

BEFORE THE NEW MEXICO MEDICAL BOARD

IN THE MATTER OF)
DANIEL KERLINSKY, M.D.)
)
License No. 84-204)
)
Respondent.)
_____)

Case No. 2024-009
Inv: 2022-C-091

STIPULATION AND ORDER

By mutual agreement between the New Mexico Medical Board (“Board”) and Daniel Kerlinsky, M.D. (“Respondent”) to dispose of this matter according to the terms set forth in this Stipulation and Order (“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”), and related regulations.
2. On or about November 19, 1984, 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 conduct contrary to the MPA.
4. At the Board’s Quarterly Meeting held on May 2-3, 2024, the Board endorsed a complaint committee’s recommendation that Respondent be offered an opportunity to resolve the investigation by:
 - a. Successfully completing a clinical skills assessment in pediatric psychiatry at the Center for Personalized Education for Professionals (“CPEP”) headquartered in Denver,

Colorado, or another comparable assessment provider approved in writing by the Board,

b. Successfully completing the PROBE Ethics Course at CPEP, or another comparable course provider approved in writing by the Board,

c. Successfully completing a record-keeping course at CPEP, or another comparable course provider approved in writing by the Board,

d. Refraining from certifying minor patients for participation in the New Mexico Medical Cannabis Program;

e. Refraining from prescribing or administering ketamine for minor patients until further considered by the Board.

5. Without admitting any wrongdoing, Respondent signs this Order to accept the terms and conditions offered by the Board.

6. By signing this document, Respondent expressly authorizes CPEP, or another comparable assessment provider approved by the Board, to release to the Board the assessment report of clinical competency in pediatric psychiatry, evidence of successful completion of the ethics and medical records courses required by this Order.

7. By signing this Order:

a. Respondent confirms having received all notice required by law and admits that all jurisdictional requirements have been satisfied.

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

c. Respondent confirms that he knows and 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 the licensee's rights under the ULA, MPA, or the IHCPA, as applicable, including the right to appeal concerning the entry of this Order.

d. Respondent understands the 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 the 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 asks the Board to accept and approve this Order knowingly, voluntarily, and of Respondent's own free will.

CONCLUSIONS OF LAW

8. The Board has jurisdiction over the Respondent and the subject matter hereof pursuant to the MPA, ULA, and Board-promulgated regulations.

9. The Board has authority to enter into this Order pursuant to Section 61-6-15 NMSA 1978 and 16.10.5.14 NMAC.

ORDER

A. Respondent shall successfully complete a clinical skills assessment in pediatric psychiatry at the Center for Personalized Education for Professionals (“CPEP”) headquartered in Denver, Colorado, or at another comparable assessment provider approved in writing by the Board, within nine (9) months of the effective date of this Order;

B. Respondent shall successfully complete the PROBE Ethics Course at CPEP, or at another comparable course provider approved in writing by the Board, within nine (9) months of the effective date of this Order;

C. Respondent shall successfully complete a record-keeping course at CPEP, or at another comparable course provider approved in writing by the Board, within nine (9) months of the effective date of this Order;

D. Respondent shall refrain from certifying minor patients for participation in the New Mexico Medical Cannabis Program until further order of the Board;

E. Respondent shall refrain from prescribing or administering ketamine for minor patients until further order of the Board; and

F. Respondent shall execute any and all documents necessary to cause the Board to have access to information held by CPEP concerning Respondent’s compliance with this Order and shall waive confidentiality to such information.

G. Respondent shall be responsible for all costs incurred as a result of compliance with this Order.

H. 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.

I. The conditions and terms set forth in this Order, if approved by the Board, remain in full force and effect until further order of the Board.

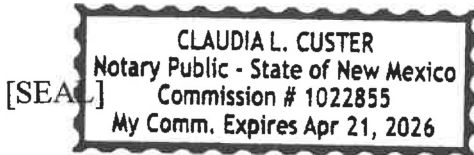
STIPULATED AND AGREED TO BY RESPONDENT:

RESPONDENT

Daniel Kerlinsky M.D.
Daniel Kerlinsky, M.D.

