

NEW MEXICO MEDICAL BOARD
Interim Board Meeting
June 26, 2014
FINAL MINUTES

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

Members Absent: Sam Kankanala, M.D.

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/Compliance Manager
Gayle Mascarenas, CFO/HR Manager
Amanda Chavez, Investigator
Kate Compton, Investigator
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 present.

2. APPROVAL OF AGENDA

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

3. APPROVAL OF MINUTES

MOTION was made by Dr. Weiner to accept and approve the minutes of the May 1-2, 2014 Regular Board Meeting as presented. **SECONDED** by Mr. Bourbon. **YES:** Dr. Weiner; Mr. Bourbon; Ms. Anderson; Dr. Beaudette; Dr. Jenkusky; Dr. Komadina; Dr. Spence and Mr. Wallace. **MOTION CARRIED.**

4. CHAIR REPORT

None

5. EXECUTIVE DIRECTOR REPORT

None

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 Mr. Bourbon.

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 A

Case #2014-A-044

Recommendation was made by Dr. Jenkusky to summarily suspend physician license based on physician being an imminent danger to the public and simultaneously issue a Notice of Contemplated Action based on, but not limited to, manifest incapacity to practice and licensure action in another state. Complaint Committee also recommended ordering an impaired physician committee evaluation. **YES:** Dr. Weiner; Mr. Bourbon; Ms. Anderson; Dr. Beaudette; Dr. Komadina and Dr. Spence **RECUSED:** Dr. Jenkusky and Mr. Wallace. **MOTION CARRIED.**

Case #2014-A-066

Recommendation was made by Dr. Jenkusky to offer a stipulated resident license requiring mandatory participation in NM Monitored Treatment Program. **YES:** Dr. Weiner; Mr. Bourbon; Ms. Anderson; Dr. Beaudette; Dr. Komadina; Dr. Spence and **RECUSED:** Dr. Jenkusky and Mr. Wallace. **MOTION CARRIED.**

Case #2014-A-068

Recommendation was made by Dr. Jenkusky to offer a stipulated license requiring mandatory participation in NM Monitored Treatment Program. **YES:** Dr. Weiner; Ms. Anderson; Dr. Beaudette; Dr. Komadina and Dr. Spence **RECUSED:** Mr. Bourbon; Dr. Jenkusky and Mr. Wallace. **MOTION CARRIED.**

Complaint Committee E

Case #2014-E-065 - Tabled

7. LICENSING ISSUES, NEW APPLICANTS / REINSTATEMENTS:

A. Andres Gensini, M.D. - Consider AACRAO Evaluation of Foreign Medical Education/Grant Full Unrestricted License

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

B. Sonali Warrick, M.D.-Completed UNM Mini-Sabbatical/Grant Full Unrestricted License

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

EXECUTIVE SESSION:

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 Mr. Bourbon.

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.

C. Decision and Order – Derek Heldzinger - Case #2014-006

MOTION was made by Dr. Weiner to accept the Hearing Officers Report. Dr. Heldzinger shall not be allowed to reinstate his license, but may apply for reinstatement of his licensure in New Mexico when he is granted a full unrestricted license in Georgia. **SECONDED:** Dr. Jenkusky. **YES:** Dr. Weiner; Ms. Anderson; Dr. Beaudette; Dr. Jenkusky; Dr. Komadina; Dr. Spence and Mr. Wallace. **RECUSED:** Mr. Bourbon. **MOTION CARRIED.**

