

NEW MEXICO MEDICAL BOARD
Regular Board Meeting
August 18-19, 2016
FINAL MINUTES

Members Present: Steven M. Jenkusky, M.D.
Albert Bourbon, P.A., Vice Chair
Jennifer Anderson, Esquire, Public Member, Secretary Treasurer
Steven Komadina, M.D.
Karen Carson, M.D.
Philip Styka, M.D.

Absent: James Spence, M.D. – *Excused*
Peter Beaudette, M.D. - *Excused*

Others Present: Sondra Frank, J.D., Executive Director
Kara Szkotac, Assistant Attorney General
Thomas Banner, Administrative Prosecutor
Gayle Mascarenas, CFO/HR Manager
Debbie Dieterich, Investigations Manager
Amanda Quintana, Compliance Manager / PIO
Barbara Orender, Licensing Manager
Samantha Breen, Administrative Assistant
Amanda Chavez, Investigator
James Perez, Investigator

1. CALL TO ORDER / ROLL CALL

Dr. Jenkusky called the Regular Board Meeting of the New Mexico Medical Board to order at 8:35 a.m. and a quorum was present.

2. APPROVAL OF AGENDA

MOTION was made by Dr. Jenkusky to approve the Agenda. **SECONDED** by Mr. Bourbon. **YES:** Dr. Jenkusky, Dr. Styka, Dr. Komadina, Ms. Anderson, Dr. Carson and Mr. Bourbon. **Absent:** Dr. Spence and Dr. Beaudette. **MOTION CARRIED.**

3. APPROVAL OF MINUTES

MOTION was made by Dr. Jenkusky to accept and approve the minutes of the June 30, 2016 Interim Board Meeting as presented. **SECONDED** by Mr. Bourbon. **YES:** Dr. Jenkusky, Dr. Styka, Dr. Komadina, Ms. Anderson, Dr. Carson and Mr. Bourbon. **Absent:** Dr. Spence and Dr. Beaudette. **MOTION CARRIED.**

EXECUTIVE SESSION: Complaint Committee Reports / Executive Committee 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 Mr. Bourbon. **YES:** Dr. Jenkusky, Dr. Styka, Dr. Komadina, Ms. Anderson, Dr. Carson and Mr. Bourbon. **Absent:** Dr. Spence and Dr. Beaudette. **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. Komadina to **CLOSE** Case #2015-A-012; 2015-A-088; 2015-A-151; 2015-A-171; 2015-A-178; 2015-A-204; 2015-A-226 and 2015-A-243 **YES:** Dr. Jenkusky, Dr. Styka, Ms. Anderson and Mr. Bourbon. **Recused:** Dr. Komadina and Dr. Carson **Absent:** Dr. Spence and Dr. Beaudette.

RECOMMENDATION was made by Dr. Carson to **CLOSE** Case #2016-A-056 with an advisory letter regarding the timely follow up with patients after ordering and receiving test results. **YES:** Dr. Jenkusky, Dr. Styka, Ms. Anderson and Mr. Bourbon. **Recused:** Dr. Komadina and Dr. Carson **Absent:** Dr. Spence and Dr. Beaudette.

Case #2015-A-064 and Case #2015-A-255 RECOMMENDATION was made by Dr. Komadina to issue a summary suspension based on physician's imminent threat to public safety along with a notice of contemplated action based on, but not limited to, patient abandonment; violation of Board Regulation on Prescribing for Chronic Pain; repeated similar negligent acts; failure to maintain accurate and complete medical records; falsification of medical records; interaction with patients, family members, and other healthcare providers that could affect patient care; conduct unbecoming and conduct likely to harm. **YES:** Dr. Jenkusky, Dr. Styka, Ms. Anderson and Mr. Bourbon. **Recused:** Dr. Komadina and Dr. Carson **Absent:** Dr. Spence and Dr. Beaudette.

Case #2016-A-031 RECOMMENDATION was made by Dr. Komadina offering physician a stipulated license mirroring the Iowa state medical board's terms and conditions along with a reprimand for failing to report adverse action and misrepresentation on a renewal application. If physician does not accept, the issuance of a notice of contemplated action is recommended based on, but not limited to, failure to report, misrepresentation on a renewal application and adverse action taken against physician by other state medical boards. **YES:** Dr. Jenkusky, Dr. Styka, Ms. Anderson and Mr. Bourbon. **Recused:** Dr. Komadina and Dr. Carson **Absent:** Dr. Spence and Dr. Beaudette.

