

**NEW MEXICO MEDICAL BOARD  
Fourth Quarter Meeting  
November 18-19, 2010**

**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.  
Steve Jenkusky, M.D.  
Albert Bourbon, PA-C  
Kathy Abeles, Public Member

**Members Absent:** Frank Crespin, M.D.  
Ann Wehr, M.D.

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

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. Kovnat to approve the agenda. **SECONDED** by Dr. Jenkusky.  
**YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Mr. Bourbon, Dr. Miller and Dr.
3. **APPROVAL OF MINUTES:**  
**MOTION** was made by Ms. Abeles to approve the Minutes from the September 30, 2010 Interim Meeting and the October 8, 2010 Special Meeting. **SECONDED** by Dr. Kovnat. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Mr. Bourbon, Dr. Miller and Dr. Jenkusky.  
**MOTION CARRIED.**

**EXECUTIVE SESSION:**

**MOTION** was made by Dr. Kovnat 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. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Mr. Bourbon, Dr. Miller and Dr. Jenkusky. **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 2008-A-216; 2008-A-217; 2009-A-109; 2009-A-268, 2010-A-019; 2010-A-054; 2010-A-057; 2010-A-071; 2010-A-082; 2010-A-083; 2010-A-108 and 2010-A-204, as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Mr. Bourbon, Dr. Miller and Dr. Jenkusky. **ABSTAINED:** Dr. Kovnat. **RECOMMENDATION PASSED.**

**Case No. 2010-A-174 - RECOMMENDATION** was made by Dr. Kovnat to close this case and to issue physician an advisory letter. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Mr. Bourbon, Dr. Miller and Dr. Jenkusky. **ABSTAINED:** Dr. Kovnat. **RECOMMENDATION PASSED.**

**Case No. 2009-A-173 ( [REDACTED] ). RECOMMENDATION** not made at this time. Case returned to investigations for further information.

**Case No. 2009-AAA-047 (Stella Chou, M.D.) RECOMMENDATION** was made by Dr. Weiner to issue a Notice of Contemplated Action based on, but not limited to, action in another state and failure to report licensure action in another state. **YES:** Ms. Abeles, Ms. Cochran, Dr. Kovnat, Mr. Bourbon, Dr. Miller and Dr. Jenkusky. **ABSTAINED:** Dr. Weiner. **RECOMMENDATION PASSED.**

**Complaint Committee B:**

**RECOMMENDATION** was made by Ms. Cochran to close complaint cases 2009-B-252; 2009-B-257; 2010-B-006; 2010-B-014; 2010-B-035; 2010-B-077; 2010-B-093; 2010-B-113; 2010-B-139 and 2010-B-153 as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** **ABSTAINED:** Dr. Miller and Ms. Cochran. **RECOMMENDATION PASSED.**

**Case Nos. 2010-B-020 and 2010-B-023 - RECOMMENDATION** was made by Ms. Cochran to close these cases and to issue physicians an advisory letter. **YES:** Dr. Kovnat, Mr. Bourbon, Dr. Jenkusky, Dr. Weiner and Ms. Abeles. **ABSTAINED:** Dr. Miller and Ms. Cochran. **RECOMMENDATION PASSED.**

**Case No. 2010-B-080 (Daniel Ronel, M.D.) RECOMMENDATION** was made by Ms. Cochran to add allegations in this case to the pending Notice of Contemplated Action against physician, which is based on, but not limited to, repeated similar negligent acts. **YES:** Dr. Kovnat, Mr. Bourbon, Dr. Jenkusky, Dr. Weiner and Ms. Abeles. **ABSTAINED:** Dr. Miller and Ms. Cochran. **RECOMMENDATION PASSED.**

**Case No. 2010-B-114 (Daniel Ronel, M.D.) RECOMMENDATION** was made by Ms. Cochran to add allegations in this case to the pending Notice of Contemplated Action against physician, which is based on, but not limited to, repeated similar negligent acts. **YES:** Dr. Kovnat, Mr. Bourbon, Dr. Jenkusky, Dr. Weiner and Ms. Abeles. **ABSTAINED:** Dr. Miller and Ms. Cochran. **RECOMMENDATION PASSED.**

**Case No. 2010-B-159 ( [REDACTED] ) RECOMMENDATION** was made by Ms. Cochran to offer physician a chance to voluntarily surrender his New Mexico medical license. If physician does not accept offer, a Notice of Contemplated Action will be issued based on, but not limited to, surrendering a license before another state licensing board while disciplinary action is pending, and physician's failure to report. **YES:** Dr. Kovnat, Mr. Bourbon, Dr. Jenkusky, Dr. Weiner and Ms. Abeles. **ABSTAINED:** Dr. Miller and Ms. Cochran. **RECOMMENDATION PASSED.**

**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. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Mr. Bourbon, Dr. Miller and Dr. Jenkusky. **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.

