

**New Mexico Medical Society
Council Meeting Minutes
Saturday, January 5, 2019
NMMS Headquarters
316 Osuna Rd. NE, Suite 501
Albuquerque, NM 87107**

***** PENDING APPROVAL *****

The New Mexico Medical Society met on Saturday, January 5, 2019 at the NMMS headquarters and was called to order by President Sandra Whisler MD at 9:30 a.m. with the following in attendance:

Officers:

Sandra Whisler, MD	President
Dion Gallant, MD	Vice-President & Vice-Presiding Officer
Stephen Haynes, MD	Secretary/Treasurer
William Liakos, Jr. MD	Immediate Past President
Steven Kanig, MD	Delegate AMA
Stephen Lucero, MD	Delegate AMA
William Ritchie, MD	Alternate Delegate AMA
Angie Bratton, MD	Presiding Officer

Councilors:

William Boehm, MD	Otero
Heather Brislen, MD	GAMA
Jemery Kaufman, MD	Taos
Albert Kwan, MD	Curry-Roosevelt-DeBaca
Michael Lopez, MD	San Miguel
Elizabeth MacLean, MD	Rio Arriba and Los Alamos
Rick Madden, MD	Valencia
Barbara McAneny, MD	GAMA/AMA President
John Avery Neal	Medical Student Section, BCOM
Hank Spellman	Medical Student Section, UNM
James Spence, MD	San Juan
David Stryker, MD	GAMA
James Tryon, MD	GAMA
Arnold Valdivia, MD	Cibola

Also Attending:

John Anderson, Esq.	NMMS Legal Counsel
Colin Baillo	Health Action New Mexico
Abuko Estrada, JD	NM Center on Law and Poverty
Annie Jung	Associate Executive Director, NMMS
Jeff Haisley	The Doctors Company
Gary Helmer, CPA	
Michael Kaufman, MD	Parliamentarian
Sylvia Lyon	Executive Director, GAMA
Randy Marshall	Executive Director, NMMS
William Orr, MD	
William Pratt, MD	NM State Representative, Emeritus
David Rasmussen, CPA	
Gregg Schmedes, MD	NM State Representative, GAMA

July 1, 2017 to June 30, 2018 Audit

Gary Hellmer, CPA, presented the yearly audit. He found no issues with management. In his opinion, the financial statements were presented fairly, in all material respects, the financial position of New Mexico Medical Society as of June 30, 2018 and 2017, and the changes in the net assets and its cash flows for the years then ended in accordance with accounting principles generally accepted in the United States of America. The information is fairly stated, in all material respects in relation to the financial statements as a whole. Net assets increased from 2017. There were no difficulties encountered with the audit and there were no adjustments.

A **motion** was **made** and **seconded** to approve the July 1, 2017 through June 30, 2018 audit. **Adopted unanimously.**

Medicaid Buy-In

Mr. Estrada and Mr. Baillo presented an update on a study to allow uninsured citizens to pay to participate in the Medicaid program. This would include employees who do not have insurance through their employer, undocumented persons, and those individuals/families who are just above the income threshold. Mr. Estrada and Mr. Baillo will forward a draft of their legislation as soon as Legislative Counsel Service completes the bill.

A **motion** was **made** and **seconded** that the study include research of employers dropping employees' commercial health insurance and forcing employees into the Medicaid buy-in pool. **Adopted unanimously.**

A **motion** was **made** and **seconded** that the study include how the Medicaid buy-in payments to providers include the cost of doing business so there is a profit margin. **Adopted unanimously.**

Medical Aid in Dying - CR 2019-01-608

The Council discussed the resolution submitted by GAMA.

A **motion** was **made** and **seconded** to adopt the following:

RESOLVED, that NMMS adopt a position of engaged neutrality regarding medical aid in dying in order to serve as a resource to lawmakers, physicians and the public, to ensure that medical aid in dying be practiced only by a duly licensed physician in conformance with standards of good medical practice and statutory authority, and to protect physicians' freedom to participate or not participate in medical aid in dying according to his or her personal conscience.