Complaint Committee B

RECOMMENDATION was made by Ms. Anderson to **CLOSE** Case #2015-B-201; 2015-B-207; 2016-B-008 and 2016-B-100. **YES:** Dr. Jenkusky, Dr. Styka, Dr. Komadina, Dr. Carson and Mr. Bourbon. **Recused:** Ms. Anderson **Absent:** Dr. Spence and Dr. Beaudette.

RECOMMENDATION was made by Ms. Anderson to **CLOSE** Case #2014-B-172 with an advisory letter on failure to report an arrest. **YES:** Dr. Jenkusky, Dr. Styka, Dr. Komadina, Dr. Carson and Mr. Bourbon. **Recused:** Ms. Anderson **Absent:** Dr. Spence and Dr. Beaudette.

RECOMMENDATION was made by Ms. Anderson to **CLOSE** Case #2015-B-196 with an advisory letter to Physician regarding patient communication. **YES:** Dr. Jenkusky, Dr. Styka, Dr. Komadina, Dr. Carson and Mr. Bourbon. **Recused:** Ms. Anderson **Absent:** Dr. Spence and Dr. Beaudette.

RECOMMENDATION was made by Ms. Anderson to **CLOSE** Case #2015-B-221 with an advisory letter to Physician regarding patient communication. **YES:** Dr. Jenkusky, Dr. Styka, Dr. Komadina, Dr. Carson and Mr. Bourbon. **Recused:** Ms. Anderson **Absent:** Dr. Spence and Dr. Beaudette.

RECOMMENDATION was made by Ms. Anderson to **CLOSE** Case #2015-B-231 with an advisory letter to Physician regarding the maintenance of proper medical records on patients and that the Board will be notifying MTP of their disapproval of Physician to serve as a worksite monitor due to possible lack of impartiality and ethical conflict. **YES:** Dr. Jenkusky, Dr. Styka, Dr. Komadina, Dr. Carson and Mr. Bourbon. **Recused:** Ms. Anderson **Absent:** Dr. Spence and Dr. Beaudette.

RECOMMENDATION was made by Ms. Anderson to **CLOSE** Case #2016-B-004 with an advisory letter to Physician on providing medical records to patients in a timely manner when requested, which means within 30 days of the request and send physician the Board's Regulation requiring same. **YES:** Dr. Jenkusky, Dr. Styka, Dr. Komadina, Dr. Carson and Mr. Bourbon. **Recused:** Ms. Anderson **Absent:** Dr. Spence and Dr. Beaudette.

Case #2016-B-032 RECOMMENDATION was made by Ms. Dieterich on behalf of Dr. Spence offering physician a stipulated agreement requiring him to be evaluated for clinical competency by CPEP or a comparable program, along with issuance of a reprimand for his failure to report malpractice settlements to the board as required. The stipulated agreement will also allow the board to make other recommendations based on the results of the clinical competency evaluation. If physician does not accept, a notice of contemplated will be issued based on, but not limited to, incompetency to practice and failure to report. **YES:** Dr. Jenkusky, Dr. Styka, Dr. Komadina, Dr. Carson and Mr. Bourbon. **Recused:** Ms. Anderson **Absent:** Dr. Spence and Dr. Beaudette.

Case #2015-B-187 RECOMMENDATION was made by Ms. Anderson recommends issuance of a notice of contemplated action based on, but not limited to, failure to cooperate with the Board, failure to maintain an updated address with the Board and failure to comply with physician CME requirements per his Board Order. **YES:** Dr. Jenkusky, Dr. Styka, Dr. Komadina, Dr. Carson and Mr. Bourbon. **Recused:** Ms. Anderson **Absent:** Dr. Spence and Dr. Beaudette.

Case #2016-B-071 RECOMMENDATION was made by Ms. Anderson recommends issuance of a notice of contemplated action based on, but not limited to, failure to properly supervise. **YES:** Dr. Jenkusky, Dr. Styka, Dr. Komadina, Dr. Carson and Mr. Bourbon. **Recused:** Ms. Anderson **Absent:** Dr. Spence and Dr. Beaudette.

