

**EXECUTIVE COMMITTEE**

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**1999**

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JANUARY 1999

**MINUTES  
EXECUTIVE COMMITTEE MEETING  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
JANUARY 20, 1999**

**MEMBERS PRESENT:**

Joseph E. Johnston, M.D., Mount Olive, President  
Freda M. Bush, M.D., Jackson, Vice President  
Robert Ray Smith, M.D., Jackson, Secretary  
W. Joseph Burnett, M.D., Director

**ALSO PRESENT:**

June C. Harris, Division Director II, Licensure Division  
Charles Moses, Division Director II, Investigative Division  
Kathy Fortenberry, Administrative Assistant

The Executive Committee of the Mississippi State Board of Medical Licensure met on Wednesday, January 20, 1999, at 4:45 p.m. in the Executive Conference Room of the Office of the Board located at 2600 Insurance Center Drive, Jackson, Mississippi.

**FEDERATION OF STATE MEDICAL BOARDS - NOMINATIONS**

Dr. Burnett reported that the names of Dr. Bush and T. Steve Parvin, M.D., Starkville, former Board member, have been submitted to the Nominating Committee of the Federation of State Medical Boards. Dr. Bush will be attending the Annual Meeting as a representative of the Board, and it was the consensus of the Executive Committee members to pay Dr. Parvin's expenses for the Annual Meeting, if he is nominated. Mrs. Harris advised that she had checked with the Department of Finance and Administration and that Dr. Parvin's expenses would have to be on a contractual basis.

**FEDERATION OF STATE MEDICAL BOARDS - 1998 MEMBER BOARD ANNUAL SURVEY**

Copies of the Member Board Annual Survey prepared by the Federation of State Medical Boards were distributed and reviewed. Some concern was expressed over the manner in which statistics are reported. Dr. Johnston requested Dr. Burnett to notify the Federation of State Medical Boards of problems the Board could incur with this method of reporting since states operate under different statutes.

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### **FEDERATION OF STATE MEDICAL BOARDS - REPORT ON LICENSING OF RESIDENTS**

Dr. Burnett reported on his recent meeting with Dr. A. Wallace Conerly and Dr. Helen D. Turner, University of Mississippi Medical Center, regarding the Federation's policy on Licensure of Physicians Enrolled in Postgraduate Training Programs. Drs. Conerly and Turner asked if the Board would oppose this policy. It was the consensus of the Executive Committee members not to take a position on this.

### **ATTORNEY GENERAL'S OFFICIAL OPINION - MISSISSIPPI PHARMACY PRACTICE ACT**

Mr. Moses distributed copies and reviewed the Attorney General's Official Opinion regarding the Mississippi Pharmacy Practice Act. It was the opinion of the Attorney General that pharmacists could administer a non-controlled drug by injection as long as this was an order of the physician.

### **LASER THERAPY**

Dr. Burnett reported that he had talked with two physicians and had obtained regulations from other states regarding laser therapy. It was the consensus of the Executive Committee that this should be under the direct supervision of a physician. The following recommendation will be presented to the full Board on Thursday for adoption as a regulation:

Procedures considered invasive, excluding emergency room procedures, and the use of laser devices in the State of Mississippi is declared to be the practice of medicine and such use shall be limited to physicians and those directly supervised by physicians, such that a physician is on the premises and would be directly involved in the treatment immediately if required.

### **RENEWAL APPLICATIONS**

Copies of the 1999-2000 Application for Renewal of Mississippi License were distributed for the Executive Committee members to review. Mrs. Harris pointed out the problems the staff incurred last year with hospitals, credentialing companies, etc., sending one check for numerous renewals. It was the consensus of the Executive Committee members that in order to ensure proper processing that

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a separate check must be submitted with each renewal application. It was approved for Mrs. Harris to add a statement to this effect to the renewal application.

### **REVIEW - RULES OF PROCEDURE**

Mrs. Harris reported that the Legislative Budget Office had cut legal fees in the FY2000 budget request. Discussion followed regarding the Board staying within the appropriated legal budget. In an effort to cut down on charges stemming from duplication of preparing for hearings, it was suggested that Dr. Burnett and Mrs. Harris review the Rules of Procedure Regulation with Mr. Ingram and to work within the time-frames spelled out in this Regulation.

### **METHADONE CLINICS**

Mr. Moses advised that the Board was beginning to receive some calls on methadone clinics. Mr. Moses stated there were no state regulations or laws governing these clinics in Mississippi. Because methadone clinics are regulated by the federal government, it was the consensus of the Executive Committee members that the Board should not have primary responsibility to regulate these clinics.

### **WILLIAM NATHANIEL TAYLOR, M.D., APPLICANT**

Because of information received in the application process, Dr. Burnett reviewed the applicant file of Dr. Taylor. It was the recommendation of the Executive Committee to give Dr. Taylor a chance to withdraw his application or appear for a Show-Cause Hearing. Mr. Ingram will prepare the letter to Dr. Taylor.

### **THEODORE TOERNE, M.D., APPLICANT**

Dr. Burnett reviewed the applicant file of Dr. Toerne, who had answered yes to some of the questions of his application. It was the consensus of the Executive Committee members to issue his license under a strict Consent Order.

