

**New Mexico Medical Board
Interim Meeting
January 3, 2013**

MINUTES

Members Present:

Steven Weiner, MD, Chair
Rebecca Cochran, CPMSM, CPCS, Vice Chair, Public Member (by teleconference)
Roger Miller, MD
Steve Komadina, MD
Sambaiah Kankanala, MD (by teleconference)
Steve Jenkusky, MD (by teleconference)
Albert Bourbon, PA-C (by teleconference)

Members Absent:

Paul Kovnat, MD, Secretary/Treasurer

Others Present:

Lynn Hart, Executive Director
Dan Rubin, Administrative Prosecutor
Grant La Farge, M.D., Medical Director
Jackie Holmes, Compliance Mgr. / PIO
Amanda Quintana, Licensing Manager
Debbie Dieterich, Senior Investigator
Amanda Chavez, Investigator

1. Call to Order / Roll Call

Dr. Weiner called the Interim Meeting to order at 4:03 p.m. and a quorum was determined present.

2. Approve Agenda

MOTION was made by Dr. Weiner to approve the Agenda. **SECONDED** by Dr. Miller. **YES:** Dr. Weiner, Dr. Miller, Dr. Komadina; Ms. Cochran, and Dr. Kankanala. **ABSENT:** Dr. Jenkusky and Mr. Bourbon. **MOTION CARRIED.**

3. Approve Minutes

MOTION was made by Dr. Weiner to approve the Minutes from the November 8 and 9, 2012 quarterly board meeting, **SECONDED** by Dr. Komadina. **YES:** Dr. Weiner, Dr. Miller, Dr. Komadina, Ms. Cochran, Dr. Kankanala. **ABSENT:** Mr. Bourbon and Dr. Jenkusky. **MOTION CARRIED.**

MOTION was made by Dr. Weiner to approve the Minutes from the December 13, 2012 special board meeting, **SECONDED** by Dr. Komadina. **YES:** Dr.

Weiner, Dr. Komadina, Dr. Miller , Ms. Cochran, Dr. Kankanala. **ABSENT:** Mr. Bourbon and Dr. Jenkusky. **MOTION CARRIED.**

4. Chair Report – No report

- 5. Executive Director** – Ms. Hart reported that there is currently an opening at the Board office as a result of Lynn Tipton resigning. The position will be advertised starting Monday, January 7th and will be slightly redefined. Hopefully it will be filled by the February board meeting.

The legislature goes into session on January 15th and as a result, the Board is expecting to be very busy.

Dr. Jenkusky and Mr. Bourbon joined the meeting via teleconference.

6. Compliance

Jon Wagner, MD – Request Release from Stipulation

Dr. Weiner recommended that the Board go into closed session to discuss Dr. Wagner's request. **MOTION** was made by Dr. Weiner to go into closed session to discuss matters of licensure or discipline. **SECONDED** by Dr. Komadina. **YES:** Dr. Weiner, Dr. Miller, Dr. Komadina, Mr. Bourbon, Ms. Cochran, Dr. Jenkusky and Dr. Kankanala. **MOTION CARRIED.**

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

In the matter of Dr. Wagner's request, Dr. Weiner made a **MOTION** to table the request for now. **SECONDED** by Dr. Komadina. **YES:** Dr. Weiner, Dr. Miller, Dr. Komadina, Mr. Bourbon, Ms. Cochran, Dr. Jenkusky and Dr. Kankanala. **MOTION CARRIED.**

7. Licensing Requests and Actions, New Applicants/Reinstatements

A. Clifford Moy, M.D. – Consider non-disciplinary stipulated license to practice administrative medicine.

Dr. La Farge advised the board that Dr. Moy is planning to move to New Mexico to provide utilization Review for Blue Cross & Blue Shield and has asked the Board to grant him a non-disciplinary stipulated license to practice administrative medicine.

Ms. Hart pointed out that the Medical Practice Act defines utilization review as the practice of medicine.