Case #2016-B-090 RECOMMENDATION was made by Ms. Anderson offering physician a stipulated license where he is reprimanded based on, but not limited to, misrepresentation on an application, conduct unbecoming, and adverse action in another state. If he does not accept, physician may withdraw his application while under investigation or a notice of contemplated action will be issued to deny licensure based on same. **YES:** Dr. Jenkusky, Dr. Styka, Dr. Komadina, Dr. Carson and Mr. Bourbon. **Recused:** Ms. Anderson **Absent:** Dr. Spence and Dr. Beaudette.

Case #2016-B-091 RECOMMENDATION was made by Ms. Anderson offering physician to (1) undergo a professionalism evaluation; or (2) withdraw his application for reinstatement while under investigation; or (3) a notice of contemplated action will be issued to deny reinstatement based on, but not limited to, failure to cooperate with the Board. **YES:** Dr. Jenkusky, Dr. Styka, Dr. Komadina, Dr. Carson and Mr. Bourbon. **Recused:** Ms. Anderson **Absent:** Dr. Spence and Dr. Beaudette.

Complaint Committee C

RECOMMENDATION was made by Mr. Bourbon to **CLOSE** Case #2015-C-198; 2015-C-210; 2015-C-220; 2015-C-230; 2016-C-028; 2016-C-049 and 2016-C-086. **YES:** Dr. Jenkusky, Dr. Komadina, Ms. Anderson and Dr. Carson. **Recused:** Mr. Bourbon and Dr. Styka. **Absent:** Dr. Spence and Dr. Beaudette.

RECOMMENDATION was made by Ms. Dieterich on behalf of Dr. Styka to **CLOSE** Case #2016-C-095 with a strong advisory letter regarding obtaining equivalent on call coverage to care for patients when not available or on vacation. **YES:** Dr. Jenkusky, Dr. Komadina, Ms. Anderson and Dr. Carson. **Recused:** Mr. Bourbon and Dr. Styka. **Absent:** Dr. Spence and Dr. Beaudette.

RECOMMENDATION was made by Mr. Bourbon to **CLOSE** Case #2015-C-066 with an advisory letter on failure to report. **YES:** Dr. Jenkusky, Dr. Komadina, Ms. Anderson and Dr. Carson. **Recused:** Mr. Bourbon and Dr. Styka. **Absent:** Dr. Spence and Dr. Beaudette.

RECOMMENDATION was made by Mr. Bourbon to **CLOSE** Case #2015-C-217 with an advisory letter on failure to report. **YES:** Dr. Jenkusky, Dr. Komadina, Ms. Anderson and Dr. Carson. **Recused:** Mr. Bourbon and Dr. Styka. **Absent:** Dr. Spence and Dr. Beaudette.

RECOMMENDATION was made by Mr. Bourbon to **CLOSE** Case #2016-C-054 with a final advisory letter to physician regarding the number of complaints received regarding his communication with patients and that next time the NMMB will initiate licensure action against him. **YES:** Dr. Jenkusky, Dr. Komadina, Ms. Anderson and Dr. Carson. **Recused:** Mr. Bourbon and Dr. Styka. **Absent:** Dr. Spence and Dr. Beaudette.

RECOMMENDATION was made by Mr. Bourbon to **CLOSE** Case #2016-C-148 with a final advisory letter to physician regarding the number of complaints received regarding his communication with patients and that next time the NMMB will initiate licensure action against him. **YES:** Dr. Jenkusky, Dr. Komadina, Ms. Anderson and Dr. Carson. **Recused:** Mr. Bourbon and Dr. Styka. **Absent:** Dr. Spence and Dr. Beaudette.

Complaint Committee D

RECOMMENDATION was made by Dr. Jenkusky to **CLOSE** Case #2015-D-250; 2016-D-002; 2016-D-006 and 2016-D-089. **YES:** Dr. Styka; Dr. Komadina, Ms. Anderson, Dr. Carson and Mr. Bourbon. **Recused:** Dr. Jenkusky. **Absent:** Dr. Spence and Dr. Beaudette.

