## New Mexico Medical Board

## 2003 Annual Report

The New Mexico Medical Board is pleased to present its 2003 Annual Report. The New Mexico Medical Board (NMMB) is the state agency responsible for the regulation and licensing of physicians (MDs), including interns, residents, and fellows in medical training in NM, physician assistants and, since 2001, anesthesiologist assistants. It is an executive agency supported solely by self-generated fees. It is one of five independent, professional licensing agencies that exist outside the Regulation and Licensing Department. Although government supports over 200 boards and commissions, the five "independent" boards are unique in their mission and their funding.

#### OVERVIEW OF AGENCY

The mission of the agency is to promote excellence in the practice of medicine through licensing, discipline, and rehabilitation. Our vision is "quality physicians and physician assistants in every needed area of the State." We have further defined the purpose of our program as providing regulation and licensure to medical doctors, physician assistants, and anesthesiologist assistants, to ensure competent and ethical medical care to consumers.

The Medical Practice Act (Section 61-6-1 NMSA 1978) specifically defines the purpose of the board:

"In the interest of the public health, safety and welfare and to protect the public from the improper, unprofessional, incompetent and unlawful practice of medicine, it is necessary to provide laws and regulations controlling the granting and use of the privilege to practice medicine and to establish a Medical Board to implement and enforce those laws and regulations.

The primary duties and obligations of the medical board are to issue licenses to qualified physicians, physician assistants, and anesthesiologist assistants, to discipline incompetent or unprofessional physicians, physician assistants or anesthesiologist assistants, and to aid in the rehabilitation of impaired physicians, physician assistants, and anesthesiologist assistants for the purpose of protecting the public."

Our key customers are applicants for licenses, current license holders, patients, insurance companies, hospitals, clinics, attorneys, and other boards and agencies

Agency values focus on the following three areas:

• **Employees**. We value our employees and support them. We trust them to do their jobs to the best of their ability, and to give high quality service to our customers. We

- all share a common purpose and we support each other as a team.
- Customers. We value our customers. It is the job of each employee to serve our customers with integrity and respect. We will do everything we can to serve our customers and to make the licensing or complaint process as efficient and effective as possible. Our aim is to exceed all expectations.
- **Honesty**. We will be honest in our dealings with each other and our customers. We will foster an environment where accurate information is shared willingly and openly. Our interactions with customers will always be based on the statute and rules that govern the practice of medicine in New Mexico.

## BOARD

The Board has traditionally consisted of 8 governor-appointed members who dedicate many hours each year to reviewing licensing issues, complaints, hearing cases and developing policy for the agency. When Governor Richardson took office in January 2003 he asked for the resignation of all serving Board Members, except for Dr. Romine. He later re-appointed Dr. La Farge to continue serving on the Board. Six new members were appointed: four physicians and two members of the public. Following changes to the Medical Practice Act in 2003, a physician assistant was added as a ninth member of the Board, giving licensed physician assistants a direct voice on their regulatory board.

Member Name	First Appointed	Re-appointed	Term Expires
John S. Romine, MD, President Farmington, Orthopaedic Surgeon	11/30/95	3/13/00 4/2/03	12/31/08
Paul J Kovnat, MD, Vice-President Santa Fe,	4/2/03		12/31/08
C Grant La Farge, MD, Secretary Santa Fe, Cardiology	3/16/98	2/19/02 4/15/03	12/31/05
Steven Weiner, M D. Santa Fe, Orthopaedic Surgery	4/2/03		12/31/05
Prakash Ranka, M D Hobbs, Obstetrics / Gynecology	4/2/03		12/31/05
Vivian Giudice, M D Albuquerque, Family Practice	4/2/03		12/31/08
Reza Ghadimi, P A Albuquerque, Physician Assistant	11/06/03		12/31/05
Dick Heim, Public Member Albuquerque, Retired,	4/2/03		12/31/08
Maureen Boshier, Public Member Albuquerque, Executive Director, NM Hospital Assn	4/2/03		12/31/08

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## Board Leadership

John S. Romine, M.D., a Farmington orthopaedic surgeon, was re-elected as Board Chair in May 2003. A graduate of Northwestern University and a Viet Nam veteran, Dr. Romine has led the Board since 1999. Dr. Romine has also served as President & Treasurer of the NM Orthopaedic Association, Chairman of NEMPAC, and as Chairman of the Medical Advisory Committee for Carrie Tingley Hospital. He has a strong vision of an efficient licensing agency with streamlined processes that optimize the use of available technology.