### **BRIDGET A. WALSH, D.O., REINSTATEMENT**

Dr. Burnett and Mrs. Harris reviewed the reinstatement application of Dr. Walsh and information received in the reinstatement process. The Executive Committee recommended that Dr. Walsh be evaluated by one of the psychiatrists approved by the Board prior to her reinstatement.

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### DIRECTOR'S EMERGENCY DECISION CONCERNING PHYSICIAN

Dr. Burnett advised the Executive Committee members that he had given Billy Ray Shows, M.D., Newton, permission to work during the Christmas holidays in three additional hospitals other than those specified in his Consent Order. Dr. Shows is now requesting that his Consent Order be amended to broaden the list of indications for use of controlled substances. It was the consensus of the Executive Committee members to extend his privileges. This recommendation will be presented to the full Board.

### OTHER BUSINESS

Dr. Burnett reported on several telephone calls from a reporter with the CBS News program, "48 Hours", who wanted to do an interview on pain management with an investigator regarding procedures for the investigation, etc. The Executive Committee recommended a panel composed of the following meet with the reporter: Dr. Burnett, Dr. Thomas E. Stevens (former Executive Officer of the Board), Dr. Bush, and an investigator.

Dr. Burnett also reported on several calls he had received from a reporter with *The Wall Street Journal* regarding the disease management program with pharmacists in the state. The Board's position remains that the physician is responsible if he or she signs a pharmacist's protocol.

Dr. Burnett advised that William C. Touchstone, M.D., Jackson, had contacted him regarding the removal of all restrictions imposed by his Consent Order in order to obtain employment at the federal prison in Yazoo County. Dr. Burnett was asked to check with the prison's personnel division to see if an unrestricted license was necessary for Dr. Touchstone to work there.

Dr. Burnett also advised that Michael A. Brumley, M.D., Laurel, had contacted the Special Projects Officer regarding appearing before the Board for removal of restrictions imposed by his Consent Order. Dr. Brumley is to put this request in writing to Dr. Burnett.

### REVIEW OF JANUARY 21 BOARD AGENDA

Dr. Burnett briefly reviewed the agenda for Thursday's Board meeting.



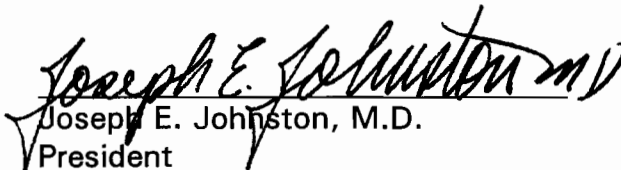
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**ADJOURNMENT**

There being no further business, the meeting adjourned at 6:05 p.m.

  
Joseph E. Johnston, M.D.  
President

Minutes taken and transcribed  
by Kathy Fortenberry  
Administrative Assistant  
January 20, 1999

**BOARD MINUTES  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
JANUARY 21, 1999**

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday, January 21, 1999, in the Executive Conference Room of the Office of the Board located at 2600 Insurance Center Drive, Jackson, Mississippi.

The following members were present:

Joseph E. Johnston, M.D., Mount Olive, President  
Robert Ray Smith, M.D., Jackson, Secretary  
Frank W. Bowen, M.D., Carthage  
Dewitt G. Crawford, M.D., Louisville  
William B. Harper, D.O., Greenwood  
Benton M. Hilbun, M.D., Tupelo  
W. Joseph Burnett, M.D., Director

Also present:

Stan T. Ingram, Attorney for the Board  
Edwin T. Cofer, Special Assistant Attorney General  
June C. Harris, Division Director II, Licensure Division  
Charles Moses, Division Director II, Investigative Division  
Kathy Fortenberry, Administrative Assistant

Freda M. Bush, M.D., Jackson, Vice President, Joe Dennis Herrington, M.D., Natchez, and Paul Douglas Jackson, M.D., Greenville, were not present.

The meeting was called to order at 9:00 a.m. by Dr. Johnston, President. The invocation was given by Dr. Crawford.

**APPROVAL OF MINUTES**

Minutes of the Executive Committee Meeting dated November 18, 1998, and Minutes of the Meeting dated November 19, 1998, were reviewed. Dr. Smith moved for approval of the minutes as submitted. Dr. Bowen seconded the motion, and it carried unanimously.

**APPROVAL OF CERTIFICATION OF MISSISSIPPI LICENSES TO OTHER ENTITIES FOR PERIOD NOVEMBER 1, 1998, TO DECEMBER 31, 1998**

One hundred seven (107) licenses were certified to other entities for the period November 1, 1998, to December 31, 1998. Motion was made by

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Dr. Crawford, seconded by Dr. Hilbun, and carried unanimously to approve these certifications.

### **APPROVAL OF LICENSES ISSUED FOR THE PERIOD NOVEMBER 1, 1998, TO DECEMBER 31, 1998**

Seventy-three (73) licenses were issued for the period November 1, 1998, to December 31, 1998. Motion was made by Dr. Smith, seconded by Dr. Bowen, and carried unanimously to approve these licenses.

