

**NEW MEXICO MEDICAL BOARD**  
**First Quarter Meeting**  
**February 18 – 19, 2010**

**MINUTES**

**Members Present:** Paul Kovnat, M.D., Chair  
Steven Weiner, M.D., Vice-Chair  
Frank Crespin, M.D.  
Roger Miller, M.D.  
Steve Jenkusky, M.D.  
Ann Wehr, M.D.  
Albert Bourbon, P.A.  
Kathy Abeles, Public Member  
Rebecca Cochran, Public Member

**Others Present:** Lynn Hart, Executive Director  
Geraldine Mascarenas, Deputy 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  
Amanda Quintana, Licensing Manager

(See list of all attendees attached to these 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 8:37 a.m., and a quorum was determined present.
2. **APPROVAL OF AGENDA:**  
**MOTION** was made by Dr. Kovnat to approve the agenda. **SECONDED** by Dr. Crespin. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Crespin, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Ms. Abeles, Ms. Cochran and Mr. Bourbon. **MOTION CARRIED.**
3. **APPROVAL OF MINUTES:**  
**MOTION** was made by Ms. Cochran to approve the Minutes from the January 7, 2010 Interim Meeting. **SECONDED** by Ms. Abeles. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Crespin, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Ms. Abeles, Ms. Cochran and Mr. Bourbon. **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. Crespin, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Ms. Abeles, Ms. Cochran and Mr. Bourbon. **MOTION CARRIED.**

**5. ACTIONS RELATED TO EXECUTIVE SESSION**

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.

**A. Licensees and Applicants**

**Complaint Committee A:**

**RECOMMENDATION** was made by Dr. Wehr to close complaint cases 2009-A-074; 2009-A-082; 2009-A-094; 2009-A-104, 2009-A-125; 2009-A-178; 2009-A-184; 2009-A-198 and 2009-A-233, as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Dr. Kovnat, Dr. Crespín, Dr. Miller, Dr. Jenkusky, Ms. Cochran and Mr. Bourbon. **ABSENT:** Ms. Abeles **ABSTAINED:** Dr. Weiner and Dr. Wehr. **RECOMMENDATION PASSED.**

**Case No. 2009-A-206 RECOMMENDATION** was made by Dr. Weiner to close this case and to send physician an advisory letter reminding him about maintaining accurate medical records. **YES:** Dr. Kovnat, Dr. Crespín, Dr. Miller, Dr. Jenkusky, Ms. Cochran and Mr. Bourbon. **ABSENT:** Ms. Abeles **ABSTAINED:** Dr. Weiner and Dr. Wehr. **RECOMMENDATION PASSED.**

**Case No. 2008-A-208 RECOMMENDATION** was made by Dr. Weiner to keep this case open for one year in order to receive reports from NM Monitored Treatment Program on physician's compliance in the Nevada PHP. After successful completion of physician's participation in the PHP, this case will return to the Board for consideration. Physician will have to waive the statute of limitations and will be issued an advisory letter regarding the Board's reporting requirements. **YES:** Dr. Kovnat, Dr. Crespín, Dr. Miller, Dr. Jenkusky, Ms. Cochran and Mr. Bourbon. **ABSENT:** Ms. Abeles **ABSTAINED:** Dr. Weiner and Dr. Wehr. **RECOMMENDATION PASSED.**

**Case No. 2009-A-167 RECOMMENDATION** was made by Dr. Weiner to keep this case open and to refer physician to MTP for an assessment and also send physician an advisory letter regarding the Board's reporting requirements. **YES:** Dr. Kovnat, Dr. Crespín, Dr. Miller, Dr. Jenkusky, Ms. Cochran, Ms. Abeles and Mr. Bourbon. **ABSTAINED:** Dr. Weiner and Dr. Wehr. **RECOMMENDATION PASSED.**

**CASE No. 2009-A-086 RECOMMENDATION** was made by Dr. Weiner to accept the Impaired Physician Committee recommendation that physician receive a formal diagnostic evaluation. **YES:** Dr. Kovnat, Dr. Crespín, Dr. Miller, Dr. Jenkusky, Ms. Cochran, Ms. Abeles and Mr. Bourbon. **ABSTAINED:** Dr. Weiner and Dr. Wehr. **RECOMMENDATION PASSED.**

**Case No. 2009-A-164 ( [REDACTED] ). RECOMMENDATION** was made by Dr. Weiner to refer physician to an Impaired Physician Committee for evaluation on possible physical and mental impairment. The case will remain open. **YES:** Dr. Kovnat, Dr. Crespín, Dr. Miller, Dr. Jenkusky, Ms. Cochran, Ms. Abeles and Mr. Bourbon. **ABSTAINED:** Dr. Weiner and Dr. Wehr. **RECOMMENDATION PASSED.**

