

NEW MEXICO MEDICAL BOARD
Interim Board Meeting
September 25, 2014
FINAL MINUTES

Members Present: Steve Weiner, M.D., Chair
Steven Jenkusky, M.D., Vice Chair – VIA Teleconference
Jennifer Anderson, Esquire, Public Member – VIA Teleconference
Albert Bourbon, PA-C, Secretary-Treasurer – VIA Teleconference
Steven Komadina, M.D. – VIA Teleconference
Sam Kankanala, M.D. – VIA Teleconference
Rick Wallace, FACHE, Public Member – VIA Teleconference

Members Absent: Peter Beaudette, M.D.
James Spence, M.D.

Others Present: Lynn Hart, Executive Director
Grant La Farge, M.D., Medical Director
Sondra Frank, Board Attorney
Dan Rubin, Administrative Prosecutor
Amanda Quintana, Licensing Manager
Debbie Dieterich, Investigations/Compliance Manager
Gayle Mascarenas, CFO/HR Manager
Amanda Chavez, Investigator
Kate Compton, Investigator
Samantha Breen, Administrative Assistant
Jolene Casados, Licensing

1. CALL TO ORDER / ROLL CALL

Dr. Weiner called the Interim Meeting of the New Mexico Medical Board to order at 4:00p.m. and a quorum was present.

2. APPROVAL OF AGENDA

MOTION was made by Dr. Weiner to approve the Agenda. **SECONDED** by Dr. Komadina. **YES:** Dr. Weiner; Ms. Anderson; Mr. Bourbon; Dr. Jenkusky; Dr. Kankanala and Dr. Komadina. **MOTION CARRIED.**

3. APPROVAL OF MINUTES

MOTION was made by Dr. Weiner to accept and approve the minutes of the August 7-8, 2014 Regular Board Meeting as presented. **SECONDED** by Dr. Jenkusky. **YES:** Dr. Weiner; Ms. Anderson; Mr. Bourbon; Dr. Jenkusky; Dr. Kankanala and Dr. Komadina. **MOTION CARRIED.**

4. CHAIR REPORT

None at this time.

5. EXECUTIVE DIRECTOR REPORT

None at this time.

EXECUTIVE SESSION: Complaint Committee Reports

MOTION was made by Dr. Weiner 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. Jenkusky. **YES:** Dr. Weiner; Ms. Anderson; Mr. Bourbon; Dr. Jenkusky; Dr. Kankanala and Dr. Komadina. **MOTION CARRIED.**

OPEN SESSION

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.

6. ACTIONS RELATED TO EXECUTIVE SESSION

Complaint Committee A

Case #2014-A-044

Recommendation was made by Dr. Jenkusky to accept the IPC report and recommendations, with the additional recommendation that physician undergo a complete neuropsychological evaluation before a decision on licensure is made. This case will remain open pending receipt of the evaluation report and then will return to the Board. **YES:** Dr. Weiner; Ms. Anderson; Mr. Bourbon; Dr. Kankanala and Dr. Komadina. **RECUSED:** Dr. Jenkusky and Mr. Wallace.

Complaint Committee C

Case #2013-C-138, Case #2013-C-157, Case #2013-C-166

Recommendation was made by Dr. Kankanala to accept the IPC report and recommendations. The Physician is restricted from any patient care, as defined by the Medical Practice Act, including, diagnosis, treatment and prescribing. The Physician shall be restricted to an administrative practice only if he enrolls in and is monitored by the NM Monitored Treatment Program for alcohol and drug abuse; and physician shall participate in psychiatric care. **YES:** Dr. Weiner; Ms. Anderson; Dr. Jenkusky; Dr. Komadina and Mr. Wallace. **RECUSED:** Mr. Bourbon and Dr. Kankanala.

Complaint Committee E

Case #2014-E-072

Recommendation was made by Dr. Weiner to issue a Notice of Contemplated Action to DENY licensure, based on but not limited to, conduct unbecoming, conduct likely to harm, habitual and/or excessive use of alcohol or substances, and conviction of an offense in connection with the practice of medicine. **YES:** Ms. Anderson; Mr. Bourbon; Dr. Jenkusky; Dr. Kankanala; Dr. Komadina and Mr. Wallace. **RECUSED:** Dr. Weiner.

7. ADMINISTRATIVE PROSECUTOR

Mr. Rubin presented the following update and settlement as follows:

George Schwartz, M.D. – Hearing on the Motion to Dismiss with Summary Judgment is scheduled for October 7, 2014.

