

NEW MEXICO MEDICAL BOARD
Regular Board Meeting
February 19-20, 2015
FINAL MINUTES

Members Present: Steve Weiner, M.D., Chair (Teleconference)
Steven Jenkusky, M.D., Vice Chair
Jennifer Anderson, Esquire, Public Member
James Spence, M.D.
Steven Komadina, M.D.
Peter Beaudette, M.D.
Albert Bourbon, PA-C

Members Absent: Rick Wallace, FACHE, Public Member

Others Present: Debbie Dieterich, Acting Director
Grant La Farge, M.D., Medical Director
Sondra Frank, Board Attorney
Dan Rubin, Administrative Prosecutor
Amanda Quintana, Licensing Manager
Kate Compton, Public Information Officer
Amanda Chavez, Investigator
Samantha Breen, Administrative Assistant

1. CALL TO ORDER / ROLL CALL

Dr. Jenkusky called the Regular Board Meeting of the New Mexico Medical Board to order at 8:30 a.m. and a quorum was present.

2. APPROVAL OF AGENDA

MOTION was made by Dr. Jenkusky to approve the Agenda. **SECONDED** by Mr. Bourbon. **YES:** Dr. Jenkusky; Dr. Spence; Dr. Komadina; Dr. Beaudette; Mr. Bourbon and Dr. Weiner. **MOTION CARRIED.**

3. APPROVAL OF MINUTES

MOTION was made by Dr. Jenkusky to accept and approve the minutes of the December 5, 2014 Emergency Meeting as presented. **SECONDED** by Dr. Spence. **YES:** Dr. Jenkusky; Dr. Spence; Dr. Komadina; Dr. Beaudette; Mr. Bourbon and Dr. Weiner. **MOTION CARRIED.**

MOTION was made by Dr. Jenkusky to accept and approve the minutes of the January 8, 2015 Interim Meeting as presented. **SECONDED** by Dr. Spence. **YES:** Dr. Jenkusky; Dr. Spence; Dr. Komadina; Dr. Beaudette; Mr. Bourbon and Dr. Weiner. **MOTION CARRIED.**

MOTION was made by Dr. Jenkusky to accept and approve the minutes of the January 13, 2015 Special Meeting as presented. **SECONDED** by Dr. Spence. **YES:** Dr. Jenkusky; Dr. Spence; Dr. Komadina; Dr. Beaudette; Mr. Bourbon and Dr. Weiner. **MOTION CARRIED.**

EXECUTIVE SESSION: Complaint Committee Reports / Executive Committee Report

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 Dr. Dr. spence. **YES:** Dr. Jenkusky; Dr. Spence; Dr. Komadina; Dr. Beaudette; Mr. Bourbon and Dr. Weiner. **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.

4. ACTIONS RELATED TO EXECUTIVE SESSION

Complaint Committee A

RECOMMENDATION was made by Dr. Jenkusky to **CLOSE** Case #2014-A-116 and #2014-A-140 **YES:** Dr. Spence; Dr. Komadina; Dr. Beaudette; Mr. Bourbon and Dr. Weiner. **RECUSED:** Dr. Jenkusky. **MOTION CARRIED.**

RECOMMENDATION was made by Dr. Jenkusky to **CLOSE** Case #2014-A-111 and 2014-A-128 with an Advisory Letter. **YES:** Dr. Spence; Dr. Komadina; Dr. Beaudette; Mr. Bourbon and Dr. Weiner. **RECUSED:** Dr. Jenkusky. **MOTION CARRIED.**

Case #2014-A-028 RECOMMENDATION was made by Dr. Jenkusky to issue a Notice of Contemplated Action based on, but not limited to, injudicious prescribing; failure to maintain complete medical records; and conduct likely to harm. **YES:** Dr. Spence; Dr. Komadina; Dr. Beaudette; Mr. Bourbon and Dr. Weiner. **RECUSED:** Dr. Jenkusky. **MOTION CARRIED.**

Case #2014-A-055 RECOMMENDATION was made by Dr. Jenkusky to issue a Notice of Contemplated Action based on, but not limited to, injudicious prescribing; failure to maintain complete medical records; and conduct likely to harm. **YES:** Dr. Spence; Dr. Komadina; Dr. Beaudette; Mr. Bourbon and Dr. Weiner. **RECUSED:** Dr. Jenkusky. **MOTION CARRIED.**

