

**NEW MEXICO MEDICAL BOARD**  
**Regular Board Meeting**  
**May 12-13, 2016**  
**FINAL MINUTES**

**Members Present:** 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.  
Philip Styka, M.D.

**Absent:** Steve Jenkusky, MD – Chair - *Excused*

**Others Present:** Sondra Frank, J.D., Executive Director  
Rick Word, Assistant Attorney General  
Thomas Banner, Administrative Prosecutor  
Gayle Mascarenas, CFO/HR Manager  
Debbie Dieterich, Investigations Manager  
Amanda Quintana, Compliance Manager / PIO  
Barbara Orender, Licensing Manager  
Samantha Breen, Administrative Assistant  
Amanda Chavez, Investigator  
James Perez, Investigator

**1. CALL TO ORDER / ROLL CALL**

Mr. Bourbon called the Regular Board Meeting of the New Mexico Medical Board to order at 8:35 a.m. and a quorum was present.

**2. APPROVAL OF AGENDA**

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

**3. APPROVAL OF MINUTES**

**MOTION** was made by Mr. Bourbon to accept and approve the minutes of the March 17, 2016 Interim Board Meeting as presented. **SECONDED** by Dr. Styka. **YES:** Mr. Bourbon, Dr. Beaudette, Dr. Carson, Ms. Anderson, Dr. Komadina, Dr. Spence and Dr. Styka **Absent:** Dr. Jenkusky **MOTION CARRIED.**

**EXECUTIVE SESSION: Complaint Committee Reports / Executive Committee Report**

**MOTION** was made by Mr. Bourbon 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. Styka. **YES:** Mr. Bourbon, Dr. Beaudette, Dr. Carson, Ms. Anderson, Dr. Komadina, Dr. Spence and Dr. Styka **Absent:** Dr. Jenkusky **MOTION CARRIED.**

**OPEN SESSION**

The Board returned to open session. Mr. Bourbon 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. Carson to **CLOSE** Case #2015-A-108; 2015-A-166; 2015-A-200 and 2016-A-036 **YES:** Ms. Anderson (ABSTAINED FOR CASE #2016-A-036); Dr. Komadina; Dr. Spence; Dr. Styka; Mr. Bourbon; and Dr. Beaudette. **RECUSED:** Dr. Carson **Absent:** Dr. Jenkusky.

**Case #2015-A-046 RECOMMENDATION** was made by Dr. Carson to offer physician a letter of reprimand and requiring a CME course on controlled substance prescribing, based on but not limited to, violation of a drug law, injudicious prescribing, failure to maintain complete medical records on a patient. If physician does not accept, a notice of contemplated action will be issued based on same. **YES:** Ms. Anderson; Dr. Komadina; Dr. Spence; Dr. Styka; Mr. Bourbon and Dr. Beaudette. **RECUSED:** Dr. Carson. **Absent:** Dr. Jenkusky.

**Case #2015-A-188 RECOMMENDATION** was made by Dr. Carson recommends offering physician a letter of reprimand, based on but not limited to, failure to report adverse licensure action and adverse licensure action taken by another state medical board(s). If physician does not accept, a notice of contemplated action will be issued based on same. **YES:** Ms. Anderson; Dr. Komadina; Dr. Spence; Dr. Styka; Mr. Bourbon and Dr. Beaudette. **RECUSED:** Dr. Carson. **Absent:** Dr. Jenkusky.

**Case #2016-A-073 RECOMMENDATION** was made by Dr. Carson recommends that physician applicant be offered a stipulated New Mexico license to practice requiring mandatory participation in MTP for monitoring of treatment for a mental health condition. If physician does not accept, he may withdraw his application while under investigation or a notice of contemplated action will be issued to deny licensure. **YES:** Ms. Anderson; Dr. Komadina; Dr. Spence; Dr. Styka; Mr. Bourbon and Dr. Beaudette. **RECUSED:** Dr. Carson. **Absent:** Dr. Jenkusky.

##### Complaint Committee B

**RECOMMENDATION** was made by Dr. Komadina to **CLOSE** Case #2015-B-021; 2015-B-022; 2015-B-044; 2015-B-061; 2015-B-167; 2015-B-173; 2015-B-174; 2015-B-176; 2015-B-179; 2015-B-254. **YES:** Dr. Styka; Mr. Bourbon; Dr. Beaudette; Dr. Carson and Ms. Anderson. **RECUSED:** Dr. Komadina and Dr. Spence. **Absent:** Dr. Jenkusky.

