

NEW MEXICO MEDICAL BOARD
Interim Meeting
December 17, 2015
FINAL MINUTES

Members Present: Steven Jenkusky, M.D., Chair
Albert Bourbon, PA-C, Vice Chair
Jennifer Anderson, Esquire, Public Member, Secretary/Treasurer
Peter Beaudette, M.D.
Steven Komadina, M.D.
James Spence, M.D.
Karen Carson, M.D. – Via Teleconference
Philip Styka, M.D.
Rick Wallace, FACHE, Public Member – Via Teleconference

Members Absent: None

Others Present: Sondra Frank, Executive Director
Debbie Dieterich, Investigations Manager
Amanda Quintana, PIO/Compliance Officer
Susan Sullivan, Assistant Attorney General
Samantha Breen, Administrative Assistant

1. CALL TO ORDER / ROLL CALL

Dr. Jenkusky called the interim Meeting of the New Mexico Medical Board to order at 4:06 pm and a quorum was present.

2. APPROVAL OF AGENDA

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

3. APPROVAL OF MINUTES

MOTION was made by Dr. Jenkusky to accept and approve the minutes of the November 5-6, 2015 Regular Board Meeting as presented. **SECONDED** by Dr. Komadina **YES:** Dr. Styka, Dr. Spence, Dr. Beaudette, Ms. Anderson, Dr. Komadina, Mr. Bourbon, Dr. Carson and Mr. Wallace. **MOTION CARRIED.**

4. CHAIR REPORT

None

5. EXECUTIVE DIRECTOR REPORT

None

EXECUTIVE SESSION: Complaint Committee Reports

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:** Dr. Styka. **YES:** Dr.

Jenkusky, Dr. Styka, Dr. Spence, Dr. Beaudette, Ms. Anderson, Dr. Komadina, Mr. Bourbon, Dr. Carson and Mr. Wallace.

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.

6. ACTIONS RELATED TO EXECUTIVE SESSION

Complaint Committee A

Case #2015-A-191 RECOMMENDATION was made by Dr. Carson that physician applicant obtain a more in-depth psychiatric evaluation by a psychiatrist, which shall be board approved; and physician applicant shall complete a one year residency in an accredited residency program prior to the Board considering licensure issuance. Alternatively, physician applicant may withdraw his application for licensure, or a Notice of Contemplated Action will be issued to deny licensure. **YES:** Dr. Jenkusky, Dr. Styka, Dr. Spence, Dr. Beaudette, Ms. Anderson, Dr. Komadina and Mr. Bourbon. **RECUSED:** Dr. Carson and Mr. Wallace. **MOTION CARRIED.**

Complaint Committee B

Case #2015-B-163 RECOMMENDATION was made by Dr. Spence to issue a summary suspension of physician's medical license based on him being an imminent danger to the public. Simultaneously, a Notice of Contemplated Action will be issued based on, but not limited to, injudicious prescribing, fraudulent medical records, failure to maintain accurate and complete medical records, violation of a drug law, conduct unbecoming, and prescribing a narcotic for other than accepted therapeutic purposes. **YES:** Dr. Jenkusky, Dr. Styka, Dr. Beaudette, Ms. Anderson, Mr. Bourbon, Dr. Carson and Mr. Wallace. **RECUSED:** Dr. Komadina and Dr. Spence. **MOTION CARRIED.**

Complaint Committee C

Case #2015-C-015 and #2015-C-143 RECOMMENDATION was made by Dr. Styka to offer physician a stipulated license requiring attendance at a sexual boundaries course and an ethics course, both board approved, along with the requirement that he have a chaperone present when examining female patients. If physician does not accept offer, a Notice of Contemplated Action will be issued based on, but not limited to, sexual contact with a patient; conduct unbecoming; failure to maintain accurate medical records; and interaction with others that could interfere with patient care. **YES:** Dr. Jenkusky, Dr. Spence, Dr. Beaudette, Ms. Anderson, Dr. Komadina, Dr. Carson and Mr. Wallace. **RECUSED:** Dr. Styka and Mr. Bourbon. **MOTION CARRIED.**