Case #2014-A-192 RECOMMENDATION was made by Dr. Jenkusky allowing physician applicant to withdraw his application for licensure while under investigation if Doctor does not accept then a Notice of Contemplated Action will be issued based on, but not limited to, licensure action in another state and habitual excessive use of substances. **YES:** Dr. Spence; Dr. Komadina; Dr. Beaudette; Mr. Bourbon and Dr. Weiner. **RECUSED:** Dr. Jenkusky. **MOTION CARRIED.**

Complaint Committee B

RECOMMENDATION was made by Dr. Komadina to **CLOSE** Case #2014-B-117; 2014-B-136 and 2014-B-145. **YES:** Dr. Jenkusky; Dr. Beaudette; Mr. Bourbon and Dr. Weiner. **RECUSED:** Dr. Spence and Dr. Komadina. **MOTION CARRIED.**

RECOMMENDATION was made by Dr. Komadina to **CLOSE** Case #2014-B-120; 2014-B-139; 2014-B-149 with an Advisory Letter. **YES:** Dr. Jenkusky; Dr. Beaudette; Mr. Bourbon and Dr. Weiner. **RECUSED:** Dr. Spence and Dr. Komadina. **MOTION CARRIED.**

Case #2013-B-087 RECOMMENDATION was made by Dr. Komadina to issue a letter of reprimand based on but not limited to conduct likely to deceive; harm the public; conduct unbecoming; obtaining a fee by fraud and misrepresentation; representing a treatments efficacy; making a false statement in a document connected with the practice of medicine; dishonesty and violating the drug law, if the letter is not accepted an NCA is recommended based on the same. **YES:** Dr. Jenkusky; Dr. Beaudette; Mr. Bourbon and Dr. Weiner. **RECUSED:** Dr. Spence and Dr. Komadina. **MOTION CARRIED.**

Complaint Committee C

RECOMMENDATION was made by Mr. Bourbon to **CLOSE** Case #2014-C-048; 2014-C-133; 2014-C-135; 2014-C-146; 2014-C-150. **YES:** Dr. Jenkusky; Dr. Spence; Dr. Komadina; Dr. Beaudette and Dr. Weiner. **RECUSED:** Mr. Bourbon. **MOTION CARRIED.**

Case #2014-C-113 RECOMMENDATION was made by Mr. Bourbon offering physician a stipulated order mirroring the conditions of the other state medical board orders and agreements to comply with these conditions, along with a letter of reprimand for failure to report adverse action. If he does not accept a Notice of Contemplated Action based on but not limited to adverse licensure action in another state and failure to report. **YES:** Dr. Jenkusky; Dr. Spence; Dr. Komadina; Dr. Beaudette and Dr. Weiner. **RECUSED:** Mr. Bourbon. **MOTION CARRIED.**

Complaint Committee D

RECOMMENDATION was made by Dr. Beaudette to **CLOSE** Case #2014-D-080 and 2014-D-165. **YES:** Dr. Jenkusky; Dr. Spence; Dr. Komadina; Mr. Bourbon and Dr. Weiner. **RECUSED:** Dr. Beaudette. **MOTION CARRIED.**

RECOMMENDATION was made by Dr. Beaudette to **CLOSE** Case #2014-D-131 and 2014-D-151 with an Advisory Letter **YES**: Dr. Jenkusky; Dr. Spence; Dr. Komadina; Dr. Kankanala; Mr. Bourbon and Dr. Weiner. **RECUSED**: Dr. Beaudette. **MOTION CARRIED**.

Case #2013-D-147 RECOMMENDATION was made by Ms. Anderson to send a letter to the physician that the Board expects him to communicate appropriately with patients and the Board will be watching closely with respect to future complaints. **YES**: Dr. Jenkusky; Dr. Spence; Dr. Komadina; Mr. Bourbon; **RECUSED**: Ms. Anderson; Dr. Beaudette. **MOTION CARRIED**.