Adopted unanimously.

Decriminalization of Health Services - CR-2019-01-609-611

The Council discussed the resolution submitted by Heather Brislen, MD.

A **motion** was **made** and **seconded** to adopt the following:

RESOLVED, that the New Mexico Medical Society adopt the following AMA policies that;

- 1) Oppose the interference of government in the practice of medicine, including the use of government-mandated physician recitations"; and,
- 2) Oppose any policies that interfere with the patient-physician relationship by giving probate, inheritance, a social security number, or other legal rights to an undelivered pregnancy, or imposing legislative barriers to medical decision... -making by changes in tax codes or in definitions of beneficiaries"; and,
- 3) Preserve opportunity for physicians to act (or to refrain from acting) in accordance with the dictates of conscience in their professional practice is important for preserving the integrity of the medical profession as well as the integrity of the individual physician, on which patients and the public rely. Thus, physicians should have considerable latitude to practice in accord with well-considered, deeply held beliefs that are central to their self-identities, and; therefore, be it further

RESOLVED that New Mexico Medical Society supports repeal of New Mexico Statute Sections 30-5-1 through 30-5-3 NMSA 1978.

Adopted with one opposed.

Footnotes New Mexico Statute:

Section 30-5-1. Definitions.

As used in this article [[30-5-1](#) through [30-5-3](#) NMSA 1978];

- A. "pregnancy" means the implantation of an embryo in the uterus;
- B. "accredited hospital" means one licensed by the health and social services department [public health division of the department of health];
- C. "justified medical termination" means the intentional ending of the pregnancy of a woman at the request of said woman or if said woman is under the age of eighteen years, then at the request of said woman and her then living parent or guardian, by a physician licensed by the state of New Mexico using acceptable medical procedures in an accredited hospital upon written certification by the members of a special hospital board that:
 - (1) the continuation of the pregnancy, in their opinion, is likely to result in the death of the woman or the grave impairment of the physical or mental health of the woman; or
 - (2) the child probably will have a grave physical or mental defect; or
 - (3) the pregnancy resulted from rape, as defined in Sections 40A-9-2 through 40A-9-4 NMSA 1953 [repealed]. Under this paragraph, to justify a medical termination of the pregnancy, the woman must present to the special hospital board an affidavit that she has been raped and that the rape has been or will be reported to an appropriated [appropriate] law enforcement official; or
 - (4) the pregnancy resulted from incest;
- D. "special hospital board" means a committee of two licensed physicians or their appointed alternates who are members of the medical staff at the accredited hospital where the proposed justified medical termination would be performed, and who meet for the purpose of determining the question of medical justification in an individual case, and maintain a written record of the proceedings and deliberations of such board.

History: 1953 Comp., § 40A-5-1, enacted by Laws 1969, ch. 67, § 1.

Section 30-5-2 Persons and institutions exempt

This article does not require a hospital to admit any patient for the purposes of performing an abortion, nor is any hospital required to create a special hospital board. A person who is a member of, or associated with, the staff of a hospital, or any employee of a hospital, in which a justified medical termination has been authorized and who objects to the justified medical termination on moral or religious grounds shall not be required to participate in medical procedures which will result in the termination of pregnancy, and the refusal of any such person to participate shall not form the basis of any disciplinary or other recriminatory action against such person.

History: 1953 Comp., § 40A-5-2, enacted by Laws 1969, ch. 67, § 2.

Section 30-5-3 Criminal abortion

Criminal abortion consists of administering to any pregnant woman any medicine, drug or other substance, or using any method or means whereby an untimely termination of her pregnancy

is produced, or attempted to be produced, with the intent to destroy the fetus, and the termination is not a justified medical termination.

Whoever commits criminal abortion is guilty of a fourth-degree felony. Whoever commits criminal abortion which results in the death of the woman is guilty of a second-degree felony.

History: 1953 Comp., § 40A-5-3, enacted by Laws 1969, ch. 67, § 3.