**RECOMMENDATION** was made by Dr. Komadina to **CLOSE** Case #2015-B-227 with an advisory letter reminding Physician of the appropriate and careful use of language in a patient chart. **YES:** Dr. Styka; Mr. Bourbon; Dr. Beaudette; Dr. Carson and Ms. Anderson. **RECUSED:** Dr. Komadina and Dr. Spence. **Absent:** Dr. Jenkusky.

**RECOMMENDATION** was made by Dr. Komadina to **CLOSE** Case #2015-B-240 with an advisory letter to Physician reminding Physician of the Board's regulation on release of medical records and board regulations on direct supervision by Physician when cosmetic procedures are performed by MA's. A copy of the Board's regulations will be provided. Physician will also be advised that an email request for records should not be the only required means for requesting patient records. **YES:** Dr. Styka; Mr. Bourbon; Dr. Beaudette; Dr. Carson and Ms. Anderson. **RECUSED:** Dr. Komadina and Dr. Spence. **Absent:** Dr. Jenkusky.

**Case #2015-B-035 RECOMMENDATION** was made by Dr. Komadina recommending that physician place her license on inactive status under the impaired act and undergo an evaluation by an impaired physician committee for physical impairment. The case will remain open until receipt of the IPC report and then will return to Board for disposition. If physician refuses, proceedings will be initiated under the impaired healthcare provider act. **YES:** Dr. Styka; Mr. Bourbon; Dr. Beaudette; Dr. Carson and Ms. Anderson. **RECUSED:** Dr. Komadina and Dr. Spence. **Absent:** Dr. Jenkusky.

**Case #2015-B-156 RECOMMENDATION** was made by Dr. Komadina recommends issuance of a notice of contemplated action based on, but not limited to, failure to report, misrepresentation on a renewal application; conduct unbecoming; falsification of a document connected with the practice of medicine. **YES:** Dr. Styka; Mr. Bourbon; Dr. Beaudette; Dr. Carson and Ms. Anderson. **RECUSED:** Dr. Komadina and Dr. Spence. **Absent:** Dr. Jenkusy.

**Case #2016-B-021 RECOMMENDATION** was made by Dr. Komadina recommends offering physician a stipulated license under terms that he take the in-depth ProBE ethics course at CPEP, and requiring that CPEP send to the Board a complete copy of their observations and summary of his participation including the required essay. If physician refuses, physician may withdraw his application while under investigation or a notice of contemplated action will be issued based on, but not limited to, violation of the Board's ethics regulation and conduct unbecoming. **YES:** Dr. Styka; Mr. Bourbon; Dr. Beaudette; Dr. Carson and Ms. Anderson. **RECUSED:** Dr. Komadina and Dr. Spence. **Absent:** Dr. Jenkusy.

#### **Complaint Committee C**

**RECOMMENDATION** was made by Mr. Bourbon to **CLOSE** Case #2014-C-088; 2015-C-026; 2015-C-062; 2015-C-128; 2015-C-149; 2015-C-168; 2015-C-175; 2015-C-180 and 2015-C-229. **YES:** Dr. Beaudette; Dr. Carson; Ms. Anderson; Dr. Komadina; and Dr. Spence. **RECUSED:** Mr. Bourbon and Dr. Styka. **Absent:** Dr. Jenkusy.

**RECOMMENDATION** was made by Mr. Bourbon to **CLOSE** Case #2015-C-014 with an advisory letter with regard to the Board's Regulation on closing a practice and providing medical records to patients. A copy of the Board's regulation will be sent to physician. **YES:** Dr. Beaudette; Dr. Carson; Ms. Anderson; Dr. Komadina and Dr. Spence. **RECUSED:** Dr. Styka and Mr. Bourbon. **Absent:** Dr. Jenkusy.

**RECOMMENDATION** was made by Mr. Bourbon to **CLOSE** Case #2015-C-112 with an advisory letter to physician reminding him about maintaining professionalism with peers and patients. **YES:** Dr. Beaudette; Dr. Carson; Ms. Anderson; Dr. Komadina and Dr. Spence. **RECUSED:** Dr. Styka and Mr. Bourbon. **Absent:** Dr. Jenkusy.

