

NEW MEXICO MEDICAL BOARD
Second Quarter Meeting
May 19 - 20, 2011

MINUTES

Members Present: Steven Weiner, M.D., Chair
Rebecca Cochran, CPMSM, CPCS, Vice Chair, Public Member
Paul Kovnat, M.D., Secretary Treasurer
Roger Miller, M.D.
Albert Bourbon, PA-C
Kathy Abeles, Public Member
Frank Crespín, M.D.
Ann Wehr, M.D.

Members Absent: Steve Jenkusky, M.D.
Albert Bourbon, PA-C (Friday, May 20, 2011)

Others Present: Lynn Hart, Executive Director
Geraldine Mascarenas, Deputy Director
Grant La Farge, M.D., Medical Director
Andrea Buzzard, Assistant Attorney General
J.J. Walker, Compliance Mgr. / PIO
Lynn Tipton, Administrative Assistant
Debbie Dieterich, Senior Investigator
Leann Adams, Investigator
Amanda Quintana, Licensing Manager

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

1. **CALL TO ORDER / ROLL CALL / INTRODUCTIONS:**
Dr. Weiner called the regular meeting of the New Mexico Medical Board to order at 8:32 a.m., and a quorum was present.
2. **APPROVAL OF AGENDA:**
MOTION was made by Dr. Weiner to approve the agenda. **SECONDED** by Ms. Abeles. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Dr. Wehr, Dr. Crespín, Dr. Miller and Mr. Bourbon. **MOTION CARRIED.**
3. **APPROVAL OF MINUTES:**
MOTION was made by Dr. Weiner to approve the Minutes from the April 7, 2011 Interim Meeting and the May 9, 2011 Special Meeting. **SECONDED** by Ms. Cochran. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Dr. Wehr, Dr. Crespín, Dr. Miller and Mr. Bourbon. **MOTION CARRIED.**

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. Abeles. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Dr. Wehr, Dr. Crespín, Dr. Miller 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 only to those specified in the motion for closure.

4. COMPLAINT COMMITTEE REPORTS:

A. Licensees and Applicants

Complaint Committee A:

RECOMMENDATION was made by Dr. Kovnat to close complaint cases 2010-A-098; 2010-A-111; 2010-A-128; 2010-A-132; 2010-A-182; 2010-A-242 and 2011-A-058, as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Ms. Abeles, Ms. Cochran, Dr. Crespin, Dr. Miller, Mr. Bourbon and Dr. Weiner. **ABSTAINED:** Dr. Kovnat and Dr. Wehr. **RECOMMENDATION PASSED.**

Case No. 2011-A-010 RECOMMENDATION was made by Dr. Kovnat to close this case and to issue physician an advisory letter about providing medical records in a timely manner and warning physician that the next complaint will result in licensure action. **YES:** Ms. Abeles, Ms. Cochran, Dr. Crespin, Dr. Miller, Mr. Bourbon and Dr. Weiner. **ABSTAINED:** Dr. Kovnat and Dr. Wehr. **RECOMMENDATION PASSED.**

Case No. 2010-A-171 ([REDACTED]) RECOMMENDATION was made by Dr. Kovnat to offer physician a restricted license limiting his license to non-clinical patient care, mirroring the restrictions placed on his Michigan license. If physician does not accept the restricted license, a Notice of Contemplated Action will be issued based on, but not limited to, disciplinary action taken against physician's license by other state licensing Boards, and failure to report. **YES:** Ms. Abeles, Ms. Cochran, Dr. Crespin, Dr. Miller, Mr. Bourbon and Dr. Weiner. **ABSTAINED:** Dr. Kovnat and Dr. Wehr. **RECOMMENDATION PASSED.**

Case No 2011-A-018 ([REDACTED]) RECOMMENDATION was made by Dr. Kovnat to offer physician an Order whereby she agrees to never reapply for licensure in New Mexico. If physician refuses, issue a Notice of Contemplated Action based on, but not limited to, conduct unbecoming for violating a Board Order. **YES:** Ms. Abeles, Ms. Cochran, Dr. Crespin, Dr. Miller, Mr. Bourbon and Dr. Weiner. **ABSTAINED:** Dr. Kovnat and Dr. Wehr. **RECOMMENDATION PASSED.**

