

**NEW MEXICO MEDICAL BOARD  
First Quarter Meeting  
May 20 - 21, 2010**

**MINUTES**

**Members Present:**

Steven Weiner, M.D., Chairman  
Rebecca Cochran, CPMSM, CPCS , Vice-Chair, Public Member  
Paul Kovnat, M.D., Secretary Treasurer  
Roger Miller, M.D.  
Frank Crespin, M.D.  
Steve Jenkusky, M.D.  
Ann Wehr, M.D.  
Albert Bourbon, P.A.

**Members Absent:**

Kathy Abeles, Public Member

**Also Present:**

Lynn Hart, Executive Director  
Geraldine Mascarenas, Deputy Director  
Grant La Farge, M.D., Medical Director  
Andrea Buzzard, Assistant Attorney General  
G.T.S. Khalsa, Board Prosecutor  
J.J. Walker, Compliance Mgr. / PIO  
Lynn Tipton, Administrative Assistant  
Debbie Dieterich, Senior Investigator  
Jonni Lu Pool, Investigator  
Amanda Quintana, Licensing Manager

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

1. **CALL TO ORDER / ROLL CALL / INTRODUCTIONS:**  
Dr. Weiner, Board Chair, called the regular meeting of the New Mexico Medical Board to order at 8:30 a.m., and a quorum was determined present.
2. **APPROVAL OF AGENDA:**  
**MOTION** was made by Dr. Miller to approve the agenda. **SECONDED** by Dr. Crespin. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Crespin, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Ms. Cochran and Mr. Bourbon. **MOTION CARRIED.**
3. **APPROVAL OF MINUTES:**  
**MOTION** was made by Dr. Jenkusky to approve the Minutes from the April 8, 2010 Interim Meeting. **SECONDED** by Dr. Wehr. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Crespin, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Ms. Cochran and Mr. Bourbon. **MOTION CARRIED.**

4. **COMPLAINT COMMITTEE REPORTS:**

**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. **SECONDED** by Dr. Jenkusky. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Crespin, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Ms. Cochran and Mr. Bourbon.

**MOTION CARRIED.**

**ACTIONS RELATED TO EXECUTIVE 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.

**A. Complaint Committee Reports**

**Complaint Committee A:**

**RECOMMENDATION** was made by Dr. Kovnat to close complaint cases 2009-A-057; 2009-A-059; 2009-A-073; 2009-A-135, 2009-A-149; 2009-A-155; 2009-A-157; 2009-A-190; 2009-A-235; 2010-A-007 and 2010-A-034, as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Dr. Weiner, Dr. Crespin, Dr. Miller, Dr. Jenkusky, Ms. Cochran and Mr. Bourbon. **ABSTAINED:** Dr. Kovnat and Dr. Wehr. **RECOMMENDATION PASSED.**

**Case No. 2009-A-173** ( [REDACTED] ) This case is returning to the investigation department.

**Case No. 2009-A-177** ( [REDACTED] ) **RECOMMENDATION** was made by Dr. Kovnat that physician receive a collateral assessment by the New Mexico Monitored Treatment Program and receive a skills assessment from the Center for Personalized Education for Physicians (CPEP). A report needs to be provided to the complaint committee within ten days prior to the June meeting. If physician does not comply with the recommendation for MTP and CPEP evaluations, a Notice of Contemplated Action will be issued based on failure to furnish the Board with information requested by the Board. **YES:** Dr. Weiner, Dr. Miller, Dr. Crespin, Dr. Jenkusky, Ms. Cochran and Mr. Bourbon. **ABSTAINED:** Dr. Kovnat and Dr. Wehr. **RECOMMENDATION PASSED.**

**Case No. 2010-A-049** ( [REDACTED] ) **RECOMMENDATION** was made by Dr. Wehr to offer physician an Agreed Order accepting his offer to place his license on inactive status and waive the statute of limitations on this case so that it may be reopened when he applies to place his license on active status. If physician does not accept this order, a Notice of Contemplated Action will be issued based on action in another state. **YES:** Dr. Weiner, Dr. Miller, Dr. Crespin, Dr. Jenkusky, Ms. Cochran and Mr. Bourbon. **ABSTAINED:** Dr. Kovnat and Dr. Wehr. **RECOMMENDATION PASSED.**

**Case No. 2010-A-059** ( [REDACTED] ) **RECOMMENDATION** was made by Dr. Wehr to accept the Impaired Physician Committee report and require a psychiatric evaluation by June 19, 2010. The case will return to the complaint committee. **YES:** Dr. Weiner, Dr. Miller, Dr. Crespin, Dr. Jenkusky, Ms. Cochran and Mr. Bourbon. **ABSTAINED:** Dr. Kovnat and Dr. Wehr. **RECOMMENDATION PASSED.**