RECOMMENDATION was made by Dr. Jenkusky to **CLOSE** Case #2015-D-164 with an advisory letter on disclosing full information on a Resident application. **YES:** Dr. Styka; Dr. Komadina, Ms. Anderson, Dr. Carson and Mr. Bourbon. **Recused:** Dr. Jenkusky. **Absent:** Dr. Spence and Dr. Beaudette.

RECOMMENDATION was made by Dr. Jenkusky to **CLOSE** Case #2016-D-046 with an advisory letter on failure to report. **YES:** Dr. Styka; Dr. Komadina, Ms. Anderson, Dr. Carson and Mr. Bourbon. **Recused:** Dr. Jenkusky. **Absent:** Dr. Spence and Dr. Beaudette.

Case #2015-D-094 RECOMMENDATION was made by Dr. Jenkusky offering physician a stipulated agreement requiring her to take the PRoBE ethics course and a prescribing course within 6 months and restricting her from supervising pharmacist clinicians, along with a reprimand for failing to report an arrest and failing to report child abuse as required by law and by AMA Code of Ethics. If physician does not accept, a notice of contemplated action will be issued based on, but not limited to, failure to report an arrest, AMA Code of Ethics violation on reporting child abuse, failure to supervise, violation of a drug law, and conduct unbecoming. **YES:** Dr. Styka; Dr. Komadina, Ms. Anderson, Dr. Carson and Mr. Bourbon. **Recused:** Dr. Jenkusky. **Absent:** Dr. Spence and Dr. Beaudette.

Case #2016-D-126 RECOMMENDATION was made by Dr. Jenkusky offering resident physician a stipulation requiring mandatory participation in MTP. If refused, a notice of contemplated action will be issued based on, but not limited to, habitual and excessive use of alcohol. **YES:** Dr. Styka; Dr. Komadina, Ms. Anderson, Dr. Carson and Mr. Bourbon. **Recused:** Dr. Jenkusky. **Absent:** Dr. Spence and Dr. Beaudette.

Case #2016-D-127 RECOMMENDATION was made by Dr. Jenkusky offering resident physician a stipulated license requiring mandatory participation in MTP. If refused, a notice of contemplated action will be issued to deny licensure based on, but not limited to, habitual and excessive use of substances. **YES:** Dr. Styka; Dr. Komadina, Ms. Anderson, Dr. Carson and Mr. Bourbon. **Recused:** Dr. Jenkusky. **Absent:** Dr. Spence and Dr. Beaudette.

Case #2016-D-128 RECOMMENDATION was made by Dr. Jenkusky offering physician a stipulated agreement whereby (1) she would be required to provide proof of clinical competency prior to the Board's issuance of a license, along with a requirement to be monitored by MTP; or (2) requiring her to finish a residency at UNM, in which case, the Board will issue her a stipulated resident license requiring mandatory participation with MTP for mental health monitoring. **YES:** Dr. Styka; Dr. Komadina, Ms.

Anderson, Dr. Carson and Mr. Bourbon. **Recused:** Dr. Jenkusky. **Absent:** Dr. Spence and Dr. Beaudette.

Case #2016-D-145 RECOMMENDATION was made by Dr. Jenkusky offering physician a stipulated agreement which mirrors the other state's order in restricting her from certifying for medical marijuana in NM, along with a reprimand for misrepresentation on her renewal application and dishonesty. If she does not accept, a notice of contemplated action will be issued based on, but not limited to, adverse licensure action taken in another state, misrepresentation on a renewal application, dishonesty and conduct unbecoming. **YES:** Dr. Styka; Dr. Komadina, Ms. Anderson, Dr. Carson and Mr. Bourbon. **Recused:** Dr. Jenkusky. **Absent:** Dr. Spence and Dr. Beaudette.

RECOMMENDATION was made by Dr. Jenkusky to **CLOSE** Case #2016-D-152 with an advisory letter on disclosing full information on a Resident application and issuing Resident an unrestricted license. **YES:** Dr. Styka; Dr. Komadina, Ms. Anderson, Dr. Carson and Mr. Bourbon. **Recused:** Dr. Jenkusky. **Absent:** Dr. Spence and Dr. Beaudette.

