

NEW MEXICO MEDICAL BOARD
Regular Board Meeting
November 2-3, 2017
DRAFT MINUTES

Members Present: Steve Jenkusky, M.D., Chair
Albert Bourbon, P.A., Vice Chair
Jennifer Anderson, Esquire, Public Member, Secretary Treasurer – Present Nov. 2, 2017
James Spence, M.D.
Peter Beaudette, M.D.
Karen Carson, M.D.
Philip Styka, M.D.

Excused: Steve Komadina, MD – Excused November 2-3, 2017
Jennifer Anderson, Esq. – Excused November 3, 2017

Others Present: Sondra Frank, J.D., Executive Director
Yvonne Chicoine, J.D., Chief Legal Counsel
C. Grant La Farge, MD, Medical Director
Gayle Mascarenas, CFO/HR Manager
Debbie Dieterich, Investigations Manager
Amanda Quintana, Compliance Manager / PIO
Samantha Breen, Administrative Assistant
Barbara Orender, Licensing Manager

1. CALL TO ORDER / ROLL CALL

Dr. Jenkusky, after establishing the presence of quorum, called the Regular Board Meeting of the New Mexico Medical Board to order at 8:40 a.m., Roll Call was completed.

2. APPROVAL OF AGENDA

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

3. APPROVAL OF MINUTES

MOTION was made by Dr. Jenkusky to accept and approve the minutes of the Special Meeting September 21, 2017; Interim Board Meeting September 28, 2017 and Emergency Meeting October 16, 2017 as presented. **SECONDED** by Mr. Bourbon. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Bourbon. **ABSENT:** Dr. Komadina. **MOTION CARRIED.**

EXECUTIVE SESSION: Complaint Committee Reports / Executive Committee Report / Licensing Issues, New Applicants / Reinstatements / Board Attorney 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 Mr. Bourbon. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Bourbon. **ABSENT:** Dr. Komadina. **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 #2016-A-206; 2016-A-215; 2016-A-296; 2016-A-299; 2016-A-302; 2017-A-002; 2017-A-003; 2017-A-015; 2017-A-030 and 2017-A-123. **YES:** Dr. Jenkusky, Dr. Spence, Ms. Anderson, Dr. Styka and Mr. Bourbon. **RECUSED:** Dr. Carson and Dr. Beaudette. **ABSENT:** Dr. Komadina.

Case #2016-A-285 RECOMMENDATION was made by Dr. Carson offering physician a stipulated license that mirror's the conditions placed on physician by the Illinois Medical Board. If physician does not accept offer, a notice of contemplated action will be issued based, but not limited to, adverse licensure action taken by other state medical boards, failure to report, misrepresentation on a renewal application and conduct unbecoming. **YES:** Dr. Jenkusky, Dr. Spence, Ms. Anderson, Dr. Styka and Mr. Bourbon. **RECUSED:** Dr. Carson and Dr. Beaudette. **ABSENT:** Dr. Komadina.

Case #2017-A-055 and 2017-A-056 RECOMMENDATION was made by Dr. Carson with regard to Case 2017-A-055, recommends issuance of a Cease and Desist Letter to the unlicensed practitioner, along with referral of case to other law enforcement agencies and obtaining an injunction to stop the unlicensed. With regard to Case 2017-A-056, recommends issuance of a notice of contemplated action based on, but not limited to, aiding and abetting the unlicensed practice of medicine. **YES:** Dr. Jenkusky, Dr. Spence, Ms. Anderson, Dr. Styka and Mr. Bourbon. **RECUSED:** Dr. Carson and Dr. Beaudette. **ABSENT:** Dr. Komadina.

Case #2017-A-127 RECOMMENDATION was made by Dr. Carson to offer physician a letter of reprimand based on dishonesty and failure to report an adverse action taken by a healthcare entity. If physician does not accept, a notice of contemplated action will be issued based on, but not limited to, above violations. **YES:** Dr. Jenkusky, Dr. Spence, Ms. Anderson, Dr. Styka and Mr. Bourbon. **RECUSED:** Dr. Carson and Dr. Beaudette. **ABSENT:** Dr. Komadina.