**Case Nos. 2009-B-156, 2010-B-011 and 2010-B-185 ( [REDACTED] ) MOTION** was made by Dr. Jenkusky to rescind the Summary Suspension without prejudice and proceed with the Notice of Contemplated Action as previously ordered. **SECONDED** by Dr. Weiner. **YES:** Dr. Kovnat, Mr. Bourbon, Dr. Jenkusky, Dr. Weiner and Ms. Abeles. **ABSTAINED:** Dr. Miller and Ms. Cochran. **MOTION CARRIED.**

**Complaint Committee C:**

**RECOMMENDATION** was made by Ms. Abeles to close complaint cases 2009-C-242; 2010-C-004; 2010-C-038; 2010-C-045; 2010-C-066; 2010-C-072; 2010-C-078; 2010-C-103 and 2010-C-149 as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Ms. Cochran, Dr. Kovnat, Mr. Bourbon, Dr. Miller, Dr. Jenkusky and Dr. Weiner. **ABSTAINED:** Ms. Abeles. **RECOMMENDATION PASSED.**

**Case Nos. 2010-C-094, 2010-C-095 and 2010-C-085 - RECOMMENDATION** was made by Ms. Abeles to close these cases and to issue physicians an advisory letter. **YES:** Ms. Cochran, Dr. Kovnat, Mr. Bourbon, Dr. Miller, Dr. Jenkusky and Dr. Weiner. **ABSTAINED:** Ms. Abeles. **RECOMMENDATION PASSED.**

**Case No. 2009-C-115 ( [REDACTED] ). RECOMMENDATION** was made by Ms. Abeles to issue a notice of contemplated action based on, but not limited to, incompetence, failure to maintain adequate medical records, and failure to report action taken against his privileges. **YES:** Ms. Cochran, Dr. Kovnat, Mr. Bourbon, Dr. Miller, Dr. Jenkusky and Dr. Weiner. **ABSTAINED:** Ms. Abeles. **RECOMMENDATION PASSED.**

**Case No. 2009-C-147 ( [REDACTED] ). RECOMMENDATION** was made by Ms. Abeles to issue a notice of contemplated action based on, but not limited to, gross negligence, interaction with others that interferes or adversely impacts the quality of care rendered to a patient, conduct likely to harm the public, and failure to provide complete medical records to the patient upon her request. **YES:** Ms. Cochran, Dr. Kovnat, Mr. Bourbon, Dr. Miller, Dr. Jenkusky and Dr. Weiner. **ABSTAINED:** Ms. Abeles. **RECOMMENDATION PASSED.**

**Case No. 2010-C-172 ( [REDACTED] ). RECOMMENDATION** was made by Ms. Abeles to issue a notice of contemplated action based on, but not limited to, licensure action in another state. **YES:** Ms. Cochran, Dr. Kovnat, Mr. Bourbon, Dr. Miller, Dr. Jenkusky and Dr. Weiner. **ABSTAINED:** Ms. Abeles. **RECOMMENDATION PASSED.**

**Complaint Committee D:**

**RECOMMENDATION** was made by Dr. Jenkusky to close complaint cases 2010-D-015; 2010-D-016; 2010-D-039; 2010-D-046; 2010-D-048; 2010-D-073; 2010-D-146; 2010-D-155; 2010-D-183 and 2010-D-003 as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Miller and Dr. Kovnat. **ABSTAINED:** Mr. Bourbon and Dr. Jenkusky. **RECOMMENDATION PASSED.**

**Case No. 2009-D-229, 2010-D-107, 2010-D-115 and 2010-D-173 - RECOMMENDATION** was made by Dr. Jenkusky to close these cases and to issue physicians an advisory letter. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Miller and Dr. Kovnat. **ABSTAINED:** Mr. Bourbon and Dr. Jenkusky. **RECOMMENDATION PASSED.**

