

BEFORE THE NEW MEXICO MEDICAL BOARD

IN THE MATTER OF)	
EDWIN B. HALL, M.D.)	Case No. 2017-036
)	Case No. 2018-005
License No. 75-161)	(Inv. Nos. 2016-B-310,
)	2016-B-018, 2016-B-293*)
Respondent.)	
)	

**AGREED ORDER FOR VOLUNTARY SURRENDER OF LICENSE
WHILE UNDER INVESTIGATION**

The New Mexico Medical Board ("Board") and Edwin B. Hall, M.D. ("Respondent") (together, "the Parties") jointly approve this "Agreed Order for Voluntary Surrender of License while under Investigation" ("Agreed Order").

Stipulations by the Parties

1. The Parties stipulate that Respondent holds license number 75-161 and is subject to the jurisdiction of the Board pursuant to the Medical Practices Act (MPA), NMSA 1978, Sections 61-6-1 through -35 (1989, as amended through 2017), the Uniform Licensing Act (ULA), NMSA 1978, Sections 61-1-1 through -34 (1953, as amended through 2017), and rules and regulations of the Board relating to the practice of medicine ("Board Rules"), Title 16, Chapter 10, NMAC.

2. The Parties stipulate that Respondent first came under investigation by the Board on May 3, 2016, and that after that date the Board opened additional investigations involving Respondent and his practice.

3. The Parties stipulate that the Board summarily suspended Respondent's license to practice medicine on October 4, 2017, based on a Notice of Summary Suspension issued by the Board on that date in case number 2017-036, and a further Notice of Summary Suspension

* The Notice of Summary Suspension (NSS) and Notice of Contemplated Action (NCA) issued by the Board on March 1, 2018, incorrectly identified the numbers for the investigations opened by the Board. The numbers appearing here are the correct investigation numbers.

issued by the Board on March 1, 2018, in case number 2018-005, and that Respondent has not exercised his right to a hearing on either Notice of Summary Suspension.

4. The Parties stipulate that the Board issued Notices of Contemplated Action against Respondent on October 4, 2017, and March 1, 2018, in which it advised Respondent that it was considering action up to and including revocation of his license based on allegations that --

a. Respondent prescribed controlled substance medications and combinations of medications in a manner posing a threat to the health of his minor and adult patients, and six of his adult patients died as a result of an overdose,

b. Respondent failed to effectively screen, evaluate, assess and monitor patients to whom controlled substances had been prescribed,

c. the New Mexico Board of Pharmacy identified Respondent as a "high risk prescriber," who did not access the prescription monitoring program (PMP) data base, as required,

d. medical records for Respondent's patients provide inadequate documentation and demonstrate a practice of "cloning," i.e., copying and pasting, entries in those records,

e. applications for medical cannabis signed by Respondent and dated after his license was summarily suspended by the Board on October 4, 2017, were submitted to the Department of Health,

f. Respondent, from at least the fall of 2013 and until his license was suspended, allowed an unlicensed individual to treat patients in his practice and billed for the services of that unlicensed individual under his Medicaid identification number,

g. another jurisdiction had revoked the medical license of the unlicensed individual whom Respondent allowed to treat patients in his practice based on that individual's inappropriate sexual conduct with a female patient,

h. a third jurisdiction had taken disciplinary action against the unlicensed individual whom Respondent allowed to treat patients in his practice for prescribing issues that would constitute a violation of the MPA,

i. patient medical records maintained by Respondent were deficient and fell below established standards of care, and

j. billing records maintained by Respondent showed anomalies indicating Respondent was allowing another practitioner to bill for services under Respondent's name.

5. The Parties stipulate that Respondent filed timely requests for hearing on the Notices of Contemplated Action filed against him by the Board on October 4, 2017, and March 1, 2018, and that Respondent has waived the deadlines for holding a hearing on either or both of those Notices of Contemplated Action and for compliance with the disclosure of discovery and witness lists. No evidentiary hearings were held.

