
New Mexico Board of Medical Examiners

2001 Annual Report

The New Mexico Board of Medical Examiners is pleased to present its Fiscal Year 2001 Annual Report. The New Mexico Board of Medical Examiners (NMBME) is the state agency responsible for the regulation and licensing of physicians (MDs), physician assistants, and, starting in FY01, 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 Board of Medical Examiners to implement and enforce those laws and regulations.

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

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

Agency values focus on the following three areas:

- **Employees.** Our employees are most important. 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: physicians and consumers. 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 consists of 8 Governor-appointed members who dedicate hundreds of hours each year reviewing complaints and developing policy for the agency. Six of the appointed members are physicians and two members represent the public.

Member Name	Initially Appointed	Re-appointed	Term Expires
John S. Romine, MD, President Farmington Orthopaedic Surgeon	11/30/95	3/13/00	12/31/03
Marvin D. Call, MD, Vice-President Albuquerque Family Practice	9/24/97	3/13/00	12/31/03
C. Grant La Farge, MD, Secretary Santa Fe Cardiology	3/16/98		1/1/02
Karl R. Gutierrez, M.D. Grants General Surgeon	8/5/91	8/14/95	12/31/03
Sambaiah Kankanala, M.D. Hobbs Internal Medicine	3/16/98		1/1/02
Livingston Parsons, Jr., M.D. Albuquerque General Surgeon	8/5/91	8/14/95 3/13/00	12/31/03
Lynda Kellahin Santa Fe	5/4/99		7/1/03

Public Member, Property Manager			
Ellen Syvertson Los Lunas Public Member, Small Business Owner	3/16/98		1/1/02

Board Leadership

John S. Romine, M.D., a Farmington orthopaedic surgeon, has led the Board as President since 1999. He has a clear vision of bringing the NMBME into the electronic age and addressing the issues that face the practice of medicine head-on.

Marvin D. Call, M.D., serves as Vice-President of the Board. He retired from Lovelace Health Systems in 1998, after working as a family practitioner for 20 years. He continues to volunteer at the PHS Indian Hospital in Tuba City, Arizona.

C. Grant La Farge, M.D., Board Secretary-Treasurer, serves a vital function in Board operations. He is in the board office approximately 30 hours per week, 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. Staff rely on Dr. La Farge to recommend rule and policy changes, review continuing medical education, coordinate committees for impaired practitioners and coordinate with other agencies on approval of medical colleges.

Meetings

The Board held four quarterly meetings in FY01. Permanent licenses were issued at the May and November meetings, as required by statute. The Board held special meetings in December, January, and March to make decisions related to physician discipline, approve a rule change impacting licensure, and to discuss legislation.

Physician Assistant Committee

The Physician Assistant Advisory Committee (PAAC), made up of three physician assistants and a licensed physician, continues to meet on a quarterly basis with the Board. The purpose of this committee is to advise the Board in matters relating to physician assistants. During the year the PAAC was actively involved in the creation of a new application for physician assistants and revisions to the allowed drug formulary. In addition, PAAC members participate in the interview of physician assistant applicants for licensure, as well as interviews of any physician assistants who have a stipulated license. The Board funded one PAAC member to attend the Annual Federation of State Medical Board meeting in FY01.

STAFF

Board Staff

Executive Director

Charlotte Kinney

Administrative Staff

Angela Martinez, Administrator II
Joe Montoya, Financial Administrator IV
Deborah Brandle, Financial Specialist III

Licensing Staff

Imelda Gallegos, Licensing Manager IV
Dee Perea, Clerk Specialist
Julie Martinez, Clerk IV

Investigative Staff

Carmen T. Carrillo, Investigator III
Investigator II (position temporarily vacant)

Legal Staff

G.T.S. Khalsa, Board Attorney

Corliss Thalley, Assistant Attorney General

ENFORCEMENT

Quality enforcement is the most critical component for any state medical board. Through our enforcement program, the Board responds to consumers who initiate complaints against licensed physicians and physician assistants. In addition to tracking formal complaints, the Board keeps a comprehensive file on informal complaints, referrals to other agencies, and malpractice actions.

