

**NEW MEXICO MEDICAL BOARD**  
*Interim Meeting*  
**September 25, 2008**

**MINUTES**

**Members Present:**

Paul Kovnat, M.D., Chairman  
Steven Weiner, M.D., Vice-Chair  
John Lauriello, M.D., Secretary-Treasurer – by teleconference  
Vivian Giudice, M.D. – by teleconference  
Robert McRoberts, M.D. – by teleconference  
Frank Crespín, M.D. – by teleconference  
Dick Heim, Public Member – by teleconference  
Becky Cochran, Public Member – by teleconference  
Reza Ghadimi, P.A. – by teleconference

**Also Present:**

Lynn Hart, Executive Director  
Grant La Farge, M.D., Medical Director  
G I.S. Khalsa, Board Prosecutor  
Lynn Tipton, Administrative Assistant  
Andrea Buzzard, A.A.G.  
J.J. Walker, Compliance Mgr.

**1. CALL TO ORDER**

The interim meeting of the New Mexico Medical Board convened at 4:01 p.m., Thursday, September 25, 2008 in the Board Conference Room, 2055 S Pacheco, Santa Fe, New Mexico, **Paul Kovnat, M.D.** presiding. A quorum was declared with all members present. Dr. Weiner joined the meeting at 4:10 p.m. and Dr. Crespín joined the meeting at 4:20 p.m.

**2. APPROVAL OF AGENDA**

Dr. Lauriello **MOVED** to approve the agenda. Ms. Cochran **SECONDED**: **YES**: Dr. Kovnat, Dr. Lauriello, Mr. Ghadimi, Mr. Heim, Dr. McRoberts, Dr. Giudice and Ms. Cochran. **ABSENT**: Dr. Weiner and Dr. Crespín. **MOTION CARRIED**.

**3. APPROVE MINUTES**

Ms. Cochran **MOVED** to approve the minutes of the August 21 – 22, 2008 Quarterly Board meeting. Dr. Giudice **SECONDED**. **YES**: Dr. Kovnat, Dr. Lauriello, Mr. Ghadimi, Mr. Heim, Dr. Giudice, Dr. McRoberts and Ms. Cochran. **ABSENT**: Dr. Weiner and Dr. Crespín. **MOTION CARRIED**.

**4. LICENSING ISSUES, NEW APPLICANTS/REINSTATEMENTS:** There were no issues on the agenda.

**Executive Session:** **MOTION** was made by Dr. Kovnat and **SECONDED** by Ms. Cochran to go into executive session to discuss matters of licensure. **YES**: Dr. Kovnat, Dr. Lauriello, Mr. Ghadimi, Mr. Heim, Dr. McRoberts, Dr. Giudice and Ms. Cochran. **ABSENT**: Dr. Weiner and Dr. Crespín.

**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.

**Executive Session: MOTION** was made by Dr. Kovnat to return to executive session to discuss matters of licensure. **YES:** Dr. Kovnat, Dr. Lauriello, Mr. Ghadimi, Mr. Heim, Dr. McRoberts, Dr. Giudice, Dr. Weiner and Ms. Cochran. **ABSENT:** Dr. Crespin. **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.

## 5. INVESTIGATIONS

- **Case Number 2008-C-014** (Gary Puro, M.D.). **RECOMMENDATION** was made by Dr. Giudice to offer the physician a stipulated license requiring active participation in MTP and other standard substance abuse stipulations. If the physician does not agree the matter will come back to the Board at the November meeting. No second was required. **YES:** Dr. Kovnat, Dr. Lauriello, Ms. Cochran, Dr. Giudice, Dr. Weiner and Dr. McRoberts. **ABSTAINED:** Dr. Giudice, Mr. Heim and Dr. Crespin. **MOTION CARRIED.**
- **Case Number 2007-D-130** (Andrew Valencia, P.A.). **RECOMMENDATION** was made by Dr. Lauriello to issue a Notice of Contemplated Action based on the physician assistant applicant not being qualified for licensure and for the unlicensed practice of medicine; i.e. treating patients without being licensed and without being under the direct supervision of a medical doctor. No second was required. **YES:** Dr. Kovnat, Mr. Heim, Ms. Cochran, Dr. Giudice, Dr. McRoberts, Dr. Crespin, Dr. Weiner. **ABSTAINED:** Dr. Lauriello and Mr. Ghadimi. **ABSENT:** Giudice and Cochran. **MOTION CARRIED.**

## 6. COMPLIANCE

- The Executive Committee will meet with Ms. Walker to review the list of monitored treatment interviewees and determine if there are any participants that may be excused from attending the November board meeting.

