

**New Mexico Medical Board
Interim Meeting
January 5, 2012**

MINUTES

Members Present: Steven Weiner, MD, Chair
Rebecca Cochran, CPMSM, CPCS, Vice Chair,
Public Member – by teleconference
Paul Kovnat, MD, Secretary/Treasurer
Roger Miller, MD
Steve Jenkusky, MD
Sam Kankanala, MD – by teleconference
Steve Komadina, MD – by teleconference
Albert Bourbon, PA-C – by teleconference

Members Absent: None

Others Present: Lynn Hart, Executive Director
Andrea Buzzard, Assistant Attorney General
McKenzie Bryson, Administrative Prosecutor
Grant La Farge, M.D., Medical Director
J.J. Walker, Compliance Mgr. / PIO
Amanda Quintana, Licensing Manager
Samantha Breen, Licensing Staff
Debbie Dieterich, Senior Investigator
Amanda Chavez, Investigator

1. **Call to Order / Roll Call**
Dr. Weiner called the Interim Meeting to order at 4:00 p.m. and a quorum was determined present.
2. **Approve Agenda**
MOTION was made by Dr. Weiner to approve the Agenda. **SECONDED** by Dr. Jenkusky. **YES:** Dr. Weiner, Dr. Kovnat, Dr. Miller, Dr. Jenkusky, Mr. Bourbon, Ms. Cochran, Dr. Kankanala and Dr. Komadina. **MOTION CARRIED.**
3. **Approve Minutes**
MOTION was made by Ms. Cochran to approve the Minutes from the November 10-11, 2011 Quarterly Board meeting. **SECONDED** by Dr. Jenkusky. **YES:** Dr. Weiner, Dr. Kovnat, Dr. Miller, Dr. Jenkusky, Mr. Bourbon, Ms. Cochran, Dr. Kankanala and Dr. Komadina. **MOTION CARRIED.**
4. **Chair Report**
Dr. Weiner reported that he received an article on "*State laws on in-office surgeries*" that appeared in USA Today. He suggested the Board discuss this topic at the February meeting.

5. Executive Director

Ms. Hart announced the hiring of a new investigator. She will formally introduce Amanda Chavez to the Board at the February meeting.

6. Administrative Prosecutor

NM Medical Board / NM Board of Pharmacy v. NM Board of Chiropractic Examiners (Court of Appeals No 31,668)

Ms. Bryson updated the Board on the Appeal that has been filed in the Court of Appeals against the NM Board of Chiropractic. She reported that the Medical Board has filed their docketing statement jointly with the Board of Pharmacy. The International Chiropractor's Association (ICA) has also filed an appeal. The ICA filed a Motion to Stay with the Court of Appeals after Ms. Bryson presented an oral Motion to Stay on behalf of the ICA, the Board of Pharmacy, and the Medical Board at the Board of Chiropractic meeting on December 13, 2011.

Ms. Bryson advised the Board that the Medical Board has been invited to participate in mediation. The mediation is not court mandated and the purpose for holding mediation will be to analyze the legality for the Board of Chiropractic to proceed with promulgating Sections 11 and 12 of Rule 16.4.15 NMAC the Advanced Practice Chiropractic Formulary adopted at a rule hearing on August 30, 2011. Ms. Hart indicated that the Board of Chiropractic did not request a meeting with the Medical Board or the Board of Pharmacy prior to proposing and adopting a formulary rule that is a violation of the Board of Chiropractic statutes. Ms. Hart also pointed out that the Board of Chiropractic has not provided the Medical Board with a requested proposal for additional education prior to approval of an expanded formulary.

The Board directed Ms. Bryson to attend the mediation on the Board's behalf and to ensure that the Board's position on the adoption of Sections 11 and 12 of Rule 16.4.15 NMAC is understood. The Board had expressed their opposition to the proposed formulary in a letter dated August 12, 2011 and filed with the Board of Chiropractic Examiners as part of the official record of the Rule Hearing held on August 30, 2011. The Medical Board does not approve "dangerous drugs or controlled substances, drugs for administration by injection and substances not listed in Subsection A of HB 14 that require approval by the Medical Board and the Board of Pharmacy.

7. 2012 Legislative Session

Ms. Hart reported that several bills have been pre-filed. Of the pre-filed bills, some relate to procedural proposals, such as greater transparency in rulemaking. This year is primarily a budget session lasting only thirty days.

The Board's budget hearing before the House Appropriations & Finance Committee (HAFC) is set for Monday, January 9, 2012. At this hearing the Legislative Finance Committee and the Department of Finance both submit budget proposals for the Medical Board. We will request the budget with the least amount of cuts.

