

NEW MEXICO MEDICAL BOARD
Regular Board Meeting
November 17-18, 2016
MINUTES

Members Present: Steven M. Jenkusky, M.D., Chair
Albert Bourbon, P.A., Vice Chair
Jennifer Anderson, Esquire, Public Member, Secretary Treasurer
Steven Komadina, M.D.
Karen Carson, M.D.
Philip Styka, M.D.
James Spence, M.D.
Peter Beaudette, M.D. (arrived at 8:43 a.m. on Thursday, November 17, 2016)

Others Present: Sondra Frank, J.D., Executive Director
Kara Szkotac, Assistant Attorney General (Thursday, November 17, 2016)
Thomas Banner, Administrative Prosecutor
Gayle Mascarenas, CFO/HR Manager
Debbie Dieterich, Investigations Manager
Amanda Quintana, Compliance Manager / PIO
Barbara Orender, Licensing Manager
Samantha Breen, Administrative Assistant
Amanda Chavez, Investigator
James Perez, Investigator

1. CALL TO ORDER / ROLL CALL

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

2. APPROVAL OF AGENDA

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

3. APPROVAL OF MINUTES

MOTION was made by Dr. Carson to accept and approve the minutes of the September 29, 2016 Interim Board Meeting as presented with amendments to Complaint Committee D votes. **SECONDED** by Dr. Komadina. **YES:** Dr. Jenkusky, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Bourbon. **ABSENT:** Dr. Beaudette **MOTION CARRIED.**

EXECUTIVE SESSION: Complaint Committee Reports / Executive Committee 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 Dr. Komadina. **YES:** Dr. Jenkusky, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Bourbon. **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. Komadina to **CLOSE** Case #2015-A-141; 2016-A-001; 2016-A-003; 2016-A-010; 2016-A-017 **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Ms. Anderson, Dr. Styka and Mr. Bourbon. **Recused:** Dr. Komadina and Dr. Carson.

RECOMMENDATION was made by Dr. Komadina to **CLOSE** Case #2016-A-222; 2016-A-226; 2016-A-238 with an advisory letter reminding licensees of the PMP rules **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Ms. Anderson, Dr. Styka and Mr. Bourbon. **Recused:** Dr. Komadina and Dr. Carson.

Case #2015-A-068 RECOMMENDATION was made by Dr. Komadina to offer physician a stipulated agreement mirroring other state medical board's action, i.e., issue physician a reprimand and require a complete indepth ethics course. If physician does not accept, a notice of contemplated action will be issued based on, but not limited to, misrepresentations on applications, and adverse licensure action taken by another state medical board. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Ms. Anderson, Dr. Styka and Mr. Bourbon. **Recused:** Dr. Komadina and Dr. Carson.

Case #2015-A-155 RECOMMENDATION was made by Dr. Komadina to offer physician a reprimand and stipulated agreement requiring participation in the ProBE ethics course at CPEP or comparable program. If physician does not accept, a Notice of Contemplated Action will be issued based on, but not limited to, conduct unbecoming, and ethics' violations. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Ms. Anderson, Dr. Styka and Mr. Bourbon. **Recused:** Dr. Komadina and Dr. Carson.

Case #2015-A-253 RECOMMENDATION was made by Dr. Komadina to offer physician a stipulated agreement where he would voluntarily surrender his license to practice in New Mexico. If physician does not accept, a notice of contemplated action is recommended based on, but not limited to, conduct unbecoming, unlicensed practice of medicine, misrepresentation on an application and failure to maintain accurate records. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Ms. Anderson, Dr. Styka and Mr. Bourbon. **Recused:** Dr. Komadina and Dr. Carson.

Case #2016-A-120 RECOMMENDATION was made by Dr. Komadina to offer physician a stipulated license requiring mandatory participation in the NM Monitored Treatment Program, along with issuance of a reprimand and required ProBE ethics course at CPEP or other comparable program. If physician does not accept, a notice of contemplated action will be issued based on, but not limited to, habitual and excessive use of substances, injudicious prescribing, conduct unbecoming, conduct likely to harm, and ethics' violations. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Ms. Anderson, Dr. Styka and Mr. Bourbon. **Recused:** Dr. Komadina and Dr. Carson.