Case No 2011-A-026 ([REDACTED]) RECOMMENDATION was made by Dr. Wehr to refer physician to CPEP or a similar board approved program for evaluation on clinical competency or, alternatively, have physician complete a full residency. If he refuses, issue a Notice of Contemplated Action for failure to cooperate with the Board or physician may withdraw application while under investigation. **YES:** Ms. Abeles, Dr. Crespin, Dr. Miller, Mr. Bourbon and Dr. Weiner. **ABSTAINED:** Dr. Kovnat, Dr. Wehr and Ms. Cochran. **RECOMMENDATION PASSED.**

Complaint Committee AAA:

Case No. 2009-AAA-088 ([REDACTED]) RECOMMENDATION was made by Dr. Weiner to offer physician a Letter of Reprimand based on his felony conviction. If physician refuses, issue a Notice of Contemplated Action based on same. **YES:** Ms. Abeles, Ms. Cochran, Dr. Kovnat, Dr. Crespin, Dr. Miller and Mr. Bourbon. **ABSTAINED:** Dr. Weiner and Dr. Wehr. **RECOMMENDATION PASSED.**

Complaint Committee B:

RECOMMENDATION was made by Ms. Cochran to close complaint cases 2010-B-065; 2010-B-087; 2010-B-096; 2010-B-140 and 2010-B-262 as there was no evidence of a violation of the

Medical Practice Act or rules. **YES:** Dr. Kovnat, Dr. Wehr, Dr. Crespin, Mr. Bourbon, Dr. Weiner and Ms. Abeles. **ABSTAINED:** Ms. Cochran and Dr. Miller. **RECOMMENDATION PASSED.**

Case No. 2010-B-106 ([REDACTED]) RECOMMENDATION was made by Ms. Cochran to issue a Notice of Contemplated Action based on, but not limited to, failure to maintain accurate and complete medical records, and possible injudicious prescribing. **YES:** Dr. Kovnat, Dr. Wehr, Dr. Crespin, Mr. Bourbon, Dr. Weiner and Ms. Abeles. **ABSTAINED:** Ms. Cochran and Dr. Miller. **RECOMMENDATION PASSED.**

Case No. 2011-B-023 ([REDACTED]) RECOMMENDATION was made by Ms. Cochran 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 based on, but not limited to, habitual or excessive use of drugs. **YES:** Dr. Kovnat, Dr. Wehr, Dr. Crespin, Mr. Bourbon, Dr. Weiner and Ms. Abeles. **ABSTAINED:** Ms. Cochran and Dr. Miller. **RECOMMENDATION PASSED.**

Case No. 2011-B-073 ([REDACTED]) RECOMMENDATION was made by Ms. Cochran to offer physician applicant the opportunity to withdraw his application for licensure in New Mexico while under investigation. If physician does not accept the offer, the committee recommends issuance of a Notice of Contemplated Action based on, but not limited to, conduct unbecoming. **YES:** Dr. Kovnat, Dr. Wehr, Dr. Crespin, Mr. Bourbon, Dr. Weiner and Ms. Abeles. **ABSTAINED:** Ms. Cochran and Dr. Miller. **RECOMMENDATION PASSED.**

Case No. 2011-B-086 ([REDACTED]) RECOMMENDATION was made by Ms. Cochran to order physician to undergo an examination under the Impaired Healthcare Provider Act. If physician does not accept the offer, the committee recommends issuance of a Notice of Contemplated Action based on, but not limited to, failure to furnish the Board with information requested by the Board. **YES:** Dr. Kovnat, Dr. Wehr, Dr. Crespin, Mr. Bourbon, Dr. Weiner and Ms. Abeles. **ABSTAINED:** Ms. Cochran and Dr. Miller. **RECOMMENDATION PASSED.**

Complaint Committee C:

RECOMMENDATION was made by Ms. Abeles to close complaint case 2010-C-110 as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Dr. Miller, Mr. Bourbon, Dr. Weiner, Ms. Cochran, Dr. Kovnat and Dr. Wehr. **ABSTAINED:** Dr. Crespin and Ms. Abeles. **RECOMMENDATION PASSED.**

Case No. 2009-C-171 ([REDACTED]) RECOMMENDATION was made by Ms. Abeles to issue a Notice of Contemplated Action based on, but not limited to, licensure action being taken against him in another state, incompetency to practice, repeated similar negligent acts and conduct likely to harm the public. **YES:** Dr. Miller, Mr. Bourbon, Dr. Weiner, Ms. Cochran, Dr. Kovnat and Dr. Wehr. **ABSTAINED:** Dr. Crespin and Ms. Abeles. **RECOMMENDATION PASSED.**

