

**NEW MEXICO MEDICAL BOARD
Third Quarter Meeting
August 13-14, 2009**

**2055 S. Pacheco, Building 400
Santa Fe, New Mexico**

MINUTES

1. CALL TO ORDER / ROLL CALL / INTRODUCTIONS:

Dr. Kovnat, Board Chair, called the regular meeting of the New Mexico Medical Board to order at 8:30 a.m., and a quorum was determined present.

Members Present:

Paul Kovnat, M.D., Chair
Steven Weiner, M.D., Vice-Chair
Roger Miller, M.D.
Frank Crespín, M.D.
Steve Jenkusky, M.D.
Ann Wehr, M.D.
Reza Ghadimi, P.A.
Kathy Abeles, Public Member
Rebecca Cochran, Public Member

Others Present:

Lynn Hart, Executive Director
Grant La Farge, M.D., Medical Director
Andrea Buzzard, Assistant Attorney General
G.T.S. Khalsa, Board Prosecutor
J.J. Walker, Compliance Mgr. / PIO
Lynn Tipton, Administrative Assistant
Debbie Dieterich, Senior Investigator
Jonni Lu Pool, Investigator

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

2. APPROVAL OF AGENDA:

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

3. APPROVAL OF MINUTES:

MOTION was made by Dr. Kovnat to approve the Minutes from the June 25, 2009 Interim Meeting. **SECONDED** by Mr. Ghadimi. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Crespín, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Kathy Abeles and Mr. Ghadimi. **ABSTAINED:** Ms. Cochran **MOTION CARRIED.**

4. ELECTION OF SECRETARY / TREASURER

MOTION was made by Dr. Kovnat to nominate and elect by acclamation Mr. Ghadimi as Secretary/Treasurer of the Board. **SECONDED** by Ms. Abeles. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Crespín, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Ms. Abeles and Ms. Cochran. **ABSTAINED:** Mr. Ghadimi **MOTION CARRIED.**

5. COMPLAINT COMMITTEE REPORTS:

EXECUTIVE SESSION:

MOTION was made by Dr. Kovnat to go into closed session pursuant to Section 10-15-1(H)(1) of the Open Meetings Act to discuss matters pertaining to the issuance, suspension, renewal or revocation of a license. **SECONDED** by Mr. Ghadimi. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Crespin, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Ms. Abeles, Mr. Ghadimi and Ms. Cochran. **MOTION CARRIED.**

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

Complaint Committee A:

RECOMMENDATION was made by Dr. Wehr to close complaint cases 2008-A-193; 2008-A-215; 2008-A-250; 2009-A-003; 2009-A-019; 2009-A-028, 2009-A-041 and 2009-A-051, as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Dr. Kovnat, Dr. Crespin, Dr. Miller, Dr. Jenkusky, Ms. Abeles, Mr. Ghadimi and Ms. Cochran. **ABSTAINED:** Dr. Weiner and Dr. Wehr. **RECOMMENDATION PASSED.**

Case No. 2008-A-145 RECOMMENDATION was made by Dr. Wehr to close this case and to issue physician an advisory letter regarding physician-patient communication. **YES:** Dr. Kovnat, Dr. Crespin, Dr. Miller, Dr. Jenkusky, Ms. Abeles, Mr. Ghadimi and Ms. Cochran. **ABSTAINED:** Dr. Weiner and Dr. Wehr. **RECOMMENDATION PASSED.**

Case No. 2009-A-068 RECOMMENDATION was made by Dr. Wehr to close this case and to issue physician an advisory letter regarding patient safety. **YES:** Dr. Kovnat, Dr. Crespin, Dr. Miller, Dr. Jenkusky, Ms. Abeles, Mr. Ghadimi and Ms. Cochran. **ABSTAINED:** Dr. Weiner and Dr. Wehr. **RECOMMENDATION PASSED.**

Case No. 2009-A-040 (Susan Rendon, MD). RECOMMENDATION was made by Dr. Weiner to offer physician a stipulated license requiring mandatory participation in MTP and other standard substance abuse stipulations. If physician does not accept the stipulated license, a notice of contemplated action will be issued based on excessive alcohol use. **YES:** Dr. Kovnat, Dr. Crespin, Dr. Miller, Dr. Jenkusky, Ms. Abeles, Mr. Ghadimi and Ms. Cochran. **ABSTAINED:** Dr. Weiner and Dr. Wehr. **RECOMMENDATION PASSED.**

Complaint Committee AA:

Case No. 2008-AA-233 – No action at this time.

