

NEW MEXICO MEDICAL BOARD
Regular Board Meeting
May 14-15, 2015
FINAL MINUTES

Members Present: Steve Jenkusky, M.D., Chair
Albert Bourbon, P.A., Vice Chair
Jennifer Anderson, Esquire, Public Member, Secretary Treasurer
James Spence, M.D.
Steven Komadina, M.D.
Peter Beaudette, M.D.
Karen Carson, M.D.
Rick Wallace, FACHE, Public Member

Others Present: Debbie Dieterich, Interim Executive Director/Investigations Manager
Grant La Farge, M.D., Medical Director
Sondra Frank, Board Attorney
Patrick McNertney, Contract Prosecutor
Scott Fuqua, Contract Prosecutor
Amanda Quintana, Licensing Manager
Kate Compton, Compliance Manager/Public Information Officer
Amanda Chavez, Investigator
Samantha Breen, Administrative Assistant

1. CALL TO ORDER / ROLL CALL

Dr. Jenkusky called the Regular Board Meeting of the New Mexico Medical Board to order at 8:30 a.m. and a quorum was present.

2. APPROVAL OF AGENDA

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

3. APPROVAL OF MINUTES

MOTION was made by Dr. Beaudette to accept and approve the minutes of the February 19-20, 2015 Board Meeting as presented. **SECONDED** by Mr. Wallace. **YES:** Dr. Jenkusky; Ms. Anderson; Dr. Spence; Dr. Komadina; Dr. Beaudette; Mr. Bourbon and Dr. Carson. **MOTION CARRIED**

MOTION was made by Dr. Beaudette to accept and approve the minutes of the April 27, 2015 Special Board Meeting as presented. **SECONDED** by Mr. Wallace. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Carson; Ms. Anderson; Dr. Komadina; Mr. Wallace; Dr. Spence and Mr. Bourbon. **MOTION CARRIED.**

EXECUTIVE SESSION: Complaint Committee Reports / Executive Committee Report

MOTION was made by Ms. Anderson 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** by Dr. Beaudette. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Carson; Ms. Anderson; Dr. Komadina; Mr. Wallace; Dr. Spence and Mr. Bourbon. **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.

4. ACTIONS RELATED TO EXECUTIVE SESSION
Complaint Committee A

RECOMMENDATION was made by Dr. Jenkusky to **CLOSE** Case #2014-A-137; #2014-A-144 and #2014-A-148 **YES:** Dr. Beaudette; Dr. Carson; Ms. Anderson; Dr. Komadina; Dr. Spence and Mr. Bourbon. **RECUSED:** Dr. Jenkusky and Mr. Wallace.

RECOMMENDATION was made by Dr. Jenkusky to **CLOSE** Case #2014-A-167 with an advisory letter regarding patient communication. **YES:** Dr. Beaudette; Dr. Carson; Ms. Anderson; Dr. Komadina; Dr. Spence and Mr. Bourbon. **RECUSED:** Dr. Jenkusky and Mr. Wallace.

Case #2014-A-081 RECOMMENDATION was made by Dr. Jenkusky to refer this case to an emergency medicine medical reviewer for determination on standard of care. The case will be returned to the board for further action after the results of the review are determined. **YES:** Dr. Beaudette; Dr. Carson; Ms. Anderson; Dr. Komadina; Dr. Spence and Mr. Bourbon. **RECUSED:** Dr. Jenkusky and Mr. Wallace.

Case #2014-A-110 RECOMMENDATION was made by Dr. Jenkusky to offer physician a stipulated agreement limiting his practice as recommended by the IPC. **YES:** Dr. Beaudette; Dr. Carson; Ms. Anderson; Dr. Komadina; Dr. Spence and Mr. Bourbon. **RECUSED:** Dr. Jenkusky and Mr. Wallace.

Case #2014-A-115 RECOMMENDATION was made by Dr. Jenkusky to issue a Notice of Contemplated Action based on, but not limited to, injudicious prescribing and failure to maintain complete medical records. **YES:** Dr. Beaudette; Dr. Carson; Ms. Anderson; Dr. Komadina; Dr. Spence and Mr. Bourbon. **RECUSED:** Dr. Jenkusky and Mr. Wallace.

