anderson; Dr. Miller; Dr. Komadina; Dr. Kankanala; Dr. Kovnat; Mr. Bourbon and Dr. Jenkusky. **RECUSED:** Dr. Weiner. **RECOMMENDATION PASSED.**

Case #2013-E-105 ([REDACTED]) RECOMMENDATION was made by Dr. Weiner that physician prove competency by being evaluated by CPEP. The case will be held in investigations until receipt of CPEP report and then will return to the Board for licensure decision, based on recommendations in the report. If physician does not accept, a Notice of Contemplated Action will be issued to deny reinstatement of licensure based on incompetency to practice. **YES:** Mr. Wallace; Ms. Anderson; Dr. Miller; Dr. Komadina; Dr. Kankanala; Dr. Kovnat and Dr. Jenkusky. **RECUSED:** Dr. Weiner and Mr. Bourbon. **RECOMMENDATION PASSED.**

B. Executive Committee Report

Criminal History Hits

The Board reviewed the reports on criminal background arrest records compiled by the Executive Committee in Executive Session. The Executive Committee members are Dr. Weiner, Dr. Jenkusky and Lynn Hart.

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, Dr. Jenkusky and Lynn Hart.

Dr. Weiner advised that a vote was not necessary on criminal history hits and other cases.

5. LICENSING REQUESTS AND ACTIONS, NEW APPLICANTS/REINSTATEMENTS

A. Sheryl Spadone, M.D. – Mini-Sabbatical for Clinical Skills Assessment

MOTION was made by Dr. Weiner to issue Dr. Spadone a training license and a referral for a mini-sabbatical at UNM. **SECONDED** by Dr. Kovnat. **YES:** Dr. Weiner; Mr. Wallace; Ms. Anderson; Dr. Miller; Dr. Komadina; Dr. Kankanala; Dr. Kovnat; Mr. Bourbon and Dr. Jenkusky. **MOTION CARRIED.**

MOTION was made by Dr. Weiner to authorize staff to convert Dr. Spadone's training license into a full active, unrestricted license upon successful completion of the mini-sabbatical. **YES:** Dr. Weiner; Mr. Wallace; Ms. Anderson; Dr. Miller; Dr. Komadina; Dr. Kankanala; Dr. Kovnat; Mr. Bourbon and Dr. Jenkusky. **MOTION CARRIED.**

B. Consider Settlement – Howard Siegel, M.D. Applicant

MOTION was made by Dr. Jenkusky to accept the proposed Stipulation of Licensure and Order as presented by Daniel Rubin, Board Prosecutor. **YES:** Mr. Wallace; Ms. Anderson; Dr. Miller; Dr. Kankanala; Dr. Kovnat and Dr. Jenkusky. **NO:** Dr. Komadina and Mr. Bourbon. **RECUSED:** Dr. Weiner. **MOTION CARRIED.**

C. Amos Lash, MD – Case No. 2013-006

Thomas Mack, Esq. appeared in front of the Board on behalf of his client, Dr. Amos Lash. Dr. Lash appeared telephonically.

Respondent's Motion to Dismiss the NCA – Case 2013-006

Mr. Mack moved to dismiss the Notice of Contemplated Action against Dr. Lash based on the alleged statutory defects of the statute of limitations, collateral estoppel laws, presentment of hearsay evidence and insubstantial evidence of misrepresentation. Daniel Rubin, Board Prosecutor, opposed the motion and requested that it be denied. Oral argument was held before the Board.

EXECUTIVE SESSION:

MOTION was made by Dr. Weiner 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. Jenkusky. **YES:** Dr. Weiner; Mr. Wallace; Ms. Anderson; Dr. Miller; Dr. Kankanala; Mr. Bourbon and Dr. Jenkusky. **MOTION CARRIED.**

Dr. Kovnat and Dr. Komadina recused themselves as complaint committee members for Case No. 2013-006 and exited the conference room.

