

**New Mexico Medical Board  
Interim Meeting  
March 28, 2013**

**MINUTES**

**Members Present:**

Steven Weiner, MD, Chair  
Rebecca Cochran, CPMSM, CPCS, Vice Chair, Public Member (by teleconference)  
Paul Kovnat, MD, Secretary/Treasurer  
Roger Miller, MD  
Steve Komadina, MD  
Sambaiah Kankanala, MD (by teleconference)  
Steve Jenkusky, MD (by teleconference)  
Albert Bourbon, PA-C (by teleconference)

**Members Absent:**

**Others Present:**

Lynn Hart, Executive Director  
Dan Rubin, Administrative Prosecutor  
Grant La Farge, M.D., Medical Director  
Jackie Holmes, Compliance Mgr. / PIO  
Amanda Quintana, Licensing Manager  
Debbie Dieterich, Senior Investigator  
Amanda Chavez, Investigator

**1. Call to Order / Roll Call**

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

**2. Approve Agenda**

**MOTION** was made by Dr. Weiner to approve the Agenda. **SECONDED** by Dr. Miller. **YES:** Dr. Weiner; Dr. Kovnat; Dr. Miller; Ms. Cochran; Dr. Jenkusky and Dr. Komadina. **MOTION CARRIED.**

**3. Approve Minutes**

**MOTION** was made by Dr. Weiner to approve the Minutes from the February 7 and 8, 2013 quarterly board meeting, **SECONDED** by Dr. Kovnat. **YES:** Dr. Weiner; Dr. Kovnat; Dr. Miller; Ms. Cochran; Dr. Jenkusky and Dr. Komadina. **MOTION CARRIED.**

**4. Chair Report – No Report**

**5. Executive Director – No Report**

Mr. Bourbon joined the meeting via teleconference.

**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. **YES:** Dr. Weiner; Dr. Kovnat; Dr. Miller; Mr. Bourbon; Ms. Cochran; Dr. Jenkusky; 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.

## 6. Actions related to Executive Session

Dr. Kankanala joined the meeting via teleconference.

- A. Committee A:** Case Number 2013-A-009 [PK, SAK]  
**RECOMMENDATION** was made by Dr. Kovnat to issue a Notice of Contemplated Action based on, but not limited to dishonesty, conduct likely to deceive and defraud the public, obtaining a fee by fraud or misrepresentation, and conduct unbecoming. **YES:** Dr. Weiner, Dr. Miller; Mr. Bourbon; Ms. Cochran; Dr. Jenkusky and Dr. Kankanala. **RECUSED:** Dr. Komadina and Dr. Kovnat. **RECOMMENDATION PASSED.**
- B. Committee D:** Case Number 2013-D-023 [SJ, AB]  
**RECOMMENDATION** was made by Dr. Jenkusky to close this case and issue physician applicant an unrestricted license to practice with an advisory letter reminding him of the strict laws on prescribing for chronic pain and the five hours of CME required to be completed in pain management. **Yes:** Dr. Weiner; Dr. Kovnat; Dr. Miller; Ms. Cochran; Dr. Kankanala and Dr. Komadina. **RECUSED:** Mr. Bourbon and Dr. Jenkusky. **RECOMMENDATION PASSED.**
- C. Committee E:** Case Number 2013-E-024 [SW]  
**RECOMMENDATION** was made by Dr. Weiner to issue physician applicant a resident license to practice only in the UNM fellowship. The case will remain open pending the MTP assessment report, and for the Board and UNM to assess physician applicant while he practices under the resident license to determine issuance of a full physician license. Also, physician applicant is ordered to appear before the Board at the May, 2013 board meeting. **YES:** Dr. Kovnat; Dr. Miller; Mr. Bourbon; Ms. Cochran; Dr. Jenkusky; Dr. Kankanala and Dr. Komadina. **RECUSED:** Dr. Weiner.

**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. **YES:** Dr. Weiner; Dr. Kovnat; Dr. Miller; Mr. Bourbon; Ms. Cochran; Dr. Jenkusky; 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.

**7. Licensing Actions Related to Executive Session**

**A. Consider Settlement - Patricia Green, M.D. [PK]**

**MOTION** was made by Dr. Weiner to accept the Settlement as presented. **Seconded** by Dr. Miller. **YES:** Dr. Weiner; Dr. Miller; Mr. Bourbon; Ms. Cochran; Dr. Jenkusky; Dr. Kankanala and Dr. Komadina. **RECUSED:** Dr. Kovnat. **MOTION CARRIED.**

**B. Consider Settlement – Mary Albers, PA [SJ, AB]**

**MOTION** was made by Dr. Weiner to accept the Settlement as presented. **Seconded** by Dr. Miller. **YES:** Dr. Weiner; Dr. Kovnat; Dr. Miller; Ms. Cochran; Dr. Kankanala and Dr. Komadina. **RECUSED:** Mr. Bourbon and Dr. Jenkusky. **MOTION CARRIED.**

There being no new or old business, and since Mr. Bourbon and Dr. Jenkusky were recused from further voting on licensing matters, they disconnected from the teleconference.

**MOTION** was then made by Dr. Weiner to go back into Executive Session pursuant to Section 10-15-1(H) (1) of the Open Meetings Act to discuss matters pertaining to issuance, suspension, renewal, reinstatement, or revocation of a license and other disciplinary matters. **Seconded** by Dr. Miller. **YES:** Dr. Weiner; Dr. Kovnat; Dr. Miller; 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.

**C. Decision and Order – Arthur Bieganowski, M.D. [SJ, AB]**

**MOTION** was made by Dr. Weiner to accept the Hearing officer's report in its entirety and deny Dr. Bieganowski reinstatement of his New Mexico medical license. **Seconded** by Dr. Miller. **YES:** Dr. Weiner; Dr. Kovnat; Dr. Miller; Ms. Cochran; Dr. Kankanala and Dr. Komadina. **MOTION CARRIED.**

**D. Consider Settlement – David Durham, M.D. [SJ, AB]**


The Board tabled the consideration of the proposed Settlement until the May 2013 meeting.

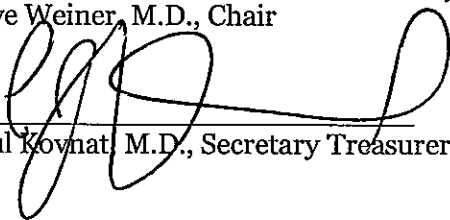
Dr. Kovnat requested that the Board's administrative prosecutor and the attorney general counsel prepare a written description of what procedure should be followed when board members are recused from voting on a particular case. Dr. Kovnat asked the attorneys to bring the proposed description to the next board meeting for discussion.

**8. Adjourn**

There being no further business, the Interim Meeting was adjourned at 4:45 p.m.

SUBMITTED BY:  DATE: 5/20/13  
Lynn Hart, Executive Director

APPROVED BY:  DATE: 5/16/2013  
Steve Weiner, M.D., Chair

APPROVED BY:  DATE: 5/31/13  
Paul Kovnat, M.D., Secretary Treasurer