

NEW MEXICO MEDICAL BOARD
Fourth Quarterly Meeting
November 13-14, 2008

MINUTES

1. CALL TO ORDER

The regular meeting of the New Mexico Medical Board convened at 8:31 a.m., Thursday, November 13, 2008 in the Board Conference Room, 2055 S. Pacheco, Santa Fe, New Mexico, ***Paul Kovnat, M.D.*** presiding. A quorum was declared with all members present.

Members Present:

Paul Kovnat, M.D., Chairman
Steven Weiner, M.D., Vice Chair
John Lauriello, M.D., Secretary / Treasurer
Rebecca Cochran, Public Member
Reza Ghadimi, P.A.
Vivian Giudice, M.D.
Dick Heim, Public Member
Robert McRoberts, M.D.
Frank Crespin, M.D.

Also Present:

Lynn Hart, Executive Director
Grant La Farge, M.D., Medical Director
Andrea Buzzard, Assistant Attorney General
G.T.S. Khalsa, Board Prosecutor
J.J. Walker, Compliance Manager / P.I.O.
Lynn Tipton, Administrative Assistant
Geraldine Mascarenas, Financials / HR Manager
Amanda Quintana, Licensing Manager

2. APPROVAL OF AGENDA

MOTION was made by Dr. Crespin to approve the Agenda as presented. **SECONDED** by Ms. Cochran. **YES:** Dr. Kovnat, Mr. Ghadimi, Mr. Heim, Ms. Cochran, Dr. McRoberts, Dr. Giudice, Dr. Weiner and Dr. Crespin. **ABSENT:** Dr. Lauriello. **MOTION CARRIED.**

3. APPROVAL OF MINUTES

MOTION was made by Dr. Crespin to approve the Minutes from the September 25, 2008 interim meeting. **SECONDED** by Ms. Cochran. **YES:** Dr. Kovnat, Mr. Ghadimi, Mr. Heim, Ms. Cochran, Dr. McRoberts, Dr. Giudice, Dr. Weiner and Dr. Crespin. **ABSENT:** Dr. Lauriello. **MOTION CARRIED.**

4. COMPLAINT COMMITTEE REPORTS

MOTION was made by Dr. Kovnat to go into executive session pursuant to Section 10-15-1(H)(1) of the Open Meetings Act to discuss matters of licensure. **SECONDED** by Ms. Cochran. **YES:** Dr. Kovnat, Mr. Ghadimi, Mr. Heim, Ms. Cochran, Dr. McRoberts, Dr. Giudice, Dr. Weiner, Dr. Crespin and Dr. Lauriello. **MOTION CARRIED**

The Board reconvened into Open Session. Dr. Kovnat stated for the record that the matters discussed in Executive Session were limited only to those specified in the motion for closure.

5. ACTIONS RELATED TO EXECUTIVE SESSION

A. Licensees & Applicants

• **Committee A:**

Complaint Cases: On behalf of Complaint Committee A, Dr. Weiner **MOVED** that complaint

cases 2007-A-047; 2008-A-055; 2008-A-062; 2008-A-064; 2008-A-066; 2008-A-067; 2008-A-070; 2008-A-073; 2008-A-074; 2008-A-087 and 2008-A-092 be closed as there was no evidence of a violation of the Medical Practice Act or rules. No second was required. **YES:** Dr. Kovnat, Mr. Heim, Ms. Cochran, Dr. McRoberts, Dr. Giudice, Mr. Ghadimi and Dr. Lauriello. **ABSTAINED:** Dr. Weiner and Dr. Crespin. **MOTION CARRIED**

Complaint Case 2007-A-177 (Stephanie Hedstrom, MD) Dr. Weiner **MOVED** to offer a Stipulated License requiring physician's mandatory participation with MTP and restricting scheduled narcotics prescribing. This Stipulated License is reportable to the national data banks. If licensee refuses, a Notice of Contemplated Action will be issued based on substance abuse. No second was required. **YES:** Dr. Kovnat, Mr. Heim, Ms. Cochran, Dr. McRoberts, Dr. Giudice, Mr. Ghadimi and Dr. Lauriello. **ABSTAINED:** Dr. Weiner and Dr. Crespin. **MOTION CARRIED**