Case #2015-A-038 RECOMMENDATION was made by Dr. Jenkusky to offer physician applicant the opportunity to withdraw his initial application for licensure or a Notice of Contemplated Action will be issued to deny licensure based on, but not limited to, incompetency to practice; misrepresentation on initial application; habitual excessive use of substances; sexual contact with a patient; and conduct unbecoming. **YES:** Dr. Beaudette; Dr. Carson; Ms. Anderson; Dr. Komadina; Dr. Spence and Mr. Bourbon. **RECUSED:** Dr. Jenkusky and Mr. Wallace.

Complaint Committee B

RECOMMENDATION was made by Dr. Spence to **CLOSE** Case #2014-B-122; 2014-B-174 and 2014-B-189. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Carson; Ms. Anderson; Mr. Wallace and Mr. Bourbon. **RECUSED:** Dr. Komadina and Dr. Spence.

RECOMMENDATION was made by Dr. Komadina to **CLOSE** Case #2014-B-187 with an advisory letter on maintaining accurate information in the patient EMR. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Carson; Ms. Anderson; Mr. Wallace and Mr. Bourbon. **RECUSED:** Dr. Komadina and Dr. Spence.

Case #2014-B-097 was deferred until the end of the day.

Complaint Committee C

RECOMMENDATION was made by Mr. Bourbon to **CLOSE** Case #2014-C-078; 2014-C-079; 2014-C-118; 2014-C-138; 2014-C-155 and #2014-C-175. **YES:** Dr. Jenkusky; Dr. Beaudette; Ms. Anderson; Dr. Komadina; Mr. Wallace and Dr. Spence. **RECUSED:** Mr. Bourbon and Dr. Carson.

RECOMMENDATION was made by Mr. Bourbon to **CLOSE** Case #2014-C-098 with a strongly worded advisory letter reminding physician of the Board's pain regulation, PMP requirement and treating patients who doctor shop. **YES:** Dr. Jenkusky; Dr. Beaudette; Ms. Anderson; Dr. Komadina; Mr. Wallace and Dr. Spence. **RECUSED:** Mr. Bourbon and Dr. Carson.

RECOMMENDATION was made by Mr. Bourbon to **CLOSE** Case #2014-C-183 with a warning letter to physician informing him that the Board has now received four similar complaints against him within a one year time period. Therefore, the Board will be monitoring future complaints against him in the future. **YES:** Dr. Jenkusky; Dr. Beaudette; Ms. Anderson; Dr. Komadina; Mr. Wallace and Dr. Spence. **RECUSED:** Mr. Bourbon and Dr. Carson.

Case #2014-C-177 RECOMMENDATION was made by Mr. Bourbon that physician be ordered to undergo a neuropsychological evaluation based on a history of prescriptions he has been receiving showing a chronic pain condition and his medical records. If physician refuses, a Notice of Contemplated Action will be issued based on, but not limited to, failure to cooperate with the board. **YES:** Dr. Jenkusky; Dr. Beaudette; Ms. Anderson; Dr. Komadina; Mr. Wallace and Dr. Spence. **RECUSED:** Mr. Bourbon and Dr. Carson.

Case #2015-C-039 RECOMMENDATION was made by Mr. Bourbon to offer physician assistant a stipulated license requiring mandatory participation in MTP. Additionally, physician assistant should be offered a letter of reprimand for prescribing a controlled substance to a family member, and for failure to maintain medical records. If physician assistant does not accept, a Notice of Contemplated Action will be issued based on, but not limited to, habitual/excessive use of substances, prescribing to a family member, and failure to maintain medical records. **YES:** Dr. Jenkusky; Dr. Beaudette; Ms. Anderson; Dr. Komadina; Mr. Wallace and Dr. Spence. **RECUSED:** Mr. Bourbon and Dr. Carson.

Case #2015-C-051 RECOMMENDATION was made by Mr. Bourbon to offer physician applicant the opportunity to withdraw his initial application for licensure. If he does not accept, a Notice of Contemplated Action will be issued to deny licensure based on, but not limited to, misrepresentation on an application, incompetency to practice, and conduct unbecoming. **YES:** Dr. Jenkusky; Dr. Beaudette; Ms. Anderson; Dr. Komadina; Mr. Wallace and Dr. Spence. **RECUSED:** Mr. Bourbon and Dr. Carson.

Complaint Committee D

RECOMMENDATION was made by Dr. Beaudette to **CLOSE** Case #2014-D-152; #2014-D-166 and #2014-D-173. **YES:** Dr. Jenkusky; Dr. Carson; Dr. Komadina; Mr. Wallace; Dr. Spence and Mr. Bourbon. **RECUSED:** Dr. Jenkusky on case #2014-D-166; Dr. Beaudette and Ms. Anderson.