**Complaint Committee AA:**

**RECOMMENDATION** was made by Dr. Crespin to close complaint case 2008-AA-126, as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Dr. Weiner, Dr. Kovnat, Dr. Miller, Dr. Wehr, Ms. Cochran and Mr. Bourbon. **ABSTAINED:** Dr. Crespin and Dr. Jenkusky. **RECOMMENDATION PASSED.**

**Complaint Committee AAA:**

**Case No. 2009-AAA-265 RECOMMENDATION** was made by Dr. Wehr to close complaint case 2009-AAA-265, as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Dr. Kovnat, Dr. Miller, Dr. Jenkusky, Dr. Crespin, Ms. Cochran and Mr. Bourbon. **ABSTAINED:** Dr. Weiner and Dr. Wehr. **RECOMMENDATION PASSED.**

**Case No. 2008-AAA-168 ( [REDACTED] ) RECOMMENDATION** was made by Dr. Weiner to offer physician an Order restricting him from treating chronic pain and prescribing controlled substances to immediate family members. If physician does not accept the Board's Order, a Notice of Contemplated Action will be issued for injudicious prescribing and prescribing to a family member. **YES:** Dr. Kovnat, Dr. Miller, Dr. Jenkusky, Dr. Crespin, Ms. Cochran and Mr. Bourbon. **ABSTAINED:** Dr. Weiner and Dr. Wehr. **RECOMMENDATION PASSED.**

**Case No. 2009-AAA-086 ( [REDACTED] ) RECOMMENDATION** was made by Dr. Weiner to accept the IPC's clarification of report and require physician comply with the follow-up diagnostic evaluation that is necessary for the Impaired Physician Committee to complete their determination. If physician does not comply with the diagnostic evaluation, the committee recommends summary suspension of physician's license pursuant to NMSA 1978, § 61-7-5(E) (Impaired Health Care Provider Act). **YES:** Dr. Kovnat, Dr. Miller, Dr. Jenkusky, Dr. Crespin, Ms. Cochran and Mr. Bourbon. **ABSTAINED:** Dr. Weiner and Dr. Wehr. **RECOMMENDATION PASSED.**

**Case No. 2009-AAA-167 ( [REDACTED] ) RECOMMENDATION** was made by Dr. Weiner to offer physician a Letter of Reprimand based on misrepresentation when applying for renewal of a medical license. If physician does not accept the Letter of Reprimand, issue a Notice of Contemplated Action based on same. **YES:** Dr. Kovnat, Dr. Miller, Dr. Jenkusky, Dr. Crespin, Ms. Cochran and Mr. Bourbon. **ABSTAINED:** Dr. Weiner and Dr. Wehr. **RECOMMENDATION PASSED.**

**Case No. 2010-AAA-037 ( [REDACTED] )** This case is returning to the investigation department.

**Complaint Committee B:**

**RECOMMENDATION** was made by Ms. Cochran to close complaint cases 2009-B-174; 2009-B-191 and 2009-B-240, as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Dr. Weiner, Dr. Crespin, Dr. Kovnat, Dr. Jenkusky, Dr. Wehr and Mr. Bourbon. **ABSTAINED:** Dr. Miller and Ms. Cochran. **RECOMMENDATION PASSED.**

**RECOMMENDATION** was made by Ms. Cochran to close complaint cases 2009-B-136; 2009-B-159; 2009-B-182; 2009-B-197; 2010-B-008 and 2010-B-01, as there was no evidence of a violation of the Medical Practice Act or rules, **AND** to send physicians an advisory letter. **YES:** Dr. Weiner, Dr. Crespin, Dr. Kovnat, Dr. Jenkusky, Dr. Wehr and Mr. Bourbon. **ABSTAINED:** Dr. Miller and Ms. Cochran. **RECOMMENDATION PASSED.**

**Case No. 2009-B-246 ( [REDACTED] )** **RECOMMENDATION** was made by Ms. Cochran to issue physician a Notice of Contemplated Action based on injudicious prescribing and prescribing to a family member. **YES:** Dr. Weiner, Dr. Crespin, Dr. Kovnat, Dr. Jenkusky, Dr. Wehr and Mr. Bourbon. **ABSTAINED:** Dr. Miller and Ms. Cochran. **RECOMMENDATION PASSED.**