**Case No. 2010-D-123. RECOMMENDATION** not made at this time. Case returned to investigations for further information.

**Case No. 2010-D-197. RECOMMENDATION** not made at this time. Case returned to investigations for further information.

**Case No. 2010-D-199. RECOMMENDATION** was made by Dr. Jenkusky to offer physician a Stipulation of Licensure, requiring mandatory participation in New Mexico Monitored Treatment Program and to offer physician a letter of reprimand based on, but not limited to, injudicious prescribing. If physician does not accept Stipulation and Letter of Reprimand, a notice of contemplated action will be issued based on, but not limited to, injudicious prescribing. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat and Dr. Miller. **ABSTAINED:** Dr. Jenkusky and Mr. Bourbon. **RECOMMENDATION PASSED.**

**Complaint Committee E:**

**Case No. 2000-E-054 (Elliot Marcus, M.D.)**

This case was discussed in Executive Session on Thursday, November 18<sup>th</sup> and on Friday November 19<sup>th</sup>. Dr. Marcus and his attorney Peter Schoenburg appeared before the Board in open session on Friday, November 19<sup>th</sup>. The action of the Board was taken in open session. Ms. Cochran made the **MOTION** to **DENY** physician's request to amend his Stipulation of Licensure. **SECONDED** by Dr. Jenkusky. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Dr. Miller and Dr. Jenkusky. **ABSTAINED:** Mr. Bourbon. **MOTION CARRIED.**

**CASE No. 2010-E-068 (Robert Knight, M.D.) RECOMMENDATION** was made by Dr. Weiner to refer physician applicant to UNM for training or another alternate educational program subject to Board approval. If accepted at UNM, Board will issue a Resident License. Alternatively, if physician chooses not to enroll in a program, recommendation was to offer physician the option of withdrawing his application while under investigation until he receives the proper training, allowing him to reapply. If physician applicant does not accept any of these options, then a notice of contemplated action will be issued based on incompetency. **YES:** Ms. Abeles, Ms. Cochran, Dr. Kovnat, Mr. Bourbon, Dr. Miller and Dr. Jenkusky. **ABSTAINED:** Dr. Weiner. **RECOMMENDATION PASSED.**

**CASE No. 2010-E-200 ( ) RECOMMENDATION** was made by Dr. Weiner to offer physician a stipulated license requiring mandatory participation in MTP and other standard substance abuse stipulations. If physician does not accept the stipulation, the complaint committee recommends issuance of a notice of contemplated action based on, but not limited to, licensure action in another state and substance abuse. **YES:** Ms. Abeles, Ms. Cochran, Dr. Kovnat, Mr. Bourbon, Dr. Miller and Dr. Jenkusky. **ABSTAINED:** Dr. Weiner. **RECOMMENDATION PASSED.**

**CASE No. 2010-E-227 (Chung Kim, M.D.) RECOMMENDATION** was made by Dr. Weiner to offer physician a stipulated license requiring monitoring of his practice, requiring quarterly compliance affidavits and quarterly appearances in front of the Board. The monitor will be approved by the Board. If physician applicant does not accept stipulated license, a notice of contemplated action based on, but not limited to, physician applicant's misrepresentation in applying for licensure. **YES:** Ms. Abeles, Ms. Cochran, Dr. Kovnat, Mr. Bourbon, Dr. Miller and Dr. Jenkusky. **ABSTAINED:** Dr. Weiner. **RECOMMENDATION PASSED.**

**B. Executive Committee Report**

• Criminal History Hits

The Board reviewed the reports on criminal background arrest records "hits" compiled by the Executive Committee in executive session. The Executive Committee members are Dr. Weiner, Ms. Cochran and Lynn Hart. **MOTION** was made by Mr. Bourbon to accept the Executive Committee's recommendations, as reported, on criminal background arrest records. **SECONDED** by Ms. Cochran. **YES:** Ms. Abeles, Dr. Kovnat, Mr. Bourbon, Dr. Miller and Dr. Jenkusky. **ABSTAINED:** Dr. Weiner and Ms. Cochran. **RECOMMENDATION PASSED.**

**EXECUTIVE SESSION:**

**MOTION** was made by Ms. Cochran to go into closed session pursuant to Section 10-15-1(H)(7) of the Open Meetings Act to discuss matters subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant. **SECONDED** by Ms. Cochran. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Mr. Bourbon, Dr. Miller and Dr. Jenkusky. **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.