6. The Parties stipulate that, if the Board had proven the allegations contained in its Notices of Contemplated Action (which the Board affirms it has substantial, credible evidence to support), Respondent's conduct would constitute multiple violations of the MPA and/or the Board's Rules, and that the Board would have had grounds to revoke Respondent's license.

7. The Parties stipulate that Respondent does not admit any wrongdoing by entering into this Agreed Order.

8. The Parties stipulate that the Board has the authority to enter into this Agreed Order, and that entry of this Agreed Order will settle the Board's investigations and allegations involving Respondent.

9. The Parties stipulate that this Agreed Order --

a. was mutually negotiated and determined, and is beneficial to both Parties,

b. contains no provision that is unconscionable, and

c. will otherwise remain in full force and effect if any portion of it is invalidated by judgment or court order.

10. The Parties stipulate that this Agreed Order will have full force and effect if it is executed in counterparts and/or via facsimile or electronic means.

11. The Parties stipulate that this Agreed Order is in the best interests of Respondent, the Board and the public and is consistent with the purposes and objectives of the MPA.

12. The Parties stipulate that this Agreed Order will be effective upon entry by the Board.

13. The Parties agree this Agreed Order contains the entire agreement between the Parties with respect to its subject matter, and that this Agreed Order will not be enlarged, modified, or altered except by written order of the Board after Respondent has been given an the opportunity to be heard.

Agreement

14. The Board agrees to allow Respondent to resolve the allegations against him by permitting Respondent to voluntarily surrendering his license to practice medicine in New Mexico and by accepting Respondent's agreement not to (re)apply for a license that would allow him to practice medicine in New Mexico.

15. Respondent agrees to voluntarily surrender his license to practice medicine in New Mexico.

16. Respondent agrees he will not (re)apply for a license to practice medicine in New Mexico and that he will not attempt to practice medicine again in New Mexico.

17. Respondent agrees to pay fines in the amount of \$5,000 and to reimburse the Board \$2,500 for expenses it incurred in investigating the allegations against him. Respondent agrees to pay these fines and expenses within one year of this Agreed Order.

18. Respondent agrees to waive his right to a hearing and any right he may have to appeal this Agreed Order.

19. Respondent agrees to report entry of this Agreed Order to any jurisdiction where he may be licensed or apply for licensure to practice medicine.

STATEMENT AND AFFIRMATIONS BY RESPONDENT

20. By signing below, Respondent states and affirms –

a. he knowingly, voluntarily and intelligently accepts and understands the provisions of this Agreed Order,

b. he knowingly, voluntarily and intelligently is waiving his rights under the MPA and the ULA, including his right to a hearing and his right to an appeal of this Agreed Order,

c. he knows and understands he has the right to consult with an attorney of his choice regarding his rights and the effects of this Agreed Order, and that he is stating he has either consulted an attorney or is waiving his right to counsel,

d. he has received all procedural and substantive due process to which he is entitled,

e. he is aware this Agreed Order is a public document, reportable to the National Practitioner's Data Bank (NPDB), the Federation of State Medical Boards (FSMB) and the American Medical Association (AMA), and

f. he is of sound mind and not under the influence of, or impaired by, any medication or drug.

3/27/18

Date

3/27/18

Date

Edwin B Hall, M.D.

Edwin B. Hall, M.D.

Molly Schmidt-Nowara

Molly Schmidt-Nowara
Counsel to Dr. Hall

[Board's Order appears on following page.]

ORDER

THE BOARD, HAVING FOUND that Respondent's voluntary surrender of his license while under investigation, coupled with his agreement not to reapply for a license that will allow him to practice medicine in New Mexico, is in the best interests of Respondent, the Board and the public, that it will promote administrative efficiency, and that it will conserve taxpayer resources, and

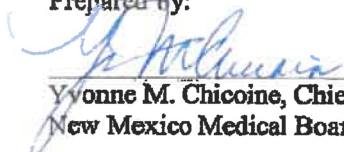
HAVING FURTHER FOUND that Respondent understands the provisions of this Agreed Order, including its stipulations and the rights he is waiving,

HEREBY ACCEPTS AND ORDERS Respondent's voluntary surrender of his license to practice medicine in the State of New Mexico.