**Case No. 2010-B-027 ( [REDACTED] )** **RECOMMENDATION** was made by Ms. Cochran to offer to allow physician to surrender his New Mexico license to practice medicine. If physician does not accept the offer, the committee recommends issuance of a Notice of Contemplated Action based on action in another state. **YES:** Dr. Weiner, Dr. Crespin, Dr. Kovnat, Dr. Jenkusky, Dr. Wehr and Mr. Bourbon. **ABSTAINED:** Dr. Miller and Ms. Cochran. **RECOMMENDATION PASSED.**

**Case No. 2010-B-041 ( [REDACTED] )** **RECOMMENDATION** was made by Ms. Cochran to issue physician a Notice of Contemplated Action based on action in another state. **YES:** Dr. Weiner, Dr. Crespin, Dr. Kovnat, Dr. Jenkusky, Dr. Wehr and Mr. Bourbon. **ABSTAINED:** Dr. Miller and Ms. Cochran. **RECOMMENDATION PASSED.**

**Case No. 2010-B-105 ( [REDACTED] )** **RECOMMENDATION** was made by Ms. Cochran to proceed under the Impaired Healthcare Provider Act and appoint an examining committee, which will consist of the three licensed healthcare providers at MTP, to continue to evaluate and monitor physician's treatment and compliance until she has at least one year of sobriety. At that time, the complaint committee will address the competency issue, since she has been out of practice for seven years. **YES:** Dr. Weiner, Dr. Crespin, Dr. Kovnat, Dr. Jenkusky, Dr. Wehr and Mr. Bourbon. **ABSTAINED:** Dr. Miller and Ms. Cochran. **RECOMMENDATION PASSED.**

**Complaint Committee C:**

**RECOMMENDATION** was made by Dr. Crespin to close complaint cases 2009-C-132; 2009-C-146; 2009-C-160; 2009-C-194; 2009-C-209 and 2009-C-213, as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Dr. Weiner, Dr. Kovnat, Dr. Jenkusky, Dr. Wehr, Dr. Miller, Ms. Cochran and Mr. Bourbon. **ABSTAINED:** Dr. Crespin. **RECOMMENDATION PASSED.**

**RECOMMENDATION** was made by Dr. Crespin to close complaint cases 2009-C-140; 2009-C-181; 2009-C-188; 2010-C-009 and 2010-C-025, as there was no evidence of a violation of the Medical Practice Act or rules, **AND** to send physicians an advisory letter. **YES:** Dr. Weiner, Dr. Kovnat, Dr. Jenkusky, Dr. Wehr, Dr. Miller, Ms. Cochran and Mr. Bourbon. **ABSTAINED:** Dr. Crespin. **RECOMMENDATION PASSED.**

**Case No. 2008-C-200 ( [REDACTED] )** This case is returning to the investigation department for further review.

**Case No. 2009-C-215 and Case No. 2009-C-220 ( [REDACTED] )**  
**RECOMMENDATION** was made by Dr. Crespin to reopen these cases and return the cases to the Investigation Department to obtain expert review. **YES:** Dr. Weiner, Dr. Kovnat, Dr. Jenkusky, Dr. Wehr, Dr. Miller, Ms. Cochran and Mr. Bourbon.  
**ABSTAINED:** Dr. Crespin. **RECOMMENDATION PASSED.**

**Case No. 2009-C-221 ( [REDACTED] )** **RECOMMENDATION** was made by Dr. Crespin to offer physician a Letter of Reprimand based on failure to report action in another state. If physician does not accept the Letter of Reprimand, issue a Notice of Contemplated Action based on failure to report the action. **YES:** Dr. Weiner, Dr. Kovnat, Dr. Jenkusky, Dr. Wehr, Dr. Miller, Ms. Cochran and Mr. Bourbon.  
**ABSTAINED:** Dr. Crespin. **RECOMMENDATION PASSED.**

**Case No. 2010-C-063 ( [REDACTED] )** **RECOMMENDATION** was made by Dr. Crespin to offer physician a stipulated license requiring mandatory participation in NM Monitored Treatment Program and other standard substance abuse stipulations. If physician does not accept the stipulated license, a Notice of Contemplated Action will be issued for injudicious prescribing. The committee also recommends that physician be offered the alternative of voluntarily surrendering his medical license. **YES:** Dr. Weiner, Dr. Kovnat, Dr. Jenkusky, Dr. Wehr, Dr. Miller, Ms. Cochran and Mr. Bourbon.  
**ABSTAINED:** Dr. Crespin. **RECOMMENDATION PASSED.**