5. LICENSING ISSUES, NEW APPLICANTS / REINSTATEMENTS

Roderick Mitchell, MD – Case No. 2016-005 – Decision and Order

MOTION was made by Dr. Jenkusky to adopt the Hearing Officers Report in its entirety and to revoke physician's license. **SECONDED** by Dr. Styka. **YES:** Dr. Jenkusky, Dr. Styka, Dr. Komadina, Ms. Anderson, Dr. Carson and Mr. Bourbon. **Absent:** Dr. Spence and Dr. Beaudette. **MOTION CARRIED.**

Christiana Lietzke, MD – Case No. 2015-020 – Decision and Order

MOTION was made by Dr. Jenkusky that physician's license will remain suspended until Dr. Lietzke can prove psychological competency to practice and safety to practice. **SECONDED** by Dr. Styka. **YES:** Dr. Jenkusky, Dr. Styka, Dr. Komadina, Ms. Anderson, Dr. Carson and Mr. Bourbon. **Absent:** Dr. Spence and Dr. Beaudette. **MOTION CARRIED.**

Christiana Lietzke, MD – Case No. 2015-020 – Motion for Costs

MOTION was made by Dr. Jenkusky to **ACCEPT** the Motion for Costs in Case 2015-020 as presented but only ordered to pay after proven competency to practice and upon reinstatement of license. **SECONDED** by Dr. Styka. **YES:** Dr. Jenkusky, Dr. Styka, Dr. Komadina, Ms. Anderson, Dr. Carson and Mr. Bourbon. **Absent:** Dr. Spence and Dr. Beaudette. **MOTION CARRIED.**

Jacques Jaikaran, MD – Case No. 2015-012 – Motion for Costs

MOTION was made by Dr. Jenkusky to **ACCEPT** the Motion for Costs in Case 2015-012 as presented. **SECONDED** by Dr. Carson. **YES:** Dr. Jenkusky, Dr. Styka, Dr. Komadina, Ms. Anderson, Dr. Carson and Mr. Bourbon. **Absent:** Dr. Spence and Dr. Beaudette. **MOTION CARRIED.**

Jose Fernandez, MD – Case No. 2016-022 – Proposed Stipulation and Order of Reprimand

MOTION was made by Dr. Jenkusky to **ACCEPT** the Proposed Stipulation and Order of Reprimand. **SECONDED** by Dr. Styka. **YES:** Dr. Jenkusky, Dr. Styka, Dr. Komadina, Ms. Anderson, Dr. Carson and Mr. Bourbon. **Absent:** Dr. Spence and Dr. Beaudette. **MOTION CARRIED.**

Olivier Rixe, MD – Consider education and experience in lieu of 24 months ACGME Accredited PGT for approval of licensure

MOTION was made by Dr. Jenkusky to **GRANT** a full and unrestricted license. **SECONDED** by Dr. Styka. **YES:** Dr. Jenkusky, Dr. Styka, Dr. Komadina, Ms. Anderson, Dr. Carson and Mr. Bourbon. **Absent:** Dr. Spence and Dr. Beaudette. **MOTION CARRIED.**

Augustine Bosah, MD – Consider request for exception to the examination 7 year rule based on current ABMS certification in Internal Medicine

MOTION was made by Dr. Jenkusky to **GRANT** a full and unrestricted license. **SECONDED** by Dr. Styka. **YES:** Dr. Jenkusky, Dr. Styka, Dr. Komadina, Ms. Anderson, Dr. Carson and Mr. Bourbon. **Absent:** Dr. Spence and Dr. Beaudette. **MOTION CARRIED.**

6. Board Attorney Report

Walter Seidel, MD Appeal- Cara Szkotac, Assistant Attorney General stated that at this time she is waiting to hear back from Dr. Seidel's counsel on a settlement.

John Wassner, MD Appeal – Ms. Szkotac stated she is waiting on the Judge's ruling.

7. 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. Styka. **YES:** Dr. Jenkusky, Dr. Styka, Dr. Komadina, Ms. Anderson, Dr. Carson and Mr. Bourbon. **Absent:** Dr. Spence and Dr. Beaudette. **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, MD Andrea Newman and Mary Lynn Griffin of the NM Monitored Treatment Program presented the status of all mandatory MTP participants and answered questions from the Board.

