

BEFORE THE NEW MEXICO MEDICAL BOARD

IN THE MATTER OF)
JERRY KUBENA, M.D.)
License No. MD 2012-0005)
Respondent.)
_____)

Case No: 2023-023
(Inv. No. 2022-C-161)

**ORDER SUA SPONTE DISMISSING NOTICE OF
CONTEMPLATED ACTION WITHOUT PREJUDICE**

THIS MATTER came before the New Mexico Medical Board (“Board”) on August 1, 2024, for consideration of the status of the Notice of Contemplated Action issued on April 25, 2024, to Jerry Kubena, M.D. (“Respondent”). Karen Carson, M.D., chair of the Board presided; Kathy Johnson, P.A., Jeannine Louise Daniels, Kristin Reidy, D.O., Michael Edward Richards, M.D., and Buffie Saavedra were present and formed a quorum of the Board; Board members Bradley Scoggins, D.O., Eileen Barrett, M.D., Paul Barry Roth, M.D., and Mark Edward Unverzagt, M.D. were absent at the time the matter was considered and did not participate in voting on the matter. Karen Carson, M.D., Kathy Johnson, P.A., Kristin Reidy, D.O., Jeannine Louise Daniels, Michael Edward Richards, M.D., and Buffie Saavedra, representing of a majority of the quorum, voted in favor of the following action of the Board:

1. A Notice of Contemplated Action (“NCA”) was issued to Respondent in this action on April 25, 2024.
2. Respondent submitted a timely request for hearing on the NCA, and a hearing is presently scheduled to commence on August 12, 2024.
3. As of the date of this Order, the Board lacks an administrative prosecutor to litigate this action.
4. The Board is not considering, nor taking any action on, any filing or motion submitted to the Board by Respondent in this action.

5. The Board moves on its own motion, *sua sponte*, to dismiss the NCA issued on April 25, 2024, without prejudice.

6. Because the statute of limitations has not expired in this matter, it is anticipated that the Board will cause a new NCA to be issued to Respondent as soon as the Board has an administrative prosecutor to litigate the matter.

CONCLUSION AND ORDER

Based on the foregoing, **IT IS HEREBY ORDERED** that:

A. The NCA issued to Respondent herein on April 25, 2024, is *sua sponte* **DISMISSED WITHOUT PREJUDICE**;

B. This Order is not a final decision on the merits; and

C. This Order does not constitute an adverse action against Respondent.

NEW MEXICO MEDICAL BOARD



Karen Carson, M.D.
Chair

Date: August 2, 2024

CERTIFICATE OF SERVICE

I certify that on August 2, 2024, a true and correct copy of the foregoing was served as follows:

- (a) To Respondent via Certified U.S. Mail addressed to 4895 HWY 95, STE 2, PO Box 424, Fort Mojave, AZ 86426;
- (b) To Respondent via email to kubenajk@yahoo.com; and
- (c) To Respondent's attorney via email to JCAnderson@hollandhart.com.

By: *Lori Arevalo*
Lori Arevalo
Hearing Clerk / Compliance Coordinator