Complaint Committee B:

RECOMMENDATION was made by Ms. Cochran to close complaint cases 2008-B-190; 2008-B-234; 2009-B-008; 2009-B-012; 2009-B-022; 2009-B-025; 2009-B-053; 2009-B-070; 2009-B-080; 2009-B-093 and 2009-B-095 as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Crespin, Dr. Wehr, Dr. Jenkusky, Ms. Abeles and Mr. Ghadimi. **ABSTAINED:** Ms. Cochran and Dr. Miller. **RECOMMENDATION PASSED.**

Case No. 2009-B-098 RECOMMENDATION was made by Ms. Cochran to close this case and to issue physician an advisory letter regarding disclosing and reporting requirements. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Crespin, Dr. Wehr, Dr. Jenkusky, Ms. Abeles and Mr. Ghadimi. **ABSTAINED:** Ms. Cochran and Dr. Miller. **RECOMMENDATION PASSED.**

Case No. 2008-B-029 (██████████). RECOMMENDATION was made by Ms. Cochran to offer physician a stipulated license requiring mandatory participation in MTP and other standard substance abuse stipulations. If physician does not accept the stipulated license, a notice of contemplated action will be issued based on excessive alcohol use. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Crespin, Dr. Wehr, Dr. Jenkusky, Ms. Abeles and Mr. Ghadimi. **ABSTAINED:** Ms. Cochran and Dr. Miller. **RECOMMENDATION PASSED.**

Case No. 2009-B-101 ([REDACTED]). **RECOMMENDATION** was made by Ms. Cochran to issue a Notice of Contemplated Action based on action in another state. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Crespin, Dr. Wehr, Dr. Jenkusky, Ms. Abeles and Mr. Ghadimi. **ABSTAINED:** Ms. Cochran and Dr. Miller. **RECOMMENDATION PASSED.**

Case No. 2009-B-123 (Michael Carey, MD). **RECOMMENDATION** was made by Ms. Cochran to offer physician a stipulated license requiring mandatory participation in MTP and other standard substance abuse stipulations. If physician does not accept the stipulated license, a notice of contemplated action will be issued based on excessive alcohol use. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Crespin, Dr. Wehr, Dr. Jenkusky, Ms. Abeles and Mr. Ghadimi. **ABSTAINED:** Ms. Cochran and Dr. Miller. **RECOMMENDATION PASSED.**

Complaint Committee C:

RECOMMENDATION was made by Dr. Crespin to close complaint cases 2008-C-171; 2008-C-192; 2008-C-201; 2008-C-242; 2009-C-001; 2009-C-005; 2009-C-017; 2009-C-023 and 2009-C-039 as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Miller, Dr. Wehr, Dr. Jenkusky, Ms. Cochran and Mr. Ghadimi. **ABSTAINED:** Ms. Abeles and Dr. Crespin. **RECOMMENDATION PASSED.**

Case No. 2009-C-061 – No action at this time.

