

NEW MEXICO MEDICAL BOARD
Interim Board Meeting
January 9, 2014
FINAL MINUTES

Members Present: Steve Weiner, M.D., Chair
Steven Jenkusky, M.D., Vice Chair – VIA Teleconference
Rick Wallace, FACHE, Public Member – VIA Teleconference
Roger Miller, M.D.
Jennifer Anderson, Esquire, Public Member – VIA Teleconference
Steven Komadina, M.D. –VIA Teleconference
Sam Kankanala, M.D – VIA Teleconference
Peter Beaudette, M.D. – VIA Teleconference
Albert Bourbon, PA-C- VIA Teleconference

Others Present: Lynn Hart, Executive Director
Grant La Farge, M.D., Medical Director
Sondra Frank, Board Attorney
Dan Rubin, Administrative Prosecutor
Amanda Quintana, Licensing Manager
Debbie Dieterich, Investigations Manager
Amanda Chavez, Investigator
Samantha Breen, Administrative Assistant
Jolene Casados, Licensing

1. CALL TO ORDER / ROLL CALL

Dr. Weiner called the Interim Meeting of the New Mexico Medical Board to order at 4:00p.m. and a quorum was determined to be present.

2. APPROVAL OF AGENDA

MOTION was made by Dr. Weiner to approve the Agenda. **SECONDED** by Dr. Miller. **YES:** Dr. Weiner; Dr. Miller; Ms. Anderson; Dr. Beaudette; Mr. Bourbon; Dr. Jenkusky; Dr. Kankanala; Dr. Komadina; Mr. Wallace. **MOTION CARRIED.**

3. APPROVAL OF MINUTES

MOTION was made by Dr. Weiner to accept and approve the minutes of the November 21-22, 2013 Regular Board Meeting as presented. **SECONDED** by Dr. Miller. **YES:** Dr. Weiner; Dr. Miller; Ms. Anderson; Dr. Beaudette; Mr. Bourbon; Dr. Jenkusky; Dr. Kankanala; Dr. Komadina; Mr. Wallace. **MOTION CARRIED.**

4. CHAIR REPORT

None

5. EXECUTIVE DIRECTOR REPORT

Ms. Hart gave a brief overview of the legislative bills that will be presented during the upcoming session. She requested that the Board provide staff with direction regarding its endorsement of one bill in particular; the bill would allow public schools to administer an EpiPen in the case of anaphylactic shock or Albuterol for asthma, in emergency situations only. Ms. Hart stated that there should be a requirement to have parental consent on file and 911 must be called in every instance. The Board agreed that NMMB should support the bill.

Other bills being presented will include a Gross Receipts Tax bill, which will be important, especially since copays and deductibles will increase in most health insurance plans. There will be a bill introduced that will attempt to limit medical practice non-compete clauses. A fiscal impact report (FIR) has been submitted for this bill that outlines the general terms of contract law. A Medical Malpractice bill will be introduced by Dr. Terry McMillan. This bill proposes to place a cap on non-economic

damages for hospitals and for practitioners not covered by the Medical Malpractice Act. Lastly, a bill will be introduced to eliminate the 'sunset' provision of the Medical Practice Act. The purpose of this bill is to underscore the reality that the medical board should continue indefinitely and the practice of medicine will always be regulated including the licensing of physicians, and certain other health care professionals in order to protect the health, safety and welfare of the public of NM.

EXECUTIVE SESSION: Complaint Committee Reports

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 and disciplinary matters. **SECONDED** by Dr. Miller.

OPEN SESSION

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

6. ACTIONS RELATED TO EXECUTIVE SESSION

Complaint Committee C

Case #2013-C188

Recommendation was made by Mr. Bourbon to close the case and issue a strong advisory letter regarding the timely reporting of arrests to the Board as required. **YES:** Dr. Weiner; Dr. Miller; Ms. Anderson; Dr. Beaudette; Dr. Jenkusky; Dr. Komadina; Mr. Wallace. **RECUSED:** Mr. Bourbon; Dr. Kankanala.

Complaint Committee D

Case #2013-D218

Recommendation was made by Ms. Anderson to issue a Notice of Contemplated Action to deny licensure based on, but not limited to, licensure action in other states. **YES:** Dr. Weiner; Dr. Miller; Mr. Bourbon; Dr. Jenkusky; Dr. Kankanala; Dr. Komadina; Mr. Wallace. **RECUSED:** Ms. Anderson; Dr. Beaudette.

Complaint Committee E

Case #2013-E105

Recommendation was made by Dr. Weiner to issue an unrestricted license to practice medicine in the State of New Mexico. **YES:** Dr. Miller; Ms. Anderson; Dr. Beaudette; Dr. Jenkusky; Dr. Kankanala; Dr. Komadina; Mr. Wallace. **RECUSED:** Dr. Weiner; Mr. Bourbon.

7. ADMINISTRATIVE PROSECUTOR REPORT:

None

8. LICENSING REQUESTS AND ACTIONS, NEW APPLICANTS / REINSTATEMENTS:

Consider Settlement - Edward Kennedy, MD – Case No. 2013-027

The Administrative Prosecutor presented a proposed stipulation with the agreement of Dr. Kennedy. **MOTION** was made by Dr. Weiner to **ACCEPT** the proposed Settlement as presented. Dr. Kennedy shall be reprimanded and shall be monitored by the NM Monitored Treatment Program under the provisions of a Stipulation of Licensure. **SECONDED** by Dr. Miller **YES:** Dr. Weiner; Dr. Miller; Dr. Beaudette; Mr. Bourbon; Dr. Kankanala; Dr. Komadina; Mr. Wallace. **RECUSED:** Ms. Anderson; Dr. Jenkusky. **MOTION CARRIED.**

Urvij Modhia, MD – Consider non-ACGME certified PGT and extensive training and experience in lieu of second year of ACGME-certified PGT.

MOTION was made by Dr. Weiner to grant an unrestricted license to practice in the State of New Mexico. **SECONDED** by Dr. Miller **YES:** Dr. Weiner; Dr. Miller; Ms. Anderson; Dr. Beaudette; Mr. Bourbon; Dr. Jenkusky; Dr. Kankanala; Dr. Komadina; Mr. Wallace. **MOTION CARRIED.**

9. INVESTIGATIONS

None

10. **OLD BUSINESS**

Ms. Hart informed the Board that representatives from Colorado CPEP will be present on Friday of the next Regular Board Meeting, and encouraged all members to be in attendance.

11. **NEW BUSINESS**

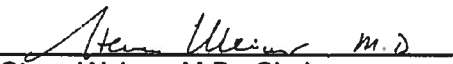
None

12. **ADJOURN**

There being no further business, **MOTION** was made by Dr. Weiner to adjourn the Meeting at 4:30 p.m.

SUBMITTED BY: 
Lynn Hart, Executive Director

DATE: 02/24/14

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

DATE: 2/24/14

APPROVED BY: 
Steven Jenkusky, M.D., Vice Chair

DATE: 2/24/14