

**BEFORE THE NEW MEXICO MEDICAL BOARD**

IN THE MATTER OF )  
 ROBBEN R. GINGERY, M.D. )  
 )  
 License No. 91-207 )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

Case No. 2024-006  
 Inv: NMMB-2023-0337

**STIPULATION OF LICENSE AND ORDER OF REPRIMAND**

By mutual agreement between the New Mexico Medical Board (“Board”) and Robben Gingery, M.D. (“Respondent”), the parties having agreed to dispose of this matter according to the terms set forth in this Stipulation of Licensure and Order of Reprimand (“Order”), the Board hereby finds and orders as follows:

**FINDINGS OF FACT**

1. The Board is the state agency charged with enforcing the Medical Practice Act, NMSA 1978, Chapter 61, Article 6 (“MPA”), the Uniform Licensing Act, NMSA 1978, Chapter 61, Article 1 (“ULA”), the Impaired Health Care Provider Act, NMSA 1978, Chapter 61, Article 7 (“IHCPA”), and certain Board-promulgated regulations, Title 16, Chapter 10, NMAC (“Rules”).
2. On or about November 22, 1991, the Board issued a license to Respondent to practice medicine as a physician in the State of New Mexico.
3. The Board is currently investigating Respondent for alleged violations of law, ethics and regulations, including but not necessarily limited to, the following:
  - a. Conduct contrary to Section 61-6-15(D)(26) NMSA 1978 (injudicious prescribing, administering or dispensing a drug or medicine); Section 61-6-15(D)(18) NMSA 1978 (conduct likely to deceive, defraud or harm the public); Section 61-6-15(D) (15) NMSA

1978 (the use of a false, fraudulent or deceptive statement in a document connected with the practice of a licensee);

b. Conduct contrary to 16.10.8.8.(C) NMAC (violation of a narcotic or drug law); and

c. Prescribing medications or treating oneself and family members in a manner that exceeds the limitations set forth at AMA Code of Medical Ethics, Opinion 1.2.1 as adopted by Board Regulation at 16.10.8.9 NMAC.

4. At the Board's April 2024 meeting, the Board endorsed a complaint committee's recommendation that Respondent be offered an opportunity to resolve these allegations by:

a. Accepting a formal reprimand from the Board for violating the aforementioned provisions;

b. Successfully completing an in-depth ethics course at Center for Personalized Education for Physicians ("CPEP"), or other provider approved by the Board, within six (6) months of the effective date of this Order;

c. Within six (6) months of the effective date of this Order, successfully complete an assessment at New Mexico Health Professional Wellness Program ("NMHPWP") and comply with all recommendations made by NMHPWP;

d. Execute any and all documents necessary for Respondent to release all information held by CPEP and NMHPWP concerning assessments or compliance to the Board, including waiving confidentiality to such information;

e. Pay a fine of \$4,000.00 to the Board within six (6) months of the effective date of this Order;

f. Agree to a permanent restriction on licensure preventing Respondent from

prescribing, acquiring, dispensing or administering Ketamine;

g. Comply, at all times, with all federal, state and local laws and all rules governing the practice of medicine; and

h. Submit quarterly written statements to the Board, in a form prescribed by the Board, attesting under oath to having fully complied with the terms of this Agreed Order.

5. Without admitting any wrongdoing, Respondent concedes that sufficient evidence exists that the Board could find and conclude that Respondent's conduct was contrary to the MPA.

6. In order to settle this matter without further litigation, Respondent agrees to accept the terms and conditions offered by the Board as detailed at Paragraph 4 (above).

7. By signing this document Respondent expressly authorizes CPEP and NMHPWP to release to the Board any and all records created or held by CPEP and/or NMHPWP, including but not limited to assessments, reports, plans, evaluations, notes, and correspondence.

8. In order for the Board to have adequate time to consider this proposed settlement, Respondent waives the right to have this matter heard and decided within the time frames set by the ULA, and also waives the time limitations for the Board to bring an action against Respondent as set forth in the ULA at NMSA 1978, Section 61-1-3.1 and/or in the MPA at NMSA 1978, Section 61-6-24.