Disciplinary Actions

In FY01, the Board took the following actions:

Physicians:	FY00	FY01
Notice of Contemplated Action Issued	7	6
Summary suspensions	1	1
Hearings	3	4
Licenses revoked	1	3
Licenses surrendered in lieu of action	0	0
Applications/reinstatements denied	1	0
License suspended	2	1

License stipulated	11	13
Reduction of stipulated terms	9	7
Public Letter of Reprimand	0	1
Referrals to examining committees under Impaired Physician Act	3	2
Voluntary surrender of license under Impaired Health Care Provider Act	0	1
Completed terms of probation and unrestricted license restored	7	3

Physician Assistants – no actions were taken against PAs in FY01.

Investigations

In FY01, the Board received 215 complaints that were investigated. Of that number, 32 were closed following Board action, 98 were closed by the Board without any action, and 82 cases remained open as of June 30, 2001. At the time of this report only 3 cases from FY00 remain open. The number of closed complaints does not match the number of actions because some actions are the result of multiple complaints and other actions do not result from an investigation.

Complaints

The Board uses three 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 records and evidence. When a committee considers a complaint regarding a physician assistant, a member of the Physician Assistant Advisory Committee participates in the review.

After a thorough review, the complaint committee makes a recommendation to the full Board for further action or closure. All complaints are confidential and referred to only by number 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, \$30 per year 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 as needed with 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 the public can submit a complaint against a physician or a physician assistant. This brochure is sent to individuals who are considering 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.

During the past year the Board has focused on providing consumer information on the website.

Website

In January 2001 the Board's website (www.state.nm.us/nmbme/) was totally revised with responsibility for the site transferred to GSD from a private vendor. In April the "Physician Locator" service was added. Hosted by the Administrators in Medicine (AIM) organization of Medical Board Executive Directors, information about licensing in twenty states is available at the one site: www.docboard.org. Information on physicians and physician assistants licensed in New Mexico comes directly from the Board's database and includes information determined by the Board to be of interest to consumers. The information is updated routinely and the Board is developing the capability to provide nightly updates.

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 (as part of "What's New"), and a board meeting schedule. Other information, including applications, fee information, policy statements and a copy of the current rules and statute are 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 copy, as well as the State Library. 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 FY01. All disciplinary actions taken by the Board for the year are listed in this newsletter. Newsletters are also available on the Board’s website to allow public access to the information.

Board Presentations

In FY01 board members have made presentations to several groups on “Pain Management” and the Board’s Guidelines for the Treatment of Pain. An additional presentation on “Disruptive Physicians” is also available on request. Board and/or staff members have also made presentations to the senior class of physician assistants at the University of New Mexico regarding licensing procedures and Dr. La Farge presented an Orientation on Impaired Physicians to fellows, residents and interns at UNM.

LICENSING

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

<i>Category</i>	<i>FY00</i>	<i>FY01</i>
# of MD licensees	5739	5822
# of MD licensees identified as practicing in NM	3585	3603
# of new licenses issued	286	325
# of licenses renewed	2119	1796
# of physician assistant licenses	249	264
# of new physician assistant licenses	29	23

Physician Application Procedure

Applicants for licensure as a physician in New Mexico must apply through the Federation Credentials Verification Service (FCVS) to ensure primary source verification of individual credentials. In addition, each applicant completes a New Mexico application form and is interviewed by a member of the Board. When the application is complete, including the interview, the applicant is issued an interim permit. Permanent licenses are issued twice a year, in May and in November, following a mandatory Orientation meeting.

