



New Mexico Regulation and Licensing Department

BOARDS AND COMMISSIONS DIVISION

New Mexico Board of Podiatry

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New Mexico Podiatry Board
REGULAR BOARD MEETING
Tuesday October 21, 2014
Santa Fe, New Mexico

I. CALL TO ORDER

At the Board Chair, Dr. Janet Simon, DPM called the October 21, 2014, meeting of the New Mexico Board of Podiatry to order.

II. ROLL CALL

MEMBERS PRESENT: Janet Simon, DPM
David Schulhofer, DPM
Joel Wilner, DPM
Frank Kunc, Public Member

MEMBERS ABSENT: Judy Frakes, Public Member

STAFF PRESENT: Cynthia Graystone, Board Administrator
Elisa Salazar, Compliance Liaison
Lorie Wrobel, Division Director

OTHERS PRESENT: Mona Valicenti, Assistant Attorney General

Roll Call was taken by Cynthia Graystone and a quorum was determined present.
(Refer to sign-in Sheet for Other Guests)

III. APPROVAL OF AGENDA

Frank Kunc, Public Member made a **MOTION** to approve the agenda. Dr. Joel Wilner **SECONDED** the motion which was **PASSED** by **UNANIMOUS APPROVAL**.

Amendments: None

IV. APPROVAL OF MEETING MINUTES

Approval of May 23, 2014 Regular Meeting Minutes.

Dr. David Schulhofer, Professional Member made a **MOTION** to approve the minutes of the May 23, 2014 regular Meeting as written/amended. Frank Krunc Public Member **SECONDED** the motion which was **PASSED** by **UNANIMOUS APPROVAL**.

Amendments: None

V. New Business

New Mexico Veterans Health Care Project:

The Board discussed the issues involved in participating in the New Mexico Veterans Health Care Project. Board members decided to table this survey until more information can be obtained.

Jurisprudence exam review:

Draft questions were submitted by Dr. Simon to replace questions that were inconsistent and many applicants were missing the same questions. This draft of new questions will replace questions. A **MOTION** was made by Dr. Joel Wilner, Professional Member to accept the new Jurisprudence exam questions **SECONDED** by Dr. David Schulhofer, Professional Member, and **MOTION PASSES**

Ratify revised license application:

A new updated license application with a few more informational questions added was reviewed by the board. A **MOTION** was made by Dr. Joel Wilner, Professional Member to accept the new license application. **SECONDED** by Frank Kunc, Public Member. **MOTION PASSES.**

Presentation of case #12-07-04, 12-07-05 by Molly Schmidt-Nowara:

Ms. Schmidt-Nowara an attorney for Dr. Joel Wilner submitted a letter to the board appealing to the board that RLD remove the disciplinary action summary from the board's website. Ms. Schmidt-Nowara stated there was no admission of guilt with these cases, also during this time Dr. Wilner was going through personal issues and was seeking grief counseling. Since this time there has been no other concerns on Dr. Wilner's license. After much discussion the board decided to work on policy as to what will be posted on the board's website and reported to the National Data Bank concerning settlements agreements.

A **MOTION** was made by Dr. David Schulhofer to request from RLD that cases #12-07-04, #12-07-05 be removed from the website. **SECONDED** by Mr. Frank Kunc, Public Member. **MOTION PASSES.**

Ratification and approval of licensure:

Dr. David Schulhofer, Professional Member made a **MOTION** to ratify and approve **Initial Licenses for the following:**

Dominick Olivo
Zackary B Gangwer
Christina L. Garvin

Temporary

Stephanie M. Parks

Dr. Joel Wilner, Professional Member **SECONDED** the motion which was **PASSED** by **UNANIMOUS APPROVAL**

VI. EXECUTIVE SESSION

Dr. Janet Simon made a **MOTION** that the New Mexico Board of Podiatry close this meeting in order to enter into Executive Session to discuss the items listed in the agenda.

Pursuant to Sections 10-15-1.H(1) of the Open Meetings Act authorizing closed sessions for matters related to issuance, suspension, renewal, revocation of a license.
Dr. David Schulhofer, Professional Member **SECONDED** the motion, which was **PASSED** by **UNANIMOUS APPROVAL**.

Board Administrator took a roll call vote to enter into Executive Session.

Roll Call Vote:

AYE - Dr. Janet Simon, DPM
AYE - Dr. David Schulhofer, DPM
AYE - Dr. Joel Wilner., DPM
AYE- Frank Kunc, Public Member

Let the record show that at 10:55a.m.the Board entered into closed session and the recorder has been turned off.

Consider Committee Recommendations:

P-13-11-01
P-14-03-01
P-14-04-02
P-14-05-01
P-14-09-01

Back in Open Session

Let the record show that the recorder is back on. The New Mexico Board of Podiatry is back in open session. The time was 11:17a.m. Pursuant to 10-15-1 H 1 & 3 of the Open Meetings Act the matters discussed in the closed meeting were limited only to the items listed in the motion.

VII. BOARD ACTION ON MATTERS DISCUSSED IN EXECUTIVE SESSION

Dr. Joel Wilmer, Professional made a **MOTION** to Combine cases P-13-11-01and P-14-05-01 and send to the Attorney General's Office for the issuance of a Notice of Contemplated Action for the following violations 16.21.11.10 B. "Unprofessional conduct" means, but is not limited to:
(24) Has failed to furnish the board, its investigators or its representatives with information requested by the board or the committee in the course of an official investigation; a pre-settlement agreement to include a fine of \$500.00 and must respond to complaint within 30 days of receipt. Not responding will lead to suspension of license and other fines. Hearing officer over this case will be Dr. Janet Simon. **SECONDED** by Dr. David Schulhofer, Professional Member. **MOTION PASSES.**

A **MOTION** was made by Dr. Joel Wilner to Dismiss Case#P-14-03-01 with no violations of the act or rules. **SECONDED** by Dr. David Schulhofer, Professional Member. **MOTION PASSES.**

A **MOTION** was made by Dr. David Schulhofer, Professional Member to dismiss case# 14-04-02 no action taken. **SECONDED** by Dr. Joel Wilner, Professional Member **MOTION PASSES.**

