



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

Thursday September 12, 2013

Regulation & Licensing – Toney Anaya Building

2550 Cerrillos Rd – 2nd Floor, Hearing Room 1

Santa Fe, New Mexico

“MINUTES”

MEMBERS PRESENT: Jeremy Edmonds, DO, Chairman, Professional Member
William Barkman, DO, Vice-Chairman, Professional Member
James Baum, DO, Professional Member
Greg L. Gambill, Public Member

BOARD STAFF: Martha Gallegos, Board Administrator
Laura Romero-Halama, Compliance Officer
Rick Word, Asst. Attorney General

1. CALL TO ORDER AND ROLL CALL

Chairman Dr. Edmonds called the meeting to order at 1:08 p.m. Roll call was taken and it was determined that a quorum was present.

2. APPROVAL OF AGENDA

Dr. Barkman **MOTIONED** to approve the agenda as is. Mr. Gambill **SECONDED** the motion. Motion **PASSED** by unanimous decision.

3. APPROVAL OF BOARD MEETING MINUTES

March 19, 2013 – Dr. Baum **MOTIONED** to approve the minutes of the March 19, 2013 board meeting as drafted. Dr. Barkman **SECONDED** the motion. Motion **PASSED** by unanimous decision.

4. NEW BUSINESS

A. Ratification & Approval of New Licensees – Mr. Gambill **MOTIONED** to approve the listing of new licensees. Mr. Gambill **WITHDREW** his motion and **MOTIONED** to approve Exhibit 1, list of osteopathic physicians beginning with the name Patricia Rose Kasica, DO and ending with the name Corey Ammon Shaw, D.O., a list of approximately 37 names; and Exhibit 2, P.A. licensees consisting of 3 P.A.'s starting with the Name Marc Beverly and ending with the name Toni J. Hays. Dr. Barkman **SECONDED** the motion. Motion **PASSED** by unanimous decision.

B. Open Meetings Act Resolution – Dr. Barkman **MOTIONED** to amend the current Open Meetings Act Resolution to reflect the new 72 hour statutory notice requirement. Mr. Gambill **SECONDED** the motion. Motion **PASSED BY** unanimous decision.

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- C. Legislation and Rules** – Boards and Commissions Deputy Director Vadra Baca gave a brief outline of the legislative process to the Board.
- D. Accredited Residency/Internship Programs** – The Board discussed the historical wording in the statute with reference to a post graduate education being AOA or AMA approved. The AMA no longer approves the education. It is now called the ACGME, whom the AMA recognizes for all their education certification. Until the wording can be changed, the board will need to vote on accepting the ACGME approved certification. Dr. Edmonds **MOTIONED** that in light of historical practice the Board accept the ACGME as the functional equivalent of the AMA approved internship as cited by 61-10-8.B, NMSA 1978. Dr. Barkman **SECONDED** the motion. Motion **PASSED** by unanimous decision.
- E. Pharmacist Clinician Supervising** – Ms. Gallegos addressed the need to place in rule the supervision of pharmacist clinicians. She referenced rule 16.10.11 NMAC of the medical board rules and 16.19.4.17.D of the board of pharmacy rules, which were sent by the Board of Pharmacy. The board will do more research in order to develop a proposed rule and discuss it further at the next board meeting.

5. OLD BUSINESS

- A. Overdose Task Force Update with Dr. Barkman** – Dr. Barkman provided the Board gave a brief update with the latest recommendations on rules from the overdose task force meetings.
- B. Proposed Rules**
- 1) **Pain Management** – Mr. Gambill **MOTIONED** to approve the proposed draft rules to be heard at an upcoming rule hearing for public comment. Barkman **SECONDED** the motion. Motion **PASSED** by unanimous decision.
 - 2) **Licensure for Military Service Members** - Dr. Edmonds **MOTIONED** to proceed to have a rule hearing for the proposed rules that comply with House Bill 180. Dr. Barkman **SECONDED** the motion. Motion **PASSED** by unanimous decision.

6. PUBLIC COMMENT - There was no public comment.

- 7. EXECUTIVE SESSION** – Dr. Barkman **MOTIONED** that the meeting of the New Mexico Board of Osteopathic Medical Examiners be closed while the Board enters 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. Dr. Baum **SECONDED** the motion. Motion **PASSED** by unanimous decision.

