

**NEW MEXICO MEDICAL BOARD**  
*Interim Meeting*  
**June 25, 2009**

**MINUTES**

**Members Present:**

Paul Kovnat, M.D., Chairman  
Steven Weiner, M.D., Vice-Chair - by teleconference  
John Lauriello, M.D., Secretary-Treasurer – by teleconference  
Roger Miller, M.D.  
Frank Crespin, M.D. - by teleconference  
Reza Ghadimi, P.A.  
Kathy Abeles, Public Member  
Becky Cochran, Public Member – by teleconference

**Member Absent:**

Ann Wehr, M.D.

**Also Present:**

Lynn Hart, Executive Director  
G.T.S. Khalsa, Board Prosecutor  
Andrea Buzzard, A.A.G.  
Grant La Farge, Medical Director  
Lynn Tipton, Administrative Assistant  
JJ Walker, Compliance Mgr. / PIO  
Debbie Dieterich, Senior Investigator  
Jonni Lu Pool, Investigator  
Amanda Quintana, Licensing Manager

**1. CALL TO ORDER**

The interim meeting of the New Mexico Medical Board convened at 4:00 p.m., Thursday, June 25, 2009 in the Board Conference Room, 2055 S. Pacheco, Santa Fe, New Mexico, *Paul Kovnat, M.D.* presiding. A quorum was present.

**2. APPROVAL OF AGENDA**

Dr. Crespin **MOVED** to approve the agenda. Dr. Kovnat **SECONDED**. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Dr. Crespin, Dr. Miller, Ms. Cochran, Mr. Ghadimi and Ms. Abeles. **MOTION CARRIED.**

**3. APPROVE MINUTES**

Dr. Kovnat **MOVED** to approve the minutes of the May 14 - 15, 2009 Quarterly Board meeting. Ms. Abeles **SECONDED**. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Dr. Miller, Dr. Crespin, Ms. Cochran, Mr. Ghadimi and Ms. Abeles. **MOTION CARRIED.**

**Executive Session:** **MOTION** was made by Dr. Kovnat and **SECONDED** by Ms. Abeles to go into executive session to discuss matters of licensure. **YES:** Dr. Kovnat, Dr. Miller, Dr. Lauriello, Dr. Weiner, Dr. Crespin, Mr. Ghadimi, Ms. Abeles and Ms. Cochran. **MOTION CARRIED.** Board returned to open session. Dr. Kovnat stated for the record that the matters discussed in executive session were limited to only those specified in the motion for closure.

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

- **Decision and Order - David Greene, M.D. - Case 2009-009 [SW,BC]**  
Dr. Kovnat **MOVED** to accept the Hearing Officer's recommended Findings of Facts number 1 through 23 in their entirety and Conclusions of Law. Mr. Ghadimi **SECONDED** the motion. **YES:** Dr. Kovnat, Dr. Miller, Dr. Lauriello, Dr. Crespin, Mr. Ghadimi and Ms. Abeles. **RECUSED:** Dr. Weiner and Ms. Cochran. **MOTION CARRIED.**  
Mr. Ghadimi **MOVED** to **DENY** Dr. Greene's application for a New Mexico medical license. Dr. Kovnat **SECONDED** the motion. **YES:** Dr. Kovnat, Dr. Miller, Dr. Lauriello, Dr. Crespin, Mr. Ghadimi and Ms. Abeles. **RECUSED:** Dr. Weiner and Ms. Cochran. **MOTION CARRIED.**
- **Elias Said, M.D. - Consider application for licensure**  
**MOTION** was made by Dr. Kovnat to offer Dr. Said a referral for a CPEP evaluation before making a final decision on licensure. Mr. Ghadimi **SECONDED** the motion. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Miller, Dr. Lauriello, Dr. Crespin, Mr. Ghadimi, Ms. Cochran and Ms. Abeles. **MOTION CARRIED.**
- **David Lange, M.D. - Consider request for reinstatement of license with payment plan**  
**MOTION** was made by Dr. Kovnat to approve the proposed payment plan for reinstatement of Dr. Lange's licensure. Ms. Abeles **SECONDED** the motion. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Miller, Dr. Lauriello, Dr. Crespin, Mr. Ghadimi, Ms. Cochran and Ms. Abeles. **MOTION CARRIED.**
- **Sonia Gajula, M.D. - Consider AACRAO evaluation**  
Dr. Kovnat **MOVED** that the Board accept the AACRAO evaluation and grant an unrestricted license to practice medicine. Dr. Miller **SECONDED** the motion. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Miller, Dr. Lauriello, Dr. Crespin, Mr. Ghadimi, Ms. Cochran and Ms. Abeles. **MOTION CARRIED.**