Complaint Committee B

RECOMMENDATION was made by Dr. Styka to **CLOSE** Case #2016-B-048; 2016-B-091; 2016-B-279; 2017-B-007; 2017-B-038; 2017-B-039; 2017-B-059; 2017-B-062 and 2017-B-102. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Ms. Anderson and Mr. Bourbon. **RECUSED:** Dr. Styka **ABSENT:** Dr. Komadina.

Case #2016-B-179 RECOMMENDATION was made by Dr. Styka to **CLOSE** this case with an advisory letter regarding physician-patient communications since physician has had prior complaints in connection with same issue. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Ms. Anderson and Mr. Bourbon. **RECUSED:** Dr. Styka. **ABSENT:** Dr. Komadina.

Case #2016-B-182 RECOMMENDATION was made by Dr. Styka to offer physician the chance to voluntarily surrender his license to practice. If he does not accept, a notice of contemplated action will be issued based on, but not limited to, adverse licensure action taken by other state medical boards and conduct unbecoming. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Ms. Anderson and Mr. Bourbon. **RECUSED:** Dr. Styka. **ABSENT:** Dr. Komadina.

Case #2017-B-018 RECOMMENDATION was made by Dr. Styka to offer physician the chance to voluntarily surrender his medical license. If he does not accept, a notice of contemplated action will be issued based on, but not limited to, violation of a board stipulation and failure to cooperate with the Board. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Ms. Anderson and Mr. Bourbon. **RECUSED:** Dr. Styka. **ABSENT:** Dr. Komadina.

Case #2017-B-047 RECOMMENDATION was made by Dr. Styka to offer physician applicant the chance to withdraw his application for licensure in NM while under investigation. If he does not accept,

a notice of contemplated action will be issued to deny licensure based on, but not limited to, adverse licensure action in another state, misrepresentation on an application, and conduct unbecoming. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Ms. Anderson and Mr. Bourbon. **RECUSED:** Dr. Styka. **ABSENT:** Dr. Komadina.

Case #2017-B-192 was tabled.

Complaint Committee C

RECOMMENDATION was made by Dr. Spence to **CLOSE** Case #2016-C-293; 2016-C-305; 2016-C-307; 2016-C-322; 2017-C-040; 2017-C-049; 2017-C-080; 2017-C-155 and 2017-C-170. **YES:** Dr. Beaudette, Dr. Komadina, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Bourbon. **RECUSED:** Dr. Jenkusky and Dr. Spence. **ABSENT:** Dr. Komadina.

Case #2017-C-125 RECOMMENDATION was made by Dr. Spence to **CLOSE** this case with an advisory letter reminding physician of the board's regulation on timely reporting. **YES:** Dr. Beaudette, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Bourbon. **RECUSED:** Dr. Jenkusky and Dr. Spence. **ABSENT:** Dr. Komadina.

Case #2017-C-191 RECOMMENDATION was made by Dr. Spence to offer physician applicant the chance to withdraw his application for licensure while under investigation or a notice of contemplated action will be issued to deny licensure based on, but not limited to, adverse licensure action in other states, and conduct unbecoming. **YES:** Dr. Beaudette, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Bourbon. **RECUSED:** Dr. Jenkusky and Dr. Spence. Dr. Jenkusky was recused from complaint committee review as well. **ABSENT:** Dr. Komadina.

Complaint Committee D

RECOMMENDATION was made by Mr. Bourbon to **CLOSE** Case #2016-D-282; 2016-D-297; 2017-D-064; 2017-D-138 and 2017-D-147. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson and Dr. Styka. **RECUSED:** Mr. Bourbon and Ms. Anderson. **ABSENT:** Dr. Komadina.

Case #2016-D-053 RECOMMENDATION was made by Ms. Anderson to **CLOSE** the case with an advisory letter cautioning physician on the combination of controlled substances being prescribed to patients as physician is prescribing the dangerous holy trinity combination. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson and Dr. Styka. **RECUSED:** Mr. Bourbon and Ms. Anderson. **ABSENT:** Dr. Komadina.

Case #2016-D-261 RECOMMENDATION was made by Ms. Anderson to **CLOSE** this case with an advisory letter regarding the Board's PMP Rule and Chronic Pain Regulation. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson and Dr. Styka. **RECUSED:** Mr. Bourbon and Ms. Anderson. **ABSENT:** Dr. Komadina.