After quite a bit of discussion on utilization review, **MOTION** was made by Dr. Weiner to give Dr. Moy an opportunity to have his current clinical competency

assessed and offer him a training license to do a mini sabbatical at UNM. **SECONDED** by Dr. Dr. Komadina. **YES:** Dr. Weiner, Dr. Komadina, Dr. Miller, Mr. Bourbon, Ms. Cochran, Dr. Jenkusky and Dr. Kankanala. **MOTION CARRIED.**

B. Juana LaBelle – Consider Issuance of a training license for the UNM Physician Assistant mini sabbatical program.

MOTION was made by Mr. Bourbon to accept the recommendation to grant a training license to Ms. La Belle to attend the Clinical Update Program (CUP) program at UNM. **SECONDED** by Dr. Komadina. **YES:** Dr. Weiner, Dr. Komadina, Dr. Miller, Mr. Bourbon, Ms. Cochran, Dr. Jenkusky and Dr. Kankanala. **MOTION CARRIED.**

C. Elliott Marcus, M.D. – Decision and Order in Case No. 2002-008

MOTION was made by Ms. Cochran to go into closed session to discuss the Dr. Marcus decision and order; matters of licensure and discipline. **SECONDED** by Dr. Komadina. **YES:** Dr. Komadina, Dr. Miller, Mr. Bourbon, Ms. Cochran, Dr. Jenkusky and Dr. Kankanala. **ABSENT:** Dr. Weiner. **MOTION CARRIED.**

Ms. Cochran made a **MOTION** to return to open session. Dr. Komadina **SECONDED.** **YES:** Dr. Miller, Dr. Komadina, Mr. Bourbon, Ms. Cochran, Dr. Jenkusky and Dr. Kankanala. **ABSENT:** Dr. Weiner. **MOTION CARRIED.**

Dr. Komadina made a **MOTION** to adopt the Hearing Officer's report with the following amendment: paragraph 34 should read "based upon a preponderance of the evidence in this case, Dr. Marcus did violate his Stipulation. **SECONDED** by Dr. Miller. **YES:** Ms. Cochran, Mr. Bourbon, Dr. Jenkusky, Dr. Kankanala, Dr. Komadina and Dr. Miller. **ABSENT:** Dr. Weiner. **MOTION CARRIED.**

Dr. Komadina made a **MOTION** for the issuance of a formal letter of reprimand and to allow Dr. Marcus to return to his practice of medicine as an anesthesiologist subject to the 2004 Stipulation; unless and until it is removed or modified by the New Mexico Medical Board. **SECONDED** by Dr. Miller. **YES:** Ms. Cochran, Dr. Jenkusky, Mr. Bourbon, Dr. Kankanala, Dr. Miller and Dr. Komadina. **ABSENT:** Dr. Weiner. **MOTION CARRIED.**

D. Aida Figueroa, M.D. – Decision and order in Case No. 2011-020
MOTION was made by Dr. Weiner to go into closed session to discuss the decision and order in Case No. 2011-020; matters of licensure and or discipline. **SECONDED** by Dr. Komadina. **YES:** Dr. Weiner, Ms. Cochran, Dr. Miller, Dr. Jenkusky, Dr. Kankanala and Mr. Bourbon. **ABSENT:** Dr. Komadina. **MOTION CARRIED.**

The Board returned to open session and **MOTION** was made by Dr. Weiner to adopt the Hearing Officer's report in its entirety and Order the revocation of Dr. Figueroa's medical license. **SECONDED** by Ms. Cochran. **YES:** Dr. Weiner, Dr. Miller, Dr. Bourbon, Ms. Cochran, Dr. Jenkusky and Dr. Kankanala.

8. **Old Business** – None

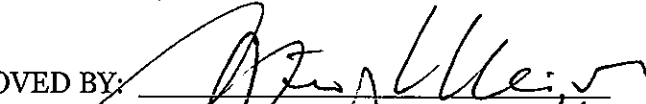
9. **New Business** - None

10. **Adjourn**

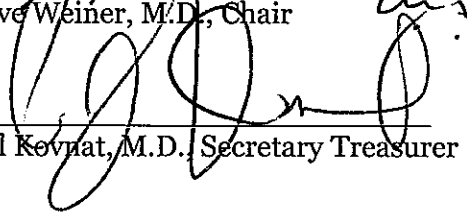
There being no further business, the Interim Meeting was adjourned at 5:13 p.m.

SUBMITTED BY: 
Lynn Hart, Executive Director

DATE: 2/8/13

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

DATE: FEB: 8, 2013

APPROVED BY: 
Paul Kovnat, M.D., Secretary Treasurer

DATE: 2 8 13