

NEW MEXICO MEDICAL BOARD
Interim Meeting
March 17, 2016
FINAL MINUTES

Members Present: Steven Jenkusky, M.D., Chair
Albert Bourbon, PA-C, Vice Chair
Peter Beaudette, M.D. (arrived at 4:30)
Steven Komadina, M.D.
James Spence, M.D.
Karen Carson, M.D. – Via Teleconference
Philip Styka, M.D.
Rick Wallace, FACHE, Public Member – Via Teleconference

Members Absent: Jennifer Anderson, Esquire, Public Member, Secretary/Treasurer

Others Present: Sondra Frank, Executive Director
Debbie Dieterich, Investigations Manager
Barbara Mohler, Licensing Manager
Susan Sullivan, Assistant Attorney General
Samantha Breen, Administrative Assistant

1. CALL TO ORDER / ROLL CALL

Dr. Jenkusky called the Interim Meeting of the New Mexico Medical Board to order at 4:04 pm and a quorum was present. The meeting was held at Regulation and Licensing Department, 5500 San Antonio Drive, NE, Albuquerque, NM 87109. March 17, 2016

2. APPROVAL OF AGENDA

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

3. APPROVAL OF MINUTES

MOTION was made by Dr. Komadina to accept and approve the minutes of the February 4-5, 2016 Regular Board Meeting as presented. **SECONDED** by Dr. Styka **YES:** Dr. Jenkusky, Dr. Styka, Mr. Bourbon, Dr. Spence, Dr. Carson and Mr. Wallace. **ABSENT:** Ms. Anderson and Dr. Beaudette **MOTION CARRIED.**

4. CHAIR REPORT

None

5. EXECUTIVE DIRECTOR REPORT

None

EXECUTIVE SESSION: Complaint Committee Reports

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:** Mr. Bourbon. **YES:** Dr. Jenkusky, Dr. Styka, Mr. Bourbon, Dr. Komadina, Dr. Spence, Dr. Carson and Mr. Wallace. **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

Case #2014-A-101 RECOMMENDATION was made by Dr. Carson to close the case. **YES:** Dr. Jenkusky, Dr. Styka, Mr. Bourbon, Dr. Beaudette, Dr. Komadina and Dr. Spence. **RECUSED:** Dr. Carson and Mr. Wallace. **ABSENT:** Ms. Anderson. **MOTION CARRIED.**

Case #2015-B-115 RECOMMENDATION was made by Dr. Carson offering physician a letter of reprimand based on, but not limited to, misrepresentation on an initial and renewal licensure application and dishonesty. If physician does not accept, a notice of contemplated action will be issued regarding same. **YES:** Dr. Jenkusky, Dr. Styka, Mr. Bourbon, Dr. Beaudette, Dr. Komadina and Dr. Spence. **RECUSED:** Dr. Carson and Mr. Wallace. **ABSENT:** Ms. Anderson. **MOTION CARRIED.**

Case #2015-A-236 RECOMMENDATION was made by Dr. Carson to close the case and grant applicant an unrestricted NM medical license. **YES:** Dr. Jenkusky, Dr. Styka, Mr. Bourbon, Dr. Beaudette, Dr. Komadina and Dr. Spence. **RECUSED:** Dr. Carson and Mr. Wallace. **ABSENT:** Ms. Anderson. **MOTION CARRIED.**

Complaint Committee B

Case #2015-B-212 RECOMMENDATION was made by Dr. Komadina to close the case and grant applicant an unrestricted NM medical license. **YES:** Dr. Jenkusky, Dr. Styka, Mr. Bourbon, Dr. Beaudette, Dr. Carson and Mr. Wallace. **RECUSED:** Dr. Komadina and Dr. Spence. **ABSENT:** Ms. Anderson. **MOTION CARRIED.**

Case #2015-B-222 RECOMMENDATION was made by Dr. Komadina to offer physician the chance to withdraw his reinstatement application while under investigation based on, but not limited to, misrepresentation on an application, failure to report an arrest as required, and dishonesty. If he does not accept, a notice of contemplated action will be issued based on the same. **YES:** Dr. Jenkusky, Dr. Styka, Mr. Bourbon, Dr. Beaudette, Dr. Carson and Mr. Wallace. **RECUSED:** Dr. Komadina and Dr. Spence. **ABSENT:** Ms. Anderson. **MOTION CARRIED.**

Complaint Committee C

Case #2015-C-036 RECOMMENDATION was made by Dr. Styka that the Board order physician to undergo an IPC evaluation. The case will remain open until further receipt of the IPC report and then will return to the Board for further decision. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson and Mr. Wallace. **RECUSED:** Dr. Styka and Mr. Bourbon. **ABSENT:** Ms. Anderson.

