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## NEW MEXICO BOARD OF OSTEOPATHIC MEDICAL EXAMINERS

New Mexico Regulation and Licensing Department

### BOARDS AND COMMISSIONS DIVISION

Toney Anaya Building ▪ 2550 Cerrillos Road ▪ Santa Fe, New Mexico 87505  
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### REGULAR BOARD MEETING

Friday, May 1, 2015

Toney Anaya Building, Regulation & Licensing  
2550 Cerrillos Road, 2<sup>nd</sup> Floor, Rio Grande Room  
Santa Fe, New Mexico

### “DRAFT MINUTES”

**MEMBERS PRESENT:** Jeremy Edmonds, DO, Chairman  
William Barkman, DO, Vice-Chairman  
R. Dale Tinker, Public Member  
Robert Noyes-Smith, Public Member

**MEMBERS ABSENT:** James Baum, Professional Member

**BOARD STAFF:** Martha Gallegos, Board Administrator  
Rick Word, Asst. Attorney General  
Vanessa Montoya, Compliance Liaison

#### 1. CALL TO ORDER AND ROLL CALL

Chairman Dr. Edmonds called the meeting to order at 10:15 a.m. Roll call was taken and it was determined that a quorum was present.

#### 2. APPROVAL OF AGENDA

Mr. Tinker **MOTIONED** to approve the agenda. Mr. Noyes-Smith **SECONDED** the motion. Motion **PASSED** by unanimous decision.

#### 3. APPROVAL OF BOARD MEETING MINUTES

**December 22, 2014** - Dr. Barkman **MOTIONED** to approve the minutes of the December 22, 2014 board meeting. Mr. Tinker **SECONDED** the motion. Motion **PASSED** by unanimous decision.

#### 4. PUBLIC COMMENT – There was no public comment.

#### 5. NEW BUSINESS

**A. 2015 FSMB Conference Report** - Chair Dr. Edmonds reported to the Board the main topics discussed at the Federation of State Medical Boards annual conference in April. The main topics discussed were telemedicine, interstate compact licensing, and maintenance of certification.

**B. Ratification & Approval of New Licensees** - Mr. Tinker **MOTIONED** to approve the listing of the new DO licenses and one PA license from December 15, 2014 to April 23, 2015. This list will be attached to the minutes as Exhibit “A”. Motion **PASSED** by unanimous decision.

**C. Election of Officers** – Chair Dr. Edmonds **NOMINATED** Dr. Barkman for the new Chair position. Dr. Barkman **DECLINED**. Dr. Barkman **NOMINATED** that Dr. Edmonds remain as Chair for the New Mexico Board of Osteopathic Medical Examiners. Mr. Tinker

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**SECONDED** the motion. Motion **PASSED**. Mr. Tinker **NOMINATED** Dr. Barkman to remain as Vice-Chair of the New Mexico Board of Osteopathic Medical Examiners. Mr. Noyes-Smith **SECONDED** the motion. Motion **PASSED**. Chair Dr. Edmonds appointed Mr. Tinker to serve as the Legislative and Rules Committee; Dr. Barkman to serve as the Application Review Committee; and Chair Dr. Edmonds would remain as the Complaint Committee.

**D. Open Meetings Resolution** - Dr. Barkman **MOTIONED** to adopt the Open Meetings Resolution for the dates of May 2015 to May 2016. Mr. Tinker **SECONDED** the motion. Motion **PASSED** by unanimous decision.

**6. OLD BUSINESS**

**A. Legislation** - The Board discussed Senate Bill 367 which was proposed at this year's legislature but did not get through. They discussed the need to work further on the proposed legislation in order to get it sent to the New Mexico Osteopathic Association for the legislative session in 2017. Assistant Attorney General Rick Word advised the Board that it is good practice to let the associations take care of the legislation.

**B. Pharmacist Clinician Proposed Rule** - Mr. Tinker **MOTIONED** to proceed to a formal rule hearing to consider the proposed new rule addressing the pharmacist clinicians with the amendment to 16.17.9.7(B) to add "to practice medicine or osteopathic medicine" to the definition after "holds a current unrestricted license". Dr. Barkman **SECONDED** the motion. Motion **PASSED**.

At 11:48 p.m. Dr. Edmonds called for a ten minute break.

**7. EXECUTIVE SESSION** – Dr. Barkman **MOTIONED** that the meeting of the New Mexico Board of Osteopathic Medical Examiners be closed while the Board enter into Executive Session pursuant to §10-15-1.H.1 & 3 to discuss complaints, licensing matters and issuance of notices of contemplated action, to deliberate in connection with administrative disciplinary hearings, to discuss pending or threatened litigation or updates on pending cases specific only to the items listed on the agenda. Mr. Tinker **SECONDED** the motion. Motion **PASSED** by unanimous decision.

Roll call vote was taken: Dr. Edmonds, Yes; Dr. Barkman, Yes; R. Dale Tinker, Yes; Robert Noyes-Smith, Yes

The Board entered into executive session at 12:12 p.m.

**8. DECISIONS ON MATTERS DISCUSSED IN EXECUTIVE SESSION** – At 2:50 p.m. Chair Dr. Edmonds reconvened the Board to open session and stated for the record "Only those items listed on the Executive Session Agenda were discussed".