ACKNOWLEDGEMENT FOR SIGNATURE OF RESPONDENT

The foregoing was acknowledged before me this 19th day of September 2024 by Daniel Kerlinsky, M.D. in the County of Bernalillo, State of New Mexico



Claudia L. Custer
NOTARY PUBLIC

STIPULATED AND SO ORDERED BY THE BOARD:

The foregoing Stipulation and Order is approved and made immediately effective on this
25th day of September 2024.

NEW MEXICO MEDICAL BOARD



By:
Karen Carson, M.D.
Chair

CERTIFICATE OF SERVICE

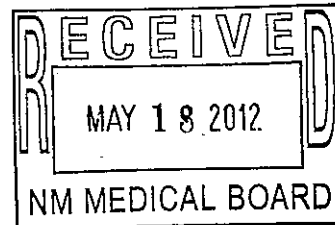
I certify that on September 25, 2024, a true and correct copy of the foregoing

was served as follows:

- (a) To Respondent via Certified U.S. Mail addressed to 7007 Wyoming Blvd NE Ste E
Albuquerque, NM 87109
- (b) To Respondent via email to [EMAIL]; and
- (c) To Respondent's attorney via email to [EMAIL].

By: 
~~Lori Arevalo~~ Samantha Luckie Breen
Hearing Clerk / Compliance Coordinator

BEFORE THE NEW MEXICO MEDICAL BOARD



IN THE MATTER OF)
)
 Daniel Kerlinsky, MD)
 License No. 84-294)
)
 Respondent.)

No. 2010-039

ORDER

THIS MATTER came before the New Mexico Medical Board ("Board") upon Daniel Kerlinsky, M.D.'s ("Respondent") request to be released from his Stipulated Agreement.

WHEREAS Respondent has an active license to practice medicine in the state of New Mexico; and

WHEREAS in August 2011, Respondent entered into a Stipulated Agreement with the Board which placed certain terms and conditions upon Respondent's license to practice medicine; and

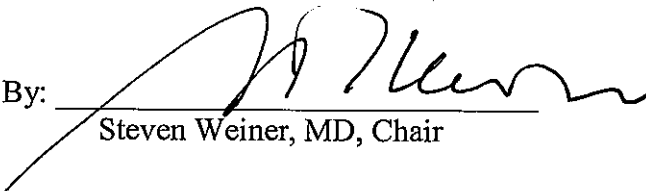
WHEREAS in May 2012, Respondent requested to be released from the Stipulated Agreement; and

WHEREAS the Board has determined that Respondent has met all the terms and conditions set forth in the Stipulated Agreement.

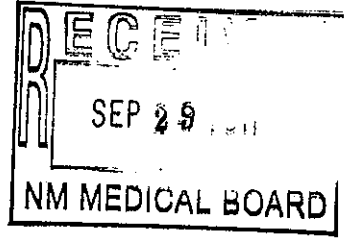
IT IS THEREFORE ORDERED that the stipulations placed on Respondent's license to practice medicine in Case No. 2010-039 are hereby removed and Respondent shall have an unrestricted license to practice medicine in New Mexico.

Dated: May 18, 2012

NEW MEXICO MEDICAL BOARD

By: 
Steven Weiner, MD, Chair

BEFORE THE NEW MEXICO MEDICAL BOARD



IN THE MATTER OF
DANIEL KERLINSKY, MD
License No. 84-294

)
)
)
)

No. 2010-039

Respondent

ORDER

THIS MATTER came before the New Mexico Medical Board ("Board") on September 29, 2011.