Complaint Committee E

RECOMMENDATION was made by Dr. Weiner to **CLOSE** Case #2013-E-221 and 2014-E-130. **YES**: Dr. Jenkusky; Dr. Spence; Dr. Komadina; Dr. Beaudette and Mr. Bourbon. **RECUSED**: Dr. Weiner. **MOTION CARRIED**.

Case #2014-E-159 RECOMMENDATION was made by Dr. Weiner to issue Notice of Contemplated Action to deny licensure based on, but not limited to incompetency to practice medicine. **YES**: Dr. Jenkusky; Dr. Spence; Dr. Komadina; Dr. Beaudette and Mr. Bourbon. **RECUSED**: Dr. Weiner. **MOTION CARRIED**.

Case #2015-E-002 RECOMMENDATION was made by Dr. Weiner to issue a stipulated license, the physician is required mandatory participation in MTP, if physician does not accept a Notice of Contemplated Action is recommended based on but not limited to habitual excessive use of alcohol or substances. **YES**: DR. Jenkusky; Dr. Spence; Dr. Komadina; Dr. Beaudette and Mr. Bourbon. **RECUSED**: Dr. Weiner. **MOTION CARRIED**.

5. LICENSING ISSUES, NEW APPLICANTS / REINSTATEMENTS

Harvey Zeligman, M.D. – Consider 42 years of clinical experience in lieu of the second year of accredited PGT.

MOTION was made by Dr. Spence to accept Dr. La Farge's recommendation of 42 years of clinical experience in lieu of the second year of accredited PGT. **SECONDED**: Dr. Jenkusky **YES**: Dr. Jenkusky; Dr. Spence; Dr. Komadina; Dr. Beaudette; Mr. Bourbon and Dr. Weiner. **MOTION CARRIED**.

Daniel Brandt, M.D. – Consider Settlement Agreement – Case No. 2015-001

MOTION was made by Dr. Komadina to accept the proposed settlement as presented by Mr. Rubin. Physician is stipulating to surrender of his license. **MOTION** was made by Dr. Weiner to **ACCEPT** the proposed settlement as presented by Mr. Rubin. **SECONDED**: Dr. Beaudette **YES**: Dr. Spence; Dr. Komadina; Dr. Beaudette; Mr. Bourbon and Dr. Weiner. **RECUSED**: Dr. Jenkusky. **ABSENT**: Mr. Wallace and Ms. Anderson. **MOTION CARRIED**.

Mohammed Aswad, M.D. – Amended Hearing Officers Report from Summary Suspension – Case No. 2014-044

MOTION was made by Dr. Weiner to accept the proposed settlement as presented by Mr. Rubin. Physician's license shall be suspended for a period of not less than 6 months, to be lifted after physician obtains a complete neuro-psych evaluation and completes the CPEP ProBE ethics course in Denver. The Board may accept and impose any restrictions on physician's license based on the evaluation. Physician shall not apply for DEA registration until January 1, 2016, after which time his prescribing of controlled substances will be restricted to within the context of treating patients in a hospital. **MOTION** was made by Dr. Weiner to **ACCEPT** the proposed settlement as presented by Mr. Rubin. **SECONDED**: Mr. Wallace **YES**: Dr. Weiner; Mr. Wallace; Ms. Anderson; Dr. Spence; Dr. Komadina; Dr. Beaudette; Dr. Jenkusky. **RECUSED**: Dr. Kankanala; Mr. Bourbon. **ABSENT**: Dr. Kankanala. **MOTION CARRIED**.

Alston Lundgren, M.D. – Consider Settlement Agreement – Case No. 2014-061

MOTION was made by Dr. Komadina to accept the proposed settlement as presented by Mr. Rubin. Physician is stipulating to the surrender of his license. **MOTION** was made by Dr. Weiner to **ACCEPT**

the proposed settlement as presented by Mr. Rubin. **SECONDED:** Dr. Beaudette **YES:** Dr. Spence; Dr. Komadina; Dr. Beaudette; Mr. Bourbon and Dr. Weiner. **RECUSED:** Dr. Spence and Dr. Komadina. **ABSENT:** Mr. Wallace and Ms. Anderson. **MOTION CARRIED.**