Case #2016-A-044 RECOMMENDATION was made by Dr. Komadina to offer physician the chance to withdraw his application while under investigation. If he does not accept, a notice of contemplated action to deny licensure is recommended based on, but not limited to, incompetency to practice. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Ms. Anderson, Dr. Styka and Mr. Bourbon. **Recused:** Dr. Komadina and Dr. Carson.

Case #2016-A-146 RECOMMENDATION was made by Dr. Komadina to offer physician a stipulated license requiring mandatory participation in the NM Monitored Treatment Program and requiring inactivation of his license until cleared to return to work by MTP and the NMMB, along with issuance of a reprimand for misrepresentation on a renewal application. If physician does not accept, a notice of contemplated action will be issued based on, but not limited to, misrepresentation on an application, habitual/excessive use of alcohol and substances, and adverse licensure action in another state. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Ms. Anderson, Dr. Styka and Mr. Bourbon. **Recused:** Dr. Komadina and Dr. Carson.

Case #2016-A-209 RECOMMENDATION was made by Dr. Komadina that physician applicant comply with the terms of the Board's 2011 Order and withdraw his application for licensure if he chooses not to complete a residency or a notice of contemplated action will be issued to deny licensure. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Ms. Anderson, Dr. Styka and Mr. Bourbon. **Recused:** Dr. Komadina and Dr. Carson.

Complaint Committee B

RECOMMENDATION was made by Dr. Spence to **CLOSE** Case #2015-B-244; 2016-B-032; 2016-B-037; 2016-B-041; 2016-B-061; 2016-B-074. **YES:** Dr. Jenkusky, Dr. Beaudette; Dr. Komadina, Dr. Carson; Dr. Styka and Mr. Bourbon. **Recused:** Ms. Anderson and Dr. Spence.

RECOMMENDATION was made by Ms. Anderson to **CLOSE** Case #2016-B-219; 2016-B-223; 2016-B-235; 2016-B-247 with an advisory reminding physician of the PMP rules. **YES:** Dr. Jenkusky, Dr. Beaudette; Dr. Komadina, Dr. Carson; Dr. Styka and Mr. Bourbon. **Recused:** Ms. Anderson and Dr. Spence.

RECOMMENDATION was made by Ms. Anderson to **CLOSE** Case #2015-B-116 with an advisory letter on how the Board interprets their professional practice questions on their applications and Physician's responsibility for answering them correctly. **YES:** Dr. Jenkusky, Dr. Beaudette; Dr. Komadina, Dr. Carson; Dr. Styka and Mr. Bourbon. **Recused:** Ms. Anderson and Dr. Spence.

RECOMMENDATION was made by Ms. Anderson to **CLOSE** Case #2016-B-138 with an advisory letter on how the Board interprets their professional practice questions on their applications and physician's responsibility for answering them correctly. **YES:** Dr. Jenkusky, Dr. Beaudette; Dr. Komadina, Dr. Carson; Dr. Styka and Mr. Bourbon. **Recused:** Ms. Anderson and Dr. Spence.

Case #2016-B-051 RECOMMENDATION was made by Ms. Anderson ordering physician to undergo an IPC evaluation and will hold the case open in investigations until receipt of the IPC Report. **YES:** Dr. Jenkusky, Dr. Beaudette; Dr. Komadina, Dr. Carson; Dr. Styka and Mr. Bourbon. **Recused:** Ms. Anderson and Dr. Spence.

Case #2016-B-164 RECOMMENDATION was made by Ms. Anderson to offer physician a stipulated license requiring mandatory participation in MTP during his extended evaluation. If he does not accept, a notice of contemplated action will be issued based on, but not limited to, excessive use of alcohol and conduct unbecoming. **YES:** Dr. Jenkusky, Dr. Beaudette; Dr. Komadina, Dr. Carson; Dr. Styka and Mr. Bourbon. **Recused:** Ms. Anderson and Dr. Spence.