5. **INVESTIGATIONS**

- **Committee B: 2009-B-042 [BC, RM]**  
On behalf of Complaint Committee B, Dr. Miller **MOVED** that complaint case 2009-B-042 be closed as there was no evidence of a violation of the Medical Practice Act or rules. No second was required. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Dr. Crespin, Mr. Ghadimi and Ms. Abeles. **ABSTAINED:** Dr. Miller and Ms. Cochran. **MOTION CARRIED**
- **Committee C: 2009-C-076 - (Howard Schwartz, MD) [VG]**  
Dr. Kovnat **MOVED** that the board immediately summarily suspend the license of the physician for violation of the May 2008 Board Order. No second was required. **YES:** Dr. Kovnat, Dr. Lauriello, Dr. Crespin, Dr. Miller, Mr. Ghadimi and Ms. Abeles. **RECUSED:** Dr. Weiner. **MOTION CARRIED**  
Dr. Kovnat **MOVED** on behalf of Dr. Giudice to issue a Notice of Contemplated Action based on injudicious prescribing, gross negligence and violation of a Board Order. No second was required. **YES:** Dr. Kovnat, Dr. Lauriello, Dr. Crespin, Mr. Ghadimi and Ms. Abeles. **RECUSED:** Dr. Weiner. **MOTION CARRIED**

- **Committee E: 2009-E-013 and 2009-E-031** - (Ali Rajae, MD) [PK]  
**RECOMMENDATION** was made by Dr. Kovnat to accept the recommendations of the Impaired Physician Committee and immediately summarily suspend physician's license to practice medicine under the Impaired Act and also issue a Notice of Contemplated Action based on impairment. **YES:** Dr. Lauriello, Dr. Crespin, Dr. Miller, Mr. Ghadimi, Ms. Cochran and Ms. Abeles. **ABSTAINED:** Dr. Kovnat **RECUSED:** Dr. Weiner. **MOTION CARRIED**
- **Committee E: 2009-E-071** - (Stan Chao, MD) [PK]  
**RECOMMENDATION** was made by Dr. Kovnat to offer physician an Agreed Order which would grant him licensure with certain conditions. The conditions include having physician's cases and documentation reviewed by another surgeon chosen and approved by the Board on a random basis with reasonable notice. The Board approved surgeon will send to the Board affidavits attesting to physician's compliance with this record review. **YES:** Dr. Weiner, Dr. Lauriello, Dr. Crespin, Dr. Miller, Mr. Ghadimi, Ms. Cochran and Ms. Abeles. **ABSTAINED:** Dr. Kovnat. **MOTION CARRIED**

## 6. COMPLIANCE

- **Polysomnography Licensure Update** - Ms. Walker let the board know that regulations are currently being drafted for review by the Polysomnography Practice Advisory Committee (PPAC). Their first meeting is scheduled for July 31st in Albuquerque. The plan is to have a draft of the regulations ready to be presented to the board for review at the August meeting.
- **Interviews for August meeting**  
Proposed Quarterly Visits - The Executive Committee will meet with Ms. Walker to review the list of monitored treatment interviewees and determine if there are any participants that may be excused from attending the August quarterly meeting.

## 7. STAFF REPORT

- **Hearing Officers - 8 Cases Total** - Ms. Hart asked for hearing officer volunteers. Dr. Crespin, Dr. Miller, Mr. Ghadimi, Dr. Kovnat and Ms. Abeles volunteered and will be scheduled for the months of July, August and September.
- **Personnel Issues** - There were no personnel issues to discuss at this time.

## 8. Proposed Rule Change

- **Rule 16.10.8 NMAC - Medical Ethics** - **MOTION** was made by Dr. Kovnat to adopt the proposed revisions to Part 8 and add this part to the public hearing in August. **SECONDED** by Ms. Cochran. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Dr. Crespin, Dr. Miller, Mr. Ghadimi, Ms. Cochran and Ms. Abeles. **MOTION CARRIED.**

## 9. CHAIR REPORT

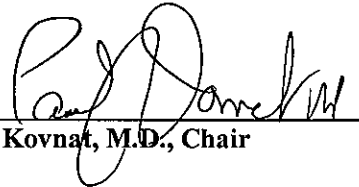
- **Complaint Committee Reorganization** - No discussion was held at this time.
- **CME by specialty** - Dr. Kovnat is working with staff on continuing medical education. They will be talking to the NM Medical Society and UNM medical school before proposing any rule revisions. Anyone interested in working on this project should contact Dr. Kovnat.

Dr. Kovnat also announced that the Governor had named two new members to the Board; Dr. Ann Wehr, Medical Director at Molina Healthcare and Dr. Steve Jenkusky. Dr. Jenkusky's position has not been finalized as of this meeting. He will replace Dr. Lauriello, who has moved to Missouri. Dr. Wehr replaces Dr. Giudice. Also, Ms. Cochran has been reappointed.

Dr. Kovnat **MOVED** to excuse Dr. Wehr from this board meeting. Dr. Crespin **SECONDED**.  
**YES:** Dr. Weiner, Dr. Lauriello, Dr. Crespin, Dr. Miller, Mr. Ghadimi, Ms. Cochran and Ms.  
Abeles. **ABSTAINED:** Dr. Kovnat. **MOTION CARRIED.**

10. **ADJOURN:** There being no further business, the meeting adjourned at 5:10 p.m.

SUBMITTED:  Date: 8/13/09  
Lynn Hart, Executive Director

APPROVED:  Date: 8/13/09  
Paul Kovnat, M.D., Chair