Case No. 2010-C-050 ([REDACTED]) RECOMMENDATION was made by Ms. Abeles to offer physician applicant the opportunity to withdraw his application for licensure in New Mexico while under investigation. If physician does not accept the offer, the committee recommends issuance of a Notice of Contemplated Action based on, but not limited to, licensure action being taken against him in another state. **YES:** Dr. Miller, Mr. Bourbon, Dr. Weiner, Ms. Cochran, Dr. Kovnat and Dr. Wehr. **ABSTAINED:** Dr. Crespin and Ms. Abeles. **RECOMMENDATION PASSED.**

Case No. 2010-C-160 ([REDACTED]) RECOMMENDATION was made by Ms. Abeles to offer physician a Letter of Reprimand based on, but not limited to, licensure action being taken against him in another state, and failure to report. If physician refuses letter, complaint committee recommends issuance of a Notice of Contemplated Action based on same. **YES:** Dr. Miller, Mr. Bourbon, Dr. Weiner, Ms. Cochran, Dr. Kovnat and Dr. Wehr. **ABSTAINED:** Dr. Crespin and Ms. Abeles. **RECOMMENDATION PASSED.**

Case No. 2011-C-024 ([REDACTED]) RECOMMENDATION was made by Ms. Abeles to offer physician applicant the opportunity to withdraw his application for licensure in New Mexico while under investigation. If physician does not accept the offer, the committee recommends issuance of a Notice of Contemplated Action based on, but not limited to, conduct likely to harm the public and incompetency to practice. **YES:** Dr. Miller, Mr. Bourbon, Dr. Weiner, Ms. Cochran, Dr. Kovnat and Dr. Wehr. **ABSTAINED:** Dr. Crespin and Ms. Abeles. **RECOMMENDATION PASSED.**

Complaint Committee D:

RECOMMENDATION was made by Mr. Bourbon to close complaint cases 2010-D-209 and 2010-D-249 as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Dr. Wehr, Dr. Crespin and Dr. Miller. **ABSTAINED:** Mr. Bourbon. **RECOMMENDATION PASSED.**

Case No. 2010-D-033 RECOMMENDATION was made by Mr. Bourbon to close this case and to issue physician an advisory letter regarding the proper dispensing of prescription medication to patients, maintaining appropriate recordkeeping, and advising that any violation of a state and/or federal narcotic law is a violation of the Board's regulations, and that the Medical Board will be monitoring the issue. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Dr. Wehr, Dr. Crespin and Dr. Miller. **ABSTAINED:** Mr. Bourbon. **RECOMMENDATION PASSED.**

Case No. 2010-D-112 RECOMMENDATION was made by Mr. Bourbon to close this case and to issue physician an advisory letter regarding prescribing to patients with whom you have a dual relationship. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Dr. Wehr, Dr. Crespin and Dr. Miller. **ABSTAINED:** Mr. Bourbon. **RECOMMENDATION PASSED.**

Case No. 2010-D-143 and 2010-D-267 - Cases will remain open

Case No. 2010-D-276 ([REDACTED]) RECOMMENDATION was made by Mr. Bourbon to offer Physician a Letter of Reprimand based on injudicious prescribing and failure to maintain complete and adequate medical records. If physician does not accept the letter of reprimand, the committee recommends issuance of a Notice of Contemplated Action based on, but not limited to, injudicious prescribing, violating the Code of Ethics, and failure to maintain complete and adequate medical records. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Dr. Wehr, Dr. Crespin and Dr. Miller. **ABSTAINED:** Mr. Bourbon. **RECOMMENDATION PASSED.**

Case No. 2010-D-075 ([REDACTED]) RECOMMENDATION was made by Mr. Bourbon to reopen this case to investigate new allegations concerning prescription writing to family members. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Dr. Wehr, Dr. Crespin and Dr. Miller. **ABSTAINED:** Mr. Bourbon. **RECOMMENDATION PASSED.**