WHEREAS, Daniel Kerlinsky, MD ("Respondent") has an active license in New Mexico; and

WHEREAS, the Board was presented with a Stipulated Agreement whereby Respondent consented to and agreed to follow the specified probationary terms and conditions therein, and

WHEREAS, the Board having considered the matter and finding that it is in the interest of public health safety and welfare to accept such Stipulated Agreement; and

WHEREAS Respondent knows and understands that this Order will be reported to the National Practitioners Data Bank and the Healthcare Integrity and Protection Data Bank and is a public document open to public inspection; and

WHEREAS Respondent knows and understands that this Order is made pursuant to the Medical Practice Act, NMSA 1978, §61-6-15(A) and Board Rule 16.10.5.15 NMAC;

IT IS HEREBY ORDERED THAT:

1. Respondent shall not prescribe any narcotic drug as that term is

defined in NMSA 1978 section 30-31-2(O). Following appropriate training in the use of such medications Respondent may petition the Board to remove or modify this restriction. In response to such petition the Board, in its sole discretion, may remove this restriction or modify it in such manner as the Board shall determine.

2. Respondent may provide appropriate psychiatric treatment to patients who suffer from chronic pain in addition to psychiatric symptoms in a manner which does not involve the use of a narcotic drug.. Respondent may petition the Board to remove or modify this restriction. In response to such petition the Board, in its sole discretion, may remove this restriction or modify it in such manner as the Board shall determine.
3. Respondent shall maintain patient medical records in accordance with 16.10.17 NMAC of the Medical Board Rules. The Board shall have the right to audit Respondent's patient medical records without prior notice during regular business hours.
4. Respondent shall take and complete a course on management of medical records approved by the Board within six (6) months of approval of this Agreement by the Board.
5. Respondent shall appear before the Board on a quarterly basis or upon the Board's request and shall submit quarterly reports to the Board on a form provided by Board staff attesting to his compliance with this Agreement. This condition shall remain in effect as long

as the Board in its sole discretion shall determine.

6. Respondent shall comply with the Medical Practice Act and Rules and all other applicable laws.

IT IS FURTHER ORDERED THAT:

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 his license to practice as a physician assistant in New Mexico. 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, § 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 in accordance with the Uniform Licensing Act, NMSA 1978, §§ 61-1-1 through -33. This Order is a public record and will be available on the Board's website as required by Rule 16.10.1.9 NMAC.

Dated: September 29, 2011



Steven Weiner, M.D., Chair
New Mexico Medical Board

under the Uniform Licensing Act and the Medical Practice Act, including the right to a hearing and to judicial review on the matters alleged, and the right to challenge this Stipulated Agreement in court. Respondent also knows and understands his right to consult with an attorney and his signature below confirms that he has consulted with his attorney concerning this Stipulated Agreement.

Respondent understands that this Stipulated Agreement and any subsequent Board Order based on this Agreement will be reported to the National Practitioners Data Bank and/or Healthcare Integrity and Protection Data Bank and is a public document open to public inspection;

WHEREAS, the Board issued a Notice of Contemplated Action on December 22, 2010; and

WHEREAS, Respondent neither admits nor denies the allegations in the Notice of Contemplated Action that he violated §61-6-15(D) (26) and (33) NMSA 1978 but consents to and agrees to follow the probationary terms and conditions of discipline set forth herein:

1. Respondent shall not prescribe any narcotic drug as that term is defined in NMSA 1978 section 30-31-2(O). Following appropriate training in the use of such medications Respondent may petition the Board to remove or modify this restriction. In response to such petition the Board, in its sole discretion, may remove this restriction or modify it in such manner as the Board shall determine.
2. Respondent may provide appropriate psychiatric treatment to patients who suffer from chronic pain in addition to psychiatric symptoms in a manner

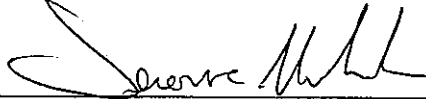
which does not involve the use of a narcotic drug. Respondent may petition the Board to remove or modify this restriction. In response to such petition the Board, in its sole discretion, may remove this restriction or modify it in such manner as the Board shall determine.

