

**NEW MEXICO MEDICAL BOARD**  
***Interim Meeting***  
**June 30, 2011**

**MINUTES**

**Members Present:**

Steven Weiner, M.D., Chairman  
Rebecca Cochran, CPMSM, CPCS , Vice-Chair, Public Member – by teleconference  
Paul Kovnat, M.D., Secretary Treasurer  
Roger Miller, M.D.  
Kathy Abeles, Public Member  
Steve Jenkusky, M.D. – by teleconference  
Sam Kankanala, M.D – by teleconference  
Albert Bourbon, P.A. – by teleconference

**Also Present:**

Lynn Hart, Executive Director  
Andrea Buzzard, Assistant Attorney General  
McKenzie Bryson, Administrative Prosecutor  
Jerry Marshak, Administrative Prosecutor  
Grant La Farge, M.D., Medical Director  
Lynn Tipton, Administrative Assistant  
JJ Walker, Compliance / Public Information Officer  
Debbie Dieterich, Senior Investigator  
Leann Adams, Investigator  
Amanda Quintana, Licensing Manager

A list of attendees is attached.

**Rule Hearing was held at 4:00 pm and the following rules were considered:**

**16.10.4 NMAC Continuing Medical Education**

**16.10.10 NMAC Report of Settlements, Judgments, Adverse Actions and Credentialing Discrepancies**

**Comments were heard from the Board and from Presbyterian Healthcare Services.**

**1. CALL TO ORDER**

The interim meeting of the New Mexico Medical Board convened at 4:29 p.m., Thursday, June 30, 2011 in the Board Conference Room, 2055 S. Pacheco, Santa Fe, New Mexico, **Steven Weiner, M.D.** presiding. A quorum was declared.

**2. APPROVAL OF AGENDA**

Dr. Weiner **MOVED** to approve the agenda. Ms. Cochran **SECONDED: YES:** Dr. Weiner, Dr. Miller, Ms. Abeles, Dr. Kovnat, Mr. Bourbon, Ms. Cochran, Dr. Kankanala and Dr. Jenkusky. **MOTION CARRIED.**

**3. APPROVE MINUTES**

Dr. Weiner **MOVED** to approve the minutes of the May 19-20, 2011 Quarterly Board meeting. Dr. Kovnat **SECONDED. YES:** Dr. Weiner, Dr. Miller, Ms. Abeles, Dr. Kovnat, Mr. Bourbon and Ms. Cochran. **RECUSED:** Dr. Kankanala and Dr. Jenkusky. **MOTION CARRIED.**

4. **ADOPTION OF RULES – 16.10.4 NMAC and 16.10.10 NMAC**  
**16.10.4 NMAC – Continuing Medical Education - MOTION** was made by Dr. Weiner to adopt Rule 16.10.4 NMAC as proposed. **SECONDED** by Dr. Miller. **YES:** Dr. Weiner, Dr. Kovnat, Ms. Abeles, Ms. Cochran, Dr. Miller, Dr. Kankanala, Dr. Jenkusky and Mr. Bourbon. **MOTION CARRIED.**
- 16.10.10 NMAC – Report of Settlements, Judgments, Adverse Actions and Credentialing Discrepancies - MOTION** was made by Dr. Weiner to table 16.10.10 NMAC for further discussion. **SECONDED** by Ms. Abeles. **YES:** Dr. Weiner, Dr. Kovnat, Dr. Miller, Ms. Abeles, Dr. Kankanala, Dr. Jenkusky and Mr. Bourbon. **MOTION CARRIED.**
5. **CHAIR REPORT** – Dr. Weiner welcomed our new board member, Dr. Sambaiah Kankanala. Dr. Kankanala resides in Hobbs, New Mexico and replaces Dr. Crespino on the Board.
6. **EXECUTIVE DIRECTOR** – Ms. Hart introduced McKenzie Bryson as the Administrative Prosecutor for the board. She also mentioned that the board should have a new member before the August meeting to fill Dr. Wehr's position.
7. **Rule Review – Naprapathic Rules, Parts 1 through 11**  
**MOTION** was made by Dr. Weiner to approve the proposed revisions to the Naprapathic Rules, Parts 1 through 11 for a rule Hearing to be held on Friday, August 12, 2011. **SECONDED** by Ms. Abeles. **YES:** Dr. Weiner, Dr. Kovnat, Dr. Miller, Ms. Cochran, Dr. Kankanala, Dr. Jenkusky and Mr. Bourbon. **MOTION CARRIED.**

