

NEW MEXICO MEDICAL BOARD
Interim Board Meeting
June 30, 2016
MINUTES

Members Present: Steven Jenkusky, M.D. Chair
Albert Bourbon, P.A., Vice Chair
Jennifer Anderson, Esquire, Public Member, Secretary Treasurer
James Spence, M.D.
Steven Komadina, M.D.
Peter Beaudette, M.D.
Karen Carson, M.D.

Teleconference: Philip Styka, M.D.

Others Present: Sondra Frank, J.D., Executive Director
Rick Word, Assistant Attorney General
Debbie Dieterich, Investigations Manager
Amanda Quintana, Compliance Manager / PIO
Samantha Breen, Administrative Assistant
Carmen Decker, Esq. (Telephonically during motion regarding Jenny Hargrove, MD)

1. **CALL TO ORDER / ROLL CALL**
Dr. Jenkusky called the Regular Board Meeting of the New Mexico Medical Board to order at 4:05 p.m. and a quorum was present.
2. **APPROVAL OF AGENDA**
MOTION was made by Mr. Bourbon to approve the Agenda. **SECONDED** by Ms. Anderson. **YES:** Dr. Jenkusky, Ms. Anderson, Mr. Bourbon, Dr. Komadina, Dr. Beaudette, Dr. Spence, Dr. Carson and Dr. Styka. **MOTION CARRIED.**
3. **APPROVAL OF MINUTES**
MOTION was made by Dr. Komadina to accept and approve the minutes of the May 12-13, 2016 Board Meeting as presented. Mr. Bourbon pointed out several items that needed to be revised and were so noted. **SECONDED** by Dr. Spence. **YES:** Dr. Jenkusky, Ms. Anderson, Mr. Bourbon, Dr. Komadina, Dr. Beaudette, Dr. Spence, Dr. Carson and Dr. Styka. **MOTION CARRIED.**
4. **Chair Report:**
Dr. Jenkusky stated to the Board that he appreciates the opportunity to continue to serve as Chair.
5. **Executive Director Report:**
None

EXECUTIVE SESSION: Complaint Committee Reports / Executive Committee Report

MOTION was made by Dr. Jenkusky 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 Ms. Anderson. **YES:** Dr. Jenkusky, Ms. Anderson, Mr. Bourbon, Dr. Komadina, Dr. Beaudette, Dr. Spence, Dr. Carson and Dr. Styka. **MOTION CARRIED.**

OPEN SESSION

The Board returned to open session. Dr. Jenkusky 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

RECOMMENDATION was made by Dr. Carson to **CLOSE** Case #2014-A-089 and; 2015-A-219 **YES:** Dr. Jenkusky, Ms. Anderson, Mr. Bourbon, Dr. Beaudette, Dr. Spence, and Dr. Styka. **RECUSED:** Dr. Carson and Dr. Komadina **MOTION CARRIED.**

Complaint Committee B

Case #2014-B-172 RECOMMENDATION was made by Dr. Spence to table for further investigation.

Case #2015-B-069 RECOMMENDATION was made by Dr. Spence that complaint committee finds no violation of the medical practice act and recommends closure of this case with an advisory letter regarding failure to report an adverse action taken by a peer review body. **YES:** Dr. Jenkusky, Mr. Bourbon, Dr. Komadina, Dr. Beaudette, Dr. Carson and Dr. Styka. **RECUSED:** Dr. Spence and Ms. Anderson **MOTION CARRIED.**

Case #2016-B-091 RECOMMENDATION was made by Dr. Spence to table for further investigation.

Complaint Committee C

Case #2016-C-023 RECOMMENDATION was made by Mr. Bourbon to offer physician applicant the chance to withdraw his application for licensure or a notice of contemplated action will be issued to deny licensure based on, but not limited to, conviction of an offense punishable by incarceration, conduct unbecoming, conduct likely to harm, misrepresentation on application, adverse action taken against him by other states, and incompetency to practice. **YES:** Dr. Jenkusky, Ms. Anderson Dr. Komadina, Dr. Beaudette, Dr. Spence and Dr. Carson. **RECUSED:** Mr. Bourbon and Dr. Styka **MOTION CARRIED.**

Complaint Committee D

Case #2015-D-052 RECOMMENDATION was made by Dr. Jenkusky to offer physician a stipulated license requiring mandatory participation in MTP with a clause that requires his license to remain on inactive status until cleared to return to work by MTP and the Board. If physician does not accept, then a notice of contemplated action will be issued based on, but not limited to, habitual/excessive use of alcohol and conduct likely to harm. **YES:** Ms. Anderson, Mr. Bourbon, Dr. Komadina, Dr. Spence, Dr. Carson and Dr. Styka. **RECUSED:** Dr. Jenkusky and Dr. Beaudette. **MOTION CARRIED.**