9. This Order reflects a negotiated settlement, and in the event that the Board does not approve the Order in its entirety and without modification, this Order shall be deemed withdrawn as of the date of any communication from Respondent rejecting the document as proposed.

10. By signing this Order:

a. Respondent confirms that he has received all notice required by law, and all

jurisdictional requirements have been satisfied.

b. Respondent acknowledges reading and understanding the contents of this document.

c. Respondent confirms that he understands the applicable statutory and regulatory provisions setting forth the authority and power of the Board relevant to this Order, and that if this proposed Order is accepted by the Board, such acceptance results in a waiver of Respondent's rights under the Rules, the ULA, MPA, and/or the IHCPA relating to this Order, including the right to a hearing on this Order and the right to appeal this Order.

d. Respondent understands his right to consult with an attorney and Respondent's signature below signifies that Respondent has either consulted with an attorney or that Respondent knowingly and voluntarily waives his right to counsel.

e. Respondent understands that this Order will not become effective until approved by the Board.

f. Respondent understands that the terms set forth in this Order are unique to the evidence in this matter, and that this Order shall have no precedential or binding effect on other Board proceedings.

g. Respondent understands that this Order contains the entire agreement of the parties hereto, and that there is no other agreement of any kind, verbal, written or otherwise.

h. Respondent stipulates and agrees that if the Board accepts and approves the terms of this Order, that any failure by Respondent to comply with the Order shall constitute unprofessional or dishonorable conduct as defined in the MPA and/or the Rules.

i. Respondent asks the Board to accept and approve this Order knowingly,

voluntarily, and of his own free will.

j. Respondent stipulates and agrees that avoidance of further litigation and prompt resolution of this matter is valuable consideration for Respondent to waive his right to an evidentiary hearing in this matter.

k. Respondent understands that this matter will be reported to the National Practitioner Data Bank as required by law.

### CONCLUSIONS OF LAW

11. The Board has jurisdiction over the Respondent and the subject matter hereof pursuant to the MPA, ULA, IHCPA, and Board Rules.

12. The Board has authority to enter into this Order pursuant to Section 61-6-15, NMSA 1978 and 16.10.5.15 NMAC.

13. The Board concludes that Respondent violated Sections 61-6-15(D)(15), (18), and (26) NMSA 1978, Section 16.10.8.8.(C) NMAC, and the AMA Code of Medical Ethics, Opinion 1.2.1 as adopted by 16.10.8.9 NMAC.

14. In light of the foregoing stipulated findings of fact and conclusions of law, good cause exists for imposition of discipline against Respondent as contained in this Order.

### ORDER

A. Respondent is hereby **REPRIMANDED** for conduct which was contrary to Section 61-6-15(D)(26) NMSA 1978 (injudicious prescribing, administering or dispensing a drug or medicine); Section 61-6-15(D)(18) NMSA 1978 (conduct likely to deceive, defraud or harm the public); Section 61-6-15(D)(15) NMSA 1978 (the use of a false, fraudulent or deceptive statement in a document connected with the practice of a licensee); 16.10.8.8(C) NMAC (violation of a narcotic

or drug law); and AMA Code of Medical Ethics, Opinion 1.2.1 as adopted by Board Regulation at 16.10.8.9 NMAC (prescribing medications, or treating oneself and family members).

B. Respondent shall successfully complete an in-depth ethics course at Center for Personalized Education for Physicians (“CPEP”), or other provider approved by the Board, within six (6) months of the effective date of this Order.

C. Within six (6) months of the effective date of this Order, Respondent shall successfully complete an assessment at New Mexico Health Professional Wellness Program (“NMHPWP”) and execute all necessary documents to waive any right to confidentiality to allow NMHPWP to share the results of such assessment and compliance with the Board.

D. Respondent shall comply with all recommendations made by CPEP and NMHPWP, and any failure by Respondent to comply with such recommendations, determinations and instructions shall constitute a violation of this Order.

