

**NEW MEXICO MEDICAL BOARD
Third Quarter Meeting
November 10 - 11, 2011**

MINUTES

Members Present: Steve Weiner, M.D., Chair
Rebecca Cochran, CPMSM, CPCS, Vice Chair, Public Member
Roger Miller, M.D.
Steve Jenkusky, M.D.
Sam Kankanala, M.D.
Steve Komadina, M.D.
Albert Bourbon, PA-C – attended at 9:00 a.m.

Members Absent: Paul Kovnat, M.D., Secretary Treasurer (participated via teleconference Thursday and Friday)

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

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

1. **CALL TO ORDER / ROLL CALL / INTRODUCTIONS:**
Dr. Weiner called the regular meeting of the New Mexico Medical Board to order at 8:30 a.m., and a quorum was present.
2. **APPROVAL OF AGENDA:**
MOTION was made by Dr. Weiner to approve the agenda. **SECONDED** by Ms. Cochran.
YES: Dr. Kankanala, Dr. Miller, Dr. Jenkusky, Dr. Komadina, Dr. Weiner and Ms. Cochran.
ABSENT: Mr. Bourbon. **MOTION CARRIED.**
3. **APPROVAL OF MINUTES:**
MOTION was made by Dr. Weiner to approve the Minutes from the September 29, 2011 Interim Meeting. **SECONDED** by Ms. Cochran. **YES:** Dr. Kankanala, Dr. Miller, Dr. Jenkusky, Dr. Komadina, Dr. Weiner and Ms. Cochran. **ABSENT:** Mr. Bourbon. **MOTION CARRIED.**

EXECUTIVE SESSION:

MOTION was made by Dr. Weiner to go into closed session pursuant to Section 10-15-1(H)(1) of the Open Meetings Act to discuss matters pertaining to the issuance, suspension, renewal

or revocation of a license. **SECONDED** by Ms. Cochran. **YES:** Dr. Kankanala, Dr. Miller, Dr. Jenkusky, Dr. Komadina, Dr. Weiner and Ms. Cochran. **ABSENT:** Mr. Bourbon and Dr. Kovnat. **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. Komadina to close complaint case 2010-A-138, as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Dr. Weiner, Mr. Bourbon, Ms. Cochran, Dr. Kankanala, Dr. Miller and Dr. Jenkusky. **ABSTAINED:** Dr. Kovnat and Dr. Komadina. **RECOMMENDATION PASSED.**

Case No. 2010-A-144, 2010-A-207 and 2011-A-122 RECOMMENDATION was made by Dr. Komadina to close these cases and to issue advisory letters. **YES:** Dr. Weiner, Mr. Bourbon, Ms. Cochran, Dr. Kankanala, Dr. Miller and Dr. Jenkusky. **ABSTAINED:** Dr. Kovnat and Dr. Komadina. **RECOMMENDATION PASSED.**

Case No. 2011-A-157 ([REDACTED]) RECOMMENDATION was made by Dr. Komadina that the polysomnographic technologist be referred to the NM Monitored Treatment Program for an assessment. This case will return to the Board once assessment has been completed for final disposition. **YES:** Dr. Weiner, Mr. Bourbon, Ms. Cochran, Dr. Kankanala, Dr. Miller and Dr. Jenkusky. **ABSTAINED:** Dr. Kovnat and Dr. Komadina. **RECOMMENDATION PASSED.**

Case No. 2011-A-161 (Ramiro de los Santos, M.D.) RECOMMENDATION was made by Dr. Komadina to issue a Notice of Contemplated Action based on, but not limited to, sexual contact with a patient. **YES:** Dr. Weiner, Mr. Bourbon, Ms. Cochran, Dr. Kankanala, Dr. Miller and Dr. Jenkusky. **ABSTAINED:** Dr. Kovnat and Dr. Komadina. **RECOMMENDATION PASSED.**

Case No. 2011-A-179 (Gabrielle Goodrick, M.D.) RECOMMENDATION was made by Dr. Komadina to offer physician applicant a stipulated license requiring mandatory participation in the NM Monitored Treatment Program and other standard substance abuse stipulations. Also, require a worksite monitor. If physician applicant does not accept the stipulated license, a Notice of Contemplated Action will be issued based on, but not limited to, habitual or excessive use of alcohol or drugs. **YES:** Dr. Weiner, Mr. Bourbon, Ms. Cochran, Dr. Kankanala, Dr. Miller and Dr. Jenkusky. **ABSTAINED:** Dr. Kovnat and Dr. Komadina. **RECOMMENDATION PASSED.**

