

**NEW MEXICO MEDICAL BOARD
Regular Board Meeting
November 5-6, 2015
FINAL MINUTES**

Members Present: Steve Jenkusky, M.D., Chair
Albert Bourbon, P.A., Vice Chair
Jennifer Anderson, Esquire, Public Member, Secretary Treasurer
James Spence, M.D.
Steven Komadina, M.D.
Peter Beaudette, M.D. (absent November 5, 2015)
Karen Carson, M.D.
Philip Styka, M.D.
Rick Wallace, FACHE, Public Member (absent November 6, 2015)

Others Present: Sondra Frank, J.D. Executive Director
Grant La Farge, M.D., Medical Director
Susan Sullivan, Assistant Attorney General (absent November 6, 2015)
Thomas Banner, Administrative Prosecutor
Gayle Mascarenas, CFO/HR Manager
Debbie Dieterich, Investigations Manager
Barbara Mohler, Licensing Manager
Samantha Breen, Administrative Assistant
Amanda Chavez, Senior Investigator
James Perez, Investigator

1. CALL TO ORDER / ROLL CALL

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

2. APPROVAL OF AGENDA

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

3. APPROVAL OF MINUTES

MOTION was made by Mr. Bourbon to accept and approve the minutes of the September 24, 2015 Board Meeting as presented. **SECONDED** by Mr. Wallace. **YES:** Dr. Jenkusky; Dr. Carson; Ms. Anderson; Dr. Komadina; Mr. Wallace; Dr. Spence; Mr. Bourbon and Dr. Styka. **Absent:** Dr. Beaudette. **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 Ms. Anderson. **YES:** Dr. Jenkusky; Dr. Carson; Ms. Anderson; Dr. Komadina; Mr. Wallace; Dr. Spence; Mr. Bourbon and Dr. Styka. **Absent:** Dr. Beaudette. **MOTION CARRIED.**

OPEN SESSION

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

4. ACTIONS RELATED TO EXECUTIVE SESSION

Complaint Committee A

RECOMMENDATION was made by Dr. Carson to **CLOSE** Case #2015-A-006; 2015-A-009; 2015-A-019; 2015-A-028; 2015-A-054; 2015-A-058; 2015-A-091; 2015-A-124 and 2015-A-162. **YES:** Dr. Jenkusky; Ms. Anderson; Dr. Komadina; Dr. Spence; Mr. Bourbon and Dr. Styka. **RECUSED:** Dr. Carson and Mr. Wallace. **Absent:** Dr. Beaudette.

RECOMMENDATION was made by Dr. Carson to **CLOSE** Case #2015-A-055 with an Advisory Letter regarding the excessive refills of medication for a patient who has moved out of the state and refer patient to a PCP where that patient resides. **YES:** Dr. Jenkusky; Ms. Anderson; Dr. Komadina; Dr. Spence; Mr. Bourbon and Dr. Styka. **RECUSED:** Dr. Carson and Mr. Wallace. **Absent:** Dr. Beaudette.

Case #2015-A-003 RECOMMENDATION was made by Dr. Carson to issue a Summary Suspension due to imminent danger to the public. Simultaneously, a Notice of Contemplated Action will be based on, but not limited to, incompetency to practice, failure to maintain adequate medical records, and conduct unbecoming. **YES:** Dr. Jenkusky; Ms. Anderson; Dr. Komadina; Dr. Spence; Mr. Bourbon and Dr. Styka. **RECUSED:** Dr. Carson and Mr. Wallace. **Absent:** Dr. Beaudette.

Case #2015-A-115 RECOMMENDATION was made by Dr. Carson that physician be ordered to obtain a complete evaluation by the NM Monitored Treatment Program. The case will then return to the Board for final determination on possible action. If physician refuses, a notice of contemplated action will be issued, based on, but not limited to, failure to cooperate and misrepresentation on an initial and renewal applications. **YES:** Dr. Jenkusky; Ms. Anderson; Dr. Komadina; Dr. Spence; Mr. Bourbon and Dr. Styka. **RECUSED:** Dr. Carson and Mr. Wallace. **Absent:** Dr. Beaudette.