Case #2016-B-267 RECOMMENDATION was made by Ms. Anderson recommends mirroring other state licensure action and offer physician a reprimand. If he does not accept, a notice of contemplated action will be issued based on, but not limited to, adverse licensure action taken by another state medical board and failure to report an arrest and criminal conviction. **YES:** Dr. Jenkusky, Dr. Beaudette; Dr. Komadina, Dr. Carson; Dr. Styka and Mr. Bourbon. **Recused:** Ms. Anderson and Dr. Spence.

Complaint Committee C

RECOMMENDATION was made by Mr. Bourbon to **CLOSE** Case #2015-C-197; 2015-C-202; 2015-C-249; 2016-C-005; 2016-C-033; 2016-C-038; 2016-C-042; 2016-C-207. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Komadina; Dr. Spence; Dr. Carson and Ms. Anderson. **Recused:** Mr. Bourbon and Dr. Styka.

RECOMMENDATION was made by Mr. Bourbon to **CLOSE** Case #2016-C-220; 2016-C-232; 2016-C-240; 2016-C-244; 2016-C-252 with an advisory reminding physicians of the PMP Regulation. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Komadina; Dr. Spence; Dr. Carson and Ms. Anderson. **Recused:** Mr. Bourbon and Dr. Styka.

RECOMMENDATION was made by Mr. Bourbon to **CLOSE** Case #2015-C-161 with an advisory letter reminding physician about violation drug laws. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Komadina; Dr. Spence and Dr. Carson. **Recused:** Mr. Bourbon, Dr. Styka and Ms. Anderson.

RECOMMENDATION was made by Mr. Bourbon to **CLOSE** Case #2016-C-097 with an advisory letter regarding the Board's Regulation on the release of medical records. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Komadina; Dr. Spence; Dr. Carson and Ms. Anderson. **Recused:** Mr. Bourbon and Dr. Styka.

Case #2016-C-284 RECOMMENDATION was made by Mr. Bourbon to issue a notice of summary suspension based on physician's imminent danger to the public, along with a Notice of Contemplated Action, based on, but not limited to, conduct likely to harm, and conduct unbecoming. **YES:** Dr. Jenkusky; Dr. Beaudette; Dr. Komadina; Dr. Spence; Dr. Carson and Ms. Anderson. **Recused:** Mr. Bourbon and Dr. Styka.

Complaint Committee D

RECOMMENDATION was made by Dr. Jenkusky to **CLOSE** Case # 2016-D-013; 2016-D-015; 2016-D-024; 2016-D-055; 2016-D-093; 2016-D-141; 2016-D-273. **YES:** Dr. Komadina; Dr. Spence; Dr. Carson, Ms. Anderson, Mr. Bourbon and Dr. Styka. **Recused:** Dr. Jenkusky and Dr. Beaudette.

RECOMMENDATION was made by Dr. Jenkusky to **CLOSE** Case #2015-D-181 with an advisory letter regarding staff's communication with patients. **YES:** Dr. Komadina; Dr. Spence; Dr. Carson, Ms. Anderson, Mr. Bourbon and Dr. Styka. **Recused:** Dr. Jenkusky and Dr. Beaudette.

RECOMMENDATION was made by Dr. Jenkusky to **CLOSE** Case #2016-D-253 with an advisory letter reminding physician regarding the PMP rule. **YES:** Dr. Komadina; Dr. Spence; Dr. Carson, Ms. Anderson, Mr. Bourbon and Dr. Styka. **Recused:** Dr. Jenkusky and Dr. Beaudette.