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

MOTION was made by Dr. Weiner to **DENY** Respondent's Motion to Dismiss the Notice of Contemplated Action. **SECONDED** by Mr. Wallace. **YES:** Dr. Weiner; Mr. Wallace; Ms. Anderson; Dr. Miller; Dr. Kankanala; Mr. Bourbon and Dr. Jenkusky. **RECUSED:** Dr. Kovnat and Dr. Komadina. **MOTION CARRIED.**

Decision and Order – Case 2013-006

MOTION was made by Dr. Weiner to accept the Hearing Officer's Report in part and formally reprimand Dr. Lash based on his misrepresentation and use of a false statement on a licensure renewal application. **SECONDED** by Mr. Wallace. **YES:** Dr. Weiner; Mr. Wallace; Ms. Anderson; Dr. Miller; Dr. Kankanala; Mr. Bourbon and Dr. Jenkusky. **RECUSED:** Dr. Kovnat and Dr. Komadina. **MOTION CARRIED.**

Prosecutor's Motion for Costs – Case No. 2013-006

MOTION was made by Dr. Weiner to **GRANT** the Board Prosecutor's Motion for Costs. **SECONDED** by Mr. Wallace **YES:** Dr. Weiner; Mr. Wallace; Ms. Anderson; Dr. Miller; Dr. Kankanala; Mr. Bourbon and Dr. Jenkusky. **RECUSED:** Dr. Kovnat and Dr. Komadina. **MOTION CARRIED.**

Note: **To obtain a complete copy of the transcript from the above proceedings, please contact the Board.

D. Nicholas Nardacci, MD – Case No. 2013-007

Paul Livingston, Esq., appeared in front of the Board on behalf of his client Dr. Nicholas Nardacci. Dr. Nardacci also appeared in person.

Respondent's Motion to Disqualify Board Prosecutor – Case No. 2013-007

Mr. Livingston moved to disqualify Mr. Rubin from the case based on his alleged conflict of interest in his roles as Board prosecutor and Board attorney. Daniel Rubin, Board Prosecutor, opposed the motion and requested that it be denied. Oral argument was held before the Board.

EXECUTIVE SESSION:

MOTION was made by Dr. Weiner 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 Mr. Wallace. **YES:** Dr. Weiner; Mr. Wallace; Ms. Anderson; Dr. Miller; Dr. Kankanala; Dr. Komadina and Dr. Kovnat. **MOTION CARRIED.**

Dr. Jenkusky and Mr. Bourbon recused themselves as complaint committee members for Case No. 2013-007 and exited the conference room.

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

MOTION was made by Dr. Weiner to **DENY** Respondent's Motion to Disqualify Daniel Rubin, Board Prosecutor. **SECONDED** by Mr. Wallace. **YES:** Dr. Weiner; Mr. Wallace; Ms. Anderson; Dr. Miller; Dr. Komadina; Dr. Kankanala and Dr. Kovnat. **RECUSED:** Dr. Jenkusky and Mr. Bourbon. **MOTION CARRIED.**

Respondent's Motion to Disqualify Hearing Officer and Administrative Prosecutor – Case No. 2013-007

Mr. Livingston does not wish to pursue the oral motion he made during the administrative hearing to disqualify the Hearing Officer in this matter. The motion to disqualify the Administrative Prosecutor has already been ruled on.

Respondent's Motion to Dismiss the NCA – Case No. 2013-007

Mr. Livingston moved to dismiss the Notice of Contemplated Action based on the allegation that the Compassionate Use Act provides immunity for practitioners certifying for medical cannabis. Mr. Rubin opposed the motion stating that the Hearing Officer had already decided this motion and requested the Board to deny it. Brief oral argument was held before the Board.

EXECUTIVE SESSION:

MOTION was made by Dr. Weiner 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 Mr. Wallace. **YES:** Dr. Weiner; Mr. Wallace; Ms. Anderson; Dr. Miller; Dr. Kankanala; Dr. Komadina and Dr. Kovnat. **MOTION CARRIED.**

Dr. Jenkusky and Mr. Bourbon recused themselves as complaint committee members for Case No. 2013-007 and exited the conference room.

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

MOTION was made by Dr. Weiner to **DENY** Respondent's Motion to Dismiss the Notice of Contemplated Action. **SECONDED** by Dr. Komadina. **YES:** Dr. Weiner; Mr. Wallace; Ms. Anderson; Dr. Miller; Dr. Komadina; Dr. Kankanala and Dr. Kovnat. **RECUSED:** Dr. Jenkusky and Mr. Bourbon. **MOTION CARRIED.**

Decision and Order – Case No. 2013-007

Dr. Weiner allowed Mr. Livingston and Mr. Rubin to make brief comments on the case before the Board's deliberation on same.

EXECUTIVE SESSION:

MOTION was made by Dr. Weiner 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 Mr. Wallace. **YES:** Dr. Weiner; Mr. Wallace; Ms. Anderson; Dr. Miller; Dr. Kankanala; Dr. Komadina and Dr. Kovnat. **MOTION CARRIED.**

Dr. Jenkusky and Mr. Bourbon recused themselves as complaint committee members for Case No. 2013-007 and exited the conference room.