**Case No. 2009-A-205 ( [REDACTED] ). RECOMMENDATION** was made by Dr. Weiner to offer physician a stipulated license requiring mandatory participation in NM Monitored Treatment Program and other standard substance abuse stipulations. If physician does not accept the stipulated license, a Notice of Contemplated Action will be issued based on habitual alcohol use. **YES:** Dr. Kovnat, Dr. Crespín, Dr. Miller, Dr. Jenkusky, Ms. Cochran, Ms. Abeles and Mr. Bourbon. **ABSTAINED:** Dr. Weiner and Dr. Wehr. **RECOMMENDATION PASSED.**

**Complaint Committee AA:**

**Case No. 2008-AA-133** ( [REDACTED] ). **RECOMMENDATION** was made by Dr. Crespin to offer physician the option of withdrawing his application for licensure while under investigation. If physician does not accept the offer, a Notice of Contemplated Action will be issued based on action in another state and misrepresentation in applying for licensure in New Mexico. **YES:** Dr. Kovnat, Dr. Wehr, Dr. Miller, Dr. Jenkusky, Ms. Cochran, Ms. Abeles and Mr. Bourbon. **ABSTAINED:** Dr. Crespin and Dr. Weiner. **RECOMMENDATION PASSED.**

**Complaint Committee B:**

**RECOMMENDATION** was made by Ms. Cochran to close complaint cases 2008-B-251; 2009-B-105; 2009-B-106; 2009-B-134; 2009-B-142; 2009-B-145; 2009-B-169; 2009-B-180 and 2009-B-185 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. Bourbon. **ABSTAINED:** Ms. Cochran and Dr. Miller. **RECOMMENDATION PASSED.**

**Case No. 2009-B-045 RECOMMENDATION** was made by Ms. Cochran to close this case and to issue physician an advisory letter regarding physician's failure to report. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Crespin, Dr. Wehr, Dr. Jenkusky, Ms. Abeles and Mr. Bourbon. **ABSTAINED:** Ms. Cochran and Dr. Miller. **RECOMMENDATION PASSED.**

**Case No. 2009-B-085** ( [REDACTED] ) **RECOMMENDATION** was made by Ms. Cochran to issue a Notice of Contemplated Action based on physician's false statements connected with the practice of medicine. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Crespin, Dr. Wehr, Dr. Jenkusky, Ms. Abeles and Mr. Bourbon. **ABSTAINED:** Ms. Cochran and Dr. Miller. **RECOMMENDATION PASSED.**

**Complaint Committee C:**

**RECOMMENDATION** was made by Dr. Crespin to close complaint cases 2009-C-054; 2009-C-064; 2009-C-120; 2009-C-124; 2009-C-144; 2009-C-162 and 2009-C-258 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. Bourbon. **ABSTAINED:** Dr. Crespin and Ms. Abeles. **RECOMMENDATION PASSED.**

**Case No. 2009-C-170 RECOMMENDATION** was made by Dr. Crespin to close this case and to issue physician an advisory letter regarding physician's failure to report. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Miller, Dr. Wehr, Dr. Jenkusky, Ms. Cochran and Mr. Bourbon. **ABSTAINED:** Dr. Crespin and Ms. Abeles. **RECOMMENDATION PASSED.**

**Case No. 2009-C-150 RECOMMENDATION AND MOTION** (Glen Delaney, MD). **MOTION** was made by Dr. Crespin to close this case with no action and release physician from his Order. **SECONDED** by Ms. Cochran. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Miller, Dr. Wehr, Dr. Jenkusky, Ms. Cochran and Mr. Bourbon. **ABSTAINED:** Dr. Crespin and Ms. Abeles. **RECOMMENDATION PASSED.**

**Case No. 2009-C-176** ( [REDACTED] ). **RECOMMENDATION** was made by Dr. Crespin to issue a Notice of Contemplated Action based on injudicious prescribing and dishonesty. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Miller, Dr. Wehr, Dr. Jenkusky, Ms. Cochran and Mr. Bourbon. **ABSTAINED:** Dr. Crespin and Ms. Abeles. **RECOMMENDATION PASSED.**