Case #2015-D-016 RECOMMENDATION was made by Dr. Jenkusky offering physician a stipulated agreement requiring her to take a medical recordkeeping course at CPEP or comparable program; requiring a ProBE ethics course at CPEP or comparable program; and restricting physician from selling supplements/medications to patients out of her office. If physician does not agree, then a notice of contemplated action will be issued based on, but not limited to, ethics violations and failure to maintain complete, accurate and adequate medical records. **YES:** Dr. Komadina; Dr. Spence; Dr. Carson, Ms. Anderson, Mr. Bourbon and Dr. Styka. **Recused:** Dr. Jenkusky and Dr. Beaudette.

Case #2015-D-238 RECOMMENDATION was made by Dr. Jenkusky offering physician a reprimand and ProBE ethics course based on ethics violations. If he does not accept, a notice of contemplated action will be issued based on same. **YES:** Dr. Komadina; Dr. Spence; Dr. Carson, Ms. Anderson, Mr. Bourbon and Dr. Styka. **Recused:** Dr. Jenkusky and Dr. Beaudette.

Case #2016-D-183 RECOMMENDATION was made by Dr. Jenkusky offering physician a stipulated agreement to voluntarily surrender her license in NM. If she does not accept, a notice of contemplated action will be issued based on, but not limited to, failure to report and misrepresentation on an application. **YES:** Dr. Komadina; Dr. Spence; Dr. Carson, Ms. Anderson, Mr. Bourbon and Dr. Styka. **Recused:** Dr. Jenkusky and Dr. Beaudette.

6. LICENSING ISSUES, NEW APPLICANTS / REINSTATEMENTS

Wilson Bernales, MD – Case No. 2016-029 – Decision and Order

MOTION was made by Dr. Jenkusky to accept the Hearing Officers Report with the exception of item 38 and 39 D being replaced with finding a violation of the AMA Code of Medical Ethics. **SECONDED** by Mr. Bourbon. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Bourbon. **MOTION CARRIED.**

MOTION was made by Dr. Jenkusky to revoke Dr. Bernales' NM Medical License. **SECONDED** by Ms. Anderson. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Bourbon. **MOTION CARRIED.**

Wilson Bernales, MD – Case No. 2016-029 – Motion for Costs

MOTION was made by Ms. Anderson to deny the Motion for Costs based on the respondent not being given the opportunity to respond to the motion. **SECONDED** by Dr. Jenkusky. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Bourbon. **MOTION CARRIED.**

Franklin Waddell, MD – Case No. 2016-037 – Notice of Death and Motion to Dismiss
MOTION was made by Dr. Jenkusky to accept the notice of death and motion to dismiss. **SECONDED** by Ms. Anderson. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Bourbon. **MOTION CARRIED.**

Franklin Waddell, MD – Case No. 2016-037 – Default Order

Dr. Jenkusky stated that based on the above vote regarding the notice of death and motion to dismiss, the Default Order is now moot.

7. Board Attorney Report

Kara Szkotak, Assistant AG, reported on the status of Walter Seidel, MD Appeal, John Wassner, MD Appeal, Roderick Mitchell, MD Appeal and Militiadis Leon, MD, in closed session.

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

8. Board Monitored Compliance Report [Non MTP]

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

9. NM Monitored Treatment Program (MTP)

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

10. Informal Interviews

Molly Hutsinpillier, MD (teleconference); Tracy Pritchard, MD (teleconference – no answer); Bertrand Bassett, MD; Michael Bellas, PA; Kaaren Mahan-Riska, PA (ABSENT); Orlando Ortiz, MD; Charles Bennett, MD; James Bradley, MD; Stephen Cain, MD; Alden Cockburn, MD; Erika Garbrecht, MD; David Melamed, MD; Adrian Morretti, MD.

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.

11. New Business

Information on Federal Grant Announcements, Including New Mexico

Ms. Frank reported to the Board that HHS awarded \$53 million in funding to many states in an effort to reduce opioid related death and strengthen drug misuse prevention.