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

MOTION was made by Dr. Weiner to accept the Hearing Officer's Report in its entirety, concluding that Dr. Nardacci violated the Medical Practice Act as alleged in the Notice of Contemplated Action. Dr. Nardacci is ordered to attend and successfully complete CPEP or a comparable program approved by the Board. Dr. Nardacci's medical license is currently **SUSPENDED**. However, Dr. Nardacci may seek a restricted medical license from the Board in the event he develops a plan of supervision with a medical doctor licensed by the Board, and that the plan and the medical doctor are approved by the Board. All clinical activity must be reviewed and approved by this supervising medical doctor. Such a plan shall be approved by a subcommittee of the Board. Dr. Nardacci may petition for release from supervision or suspension after the Board receives and evaluates the recommendations made by CPEP or the comparable program approved by the Board and licensure will be in the Board's discretion. **SECONDED** by Ms. Anderson. **YES:** Dr. Weiner; Mr. Wallace; Ms. Anderson; Dr. Miller; Dr. Komadina; Dr. Kankanala and Dr. Kovnat. **RECUSED:** Dr. Jenkusky and Mr. Bourbon. **MOTION CARRIED**

Prosecutor’s Motion for Costs – Case No. 2013-007

Daniel Rubin, Board Prosecutor, referred the Board to his motion. Mr. Livingston objected to the payment of costs of the Board’s expert alleging that he is a competitor of Dr. Nardacci and is also the director of the medical cannabis program at the Department of Health.

EXECUTIVE SESSION:

MOTION was made by Dr. Weiner 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 Mr. Wallace. **YES:** Dr. Weiner; Mr. Wallace; Ms. Anderson; Dr. Miller; Dr. Kankanala; Dr. Komadina and Dr. Kovnat. **MOTION CARRIED.**

Dr. Jenkusky and Mr. Bourbon recused themselves as complaint committee members for Case No. 2013-007 and exited the conference room.

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

MOTION was made by Dr. Weiner to **GRANT** the Board Prosecutor’s Motion for Costs. **SECONDED** by Ms. Anderson. **YES:** Dr. Weiner; Mr. Wallace; Ms. Anderson; Dr. Miller; Dr. Komadina; Dr. Kankanala and Dr. Kovnat. **RECUSED:** Dr. Jenkusky and Mr. Bourbon. **MOTION CARRIED**

Note: **To obtain a complete copy of the transcript from the above proceedings, please contact the Board.

6. REPORTS

A. Chair – No report

B. Executive Director

Governor’s Council on Prescription Drug Abuse

Ms. Hart reported that she and Dr. Jenkusky are participating in the Governor’s Council on Prescription Drug Abuse, and that she has attended the last two meetings. The Council has been gathering information by inviting many of the stakeholders to report at the meetings. For example, the head of the Medicaid program spoke about more coverage for substance abuse assistance. At the most recent meeting, Suboxone providers discussed their disagreement with the prior approval requirements. Prior approval requirements may become one of the Council’s recommendations.

At a recent Council meeting, the Pharmacy Board provided very interesting statistics which revealed that the licensees of Medical Board are third behind the licensees of both the DO Board and the Nursing Board in accessing the PMP. The statistics show that 71% of Nurse Practitioners have accessed it at least once and 47% actively access it approximately once per month; 64% of DO’s have accessed it one time with 40% actively accessing it; and 58% of MD’s have accessed it at least once with 37% actively accessing it.

Senator Udall – Prescription Drug Bill

Dr. Jenkusky reported that Senator Udall is going to submit a bill in Congress that closely follows what has already been completed in New Mexico. The bill will require having a prescription drug monitoring program (PDMP) very similar to New Mexico's PMP and making it nationally collected. Health care providers and pharmacists in federal and federally funded health care programs, like the Veterans Administration and Indian Health Services, will be required to use the PMP. There will also be some training on how to treat pain and how to use the PMP that will eventually be required.

Dr. Komadina stated that the only concern he has with the Bill is that it seems to imply that MD's will have to maintain electronic medical records. Mr. Bourbon expressed concern about the part of the Bill that states that the FDA may require pharmaceutical manufacturers to provide medical education. His concern is that it gives the pharmaceutical companies quite a bit of leverage in dictating medical professionals' education on prescribing opioids. Ms. Hart explained that this is already being done. The FDA has already charged the manufacturers with creating educational programs called REMS, which stands for Risk Evaluation and Mitigation Strategies. These programs are online and appear to be valuable programs. The content of these educational programs is peer reviewed. Ms. Hart further stated that she doesn't see a problem with pharmaceutical manufacturers offering educational programs because the medical boards are still able to determine what qualifies as a bona fide pain management CME program.