## 7. STAFF REPORT

- Ms. Hart went over the 2010 Fiscal Year Appropriation Request and expansion for a full time staff position for medical director. This request will go to DFA and before the legislature for approval. **MOTION** was made by Dr. Crespin and **SECONDED** by Ms. Cochran to approve the request as presented. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Mr. Ghadimi, Mr. Heim, Dr. McRoberts, Dr. Giudice, Dr. Crespin and Ms. Cochran. **MOTION CARRIED.**
- Ms. Walker reviewed the updated changes for the following rules that were presented at the August Board meeting. These rules will be posted for public comment prior to the November Rule Hearing.  
Rule 16.10.5 NMAC – Disciplinary Power of the Board  
Rule 16.10.16 NMAC – Administering, Prescribing and Distribution of Medication  
Rule 16.10.17 NMAC – Management of Medical Boards  
**MOTION** was made by Dr. Kovnat and **SECONDED** by Dr. Crespin to approve the proposed changes to Part 5, 16 and 17 of the rules, as amended. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Dr. McRoberts, Dr. Crespin, Dr. Giudice, Mr. Ghadimi, Mr. Heim and Ms. Cochran. **MOTION CARRIED.**

8. **CHAIR REPORT**

- Dr. Kovnat updated the board that the office had been in contact with Dr. Lewis. Through her correspondence she let him know that she is referring her patients back to their primary care physicians.

Ms Hart discussed inviting Dr. Daitz to meet with the board and staff to further educate everyone on the various degrees of pain management. She and Dr. La Farge will meet with Dr. Daitz to arrange this for the November meeting.

Ms Cochran discussed an evaluation tool to use for the implementation of evaluating the Executive Director. She suggested the Insight Learning Tool. It can be structured to the particular position. It can be set up for the director to do a self evaluation and also for the board to respond to anonymously. It identifies strengths and weaknesses. The evaluation is done by computer and posted in graph format for review and improvement. The director and board can create questions to be asked. She thought the fee was around \$200.00. Ms. Hart requested that she check with the financial officer to verify budget is available and also that she will forward a sample of the tool to the board members for review as a possible evaluation process.

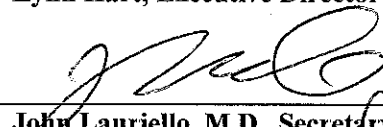
**Executive Session:** MOTION was made by Dr. Kovnat and **SECONDED** by Ms. Cochran to go into executive session to discuss matters of discipline. **YES:** Dr. Kovnat, Mr. Heim, Dr. McRoberts, Dr. Giudice, Dr. Weiner, Dr. Crespin and Ms. Cochran. **ABSENT:** Dr. Lauriello and Mr. Ghadimi. **MOTION CARRIED.** 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.

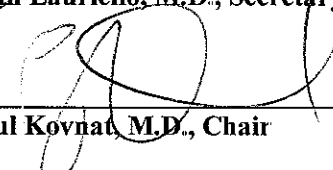
9. **DECISION AND ORDER – CASE NUMBER 2007-016, Craig Northcutt, M.D.**

**MOTION** was made by Dr. Kovnat and **SECONDED** by Mr. Heim that this case does not warrant disciplinary action and, accordingly, this case is dismissed. The Board, however, makes the non-binding recommendation that Dr. Northcutt receive training in all areas of specialized radiology in which he intends to practice and that he no longer use template reports. **YES:** Dr. Kovnat, Mr. Heim, Dr. Giudice, Dr. Weiner, Dr. Crespin and Ms. Cochran. **ABSTAIN:** Dr. McRoberts. **ABSENT:** Dr. Lauriello and Mr. Ghadimi. **MOTION CARRIED.**

10. **ADJOURN:** There being no further business, the meeting adjourned at 5:14 p.m.

**SUBMITTED:**  \_\_\_\_\_ **Date:** 11/13/08  
Lynn Hart, Executive Director

**APPROVED:**  \_\_\_\_\_ **Date:** 11-13-08  
John Lauriello, M.D., Secretary

**APPROVED:**  \_\_\_\_\_ **Date:** 11 13 08  
Paul Kovnat, M.D., Chair