

**NEW MEXICO MEDICAL BOARD**  
*Interim Meeting*  
**September 29, 2011**

**MINUTES**

**Members Present:**

Rebecca Cochran, CPMSM, CPCS , Vice-Chair, Public Member – by teleconference  
Paul Kovnat, M.D., Secretary Treasurer  
Roger Miller, M.D.  
Kathy Abeles, Public Member  
Steve Jenkusky, M.D. – by teleconference  
Albert Bourbon, PA-C – by teleconference  
Steve Komadina, M.D. – by teleconference

**Members Absent:**

Steven Weiner, M.D., Chair  
Sam Kankanala, M.D.

**Also Present:**

Lynn Hart, Executive Director  
Andrea Buzzard, Assistant Attorney General  
Jerry Marshak, Administrative Prosecutor  
Grant La Farge, M.D., Medical Director  
Lynn Tipton, Administrative Assistant  
JJ Walker, Compliance / Public Information Officer  
Debbie Dieterich, Senior Investigator  
Leann Adams, Investigator  
Amanda Quintana, Licensing Manager

**1. CALL TO ORDER**

The interim meeting of the New Mexico Medical Board convened at 4:05 p.m., Thursday, September 29, 2011 in the Board Conference Room, 2055 S. Pacheco, Santa Fe, New Mexico, **Paul Kovnat, M.D.** presiding. A quorum was declared.

**2. APPROVAL OF AGENDA**

Dr. Miller **MOVED** to approve the agenda. Dr. Kovnat **SECONDED**: **YES**: Ms. Cochran, Dr. Jenkusky, Dr. Komadina, Ms. Abeles, Dr. Kovnat and Dr. Miller. **ABSENT**: Albert Bourbon, PA-C **MOTION CARRIED**.

**3. APPROVE MINUTES**

Dr. Kovnat **MOVED** to approve the minutes of the August 11-12, 2011 Quarterly Board meeting. Ms. Abeles **SECONDED**. **YES**: Ms. Cochran, Dr. Jenkusky, Dr. Komadina, Ms. Abeles, Dr. Kovnat and Dr. Miller. **ABSENT**: Albert Bourbon, PA-C **MOTION CARRIED**.

**4. CHAIR REPORT**

- Nomination of Becky Cochran, CPMSM, CPCS, Vice Chair to serve on the FSMB

**MOTION** was made by Dr. Kovnat to submit Ms. Cochran's name in nomination to serve on the Board of Directors of the Federation of State Medical Boards. Ms. Abeles **SECONDED**.

**YES:** Mr. Bourbon, Dr. Jenkusky, Dr. Komadina, Ms. Cochran, Ms. Abeles, Dr. Kovnat and Dr. Miller. **MOTION CARRIED.**

5. **EXECUTIVE DIRECTOR** – Ms. Hart announced that due to personal and professional responsibilities, Ms. Abeles is resigning from the Board October 1, 2011. She also stated that she has received permission to hire a Chief Financial Officer to replace Geraldine Mascarenas who is retiring and also permission to hire a third Investigator.

**Executive Session:** **MOTION** was made by Dr. Kovnat and **SECONDED** by Ms. Cochran to go into executive session to discuss matters of pertaining to licensure and discipline. **YES:** Mr. Bourbon, Dr. Jenkusky, Dr. Komadina, Ms. Cochran, Ms. Abeles, Dr. Kovnat and Dr. Miller. **MOTION CARRIED.**

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

6. **INVESTIGATIONS**

**Complaint Committee A:**

**Case No. 2011-A-179 ( [REDACTED] )** **RECOMMENDATION** was made by Dr. Kovnat to refer Physician Applicant to the NM Monitored Treatment Program for an assessment. Case will remain open until assessment is received and then will return to the Board for licensure decision. **YES:** Mr. Bourbon, Ms. Cochran, Dr. Jenkusky, Dr. Komadina, Ms. Abeles and Dr. Miller. **ABSTAINED:** Dr. Kovnat. **RECOMMENDATION PASSED.**

**Complaint Committee D:**

**Case No. 2011-D-136 ( [REDACTED] )** **RECOMMENDATION** was made by Dr. Jenkusky that Physician Applicant be referred to NM Monitored Treatment Program for an evaluation for possible substance abuse. The case will remain open until receipt of report and then will return to the Board for final licensure determination. Alternatively, Physician Applicant may withdraw his application while under investigation, which is reportable. **YES:** Ms. Cochran, Dr. Komadina, Ms. Abeles, Dr. Kovnat and Dr. Miller **ABSTAINED:** Dr. Jenkusky and Mr. Bourbon. **RECOMMENDATION PASSED.**