Case #2016-D-321 RECOMMENDATION was made by Ms. Anderson to **CLOSE** this case with an advisory letter regarding the sale of health related/non-health related products to patients out of a physician's office and provide copies of the AMA Code of Ethics Opinion Nos. 8.062 and 8.063, which sets forth certain guidelines that should be followed pertaining to notice to patients by physicians who sell medications and supplements exclusively from their office. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence and Dr. Carson **NO:** Dr. Styka. **RECUSED:** Mr. Bourbon and Ms. Anderson. **ABSENT:** Dr. Komadina.

Case #2017-D-054 RECOMMENDATION was made by Ms. Anderson to **CLOSE** this case with an advisory letter regarding maintenance of medical records on patient volunteers; and monitoring office staff on their maintenance of records for patient volunteers. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr.

Spence, Dr. Carson and Dr. Styka. **RECUSED:** Mr. Bourbon and Ms. Anderson. **ABSENT:** Dr. Komadina.

Case #2016-D-142 RECOMMENDATION was made by Ms. Anderson to offer physician a stipulated license requiring mandatory participation in MTP. If physician does not accept, a notice of contemplated action will be issued based on, but not limited to, failure to report arrest and habitual/excessive use of alcohol. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson and Dr. Styka. **RECUSED:** Mr. Bourbon and Ms. Anderson. **ABSENT:** Dr. Komadina.

Case #2017-D-114 RECOMMENDATION was made by Ms. Anderson to offer physician the chance to withdraw his application for reinstatement of licensure. If physician does not accept, a notice of contemplated action will be issued based on, but not limited to, adverse licensure action taken by another licensing entity and incompetency to practice. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson and Dr. Styka. **RECUSED:** Mr. Bourbon and Ms. Anderson. **ABSENT:** Dr. Komadina.

Case #2017-D-161 was tabled.

5. LICENSING ISSUES, NEW APPLICANTS / REINSTATEMENTS

Kamran Khan, MD – RS2017-0583 – Determine status of Resident License based on revised evaluation of medical school by FCSA. **MOTION** was made by Dr. Jenkusky, due to Dr. Khan graduating from a school that is not equivalent to an accredited United States medical school, Dr. Khan is not eligible for a New Mexico Medical License, however the Board will allow him to complete his current year of training but he will not be able to renew his Resident license when it expires. **SECONDED** by Mr. Bourbon. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Bourbon. **ABSENT:** Dr. Komadina. **MOTION CARRIED.**

Wilson Bernales, MD – Case No. 2016-029 – Motion for Reconsideration of Revocation. **MOTION** was made by Dr. Jenkusky to **DENY** Dr. Bernales' request for reconsideration of revocation. **SECONDED** by Mr. Bourbon. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Bourbon. **ABSENT:** Dr. Komadina. **MOTION CARRIED.**

James Marc Beverly, PA – Case 2017-039 – Consider Unopposed Motion for Entry of Agreement and Order Staying Proceedings Pending Resolution of Criminal Charge. **MOTION** was made by Dr. Jenkusky to approve the Motion for Entry of Agreement and Order Staying Proceedings Pending Resolution of Criminal Charge. **SECONDED** by Mr. Bourbon. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Bourbon. **ABSENT:** Dr. Komadina. **MOTION CARRIED.**

Walter Seidel, MD – District Court remanded back to Board for decision. **MOTION** was made by Dr. Jenkusky to reaffirm the Decision and Order dated February 19, 2016 with amendments to the order in item number 1 changing the fine to \$1,000.00, and item number 2 changing the fine to \$1,000.00. **SECONDED** by Mr. Bourbon. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Bourbon. **RECUSED:** Dr. Spence. **ABSENT:** Dr. Komadina. **MOTION CARRIED.**

6. Board Attorney Report

Margaret McLean, J.D – Status of pending cases report was reviewed by the Board.

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

7. Board Monitored Compliance Report [Non MTP]

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

NM Monitored Treatment Program [MTP]

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.

Informal Interviews

Karen Concilio, PA (telephonic); Benjamin Stake, MD; Shabbar Hussain, MD; David Williams, MD; Randolph Baca, MD; Erika Garbrecht, MD; Jenny Hargrove, MD; Ryan Lubert, MD and Stephen Cain, 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.