Case No. 2011-A-194 (Winfred Chambers, M.D.) RECOMMENDATION was made by Dr. Komadina to issue a Notice of Contemplated Action to **DENY** licensure, based on the fact that physician applicant does not qualify for licensure in New Mexico. **YES:** Dr. Weiner, Mr. Bourbon, Ms. Cochran, Dr. Kankanala, Dr. Miller and Dr. Jenkusky. **ABSTAINED:** Dr. Kovnat and Dr. Komadina. **RECOMMENDATION PASSED.**

Complaint Committee B:

RECOMMENDATION was made by Ms. Cochran to close complaint cases 2010-B-142; 2010-B-180 and 2011-B-135 as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Dr. Kankanala, Dr. Jenkusky, Dr. Komadina, Dr. Weiner and Mr. Bourbon.

ABSENT: Dr. Kovnat **ABSTAINED:** Ms. Cochran and Dr. Miller. **RECOMMENDATION PASSED.**

Case No. 2008-B-238, 2011-B-019; 2011-B-025 and 2011-B-162 RECOMMENDATION was made by Ms. Cochran to close these cases and to issue advisory letters. **YES:** Dr. Kankanala, Dr. Jenkusky, Dr. Komadina, Dr. Weiner and Mr. Bourbon. **ABSENT:** Dr. Kovnat **ABSTAINED:** Ms. Cochran and Dr. Miller. **RECOMMENDATION PASSED.**

Case No. 2011-B-086 ([REDACTED]) RECOMMENDATION was made by Ms. Cochran that physician be given a deadline of 12/31/11 to obtain his required evaluation from the NM Monitored Treatment Program. This case will return to the January 2012 Interim Board Meeting. **YES:** Dr. Kankanala, Dr. Jenkusky, Dr. Komadina, Dr. Weiner and Mr. Bourbon. **ABSENT:** Dr. Kovnat **ABSTAINED:** Ms. Cochran and Dr. Miller. **RECOMMENDATION PASSED.**

Case No. 2011-B-109 (Adrian Gollas, M.D.) RECOMMENDATION was made by Ms. Cochran to issue a Notice of Contemplated Action against Resident physician based on, but not limited to, misrepresentation in applying for licensure in New Mexico and dishonesty. **YES:** Dr. Kankanala, Dr. Jenkusky, Dr. Komadina, Dr. Weiner and Mr. Bourbon. **ABSENT:** Dr. Kovnat **ABSTAINED:** Ms. Cochran and Dr. Miller. **RECOMMENDATION PASSED.**

Case No. 2011-B-137 (Julie DiCianno, M.D.) RECOMMENDATION was made by Ms. Cochran that physician be offered a chance to voluntarily surrender her license under the Impaired Healthcare Provider Act until she can be fully evaluated or issuance of a summary suspension based on her being an imminent danger to the public, and issuance of a Notice of Contemplated Action based on, but not limited to, habitual or excessive use of intoxicants or drugs, and conduct likely to deceive, defraud and harm the public. **YES:** Dr. Kankanala, Dr. Jenkusky, Dr. Komadina, Dr. Weiner and Mr. Bourbon. **ABSENT:** Dr. Kovnat **ABSTAINED:** Ms. Cochran and Dr. Miller. **RECOMMENDATION PASSED.**

Case No. 2011-B-167 RECOMMENDATION was made by Ms. Cochran to return case back to investigations. **YES:** Dr. Kankanala, Dr. Jenkusky, Dr. Komadina, Dr. Weiner and Mr. Bourbon. **ABSENT:** Dr. Kovnat **ABSTAINED:** Ms. Cochran and Dr. Miller. **RECOMMENDATION PASSED.**

Complaint Committee C:

RECOMMENDATION was made by Dr. Kankanala to close complaint cases 2010-C-064, 2010-C-126, 2010-C-194, 2010-C-196, 2010-C-205 and 2010-C-211 as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Dr. Jenkusky, Dr. Komadina, Dr. Weiner, Mr. Bourbon, Ms. Cochran and Dr. Miller. **ABSENT:** Dr. Kovnat **ABSTAINED:** Dr. Kankanala. **RECOMMENDATION PASSED.**

