

**New Mexico Medical Board
Interim Meeting
June 28, 2012**

MINUTES

Members Present: Steven Weiner, MD, Chair– by teleconference
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
Dan Rubin, Administrative Prosecutor
J.J. Walker, Compliance Mgr. / PIO
Grant LaFarge, MD – Medical Director
Samantha Breen, Licensing Clerk
Lynn Tipton, Administrative Assistant
Debbie Dieterich, Senior Investigator
Amanda Chavez, Investigator
Leann Adams, Investigator

1. Call to Order / Roll Call

Dr. Kovnat called the Interim Meeting to order at 4:00 p.m. and a quorum was determined present.

2. Approve Agenda

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

3. Approve Minutes

MOTION was made by Dr. Miller to approve the Minutes from the May 17-18, 2012 Quarterly Board meeting. **SECONDED** by Dr. Kovnat. **YES:** Dr. Weiner, Dr. Kovnat, Dr. Miller, Dr. Jenkusky, Ms. Cochran, Dr. Kankanala and Mr. Bourbon. **ABSENT:** Dr. Komadina. **MOTION CARRIED.**

4. Chair Report – No report at this time.

5. **Executive Director**

A. **Update on the posting of the proposed pain management rule and letter to licensees.**

Ms. Hart informed the board that the pain management rule and letter were mailed to all licensees Friday, June 22nd. Ms. Hart, JJ Walker, Dr. La Farge and Dan Rubin are responding to comments that have already starting coming in. They are instructing the individuals to put their comments in writing and that the whole board will hear the debate of the rule.

B. **“Syllabus of CME course creation”** – The staff is compiling a list of courses in pain management that will be posted on the Board’s website. Dr. Jenkusky, Mr. Bourbon and Dr. Katzman are reviewing additional courses to add to the list.

C. **Proposed Board of Pharmacy Rule** – This rule was provided to the Board for information purposes. Ms. Hart informed the Board members that the Board of Pharmacy had accepted the rule changes the previous week and it will be going into effect.

D. **Personnel Issue** – No personnel issues were discussed at this time.

6. **Old Business**

Proposed Schedule Meeting Dates for 2013 Calendar

Quarterly Meetings:

February 7-8, 2013; May 16-17, 2013; August 15-16, 2013; November 21-22, 2013

Interim Meetings:

January 3, 2013; March 28, 2013; June 27, 2013; October 3, 2013

FSMB – Boston, MA – April 18 – 20, 2013

MOTION was made by Dr. Kovnat to **ADOPT** the 2013 Calendar of proposed meeting dates as presented. **SECONDED** by Dr. Jenkusky. **YES:** Dr. Weiner, Dr. Kovnat, Dr. Miller, Dr. Jenkusky, Ms. Cochran, Dr. Kankanala, Dr. Komadina and Mr. Bourbon. **MOTION CARRIED.**

7. **Licensure Requests and Actions, New Applicants/Reinstatements:**

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

MOTION was made by Dr. Kovnat 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 Mr. Bourbon. **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.

- **Consider Settlement** – Richard Rubin, PA
MOTION was made by Dr. Kovnat to **ACCEPT** the Agreed Order with the Board's amendments. If Mr. Rubin does not accept the amendments, the case will proceed to hearing. **SECONDED** by Dr. Miller. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Miller, Dr. Jenkusky, Ms. Cochran, Mr. Bourbon, Dr. Komadina and Dr. Kankanala. **MOTION CARRIED**
- **Decision and Order** – James Galizia, M.D.
MOTION was made by Dr. Komadina to **ADOPT** the Hearing Officer's Report in its entirety and **GRANT** Dr. Galizia a stipulated license requiring mandatory participation in NM Monitored Treatment Program and other standard substance abuse stipulations. **SECONDED** by Ms. Cochran. **YES:** Dr. Weiner, Dr. Kovnat, Dr. Miller, Mr. Bourbon, Ms. Cochran, Dr. Jenkusky, Dr. Kankanala and Dr. Komadina. **MOTION CARRIED.**

