



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
Wednesday May 13, 2015
Santa Fe, New Mexico

I. CALL TO ORDER

At 1:32 p.m. the Board Chair, Dr. Janet Simon, DPM called the May 13, 2015 regular meeting of the New Mexico Board of Podiatry to order.

II. ROLL CALL

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

STAFF PRESENT: Cynthia Graystone, Board Administrator
Elisa Salazar, Compliance Liaison

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 October 21, 2014 Regular Meeting Minutes.

Dr. Joel Wilner, made a **MOTION** to approve the minutes of the October 21, 2014 regular Meeting with amendments. Frank Kunc, Public Member **SECONDED** the motion which was **PASSED** by **UNANIMOUS APPROVAL**.

Amendments: Grammar change to Jurisprudence Examination.

V.

New Business

A. Ratification and approval of licensure:

Judy Frakes, Public Member made a **MOTION** to ratify and approve

Initial Licenses for the following:

Juan A Gonzalez
Stephanie M. Parks
Eric Lew
Ian M Burtenshaw
Michael D. Sefcik
Adebola Adeleke
Troy Shepherd

Temporary Licensure

Nathan L Judd
Dallin S. Greene

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

B. Determination Statement of performance of CPT 20604 and CPT 20606

The board discussed a Medicare carrier denying the performance of codes CPT 20604 and CPT 20606 for not being in the scope of practice for Podiatrists in New Mexico, which in fact these codes are in the scope of practice. A letter is to be generated to be sent to the American Podiatric Medical Association notifying them of these denials of payment from the Medicare carrier. A **MOTION** was made by Judy Frakes, Public Member to request a letter be generated and sent. Dr. David Schulhofer, **SECONDED** the motion which was **PASSED** by **UNANIMOUS APPROVAL**.

C. Review of 2015 Legislation the pertains to Board Responsibilities

Dr. Janet Simon, discusses Legislation House Bill 122 which was vetoed by the Governor; House Bill 139, which was signed by the Governor; House Bill 369 that was signed by the Governor; and House Bill 422, which did not pass. All House Bills pertains to Health Care Professions Boards responsibilities.

VI. **Executive Session**

Dr. Joel Wilner, made a **MOTION** that the New Mexico Board of Podiatry closes 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**.

Cynthia Graystone, Board Administrator took a roll call vote to enter into Executive Session

Roll Call Vote:

AYE- Janet Simon, DPM
AYE- David Schulhofer, DPM
AYE- Joel Wilner, DPM
AYE- Judy Frakes, Public Member
AYE- Frank Kunc, Public Member

Let the record show that at 1:49 p.m. the Board entered into closed session and the recorder has been turned off.

VII. Old Business

The board revisits cases # 12-07-04 12-07-05 to discuss having respondents settlement agreement vacated, to have it removed from being reported to The National Practitioner's Data Bank Report.

VIII. Executive Session

Dr. Janet Simon, made a **MOTION** that the New Mexico Board of Podiatry closes this meeting in order to enter back into Executive Session to discuss cases 12-07-04 and 12-07-05. Pursuant to Sections 10-15-1.H(3) 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**.

Cynthia Graystone, 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 - Judy Frakes, Public Member
AYE - Frank Kunc, Public Member

Let the record show that at 2:15 p.m. the Board entered into closed session and the recorder has been turned off.

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 2: 30 p.m. Pursuant to 10-15-1 H 3 of the Open Meetings Act the matters discussed in the closed meeting were limited only to the items listed in the motion.

IX. Decision on Matters Discussed In Executive Session

A. Committee Recommendation Cases:

1. In the matter of case # P-14-09-01 Dr. David Schulhofer, made a **MOTION** to dismiss case # P-14-09-01. Dr. Joel Wilner, **SECONDED** the motion, which was **PASSED** by **UNANIMOUS APPROVAL**.
2. In the matter of case # P-14-12-01 Dr. David Schulhofer, made a **MOTION** to refer this case to the Attorney General's Office for notice of contemplated action, violation 16.21.11.10B (24). Frank Kunc, Public Member **SECONDED** the motion, which was **PASSED** by **UNANIMOUS APPROVAL**.
3. In the matter of cases # P-14-09-02 and # P-15-01MAL Dr. David Schulhofer, Professional Member made a **MOTION** to table these cases. Dr. Joel Wilner, Professional Member **SECONDED** the motion, which **PASSED** by **UNANIMOUS APPROVAL**.

B. Re-visitation to the cases #12-07-04 and 12-07-05

The board has requested that a written request be submitted to the board office by respondent.

X. Public Comment

No public comment.

XI. Determine Next Meeting Date

Wednesday December 02, 2015 at 1:30 p.m. in Santa Fe, New Mexico

XII. Adjournment

There being no other business to come before the Podiatry Board meeting has been adjourned at 3:30 p.m. Dr. Janet Simon made a **MOTION** to adjourn. Dr. David Schulhofer, Professional Member **SECONDED** the motion, which **PASSED** by **UNANIMOUS APPROVAL**.

Submitted by: Cynthia Graystone 4/4/16
Cynthia Graystone, Board Administrator Date

Approved by: Janet Simon 4/1/16
Janet Simon, DPM, Board Chair Date