- D. Consider Settlement - Henri Wetselaar, M.D. - Case #2014-014**
MOTION was made by Dr. Weiner to accept the proposed interim settlement agreement as presented by Mr. Rubin, Administrative Prosecutor. Dr. Wetselaar's license shall be placed on inactive status while under investigation pending resolution of a criminal prosecution in Nevada. **SECONDED:** Dr. Jenkusky. **YES:** Dr. Weiner; Ms. Anderson; Dr. Beaudette; Dr. Jenkusky; Dr. Komadina; Dr. Spence and Mr. Wallace. **RECUSED:** Mr. Bourbon. **MOTION CARRIED.**
- E. Consider Settlement – Stephen Cain, M.D. - Case #2013-045**
MOTION was made by Dr. Jenkusky to accept the proposed settlement as presented by Mr. Rubin, Administrative Prosecutor. Dr. Cain shall be stipulated to the NM Monitored Treatment Program and his license shall remain suspended until the Board and MTP determine it is safe for him to return to practice. **SECONDED:** Mr. Bourbon. **YES:** Mr. Bourbon; Ms. Anderson; Dr. Beaudette; Dr. Jenkusky; Dr. Komadina; Dr. Spence and Mr. Wallace. **RECUSED:** Dr. Weiner. **MOTION CARRIED.**
- F. Consider Settlement - Angelique Hart, M.D. - Case #2014-008, Roy Heilbron, M.D. - Case #2014-007**
MOTION was made by Dr. Weiner to accept the proposed settlement as presented by Mr. Rubin, Administrative Prosecutor. Dr. Hart and Dr. Heilbron must complete an ethics course, approved by the Board, and shall pay for the costs of the expert review in these cases. Dr. Heilbron's license shall be suspended for a period of three months and Dr. Hart shall receive a reprimand. **SECONDED:** Mr. Bourbon. **YES:** Dr. Weiner; Mr. Bourbon; Ms. Anderson; Dr. Beaudette; Dr. Komadina and Dr. Spence. **RECUSED** Dr. Jenkusky and Mr. Wallace. **MOTION CARRIED.**
- G. Consider Settlement Paul De Stefano - Case #2013-038**
MOTION was made by Mr. Bourbon to accept the proposed settlement as presented by Mr. Rubin, Administrative Prosecutor. Dr. De Stefano shall not prescribe controlled substances until he successfully completes a two day course in controlled substance prescribing and signs a monitoring contract with Affiliated Monitors for a monitoring period of one year. Dr. De Stefano shall appear quarterly in front of the Board. The Board retains the right to reissue a Notice of Contemplated Action after one year if the Board receives reports that Dr. De Stefano is out of compliance. **SECONDED:** Ms. Anderson. **YES:** Mr. Bourbon; Ms. Anderson; Dr. Beaudette; Dr. Komadina and Dr. Spence. **RECUSED:** Dr. Weiner; Dr. Jenkusky and Mr. Wallace.

EXECUTIVE SESSION: Dr. Kenneth Bull, M.D. – Case #2014-001

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 Mr. Bourbon.

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.

H. Decision and Order – Kenneth Bull, M.D. - Case #2014-001

MOTION was made by Dr. Weiner to deny Dr. Bull's motion to reopen the case and to accept the hearing officer's report in its entirety with the one amendment noted. The amendment was as follows:

The Board finds that there is sufficient and clear and convincing evidence to confirm numbers 1, 2 and 4 of the CPEP report. Finding number 3 is not sustained.

The Board Ordered the following: Due to deficiencies noted in the CPEP report, and the findings of manifest incompetence to practice medicine, the medical license of Dr. Bull is hereby suspended indefinitely until Dr. Bull has successfully completed a residency or a board approved residency like program to address the deficiencies noted in the CPEP report. Dr. Bull will be given 30 days to refer patients for appropriate care but during the 30 days, he is

prohibited from practicing medicine. Once Dr. Bull has successfully completed the retraining in a residency or residency like program, Dr. Bull may petition the Board for reinstatement of his medical license. **SECONDED:** Mr. Bourbon. **YES:** Dr. Weiner; Mr. Bourbon; Dr. Beaudette; Dr. Komadina; Dr. Spence and Mr. Wallace. **RECUSED:** Ms. Anderson and Dr. Jenkusky.

I. Motion for Costs – Kenneth Bull, M.D. - Case #2014-001

MOTION was made by Dr. Weiner to accept the prosecutions motion for costs and order Dr. Bull pay costs in the amount of \$5,685.68. **SECONDED:** Mr. Bourbon. **YES:** Dr. Weiner; Mr. Bourbon; Dr. Beaudette; Dr. Komadina; Dr. Spence and Mr. Wallace. **RECUSED:** Ms. Anderson and Dr. Jenkusky.

8. OLD BUSINESS

None

9. NEW BUSINESS


None

10. ADJOURN

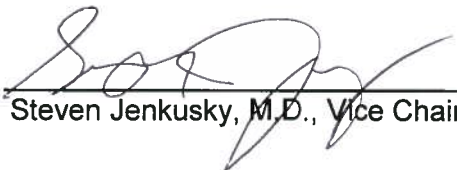
There being no further business, **MOTION** was made by Dr. Weiner to adjourn the Meeting at 6 p.m.

SUBMITTED BY: 
Lynn Hart, Executive Director

DATE: 08/14/14

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

DATE: 8/14/14

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

DATE: 8/18/14