Case No. 2010-D-197 ([REDACTED]) RECOMMENDATION was made by Mr. Bourbon to offer physician a Letter of Reprimand based on, but not limited to, injudicious prescribing, conduct unbecoming, and failure to maintain adequate medial records. If physician does not accept the

letter of reprimand, the committee recommends issuance of a Notice of Contemplated Action based on, but not limited to, injudicious prescribing, conduct unbecoming and failure to maintain adequate medical records. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Dr. Wehr, Dr. Crespin and Dr. Miller. **ABSTAINED:** Mr. Bourbon. **RECOMMENDATION PASSED.**

Case No. 2010-D-272 ([REDACTED]) RECOMMENDATION was made by Mr. Bourbon to offer physician assistant a stipulated license requiring mandatory participation in NM Monitored Treatment Program and other standard substance abuse stipulations. If physician assistant does not accept the stipulated license, a Notice of Contemplated Action will be issued based on, but not limited to, substance abuse. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Dr. Wehr, Dr. Crespin and Dr. Miller. **ABSTAINED:** Mr. Bourbon. **RECOMMENDATION PASSED.**

Case No. 2011-D-017 ([REDACTED]) RECOMMENDATION was made by Mr. Bourbon to add the allegations in this case to the pending Notice of Contemplated Action issued against Physician. Further, based on the acts described in the pending Notice of Contemplated Action, there is reason to believe that the licensee poses a clear and immediate danger to the public if he continues to practice and the complaint committee recommended that his license be summarily suspended. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Dr. Wehr, Dr. Crespin and Dr. Miller. **ABSTAINED:** Mr. Bourbon. **RECOMMENDATION PASSED.**

Case No. 2011-D-065 ([REDACTED]) RECOMMENDATION was made by Mr. Bourbon to offer physician assistant a stipulated license requiring mandatory participation in the NM Monitored Treatment Program and other standard substance abuse stipulations and a Letter of Reprimand based on misrepresentation on renewal application and failure to report. If physician assistant does not accept the stipulated license and Letter of Reprimand, a Notice of Contemplated Action will be issued based on, but not limited to, habitual use of alcohol, failure to report, and misrepresentation on renewal application. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Dr. Wehr, Dr. Crespin and Dr. Miller. **ABSTAINED:** Mr. Bourbon. **RECOMMENDATION PASSED.**

Complaint Committee E:

Case No. 2010-E-176 and Case No. 2010-E-177 ([REDACTED]) RECOMMENDATION was made by Dr. Weiner to issue a Notice of Contemplated Action based on, but not limited to, conduct likely to harm the public, repeated similar negligent acts, and gross negligence. **YES:** Ms. Abeles, Ms. Cochran, Dr. Kovnat, Dr. Wehr, Dr. Crespin, Dr. Miller, Mr. Bourbon and Dr. Jenkusky. **ABSTAINED:** Dr. Weiner. **RECOMMENDATION PASSED.**

B. Executive Committee Report

- Criminal History Hits
No reports at this time
- 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.

5. ACTIONS RELATED TO EXECUTIVE SESSION

6. LICENSING ISSUES, NEW APPLICANTS / REINSTATEMENTS:

- **John Joseph Iacuone, M.D. – Consider non-disciplinary stipulated license.**
MOTION was made by Dr. Weiner to offer physician a full medical license if he takes a SPECS exam and passes or offer physician a Resident license if he is approved for a mini-sabbatical. **SECONDED** by Ms. Abeles. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Wehr, Dr. Kovnat, Dr. Crespin, Dr. Miller and Mr. Bourbon. **MOTION CARRIED.**
- **Sergey A. Shikanov, M.D. – Request exception to 7 year rule; consider non-ACGME post graduate training in lieu of 2nd year of accredited training and grant unrestricted medical license.**
MOTION was made by Dr. Kovnat to take exception to the 7 year rule and non ACGME post graduate training in lieu of 2nd year of accredited training and **GRANT** Dr. Shikanov a license to practice medicine in New Mexico. **SECONDED** by Dr. Crespin. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Dr. Wehr, Dr. Crespin, Dr. Miller and Mr. Bourbon. **MOTION CARRIED.**

7. New Business

A. Election of Officers

Ms. Cochran **MOVED** that the Board accept the nomination to reappoint Dr. Weiner as Chair. Ms. Abeles **SECONDED**. **YES:** Dr. Kovnat, Dr. Wehr, Dr. Crespin, Dr. Miller, Mr. Bourbon, Ms. Abeles and Ms. Cochran. **ABSTAINED:** Dr. Weiner. **MOTION CARRIED.**