Complaint Case 2008-A-134 (Robert George, MD) Dr. Weiner **MOVED** to issue an Order requiring physician to keep his license on inactive status and obtain an inpatient evaluation to be recommended and coordinated by the NM Monitored Treatment Program. If the physician does not agree with the Order a Notice of Contemplated Action will be issued. No second was required. **YES:** Dr. Kovnat, Mr. Heim, Ms. Cochran, Dr. McRoberts, Dr. Giudice, Mr. Ghadimi and Dr. Lauriello. **ABSTAINED:** Dr. Weiner and Dr. Crespin. **MOTION CARRIED**

Complaint Case 2008-A-153 (Thomas Holmes, MD) Dr. Weiner **MOVED** to issue physician a letter of reprimand. This letter is reportable to the national data banks. No second was required. **YES:** Dr. Kovnat, Mr. Heim, Ms. Cochran, Dr. McRoberts, Dr. Giudice, Mr. Ghadimi and Dr. Lauriello. **ABSTAINED:** Dr. Weiner and Dr. Crespin. **MOTION CARRIED**

- **Committee B:**

Complaint Cases: On behalf of Complaint Committee B, Ms. Cochran **MOVED** that complaint cases 2008-B-017, 2008-B-054; 2008-B-059; 2008-B-063; 2008-B-071; 2008-B-079; 2008-B-081; 2008-B-085; 2008-B-089, 2008-B-111 and 2008-B-189 be closed as there was no evidence of a violation of the Medical Practice Act or rules. No second was required. **YES:** Dr. Giudice, Dr. Weiner, Dr. Crespin, Dr. Lauriello, Dr. Kovnat, Mr. Ghadimi and Mr. Heim. **ABSTAINED:** Ms. Cochran and Dr. McRoberts. **MOTION CARRIED**

Complaint Case 2008-B-202 (██████████) Ms. Cochran **MOVED** to offer physician an Agreed Order requiring him to permanently retire his license and to never reapply in the state of New Mexico. If physician does not accept this order a Notice of Contemplated Action will be issued based on action in another state. No second was required. **YES:** Dr. Giudice, Dr. Weiner, Dr. Crespin, Dr. Lauriello, Dr. Kovnat, Mr. Ghadimi and Mr. Heim. **ABSTAINED:** Ms. Cochran and Dr. McRoberts. **MOTION CARRIED**

Complaint Case 2008-B-203 (Douglas Slaughter, MD) Ms. Cochran **MOVED** to issue physician an advisory letter regarding reporting and refer the physician to an IPC for an evaluation. No second was required. **YES:** Dr. Giudice, Dr. Weiner, Dr. Crespin, Dr. Lauriello, Dr. Kovnat, Mr. Ghadimi and Mr. Heim. **ABSTAINED:** Ms. Cochran and Dr. McRoberts. **MOTION CARRIED**

- **Committee C:**

Complaint Cases: On behalf of Complaint Committee C, Dr. Giudice **MOVED** that complaint cases 2007-C-175, 2008-C-007, 2008-C-044, 2008-C-060, 2008-C-086, 2008-C-088, 2008-C-090; 2008-C-099; 2008-C-114; 2008-C-116; 2008-C-123 and 2008-C-129 be closed as there was no evidence of a violation of the Medical Practice Act or rules. No second was required. **YES:** Dr. Weiner, Dr. Crespin, Dr. Lauriello, Dr. Kovnat; Mr. Ghadimi; Ms. Cochran and Dr. McRoberts. **ABSTAINED:** Dr. Giudice and Mr. Heim. **MOTION CARRIED**

Complaint Case 2008-C-107 (Juan Mena, MD) Dr. Giudice **MOVED** to issue an advisory letter regarding disclosure. No second was required. **YES:** Dr. Weiner, Dr. Crespin, Dr. Lauriello, Dr. Kovnat; Mr. Ghadimi; Ms. Cochran and Dr. McRoberts. **ABSTAINED:** Dr. Giudice and Mr. Heim. **MOTION CARRIED**

- **Committee D:**

Complaint Cases: On behalf of Complaint Committee D, Dr. Lauriello **MOVED** that complaint cases 2008-D-065; 2008-D-068; 2008-D-069; 2008-D-075; 2008-D-096 and 2008-D-104 be closed as there was no evidence of a violation of the Medical Practice Act or rules. No second was required. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Crespin, Dr. McRoberts, Dr. Giudice, Mr. Heim and Ms. Cochran. **ABSTAINED:** Dr. Lauriello and Mr. Ghadimi. **MOTION CARRIED**