Christopher Driskill, M.D. – Case No. 2014-061

MOTION was made by Dr. Jenkusky to **DENY** the motion to expunge the record. **SECONDED:** Mr. Bourbon **YES:** Dr. Jenkusky; Dr. Spence; Dr. Komadina; Dr. Beaudette; Mr. Bourbon and Dr. Weiner. **ABSENT:** Mr. Wallace and Ms. Anderson. **MOTION CARRIED.**

MOTION was made by Dr. Jenkusky to lift Dr. Driskill's suspension of his license and provide a stipulated license to return to practice once the discharge recommendation from the Promises program are in place. The recommendations are as follows, sign a contingency monitored agreement with the New Mexico Monitored Treatment Program that includes the following; Participate in a CME based professional boundaries class as soon as can be arranged, which should be completed before Dr. Driskill returns to practice; attend 12 step meetings on a regular basis; participate in random drug testing; participate in on going monitoring groups; participate in psychotherapy; comply with all other requirements of New Mexico MTP; no further contact with any of the women with whom he had affairs; have a chaperone / scribe with him at all times when meeting with patients for his own protection and documentation and finally to return to Promises for one week follow up visit at no cost within one year as needed. **SECONDED:** Dr. Spence **YES:** Dr. Jenkusky; Dr. Spence; Dr. Komadina; Dr. Beaudette; Mr. Bourbon and Dr. Weiner. **ABSENT:** Ms. Anderson and Mr. Wallace. **MOTION CARRIED**

6. 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 personal matters. **SECONDED** by Dr. Spence. **YES:** Dr. Jenkusky; Dr. Spence; Dr. Komadina; Dr. Beaudette; Mr. Bourbon and Dr. Weiner. **MOTION CARRIED.**

Chair Report

In consultation with the Governor's office we will be opening up to applicant's external and internal to apply for the Executive Director position.

Interim Director

Ms. Dieterich informed the Board that if they have any suggestions, topic or presenters to be placed on future agendas they need to inform office staff.

The Board's meeting resolution requires the Board to have four meetings a year, the interim meetings are not required. The issues with interim meetings are they are telephonic and this is a legal issue, due to the opens meeting act. So we can always cancel the interim meetings and if needed hold a special meeting if needed between the quarterly Board meetings. We could also possibly travel to Albuquerque to have the interim meetings as most of the Board Members live their.

Ms. Dieterich informed the Board of vacancies at the Board office other than the Executive Director position; Currently Licensing has a position open which Ms. Quintana has been interviewing for; Investigations has a position open due to Ms. Compton taking the Public Information Officer position; Financial has a full time position open to help Ms. Macarenas with financials.

The FSMB Annual Meeting will be held on April 23-25, 2015 Dr. La Farge will be attending. There is a space reserved for the chair, however, Dr. Weiner is unable to attend, so there is a space open if another Board member would like to attend. If a Board Member is unable to go Dr. La Farge will be our voting delegate for the meeting.

Medical Director

Dr. La Farge updated the Board on the FSMB Interstate Compact license. FSMB has come up with the final form of the document for the Interstate Medical Licensure Compact model in September and since that time their have been eight states passing this legislation through their legislatures. As of today there are currently thirteen states, the additional states are Montana, Illinois, Oklahoma, West Virginia and Maryland. The Executive Director of Washington Dr. Blake Marsh who is very active with pushing the compact through, it's interesting that Washington as of yet has not put this through their legislature.

There is still a lot of controversy regarding this, New Mexico as you know is not interested in passing this through legislature. We do not need this as we already have an expedited licensure process.

Board Attorney

Ms. Frank updated the Board on Mark Walden, M.D. who has appealed the Board's order for him to do residency. He is currently representing himself, the record proper has been filed and we are waiting to see what he is appealing.

Dr. Kothalanka is still in appeal status, we have already briefed this case and we are awaiting oral argument which is set up for mid March. This case has been assigned to a new Judge in Albuquerque, Victor Lopez, who is brand new to the bench so it will be education on his end.

Licensing Manager

Ms. Quintana does not have a report.