**Paul J. Kovnat, M.D.** of Santa Fe was elected Vice-President of the Board. Dr. Kovnat is board certified in internal medicine and nephrology, practicing in Santa Fe since 1975. A graduate of the University of Pennsylvania Medical School, Dr. Kovnat was the 2002 American College of Physicians Laureate, and has taught at the Medical College of Pennsylvania and at UNM. He was the organizing Medical Director of Centro Campesino de Salud, now Health Centers of Northern New Mexico.

C. Grant La Farge, M.D., of Santa Fe was again elected to serve as Board Secretary-Treasurer. As Secretary, Dr. La Farge spends approximately 30 hours per week in the Board office, primarily reviewing applications and interviewing applicants. He also serves as the Board liaison with the UNM School of Medicine and the NM Medical Review Association, and is the Board's representative on the Joint Committee on Psychologist Prescribing. A graduate of Yale Medical School, Dr. La Farge spent 22 years as a professor at Harvard Medical School and at MIT, and has practiced cardiology in Santa Fe since 1985.

#### **Board Members**

Maureen Boshier holds graduate degrees in nursing and in business administration, and is currently the President and CEO of the New Mexico Hospitals and Health Systems Association. From 1988-1994, she served as surgical services and senior nursing administrator for the University of New Mexico Hospital. Some of Ms. Boshier's past affiliations and awards include the 1997 Governor's award for Outstanding New Mexico Woman and Diplomat status of the American College of Health Care Executives.

Reza Ghadimi, PA-C, was appointed in November 2003 as the first Physician Assistant to serve on the Medical Board. Mr. Ghadimi was one of the first Physician Assistants licensed in New Mexico. While working for the New Mexico State Health Agency in the 1970's, he traveled the state providing healthcare to many children in the rural areas of New Mexico. Mr. Ghadimi was actively involved in establishing several of the Northern New Mexico clinics, including the clinic in Embudo and others. He also participated in initiating the PA program at UNM.

Vivian Giudice, M.D. is board certified in family practice and has been practicing in Albuquerque since 1990. A graduate of the University of Health Sciences/Chicago Medical School, Dr. Giudice has 25 years of experience in community, academic and military medicine. She has been a Fellow with the American Academy of Family Physicians, a Diplomat with the National Board of Medical Examiners and is a member of the Greater Albuquerque Medical Association and the Wilderness Medical Society, among other organizations.

Richard Heim has spent the past 35 years or so primarily working in the field of health care

policy and administration. Mr. Heim is now retired, after a long career in public service. He arrived in New Mexico in 1949, assigned to the Special Weapons Project at Sandia, and since that time has held many public sector positions, such as Secretary of the NM Human Services Department and Assistant Commissioner of the NM State Land Office. He was also the National Medicaid Director with the Health Care Financing Administration. Mr. Heim's private sector work includes 10 years as a health policy consultant in both state and national arenas.

Prakash Ranka, M.D. is board certified in obstetrics and gynecology and has been in private practice in Hobbs since 1987. Dr. Ranka, a graduate of the Seth G.S. Medical College in Bombay, India, specializes in high-risk obstetrics and infertility and has delivered over 5,000 New Mexicans. He is a member of the American Medical Association, the American Board of Obstetrics and Gynecology, and the American Fertility Society, among other organizations, and is a past President of the Lea County Medical Society. He is also on the boards of the Palmer Drug Abuse Program and the Lea County Prenatal Society.

Steve Weiner, M.D. is a board certified orthopaedic surgeon who has been in private practice in Santa Fe since 1978. A graduate of Northwestern University, Dr. Weiner is President of Santa Fe Orthopaedic Associates and is also on staff at St. Vincent's Hospital He has had fellowships with the American Academy of Orthopaedic Surgeons and the American College of Surgeons, and is a member of the Arthroscopy Association of North America and the New Mexico Orthopaedic Association, among other organizations.

## Meetings

The Board held three quarterly meetings in 2003, May, August and November. Permanent licenses were issued at the May and November meetings, as required by statute. No meeting was held in February because the new Board members had not yet been appointed. The Board held a special meeting in April to handle pending business and receive training on board-related issues. Special meetings were also held in May, June, July, and November to make decisions related to physician discipline and to discuss proposed rule changes.

