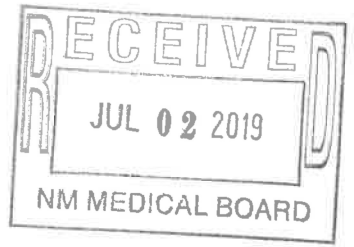


**BEFORE THE NEW MEXICO MEDICAL BOARD**



IN THE MATTER OF )  
MARK D. BEALE, M.D., )  
License No. 93-208, )  
Respondent. )  
\_\_\_\_\_ )

Case No. 2019-021  
(Inv. Nos. 2018-B-096 and  
2018-B-196)

**DECISION AND ORDER REVOKING RESPONDENT'S LICENSE**

THIS MATTER came before the New Mexico Medical Board on June 27, 2019, for action based on the Prosecution's June 7, 2019, Motion for Entry of Default Order.

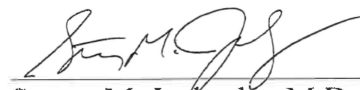
THE BOARD, HAVING FOUND Respondent failed to request a hearing on the Notice of Contemplated Action (NCA) issued by the Board on April 28, 2019, within the twenty days allowed by Section 61-1-4(D)(3) of the Uniform Licensing Act (ULA), and

HAVING CONCLUDED Respondent's failure to request a hearing allows the Board to act pursuant to Section 61-1-4(E) of the ULA to revoke Respondent's license based on the un rebutted and unexplained allegations contained in the NCA, *see Gallegos v. Franklin*, 1976-NMCA-019, ¶ 38, 89 N.M. 118, 123 ("Generally, a default judgment precludes a trial on the facts . . . The allegations of the complaint, in effect, become findings of fact."),

ORDERS Respondent's license to practice medicine in New Mexico REVOKED.

Pursuant to Section 61-1-4(E) of the ULA, this Order is not subject to judicial review.

NEW MEXICO MEDICAL BOARD

  
\_\_\_\_\_  
Steven M. Jerkusky, M.D., Chairman

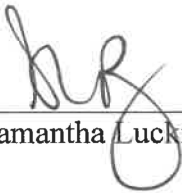
**Certificate of Service**

I certify a copy of this order was provided to Respondent by email, addressed to *bullettherapy@gmail.com*, and by first class mail addressed to

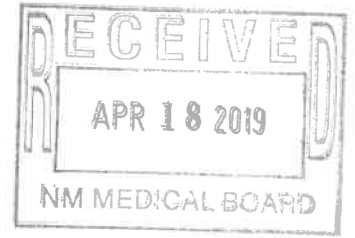
Mark Beale, M.D.  
133 Wyatt Drive  
Las Cruces, NM 88005

and to the Board's Prosecutor, Yvonne Chicoine by email addressed to *yvonnem.chicoine@state.nm.us*.

7/2/19 \_\_\_\_\_  
Date

  
\_\_\_\_\_  
Samantha Luckie-Breen

**BEFORE THE NEW MEXICO MEDICAL BOARD**



**IN THE MATTER OF** )  
**MARK BEALE** )  
 )  
**License No. 93-208** )  
 )  
**Respondent.** )  
\_\_\_\_\_ )

**No. 2019-021**

TO: Mark Beale, MD  
133 Wyatt Drive  
Las Cruces, NM 88005

To: Mark Beale, MD  
c/o Dona Ana County Detention Center  
1850 Copper Loop  
Las Cruces, NM 88005

**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 as a physician. Such evidence, if not rebutted at a later hearing, will justify the Board in imposing further suspension or revocation of your license to practice as a physician in the State of New Mexico and/or other disciplinary action taken against you by the Board.

This summary suspension is based on evidence in the Board’s possession that shows:

- A. On April 12, 2019, a criminal complaint was filed in Dona Ana County Magistrate Court, Case No. M-14-FR2019-00312, charging you with:

- a. Three counts of violating Section 30-9-11(F) NMSA 1978 (Criminal Sexual Penetration by the use of force or coercion, a 3<sup>rd</sup> degree felony).
- b. Four counts of violating Section 30-9-12(A)&(C)(1)(Criminal Sexual Contact by though the use of force or coercion or where the Respondent knew or had reason to know that the victim suffered from a condition which made her incapable of giving consent, resulting in personal injury to the victim, a fourth degree felony);
- c. Three counts of violating Section 30-3-4, NMSA 1978, (Battery, a petty misdemeanor).

