

NEW MEXICO MEDICAL BOARD
Emergency Board Meeting
December 4, 2020
MINUTES

EX 2021-01-315

MEETING MADE PUBLIC VIA ZOOM AND TELECONFERENCE

Video Conferencing: Peter Beaudette, MD, Chair
Karen Carson, MD, Vice Chair
Steve Jenkusky, Secretary Treasure
James Spence, MD
Eric Anderson, MD
Mark Unverzagt, MD
Buffie Saavedra, Public Member

Excused: Eric Anderson, MD

Others Present: Sondra Frank, Esquire, Executive Director
Amanda Quintana, Compliance Manager / PIO
Elishia Lucero, Administrative Assistant
Samantha Breen, Compliance Coordinator

1. CALL TO ORDER / ROLL CALL

Dr. Beaudette, after establishing the presence of a quorum, called the Emergency Board Meeting of the New Mexico Medical Board to order at 4:08 pm, roll call was completed.

2. APPROVAL OF AGENDA

MOTION was made by Dr. Beaudette to approve the Agenda. **SECONDED** by Ms. Saavedra **YES:** Dr. Beaudette, Dr. Carson, Dr. Jenkusky, Dr. Spence, and Dr. Unverzagt. **ABSENT:** Dr. Anderson **MOTION CARRIED.**

3. RESOLUTION REGARDING CRISIS STANDARDS OF CARE

Dr. Beaudette and Dr. Jenkusky reported that the NMMB received a request from David R. Scrase, M.D., Secretary of New Mexico Human Services Department, to adopt the attached Resolution regarding Crisis Standards of Care. The intent of this document is to clarify that during the public health emergency it shall not be considered a violation of any applicable rule or regulation governing the scope of practice for NMMB Licensees to serve as COVID-19 Providers and provide health care services to all patients of the hospital where they serve even though the provision of those services may be outside the normal and customary clinical privileges.

After much discussion the following motion was made.

MOTION was made by Dr. Unverzagt to approve the Resolution as revised below:

“For the duration of the current public health emergency, it shall not be considered a violation of any applicable rule or regulation governing the scope of practice for physicians and surgeons, physicians assistants, anesthesia assistants and physician pharmacist clinician supervisors for unprofessional conduct, for the organized medical staff, acting by and through its medical staff executive committee, to authorize and direct the physicians and surgeons, physicians assistants and anesthesia assistants, and physician pharmacist clinician supervisors to serve

as COVID-19 Providers and provide health care services to all patients of the hospital where they serve even though the provision of those services may be outside the normal and customary clinical privileges granted to each such COVID-19 Provider.

During the period in which the public health emergency remains in effect, to the extent that the persons and healthcare facilities designated or listed as "COVID-19 Providers" adopt or implement the Crisis Standards of Care, such Crisis Standards of Care can and should be considered by the providers and healthcare facilities designated as "COVID-19 Providers" as "generally accepted health-care standards."

Dr. Jenkusky further explained that once a provider is doing crisis standards of care the Board is accepting that as generally accepted health care standards.

SECONDED by Dr. Jenkusky **YES:** Dr. Beaudette, Dr. Carson, Dr. Jenkusky, Dr. Spence, and Dr. Unverzagt.
ABSENT: Dr. Anderson **MOTION CARRIED.**

4. ADJOURN

There being no further business before the Board, Dr. Beaudette adjourned the meeting at 4:40 p.m.

SUBMITTED BY: _____ DATE: _____
Sondra Frank, J.D., Executive Director

APPROVED BY: _____ DATE: _____
Peter Beaudette, M.D, M.D., Chair

APPROVED BY: _____ DATE: _____
Karen Carson, M.D., Vice Chair

WHEREAS, the President of the United State has declared a Public Health Emergency in light of the COVID-19 virus and pandemic;

WHEREAS, effective on April 4, 2020, the Governor of the State of New Mexico declared a public health emergency in respect of the State of New Mexico and has issued various Executive Orders designed to slow the spread of the COVID-19 virus and, pursuant to such Executive Orders and the Public Health Emergency Response Act has issued various Public Health Orders that are also designed to slow the spread of the COVID-19 virus;

WHEREAS, despite these Executive and Public Health Orders, the COVID-19 virus continues to spread and is currently spiking in New Mexico and the level of hospitalizations at New Mexico Hospitals is approaching and in certain hospital has reached “Crisis Standards of Care” as defined by the New Mexico Department of Health;

WHEREAS, New Mexico’s “Hub” hospitals have each mobilized their health care workforce to a level that calls on each health care provider to be present and treating patients, even outside the context of their medical specialties in which they typically practice;

WHEREAS, the New Mexico Medical Board believes it is important to adopt certain resolutions and to take certain steps to support the herculean efforts of the New Mexico healthcare workforce to provide care to New Mexicans.

NOW, THEREFORE, BE IT RESOLVED:

For the duration of the current public health emergency, it shall not be considered a violation of any applicable rule or regulation governing the scope of practice for physicians and surgeons, physicians assistants and anesthesia assistants or unprofessional conduct, for the organized medical staff, acting by and through its medical staff executive committee, to authorize and direct the physicians and surgeons, physicians assistants and anesthesia assistants to serve as COVID-19 Providers and provide health care services to all patients of the hospital where they serve even though the provision of those services may be outside the normal and customary clinical privileges granted to each such COVID-19 Provider.

During the period in which the public health emergency remains in effect, to extent that the persons and health facilities designated or listed as “COVID-19 Providers” determine to adopt or implement the Crisis Standards of Care, such Crisis Standards of Care can and should be considered by such providers and health facilities designated as “COVID-19 Providers” as “generally accepted health-care standards” for purposes of the New Mexico Uniform Health-Care Decisions Act, NMSA 1978, §§ 24-7A-9 & 24-7A-13D.