Physician Assistant Application Procedure

Applicants for licensure as a physician assistant complete a New Mexico application form and are interviewed by a member of the Board. When the application is complete, including the interview, the applicant is issued an interim permit. Permanent PA licenses are issued twice a year, in May and in November, following a mandatory Orientation meeting.

Verification of Licensure

During most of FY01 telephonic and written license verification continued to be a major task. In April when the information became available on the website the number of requests for license verification was substantially reduced.

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. All other requests for verifications must be made in writing, either as a single verification request or in a list format, with applicable fees for service. Over 13,000 written verifications were processed in FY01.

BUDGET

The Approved Operating Budget for FY01 was \$900,600.

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 \$1,650,700 at the end of FY01. The fund balance consists of revenue from past years that exceeded board expenses. It is to be used for capital investments or unanticipated expenses that could result from legal actions.

<i>Revenue Categories</i>	<i>FY00</i>	<i>FY01</i>
Licensing Fees, initial and renewal licenses:	\$579,200	\$595,673
Other Fees, primarily license verification	\$105,400	\$ 98,959
Other Registration Fees (Impaired Program)	\$174,700	\$167,988
Late Fees and Penalties	\$ 22,100	\$ 16,200
<i>Total Revenue:</i>	<i>\$881,400</i>	<i>\$878,820</i>

Expenses, by category (includes valid encumbrances)

FY00 ***FY01***

200	Personal Services/Employee Expenses	\$444,300	\$472,400
300	Contractual Services	\$202,000	\$232,600
400	Other Costs, incl. Operating Transfers	\$ 86,200	\$153,900
Total Expenditures		\$732,500	\$858,900

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 six years.

Performance Based Budgeting

Starting in FY02 NMBME will use performance based budgeting, which incorporates strategic planning and performance measurement. Through the agency's participation in Quality New Mexico and work with the Performance Based Budget requirements, staff members are gaining a new perspective and appreciation for the planning process. The process is time consuming and with no "trainer" or other expert available on-staff, we have spent many hours evaluating and reviewing how we operate and how we want to operate more strategically.

Healthcare regulation has been the focus of national attention over the past few years. Both the PEW Foundation and the Institute of Medicine issuing reports calling for sweeping changes in regulation of the industry. These reports addressed issues of medical errors, assuring continued competence of medical professionals, and facilitating practice across state boundaries (telemedicine). Other national trends affecting the licensing of physicians include provider profiling and rigorous background checks prior to licensing.

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.

A LOOK AHEAD

While the Board is positioning to deal effectively with the ever-changing healthcare environment, they have been careful not to “over-regulate.” As they begin participating in the planning process we anticipate increased focus on strategic issues. Both staff and board members actively monitor the regulatory environment through attendance at state and national meetings. One board member serves on a Federation of State Medical Boards (FSMB) committee evaluating the need for regulation of surgical procedures done in medical offices.

The Board has initiated the increased use of telemedicine by supporting legislation last session to provide for a special license for practice across state lines. A committee has been established to develop the regulations, which are scheduled for adoption in February 2002.

The Board anticipates the national trend toward provider profiling will be raised in New Mexico in the next few years. There are a number of different approaches and the Board is being pro-active by making basic provider information available on the Internet.

The book “Blind Eye” has caused the medical profession to re-evaluate the background information obtained on applicants for licensure. The book traces the background of a physician who is convicted of murder but continues to be licensed in several states because criminal background checks are not traditionally part of the license application process. It may be necessary to amend the Medical Practice Act in the future to allow the board to obtain criminal background checks.

The physician shortage, real or perceived, is another issue that will impact the NMBME in the next several years. The Board must determine if changes are required in the regulatory system to facilitate the entry of physicians and physician assistants into the state.

Agency Goals for the next few years include: update licensing and complaint processing software, streamline licensing and enforcement processes, update paper management procedures to assure important documents are protected, develop work process flow charts, develop a coordinated training effort for staff and board members, and improve outreach to consumers.

Charlotte J. Kinney, Executive Director

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