Footnote AMA policies:

1 *AMA Stance on the Interference of the Government in the Practice of Medicine H-270.959*; Our AMA opposes the interference of government in the practice of medicine, including the use of government-mandated physician recitations.

2 *Political Interference in the Patient-Physician Relationship H-140.835*; Our AMA opposes any policies that interfere with the patient-physician relationship by giving probate, inheritance, a social security number, or other legal rights to an undelivered pregnancy, or imposing legislative barriers to medical decision... -making by changes in tax codes or in definitions of beneficiaries.

3 *AMA Code of Medical Ethics 1.1.7 Physician Exercise of Conscience*;

“... Preserving opportunity for physicians to act (or to refrain from acting) in accordance with the dictates of conscience in their professional practice is important for preserving the integrity of the medical profession as well as the integrity of the individual physician, on which patients and the public rely. Thus, physicians should have considerable latitude to practice in accord with well-considered, deeply held beliefs that are central to their self-identities...”

Legislative Update

John Anderson, Esq., NMMS Legal Counsel, updated the Council on the Supreme Court case contesting the constitutionality of the Medical Malpractice Act. Mr. Anderson is serving as local counsel and filing the New Mexico Medical Society amicus brief in the next couple of days. Mr. Anderson further reported the *McAneny, Kwan, Liakos, and Ritchie vs. John Franchini, Superintendent of Insurance*, case is waiting for the Judge to decide the remedy for SOI not following the Administrative Procedures Act and whether any adjustments of the hospital contributions to the Patient Compensation fund will be prospective or retrospective.

Mr. Anderson reported the NMMS legislative package for the 60-day session, beginning January 15, 2019, will include prior authorization, prohibition of prior authorizations for OB/GYN ultrasounds, Gross Receipt Tax deductions for co-pays and deductible, surprise billing and visiting team physicians.

County Updates:

The following counties updated the Council on local issues:

Cibola – there is a new, young, family medicine physician in Grants.

Taos – all mental health centers closed. There is one prescribing psychologist in town. The PHO will apply to be an ACO and will receive results of bid in July.

San Miguel – new councilor Michael Lopez MD was introduced. The IPA folded, and physicians are trying to join the San Juan IPA but insurers are saying that they cannot. They will pursue the course.

GAMA – is solvent and the answering service, MACC, is very popular. The annual meeting is on January 8th; the legislative day is on February 7th. GAMA Foundation held a CME on Aid in Dying in the Fall that was well attended.

Los Alamos – are having problems with the mental health system in town.

Valencia – the county contracted with Lovelace to run the new hospital, but Lovelace pulled out of the contract after two weeks because some of the contract requirements.

Curry- DeBaca-Roosevelt – has instituted a new physician recruitment process with a reception at the Buddy Holly Museum. There was lots of community involvement and county leaders present. Clovis has successfully recruited 3 orthopedic surgeons, 2 pediatricians, 2 general surgeons, +++. The new recruits reported they signed on because they felt welcomed and needed.

Council Committee Reports and Council Informational Reports

Council Committee Reports (CCR)

- a) **CCR 2019-01-A430-A431** – Continuing Medical Education – October 16, 2018
- b) **CCR 2019-01-A432-A433** – Liaison Committee to HSD – October 19, 2018
- c) **CCR 2019-01-A434-A437** – NMMS Annual Convention Committee – October 23, 2018
- d) **CCR 2019-01-A438-A440** – Children’s Medical Services Advisory Committee -
November 2, 2018
- e) **CCR 2019-01- A441-A442** – NMMS Annual Convention Committee –
November 15, 2018
- f) **CCR 2019-01-A443-A445** – NMMS Annual Convention Committee –
December 19, 2018

Council Information Reports (CIR)

- a) **CIR 2019-01-522 – 528** – 2018 Annual Business Meeting – September 15, 2018
- b) **CIR 2019-01-529-532** – Legislative Forum – December 1, 2018

None of the Council Committee Reports or Council Informational Reports were extracted and the reports were **filed**.

There being no further business, the Council meeting adjourned at 12:15 p.m.