Complaint Committee D

Case #2015-D-164 RECOMMENDATION was made by Dr. Jenkusky to offer an interim stipulated resident license with monitoring requirements and frequent monitoring status reports to the Board. Monitor shall be approved by the Board. Resident physician shall undergo an evaluation by the impaired physician committee (IPC). Once the IPC report is received by the Board, this case will return for final disposition. **YES:** Dr. Styka, Dr. Spence, Dr. Komadina, Mr. Bourbon, Dr. Carson and Mr. Wallace. **RECUSED:** Dr. Jenkusky, Ms. Anderson and Dr. Beaudette. **MOTION CARRIED.**

Case #2015-D-224 RECOMMENDATION was made by Dr. Jenkusky that **PHYSICIAN** withdraw his application for reinstatement until he has obtained a clinical competency assessment from CPEP or a Notice of Contemplated Action to deny licensure will be issued based on, but not limited to, incompetency to practice. **YES:** Dr. Styka, Dr. Spence, Dr.

Komadina, Mr. Bourbon, Dr. Carson and Mr. Wallace. **RECUSED:** Dr. Jenkusky, Ms. Anderson and Dr. Beaudette. **MOTION CARRIED.**

Case #2015-D-225 RECOMMENDATION was made by Dr. Jenkusky that **RESIDENT PHYSICIAN** be issued a stipulated license to be monitored by MTP, if he does not accept the stipulation an NCA will be issued to deny resident application. **YES:** Dr. Styka, Dr. Spence, Dr. Komadina, Mr. Bourbon, Dr. Carson and Mr. Wallace. **RECUSED:** Dr. Jenkusky, Ms. Anderson and Dr. Beaudette. **MOTION CARRIED.**

7. EXECUTIVE COMMITTEE REPORT:

MOTION was made by Dr. Jenkusky to approve the Executive Committee Report. **SECOND:** Dr. Styka. **YES:** Dr. Jenkusky, Dr. Styka, Dr. Spence, Dr. Beaudette, Ms. Anderson, Dr. Komadina, Mr. Bourbon, Dr. Carson and Mr. Wallace. **MOTION CARRIED.**

8. Licensing Requests and Actions, New Applicants/Reinstatements:

None

9. BOARD ATTORNEY:

Griggsby Wright, MD – MOTION was made by Dr. Komadina to accept Dr. Wright's request to dismiss his disciplinary action by the Board based on the Arizona Court's action. **SECOND:** Dr. Spence. **YES:** Dr. Jenkusky, Dr. Styka, Dr. Spence, Dr. Beaudette, Ms. Anderson, Dr. Komadina, Mr. Bourbon, Dr. Carson and Mr. Wallace. **MOTION CARRIED.**

Kenneth Stoller, MD – Ms. Sullivan briefly notified the Board that Dr. Stoller's order was signed.

10. COMPLIANCE REQUESTS

Richard Hempstead, MD – MOTION was made by Dr. Jenkusky to approve Dr. Hempstead's request to be released from Stipulation based on approval by the Board and MTP. **SECOND:** Mr. Bourbon. **YES:** Dr. Styka, Dr. Spence, Dr. Beaudette, Ms. Anderson, Dr. Komadina, Mr. Bourbon, Dr. Carson and Mr. Wallace. **MOTION CARRIED.**

11. OLD BUSINESS

PA Collaboration Bill – Mr. Bourbon briefly updated the Board on the PA Collaboration Bill. Mr. Bourbon stated that the New Mexico Academy of Physician Assistants was going to try and introduce the bill again this Legislative Session and asked the Board for their support on the bill.

12. NEW BUSINESS

None

ADJOURN

There being no further business, **MOTION** was made by Dr. Jenkusky to adjourn the Meeting at 5:40 p.m.

SUBMITTED BY: 
Sondra Frank, Executive Director

DATE: 2/5/16

APPROVED BY: 
Steven Jenkusky, M.D., Chair

DATE: 2/5/16

APPROVED BY: 
Albert Bourbon, P.A., Vice Chair

DATE: 2/5/16