**Case No. 2009-C-215 and Case No. 2009-C-220** ( [REDACTED] ). **RECOMMENDATION** was made by Dr. Crespin to offer physician an Order requesting him to place his license on

inactive status and waive the statute of limitations on these cases so that they may be reopened in the future. If physician does not accept this order, the cases will be referred to an expert for review and opinion. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Miller, Dr. Wehr, Dr. Jenkusky, Ms. Cochran and Mr. Bourbon. **ABSTAINED:** Dr. Crespín and Ms. Abeles. **RECOMMENDATION PASSED.**

**Complaint Committee D:**

**RECOMMENDATION** was made by Dr. Jenkusky to close complaint cases 2008-D-172; 2008-D-257; 2009-D-119; 2009-D-131; 2009-D-175 and 2009-D-231 as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Crespín, Dr. Miller, Dr. Wehr, Ms. Cochran and Ms. Abeles. **ABSTAINED:** Mr. Bourbon and Dr. Jenkusky. **RECOMMENDATION PASSED.**

**Case No. 2009-D-083 RECOMMENDATION** was made by Dr. Jenkusky to close this case and to issue physician assistant an advisory letter reminding him of the seriousness of the subject of the complaint, injudicious prescribing. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Crespín, Dr. Miller, Dr. Wehr, Ms. Cochran and Ms. Abeles. **ABSTAINED:** Mr. Bourbon and Dr. Jenkusky. **RECOMMENDATION PASSED.**

**Case No. 2009-D-195 RECOMMENDATION** was made by Dr. Jenkusky to close this case and to issue physician assistant an advisory letter regarding patient interaction and communication. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Crespín, Dr. Miller, Dr. Wehr, Ms. Cochran and Ms. Abeles. **ABSTAINED:** Mr. Bourbon and Dr. Jenkusky. **RECOMMENDATION PASSED.**

**Case No. 2009-D-232 RECOMMENDATION** was made by Dr. Jenkusky to close this case and to issue physician assistant an advisory letter regarding failure to report. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Crespín, Dr. Miller, Dr. Wehr, Ms. Cochran and Ms. Abeles. **ABSTAINED:** Mr. Bourbon and Dr. Jenkusky. **RECOMMENDATION PASSED.**

**Case No. 2009-D-128 ( [REDACTED] ). RECOMMENDATION** was made by Dr. Jenkusky to offer physician a Letter of Reprimand for falsification of a medical record. If physician does not accept the Letter of Reprimand, a Notice of Contemplated Action will be issued based on falsification of a medical record. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Crespín, Dr. Miller, Dr. Wehr, Ms. Cochran and Ms. Abeles. **ABSTAINED:** Mr. Bourbon and Dr. Jenkusky. **RECOMMENDATION PASSED.**

**Case No. 2009-D-163 ( [REDACTED] ). RECOMMENDATION** was made by Dr. Jenkusky to allow physician to voluntarily surrender his lapsed license. If physician does not agree, a Notice of Contemplated Action will be issued based on licensure action in another state. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Crespín, Dr. Miller, Dr. Wehr, Ms. Cochran and Ms. Abeles. **ABSTAINED:** Mr. Bourbon and Dr. Jenkusky. **RECOMMENDATION PASSED.**

**Case No. 2009-D-247 ( [REDACTED] ). RECOMMENDATION** was made by Dr. Jenkusky that physician receive a collateral assessment by the New Mexico Monitored Treatment Program and receive a skills assessment from the Center for Personalized Education for Physicians (CPEP). The case will return to complaint committee following completion of these recommendations. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Crespín, Dr. Miller, Dr. Wehr, Ms. Cochran and Ms. Abeles. **ABSTAINED:** Mr. Bourbon and Dr. Jenkusky. **RECOMMENDATION PASSED.**

**Case No. 2009-D-263** ( [REDACTED] ). **RECOMMENDATION** was made by Dr. Jenkusky to offer physician a Letter of Reprimand based on misrepresentation in applying for licensure in New Mexico. If physician does not accept, a Notice of Contemplated Action will be issued based on misrepresentation in applying for licensure in New Mexico. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Crespin, Dr. Miller, Dr. Wehr, Ms. Cochran and Ms. Abeles. **ABSTAINED:** Mr. Bourbon and Dr. Jenkusky. **RECOMMENDATION PASSED.**

**Complaint Committee E:**

**RECOMMENDATION** was made by Dr. Kovnat to close complaint cases 2009-E-126; 2009-E-139 and 2009-E-204 as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Dr. Weiner, Dr. Crespin, Dr. Miller, Dr. Wehr, Dr. Jenkusky, Mr. Bourbon, Ms. Cochran and Ms. Abeles. **ABSTAINED:** Dr. Kovnat. **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 in executive session. 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.