8. ACTIONS RELATED TO EXECUTIVE SESSION

None

9. REPORTS

Financial / HR Manager

FY18 Budget/Revenue Status

- Expenditures total \$433,000 (or 22.79%) of budgeted expenditures from July 1, 2017 thru September 30, 2017 (Opbud \$1,900,000);
- Revenues collected from July 1, 2017 through September 30, 2017 total \$300,600 (or 16.52%) of budgeted revenues in the amount of \$1,820,000. The agency also budgeted \$80,000 FB in FY18.
- The Fund Balance on June 30, 2017 is **\$772,654**. The Fund Balance in FY18 as of October 31, 2017 is **\$453,091**. **(This figure consists of Fund Balance on June 30, 2017 plus revenues received from 7/1/17 – 10/31/17 less expenditures from 7/1/17 – 10/31/17).**
- The Cash Balance in FY18 as of October 31, 2017 is **(\$235,235)**. **(This figure consists of Revenues received from July 1, 2017 – October 31, 2017 \$334,693 less expenditures for the same period \$569,928 resulting in a negative Cash Balance of (\$235,235).**
- The FY18 Statistics Summary reflects the application/renewal and other fees data that makes up the total revenue received in FY18 beginning on July 1, 2017 through September 30, 2017 of \$300,600.
- The NMMB's audit was performed in September, 2017 by Robert J. Rivera, CPA, PC, and was due to the State Auditor's Office by November 1, 2017. The audit exit meeting was held on October 26, 2017 with Ms. Frank and Ms. Mascarenas. No audit findings were reported for FY17. Mr. Rivera contacted Dr. Jenkusky on November 1, 2017 and conducted an exit audit with him via telephone. After the audit has been released from the State Auditor's Office the Board will need to vote to approve the 2017 Financial Audit at the next Full Board Meeting.

FY19 Appropriation Request

- The FY19 Appropriation Request for the NM Medical Board was presented to the House Appropriations Finance Committee (HAFC) on October 25, 2017, Ms. Frank and Ms. Mascarenas attended the hearing.

FY19 Appropriation Request

200 \$1,287.0
 300 \$ 334.0
 400 \$ 375.0
 Total: \$ 1,996.0

FY18 Operating Budget

200 \$1,195.0
 300 \$ 338.0
 400 \$ 367.0
 Total: \$1,900.0

\$1,9160.0 Other Revenues and \$80.0 FB

\$1,820.0 Other Revenues & \$80.0 FB
 (\$100.0–Add BAR Auth)

The increase, primarily in personal services and employee benefits, is to utilize funding for the second half of the Medical Director position to fund a part-time Toxicologist/Epidemiologist to assist with the Board’s injudicious prescribing cases.

MOTION was made by Dr. Jenkusky to approve the FY19 Appropriation Request as presented. **SECONDED** by Mr. Bourbon. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Bourbon. **ABSENT:** Dr. Komadina. **MOTION CARRIED.**

Chair Report

Dr. Jenkusky reported that he and Ms. Frank were asked to attend the NM Medical Society (NMMS) Meeting on October 14, 2017 to discuss the issue of medical histories obtained from licensing applicants during the application process that further the stigma of mental illness and discourage physicians from seeking treatment for mental health issues. After that meeting the NMMS submitted a Resolution to the Board for consideration to work with them to change the wording in the Board’s Professional Practice Question number 18, which currently asks:

*“In the five (5) years prior to this application, have you had any physical injury or disease, or mental illness or impairment, which you are currently under treatment for or could reasonably be expected to affect your on-going ability to practice medicine safely and competently? **If yes, please have your treating physician send the NM Medical Board a letter regarding your diagnosis and treatment.**”*

Dr. Jenkusky invited Heather Brislen, MD and Eileen Barrett, MD to further discuss the issue. They stated that NM has been recently affected by the tragedy of physician suicide and are looking for ways to better support their physician colleagues and create a healthier environment in which to practice medicine. Dr. Brislen and Dr. Barrett referenced the AMA which has “...urged state medical boards to refrain from asking applicants about past history of mental health or substance use disorder diagnosis and only focus on current impairment by mental illness or addiction, and to accept “safe haven” non-reporting for physicians seeking licensure or re-licensure who are undergoing treatment for mental health or addiction issues.” They went on to discuss the different recommendations from The American Psychiatric Association, the Federation of State Medical Boards and the Mayo Clinic.