Dr. Jenkusky and Ms. Hart have suggested to Congressman Udall's representative that the Bill include methadone maintenance clinic reporting. The barrier to this is the federal rule, CFR 42, Substance Abuse and Confidentiality, which grants a high level of confidentiality to any addiction treatment. CFR 42 is the reason why methadone clinic reporting is not included in the PMP, which greatly hinders providers who might consider prescribing opioids. The lack of reporting of methadone for addiction has been brought up as a problem at each drug overdose summit Ms. Hart has attended.

MOTION was made by Dr. Weiner to support the concept of Congressman Udall's Prescription Drug Bill. **SECONDED** by Dr. Jenkusky. **YES:** Dr. Weiner; Mr. Wallace; Ms. Anderson; Dr. Miller; Dr. Komadina; Dr. Kankanala; Dr. Kovnat; Mr. Bourbon; and Dr. Jenkusky.

7. **NEW BUSINESS**

A. Credentialing Problems

Ms. Hart explained that licensees who are currently under a stipulation of licensure with the NM Monitored Treatment Program (MTP) are having difficulty with third party payors who are interpreting the term "probation" as a "restriction" on their license. This misinterpretation of the term is resulting in licensees being dropped as member providers and causing employment problems. Based on this misinterpretation of the language, Ms. Hart recommended to the Board that the term "probation" be removed from all current and future stipulations entered into between a licensee and the Board. Ms. Anderson suggested that a Board Resolution be attached as an exhibit to each current stipulation of licensure setting forth language consistent with this recommendation. The licensees will be notified and afforded 30 days if they wish to opt out and submit a written objection. If the licensee does not object to the Resolution, then it will become part of their stipulation of licensure. This recommendation is not an option for licensees under a stipulation of

licensure with MTP who also have a restriction on their licenses such as prescribing restrictions.

MOTION was made by Mr. Wallace to accept the recommendation as presented to the Board. **SECONDED** by Ms. Anderson. **YES:** Dr. Weiner; Mr. Wallace; Ms. Anderson; Dr. Miller; Dr. Komadina; Dr. Kankanala; Dr. Kovnat; Mr. Bourbon and Dr. Jenkusky. **MOTION CARRIED.**

B. Unsupervised Cosmetic Procedures and Injections

Ms. Hart stated that the Board's current rule states that injecting Botox is the practice of medicine and can only be done by a physician. The public is ignoring this rule. Ms. Hart suggested that the Board appoint a task force to look into this issue.

Dr. Komadina advised the Board that he is aware of many practices where medical assistants are administering Botox injections. Apparently there are many pediatricians who have hired high school graduates, given them a small amount of on the job training and then allowing them to administer cosmetic injections.

Ms. Hart thought that the Medical Society may be able to help with this issue. Writing another rule seems pointless since the rule currently says that giving cosmetic injections is the practice of medicine.

C. Rule 16.10.2.9 B (4) and 16.10.2.10 (B) (4)

Ms. Quintana reported that staff would like to amend the rules to change the number of years of required work experience verification from five years to two years for licensure by examination, and from five years to three years for licensure by endorsement. Ms. Quintana explained that the Medical Practice Act states that in order to qualify for a license by endorsement, an applicant must have a minimum of three years of continuous practice outside of post graduate training prior to application. These changes will greatly reduce the turn-around time for processing applications. Also, the FSMB reports that are pulled as part of the application process show any possible adverse action taken at any hospital facility, so the Board is covered as far as receiving all derogatory information. Staff has processed sample applications and was able to get the applications through in two to three weeks. This rule amendment can also be put in place for physician assistants.

MOTION was made by Dr. Weiner to accept the proposed rule amendments for physicians and physician assistants. **SECONDED** by Dr. Miller. **YES:** Dr. Weiner; Mr. Wallace; Ms. Anderson; Dr. Miller; Dr. Komadina; Dr. Kankanala; Dr. Kovnat; Mr. Bourbon and Dr. Jenkusky. **MOTION CARRIED.**

EXECUTIVE SESSION:

To address agenda items 8 through 10 below MOTION was made by Dr. Weiner 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 and disciplinary matters. **SECONDED** by Dr. Jenkusky. **YES:** Dr. Weiner; Mr. Wallace; Ms. Anderson; Dr. Miller; Dr. Komadina; Dr. Kankanala; Dr. Kovnat, Mr. Bourbon and Dr. Jenkusky. **MOTION CARRIED.**

8. COMPLIANCE REPORT

Ms. Holmes reviewed the board monitored compliance report and provided the current status on all licensees currently under Board Orders. Ms. Holmes advised the Board that there were four new licensees who would appear at this meeting for informal interviews.