Case #2015-A-191 RECOMMENDATION was made by Dr. Carson to offer physician applicant the following options: (1) obtain a clinical skills competency evaluation from CPEP or comparable program and an evaluation to rule out any mental health issues; or (2) withdraw application for licensure; or (3) issuance of Notice of Contemplated Action to deny licensure, based on, but not limited to, incompetency to practice. **YES:** Dr. Jenkusky; Ms. Anderson; Dr. Komadina; Dr. Spence; Mr. Bourbon Dr. Styka. **RECUSED:** Dr. Carson and Mr. Wallace. **Absent:** Dr. Beaudette.

Complaint Committee B

RECOMMENDATION was made by Dr. Komadina to **CLOSE** Case #2015-B-010; 2015-B-089; 2015-B-098; 2015-B-101 and 2015-B-134. **YES:** Dr. Jenkusky; Dr. Carson; Ms. Anderson; Mr. Wallace; Mr. Bourbon and Dr. Styka. **RECUSED:** Dr. Komadina and Dr. Spence. **Absent:** Dr. Beaudette.

Case 2015-B-147 RECOMMENDATION was made by Dr. Spence to issue physician applicant a stipulated license requiring certain terms and conditions to include supervision, permanent restriction from cosmetic medical practice and appearance in front of the Board on the Boards request. **YES:** Dr. Jenkusky; Dr. Carson; Ms. Anderson; Mr. Wallace; Mr. Bourbon and Dr. Styka. **RECUSED:** Dr. Komadina and Dr. Spence. **Absent:** Dr. Beaudette.

Case 2015-B-192 RECOMMENDATION was made by Dr. Spence to issue a summary suspension based on physician being an imminent harm to the public. Simultaneously, a Notice of Contemplated Action will be issued based on, but not limited to, conduct likely to harm, conduct unbecoming, adverse licensure action taken by another medical board, misrepresentation in applying for initial licensure and licensure renewal, and possible conviction of a crime. **YES:** Dr. Jenkusky; Dr. Carson; Ms. Anderson; Mr. Wallace; Mr. Bourbon and Dr. Styka. **RECUSED:** Dr. Komadina and Dr. Spence. **Absent:** Dr. Beaudette.

Complaint Committee C

RECOMMENDATION was made by Mr. Bourbon to **CLOSE** Case #2014-C-168; 2014-C-170; 2015-C-017; 2015-C-030; 2015-C-097. **YES:** Dr. Jenkusky; Dr. Carson; Ms. Anderson; Dr. Komadina; Mr. Wallace and Dr. Spence. **RECUSED:** Mr. Bourbon and Dr. Styka. **Absent:** Dr. Beaudette.

RECOMMENDATION was made by Mr. Bourbon to **CLOSE** Case #2014-B-184 with an Advisory Letter reminding PA about the Board's regulations on PMP requirements when prescribing controlled substances for chronic pain and obtaining UDS for same. **YES:** Dr. Jenkusky; Dr. Carson; Ms. Anderson; Dr. Komadina; Mr. Wallace and Dr. Spence. **RECUSED:** Mr. Bourbon and Dr. Styka. **Absent:** Dr. Beaudette.

Case #2014-C-043 RECOMMENDATION was made by Mr. Bourbon to order Physician to be evaluated for possible impairment by an impaired physician committee. This case will remain open pending the outcome from the evaluation and will be taken back to the Board for further decisions once report is received. **YES:** Dr. Jenkusky; Dr. Carson; Ms. Anderson; Dr. Komadina; Mr. Wallace and Dr. Spence. **RECUSED:** Mr. Bourbon and Dr. Styka. **Absent:** Dr. Beaudette.

Case #2015-C-122 RECOMMENDATION was made by Mr. Bourbon offering Physician Assistant the chance to withdraw her application for licensure or a Notice of Contemplated Action will be issued to deny licensure based on, but not limited to, misrepresentation on application, failure to cooperate with the Board staff, adverse licensure action in other states, and interaction with others that could adversely affect the welfare of a patient. **YES:** Dr. Jenkusky; Dr. Carson; Ms. Anderson; Dr. Komadina; Mr. Wallace and Dr. Spence. **RECUSED:** Mr. Bourbon and Dr. Styka. **Absent:** Dr. Beaudette.