Complaint Cases 2008-D-027 (Calbert Lee, MD) Dr. Lauriello **MOVED** to issue a letter recommending participation in MTP. No second was required. **YES:** Dr. Kovnat, Mr. Heim, Ms. Cochran, Dr. McRoberts, Dr. Giudice, Dr. Weiner and Dr. Crespin. **ABSTAINED:** Dr. Lauriello and Mr. Ghadimi. **MOTION CARRIED**

Complaint Cases 2008-D-032 (Sara Mills, MD) Dr. Lauriello **MOVED** to issue an advisory letter regarding patient consent and interaction. No second was required. **YES:** Dr. Kovnat, Mr. Heim, Ms. Cochran, Dr. McRoberts, Dr. Giudice, Dr. Weiner and Dr. Crespin. **ABSTAINED:** Dr. Lauriello and Mr. Ghadimi. **MOTION CARRIED**

Complaint Case 2008-D-026 (Aaron Brodsky, MD) Dr. Lauriello **MOVED** to offer a Stipulated Order requiring physician's mandatory participation with MTP. This Stipulated Order is reportable to the national data banks. If licensee refuses a Notice of Contemplated Action will be issued for substance abuse. No second was required. **YES:** Dr. Kovnat, Mr. Heim, Ms. Cochran, Dr. McRoberts, Dr. Giudice, Dr. Weiner and Dr. Crespin. **ABSTAINED:** Dr. Lauriello and Mr. Ghadimi. **MOTION CARRIED**

Complaint Cases 2008-D-131 (David Potter, PA) Dr. Lauriello **MOVED** to issue a letter to licensee notifying him of referral to MTP for assessment. The case will remain open and return to the complaint committee for final determination. No action required at this time.

Complaint Case 2008-D-184 (Steven Cervi-Skinner, MD) Dr. Lauriello **MOVED** to offer physician an Agreed Order requiring his agreement that for as long as he holds a New Mexico license to practice medicine, physician is restricted from supervising physician assistants and restricted from treating chronic pain. If Agreed Order is not accepted, issue a Notice a Contemplated Action based on action in another state. No second was required. **YES:** Dr. Kovnat, Mr. Heim, Ms. Cochran, Dr. McRoberts, Dr. Giudice, Dr. Weiner and Dr. Crespin. **ABSTAINED:** Dr. Lauriello and Mr. Ghadimi. **MOTION CARRIED**

Complaint Case 2008-D-186 (Kimberly Kresovich, MD) Dr. Lauriello **MOVED** that physician be allowed to voluntarily place her license on inactive status until her treating physicians approve her to return to work. No second was required. **YES:** Dr. Kovnat, Mr. Heim, Ms. Cochran, Dr. McRoberts, Dr. Giudice, Dr. Weiner and Dr. Crespin. **ABSTAINED:** Dr. Lauriello and Mr. Ghadimi. **MOTION CARRIED**

- **Committee E:**

Complaint Case 2008-E-149 Dr. Kovnat **MOVED** to keep case under investigation. No action required at this time.

B. Executive Committee Reports

- **Criminal History Hits**

Dr. Kovnat **MOVED** to accept the committee report as presented. **SECONDED:** Dr. Lauriello. **YES:** Mr. Ghadimi, Mr. Heim, Ms. Cochran, Dr. McRoberts, Dr. Giudice, Dr. Crespin and Dr. Lauriello. **ABSTAINED:** Dr. Kovnat and Dr. Weiner. **MOTION CARRIED**

- **Other Cases**
Dr. Kovnat **MOVED** to accept the committee report as presented. **SECONDED:** Dr. Lauriello. **YES:** Mr. Ghadimi, Mr. Heim, Ms. Cochran, Dr. McRoberts, Dr. Giudice, Dr. Crespin and Dr. Lauriello. **ABSTAINED:** Dr. Kovnat and Dr. Weiner. **MOTION CARRIED**

