

NEW MEXICO MEDICAL BOARD

Special Meeting

March 18, 2010

MINUTES

Members Present:

Steven Weiner, M.D., Chair
Rebecca Cochran, Public Member, Vice Chair-- by teleconference
Paul Kovnat, M.D., Secretary Treasurer
Roger Miller, M.D.
Frank Crespin, M.D. – by teleconference
Steve Jenkusky, M.D. – by teleconference
Kathy Abeles, Public Member – by teleconference
Albert Bourbon, P.A. – by teleconference

Members Absent:

Ann Wehr, M.D.

Also Present:

Lynn Hart, Executive Director
Grant La Farge, M.D., Medical Director
Geraldine Mascarenas, Deputy Director
GTS Khalsa, Prosecuting Attorney
Lynn Tipton, Administrative Assistant
Andrea Buzzard, A.A.G. – by teleconference
Amanda Quintana, Licensing Manager

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

CALL TO ORDER

The special meeting of the New Mexico Medical Board convened at 4:03 p.m., Thursday, March 18, 2010 in the Board Conference Room, 2055 S. Pacheco, Santa Fe, New Mexico, *Steve Weiner, M.D.* presiding. A quorum was declared.

1. APPROVAL OF AGENDA

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

2. PROPOSED RULE CHANGE

Business Entities – Authorized to Provide Healthcare Services

Dr. Weiner reviewed the proposed rule revision that was drafted. This revision would be added to the General Provisions of the NM Medical Board rules, Part 16.10.1 as Section 13. He informed the Board that there was a collaborative effort to draft this revision from the NM Medical Society, Randy Marshal, Executive Director, Deborah Solove, Attorney and Ben Roybal, Attorney as well as Andrea Buzzard, Assistant Attorney General for the NM Medical Board and Lynn Hart, Executive Director for the NM Medical Board. All of the individuals involved agreed to this revision and requested a Public Rule Hearing be held at the May 20-21, 2010 quarterly board meeting.

The revision reads as follows:

16.10.1.13 Business Entities – Authorization to Provide Healthcare Services

A. Purpose. The purpose of this regulation is to clarify and confirm that certain business entities are and have been authorized to provide healthcare services in New Mexico.

- B. **Healthcare Services**—Certain Business Entities. A business entity formed pursuant to the laws of the state of New Mexico is authorized to provide healthcare services in the state of New Mexico if the healthcare services are provided by or under the direction of persons who are duly licensed to engage in the practice of medicine pursuant to the provisions of the Medical Practice Act.
- C. **Retroactivity.** This rule is intended to be a clarification and therefore, it necessarily operates retroactively, as well as prospectively, and is expressly so provided.

Dr. Crespin **MOVED** to adopt the proposed language as presented for a rule hearing and Ms. Cochran **SECONDED.** **YES:** Dr. Kovnat, Dr. Miller, Dr. Weiner, Dr. Crespin, Dr. Jenkusky, Ms. Cochran, Ms. Abeles and Mr. Bourbon. **MOTION CARRIED.**

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


3. LICENSURE MATTERS

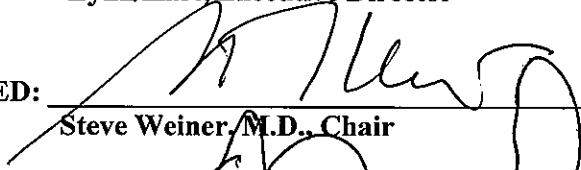
- **Consider request to reopen the case of Andrew Valencia under Section 61-1-12 (A) of the Uniform Licensing Act**

