

NEW MEXICO MEDICAL BOARD
Regular Board Meeting
August 6-7, 2015
FINAL MINUTES

Members Present: Steve Jenkusky, M.D., Chair
Albert Bourbon, P.A., Vice Chair
Jennifer Anderson, Esquire, Public Member, Secretary Treasurer
James Spence, M.D.
Steven Komadina, M.D.
Peter Beaudette, M.D.
Karen Carson, M.D.
Philip Styka, M.D.
Rick Wallace, FACHE, Public Member

Others Present: Sondra Frank, J.D. Executive Director
Grant La Farge, M.D., Medical Director
Susan Sullivan, Assistant Attorney General
Scott Fuqua, Contract Prosecutor
Gayle Mascarenas, CFO/HR Manager
Debbie Dieterich, Investigations Manager
Amanda Quintana, Compliance Manager/Public Information Officer
Samantha Breen, Administrative Assistant

1. CALL TO ORDER / ROLL CALL

Dr. Jenkusky called the Regular Board 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 Dr. Komadina to approve the Agenda. **SECONDED** by Dr. Jenkusky. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Carson; Ms. Anderson; Dr. Komadina; Dr. Spence; Mr. Bourbon and Dr. Styka. **Absent:** Mr. Wallace. **MOTION CARRIED**

3. APPROVAL OF MINUTES

MOTION was made by Mr. Bourbon to accept and approve the minutes of the May 14-15, 2015 Board Meeting as presented. **SECONDED** by Dr. Komadina. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Carson; Ms. Anderson; Dr. Komadina; Dr. Spence; Mr. Bourbon and Dr. Styka. **Absent:** Mr. Wallace. **MOTION CARRIED**

Dr. Jenkusky formally introduced the Board's new member Dr. Philip Styka.

EXECUTIVE SESSION: Complaint Committee Reports / Executive Committee Report

MOTION was made by Ms. Anderson 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. Jenkusky; Dr. Beaudette; Dr. Carson; Ms. Anderson; Dr. Komadina; Mr. Wallace; Dr. Spence; Mr. Bourbon and Dr. Styka. **MOTION CARRIED.**

OPEN SESSION

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

4. **ACTIONS RELATED TO EXECUTIVE SESSION**

Complaint Committee A

RECOMMENDATION was made by Dr. Carson to **CLOSE** Case #2015-A-007 and 2015-A-013 **YES:** Dr. Jenkusky; Dr. Beaudette; Ms. Anderson; Dr. Komadina; Dr. Spence; Mr. Bourbon and Dr. Styka. **RECUSED:** Dr. Carson and Mr. Wallace.

Case #2014-A-153 RECOMMENDATION was made by Mr. Wallace that physician applicant obtain a clinical skills assessment based on the fact the he has not actively practiced since July 2011, along with psychological testing and assessment to rule out sexual boundaries issues prior to the Board determining licensure. If he does not accept, a Notice of Contemplated Action will be issued, based on, but not limited to, conduct unbecoming, incompetency to practice and failure to cooperate with the Board. **YES:** Dr. Jenkusky; Dr. Beaudette; Ms. Anderson; Dr. Komadina; Dr. Spence; Mr. Bourbon and Dr. Styka. **RECUSED:** Dr. Carson and Mr. Wallace.

Case #2015-A-067 RECOMMENDATION was made by Mr. Wallace to offer physician a stipulated license mirroring the other states' terms and conditions of requiring evaluations and monitoring, along with a letter of reprimand for failure to report and misrepresentation on a renewal application. If physician does not accept, a Notice of Contemplated Action will be issued based on, but not limited to, habitual/excessive use of alcohol or substances, adverse licensure action in another state, failure to report licensure action to the Board, misrepresentation on a renewal application and failure to cooperate with a board investigation. **YES:** Dr. Jenkusky; Dr. Beaudette; Ms. Anderson; Dr. Komadina; Dr. Spence; Mr. Bourbon Dr. Styka. **RECUSED:** Dr. Carson and Mr. Wallace.

Case #2015-A-096 RECOMMENDATION was made by Mr. Wallace to offer physician a stipulated license requiring mandatory participation in the NM Monitored Treatment Program. If he does not accept, a Notice of Contemplated Action will be issued based on, but not limited to, habitual/excessive use of alcohol or substances. **YES:** Dr. Jenkusky; Dr. Beaudette; Ms. Anderson; Dr. Komadina; Dr. Spence and Dr. Styka. **RECUSED:** Dr. Carson; Mr. Wallace Mr. Bourbon.