RECOMMENDATION was made by Dr. Beaudette to **CLOSE** Case #2014-D-160 with an advisory letter recognizing the fact that the practice has taken proactive steps to correct the situation, but also reminding them of continuity of patient care by providing medical records in a timely manner. **YES:** Dr. Jenkusky; Dr. Carson; Dr. Komadina; Mr. Wallace; Dr. Spence and Mr. Bourbon. **RECUSED:** Dr. Beaudette and Ms. Anderson.

Case #2015-D-040 RECOMMENDATION was made by Ms. Anderson to offer the physician applicant the opportunity to withdraw his initial application for licensure. If he does not accept, a Notice of Contemplated Action will be issued to deny licensure, based on, but not limited to, incompetency to practice. **YES:** Dr. Jenkusky; Dr. Carson; Dr. Komadina; Mr. Wallace; Dr. Spence and Mr. Bourbon. **RECUSED:** Dr. Beaudette and Ms. Anderson.

Case #2015-D-049 RECOMMENDATION was made by Ms. Anderson to offer resident physician a stipulated license requiring mandatory participation in MTP. If he does not accept, a Notice of Contemplated Action will be issued, based on, but not limited to, habitual and excessive use of substances. **YES:** Dr. Jenkusky; Dr. Carson; Dr. Komadina; Mr. Wallace; Dr. Spence and Mr. Bourbon. **RECUSED:** Dr. Beaudette and Ms. Anderson.

Case #2015-D-053 RECOMMENDATION was made by Ms. Anderson to offer physician applicant the opportunity to withdraw his application for licensure. If he does not accept, a Notice of Contemplated Action will be issued to deny licensure, based on, but not limited to, incompetency to practice; conduct unbecoming; conviction of an offense punishable by incarceration; and adverse licensure action in another state. **YES:** Dr. Jenkusky; Dr. Carson; Dr. Komadina; Mr. Wallace; Dr. Spence and Mr. Bourbon. **RECUSED:** Dr. Beaudette and Ms. Anderson.

5. LICENSING ISSUES, NEW APPLICANTS / REINSTATEMENTS

Alok Singla, M.D. – Exception to the seven year rule.

MOTION was made by Dr. Jenkusky to accept Dr. La Farge's recommendation to grant Dr. Singla an unrestricted license. **SECONDED** by Mr. Bourbon. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Carson; Ms. Anderson; Dr. Komadina; Mr. Wallace; Dr. Spence and Mr. Bourbon. **MOTION CARRIED.**

Jose Garcia, M.D. – Consider Settlement Agreement – Case No. 2014-050

MOTION was made by Dr. Jenkusky to **ACCEPT** the proposed settlement as presented by Ms. Frank. Physician is reprimanded and his medical practice shall be restricted. **SECONDED:** Mr. Bourbon **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Carson; Ms. Anderson; Mr. Wallace and Mr. Bourbon. **RECUSED:** Dr. Spence and Dr. Komadina. **MOTION CARRIED.**

Alan Arrington, M.D. – Proposed Settlement – Case No. 2014-052

MOTION was made by Dr. Jenkusky to **CONDITIONALLY ACCEPT** the proposed settlement as presented by Mr. McNertney whereby physician is reprimanded and required to complete additional CME. Physician shall have one week to accept the settlement. If he does not accept, the case will go to hearing. **SECONDED:** Mr. Bourbon **YES:** Dr. Jenkusky; Dr. Carson; Dr. Komadina; Mr. Wallace; Dr. Spence and Mr. Bourbon. **RECUSED:** Ms. Anderson and Dr. Beaudette. **MOTION CARRIED.**

Barbara Van Eeckhout, M.D. – Proposed Settlement – Case No. 2014-060

Agenda item tabled

Walter Seidel, M.D. – Proposed Settlement - Case No. 2014-062

Agenda item tabled

Andre May, M.D. – Proposed Settlement – Case No. 2014-063

MOTION was made by Dr. Jenkusky to **ACCEPT** the proposed settlement as presented by Mr. Fuqua. Physician has agreed to place his license on inactivate status and agrees not to reapply for licensure in NM. **MOTION SECONDED:** Mr. Bourbon **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Carson; Ms. Anderson; Dr. Komadina; Mr. Wallace; Dr. Spence and Mr. Bourbon. **MOTION CARRIED.**

