

BEFORE THE NEW MEXICO MEDICAL BOARD



IN THE MATTER OF)
MICHAEL H. ANIKEEV, M.D.,)
License No. MD2011-0662)
)
Respondent.)
)

No. 2019-012
(Inv. No. 2018-B-147)

AGREED ORDER FOR VOLUNTARY SURRENDER OF LICENSE
WHILE UNDER INVESTIGATION

The New Mexico Medical Board (“Board”) and Michael H. Anikeev, M.D. (“Respondent”) (together, “the Parties”) jointly approve this “Agreed Order for Voluntary Surrender of License While Under Investigation” (“Agreed Order”).

STIPULATIONS OF THE PARTIES

1. The Parties stipulate Respondent holds license number MD2011-0662 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 2018), the Uniform Licensing Act (ULA), NMSA 1978, Sections 61-1-1 through -34 (1953, as amended through 2018), and rules and regulations of the Board related to the practice of medicine (“Rules”), which are codified at Title 16, Chapter 10, NMAC.
2. The Parties stipulate Respondent came under investigation by the Board on or about July 17, 2018.
3. The Parties stipulate Respondent allowed his license to lapse while he was under investigation by the Board.
4. The Parties stipulate the Board’s investigation produced credible evidence supporting allegations that –
 - a. on or about June 13, 2018, the State Medical Board of Ohio (“Ohio Medical

Board”) summarily suspended Respondent’s license to practice after Respondent admitted to being impaired and failed to submit to a required examination,

b. in December 2017, Respondent was arrested and charged with a domestic violence offense (Respondent had been charged previously with driving while impaired and a domestic violence offense),

c. Respondent did not report to the Board the action taken by the Ohio Medical Board or his 2017 arrest (he had reported the prior charges),

d. Respondent did not respond to requests from a Board investigator for information relating to the conduct that gave rise to the action taken by the Ohio Medical Board, and/or

e. Respondent failed to maintain a current address with the Board.

5. The Parties stipulate the allegations against Respondent outlined above, if proven, constitute one or more violations of the MPA, the Board’s Rules, and/or the Code of Ethics of the American Medical Association, as adopted by the Board at 16.10.8.9 NMAC. *See, e.g.,* NMSA 1978, § 61-6-15(D) (defining “unprofessional or dishonorable conduct” as including “discipline imposed on a licensee by another state, including . . . suspension or revocation, based upon acts by the licensee similar to acts [constituting unprofessional or dishonorable conduct under the MPA],” “failure to report to the [B]oard any adverse action taken against the licensee by . . . another licensing jurisdiction . . . [or] a law enforcement agency,” “failure to furnish the [B]oard, its investigators or representatives with information requested by the [B]oard,” and “conduct unbecoming in a person licensed to practice or detrimental to the best interests of the public”); NMSA 1978, § 61-6-28 (“A licensed physician who changes the location of his office or residence shall promptly notify the [B]oard of the change.”).

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

7. The Parties stipulate they have the authority under the MPA and the ULA to enter into this Agreed Order, and that entry of this Agreed Order will resolve all existing Board investigations and allegations involving Respondent.

8. The Parties stipulate this Agreed Order –

- a. was mutually negotiated and determined,
- 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.

9. The Parties stipulate 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.

AGREEMENT OF THE PARTIES

10. In exchange for Respondent's agreement to voluntarily surrender his license, the Board agrees it will not pursue an action to suspend or revoke Respondent's license and/or to impose other discipline based on the evidence gathered during its investigation.

11. In exchange for the Board's agreement not to pursue further action against him in connection with the Board's current investigation, Respondent agrees –

- a. to voluntarily surrender his license to practice medicine in New Mexico,
- b. to waive his right to a hearing during which the Board would be required to prove by a preponderance of the evidence the allegations outlined in this Agreed Order,
- c. he will not challenge the allegations outlined above in Paragraph 4 in any future Board proceeding, and
- d. to waive his right to any appeal of this Agreed Order.

12. 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 the opportunity to be heard.

13. The Parties agree this Agreed Order shall have full force and effect if it is executed in counterparts and/or via facsimile or electronic means.

14. The Parties agree this Agreed Order will be effective upon approval by the Board.

15. The Parties agree Respondent will report entry of this Agreed Order to any other jurisdiction where he may be licensed to practice.

STATEMENT AND ACKNOWLEDGEMENTS BY RESPONDENT

16. By signing below, Respondent states and acknowledges –

a. he knowingly, voluntarily and intelligently accepts and understands the terms 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 any appeal of this Agreed Order,

c. he cannot challenge the allegations outlined above in any future Board proceeding,

d. he understands that, having surrendered his license to practice in New Mexico, he will be required to apply for a new license if he wishes to practice in New Mexico in the future,

e. 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 is stating he has either consulted an attorney or is waiving his right to counsel,

f. he confirms his knowledge that 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

g. he states he is of sound mind and not impaired by any medication or drug.

03/25/2019
Date

Michael H. Anikeev
Michael H. Anikeev, M.D.

Acknowledgement of Signature of Respondent

The foregoing was acknowledged before me on this 25th day of MARCH 2019, Michael H. Anikeev, M.D., in the State of Ohio, County of FRANKLIN.



[SEAL]

Cheri Liggins
Notary Public, State of Ohio
My Commission Expires 02-20-23

Cheri Liggins
Notary Public Signature

Cheri LIGGINS
Printed Name

02-20-2023
Commission expires

ORDER

THE BOARD, HAVING FOUND that allowing Respondent to voluntarily surrender his license to practice 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

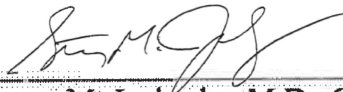
HAVING FURTHER FOUND that Respondent understands the terms of this Agreed Order, including his waiver of rights,

HEREBY ACCEPTS Respondent's voluntary surrender of his license to practice in New

Mexico under the terms set forth in this Agreed Order.

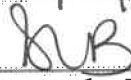
NEW MEXICO MEDICAL BOARD

3/29/19
Date


Steven M. Jenkusky, M.D., Chairman

Certificate of Service

I certify I transmitted this Order, as entered, to Michael H. Anikeev, at *mag767us@yahoo.com*, and to Yvonne Chicoine, at *yvonnem.chicoine@state.nm.us*.
Transmission occurred at _____ a.m./p.m. on 3/29/19.


Samantha Luckie-Breen
Administrative Assistant