Case No. 2010-C-181, 2010-C-271; 2010-C-273 and 2011-C-057 RECOMMENDATION was made by Dr. Kankanala to close these cases and to issue advisory letters. **YES:** Dr. Jenkusky, Dr. Komadina, Dr. Weiner, Mr. Bourbon, Ms. Cochran and Dr. Miller. **ABSENT:** Dr. Kovnat **ABSTAINED:** Dr. Kankanala. **RECOMMENDATION PASSED.**

Case No. 2010-C-122 (Larry Tice, M.D.) RECOMMENDATION was made by Dr. Kankanala to offer a Stipulated License to physician mirroring Colorado's terms and conditions. If physician does not accept, he may withdraw his application while under investigation or a Notice of Contemplated Action will be issued based on, but not limited to, licensure action

taken in another state. **YES:** Dr. Jenkusky, Dr. Komadina, Dr. Weiner, Mr. Bourbon, Ms. Cochran and Dr. Miller. **ABSENT:** Dr. Kovnat **ABSTAINED:** Dr. Kankanala.
RECOMMENDATION PASSED.

Complaint Committee D:

RECOMMENDATION was made by Dr. Jenkusky to close complaint cases 2009-D-259, 2010-D-129, 2010-D-133, 2010-D-143, 2010-D-241 and 2010-D-267 as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Dr. Komadina, Dr. Weiner, Ms. Cochran, Dr. Miller and Dr. Kankanala. **ABSENT:** Dr. Kovnat **ABSTAINED:** Mr. Bourbon and Dr. Jenkusky. **RECOMMENDATION PASSED.**

Case No. 2010-D-263, 2011-D-080; 2011-D-127 and 2011-D-160 RECOMMENDATION was made by Dr. Jenkusky to close these cases and to issue advisory letters. **YES:** Dr. Komadina, Dr. Weiner, Ms. Cochran, Dr. Miller and Dr. Kankanala. **ABSENT:** Dr. Kovnat **ABSTAINED:** Mr. Bourbon and Dr. Jenkusky. **RECOMMENDATION PASSED.**

Case No. 2011-D-009 (James Galizia, M.D.) RECOMMENDATION was made by Dr. Jenkusky to offer physician applicant the chance to withdraw his application while under investigation, which is reportable, or issuance of a Notice of Contemplated Action to deny licensure based on, but not limited to, habitual use of alcohol and misrepresentation on application for licensure. **YES:** Dr. Komadina, Dr. Weiner, Ms. Cochran, Dr. Miller and Dr. Kankanala. **ABSENT:** Dr. Kovnat **ABSTAINED:** Mr. Bourbon and Dr. Jenkusky.
RECOMMENDATION PASSED.

Case No. 2011-D-166 (Joel Harkow, M.D.) RECOMMENDATION was made by Dr. Jenkusky to offer physician applicant the chance to withdraw his application while under investigation, which is reportable, or issuance of a Notice of Contemplated Action to deny licensure based on, but not limited to, licensure action taken in other states, incompetency and impairment. **YES:** Dr. Komadina, Dr. Weiner, Ms. Cochran, Dr. Miller and Dr. Kankanala. **ABSENT:** Dr. Kovnat **ABSTAINED:** Mr. Bourbon and Dr. Jenkusky. **RECOMMENDATION PASSED.**

Complaint Committee E:

RECOMMENDATION was made by Dr. Weiner to close this case 2010-E-164 as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Mr. Bourbon, Ms. Cochran, Dr. Kankanala, Dr. Miller, Dr. Jenkusky and Dr. Komadina. **ABSENT:** Dr. Kovnat **ABSTAINED:** Dr. Weiner. **RECOMMENDATION PASSED.**

Case No. 2010-E-051 ([REDACTED]) RECOMMENDATION was made by Dr. Weiner to add allegations in this case to the pending Notice of Contemplated Action based on, but not limited to, gross negligence, conduct likely to harm the public, and failure to adequately supervise a professional licensee who renders health care. **YES:** Mr. Bourbon, Ms. Cochran, Dr. Kankanala, Dr. Miller, Dr. Jenkusky and Dr. Komadina. **ABSENT:** Dr. Kovnat **ABSTAINED:** Dr. Weiner. **RECOMMENDATION PASSED.**