Frank Bryant, M.D. – Proposed Settlement – Case No. 2014-038

MOTION was made by Dr. Jenkusky to **ACCEPT** the proposed settlement as presented by Mr. Fuqua. Physician is reprimanded and shall complete a competency assessment by CPEP prior to the Board considering reinstatement of his license. **SECONDED:** Mr. Bourbon **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Carson; Ms. Anderson; Dr. Komadina; Mr. Wallace; Dr. Spence and Mr. Bourbon. **MOTION CARRIED.**

Haruhuani Spruce, M.D. – Review CPEP report and Determine Further Licensure Action – Case No. 2014-033

MOTION was made by Dr. Jenkusky to **ACCEPT** the CPEP report and recommendations. Physician's stipulation shall be amended accordingly and physician shall comply with the recommendations made by CPEP. Additionally, physician is still prohibited from prescribing controlled substances. **SECONDED:** Mr. Bourbon **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Carson; Ms. Anderson; Dr. Komadina; Mr. Wallace; Dr. Spence and Mr. Bourbon. **MOTION CARRIED.**

John Wassner, M.D. – Respondent's Motion to Rescind Licensure Action – Case No. 2013-014

Oral argument was heard before the Board on Respondent's Motion to Rescind Licensure Action in Case 2013-014. The Board heard from Karen Kilgore, Esq., on behalf of her client, Dr. Wassner, as to the basis on which Dr. Wassner's licensure action should be rescinded. Patrick McNertney, Contract Prosecuting Attorney, argued against Respondent's motion and requested the Board to deny it. The Board then questioned Respondent and his attorney regarding the basis on which the licensure action was taken and his voluntary agreement to enter into the licensure action.

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** by Dr. Beaudette. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Carson; Ms. Anderson; Dr. Komadina; Mr. Wallace; Dr. Spence and Mr. Bourbon. **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.

MOTION was made by Dr. Jenkusky to **DENY** Respondent's Motion to Rescind Licensure Action. **SECONDED:** Ms. Anderson **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Carson; Ms. Anderson; Dr. Komadina; Mr. Wallace; Dr. Spence and Mr. Bourbon. **MOTION CARRIED.**

6. REPORTS

Chair Report

Dr. Jenkusky welcomed new Board Member Karen Carson, MD.

Interim Director

Ms. Dieterich informed the Board that the Governor's Office had interviewed Ms. Frank for the Executive Director position and that their Office should inform the Board of their approval by the end of this week.

Ms. Dieterich also updated the Board on the status of vacancies. Currently, there are three staff positions that are vacant and need to be filled as soon as possible – one in licensing, one in Investigations and one to assist Ms. Mascarenas with financials. These should be filled within the next month, other than the position in financials, which cannot be advertised until July 1.

Ms. Dieterich informed the Board that the agency has been contracting with two prosecutors to handle the Board's administrative cases. Ms. Dieterich introduced Patrick McNertney, Esquire; and Scott Fuqua, Esquire. The cases are being distributed between both attorneys.

Medical Director

Dr. La Farge updated the Board on the 2015 FSMB Annual Meeting which was held on April 23-25, in Fort Worth, TX. He stated that there has been controversy and a lawsuit between the Texas Medical Board (TMB) and Teladoc, a large company that practices telemedicine on the Internet. Because the TMB requires an established physician-patient relationship, like NM, it attempted to block the prescription of medicines by Teladoc without an established physician-patient relationship. Teladoc has taken the TMB to court on an anti-trust charge for adopting specific rules on April 10, 2015 regarding the physician-patient relationship and prescribing.

Dr. La Farge also updated the Board with respect to the North Carolina Antitrust Case. This case was based on the NC Board of Dental Examiners having issued 47 cease and desist" letter to individuals practicing "teeth-whitening" in spas and kiosks who were not licensed to "practice dentistry". The Federal Trade Commission ruled against the NC Dental Board largely because they did not have jurisdiction over the "teeth-whitener" practitioners and thus no authority to move to discipline them. The FTC also ruled that the NC Dental Board was not actively-supervised by the NC legislature.