Dr. Kovnat **MOVED** that the Board accept the nomination to reappoint Ms. Cochran as Vice Chair. Ms. Abeles **SECONDED**. **YES:** Dr. Wehr, Dr. Crespin, Dr. Miller, Mr. Bourbon, Dr. Weiner, Ms. Abeles and Dr. Kovnat. **ABSTAINED:** Ms. Cochran. **MOTION CARRIED.**

Dr. Weiner **MOVED** that the Board accept the nomination to reappoint Dr. Kovnat as Secretary Treasurer. Ms. Cochran **SECONDED**. **YES:** Ms. Abeles, Ms. Cochran, Dr. Wehr, Dr. Crespin, Dr. Miller, Mr. Bourbon, Dr. Weiner. **ABSTAINED:** Dr. Kovnat. **MOTION CARRIED.**

Dr. Wehr **MOVED** that the nominated slate be elected. Mr. Bourbon **SECONDED**. **YES:** Dr. Crespin, Dr. Miller, Mr. Bourbon, Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat and Dr. Wehr. **MOTION CARRIED.**

B. Adopt Open Meetings Resolution

MOTION was made by Dr. Weiner to **ADOPT** the Open Meetings Resolution as amended (removes Item #1 - All meetings shall be held in Santa Fe at the location and time indicated in the meeting notice.) Ms. Cochran **SECONDED**. **YES:** Dr. Kovnat, Dr. Wehr, Dr. Crespin, Dr. Miller, Mr. Bourbon, Dr. Weiner, Ms. Abeles and Ms. Cochran. **MOTION CARRIED.**

C. Proposed Schedule Meeting Dates for 2012

Quarterly Meetings: February 23-24, 2012; May 17-18, 2012; August 9-10, 2012; November 15-16, 2012

Interim Meetings: January 5, 2012; April 5, 2012; June 28, 2012; September 27, 2012
FSMB – 100th Anniversary (April 26-28, 2012)

MOTION was made by Dr. Weiner to **ADOPT** the 2012 Calendar of proposed meeting dates as presented. Mr. Bourbon **SECONDED. YES:** Dr. Kovnat, Dr. Wehr, Dr. Crespin, Dr. Miller, Mr. Bourbon, Dr. Weiner, Ms. Abeles and Ms. Cochran. **MOTION CARRIED.**

D. Rule Review

16.10.4 NMAC – Continuing Medical Education

16.10.5 NMAC – Disciplinary Power of the Board - No action at this time. Rule will be held for further research by Andrea Buzzard, Assistant Attorney General, and she will report back to the Board at a later date.

16.10.10 NMAC - Report of Settlements, Judgments, Adverse Actions and Credentialing Discrepancies

MOTION was made by Dr. Weiner to **APPROVE** the proposed rule revisions to Rule 16.10.4 NMAC and **APPROVE** the proposed rule revisions, as amended, to Rule 16.10.10 for a Rule Hearing to be held on June 30, 2011. Ms. Cochran **SECONDED. YES:** Dr. Kovnat, Dr. Wehr, Dr. Crespin, Dr. Miller, Mr. Bourbon, Dr. Weiner, Ms. Abeles and Ms. Cochran. **MOTION CARRIED**

E. Anesthesiologist Supervision of Anesthesiologist Assistant Students

In a letter to the Board on March 28, 2011, the American Academy of Anesthesiologist Assistants (AAAA) requested that the *“Board and its General Counsel opine on whether Anesthesiologist Assistant (AA) students are providing anesthesia to patients as long as there is another qualified anesthesia provider in the operating room supervising the AA student and therefore the supervising anesthesiologist does not need to be in that operating room on a one-to-one basis with each AA student”*. The AAAA believes that the AA student is *“not providing anesthesia”*, rather it is being *provided* by the supervising anesthesiologist. House Bill HB537, designed to make this statutory change, failed to pass in the 2011 Legislature. The Board reviewed this issue and concluded that a ruling by the Attorney General's office would be unnecessary, since the Board's position is that direct supervision of AA students in the OR should continue as specified in the statute.