In consideration of the foregoing, the Board FINDS AND CONCLUDES that you pose a 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 17<sup>th</sup> day of April 2019.

NEW MEXICO MEDICAL BOARD

A handwritten signature in black ink, appearing to read "Sondra Frank", is 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

**BEFORE THE NEW MEXICO MEDICAL BOARD**



**IN THE MATTER OF** )  
**MARK BEALE** )  
 )  
**License No. 93-208** )  
 )  
**Respondent.** )  
\_\_\_\_\_ )

**No. 2019-021**

**TO:** Mark Beale, M.D.  
133 Wyatt Drive  
Las Cruces, NM 88005

**To:** Mark Beale, M.D.  
c/o Dona Ana County Detention Center  
1850 Copper Loop  
Las Cruces, NM 88005

**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 as a physician in the State of New Mexico.

1. You were initially issued a license to practice as a physician in the State of New Mexico (License No.93-208) in 1993 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 Notice of Contemplated Action (“NCA”) is based on the following allegations:

A. On April 12, 2019, a criminal complaint was filed in Dona Ana County Magistrate Court, Case No. M-14-FR2019-00312, charging you with:

a. Three counts of violating Section 30-9-11(F) NMSA 1978 (Criminal Sexual

Penetration by the use of force or coercion, a 3<sup>rd</sup> degree felony).

- b. Four counts of violating Section 30-9-12(A)&(C)(1)(Criminal Sexual Contact by though the use of force or coercion or where the Respondent knew or had reason to know that the victim suffered from a condition which made her incapable of giving consent, resulting in personal injury to the victim, a fourth degree felony);
- c. Three counts of violating Section 30-3-4, NMSA 1978, (Battery, a petty misdemeanor).

B. From at least January 2015 to present you treated chronic pain and psychiatric conditions in patients by prescribing them controlled substance medications without medical justification and without maintaining legible, accurate and timely medical records. You also violated the Board's Regulation on Prescribing Opioids for Chronic Pain and violated the Board's Regulation on PMP Use.

3. The allegations set forth in paragraphs 2 above, if proven, would constitute violations of the following provisions:

- a. NMSA 1978, Section 61-6-15(D)(28), sexual contact with a patient;
- b. NMSA 1978, Section 61-6-15 (D)(32), sexual contact with a patient when the licensee uses or exploits treatment, knowledge, emotions or influence derived from the previous professional relationship;
- c. NMSA 1978, Section 61-6-15(D)(17), prescribing, administering or dispensing of narcotic, stimulant or hypnotic drugs for other than accepted therapeutic purposes;
- 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)(19), repeated similar negligent acts;
- f. NMSA 1978, Section 61-6-15(D)(26); injudicious prescribing, administering or

dispensing of a drug or medicine;

g. 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;

h. NMSA 1978, Section 61-6-15(D)(33), improper management of medical records, including failure to maintain timely, accurate, legible and complete medical records;

i. Applicable Board rules found at Title 16, Chapter 10, NMAC; and/or

j. 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 reportable to any data bank but is a public document open to public inspection.

7. In the event 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 17<sup>th</sup> day of April 2019.

NEW MEXICO MEDICAL BOARD



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

**BEFORE THE NEW MEXICO MEDICAL BOARD**

IN THE MATTER OF )  
MARK BEALE, MD )  
 )  
License No. 93-208 ) No. 2019-021  
 )  
Respondent. )  
\_\_\_\_\_ )

**CERTIFICATE OF SERVICE**

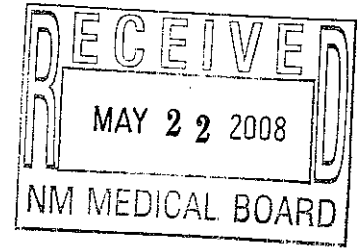
I certify that on the 18<sup>th</sup> day of April, in  
Dona Ana County, I served this Summary Suspension and Notice of Contemplated Action  
on MARK BEALE.

