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University of New Mexico Board of Regents Minutes for August 08, 1972

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THE MINUTES OF THE MEETING OF
THE REGENTS OF THE UNIVERSITY OF NEW MEXICO

August 8, 1972

The Regents of the University met at 10:30 a.m. on Tuesday, August 8, 1972, in the Council Room of the New Mexico Union.

Present: Mr. Calvin P. Horn, President
Mr. Austin E. Roberts, Vice President
Mrs. Frank A. Mapel, Secretary-Treasurer
Mr. Arturo G. Ortega
Mr. Walter F. Wolf, Jr.
Mr. Jack O'Guinn, President, ASUNM, ex officio

Also present: Dr. Sherman E. Smith, Vice President for Administration and Development
Dr. Robert S. Stone, Vice President for Health Sciences
Mr. John N. Durrie, University Secretary
Dr. Morton M. Kligerman, Director, Cancer Research and Treatment Center
Mr. Bruce Hanson, Cancer Research and Treatment Center
Dr. James R. Gay, Regional Medical Program
Dr. Donald Kilgore, Lovelace Clinic and Bataan Hospital
Dr. C. G. Coin, Lovelace Clinic
Dr. Clayton S. White, Lovelace Clinic
Dr. Lawrence H. Wilkinson
Dr. Louis Rosen, Los Alamos Meson Physics Facility
Dr. Don R. Clark, President, New Mexico Medical Society
Dr. Livingston Parsons, Jr., President, Albuquerque-Bernalillo County Medical Association
Dr. Leroy Miller
Mr. Richard Barr, Administrator, Presbyterian Hospital
Dr. Michael Pollay, Medical Director, BCMC
Dr. Vaun Floyd
Dr. Harold W. Lavender, Vice President for Student Affairs
Ms. Diana Amsden, General Library
Mr. Jess E. Price, Director of Public Information
Mr. Howard Bryan, Albuquerque Tribune
Mr. Louis Jaramillo, Channel 13 TV
Ms. Donna McCord, Legislative Finance Committee
State Senator Alex Martinez

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Minutes of Meeting of July 21, 1972

Mr. Horn asked if there were any changes in the minutes of the meeting of July 21, 1972. It was moved by Mr. Roberts, seconded by Mrs. Mapel, that the minutes be approved as submitted. Carried.

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Resolution Concerning Improvement in Conditions (Including Drug Abuse) in New Mexico Union

Mr. Horn presented a statement in response to "unfounded charges before the Legislative Universities Study Committee (relative to drug abuse on the campus) which have damaged the University." In countering these charges by Albuquerque narcotics agents, Mr. Horn pointed to a series of constructive steps taken during the past year including the adoption of detailed rules and regulations to better control drugs and other abuses and a meeting in November, 1971, with city and state agencies at which the University asked for help with the narcotics problem and pledged cooperation. Citing a marked lessening of drug traffic in the Union as a result of these and other steps which had been taken, Mr. Horn moved the adoption of the following resolution:

"We the Board of Regents commend the students and University administration for the effective control of all types of abuses in the Student Union Building. Such control has dramatically improved the conditions of the Union."

In seconding the motion, which was subsequently unanimously approved, Mr. Ortega pointed out that the Regents' Statement of Policy of August, 1970, clearly states that members of the University community are as subject to the law as any other citizen and that the Regents will act to enforce this principle if it should be necessary.

Mr. Roberts requested that the Regents be kept informed, on a periodic basis, relative to the situation in the New Mexico Union.

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Regents' Consideration of Proposed Exception to Policy re Medical School Faculty Members Engaging in Private Practice

Dr. Donald Kilgore, Dr. C. G. Coin, and other physicians representing Lovelace Clinic and Bataan Hospital appeared before the Regents to request an exception to the present policy concerning faculty members of the School of Medicine engaging in private practice. (NOTE: The policy is as follows: (a) School of Medicine faculty members may treat as private patients anyone who comes to BCMC requesting care; (b) School of Medicine faculty members may give professional consultation in any hospital or location in the State when requested by a patient's physician; (c) School of Medicine faculty members will not apply for or accept admitting privileges in other hospitals in Albuquerque or other communities in the State.)

Dr. Kilgore referred to the unique experience of Dr. Morton Kligerman (director of UNM's Cancer Research and Treatment Center) in modern cancer therapy and said that the Bataan-Lovelace group had determined that it would be to their patients' best interests and would add to the University's capabilities if they were to place what they presently have in the radiation therapy field at the University's disposal. The proposal, therefore, was that Dr. Kligerman be invited to head the Bataan-Lovelace radiation therapy effort, "with no restrictions placed on his or the University's prerogatives in this regard and with Dr. Kligerman to be free and to be encouraged to take positions in other hospitals of the area if so invited."

In reply to questions from Mr. Wolf, Dr. Kilgore said that if the exception to the policy were approved, Dr. Kligerman would head the Section of Radiotherapy, "in fact as well as in title--that is, he would have complete professional control of standards, methods, etc. He would be responsible to Dr. Coin, chairman of the Department of Radiology, with this responsibility referring chiefly to budgetary considerations. We would give him the facilities we could afford. Relative to salary, we would not suggest any contract relationship; we would make an institutional service charge, based on time, to Dr. Kligerman's patients, and Dr. Kligerman and the Medical School could then make whatever arrangements they wished relative to Dr. Kligerman's professional fee. In addition, since we would not consider Dr. Kligerman as being a geographic full-time sort of individual, we would appoint a full-time member of our staff, selected by Dr. Kligerman and approved by our Board of Governors, in the Section of Radiation Therapy. He would report to Dr. Kligerman and would be the on-site therapist responsible to Dr. Kligerman."

