



New Mexico Regulation and Licensing Department
BOARDS AND COMMISSIONS DIVISION
Podiatry Board

Toney Anaya Building ▪ 2550 Cerrillos Road ▪ PO Box 25101 ▪ Santa Fe, New Mexico 87504
Tel. 505.476.4622 ▪ Fax 505.476.4645 ▪ www.rld.state.nm/boards

REGULAR BOARD MEETING

Regulation and Licensing
2550 Cerrillos Rd, Santa Fe, NM
Hearing Room 1
January 26, 2018
12:30 p.m.

DRAFT MEETING MINUTES

I. CALL MEETING TO ORDER

Chair Simon called the New Mexico Board of Podiatry Regular meeting to order at 1:15 p.m. Mr. Maldonado, Board Administrator took roll call and it was determined a quorum was present.

MEMBERS PRESENT: Janet Simon, Chair (Arrived at 1:15 p.m.)
David Schulhofer
Joel Wilner
Frank Kunc
Marie Sorensen

OTHERS PRESENT: Steven Vigil, Assistant Attorney General,

STAFF PRESENT: Joe Maldonado, Board Administrator
Kathleen Roybal, Compliance Officer
Amanda Griego, Compliance Officer
Laura Romero, Compliance Team Leader
Martha Gallegos, Team Leader
Mona Valicenti, RLD Attorney

Chair: Let the record show that a quorum is present. (Since the Board Chair was late in her arrival to the meeting and no Vice President was appointed at the last election of officers, Ms. Sorensen took over the Board Chair roll until Ms. Simon's arrival at 1:15 p.m.)

I. APPROVAL OF AGENDA

Dr. Wilner made a **MOTION** to approve the agenda as written, Dr. Schulhofer **SECONDED** the motion. Motion **PASSED UNANIMOUSLY**.

II. APPROVAL OF MINUTES

Dr. Schulhofer made a **MOTION** to approve the August 4, 2017 Regular Board Meeting Minutes as written. Dr. Wilner, **SECONDED** the motion. Motion **PASSED** by **UNANIMOUS APPROVAL**.

III. COMMITTEE REPORTS

- a) Rules Committee Report – The Board has made the decision to have the Rules Committee meet again to ensure that all rules have been reviewed prior to holding a Rule Hearing and thus allow the new Board Administrator time to get acquainted with the Rules & Laws of the Board and the proposed changes that need to be made. It will also ensure proper timing to meet all deadlines that have been imposed by Records and Archives in the publishing of Rules. AAG Vigil also advised the board that HB-58 created more structure and additional requirements to take rules to a final hearing.
- b) Board Administrator Report – Boards & Commissions new organization was addressed to the Board. Marie Sorensen has been assigned to the Board as a Public Member. Ms. Sorensen is a full charge bookkeeper and has been assigned to the Board from the Governor's Office. Ms. Sorensen will be a valuable asset to the Podiatry Board. Ms. Sorensen is replacing long time board member Ms. Judy Frakes. It was also reported that the Podiatry Board just finished 2018 Renewals on January 1, 2018. Issues of renewal were discussed by the Board. It was determined by Management of RLD that a schedule of testing would be appropriate to ensure that appropriate time would be given to licensees to ensure a smoother renewal process and to help avoid issues with the electronic renewal processes as well. Prescription Management Program (PMP) was also discussed with the Board and what the requirement of PMP will entail.

IV. NEW BUSINESS

- a) Election of Officers

Dr. Wilner made a **MOTION** to nominate Dr. Simon to continue as the Board Chair for 2018. Ms. Sorensen, **SECONDED** the motion. Motion **PASSED** by **UNANIMOUS APPROVAL**.

Dr. Simon made a **MOTION** to nominate Ms. Sorensen as the Vice Chair of the Board for 2018. Dr. Wilner, **SECONDED** the motion. Motion **PASSED** by **UNANIMOUS APPROVAL**.

Dr. Wilner made a **MOTION** to nominate Dr. Schulhofer as the Secretary/Treasurer of the Board for 2018. Mr. Kunc, **SECONDED** the motion. Motion **PASSED** by **UNANIMOUS APPROVAL**.

- b) Committee Appointment

Board Chair Simon has appointed Board Members to the following Committees

1. Application Committee- Dr. Simon
2. Rules Committee – Dr. Simon and Dr. Schulhofer

3. Complaint Committee – Ms. Sorensen, Dr. Schulhofer, (Steven Wrenge and Roya Mirmiran, Non-Members of the Board)

c) Open Meetings Resolution

Dr. Wilner made a **MOTION** to adopt the Open Meetings Resolution for 2018 calendar year. Mr. Kunc, **SECONDED** the motion. Motion **PASSED** by **UNANIMOUS APPROVAL**.

d) Ratification of Licenses

Dr. Schulhofer made a **MOTION** to ratify and accept the approval of licenses issued between August 3, 2017 and January 19, 2018. Dr. Wilner, **SECONDED** the motion. Motion **PASSED** by **UNANIMOUS APPROVAL**.