6. LICENSING REQUESTS AND ACTIONS, NEW APPLICANTS/REINSTATEMENTS

- **Patton Gurden, MD** – Dr. Kovnat **MOVED** that the Board accept Dr. Gurden’s extensive experience in lieu of a second year of post graduate training and grant him an unrestricted license. Dr. Weiner **SECONDED** the motion. **YES:** Dr. Kovnat, Mr. Ghadimi, Mr. Heim, Ms. Cochran, Dr. McRoberts, Dr. Giudice, Dr. Weiner, Dr. Crespin and Dr. Lauriello. **MOTION CARRIED**
- **Alex J. Salazar, MD** – Dr. Crespin **MOVED** to deny his request for an exception to the requirement for a second year post graduate training. He does not qualify for a New Mexico license to practice medicine pursuant to Section 61-6-11. Dr. Kovnat **SECONDED** the motion. **YES:** Dr. Kovnat, Mr. Ghadimi, Mr. Heim, Ms. Cochran, Dr. McRoberts, Dr. Giudice, Dr. Weiner, Dr. Crespin and Dr. Lauriello. **MOTION CARRIED**

MOTION was made by Dr. Kovnat to go into executive session pursuant to Section 10-15-1(H)(1) of the Open Meetings Act to discuss matters of licensure. **SECONDED** by Ms. Cochran. **YES:** Dr. Kovnat, Mr. Ghadimi, Mr. Heim, Ms. Cochran, Dr. McRoberts, Dr. Giudice, Dr. Weiner, Dr. Crespin and Dr. Lauriello. **MOTION CARRIED**

The Board reconvened into Open Session. Dr. Kovnat stated for the record that the matters discussed in Executive Session were limited only to those specified in the motion for closure.

- **Robert Hillier, MD** – Dr. Lauriello **MOVED** to refer Dr. Hillier to an Impaired Physician Committee for evaluation. Dr. Weiner **SECONDED** the motion. **YES:** Dr. Kovnat, Mr. Ghadimi, Mr. Heim, Ms. Cochran, Dr. McRoberts, Dr. Giudice, Dr. Weiner, Dr. Crespin and Dr. Lauriello. **MOTION CARRIED**
- **Jon D. Wagner, MD** – Case #2008-002(A) - Mr. Ghadimi **MOVED** to accept the proposed Agreed Order in Case 2008-002(A) as amended. Dr. Weiner **SECONDED** the motion. **YES:** Dr. Kovnat, Mr. Ghadimi, Mr. Heim, Dr. Giudice, Dr. Weiner, Dr. Crespin and Dr. Lauriello. **RECUSED:** Dr. McRoberts. **ABSENT:** Ms. Cochran **MOTION CARRIED**
- **Curtis Quintana, PA** – Case #2008-022 - Dr. Kovnat **MOVED** to accept the proposed settlement in Case 2008-022. Dr. Weiner **SECONDED** the motion. **YES:** Dr. Kovnat, Mr. Ghadimi, Mr. Heim, Ms. Cochran, Dr. McRoberts, Dr. Giudice, Dr. Weiner, Dr. Crespin and Dr. Lauriello. **RECUSED:** Mr. Ghadimi and Dr. Lauriello. **MOTION CARRIED**

Decision and Order – Jose L. Fernandez, M.D. – Case #2008-014

Mr. Heim **MOVED** to accept the Hearing Officer’s recommended Findings of Facts number 1 through 18 in their entirety and Conclusions of Law and **GRANT** Dr. Fernandez an unrestricted license to practice in New Mexico. Dr. Fernandez will be required to correct his answer on his New Mexico application. Mr. Ghadimi **SECONDED** the motion. **YES:** Dr. Kovnat, Mr. Ghadimi, Mr. Heim, Dr. Giudice, Dr. Weiner, Dr. Crespin and Dr. Lauriello. **RECUSED:** Ms. Cochran and Dr. McRoberts. **MOTION CARRIED**

Decision and Order – William M. Coburn, M.D. – Case #2008-015

Dr. Crespin **MOVED** to accept the Hearing Officer’s recommended Findings of Facts number 1 through 20 in their entirety and Conclusions of Law and **DENY** Dr. Coburn’s application for a New Mexico medical license. Mr. Heim **SECONDED** the motion. **YES:** Dr. Kovnat, Mr. Ghadimi, Mr. Heim, Dr. Giudice, Dr. McRoberts, Dr. Crespin and Dr. Lauriello. **RECUSED:** Ms. Cochran and Dr. Weiner. **MOTION CARRIED**

Default Hearing – John Nork, M.D. – Case #2008-020

Mr. Khalsa presented the case against Dr. Nork as charged in the Notice of Contemplated Action (NCA) issued on September 9, 2008. The NCA was sent to the last known address of Dr. Nork by certified mail. A copy of the transcript of the Default Hearing is available in the Board office. Mr. Ghadimi **MOVED** to **DENY** Dr. Nork's application for licensure, based on evidence presented in the default hearing, on the grounds of misrepresentation in applying for a license to practice medicine. Mr. Heim **SECONDED** the motion. **YES:** Dr. Kovnat, Mr. Ghadimi, Mr. Heim, Dr. McRoberts, Dr. Giudice, Dr. Crespini and Dr. Lauriello. **RECUSED:** Ms. Cochran and Dr. Weiner. **MOTION CARRIED**

7. ACTIONS RELATED TO EXECUTIVE SESSION

No action was taken at this time.

