

**NEW MEXICO MEDICAL BOARD
First Quarter Meeting
February 19 - 20, 2009**

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

MINUTES

1. CALL TO ORDER / ROLL CALL / INTRODUCTIONS:

Dr. Kovnat, Board Chairman, called the regular meeting of the New Mexico Medical Board to order at 8:42 a.m., and a quorum was determined present.

Members Present:

Paul Kovnat, M.D., Chairman
Steven Weiner, M.D., Vice-Chair
John Lauriello, M.D., Secretary / Treasurer
Rebecca Cochran, Public Member
Vivian Giudice, M.D.
Roger Miller, M.D.
Frank Crespin, M.D.
Reza Ghadimi, P.A. (joined at 8:50 a.m.)
Richard Heim, Public Member (joined at 8:50 a.m.)

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 revise the Agenda to discuss House Bill 492 and House Bill 789 at 9:00 a.m. and approve the agenda. **SECONDED** by Ms. Cochran. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Ms. Cochran, Dr. Giudice, Dr. Miller and Dr. Crespin. **ABSENT:** Mr. Heim and Mr. Ghadimi. **MOTION CARRIED.**

3. APPROVAL OF MINUTES:

MOTION was made by Dr. Crespin to approve the Minutes from the January 8, 2009 Interim Meeting. **SECONDED** by Dr. Giudice. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Ms. Cochran, Dr. Giudice, Dr. Miller and Dr. Crespin. **ABSENT:** Mr. Heim and Mr. Ghadimi. **MOTION CARRIED.**

4. 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 Ms. Cochran. **YES:** Dr. Kovnat, Dr. Weiner, Dr.

Lauriello, Ms. Cochran, Mr. Ghadimi, Dr. Giudice, Dr. Miller, Mr. Heim and Dr. Crespin.
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.

5. ACTIONS RELATED TO EXECUTIVE SESSION:

A. Licensees and Applicants

Complaint Committee A:

RECOMMENDATION was made by Dr. Weiner to close complaint cases 2008-A-037; 2008-A-072; 2008-A-078; 2008-A-117; 2008-A-141; 2008-A-143 and 2008-A-144, as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Dr. Kovnat, Mr. Heim, Ms. Cochran, Dr. Giudice, Mr. Ghadimi and Dr. Miller. **ABSTAINED:** Dr. Weiner and Dr. Crespin. **ABSENT:** Dr. Lauriello. **RECOMMENDATION PASSED.**

Case No. 2008-A-176 RECOMMENDATION was made by Dr. Weiner to close this case and to issue physician an advisory letter regarding the release of medical records when requested. **YES:** Dr. Kovnat, Mr. Heim, Ms. Cochran, Dr. Giudice, Mr. Ghadimi, Dr. Lauriello and Dr. Miller. **ABSTAINED:** Dr. Weiner and Dr. Crespin. **RECOMMENDATION PASSED.**

Case No. 2008-A-185 RECOMMENDATION was made by Dr. Weiner to close this case and to issue physician an advisory letter regarding reporting. **YES:** Dr. Kovnat, Mr. Heim, Ms. Cochran, Dr. Giudice, Mr. Ghadimi, Dr. Lauriello and Dr. Miller. **ABSTAINED:** Dr. Weiner and Dr. Crespin. **RECOMMENDATION PASSED.**

Case No. 2008-A-245 RECOMMENDATION was made by Dr. Weiner to close this case and to issue physician an advisory letter regarding disclosure. **YES:** Dr. Kovnat, Mr. Heim, Ms. Cochran, Dr. Giudice, Mr. Ghadimi, Dr. Lauriello and Dr. Miller. **ABSTAINED:** Dr. Weiner and Dr. Crespin. **RECOMMENDATION PASSED.**

Case No. 2007-A-137 (Max K. Odom, MD). RECOMMENDATION was made by Dr. Weiner to issue a Notice of Contemplated Action based on his failure to abide by the terms of his September, 2006 Stipulated Order and on action in another state. **YES:** Dr. Kovnat, Mr. Heim, Ms. Cochran, Dr. Giudice, Mr. Ghadimi, Dr. Lauriello and Dr. Miller. **ABSTAINED:** Dr. Weiner and Dr. Crespin. **RECOMMENDATION PASSED.**