NEW MEXICO MEDICAL BOARD

4/2/18
Date


_____, M.D., Acting Chair

Prepared by:

Yvonne M. Chicoine, Chief Legal Counsel
New Mexico Medical Board

BEFORE THE NEW MEXICO MEDICAL BOARD



IN THE MATTER OF)
EDWIN B. HALL, M.D.)
)
License No. 75-161)
)
Respondent.)
_____)

No. 2017-036

TO: Edwin B. Hall, MD
c/o Molly Schmidt-Nowara, Esq.
Garcia Ives Nowara
924 Second Street NW, Suite A
Albuquerque, New Mexico 87102

NOTICE OF SUMMARY SUSPENSION

YOU ARE HEREBY NOTIFIED THAT YOUR LICENSE TO PRACTICE MEDICINE IS SUMMARILY SUSPENDED pursuant to NMSA 1978, Section 61-6-15.1 of the Medical Practice Act and NMSA 1978, Section 61-1-4 of the Uniform Licensing Act. The New Mexico Medical Board (“Board”) possesses evidence indicating that you pose a clear and immediate danger to the public health and safety if you continue to practice medicine. Such evidence, if not rebutted at a later hearing, will justify the Board in imposing further suspension or revocation of your license to practice medicine in the State of New Mexico and/or other disciplinary action taken against you by the Board.

Section 61-6-15.1(A), NMSA 1978 states, in pertinent part, that:

The board may summarily suspend or restrict a license issued by the board without a hearing, simultaneously with or at any time after the initiation of proceedings for a hearing provided under the Uniform Licensing Act [61-1-1 through 61-1-31 NMSA 1978], if the board finds that evidence in its possession indicates that the licensee:

- (1) poses a clear and immediate danger to the public health and safety if the licensee continues to practice...

See also Rule 16.10.5.16 NMAC.

This summary suspension is based on evidence that shows:

- a) Since at least Fall 2013, while practicing as a licensed physician you allowed an unlicensed individual to treat patients in your practice and then billed the services of this unlicensed individual under your Medicaid ID.
- b) The unlicensed individual was a former licensed psychiatrist in another state, but that individual's medical license has been revoked by that other state based on sexual contact with a female patient.
- c) Additionally, this unlicensed individual also had adverse licensure action taken against him by Georgia Medical Board for prescribing issues.
- d) Aiding and abetting the unlicensed practice of medicine, a fourth degree felony in the state of New Mexico, is a violation of the New Mexico Medical Practice Act.
- e) A review of your patients' medical records reveal that your documentation is deficient and falls below the standard of care.
- f) A review of medical records and billings indicate that you were billing for hours that were an anomaly as to the hours billed per day and could only be explained by an additional practitioner providing medical services and billing their services under your name.

In consideration of the foregoing, the Board FINDS AND CONCLUDES that you pose clear and immediate danger to the public health and safety if you continue to practice medicine in the State of New Mexico.

THEREFORE, IT IS HEREBY ORDERED that your New Mexico license to practice as

a physician in the State of New Mexico is hereby SUMMARILY SUSPENDED until further Order of the Board.

Pursuant to Board Rule 16.10.5.16 NMAC, you are entitled to a hearing on the merits of this summary suspension order within fifteen (15) days of a request for such a hearing. Your hearing request shall be in writing, addressed to the Board, delivered by certified mail, return receipt requested. You are not required to comply with this summary action until service of this action has been made personally or by certified mail, return receipt requested, at your last known address as shown in the Board's records, or you have actual knowledge of this order, whichever comes first.