THE BOARD RECESSED FOR LUNCH AT 12:15 pm and reconvened at 12:45 pm.

MOTION was made by Dr. Kovnat to go into executive session pursuant to Section 10-15-1(H)(1) of the Open Meetings Act to discuss matters of licensure. **SECONDED** by Mr. Ghadimi. **YES:** Dr. Kovnat, Mr. Ghadimi, Mr. Heim, Ms. Cochran, Dr. McRoberts, Dr. Giudice, Dr. Weiner, Dr. Crespini and Dr. Lauriello. **MOTION CARRIED**

The Board reconvened into Open Session. Dr. Kovnat stated for the record that the matters discussed in Executive Session were limited only to those specified in the motion for closure.

8. REPORTS

- A. Chair** – Dr. Kovnat brought to the board's attention the ongoing concern of the board about the management of chronic pain. Dr. Daitz, Professor Emeritus and physician met with the board and discussed concerns that physicians and patients have in the treatment of chronic pain. Pain management is not being taught properly and there is a concern as to where a patient can go to receive treatment. If patients are unable to locate a pain management physician they will need to go to their primary care physician for such treatment. Many primary care physicians are concerned about the possibility of disciplinary action from the board if they over-prescribe for pain. Dr. Kovnat has requested that this issue be a focus of the February board meeting. He would like staff and a task force to work with the Federation of State Medical Boards and other specialists, possibly also setting up a conference in Santa Fe focusing on chronic pain management.
- B. Executive Director** – Ms. Hart informed the board that DFA announced we will not be required to cut our budget 5% for the remainder of this fiscal year, although there is a hiring freeze in effect. One budgetary item that had been reviewed for budget cuts was the physician roster book. She asked the board if there was a possibility that the annual roster be produced electronically versus a hard copy. Ms. Cochran **MOVED** to produce a hard copy of the book for 2009 with a notice announcing that it would be the last year it would be produced in book form. Future years would be electronic only. Mr. Ghadimi **SECONDED** the motion. **YES:** Dr. Kovnat, Mr. Ghadimi, Mr. Heim, Ms. Cochran, Dr. McRoberts, Dr. Giudice, Dr. Weiner, Dr. Crespini and Dr. Lauriello. **MOTION CARRIED**
- C. Medical Director** – No report at this time.
- D. Assistant Attorney General** – Ms. Buzzard reported on Dr. Knight's appeal order from the court. The court upheld the board's decision to deny his licensure, but reversed the decision that he could not reapply for five years. The judge explained that the board did not provide a basis or reason for not allowing him to reapply for five years. Dr. Knight has twenty days from October 31, 2008 to appeal this decision.
- E. Administrative Prosecutor** - Mr. Khalsa informed the board that there are currently three Notices of Contemplated Action that need to be issued and there are three hearings scheduled, one in November and two in December.

F. Licensing Manager – Ms. Quintana reported on the 2008 CME Audit Results. 209 licensees were randomly selected in the CME audit. Only one licensee has not responded to the request to provide the 75 hours of continuing medical education. Also, the final licensee renewal numbers for Fiscal Year 2008 were reported to the board.

She reported that as of November 13th, 117 applicants have taken advantage of the new legislative incentive making New Mexico their first state for licensure and having the fee waived.

The wording amending question #6 on the application and renewal form was then discussed. The board would like the words “expunged” and “sealed” added in the explanation of the question.

G. Financial / HR Manager – Ms. Mascarenas went over the budget report. She explained that every odd numbered fiscal year there is to be a 50% budget available as of December 31st in the event of a change in administration.