Case #2015-C-193 Recommendation was made Dr. Styka offering physician applicant the opportunity to withdraw his application for licensure while under investigation, or obtain a psychiatric evaluation to rule out any sexual boundary issues. If physician applicant fails to choose either option, a notice of contemplated action will be issued to deny licensure, based on, but not limited to, failure to cooperate with the Board. **YES:** Dr. Jenkusky, Dr. Beaudette,

Dr. Komadina, Dr. Spence, Dr. Carson and Mr. Wallace. **RECUSED:** Dr. Styka and Mr. Bourbon. **ABSENT:** Ms. Anderson.

Case #2016-C-045 RECOMMENDATION was made by Dr. Styka to issue a summary suspension of physician's medical license based on imminent danger to the public, and simultaneously issue a notice of contemplated action based on, but not limited to, sexual contact with patients and conduct likely to harm. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson and Mr. Wallace. **RECUSED:** Dr. Styka and Mr. Bourbon. **ABSENT:** Ms. Anderson.

Complaint Committee D

Case #2014-D-100 RECOMMENDATION was made by Dr. Beaudette to close the case with an advisory letter regarding physician's failure to report. **YES:** Dr. Jenkusky, Dr. Styka, Mr. Bourbon, Dr. Komadina, Dr. Spence, Dr. Carson and Mr. Wallace. **RECUSED:** Dr. Beaudette. **ABSENT:** Ms. Anderson.

Case #2016-D-035 RECOMMENDATION was made by Dr. Beaudette to issue a summary suspension of physician's medical license based on imminent danger to the public, and simultaneously issue a notice of contemplated action based on, but not limited to, sexual contact with patients and conduct likely to harm. **YES:** Dr. Jenkusky, Dr. Styka, Mr. Bourbon, Dr. Komadina, Dr. Spence, Dr. Carson and Mr. Wallace. **RECUSED:** Dr. Beaudette. **ABSENT:** Ms. Anderson.

7. EXECUTIVE COMMITTEE REPORT:

None

8. Licensing Requests and Actions, New Applicants/Reinstatements:

Christiana Lietzke, MD – MOTION was made by Dr. Jenkusky to adopt the findings and accept the Hearing Officer's Report in the entirety. The Board further concludes based on the extent of multistate actions against respondent and her failure to report them, the nature of the stipulations and the lack of responsiveness from Respondent that the Board is concerned about Respondent's fitness to practice. Therefore Respondent shall submit to a neuropsychiatric evaluation with a Board approved Neuropsychologist within 90 days of the date of their order. Should Respondent fail to complete the evaluation her license shall be immediately suspended. The Board defers final decision on this case pending the results of the evaluation. **SECOND:** Dr. Styka. **YES:** Dr. Jenkusky, Dr. Styka, Mr. Bourbon, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson and Mr. Wallace. **ABSENT:** Ms. Anderson **MOTION CARRIED.**

Christiana Lietzke, MD – Motion for Costs

Tabled

Clyde Miller, MD – MOTION was made by Dr. Jenkusky to accept the proposed settlement as presented. **SECOND:** Dr. Styka. **YES:** Dr. Jenkusky, Dr. Styka, Mr. Bourbon, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson and Mr. Wallace. **ABSENT:** Ms. Anderson **MOTION CARRIED.**

9. BOARD ATTORNEY:

Ms. Sullivan informed the Board that the Attorney General's Office has changed Board representation so this will be her last Board meeting. Rick Word will be the Board's new representation.

10. OLD BUSINESS:

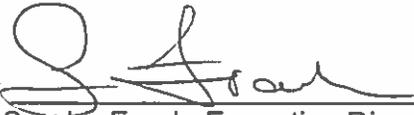
Dr. Komadina confirmed the future Board meeting dates of May 12-13, June 30, August 18-19, September 29 and November 17-18.

11. NEW BUSINESS

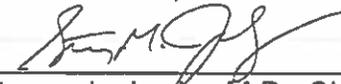
Ms. Frank provided the Board Members copies of House Memorial 72 and Senate Memorial 73 for their review.

ADJOURN

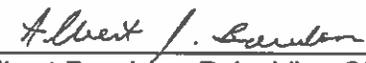
There being no further business, **MOTION** was made by Dr. Jenkusky to adjourn the Meeting at 5:45 p.m.

SUBMITTED BY: 
Sondra Frank, Executive Director

DATE: 5/17/16.

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

DATE: 5/17/16

APPROVED BY: 
Albert Bourbon, P.A., Vice Chair

DATE: 5/17/16