8. REPORTS

- A. Chair** – Dr. Weiner announced that Dr. Wehr and Dr. Crespin would be resigning from the Board and thanked them for their service. At this time Ms. Cochran thanked the Board for their support in her nomination to the Board of Directors of the Federation of State Medical Boards. Even though not elected in 2011, Ms. Cochran was asked to serve on other Federation committees.
- B. Secretary Treasurer – Update on National Board of Medical Examiners workshop** - Dr. Kovnat attended the NBME workshop and discussed the training that was provided preparing questions for medical exams. He also discussed different aspects of the exam. Parts 1 and 3 are computer tests and on Part 2, candidates have to examine patients who are specially trained actors – the exam is done in a room with two-way mirrors and one of the skills that the student is rated on is their ability to speak clearly in English. Language and cultural sensitivities are part of the overall exam. 46% of exam candidates are internationally-educated medical graduates.
- C. Executive Director** –
- The Board was copied with the Public Citizen's Annual Ranking report and Ms. Hart pointed out that New Mexico had moved up from 9th to 7th in the ranking.
 - Ms. Hart reported that approval was received from the Governor's office to interview for a Prosecutor.

- Ms. Hart informed the Board that the Board of Chiropractic Examiners would like the Medical Board to approve a statement regarding interpretation of Section 61-4-9.2 of the Chiropractic Physician Practice Act so staff is reviewing this request to ensure that it does not contradict the formulary that the Medical Board has already approved.
 - Ms. Hart communicated that the NM Pharmacists Association submitted a request that the Medical Board approve a Protocol for Pharmacist Prescription of Hormonal Contraception. The proposed Protocol was opposed by the NM Medical Society so the Pharmacist Association has agreed to work with the Medical Society and the Medical Board on a new proposal.
 - Ms. Hart also informed the Board that Dr. Weiner will be unable to attend the 3rd Quarter Board Meeting and Ms. Cochran will preside as Interim Chair.
- D. Medical Director - Dr. La Farge and Ms. Cochran attended the FSMB meeting in Seattle at the end of April and discussed the following topics:**
- Strong attention was paid to the future of medical manpower: numbers of MDs, patient access, unsustainable costs, and mal-distribution of medical personnel. 10% of patients consume 60% of available resources. Top future priorities will be: more primary care practitioners; long-term care in an aging population; behavioral disorders; and chronic diseases. In the past 5 years, PAs have increased 40% in numbers; Nurse Practitioners, 50%. Future focus will be on Teams, not individual practitioners
 - Medical Schools do not currently have enough places for students wishing to become physicians. There has been an increasing number of Americans training outside the U.S.A., and we are relying on an increasing number of international medical graduates for delivery of care in the U.S.A. Medical school slots are and will be increasing.
 - Telemedicine practice is increasing and will continue to do so. Challenges include the handling of credentialing and privileging in each institution in which the Tele-physician will practice, intercultural issues, standardized equipment, and interstate discipline issues. FSMB noted that 75% of physicians are licensed in two or more States, and 40% practice in two or more States.
 - The book, *Responsible Opioid Prescribing*, will be updated and the second edition published soon. Additional concerns about opioid prescribing were discussed: "good therapy; poor documentation"; and, integration of approaches including education of the patient and involvement of and support for the patient's family. Appropriate disposal of unused Scheduled drugs was also an important topic.
 - The "reentry" of physicians into practice is a major issue. Mechanisms for assuring current knowledge and competence, and return to the original scope of practice are a major concern. State Boards are divided in the approach of using mentors for re-entering physicians, or a "mini-sabbatical" form of retraining.
 - A corollary concern included the increasing tendency for physicians to "drift" into fields unrelated to their scope of practice. Examples: an obstetrician running a dermatology spa; a pediatrician practicing in plastic surgery.
 - The "EMR" (electronic medical record) is still fraught with problems: non-standard systems (there are 614 different, certified EMR products), interpretability and interoperability. 12% of physicians and 21% of hospitals now have EMR systems in place. Interesting statistic: 50% of medical practices are now owned by hospitals.
 - MOL (maintenance of licensure) was again a major focus of the meeting. To assure continued competence, MOL must be tied to license renewal, be life-long, flexible, and relevant to scope of practice. Physicians are divided into 3 equal groups: Board certified for life; time-limited certification; not certified. ("Board certification is volitional; Licensure is mandatory; MOL fills the gap"). Challenges include: the physician who is

licensed but not practicing; variability among States in renewal intervals; inter-state license portability; and, dealing with the issue of not allowing Board re-certification of a physician whose license is "restricted".