E. Respondent shall pay a fine of \$4,000.00 to the Board within six (6) months of the effective date of this Order.

F. Respondent’s license to practice medicine is hereby restricted such that he may not prescribe, acquire, dispense or administer Ketamine.

G. Respondent shall comply, at all times, with all federal, state and local laws and all rules governing the practice of medicine.

H. Respondent shall submit quarterly written statements to the Board, in a form prescribed by the Board, attesting under oath to having fully complied with the terms of this Order.

I. Respondent shall sign all documents required by CPEP and NMHPWP necessary to authorize the release to the Board of any and all records created or held by CPEP and NMHPWP,

including, but not limited to, assessments, reports, plans, evaluations, notes, correspondence and monitoring programs. Such authorization shall continue in full force and effect during all times that Respondent may be licensed to practice medicine in the State of New Mexico and Respondent shall not revoke such authorization. Any failure by Respondent to execute documents required by CPEP and NMHPWP to cause the release of information to the Board shall constitute a violation of this Order.

J. Respondent shall appear before the Board at the Board's request.

K. Respondent shall keep the Board informed of Respondent's business and residence addresses, email address (if available), and telephone number. Changes of such addresses shall be immediately communicated in writing to the Board. Respondent may not utilize a post office box as an address of record.

L. If the Board has reasonable cause to believe that Respondent has violated any of the terms of this Order, the Board may immediately and summarily suspend Respondent's license to practice medicine in New Mexico pursuant to 16.10.5.15(C) NMAC. A breach of any term of this Order shall constitute conduct unbecoming in a person licensed to practice medicine as set forth in NMSA 1978, Section 61-6-15(D)(29). The Board shall, within 10 days of a summary suspension, issue a Notice of Contemplated Action and Respondent will be entitled to a formal hearing on the Notice in accordance with the ULA.

M. Respondent shall personally ensure that the Board is supplied with any and all documents that the Board, in its sole discretion, deems satisfactory evidence of Respondent's compliance with this Order.

N. Respondent shall maintain a current New Mexico medical license in good standing,

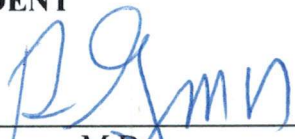
including meeting all fee and continuing education requirements, while holding a medical license subject to this Order (or any amendment thereto). Failure to keep the New Mexico medical license issued to Respondent in good standing as required by this Order shall be evidence of noncompliance with a stipulation and shall constitute a violation of the stipulation and applicable law.

O. This Order is a public document available for inspection; therefore, this Order shall be reported to the National Practitioners Data Bank, the Federation of State Medical Boards, and the American Medical Association.

P. The conditions and terms set forth in this Order, if approved by the Board, remain in full force and effect unless and until removed or amended in writing by the Board.

**STIPULATED TO BY RESPONDENT:**

**RESPONDENT**

  
\_\_\_\_\_  
Robben Gingery, M.D.

**ACKNOWLEDGEMENT FOR SIGNATURE OF RESPONDENT**

The foregoing was acknowledged before me this 25th day of June 2024 by Robben Gingery, M.D. in the County of Volusia, State of Florida.

[SEAL]



CAROLL LLOYD  
Commission # HH 047693  
Expires September 29, 2024  
Bonded Thru Budget Notary Services

  
\_\_\_\_\_  
NOTARY PUBLIC



**STIPULATED AND SO ORDERED BY THE BOARD:**

The foregoing Stipulation of Licensure and Order of Reprimand is approved and made immediately effective on this 25<sup>th</sup> day of June 2024.

NEW MEXICO MEDICAL BOARD

By:   
Karen Carson, M.D.  
Chair

**CERTIFICATE OF SERVICE**

I certify that on June 25, 2024, a true and correct copy of the Stipulation of License and Order of Reprimand was served as follows:

- (a) To Respondent via Certified U.S. Mail addressed to 3188 Southern Blvd. SE, Ste B1, Rio Rancho, NM 87124;
- (b) To Respondent via email to [gingeryrobber@gmail.com](mailto:gingeryrobber@gmail.com).

By:   
Lori Arevalo  
Hearing Clerk / Compliance Coordinator