3. Respondent shall maintain patient medical records in accordance with 16.10.17 NMAC of the Medical Board Rules. The Board shall have the right to audit Respondent's patient medical records without prior notice during regular business hours.
4. Respondent shall take and complete a course on management of medical records approved by the Board within six (6) months of approval of this Agreement by the Board.
5. Respondent shall appear before the Board on a quarterly basis or upon the Board's request and shall submit quarterly reports to the Board on a form provided by Board staff attesting to his compliance with this Agreement. This condition shall remain in effect as long as the Board in its sole discretion shall determine.
6. Respondent shall comply with the Medical Practice Act and Rules and all other applicable laws.

This stipulation incorporates any and all agreements, covenants and understandings between the parties. No prior agreement or understanding, verbal or otherwise of the parties or their agents, attorneys or assignees shall be valid or enforceable unless embodied in this Stipulated Agreement.

New Mexico Medical Board

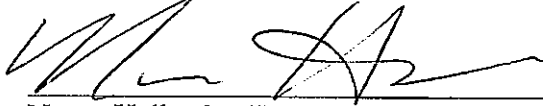
Dated: Aug 26, 11


Administrative Prosecutor

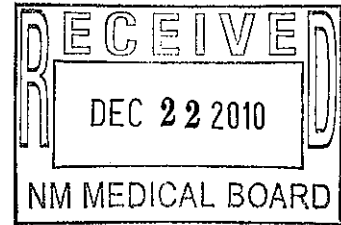
Dated: Aug 23, 2011


Daniel Kerlinsky, MD. Respondent

Dated: Aug. 23, 2011


Nancy Hollander, Esq.
Molly Schmidt-Nowara, Esq.
Attorneys for Respondent

BEFORE THE NEW MEXICO MEDICAL BOARD



IN THE MATTER OF)
Daniel Kerlinsky, MD)
License No. 84-294)
Respondent.)

No. 2010-039

NOTICE OF CONTEMPLATED ACTION

YOU ARE HEREBY NOTIFIED that pursuant to provisions of §61-1-4 NMSA 1978 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 Medical Board imposing sanctions that could include restricting, revoking or suspending your license to practice medicine in the State of New Mexico.

1. Respondent is subject to action by the Board pursuant to §61-1-1 et seq. NMSA 1978 and §61-6-1 NMSA 1978 et seq.

2. This contemplated action is based on the following allegations:

A. From on or about June 10, 2008 to on or about June 2, 2009, Respondent injudiciously prescribed to Patient #1 including but not limited to: Respondent prescribed opiates to Patient #1 without medically indicating rationale; Respondent prescribed benzodiazepines to Patient #1, a patient with history of alcohol addiction; and Respondent prescribed a combination of opiates, benzodiazepines, barbiturates and sedating antidepressants to Patient #1 who was drinking heavily. During the time of Respondent's treatment of Patient #1, Respondent failed to chart patient visits, failed to chart diagnosis or rationale for ongoing treatment, and failed to chart notes on medical record of Patient #1 as to why prescribing medications and/or changing doses of prescriptions.

These allegations, if proven, would be a violation of §61-6-15(D) (26) NMSA 1978,

injudicious prescribing; and §61-6-15(D) (33) improper management of medical records, including failure to maintain timely, accurate, legible and complete medical records.

B. From on or about June 10, 2008 to on or about June 2, 2009, Respondent injudiciously prescribed to Patient #2 including but not limited to: Respondent prescribed excessive dangerous combinations of drugs to Patient #2 including but not limited to Kadian, OxyContin, Oxycodone as well as Adderall; Respondent prescribed multiple addictive drugs with history and/or knowledge of Patient #2's alcohol abuse and indications of diverting. During the time of Respondent's treatment of Patient #2, Respondent prescribed and treated for chronic back pain without any or little documentation as to symptoms and/or rational for such treatment; Respondent prescribed rapidly increasing doses of opioids to Patient #2 without documenting rational as to why; Respondent prescribed Xyrem without the medical justification to do so and to a patient at risk of abusing such a dangerous substance; and Respondent prescribed hydrocortisone to Patient #2 to treat mood symptoms for which it is not medically indicated.