Complaint Committee B

RECOMMENDATION was made by Dr. Komadina to **CLOSE** Case #2014-B-109; 2014-B-169; 2014-B-171; 2014-B-178 and 2014-B-018. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Carson; Ms. Anderson; Mr. Wallace; Mr. Bourbon and Dr. Styka. **RECUSED:** Dr. Komadina and Dr. Spence.

RECOMMENDATION was made by Dr. Komadina to **CLOSE** Case #2015-B-005 with an Advisory Letter regarding patient communication **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Carson; Ms. Anderson; Mr. Wallace; Mr. Bourbon and Dr. Styka. **RECUSED:** Dr. Komadina and Dr. Spence.

RECOMMENDATION was made by Dr. Komadina to **CLOSE** Case #2015-B-050 with an Advisory Letter regarding disclosing information as required on an application and reminding him of the Board regulation on keeping his address current. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Carson; Ms. Anderson; Mr. Wallace; Mr. Bourbon and Dr. Styka. **RECUSED:** Dr. Komadina and Dr. Spence.

Case 2015-B-001 RECOMMENDATION was made by Dr. Spence to issue a Notice of Contemplated Action based on, but not limited to, conduct unbecoming, interaction with patients and family members that interferes with patient care or could reasonably be expected to adversely impact patient care. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Carson; Ms. Anderson; Mr. Wallace; Mr. Bourbon and Dr. Styka. **RECUSED:** Dr. Komadina and Dr. Spence.

Complaint Committee C

RECOMMENDATION was made by Mr. Bourbon to **CLOSE** Case #2014-C-142; 2014-C-156; 2014-C-161; 2014-C-164; 2015-C-008 and #2015-C-023. **YES:** Dr. Jenkusky; Dr. Beaudette; Ms. Anderson; Dr. Komadina; Mr. Wallace and Dr. Spence. **RECUSED:** Mr. Bourbon and Dr. Styka.

Case #2015-C-063 RECOMMENDATION was made by Mr. Bourbon to issue a Notice of Contemplated Action based on, but not limited to, adverse licensure action in another state, conduct likely to harm, and conduct unbecoming. **YES:** Dr. Jenkusky; Dr. Beaudette; Ms. Anderson; Dr. Komadina; Mr. Wallace and Dr. Spence. **RECUSED:** Mr. Bourbon and Dr. Styka.

Complaint Committee D

RECOMMENDATION was made by Dr. Beaudette to **CLOSE** Case #2014-D-185; #2014-D-188; 2015-D-027 and #2015-D-045. **YES:** Dr. Jenkusky; Dr. Carson; Dr. Komadina; Mr. Wallace; Dr. Spence; Mr. Bourbon and Dr. Styka. **RECUSED:** Dr. Beaudette and Ms. Anderson.

Case #2013-D-234 and Case 2014-D-191 (Same Physician) RECOMMENDATION was made by Dr. Beaudette to order physician to be evaluated by an impaired physician committee for physical, mental/or substance abuse issues. This case will remain open until receipt of the IPC Report and will return to the Board for a decision. If physician refuses, a Notice of Contemplated Action will be issued based on, but not limited to, conduct likely to harm, and failure to report. **YES:** Dr. Jenkusky; Dr. Carson; Dr. Komadina; Mr. Wallace; Dr. Spence; Mr. Bourbon and Dr. Styka. **RECUSED:** Dr. Beaudette and Ms. Anderson.

Case #2015-D-048 RECOMMENDATION was made by Dr. Beaudette to issue a Notice of Contemplated Action based on, but not limited to, conduct likely to harm, failure to maintain accurate and complete medical records, conduct unbecoming, and failure to cooperate with a board investigation. **YES:** Dr. Jenkusky; Dr. Carson; Dr. Komadina; Mr. Wallace; Dr. Spence; Mr. Bourbon and Dr. Styka. **RECUSED:** Dr. Beaudette and Ms. Anderson.

Complaint Committee E

RECOMMENDATION was made by Dr. Jenkusky to **CLOSE** 2014-E-176; 2014-E-180; 2014-E-181 and 2014-E-182. **YES:** Dr. Beaudette; Dr. Carson; Ms. Anderson; Dr. Komadina; Mr. Wallace; Dr. Spence; Mr. Bourbon and Dr. Styka. **RECUSED:** Dr. Jenkusky.