9. NM MONITORED TREATMENT PROGRAM

Dan Collins, MD, MTP Medical Director, Jon Thayer, MTP Executive Director and Kate Woods, Clinical Director discussed the status of mandatory and voluntary MTP participants.

10. INFORMAL INTERVIEWS

James Bradley, MD; Michael Lente, PA; Michael Carey, MD; Steven Petrakis, MD; Heather Cumbo, MD; Richard Smith, MD; Sudah Kailas, MD; David Durham, MD; Stephanie Hedstrom, MD; Julie DiCianno, MD; Keith Levitt, MD; Christopher Jones, MD; Kenneth Bull, MD; Mary Albers, PA; Alden Cockburn, MD; Robert Knight, MD and Joan Lewis, MD were interviewed in Executive Session regarding current practices and compliance with their Board Orders. James Galizia, MD was interviewed by teleconference.

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

Compliance – Actions Related to Executive Session

A. Stephanie Hedstrom, M.D. – Request release from stipulation

MOTION was made by Dr. Weiner to release Dr. Hedstrom from stipulation. **SECONDED** by Dr. Jenkusky. **YES:** Dr. Weiner; Mr. Wallace; Ms. Anderson; Dr. Miller; Dr. Komadina; Dr. Kankanala; Dr. Kovnat; Mr. Bourbon and Dr. Jenkusky. **MOTION CARRIED.**

B. Kenneth Bull, M.D. - Request release from stipulation

MOTION was made by Dr. Weiner to **DENY** Dr. Bull's request for release from stipulation. **SECONDED** by Ms. Anderson. **YES:** Dr. Weiner; Mr. Wallace; Ms. Anderson; Dr. Miller; Dr. Komadina; Dr. Kankanala; Dr. Kovnat; Mr. Bourbon and Dr. Jenkusky. **MOTION CARRIED.**

C. Robert Knight, M.D. – Request release from stipulation

MOTION was made by Dr. Kovnat to release Dr. Knight from stipulation. **SECONDED** by Dr. Jenkusky. **YES:** Dr. Weiner; Mr. Wallace; Ms. Anderson; Dr. Miller; Dr. Komadina; Dr. Kankanala; Dr. Kovnat; Mr. Bourbon and Dr. Jenkusky. **MOTION CARRIED.**

D. Joan Lewis, M.D. – Request release from stipulation

MOTION was made by Dr. Kovnat to release Dr. Lewis from stipulation. **SECONDED** by Dr. Weiner. **YES:** Dr. Weiner; Mr. Wallace; Ms. Anderson; Dr. Miller; Dr. Komadina; Dr. Kankanala; Dr. Kovnat; Mr. Bourbon and Dr. Jenkusky. **MOTION CARRIED.**

E. Michael Carey, M.D. – Request release from stipulation

MOTION was made by Dr. Weiner to release Dr. Carey from stipulation. **SECONDED** by Dr. Jenkusky. **YES:** Dr. Weiner; Mr. Wallace; Ms. Anderson; Dr. Miller; Dr. Komadina; Dr. Kankanala; Dr. Kovnat; Mr. Bourbon and Dr. Jenkusky. **MOTION CARRIED.**

F. Julie DiCianno, M.D. – Request reinstatement of prescriptive authority

MOTION was made by Dr. Kovnat to reinstate Dr. DiCianno's prescriptive authority, Schedules II through V. **SECONDED** by Dr. Miller. **YES:** Dr. Weiner; Mr. Wallace; Ms.

Anderson; Dr. Miller; Dr. Komadina; Dr. Kankanala; Dr. Kovnat; Mr. Bourbon and Dr. Jenkusky. **MOTION CARRIED.**

G. John Bray-Morris, M.D. – Compliance Violation

During the complaint committee reports, Complaint Committee D **RECOMMENDED** summary suspension of Dr. Bray-Morris' license based on violation of a Board Order.

FRIDAY, AUGUST 16, 2013

The Board reconvened and Dr. Weiner called the meeting to order at 8:30 a.m.

11. NEW BUSINESS

New business was carried over from Thursday.

A. Scope of Practice Question

Mona Valicenti, Assistant Attorney General, and advising attorney for the Acupuncture Board, requested the Medical Board to answer the question: is acupuncture within the scope of practice of a medical doctor, licensed to practice medicine by the state of New Mexico? When medical doctors incorporate acupuncture into their practices as a treatment modality, do those physicians also need to be licensed by the Acupuncture Board? Educational requirements for licensure as an Acupuncturist in comparison to a medical doctor's training in medical school were discussed. Dr. Weiner proposed that staff look at this issue and make a recommendation to the Board at the next meeting.