Case #2015-C-146 RECOMMENDATION was made by Mr. Bourbon to order issuance of a Notice of Contemplated Action to deny reinstatement of licensure based on, but not limited to, adverse licensure action in another state, incompetency to practice, and conduct unbecoming. **YES:** Dr. Jenkusky; Dr. Carson; Ms. Anderson; Dr. Komadina; Mr. Wallace and Dr. Spence. **RECUSED:** Mr. Bourbon and Dr. Styka. **Absent:** Dr. Beaudette.

Case #2015-C-190 RECOMMENDATION was made by Mr. Bourbon to offer physician applicant the chance to withdraw his application for licensure or a Notice of Contemplated action will be issued to deny licensure, based on, but not limited to, a conviction, habitual / excessive use of alcohol or substances, licensure action in another state, and violation of drug law. **YES:** Dr. Jenkusky; Dr. Carson; Ms. Anderson; Dr. Komadina; Mr. Wallace and Dr. Spence. **RECUSED:** Mr. Bourbon and Dr. Styka. **Absent:** Dr. Beaudette.

Case #2015-C-193 RECOMMENDATION was made by Mr. Bourbon to order physician applicant to obtain a psych evaluation to rule out behavioral issues. The case will remain open pending receipt of the report and then will return to the Board for decision on licensure issuance. **YES:** Dr. Jenkusky; Dr. Carson; Ms. Anderson; Dr. Komadina; Mr. Wallace and Dr. Spence. **RECUSED:** Mr. Bourbon and Dr. Styka. **Absent:** Dr. Beaudette.

Complaint Committee D

RECOMMENDATION was made by Dr. Jenkusky to **CLOSE** Case #2014-D-191; 2015-D-014; 2015-D-059 and 2015-D-090. **YES:** Dr. Carson; Dr. Komadina; Mr. Wallace; Dr. Spence; Mr. Bourbon and Dr. Styka. **RECUSED:** Dr. Jenkusky and Ms. Anderson. **Absent:** Dr. Beaudette.

RECOMMENDATION was made by Dr. Jenkusky to **CLOSE** Case #2013-D-234 with an advisory letter reminding Physician on the reporting requirements. **YES:** Dr. Carson; Dr. Komadina; Mr. Wallace; Dr. Spence; Mr. Bourbon and Dr. Styka. **RECUSED:** Dr. Jenkusky and Ms. Anderson. **Absent:** Dr. Beaudette.

RECOMMENDATION was made by Dr. Jenkusky to **CLOSE** Case #2015-D-095 with an advisory letter on the services of MTP if needed and that the Board will be monitoring any similar complaints in the future. **YES:** Dr. Carson; Dr. Komadina; Mr. Wallace; Dr. Spence; Mr. Bourbon and Dr. Styka. **RECUSED:** Dr. Jenkusky and Ms. Anderson. **Absent:** Dr. Beaudette.

Case #2015-D-004 RECOMMENDATION was made by Dr. Jenkusky to offer physician a formal reprimand based on, but not limited to, failure to cooperate, interaction with others that could have an

adverse effect on the welfare of a patient, patient abandonment, failure to maintain accurate and adequate records. If physician does not accept, a Notice of Contemplated Action will be issued based on same. **YES:** Dr. Carson; Dr. Komadina; Mr. Wallace; Dr. Spence; Mr. Bourbon and Dr. Styka. **RECUSED:** Dr. Jenkusky and Ms. Anderson. **Absent:** Dr. Beaudette.

Case #2015-D-052 RECOMMENDATION was made by Dr. Jenkusky to offer physician the chance to withdraw her application for licensure or a Notice of Contemplated Action will be issued to deny licensure, based on, but not limited, to adverse licensure action taken by other states and violation of a drug law. **YES:** Dr. Carson; Dr. Komadina; Mr. Wallace; Dr. Spence; Mr. Bourbon and Dr. Styka. **RECUSED:** Dr. Jenkusky and Ms. Anderson. **Absent:** Dr. Beaudette.

Case #2015-D-144 RECOMMENDATION was made by Dr. Jenkusky to offer physician applicant a stipulated license requiring mandatory participation in NM Monitored Treatment Program. If she does not accept, a Notice of Contemplated Action will be issued to deny application, based on, but not limited to, habitual/excessive use of alcohol and adverse actions taken by other states. **YES:** Dr. Carson; Dr. Komadina; Mr. Wallace; Dr. Spence; Mr. Bourbon and Dr. Styka. **RECUSED:** Dr. Jenkusky and Ms. Anderson. **Absent:** Dr. Beaudette.