**Case #2015-C-036 RECOMMENDATION** was made by Mr. Bourbon that the Board adopt the recommendations of the Impaired Physician Committee and order physician to obtain a comprehensive psychiatric evaluation within 90 days by a provider chosen by the Board, enroll in the NM Monitored Treatment Program for monitoring of a mental health condition. Case will return to the Board for further determination. If physician does not comply, proceedings will be initiated under the impaired healthcare provider act. **YES:** Dr. Beaudette; Dr. Carson; Ms. Anderson; Dr. Komadina; and Dr. Spence. **RECUSED:** Mr. Bourbon and Dr. Styka. **Absent:** Dr. Jenkusy.

**Case #2016-C-022 RECOMMENDATION** was made by Mr. Bourbon that the Board offer physician applicant the option of withdrawing his application for reinstatement and applying only after he completes a full residency or a notice of contemplated action will be issued to deny reinstatement of licensure based on incompetency to practice. **YES:** Dr. Beaudette; Dr. Carson; Ms. Anderson; Dr. Komadina; and Dr. Spence. **RECUSED:** Mr. Bourbon and Dr. Styka. **Absent:** Dr. Jenkusy

#### **Complaint Committee D**

**RECOMMENDATION** was made by Ms. Anderson to **CLOSE** Case #2015-D-130; 2015-D-150; 2015-D-169 and 2015-D-172. **YES:** Dr. Komadina; Dr. Spence; Dr. Styka; Mr. Bourbon and Dr. Carson. **RECUSED:** Dr. Beaudette and Ms. Anderson. **Absent:** Dr. Jenkusy.

**RECOMMENDATION** was made by Ms. Anderson to **CLOSE** Case #2015-D-072 with an advisory regarding the Board's reporting requirements. **YES:** Dr. Komadina; Dr. Spence; Dr. Styka; Mr. Bourbon and Dr. Carson. **RECUSED:** Dr. Beaudette and Ms. Anderson. **Absent:** Dr. Jenkusky.

**RECOMMENDATION** was made by Ms. Anderson to **CLOSE** Case #2015-D-093 with an advisory letter regarding full disclosure of information on a renewal application. **YES:** Dr. Komadina; Dr. Spence; Dr. Styka; Mr. Bourbon and Dr. Carson. **RECUSED:** Dr. Beaudette and Ms. Anderson. **Absent:** Dr. Jenkusky.

**Case #2015-D-033 RECOMMENDATION** was made by Ms. Anderson to offer physician the chance to retire his license while under investigation. If physician does not accept, a notice of contemplated action will be issued based on, but not limited to, adverse action being taken by another state medical board and failure to report adverse licensure action as required. **YES:** Dr. Komadina; Dr. Spence; Dr. Styka; Mr. Bourbon and Dr. Carson. **RECUSED:** Dr. Beaudette and Ms. Anderson. **Absent:** Dr. Jenkusky.

**Case #2015-D-034 RECOMMENDATION** was made by Ms. Anderson to issue a notice of contemplated action based on, but not limited to, failure to cooperate with a board investigation, injudicious prescribing and failure to provide medical records on a patient. **YES:** Dr. Komadina; Dr. Spence; Dr. Styka; Mr. Bourbon and Dr. Carson. **RECUSED:** Dr. Beaudette and Ms. Anderson. **Absent:** Dr. Jenkusky.

**Case #2015-D-041 RECOMMENDATION** was made by Ms. Anderson to offer resident physician a stipulated agreement requiring him to reimburse the fees to the veterans that they paid him for conducting independent medical evaluations, along with his issuance of a letter of apology to each veteran; and the requirement to successfully complete a PRoBE ethics course. If physician does not accept, a notice of contemplated action will be issued based on, but not limited to, unlicensed practice of medicine, obtaining a fee by misrepresentation and conduct unbecoming. **YES:** Dr. Komadina; Dr. Spence; Dr. Styka and Dr. Carson. **RECUSED:** Dr. Beaudette and Ms. Anderson. **Abstained:** Mr. Bourbon **Absent:** Dr. Jenkusky.

**Case #2015-D-160 RECOMMENDATION** was made by Ms. Anderson to issue a summary suspension based on physician being an imminent danger to the public along with the issuance of a notice of contemplated action based on, but not limited to, injudicious prescribing, conduct likely to harm, incompetency to practice, prescribing a narcotic, stimulant or hypnotic drugs for other than accepted therapeutic purposes, and failure to maintain accurate medical records on patients. **YES:** Dr. Komadina; Dr. Spence; Dr. Styka; Mr. Bourbon and Dr. Carson. **RECUSED:** Dr. Beaudette and Ms. Anderson. **Absent:** Dr. Jenkusky.