Case No. 2008-A-105 (Daniel Noonan, MD). RECOMMENDATION was made by Dr. Weiner to offer the physician a stipulated license requiring mandatory participation in MTP and other standard substance abuse stipulations. The case will be reviewed in one year. **YES:** Dr. Kovnat, Mr. Heim, Ms. Cochran, Dr. Giudice, Mr. Ghadimi, Dr. Lauriello and Dr. Miller. **ABSTAINED:** Dr. Weiner and Dr. Crespin. **RECOMMENDATION PASSED.**

Case No. 2008-A-229 (██████████). RECOMMENDATION was made by Dr. Weiner to issue a Notice of Contemplated Action based on conduct unbecoming in a person licensed to practice medicine. **YES:** Dr. Kovnat, Mr. Heim, Ms. Cochran, Dr. Giudice, Mr. Ghadimi, Dr. Lauriello and Dr. Miller. **ABSTAINED:** Dr. Weiner and Dr. Crespin. **RECOMMENDATION PASSED.**

Case No. 2008-A-240 (Ralph Hansen, MD). RECOMMENDATION was made by Dr. Weiner to offer the physician a stipulated license requiring mandatory participation in MTP and other standard substance abuse stipulations. **YES:** Dr. Kovnat, Mr. Heim, Ms. Cochran, Dr. Giudice, Mr. Ghadimi, Dr. Lauriello and Dr. Miller. **ABSTAINED:** Dr. Weiner and Dr. Crespin. **RECOMMENDATION PASSED.**

Complaint Committee B:

RECOMMENDATION was made by Ms. Cochran to close complaint cases 2008-B-039; 2008-B-091; 2008-B-095; 2008-B-115; 2008-B-119; 2008-B-146; 2008-B-151; 2008-B-154 and 2008-B-155 as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Mr. Ghadimi, Dr. Giudice, Mr. Heim and Dr. Crespin. **ABSTAINED:** Ms. Cochran and Dr. Miller. **RECOMMENDATION PASSED.**

Case No. 2008-B-106 RECOMMENDATION was made by Ms. Cochran to close this case and to issue physician an advisory letter regarding reporting. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Mr. Ghadimi, Dr. Giudice, Mr. Heim and Dr. Crespin. **ABSTAINED:** Ms. Cochran and Dr. Miller. **RECOMMENDATION PASSED.**

Case No. 2008-B-142 RECOMMENDATION was made by Ms. Cochran to close this case and to issue physician an advisory letter regarding prescribing without a medical license. The matter will also be referred to the Pharmacy Board. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Mr. Ghadimi, Dr. Giudice, Mr. Heim and Dr. Crespin. **ABSTAINED:** Ms. Cochran and Dr. Miller. **RECOMMENDATION PASSED.**

Case No. 2008-B-169 RECOMMENDATION was made by Ms. Cochran to close this case and to issue physician an advisory letter regarding reporting. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Mr. Ghadimi, Dr. Giudice, Mr. Heim and Dr. Crespin. **ABSTAINED:** Ms. Cochran and Dr. Miller. **RECOMMENDATION PASSED.**

Case No. 2008-B-241 RECOMMENDATION was made by Ms. Cochran to close this case and to issue physician an advisory letter regarding reporting. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Mr. Ghadimi, Dr. Giudice, Mr. Heim and Dr. Crespin. **ABSTAINED:** Ms. Cochran and Dr. Miller. **RECOMMENDATION PASSED.**

Case No. 2008-B-049 ([REDACTED]). RECOMMENDATION was made by Ms. Cochran physician complete two consecutive years of residency. The board will hold his licensure application until completed. If physician does not agree he will be allowed to withdraw his licensure application while under investigation. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Mr. Ghadimi, Dr. Giudice, Mr. Heim and Dr. Crespin. **ABSTAINED:** Ms. Cochran and Dr. Miller. **RECOMMENDATION PASSED.**

Case No. 2008-B-174 (Hendrieka Fitzpatrick, MD). RECOMMENDATION was made by Ms. Cochran to offer the physician a formal letter of reprimand regarding mismanagement of medical records, prescription errors and supervision of office staff. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Mr. Ghadimi, Dr. Giudice, Mr. Heim and Dr. Crespin. **ABSTAINED:** Ms. Cochran and Dr. Miller. **RECOMMENDATION PASSED.**

Complaint Committee C:

RECOMMENDATION was made by Dr. Giudice to close complaint cases 2003-C-072; 2007-C-173; 2008-C-031; 2008-C-080; 2008-C-112; 2008-C-121; 2008-C-147; 2008-C-152; 2008-C-156; 2008-C-159; 2008-C-164; 2008-C-194; 2008-C-195 and 2008-C-218 as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Ms. Cochran, Mr. Ghadimi, Dr. Miller and Dr. Crespin. **ABSTAINED:** Dr. Giudice and Mr. Heim. **RECOMMENDATION PASSED.**

Case No. 2008-C-170 RECOMMENDATION was made by Dr. Giudice to close this case and to issue physician an advisory letter regarding disclosure. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Ms. Cochran, Mr. Ghadimi, Dr. Miller and Dr. Crespin. **ABSTAINED:** Dr. Giudice and Mr. Heim. **RECOMMENDATION PASSED.**

Complaint Committee D:

RECOMMENDATION was made by Dr. Lauriello to close complaint cases 2004-D-108; 2007-D-161; 2008-D-094; 2008-D-130; 2008-D-136; 2008-D-139; 2008-D-148; 2008-D-162 and 2008-D-196 as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Dr. Kovnat, Dr. Weiner, Ms. Cochran, Dr. Giudice, Dr. Miller, Mr. Heim and Dr. Crespin. **ABSTAINED:** Dr. Lauriello and Mr. Ghadimi. **RECOMMENDATION PASSED.**

Case No. 2008-D-077 RECOMMENDATION was made by Dr. Lauriello to close this case and to issue physician an advisory letter regarding informing patients that physician's diagnoses may not be scientifically validated by any professional association. **YES:** Dr. Kovnat, Dr. Weiner, Ms. Cochran, Dr. Giudice, Dr. Miller, Mr. Heim and Dr. Crespin. **ABSTAINED:** Dr. Lauriello and Mr. Ghadimi. **RECOMMENDATION PASSED.**

Case No. 2008-D-108 RECOMMENDATION was made by Dr. Lauriello to close this case and to issue physician an advisory letter regarding disclosure. **YES:** Dr. Kovnat, Dr. Weiner, Ms. Cochran, Dr. Giudice, Dr. Miller, Mr. Heim and Dr. Crespin. **ABSTAINED:** Dr. Lauriello and Mr. Ghadimi. **RECOMMENDATION PASSED.**

Case No. 2008-D-122 RECOMMENDATION was made by Dr. Lauriello to close this case and to issue physician an advisory letter regarding informing patients when practicing nontraditional or alternative medicine. **YES:** Dr. Kovnat, Dr. Weiner, Ms. Cochran, Dr. Giudice, Dr. Miller, Mr. Heim and Dr. Crespin. **ABSTAINED:** Dr. Lauriello and Mr. Ghadimi. **RECOMMENDATION PASSED.**

Case No. 2008-D-100 and Case No. 2008-D-167 (John Lillo, PA). RECOMMENDATION was made by Dr. Lauriello to issue a Notice of Contemplated Action based on substance abuse, injudicious prescribing, failure to maintain accurate medical records, falsifying renewal application, failure to furnish the Board with information requested by the Board, adding false statement in a medical document and administering drugs for other than therapeutic purposes. **YES:** Dr. Kovnat, Dr. Weiner, Ms. Cochran, Dr. Giudice, Dr. Miller, Mr. Heim and Dr. Crespin. **ABSTAINED:** Dr. Lauriello and Mr. Ghadimi. **RECOMMENDATION PASSED.**

Case No. 2008-D-243 (Steven Everett, MD). RECOMMENDATION was made by Dr. Lauriello to issue a Notice of Contemplated Action based on action in another state. **YES:** Dr. Kovnat, Dr. Weiner, Ms. Cochran, Dr. Giudice, Dr. Miller, Mr. Heim and Dr. Crespin. **ABSTAINED:** Dr. Lauriello and Mr. Ghadimi. **RECOMMENDATION PASSED.**

Complaint Committee E:

CASE No. 2005-E-117 (Elias Said, MD). RECOMMENDATION was made by Dr. Kovnat to allow physician to reapply for licensure. **YES:** Dr. Weiner, Ms. Cochran, Dr. Giudice, Dr. Miller, Mr. Heim, Dr. Lauriello, Mr. Ghadimi and Dr. Crespin. **ABSTAINED:** Dr. Kovnat. **RECOMMENDATION PASSED.**

CASE No. 2009-E-013 (██████████). RECOMMENDATION was made by Dr. Kovnat to refer physician to the Impaired Health Care Provider Committee for an evaluation. **YES:** Dr. Weiner, Ms. Cochran, Dr. Giudice, Dr. Miller, Mr. Heim, Dr. Lauriello, Mr. Ghadimi and Dr. Crespin. **ABSTAINED:** Dr. Kovnat. **RECOMMENDATION PASSED.**

CASE No. 2008-E-149 is to remain under investigation. No action was required.