8. Compliance

- **Board Order** – Steven Black, M.D.
MOTION was made by Dr. Jenkusky to remove all Stipulations and **GRANT** Dr. Black an unrestricted license. **SECONDED** by Ms. Cochran. **YES:** Dr. Weiner, Dr. Kovnat, Dr. Miller, Mr. Bourbon, Ms. Cochran, Dr. Jenkusky, Dr. Kankanala and Dr. Komadina. **RECOMMENDATION PASSED.**

9. Investigations

- **Committee A:**
Case No. 2012-A-067 (Aida Figueroa, M.D.)
RECOMMENDATION was made by Dr. Kovnat that physician be ordered to undergo an evaluation under the Impaired Health Care Provider Act. If physician fails to appear before the examining committee as ordered, pursuant to 61-7-5(E) of the Act, the committee recommends that the Board summarily suspend physician's license to practice. Committee recommends that the Board Chair be designated to sign the summary suspension order. Simultaneously with proceeding under the Impaired Health Care Provider Act, the complaint committee recommends issuance of a Notice of Contemplated Action based on, but not limited to, licensure action being taken against the physician by another state. **YES:** Dr. Weiner, Dr. Jenkusky, Dr. Miller, Ms. Cochran, Dr. Kankanala, Mr. Bourbon and Dr. Komadina. **ABSTAINED:** Dr. Kovnat.
RECOMMENDATION PASSED.
- **Committee D:**
Case No. 2012-D-027 (Mike Bellas, PA)
RECOMMENDATION was made by Dr. Jenkusky to offer the physician assistant a stipulated license requiring mandatory participation in NM Monitored Treatment Program and other standard substance abuse stipulations, along with

a restriction on prescribing controlled substances schedules II-V for a period of at least one year, after which time physician assistant may petition the board to reinstate. If he does not accept, recommend issuance of a Notice of Contemplated Action based on, but not limited to, habitual use of substances and injudicious prescribing. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Miller, Ms. Cochran, Dr. Kankanala, and Dr. Komadina. **ABSTAINED:** Dr. Jenkusky and Mr. Bourbon. **RECOMMENDATION PASSED.**

Case No. 2012-D-005 (Deborah Aaron, M.D.)

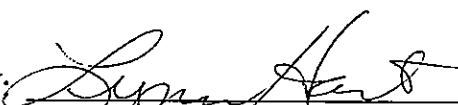
RECOMMENDATION was made by Dr. Jenkusky to accept the Impaired Physician Committee's recommendations and offer physician a stipulated license requiring mandatory participation in NM Monitored Treatment Program and other standard substance abuse stipulations. If physician does not accept the stipulated license, a Notice of Contemplated Action will be issued based on, but not limited to, habitual use of alcohol, and violation of a drug law. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Miller, Ms. Cochran, Dr. Kankanala, and Dr. Komadina. **ABSTAINED:** Dr. Jenkusky and Mr. Bourbon. **RECOMMENDATION PASSED.**

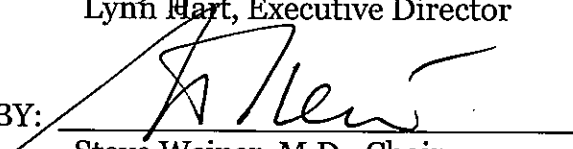
Case No. 2011-D-163 (Pawankumar Jain, M.D.)

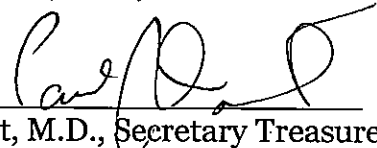
RECOMMENDATION was made by Dr. Jenkusky to issue a Summary Suspension based on physician's immediate danger to the public, simultaneously with a Notice of Contemplated Action based on, but not limited to, injudicious prescribing, failure to maintain adequate medical records, and gross negligence. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Miller, Ms. Cochran, Dr. Kankanala, and Dr. Komadina. **ABSTAINED:** Dr. Jenkusky and Mr. Bourbon. **RECOMMENDATION PASSED.**

10. Adjourn

There being no further business, the Interim Meeting was adjourned at 5:10 p.m.

SUBMITTED BY:  DATE: 8/14/12
Lynn Hart, Executive Director

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

APPROVED BY:  DATE: 8/28/12
Paul Kovnat, M.D., Secretary Treasurer