Case No. 2008-C-236 **RECOMMENDATION** was made by Dr. Crespin to close this case and to issue physician an advisory letter regarding maintaining accurate medical records and advising physician that he take a CME course on medical recordkeeping by his July 2010 renewal. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Miller, Dr. Wehr, Dr. Jenkusky, Ms. Cochran and Mr. Ghadimi. **ABSTAINED:** Ms. Abeles and Dr. Crespin. **RECOMMENDATION PASSED.**

Case No. 2008-C-256 **RECOMMENDATION** was made by Dr. Crespin to close this case and to issue physician an advisory letter recommending physician implement stronger office procedures to ensure accuracy of patient prescriptions and reminding physician of the responsibility to supervise medical assistants when they are phoning in patient prescriptions. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Miller, Dr. Wehr, Dr. Jenkusky, Ms. Cochran and Mr. Ghadimi. **ABSTAINED:** Ms. Abeles and Dr. Crespin. **RECOMMENDATION PASSED.**

Case No. 2009-C-102 (Mauricio Massferrer, MD). **RECOMMENDATION** was made by Dr. Crespin to allow physician's application to go into dormant status if he agrees to waive the statute of limitations on the investigation case. This case would not be reportable to the national data banks. Alternatively, the complaint committee recommended allowing physician applicant to withdraw his application while under investigation and advise him that this would be reportable to the national data banks. If physician does not accept either of these options, a notice of contemplated action will be issued based on conduct unbecoming in a person to practice medicine. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Miller, Dr. Wehr, Dr. Jenkusky, Ms. Cochran and Mr. Ghadimi. **ABSTAINED:** Ms. Abeles and Dr. Crespin. **RECOMMENDATION PASSED.**

Complaint Committee D:

RECOMMENDATION was made by Mr. Ghadimi to close complaint cases 2008-D-191; 2008-D-239; 2008-D-253; 2009-D-006; 2009-D-009; 2009-D-018; 2009-D-024; 2009-D-046; 2009-D-067 and 2009-D-077 as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Miller, Dr. Wehr, Dr. Crespin, Ms. Cochran and Ms. Abeles. **ABSTAINED:** Mr. Ghadimi and Dr. Jenkusky. **RECOMMENDATION PASSED.**

Case No. 2008-D-183 (Michael Laffin, MD). **RECOMMENDATION** was made by Mr. Ghadimi to offer an Agreed Order requiring physician to place his license on inactive status, give the board 120 days notice if he ever decides to reactivate his license and waive the statute of limitations on the

investigation case. If physician does not accept the Agreed Order, recommend offering physician a chance to obtain a full evaluation from MTP. If physician does not agree to either of the board's offers, a notice of contemplated action will be issued based on failure to furnish the board with information requested by the board. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Miller, Dr. Wehr, Dr. Crespin, Ms. Cochran and Ms. Abeles. **ABSTAINED:** Mr. Ghadimi and Dr. Jenkusky. **RECOMMENDATION PASSED.**

Complaint Committee E:

RECOMMENDATION was made by Dr. Kovnat to close complaint cases 2009-E-058; 2009-E-060 and 2009-E-103 as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Dr. Weiner, Dr. Miller, Dr. Wehr, Dr. Crespin, Dr. Jenkusky, Mr. Ghadimi, Ms. Cochran and Ms. Abeles. **ABSTAINED:** Dr. Kovnat. **RECOMMENDATION PASSED.**

Case No. 2008-E-149 – No action at this time

B. Executive Committee Report

• Criminal History Hits

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

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

• Other Cases

The Board reviewed the reports on other cases compiled by the Executive Committee. The Executive Committee members are Dr. Kovnat, Dr. Weiner, and Lynn Hart.

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

6. ACTIONS RELATED TO EXECUTIVE SESSION:

7. REPORTS:

A. Chair – Dr. Kovnat explained that staff was auditing the 10% physician CME audit to capture a snapshot percentage of the amount of physicians who obtain CME in their specialty. The outcome of the assessment will be presented at the November 2009 Board Meeting.

Dr. Weiner presented a concern he has for the Boards consistency when it comes to physicians who apply for a license and have been out of clinical practice for longer than a year at which point the Board directs them to do a mini-sabbatical or something similar to analyze their current competencies – but on the other hand there are physicians in New Mexico who hold an unrestricted license and have for years, but have been out of clinical practice for years. If they decide to begin practicing medicine again, what is stopping them?