**SECONDED** by Dr. Wehr. **YES:** Dr. Crespin, Dr. Miller, Dr. Wehr, Dr. Jenkusky, Mr. Bourbon, Ms. Cochran and Ms. Abeles. **ABSTAINED:** Dr. Kovnat and Dr. Weiner. **MOTION CARRIED.**

• **Other Cases**

The Board reviewed the reports on other cases compiled by the Executive Committee in executive session. 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 disciplinary arrest records and other reported actions. **SECONDED** by Ms. Cochran. **YES:** Dr. Crespin, Dr. Miller, Dr. Wehr, Dr. Jenkusky, Mr. Bourbon, Ms. Cochran and Ms. Abeles. **ABSTAINED:** Dr. Kovnat and Dr. Weiner. **MOTION CARRIED.**

**6. LICENSING ISSUES, NEW APPLICANTS / REINSTATEMENTS:  
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. Crespin, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Ms. Abeles, Mr. Bourbon 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.

- **Elias Said, M.D.** – Consideration of Licensure - **MOTION** was made by Dr. Kovnat to **GRANT** an unrestricted license to practice medicine in New Mexico. **SECONDED** by Dr. Weiner. **YES:** Dr. Crespin, Dr. Miller, Mr. Bourbon, Dr. Kovnat, Dr. Weiner and Ms. Abeles. **NO:** Ms. Cochran, Dr. Jenkusky and Dr. Wehr. **MOTION CARRIED.**
- **Andrew Valencia** – Decision and Order – Case #2008-030 - **MOTION** was made by Dr. Kovnat to **ACCEPT** the Hearing Officer's report in its entirety and **DENY** Mr. Valencia a

license to practice as a physician assistant in New Mexico. **SECONDED** by Dr. Wehr. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Crespin, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Mr. Bourbon, and Ms. Abeles. **RECUSED:** Ms. Cochran. **MOTION CARRIED.**

- **Steve Petrakis, M.D.** – Consider Settlement – Case #2009-036. **MOTION** was made by Dr. Crespin to **ACCEPT** the Agreed Order as presented. Dr. Petrakis' license will be **SUSPENDED** until December 31, 2010. After this date, he will be on probation under the terms of the Agreed Order. **SECONDED** by Dr. Weiner. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Crespin, Dr. Miller, Ms. Cochran, Dr. Wehr, Mr. Bourbon, and Ms. Abeles. **RECUSED:** Dr. Jenkusky. **MOTION CARRIED.**
- **John Cartier, M.D.** – Accept 32 years of medical practice in lieu of 2nd year of post graduate training and grant unrestricted medical license. **MOTION** was made by Dr. Wehr accept his medical experience in lieu of his second year of residency and **GRANT** Dr. Cartier a license to practice medicine in New Mexico. **SECONDED** by Dr. Kovnat. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Crespin, Dr. Miller, Dr. Jenkusky, Ms. Cochran, Dr. Wehr, Mr. Bourbon, and Ms. Abeles. **MOTION CARRIED.**
- **Wayne Casper, M.D.** – Consider non-disciplinary stipulated license. **MOTION** was made by Dr. Kovnat to **ISSUE** Dr. Casper a non-disciplinary stipulated license limiting his license to administrative, non-clinical work only. **SECONDED** by Ms. Cochran. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Miller, Dr. Jenkusky, Ms. Cochran, Mr. Bourbon, and Ms. Abeles. **ABSTAINED:** Dr. Wehr **ABSENT:** Dr. Crespin **MOTION CARRIED.**
- **Kendall Green, M.D.** – Consider approval to grant an unrestricted license to practice medicine. **MOTION** was made by Dr. Wehr to **GRANT** Dr. Green an unrestricted license to practice medicine in New Mexico. **SECONDED** by Dr. Kovnat. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Ms. Cochran, Mr. Bourbon, and Ms. Abeles. **ABSENT:** Dr. Crespin **MOTION CARRIED.**
- **Ian Panuncialman, M.D.** – Consider training and medical experience in lieu of 2<sup>nd</sup> year of training in approved ACGME program. **MOTION** was made by Dr. Kovnat to accept his training and medical experience and **GRANT** Dr. Panuncialman an unrestricted license to practice medicine in New Mexico. **SECONDED** by Dr. Weiner. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Ms. Cochran, Mr. Bourbon, and Ms. Abeles. **ABSTAINED:** Dr. Crespin **MOTION CARRIED.**
- **Asad Raza, M.D.** – Consider medical education as being acceptable to qualify for licensure in New Mexico. Dr. Wehr **MOVED** to **not** accept Dr. Raza's education as acceptable based on his AACRAO evaluation. **SECONDED** by Ms. Cochran. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Miller, Dr. Jenkusky, Dr. Crespin, Dr. Wehr, Ms. Cochran, Mr. Bourbon, and Ms. Abeles. **MOTION CARRIED.**
- **Chitra Sinha, M.D.** – Consider exception to seven year rule and grant an unrestricted license to practice medicine. Ms. Cochran **MOVED** to **not** grant the exception to the seven year rule, therefore, Dr. Sinha does not meet the criteria for licensure. **SECONDED** by Dr. Wehr. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Jenkusky, Dr. Crespin, Dr. Wehr, Ms. Cochran and Ms. Abeles. **NO:** Dr. Miller. **MOTION CARRIED.**