Case #2015-E-111 RECOMMENDATION was made by Dr. Jenkusky to offer resident physician a stipulation of licensure requiring mandatory participation in the NM Monitored Treatment Program. If he does not accept, a Notice of Contemplated Action will be issued based on, but not limited to, habitual/excessive use of alcohol or substances, and dishonesty. **YES:** Dr. Beaudette; Dr. Carson; Dr. Komadina; Mr. Wallace; Dr. Spence; Mr. Bourbon and Dr. Styka. **RECUSED:** Dr. Jenkusky.

Case #2015-E-117 RECOMMENDATION was made by Dr. Jenkusky to offer physician applicant a stipulation of licensure requiring participation in the NM Monitored Treatment Program. If he does not accept, physician may withdraw his application for licensure while under investigation, or a Notice of Contemplated Action to deny licensure will be issued based on, but not limited to, habitual/excessive use of alcohol or substances. **YES:** Dr. Beaudette; Dr. Carson; Dr. Komadina; Mr. Wallace; Dr. Spence; Mr. Bourbon and Dr. Styka. **RECUSED:** Dr. Jenkusky.

Case #2015-E-126 RECOMMENDATION was made by Dr. Jenkusky to offer physician a stipulation of licensure requiring mandatory participation with NM Monitored Treatment Program. If physician does not accept, a Notice of Contemplated Action will be issued based on, but not limited to, habitual/excessive use of alcohol or substances. **YES:** Dr. Beaudette; Dr. Carson; Dr. Komadina; Mr. Wallace; Dr. Spence; Mr. Bourbon and Dr. Styka. **RECUSED:** Dr. Jenkusky.

5. LICENSING ISSUES, NEW APPLICANTS / REINSTATEMENTS

Sylvia Wittels, M.D. – Review UNM’s Mini-Sabbatical assessment/recommendation. Consider reinstatement of Full MD license.

MOTION was made by Dr. Jenkusky to accept Dr. La Farge’s recommendation to accept UNM’s assessment and recommendation and **GRANT** Dr. Wittels an unrestricted license. **SECONDED** by Ms. Anderson. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Carson; Ms. Anderson; Dr. Komadina; Mr. Wallace; Dr. Spence; Mr. Bourbon and Dr. Styka. **MOTION CARRIED.**

Barbara Van Eeckhout, M.D. – Consider Settlement Agreement – Case No. 2014-060

MOTION was made by Dr. Jenkusky to **ACCEPT** the proposed settlement as presented. Physician shall notify each patient of their right to reimbursement for costs paid in connection with the insertion of a non-FDA approved IUD; and notify each insurance company billed in connection with each IUD of the right to reimbursement no later than 12/31/15. Physician shall pay a fine of \$17,000 to the Board no later than 07/01/16; and physician shall enroll in and complete an ethics course by 07/01/16.

SECONDED: Mr. Bourbon **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Carson; Dr. Komadina; Mr. Wallace; Dr. Spence and Dr. Styka. **RECUSED:** Dr. Spence and Dr. Komadina. **MOTION CARRIED.**

Kenneth Stoller, M.D. – Decision and Order – Case No. 2014-031

MOTION was made by Dr. Jenkusky to **ACCEPT** the Hearing Officers Report. **SECONDED:** Dr. Beaudette **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Carson; Dr. Komadina; Mr. Wallace; Dr. Spence and Dr. Styka. **RECUSED:** Ms. Anderson and Mr. Bourbon. **MOTION CARRIED.**

MOTION was made by Dr. Jenkusky to issue an Advisory Letter to Dr. Stoller. **SECONDED:** Dr. Beaudette **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Carson; Mr. Wallace and Dr. Styka. **NO:** Dr. Komadina and Dr. Spence. **RECUSED:** Ms. Anderson and Dr. Beaudette. **MOTION CARRIED.**

MOTION was made by Dr. Jenkusky for Dr. Stoller to pay costs. **SECONDED:** Dr. Beaudette **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Carson; Mr. Wallace. **NO:** Dr. Komadina; Dr. Spence and Dr. Styka. **RECUSED:** Ms. Anderson and Mr. Bourbon. **MOTION CARRIED.**

Alston Lundgren, M.D. – Motion for Hearing prior to Board Reviewing Reports – Case No. 2014-061

Doug Compton, Esq., on behalf of his client Alston Lundgren, M.D., moved to appear in front of the Board to request that the Board maintain the restriction on Dr. Lundgren’s controlled substance prescription authority in lieu of further action after reviewing CPEP’s report and recommendations. The Board granted Mr. Compton’s request to appear. The Board will interview Dr. Lundgren this afternoon during his compliance appearance, will review CPEP’s report and recommendations, and will make a decision regarding further licensure action at that time.

