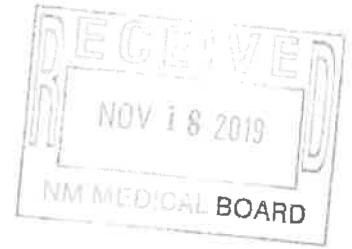


BEFORE THE NEW MEXICO MEDICAL BOARD



IN THE MATTER OF)
JOSIP GAZIC, M.D.,)
License No. MD2007-0663,)
)
Respondent.)
_____)

Case No. 2019-059
(Inv. No. 2019-C-101)


DECISION AND ORDER REVOKING RESPONDENT'S LICENSE

This matter came before the New Mexico Medical Board ("Board") on November 14, 2019, for action based on the Prosecution's Motion for Entry of Default Order.

1. Based on its consideration of the matter and the record before it, the Board finds –
 - a. Respondent failed to request a hearing on the Notice of Contemplated Action (NCA) issued by the Board on September 3, 2019, within the twenty days allowed by Section 61-1-4(D)(3) of the Uniform Licensing Act (ULA), and
 - b. Respondent, having not availed himself of the opportunity to rebut or explain the allegation contained in the NCA by requesting an evidentiary hearing, did not comply with a judgment and order for support relating to child support proceedings.
2. Pursuant to these findings, the Board concludes –
 - a. Respondent's failure to request a hearing in a timely manner allows it to act pursuant to Section 61-1-4(E) of the ULA, and
 - b. Respondent violated the Parental Responsibility Act, which requires parents to eliminate child support arrearages in order to maintain a professional license.
3. Consistent with the above findings and conclusions, the Board **ORDERS** –
 - a. Respondent's license to practice medicine **REVOKED**, *see* NMSA 1978, §§ 40-5A-2 and -6, and

b. Respondent may apply for reinstatement of his license pursuant to 16.10.6.29(F) NMAC upon presenting to the Board a statement of compliance from the New Mexico Human Services Department (HSD).

NEW MEXICO MEDICAL BOARD


Steven M. Jenkusky, M.D.
Chairman

Certificate of Service

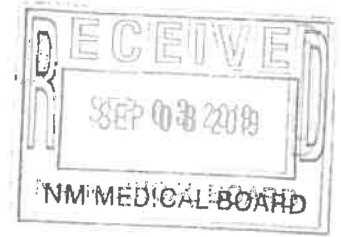
I certify I sent a copy of this Decision and Order to Respondent by email, addressed to *gazicj@yahoo.com*, and by first-class mail addressed to –

Josip Gazic, M.D.
6327 Goldfield Place, NE
Albuquerque, NM 87111

I also sent a copy to the Board's Prosecutor, Yvonne Chicoine, at *YvonneM.Chicoine@state.nm.us*.


Samantha Luckie-Breen
Compliance Coordinator

BEFORE THE NEW MEXICO MEDICAL BOARD



IN THE MATTER OF)
JOSIP GAZIC, M.D.,)
License No. MD2007-0663,)
)
Respondent.)
)

Case No. 2019-059
(Inv. No. 2019-C-101)

Via email (gazicj@yahoo.com)
and certified first-class mail to

To: Josip Gazic, M.D.
6327 Goldfield Place, NE
Albuquerque, NM 87111

NOTICE OF CONTEMPLATED ACTION (NCA) AGAINST LICENSEE

YOU ARE HEREBY NOTIFIED the New Mexico Medical Board (“Board”) “has before it sufficient evidence that, if not rebutted or explained, will justify the [B]oard in taking . . . action” imposing disciplinary sanctions up to and including revocation of your license to practice medicine in New Mexico. NMSA 1978, § 61-1-4(D) (stating the requirements for the Board’s written notice to a licensee); *see also* NMSA 1978 § 61-1-3 (requiring written notice before the Board takes disciplinary action).

Board Jurisdiction and Authority

1. You are subject to the Board’s jurisdiction pursuant to the Medical Practice Act (MPA), NMSA 1978, Sections 61-6-1 to -35, and the Uniform Licensing Act (ULA), NMSA 1978, Sections 61-1-1 to -34, because you hold a license to practice medicine in New Mexico.
2. The Board has authority to issue this Notice of Contemplated Action (NCA) under Section 61-6-15 of the MPA and Section 61-1-4(D) of the ULA.

Public Action

3. This NCA is a public document, open to public inspection, but its issuance does

not constitute a disciplinary event reportable to the National Practitioner Data Bank (NPDB).