Complaint Committee F:

CASE No. 2006-F-157 (Mark Van Wormer, MD). RECOMMENDATION was made by Dr. Kovnat to reinstate Dr. Van Wormer's his medical license with restrictions. He must obtain a

worksite monitor in his practice who will provide the board with quarterly reports. The medical director of his skin care clinics will provide the board with quarterly affidavits confirming his non-physician role in these clinics. Physician is prohibited from the practice of any cosmetic conditions. **YES:** Dr. Weiner, Dr. Giudice, Dr. Miller, Mr. Heim, Dr. Lauriello, Mr. Ghadimi and Dr. Crespin. **ABSTAINED:** Dr. Kovnat and Ms. Cochran. **RECOMMENDATION PASSED.**

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 Ms. Cochran to accept the Executive Committee's recommendations, as reported, on criminal background arrest records, disciplinary arrest records, and other reported actions. **SECONDED** by Dr. Miller. **YES:** Dr. Lauriello, Ms. Cochran, Mr. Ghadimi, Dr. Giudice, Dr. Miller, Mr. Heim and Dr. Crespin. **ABSTAINED:** Dr. Kovnat and Dr. Weiner. **MOTION CARRIED.**

- 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 Ms. Cochran to accept the Executive Committee's recommendations, as reported, on disciplinary records and other reported actions. **SECONDED** by Dr. Miller. **YES:** Dr. Lauriello, Ms. Cochran, Mr. Ghadimi, Dr. Giudice, Dr. Miller, Mr. Heim and Dr. Crespin. **ABSTAINED:** Dr. Kovnat and Dr. Weiner. **MOTION CARRIED.**

6. LICENSING ISSUES, NEW APPLICANTS / REINSTATEMENTS:

- George Schwartz, MD – Consider request to set aside Order

MOTION was made by Dr. Weiner to **DENY** his request to set aside the Agreed Order. **SECONDED** by Ms. Cochran. **YES:** Dr. Lauriello, Ms. Cochran, Mr. Ghadimi, Dr. Giudice, Dr. Miller, Mr. Heim and Dr. Crespin. **RECUSED:** Dr. Kovnat. **MOTION CARRIED.**

- Elias Said, MD – Consider request to reapply for NM License

MOTION was made by Dr. Kovnat to **GRANT** his request to reapply for a license to practice medicine in New Mexico. **SECONDED** by Dr. Weiner. **YES:** Dr. Lauriello, Mr. Ghadimi, Dr. Giudice, Dr. Miller, Mr. Heim and Dr. Crespin. **RECUSED:** Dr. Kovnat, Dr. Weiner and Ms. Cochran. **MOTION CARRIED.**

- Mark Van Wormer, MD – Request to Reinstate License

MOTION was made by Dr. Kovnat to **GRANT** his request to reinstate his license with the following restrictions: Physician must obtain a worksite monitor in his practice who will provide the board with quarterly reports. The medical director of physician's skin care clinics will provide the board with quarterly affidavits confirming his non-physician role in these clinics. Physician is prohibited from the practice of any cosmetic conditions. **YES:** Dr. Weiner, Dr. Giudice, Dr. Miller, Mr. Heim, Dr. Lauriello, Mr. Ghadimi and Dr. Crespin. **ABSTAINED:** Dr. Kovnat and Ms. Cochran. **RECOMMENDATION**

- Roland Snure, MD – Consider request to release from Stipulation

MOTION was made by Dr. Kovnat to release Roland Snure, MD from stipulation and issue an unrestricted license. **SECONDED** by Dr. Weiner. **YES:** Dr. Kovnat, Dr.