The request has been submitted for the RFP process for a monitored treatment program. Dr. Kovnat, Dr. Lauriello, Lynn Hart, GTS Khalsa and JJ Walker are on the committee for the review. The tentative date of the contract award is February 9th with an effective date of July 1, 2009. The audit has been completed and an exit conference will be scheduled with the board chair and Ms. Hart before final approval of the board.

H. Investigation Department – No report at this time.

I. Compliance Department / Public Information Officer – Ms. Walker provided compliance summaries for the board’s review.

- **Board Order – Virgle Herrin, MD** (request probation be terminated)
MOTION was made by Dr. Kovnat to remove all Stipulations and grant an unrestricted license. Dr. Weiner **SECONDED** the motion. **YES:** Dr. Kovnat, Mr. Ghadimi, Mr. Heim, Ms. Cochran, Dr. McRoberts, Dr. Giudice, Dr. Weiner, Dr. Crespin and Dr. Lauriello.
MOTION CARRIED

9. **NM MONITORED TREATMENT PROGRAM REPORTS** – Jon Thayer and Dr. Dan Collins were present to discuss the status of mandatory MTP participants and review the operational and financial reports. The board went into Executive Session to discuss the clinical portion of the MTP report. **MOTION** was made by Ms. Cochran to go into executive session pursuant to Section 10-15-1(H)(1) of the Open Meetings Act to discuss matters of licensure and discipline. **SECONDED** Dr. Kovnat. **YES:** Dr. Kovnat, Mr. Ghadimi, Mr. Heim, Ms. Cochran, Dr. McRoberts, Dr. Weiner, Dr. Crespin, and Dr. Lauriello. **ABSENT:** Dr. Giudice. **MOTION CARRIED**

The board reconvened into Open Session. Dr. Kovnat stated for the record that the matters discussed in Executive Session were limited only to those specified in the motion for closure.

10. **INFORMAL INTERVIEWS:**

James Hartenbach, MD, Jon-Paul Hamilton, MD, Marc Masotti, MD, Matthew Caffrey, MD, Keith McClung, MD, Jon Wagner, MD, James Rose, MD (by teleconference) and Robert George, MD were interviewed in Executive Session regarding current practices and compliance with the board. Timothy Busch, PA, Stephanie Hedstrom, MD and Jonnie Vigil, MD were interviewed in open session and discussed their current practices and compliance with the board. James Bradley, MD did not attend.

11. **ACTIONS RELATED TO EXECUTIVE SESSION**

No action was taken at this time.

RECESS 5:00 p.m.

RECONVENE. The board reconvened at 9:00 a.m. on Friday morning with all members present.

12. RULE HEARING

- **Rule 16.10.5 NMAC – Disciplinary Power of the Board**
MOTION was made by Dr. Kovnat to adopt Rule 16.10.5 NMAC as proposed. **SECONDED** by Dr. Lauriello. **YES:** Dr. Kovnat, Mr. Ghadimi, Mr. Heim, Ms. Cochran, Dr. McRoberts, Dr. Giudice, Dr. Weiner, Dr. Crespin and Dr. Lauriello. **MOTION CARRIED**
- **Rule 16.10.6 NMAC – Complaint Procedure and Institution of Disciplinary Action**
MOTION was made by Dr. Kovnat to adopt Rule 16.10.6 NMAC as proposed. **SECONDED** by Dr. Lauriello. **YES:** Dr. Kovnat, Mr. Ghadimi, Mr. Heim, Ms. Cochran, Dr. McRoberts, Dr. Giudice, Dr. Weiner, Dr. Crespin and Dr. Lauriello. **MOTION CARRIED**
- **Rule 16.10.9 NMAC – Fees**
MOTION was made by Dr. Kovnat to adopt Rule 16.10.9 NMAC as proposed. **SECONDED** by Dr. Lauriello. **YES:** Dr. Kovnat, Mr. Ghadimi, Mr. Heim, Ms. Cochran, Dr. McRoberts, Dr. Giudice, Dr. Weiner, Dr. Crespin and Dr. Lauriello. **MOTION CARRIED**
- **Rule 16.10.15 NMAC – Physician Assistants: Licensure & Practice Requirements**
MOTION was made by Dr. Kovnat to adopt Rule 16.10.15 NMAC as proposed. **SECONDED** by Mr. Ghadimi. **YES:** Dr. Kovnat, Mr. Ghadimi, Mr. Heim, Ms. Cochran, Dr. McRoberts, Dr. Giudice, Dr. Weiner, Dr. Crespin and Dr. Lauriello. **MOTION CARRIED**
- **Rule 16.10.16 NMAC – Administering, Prescribing and Distribution of Medication**
MOTION was made by Dr. Kovnat to adopt Rule 16.10.16 NMAC as proposed. **SECONDED** by Mr. Ghadimi. **YES:** Dr. Kovnat, Mr. Ghadimi, Mr. Heim, Ms. Cochran, Dr. McRoberts, Dr. Giudice, Dr. Weiner, Dr. Crespin and Dr. Lauriello. **MOTION CARRIED**
- **Rule 16.10.17 NMAC – Management of Medical Records**
MOTION was made by Dr. Kovnat to adopt Rule 16.10.17 NMAC as amended. **SECONDED** by Mr. Ghadimi. **YES:** Dr. Kovnat, Mr. Ghadimi, Mr. Heim, Ms. Cochran, Dr. McRoberts, Dr. Giudice, Dr. Weiner, Dr. Crespin and Dr. Lauriello. **MOTION CARRIED**
- **Rule 16.10.21 NMAC – Genetic Counselors: Licensure & Practice Requirements**
MOTION was made by Dr. Kovnat to adopt Rule 16.10.21 NMAC as proposed. **SECONDED** by Mr. Ghadimi. **YES:** Dr. Kovnat, Mr. Ghadimi, Mr. Heim, Ms. Cochran, Dr. McRoberts, Dr. Giudice, Dr. Weiner, Dr. Crespin and Dr. Lauriello. **MOTION CARRIED**