- e) Discussion of Pain CME Resources List- Dr. Simon provided a list of PMP courses for licensees to take. Email blasts and listing of resources would be placed on the Board website.
- f) Review Complaint Committee Process – Ms. Romero gave a brief overview of the processes that are involved in making a complaint from receiving a complaint to finalization of such complaint.
- g) Discussion of Renewal Survey for Licensees – Dr. Simon commented that most of the questions from the survey are not relative to the licensees of Podiatry. Dr. Simon suggested that she would like to propose making the Survey more “User Friendly.”

V. EXECUTIVE SESSION

Dr. Wilner made a **MOTION** that the Podiatry Board enter into Executive Session to discuss the items listed in the agenda, pursuant to Sections 10-15-1-H (1) & add any other exceptions here of the Open Meetings Act authorizing closed sessions for matters related to issuance, suspension, renewal, or revocation of a license. Mr. Kunc **SECONDED** the motion.

Will the Board Administrator take a roll call vote to enter into Executive Session?

<u>BOARD MEMBERS</u>	<u>VOTE</u>
Dr. Janet Simon, Chair	Yes
Dr. David Schulhofer	Yes
Dr. Joel Wilner	Yes
Mr. Frank Kunc	Yes
Ms. Marie Sorensen	Yes

The motion **PASSED** by **UNANIMOUS APPROVAL**. Let the record show that the Board entered into Executive Session at 2:09 p.m. and the recorder was turned off.

Back in Open Session

The Podiatry Board returned to open session at 3:02 p.m. and recorder was turned back

on. The matters discussed in the closed meeting were limited only to the items listed in the motion to close.

BOARD ACTION ON MATTERS DISCUSSED IN EXECUTIVE SESSION

Complaints

a) **P-17-3-COM**

Dr. Simon made a **MOTION** to refer Case #P-17-3-COM to the Attorney General's Office for the issuance of a Notice of Contemplated Action for violations including, but not limited to 16.21.11.10 (B)(25) and The American Podiatric Medical Association Code of Ethics ME5.0 and ME5.11, with proposed early resolution that the respondent obtain an evaluation by the New Mexico Monitored Treatment Program (MTP) or a board approved evaluator for professionalism specific to anger management. Respondent shall present to MTP or the approved evaluator for evaluation within 30 days of the signed agreement. Respondent shall comply with all recommendations from the MTP or approved evaluator, and shall provide proof of compliance in a timely manner. Failure to comply will result in formal disciplinary action. Ms. Sorensen **SECONDED** the motion. Dr. Schulhofer **ABSTAINED**. Dr. Wilner **RECUSED** and did not participate in any discussion. Motion **PASSED**.

b) **P-17-4-COM**

Dr. Simon made a **MOTION** to close Case #P-17-4-COM due to no violations of the act or rules. Ms. Sorensen **SECONDED** the motion. Dr. Schulhofer **ABSTAINED**. Motion **PASSED**.

c) **P-16-02-COM**

Dr. Simon made a **MOTION** to refer Case #P-16-02-COM to the Attorney General's Office for the issuance of a Notice of Contemplated Action for violations including but not limited to 16.21.11.10(B)(24) with proposed early resolution that the respondent receive a Letter of Reprimand and respond to original request of the complaint. This action shall be deemed a disciplinary action. Dr. Wilner **SECONDED** the motion. Motion **PASSED**.

d) **P12-07-04**

Ms. Sorensen made a **MOTION** to close Case # P12-07-04 due to respondent's compliance with the settlement agreement. Dr. Simon **SECONDED** the motion. Dr. Schulhofer **ABSTAINED**. Dr. Wilner **RECUSED** and did not participate in any discussion. Motion **PASSED**.

e) **P12-07-05**

Ms. Sorensen made a **MOTION** to close Case # P12-07-04 due to respondent's compliance with the settlement agreement. Dr. Simon **SECONDED** the motion. Dr. Schulhofer **ABSTAINED**. Dr. Wilner **RECUSED** and did not participate in any discussion. Motion **PASSED**.

Mr. Kunc left the meeting at 2:53 p.m.

VI. PUBLIC COMMENT

Mona Valicenti, Attorney for Boards and Commissions was in attendance up to closing of the Public Meeting. Ms. Valicenti did comment that although rules for Podiatry Board state that complaints are confidential communications are not public record and would not be subject to IPRA, as noted in rule 16.21.11.8(C), however, this ruling is not supported by statute for the Podiatry Board and would be subject to Inspection of Public Records should an individual ask for the information.

VII. FUTURE BOARD MEETING

The next Board Meeting scheduled for the Podiatry Board will be on Friday, August 10, 2018 at 1:00 p.m. in the Rio Grande Room, RLD, Santa Fe.

VIII. ADJOURNMENT

Chair: There being no other business to come before the Board, the meeting is adjourned at 3:18 p.m.

APPROVED BY: _____
Janet Simon, DPM, BOARD CHAIR