There was discussion about the inconsistencies. Staff was directed to do an ExecNet to query other state boards to see how they handle this issue. Staff brought up the possibility of the Federation of State Medical Boards Maintenance of Licensure (MOL) and the American Board of Medical Specialties Maintenance of Certification (MOC),

which would require the periodic demonstration of competence within the physician's scope of their professional practice.

Dr. Kovnat requested that staff arrange to have a representative from the FSMB present the pros and cons of MOL and how this could possibly resolve our inconsistencies with initial licensure and re-licensure (renewal).

- B. Executive Director - No report at this time.
- C. Medical Director – No report at this time.
- D. Assistant Attorney General - No report at this time.
- E. Administrative Prosecutor -
Mr. Khalsa reviewed the NCA report. We have 2 NCAs that are outstanding. One NCA is pending because the physician is appealing his licensure action in California. The second NCA will be issued by the end of September as there is still an investigation going on. Two hearings are scheduled in August and one in September. One hearing was held, but the time frame for the hearing officer's report has been extended until January 31, 2010 to give the physician time to attend CPEP for evaluation since he has not practiced for some time.
- F. Licensing Manager
Ms. Quintana reviewed with the board the 2009 fiscal year licensing measures for all licensees. Mr. Ghadimi asked if the board would consider waiving the initial license fee to physician assistants who make New Mexico their first state of licensure. Discussion was held concerning the amount of licensees this would affect and what the fiscal impact would be. **MOTION** was made by Dr. Kovnat to amend Item 17 on Friday's agenda and add physician assistants licensing fees to New Business. **SECONDED** by Ms. Cochran. **YES:** Dr. Miller, Dr. Wehr, Dr. Crespin, Dr. Weiner, Dr. Jenkusky, Dr. Kovnat, Mr. Ghadimi, Ms. Cochran and Ms. Abeles. **RECOMMENDATION PASSED.**
- G. Financial / HR Manager
Ms. Mascarenas discussed the end of the fiscal year expenditures and revenues. As of June 30, 2009 we expended approximately 95% of our budget. Recognized revenues were 131% of the revenues operating budget. This was due to an increase in licensing fees. An explanation was provided regarding the impairment fee. She is working on the purchase of laptops that was discussed at the last board meeting
- H. Investigations Department – No report at this time.
- J. Public Information Officer
Ms. Walker reviewed the layout and information to be considered for the October, 2009 newsletter. A draft will be prepared for review at the September interim meeting.

EXECUTIVE SESSION:

MOTION was made by Dr. Kovnat to go into closed session pursuant to Section 10-15-1(H)(1) of the Open Meetings Act to discuss matters pertaining to licensure and discipline. **SECONDED** by Ms. Cochran. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Crespin, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Ms. Abeles, Mr. Ghadimi and Ms. Cochran. **MOTION CARRIED.**

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

8. **COMPLIANCE DEPARTMENT:**

- Board Monitored Compliance Report - Ms. Walker reviewed the compliance report and provided status on all licensees.
- Board Order – Robert George, MD – **MOTION** was made by Dr. Kovnat to **DENY** licensee's request to be released from probation. **SECONDED** by Ms. Abeles. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Crespin, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Ms. Abeles, Mr. Ghadimi and Ms. Cochran. **MOTION CARRIED.**
- Board Order – Jon Paul Hamilton, MD - **MOTION** was made by Dr. Kovnat to remove all Stipulations and **GRANT** Dr. Hamilton an unrestricted license. **SECONDED** by Ms. Cochran. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Crespin, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Ms. Abeles, Mr. Ghadimi and Ms. Cochran. **MOTION CARRIED.**
- Board Order – Gary Puro, MD - **MOTION** was made by Dr. Kovnat to **DENY** licensee's request to be released from probation. **SECONDED** by Dr. Crespin. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Crespin, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Ms. Abeles, Mr. Ghadimi and Ms. Cochran. **MOTION CARRIED.**
- Board Order - Timothy Busch, PA - **MOTION** was made by Dr. Kovnat to **DENY** licensee's request to be released from probation. **SECONDED** by Dr. Crespin. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Crespin, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Ms. Abeles, Mr. Ghadimi and Ms. Cochran. **MOTION CARRIED.**

