

BEFORE THE NEW MEXICO MEDICAL BOARD

**IN THE MATTER OF
WILLIAM SUMMERS, M.D.**

**License No. 93-406
Respondent.**

**Case No. 2022-029
(Inv. Case No. 2021-C-105)**

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 [B]oard imposing sanctions that could include restricting, revoking or suspending your license to practice as a physician in the State of New Mexico. See NMSA 1978, § 61-1-4(D) (stating the requirements for the Board’s written notice to a licensee); NMSA 1978, § 61-1-3 (requiring written notice before the Board takes action and describing the actions the Board may take).

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 in New Mexico or you held a license at the time the Board initiated its investigation into your conduct.

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 factual allegation(s) –
 - a. Respondent failed to follow Department of Health mask mandate requirements at a Continuing Care Community where he was treating a patient.
 - b. This community required all staff, providers, vendors, and visitors to wear a mask while on the premises to protect the residents’ safety and wellbeing.
 - c. Despite repeated requests by staff at the community, Respondent displayed disregard for the mask mandate potentially placing the residents’ health, safety, and well-being at risk.
5. If a preponderance of the evidence establishes the accuracy of any or all of these allegations, the Board may conclude you engaged in unprofessional conduct subjecting you to discipline under the MPA and the rules and regulations of the Board (“the Board’s Rules”), found at Title 16, Chapter 10, NMAC, such as –
 - a. Conduct likely to harm the public; *see, e.g.*, NMSA 1978, § 61-6-15(D)(18),
 - b. Conduct unbecoming in a person licensed to practice or detrimental to the best interests of the public; *see e.g.*, NMSA 1978, § 61-6-15(D)(26),

The Board’s investigation is ongoing. Subject to the requirements of due process, the Board may amend the allegations set forth above at any time prior to the conclusion of any evidentiary hearing that may be held in connection with this NCA to reflect

additional evidence supporting the imposition of disciplinary sanctions.

Your Rights

6. 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).

7. 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.

8. 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, book, 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, subject to the notice and use provisions of the Rules of Civil Procedure for the District Courts.

Costs

9. 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, J.D., Executive Director

01/30/2023

Date

Please direct any questions you or your attorney may have to –

Michael Nuñez, Administrative Prosecutor
New Mexico Medical Board
2055 South Pacheco Street, Building 400
Santa Fe, NM 87505
Ph: 505-476-7223
Email: Michael.nunez@state.nm.us

Certificate of Service

I certify I transmitted a copy of this Notice of Contemplated Action, as entered, to Respondent's Counsel, at jjg@crowleygribble.com, and via certified-mail to 6000 Uptown Blvd. NE Suite 308, Albuquerque, NM 87110, and to the Board's Prosecutor, Michael A. Nuñez, at Michael.nunez@nmbb.nm.gov.

01/30/2023

Date

Lori Arevalo

Lori Arevalo
Compliance Coordinator