Informal Interviews

Michael Bellas, PA – *Excused*; Paul Walsky, MD; Ryan Grange, PA; Kyle Greer, MD; Steven Greer, MD; Kaaren Mahan-Riska, PA - **ABSENT**; Daniel Pistone, MD; Welman Shrader, MD; Benjamin Stake, MD; David Stalker, MD.

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.

8. New Business

2017 Proposed Meeting Dates – The Board determined that meeting dates will be on February 9-10, 2017, May 11-12, 2017, August 10-11, 2017 and November 2-3, 2017.

The 2017 Interim Meeting dates will be on March 30, 2017, June 29, 2017, September 28, 2017 and December 14, 2017.

CDC Opioid Prescribing Guidelines - Dr. Jenkusky reported on the CDC's Opioid Prescribing Guidelines, he stated that it is a long article about the research that went into the recommendation. He directed the Board to the summary table and reviewed the table of guidelines in its entirety. He explained that these guidelines drove the law that was passed during the last legislative session and now the Board is proposing rules to reflect the law.

Proposed Rule Change to 16.10.13 NMAC – Dr. La Farge reviewed the proposed changes to Part 13 regarding Medical Assistants. The Board discussed at length Medical Assistants in general and their level of training and certification. They deferred their decision and discussion to Friday for further research. On Friday Dr. Komadina shared an outline of Medical Assistant Concepts for the Staff to try and incorporate in the rule as part of the proposed change. A small committee will be formed consisting of staff and Dr. Komadina to draft a proposal for the Board.

Proposed Rule Change to 16.10.14 NMAC – Dr. Jenkusky and Ms. Frank reviewed the process for Rule Changing. Sondra explained that the Board is mandated by SB263 to change the PMP portion of 16.10.14 prior to January 1, 2017. After extensive review and discussion the Board decided to add

Schedule V to the PMP portion of the rule and to add an exemption to the requirement of pulling PMP for stimulant therapy for pediatric patients less than age 14. There were several other minor clerical corrections.

MOTION was made by Dr. Komadina to **ACCEPT** the Rule Change Proposal as amended for Rule Hearing. **SECONDED** by Dr. Jenkusky. **YES:** Dr. Jenkusky, Dr. Styka, Dr. Komadina, Ms. Anderson, Dr. Carson and Mr. Bourbon. **Absent:** Dr. Spence and Dr. Beaudette. **MOTION CARRIED.**

Request to amend application for licensure to add questions regarding investigation of licensees by healthcare entities - Ms. Dieterich presented a proposal to amend professional practice question #10 on the licensure applications **FROM:**

10a. "Have your privileges at any healthcare entity ever been voluntarily or involuntarily suspended, restricted, diminished, revoked, surrendered, or not renewed, except for medical records delinquency?"

10b. "Have you ever agreed not to exercise your clinical privileges while under investigation?"

TO:

10a. "Have your privileges at any healthcare entity ever been voluntarily or involuntarily suspended, restricted, diminished, revoked, surrendered, or not renewed, for any reason, except for medical records delinquency unrelated to your professional competence or conduct?"

10b. "Have you ever agreed not to exercise your clinical privileges while under investigation?"

10c. "Have you ever been investigated and/or terminated by a healthcare entity for cause, or without cause, related to your clinical competence or conduct, which could impact patient safety/care, or allowed to resign in lieu of termination for such reason?"

MOTION was made by Dr. Jenkusky to **APPROVE** the Professional Practice Question Change Proposal as amended. **SECONDED** by Mr. Bourbon. **YES:** Dr. Jenkusky, Dr. Styka, Dr. Komadina, Ms. Anderson, Dr. Carson and Mr. Bourbon. **Absent:** Dr. Spence and Dr. Beaudette. **MOTION CARRIED.**

Opioid Use Disorder Treatment Expansion Act / CARA – Mr. Bourbon reported that the President signed and passed the Act and that the expansion included PA's and NP's are able to prescribe Buprenorphine now, he further stated that this is a step in the right direction. Ms. Frank briefly reviewed the CARA act for the Board.

