

New Mexico Medical Board

ENTERED

09/17/2020

***New Mexico Medical Board***

*2055 S. Pacheco Street  
Building 400  
Santa Fe, NM 87505  
505-476-7220 505-476-7233 fax*

***Michelle Lujan Grisham***  
Governor

***Peter T. Beaudette, M.D.***  
Chairman

September 16, 2020

Via email ([gingeryrobben@gmail.com](mailto:gingeryrobben@gmail.com))

Robben R. Gingery, M.D.  
4113 Eubank Boulevard, N.E.  
Suite 200  
Albuquerque, NM 87111-3482

Re: Case No. 2020-032 (Investigation No. 2020-B-076)

Dear Dr. Gingery:

The New Mexico Medical Board (“the Board”) has considered the evidence gathered during its investigation of the complaint filed against you and has determined discipline is warranted.

During its investigation, the Board found evidence you violated the Medical Practice Act (MPA) and several of the Board’s Rules governing the supervision of medical assistants and the delegation of the use of devices and procedures by medical assistants in connection with your role as medical director of Eternal Youth Medical Spa (“the medspa”). *See* NMSA 1978, § 61-6-15(D)(27) (“failure to adequately supervise, as provided by [B]oard rule, a medical or surgical assistant or technician or professional licensee who renders health care”); Part 16.10.13 NMAC.

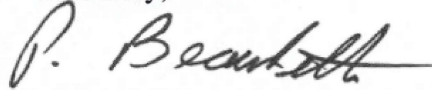
Based on this evidence and your agreement to resolve this matter without proceeding to an evidentiary hearing, the Board issues you this formal letter of reprimand and assesses you fines totaling \$2,000.00. The fines must be paid within sixty days following your receipt of this letter (an administrative stipulation will be placed on your license until the fines are paid).

This letter also cautions you against expanding your practice – which the Board understands is generally limited to psychiatry – into specialty areas where your expertise and competence may not be apparent. This appearance was created by your seeming lack of awareness of the Board’s Rules governing your delegation of medical procedures and the use of devices by medical assistants and other medical professionals at the medspa.

Due to the potential for harm, the Board's rules reflect that certain of the procedures and treatments performed at medspas constitute the practice of medicine. As a result, performance of those procedures and treatments carries with it all of the responsibilities arising in any physician-patient relationship. Among other things, their performance requires the active involvement and on-site presence of a licensed physician, assurances the physician and the medical assistants are properly trained, and the appearance of the physician's name in all communications and advertisements relating to the medspa's services. These specific requirements, as well as others, are set out in Part 16.10.13 of the Board's Rules.

Because the Board's investigation resulted in disciplinary action, this letter constitutes a public action and is reportable to the National Practitioner Data Bank (NPDB), the Federation of State Medical Boards (FSMB), and the American Medical Association (AMA).

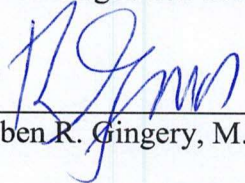
Sincerely,



Peter T. Beaudette, M.D.  
Chairman

cc: Sondra Frank, Esq., Executive Director  
Yvonne Chicoine, Esq., Chief Legal Counsel  
Amanda Quintana, Compliance Manager

Acknowledged and accepted:

  
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Robben R. Gingery, M.D.

17 Sep 2020  
\_\_\_\_\_  
Date