Pursuant to NMSA, 1978, Section 61-1-8 you have the right to be represented at a hearing on this summary suspension order by counsel or by a licensed member of your profession or both, and to present all relevant evidence by means of witnesses, books, papers, documents and other evidence; to examine all opposing witnesses who may appear on any matter relevant to the issues and have subpoenas duces tecum issued as of right prior to the commencement of the hearing, to compel the attendance of witnesses and the production of relevant books, papers, documents and other evidence upon making a written request therefore to the Board. The issuance of such subpoenas after commencement of the hearing rests with the discretion of the Board or Hearing Officer.

The issuance of this Summary Suspension is a disciplinary event and will be reported to the National Practitioner Data Bank and is a public document, open to public inspection.

Dated this 4th day of October, 2017.

NEW MEXICO MEDICAL BOARD

A handwritten signature in black ink, appearing to read "Sondra Frank", written over a horizontal line.

Sondra Frank, Executive Director
New Mexico Medical Board
2055 South Pacheco Street, Building 400
Santa Fe, New Mexico 87505
Tel: 505-476-7220

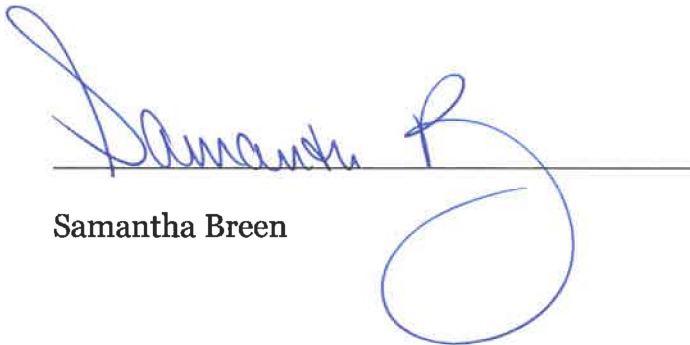
CERTIFICATE OF SERVICE

I hereby certify that a true copy of the Notice of Summary Suspension and Notice of Contemplated Action was sent Certified Return Receipt USPS and Electronic Mail to Respondent's Counsel on October 4, 2017.

Edwin B. Hall, MD
c/o Molly Schmidt-Nowara, Esq.
Garcia Ives Nowara
924 Second Street NW, Suite A
Albuquerque, NM 87102

Hand Delivered to:

Yvonne Chicoine
Chief Legal Counsel
New Mexico Medical Board



Samantha Breen

BEFORE THE NEW MEXICO MEDICAL BOARD



IN THE MATTER OF)
EDWIN B. HALL, M.D.)
)
License No. 75-161)
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Respondent.)
_____)

No. 2017-036

TO: Edwin B. Hall, MD
c/o Molly Schmidt-Nowara, Esq.
Garcia Ives Nowara
924 Second Street NW, Suite A
Albuquerque, New Mexico 87102

NOTICE OF CONTEMPLATED ACTION

YOU ARE HEREBY NOTIFIED that pursuant to provisions of NMSA 1978, Section 61-1-4 of the Uniform Licensing Act (“ULA”), the New Mexico Medical Board (“Board”) has before it sufficient evidence that, if not rebutted or explained, will justify the NMMB imposing sanctions that could include restricting, revoking or suspending your license to practice medicine in the State of New Mexico. In support therefore, the Board alleges as follows:

1. You were issued a license to practice medicine in the State of New Mexico (License No. 75-161) and you are, therefore, subject to the Board’s jurisdiction pursuant to provisions of the ULA and the Medical Practice Act (“MPA”), Chapter 61, Article 6, NMSA 1978.
2. This contemplated action is based on the following allegations:
 - a) Since at least Fall 2013, while practicing as a licensed physician you allowed an unlicensed individual to treat patients in your practice and then billed the services of this unlicensed individual under your Medicaid ID.
 - b) The unlicensed individual was a former licensed psychiatrist in another state, but that individual’s medical license has been revoked by that other state based on sexual contact with a female patient.