9. **ACTIONS RELATED TO EXECUTIVE SESSION:**

10. **LICENSING REQUESTS AND ACTIONS, NEW APPLICANTS / REINSTATEMENTS:**

- **Keven Garrett, MD** – Consider non-disciplinary stipulated license. **MOTION** was made by Dr. Kovnat to **ISSUE** Dr. Garrett a non-disciplinary stipulated license limiting his license to administrative, non-clinical work only. Any future plan to practice would require Board recertification and a mini-sabbatical. **SECONDED** by Ms. Cochran. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Crespin, Dr. Miller, Dr. Jenkusky, Ms. Abeles, Mr. Ghadimi and Ms. Cochran. **ABSTAINED:** Dr. Wehr. **MOTION CARRIED.**
- **Sinisa Trbovic, MD** - Request exception to 7 year rule and grant unrestricted medical license. **MOTION** was made by Dr. Kovnat to **GRANT** an exception to the 7 year rule for completion of all three steps of the USMLE based on the Rules and grant an unrestricted license to practice medicine in New Mexico. **SECONDED** by Dr. Weiner. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Crespin, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Ms. Abeles, Mr. Ghadimi and Ms. Cochran. **MOTION CARRIED.**
- **Madhuri Koganti, MD** – Request exception to 7 year rule and grant unrestricted medical license. **MOTION** was made by Dr. Kovnat to **GRANT** an exception to the 7 year rule for completion of all three steps of the USMLE based on the Rules and grant an unrestricted license to practice medicine in New Mexico. **SECONDED** by Dr. Jenkusky. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Crespin, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Ms. Abeles, Mr. Ghadimi and Ms. Cochran. **MOTION CARRIED.**
- **Howard Schwartz, MD** – **MOTION** was made by Dr. Kovnat to **ACCEPT** the Agreed Order as presented placing Dr. Schwartz's license on probation, requiring a sixty day licensure suspension retroactive from June 25, 2009 through August 23, 2009, permanently surrendering his DEA license and permanently surrendering his NM Pharmacy Board registration. **SECONDED** by Dr. Crespin. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Crespin, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Ms. Abeles, Mr. Ghadimi and Ms. Cochran. **MOTION CARRIED.**

- **Robert Katz, MD – MOTION** was made by Dr. Kovnat to **ACCEPT** the Agreed Interim Order as presented limiting him to administrative medicine only. He will not be allowed to diagnose and/or treat patients in any way until further order of the board. This Order will be in effect until further Order of the Board. **SECONDED** by Dr. Jenkusky. **YES:** Dr. Kovnat, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Ms. Abeles, Mr. Ghadimi and Ms. Cochran. **RECUSED:** Dr. Weiner and Dr. Crespin. **MOTION CARRIED.**
- **Twana Sparks, MD – MOTION** was made by Dr. Kovnat to **ACCEPT** the Agreed Interim Order as presented restricting her license. Dr. Sparks shall only be able to diagnose and treat ear, nose and throat conditions of her patients and that all interactions with patients be done in the presence of a chaperone over the age of 18. She shall not perform any genital, rectal or breast exams for any reason. This Order will be in effect until further Order of the Board. **SECONDED** by Dr. Wehr. **YES:** Dr. Kovnat, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Ms. Abeles and Mr. Ghadimi. **NO:** Ms. Cochran. **RECUSED:** Dr. Weiner and Dr. Crespin. **MOTION CARRIED.**
- **Decision and Order – Robert Labayen, MD – Case 2008-024 - MOTION** was made by Dr. Kovnat to **ACCEPT** the Hearing Officer's report in its entirety and **GRANT** Dr. Labayen a stipulated license to practice medicine. Dr. Labayen will be required to have supervision, provide quarterly reports to the board and continue to attend AA. He may request to be released from stipulation after one year. **SECONDED** by Mr. Ghadimi. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Crespin, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Ms. Abeles and Mr. Ghadimi. **ABSTAINED:** Ms. Cochran. **MOTION CARRIED.**
- **Default Hearing – Ali Rajaei, MD – Case 2009-021 - MOTION** was made by Ms. Cochran to **SUSPEND** Dr. Rajaei's license under the Impaired Healthcare Provider Act. Dr. Rajaei may request to reinstate his license pursuant to the provisions of this act. It is Dr. Rajaei's responsibility to advise patients of his suspension. **SECONDED** by Dr. Miller. **YES:** Dr. Weiner, Dr. Crespin, Dr. Miller, Dr. Wehr, Ms. Abeles, Ms. Cochran and Mr. Ghadimi. **ABSTAINED:** Dr. Kovnat and Dr. Jenkusky. **MOTION CARRIED.**