Roll call vote was taken: Dr. Edmonds, Yes; Dr. Barkman, Yes; Dr. Baum, Yes; Mr. Gambill, Yes

The Board entered into executive session at 3:42 p.m.

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At 5:13 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”

8. DECISIONS ON MATTERS DISCUSSED IN EXECUTIVE SESSION

- A. O-COM-12-05** – Dr. Barkman **MOTIONED** to dismiss. Statute of limitations expired. Mr. Gambill **SECONDED** the motion. Dr. Edmonds **ABSTAINED** from voting. Motion **PASSED**.
- B. O-COM-12-14** – Dr. Barkman **MOTIONED** to dismiss the case. No violation of the Act or rules was found. Mr. Gambill **SECONDED** the motion. Dr. Edmonds **ABSTAINED** from voting. Motion **PASSED**.
- C. O-MAL-12-18** – Dr. Barkman **MOTIONED** to dismiss the case. No violation of the Act or rules was found. Mr. Gambill **SECONDED** the motion. Dr. Edmonds **ABSTAINED** from voting. Motion **PASSED**.
- D. O-MAL-12-19** – Dr. Barkman **MOTIONED** to refer the case to the AG’s office for the issuance of an NCA for lack of response and violations of 16.17.6.8.A(6) & B(1) & (8) NMAC and 61-10-15.G NMSA with proposed early resolution to include, respondent shall acknowledge receipt of the Board’s request; respondent shall comply with all future board requests; and respondent shall accept a letter of reprimand. Dr. Baum **SECONDED** the motion. Dr. Edmonds **ABSTAINED** from voting. Motion **PASSED**.
- E. O-COM-13-03** – Dr. Barkman **MOTIONED** to refer the case to the AG’s office for an NCA of violations to 16.17.6.8.A (6) NMAC, and 61-10-15.G NMSA with a recommendation of proposed early resolution to include that the respondent shall cease from self-prescribing indefinitely and the Board will monitor the respondents prescribing record quarterly for a period of two years. Mr. Gambill **SECONDED** the motion. Dr. Edmonds **ABSTAINED** from voting. Motion **PASSED**.
- F. O-COM-13-04** – Dr. Barkman **MOTIONED** to dismiss the case. No violation of the Act or rules was found. Dr. Baum **SECONDED** the motion. Dr. Edmonds **ABSTAINED** from voting. Motion **PASSED**.
- G. O-COM-13-05** - Dr. Barkman **MOTIONED** to dismiss the case. No violation of the Act or rules was found. Mr. Gambill **SECONDED** the motion. Dr. Edmonds **ABSTAINED** from voting. Motion **PASSED**.
- H. O-INC-13-07-** Dr. Barkman **MOTIONED** to refer the case to the AG’s office for an issuance of NCA for violations of 16.17.6.8.A (5) & (6) and B 3 NMAC and 61-10-15.G NMSA, with proposed early resolution to include, respondent shall contact the New Mexico Monitored Treatment Program and set up an evaluation within 30 days; submit to an evaluation and fully comply with any recommendation made by the monitored treatment program; respondent shall seek a psychiatric evaluation and pain specialist evaluation within 90 days; and the respondent shall cease from self-treating any medical condition requiring the use of controlled substances indefinitely. Mr. Gambill **SECONDED** the motion. Dr. Edmonds **ABSTAINED** from voting. Motion **PASSED**.
- I. O-COM-13-10** – Dr. Barkman **MOTIONED** to dismiss the case. No violation of the Act or rules was found. Mr. Gambill **SECONDED** the motion. Dr. Edmonds **ABSTAINED** from voting. Motion **PASSED**.
- J. O-COM-10-22 Settlement Agreement** – Dr. Barkman **MOTIONED** to table due to

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lack of a quorum, with the recommendation it be brought up at the next board meeting.

Mr. Gambill **ABSTAINED**. Dr. Baum **SECONDED** the motion. Motion **PASSED**.

K. Donald Smith (D-101-CV-2011-02657) –Discussion item only. No action needed.

9. FUTURE MEETING DATES – The next meeting will be tentatively set for December 12, 2013 at 1:00 p.m. in Santa Fe.

10. ADJOURN – Dr. Barkman **MOTIONED** to adjourn the meeting. Mr. Gambill **SECONDED** the motion. Motion **PASSED** by unanimous decision. The meeting was adjourned at 5:19 p.m.

BOARD APPROVED AT THE MEETING OF DECEMBER 19, 2013