Dr. La Farge concluded by updating the status of the Interstate Medical Licensure Compact. Strong emphasis was placed on the concepts under which the Interstate Medical Licensure Compact was created in order to assist expedited, multiple state licensure while maintaining licensing and regulation within the states of licensure (not nationally or regionally). Six states have received legislative endorsement of a Compact: MT, ID, WY, UT, SD and WV. MI and AL are on the verge of completing the legislative process, thus making the number adequate (7) for establishing a multi-state Compact. An additional eleven state legislatures are currently reviewing Compact Bills: NV, TX, OK, NE, MN, IA, IL, MD, RI, NH, and VT. Other states, including NM, are waiting to see how the Compact structure actually works.

Board Attorney

Ms. Frank updated the Board on the status of the pending appellate cases.

Mark Walden, M.D., who appealed the Board's most recent Order requiring him to complete a residency, has filed an appeal in First Judicial District Court and is representing himself. The record proper was filed by the Board but Dr. Walden has not submitted an appellate statement so the Board is waiting to see what he is appealing.

Sitar Kothalanka, M.D.'s appellate case is still pending. Oral argument was heard in this case in February, but the Judge has not yet issued a decision. This case was assigned to Judge Victor Lopez in the Second Judicial District Court.

Mr. Paul Bateman's hearing in the matter of the Board's Petition for Temporary Restraining Order has been vacated since he has not been located in order to serve him with same. Mr. Bateman is the unlicensed practitioner issuing CDLs to truck drivers out of a truck stop in Albuquerque. The hearing will be rescheduled once he is served.

Licensing Manager

Ms. Quintana reported to the Board that there are approximately 1,850 MD Licensees who have not submitted their Pain Management CME to the Board office. She also reported that there is already a rule in place, 16.10.4.13 B, which allows for the Board to offer an MD who is unable to provide required documentation of CME a settlement in lieu of initiating disciplinary action. Settlements may include a letter of reprimand and a \$500.00 fine which would be reportable. After a brief discussion by the Board it was determined that licensees currently in renewal that have not submitted the documentation will be not be renewed until CME is submitted. In addition, letters will be mailed to all other licensees who have not submitted their CME explaining the possible settlement. The Board wants to make it clear that licensees will be held accountable if they are not in compliance with the Pain Management CME requirement.

Financial / HR Manager

Ms. Dieterich reported for Ms. Mascarenas in her absence.

Ms. Dieterich reported on FY15 Budget and Status Report ending March 31, 2015 this agency has expenditures totaling \$1,230,000 from July 1, 2014 to March 31, 2015. The revenue we've collected from July 1, 2014 to March 31, 2015 totals \$546,600. Ms. Dieterich stated that our cash balance as of May 11, 2015 is \$2,185,800 and our litigation expenses have totaled \$15,400 with \$39,300 encumbered.

The FY16 HB2 approved operating budget, which begins on July 1, 2015, is \$1,844,500, a decrease of 2.2% compared to the FY15 operating budget. We also have BAR authority of \$100,000 for administrative hearing and litigation expenditures.

Investigations Department

Ms. Dieterich did not have anything to report.

Administrative Prosecutor

Ms. Dieterich reported on the status of pending administrative prosecution cases.

PIO/Compliance Report

Board Monitored Compliance Report [Non MTP]

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** by Dr. Beaudette. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Carson; Ms. Anderson; Dr. Komadina; Mr. Wallace; Dr. Spence and Mr. Bourbon. **MOTION CARRIED.**

Board Monitored Compliance Report [Non MTP]

Ms. Compton reviewed the compliance report and reported on the status of licensees.

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.

Ms. Compton updated the Board on Loss Prevention and the upcoming audit. As part of Loss Prevention, a few staff members attended an active shooter training. Ms. Frank explained to the Board what Loss Prevention is and how it is handled from Risk Management General Services Department. Ms. Compton reported that the Medical Board's website has been updated and is now up and running. The recent changes make it more user friendly and members of the public are now able to file complaints online. Board members were encouraged to go online and review it.

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** by Dr. Spence. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Carson; Ms. Anderson; Dr. Komadina; Mr. Wallace; Dr. Spence and Mr. Bourbon. **MOTION CARRIED.**

NM Monitored Treatment Program (MTP)

Dan Collins, Regina Johnson, and Andrea Newman of the NM Monitored Treatment Program presented the status of all mandatory MTP participants and answered questions from the Board.

