

**NEW MEXICO BOARD OF PODIATRY**

June 17, 2005, 1:00 p.m.  
Regulation and Licensing Department,  
Toney Anaya Bldg.  
Rio Grande Meeting Room  
2550 Cerrillos Rd.  
Santa Fe, NM

Draft  
**MINUTES**

**I. Call to Order:**

The Regular Meeting of the New Mexico Board of Podiatry was called to order at 1:00 p.m. by Dr. Marc Stess, Chair. Mrs. Rodriguez Brumley, Executive Director, took roll call and a quorum was determined present.

**II. Roll Call:**

**Board Members present:**

Marc Stess, D.P.M. Chairman  
Janet Simon, D.P.M. Vice-Chairwoman  
Edward Williams, D.P.M. Secretary Treasurer  
Ruby Bishop, Public Member

**Board Members absent:**

Tina Tah, Public Member

**Others Present:**

Annette Rodriguez Brumley, Executive Director  
Pamela Brommer, Administrative Assistant  
Corliss Thalley, Assistant Attorney General

**III. Approval of the Board Meeting Agenda:**

**MOTION** was made by Dr. Simon to approve the Board Meeting Agenda as written.  
**SECONDED** by Ms. Bishop. **MOTION PASSES.**

**IV. Approval of Minutes**

**MOTION** was made by Dr. Williams to approve the minutes from December 10, 2004, Board Meeting as written. **SECONDED** by Dr. Simon.

**Roll Call Vote**

Marc Stess, D.P.M. Chairman - Yes  
Janet Simon, D.P.M. Vice-Chairwoman - Yes  
Edward Williams, D.P.M. Secretary Treasurer -Yes  
Ruby Bishop, Public Member - Yes

**MOTION PASSES.**

**V. Executive Session**

**MOTION** was made by Dr. Williams at 1:20 p.m., June 17, 2005 to go into closed session PURSUANT TO section 10-15-1(H)(1) of the Open Meetings Act to discuss matters pertaining to complaints, for the following agenda items:

- A. Complaints  
P 04-06

**SECONDED** by Dr. Simon.

**BY ROLE CALL VOTE:**

Marc Stess, D.P.M. Chairman - Yes  
Janet Simon, D.P.M. Vice-Chairwoman - Yes  
Edward Williams, D.P.M. Secretary Treasurer -Yes  
Ruby Bishop, Public Member -Yes

**MOTION PASSES.**

The matters discussed during the closed meeting were limited only to those specified in the Motion for closure:

**VI. Decisions on Complaints and Licensing Matters discussed during Executive Session**

- A. Complaints  
P 04-06

**MOTION** was made by Dr. Williams, to approve the recommendation of the Complaint Chairman, and close the following complaints P 04-06: **SECONDED** by Ms. Bishop. **MOTION PASSES.**

## **B. Report Compliance Section, Geraldine Mascarenas**

Ms. Mascarenas was not able to attend the meeting; Mrs. Rodriguez Brumley gave the report for Ms. Mascarenas regarding the Compliance Section. A brief overview of the processes included the following breakdown.

- Formal Complaint received by Board office is turned over to a compliance liaison.
- Liaison issues a complaint number and sends out initial contact letters, one to the Complainant noticing the receipt of the complaint and one to the Respondent requesting a response to the allegations and any medical records and x-rays.
- The liaison and the Executive Director review the complaint.
- The complaint is either dispensed to an investigator for investigation or forwarded to the Complaint Committee.
- Complaint Committee reviews complaint and either recommends further investigation or recommends disposition to the Board, at the next Board meeting.
- All complaints are forwarded to the Complaint Committee for review.
- Complaint Committee makes recommendation at Board meeting to close or to continue with discipline.

If the Board requires discipline, the Compliance section prepares paper work for disposition of discipline.

Dr. Williams specifically asked why the Board as a whole did not view the complaint files or investigations.

Mrs. Rodriguez Brumley explained to the Board that the Board sits as the final hearing officers of the complaint and any knowledge of the complaint or it's findings could lead to the Board being tainted and being recused from hearing the complaint for final disposition. It was for this reason the Board appointed a Complaint Committee to review all the information pertaining to the complaints and to make a recommendation to the Board. The Board would only receive a brief synopsis of the complaint and the allegations.