- c) Additionally, this unlicensed individual also had adverse licensure action taken against him by Georgia Medical Board for prescribing issues.
 - d) Aiding and abetting the unlicensed practice of medicine, a fourth degree felony in the state of New Mexico, is a violation of the New Mexico Medical Practice Act.
 - e) A review of your patients' medical records revealed that your documentation is deficient and fell below the standard of care.
 - f) A review of medical records and billings indicate that you were billing for hours that were an anomaly as to the hours billed per day and could only be explained by an additional practitioner providing medical services and billing their services under your name.
3. The allegations set forth in paragraphs 2(a) through 2(f) above, if proven, would constitute violations of the following provisions:
- a) NMSA 1978, Section 61-6-15(D)(4), obtaining a fee by fraud or misrepresentation;
 - b) NMSA 1978, Section 61-6-15(D)(10), permitting or allowing a person to use the license of the licensee;
 - c) NMSA 1978, Section 61-6-15(D)(11), aiding or abetting the practice of a person not licensed by the board;
 - d) NMSA 1978, Section 61-6-15(D)(18), conduct likely to deceive, defraud or harm the public;
 - e) NMSA 1978, Section 61-6-15(D)(20), employing abusive billing practices;
 - f) 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;
 - g) NMSA 1978, Section 61-6-15(D)(33), improper management of medical records, including failure to maintain timely, accurate, legible and complete medical records;
 - h) Applicable Board rules found at Title 16, Chapter 10, NMAC, and/or
 - i) Provisions of the Code of Medical Ethics of the American Medical Association

as adopted by the Board at Rule 16.10.8.9 NMAC.

4. Please take notice that pursuant to NMSA 1978, Section 61-1-4 you may secure a hearing before the Board by depositing in the mail within twenty (20) days after service of this notice a certified return receipt requested letter addressed to the Board and containing a request for a hearing.

If you do not request a hearing within twenty (20) days after service of this notice as described above, the Board will take the contemplated action, i.e., imposing sanctions that could include the revocation or suspension of your license to practice medicine in the State of New Mexico, including retroactive revocation or suspension, and there will be no judicial review of their decision.


5. Pursuant to NMSA 1978, Section 61-1-8, you have the right to be represented by counsel or by a licensed member of your profession or both, and to present all relevant evidence by means of witnesses, books, papers, documents and other evidence; to examine all opposing witnesses who may appear on any matter relevant to the issues and have subpoenas duces tecum issued as of right prior to the commencement of the hearing, to compel the attendance of witnesses and the production of relevant books, papers, documents and other evidence upon making a written request therefore to the Board. The issuance of such subpoenas after commencement of the hearing rests with the discretion of the Board or Hearing Officer.

6. The issuance of this Notice of Contemplated Action is not a disciplinary event reportable to any data bank but is a public document open to public inspection.

7. In the event that the Board takes a final action against you as specified in NMSA 1978, Section 61-1-3, you shall bear all costs of disciplinary proceedings pursuant to NMSA 1978, Section 61-1-4(G) unless excused by the Board.

Dated this 2nd day of October, 2017.

NEW MEXICO MEDICAL BOARD

A handwritten signature in cursive script, appearing to read "Sondra Frank", written over a horizontal line.

Sondra Frank, Executive Director
New Mexico Medical Board
2055 South Pacheco Street, Building 400
Santa Fe, New Mexico 87505
Tel: 505-476-7220

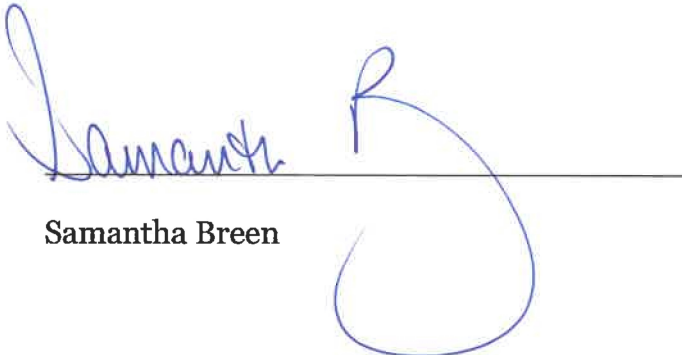
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