## 7. REPORTS

- A. Chair** – Dr. Kovnat asked Ms. Hart to give the Board an update on the status of Senate Bill 213 (SB 213) and House Bill 188 (HB 188). Ms. Hart provided an overview that SB 213 and HB 188 are the bills that would give the Board authority to license a business entity in order to satisfy the concerns raised by the Superintendent of Insurance that “medical corporations” are not licensed or certified by the State to provide health care and without licensure they would not be covered under the Medical Malpractice Act. HB 188 passed the first committee it was assigned to, the House Business and Industry Committee, but became stalled after the House Judiciary expressed interest in having jurisdiction over the bill. SB 213 passed through the Senate and was sent to the House. SB 213 was then heard and accepted by the House Business and Industry Committee; that committee’s report needed to be filed before the bill could continue. As of this Board meeting, the House Committee’s Chair had not issued the final report and the bill could not proceed without this report.
- B. Executive Director** – Ms. Hart reported that Dr. Weiner will be the voting delegate at the FSMB Annual meeting in Chicago. She also stated that since the budget was cut, funds were unavailable for additional board members to attend. Dr. Weiner directed Ms. Hart to check with FSMB on the availability of additional scholarships for other board members. Ms. Hart also reported that the Legislature had adjourned and SB 213 was still in the House Committee.
- C. Medical Director** – No report at this time.
- D. Licensing Manager** – No report at this time.
- E. Administrative Prosecutor** - Mr. Khalsa reviewed the NCA report and informed the board that all of the NCAs the Board has voted on have been issued.
- F. Assistant Attorney General** – No report at this time.
- G. Financial / HR Manager** – Approve 2009 Annual Audit; Budget Status Report – FY 2010. Ms. Mascarenas reviewed the FY2010 Budget Status Report. She reported that the Board may receive additional budget cuts of 3.5%. A portion of the budget reduction will come from savings due to cutting out-of-state travel, per diem for complaint committee meetings, printing and postage for the roster and newsletter. **MOTION** was made by Dr. Wehr to accept the 2009 Annual Audit. **SECONDED** by Dr. Crespin. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Miller, Dr. Jenkusky, Dr. Crespin, Dr. Wehr, Ms. Cochran, Mr. Bourbon and Ms. Abeles. **MOTION CARRIED.**
- H. Administrative** – No report at this time.
- I. Compliance / Public Information Officer**
- April 2010 Draft Newsletter - Ms. Walker provided the Board with a list of proposed articles to be considered for the April newsletter and requested that any suggestions for additional items be sent to her in the next three weeks. Ms. Walker also advised that future newsletters will only be posted on the Board’s website to save on the cost of printing and mailing.
  - Customer Service Evaluations. Ms. Walker announced that 90% of New Licensee Surveys rate the Board Staff as good to excellent. A sample of the evaluation and its complimentary comments was passed out for the Board's information.

## 8. COMPLIANCE

**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. Crespin, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Ms. Abeles, Mr. Bourbon 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.

