

NEW MEXICO MEDICAL BOARD
Interim Board Meeting
December 14, 2017
DRAFT MINUTES

Members Present: Steven Jenkusky, M.D. Chair
Albert Bourbon, P.A., Vice Chair
Jennifer Anderson, Esquire, Public Member, Secretary Treasurer
James Spence, M.D.
Steve Komadina, M.D. (via teleconference until 4:30, arrived to meeting at 4:30)
Philip Styka, M.D. (via teleconference until 4:45, arrived to meeting at 4:45)
Peter Beaudette, M.D.
Karen Carson, M.D. (via teleconference)

Others Present: Sondra Frank, J.D., Executive Director
Debbie Dieterich, Investigations Manager
Amanda Quintana, Compliance Manager / PIO
Samantha Breen, Administrative Assistant

1. CALL TO ORDER / ROLL CALL

After establishing the presence of quorum, Dr. Jenkusky called the Interim Meeting of the New Mexico Medical Board to order at 4:10 p.m.

2. APPROVAL OF AGENDA

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

3. APPROVAL OF MINUTES

MOTION was made by Dr. Jenkusky to accept and approve the minutes of the November 2-3, 2017 Board Meeting as presented. **SECONDED** by Mr. Bourbon. **YES:** Dr. Jenkusky, Dr. Spence, Dr. Beaudette, Ms. Anderson, Mr. Bourbon, Dr. Carson, Dr. Komadina and Dr. Styka. **MOTION CARRIED.**

4. Chair Report:

Dr. Jenkusky reported that he and Ms. Frank met with Medical Students at UNM for NM Medical Board outreach, specifically to discuss physician mental health care and the stigma of getting treatment. He reported that it was a good and productive meeting.

5. Executive Director Report:

None

6. RULE HEARING

After establishing the presence of quorum, Dr. Jenkusky called the Rule Hearing to order at 4:18 p.m. a quorum was present. The following rule was considered: **Physician Assistants: Licensure and Practice Requirements – 16.10.15 NMAC**

Dr. Jenkusky explained that the proposed repeal of 16.10.15 NMAC is required due to the statutory changes made to the Medical Practice Act with the passage of HB 215 during the 2017 regular legislative session. These changes concern the addition of a collaborating physician licensure status to NMMB regulations.

Before the passage of HB 215 there was one licensure type for PAs and required the PA to work under the supervision of a licensed physician. The proposed repeal and replacement of 16.10.15 NMAC is to add the provision of a second type of licensure arrangement between a physician and a PA who has more than three years of practice experience which will allow the PA to work in “collaboration” with another physician.

The following attendees presented comments at the Rule Hearing.

Kathy Johnson, PA – New Mexico Academy of Physician Assistants

Mia Chavez, J.D. – Presbyterian Healthcare

Nguyen Park, PA – New Mexico Academy of Physician Assistants

Albert Bourbon, PA - NMMB Vice Chair

In addition to the public comments, the Board received four written comments prior to the Rule Hearing that are listed in the Exhibit Book. The Rule Hearing was adjourned at 4:37 p.m.

Dr. Jenkusky reconvened the Regular Board Meeting at 4:38 p.m., and a quorum was present.

7. **ADOPTION OF RULES:**

16.10.15 NMAC Physician Assistants: Licensure and Practice Requirements

The Board discussed the proposed rule change and the testimony received during the Rule Hearing at length. Mr. Bourbon along with the Committee that worked on these rules, which included Dr. Komadina, Dr. Styka and Dr. Beaudette stated that based on all the years and hard work put into this rule change, they do not want to see it be put off any longer. Mr. Bourbon along with the New Mexico Academy of Physician Assistants also thanked the Board for its support.

MOTION was made by Dr. Jenkusky to adopt changes to 16.10.15 NMAC as written with one change on page 8, Subsection E, to strike “six year” as the six year NCCPA recertification exam is no longer in existence and therefore this change was deemed non-substantive. 16.10.15.18 E will now read: “A *physician assistant who has not passed the NCCPA recertification exam or been recertified by another certifying agency approved by the board, prior to the date of license expiration may apply to the board for an emergency deferral of the requirement. A designee of the board may grant deferrals of up to one year.*” **SECONDED** by Mr. Bourbon. **YES:** Dr. Jenkusky, Dr. Spence, Dr. Beaudette, Ms. Anderson, Mr. Bourbon, Dr. Carson, Dr. Komadina and Dr. Styka. **MOTION CARRIED.**

EXECUTIVE SESSION: Compliance / Licensing Requests / 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** by Ms. Anderson. **YES:** Dr. Jenkusky, Dr. Spence, Dr. Beaudette, Ms. Anderson, Mr. Bourbon, Dr. Carson, Dr. Komadina 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.

