

BEFORE THE NEW MEXICO MEDICAL BOARD

IN THE MATTER OF)
Randolph Baca, MD)
Medical License #MD2010-0170,)
)
Respondent.)

Case No. 2016-059



ORDER OF RELEASE

THIS MATTER came before the New Mexico Medical Board ("Board") upon Randolph Baca, M.D.'s ("Respondent") request to be released from his Stipulation of Licensure.

WHEREAS Respondent has an active license to practice medicine in the state of New Mexico; and

WHEREAS in December 2016, Respondent entered into a Stipulation of Licensure with the Board which placed certain terms and conditions upon Respondent's license to practice medicine; and

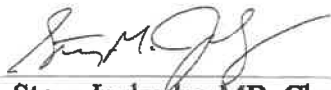
WHEREAS in February 2018, Respondent requested to be released from the Stipulation of Licensure; and

WHEREAS the Board has determined that Respondent has met all the terms and conditions set forth in the Stipulation of Licensure.

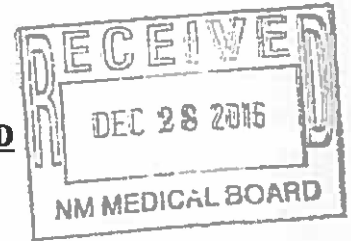
IT IS THEREFORE ORDERED that the stipulations placed on Respondent's license to practice medicine in Case No. 2016-059 are hereby removed and Respondent shall have an unrestricted license to practice medicine in New Mexico.

Dated: 2/15/18

NEW MEXICO MEDICAL BOARD

By: 
Steve Jenkusky, MD, Chair

BEFORE THE NEW MEXICO MEDICAL BOARD



IN THE MATTER OF)
RANDOLPH P. BACA, M.D.)
)
License No. MD2010-0170)
)
Respondent.)
_____)

Case No. 2016-059

STIPULATION OF LICENSURE AND ORDER

By mutual agreement and understanding between the New Mexico Medical Board ("Board") and the above-named respondent Randolph P. Baca, M.D. ("Respondent"), each having agreed to dispose of this matter according to the terms set forth in this Stipulation of Licensure and Order ("Order"), the Board hereby finds and orders as follows:

STIPULATED FINDINGS OF FACT

1. Respondent presently holds a license to practice medicine as a physician in the State of New Mexico.
2. Based on Respondent's licensure by the Board, he is subject to the jurisdiction of the Board pursuant to the Medical Practice Act, NMSA 1978, Chapter 61, Article 6 ("MPA"), the Uniform Licensing Act, NMSA 1978, Chapter 61, Article 1 ("ULA"), the Impaired Health Care Provider Act, NMSA 1978, Chapter 61, Article 7 ("IHCPA"), and certain Board-promulgated regulations, Title 16, Chapter 10, NMAC ("Rules").
3. The Board is presently investigating Respondent for alleged violations of:
 - a. NMSA 1978, Section 61-6-15(D)(7), habitual or excessive use of intoxicants or drugs;
 - b. NMSA 1978, Section 61-6-15(D)(29), conduct unbecoming in a person licensed to practice or detrimental to the best interests of the public;

- c. Applicable Board rules found at Title 16, Chapter 10, NMAC; and/or
 - d. Provisions of the Code of Medical Ethics of the American Medical Association (2014-2015 Ed.) as adopted by the Board at Rule 16.10.8.9 NMAC.
4. At a regular meeting of the Board held in November 2016, the Board endorsed the recommendations of the Board's Complaint Committee, namely that Respondent should be offered an opportunity to settle the matter by agreeing to take the following actions:
- a. Enter into a contract within thirty (30) days of this Order with the New Mexico Monitored Treatment Program ("MTP") for monitoring of Respondent's mental health and substance use, and any related treatment.

If such a proposed resolution was rejected by Respondent, the Board resolved that that a Notice of Contemplated Action ("NCA") should be issued based on violations of the MPA and Board regulations.

5. Without admitting any wrongdoing, and solely to avoid delay, uncertainty, inconvenience, and the expense of litigation, Respondent hereby agrees to the terms and conditions described in paragraph 4 of this document.
6. By signing this document Respondent expressly authorizes MTP to release to the Board any and all records created or held by MTP, including but not limited to assessments, reports, plans, evaluations, notes, and correspondence, including those generated by MTP contractors rendering services to Respondent.
7. In order for the Board to have adequate time to consider this proposed settlement, Respondent waives the right to have this matter heard and decided within the time frames set by the ULA, and also waives the time limitations for the Board to bring an action against Respondent as set

forth in the ULA at NMSA 1978, Section 6-1-3.1 and/or in the MPA at NMSA 1978, Section 6-6-24.

8. This Order reflects a negotiated settlement, and in the event that the Board does not approve the Order in its entirety and without modification, this Order shall be deemed withdrawn as of the date of any order rejecting the document as proposed.