Workshop on Disciplinary Issues. In conjunction with the August 21st meeting the Board hosted an all-day workshop on disciplinary issues for regulatory boards and invited members of all the other health care licensing boards to attend. Attendees were treated to enlightening and engaging presentations from nationally-recognized speakers. G. Douglas Talbott, M.D., founder and Medical Director of Talbott Recovery Campus, spoke about physician impairment and addiction issues. Bob Wheeler, Ph.D., a psychologist certified in Washington State to evaluate and treat sex offenders, spoke about understanding and managing physician sexual misconduct. June Dahl, Ph.D., the co-founder of the Wisconsin Pain Initiative, spoke about opioids and the management of chronic pain.

## Physician Assistant Committee

The Physician Assistant Advisory Committee (PAAC), consisted of three physician assistants and a licensed physician: Bill Wahlert, P.A., Dan Otero, P.A., Lori Daggett, P.A., and Alfredo Vigil, M.D. The Committee met with the Board in April and May of 2003, providing advice and recommendations in matters related to physician assistant licensure, practice and discipline. The revised Medical Practice Act added a physician assistant as a member of the Board and removed the authority for the PAAC, effective July 1, 2003. Mr.

Ghadimi was appointed as the first Physician Assistant member of the New Mexico Medical Board in November of 2003.



## Board Staff

Executive Director, Charlotte Kinney

Administrative Staff

Angela Martinez, Administrator Deborah Brandle, Financial Administrator Jenny Felmley, Public Information Officer

Licensing Staff

Barbara Mohler, Licensing Manager Julie Martinez, Clerk Specialist Amanda Quintana, Quality Assurance Imelda Gallegos, Quality Assurance Investigative Staff

Carmen T. Carrillo, Investigator III

Legal Staff

Corliss Thalley, Assistant Attorney General G.T.S. Khalsa, Board Prosecuting Attorney

## LICENSING

A majority of Board resources go into the initial licensing and license renewal of physicians and physician assistants.

License Category	2002	2003
# of MD licensees (incl. Telemedicine & Public Service)	5801	6212
# of MD licensees identified as practicing in NM (incl. PS)	3800	3958
# of new MD licenses issued	352	555
# of MD applications received	Not available	617
# of licenses renewed	1813	1628
# of physician assistant licenses	315	355
# of new physician assistant licenses	28	48
# of anesthesiologist assistant licenses	5	7

## Application Process for Physicians and Physician Assistants

As evidenced by the increase of over 200 new physician licenses, the Board made significant progress in streamlining the licensing process for physicians in 2003. After many months of collaboration, the Board approved the use of the "Statewide Application" for licensing. The Statewide Application was developed primarily as a credentialing application and was already accepted by all hospitals and health plans in the State. Revisions were made to add information necessary for licensing, and now a physician can fill out one form that can be used to apply for hospital privileges, licensure, and credentialing by third party payors, primarily insurance companies

Rule changes in January 2003 allowed applicants to use Hospital Services Corporation (HSC), a New Mexico corporation certified by National Commission on Quality Assurance (NCQA) as a Credential Verification Organization, to obtain source documents. Because most hospitals and health plans in the State use HSC for verifying credentials, this will not only expedite the licensing and credentialing process for physicians moving to New Mexico, but it will reduce duplication. Source documents obtained by HSC can be used both for licensing and credentialing processes. Using HSC to acquire transcripts and other documents needed to verify education and training eliminates the requirement for an original transcript of medical education, for example, to be sent to the Board, the hospital where the physician plans to practice, and to multiple insurance companies.

Applicants for licensure in New Mexico may also use the Federation Credential Verification Service (FCVS) to obtain the required documents. Documentation obtained by FCVS can easily be sent to other states, again eliminating duplication of documents that are often difficult to obtain, for example, transcripts from international medical schools. However, FCVS obtained documents are not accepted by hospitals and health plans in New Mexico for credentialing purposes. Physicians who work temporarily in New Mexico, but anticipate moving to multiple states, are encouraged to use FCVS to facilitate movement between states. Physicians who plan to establish a practice in New Mexico are encouraged to use HSC to obtain required documentation because it will expedite the credentialing and privileging processes. Physicians may also apply directly to the Board and staff will follow-up on required documentation, but this means the hospitals and health plans will need to obtain duplicate documentation.