**Complaint Committee D:**

**RECOMMENDATION** was made by Dr. Jenkusky to close complaint cases 2009-D-100; 2009-D-121; 2009-D-122; 2009-D-133; 2009-D-158; 2009-D-189; 2010-D-010; 2010-D-053 and 2010-D-067, as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Dr. Weiner, Dr. Kovnat, Dr. Miller, Dr. Wehr, Dr. Crespin and Ms. Cochran. **ABSTAINED:** Dr. Jenkusky and Mr. Bourbon.  
**RECOMMENDATION PASSED.**

**RECOMMENDATION** was made by Dr. Jenkusky to close complaint case 2008-D-206, as there was no evidence of a violation of the Medical Practice Act or rules **AND** to send physician an advisory letter. **YES:** Dr. Weiner, Dr. Kovnat, Dr. Miller, Dr. Wehr, Dr. Crespin and Ms. Cochran. **ABSTAINED:** Dr. Jenkusky and Mr. Bourbon.  
**RECOMMENDATION PASSED.**

**Case No. 2009-D-247 ( [REDACTED] )** This case is returning to the investigation department for further review.

**Case No. 2008-D-187 ( [REDACTED] )** **RECOMMENDATION** was made by Dr. Jenkusky to offer physician a Letter of Reprimand based on conduct unbecoming for violating the Board's regulation of managing chronic pain with controlled substances and injudicious prescribing. If physician does not accept the Letter of Reprimand, issue a Notice of Contemplated Action based on same. **YES:** Dr. Weiner, Dr. Kovnat, Dr. Miller, Dr. Wehr, Dr. Crespin and Ms. Cochran. **ABSTAINED:** Dr. Jenkusky and Mr. Bourbon. **RECOMMENDATION PASSED.**

**Case No. 2009-D-016 ( [REDACTED] ) RECOMMENDATION** was made by Dr. Jenkusky to issue physician a Notice of Contemplated Action based on injudicious prescribing and failure to maintain accurate medical records. **YES:** Dr. Weiner, Dr. Kovnat, Dr. Miller, Dr. Wehr, Dr. Crespin and Ms. Cochran. **ABSTAINED:** Dr. Jenkusky and Mr. Bourbon. **RECOMMENDATION PASSED.**

**Case No. 2009-D-032 ( [REDACTED] ) RECOMMENDATION** was made by Dr. Jenkusky to issue physician a Notice of Contemplated Action based on injudicious prescribing. **YES:** Dr. Weiner, Dr. Kovnat, Dr. Miller, Dr. Wehr, Dr. Crespin and Ms. Cochran. **ABSTAINED:** Dr. Jenkusky and Mr. Bourbon. **RECOMMENDATION PASSED.**

**Case No. 2009-D-138 ( [REDACTED] ) RECOMMENDATION** was made by Dr. Jenkusky to issue physician a Notice of Contemplated Action based on injudicious prescribing and failure to maintain accurate, timely and legible medical records. The charges in this NCA will be combined with the charges in Case No. 2009-D-032. **YES:** Dr. Weiner, Dr. Kovnat, Dr. Miller, Dr. Wehr, Dr. Crespin and Ms. Cochran. **ABSTAINED:** Dr. Jenkusky and Mr. Bourbon. **RECOMMENDATION PASSED.**

**Case No. 2009-D-172 ( [REDACTED] ) RECOMMENDATION** was made by Dr. Jenkusky to offer physician an Agreed Order consistent with those orders in Virginia, New Jersey, Maryland, and Pennsylvania permanently restricting him from prescribing Schedule II, III, and IV controlled substances. If physician does not accept the Agreed Order, the committee recommends issuance of a Notice of Contemplated Action based on licensure actions in other states. **YES:** Dr. Weiner, Dr. Kovnat, Dr. Miller, Dr. Wehr, Dr. Crespin and Ms. Cochran. **ABSTAINED:** Dr. Jenkusky and Mr. Bourbon. **RECOMMENDATION PASSED.**

**Case No. 2010-D-026 ( [REDACTED] ) RECOMMENDATION** was made by Dr. Jenkusky to offer physician the opportunity to voluntarily surrender his New Mexico license and agree never to reapply. If physician does not agree to voluntarily surrender, committee recommends that a Notice of Contemplated Action be issued based on action in Arizona, simultaneously with the issuance of a summary suspension based on his posing a clear and immediate danger to the public health and safety. **YES:** Dr. Weiner, Dr. Kovnat, Dr. Miller, Dr. Wehr, Dr. Crespin and Ms. Cochran. **ABSTAINED:** Dr. Jenkusky and Mr. Bourbon. **RECOMMENDATION PASSED.**