11. ACTIONS RELATED TO EXECUTIVE SESSION:

12. NM MONITORED TREATMENT PROGRAM REPORTS:

Jon Thayer, MTP Executive Director and Dan Collins, M.D., MTP Medical Director were present to discuss the status of MTP participants. Mr. Thayer introduced the new clinical director, Kate Woods. Mr. Thayer gave the operations report and a financial report will be provided at the request of the board. They reported all participants were in compliance this quarter.

MOTION was made by Dr. Kovnat to go into closed session pursuant to Section 10-15-1(H)(1) of the Open Meetings Act to discuss matters pertaining to licensure and discipline. **SECONDED** by Mr. Ghadimi. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Crespin, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Ms. Abeles, Mr. Ghadimi and Ms. Cochran. **MOTION CARRIED.**

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

13. INFORMAL INTERVIEWS:

Jon Paul Hamilton, MD, Robert George, MD, Adelfio Fronterotta, MD, Jon Wagner, MD, Pablo Garcia, MD, Aaron Brodsky, MD, Daniel Noonan, MD, Marc Masotti, MD and Bryan Wayne, MD were interviewed in Executive Session regarding current practices and compliance with the Board. Robert Orchard, MD, Johnnie Vigil, MD, Allen Mock, MD, Ralph Hansen, MD and Timothy Busch, PA were interviewed in open session. James Hartenbach, MD was interviewed via teleconference.

14. ACTIONS RELATED TO EXECUTIVE SESSION:

15. RULE HEARING: - A rule hearing was held on Friday at 9:00 am and the following rules were considered:

16.10.7 NMAC – License Expiration, Renewal and Reinstatement

16.10.8 NMAC – Medical Ethics

16.10.15 NMAC – Physician Assistants: Licensure & Practice Requirements

16.10.19 NMAC – Qualifications & Licensure for Anesthesiologist Assistants

16. ADOPTION OF RULES:

16.10.7 NMAC – License Expiration, Renewal and Reinstatement - **MOTION** was made by Dr. Kovnat to adopt Rule 16.10.7 NMAC as proposed. **SECONDED** by Dr. Miller. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Crespin, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Ms. Abeles, Mr. Ghadimi and Ms. Cochran. **MOTION CARRIED.**

16.10.8 NMAC – Medical Ethics - **MOTION** was made by Dr. Kovnat to adopt Rule 16.10.8 NMAC as proposed. **SECONDED** by Mr. Ghadimi. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Crespin, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Ms. Abeles, Mr. Ghadimi and Ms. Cochran. **MOTION CARRIED.**

16.10.15 NMAC – Physician Assistants: Licensure & Practice Requirements - **MOTION** was made by Dr. Kovnat to adopt Rule 16.10.15 NMAC as proposed. **SECONDED** by Mr. Ghadimi. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Crespin, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Ms. Abeles, Mr. Ghadimi and Ms. Cochran. **MOTION CARRIED.**

16.10.19 NMAC – Qualifications & Licensure for Anesthesiologist Assistants - **MOTION** was made by Dr. Kovnat to adopt Rule 16.10.19 NMAC as proposed. **SECONDED** by Mr. Ghadimi. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Crespin, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Ms. Abeles, Mr. Ghadimi and Ms. Cochran. **MOTION CARRIED.**

17. NEW BUSINESS:

A. Rule Review – 16.10.9 NMAC – The board reviewed the licensing fees that will be charged for the polysomnography licensees.