**C. Cause #D-202-CV201010538**

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

**A. Leon Harris, M.D. – Request exception to 7 year rule and grant unrestricted medical license.**

**MOTION** was made by Dr. Kovnat to take exception to the 7 year rule and **GRANT** Dr. Harris a license to practice medicine in New Mexico. **SECONDED** by Dr. Weiner. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Mr. Bourbon, Dr. Miller and Dr. Jenkusky. **MOTION CARRIED.**

**B. Syed Imam, M.D. – Request exception to 7 year rule and grant unrestricted medical license.**

**MOTION** was made by Dr. Weiner to take exception to the 7 year rule and **GRANT** Dr. Imam a license to practice medicine in New Mexico. **SECONDED** by Dr. Jenkusky. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Mr. Bourbon, Dr. Miller and Dr. Jenkusky. **MOTION CARRIED.**

**C. Doris Page, M.D. – Consider medical experience in lieu of one year of post graduate training.**

**MOTION** was made by Dr. Kovnat to accept her medical experience in lieu of one year of post graduate training and **ISSUE** Dr. Page a license to practice medicine in New Mexico. **SECONDED** by Dr. Weiner. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Mr. Bourbon, Dr. Miller and Dr. Jenkusky. **MOTION CARRIED.**

**D. Barbara Mora, M.D. – Consider Mini-Sabbatical for reinstatement of medical license.**  
**MOTION** was made by Dr. Weiner to **APPROVE** a Resident License if Dr. Mora is accepted by UNM for a mini sabbatical. **SECONDED** by Ms. Abeles. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Mr. Bourbon, Dr. Miller and Dr. Jenkusky. **MOTION CARRIED.**

**E. Mark Van Wormer, M.D. – Consider Long Term Residency Training Program.**  
**MOTION** was made by Ms. Cochran to **DENY** Dr. Van Wormer's request to consider a long term residency training program. **SECONDED** by Dr. Weiner. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Mr. Bourbon, Dr. Miller and Dr. Jenkusky. **MOTION CARRIED.**

## 6. ADMINISTRATIVE PROSECUTION ACTIONS

**A. Gabriele Stiller, M.D. – Consider Settlement**  
**MOTION** was made by Dr. Jenkusky to **ACCEPT** the Agreement and the proposed Order as presented. **SECONDED** by Ms. Abeles. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Mr. Bourbon, Dr. Miller and Dr. Jenkusky. **MOTION CARRIED.**

**B. Timothy Klein, M.D. – Consider Settlement**  
**MOTION** was made by Dr. Jenkusky to **ACCEPT** the amended proposed Stipulation as presented. **SECONDED** by Dr. Weiner. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Mr. Bourbon, Dr. Miller and Dr. Jenkusky. **MOTION CARRIED.**

### EXECUTIVE SESSION:

**MOTION** was made by Dr. Kovnat 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 Dr. Weiner. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Mr. Bourbon, Dr. Miller and Dr. Jenkusky. **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.

**C. Claude Gelinias, M.D. – Review and Reconsider the Respondent's Motion to Continue and Hearing Officer's Order**  
**MOTION** was made by Dr. Weiner that the **MOTION** is not ripe for Board consideration as the regulations required 10 days for Respondent to file a response. **SECONDED** by Mr. Bourbon. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Mr. Bourbon, Dr. Miller and Dr. Jenkusky. **MOTION CARRIED.**

## 7. REPORTS

**A. Chair** – Dr. Weiner extended his appreciation to the Board and Staff for their dedication and hard work. He expressed how important it is that the current Board members continue to serve in order to maintain continuity and he plans to write letters to the transition team in support of the Board and the Board's Executive Director.

**B. Executive Director**  
**Litigation Consultation Service** – Ms. Hart provided and reviewed with the board information regarding Litigation Consultation Services. Wellness Development Group, an Oregon Limited Liability Company, requested the opinion of the Board to recognize provision of this as a Non-Medical service that does not require a state medical license

within the State of New Mexico. Andrea Buzzard, A.A.G. drafted a statement which read “We do not approve or recognize litigation consultation firms and that so long as the members of the firm do not diagnose, prescribe, administer or treat patients or individuals or otherwise engage in the practice of medicine as defined in New Mexico statutes, they would not run afoul of the statutes prohibiting practicing medicine without a license.” Ms. Cochran **MOVED** to agree with this statement. **SECONDED** by Dr. Weiner. **YES:** Ms. Abeles, Ms. Cochran, Mr. Bourbon, Dr. Miller and Dr. Weiner. **ABSTAIN:** Dr. Kovnat and Dr. Jenkusky.