Case No. 2010-E-068 (Robert Knight, M.D.) RECOMMENDATION was made by Dr. Weiner to offer physician a stipulated license requiring that he have a practice monitor, approved by the Board, who will submit quarterly reports to the Board. **YES:** Mr. Bourbon, Ms. Cochran, Dr. Kankanala, Dr. Miller, Dr. Jenkusky and Dr. Komadina. **ABSENT:** Dr. Kovnat **ABSTAINED:** Dr. Weiner. **RECOMMENDATION PASSED.**

Case No. 2011-E-186 (Suzanne Gray, M.D.) RECOMMENDATION was made by Dr. Weiner to issue a Notice of Contemplated Action against physician based on, but not limited to, interaction with family and other healthcare providers that interferes with patient care, conduct likely to harm the public, treating a family member, which is an ethics violation, and injudicious prescribing. **YES:** Mr. Bourbon, Ms. Cochran, Dr. Kankanala, Dr. Miller, Dr. Jenkusky and Dr. Komadina. **ABSENT:** Dr. Kovnat **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 Dr. Weiner to accept the Executive Committee’s recommendations, as reported, on criminal background arrests, disciplinary arrest records, and other reported actions. **SECONDED** by Ms. Cochran. **YES:** Dr. Weiner, Mr. Bourbon, Ms. Cochran, Dr. Kankanala, Dr. Miller, Dr. Jenkusky and Dr. Komadina. **ABSENT:** Dr. Kovnat. **MOTION PASSED.**

- Other Cases

The Board reviewed the reports on other cases compiled by the Executive Committee in executive session. The Executive Committee members are Dr. Weiner, Ms. Cochran and Lynn Hart.

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

Lawrence Lazarus, M.D. – Consider request for Emergency Deferral of CME requirement for compliance with the Boards CME audit.

MOTION was made by Dr. Komadina to **GRANT** Dr. Lazarus request for Emergency Deferral of CME requirements until January 1, 2012. **SECONDED** by Dr. Weiner.

YES: Dr. Weiner, Mr. Bourbon, Ms. Cochran, Dr. Kankanala, Dr. Miller, Dr. Jenkusky and Dr. Komadina. **ABSENT:** Dr. Kovnat. **MOTION PASSED.**

Alvin Wee, M.D. – Consider seven years of non-ACGME post graduate training in lieu of one year ACGME post graduate training.

MOTION was made by Dr. Weiner to accept seven years of non-ACGME post graduate training in lieu of one year ACGME post graduate training and **GRANT** Dr. Wee a license to practice medicine in New Mexico. **SECONDED** by Dr. Miller. **YES:** Dr. Weiner, Mr. Bourbon, Ms. Cochran, Dr. Kankanala, Dr. Miller, Dr. Jenkusky and Dr. Komadina. **ABSENT:** Dr. Kovnat. **MOTION PASSED.**

- **Default Hearing – Hoi Yat Kam, M.D. – Case No. 2011-032**

MOTION was made by Dr. Weiner to admit the exhibits into the record. **SECONDED** by Dr. Komadina. **YES:** Mr. Bourbon, Ms. Cochran, Dr. Kankanala, Dr. Miller, Dr. Jenkusky, Dr. Komadina and Dr. Weiner. **RECUSED:** Dr. Kovnat **MOTION PASSED.**

MOTION was made by Dr. Weiner to accept the Prosecutor’s Order to **DENY** the license application of Dr. Kam based on licensure action being taken against him by another state and fraud or misrepresentation in connection of applying for, or procuring renewal of a medical license. **SECONDED** by Ms. Cochran. **YES:** Mr. Bourbon, Ms. Cochran, Dr. Kankanala, Dr. Miller, Dr. Jenkusky, Dr. Komadina and Dr. Weiner. **RECUSED:** Dr. Kovnat **MOTION PASSED.**

- **Default Hearing – Maryanne Phillips, M.D. – Case No. 2011-030**
MOTION was made by Dr. Weiner to admit the exhibits into the record. The time period to request a hearing has expired. **SECONDED** by Dr. Jenkusky. **YES:** Mr. Bourbon, Ms. Cochran, Dr. Kankanala, Dr. Miller, Dr. Jenkusky, Dr. Komadina and Dr. Weiner. **RECUSED:** Dr. Kovnat **MOTION PASSED.**
MOTION was made by Dr. Weiner to accept the Prosecutor’s Order to **REVOKE** the physician’s license to practice medicine in New Mexico based on conduct unbecoming in a person licensed to practice and failure to report to the Board any adverse action taken against physician by another licensing jurisdiction. **SECONDED** by Dr. Jenkusky. **YES:** Mr. Bourbon, Ms. Cochran, Dr. Kankanala, Dr. Miller, Dr. Jenkusky, Dr. Komadina and Dr. Weiner. **RECUSED:** Dr. Kovnat **MOTION PASSED.**