Ms. Thalley, AAG also reiterated to the Board that it was in their best interest to decline from viewing the complaint files and possibly precluding the Board from carrying out their roles as hearing officers. The Board has been authorized with the powers and duties to dispense discipline and would not want to hinder that process by having innate knowledge of the complaint, which could result in the Board making prejudgments.

## **VII. Old Business**

### **A. Confirm Meeting Dates**

The next Board meeting has been scheduled for September 23, 2005, in Santa Fe, New Mexico.

### **B. Review Proposed Rules and Statute Changes**

A review of the proposed rule and statute changes was done, and suggestions made regarding each proposal. The rules committee chairwomen, Dr. Simon, Mrs. Rodriguez Brumley and Ms. Thalley, AAG will review and make the changes and clarify wording. A rule hearing will be noticed for the next meeting in September.

**C. Dr. Puhl, D.P.M., Lovelace Health Plan**

Dr. Puhl appeared before the Board to discuss Lovelace utilizing medical assistants instead of LPN's as originally presented to the Board in 1993.

Ms. Thalley, AAG, advised Dr. Puhl and the Board, that the Board does not have the ability to disallow or allow the use of medical assistants, however the Board would have the authority to discipline a Podiatrist who supervises a medical assistant, if that assistant violates any statute or rule of the Podiatry Act. In which case the medical assistant would be deemed a podiatric assistant.

The Board also cannot gauge the level of training our education needed for a medical assistant because currently there is not a regulatory body that governs medical assistants.

Dr. Puhl then presented to the Board a letter representing Lovelace, whereby Lovelace desires to employ medical assistants, and/or other suitable health care workers in the position broadly noted as podiatric assistants.

The Board accepted Dr. Puhl's letter and directed Mrs. Rodriguez Brumley to respond to the letter with the assistance of Ms. Thalley, AAG.

**VIII. New Business**

**A. Election of Officers**

MOTION was made by Dr. Simon to nominate and elect Dr. Stess, Chairperson. SECONDED by Dr. Williams. MOTION PASSES.

MOTION was made by Dr. Williams to nominate and elect Dr. Simon as Vice Chairman. SECONDED by Dr. Stess. MOTION PASSES.

MOTION was made by Dr. Simon to nominate and elect Dr. Williams as Secretary/Treasurer. SECONDED by Dr. Stess. MOTION PASSES.

**B. Adoption of Open Meetings Act**

MOTION was made by Dr. Williams to adopt the Open Meetings Act as presented. SECONDED by Dr. Simon. MOTION PASSES.

**C. Adoption of Code of Conduct**

MOTION was made by Dr. Simon to adopt the Code of Conduct as presented or amended. SECONDED by Ms. Bishop. MOTION PASSES.

**IX. Reports**

**A. Chairs Report**

No report was given.

**B. Secretary Treasures Report – Dr. Williams**

MOTION was made by Dr. Williams to approve the following for licensure in New Mexico:

Justin Alan Tidwell Lic.# 299

SECONDED by Dr. Simon. MOTION PASSES.

**C. Administrators Report - Mrs. Rodriguez Brumley**

Mrs. Rodriguez Brumley reported the Board office currently is without a licensing clerk/administrative assistant. Mrs. Rodriguez Brumley will be working with Pamela Brommer, temporary employee until which time the Board hires a new employee. Suzette Porter received a position working with the Social Work Board.

Currently the other Boards administered by Mrs. Rodriguez Brumley, i.e.; Chiropractic and Osteopathic Boards are going through renewals, if there is any complaints or needs because of this hectic time please address them directly to Mrs. Rodriguez Brumley and she will attend to them directly.

Currently the Board is working within their operating budget however revenue predictions indicate that if the Board does not increase it's fees soon, they will not have enough cash revenue to support the operations of the Board. Mrs. Rodriguez Brumley will present the Board with financial reports and data to support this statement at the next Board meeting.

MOTION was made by Dr. Williams to accept Mrs. Rodriguez Brumley's report. SECONDED by Dr. Simon. MOTION PASSES.

**D. Correspondence**

**a. RLD Board Orientation**

Information only.