MOTION was made by Dr. Kovnat to go into executive session pursuant to Section 10-15-1(H)(1) of the Open Meetings Act to discuss matters of licensure and discipline. **SECONDED** by Ms. Cochran. **YES:** Dr. Kovnat, Mr. Ghadimi, Mr. Heim, Ms. Cochran, Dr. McRoberts, Dr. Giudice, Dr. Weiner, Dr. Crespin, and Dr. Lauriello. **MOTION CARRIED**

The board reconvened into Open Session. Dr. Kovnat stated for the record that the matters discussed in Executive Session were limited only to those specified in the motion for closure.

13. OLD BUSINESS

- **Update on Senate Memorial 48** - The board reviewed and discussed the legislation regarding Senate Memorial 48 and the proposed language was acceptable.
- **Prescribing Psychologists Proposed Rule Changes**
Dr. Sherrill, Chair, NM Board of Psychologist Examiners discussed the proposed changes they would like to adopt regarding Rule 16.22.1.7.A(66) and Rule 16.22.23.8.E(8). The board discussed the expansion of the definition of “psychotropic medication” and also a change in the nature of supervision during the 400 hour practicum. The board has requested that further discussion be held regarding these changes with the supervisory task force.

14. ACTIONS RELATED TO EXECUTIVE SESSION

15. NEW BUSINESS

A. Physician Assistant Presentation

- **Physician Assistant Schools** - Tom White, PA-C, Director of the Physician Assistant School at the University of New Mexico and Mr. Will Riesterer, PA-C, Director of the St. Francis

Physician Assistant School, both located in Albuquerque, presented an outline of the operation of the two schools. In the course of discussion, they explained that more physicians and institutions were tending to hire independent mid-level practitioners, ie: nurse practitioners, because of the logistical difficulties with supervision in more remotely located clinics.

- **2009 Legislation** - The New Mexico Academy of Physician Assistants became aware of proposed legislation in 2009 that will address this issue, specifically exempting certain groups of PA's from the current requirements for primary and backup supervision by physicians. The Legislative Council Service is drafting a proposed bill, but at this time the board is not comfortable making a decision on this legislation, therefore requested further study and additional information be presented to them at their January meeting.

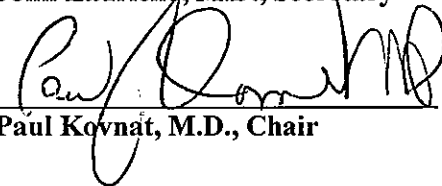
B. 2009 Legislative Session - No further legislative issues were discussed.

16. ADJOURN

There being no further business, the meeting adjourned at 11:36 a.m.

SUBMITTED:  Date: 1-8-09
Lynn Hart, Executive Director

APPROVED:  Date: 1-8-09
John Lauriello, M.D., Secretary

APPROVED:  Date: 1-8-09
Paul Kovnat, M.D., Chair