**A. O-APP-14-21** - Dr. Barkman **MOTIONED** that the applicant has met all the requirements for licensure and to proceed for issuance of a license. Mr. Noyes-Smith **SECONDED** the motion. Motion **PASSED** by unanimous decision.

**B. O-APP-13-08** - Dr. Barkman **MOTIONED** to accept the Default Order denying application for licensure after the informant sent out a notice of contemplated action on December 10, 2014, and it was signed for by the respondent but no response was ever received. Mr. Tinker **SECONDED** the motion. Motion **PASSED** by unanimous decision.

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- C. **O-COM-14-15** - Dr. Barkman **MOTIONED** to dismiss and close the case. There were no violations of the Act or rules found. Mr. Noyes-Smith **SECONDED** the motion. Dr. Edmonds **ABSTAINED** from voting. Motion **PASSED**.
  - D. **O-MAL-14-22** - Dr. Barkman **MOTIONED** to table the case. Mr. Noyes-Smith **SECONDED** the motion. Motion **PASSED** by unanimous decision.
  - E. **O-COM-14-23** - Dr. Barkman **MOTIONED** to dismiss the case and send a letter noting the discrepancies found in the review. Mr. Tinker **SECONDED** the motion. Dr. Edmonds **ABSTAINED** from voting. Motion **PASSED**.
  - F. **O-COM-14-24** - Dr. Barkman **MOTIONED** to dismiss and close the case. There were no violations of the Act or rules found. Mr. Tinker **SECONDED** the motion. Dr. Edmonds **ABSTAINED** from voting. Motion **PASSED**.
  - G. **O-COM-14-28** - Dr. Barkman **MOTIONED** to dismiss and close the case. There were no violations of the Act or rules found. Mr. Noyes-Smith **SECONDED** the motion. Dr. Edmonds **ABSTAINED** from voting. Motion **PASSED**.
  - H. **O-COM-13-03** - Dr. Barkman **MOTIONED** to dismiss and close the case. There were no violations of the Act or rules found. Mr. Tinker **SECONDED** the motion. Dr. Edmonds **ABSTAINED** from voting. Motion **PASSED**.
  - I. **O-AMA-12-13 Roberta Fennig**, - The Board discussed the progress of Dr. Fennig's settlement agreement.
  - J. **O-COM-10-22 Demosthenis Klonis Settlement Agreement** - Mr. Tinker **MOTIONED** to accept the proposed settlement agreement and authorize Chair Dr. Edmonds to sign the agreement. Mr. Noyes-Smith **SECONDED** the motion. Dr. Edmonds **ABSTAINED** from voting. Motion **PASSED**.
  - K. **O-AMA-12-16 Richard Settles Settlement Agreement** - Dr. Barkman **MOTIONED** to table the case. Mr. Tinker **SECONDED** the motion. Motion **PASSED**.
  - L. **Kim Young** – The Board had discussion with reference to the Default Order for Kim Young being on the website. No action was taken.
9. **ADMINISTRATOR'S REPORT** - Ms. Gallegos informed the Board that she had accepted the Team Leader position in Boards and Commissions and there would be a new administrator taking over the Board. She will continue to be the Board's administrator until they find a replacement.
10. **NEXT MEETING DATE** - The next meeting date was tentatively set for September 11, 2015 in Santa Fe.
11. **ADJOURN** - Dr. Edmonds adjourned the meeting at 3:15 p.m.

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Respectfully Submitted By: \_\_\_\_\_  
Martha L. Gallegos, Board Administrator

Accepted By: \_\_\_\_\_  
Jeremy Edmonds, DO, Chair

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**New Mexico Osteopathic Medical Examiners**

**New License Issued 12-15-2014 to 04-23-2015**

Full Name	License Number	Issue Date
<b>Doctor of Osteopathy (19)</b>		
Mukesh N Wadhwa	A-1848-14	12/22/2014
Nicole W Collins	A-1850-14	12/23/2014
Robin Ann Cox	A-1849-14	12/23/2014
Marcom E Herren	A-1851-14	12/26/2014
Clayton Smith	A-1852-15	1/5/2015
Lonnie Richard Empey	A-1854-15	1/13/2015
Casey Patricia Bitting	A-1855-15	1/13/2015
Cynthia Mae Berry	A-1853-15	1/13/2015
Richard Joseph Carregal	A-1856-15	1/20/2015
Christine Ann Mitchell	A-1857-15	2/4/2015
Douglas Edward Lucas	A-1858-15	2/5/2015
Tahir Mahmood	A-1859-15	3/2/2015
Nawang Doma Sherpa	A-1860-15	3/3/2015
Oliver W Hayes III	A-1861-15	3/5/2015
Eugene H Fletcher	A-1862-15	3/9/2015
Hinda Greene	A-1863-15	3/17/2015
Tiffany Pendleton	A-1864-15	3/19/2015
Alistair Clifford Jordan	A-1865-15	4/6/2015
John D Wells	A-1866-15	4/16/2015
<b>Physician Assistant (1)</b>		
Malerie C Mock	PA-108	1/30/2015

**EXHIBIT "A"**