**Case #2015-D-165 RECOMMENDATION** was made by Ms. Anderson to offer resident physician a chance to surrender or inactivate his license while under investigation or a notice of contemplated action will be issued based on, but not limited to, incompetency to practice. **YES:** Dr. Komadina; Dr. Spence; Dr. Styka and Dr. Carson. **RECUSED:** Dr. Beaudette and Ms. Anderson. **Abstained:** Mr. Bourbon **Absent:** Dr. Jenkusky.

**Case #2015-D-218 RECOMMENDATION** was made by Ms. Anderson to offer physician a letter of reprimand and fine of \$500 or issuance of a notice of contemplated action based on, but not limited to, misrepresentation on renewal applications, adverse action taken by another state licensing board, failure to report adverse action taken by another state licensing board, and failure to report an arrest. **YES:** Dr. Komadina; Dr. Spence; Dr. Styka; Mr. Bourbon and Dr. Carson. **RECUSED:** Dr. Beaudette and Ms. Anderson. **Absent:** Dr. Jenkusky.

**Case #2015-D-246 RECOMMENDATION** was made by Ms. Anderson to offer physician the chance to surrender his medical license or a notice of contemplated action will be issued based on but not limited to, adverse licensure action in another state, misrepresentation on a renewal application, failure to report adverse action taken by another licensing entity, and failure to report adverse action taken by a law enforcement agency, and conduct unbecoming. **YES:** Dr. Komadina; Dr. Spence; Dr. Styka; Mr. Bourbon and Dr. Carson. **RECUSED:** Dr. Beaudette and Ms. Anderson. **Absent:** Dr. Jenkusky.

**Case #2016-D-009 RECOMMENDATION** was made by Ms. Anderson to offer resident physician a stipulated license requiring mandatory participation in the monitored treatment program or issuance of a notice of contemplated action based on, but not limited to, habitual/excessive use of alcohol. **YES:** Dr. Komadina; Dr. Spence; Dr. Styka and Dr. Carson. **RECUSED:** Dr. Beaudette and Ms. Anderson. **Abstained:** Mr. Bourbon **Absent:** Dr. Jenkusky.

**5. LICENSING ISSUES, NEW APPLICANTS / REINSTATEMENTS**

**Jacques Jaikaran, MD – Case No. 2015-012 – Decision and Order**  
**MOTION** was made by Mr. Bourbon to postpone vote until Friday, May 13, 2016 while waiting for copy of draft order. **SECONDED** by Dr. Carson. **YES:** Mr. Bourbon, Dr. Beaudette, Dr. Carson, Ms. Anderson, Dr. Komadina, Dr. Spence and Dr. Styka. **MOTION CARRIED.** **Absent:** Dr. Jenkusky.

**Clyde Miller, MD – Case No. 2015-037 – Motion for Costs**  
**MOTION** was made by Mr. Bourbon to **GRANT** the Motion for Costs in Case 2015-037. **SECONDED** by Dr. Komadina. **YES:** Mr. Bourbon, Dr. Beaudette, Dr. Carson, Ms. Anderson, Dr. Komadina, Dr. Spence and Dr. Styka. **MOTION CARRIED.** **Absent:** Dr. Jenkusky.

**Pedro Diaz, MD – Case No. 2014-025 – Motion for Costs**  
**MOTION** was made by Mr. Bourbon to **GRANT** the Motion for Costs in Case 2014-025. **SECONDED** by Dr. Spence. **YES:** Mr. Bourbon, Dr. Beaudette, Dr. Carson, Ms. Anderson, Dr. Komadina, Dr. Spence and Dr. Styka. **MOTION CARRIED.** **Absent:** Dr. Jenkusky.

**Sujan Thyagaraj, MD – Case No. 2016-014 – Proposed Stipulation**  
**MOTION** was made by Mr. Bourbon to accept the Proposed Stipulation as presented. **SECONDED** by Dr. Carson. **YES:** Mr. Bourbon, Dr. Beaudette, Dr. Carson, Ms. Anderson, Dr. Komadina, Dr. Spence and Dr. Styka. **MOTION CARRIED.** **Absent:** Dr. Jenkusky.