**Complaint Committee E:**

**RECOMMENDATION** was made by Dr. Weiner to close complaint case 2010-E-042, as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Dr. Crespin, Dr. Kovnat, Dr. Miller, Dr. Jenkusky, Dr. Wehr and Ms. Cochran and Mr. Bourbon. **ABSTAINED:** Dr. Weiner. **RECOMMENDATION PASSED.**

**Case No. 2010-E-068 ( [REDACTED] ) RECOMMENDATION** was made by Dr. Weiner that physician receive a skills assessment from the Center for Personalized Education for Physicians (CPEP). The case will return to complaint committee following completion of these recommendations. **YES:** Dr. Crespin, Dr. Kovnat, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Ms. Cochran and Mr. Bourbon. **ABSTAINED:** Dr. Weiner. **RECOMMENDATION PASSED.**

**B. Executive Committee Report**

- **Criminal History Hits**

The Board reviewed the reports on criminal background arrest records "hits" compiled by the Executive Committee in executive session. The Executive Committee members are Dr. Weiner and Ms. Cochran, and Lynn Hart.

**MOTION** was made by Ms. Cochran to accept the Executive Committee's recommendations, as reported, on criminal background arrest records.

**SECONDED** by Dr. Wehr. **YES:** Dr. Kovnat, Dr. Crespin, Dr. Miller, Dr. Wehr, Dr. Jenkusky and Mr. Bourbon. **ABSTAINED:** Ms. Cochran and Dr. Weiner.

**MOTION CARRIED.**

- **Other Cases**

The Board reviewed the reports on other cases compiled by the Executive Committee in executive session. The Executive Committee members are Dr. Weiner, Ms. Cochran and Lynn Hart.

**MOTION** was made by Dr. Kovnat to accept the Executive Committee's recommendations, as reported, on disciplinary arrest records and other reported actions. **SECONDED** by Ms. Cochran. **YES:** Dr. Kovnat, Dr. Crespin, Dr. Miller, Dr. Wehr, Dr. Jenkusky, Mr. Bourbon and Ms. Cochran. **ABSTAINED:** Ms. Cochran and Dr. Weiner.

**MOTION CARRIED.**

**5. LICENSING REQUESTS AND ACTIONS, NEW APPLICANTS / REINSTATEMENTS:**

**A. Decision and Order – Shahper Khalid, M.D. – Case 2009-032** **MOTION** was made by Dr. Weiner to **ACCEPT** the Hearing Officer's report in its entirety and **DENY** Dr. Khalid's application to practice as a physician in New Mexico. **SECONDED** by Ms. Cochran. **YES:** Dr. Kovnat, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Dr. Weiner and Ms. Cochran. **ABSENT:** Mr. Bourbon **RECUSED:** Dr. Crespin. **MOTION CARRIED.**

**B. Decision and Order – John Fancher, M.D. – Case 2009-016** **MOTION** was made by Dr. Kovnat to **ACCEPT** the Hearing Officer's report in its entirety and **DENY** Dr. Fancher's application to practice medicine in New Mexico. If, in the future, Dr. Fancher re-applies for licensure, he must first have successfully completed an American Commission on Graduate Medical Education approved residency in internal medicine or a mini-sabbatical at the University of New Mexico. A residency license is approved and may be issued for that purpose. **SECONDED** by Ms. Cochran. **YES:** Dr. Kovnat, Dr. Miller, Dr. Jenkusky, Dr. Wehr, and Ms. Cochran. **ABSENT:** Mr. Bourbon **RECUSED:** Dr. Weiner and Dr. Crespin. **MOTION CARRIED.**

**C. Consider Settlement – Brian West, M.D. Case 2010-013** **MOTION** was made by Dr. Wehr to allow Brian West, M.D. to withdraw his application for licensure while under investigation. **SECONDED** by Dr. Jenkusky. **YES:** Dr. Weiner, Dr. Kovnat, Dr. Crespin, Dr. Jenkusky and Dr. Wehr. **ABSENT:** Mr. Bourbon **RECUSED:** Dr. Miller and Ms. Cochran. **MOTION CARRIED.**

**D. Consider Settlement – Brian Wayne, M.D. – Case 2010-002** **MOTION** was made by Dr. Miller to accept Dr. Wayne's offer to surrender his license to practice medicine and never reapply for licensure in New Mexico, and to dismiss the Notice of Contemplated Action. **SECONDED** by Dr. Weiner. **YES:** Dr. Weiner, Dr. Crespin, Dr. Jenkusky, Dr. Miller and Dr. Wehr. **ABSENT:** Mr. Bourbon **RECUSED:** Dr. Kovnat and Ms. Cochran. **MOTION CARRIED.**