Informal Interviews

Michael Bellas, P.A.; James Bradley, M.D.; Elaine Bradshaw, M.D.; John Bray Morris, M.D.; Stephen Cain, M.D.; Leslie Carroll, M.D.; Jimmie Charlie, M.D.; Alden Cockburn, M.D.; Christopher Driskill, M.D.; Steve Greer, M.D.; Jonathan Hechanova, M.D.; Rob Kamermans, M.D.(teleconference); Keith Levitt, M.D.; Nancy Sachsels, P.A (absent); Milton Sanchez, P.S.G.T.; Richard Smith, M.D.; Paul De Stefano, M.D.; Alston Lundgren, M.D.

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.

7. ACTIONS RELATED TO EXECUTIVE SESSION

Stephen Cain, M.D. – Request to Amend Stipulation to Allow Return to Work

MOTION was made by Dr. Jenkusky to **DENY** Dr. Cain's Request to Amend Stipulation. **SECONDED:** Mr. Bourbon. **YES:** Dr. Jenkusky; Dr. Carson; Ms. Anderson; Dr. Spence; Dr. Komadina; Dr. Beaudette and Mr. Bourbon. **MOTION CARRIED.**

Rob Kamermans, M.D. – Requesting Amendment to Stipulation

MOTION was made by Dr. Jenkusky to **GRANT** Dr. Kamermans' Request to Amend Stipulation and remove the preceptor requirement. **SECONDED:** Ms. Anderson. **YES:** Dr. Jenkusky; Dr. Carson; Ms. Anderson; Dr. Spence; Dr. Komadina; Dr. Beaudette and Mr. Bourbon. **MOTION CARRIED.**

Jimmie Charlie, M.D. – Requesting Release from Stipulation

MOTION was made by Dr. Jenkusky to release Dr. Charlie from the Board Stipulated Order. **SECONDED:** Ms. Anderson. **YES:** Dr. Jenkusky; Dr. Carson; Ms. Anderson; Dr. Spence; Dr. Komadina; Dr. Beaudette and Mr. Bourbon. **MOTION CARRIED**

Dr. Komadina had a brief discussion regarding the roles of Board members and stated he would like the members of the Board to have more communication with Board staff so that the Board can be more actively engaged in and aware of the daily issues at the Board office.

ADJOURN

Dr. Jenkusky adjourned the first day [May 14, 2015] of the May Regular Board Meeting at 5:10 p.m.

Friday, May 15, 2015

Dr. Jenkusky reconvened the Medical Board and called the meeting to order at 9:00 a.m. on Friday, May 15, 2015; a quorum was present.

8. Presentation by Ralph Loomis, M.D. and Jonathan Jagoda, FSMB

Dr. Loomis and Mr. Jagoda presented to the Board the Interstate Medical Licensure Compact and the need for license portability. They are pursuing expanding access for licensure while at the same time protecting patients. The Compact is a contract between participating states meant to simplify the licensure process across state lines. Dr. Loomis and Mr. Jagoda explained that participation is not mandatory for providers, who may apply directly to individual state boards if they wish. In order to qualify for licensure using the compact, the provider must have a full, unrestricted license in a state that is a member of the Compact. The provider must comply with all state regulations and rules, and the state maintains jurisdiction over the license. The Compact is a mechanism to expedite licensure in multiple states.

9. Presentation by Jon Thayer – Diversion Programs

Mr. Thayer presented to the Board how a diversion program would work, and the benefits such a program might offer to the Board and licensees. A Diversion Program is a concept that facilitates the rehabilitation of a licensee without applying disciplinary action upon the license. Providers would be able to enter the program voluntarily or through Board referral. Benefits of such a program include reduction of the cost of investigation, early intervention and public safety. The drawback is public acceptance. Dr. Jenkusky suggested a committee be formed charged with the development of a diversion program. Dr. Jenkusky and Mr. Wallace volunteered as the Board members serving on the committee.

10. Presbyterian Representative – Broader Use of Telemedicine to Deliver Care to Patients

Dr. Kevin Maven and Robyn Divine presented to the Board the use of internet telemedicine in the state of New Mexico. Presbyterian partnered with a company by the name of MeMD which allows access to healthcare at any time of day through the use of an internet connection and a webcam. MeMD maintains its own electronic documentation of the visit, which can be forwarded to PCP upon request. Concerns exist as to what can be treated with a virtual visit. If an issue cannot be resolved during a virtual visit, the patient is given a strategy on what their next step should be. This is not meant to replace traditional care, but to provide additional methods for patients to obtain treatment. Since this program has been initiated there have been 800 visits, and the average time is about 45 minutes from registration to completion of the appointment. Patients can also schedule future appointments.