- A. Board Monitored Compliance Report - Ms. Walker reviewed the compliance report and provided status on all licensees.
- **Board Order** – Stan Chao, M.D. – request probation be terminated. **MOTION** was made by Dr. Kovnat to **DENY** licensee's request to be removed from probation. **SECONDED** by Ms. Cochran. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Dr. Crespin, Mr. Bourbon and Ms. Cochran. **ABSENT:** Ms. Abeles **MOTION CARRIED.**
  - **Board Order** – Bishnu Rauth, M.D. – request probation be terminated. **MOTION** was made by Dr. Kovnat to remove all Stipulations and **GRANT** Dr. Rauth an unrestricted license. **SECONDED** by Ms. Cochran. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Dr. Crespin, Mr. Bourbon, Ms. Cochran and Ms. Abeles. **MOTION CARRIED.**
  - **Board Order** – Aaron Brodsky, M.D. – request probation be terminated. **MOTION** was made by Dr. Kovnat to remove all Stipulations and **GRANT** Dr. Brodsky an unrestricted license. **SECONDED** by Dr. Wehr. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Dr. Crespin, Mr. Bourbon, Ms. Cochran and Ms. Abeles. **MOTION CARRIED.**
  - **Board Order** – Robert George, M.D. – request probation be terminated. **MOTION** was made by Dr. Kovnat to remove all Stipulations and **GRANT** Dr. George an unrestricted license. **SECONDED** by Dr. Wehr. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Dr. Crespin, Mr. Bourbon, Ms. Cochran and Ms. Abeles. **MOTION CARRIED.**
  - **Board Order** – Gary Puro, M.D. – request probation be terminated. **MOTION** was made by Dr. Weiner to remove all Stipulations and **GRANT** Dr. Puro an unrestricted license. **SECONDED** by Ms. Cochran. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Dr. Crespin, Mr. Bourbon, Ms. Cochran and Ms. Abeles. **MOTION CARRIED.**
  - **Board Order** – Allen Mock, M.D. – request probation be terminated. **MOTION** was made by Dr. Wehr to remove all Stipulations and **GRANT** Dr. Mock an unrestricted license. **SECONDED** by Ms. Cochran. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Dr. Crespin, Mr. Bourbon, Ms. Cochran and Ms. Abeles. **MOTION CARRIED.**
  - **Board Order** – Daniel Noonan, M.D. – request probation be terminated. **MOTION** was made by Dr. Wehr to remove all Stipulations and **GRANT** Dr. Noonan an unrestricted license. **SECONDED** by Ms. Abeles. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Dr. Crespin, Mr. Bourbon, Ms. Cochran and Ms. Abeles. **MOTION CARRIED.**
  - **Board Order** – Johnnie Vigil, M.D. – request probation be terminated. **MOTION** was made by Ms. Cochran to remove all Stipulations and **GRANT** Dr. Vigil an unrestricted license. **SECONDED** by Dr. Wehr. **YES:** Dr. Kovnat, Dr. Weiner, Dr.



Miller, Dr. Jenkusky, Dr. Wehr, Dr. Crespin, Ms. Cochran and Ms. Abeles.  
**RECUSED: Mr. Bourbon. MOTION CARRIED.**

**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. Crespin, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Ms. Abeles, Mr. Bourbon 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.

**9. NM MONITORED TREATMENT PROGRAM**

Jon Thayer, MTP Executive Director, Dan Collins, M.D., MTP Medical Director and Kate Woods, Clinical Director discussed the status of mandatory and voluntary MTP participants and Mr. Thayer gave an update on the operations report.

**10. ACTIONS RELATED TO EXECUTIVE SESSION – No actions were taken at this time.**

**11. INFORMAL INTERVIEWS**

Robert George, MD, Daniel Noonan, MD, Allen Mock, MD, Michael Carey, MD, Pablo Garcia, MD, Keith McClung, MD, Mark Masotti, MD, Jon Wagner, MD and Tim Busch, PA were interviewed in Executive Session regarding current practices and compliance with the Board.

Stan Chao, MD, James Bradley, MD, Aaron Brodsky, MD, Twana Sparks, MD, Robert Orchard, MD and Johnnie Vigil, MD were interviewed in open session.

Howard Nunn, MD was interviewed via teleconference.

**12. ACTIONS RELATED TO EXECUTIVE SESSION – No actions were taken at this time.**

**13. NEW BUSINESS**

**A. Election of Officers**

Dr. Kovnat stepped down from the Chair position and **NOMINATED** Dr. Weiner as Chair. Ms. Cochran **SECONDED**. **YES:** Dr. Kovnat, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Dr. Crespin, Mr. Bourbon, Ms. Cochran and Ms. Abeles. **RECUSED:** Dr. Weiner. **MOTION CARRIED.**

Dr. Kovnat **NOMINATED** Ms. Cochran for Vice Chair. Dr. Wehr **SECONDED**. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Dr. Crespin, Mr. Bourbon, and Ms. Abeles. **RECUSED:** Ms. Cochran. **MOTION CARRIED.**

Dr. Weiner **NOMINATED** Dr. Kovnat for Secretary Treasurer. Ms. Cochran **SECONDED**. **YES:** Dr. Weiner, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Dr. Crespin, Mr. Bourbon, Ms. Cochran and Ms. Abeles. **RECUSED:** Dr. Kovnat. **MOTION CARRIED.**

Ms. Hart reminded the board that pursuant to the Medical Practice Act (MPA), the Board will again hold an Election of Officers at the quarterly meeting in May. The MPA states that the Board shall elect officers during the annual meeting held during the second quarter of the year.