Case #2016-D-093 RECOMMENDATION was made by Dr. Jenkusky to offer physician a stipulated license as the physician who formed an organized clinic, requiring him to comply with the Board's Regulation on closing a medical practice, specifically, requiring him to notify patients and advise them on how they can obtain their medical records within 90 days of signing the stipulation. Physician shall also provide the Board with the patient notification information and status of patient requests on a monthly basis. If physician refuses, a notice of contemplated action will be issued based on, but not limited to, failure to provide medical records when legally requested by the patient's legal representative and conduct unbecoming. **YES:** Ms. Anderson, Dr. Komadina, Dr. Spence, Dr. Carson and Dr. Styka. **ABSTAINED:** Mr. Bourbon **RECUSED:** Dr. Jenkusky and Dr. Beaudette. **MOTION CARRIED.**

Case #2016-D-101 RECOMMENDATION was made by Dr. Jenkusky to offer physician a stipulated license requiring successful completion of his probation with the California Medical Board and requiring a neuropsych evaluation to be completed and submitted to the Board. The Board, in its discretion, can make further recommendations after review of the neuropsych evaluation. **YES:** Ms. Anderson, Mr. Bourbon, Dr. Komadina, Dr. Spence, Dr. Carson and Dr. Styka. **RECUSED:** Dr. Jenkusky and Dr. Beaudette. **MOTION CARRIED.**

7. **Executive Committee Report**
None

EXECUTIVE SESSION: Licensing Issues, New Applicants / Reinstatements

MOTION was made by Dr. Jenkusky 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. **YES:** Dr. Jenkusky, Ms. Anderson, Mr. Bourbon, Dr. Komadina, Dr. Beaudette, Dr. Spence, Dr. Carson and Dr. Styka. **MOTION CARRIED.**

OPEN SESSION

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

8. **LICENSING ISSUES, NEW APPLICANTS / REINSTATEMENTS**
Jenny Hargrove, MD Case No. 2016-016:

Motion to Dismiss for Lack of Jurisdiction – MOTION was made by Dr. Jenkusky to adopt the Hearing Officers recommended order and will deny Respondents Motion to Dismiss for Lack of Jurisdiction. **SECONDED** by Ms. Anderson. **YES:** Dr. Jenkusky, Ms. Anderson, Mr. Bourbon, Dr. Komadina, Dr. Beaudette, Dr. Spence, Dr. Carson and Dr. Styka. **MOTION CARRIED.**

Motion for Declaratory Ruling and Judgement – MOTION was made by Dr. Jenkusky to adopt the Hearing Officers recommended order addressing Respondents Order for Declaratory Ruling and Judgement with an amendment to Section 12 in the Conclusions of Law which will read:
"Insofar as the Motion includes a request for declaratory ruling under Section 61-1-33, the request is premature at this time and therefore the Board is denying the motion without prejudice, noting that the declaratory ruling may be refiled at a later time which has been determined to be after the evidentiary hearing is complete."

SECONDED by Ms. Anderson. **YES:** Dr. Jenkusky, Ms. Anderson, Mr. Bourbon, Dr. Komadina, Dr. Beaudette, Dr. Spence, Dr. Carson and Dr. Styka. **MOTION CARRIED.**

9. **Compliance Requests**
Clyde Miller, MD

Request to Lift Suspension of License – MOTION was made by Dr. Jenkusky to reverse Dr. Miller's license suspension with the remaining terms and conditions of his stipulation left in full force. **SECONDED** by Mr. Bourbon. **YES:** Dr. Jenkusky, Ms. Anderson, Mr. Bourbon, Dr. Komadina, Dr. Beaudette, Dr. Spence, Dr. Carson and Dr. Styka. **MOTION CARRIED.**

Walter Seidel, MD

Request for approval of payment plan for Board Ordered Fines and Costs – MOTION was made by Dr. Jenkusky to approve the payment as presented. **SECONDED** by Dr. Komadina. **YES:** Dr. Jenkusky, Ms. Anderson, Mr. Bourbon, Dr. Komadina, Dr. Beaudette, Dr. Spence, Dr. Carson and Dr. Styka. **MOTION CARRIED.**

Barbara Van Eeckhout, MD

Request for release from Stipulation – MOTION was made by Dr. Jenkusky to release Dr. Van Eeckhout from Stipulation. **SECONDED** by Dr. Beaudette. **YES:** Dr. Jenkusky, Ms. Anderson, Mr. Bourbon, Dr. Komadina, Dr. Beaudette, Dr. Spence, Dr. Carson and Dr. Styka. **MOTION CARRIED.**

10. **Old Business**
None

11. New Business
None

12. ADJOURN - There being no further business before the Board, Dr. Jenkusky adjourned the meeting at 5:48 p.m.

SUBMITTED BY: 
Sondra Frank, J.D., Executive Director

DATE: 8/23/16

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

DATE: 8/23/16

APPROVED BY: 
Albert Bourbon, PA-C, Vice Chair

DATE: 8/23/16