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## NEW MEXICO BOARD OF OSTEOPATHIC MEDICAL EXAMINERS

New Mexico Regulation and Licensing Department

### BOARDS AND COMMISSIONS DIVISION

Toney Anaya Building ▪ P.O. Box 25101 ▪ Santa Fe, New Mexico 87504  
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### REGULAR BOARD MEETING

Friday, December 18 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  
James Baum, Professional Member  
Robert Noyes-Smith, Public Member

**BOARD STAFF:** Martha Gallegos, Team Leader  
Gabriella Romero, 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 10:26 a.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. Mr. Tinker **SECONDED** the motion. Motion **PASSED** by unanimous decision.

#### 3. APPROVAL OF BOARD MEETING MINUTES

Mr. Tinker **MOTIONED** to approve the minutes of the October 23, 2015 Board Meeting. Mr. Noyes-Smith **SECONDED** the motion. Motion **PASSED** by unanimous decision.

#### 4. NEW BUSINESS

##### A. New Mexico Medical Board

Sondra Frank, Executive Director of the New Mexico Medical Board spoke about the possibility of an Administrative merge of the Osteopathic Board and the Medical Board. Dr. Jim Husky, Chairman, and Amanda Quintana, Public Information Officer/Compliance Manager were also present. The Board spoke about possibly forming a committee to discuss the budgetary issues, as well as other issues regarding the possible merging of Boards.

At 10:35 a.m. Dr. Edmonds called for a five minute break.

##### B. Consider Adoption of Rule Changes

**PART 9 of 16.17.9 NMAC - Physicians Supervising Pharmacist Clinicians** - Mr. Tinker **MOTIONED** to adopt 16.7.9 – Physicians Supervising Pharmacist Clinicians. Discussion. Dr. Barkman **SECONDED** the motion. Motion **PASSED** by unanimous decision.

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**C. Renewal and Continuing Education Requirements**

The board discussed the ongoing issue with annual renewals and having a triennial CME requirement. They will consider proposing a rule change in the near future. No action was taken. This item will be placed on next meeting's agenda for discussion.

**D. Ratification & Approval of New Licensees**

Mr. Tinker **MOTIONED** to approve the listing of the new DO licenses from October 17, 2015 to December 4, 2015. This list will be attached to the minutes as Exhibit "A". Dr. Barkman **SECONDED** the motion. Motion **PASSED** by unanimous decision.

**E. Dawn Abriel, D.O.**

Mr. Tinker **MOTIONED** to authorize Dr. Edmonds to write a letter to Dawn Abriel stating that counseling for obesity and weight related medical issues are within the scope of practice of an osteopathic physician. Mr. Noyes-Smith **SECONDED** the motion. Motion **PASSED** by unanimous decision.

**F. Federal Trade Commission Issues**

Attorney Rick Word reported on his attendance on the Federation of State Medical Boards (FSMB) meeting for attorneys on the issues with the Federal Trade Commission on antitrust laws.

**6. PUBLIC COMMENT**

Ralph McClish asked the Board to consider a rule change with respect to allowing Osteopathic Physicians to have more than two physician assistants under their supervision. This item will be added to the next board meeting agenda.

**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 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; Dr. Baum, Yes; Mr. Noyes-Smith, Yes.

The Board entered into executive session at 1:24 p.m.

**7. DECISIONS ON MATTERS DISCUSSED IN EXECUTIVE SESSION – At 1:52 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-AMA-14-10** - Dr. Barkman **MOTIONED** to dismiss and close the case and flag for close review should the applicant re-apply for licensure. Mr. Tinker **SECONDED** the motion. Dr. Edmonds **ABSTAINED** from voting. Motion **PASSED**.

**B. O15-13-MAL** – Dr. Barkman **MOTIONED** to be tabled for further information gathering purposes. Mr. Noyes-Smith **SECONDED** the motion. Dr. Edmonds **ABSTAINED** from voting. Motion **PASSED**.