8. **ACTIONS RELATED TO EXECUTIVE SESSION**

COMPLIANCE:

Suparna Saha, MD – Review of request to postpone SPEX exam and review compliance stipulation.

Ms. Quintana and Ms. Frank gave the Board a brief update on the status of Dr. Saha's SPEX exam.

LICENSING REQUESTS AND ACTIONS, NEW APPLICANTS/REINSTATEMENTS:

James Marc Beverly, PA – 2001-PA16 – Case No. 2017-039 – Consider Motion to Lift Stay.

MOTION was made by Dr. Jenkusky to approve the Motion to Lift Stay as presented. **SECONDED** by Mr. Bourbon. **YES:** Dr. Jenkusky, Dr. Spence, Dr. Beaudette, Ms. Anderson, Mr. Bourbon, Dr. Carson, Dr. Komadina and Dr. Styka. **MOTION CARRIED.**

COMPLAINT COMMITTEE REPORTS:

Complaint Committee A

Case # 2016-A-268 RECOMMENDATION was made by Dr. Beaudette to **ISSUE** a summary suspension based on imminent danger to the public, along with a Notice of Contemplated Action based on, but not limited to, adverse licensure action in other states; failure to report adverse licensure actions; habitual and excessive use of substances; conduct likely to harm the public; and violation of Board Regulation 16.10.14.10 NMAC. **YES:** Dr. Jenkusky, Dr. Spence, Ms. Anderson, Mr. Bourbon, Dr. Komadina and Dr. Styka. **RECUSED:** Dr. Carson and Dr. Beaudette. **MOTION CARRIED.**

Case # 2017-A-148 RECOMMENDATION was made by Dr. Beaudette to **CLOSE** this case and **ISSUE** an unrestricted NM Medical License to physician applicant. **YES:** Dr. Jenkusky, Dr. Spence, Ms. Anderson, Mr. Bourbon, Dr. Komadina and Dr. Styka. **RECUSED:** Dr. Carson and Dr. Beaudette. **MOTION CARRIED.**

Complaint Committee B

Case #2017-B-022 RECOMMENDATION was made by Dr. Styka to **ISSUE** physician applicant a stipulated NM medical license requiring mandatory participation in the NM Monitored Treatment Program. If applicant does not accept, he may withdraw his licensure application while under investigation; or a notice of contemplated action will be issued to deny licensure based on, but not limited to, habitual and excessive use of substances and alcohol. **YES:** Dr. Jenkusky, Dr. Spence, Dr. Beaudette, Ms. Anderson, Mr. Bourbon and Dr. Carson. **RECUSED:** Dr. Komadina and Dr. Styka. **MOTION CARRIED.**

Case #2017-B-192 - Tabled

Case #2017-B-219 RECOMMENDATION was made by Dr. Styka to **CLOSE** this case and **ISSUE** an unrestricted NM medical license to physician applicant. **YES:** Dr. Jenkusky, Dr. Spence, Dr. Beaudette, Ms. Anderson, Mr. Bourbon and Dr. Carson. **RECUSED:** Dr. Komadina and Dr. Styka. **MOTION CARRIED.**

Complaint Committee C

Case #2017-C-220 RECOMMENDATION was made by Dr. Jenkusky to **CLOSE** this case and **ISSUE** an unrestricted NM Medical License to physician applicant. **YES:** Dr. Beaudette, Ms. Anderson, Mr. Bourbon, Dr. Carson, Dr. Komadina and Dr. Styka. **RECUSED:** Dr. Jenkusky and Dr. Spence. **MOTION CARRIED.**

9. Executive Committee Report
None

10. ADJOURN - There being no further business before the Board, Dr. Jenkusky adjourned the meeting at 6:45 p.m.

SUBMITTED BY: _____ DATE: _____

Sondra Frank, J.D., Executive Director

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

DATE: _____

APPROVED BY: _____
Albert Bourbon, PA-C, Vice Chair

DATE: _____