Mark Beale, M.D.  
c/o Dona Ana County Detention Center  
1850 Copper Loop  
Las Cruces, NM 88005

C. Salgado

BEFORE THE NEW MEXICO MEDICAL BOARD

IN THE MATTER OF )  
 )  
Mark Beale, M.D. )  
 )  
Respondent )



ORDER

THIS MATTER came before the New Mexico Medical Board ("Board") upon Mark Beale, 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 June of 1993, Respondent entered into a Stipulation of Licensure agreement with the Board which placed certain terms and conditions upon Respondent's license to practice medicine; and

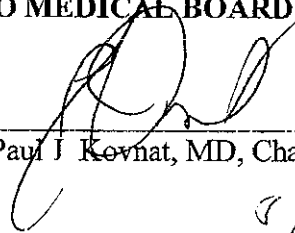
WHEREAS in April 2008, Respondent requested to be released from the Stipulation of Licensure agreement; and

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

IT IS THEREFORE ORDERED that the stipulations placed on Respondent's license to practice medicine in the Stipulation of Licensure agreement are hereby removed and Respondent shall have an unrestricted license to practice medicine in New Mexico

Dated: May 22, 2008

NEW MEXICO MEDICAL BOARD

By:   
Paul J. Kovnat, MD, Chair  
5/23/08

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF NEW MEXICO

IN THE MATTER OF  
MARK BEALE, M.D.

STIPULATION OF LICENSURE

THIS MATTER came before the New Mexico Board of Medical Examiners on May 20, 1993. Dr. Beale and his attorney met with the Board concerning Dr. Beale's disciplinary history in the State of Tennessee. The Board is persuaded that Dr. Beale can safely practice medicine under certain terms, conditions and stipulations. In order to assure the Board and the public that Dr. Beale will practice competent medicine, Dr. Beale and the Board agree that Dr. Beale's license to practice medicine in New Mexico will be limited and restricted as follows:

1. Dr. Beale's license to practice medicine is unrestricted, however, in order to maintain its unrestricted status, Dr. Beale must complete 25 hours of continuing medical education in psycho-pharmacology, in addition to the general CME requirements for licensure.

2. Dr. Beale shall submit an affidavit acknowledging completion of the required CME in psycho-pharmacology on or before May 20, 1994, and shall include a course description or other evidence describing the coursework taken with his affidavit of compliance.

3. If Dr. Beale fails to complete the necessary coursework in psycho-pharmacology before May 20, 1994, the Board may initiate disciplinary proceedings in accordance with the Uniform Licensing Act N.M. Stat. Ann. 1978 §§ 61-1-1 through 61-1-33.


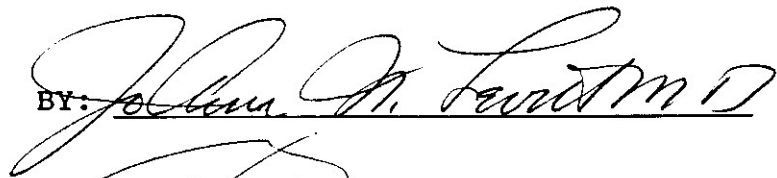
4. The Board retains continuing jurisdiction over this matter until such time as this Stipulation is rescinded or modified or until such time, if any, that further action concerning the license of Mark Beale, M.D. is taken by the Board.

5. Dr. Beale has been advised to seek the advice of legal counsel prior to signing this stipulation of licensure.

IT IS SO STIPULATED by Mark Beale, M.D. and the New Mexico Board of Medical Examiners.

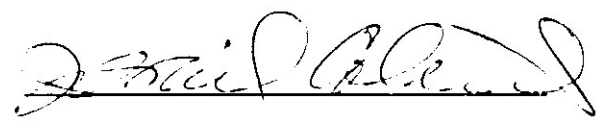
NEW MEXICO BOARD OF MEDICAL EXAMINERS

BY:



Mark Beale, M.D.

SUBSCRIBED AND SWORN to before me this 15 day of June, 1993 by Mark Beale, M.D.



Notary Public

My Commission expires

8-22-1994