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- C. O-APP-14-06- Request to withdraw application Kathryn Judd, D.O. – Dr. Barkman MOTIONED to accept the withdrawal of application and close the case. Mr. Tinker SECONDED. Dr. Edmonds ABSTAINED from voting. Motion PASSED.**
- D. O-APP-16-06 NCA Kathryn Judd, D.O. – No action.**
- 8. ADMINISTRATOR’S REPORT - Ms. Romero updated the board and provided them with a status sheet attached to minutes as Exhibit “B”.**
- 9. NEXT MEETING DATE - The next regular Board meeting dates have been tentatively set for March 11, 2016 and July 15, 2016 in Santa Fe.**
- 10. ADJOURN - Dr. Edmonds adjourned the meeting at 2:04 p.m.**

**Respectfully Submitted By:** \_\_\_\_\_  
**Gabriella Romero, Board Administrator**

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

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**NEW MEXICO OSTEOPATHIC MEDICAL EXAMINERS**  
**New Licenses Issued 10-17-15 to 12-4-15**

License Number	Issue Date	full name
Doctor of Osteopathy (35)		
A-1902-15	10/29/2015	Skye Alexandra Nicole Powell
A-1903-15	11/6/2015	Franciso Laboy, III
A-1906-15	12/3/2015	Raymond A. Murphy
A-1905-15	11/30/2015	Carol Elizabeth Griffin
A-1904-15	11/6/2015	Amjad Akhtar

**EXHIBIT "A"**

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## BOARD STATUS SHEET

NEW MEXICO OSTEOPATHIC MEDICAL EXAMINERS 12/8/2015

### BOARD MEMBERSHIP

Member	Name	Start Date	Expiration Date	Term #
Professional	Jeremy Edmonds	04/08/2010	8/17/2014	1 <sup>st</sup> Term
Professional	William Barkman	10/27/2011	8/17/2016	1 <sup>st</sup> Term
Professional	James Baum	06/18/2012	8/17/2014	1 <sup>st</sup> Term
Public	Robert Noyes-Smith	09/03/2014	8/17/2018	1 <sup>st</sup> Term
Public	R. Dale Tinker	09/03/2014	8/17/2015	1 <sup>st</sup> Term

### ISSUES PENDING WITH OR TOPICS THAT COULD AFFECT THE BOARD:

- The Board has annual renewals with a triennial requirement for CME's. This makes it very difficult for staff to track, which has caused problems every year at renewal time. This results in upset licensees, and complaints to the Board and to the NM Medical Osteopathic Association.
- Discuss triennial CME requirements that cause problems each renewal period; which will alleviate complaints to the board office and to the NM Medical Osteopathic Association.
- Create a committee to review licensure requirements to ensure the licensure requirements are current.
- It is critical that the Board accomplish legislative changes to be able to keep up with the current trends relating to the medical profession.
- RLD will start sending out electronic renewal notices for the 2016/2017 renewal cycle. This will require the Board to obtain valid e-mails from all licensees in order for the process to be successful. The goal is to eventually eliminate all paper renewals. This will reduce the costs of postage and supplies.
- Once the board receives current emails, the board staff will be able to communicate with licensees by email; we will be able to communicate with licensees individually and by mass email; this will include application status, proposed rule changes, upcoming board meeting/rule hearings, and updates that affect their licenses.

### STATUTE/RULE CHANGES WANTED BY THE BOARD:

**16.17.9 NMAC: Physicians Supervising Pharmacist Clinicians** - This is a new Part to the rules that has been approved to move forward with a rule hearing. This Part will allow Pharmacist Clinicians to be supervised under Osteopathic Physicians.

### RLD NOTES/CONCERNS REGARDING STATUE/RULE CHANGES:

This year the New Mexico Medical Osteopathic Association presented proposed legislation on behalf of the Board. The bill did not get through the FY15 legislative session. It is critical that the proposed legislation is accomplished so that the Board can operate and be able to keep up with the current trends

### THE NUMBERS

- Total Number of Licenses: 591
- Total Number by Type: OD-568, PA-23
- Total Number of Complaints Received: 2
- Total Number of NCA's Issued: None
- Renewal cycles: Annually, July 1

### EXHIBIT "B"