12. RULE HEARING

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

A. Rule Hearing - Implementation of Expedited Licensing of Military Service Members

Ms. Quintana presented a brief overview of the following proposed rule revisions, explaining that these rule amendments were promulgated to address House Bill 180, which created expedited licensing for military service members. Each license type has been amended to allow for expedited licensing.

16.10.2 NMAC	Physicians Licensure Requirements
16.10.15 NMAC	Physician Assistants Licensure and Practice Requirements
16.10.19 NMAC	Anesthesiologist Assistants Qualifications and Licensure
16.10.20 NMAC	Polysomnographic Technologist Licensure
16.10.21 NMAC	Genetic Counselors
16.6.1 NMAC	Naprapathic Practitioners General Provisions
16.6.7 NMAC	Naprapathic Practitioners Licensure

B. Adoption of Rules

MOTION was made by Dr. Weiner to adopt the following rules as presented at the Rule Hearing:

16.10.2 NMAC	Physicians Licensure Requirements
16.10.15 NMAC	Physician Assistants Licensure and Practice Requirements
16.10.19 NMAC	Anesthesiologist Assistants Qualifications and Licensure
16.10.20 NMAC	Polysomnographic Technologist Licensure

- 16.10.21 NMAC Genetic Counselors
- 16.6.1 NMAC Naprapathic Practitioners General Provisions
- 16.6.7 NMAC Naprapathic Practitioners Licensure

SECONDED by Dr. Jenkusky. **YES:** Dr. Weiner; Mr. Wallace; Ms. Anderson; Dr. Miller; Dr. Komadina; Dr. Kankanala; Dr. Kovnat; Mr. Bourbon and Dr. Jenkusky. **MOTION CARRIED.**

C. Rule Hearing - Physician Education Requirements – 16.10.2.9 NMAC

Ms. Quintana gave a brief overview of the amended rule, advising that language was changed to allow the Board to use its discretion in determining if an applicant's total educational and professional clinical experience is substantially equivalent to that which is required for licensure in New Mexico.

D. Adoption of Rules

MOTION was made by Dr. Weiner to adopt 16.10.2.9 NMAC as presented at the rule hearing. **SECONDED** by Ms. Anderson. **YES:** Dr. Weiner; Mr. Wallace; Ms. Anderson; Dr. Miller; Dr. Komadina; Dr. Kankanala; Dr. Kovnat; Mr. Bourbon and Dr. Jenkusky. **MOTION CARRIED.**

E. Winifred Chambers, M.D.

MOTION was made by Dr. Weiner to grant Dr. Chambers an unrestricted license to practice medicine in New Mexico. **SECONDED** by Dr. Jenkusky. **YES:** Dr. Weiner; Mr. Wallace; Ms. Anderson; Dr. Miller; Dr. Komadina; Dr. Kankanala; Dr. Kovnat; Mr. Bourbon and Dr. Jenkusky. **MOTION CARRIED.**

13. REPORTS

Reports were carried over from Thursday.

A. Medical Director

Nursing Scope of Practice

Dr. La Farge briefed the Board on the current dilemma that the Board of Nursing faces with respect to administration of anesthetic drugs to patients in transport, in emergency departments, and in out-patient procedure facilities. Current practice is not compatible with the Nursing Practice Act, which states (Section 61-3-6.3: "It is unlawful for any person, other than a person licensed in New Mexico to practice medicine, osteopathy or dentistry or a currently licensed certified registered nurse anesthetist, to administer anesthetics to any person". House Bill 433 (2013 Session) proposed changes to 61-3-6 which would allow specially credentialed registered nurses to administer anesthetic agents: when under defined supervision; to patients on mechanical ventilation or managing a patient during critical care transport; in an emergency medicine department; and, the nurse must be capable of rescuing a patient one level deeper than the planned sedation. Dr. La Farge also stated that the proposed changes to House Bill 433 did not pass during the 2013 Legislature, and that they will likely be placed on the Governor's Call for the 2014 Session. The changes would bring the Nursing Practice Act into conformity with current practice and with the requirements of the JCAHO and CMS.

