

**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.

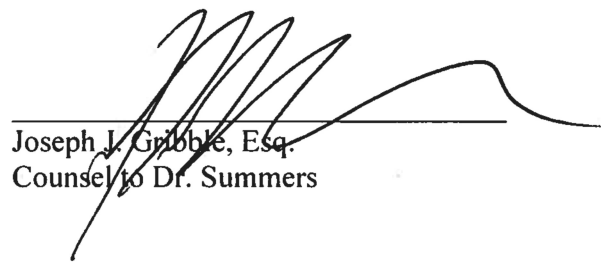
h. I am of sound mind and not impaired by any medication or drug.

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.

8/14/23  
Date

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

08/15/2023  
Date

  
Michael Nunez, Esq.  
Administrative Prosecutor

NEW MEXICO MEDICAL BOARD

  
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*

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Lori Arevalo  
Compliance Coordinator



*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

*Karen Carson, M.D.*

Chair

July 11, 2023

**Via Email Transmission To:**

[\(ijg@crowleygribble.com\)](mailto:ijg@crowleygribble.com)

**and certified mail return receipt requested to:**

William K. Summers, M.D.

C/O Joseph J. Gribble, Esq.

300 Central Ave. SW,

Suite 3500

Albuquerque, NM 87102

**Re: Case No. 2022-029**

**(NMMB Investigation Case No. 2021-C-105)**

**LETTER OF REPRIMAND**

Dear Dr. Summers:

After reaching agreement and based on sufficient grounds, the New Mexico Medical Board ("Board") on June 2-3, 2022, determined that you receive a reprimand for violation of the New Mexico Medical Practice Act and Board Regulations.

The Board issues a formal reprimand against you based on conduct unbecoming in a person licensed to practice. This action is a violation of the Medical Practice Act, NMSA 1978, §61-6-15 (D)(29).

The Board appreciates your willingness to resolve this matter without proceeding to an evidentiary hearing and appreciates the acknowledgment noted by your signature on this letter. Your acknowledgement below also confirms that you are waiving the rights the New Mexico Uniform Licensing Act (ULA) accords you before the Board imposes discipline of any type and that you are aware this letter of reprimand constitutes an adverse action that the Board must report to the National Practitioner Data Bank (NPDB), the Federation of State Medical Boards (FSMB) and the American Medical Association (AMA).

Sincerely,

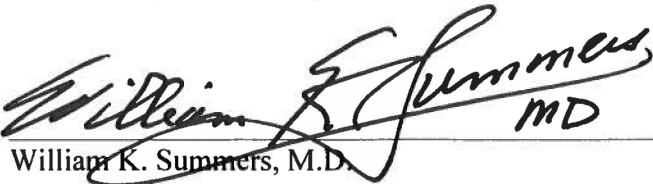
A handwritten signature in black ink that reads "Karen Carson, M.D." with a stylized flourish at the end.

Karen Carson, M.D.

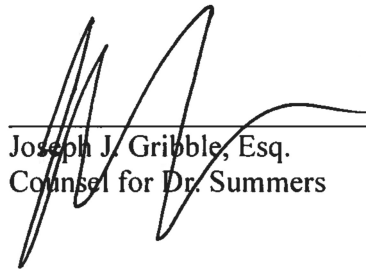
Chair

cc: Amanda Quintana, Interim Executive Director  
Michael Nuñez, Esq., Administrative Prosecutor

Acknowledged and accepted:

  
\_\_\_\_\_  
William K. Summers, M.D.

\_\_\_\_\_  
Date Aug 14, 2023

  
\_\_\_\_\_  
Joseph J. Gribble, Esq.  
Counsel for Dr. Summers

\_\_\_\_\_  
Date 8/14/23

**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](mailto: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](mailto: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](mailto:Michael.nunez@nmbb.nm.gov).

**01/30/2023**

Date

*Lori Arevalo*

Lori Arevalo  
Compliance Coordinator