- E. Consider Settlement – Padmaneel Kanase, M.D. – Case 2010-003 – Not presented at this meeting.**
- F. Robert Terdiman, M.D. – Consider application for licensure by examination.**  
**MOTION** was made by Dr. Weiner to **GRANT** a resident/training license and allow Dr. Terdiman to enter a mini-sabbatical program at UNM. **SECONDED** by Dr. Jenkusky. **YES:** Dr. Weiner, Dr. Crespin, Dr. Jenkusky, Dr. Miller, Dr. Kovnat, Ms. Cochran and Dr. Wehr. **ABSENT:** Mr. Bourbon **MOTION CARRIED.**
- G. Mark Whitaker, M.D. – Mini-Sabbatical in lieu of non-disciplinary stipulation.**  
**MOTION** was made by Dr. Weiner to **GRANT** a resident/training license and allow Dr. Whitaker to enter a mini-sabbatical program at UNM. **SECONDED** by Dr. Jenkusky. **YES:** Dr. Weiner, Dr. Crespin, Dr. Jenkusky, Dr. Miller, Dr. Kovnat, Ms. Cochran and Dr. Wehr. **ABSENT:** Mr. Bourbon **MOTION CARRIED.**
- H. Request from Donald Weidemann, Administrator, Union County General Hospital** regarding Mark Van Wormer, M.D. - Mr. Weidemann and other concerned citizens from Clayton, NM appeared before the Board in support of Dr. Van Wormer's request to change the terms of his Agreed Order, specifically requesting that the Board allow him to reapply for licensure in six months rather than the seven years provided in the Agreed Order. Mr. Weidemann and the other concerned citizens expressed the lack of physicians and medical care in Clayton. Ms. Cochran asked about Union County's website and the physicians that were listed. Mr. Weidemann explained that the site had not been updated recently and that not all of the physicians listed were still working at Union County. According to Mr. Weidemann one of the physicians has left Clayton, one physician has clinical privileges, but is no longer seeing patients and another physician is there part-time. The Board reminded Dr. Van Wormer that he had violated his probationary order and this was the reason he did not have a current license to practice in New Mexico. **MOTION** was made by Dr. Weiner to **DENY** Dr. Van Wormer's request to change the terms of the Agreed Order from the inability to reapply for licensure from seven years to six months. **SECONDED** by Ms. Cochran. **YES:** Dr. Weiner, Dr. Crespin, Dr. Jenkusky, Dr. Miller, Dr. Kovnat, Ms. Cochran and Dr. Wehr. **ABSENT:** Mr. Bourbon **MOTION CARRIED.**

**MOTION** was made by Dr. Wehr to go into closed 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. **SECONDED** by Mr. Bourbon. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Crespin, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Mr. Bourbon and Ms. Cochran. **MOTION CARRIED.**

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

## 7. REPORTS

- A. Chair -** Dr. Weiner, Dr. Miller and Dr. La Farge attended the FSMB meeting in Chicago at the end of April and discussed the following topics.  
 Dr. La Farge reported on the session on Telehealth and License Portability. The key issues were Telehealth credentialing, license portability, and the delivery of medical care across State lines. Medical care delivered through a Telehealth network is defined as being where the patient is located, and the Physician must either have a



full or a Telemedicine license. The important requirements are the establishment of a physician-patient relationship, and the credentialing of the Physician in each of the remote clinics or hospitals served by the Telehealth network, intra-state or inter-state. The Board reaffirmed its position that a limited number of interstate consultations could take place each year, Physician to Physician, without licensure as long as the patient's primary physician makes the clinical decisions.

Dr Weiner summarized the issue of the teaching of Medical ethics to Medical Students and House Officers. North Carolina's experience has demonstrated that didactics are of limited usefulness, and that "mock ethics consultations", using real case examples in "moot court" format, are best handled by the young physicians themselves and result in the best learning experience. Visits to Medical Board meetings may also have a positive effect in exemplifying what happens when medical ethics go awry. Interest was expressed in approaching UNM on this issue.

Dr. Miller summarized the issue of trying to increase public awareness of what Boards do. This FSMB session had emphasized the importance of communicating to the Public what Boards do, through Newsletters and web sites. Both Texas and North Carolina take an active role in their relationships with the Press and use a designated Public Information person.

Mr. Bourbon commented briefly on the success of the first-time Web Broadcast of the opening morning session of the meeting.

Dr. Weiner concluded with a general summary and discussion of the Maintenance of Licensure focus of the 2010 meeting and stressed the importance of working jointly with the NM Medical Society in implementing this program.