B. Assistant Attorney General – No report

C. Licensing Manager

NM Mini-Sabbatical Referral

Ms. Quintana reported that staff is requesting that the Board delegate the authority to the Executive Director and the Medical Director to refer physicians with no derogatory history on their applications to mini-sabbatical to cut down on the processing time. Currently, if a physician comes in and has been out of practice for more than two years, even if they do not have any derogatory information and their application is complete, they have to wait until the next board meeting to get a referred to a mini-sabbatical. When the applicant satisfactorily completes the mini-sabbatical, staff would like the authority to approve the full unrestricted license, so that they will not have to come back before the Board to be approved.

MOTION was made by Dr. Weiner that if staff receives an application with no derogatory information for a physician who has been out of clinical practice for more than 2 years, the Executive Director and the Medical Director will review the application and make the referral to UNM mini-sabbatical program, as appropriate. After a positive assessment and approval is received from UNM, the Board authorizes staff to convert the training license to a full unrestricted license. **SECONDED** by Mr. Bourbon. **YES:** Dr. Weiner; Mr. Wallace; Ms. Anderson; Dr. Miller; Dr. Komadina; Dr. Kankanala; Dr. Kovnat; Mr. Bourbon and Dr. Jenkusky. **MOTION CARRIED.**

D. Financial / HR Manager

Ms. Mascarenas reported on the budget and revenue status ending June 30, 2013. The FY13 operating budget was \$1,620,800; expenditures were \$1,543,200. The Board spent 95.2% of the total operating budget and collected \$200,000 in revenues over the operating budget. A total of \$76,000 was reallocated to the reporting and recording account to fund administrative hearing and litigation expenses ending June 30, 2013. By comparison, for the last four years, the Board averaged about \$12,000, and in FY13 the Board spent \$82,000 on administrative hearings and litigation. This is a 700% increase in cost.

The FY14 operating budget, which began on July 1, 2013, is a 7.1% increase over the FY13 operating budget. Staff will include a base increase in the FY15 budget request, for the administrative hearings process. This will resolve the potential budget shortfall for litigation and administrative hearings.

The budget cycle is as follows: currently the Board is operating with the FY14 budget which began on July 1st and ends on June 30, 2014. Staff is currently working on the FY15 appropriation request which is due on September 1st. Ms. Mascarenas provided statistics on applications, renewals and other requests in the board meeting packet.

E. Public Information Officer

IPRA Requests

Ms. Holmes reported that since January 2013, the Board has received fifty-four Inspection of Public Record (IPRA) requests. The majority of the requests, approximately 75%, are for records of licensees who have had disciplinary action taken against them by the Board. The Board recently received two requests for medical records of former patients of Dr. Pawankumar Jain. Two different attorneys requested the records and submitted Health Insurance Portability and Accountability Act (HIPPA) authorizations signed by personal representatives of the patients. The Board's Prosecutor drafted a letter to these two attorneys denying their requests, citing Section 14-2-1 (A) (1) of IPRA and Section 61-6-34 of the Medical Practice Act, which both clearly exempt patient medical records from being

disclosed. Mr. Rubin's letter was also specific to HIPAA privacy regulations that the Board must always consider, because as a healthcare oversight agency the board cannot re-disclose what has been disclosed to it pursuant to HIPAA.

F. Investigations Department – No report

14. OLD BUSINESS

A. Enhancement of a PA's Ability in Delivering Medical Care in New Mexico

Mr. Bourbon presented and stated that the New Mexico Practice Act and Rules that apply to PAs are some of the best in the nation and they are viewed by the American Academy of Physician Assistants (AAPA) as a model of excellence. The Practice Act and Rules meet all six of the key elements of a modern practice act, i.e., licensure; full prescriptive authority; scope of practice determined at the practice level; adaptable supervision requirements; chart co-signature requirements determined at the practice level; and number of PAs a physician may supervise determined at the practice level.

Mr. Bourbon then summarized changes that are being considered for the future. The changes include, a written agreement on how the PA is to be supervised; removal of the requirement that a Board must approve the supervising physician; the removal of the requirement of a \$25 fee for changing primary supervisors; a PA's ability to practice outside the scope of the primary supervising physician's practice with appropriate supervision; oversight and referral arrangements; and removal of the language that does not allow suture of certain lacerations or the setting of fractures with appropriate training and supervision.

Mr. Bourbon will keep the Board informed of the progress toward any changes that need to be considered by the Board.

B. FSMB Interstate Compacts – NM Deemed Status Project

The FSMB established a group to recommend license portability legislation. The group is working on a model for a compact among the states so that a license would be good in every state. At their first meeting, they adopted a model that would consist of one national commission that would be funded by all the states. This approach causes concern, for example, to change a rule at the national commission level all of the states involved would have to agree. This model is just a blueprint and the FSMB will be looking other models. Their next meeting is in September and Dan Rubin will attend on the Board's behalf. This interstate compact issue has been looked at for many years and in order for this to work all states must cooperate and share information.