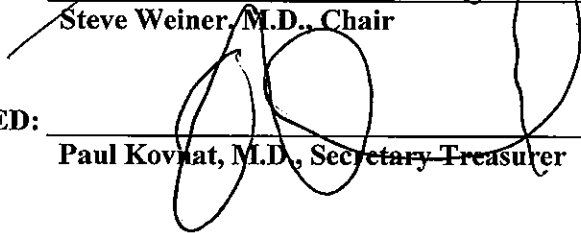
MOTION was made by Dr. Weiner to **DENY** Mr. Valencia's request to grant a temporary limited license solely for the purpose to demonstrate his competency by working under the supervision of a licensed physician subject to terms and conditions set by the Board and to **DENY** his request to reopen this matter for this purpose. **SECONDED** by Dr. Crespin. **YES:** Dr. Weiner, Dr. Kovnat, Dr. Crespin, Dr. Miller, Dr. Jenkusky, Ms. Abeles and Mr. Bourbon. **RECUSED:** Ms. Cochran. **MOTION CARRIED.**

- 4. **HPC Physician Survey on 2010 Renewal** – Ms. Hart informed the Board that the survey prepared by the Health Policy Commission in collaboration with the Medical Society and approved by the Board in 2007 will be going out to physicians who will renew their licenses beginning April 1, 2010. HPC has continued to make some changes to the survey and Ms. Hart has informed HPC that there cannot be any further changes at this time. There were no objections from the Board.

- 5. **ADJOURN:** There being no further business, the meeting adjourned at 4:30 p.m.

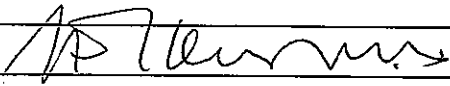
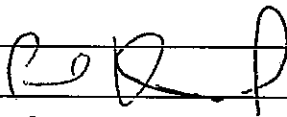
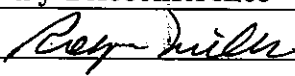
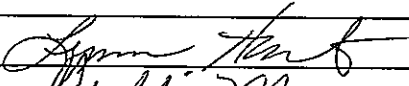
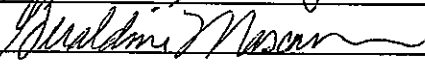

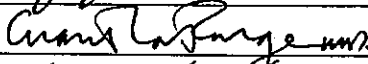
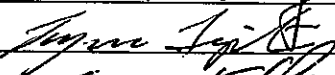
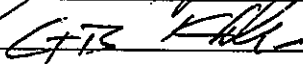
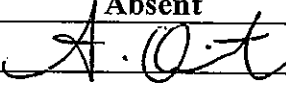
SUBMITTED:  **Date:** 4/15/10
Lynn Hart, Executive Director

APPROVED:  **Date:** 4.8.2010
Steve Weiner, M.D., Chair

APPROVED:  **Date:** 4 13 10
Paul Kovnat, M.D., Secretary-Treasurer

New Mexico Medical Board
Special Board Meeting
Thursday, March 18, 2010
4:00 p.m.

Sign In Sheet

Print Name/ Entity	Signature
✓ Steve Weiner, M.D.	
✓ Paul Kovnat, M.D.	
✓ Steve Jenkusky, M.D.	By Teleconference
✓ Roger Miller, M.D.	
✓ Al Bourbon, PA	By Teleconference
✓ Kathy Abeles	By Teleconference
✓ Becky Cochran	By Teleconference
✓ Frank Crespín, M.D.	By Teleconference
Ann Wehr, M.D.	By Teleconference Absent
✓ Lynn Hart, Executive Director	
Geraldine Mascarenas, Deputy Director	
✓ Andrea Buzzard, Attorney	By Teleconference
JJ Walker, Compliance / PIO	
✓ Grant La Farge, Medical Dir.	
Lynn Tipton, Adm. Asst.	
GTS Khalsa, Prosecuting Attorney	
Debbie Dieterich, Sr. Investigator	Absent
Jonni Lu Pool, Investigator	Absent
Amanda Quintana, Licensing Manager	
✓ Randy Marshall, NM Medical Society	By Teleconference
✓ Debbie Solov, Esq - NMMS	By Teleconference
✓ Ben Roybali, Esq - NMMS	By Teleconference