- B. **Executive Director** – No report at this time.
- C. **Medical Director** – No report at this time.
- D. **Assistant Attorney General** – No report at this time.
- E. **Administrative Prosecutor** - Mr. Khalsa reviewed the NCA report. Mr. Khalsa reported that all NCAs that were voted on in prior meetings have been issued.
- F. **Licensing Manager** – Ms. Quintana provided the Board with the 2010 License Renewal updates and reviewed the request from Dr. Baum to modify the wording in Professional Practice Question 18. She would like the Board to consider replacing "or" with "and". **MOTION** was made by Ms. Cochran to DENY the request to modify the wording. **SECONDED** by Dr. Weiner. **YES:** Dr. Weiner, Dr. Crespin, Dr. Jenkusky, Dr. Miller, Dr. Kovnat, Ms. Cochran and Dr. Wehr. **ABSENT:** Mr. Bourbon **MOTION CARRIED.**
- G. **Financial / HR Manager** – Review FY10 Budget and Revenue Status Report; FY11 Operating Budget Report. Ms. Mascarenas reviewed the FY10 and FY11 operating budgets. She reported that the Board has sufficient revenue to operate through the end of this fiscal year. She also reported that the balance of notebook computers were on order.
- H. **Investigation Department** – No report at this time.
- I. **Compliance / Public Information Officer** – No report at this time.

## 8. COMPLIANCE

### EXECUTIVE SESSION:

**MOTION** was made by Dr. Weiner to go into closed 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. **SECONDED** by Ms. Cochran. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Crespin, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Mr. Bourbon and Ms. Cochran. **MOTION CARRIED.**

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.

**Board Monitored Compliance Report** - Ms. Walker reviewed the compliance report and provided status on all licensees.

- **Board Order** – James Bradley, M.D. – request probation be terminated. **MOTION** was made by Dr. Weiner to remove all Stipulations and **GRANT** Dr. Bradley an unrestricted license. **SECONDED** by Dr. Wehr. **YES:** Dr. Weiner, Dr. Kovnat, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Dr. Crespin, Mr. Bourbon and Ms. Cochran. **MOTION CARRIED.**
- **Board Order** – Stan Chao, M.D. – request probation be terminated. **MOTION** was made by Dr. Weiner to **DENY** licensee's request to be removed from probation. **SECONDED** by Ms. Cochran. **YES:** Dr. Weiner, Dr. Kovnat, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Dr. Crespin, Mr. Bourbon and Ms. Cochran. **MOTION CARRIED.**
- **Board Order** – Charles Pfaff, Jr., M.D. – request probation be terminated. **MOTION** was made by Dr. Weiner to remove all Stipulations and **GRANT** Dr. Pfaff an unrestricted license. **SECONDED** by Ms. Cochran. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Dr. Crespin, Mr. Bourbon and Ms. Cochran. **MOTION CARRIED.**

**9. NM MONITORED TREATMENT PROGRAM**

Jon Thayer, MTP Executive Director, Dan Collins, M.D., MTP Medical Director and Kate Woods, Clinical Director discussed the status of mandatory and voluntary MTP participants.

**10. NM RESOURCE CENTER FOR HEALTH PROFESSIONALS – Connie Merrell-McDonald**  
Ms. Merrell-McDonald reported on the status of physicians in her program.

**11. INFORMAL INTERVIEWS**

Stan Chao, MD, James Bradley, MD, Twana Sparks, MD, Charles Pfaff, MD, Adelfio Fronterotta, MD, Michael Carey, MD, Jon Wagner, MD, Christopher Gallagher, MD, Steven Petrakis, MD, Stephanie Hedstrom, MD, Pablo Garcia, MD and Howard Schwartz, MD were interviewed regarding current practices and compliance with the Board.

Howard Nunn, MD and Ralph Hansen, MD were interviewed via teleconference.

**12. ACTIONS RELATED TO EXECUTIVE SESSION**

**13. RULE HEARING:** - A rule hearing was held on Friday at 9:00 am and the following rules were considered:

16.10.1 NMAC – General Provisions

16.10.4 NMAC – Continuing Medical Education

The Rule Hearing was recorded by a court reporter.