MOTION was made by Ms. Anderson to **GRANT** motion to exercise the right reserved in the stipulation of licensure and to offer an explanation which will be duly considered. **SECONDED:** Dr. Jenkusky **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Carson; Ms. Anderson; Dr. Komadina; Mr. Wallace; Dr. Spence; Mr. Bourbon and Dr. Styka. **MOTION CARRIED.**

Claude Gelinis, M.D. – Consider Settlement Agreement – Case No. 2013-039

MOTION was made by Dr. Jenkusky to **ACCEPT** the proposed settlement as presented. Physician shall voluntarily surrender his New Mexico medical license. **SECONDED:** Ms. Anderson **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Carson; Ms. Anderson; Dr. Komadina; Mr. Wallace; Dr. Spence; Mr. Bourbon and Dr. Styka. **MOTION CARRIED.**

6. REPORTS

Chair Report

Dr. Jenkusky presented the New Mexico Hispanic Medical Association's request to approve their pain management CME titled "Emerging Treatment Options for Pain and Addiction" to be held August 15, 2015. Topics include "Medical Cannabis in the Primary Care Setting" and "Medical Cannabis as a Substitute: An Overview of Possibilities and Barriers". The Board agreed that this is a suitable option for the Pain Management CME requirement.

Dr. Jenkusky updated the Board on the Governor's Task Force on Chronic Pain. He provided a brief background, and explained the goals of the task force. What has come up is that after two years of the number of overdose deaths going down by 20%, last year the number went back up to what it was in 2008 which is 520 deaths. This has created a more intense spotlight on prescribers. The use of the PMP was a big issue discussed. There is no research that use of the PMP reduces deaths, it does reduce "doctor shopping". We are looking at trying to make sure that patients are protected but also that they don't impact the ability of doctors to treat patients with legitimate pain.

Dr. Jenkusky reported to the Board that the NM Medical Society would like the Board to consider a statute change to the Pain Management CME rule that would exempt physicians practicing in non-pain management specialties from the Pain Management CME requirement. The Board will evaluate request and discuss options.

Executive Director

Ms. Frank announced that Amanda Quintana was hired as the Board's PIO/Compliance Manager. She also updated the Board on the status of agency vacancies. Currently, there are three staff positions that are vacant and need to be filled as soon as possible – one in licensing, one in Investigations and one to assist Ms. Mascarenas with financials. These should be filled within the next month.

Medical Director

No report.

Board Attorney

Ms. Frank updated the Board on the status of the pending appellate cases.

Mark Walden, M.D., has filed an appeal in First Judicial District Court and is representing himself.

Sitar Kothalanka, M.D. lost his appellate case as the Court upheld the Board's Decision.

Pawan Jain, M.D.'s appellate case – No new status.

John Wassner, M.D.'s appellate case – Assistant Attorney General Susan Sullivan will be working on this appeal.

Mr. Paul Bateman's hearing in the matter of the Board's Petition for Temporary Restraining Order has been vacated since he has not been located in order to serve him with same. Mr. Bateman is the unlicensed practitioner issuing CDLs to truck drivers out of a truck stop in Albuquerque. If he is not served by the hearing date the case will be dismissed.

Licensing Manager

No report.

Financial / HR Manager

Ms. Mascarenas updated the Board on the FY15 Medical Board Revenues – Ending June 30, 2015. She reports that expenditures total \$1,606,609 (or 85.19%) from July 1, 2014 thru June 30, 2015; Revenues collected from July 1, 2014 thru June 30, 2015 total \$2,071,782 (or 117.31%). The cash balance as of June 30, 2014 is \$3,180,704.

Ms. Mascarenas also reported to the Board that the 2015 1st Special Session, SB1, Capital Outlay Package, Section 73 appropriates \$1,000,000 from the NM Medical Board fund to the Board of Regents of the University of NM to fund the final phase of a health education building at the Health Sciences Center at UNM. The funds will be transferred in the current fiscal year.

Finally she reported that in FY15 the Board expended \$22,510 for Administrative Hearings.

