

BEFORE THE NEW MEXICO MEDICAL BOARD

**IN THE MATTER OF
WILLIAM K. SUMMERS, M.D.**
License No. 93-406

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

Respondent.

AGREED ORDER

The New Mexico Medical Board (“Board”) and William K. Summers, M.D. (“Respondent”), together the “Parties”, consent to this Agreed Order.

Stipulations by the Parties

1. The Parties stipulate Respondent, as holder of a license to practice in New Mexico, is subject to the Board’s jurisdiction pursuant to the Medical Practice Act (MPA), NMSA 1978, Sections 61-6-1 to -35, the Impaired Health Care Provider Act, NMSA 1978, Section 61-7-1 through -12, and the Uniform Licensing Act (ULA), NMSA 1978, Sections 61-1-1 to -34, and rules and regulations of the Board relating to the practice of medicine (“the Board’s Rules” or “the Rules”), Title 16, Chapter 10, NMAC.
2. The Parties stipulate the Board has the authority to enter into this Agreed Order.
3. 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.
4. The Parties stipulate they are entering into this Agreed Order to avoid the time, uncertainty, and expense of a formal disciplinary proceeding, which would be initiated by the Board issuing a Notice of Contemplated Action (NCA).
5. The Parties stipulate this Agreed Order was mutually negotiated and determined, contains no unconscionable provision, and will otherwise remain in full force and effect if any portion of it is invalidated by judgement or court order.
6. The Parties stipulate this Agreed Order contains the entire agreement between the Parties with respect to its subject matter and will not be enlarged, modified, or altered, except by written order of the Board after Respondent has been given all due process required by law.
7. The Parties stipulate this Agreed Order will have full force and effect if executed in counterparts and/or via facsimile or other electronic means.
8. The Parties stipulate this Agreed Order will be effective upon entry by the Board.

9. The Parties stipulate this Agreed Order is a public document and the Board will report its entry to the National Practitioner Data Bank (NPDB), the Federation of State Medical Boards (FSMB), and the American Medical Association (AMA).

10. The Parties stipulate Respondent came under investigation by the Board on or about June 17, 2021, after a complaint was received against him alleging his failure to follow Department of Health mask mandate requirements during the Covid pandemic at a Continuing Care Community where he was treating a patient.

11. This community required all staff, providers, vendors, and visitors to wear a mask while on the premises to protect the residents' safety and wellbeing. Sworn affidavits corroborating the allegations were received from three witnesses.

14. The Parties stipulate the findings in the investigation, if established by a preponderance of the evidence during a hearing held pursuant to the ULA, the MPA, and the Board's Rules, would subject Respondent to discipline by the Board under the MPA, and Board's Rules in that his conduct was unbecoming.

Terms

In exchange for the Board's willingness to enter into this Agreed Order, Respondent agrees to:

- a. the issuance of a public reprimand, and
 - b. payment of a \$2,000.00 fine.
12. Respondent further agrees –
- a. to waive any right he may have to seek judicial review of this Agreed Order,
 - b. not to challenge the validity or admissibility of this Agreed Order and/or the investigative findings it contains in any future proceeding before the Board,
 - c. to comply at all times with all federal, state, and local laws, including all laws and rules governing the practice of medicine,
 - d. to cooperate fully with any person responsible for monitoring and ensuring compliance with this Agreed Order,
 - e. to report entry of this Agreed Order to any jurisdiction where he may be licensed or apply for licensure, and
 - f. for purposes of enforcement, this Agreed Order shall be the equivalent of a decision entered by the Board following an evidentiary hearing.
13. Respondent agrees the conditions identified above will remain binding on

Respondent until written release from this Agreed Order is entered by the Board.

14. In exchange for Respondent's agreement, and contingent upon Respondent's compliance with the terms of this Agreed Order, the Board agrees –
- a. to close the investigation addressed by the terms of this Agreed Order,
 - b. to limit the discipline it will impose on Respondent to the conditions identified in this Agreed Order, and
 - c. to waive any requirement for Respondent to reimburse the Board the expenses it incurred in investigating this case.

15. The Parties agree any violations of this Agreed Order will constitute “conduct unbecoming in a person licensed to practice or detrimental to the best interests of the public” and possibly other violations of the MPA and/or the Board's Rules, and may give rise to a new Board investigation, and may result in further disciplinary action.

STATEMENTS AND AFFIRMATIONS BY RESPONDENT

16. By signing below, I state and affirm –
- a. I understand the terms of this Agreed Order, and I knowingly, voluntarily, and intelligently agree to accept and comply with its terms.
 - b. I knowingly, voluntarily, and intelligently waive my rights under the MPA and the ULA, including my right to a hearing and any right I may have to seek judicial review of this Agreed Order.
 - c. I knowingly, voluntarily, and intelligently agree not to challenge the investigative findings contained in this Agreed Order or to challenge the validity or admissibility of this Agreed Order in any future proceeding before the Board.
 - d. I understand any violation of this Agreed Order constitutes a violation of the MPA and the Board's Rules and may result in disciplinary action.
 - e. I understand the conditions identified in this Agreed Order will remain binding on me until a formal, written release is entered by the Board.
 - f. I know and understand I have the right to consult with an attorney of my choice regarding my rights and the effects of this Agreed Order, and I am stating I have either consulted an attorney or am waiving my right to counsel.
 - g. I am aware this Agreed Order is a public document and will be reported to the

NPDB, the FSMB and the AMA.

h. I am of sound mind and not impaired by any medication or drug.

i. I will report this Agreed Order to any jurisdiction where I may be licensed or apply for licensure.

Aug 14, 2023
Date

William K. Summers M.D.
William K. Summers, M.D.

8/14/23
Date

Joseph J. Gribble, Esq.
Joseph J. Gribble, Esq.
Counsel to Dr. Summers

08/15/2023
Date

Michael Nunez, Esq.
Michael Nunez, Esq.
Administrative Prosecutor

NEW MEXICO MEDICAL BOARD

Karen Carson M.D.
Karen Carson, M.D., Chair

Certificate of Service

I certify I transmitted a copy of this Agreed Order, as entered, to Respondent's counsel and to the Board's counsel via email on this 15th day of August 2023.

Lori Arevalo

Lori Arevalo
Compliance Coordinator