Lauriello, Mr. Ghadimi, Dr. Giudice, Dr. Miller, Mr. Heim and Dr. Crespin.
RECUSED: Dr. Weiner and Ms. Cochran. **MOTION CARRIED.**

- Paul Engstrom, MD – Consider request to release from Stipulation
MOTION was made by Dr. Weiner to **DENY** physician's request to be released from his Stipulation and require completion of his three year probation. **YES:** Dr. Kovnat, Dr. Lauriello, Mr. Ghadimi, Dr. Giudice, Dr. Miller, Mr. Heim and Dr. Crespin.
RECUSED: Dr. Weiner and Ms. Cochran. **MOTION CARRIED.**

7. **REPORTS:**

A. Chair

• FSMB Attendees

Dr. Kovnat designated Dr. Weiner as the voting member for the NM Medical Board at the 2009 Annual Federation of State Medical Boards Meeting, April 30 through May 2, 2009, in Washington DC. Dr. Giudice and Dr. Miller will also attend, as well as Ms. Hart and Dr. La Farge.

Dr. Kovnat also shared information regarding Frank Pierce, Chairman of the Arkansas Medical Board. He is in critical condition after a bomb explosion on February 3rd and a special account has been set up for Dr. Pierce's reward fund.

B. Executive Director

Key Legislation – House Bill 492 and House Bill 789

Ms. Hart provided the history of the legislation that has been presented to committee at the legislature. House Bill 492 was tabled due to much contention from the different groups who have an interest in oriental medicine and acupuncture. House Bill 789 is still in committee. She introduced Bill Harvey, Board of Pharmacy and Dean John Pieper, UNM School of Pharmacy. Dean Pieper provided an overview of the practice of oriental medicine, as well as the education, policies and regulations. Ms. Hart, Dr. La Farge, Dean Pieper, Bill Harvey, Representative Eleanor Chavez and two representatives from the Regulation and Licensing Department met to work on the language of HB 789.

Linda Trujillo, Interim Director, Boards and Commissions reviewed and discussed the substitute bill that was drafted and was proposed to Representative Chavez.

MOTION was made by Dr. Crespin and **SECONDED** by Dr. Kovnat to support Substitute House Bill 789 as presented. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Ms. Cochran, Dr. Giudice, Dr. Miller, Mr. Heim, Mr. Ghadimi and Dr. Crespin. **MOTION CARRIED.**

Other bills that had been introduced were also discussed. Fiscal Impact Reports were completed by board staff and this information was listed on the chart provided to each board member.

Ms. Hart gave an updated report on the board terms that expired in 2008. Dr. Crespin and Dr. Kovnat have been reappointed; Dr. Miller was appointed as a new member; and Mr. Heim, Ms. Cochran and Dr. Giudice's terms are still pending. Dr. Lauriello will be leaving the Board in May, 2009.

C. Medical Director

Dr. LaFarge presented a summary of the National Governor's Alliance for Telehealth meeting on "Expedited Medical Licensure", the new term for "license portability". License portability is the process of expediting licensure using an electronic Uniform License Application form drawn from a "Trusted Agent" for all states. The trusted agent would be the repository of all basic licensing information. ie: education, work experience. Also included would be a NPDB self-query and the criminal background check. Each state could add a section

with their individual requirements. Representatives from 22 medical boards agreed on this approach at the meeting. He also provided an overview of the 2008 count by county physician report which reflected the increase/decrease of physicians in counties throughout the state.

D. Licensing Manager

Ms. Quintana presented the Federation of State Medical Board's draft "Analysis of the Impact of the Implementation of Maintenance of Licensure Requirements". She discussed the concerns about implementation of the Maintenance of Licensure (MOL) on a state medical board level and the impact on the physician workforce. MOL is the periodic demonstration of competence within the physician's scope of their professional practice. Currently the 24 member boards of the American Board of Medical Specialties (ABMS) are implementing the Maintenance of Certification (MOC) requirement for those physicians seeking recertification within their specialty, which would cover an MOL requirement if implemented in New Mexico. The board requested that Ms. Quintana, at the May, 2009 Board Meeting, provide the approximate numbers of physicians licensed in NM who hold either lifetime certification with the ABMS or are not Board Certified with the ABMS, to determine the amount of licensees that would be affected if MOL was implemented as a condition of renewal in New Mexico.

Ms. Quintana reported that out of 226 Physician Assistants that need to renew by March 1, 2009, 131 renewed as of February 19, 2009. This number is consistent with past PA renewal cycles.