**Executive Session:** **MOTION** was made by Dr. Weiner and **SECONDED** by Ms. Abeles to go into executive session to discuss matters of licensure and discipline.

**YES:** Dr. Weiner, Dr. Miller, Ms. Abeles, Dr. Kovnat, Mr. Bourbon, Ms. Cochran, Dr. Kankanala and Dr. Jenkusky. **MOTION CARRIED**

The Board returned to open session. Dr. Weiner stated for the record that the matters discussed in executive session were limited to only those specified in the motion for closure.

8. **Investigations**

**Complaint Committee A:**

**Case No. 2008-A-149 and 2008-A-210 ( [REDACTED] ) RECOMMENDATION** was made by Dr. Kovnat to offer physician an Agreed Order of revocation. If physician does not accept, issue a Notice of Contemplated Action based on, but not limited to, a felony conviction. **YES:** Ms. Abeles, Ms. Cochran, Dr. Kankanala, Dr. Miller, Mr. Bourbon, Dr. Jenkusky and Dr. Weiner. **ABSTAINED:** Dr. Kovnat. **RECOMMENDATION PASSED.**

**Complaint Committee B:**

**Case No. 2011-B-020 RECOMMENDATION** was made by Ms. Cochran to refer this case back to Investigations.

**Case No. 2010-B-105 (Kathleen Van Osten, M.D.) RECOMMENDATION** was made by Ms. Cochran to offer physician a stipulated license requiring mandatory participation in the NM Monitored Treatment Program and other standard substance abuse stipulations along with the condition that physician practice initially in a low acuity setting. **YES:** Dr. Kovnat, Dr. Kankanala, Mr. Bourbon, Dr. Jenkusky, Dr. Weiner and Ms. Abeles. **ABSTAINED:** Ms. Cochran and Dr. Miller. **RECOMMENDATION PASSED.**

**Complaint Committee D:**

**Case No. 2010-D-241 ( [REDACTED] ) RECOMMENDATION** was made by Dr. Jenkusky that the Impaired Physician's committee recommendations be accepted and physician is ordered to undergo additional testing. **YES:** Dr. Kovnat, Ms. Abeles, Ms. Cochran, Dr. Kankanala, Dr. Miller, and Dr. Weiner. **ABSTAINED:** Dr. Jenkusky and Mr. Bourbon. **RECOMMENDATION PASSED.**