Financial / HR Manager

Ms. Mascarenas informed the Board that the FY14 Audit was completed with no findings an exit conference was held, which was attended by Dr. Weiner, Lynn Hart and I. At this point the Board needs to vote to approve the audit. **MOTION** was made by Dr. Komadina to approve the audit. **SECONDED** by Dr. Spence. **YES:** Dr. Jenkusky; Dr. Spence; Dr. Komadina; Dr. Beaudette; Mr. Bourbon and Ms. Anderson. **MOTION CARRIED.**

Ms. Mascarenas reported the FY15 Budget and Revenue Status projections ending December 31st, 2014. She stated that we expended \$827,000 or 44% of budget from July 2014 to December 2014. We collected \$390,000 or 21%. Our current cash balance is just over two million dollars.

The FY16 Appropriation Request H AFC hearing was held on February 5, 2015, Ms. Dieterich, Ms. Quintana, Ms. Frank and I attended the hearing. The H AFC approved the DFA recommendations which is one \$1,846,800 this is a decrease of about \$39,000 from our current operating budget. The recommendation also includes a point five fte. This is an order to fund a full time business operations specialist in the finance department. The point five fte will be added to the current point five to make a full time employee. The house bill to may include the authority to increase our budget up to 5% from cash balance reserves and also we asked for a \$100,000 in additional bar language for the administrative hearing and litigation expenditures.

Investigations Department

Ms. Dieterich gave a status report on the investigations department. Investigation did not have a lot of cases to bring to the Board this quarter due to Ms. Chavez and Ms. Compton clearing out the back log which went to the November meeting.

In calendar year 2014 there were one hundred and ninety two complaints and since January there are currently forty one complaints. Twenty one are Board Initiated.

Administrative Prosecutor

Prosecution Status Report – Mr. Rubin reported on the status of pending administrative prosecution cases, including:

George Schwartz, M.D. – Has appealed district court decision dismissing his lawsuit against us. Now it is up to the court of appeals to decide what to do.

Pawan Jain, M.D. – A decision is pending before the Las Cruces District Court.

Richard Rubin, PA – Mr. Richard Rubin his dismissal of his lawsuit was upheld by the tenth circuit

Paul Bateman – A hearing is going to be held April 1, 2015

Michael Dolvin – Currently awaiting an order of dismissal

EXECUTIVE SESSION: MTP and Non MTP 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 Dr. Spence. **YES:** Dr. Jenkusky; Dr. Spence; Dr. Komadina; Dr. Beaudette; Mr. Bourbon and Ms. Anderson. **MOTION CARRIED.**

Board Monitored Compliance Report [Non MTP]

Ms. Dieterich reviewed the compliance report and reported on the status of licensees.

NM Monitored Treatment Program (MTP)

John Thayer of the NM Monitored Treatment Program was presented the status of all mandatory MTP participants and answered questions from the Board.

Informal Interviews

Bertrand Basset, M.D. (absent); Nancy Sachel, P.A. (absent); Leslie Carroll, M.D.; Milton Sanchez, PSGT; Sally D'Angelo, M.D.; Julie Dicianno, M.D. (absent); Jennifer Tso, P.A.; Sudha Kailas, M.D.; Stephen Cain, M.D.; Juan Rossini, M.D.; Mona Sarrai, M.D.; Welman Shrader, M.D.; Benjamin Stake, M.D.; David Stalker, M.D.; Paul Walsky, M.D.; Nicholas Nardacci, M.D.; Stephen Petrakis, M.D.; Chandler Morgan, PSGT; Michael Bermudez, M.D. (teleconference); Richard Hempstead, M.D. (teleconference)

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.