E. Administrative Prosecutor

Ms. Dieterich provided the report for Mr. Khalsa. At this time there are three NCAs that have not been issued since the Board's decision. One NCA is in the process of being issued. The second NCA is pending due to the appeal by physician of his action in another state. The third NCA is pending due to further documentation being gathered.

F. Assistant Attorney General - No report at this time.

G. Financial / HR Manager

Ms. Mascarenas discussed the 2008 Audit Report. We only had one finding for the fiscal year. All deposits need to be made within 24 hours of receipt of income. They have implemented a new process to ensure we meet the requirement. **MOTION** was made by Dr. Crespin and **SECONDED** by Mr. Ghadimi to adopt the audit report. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Ms. Cochran, Dr. Giudice, Dr. Miller, Mr. Heim, Mr. Ghadimi and Dr. Crespin. **MOTION CARRIED.**

Ms. Mascarenas also reviewed the budget and revenue status reports. She reminded the board that most of our revenue is generated at the end of the fiscal year. Also, the Department of Finance Administration and the Legislative Finance Committee recommended approving the medical director expansion.

H. Administrative

The Board was provided a copy of the draft agenda for the Federation of State Medical Boards (FSMB) 2009 annual meeting.

I. Compliance / Public Information Officer

Ms. Walker discussed the layout for the April 2009 newsletter. Legislative issues will be reviewed, as well as, information on NPI numbers. The Board provided topics of interest they would like to see added to the newsletter. An article on the ethics of self-prescribing and/or prescribing for family members is to be included.

Ms. Walker also provided the Board with a letter from the Centers for Medicare / Medicaid requesting an article be included in our newsletter on the importance of deactivating National Provider Identifiers (NPI) when this number will no longer be used. Dr. Kovnat mentioned that we should also advise physicians that when they notify the board of changes in their practice, they also need to notify the Centers for Medicare / Medicaid.

8. **Compliance**

A. Board Monitored Compliance Report

Ms. Walker reviewed the compliance report and provided status on all licensees.

B. New Mexico Monitored Treatment Program Report

Jon Thayer, MTP Executive Director and Dan Collins, M.D., MTP Medical Director were present to discuss the status of mandatory MTP participants. They reported all participants were in compliance this quarter.

Mr. Thayer also gave an update on the MTP operating report and discussed the quarterly report and budget.

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. **SECONDED** by Dr. Lauriello. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Ms. Cochran, Mr. Ghadimi, Dr. Giudice, Dr. Miller, Mr. Heim and Dr. Crespin. **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.

9. **Informal Interviews**

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. **SECONDED** by Ms. Cochran. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Ms. Cochran, Mr. Ghadimi, Dr. Giudice, Dr. Miller, Mr. Heim and Dr. Crespin. **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.

Robert George, MD, Pablo Garcia, MD, Jon Wagner, MD and Marc Masotti, MD were interviewed in Executive Session regarding current practices and compliance with the Board. James Hartenbach, MD was interviewed via teleconference. Aaron Brodsky, MD was excused from attending this meeting.

Roland Snure, MD; James Bradley, MD; Alonso Pacheco, MD; Robert Orchard, MD; Johnnie Vigil, MD; Chris Gallagher, MD; Stephanie Hedstrom, MD; and Gary Puro, MD were interviewed in open session.

10. **Actions Related to Executive Session**

The board made a motion regarding Roland Snure, MD

(See Item Number 6 - LICENSING ISSUES, NEW APPLICANTS / REINSTATEMENTS):

The Board **RECESSED** at 5:20 p.m. on Thursday, February 19, 2009.

FRIDAY, February 20, 2009

The Board **RECONVENED** the regular meeting at 9:30 a.m. on Friday, February 20, 2009, and a quorum was determined present. **MEMBERS PRESENT:** Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Ms. Cochran, Mr. Ghadimi, Dr. Giudice, Dr. Miller, Mr. Heim and Dr. Crespin. **OTHERS PRESENT:** See list of attendees attached to these Minutes.

11. Old Business

A. Other bills of interest

Scope of Practice legislation introduced by Senator Linda Lopez and Representative Keith Gardner was discussed. If enacted, this legislation would provide for a process to review the scopes of practice of certain licensed health professionals by an ad hoc review panel prior to introduction of legislation revising or expanding the profession's practice act.