7. **Actions Related to Executive Session**

8. **COMPLIANCE**

- **Board Order – Roger Felix, M.D. (request probation be terminated)**  
**MOTION** was made by Dr. Kovnat to remove all stipulations and **GRANT** Dr. Felix an unrestricted license to practice medicine in New Mexico. Dr. Miller **SECONDED**. **YES:** Mr. Bourbon, Dr. Jenkusky, Dr. Komadina, Ms. Cochran, Ms. Abeles, Dr. Kovnat and Dr. Miller. **MOTION CARRIED.**

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

A. **Jared West, M.D. – Consider Settlement**

**MOTION** was made by Dr. Kovnat to **APPROVE** the Stipulated Order as presented. Dr. Miller **SECONDED**. **YES:** Dr. Komadina, Ms. Cochran, Ms. Abeles, Dr. Kovnat and Dr. Miller. **RECUSED:** Mr. Bourbon and Dr. Jenkusky **MOTION CARRIED.**

- B. Daniel Kerlinsky, M. D. – Consider Settlement**  
**MOTION** was made by Dr. Kovnat to **ACCEPT** the Stipulated Agreement and Order as presented. Dr. Miller **SECONDED**. **YES:** Dr. Komadina, Ms. Cochran, Ms. Abeles, Dr. Kovnat and Dr. Miller. **RECUSED:** Mr. Bourbon and Dr. Jenkusky  
**MOTION CARRIED.**

**Executive Session:** **MOTION** was made by Dr. Kovnat and **SECONDED** by Ms. Abeles to go into executive session to discuss matters of pertaining to licensure and discipline. **YES:** Mr. Bourbon, Dr. Jenkusky, Dr. Komadina, Ms. Cochran, Ms. Abeles, Dr. Kovnat and Dr. Miller. **MOTION CARRIED.**

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

- C. George Peacock, M.D. – Consider Settlement**  
**MOTION** was made by Dr. Kovnat to **ACCEPT** the proposed Stipulated Order as presented. Dr. Miller **SECONDED**. **YES:** Dr. Komadina, Dr. Kovnat and Dr. Miller. **RECUSED:** Mr. Bourbon and Dr. Jenkusky **ABSTAINED:** Ms. Abeles and Ms. Cochran **MOTION CARRIED.**
- D. Yaron Lidor, M.D. – Consider Settlement**  
**MOTION** was made by Dr. Kovnat to **ACCEPT** the proposed Stipulation and Agreed Order as presented. Mr. Bourbon **SECONDED**. **YES:** Ms. Cochran, Dr. Jenkusky, Dr. Komadina, Mr. Bourbon, Dr. Kovnat and Dr. Miller. **RECUSED:** Ms. Abeles **MOTION CARRIED.**
- E. Marvin Godner, M.D. – Consider CME Credit Request**  
**MOTION** was made by Dr. Kovnat to **APPROVE** Dr. Godner's CME credit request of 40 hours of teaching credit to apply towards his continuing medical education requirements. Dr. Jenkusky **SECONDED**. **YES:** Ms. Cochran, Mr. Bourbon, Dr. Jenkusky, Dr. Komadina, Ms. Abeles, Dr. Kovnat and Dr. Miller. **MOTION CARRIED.**
- F. Vernon J. Krause, M.D. – Applicant, Consider Mini-Sabbatical**  
**MOTION** was made by Mr. Bourbon to **APPROVE** a Resident License and Mini-Sabbatical at the University of New Mexico. Dr. Kovnat **SECONDED**. **YES:** Ms. Cochran, Mr. Bourbon, Dr. Jenkusky, Dr. Komadina, Ms. Abeles, Dr. Kovnat and Dr. Miller. **MOTION CARRIED.**
- G. Jerry Troy, M.D. – Consider medical experience in lieu of second year of post graduate training and grant unrestricted medical license**  
**MOTION** was made by Dr. Kovnat to **ACCEPT** Dr. Troy's medical experience in lieu of second year of post graduate training and **ISSUE** an unrestricted license to practice medicine in New Mexico. Ms. Abeles **SECONDED**. **YES:** Ms. Cochran, Mr. Bourbon, Dr. Jenkusky, Dr. Komadina, Ms. Abeles, Dr. Kovnat and Dr. Miller. **MOTION CARRIED.**

10. **RULE REVIEW**

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

**MOTION** was made by Dr. Kovnat to **APPROVE** the proposed rule revisions to Rule 16.10.10 for a Rule Hearing to be held on November 10, 2011. **SECONDED** by Ms. Abeles. **YES:** Ms. Cochran, Mr. Bourbon, Dr. Jenkusky, Dr. Komadina, Ms. Abeles, Dr. Kovnat and Dr. Miller. **MOTION CARRIED.**

11. **OLD BUSINESS**

- **National Licensure Proposal**

The national licensure proposal was discussed at the August 2011 Board Meeting. At that time the Board had expressed a number of concerns with the proposed bill as written and addressed these issues with Senator Udall and his staff. There seemed to be some indication that there was room for collaboration within the bill so the Board delayed sending a letter stating their position and concerns with the proposal.