7. ACTIONS RELATED TO EXECUTIVE SESSION

Stephen Cain, M.D. – Release from Board Stipulation

MOTION was made by Dr. Jenkusky to deny Dr. Cain from the Board Stipulated Order. **SECONDED:** Ms. Anderson. **YES:** Dr. Jenkusky; Ms. Anderson; Dr. Spence; Dr. Komadina; Dr. Beaudette and Mr. Bourbon. **MOTION CARRIED.**

Sally D'Angelo, M.D. – Release from Board Stipulated Order

MOTION was made by Dr. Jenkusky to release Dr. D'Angelo from the Board Stipulated Order. **SECONDED:** Mr. Bourbon. **YES:** Dr. Jenkusky; Ms. Anderson; Dr. Spence; Dr. Komadina; Dr. Beaudette and Mr. Bourbon. **MOTION CARRIED.**

Julie Dicianno, M.D. – Requesting Amendment of Stipulation

MOTION was made Dr. Jenkusky to deny Dr. Dicianno's request of Amending the Stipulated Order. **SECONDED:** Ms. Anderson. **YES:** Dr. Jenkusky; Ms. Anderson; Dr. Spence; Dr. Komadina; Dr. Beaudette and Mr. Bourbon. **MOTION CARRIED.**

Sudha Kailas, M.D. – Release from Board Stipulated Order

MOTION was made Dr. Jenkusky to release Dr. Kailas from the Board Stipulated Order. **SECONDED:** Ms. Anderson. **YES:** Dr. Jenkusky; Ms. Anderson; Dr. Spence; Dr. Komadina; Dr. Beaudette and Mr. Bourbon. **MOTION CARRIED**

Juan Rossini, M.D. – Release from Board Stipulated Order

MOTION was made Dr. Jenkusky to release Dr. Rossini from the Board Stipulated Order. **SECONDED:** Dr. Komadina. **YES:** Dr. Jenkusky; Ms. Anderson; Dr. Spence; Dr. Komadina; Dr. Beaudette and Mr. Bourbon. **MOTION CARRIED**

Chandler Morgan, PSGT – Release from Board Stipulated Order

MOTION was made by Dr. Jenkusky to release Mr. Morgan from the Board Stipulated Order. **SECONDED:** Mr. Bourbon. **YES:** Dr. Jenkusky; Ms. Anderson; Dr. Spence; Dr. Komadina; Dr. Beaudette and Mr. Bourbon. **MOTION CARRIED.**

Jennifer Tso, P.A. – Release from Board Stipulated Order

MOTION was made Dr. Jenkusky to release Ms. Tso from the Board Stipulated Order once completion of MTP on April 12, 2015. **SECONDED:** Ms. Anderson. **YES:** Dr. Jenkusky; Ms. Anderson; Dr. Spence; Dr. Komadina; Dr. Beaudette and Mr. Bourbon. **MOTION CARRIED**

Stephen Petrakis, M.D. – Release from Board Stipulated Order

MOTION was made by Dr. Jenkusky to release Dr. Petrakis from the Board Stipulated Order.

SECONDED: Mr. Bourbon. **YES:** Dr. Jenkusky; Ms. Anderson; Dr. Spence; Dr. Komadina; Dr. Beaudette and Mr. Bourbon. **MOTION CARRIED.**

ADJOURN

Dr. Jenkusky adjourned the first day [February 19, 2015] of the February Regular Board Meeting at 5:10 p.m.

Friday, February 20, 2015

Dr. Jenkusky reconvened the Medical Board and called the meeting to order at 9:00 a.m. on Friday, February 20, 2015; a quorum was present.

8. Presentation by Jonathan Bolton, M.D., UNMH - Professionalism

Dr. Bolton presented to the Board a model of professionalism and how we manage our work related relationships. Dr. Bolton is developing a program that focuses on Physicians who are failing with these relationships. The program would be similar to the programs at UC San Diego, Vanderbilt Universities and two Kansas programs, which is a 5 day program. There would be a pre-program screening that would make sure they fit the profile of the program before they could be accepted in to the program. The goal is behavior change not simply education but providing skills. This would only be for New Mexico based Physicians. Dr. Jenkusky stated that this would be a very useful program. Dr. Komadina stated that this program would be beneficial for all physicians for self improvement as well as therapeutic and a great way to correct personalities.