**Robert Woody, MD – Case No. 2016-013 – Proposed Stipulation**  
**MOTION** was made by Mr. Bourbon to accept the Proposed Stipulation as presented. **SECONDED** by Dr. Styka. **YES:** Mr. Bourbon, Dr. Beaudette, Dr. Carson, Ms. Anderson, Dr. Komadina, Dr. Spence and Dr. Styka. **MOTION CARRIED.** **Absent:** Dr. Jenkusky.

**Dennis Ayon, MD – Case No. 2014-040 – Proposed Settlement**  
**MOTION** was made by Mr. Bourbon to accept the Proposed Settlement as presented. **SECONDED** by Dr. Styka. **YES:** Mr. Bourbon, Dr. Beaudette, Dr. Carson, Ms. Anderson, Dr. Komadina, Dr. Spence and Dr. Styka. **MOTION CARRIED.** **Absent:** Dr. Jenkusky.

**Roy Heilbron, MD – Case No. 2015-029 – Motion to Reconsider Summary Suspension**  
**MOTION** was made by Mr. Bourbon to postpone vote until Friday, May 13, 2016 in order to give Respondents Counsel an opportunity to appear. **SECONDED** by Dr. Carson. **YES:** Mr. Bourbon, Dr. Beaudette, Dr. Carson, Ms. Anderson, Dr. Komadina, Dr. Spence and Dr. Styka. **MOTION CARRIED.** **Absent:** Dr. Jenkusky.

**6. Board Attorney Report**  
None

**7. CLOSED SESSION: PIO/Compliance Report and New Mexico Monitored Treatment Program Report**

**MOTION** was made by Mr. Bourbon 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. Carson. **YES:** Mr. Bourbon, Dr. Beaudette, Dr. Carson, Ms. Anderson, Dr. Komadina, Dr. Spence and Dr. Styka. **MOTION CARRIED.** **Absent:** Dr. Jenkusky.

**Board Monitored Compliance Report [Non MTP]**

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

**NM Monitored Treatment Program (MTP)**

Dan Collins, MD and Marylynn Griffin of the NM Monitored Treatment Program presented the status of all mandatory MTP participants and answered questions from the Board.

**Informal Interviews**

Bertrand Bassett, MD; Charles Bennett, MD; James Bradley, MD; John Bray Morris, MD; Stephen Cain, MD; Alden Cockburn, MD; Adrian Morretti, MD; Orlando Ortiz, MD; Mona Sarrai, MD; Richard Smith, MD; Paul DeStefano, MD; John Vigil, MD; Molly Hutsinpillar, MD (Telephonic Interview).

**OPEN SESSION**

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

**8. ACTIONS RELATED TO EXECUTIVE SESSION**

**Paul DeStefano, MD – Request for release from stipulation.**

**MOTION** was made by Mr. Bourbon to **DENY** request for early release from stipulation. **SECONDED** by Dr. Beaudette. **YES:** Mr. Bourbon, Dr. Beaudette, Dr. Carson, Ms. Anderson, Dr. Komadina, Dr. Spence and Dr. Styka. **MOTION CARRIED.** **Absent:** Dr. Jenkusky.

**Bertrand Bassett, MD – Request for release from stipulation.**

**MOTION** was made by Mr. Bourbon to **DENY** request for early release from stipulation. **SECONDED** by Dr. Carson. **YES:** Mr. Bourbon, Dr. Beaudette, Dr. Carson, Ms. Anderson, Dr. Komadina, Dr. Spence and Dr. Styka. **MOTION CARRIED.** **Absent:** Dr. Jenkusky.

**John Bray Morris, MD - Request to amend stipulation to allow licensee to practice with an offsite monitor.**

**MOTION** was made by Mr. Bourbon to **GRANT** Dr. Bray Morris' request to amend his stipulation to allow off-site monitoring and have MTP report monitoring recommendations to the Executive Committee of the Board. **SECONDED** by Dr. Beaudette. **YES:** Mr. Bourbon, Dr. Beaudette, Dr. Carson, Ms. Anderson, Dr. Komadina, Dr. Spence and Dr. Styka. **MOTION CARRIED.** **Absent:** Dr. Jenkusky.