ADJOURN

Dr. Jenkusky adjourned the first day [August 18, 2016] of the August Regular Board Meeting at 4:35 p.m.

Friday, August 19, 2016

Dr. Jenkusky reconvened the Medical Board and called the meeting to order at 9:05 a.m. on Friday, Friday, August 19, 2016; a quorum was present.

Informal Interviews Continued

Miles, Nelson, M.D.; Mona Sarrai, M.D.; Ariadna Sadzienne-Bessinger, M.D.; Christopher Driskill, M.D.; Clyde Miller, M.D.; Michael Bermudez, M.D.

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.

9. ACTIONS RELATED TO EXECUTIVE SESSION

Miles Nelson, MD – Consider petition to reinstate license.

MOTION was made by Dr. Jenkusky to **GRANT** request to reinstate license with all requirements in his stipulation remaining in full force. **SECONDED** by Ms. Anderson. **YES:** Dr. Jenkusky, Dr. Styka, Dr. Komadina, Ms. Anderson, Dr. Carson and Mr. Bourbon. **Absent:** Dr. Spence and Dr. Beaudette. **MOTION CARRIED.**

Michael Bermudez, MD – Consider request for release from stipulation.

MOTION was made by Dr. Jenkusky to **GRANT** request for release from stipulation. **SECONDED** by Ms. Anderson. **YES:** Dr. Jenkusky, Dr. Styka, Dr. Komadina, Ms. Anderson, Dr. Carson and Mr. Bourbon. **Absent:** Dr. Spence and Dr. Beaudette. **MOTION CARRIED.**

Ariadna Sadzienne-Bessinger, MD – Consider request for release from stipulation.

MOTION was made by Dr. Jenkusky to **GRANT** request for release from stipulation. **SECONDED** by Ms. Anderson. **YES:** Dr. Jenkusky, Dr. Styka, Dr. Komadina, Ms. Anderson, Dr. Carson and Mr. Bourbon. **Absent:** Dr. Spence and Dr. Beaudette. **MOTION CARRIED.**

Mona Sarrai, MD – Consider request to not be monitored by MTP.

MOTION was made by Dr. Jenkusky to **GRANT** request for release from stipulation. **SECONDED** by Ms. Anderson. **YES:** Dr. Jenkusky, Dr. Styka, Dr. Komadina, Ms. Anderson, Dr. Carson and Mr. Bourbon. **Absent:** Dr. Spence and Dr. Beaudette. **MOTION CARRIED.**

Christopher Driskill, MD – Consider request for release from stipulation.

MOTION was made by Dr. Jenkusky to **DENY** request for release from stipulation, however clarifying for the record that he is not limited to the current three chaperones on file with MTP, but for all patient encounters he must note in the medical record who his chaperone was. **SECONDED** by Ms. Anderson. **YES:** Dr. Jenkusky, Dr. Styka, Dr. Komadina, Ms. Anderson, Dr. Carson and Mr. Bourbon. **Absent:** Dr. Spence and Dr. Beaudette. **MOTION CARRIED.**

Clyde Miller, MD – Consider request to allow him to apply for his DEA registration prior to date mandated in stipulation.

MOTION was made by Dr. Jenkusky to **DENY** request. **SECONDED** by Ms. Anderson. **YES:** Dr. Jenkusky, Dr. Styka, Dr. Komadina, Ms. Anderson, Dr. Carson and Mr. Bourbon. **Absent:** Dr. Spence and Dr. Beaudette. **MOTION CARRIED.**

10. REPORTS

Chair Report

Medical Marijuana Recommendations from FSMB – Dr. Jenkusky reviewed the FSMB's recommendations regarding medical marijuana prescribing and physicians using medical marijuana. Dr. Jenkusky stated that as a member of the Board he is questioned a lot about the authorization of medical marijuana. He is asking if the Board can use these recommendation as a standard when assessing the proper use of medical marijuana in New Mexico. He also stated that MTP has requested guidance from the Board regarding physicians using medical marijuana. The Board discussed the different issues at length. Ms. Frank explained that the guidelines would have to be made into regulation for them to be used as disciplinary action by the Board on licensees. The Board decided to send it back to staff to try and figure out if and how to incorporate the guidelines into a regulation and in the meantime post to the website to alert the public and licensees that this is what the Board is contemplating.