6. REPORTS

A. Chair – Dr. Weiner welcomed our new board member, Dr. Steve Komadina.

B. Executive Director –

Ms. Hart introduced the new Chief Financial Officer, Gayle Mascarenas, who started on November 7, 2012, replacing Geraldine Mascarenas. She also informed the Board that another investigator, Amanda Chavez, has been hired and will start on November 14th. She mentioned there may be some office reorganization, and if so, she would update the Board in February.

Ms. Hart discussed an issue that has been brought to her attention regarding copy fees for medical records being in violation of Federal law. According to the Health and Human Services Civil Rights Division, our fees are excessive and it is a civil rights violation if the fee is unreasonable, but the law does not define “unreasonable”. Ms. Hart has asked Ms. Bryson to write a letter to Vaniecy Nwigwe, Investigator for the Health and Human Services Civil Rights Division for clarification.

C. Medical Director – No report at this time.

D. Assistant Attorney General – No report at this time.

E. Administrative Prosecutor – Ms. Bryson reviewed the status of pending prosecution cases.

F. Licensing Manager – 2011 CME Audit Update

2,323 physicians renewed this year and 193 were audited for continuing medical education hours. All were in compliance, except for one physician who asked for an emergency deferral.

Following discussion regarding the triennial license renewal grace period, the Board directed Ms. Quintana to research the issue for further discussion at the February 2012 Board Meeting. Should the Board decide to remove the grace period, Ms. Quintana will be asked to provide an implementation plan in her February 2012 report. The renewal grace period is from July 1 to October 1.

Ms. Quintana asked the Board if applicants should be assessed by the NM Monitored Treatment Program (MTP) if they successfully completed board-ordered monitoring in another state prior to applying for licensure in New Mexico. After discussion, the Board

agreed that if the duration of monitoring in another state was at least five years, an applicant does not need an MTP assessment prior to licensing. A letter from the Executive Director will be sent to the current applicant to whom this applies, providing MTP contact information in the event the applicant would like assistance.

- G. Financial / HR Manager** – Ms. Gayle Mascarenas presented the FY12 Budget and Revenue Status ending October 31, 2011. The Naprapathy Board's cash balance was transferred to our account on September 30, 2011. The FY 11 Audit is complete and Ms. Mascarenas is reviewing the results to schedule the exit conference. The deadline to submit it to the State Auditor is December 15, 2011. Also, no questions were raised by the Legislative Finance Committee hearing regarding the FY13 appropriations.
- H. Investigations Department** – Ms. Dieterich explained that with the hiring of a new investigator the complaint committees should expect to receive more cases to review on a quarterly basis and current internal processes will be reviewed and most likely revised to make this easier for complaint committees to handle.
- I. Public Information Officer** – Ms. Walker gave her report under Compliance in executive session.
- J. Administrative Assistant** – No report at this time.

7. RULE HEARING

A rule hearing was held on Thursday at 1:00 pm and the following rule was considered:

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

8. ADOPTION OF RULE 16.10.10 NMAC

MOTION was made by Dr. Weiner to adopt Title 16, Chapter 10, Part 10 as presented at the Rule Hearing. **SECONDED** by Ms. Cochran. **YES:** Mr. Bourbon, Ms. Cochran, Dr. Kankanala, Dr. Miller, Dr. Jenkusky, Dr. Komadina and Dr. Weiner. **MOTION PASSED.**

9. COMPLIANCE

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:** Mr. Bourbon, Ms. Cochran, Dr. Kankanala, Dr. Miller, Dr. Jenkusky, Dr. Komadina and Dr. Weiner. **ABSENT:** Dr. Kovnat **MOTION PASSED.** 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 Monitored Compliance Report** - Ms. Walker reviewed the compliance report and provided status on all licensees.
- **Michael Carey, M.D.** - Consider Amendment to Stipulation **MOTION** was made by Dr. Weiner to **DENY** Dr. Carey's request to amend his Stipulation of Licensure. **SECONDED** by Ms. Cochran. **YES:** Mr. Bourbon, Ms. Cochran, Dr. Kankanala, Dr. Miller, Dr. Jenkusky, Dr. Komadina and Dr. Weiner. **ABSENT:** Dr. Kovnat. **MOTION PASSED.**