**9. LICENSING REQUESTS AND ACTIONS, NEW APPLICANTS/REINSTATEMENTS:**

- A. Robert Perez-Gautin, M.D. – Consider non ACGME post graduate training in lieu of 2<sup>nd</sup> year of accredited training and grant unrestricted medical license.** **MOTION** was made by Dr. Weiner to **ACCEPT** the non-ACGME post graduate training in lieu of 2<sup>nd</sup> year of accredited training and **GRANT** Dr. Perez-Gautin an unrestricted license to practice medicine in New Mexico. **SECONDED** by Dr. Kovnat. **YES:** Dr. Weiner, Dr. Miller, Ms. Abeles, Dr. Kovnat, Mr. Bourbon, Ms. Cochran, Dr. Kankanala and Dr. Jenkusky. **MOTION CARRIED.**
- B. John Joseph Iacuone, M.D. – Review mini-sabbatical assessment and grant unrestricted license.** **MOTION** was made by Dr. Weiner to **ACCEPT** the UNM Mini-sabbatical report and **GRANT** an unrestricted license to practice medicine in New Mexico. **SECONDED** by Ms. Cochran. **YES:** Dr. Weiner, Dr. Miller, Ms. Abeles, Dr. Kovnat, Mr. Bourbon, Ms. Cochran, Dr. Kankanala and Dr. Jenkusky. **MOTION CARRIED.**
- C. Decision and Order – Claude Gelinas, M.D.** **MOTION** was made by Ms. Cochran to **ADOPT** the Hearing Officer's Report in its entirety and in the Conclusion of Law the Board did not find sufficient evidence to conclude that there was a violation of the Medical Practice Act as alleged in the Notice of Contemplated Action. An **ORDER** of dismissal will be issued with an Advisory Letter warning him that he should exercise abundant caution and circumspection at all times if imbibing alcohol in order to guard against events of this nature occurring in the future and to assure to the public that he is and always remains a valuable asset to the patient community he serves. Dr. Gelinas is further cautioned to explore, introspectively or with professional assistance, including the Monitored Treatment Program, issues surrounding imbibing alcohol. **YES:** Dr. Kovnat, Mr. Bourbon, Dr. Kankanala, Dr. Jenkusky, Dr. Miller and Ms. Cochran. **NO:** Ms. Abeles **RECUSED:** Dr. Weiner. **MOTION CARRIED.**
- D. Decision and Order – Chinonyerem Osuagwu, M.D.** **MOTION** was made by Dr. Weiner to **ADOPT** the Hearing Officer's Report in its entirety and in the Conclusion of Law the Board did not find sufficient evidence to conclude that there was a violation of the Medical Practice Act as alleged in the Notice of Contemplated Action. An **ORDER** of dismissal will be issued with an Advisory Letter informing him that he must report to the Medical Board any adverse action taken by any health care entity regarding his privileges. **SECONDED** by Dr. Kovnat. **YES:** Dr. Kovnat, Mr. Bourbon, Dr. Kankanala, Dr. Jenkusky, Dr. Miller, Ms. Cochran and Dr. Weiner. **RECUSED:** Ms. Abeles. **MOTION CARRIED.**

E. **Decision and Order – Barry Maron, M.D.**  
**MOTION** was made by Dr. Weiner to **ADOPT** the Hearing Officer's Report in its entirety and in the Conclusion of Law the Board concludes that Respondent poses a clear and immediate danger to the public health and safety if he continues to practice medicine, and, therefore, that the Board's summary suspension order should remain in effect until further order of the Board. It is **ORDERED** that the Medical Board's summary suspension order of Dr. Maron is continued and remains in effect until further order of the Board. **SECONDED** by Ms. Abeles. **YES:** Dr. Kovnat, Ms. Abeles, Dr. Kankanala, Dr. Miller, Ms. Cochran and Dr. Weiner. **RECUSED:** Dr. Jenkusky and Mr. Bourbon. **MOTION CARRIED.**

F. **Steven Black, M.D. – Consider Settlement**  
**MOTION** was made by Dr. Weiner to **APPROVE** the Stipulated Agreement as presented, but also amend it to require affidavits be submitted quarterly, and that physician be required to appear quarterly before the Board. Also, Dr. Black's file will be reviewed on an annual basis. **SECONDED** by Dr. Kovnat. **YES:** Dr. Weiner, Ms. Abeles, Dr. Kankanala, Dr. Miller, Ms. Cochran and Dr. Kovnat. **RECUSED:** Dr. Jenkusky and Mr. Bourbon. **MOTION CARRIED.**

8. **ADJOURN:** There being no further business, the meeting adjourned at 5:42 p.m.

SUBMITTED BY:   
Lynn Hart, Executive Director

DATE: 8/16/2011

APPROVED BY:   
Steve Weiner, M.D., Chair

DATE: 8/15/2011

  
Paul Kovnat, M.D., Secretary Treasurer

DATE: 8 11 11