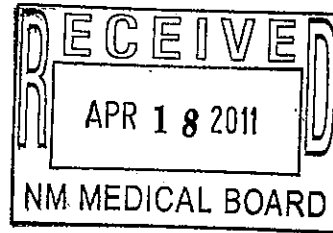


BEFORE THE NEW MEXICO MEDICAL BOARD



IN THE MATTER OF

Joseph J. Dambrauskas, M.D.,
License No. 2002-0403

Case No. 2010-028

Respondent.

DECISION AND ORDER

FINDINGS OF FACT

1. Dr. Dambrauskas is a licensed New Mexico medical doctor.
2. A Notice of Contemplated Action issued against Dr. Dambrauskas on August 17, 2010, charging that Dr. Dambrauskas has violated the Medical Practice Act, specifically, Section 61-6-15(D)(14), arising out of disciplinary action taken by another state, which is based on acts that would be grounds for discipline as set forth in Section 61-6-15.
3. Exhibit 1 is a certified copy of a Consent Order entered by the New York State Board for Professional Medical Conduct dated November 2, 2009, in which Dr. Dambrauskas agrees to suspension until his current registration expires and thereafter to not seek re-registration of his New York medical license.
4. Dr. Dambrauskas states, in that Consent Order, that he agrees that he failed to comply with New York law, specifically, § 2444(3) of the New York State Public Health Law, which requires oversight of a human research review committee when performing a human research project.
5. No comparable New Mexico law is found in Section 61-6-15.
6. Dr. Dambrauskas has been practicing medicine for over 25 years and is certified by the Board of Psychiatry in child psychiatry and general psychiatry.
7. Dr. Dambrauskas primarily treats children and teenagers.

8. Dr. Dambrauskas has been doing locum tenens work since the last 1990's, working at different institutions and universities, including public health clinics on the Indian Reservation in New Mexico.

9. In the context of treating youthful resident patients of a New York psychiatric facility, Dr. Dambrauskas ordered tests for his patients in an effort to determine whether tick-borne illnesses, such as Lyme disease, might play a role in the mental illnesses demonstrated by his patients.

10. In treating the psychiatric conditions of his young patients, Dr. Dambrauskas was exploring possible infectious causes of the manifest physical symptoms.

11. In one case, after treating the patient with Ceftin, the patient's physical and psychiatric behavior improved.

12. Once or twice, Dr. Dambrauskas paid for testing for his patients using his own money, which would be out of the ordinary for a doctor who is being paid a salary by a locums tenens agency.

13. On one occasion, he personally delivered test results to the home of the mother of a patient, which would be out of the ordinary for a doctor who is being paid a salary by a locums tenens agency.

14. In his testimony, Dr. Dambrauskas stated: "I really wasn't doing research. The research I was doing was in terms of working patients up, being good medical practice, I thought."

15. Dr. Dambrauskas further testified that he was not doing any sort of systematic research project but rather was taking care of patients.

16. Dr. Dambrauskas was not engaged in a "research project" as that term is commonly understood within members of the medical community.

17. The evidence presented in this case is not sufficient to restrict his license.

CONCLUSIONS OF LAW

The evidence is not sufficient to conclude that Dr. Dambrauskas committed a violation of the Medical Practice Act as alleged in the notice of contemplated action.

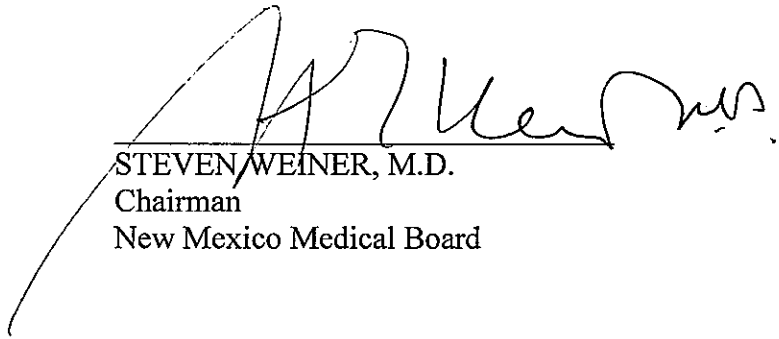
ORDER

The notice of contemplated action issued against Dr. Dambrauskas is dismissed. However, it is the recommendation of the Medical Board that Dr. Dambrauskas complete 10 hours of continuing medical education in the area of maintaining proper boundaries between doctors and patients.

RIGHT TO JUDICIAL REVIEW

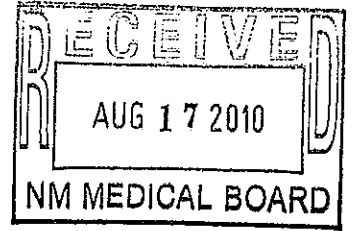
Dr. Dambrauskas may seek judicial review of this Decision and Order pursuant to NMSA 1978, § 61-1-17 and NMSA 1978, § 39-3-1.1. The time within which to do so is thirty days from the date of filing of the Board's Decision and Order.

Date: 4 | 10 | 2011



STEVEN WEINER, M.D.
Chairman
New Mexico Medical Board

BEFORE THE NEW MEXICO MEDICAL BOARD



IN THE MATTER OF)
)
Joseph J. Dambrauskas, MD)
License No. 2002-0403)
)
Respondent.)

No. 2010-028

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 et seq. NMSA 1978.

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

A. On or about October 8, 2009, Respondent and the New York Department of Health State Board for Professional Medical Conduct entered into a Consent Order requiring the suspension of Respondent's license until expiration and precluding future registration or issuance of a medical license in New York State based on Respondent not contesting the Fifth Specification (failure to comply with state law).

This allegation, if proven, would be a violation of §61-6-15(D)14 NMSA 1978, discipline imposed by another licensing board based on acts that would subject Respondent to discipline in New Mexico.

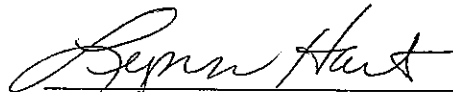
3. Please take notice that pursuant to §61-1-4, you may secure a hearing before the Board by depositing in the mail within twenty (20) days after service of this notice a certified return receipt requested letter addressed to the Board and containing a request for a hearing. If

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 17th day of August, 2010.

NEW MEXICO MEDICAL BOARD



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