Guidance on Physician Medical Marijuana Use While in MTP – This was discussed along with the above recommendations from FSMB. The Board decided to send it back to staff to try and figure out if and how to incorporate the guidelines into a regulation and in the meantime post to the website to alert the public and licensees that this is what the Board is contemplating.

Licensing Manager

Ms. Orender provided the Board with a copy of the Arizona Medical Board's Medical Practice Act Training and Questionnaire from their paper renewal. It is a "training module" used to increase awareness of the rules and statutes in AZ. On the online renewal application the licensee checks a box stating they've read through it. Dr. Carson suggested offering proof of one hour CME at the end of the

renewal. The Board instructed Ms. Orender to write up questions to present to the Board at the November meeting.

Financial / HR Manager

Ms. Mascarenas reported on the FY16 Budget/Revenue Status ending June 30, 2016. She stated that Expenditures total \$1,676.9 (or 90.9%) from July 1, 2015 thru June 30, 2016 (Opbud \$1,844,500). Revenues collected from July 1, 2015 through June 30, 2016 total \$2,041.0 (or 15% over the budgeted amount of revenues which is \$266,459 over \$1,774.5 budgeted revenues. The agency also budgeted \$70.0 FB. The Cash Balance as of August 18, 2016 is \$1,453.2.

The FY18 Appropriation Request is due to DFA and LFC by September 1, 2016. Please refer to the S-8 Financial Summary under FY2018 Agency Request.

FY18 Appropriation Request

200	\$1,195.0
300	\$ 338.0
400	\$ 367.0
Total:	<u>\$ 1,900.0</u>

\$1,820.0 Other Revenues and \$80.0 FB

The appropriation request includes converting the vacant part-time attorney position into a full-time position and a built-in vacancy rate of 5.8% in the 200 category. Additionally, the request includes adjusted funding in contractual services for Hearing Officer Services and a slight increase for the upcoming RFP in FY17 (MTP Services). The Operating Costs include a slight increase for the building lease, otherwise is close to the FY7 Operating Budget in this category. The Board needs to vote to approve the FY18 Appropriation Request.

11. Old Business

PMP Report – Ms. Quintana reported that the Board has not received an updated PMP Report Card from the Pharmacy Board. Dr. Jenkusky requested that a letter be written from the Board to the Pharmacy Board and DOH regarding this issue.

Review of “First Referral Program”

Ms. Frank and Ms. Quintana reported that during the first year of the pilot project the Board named the First Referral Program, only one licensee qualified. The Board decided to stop the program and reevaluate different options for licensees.

12. New Business

CNCP Program Presentation


Danelle Callan, MA from the Department of Family and Community Medicine (DFCM) presented The Health Extension Regional Officer (HERO): Translating Research Into Localities (TRaILs) course called “Best Practices for Treating Chronic Non-Cancer Pain in Primary Care: A Pragmatic Clinical Algorithm Approach.” HERO TRaILs project was an AHRQ funded grant that was implemented to study how to best disseminate established guidelines and evidence-based information to primary care providers of rural, underserved, multiethnic populations. This project enabled the team at the DFCM to create an adaptive clinically relevant CNCP tool kit that can be disseminated through workshops and one-on-one academic detailing sessions across New Mexico in partnership with the DOH.


The educational model for CNCP is to deliver evidence based information in a more relevant way; use a practical approach to treating CNCP, similar to other chronic diseases; provide clinically oriented algorithms with tools suggested in the literature and indicate where the NMMB regulations and CDC guidelines “fit” in the clinical process.

The Board approved this course as meeting the requirements to fulfill the Board's 5 hours of Pain Management CME.

13. **ADJOURN** - There being no further business before the Board, Dr. Jenkusky adjourned the meeting at 12:07 p.m.

SUBMITTED BY:  DATE: 9/30/16
Sondra Frank, J.D., Executive Director

APPROVED BY:  DATE: 9/30/16
Steven M. Jenkusky, M.D., Chair

APPROVED BY:  DATE: 9/30/16
Albert Bourbon, PA-C, Vice Chair