**Debra Irrizary, MD – Request to be released from Stipulation.**

**MOTION** was made by Mr. Bourbon to **GRANT** request for release from stipulation. **SECONDED** by Dr. Beaudette. **YES:** Mr. Bourbon, Dr. Beaudette, Dr. Carson, Ms. Anderson, Dr. Komadina, Dr. Spence and Dr. Styka. **MOTION CARRIED. Absent:** Dr. Jenkusky.

**Stephen Cain, MD – Request for amendment to Stipulation to allow licensee to practice Anesthesiology.**

**MOTION** was made by Mr. Bourbon to **DENY** request to allow Dr. Cain to practice Anesthesiology. **SECONDED** by Dr. Styka. **YES:** Mr. Bourbon, Dr. Beaudette, Dr. Carson, Ms. Anderson, Dr. Komadina, Dr. Spence and Dr. Styka. **MOTION CARRIED. Absent:** Dr. Jenkusky.

**Pamela Black, MD – Request to be released from Monitoring.**

**MOTION** was made by Mr. Bourbon to **GRANT** request for release from monitoring. **SECONDED** by Dr. Beaudette. **YES:** Mr. Bourbon, Dr. Beaudette, Dr. Carson, Ms. Anderson, Dr. Komadina, Dr. Spence and Dr. Styka. **MOTION CARRIED. Absent:** Dr. Jenkusky.

## **ADJOURN**

Mr. Bourbon adjourned the first day [May 12, 2016] of the May Regular Board Meeting at 4:35 p.m.

### **Friday, May 13, 2016**

Mr. Bourbon reconvened the Medical Board and called the meeting to order at 9:05 a.m. on Friday, Friday, February 5, 2016; a quorum was present.

## **9. REPORTS**

### **Chair Report**

Mr. Bourbon reported that he represented the Board on an Opioid Prescription Best Practices Panel for the "Opioids and the Overdose Epidemic: Clinical Tools for Safety and Success" conference on May 7, 2016 in Santa Fe. He relayed that the conference was very well attended and although many of the components were not new to the Board, it was interesting to hear about different alternative modalities that can be used in lieu of prescribing opiates. He also relayed that there was a big push for Naloxone use and Suboxone prescribers.

### **Executive Director**

Ms. Frank reported that she and Ms. Anderson attended the FSMB Annual Meeting in San Diego on April 28 & 29, 2016. She reviewed with the Board several topics.

- The opening speaker was the US Surgeon General;
- One of the speakers was the attorney who prosecuted the CA physician who was overprescribing. Ms. Frank stated that it all started with just an injudicious prescribing case however they were able to prosecute on three deaths even though there were a total of 12.
- Another hot topic was in-office compounding, there were proponents and others who felt that compounding is a dangerous practice. The FSMB put this item on the backburner for further research. The board discussed the pros and cons of compounding.
- Opiate Prescribing;
- Physician Burn Out – Ms. Frank reported that 400 physicians commit suicide a year and that is conservative number;
- Interstate Compact – Ms. Frank stated that New Mexico is pretty much the only state that has not in some way begun the process of joining the compact. The FSMB has grant funds that can be utilized if the Board decides to move forward. Pros, cons and logistics of the compact were discussed by the Board at length.

### **Medical Director**

No report.

#### **Licensing Manager**

Dr. La Farge explained that a petition to end USMLE Step 2 CS has been circulated among medical students. The outcome has been a reminder of how important it is to communicate clearly the value of the USMLE in all its parts. Dr. La Farge reviewed the history of the NBME and USMLE.

#### **Financial / HR Manager**

Ms. Mascarenas reported the FY17 Operating Budget that starts on July 1, 2016 was submitted to the Department of Finance & Administration-State Budget Division and the Legislative Finance Committee (*submitted on April 22, 2016 – due statutorily by May 2, 2016*). The operating budget consists of

Personal services and employee benefits	\$1,208.3
Contractual services	\$ 321.4
Other	\$ 361.3
Total:	\$1,891.0

Sources consist of \$1,791.0 Other Revenues and \$100.0 Fund Balance. In addition, HB2 Section 9 includes additional BAR Authority in the amount of \$100,000 from other state funds for administrative hearing and litigation process in FY17.

**MOTION** was made by Mr. Bourbon to **APPROVE** the FY17 Operating Budget as presented. **SECONDED** by Ms. Anderson. **YES:** Mr. Bourbon, Dr. Beaudette, Dr. Carson, Ms. Anderson, Dr. Komadina, Dr. Spence and Dr. Styka. **MOTION CARRIED.** **Absent:** Dr. Jenkusky.