Investigations Department

Ms. Dieterich reported the status of cases in Investigations. For calendar year 2015, the Investigations Department has opened 140 cases. Out of the 140 cases, 81 are patient complaints and 59 are Board initiated complaints. The Department still has a carryover of approximately 25 cases from 2013 and 2014 that are still being investigated. The Investigations Department currently has one investigator position open, which should be filled within the next few weeks.

Administrative Prosecutor

The Board reviewed the status of the current pending prosecution cases.

CLOSED SESSION: PIO/Compliance Report and New Mexico Monitored Treatment Program Report

MOTION was made by Dr. Jenkusky 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. Beaudette. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Carson; Ms. Anderson; Dr. Komadina; Dr. Spence; Mr. Bourbon and Dr. Styka. **MOTION CARRIED.**

Board Monitored Compliance Report [Non MTP]

Ms. Quintana reviewed the compliance report and reported on the status of licensees.

NM Monitored Treatment Program (MTP)

Dan Collins, Regina Johnson, and Andrea Newman of the NM Monitored Treatment Program presented the status of all mandatory MTP participants and answered questions from the Board.

Informal Interviews

Bertrand Basset, M.D.; Nancy Sachsel, P.A. (did not appear – unexcused); Richard Hempstead, M.D.; Milton Sanchez, P.S.G.T.; Julie DiCianno, M.D.; Kaaren Mahan-Riska, P.A.; Nicholas Nardacci, M.D.; Stephen Cain, M.D.; Paul Walsky, M.D.; Welman Shrader, M.D.; Benjamin Stake, M.D.; David Stalker, M.D.; Keith Levitt, M.D.; Alston Lundgren, M.D. and Micheal Bermudez, M.D. (excused).

OPEN SESSION

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

7. ACTIONS RELATED TO EXECUTIVE SESSION

Haruhuan Spruce, M.D. – Requesting “Retired” license status while under stipulation

MOTION was made by Dr. Jenkusky to **GRANT** Dr. Spruce's Request to retire license while under stipulation. **SECONDED:** Mr. Bourbon. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Carson; Ms. Anderson; Dr. Komadina; Dr. Spence; Mr. Bourbon and Dr. Styka. **MOTION CARRIED.**

Donald Casebolt, M.D. – Requesting to allow license to lapse in lieu of competency assessment
MOTION was made by Dr. Jenkusky to **GRANT** Dr. Casebolt's Request to allow license to lapse in lieu of competency assessment. **SECONDED:** Ms. Anderson. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Carson; Ms. Anderson; Dr. Komadina; Dr. Spence; Mr. Bourbon and Dr. Styka. **MOTION CARRIED.**

Nancy Sachsel, P.A. – Compliance Violation

MOTION was made by Dr. Jenkusky to suspend Ms. Sachsel's PA license. **SECONDED:** Ms. Anderson. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Carson; Ms. Anderson; Dr. Komadina; Dr. Spence; Mr. Bourbon and Dr. Styka. **MOTION CARRIED.**

Keith Levitt, M.D. – Requesting Release from Stipulation

MOTION was made by Dr. Komadina to release Dr. Levitt from the Board Stipulated Order. **SECONDED:** Dr. Jenkusky. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Carson; Ms. Anderson; Dr. Komadina; Dr. Spence; Mr. Bourbon and Dr. Styka. **MOTION CARRIED**

Milton Sanchez, P.S.G.T. – Requesting Release from Stipulation

MOTION was made by Dr. Komadina to release Mr. Sanchez from the Board Stipulated Order. **SECONDED:** Dr. Jenkusky. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Carson; Ms. Anderson; Dr. Komadina; Dr. Spence; Mr. Bourbon and Dr. Styka. **MOTION CARRIED**

Paul Walsky, M.D. – Requesting re-evaluation by the IPC

MOTION was made by Dr. Jenkusky to deny Dr. Walsky's request to be re-evaluated by an IPC. **SECONDED:** Dr. Spence. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Carson; Ms. Anderson; Dr. Komadina; Dr. Spence; Mr. Bourbon and Dr. Styka. **MOTION CARRIED**

Alston Lundgren, M.D. – Review report and determine further licensure action

MOTION was made by Ms. Anderson to suspend Dr. Lundgren's license effective immediately. The board will consider the possibility of lifting the suspension once Dr. Lundgren has completed the evaluative and educational components recommended by CPEP. Specifically he shall obtain a neurological assessment and a comprehensive neuropsychological examination by a board approved neuropsychologist. Additionally Dr. Lundgren shall participate in a structured individualized education intervention to address the identified areas of need as addressed in the CPEP report.