Case #2015-D-164 RECOMMENDATION was made by Dr. Jenkusky to hold a decision on licensure until investigation report is received from UNM.

5. LICENSING ISSUES, NEW APPLICANTS / REINSTATEMENTS

Debra Federer, M.D. – Review disciplinary history and consider application for MD license. **MOTION** was made by Dr. Jenkusky to accept Dr. La Farge's recommendation and **GRANT** Dr. Federer an unrestricted license. **SECONDED** by Mr. Bourbon. **YES:** Dr. Jenkusky; Dr. Carson; Ms. Anderson; Dr. Komadina; Mr. Wallace; Dr. Spence; Mr. Bourbon and Dr. Styka. **MOTION CARRIED.** **Absent:** Dr. Beaudette.

Randall Lewis, P.A. – Default Hearing – Case No. 2015-022

MOTION was made by Dr. Jenkusky to **REVOKE** Mr. Lewis's license based on adverse licensure action in another state and failure to report adverse licensure action in another state. **SECONDED:** Ms. Anderson **YES:** Dr. Jenkusky; Dr. Carson; Ms. Anderson; Dr. Komadina; Mr. Wallace; Dr. Spence; Mr. Bourbon and Dr. Styka. **MOTION CARRIED.** **Absent:** Dr. Beaudette.

Marianne Luchini, M.D. – Default Hearing – Case No. 2015-023

MOTION was made by Dr. Jenkusky to **REVOKE** Dr. Luchini's license based on conduct likely to harm, failure to furnish the Board with information requested by the Board, conduct unbecoming, and improper management of medical records. **SECONDED:** Ms. Anderson **YES:** Dr. Jenkusky; Dr. Carson; Ms. Anderson; Dr. Komadina; Mr. Wallace; Dr. Spence and Dr. Styka. **ABSTAINED:** Mr. Bourbon. **MOTION CARRIED.** **Absent:** Dr. Beaudette.

Paul Overlie, M.D. – Consider Proposed Settlement – Case No. 214-012 **MOTION** was made by Dr. Jenkusky to **ACCEPT** the proposed settlement presented of a Stipulation of Licensure requiring certain terms and conditions. **SECONDED:** Ms. Anderson **YES:** Dr. Jenkusky; Dr. Carson; Ms. Anderson; Dr. Komadina; Mr. Wallace; Dr. Spence; Mr. Bourbon and Dr. Styka. **Absent:** Dr. Beaudette.

Grigsby Wright, M.D. – Consider Request to Expunge 2002 Board Action

Molly Schmidt-Nowara, Esq., on behalf of her client Grigsby Wright, M.D. moved to appear in front of the Board to request expunging the 2002 Board Action due to Dr. Wright being exonerated in the criminal matter from 2002. The Board granted Ms. Schmidt-Nowara's request to appear. Ms. Schmidt-Nowara will follow up with a letter and the matter will be discussed at their February 2016 Board Meeting.

Kenneth Stoller, M.D. – Motion to Reopen and Reconsider Matter – Case No. 2014-031

Kate Ferlic, Esq., on behalf of her client Kenneth Stoller, M.D., moved to appear in front of the Board to request that the Board reopen and reconsider the Board's decision on issuing an advisory letter. The Board granted Ms. Ferlic's request to appear. The Board will review the request and make a decision at their February 2016 Board Meeting.

6. REPORTS

Board Attorney Report

Due to time constraints this report was tabled.

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

MOTION was made by Dr. Jenkusky to go into Executive Session pursuant to Section 10-15-1(H) (1) of the Open Meetings Act to discuss matters pertaining to the issuance, suspension, renewal or revocation of a license and disciplinary matters. **SECONDED** by Ms. Anderson. **YES:** Dr. Jenkusky; Dr. Carson; Ms. Anderson; Dr. Komadina; Mr. Wallace; Dr. Spence; Mr. Bourbon and Dr. Styka. **MOTION CARRIED. Absent:** Dr. Beaudette.