Following changes to the Medical Practice Act, the Board removed the requirement that a member of the Board interview all applicants for licensure. Beginning in July, 2003 medical and physician assistant licenses were issued immediately following approval by the Board Secretary-Treasurer unless a problem or discrepancy were identified, in which case the applicant would be scheduled for an interview. The number of applications increased significantly after this change and anecdotal evidence suggests the trip to New Mexico for a 30- to 45-minute interview with the Board Secretary was a deterrent to potential applicants. In addition, the Board held its last New Licensee Orientation in May 2003. The Orientation was a three-hour presentation of information about practicing in New Mexico and applicants were required to attend before they could be issued a permanent license. The orientation information is now provided on a CD mailed to each new licensee. It includes the Medical Practice Act, Board rules, information from the Department of Health, information from the Pharmacy Board, and other information Board members believe to be of interest and importance to a new licensee.

## License Verification

In past years, telephonic and written license verification was a major task, requiring the effort of a full-time employee. Before licensing information was available on the Internet, over 13,000 written verifications were processed each year. In 2003, 1,190 requests for written verification were received and processed. Many of these written requests are required by other States when a physician licensed in New Mexico applies for license in another State to verify good standing and disciplinary status. A fee is charged for processing and mailing written verification requests. The Board continues to provide phone verifications as a courtesy to other State agencies, other state medical boards, and concerned citizens at no charge.

#### ENFORCEMENT

Enforcement of the act and rules is one of the most important components of any state medical board. Through our enforcement program, the Board responds to consumers who initiate complaints against licensed physicians and physician assistants. The Board also keeps a comprehensive file on informal complaints, referrals to other agencies, and malpractice actions to aid in the identification of sub-standard patterns of care.

#### Disciplinary Actions

The Board took the following actions in 2003, with the list from 2002 for comparison:

ysicians:	2002	2003
Notice of Contemplated Action Issued	13	13
Hearings	2	3
Summary suspensions	1	2
Licenses revoked	2	0
License suspended	1	1
License stipulated	8	5*
Licenses surrendered or applications withdrawn in lieu of action	4	4
Applications/reinstatements denied	3	3
Other disciplinary actions	7	4
Public Letter of Reprimand	1	1
Referrals to examining committees under Impaired Physician Act	9	6
Voluntary surrender of license under Impaired Health Care Provider Act	3	3
Total Licensing Actions	.39	4.5
Reduction of stipulated terms	6	8
Completed terms of probation and license restored	6	7

<sup>\*</sup> Physician Assistants - one action was taken against a PA in 2003.

#### Investigations

In 2003, the Board received 188 complaints for investigation. The Board closed 104 cases with a determination that there was no violation of the Medical Practice Act. These numbers represent all cases closed during the year, including some cases from 2002. 107 cases remain open as of December 31, 2003.

## Complaints

The Board uses four complaint committees; each made up of two board members, to review consumer complaints against physicians. The complaint committees meet prior to quarterly board meetings, carefully reviewing the detailed records and evidence.

After a thorough review, the complaint committee makes a recommendation to the full Board for further action or closure. All complaints are confidential, except to members of the complaint committee, and referred to only by number when presented to the Board for decision, unless, or until, action is taken in an open meeting of the Board. When action is taken by the full Board, the members of the recommending complaint committee are recused, and do not vote on the issue.

## Impaired Health Care Provider Act

The Impaired Health Care Provider Act, §61-7-1 to 61-7-5, NMSA 1978, gives the Board authority to restrict, suspend or revoke a license if the practitioner is unable to practice with reasonable skill or safety because of mental illness, physical illness, or habitual or excessive use or abuse of drugs or alcohol. Physicians can request voluntary restriction of their license, or the Board may, through the use of an examining committee, make the determination the physician is impaired.

The Impaired Health Care Provider Act also gives the Board authority to contract with a program of care and rehabilitation services to provide for the detection, intervention and monitoring of impaired providers. The Board has a current contractual agreement with the New Mexico Monitored Treatment Program to provide these services. To fund this program, \$90 per 3-year renewal cycle is collected as part of each license renewal.