Dr. Brislen and Dr. Barrett suggest rephrasing question 18 to ask **“Do you have any physical injury or disease, or mental illness or impairment, which you are currently under treatment for that could reasonably be expected to affect your on-going ability to practice medicine safely and competently? **If yes, please have your treating physician send the NM Medical Board a letter regarding your diagnosis and treatment.**”**

They stated that this change would encourage the wellbeing of physicians and trainees, and would ultimately be good for protecting patients too.

The Board stated that they would look into this further and possibly do some outreach to medical students and residents explaining the licensing process and the Board’s intention to help and facilitate treatment for physicians in need.

Executive Director

None

Licensing Manager

Ms. Orender reported to the Board that it had recently come to her attention that the Board had received three favorable evaluations of Caribbean medical schools from FCSA that in the past were given unfavorable evaluations by the American Association of Collegiate Registrars and Admissions Officers (AACRAO), which FCSA took the place of.

MOTION was made by Dr. Jenkusky to suspend the use of Foreign Credential Service of America (FCSA) until Dale Gough, Director, has personally assured the Board that FCSA is accurately evaluating foreign medical school education. **SECONDED** by Dr. Styka. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Ms. Anderson, Dr. Styka and Mr. Bourbon. **ABSENT:** Dr. Komadina. **MOTION CARRIED.**

ADJOURN

Dr. Jenkusky adjourned the first day [November 2, 2017] of the November Regular Board Meeting at 4:42 p.m.

Friday, November 3, 2017

Dr. Jenkusky reconvened the Medical Board and called the meeting to order at 8:35 a.m. on Friday, August 11, 2017; a quorum was present.

CLOSED SESSION: Informal Compliance Interviews Continued

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

10. Informal Interviews

James Bradley, MD; John Vigil, MD; Clyde Miller, MD (had to cancel due to illness); Franklin Miller, MD; Welman Shrader, MD; Ann Mercer, MD; Kathleen Van Osten, MD; Matthew Myers, MD; Nina Nandy, 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. Compliance Requests / Actions

James Bradley, MD – Request to be released from stipulation.

MOTION was made by Dr. Jenkusky to approve Dr. Bradley's request to be released from stipulation. **SECONDED** by Mr. Bourbon. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Dr. Styka and Mr. Bourbon. **ABSENT:** Dr. Komadina and Ms. Anderson. **MOTION CARRIED.**

John Vigil, MD – Request to be released from stipulation.

MOTION was made by Dr. Jenkusky to approve Dr. Bradley's request to be released from stipulation. **SECONDED** by Mr. Bourbon. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Dr. Styka and Mr. Bourbon. **ABSENT:** Dr. Komadina and Ms. Anderson. **MOTION CARRIED.**

Shabbar Hussain, MD – Request to be released from stipulation.

MOTION was made by Dr. Jenkusky to approve Dr. Hussain's request to be released from stipulation. **SECONDED** by Mr. Bourbon. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Dr. Styka and Mr. Bourbon. **ABSENT:** Dr. Komadina and Ms. Anderson. **MOTION CARRIED.**

Daniel Pistone, MD – Request to be released from stipulation.

MOTION was made by Dr. Jenkusky to approve Dr. Pistone's request to be released from stipulation. **SECONDED** by Mr. Bourbon. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Dr. Styka and Mr. Bourbon. **ABSENT:** Dr. Komadina and Ms. Anderson. **MOTION CARRIED.**

Welman Shrader, MD – Request to retire license while under stipulation.

MOTION was made by Dr. Jenkusky to allow Dr. Shrader to Voluntarily Surrender his license while under Stipulation. **SECONDED** by Mr. Bourbon. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Dr. Styka and Mr. Bourbon. **ABSENT:** Dr. Komadina and Ms. Anderson. **MOTION CARRIED.**

Ann Mercer, MD – Review PROBE CPEP results.

Dr. Jenkusky stated for the record that Dr. Mercer must successfully retake the PROBE Ethics course at CPEP at the soonest available date the PROBE Ethics course is offered.

Franklin Miller, MD – Review of 4th Quarter CPEP Practice Monitoring Report.

MOTION was made by Dr. Jenkusky to release Dr. Miller from stipulation. **SECONDED** by Mr. Bourbon. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Dr. Styka and Mr. Bourbon. **ABSENT:** Dr. Komadina and Ms. Anderson. **MOTION CARRIED.**

Matthew Myers, MD – Request for release from stipulation.