- **Board Order – Twana Sparks, M.D.** – Request probation be terminated **MOTION** was made by Dr. Weiner to remove all Stipulations and **GRANT** Dr. Sparks an unrestricted license. **SECONDED** by Dr. Jenkusky. **YES:** Mr. Bourbon, Ms. Cochran, Dr. Kankanala, Dr. Miller, Dr. Jenkusky, Dr. Komadina and Dr. Weiner. **ABSENT:** Dr. Kovnat. **MOTION PASSED.**
- **Board Order – Pablo Garcia, M.D.** – Request probation be terminated **MOTION** was made by Dr. Weiner to remove all Stipulations and **GRANT** Dr. Garcia an unrestricted license. **SECONDED** by Ms. Cochran. **YES:** Mr. Bourbon, Ms. Cochran, Dr. Kankanala, Dr. Miller, Dr. Jenkusky, Dr. Komadina and Dr. Weiner. **ABSENT:** Dr. Kovnat. **MOTION PASSED.**
- **Board Order – Mark Leatherwood, M.D.** – Request probation be terminated **MOTION** was made by Dr. Weiner to **DENY** Dr. Leatherwood’s request to remove Stipulations and release him from the Agreed Order. **SECONDED** by Ms. Cochran. **YES:** Mr. Bourbon, Ms. Cochran, Dr. Kankanala, Dr. Miller, Dr. Jenkusky, Dr. Komadina and Dr. Weiner. **ABSENT:** Dr. Kovnat. **MOTION PASSED.**
- **Board Decision – Henry Borra, M.D.** **MOTION** was made by Dr. Weiner to offer Dr. Borra the opportunity to place his license on inactive status. This action would be considered non-disciplinary. If Dr. Borra does not accept this offer than a Notice of Contemplated Action will be issued, based on, but not limited to, non-compliance with his Stipulation of Licensure. **SECONDED** by Dr. Jenkusky. **YES:** Mr. Bourbon, Ms. Cochran, Dr. Kankanala, Dr. Miller, Dr. Jenkusky, Dr. Komadina and Dr. Weiner. **ABSENT:** Dr. Kovnat. **MOTION PASSED.**

10. NM MONITORED TREATMENT PROGRAM

Dan Collins, M.D., MTP Medical Director and Kate Woods, Clinical Director discussed the status of mandatory and voluntary MTP participants and Dr. Collins gave an update on the operations report.

11. INFORMAL INTERVIEWS

Henry Borra, MD (via teleconference), Daniel Kerlinsky, MD, Mark Leatherwood, MD, Richard Hempstead, MD, Twana Sparks, MD, Jennifer Tso, PA, Tracy Reavis, PA, Steven Black, MD, Sally D’Angelo, MD, Kathleen Van Osten, MD, Pablo Garcia, MD, Stephanie Hedstrom, MD, Michael Carey, MD, Jon Wagner, MD, Ricardo Gomez, MD, Leroy Rise, MD, Kenneth Bull, MD, Michael Lente, PA, Kevin Sullivan, MD, Timothy Klein, MD and David Melamed, MD (via teleconference) were interviewed in Executive Session regarding current practices and compliance with the Board.

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

FRIDAY, November 11, 2011

Dr. Weiner called the meeting to Order at 8:30 am and a quorum was present.

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 Dr. Kankanala. **YES:** Dr. Kankanala, Dr. Miller, Dr. Jenkusky, Dr. Komadina, Dr. Weiner, Mr. Bourbon and Ms. Cochran. **ABSENT:** Dr. Kovnat. **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.

12. OLD BUSINESS

Drug Overdose Task Force Recommendation (informative article)

Dr. Jenkusky provided a status of the Drug Overdose Task Force. Four meetings have been held. The Task Force has mostly focused on Washington and Utah's guidelines and a number of recommendations have been made. One of the controversial issues is to add medical marijuana to the list of acceptable pain treatments. There is no evidence as to the usefulness of marijuana and there is concern over how well the program is controlled in New Mexico. Dr. Jenkusky and Ms. Hart will keep the Board apprised of future meetings and any further recommendations. Another issue of concern is if a patient is on narcotics for more than one month. The prescription monitoring program (PMP) should be consulted to see if a patient is drug shopping, and physicians should follow the three month guideline. Further discussion will be held on the definition of a pain specialist and presented to the Legislative Interim Committee.