15. ADMINISTRATIVE PROSECUTOR REPORT

Mr. Rubin reviewed the pending prosecution cases with the Board. Mr. Rubin also gave a status report on pending litigation involving the Board as follows:

Richard Rubin, P.A

Richard Rubin, P.A., filed a lawsuit against the Board. The case is still pending.

Chiropractic Board Appeal

The Medical Board was successful in the Court of Appeals in having the Court set aside the Chiropractic Board's advanced practice formulary.

16. NEW BUSINESS

A. Pharmacist Prescriptive Authority for Naloxone

Dale Tinker, Executive Director of the New Mexico Pharmacists Association (NMPHA), opened his presentation by thanking the Board for an opportunity to present the NMPA'S proposal protocol for Naloxone prescribing for pharmacists. Amy Bachyrycz, President of NMPHA; Dayana George-Lucero, MD; Jeannie Block, RN, and several pharmacy students from the College of Pharmacy attended the meeting as well.

Ms. Bachyrycz explained that the purpose of the protocol is to allow pharmacists to prescribe Naloxone to patients at high risk of overdose and also to dispense it in their pharmacies. The pharmacist would go through specialized training and become certified to prescribe Naloxone.

Jeannie Block discussed New Mexico's drug overdose history and the history of Naloxone in New Mexico. In the mid 1990s, New Mexico had the highest heroin overdose death rate in the country and was the first state to pass a drug overdose prevention law which allowed the Department of Health (DOH) to give Naloxone to heroin clients, with training. Ms. Block has worked with heroin users; street outreach; syringe exchange programs; methadone clinics and has trained heroin users in the use of Naloxone. About one-third of the overdose reversals in the U.S. have been recorded in New Mexico. Ms. Block demonstrated nasal Naloxone.

Dr. George-Lucero stated that she has treated chronic pain for the last 15 years but began treating addiction three years ago. Dr. George-Lucero explained that overdose does not only happen to heroin addicts, it happens to chronic pain patients who have been on high doses of Percocet, Oxycodone, Morphine and other drugs.

Mr. Tinker advised the Board that in order for a pharmacist to prescribe a protocol, state law requires approval from the Medical Board, the Nursing Board, and the Pharmacy Board. The NMPHA is asking for the Medical Board's support.

MOTION was made by Dr. Komadina to support the pharmacists' prescriptive authority for Naloxone. **SECONDED** by Dr. Kovnat. **YES:** Dr. Weiner; Mr. Wallace; Ms. Anderson; Dr. Miller; Dr. Komadina; Dr. Kankanala; Dr. Kovnat; Mr. Bourbon and Dr. Jenkusky. **MOTION CARRIED.**

B. Rule 16.1015.7 NMAC – Consider amending definition of “Supervising Physician”

Ms. Hart and Ms. Dieterich explained that under current Board Rule 16.10.15.7 NMAC, a only a physician who holds an unrestricted medical license can supervise a physician assistant. Staff is requesting that the Board consider amending the rule in order to allow a physician under a monitoring contract with MTP to serve as a supervising physician. This would not apply to physicians who have an actual restriction on their medical practice.

MOTION was made by Dr. Komadina to amend the rule and send out the proposed rule to post. **SECONDED:** Dr. Weiner. **YES:** Dr. Weiner; Mr. Wallace; Ms. Anderson; Dr. Miller; Dr. Komadina; Dr. Kankanala; Dr. Kovnat; Mr. Bourbon and Dr. Jenkusky. **MOTION CARRIED.**


C. Raphael Shapiro, M.D. – Presentation on Delivering Healthcare in Africa


Dr. Shapiro gave a presentation to the Board on his travel to Ethiopia in 2012 through the African Medical Research Foundation, working at the local hospital for three months. A slide review was given, which highlighted the medical conditions of the cities of Debre Markos and Addis Ababa. Dr. Shapiro has collected medical equipment and funds from friends and colleagues and will be returning to Ethiopia in a few weeks. His work there was very rewarding as he learned as much as he taught and he is looking forward to his return.

18. **ADJOURN**

There being no further business scheduled, the meeting was adjourned at 11: 38 a.m.

SUBMITTED BY:  DATE: 10/03/13
Lynn Hart, Executive Director

APPROVED BY:  DATE: 10/03/2013
Steve Weiner, M.D., Chair

APPROVED BY:  DATE: 10/03/2013
Paul Kovnat, M.D., Secretary Treasurer