B. Rule Review – 16.10.20 NMAC – Ms. Walker reviewed the new rule with the board. The Polysomnography Practice Advisory Committee will be doing further review of the rule and it will be brought back to the board at the September interim meeting for consideration.

C. Polysomnography Practice Advisory Committee Appointments – Ms. Walker introduced Dr. Lee Brown who was elected as Chair to the committee. Dr. Kovnat **MOVED** to re-appoint Dr. Grant LaFarge to represent the medical board on the Polysomnography Practice Advisory Committee. **SECONDED** by Mr. Ghadimi. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Crespin, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Ms. Abeles, Mr. Ghadimi and Ms. Cochran. **MOTION CARRIED.**

D. Implementation of Medical Home Act - Dr. Wehr discussed the implications of implementing the Medical Home Act, HB 710-2009. A “Medical Home” is “an integrated care management model that emphasizes primary medical care that is continuous, comprehensive, coordinated, accessible, compassionate and culturally appropriate”. The bill lists 18 components of the medical home model, including: assignment of recipients to a primary care provider; promotion of the health commons model of service delivery; health education; health risk and needs assessments; reduction of emergency department utilization; care coordination; the delay or prevention of


institutionalization; evidence-based medicine; and any other components that the Secretary of HSD determines will improve a recipient's health outcomes and that are cost effective.

- E. **Consider application fee waiver for first time physician assistant applicants in New Mexico.** MOTION was made by Dr. Kovnat to waive licensure application fees for physician assistant applicants who choose New Mexico as their first state of licensure. Seconded by Dr. Weiner. YES: Dr. Kovnat, Dr. Weiner, Dr. Crespino, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Ms. Abeles, Mr. Ghadimi and Ms. Cochran. MOTION CARRIED.

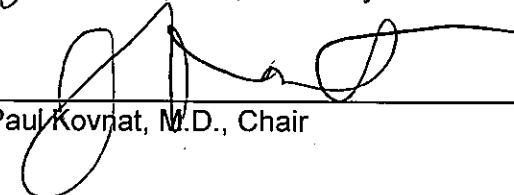
18. **OLD BUSINESS:** No issues were discussed.
19. **ACTIONS RELATED TO EXECUTIVE SESSION:** No action at this time.
20. **Karen Armitage, MD, FAAP, Chief Medical Officer, NM Department of Health and Kim Peters, PhD, Bureau Chief and Renee Valencia, NM Vital Records and Health Statistics Bureau - Role of Physician in Vital Health Information**
Karen Armitage, M.D., Kym Peters, PhD, & Renee Valencia, Vital Records Unit manager, summarized key issues in the Role of the Physician in Vital Health Information. Dr. Armitage defined the key roles of the physician in Public Health: prompt reporting of health emergencies; early reporting of important diseases and conditions; and, the prompt and accurate completion of death and birth certificates. Kym Peters and Renee Valencia then expanded on the new registration of Birth and Death, both by the standard form and on-line. They provided the Board with reference materials, including instructions on completion of the cause-of-death section, http://www.cdc.gov/nchs/data/dvs/blue_form.pdf and the CDC website with all relevant instructions and tutorials, <http://www.cdc.gov/nchs/about/major/dvs/handbk.htm>. The Board agreed with the proposal to publish a summary of this information in a future newsletter.
21. **ADJOURN** - There being no further business, the meeting adjourned at 11:56 am.

SUBMITTED BY: 
Lynn Hart, Executive Director

DATE: 9/24/09

APPROVED BY: 
Reza Ghadimi, P.A., Secretary Treasurer

DATE: 9-24-09

APPROVED BY: 
Paul Kovnat, M.D., Chair

DATE: 9/24/09