Ms. Mascarenas went on to report the FY16 Budget/Revenue Status ending March 31, 2016. The Budget and Revenue Status projections ending March 31, 2016 are as follows:  
Expenditures total \$1,175.3 (or 63.7%) from July 1, 2015 thru March 31, 2016 (Opbud \$1,844,500);  
Revenues collected from July 1, 2015 through March 31, 2016 total \$551,113 (or 31.1%). The Board has budgeted \$70,000 fund balance in FY16.

The Cash Balance as of May 13, 2016 is \$735,064.

FY16 Administrative Hearing (Litigation):

In FY16 from July, 2015 to May 12, 2016 we expended \$19,508.00 and encumbered \$32,319.86.

#### **Investigations Department**

No report

### **10. Business from Previous Day**

#### **Jacques Jaikaran, MD – Case No. 2015-012 – Decision and Order**

**MOTION** was made by Mr. Bourbon to accept the Hearing Officers Report as presented. **SECONDED** by Dr. Spence. **YES:** Mr. Bourbon, Dr. Beaudette, Dr. Carson, Ms. Anderson, Dr. Komadina, Dr. Spence and Dr. Styka. **MOTION CARRIED.** **Absent:** Dr. Jenkusky.

**MOTION** was made by Mr. Bourbon to **DENY** licensure application based on certain violations of the Medical Practice Act as set forth in the Hearing Officers Report. **SECONDED** by Ms. Anderson. **YES:** Mr. Bourbon, Dr. Beaudette, Dr. Carson, Ms. Anderson, Dr. Komadina, Dr. Spence and Dr. Styka. **MOTION CARRIED.** **Absent:** Dr. Jenkusky.

#### **CLOSED SESSION: Roy Heilbron, MD – Case No. 2015-029**

**MOTION** was made by Mr. Bourbon 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. Carson. **YES:** Mr. Bourbon, Dr. Beaudette, Dr. Carson, Ms. Anderson, Dr. Komadina, Dr. Spence and Dr. Styka. **MOTION CARRIED.** **Absent:** Dr. Jenkusky.

**Roy Heilbron, MD – Case No. 2015-029 – Motion to Reconsider Summary Suspension**

The issue is that there are timelines that apply under the ULA for purposes of completing the prosecution on the NCA. We do not see that there is a waiver in place at this time with respect to the timeframe in which to complete the prosecution on the NCA. The Board has finalized the issue with respect to Summary Suspension. The Board needs to take care of this issue in a timely manner. On this basis a **MOTION** was made by Ms. Anderson to **DENY** the request to hear the Motion to Reconsider Summary Suspension on June 30, 2016, because the Board does not want any concerns regarding timelines in this case. **SECONDED** by Mr. Bourbon. **YES:** Mr. Bourbon, Dr. Beaudette, Dr. Carson, Ms. Anderson, Dr. Komadina, Dr. Spence and Dr. Styka. **MOTION CARRIED.** **Absent:** Dr. Jenkusky.

**MOTION** was made by Ms. Anderson to **DENY** the Motion for Reconsideration of Summary Suspension because it does not present any new evidence for the Board's consideration, it does not point to any new developments in the law that would justify a different decision with respect to the Summary Suspension. The fact is that respondent and his attorney do not like the outcome and decisions made based on the recommendation of the Hearing Officer. **SECONDED** by Mr. Bourbon. **YES:** Mr. Bourbon, Dr. Beaudette, Dr. Carson, Ms. Anderson, Dr. Komadina, Dr. Spence and Dr. Styka. **MOTION CARRIED.** **Absent:** Dr. Jenkusky.

**11. Old Business**

**Jurisprudence Exam**

Ms. Frank and Ms. Quintana presented final drafts of the general jurisprudence exam and the prescribing jurisprudence exam. It was explained that licensees who receive an "advisory" would be required to complete a jurisprudence exam and licensees who are required by stipulation will also have to complete the exam.

**MTP Survey**

Ms. Frank presented a draft survey that will be sent to MTP participants for feedback.

**Quarterly PMP Report**

Ms. Quintana stated that the Board has not received the latest PMP Report card. Once received it will be compared to the last report to see if the letters to licensees considered to be "high risk prescribers" was effective.

**12. New Business**

**Oklahoma Bans Forced MOC –** No discussion. Dr. Komadina anticipates a bill coming through during the 60 day Legislative Session.

