

NEW MEXICO MEDICAL BOARD
Interim Meeting
June 24, 2010

MINUTES

Members Present:

Steven Weiner, M.D., Chairman
Rebecca Cochran, CPMSM, CPCS , Vice-Chair, Public Member – by teleconference
Roger Miller, M.D.
Frank Crespin, M.D. – by teleconference
Ann Wehr, M.D. – by teleconference
Albert Bourbon, P.A. – by teleconference
Kathy Abeles, Public Member – by teleconference

Members Absent:

Paul Kovnat, M.D., Secretary Treasurer
Steve Jenkusky, M.D.

Also Present:

Lynn Hart, Executive Director
Grant La Farge, M.D., Medical Director
Julie Meade, Chief Legal Counsel
Lynn Tipton, Administrative Assistant
Debbie Dieterich, Senior Investigator
Jonni Lu Pool, Investigator
Amanda Quintana, Licensing Manager

(See list of all attendees attached to these minutes.)

1. **CALL TO ORDER**

The interim meeting of the New Mexico Medical Board convened at 4:03 p.m., Thursday, June 24, 2010 in the Board Conference Room, 2055 S. Pacheco, Santa Fe, New Mexico, **Steve Weiner, M.D.** presiding. A quorum was declared.

2. **APPROVAL OF AGENDA**

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

3. **APPROVE MINUTES**

Dr. Wehr **MOVED** to approve the minutes of the May 20-21, 2010 Quarterly Board meeting. Dr. Miller **SECONDED**. **YES**: Dr. Weiner, Dr. Miller, Dr. Crespin, Dr. Wehr, Ms. Cochran, Ms. Abeles and Mr. Bourbon. **MOTION CARRIED.**

4. **INVESTIGATIONS**

Executive Session: **MOTION** was made by Dr. Weiner and **SECONDED** by Dr. Wehr to go into executive session to discuss matters of licensure and discipline. **YES**: Dr. Miller, Dr. Wehr, Ms. Cochran, Dr. Crespin, Ms. Abeles, Mr. Bourbon and Dr. Weiner. **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.

- **Complaint Committee AAA:**

CASE NO. 2009-AAA-164 (Jacqueline Walter, M.D.) RECOMMENDATION was made by Dr. Weiner to accept the Impaired Physician Committee recommendations and **Summarily Suspend** Physician's license under the Medical Practice Act, and simultaneously issue a Notice of Contemplated Action based on physician's manifest incapacity to practice as a licensee. **YES:** Dr. Miller, Dr. Crespin, Ms. Abeles, Ms. Cochran and Mr. Bourbon. **ABSTAINED:** Dr. Weiner and Dr. Wehr. **RECOMMENDATION PASSED.**

CASE NO. 2009-AAA-167. RECOMMENDATION was made by Dr. Weiner to close complaint case 2009-AAA-167, as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Dr. Miller, Dr. Crespin, Ms. Abeles, Ms. Cochran and Mr. Bourbon. **ABSTAINED:** Dr. Weiner and Dr. Wehr. **RECOMMENDATION PASSED.**

- **Complaint Committee B:**

CASE NO. 2010-B-074 (Sally D'Angelo, M.D.) RECOMMENDATION was made by Ms. Cochran to offer Physician a Stipulated License requiring mandatory participation in the New Mexico Monitored Treatment Program (MTP), along with the provision that Physician place her license on inactive status until such time as MTP notifies the Board that it is safe for Physician to return to practice. If Physician does not accept this Stipulation, a Notice of Contemplated Action will be issued based on substance abuse. **YES:** Dr. Weiner, Dr. Wehr, Dr. Crespin, Ms. Abeles and Mr. Bourbon. **ABSTAINED:** Dr. Miller and Ms. Cochran. **MOTION CARRIED**

- **Complaint Committee D:**

CASE NO. 2009-D-218 (Leandro Centenera, M.D.) RECOMMENDATION was made by Mr. Bourbon to offer physician a Stipulation of Licensure requiring his mandatory participation in the New Mexico Monitored Treatment Program (MTP) and other standard substance abuse stipulations. If physician does not accept this Stipulation, a Notice of Contemplated Action will be issued based on his habitual use of alcohol. **YES:** Dr. Weiner, Dr. Wehr, Dr. Crespin, Ms. Abeles, Dr. Miller and Ms. Cochran. **ABSTAINED:** Mr. Bourbon. **MOTION CARRIED**

5. **LICENSURE MATTERS**

Helen Fragua, P.A. – Consider application for Reinstatement of PA License. **MOTION** was made by Dr. Weiner to **GRANT** re-instatement of Ms. Fragua's PA-C license based on the recommendation of the UNM-PA mini-sabbatical program.

SECONDED by Ms. Cochran **YES:** Dr. Weiner, Dr. Wehr, Dr. Crespin, Ms. Abeles, Dr. Miller, Mr. Bourbon and Ms. Cochran. **MOTION CARRIED**

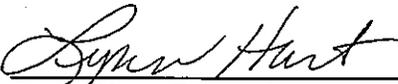
6. **STAFF REPORT** – Ms. Hart introduced Julie Ann Meade. Ms. Meade will join the Medical Board staff as Chief Legal Counsel on July 6th. Ms. Meade will replace Mr. Khalsa. She will also assist with additional legal duties of the Board in reviewing contracts and advising with other legal matters that may arise.

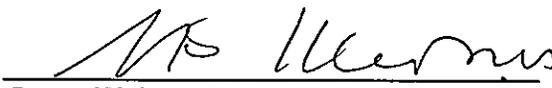
7. **CHAIR REPORT** – Dr. Weiner did not have a report at this time.

8. **OLD BUSINESS – Chiropractic Formulary Rule Hearing Update.** Ms. Hart provided an update of the Rule Hearing that was held on June 14, 2010 at the Board of Chiropractic Examiners. She appeared on behalf of the Medical Board and spoke in opposition to the proposed rule that established a formulary containing multiple "dangerous drugs" (all substances which require a prescription) to be injected and/or administered

intravenously. This rule would violate the Chiropractic Board's statutory authority which requires approval by the Medical Board of all "dangerous drugs" and "controlled substances". The Chiropractic Board voted to remove the portion of the rule that had not been approved by the Medical Board. She also stated that the Medical Board will continue to support legislation that would create a scope of practice review panel so that broad expansions in scope of practice may be evaluated impartially to avoid conflicts that arise in such cases as this one.

9. **ADJOURN:** There being no further business, the meeting adjourned at 4:31 p.m.

SUBMITTED BY:  DATE: 8/16/10
Lynn Hart, Executive Director

APPROVED BY:  DATE: 8/12/10
Steve Weiner, M.D., Chair