## Expert Witness/Medical Record Review

The Board has executed an agreement with the University of New Mexico School of Medicine for expert review of medical records. The Board also contracts individually as needed with other independent medical experts to review records, render opinions and testify at hearings.

#### PUBLIC AWARENESS

## Consumer Information

The Board continues to provide interested consumers with a brochure containing information on how to submit a complaint against a physician or a physician assistant. This brochure is available on the Board's website, and is sent on request to individuals who have called the Board office with questions about filing a complaint against a licensed practitioner. It is also available through the New Mexico Medical Society and has been sent to hospitals statewide to be available to patients on request. This brochure contains information on how

to file a complaint, the Board's statutory jurisdiction, and information on other avenues that a patient may pursue if the complaint falls outside of the Board's jurisdiction.

#### Website

Since April 2001 the Board's website (www.nmmb.state.nm.us) has contained basic demographic and license information as part of the "Physician Locator." Hosted by Administrators in Medicine (AIM), an organization of Medical Board Executive Directors, information about licensing in twenty-three states is available at the one site: www.docboard.org. Information on physicians and is updated at least two times per week to accurately reflect current information.

Additional information on the website of interest to consumers includes information on filing a complaint against a physician or physician assistant, a copy of the most recent roster of licensees, links to other agencies, meeting minutes and newsletters, recent disciplinary actions and a Board meeting schedule. Other information, including applications, fee information, policy statements and a copy of the current statute and rules is generally of more interest to applicants and licensees

## Physician Directory

The Official List of active physicians and physician assistants continues to be published annually and mailed to those licensees who have requested a printed copy, as well as to the State Library. The roster is also available on a CD, and a hard copy is available for other individuals or facilities that pay a nominal fee of \$20 to cover the cost of printing and mailing. The information is also available in PDF format on the website.

#### Newsletter

Two newsletters were published during 2003. Recent changes and updates, and short articles of interest to practitioners are included in this newsletter, as well as a list of all disciplinary actions taken by the Board for the current year. Newsletters are also available on the Board's website to allow public access to the information.

# BUDGET

The Approved Operating Budget for FY03 was \$909,400 with expenditures totaling \$819,800.

## Revenues

The operation of the Board is funded entirely through self-generated fees, primarily through licensing and license verification. The Board maintains a fund balance that totaled \$1,591,800 at the end of FY03 (June 30, 2003). The fund balance consists of revenue from past years that exceeded Board expenses. In FY03 an additional \$226,500 was authorized from cash reserves to purchase a new licensing software program for physicians and physician assistants. This software will be web-enabled and allow applications and license renewals to be performed on-line. This special funding is not included in the base expenses listed below.

## Revenue, by category

	FY03 (actual)	(projected)
Licensing Fees, initial licenses:	\$ 199,500	\$ 204,400
License Renewal fees	\$ 368,800	\$ 395,800
Other Registration Fees (Impaired Program)	\$ 154,900	\$ 168,500
Other Misc. Fees (License verification, etc.)	\$ 38,900	\$ 36,300
Late Fees and Penalties	\$ 14,600	\$ 16,400
Total Revenue:	\$ 776,700	\$ 821,400

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Expenses, by category (includes valid encumbrances)

	FY03 (actual)	FY04 (projected)
200 Personal Services/Employee Expenses	\$ 530,600	\$ 581,200
300 Contractual Services	\$ 287,500	\$ 258,100
400 Other Costs, incl. Operating Transfers	\$ 244,200	\$ 141,900
Total Expenditures (includes funding from cash balance)	\$1,062,500	\$ 981,200

#### Audit

The annual audit of the agency has been completed, submitted, and approved by the State Auditor with no adverse findings on the audit for the past eight years.

## Performance Based Budgeting

The New Mexico Medical Board began using performance based budgeting in 2002. Through the agency's participation in Quality New Mexico and work with the Performance-Based Budget requirements, staff members are fully involved in the planning process, spending many hours evaluating and reviewing how we operate now and how we can function more strategically in the future.

The application of new technology in licensing and enforcement will put pressure on regulatory agencies to improve responsiveness to customer needs while keeping costs low. This technology includes e-commerce, expanded automation of licensing and enforcement activities, total integration of licensing and enforcement activities into a single system, increased security over all records, remote access, integrated document management and electronic exchange of information.