MOTION was made by Dr. Jenkusky to approve Dr. Myers' request to be released from stipulation. **SECONDED** by Mr. Bourbon. **YES:** Dr. Jenkusky, Dr. Beaudette, Dr. Spence, Dr. Carson, Dr. Styka and Mr. Bourbon. **ABSENT:** Dr. Komadina and Ms. Anderson. **MOTION CARRIED.**

12. New Business

Qualifications of the Chairman Limited to MD's -

Dr. Beaudette reported to the Board that he thinks the position of Chairman should be held by a medical physician for a couple of reasons, it's a medical board with 8,000 MD's and 700 PA's, and our number one obligation is of course to protect the public but another goal the Board has is to support physicians who need support in practice and to keep them in practice. MD's have a better insight into these goals. He also thinks in medicine MD's are losing more and more of their autonomy. Dr. Beaudette also stated that the public perception is very important, and the New Mexico Medical Board needs to have an MD on the letterhead and sign the Board's letters. He stated that the Medical Society also recommends this. The Board discussed this issue at length and decided to wait for a final decision about voting for a policy until all Board Members are present.

Opioid Epidemic Update

Mr. Bourbon reported on the opiate crisis and various reports that have come out. The fact is that there are some legislative barriers that are holding back the efforts to gain control of the epidemic. There is a lot of Federal Money being given to states including New Mexico, he feels that some of that money should be used toward promoting the public health portion of the Narcan Program.

Dale Tinker – Naloxone and pharmacist's reimbursement issues.

Mr. Tinker reported to the Board that pharmacists do not receive reimbursement for Naloxone and Narcan. Narcan is FDA approved and is much easier to use but they don't reimburse for clinical services. They are being underpaid for the product. Also, at this point pharmacies are having trouble getting the nasal adapters for Naloxone. There is a shortage of products. Fifty percent of pharmacies are now stocking Naloxone, however they are starting to not dispense it because they are losing money because they are not getting reimbursed.

Suboxone Waiver Modification for PA/RN

Mr. Bourbon reported that the Comprehensive Addiction and Recovery Act (CARA) was put into law in July 2017 which addresses the full continuum of care from primary prevention to recovery support, including significant changes to expand access to addiction treatment services and overdose reversal medications. Specifically, Mr. Bourbon wanted to bring to the attention of the Board that the Substance Abuse and Mental Health Services Administration has indicated that if collaboration or supervision is required by state law it will interpret CARA in such a way that NPs and PAs will not be required to collaborate with or be supervised by a waived physician as a condition of their own waiver, as long as they and their associated physician otherwise meet the requirements of the program. The ASAM, AANP, and AAPA are urging regulators to follow this approach.

NM Cannabis Program

Mr. Bourbon stated that currently there are 50,000 active cards in NM. Currently there are 20 qualifying conditions. They are trying to add more qualifying conditions including eczima, diabetes and encephalopathy. The Board briefly discussed the statistics presented.

Medical Cannabis Dispensary within Physician Owned Pain Clinic.

Ms. Frank briefly explained that James Rice, MD wanted to present to the Board an approach to combine and established medical practice with a Medical Cannabis Dispensary to improve patient care for chronic pain patients. Ms. Frank reported that Dr. Rice was unable to attend the meeting and was hoping to table this issue until he is able to attend.

14. Old Business

Finalize 2018 Board Meeting Dates

January 11, 2018 (Interim); February 8-9, 2018 (Full); March 29, 2018 (Interim); May 10-11, 2018 (Full); June 28, 2018 (Interim); August 9-10, 2018 (Full); September 27, 2018 (Interim); November 8-9, 2018 (Full) and December 13, 2018 (Interim).

Board Vote on FY19 Appropriation

Vote is located in item 9 under Financial/HR report.

Limitation on Practice Issues

Ms. Dieterich reported that there is an inconsistency problem with applicants who have not practiced in a clinical setting for over two years. She asked the Board to define the amount of clinical practice required to receive a license, and can Administrative Medicine be used to count towards the amount years required for licensure prior to having to prove clinical competence to receive a license. The Board determined that a task force will be convened and will report recommendations back to the Board.

15. ADJOURN

There being no further business before the Board, Dr. Jenkusky adjourned the meeting at 11:25 A.M.

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

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

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