8. Licensure Requests and Actions, New Applicants/Reinstatements:

- **Janet Seng, M.D.** – Consider non-disciplinary stipulated license to practice administrative medicine

MOTION was made by Dr. Weiner to **ISSUE** Dr. Seng a non-disciplinary stipulated license limiting her practice to administrative, non-clinical work only. **SECONDED** by Dr. Kovnat. **YES:** Dr. Weiner, Dr. Kovnat, Dr. Miller, Dr. Jenkusky, Mr. Bourbon, Ms. Cochran, Dr. Kankanala and Dr. Komadina. **MOTION CARRIED.**

- **Loubna Scally, M.D.** – Review AACRAO evaluation and consider issuing an unrestricted license.
MOTION was made by Dr. Weiner to **ISSUE** Dr. Scally an unrestricted license pursuant to Paragraph (1) of Subsection A of Section 9 of Rule 16.10.2. **SECONDED** by Dr. Kovnat. **YES:** Dr. Weiner, Dr. Kovnat, Dr. Miller, Dr. Jenkusky, Mr. Bourbon, Ms. Cochran, Dr. Kankanala and Dr. Komadina. **MOTION CARRIED.**

9. Investigations

MOTION was made by Dr. Weiner 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. **SECONDED** by Dr. Kovnat. **YES:** Dr. Weiner, Dr. Kovnat, Dr. Miller, Dr. Jenkusky, Mr. Bourbon, Ms. Cochran, Dr. Kankanala and Dr. Komadina. **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.

- **Committee D: 2011-D-215**
Recommendation was made by Dr. Jenkusky to order that the physician be examined under the provisions of the Impaired Health Care Provider Act. This case shall remain open until the report is received at which time the case will return to the Board for final disposition. **YES:** Dr. Weiner, Dr. Kovnat, Dr. Miller, Ms. Cochran, Dr. Kankanala and Dr. Komadina. **ABSTAINED:** Dr. Jenkusky and Mr. Bourbon. **RECOMMENDATION PASSED.**

10. Report

National Licensure meeting updates – Paul Kovnat, MD

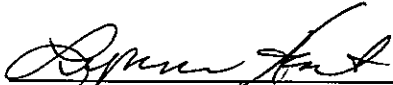
Dr. Kovnat updated the Board on the outcome of a meeting held in the Board conference room on December 2, 2011. In addition to Dr. Kovnat, attendees included: Dr. Scott Steingard, of the Arizona Steingard Medical Group; Lisa Robin, FSMB; Debbie Lyle, San Juan Regional Medical Center; Jonathan Linkous, CEO, American Telemedicine Association; Dr. Dale Alverson, UNM Telehealth; Dr. Karen Vaillant, NMMS; Dr. Sigrid Olson, Pecos Valley Medical Center; Charles Alfero, Center for Rural Health; Dr. James Spence, NMMS; Dr. David Roddy, NM Primary Care; Randy Marshall, NMMS; Dr. David Sklar, UNM; Fern Goodhart, Legislative Assistant to Senator Tom Udall, Michele Jacquez-Ortiz, Staff to Senator Tom Udall, Dr. Weiner, Dr. La Farge, Lynn Hart, Amanda Quintana, and JJ Walker.

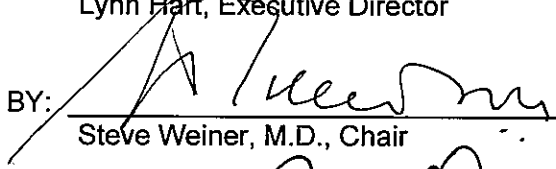
The goal of this meeting was to hear what the issues are concerning national licensure, credentials and accountability. Issues discussed included increased promptness in the issuance of licenses; although it was pointed out that New Mexico is one of the best states for providing timely licensure. The group discussed various approaches to managing the elements of licensure, credentialing, telemedicine and Federal healthcare delivery, including the possibility of inter-state consortiums.

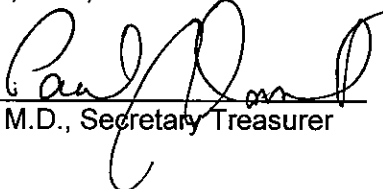
After hearing all the concerns, the group decided there would be a follow-up meeting, by teleconference, 12 days later. On December 14, 2011, the teleconference participants included: Fern Goodhart, Dr. James Spence, Dr. Dale Alverson, Lisa Robin, Jonathan Jagoda and Dr. Kovnat. During this meeting, the group discussed ways to move forward and to improve processes. Everyone understood this would take time. Only 15 states currently use a Uniform License Application. The Federation of State Medical Boards (FSMB) shared many ideas and agreed to continue work on the portability issue. Obtaining physician work verifications is very time consuming. The FSMB said many states are being creative when dealing with timeliness. Some states have a volunteer license, and some states have a temporary license that may be issued while the work verification is being processed. The FSMB is interested in working with the Board in becoming proactive in expediting the licensure processes. Senator Udall's proposed Bill: "Increasing Telehealth and Access to Care through Physician Licensing and Credentialing Portability Act" may still be introduced in some form, such as a Memorial.

11. Adjourn

There being no further business, the Interim Meeting was adjourned at 4:45 p.m.

SUBMITTED BY:  DATE: 2/23/12
Lynn Hart, Executive Director

APPROVED BY:  DATE: 2/23/12
Steve Weiner, M.D., Chair

APPROVED BY:  DATE: 2/23/12
Paul Kovnat, M.D., Secretary Treasurer