9. Presentation by Cameron Burrup, M.D., President of the NM Society of Anesthesiologist-Procedural Sedation

Dr. Burrup presented to the Board that approximately 3 years ago a Physician from Farmington, Dr. Ketchum presented to the Medical Society about a proposed change basically allowing RN's to provide propofol in an emergency based situation. There was news about two months ago that the Nursing Board was holding a hearing for rules change to the Nursing licensure part two. This change would allow RN's to provide propofol and ketamin and this could be in any setting, this went into effect January 19, 2015. This is dangerous to the public because this can be done in any setting. Dr. Spence suggested that Dr. Burrup to get invited to the council meeting and present this. Dr. Komadina stated that we are assigned to look out for the patient safety of New Mexico and this is a real issue. That we should see if the Board of Nursing would be willing to talk to the NMMB regarding this. Dr. Beaudette stated that this is a liability for the individuals giving propofol and ketamin as well. Dr. Burrup would like to see limitations placed on this. Dr. Spence suggests that the NM Society of Anesthesiologist seek other entities that would support their opposition. Ms. Frank asked if their society appealed this ruling, Dr. Burrup said that they did not have the funding to appeal this. Dr. Spence asked if this is an issue that the NMMB should have appealed? Ms. Frank said that we were not aware of this. Dr. Jenkusky stated that we need to keep track of other Boards agendas so that we are aware and not blindsided.

10. Old Business

Dr. Jenkusky presented the Administrative Medicine Committee Report to the Board that he and Dr. Komadina working in collaboration with staff and looked at the Administrative Medical Doctor licensing issue. We could issue a license if the Physician would attest that they will appropriately limit their practice to areas where they are competent. We would need to follow up with the rule making policy that incorporates this into our rules so that if we felt that someone was practicing beyond their competency we could enforce the physician to prove their competency.

Dr. Jenkusky and Dr. La Farge presented Senators Udall's Updated Senate Bill – Prescription Drug Use Act. The Board discussed this and decided to send a letter that reflects that we cannot support this bill in its current form because we are very concerned at removing the limits on how much suboxone a provider could prescribe without their being some condition that patients also participate in a treatment

program. **MOTION** was made Dr. Komadina. **SECONDED:** Dr. Spence **YES:** Dr. Jenkusky; Ms. Anderson; Dr. Spence; Dr. Komadina and Dr. Beaudette. **ABSTAINED:** Mr. Bourbon **MOTION CARRIED**

11. New Business

Dr. La Farge, Ms. Frank and Ms. Compton updated the Board on the 2015 Legislative Session. The Board discussed HB 54, HB 122, HB 139, HB 186, HB 294, HB 384, HB 390, HB 391, HB 395, HB 398, SB 21, SB 190, SB 243, SB 284, SB 299, SB 309, SB 325, SB 362, SB 376, SB 422 and SB 437.

Agenda item Loss Prevention Audit has been tabled.

Ms. Compton updated the Board on the New Mexico Medical Board Website and that we are modeling it after the North Carolina Medical Boards website. Newsletters will start being sent out, it will be an electronic and the Board discussed this being posted on our website and emailed to licensees. We have reestablished our relationship with Administrators in Medicine and we are back on Exec net, which is an internet connection with other boards.

Dr. Jenkusky presented the Practitioner PMP Report Cards from Pharmacy Board which is to identify Physicians that have a high number of prescriptions for opiates, benzodiazepines or soma. Also, these are our licensees who are not accessing the PMP. The Board discussed this and decided to have staff send a letter to these licensees that they are not accessing the PMP and this is in violation of our rules and what the licensees explanation is.

MOTION was made Dr. Spence to have MTP to come to the next meeting to discuss a proposal for looking at diversion programs. **SECONDED:** Dr. Jenkusky **YES:** Dr. Jenkusky; Ms. Anderson; Dr. Spence; Dr. Komadina and Dr. Beaudette. **ABSENT:** Mr. Bourbon **MOTION CARRIED**

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. Komadina and Dr. Beaudette. **ABSENT:** Dr. Weiner and Mr. Bourbon **MOTION CARRIED.**

12. ADJOURN

There being no further business before the Board, Dr. Jenkusky adjourned the meeting at 12:30p.m.

SUBMITTED BY: Debbie Dieterich DATE: 5-20-15
Debbie Dieterich, Acting Director

APPROVED BY: Steven M. Jenkusky DATE: 5/20/15
Steven M. Jenkusky, M.D., Chair

APPROVED BY: Albert Bourbon DATE: 5-18-15
Albert Bourbon, P.A., Vice Chair