Compliance Report

Pamela Black, M.D. – Affiliated Monitors Report

Dr. Black appeared before the Board to provide an update on her practice being monitored by Affiliated Monitors.

Board Monitored Compliance Report [Non MTP]

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

NM Monitored Treatment Program (MTP)

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

Informal Interviews

Adrian Moretti, M.D.; Kathleen Van Osten, M.D.; Steven Greer, M.D.; James Bradley, M.D.; Elaine Bradshaw, M.D.; Leslie Carroll; John Bray Morris, M.D.; Alden Cockburn, M.D.; Charles Bennett, M.D.; Jonathan Hechanova, M.D.; Christopher Driskill, M.D.; Nicholas Nardacci, M.D.; Orlando Ortiz, M.D.; Paul De Stefano, M.D.; Mona Sarrai, M.D.; Richard Smith, M.D.; Tracy Yanke, M.D. (teleconference); Frank Bryant, M.D.

OPEN SESSION

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

7. ACTIONS RELATED TO EXECUTIVE SESSION

Steven Greer, M.D. – Requesting re-activation of his resident license to resume UNM Residency

MOTION was made by Dr. Jenkusky to **GRANT** Dr. Greer's Request to reactivate his resident license to resume UNM Residency. **SECONDED:** Dr. Komadina. **YES:** Dr. Jenkusky; Dr. Carson; Ms. Anderson; Dr. Komadina; Mr. Wallace; Dr. Spence; Mr. Bourbon and Dr. Styka. **Absent:** Dr. Beaudette. **MOTION CARRIED.**

Jonathan Hechanova, M.D. – Requesting to be released from Stipulation at the end of his MTP contract date of January 28, 2016

MOTION was made by Dr. Jenkusky to **GRANT** Dr. Hechanova's Request to be released from stipulation at the end of his MTP contract date of January 28, 2016. **SECONDED:** Dr. Carson. **YES:** Dr.

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

Ramona Anderson, M.D. – Request to revise stipulation

MOTION was made by Dr. Jenkusky to **DENY** Dr. Anderson's Request to revise her stipulation. **SECONDED:** Mr. Bourbon. **YES:** Dr. Jenkusky; Dr. Carson; Ms. Anderson; Dr. Komadina; Mr. Wallace; Dr. Spence; Mr. Bourbon and Dr. Styka. **Absent:** Dr. Beaudette. **MOTION CARRIED.**

Leslie Carroll, M.D. – Requesting Release from Stipulation

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

Nicholas Nardacci, M.D. – Request for Board to review six patient records

The Board reviewed six patient encounters provided by Dr. Nardacci. No action required.

Frank Bryant, M.D. – Requesting Release from Settlement Agreement

MOTION was made by Dr. Jenkusky to release Dr. Bryant from his Settlement Agreement with the Board as he successfully completed all terms and conditions. **SECONDED:** Mr. Bourbon. **YES:** Dr. Jenkusky; Dr. Carson; Ms. Anderson; Dr. Komadina; Mr. Wallace; Dr. Spence; Mr. Bourbon and Dr. Styka. **Absent:** Dr. Beaudette. **MOTION CARRIED**

Kathleen Van Osten, M.D. – Request to reinstate license with pre-existing stipulations

MOTION was made by Dr. Jenkusky to reinstate Dr. Van Osten's license with pre-existing stipulations upon MTP's recommendation to return back to work. **SECONDED:** Ms. Anderson **YES:** Dr. Jenkusky; Dr. Carson; Ms. Anderson; Dr. Komadina; Mr. Wallace; Dr. Spence; Mr. Bourbon and Dr. Styka. **Absent:** Dr. Beaudette. **MOTION CARRIED (MTP did not recommend that Dr. Van Osten return to work at this time. This issue will come back to the Board upon approval by MTP.)**

ADJOURN

Dr. Jenkusky adjourned the first day [November 5, 2015] of the November Regular Board Meeting at 5:05 p.m.

Friday, November 6, 2015

Dr. Jenkusky reconvened the Medical Board and called the meeting to order at 9:00 a.m. on Friday, November 6, 2015; a quorum was present.

8. REPORTS

Chair Report

Staff is working on Board ID Cards, Dr. Jenkusky requested that the Board submit electronic photos to Board Staff.