Ms. Frank stated that NM DOH, HHS and OMI received a large portion of the money, which is largely being used to study the various reasons why opiates have become such a problem. Specifically, HHS wants to do a survey of the Boards licensees regarding the PMP, basically asking what the pros and cons of the PMP and are licensees actually reviewing the PMP when it's pulled or just putting it in the medical record never to be seen again. OMI has put together data of overdose death data which is also being studied by staff. Part of this grant money is going to go toward getting us better information, the information we currently receive is not that helpful.

ADJOURN

Dr. Jenkusky adjourned the first day [November 17, 2016] of the November Regular Board Meeting at 3:35 p.m.

Friday, November 18, 2016

Dr. Jenkusky reconvened the Medical Board and called the meeting to order at 8:30 a.m. on Friday, November 18, 2016; a quorum was present.

CLOSED SESSION: Informal Compliance Interviews/Compliance Requests and Actions

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

Informal Interviews Continued

John Bray-Morris, MD; Julie DiCianno, MD; Kathleen Van Osten, MD; Richard Smith, MD; Nina Nandy, MD; Franklin Miller, MD; Kaaren Mahan-Riska, PA (via teleconference).

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.

12. ACTIONS RELATED TO EXECUTIVE SESSION

Kathleen Van Osten, MD – Request for reinstatement of license.

MOTION was made by Dr. Jenkusky to deny Dr. Van Osten's request for reinstatement at this time. **SECONDED** by Mr. Bourbon. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Bourbon. **MOTION CARRIED.**

Nina Nandy, MD – Request for reactivation of Resident license.

MOTION was made by Mr. Bourbon to accept MTP's recommendation to issue a Resident license beginning December 1, 2016 stipulating that she does not have direct patient care initially and the Board will re-evaluate that at the January 2017 Interim Board Meeting. **SECONDED** by Dr. Jenkusky. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Bourbon. **MOTION CARRIED.**

Franklin Miller, MD – Review CPEP Practice Monitoring Report.

No Action Taken

Julie DiCianno, MD – Request for release from stipulation.

MOTION was made by Dr. Jenkusky to release Dr. DiCianno from stipulation and grant her a full and unrestricted license. **SECONDED** by Mr. Bourbon. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Bourbon. **MOTION CARRIED.**

13. New Business

Chiropractic Board presentation regarding proposed formulary rule change.

Dr. Michael Pendleton and Dr. Kathy Reichman presented the proposed formulary rule change to the Board for their required approval. Dr. Reichman stated that the addition of the medicines to the formulary would help with patient outcomes. Dr. Pendleton stated that the Pharmacy Board said they would like to have all three boards meet together prior to any decision being made. Nalaxone was added to the formulary because they have a lot of chronic pain patients and seekers, but mostly in case of a rescue situation. It was reported that very few chiropractors prescribe at all. A masters was required for prescribing however there is no masters program at this point, so they are currently requiring the 75 to 90 hours of training. Side effects from hormone replacement therapy would be referred out. It was also mentioned that there is a philosophical tension between homeopathic physicians and chiropractors. Dr. Pendleton and Dr. Reichman would like to see the boards work

together for the safety of the patient. The next step of review and approval of the formulary is to form a subcommittee of the Pharmacy Board, Medical Board and Chiropractic Board.

Pharmacist protocol for prescribing oral contraception

Dale Tinker director of the NM Pharmacist Association, Amy Backris, PharmD and instructor for pharmacist training programs, Lauren Thaxton, MD and Dianna Koster, MD presented the protocol for prescribing oral contraception and addressed the public health issue of unintended pregnancies and access to birth control.

The protocol was developed for easier accessibility. Fifty-five percent of pregnancies in New Mexico were unintended. Many individuals experience barriers associated with obtaining a prescription for contraception, including lack of family planning providers in rural communities, difficulty scheduling and attending appointments and gaps in contraceptive use associated with running out of refills. A Pharmacist's ability to prescribe contraception could eliminate the need for a separate medical visit and improve access for many individuals.

The presenters assured the Board that physicians would continue to play a critical role in the patients' reproductive and general healthcare. The protocol requires pharmacists to refer patients to their primary care providers or local clinic if they have medical risk factors that make them ineligible under the protocol, are experiencing side effects, or are seeking methods not provided at the pharmacy.