Since the August meeting a letter has been drafted reflecting the Board's position and Dr. Kovnat and Dr. La Farge held a conference call on September 28<sup>th</sup> with Dr. Dale Alverson of the University of New Mexico's program for Telehealth practice in New Mexico and the Four Corners region. As a result of that meeting, Dr. Kovnat recommended a one-day meeting this Fall with the various key stakeholders including, but not limited to: representatives from the Medical Board, the Medical Society, the Primary Care Association, the American Telehealth Association, the Federation of State Medical Boards, Dr. Alverson and Senator Udall. The purpose of this meeting will be to define more closely the precise problems encountered in furthering telemedicine and its relationship to license portability--and the possible role of national licensure--and to develop effective pathways to achieve the goals of telemedicine. The concerns include telemedicine, issues regarding access to care and promptness of licensure.

**MOTION** was made by Dr. Kovnat to approve a letter addressed to Senator Udall stating the Medical Board's opposition to the concept of national licensure, as drafted in Senator Udall's bill. **SECONDED** by Ms. Abeles. **YES:** Ms. Cochran, Mr. Bourbon, Dr. Jenkusky, Dr. Komadina, Ms. Abeles, Dr. Kovnat and Dr. Miller. **MOTION CARRIED.**

- **Medical Board Appeal of the Chiropractic Formulary Approved on August 30, 2011**

Ms. Hart reported that she had testified before the Board of Chiropractic Examiners at the August 30, 2011 Rule Hearing, and stated pursuant to HB 14 "Dangerous drugs or controlled substances, drugs for administration by injection and substances not listed in Subsection A of this section shall be submitted to the Board of Pharmacy and the New Mexico Medical Board for approval." The Medical Board has not approved the proposed formulary; therefore adoption is a statutory violation.

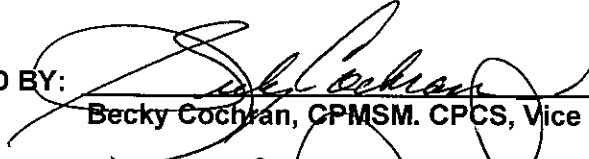
Ms. Buzzard, Assistant Attorney General, advised the Medical Board that since the lawyer representing the Board of Chiropractic Examiners is Deputy Director of the Civil Division at the Attorney General's office, she will not be able to represent the Board in any appeal that the Board chooses to make against the Chiropractors' approval of the Rule changes. Ms. Buzzard stated that since she is unable to act as

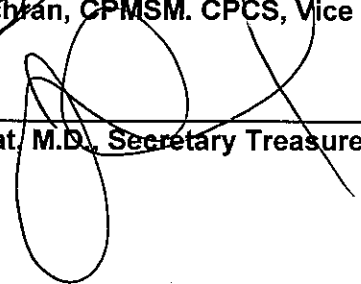
the Medical Board's counsel, Ms. McKenzie Bryson, the Medical Board's Administrative Prosecutor, may act as counsel for the Board in such an appeal.

**MOTION** was made by Dr. Kovnat that it is the consensus of the Medical Board to proceed with an appeal opposing Rule 16.4.15.11 Chiropractic Formulary if the Board of Chiropractic Examiners proceeds to file this Rule as it was adopted at the Rule Hearing on August 30, 2011. **SECONDED** by Ms. Cochran. **YES:** Ms. Cochran, Mr. Bourbon, Dr. Jenkusky, Dr. Komadina, Ms. Abeles, Dr. Kovnat and Dr. Miller. **MOTION CARRIED.**

12. **ADJOURN:** There being no further business, the meeting adjourned at 5:25 p.m.

SUBMITTED BY:  \_\_\_\_\_ DATE: 11-14-11  
Lynn Hart, Executive Director

APPROVED BY:  \_\_\_\_\_ DATE: 11-11-11  
Becky Cochran, CPMSM, CPCS, Vice Chair

 \_\_\_\_\_ DATE: 11/19/11  
Paul Kovnat, M.D., Secretary Treasurer