Dr. Komadina mentioned that the Missouri Medical Board is giving full licenses to physicians who have not completed a Post Graduate Training program. This is being done because there are not enough slots for newly graduated medical students in post graduate training programs across the U.S.

**In Office Compounding -** Discussed during Executive Director Report.

**NM Shortages of Doctors and Physician Assistants –** Mr. Bourbon reported on the New Mexico Health Care Workforce Committee. He explained the composition of the Committee and reported that he represents the Board. The goals are to identify gaps in healthcare throughout the state. What has

recently caught his attention is that there are still many community health clinics throughout the state which are so valuable. Mr. Bourbon reported that there are huge gaps throughout the state in primary care providers. He reported that Dr. Spence is now on the committee.

**Pharmacists Prescribing Naloxone Protocol Updates to Align with SB 262 -**

**MOTION** was made by Mr. Bourbon to accept the proposed Pharmacists Prescribing Naloxone Protocol as presented. **SECONDED** by Dr. Carson. **YES:** Mr. Bourbon, Dr. Beaudette, Dr. Carson, Ms. Anderson, Dr. Komadina, Dr. Spence and Dr. Styka. **MOTION CARRIED.** **Absent:** Dr. Jenkusky.

**Proposed PMP Regulation SB263** – Ms. Frank updated the Board on the implementation of SB263 into Board Rule. All healthcare licensing boards are affected by SB 263. She reviewed the substance of the bill and explained that it tightens up the regulation of the PMP usage. She has been working with the Department of Health and other Health Care Licensing Boards to formulate a regulation. The question Ms. Frank posed to the Board is if all Controlled Substances are a legitimate perimeter or if the regulation should cover only Benzos, SOMA and the “Z” drugs. The Department of Health prefers that the regulation to stand as all Controlled Substances.

Ms. Frank reviewed the proposed rule for the Board and stated that the changes tighten up the rule in conformance with SB263. The changes were largely taken from the Nursing Board regulations. She asked the Board to look at the proposed rule and provide feedback and any substantial changes to her as soon as possible as SB263 requires that the rule be in place by January 1, 2017.

**Consumer Reports** – Ms. Quintana and Ms. Frank reported on the recent Consumer Report that ranked state medical board websites. Staff are taking steps to modify some of the shortcomings that were pointed out in the report, however resources are a large factor when making modifications to the website. The other issue is that Statute prohibits making some information public.

**Physician Numbers by County and Licensing Fee for Underserved Areas** – Dr. Spence presented Licensing trends by county in New Mexico, comparing the year 2000 with 2016. He reported that 14 of 33 counties have had a net loss of medical doctors since 2000 however there has been a net gain of 1,201 medical doctors in NM as a whole since 2000. Four counties (Bernalillo, Santa Fe, Dona Ana and Sandoval) accounted for 93% of total increase of medical doctors in NM since 2000. Two counties have no practicing medical doctors (Harding and Mora). Offering incentives to MD’s to practice in NM was discussed at length.

**Election of Officers**

**MOTION** was made by Dr. Komadina to elect all current officers. (Steven Jenkusky, MD – Chair, Albert Bourbon, PA – Vice Chair and Jennifer Anderson, Esq. – Secretary Treasurer) **SECONDED** by Spence. **YES:** Mr. Bourbon, Dr. Beaudette, Dr. Carson, Ms. Anderson, Dr. Komadina, Dr. Spence and Dr. Styka. **MOTION CARRIED.** **Absent:** Dr. Jenkusky.

**Adoption of Open Meetings Act**

**MOTION** was made by Dr. Komadina to adopt the Open Meetings Act. **SECONDED** by Spence. **YES:** Mr. Bourbon, Dr. Beaudette, Dr. Carson, Ms. Anderson, Dr. Komadina, Dr. Spence and Dr. Styka. **MOTION CARRIED.** **Absent:** Dr. Jenkusky.

13. **ADJOURN** - There being no further business before the Board, Mr. Bourbon adjourned the meeting at 12:07 p.m.

SUBMITTED BY:

Sondra Frank

Sondra Frank, J.D., Executive Director

DATE:

5/16/16

APPROVED BY:

Steven M. Jenkusky

Steven M. Jenkusky, M.D., Chair

DATE:

5/16/16

APPROVED BY:

Albert Bourbon

Albert Bourbon, PA-C, Vice Chair

DATE:

5/16/16