Mr. Ghadimi discussed legislation that was introduced in reference to the UNM library and access to the medical journals and documents. This bill would establish a fee to assist UNM's library with licenses so that all individuals could access the library online. The fee would be attached to all medical professional licenses.

Dr. La Farge mentioned the Pharmacy Board is introducing a bill in reference to the controlled substance license renewal to extend the period of the license from one year to every three years.

12. New Business

A. Correspondence- There was no correspondence at this time.

13. Management of Chronic Pain – Ben Daitz, MD, Walter Forman, MD and Joanna Katzman, MD

New Mexico has for years been a leader among states in the area of Chronic Pain Management, having been one of the first states to pass The Pain Relief Act. The New Mexico Medical Board promptly converted the original guidelines into a Rule for reinforcing this important act. The Medical Board is aware of the critical role it plays in this very sensitive area; disciplinary actions involving licensees practicing in pain management, no matter how infrequent or how warranted, can cause a "chilling effect" among those who practice legitimate and safe chronic pain management. The NMMB has reached out to experts in the field of pain management to be its advisors; the advisors sharing with us today are practitioners as well as academic experts in this field.

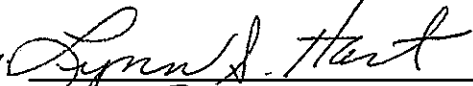
Dr. Forman, a Consultant in Geriatric & Hospice and Palliative Medicine at the University of New Mexico Health Sciences Center (UNM-HSC), began the discussion with a summary of appropriate and inappropriate chronic pain management approaches, using Opioid and non-opioid medications. He then presented the results of the NM Pain Management Council assessment of how people perceive their pain and what treatments are most effective. He concluded by emphasizing the importance of the balance between therapeutic use and patient availability, and reviewed the various abuses of the drugs involved.

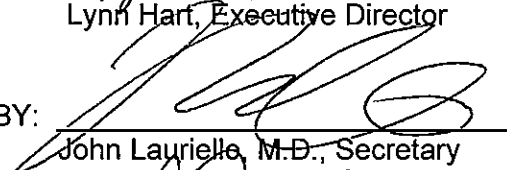
Dr. Joanna Katzman, a Director of the ECHO project (Extension for Community Healthcare Outcomes) of the UNM-HSC, was accompanied by Connie Fassler, R.N. and Wesley Pak, MBA, Information Technology. Dr. Katzman presented the essence of the

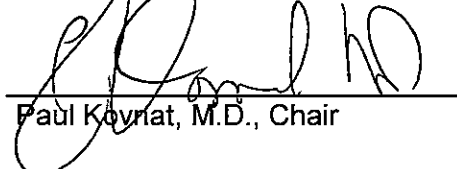
ECHO project for linking NM communities with UNM-HSC, both to provide increased access to care through telehealth clinics and tele-consultation, and to provide weekly CME-approved educational resources for patients and practitioners. The staff of ECHO educates by presenting and discussing interesting cases followed by discussion in depth. Project ECHO is valuable in all disciplines especially in chronic pain management, an area where many physicians lack education, training and expertise and an area where physicians share a concern for external oversight from law enforcement and regulatory agencies. The ECHO project provides the type of outreach essential in a State like NM with such a vast rural population. The Board also discussed with Dr. Katzman the feasibility and effectiveness of requiring CME that would include the requirement for education in the area of pain management as a condition of licensure and renewal.

Dr. Ben Daitz, Professor Emeritus from the Anesthesiology Department of UNM-HSC, and a Family Practitioner well-educated in chronic pain management, presented the point of view of the community practitioner who is faced with the daunting task of managing the ongoing treatment of patients with significant chronic pain. Following his presentation, there was further discussion and questions from the Board, concluding with an agreement to work closely in the future with the faculty of UNM-HSC, especially when the practice of individual physicians comes under scrutiny. Their expertise and experience will be critical in understanding the problems and arriving at equitable solutions that support chronic pain management.

14. **Adjourn:** There being no further business, the meeting adjourned at 12:00 p.m.

SUBMITTED BY:  DATE: 4/9/09
Lynn Hart, Executive Director

APPROVED BY:  DATE: 4/7/09
John Lauriello, M.D., Secretary

APPROVED BY:  DATE: 4 2 9
Paul Kovnat, M.D., Chair