8. LICENSING ISSUES, NEW APPLICANTS / REINSTATEMENTS:

A. Ali Khan – Consider Settlement

MOTION was made by Dr. Weiner to accept the settlement as proposed by Mr. Rubin. Dr. Khan will withdraw his application while under investigation. **SECONDED:** Dr. Jenkusky. **YES:** Dr. Weiner; Mr. Bourbon; Dr. Jenkusky; Dr. Kankanala; Dr. Komadina and Mr. Wallace. **RECUSED:** Ms. Anderson. **MOTION CARRIED.**

B. Stephanie Pendergrass, M.D. – Consider exemption from 7 year rule and grant full unrestricted license.

MOTION was made by Dr. Weiner to grant an unrestricted license to practice in the State of New Mexico. **SECONDED:** Dr. Jenkusky. **YES:** Dr. Weiner; Ms. Anderson; Mr. Bourbon; Dr. Jenkusky; Dr. Kankanala; Dr. Komadina and Mr. Wallace. **MOTION CARRIED.**

9. INVESTIGATIONS

None at this time.

10. OLD BUSINESS

New Mexico Academy of Physician Assistants Letter regarding Legislation and Supervision

Mr. Bourbon informed the Board that the NMAPA Letter regarding Legislation and Supervision was for informational purposes. The letter was well received by the general membership and approval was voted unanimously. The goal is to go forward with the Rule that the Board voted on at the August meeting and to also go forward with opening their Practice Act for necessary changes. The next step is

to gain the support of the NM Medical Society and GAMA and then strategically to plan with lobbyists as to what the next step should be in opening the Practice Act.

11. **NEW BUSINESS**

Standing Order: Naloxone

Dr. La Farge opened the discussion by stating that the key issue in the matter of writing "standing orders" is who writes them and who is accountable for those orders. The standing orders for Naloxone are designed to cover the issuance, storage, and administration of the drug according to a protocol developed by the Department of Health. Dr. Michael Landen, the Department of Health (DOH) State Epidemiologist, will be accountable for the oversight of the physicians who write the standing orders under which specific individuals will be formally trained in how to obtain, to manage, and to administer Naloxone to persons who are in an evident overdose state.

Dr. Landen went on to explain that while New Mexico has been a pioneer in the use of Naloxone, the struggle continues to rest with the issue of making it more readily accessible. The DOH, consequently, will train individuals who, in turn, will train "front line responders" in the use of the protocol for Naloxone management and administration. He stated that it is prudent that the protocol make sense to the NM Medical Board, and he expressed his appreciation for the Medical Board's willingness to work with the DOH in this collaboration. He further stated that the NM Board of Pharmacy is comfortable with the Naloxone being stored at registered Naloxone Program sites. Ms. Hart added that this will help physicians and other "front line responders", and Dr. Jenkusky affirmed that this program is an important step toward the prevention of drug overdose deaths.

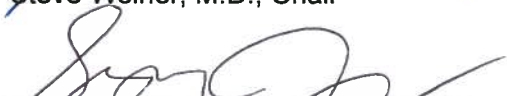
MOTION was made by Dr. Weiner to endorse the Standing Order procedure as presented. (Attached) **SECONDED:** Dr. Jenkusky. **YES:** Dr. Weiner; Ms. Anderson; Mr. Bourbon; Dr. Jenkusky; Dr. Kankanala; Dr. Komadina and Mr. Wallace. **MOTION CARRIED.**

12. **ADJOURN**

There being no further business, **MOTION** was made by Dr. Weiner to adjourn the Meeting at 6 p.m.

SUBMITTED BY:  DATE: 11/17/14
Lynn Hart, Executive Director

APPROVED BY:  DATE: 11/13/14
Steve Weiner, M.D., Chair

APPROVED BY:  DATE: 11/13/14
Steven Jenkusky, M.D., Vice Chair



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Susana Martinez
Governor

Steven Weiner, M.D.
Chair

To: NM Medical Board
From: Sondra Frank, Board Attorney, Dr. Grant La Farge
Re: NMMB Endorsement of Standing Order for Naloxone Storage and Distribution
Date: September 24, 2014

The NM Department of Health ("DOH") has requested the Board's endorsement of certain Naloxone storage and distribution policies in order to more effectively combat overdose deaths in New Mexico. DOH would like the endorsement of the Standing Order Regarding Naloxone Storage and Distribution to be effective immediately so that they may begin the distribution and storage policies as soon as possible. Please see email dated September 23, 2014 from Melissa Heinz Bennett which explains more fully these issues and concerns.

The following language has been reviewed and approved after consultation with staff and legal counsel.

STANDING ORDER REGARDING NALOXONE STORAGE AND DISTRIBUTION:

1. This standing order authorizes NM DOH Registered Programs to maintain supplies of nasal Naloxone kits for the purposes of distributing them as part of NMDOH overdose prevention efforts.
2. This standing order authorizes NM DOH Approved Opioid Overdose Trainers to possess and distribute nasal Naloxone to Opioid Overdose Responders (frontline responders), following delivery of NM DOH-approved training.
3. This standing order authorizes Opioid Overdose (frontline) Responders, trained by NM DOH-Approved Opioid Overdose Trainers, who are trained employees or volunteers with a Registered Program, to possess and administer nasal Naloxone to person experiencing an overdose.