If Dr. Lundgren wishes to obtain feedback from the Board regarding the sufficiency of the neurological and psychological evaluations before investing the educational component he is invited to appear before the Board for that purpose. **SECONDED:** Dr. Jenkusky. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Carson; Ms. Anderson; Dr. Komadina; Dr. Spence; Mr. Bourbon and Dr. Styka. **MOTION CARRIED**

Stephen Cain, M.D. – Requesting amendment to Board Order/Stipulation allowing him to return to work

MOTION was made by Dr. Komadina to **GRANT** Dr. Cain's Request to amend the Board Order/Stipulation and allow Dr. Cain to return to non-anesthesia related practice as approved by MTP and have MTP approve Dr. Cain's worksite prior to return. **SECONDED:** Dr. Jenkusky **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Carson; Ms. Anderson; Dr. Komadina; Dr. Spence; Mr. Bourbon and Dr. Styka. **MOTION CARRIED**

ADJOURN

Dr. Jenkusky adjourned the first day [August 6, 2015] of the August Regular Board Meeting at 5:10 p.m.

Friday, August 7, 2015

Dr. Jenkusky reconvened the Medical Board and called the meeting to order at 9:00 a.m. on Friday, August 7, 2015; a quorum was present.

8. Presentation by Dale Tinker – Pharmacist Immunization Protocol

Mr. Tinker from the NM Pharmacists Association and Amy Bachymcz, Pharmacist, presented proposed revisions to the Pharmacist Immunization Protocol. One concern was discussed about changing the epinephrine treatments to require auto-fill or auto inject devices. The Board agreed to make this change.

MOTION was made by Dr. Jenkusky to **ACCEPT** the revised Pharmacist Immunization Protocol as amended. **SECONDED:** Dr. Spence **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Carson; Ms. Anderson; Dr. Komadina; Dr. Spence; Mr. Bourbon and Dr. Styka. **MOTION CARRIED**

Michael Landen, MD presented a status and brief history of drug overdose deaths in New Mexico. He emphasized that healthcare licensing boards need to work collectively to assure that licensees are being compliant with PMP rules. He wants to see increased access to Naloxone. There is a need for an in depth data extraction from a national death reporting system, which is a project he is working on currently. There was discussion about how the PMP could be more provider friendly and how the Medical Board could re-encourage licensees to prescribe Naloxone.

9. Old Business

Dr. Jenkusky, Mr. Wallace and Ms. Frank updated the Board on the Diversion Program Committee recommendations. The Board discussed guidelines to be used when determining who would qualify for a "First Referral" program. They discussed the possibility of expanding the program to licensees/applicants who do not have substance abuse issues. They will receive updates quarterly on the progress of the program and revisit the possibility of expanding it to include other issues.

MOTION was made by Dr. Spence to dedicate one complaint committee to review all "First Referral" program candidates. **SECONDED:** Mr. Wallace **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Carson; Ms. Anderson; Dr. Komadina; Dr. Spence; Mr. Bourbon and Dr. Styka. **MOTION CARRIED**

Ms. Dieterich presented the May PMP report card to the Board. Concerns arose about the licensees who continue to show up on the report card because they are not using the PMP when prescribing. A second warning letter will be sent with the requirement of a written response. Staff will continue to monitor the report card.

The Board finalized the 2016 Board Meeting Dates.

Ms. Quintana reported on the Board's launch of a Facebook page. She reported on possible content and explained the various privacy settings.

10. New Business

MOTION was made by Dr. Spence to revise Professional Practice Question number 14 as presented. **SECONDED:** Mr. Bourbon **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Carson; Ms. Anderson; Dr. Komadina; Dr. Spence; Mr. Bourbon and Dr. Styka. **MOTION CARRIED**

11. ADJOURN

There being no further business before the Board, Dr. Jenkusky adjourned the meeting at 12:30 p.m.

SUBMITTED BY:



Sondra Frank, J.D., Executive Director

DATE:

9/24/15

APPROVED BY:



Steven M. Jenkusky, M.D., Chair

DATE:

9/24/15

APPROVED BY:



Albert Bourbon, PA-C, Vice Chair

DATE:

9/24/15