14. **ACTIONS RELATED TO EXECUTIVE SESSION** – No actions were taken at this time.

15. **OLD BUSINESS**

A. **2010 Legislative Session** – Discussed under Executive Director Report  
Implementation of SB 213 Licensure of Physician Corporations – SB 213 did not pass through the legislation during this session. Ms. Hart reported that it may be possible for the Board to provide certification of physician corporations without going through the Legislature. The Board's Assistant Attorney General, Andrea Buzzard, will review the Medical Practice Act (MPA) to determine if the Board has authority to certify. If Ms. Buzzard determines that the Board has authority, the Board directed staff and counsel to initiate drafting a procedure for the implementation of a certification process to certify physician corporations as healthcare providers.

Dr. Crespin **MOVED** to direct Ms. Hart and Ms. Buzzard to work with the Medical Society and the Insurance Department Superintendent to look at a certification process or other rule making which might clarify the issue. Ms. Cochran **SECONDED. YES:** Dr. Kovnat, Dr. Weiner, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Dr. Crespin, Mr. Bourbon, Ms. Cochran and Ms. Abeles. **MOTION CARRIED.**

B. **Medical Malpractice Coverage of Corporate Entities** – Discussed under Executive Director Report and 2010 Legislative Session.

C. **Review Chiropractic Formulary and Educational Criteria** – Dr. La Farge read the Board's Position Statement regarding the Advanced Practice Chiropractic Formulary. (Copy Attached)

Discussion was held with members of the task force: Dr. Steve Perlstein, an Advanced Practice Chiropractic Physician from Santa Fe and Dr. George Simmons, an Advanced Practice Chiropractic Physician from Albuquerque. The Medical Board is not in a position to approve drugs, and all parties agreed they would like to see the Chiropractic Practice Act amended to remove involvement of the Medical Board. The Medical Board will continue to support legislation that would create a scope of practice review panel. Dr. Weiner **MOVED** to **ACCEPT** this recommendation. Dr. Crespin **SECONDED. YES:** Dr. Kovnat, Dr. Weiner, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Dr. Crespin, Mr. Bourbon, Ms. Cochran and Ms. Abeles. **MOTION CARRIED.**

D. **Urgent Care Committee Meeting** – Dr. Wehr

The Urgent Care committee met on February 11, 2010. Dr. Wehr reported there was good representation at the meeting and that she would present a formal report at the Board's May, 2010 quarterly meeting.

16. **ADJOURN** - There being no further business, the meeting adjourned at 9:57 a.m.

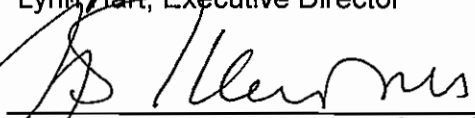
SUBMITTED BY:

  
Lynn Hart, Executive Director

DATE:

4/15/10

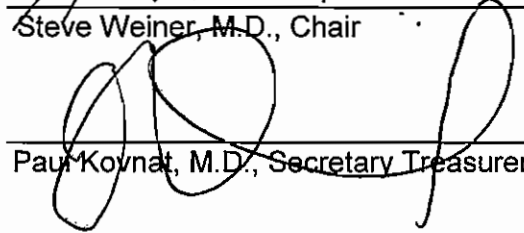
APPROVED BY:

  
Steve Weiner, M.D., Chair

DATE:

4.8.2010

APPROVED BY:

  
Paul Kovnat, M.D., Secretary Treasurer

DATE:

4 13 10

## NM MEDICAL BOARD RECOMMENDATION

### ADVANCED PRACTICE CHIROPRACTIC FORMULARY

February 2010

The New Mexico Medical Board Staff and Task Force have worked diligently in the review and evaluation of the proposed Advanced Practice Chiropractic Formulary. We acknowledge that the involvement of the Medical and Pharmacy Boards was mandated by the NM State Legislature and that the New Mexico Medical Board neither asked for this involvement nor have felt that it is appropriate to our scope of practice or our jurisdiction. In truth, the New Mexico Medical Board cannot "approve" either the proposed drugs themselves, or the proposed routes and dosages of administration, or their safety and effectiveness. "Approval" of drugs is the purview of the Federal Drug Administration; "approval" of the dosages and routes of administration is the purview of the Pharmacy and Chiropractic Boards. The New Mexico Medical Board, however, acknowledges that the Legislature has granted authority to the Chiropractic Board to create an Advanced Practice Chiropractic Formulary of specified drugs and routes of administration that in many instances is only marginally within the scope of practice of allopathic physicians.