Evidence Supporting Contemplated Action

4. Credible evidence possessed by the Board supports the following findings –
 - a. the Child Support Enforcement Division of the New Mexico Human Services Department (HSD) included your name on the monthly certified list of obligors not in compliance with a judgment and order for support relating to child support proceedings it sent the Board on or about April 9, 2019, pursuant to the Parental Responsibility Act, NMSA 1978, Sections 40-5A-1 through -13,
 - b. on April 16, 2019, the Board issued a formal letter giving you the opportunity to provide the Board a copy of a certified statement from HSD that you were in compliance with the judgment and order for support before the Board received the next monthly certified list of obligors from HSD,
 - c. the Board did not receive a response from you,
 - d. HSD included your name on the monthly certified list of obligors it sent to the Board on or about May 9, 2019, and/or
 - e. your name continued to appear on the HSD list of obligors as of July 12, 2019.
 5. If a preponderance of the evidence establishes these findings, the Board may discipline you for conduct actionable under the Parental Responsibility Act. *See* NMSA 1978, § 40-5A-6 (failure to be current with child support payments is grounds for suspension or revocation of a professional license), 16.10.6.29 NMAC. *See also*, NMSA 1978, § 40-5A-2 (“The purpose of the Parental Responsibility Act is to require . . . parents to eliminate child support arrearages in order to . . . maintain . . . a license[.]”).
 6. The Board’s investigation is ongoing. At any time prior to final resolution of this

matter, the Board may amend this NCA to reflect additional evidence and potential findings supporting the imposition of disciplinary sanctions against you.

Your Rights

7. Section 61-1-3 of the ULA entitles you to a hearing on the allegation(s) contained in this NCA. You secure your right to a hearing by submitting a request to the Board. Your request must be in writing, addressed to the Board, and delivered by certified mail, return receipt requested. You must deposit your request for a hearing in the mail *within twenty days* following your receiving service of this NCA. NMSA 1978, § 61-1-4(D)(3).

8. If you do not request a hearing within twenty days following service of this NCA, the Board may take action against your license up to and including revocation of your license to practice in New Mexico. In accordance with Section 61-1-4(E) of the ULA, that action will be final and not subject to judicial review.

9. Section 61-1-8 of the ULA entitles you to certain rights in connection with any hearing that may be held on this matter:

a. At the hearing, you have the right (1) to be represented by counsel or by a licensed member of your profession or both, (2) to present all relevant evidence by means of witnesses, books, papers, documents and other evidence, and (3) to question all opposing witnesses who may appear on any matter relevant to the issues.

b. Within ten days after you submit a written request to the Board, you are entitled (1) to receive the names and addresses of witnesses the Board will or may call to testify at the hearing, and (2) to inspect or copy any documents or items the Board will or may offer as evidence at the hearing.

c. In advance of the hearing, you have the right to have subpoenas issued to third

parties compelling them (1) to produce relevant books, papers, documents and other evidence, and (2) to appear as witnesses on your behalf. Subpoenas must be presented in an acceptable form and will be issued, absent objection, following your written request to the Hearing Officer assigned to your case. After commencement of the hearing, the issuance of subpoenas is at the discretion of the Hearing Officer.

d. Like the Board, you may take and use depositions in accordance with the Rules of Civil Procedure for the District Courts of New Mexico.

Costs

10. Under Section 61-1-4(G) of the ULA, if the Board takes action against your license, as defined in Section 61-1-3 of the ULA, you will be required to reimburse the Board for the costs of its proceedings unless the Board excuses some or all of those costs.

NEW MEXICO MEDICAL BOARD



Sondra Frank, Esq., Executive Director

Please direct all communications with respect to this matter to –

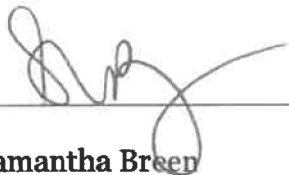
Yvonne Chicoine, Chief Legal Counsel
New Mexico Medical Board
2055 South Pacheco Street, Building 400
Santa Fe, New Mexico 87505
ph: 505/476-7223
email: YvonneM.Chicoine@state.nm.us

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the Notice of Contemplated Action was sent to Respondent on September 3, 2019 via certified return receipt USPS and electronic mail.

Josip Gazic, MD
6327 Godfield Place, NE
Albuquerque, NM 87111

Hand delivered to:
Yvonne Chicoine
Prosecutor



Samantha Breen