The presenters stated pharmacists would really want to do this because of the extensive training. The protocol outlines the USMEC (part of the CDC) which is considered the gold standard. The other guidance given to the patient would be education regarding STD's, get the patient started with a regular ObGyn. Dr. Koster stated that the eagerness of the pharmacists is refreshing. She reiterated that access is the number one issue. You need a history and blood pressure and a fee, and a woman can walk out with birth control. New Mexico citizens are impacted by the shortage of providers especially in rural communities. The protocol will expand the access to care and the key here is access afterhours and on weekends.

The Department of Health has been involved in the development of the protocol and the education and training.

Dr. Komadina stated that this has been very well thought out. He does not see too much trouble and he is very supportive of this. He hopes that it gets used.

MOTION was made by Dr. Jenkusky to endorse moving forward with the Pharmacist's proposed Protocol. **SECONDED** by Mr. Bourbon. **YES:** Dr. Jenkusky, Dr. Komadina, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Bourbon. **NO:** Dr. Beaudette and Dr. Spence **MOTION CARRIED.**

NMMS Comments Regarding Proposed Change to Hormonal Contraceptives.
Comments from NMMS presented as information only.

Model State Legislation for PA's (Video)

This video will be presented at the February 2017 Board Meeting.

14. Old Business PMP Reports

Ms. Frank reported to the Board that we received two more PMP Report Cards for the First Quarter of 2016. One of the reports had 241 practitioners listed who had never pulled a PMP. Staff sent letters to each of the licensees requesting response as to why they had not pulled any PMP's. As of 11/17/16 we have received 179 written responses and are still waiting on 62 to respond. If no response is received they will be forwarded to Investigations. Mostly the responses have been very positive. It was proposed to ask the Hospital Association and the Medical Society to post our new rules regarding opiate prescribing.

15. **Reports**
Chair Report

Dr. Jenkusky expressed to the Board his gratitude for their hard work and that it has been a pleasure working with them. He also thanked staff for their continued hard work.

Licensing Manager

Approval of Foreign Credentials Service of America (FCSA) as Board Approved for Foreign Education Evaluations.

MOTION was made by Dr. Jenkusky to accept Foreign Credential Service of America as the Board Approved Foreign Education Evaluation Service. **SECONDED** by Mr. Bourbon. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Komadina, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Bourbon.
MOTION CARRIED.

Renewal Survey

Will be reported on at the February 2017 Meeting.

Renewal Teaching Scenarios

Will be reported on at the February 2017 Meeting.

Financial / HR Manager

Ms. Mascarenas reported the FY17 Budget/Revenue Status ending September 30, 2016. The Budget and Revenue Status projections ending June 30, 2016 are as follows:

Expenditures total \$363.5 (or 19.2%) of budgeted expenditures from July 1, 2016 thru September 30, 2016 (Opbud \$1,891,000);

Revenues collected from July 1, 2016 through September 30, 2016 total \$264.9 (or 14.79%) of budgeted revenues. The agency also budgeted \$100.0 FB in FY17.


The Cash Balance as of November 18, 2016 is \$722,730.85.

The balance includes the reduction of \$500.00 fund balance sweep to DFA general fund reserve, Per L16, 2SS, SB2, C4, S003-A-036. Funds were transferred to DFA via operating transfer on 11/15/2016.

The FY16 audit has been completed; Dr. Jenkusky, Ms. Frank and Ms. Mascarenas will be meeting with the auditor for an Exit Conference after the Board Meeting.

16. **ADJOURN** - There being no further business before the Board, Dr. Jenkusky adjourned the meeting at 12:45 p.m.

SUBMITTED BY:  DATE: 1-13-17
Sondra Frank, J.D., Executive Director

APPROVED BY:  DATE: 1/13/17
Steven M. Jenkusky, M.D., Chair

APPROVED BY:  DATE: 1/13/17
Albert Bourbon, PA-C, Vice Chair