

# NEW MEXICO MEDICAL BOARD

## *Special Meeting*

May 9, 2011

### MINUTES

#### Members Present:

Steven Weiner, M.D., Chair  
Rebecca Cochran, CPMSM, CPCS, Vice Chair, Public Member – by teleconference  
Paul Kovnat, M.D., Secretary Treasurer  
Roger Miller, M.D.  
Kathy Abeles, Public Member  
Frank Crespin, M.D. – by teleconference  
Steve Jenkusky, M.D. – by teleconference.  
Ann Wehr, M.D. – by teleconference  
Albert Bourbon, PA-C – by teleconference

#### Also Present:

Lynn Hart, Executive Director  
Andrea Buzzard, Assistant Attorney General  
Jerry Marshak, Administrative Prosecutor  
J.J. Walker, Compliance Mgr. / PIO  
Lynn Tipton, Administrative Assistant

(List of all attendees attached to these minutes.)

#### 1. **CALL TO ORDER**

The Special Meeting of the New Mexico Medical Board convened at 4:30 p.m., Monday, May 9, 2011 in the Board Conference Room, 2055 S. Pacheco, Santa Fe, New Mexico, *Steven Weiner, M.D.* presiding. A quorum was declared.

#### 2. **APPROVAL OF AGENDA**

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

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

##### • **Padmaneel Kanase, M.D. – Consider Settlement**

Dr. Weiner **MOVED** that a Letter of Reprimand be issued to Respondent. Respondent shall within three months from the date of the Order reimburse the Board in the sum of \$5,000.00 for investigative and administrative expenses incurred in this case. It is further ordered that if the Board has reasonable cause to believe that Respondent has violated any of the terms of the Order, the Board may immediately and summarily suspend his license to practice as a physician in New Mexico. A breach of any term of this Order shall constitute conduct unbecoming in a person licensed to practice medicine as set forth in NMSA 1978, §61-6-15(D)(29). The Board shall, within 10 days of a summary suspension, issue a Notice of Contemplated Action, and Respondent will be entitled to a formal hearing in accordance with the Uniform Licensing Act, NMSA 1978 §§ 61-1-1 through 33. This Order is a public record and will be available on the Board's website as required by Rule 16.10.1.9 NMAC. Ms. Abeles **SECONDED**. **YES**: Dr. Kovnat, Dr. Miller, Ms. Abeles, Dr. Weiner, Mr. Bourbon, Ms. Cochran, Dr. Crespin, Dr. Jenkusky and Dr. Wehr. **MOTION CARRIED.**

**At 4:45 p.m., prior to Executive Session to discuss the Decision and Order in the case of Dr. Kenneth Bull, Dr. Jenkusky and Mr. Bourbon disconnected from the conference call as they were recused from the case.**

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

• **Decision and Order – Kenneth Bull, M.D.**

Dr. Weiner **MOVED** to **ADOPT** the Hearing Officer's Findings of Fact and adopt the additional findings of fact as cited in paragraphs 24-32; 50-71; 89; and 96-98. Dr. Kovnat **SECONDED.** **YES:** Dr. Kovnat, Dr. Miller, Ms. Abeles, Dr. Weiner, Ms. Cochran, Dr. Crespin, and Dr. Wehr. **RECUSED:** Dr. Jenkusky and Mr. Bourbon. **MOTION CARRIED.**

Dr. Weiner **MOVED** to **ACCEPT** the following conclusions of law.


Dr. Bull has engaged in unprofessional or dishonorable conduct contrary to NMSA 1978, Section 61-6-15(D)(26) (injudicious prescribing of drugs) and Section 61-6-15(D)(33) (improper management of medical records, including failure to maintain timely, accurate, legible and complete medical records). Dr. Kovnat **SECONDED.** **YES:** Dr. Kovnat, Dr. Miller, Ms. Abeles, Dr. Weiner, Ms. Cochran, Dr. Crespin, and Dr. Wehr. **RECUSED:** Dr. Jenkusky and Mr. Bourbon. **MOTION CARRIED.**


Dr. Weiner **MOVED** to **ISSUE** an **ORDER** placing Dr. Bull's license on probation with the following terms and conditions:

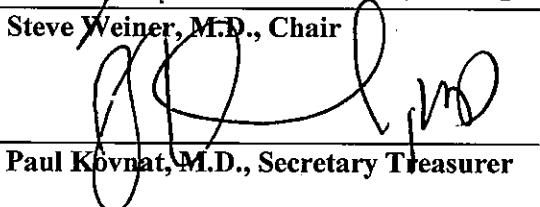
1. Dr. Bull's term of probation extends until further order of the Board.
2. Dr. Bull may continue to practice medicine in psychiatry but with the following conditions and restrictions.
3. Dr. Bull may not prescribe narcotics, including but not limited to, all opioid analgesics, including buprenorphine and all synthetic opioid analgesics.
4. Dr. Bull is prohibited from treating patients with chronic pain.
5. Dr. Bull must alter his medical record-keeping practice in accordance with accepted practices and must appear before the Board on a quarterly basis.
6. Dr. Bull shall submit quarterly reports to the Board attesting to his compliance with this Order. Such quarterly reports shall be on a form provided by Board staff and sent to Dr. Bull.
7. Dr. Bull shall not delegate or direct the prescribing, administering or dispensing of opioid analgesics to any subordinate or other healthcare provider with whom he practices.
8. Dr. Bull must provide a copy of this Order to any healthcare provider with whom he practices.

If the Board has reasonable cause to believe that Dr. Bull has violated any of the terms and conditions of this Order, the Board may immediately and summarily suspend his license to practice as a physician in New Mexico. A breach of any term or condition of this Order shall constitute conduct unbecoming in a person licensed to practice medicine as set forth in NMSA 1978, Section 61-6-15(D)(29). Dr. Kovnat **SECONDED.** **YES:** Dr. Kovnat, Dr. Miller, Ms. Abeles, Dr. Weiner, Ms. Cochran, Dr. Crespin, and Dr. Wehr. **RECUSED:** Dr. Jenkusky and Mr. Bourbon. **MOTION CARRIED.**

4. **ADJOURN:** There being no further business, the meeting adjourned at 5:03 p.m.

**SUBMITTED:**  \_\_\_\_\_ **Date:** 5/19/11  
Lynn Hart, Executive Director

**APPROVED:**  \_\_\_\_\_ **Date:** 5/19/2011  
Steve Weiner, M.D., Chair

**APPROVED:**  \_\_\_\_\_ **Date:** 5/19/2011  
Paul Kovnat, M.D., Secretary Treasurer