The mission the Medical Board was assigned by the Legislature is to determine the acceptability of the proposed formulary, the routes and dosages for administration, and the appropriateness of the documented training that allows that practice to be safe for chiropractic patients. This mission, essentially, is not fulfillable, since the primary responsibility of the New Mexico Medical Board is the protection of the patients of allopathic physicians. It is for that reason the Medical Board strongly supports the creation of a Multi-disciplinary Review Committee for evaluation and recommendation on all proposals to the New Mexico Legislature for increasing the Scope of Practice of any group of practitioners.

The attached, modified, Advanced Practice Chiropractic Formulary has been prepared by the New Mexico Medical Board for a realistic consideration of acceptability under the following caveats:

- I. All IV drugs and the IV route of administration have been eliminated for the present, by mutual agreement with the New Mexico Board of Chiropractic Examiners. The New Mexico Medical Board and the Pharmacy Board have also agreed that there is insufficient, documented evidence of significant, "hands-on" clinical training and experience with techniques and complications of IV drug administration to warrant consideration of the IV route at present. Such training is strongly recommended;

**NM BOARD RECOMMENDATION:**

**ADVANCED PRACTICE CHIROPRACTIC FORMULARY**

**Page 2**

2. The New Mexico Medical Board and New Mexico Board of Chiropractic Examiners Task Force also agreed to remove intramuscular (IM) and subcutaneous (SQ) drugs from the formulary at the present time. The Advanced Practice Chiropractors, however, have previously been authorized to inject saline, procaine, and Sarapin by IM and SQ routes;
3. Drugs not approved by the FDA for clinical use have been eliminated from consideration (this specifically refers to Estriol here); and,
4. The New Mexico Medical Board has concluded that acceptable routes of administration may include topical, sublingual, and oral. "Dangerous drugs" (defined by the Pharmacy Board as all those requiring prescription) may be given by these routes only, with the additional requirement that the patient must first be screened, by appropriate medical and laboratory means, for existing problems and contraindications (such as renal or other systemic diseases). Appropriate coordination with the patient's allopathic or osteopathic physician is strongly recommended.

In conclusion, the New Mexico Medical Board acknowledges the intent of the Legislature to grant an advanced practice, expanded formulary to specially trained Chiropractors. In this specific regard, the Medical Board further recommends that the New Mexico Board of Chiropractic Examiners carefully design a sequenced program of educational steps (including appropriate education, specific clinical training, and hands-on experience) for each dangerous drug and class of dangerous drugs to be included in the Advanced Practice Formulary. The approval for the use of such drugs would then derive from the successful completion of an appropriate curriculum and clinical training, and from the passage of a national level examination.

Attachment: ChiroForm NMMB-mof-02-09-10

# Advanced Practice Chiropractic Formulary

[Modified Formulary acceptable to the New Mexico Medical Board]

Physical Medicine Therapies: SQ, IM and IA administration [all injectables]

NONE

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**Hormones topical, sublingual, oral administration [all require Rx]**

## **Hormones**

*Estradiol*

*Progesterone*

*Testosterone*

*Dessiccated thyroid*

~~*Estriol*~~ [Specifically excluded: Non-FDA approved]

## **Muscle relaxers**

*Cyclobenzaprine (Flexeril)*

## **NSAIDs [Prescription Strength] \***

*Ibuprofen*

*Naproxen*

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## **Vitamins (for Oral use only)**

*Ascorbic Acid (C)*

*D3 (cholecalciferol)*

*Dexapanthenol (B5)*

*Folic Acid (B9)*

*Hydroxocobalamin (B12)*

*Methylcobalamin (B12)*

*Niacin (B3)*

*Pyridoxine HCl (B6)*

*Riboflavin (B2)*

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## **Prescription Medications for Topical Application for Pain \***

NMDA Ca<sup>2+</sup> channel antagonists

*Dextromethorphan*

NSAID's

*Ketoprofen*

*Piroxicam*

*Naproxen*

*Ibuprofen*

*diclofenac*

Muscle Relaxant

*Cyclobenzaprine*

NA channel antagonists

*Lidocaine*

*Additional OTC drugs as needed in compounded formulations for topical applications for pain treatment.*

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1. \* = The patient must first be screened, by appropriate medical and laboratory means, for existing problems and contra-indications (such as renal or other systemic diseases). Appropriate coordination with the patient's allopathic or osteopathic physician is strongly recommended.