Chiropractic Formulary – Ms. Bryson informed the Board that a Notice of Intent to Appeal was filed against the Chiropractic Board on November 4, 2011. It was filed jointly with the Pharmacy Board. The docket statement is due on December 14th. We would like to file a motion to stay and keep the Chiropractic Board from enforcing their rule until the case has settled, however it may be futile since the Chiropractic Board does not meet until December 13th, and we have to file a motion to stay with them prior to filing it with the Appellate Court. We feel they may have violated Open Meetings Act. Also, the International Chiropractic Association stated they will file an appeal.

Senator Udall's National Licensure Proposal

Dr. La Farge and Dr. Kovnat summarized the present status of the Board activity related to the proposal for National Licensure to be submitted to the U.S. Congress by Senator Tom Udall in the proposed Bill: "Increasing Telehealth and Access to Care through Physician Licensing and Credentialing Portability Act". As an outcome of a discussion with Dr. Dale Alverson in September, the Board Task Force decided to hold a meeting in December at the NM Medical Board. The goal will be to define further the need for using the approach of National Medical Licensure, as proposed in the Udall Bill, as a mechanism for increasing access to medical care both by Telemedicine and by usual medical practice. The Board Task Force identified a number of important issues that had not been adequately defined and questions that required specific answers. Dr. La Farge reported that the meeting has been scheduled for December 2, 2011 from 9:00 AM to 12:00 PM and that half of the invitees had already accepted.

13. NEW BUSINESS

Review Proposed Revised Formulary for Certified Registered Nurse Anesthetists (CRNA)

MOTION was made by Dr. Weiner to approve the Revised Formulary for CRNA's.

SECONDED by Ms. Cochran. **YES:** Dr. Kankanala, Dr. Miller, Dr. Jenkusky, Dr. Komadina, Dr. Weiner, Mr. Bourbon and Ms. Cochran. **ABSENT:** Dr. Kovnat. **MOTION CARRIED.**


American Board of Sleep Medicine Examination (ABSM) – Mike Brennen, RPSGT, Government Relations Committee, Board of Registered Polysomnographic Technologists addressed the Board on behalf of the Board of Registered Polysomnographic Technologists. He concurred with the recommendation of the Polysomnography Practice Advisory Committee to not approve the proposed American Board of Sleep Medicine Examination. Craig Eaves, Chair, Polysomnography Practice Advisory Committee was also available to answer questions.


MOTION was made by Dr. Weiner not to approve the ABSM Sleep Technologist Registry Exam at this time. The Board will re-evaluate approval of the exam once the Polysomnography Practice Advisory Committee (PPAC) has had time to evaluate the performance of the exam, particularly with respect to pass rate, after the ABSM exam receives national accreditation. **SECONDED** by Dr. Jenkusky. **YES:** Dr. Kankanala, Dr. Miller, Dr. Jenkusky, Dr. Komadina, Dr. Weiner, Mr. Bourbon and Ms. Cochran. **ABSENT:** Dr. Kovnat. **MOTION CARRIED.**

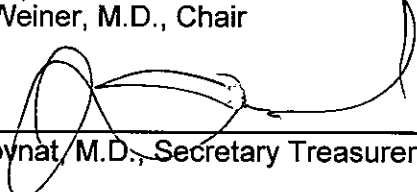
Polysomnography Practice Advisory Committee – Reappointment

MOTION was made by Dr. Weiner to appoint Vicki Champagne, RPSGT, as a member of the Polysomnography Practice Advisory Committee. Ms. Champagne's term will begin effective immediately and end July 1, 2015. **SECONDED** by Ms. Cochran. **YES:** Dr. Kankanala, Dr. Miller, Dr. Jenkusky, Dr. Komadina, Dr. Weiner, Mr. Bourbon and Ms. Cochran. **ABSENT:** Dr. Kovnat. **MOTION CARRIED.**

14. **ADJOURN** - There being no further business, the meeting adjourned at 10:20 a.m.

SUBMITTED BY:  DATE: 1/17/12
Lynne Hart, Executive Director

APPROVED BY:  DATE: 1/5/12
Steve Weiner, M.D., Chair

APPROVED BY:  DATE: 1 5 12
Paul Kovnat, M.D., Secretary Treasurer