- The 100th FSMB Anniversary meeting will held on April 26-28, 2012 in Fort Worth.

- E. Assistant Attorney General** – Ms. Buzzard informed the Board that we had won the case in District Court regarding Mr. Andrew Valencia; however, he has filed an appeal in Appellate Court.
- F. Administrative Prosecutor** – Ms. Dieterich provided the report on behalf of Mr. Marshak.
- G. Licensing Manager** – 2011 Licensing Renewal Update and Information on the Legislatively-mandated licensing of Naprapathic practitioners. Ms. Quintana informed the Board that Staff are working with Regulation and Licensing to transition the regulation of Naprapaths to the Medical Board. There are currently 11 licensed Naprapaths in New Mexico. Ms. Quintana also briefly discussed the licenses that are being issued to first time licensees for New Mexico whose application fee has been waived. She will revisit this issue at the November 2011 meeting and provide statistics.
- H. Financial / HR Manager** – Ms. Mascarenas provided information on the FY11 Budget report and informed the Board she will be working with Regulation and Licensing to move the Naprapath's \$43,000.00 cash balance to our account.
- I. Investigations Department** - Ms. Dieterich reviewed the status of complaints. During this fiscal year, a total of 233 complaints have been received or initiated and the Department is currently over six months behind in investigating them. One reason contributing to the backlog in the Department is the amount of time expended by investigators on preparing evidence for the prosecution cases.
- J. Compliance / Public Information Officer** – Ms. Walker gave a brief update on the newsletter and Ms. Tipton advised that the Physician Roster has been updated on the Board's website. If any agencies or businesses request a mailing list based on information available in the Roster, the requester should contact Ms. Tipton for the appropriate documentation.

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. Wehr, Dr. Crespin, Dr. Miller, Mr. Bourbon, Dr. Weiner, Ms. Abeles and Ms. Cochran. **MOTION CARRIED.**

9. COMPLIANCE

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

10. NM MONITORED TREATMENT PROGRAM

Jon Thayer, MTP Executive Director and Dan Collins, M.D., MTP Medical Director discussed the status of mandatory and voluntary MTP participants and Mr. Thayer gave an update on the operations report.

11. INFORMAL INTERVIEWS

David Melamed, MD; Mark Leatherwood, MD; Twana Sparks, MD; Timothy Klein, MD; Jon Wagner, MD; Sally D'Angelo, MD; Roger Felix, MD; Pablo Garcia, MD; Stephanie Hedstrom, MD; Henry Borra, MD (via teleconference); Richard Hempstead, MD (via teleconference) and Keith McClung, MD (via teleconference) were interviewed in Executive Session regarding current practices and compliance with the Board.

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.

12. ACTIONS RELATED TO EXECUTIVE SESSION – No actions at this time

FRIDAY, MAY 20, 2011

Dr. Weiner called the meeting to Order at 9:00 am

13. INFORMAL INTERVIEWS CONTINUED

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. Wehr, Dr. Crespin, Dr. Miller, Dr. Weiner, Ms. Abeles and Ms. Cochran. **MOTION CARRIED.**

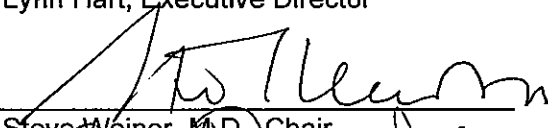
Michael Carey, MD was interviewed in closed session regarding current practices and compliance with the Board.

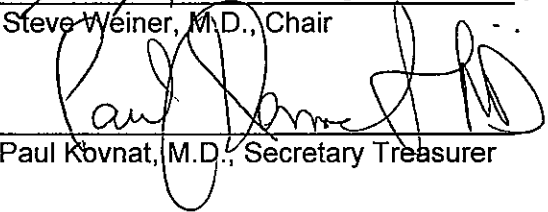
The Board returned to open session. Dr. Weiner stated for the record that the matters discussed in executive session were limited only to those specified in the motion for closure.

14. OLD BUSINESS – No report at this time.

15. ADJOURN - There being no further business, the meeting adjourned at 9:55 a.m.

SUBMITTED BY:  DATE: 6/30/11
Lynn Hart, Executive Director

APPROVED BY:  DATE: 6.30.2011
Steve Weiner, M.D., Chair

APPROVED BY:  DATE: 6/30/2011
Paul Kovnat, M.D., Secretary Treasurer