**14. ADOPTION OF RULES:**

16.10.1 NMAC – General Provisions - **MOTION** was made by Dr. Weiner to adopt Rule 16.10.1 NMAC as proposed. **SECONDED** by Ms. Cochran. **YES:** Dr. Weiner, Dr. Kovnat, Dr. Crespin, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Mr. Bourbon and Ms. Cochran. **MOTION CARRIED.**

16.10.4 NMAC – Continuing Medical Education - **MOTION** was made by Dr. Weiner to adopt Rule 16.10.4 NMAC as proposed. **SECONDED** by Ms. Cochran. **YES:** Dr. Weiner, Dr. Kovnat, Dr. Crespin, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Mr. Bourbon and Ms. Cochran. **MOTION CARRIED.**

**15. NEW BUSINESS**

**A. Election of Officers**

**MOTION** was made by Dr. Kovnat to reappoint the current officers of the Board to their positions. **SECONDED** by Mr. Bourbon. **YES:** Dr. Weiner, Dr. Kovnat, Dr. Crespin, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Mr. Bourbon and Ms. Cochran. **MOTION CARRIED.**

**B. Adopt Open Meetings Resolution**

**MOTION** was made by Dr. Weiner to adopt the Open Meetings Resolution as presented. **SECONDED** by Ms. Cochran. **YES:** Dr. Weiner, Dr. Kovnat, Dr. Crespin, Dr. Miller, Dr. Jenkusky, Dr. Wehr, Mr. Bourbon and Ms. Cochran. **MOTION CARRIED.**

**C. Proposed Scheduled Meeting Dates for 2011 Calendar**

**MOTION** was made by Dr. Weiner to adopt the 2011 Calendar of proposed meeting dates as presented. **SECONDED** by Dr. Crespin. **YES:** Dr. Weiner, Dr. Kovnat, Dr. Crespin, Dr. Jenkusky, Mr. Bourbon and Ms. Cochran. **ABSENT:** Dr. Wehr and Dr. Miller. **MOTION CARRIED.**

**16. OLD BUSINESS**

**A. Urgent Care Committee Update** – Dr. Wehr presented an overview and reported on the Taskforce Committee, comprised of 10 health care providers with expertise in the area of urgent care services, that met February 11<sup>th</sup>. Dr. Wehr reported that the taskforce believes, at this time, that state regulation of urgent care facilities is not warranted, but believes voluntary guidelines would be beneficial. The taskforce listed recommendations to these guidelines based on the standards set by the Urgent Care Association of America and the American Academy of Urgent Care Medicine that may be recommended by private sector entities including the NM Medical Society and the NM Academy of Physician Assistants. In addition state agencies, ie: NM Medical Board, Nursing Board and Dept. of Health might add recommendations.

**B. Review Chiropractic Formulary and Educational Criteria** –Lynn Hart presented an overview of the Chiropractic Board's proposed rule revisions that will go before a rule hearing June 14, 2010. **MOTION** was made by Dr. Wehr to direct Ms. Hart to draft a letter to the Chiropractic Board informing them that the proposed Chiropractic Formulary has not been approved by the Medical Board as required by their (Chiropractic) statute, and to allow Ms. Hart to notify the Governor's Office, Attorney General's Office and the Regulation and Licensing Department of the Board's position. The Board directed Ms. Hart to attend the Rule Hearing on June 14, 2010 and ensure that she requests that the Board's letter be made part of the Chiropractic Board's rule hearing record. **SECONDED** by Dr. Crespin. **YES:** Dr. Weiner, Dr. Kovnat, Dr. Crespin, Dr. Jenkusky, Mr. Bourbon, Dr. Miller, Dr. Wehr and Ms. Cochran. **MOTION CARRIED.**

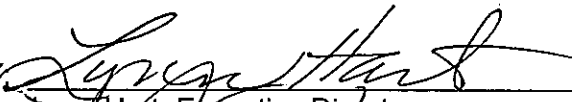
C. **Proposed Revisions to the Psychologist Prescribing Rule** – Ms. Hart updated the Board that according to Dr. Sherrill, Chair of the Psychology Board, as of April 26<sup>th</sup> the revisions proposed by the NM Medical Board's committee on the definition of psychotropic medication were still being reviewed by their Prescribing Psychologist Committee.

17. **Departmental Rules, Regulations and Processes** – Postponed discussion until a future meeting.

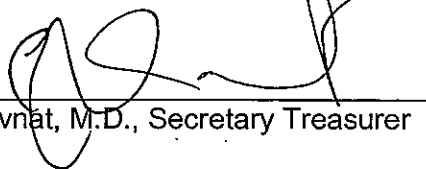
**Amanda Quintana – Licensure Process**

**Debbie Dieterich and Jonni Lu Pool – Investigation Process**

18. **ADJOURN** - There being no further business, the meeting adjourned at 11:35 a.m.

SUBMITTED BY:  DATE: 6-24-10  
Lynn Hart, Executive Director

APPROVED BY:  DATE: 6-24-10  
Steve Weiner, M.D., Chair

APPROVED BY:  DATE: 7 1 10  
Paul Kovnat, M.D., Secretary Treasurer