#### **HEARING OFFICER REPORTS**

Discussion was held regarding whether or not hearing officers should provide recommendations as part of the hearing officer's report. The Board's prosecuting attorneys (past and present), have concluded that recommendations should not be included and that Section 26 of 16.10.6 where the title of the Section refers to "Hearing Office Report and Recommendation" is a matter of semantics and not a statement that the report must include information other than findings of fact. Ms. Buzzard stated that it was not prohibited for a hearing officer to make recommendations and this practice would be up to the direction of the Board; however, she emphasized that pursuant to Section 61-1-13 of the Uniform Licensing Act, all members of the Board who were not present throughout the hearing are expected to familiarize themselves with the entire record, including all evidence taken at the hearing, before participating in the decision.

**CREATING A PATIENT OMBUDSMAN FOR SUMMARILY SUSPENDED PHYSICIANS** – Ms. Hart will continue to work with the Medical Society and Dr. Jenkusky to come up with a format for this process.

- C. **Medical Director** – No report at this time.
- D. **Assistant Attorney General** – No report at this time.
- E. **Administrative Prosecutor – Status Report of Board Actions**  
Ms. Meade reviewed the status report of board actions. Also, a discussion was held regarding Resident physicians; licensure, discipline and reporting status.
- F. **Licensing Manager – Discussion on First State of Licensure**  
Ms. Quintana reported on the number of physicians that have taken advantage of the waived fees for first state of licensure incentive that became effective July 1, 2008. 406 physicians have applied using the incentive with 57% being UNM post graduate programs. The Board asked Ms. Quintana to review the 2011 renewals to see how many of these physicians have remained in our state. She will report back to the Board in 2011 to provide this information.
- G. **Financial / HR Manager – Review FY2011 Budget and Revenue Status Report.**  
Ms. Mascarenas updated the Board on the Budget Status Report. She reported that we had just completed our audit and that there were no issues with finances or the Agency's human resources.
- H. **Investigation Department** – No report at this time.
- I. **Public Information Officer**  
Ms. Walker discussed articles for the next newsletter.

J. **Administrative Assistant** – No report at this time.

8. **COMPLIANCE**

**EXECUTIVE SESSION:**

**MOTION** was made by Dr. Kovnat 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. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Mr. Bourbon, Dr. Miller and Dr. Jenkusky. **MOTION CARRIED.**

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

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.

- **Board Order – Stan Chao, M.D.** – request probation be terminated. **MOTION** was made by Dr. Kovnat to remove all Stipulations and **GRANT** Dr. Chao an unrestricted license. **SECONDED** by Ms. Cochran. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Mr. Bourbon, Dr. Miller and Dr. Jenkusky. **MOTION CARRIED.**
- **Board Order – Roberto Labayen, M.D.** – request probation be terminated. **MOTION** was made by Dr. Weiner to remove all Stipulations and **GRANT** Dr. Labayen an unrestricted license. **SECONDED** by Ms. Abeles. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Mr. Bourbon, Dr. Miller and Dr. Jenkusky. **MOTION CARRIED.**
- **Board Order – Donna Nelson, M.D.** – request probation be terminated. **MOTION** was made by Dr. Weiner to remove all Stipulations and **GRANT** Dr. Nelson an unrestricted license. **SECONDED** by Ms. Abeles. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Mr. Bourbon, Dr. Miller and Dr. Jenkusky. **MOTION CARRIED.**
- **Board Order – Howard Nunn, M.D.** – request probation be terminated. **MOTION** was made by Dr. Weiner to remove all Stipulations and **GRANT** Dr. Nunn an unrestricted license. **SECONDED** by Ms. Abeles. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Mr. Bourbon, Dr. Miller and Dr. Jenkusky. **MOTION CARRIED.**
- **Board Order – Christopher Gallagher, M.D.** – request probation be terminated. **MOTION** was made by Dr. Weiner to remove all Stipulations and **GRANT** Dr. Gallagher an unrestricted license. **SECONDED** by Dr. Kovnat. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Mr. Bourbon, Dr. Miller and Dr. Jenkusky. **MOTION CARRIED.**
- **Board Decision – Keith McClung, M.D.**  
**MOTION** was made by Dr. Weiner not to take any action at this time. **SECONDED** by Ms. Cochran. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Mr. Bourbon, Dr. Miller and Dr. Jenkusky. **MOTION CARRIED.**