#### **ACCOMPLISHMENTS**

#### Computer Services

The New Mexico Medical Board made a number of major accomplishments in 2003, most significantly the implementation of new licensing database: License 2000. On February 7, 2003, the Board issued a Request for Proposals for a Medical Professional Licensing Management System. Five responses were reviewed and three finalists selected. Following discussion with the Chief Information Officer it was determined that the advantages of using the software package owned by the Regulation and Licensing Department out-weighed any advantages of other bidders. Agency staff worked with System Automation on the data conversion and setup of the License 2000 (L2000) system. All licensing data was transferred to L2000 in October 2003.

Consistent with the Governor's direction to consolidate computer services within the General Services Department, the Board moved agency servers to GSD and initiated a contract for support and maintenance of all hardware. Computer monitors and printers were also updated.

#### Name Change

Another significant change was in the name of the Board. Since inception the Board has been called the "Board of Medical Examiners." Following changes in the statute in 2003 the name has been changed to the New Mexico "Medical Board." For many years the Board has used a national examination for physicians and physician assistants so they are no longer in the business of "examining" applicants. In addition the name was confusing to the public who were trying to reach the Office of the Medical Investigator for autopsy reports. We anticipate the name change will result in fewer misdirected calls and more clearly identify the role of the Board as a licensing agency.

#### Pain Management

The Board is proud of its B+ rating from the Pain & Policy Studies Group at the University of Wisconsin. No state received an A, and New Mexico was one of only 4 states to receive a B+, the highest grade offered in the Report Card. New Mexico was also one of only 14 states to demonstrate a positive change in the area of pain management, rising from a B in 2000 to a B+ in 2003. According to the *Evaluation Guide*, a companion document that evaluates each state's pain policy environment in detail, New Mexico's Medical Practice Act, Pain Relief Act and Medical Board regulations included a total of ten provisions that may enhance pain management, no provisions that may impede pain management, and only one provision that was ambiguous. Included in the positive provisions are changes the New Mexico Medical Board made to its rules in January 2003. The Medical Board also succeeded in amending the Medical Practice Act during the 2003 Legislative Session to add the undertreatment of pain as a potential basis for disciplinary action. The Board has pledged to review its pain management rule yearly and to make changes whenever necessary to keep up with current national and international standards of care, ensuring that New Mexico's grade will continue to improve

## Satisfaction Surveys

In 2003 the Board began sending satisfaction surveys out with all new licenses and a percentage of renewed licenses. The results were encouraging. Of those new licensees who

returned their surveys, 70% rated their overall satisfaction with services provided by the Board as "excellent" or "good." An impressive 87% reported that Board staff answered their questions in a friendly and responsive manner, and provided them with accurate information. Of the licensees who answered the renewal survey, 100% of respondents said that the renewal application and instructions for filing were clear and easy to follow. The Board's hardworking licensing staff received several, kind "write in" comments. Respondents particularly praised licensing staff Barbara Mohler, Julie Martinez and Imelda Gallegos for their responsiveness and attention to detail

## Psychologist Prescribing Authority

In support of the legislation in 2002 that gave licensed psychologists the authority to prescribe controlled substances, Board members and staff worked with the Board of Psychologist Examiners to prepare a Joint Committee report with recommended requirements for education, examination, supervised clinical experience and supervised practicum.

## New Office Space

For several years the Board has been pushing the limit of available space in the Lamy building with no room for growth. Staff members have been located in the file room and the hall. To accommodate agency growth, staff prepared a Request for Proposals for new office space with the assistance and approval of Property Control. Relocation is anticipated in early 2004.

## A LOOK AHEAD

In 2004 the Board will be moving to a new, and as yet, unidentified location. The Regulation and Licensing Department will be moving offices with resultant changes in the location of the computers that house our licensing software. We face challenges with the licensing software to make sure it is configured to fit our specific needs, both for licensing and complaint processing. With the implementation of L2000 the Board is in a position to initiate online license renewal and online applications.

The physician shortage, real or perceived, is another issue that will continue to impact the NMMB. The Board must continually assess the existing processes and determine if changes are required in the regulatory system to facilitate the entry of physicians, physician assistants, and anesthesiologist assistants into the State.

Charlotte J. Kinney, Executive Director

C. Grant La Farge, M.D., Secretary-Treasurer