Queried by Mr. Wolf as to whether Dr. Kligerman would have patient management in which he would be responsible for care and treatment of individual cases, Dr. Kilgore said that under the suggested arrangement Dr. Kligerman would indeed be responsible primarily for all treatment but that he could delegate all or any part of it if his judgment so dictated. Dr. Kilgore also anticipated that Dr. Kligerman would receive an appointment to the staff of Bataan Hospital, since it is an open-staff hospital. Asked about Dr. Kligerman's primary obligation to the University, Dr. Kilgore said that the purpose of hiring an assistant would be to permit Dr. Kligerman to spend as much time at Lovelace-Bataan as his judgment indicated and subject, of course, to the University's approval.

Dr. Stone recommended to the Regents that Dr. Kilgore's proposal be accepted, and Dr. Kligerman said that he would be pleased with the proposed arrangement. Terming the proposal clearly an exception to the present policy, Dr. Stone noted that there are presently no capabilities within the School of Medicine to provide radiation therapy. Dr. Kligerman has remarkable capabilities in that field, he said, but not the tools which he and we feel he needs in order to keep his skills alive nor the personal responsibility for a patient's treatment which he prefers. The present

proposal would make this possible and would also benefit the community, the patient, and the Medical School. The consultation privileges which are presently allowed were described by Dr. Stone as being considerably less satisfactory than admitting privileges, particularly in radiation therapy.

Dr. Coin of Lovelace Clinic pointed to a present strong affiliation with the University in radiology. This, he said, would be extended by the present proposal to encompass all of radiology, including nuclear medicine and radiation therapy. Dr. Coin also noted a particularly pressing need on the Clinic's part because of the imminent retirement of Dr. Grossman.

Considerable discussion followed. Among those speaking was Dr. Livingston Parsons, Jr., president of Albuquerque-Bernalillo County Medical Association, who said that he believed he was speaking for the majority of members of the association. Dr. Parsons noted that the stated primary purpose of the Medical School was the training of physicians, medical research, and the provision of special expertise not otherwise available, with the faculty being available for consultation and for acceptance of referred patients in the Medical School hospital but not to engage in private practice in any form in the community setting. The present policy, he said, has worked extremely well and has insured the support of the great majority of physicians throughout the State. He expressed the opinion that Dr. Kligerman's appointment at Bataan-Lovelace would have "a very serious and adverse effect upon medical care throughout the state." Citizens will best be served, he said, if Medical School faculty remain apart from the competitive market of physicians in the practice of medicine. He expressed the feeling that Dr. Kligerman should make himself available for help in all local facilities rather than in just one clinic.

Others speaking against the Bataan-Lovelace proposal were Dr. Lawrence Wilkinson, Dr. Leroy Miller, Mr. Richard Barr, Administrator of Presbyterian Hospital, and Dr. Don R. Clark, president of the New Mexico Medical Society. The latter said that it was his "gut feeling" that other doctors in the state feel that it would be a mistake for a State Medical School faculty member to accept a position as department head of one particular outside group.

State Senator Alex Martinez also appeared before the Regents after a discussion with the Governor to suggest that the Regents postpone any action for the present in order to allow the opposing groups to get together and resolve their problems.

After additional discussion, Mr. Wolf moved that the matter be laid on the table, but there was no second. Mr. Ortega then made the following motion, also not seconded: "Based on the apparent need, which I think is recognized in this particular case, of Dr. Kligerman to have the opportunity to do clinical work which

he needs, and based upon the fact that his opportunity to have clinical work would enhance the Cancer Research Center when eventually it becomes operational, I would move that we declare an exception to the policy to this extent, and this extent only: that Dr. Kligerman continue as a consultant with any institution that needs his consulting services and requests them; that because of his need for clinical work, we make an exception, at least in the interim until the Cancer Research Center becomes fully operational, and allow him admitting privileges for this purpose.

"I would set two conditions on this exception: that we work toward a consortium which will result hopefully in a Cancer Research Center in a general sense--and not just restricted to one building on our campus--that will best meet the needs of our population from the standpoint of quality cancer health care. I would also propose that sua sponsi, or on its own volition, the Board of Regents review this exception when the Cancer Research Center becomes fully operational and take such action at that time as is deemed proper and necessary in the light of the then existing circumstances."

Subsequent to further discussion by the Regents, it was then moved by Mr. Roberts, seconded by Mr. Wolf, that the recommendation of Dr. Stone be denied as presented; that the Regents are prepared to reconsider a subsequent proposal presented to them at the earliest opportunity by the School of Medicine after conference and discussion with the various groups that have appeared before the Board today, with as much agreement among these groups as possible. Upon the suggestion of Mr. Ortega, the motion was supplemented to state that the Regents advocate the establishment of a consortium among the various institutions so that the spirit of cooperation and coordination that the Regents believe should take place will in fact take place. Mr. Roberts' motion, as supplemented, was then approved by a vote of 4 to 1, with Mr. Ortega asking that his vote be recorded as negative "because the effect of the motion is to deny Dr. Kligerman the opportunity to do clinical work and to deny that benefit to the community."

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The meeting adjourned at 1:15 p.m.

APPROVED:



President.

ATTEST:


Secretary-Treasurer