Dr. Jenkusky also reported that MTP will be changing their name to New Mexico Health Providers Wellness Program. This change is in line with all Physician Health Programs throughout the United States.

Dr. Jenkusky discussed rescheduling the May 19-20, 2016 Board Meeting to May 12-13, 2016. All Board Members agreed to reschedule.

Dr. Jenkusky proposed setting an Interim Board Meeting for Thursday, December 17, 2015 at 4:00 P.M. at Modrall Lawfirm in Albuquerque.

Executive Director

Ms. Frank welcomed new staff members, Thomas Banner, Esq. as the Administrative Prosecutor and James Perez in Investigations.

Ms. Frank apprised the Board of Department of Health's Naloxone Regulations. DOH has been working on increasing access to Naloxone, one issue is the storage and distribution of Naloxone. It is still considered a dangerous drug, not over the counter, but it appears to be relatively safe. One of the barriers is that the Pharmacy Board controls the storage and distribution of the drug. One option is to allow third party entities to store and distribute Naloxone. This would directly affect the Board of Pharmacy regulations. The DOH has proposed that they will allow the third party to distribute Naloxone by DOH regulation. After discussion the Board decided that this is a Board of Pharmacy issue, however, the Board generally supports the proposed regulation.

Ms. Frank updated the Board on the LFC FY17 Appropriation Request Hearing, the budget is 1.9 Million, and the increase is due to complaint increases. In 2014 the Board office received 207 complaints and in 2015 the office received 315. Additionally the increase is due to contracts for litigation costs and hiring expert witnesses in cases before they go to hearing. One Senator was very vocal about the NMMB having too much money, the fact that the Legislature can come in take one million each year and that we still have a reserve is a concern to them.

Medical Director

No report.

Licensing Manager

Barbara Mohler introduced herself to the Board.

Financial / HR Manager

Ms. Mascarenas updated the Board on the FY16 Medical Board Revenues – Ending September 30, 2015. She reports that expenditures total \$367,000 from July 1, 2015 thru September 30, 2015; Revenues collected from July 1, 2015 thru September 30, 2015 total \$276,000. This year we have \$70,000 budgeted in fund balance. The cash balance as of November 6, 2015 is \$1,867,000.

Ms. Mascarenas reported on the FY15 Agency audit conducted in October, the report will be released in December and did not have any audit findings.

For the FY17 Appropriation Request we asked for \$100,000 additional BAR Authority.

Investigations Department

No report

Administrative Prosecutor

The Board reviewed the status of the current pending prosecution cases.

9. Old Business

Dr. Jenkusky and Ms. Frank updated the Board on the Governor's Task Force on Chronic Pain.

Board Members went over the PMP usage and the Draft of the Second Notice to NMMB Licensees who are showing up on the Pharmacy Board's PMP usage report card. The draft is acceptable to the Board and should be sent to Licensees that are not using the PMP.

Ms. Frank discussed bringing back an executive committee so that she can have guidance on background checks and licensing issues. The Board decided this would be a good idea and comprised the committee of the Executive Director, Chair and Vice Chair of the Board. The executive committee will give guidance to the Executive Director on applications.

10. **New Business**

Ms. Frank informed the Board that she was in discussions with the Regulation and Licensing Department regarding the Osteopathic Examiners Board and it was proposed that the Osteopathic Examiners Board be administratively attached to the New Mexico Medical Board, as opposed to a full merger of the boards, at least at this time. Discussions will continue.

Ms. Anderson informed the board regarding the Amicus Brief which is physicians in Texas are not treating patients who reside in New Mexico due to a lawsuit filed from a patient who was treated in TX but resides in NM.

The Board discussed sending a Jurisprudence Exam to physicians who receive advisory letters regarding knowledge of Board Rules and Statutes. The Board discussed eventually adding the exam to renewals.

11. **ADJOURN**

There being no further business before the Board, Dr. Jenkusky adjourned the meeting at 11:07 a.m.

SUBMITTED BY: 
Sondra Frank, J.D., Executive Director

DATE: 12/28/15

APPROVED BY: 
Steven M. Jenkusky, M.D., Chair

DATE: 12/24/15

APPROVED BY: 
Albert Bourbon, PA-C, Vice Chair

DATE: 12/17/15