**EXECUTIVE SESSION:**

**MOTION** was made by Dr. Kovnat 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. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Mr. Bourbon, Dr. Miller and Dr. Jenkusky. **MOTION CARRIED.**



**9. NM MONITORED TREATMENT PROGRAM**

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

**10. INFORMAL INTERVIEW**

Henry Borra, MD, Twana Sparks, MD, Stan Chao, MD, Adelfio Fronterotta, MD, Mark Leatherwood, MD, Michael Carey, MD, Leandro Centenera, MD, Pablo Garcia, MD, Sally D'Angelo, MD, Stephanie Hedstrom, MD, Ralph Hansen, MD (via teleconference), Christopher, Gallagher, MD, Roger Felix, MD, Jon Wagner, MD, Howard Nunn, MD, Steven Petrakis, MD and Howard Schwartz, MD 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.

**11. OLD BUSINESS-** No items at this time.

**12. NEW BUSINESS**

**A. Approval of the Pharmacist Protocol for TB testing – Dale Tinker, Executive Director of the Pharmacists Association and Amy Bachyrycz, Shared Faculty with the College of Pharmacy and Walgreens.** Mr. Tinker and Ms. Bachyrycz discussed the approved protocols of vaccinations, emergency contraception and smoking cessation programs that had been presented to the Board in the past and were here to present the protocol pharmacists are proposing for TB testing to the Medical Board for approval. Once the proposed amendment is approved by the Medical Board and the Board of Nursing, the Board of Pharmacy plans to notice it for hearing at their January 2011 meeting. Other language regarding training, notice to patients providers, etc, are already included in the Board of Pharmacy regulations for pharmacist prescribing and will apply to this protocol.

**MOTION** was made by Dr. Weiner to **APPROVE** the proposed amendment to the Pharmacist Protocol for Tuberculin Skin Testing, Rule 16.19.26.12A(4) as presented. **SECONDED** by Ms. Cochran. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Mr. Bourbon, Dr. Miller and Dr. Jenkusky. **MOTION CARRIED.**

**B. Polysomnography Practice Advisory Committee**

**MOTION** was made by Dr. Weiner to **REAPPOINT** Judy Holcombe as the Public Member to the Polysomnography Practice Advisory Committee. **SECONDED** by Ms. Cochran. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Mr. Bourbon, Dr. Miller and Dr. Jenkusky. **MOTION CARRIED.**

**EXECUTIVE SESSION:**

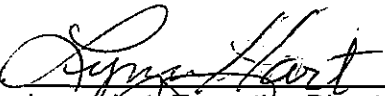
**MOTION** was made by Dr. Weiner to go into closed session pursuant to Section 10-15-1(H)(1) of the Open Meetings Act to discuss matters pertaining to the issuance, suspension, renewal or revocation of a license. **SECONDED** by Ms. Cochran. **YES:** Dr. Weiner, Ms. Abeles, Ms. Cochran, Dr. Kovnat, Mr. Bourbon, Dr. Miller and Dr. Jenkusky. **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.

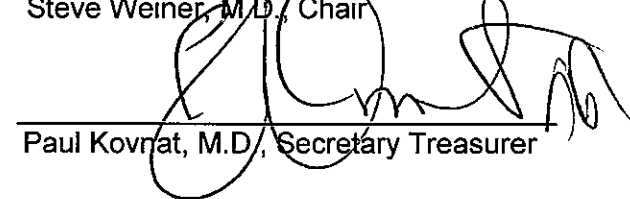
C. **Healthcare Presentation** – No presentation at this time.

D. **Investigation Process – Debbie Dieterich, Senior Investigator** – Ms. Dieterich provided a brief overview of the Investigation process; from the initial opening of the case to final presentation to complaint committees and the board, and to the actual closing of the case. Ideas were presented for consideration with regard to streamlining the process, which staff will look into.

13. **ADJOURN** - There being no further business, the meeting adjourned at 11:30 a.m.

SUBMITTED BY:  DATE: 1/7/11  
Lynn Hart, Executive Director

APPROVED BY:  DATE: 1/7/11  
Steve Weiner, M.D., Chair

APPROVED BY:  DATE: 1 6 11  
Paul Kovnat, M.D., Secretary Treasurer