These allegations, if proven, would be a violation of §61-6-15(D) (26) NMSA 1978, injudicious prescribing; and §61-6-15(D) (33) improper management of medical records, including failure to maintain timely, accurate, legible and complete medical records.

C. From on or about April 26, 2006 to on or about March 27 2009, Respondent injudiciously prescribed to Patient #3 including but not limited to: Respondent prescribed benzodiazepines to Patient #3, a patient with history of alcohol addiction and prescribed oxycodone without documentation or chart notes of chronic pain.

These allegations, if proven, would be a violation of §61-6-15(D) (26) NMSA 1978, injudicious prescribing; and §61-6-15(D) (33) improper management of medical records, including failure to maintain timely, accurate, legible and complete medical records.

D. From on or about October 2, 2002 to on or about April 10, 2009, Respondent injudiciously prescribed to Patient #4 including but not limited to: Respondent overprescribed Emsam with high doses of stimulants that put Patient #4 at risk for acute hypertensive crises and leading potentially to a heart attack or stroke; Respondent prescribed hydrocortisone to Patient #4 to treat anxiety for which it is not medically indicated; Respondent prescribed benzodiazepines with opioids and very high doses of stimulants without documentation or rational in the medical charts; and Respondent prescribed rapidly increasing doses of drugs and made radical treatment and prescribing changes without documentation or rational as to why, placing Patient #4 at risk.

These allegations, if proven, would be a violation of §61-6-15(D) (26) NMSA 1978, injudicious prescribing; and §61-6-15(D) (33) improper management of medical records, including failure to maintain timely, accurate, legible and complete medical records.

E. From on or about January 10, 2003 to on or about April 20, 2009, Respondent injudiciously prescribed to Patient #5 including but not limited to: Respondent prescribed lethally high doses and combination of drugs to Patient #5 including but not limited to methadone, hydrocodone, cloanzepam and temazepam; Respondent prescribed dangerous combinations of drugs such as Dexedrine, MS Contin, hydrocodone, temazepam, cloanzepam, carisoprodol with Adderall, all without medical rational, justification or documentation; Respondent prescribed excessive amounts of drugs such as MS Contin; and Respondent prescribed cloanzepam to Patient #5 who is overweight at the same time, or with, high doses of opioids putting Patient #5 in a life threatening situation.

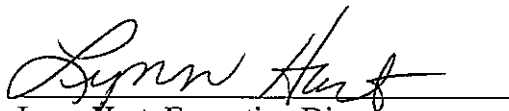
These allegations, if proven, would be a violation of §61-6-15(D) (26) NMSA 1978, injudicious prescribing; and §61-6-15(D) (33) improper management of medical records, including failure to maintain timely, accurate, legible and complete medical records.

3. Please take notice that pursuant to §61-1-4, you may secure a hearing before the Board by depositing in the mail within twenty (20) days after service of this notice a certified return receipt requested letter addressed to the Board and containing a request for a hearing. If you do not request a hearing within twenty (20) days after service of this notice as described above, the Board will take the contemplated action, i.e., imposing sanctions that could include the revocation or suspension of your license to practice medicine in the State of New Mexico, and there will be no judicial review of their decision.

4. Pursuant to §61-1-8 NMSA 1978, you have the right to be represented by counsel or by a licensed member of your profession or both, and to present all relevant evidence by means of witnesses, books, papers, documents and other evidence; to examine all opposing witnesses who may appear on any matter relevant to the issues and have subpoenas duces tecum issued as of right prior to the commencement of the hearing, to compel the attendance of witnesses and the production of relevant books, papers, documents and other evidence upon making a written request therefore to the Board. The issuance of such subpoenas after commencement of the hearing rests with the discretion of the Board or Hearing Officer.

Dated this 22nd day of December, 2010.

NEW MEXICO MEDICAL BOARD



Lynn Hart, Executive Director
NM Medical Board
2055 S. Pacheco, #400
Santa Fe, New Mexico 87505
(505) 476-7220