9. By signing this Order:

- a. Respondent confirms that he has received all notice required by law, and all jurisdictional requirements have been satisfied.
- b. Respondent acknowledges reading and understanding the contents of this document.
- c. Respondent agrees to the entry of this Order and to abide by the terms and conditions described herein.
- d. Respondent confirms that he understands the applicable statutory and regulatory provisions setting forth the authority and power of the Board relevant to this Order, and that if this proposed Order is accepted by the Board, such acceptance results in a waiver of Respondent's rights under the Rules, the ULA, MPA, and/or the IHCPA relating to this Order, including the right to a hearing on this Order and the right to appeal this Order.
- e. Respondent understands his right to consult with an attorney and Respondent's signature below signifies that Respondent has either consulted with an attorney or that Respondent knowingly and voluntarily waives his right to counsel.
- f. Respondent agrees with the findings and conclusions set forth herein, and Respondent submits to the terms and conditions described herein.
- g. Respondent understands that this Order will not become effective until approved by

the Board.

h. Respondent understands that the terms set forth in this Order are unique to the evidence in this matter, and that this Order shall have no precedential or binding effect on other Board proceedings.

i. Respondent understands that this Order contains the entire agreement of the parties hereto, and that there is no other agreement of any kind, verbal, written or otherwise.

j. Respondent stipulates and agrees that if the Board accepts and approves the terms of this Order, that any failure by Respondent to comply with the Order shall constitute unprofessional or dishonorable conduct as defined in the MPA and/or the Rules.

k. Respondent asks the Board to accept and approve this Order of his own free will, knowingly and voluntarily.

l. Respondent stipulates and agrees that avoidance of further litigation and prompt resolution of this matter is valuable consideration for Respondent to waive his right to an evidentiary hearing in this matter.

m. Respondent understands that this matter may be reported to the National Practitioner Data Bank as required by law.

STIPULATED CONCLUSIONS OF LAW

Pursuant to the above Stipulated Findings of Fact, the Board concludes as follows:

10. The Board has jurisdiction over the Respondent and the subject matter hereof.
11. The Board has authority to enter into this Order pursuant to the MPA and 16.10.5.15 NMAC.
12. The Board concludes that Respondent's conduct violated NMSA 1978, Section 61-6-15(D)(29), and further concludes that good cause exists for imposition of discipline against

Respondent.

13. The terms set forth in this Order are in the best interest of the public's health, safety and welfare.

ORDER

Pursuant to the foregoing Stipulated Findings of Fact and Stipulated Conclusions of Law, the New Mexico Medical Board ORDERS as follows:

- A. Respondent shall abstain from the use of mind-altering substances, alcoholic beverages, and/or controlled substances except as legitimately prescribed by a licensed physician;
- B. Respondent shall enter into a contract with the MTP within thirty (30) days of the date of this Order for substance use and mental health monitoring, and Respondent shall comply fully with all MTP recommendations and all terms and conditions of Respondent's contract with MTP. If the Board is notified that Respondent has violated any of the MTP-contract terms, Respondent's license to practice medicine in New Mexico will be immediately suspended until further order of the Board.
- C. Respondent shall authorize MTP to release to the Board any and all records created or held by MTP, including but not limited to assessments, reports, plans, evaluations, notes, and correspondence, including any records held or created by MTP contractors rendering treatment or other services to Respondent. Such authorizations shall continue in full force and effect during all times that Respondent may be licensed to practice medicine in the State of New Mexico and Respondent shall not revoke such authorization for the Board to obtain information from MTP or MTP contractors. Any failure by Respondent to execute documents required by MTP or the Board to effect the release of information to the Board shall constitute a violation of this Order.
- D. Respondent shall appear before the Board on a quarterly basis or upon the Board's request.

- E. Respondent shall submit quarterly reports to the Board attesting to his compliance with this stipulation; such quarterly reports shall be on a form provided by Board staff and sent to Respondent.
- F. Respondent shall keep the Board informed of Respondent's business and residence addresses, email address (if available), and telephone number. Changes of such addresses shall be immediately communicated in writing to the Board. Respondent may not utilize a post office box as an address of record.
- G. If the Board has reasonable cause to believe that Respondent has violated any of the terms of this Order, or if the Board is notified that Respondent has violated any of the MTP contract terms, the Board may immediately and summarily suspend Respondent's license to practice medicine in New Mexico pursuant to 16.10.5.15(C) NMAC. A breach of any term of this Order shall constitute conduct unbecoming in a person licensed to practice medicine as set forth in NMSA 1978, Section 61-6-15(D)(29). The Board shall, within 10 days of a summary suspension, issue a Notice of Contemplated Action and Respondent will be entitled to a formal hearing on the Notice in accordance with the ULA.
- H. If the Board has clear and convincing evidence that Respondent is unable to practice medicine with reasonable skill and safety due to a mental or physical illness or due to habitual or excessive use of drugs or alcohol, the Board may immediately and summarily suspend Respondent's license to practice medicine in New Mexico pursuant to Section 61-7-8, NMSA 1978 of the IHCPA.
- I. Respondent shall personally ensure that the Board is supplied with any and all documents that the Board, in its sole discretion, deems satisfactory evidence of Respondent's compliance with this Order.


J. Respondent shall, at all times, comply with all federal, state and local laws, including but not limited to those laws governing the practice of medicine.

K. This Order is a public document available for inspection; therefore, this Order shall be reported to the National Practitioners Data Bank, the Federation of State Medical Boards, and the America Medical Association.

L. The conditions and terms set forth in this Order will remain in effect unless and until removed or amended by a separate written order of the Board.

[Signature page follows.]

AGREED AND ACCEPTED BY RESPONDENT:



Randolph P. Baca, M.D.

The foregoing was acknowledged before me this 23rd day of December 2016 by

Randolph P. Baca, M.D. in the County of

Santa Fe, New Mexico

Commission expires: 7/25/17

Signed: Karne J. [Signature] Notary Public

[NOTARY SEAL]



REVIEWED, APPROVED AND ORDERED BY THE BOARD:

The foregoing Stipulation of Licensure and Order is approved and made immediately effective on this 28th day of Dec 2016.

NEW MEXICO MEDICAL BOARD

By: [Signature]
Steve Jenkusky, M.D.
Chair