11. New Business

MOTION was made by Dr. Komadina to nominate Dr. Jenkusky as Chair of the Board.

MOTION was made by Dr. Beaudette to nominate Dr. Komadina as Chair of the Board.

The nominees gave statements as to why they would like to be chair and what they plan to do if nominated as Chair.

Dr. Spence suggested that the candidate who is not elected Chair serve as Vice Chair. Dr. Komadina indicated he would not have the time to serve as Vice Chair.

The Board Members then voted.

Dr. Jenkusky for Chair: **YES:** Dr. Carson; Ms. Anderson; Mr. Wallace; and Mr. Bourbon. **RECUSED:** Dr. Jenkusky.

Dr. Komadina for Chair: **YES:** Dr. Beaudette; Dr. Komadina; and Dr. Spence.

Dr. Jenkusky, by vote of 4-3, was elected Chair of the Board. **MOTION CARRIED.**

MOTION was made by Dr. Jenkusky to nominate Mr. Bourbon as Vice Chair of the Board. **SECONDED:** Dr. Beaudette. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Carson; Ms. Anderson; Dr. Komadina; Mr. Wallace and Dr. Spence. **MOTION CARRIED.**

MOTION was made by Dr. Spence to nominate Ms. Anderson as Secretary-Treasurer of the Board. **SECONDED:** Dr. Jenkusky. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Carson; Dr. Komadina; Mr. Wallace; Dr. Spence and Mr. bourbon . **MOTION CARRIED.**

MOTION was made by Dr. Spence to move forward and create a committee to oversee the process for forming a Diversion Program. Mr. Wallace and Dr. Jenkusky volunteered to serve as the Board Members on the Committee. **SECONDED:** Dr. Jenkusky. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Carson; Ms. Anderson; Dr. Komadina; Mr. Wallace; Dr. Spence and Mr. Bourbon . **MOTION CARRIED.**

MOTION was made by Mr. Wallace to adopt the Open Meetings Resolution. **SECONDED:** Dr. Jenkusky. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Carson; Ms. Anderson; Dr. Komadina; Mr. Wallace; Dr. Spence and Mr. Bourbon . **MOTION CARRIED.**

MOTION was made by Dr. Jenkusky to adopt the language for the Proposed Rule Amendment to 16.10.2.8 and vote on a later date. **SECONDED:** Dr. Carson. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Carson; Ms. Anderson; Dr. Komadina; Mr. Wallace; Dr. Spence and Mr. Bourbon . **MOTION CARRIED.**

The proposed meeting dates will be settled at the August Meeting.

Ms. Frank discussed expungement from our administrative cases, stating that in general we do not expunge records. There would have to be an unusual set of circumstances in which the Board would look at expungement. Also, expungements are not removed from the NPDB as NPDB has their own regulation on how that issue is handled.

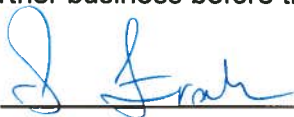
12. Old Business

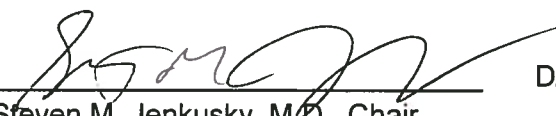
Ms. Compton updated the Board on the response to the advisory letters sent out by Board staff regarding the Board's PMP Rule. Thirty-five letters were sent out and an array of responses were received. Most of the physicians who responded work in clinics that have one staff member pull PMP's for all practitioners. Ms. Compton referred physicians to the Pharmacy Board to ensure the delegate is registered to each Physician.

There was a discussion held on how to get information to the public and licensees more quickly and in a manner that is actually more efficient. Dr. Carson and Dr. Komadina both use social media in their own practices. Dr. Carson and Ms. Compton were tasked to explore creating a Facebook page for the Board in order to make various information more readily available to the public.

13. ADJOURN

There being no further business before the Board, Dr. Jenkusky adjourned the meeting at 12:30 p.m.

SUBMITTED BY:  DATE: 8/7/15
Sondra Frank, J.D., Executive Director

APPROVED BY:  DATE: 8/7/15
Steven M. Jenkusky, M.D., Chair

APPROVED BY:  DATE: 8/7/15
Albert Bourbon, PA-C, Vice Chair