### **REPORTS FROM AD HOC COMMITTEES**

***Alternative Medicine*** - This committee did not have anything to report. Dr. Johnston stated there were several items pertaining to alternative medicine that sooner or later the Board would have to take into consideration.

***Educational Development Committee*** - Dr. Smith reported that the committee felt the continuing medical education requirement should probably start in 2000 and that the certification should be part of the renewal application. Dr. Johnston asked Dr. Burnett to present recommendations at the March Board meeting.

**DR. BUSH JOINED THE MEETING AT 9:15 A.M. TONGEE SCOTT, A PRE-MED STUDENT AT JACKSON STATE UNIVERSITY, WAS A GUEST OF DR. BUSH FOR THE MEETING.**

***Impaired Physicians Program*** - This committee did not have anything to report.

***Legislative Committee*** - Copies of pending legislation were distributed and reviewed. Dr. Johnston reported on the budget hearing, and Mrs. Harris and Dr. Burnett advised the Board's three bills were in committee. Dr. Burnett and Mr. Moses reviewed Senate Bill Number 2992, which would assist the Board in monitoring controlled substances in the state. It was the consensus of the Board to send a letter of support to Senator Rob H. Smith, a copy of which is attached hereto and incorporated by reference.

Dr. Johnston voiced his appreciation for the assistance of Mississippi State Medical Association with the Board's legislation. However, he stated the Board should presents its own legislation next year.

***Nurse Practitioner and Expanded Role*** - Dr. Bowen distributed copies of Mississippi State Medical Association's ***Professional Standards Governing Physician/Non-Physician Relationships Report from the Council on Medical Service***. State Medical has asked for the Board's input on these, and Dr. Burnett briefly reviewed them.

### **OTHER BUSINESS**

The Executive Committee presented a regulation pertaining to invasive procedures and laser therapy. Copies were distributed to the Board and reviewed by Dr. Johnston. Motion was made by Dr. Hilbun, seconded by Dr. Crawford, and carried unanimously to adopt the regulation, with the word "declared" being changed to "adjudged". The regulation, which will be filed with the Secretary of State under the Administrative Procedures Act, is attached hereto and incorporated by reference.

Dr. Johnston advised that plans were being made to have the June Board meeting in Oxford at the Alumni House at the University of Mississippi. The meeting will probably be held on Saturday with a CME presentation prior to the Board meeting.

Dr. Harper made a brief presentation on Meridia and the Board's regulations pertaining to anti-obesity agents. Dr. Harper made a motion that the Board approve Meridia for long-term use and make a change in the regulations to accommodate this change. Dr. Herrington, who was not present, was also on this committee, and Dr. Harper stated Dr. Herrington concurred with his recommendations. Dr. Johnston asked that the motion be tabled until the March meeting and asked that Mr. Ingram and Mr. Moses work with the committee to formulate a proposed rule change and present the same at the next meeting.

### **DR. JACKSON JOINED THE MEETING AT 9:50 A.M.**

### **REGULATIONS PERTAINING TO PRESCRIBING, ADMINISTRATION AND DISPENSING OF MEDICATION - FINAL ADOPTION OF SECTION 2, SUBSECTION VIII, PARAGRAPH A.6. AND SECTION 2, SUBSECTION IX, PARAGRAPH A.1.**

Motion was made by Dr. Bush, seconded by Dr. Jackson, and carried unanimously for the final adoption of this regulation as submitted, which will be filed with the Secretary of State. The regulation is attached hereto and incorporated by reference.

**APPROVAL OF CONSENT ORDER EXECUTED BY JOANN GUY FRANCIS, M.D.,  
CARTHAGE, MISSISSIPPI MEDICAL LICENSE NUMBER 14721**

Dr. Francis was present but not represented by legal counsel.

Board members were given a chronological summary of Dr. Francis' background and history leading to the disciplinary action taken on her medical license. Mr. Ingram advised that Dr. Francis had completed an evaluation at the Florida Personalized Education for Physicians Program, University of Florida College of Medicine, and the Consent Order was based on their recommendations.

Following questioning of Dr. Francis by Board members, motion was made by Dr. Bush, seconded by Dr. Bowen, and carried unanimously that the Board consider going into Executive Session. With a motion by Dr. Bush, seconded by Dr. Jackson, the Board went into Executive Session.

Upon motion by Dr. Crawford, seconded by Dr. Bowen, and carried unanimously, the Board came out of Executive Session at which time Dr. Johnston announced to accept the Consent Order. Dr. Johnston advised Dr. Francis that the Board would expect a practice plan. The Consent Order and the Order of the Board are attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Vanessa Addison, Certi-Comp Court Reporters.

**PERSONAL APPEARANCE BY PHILLIP LANCE BARNES, D.O., BILOXI, TO  
REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE  
NUMBER 09295**

Dr. Barnes was present but not represented by legal counsel.

Board members were given a chronological summary of Dr. Barnes' background and history leading to the disciplinary action taken on his medical license. Mr. Ingram entered the chronological summary, Dr. Barnes' letter of request, and the Consent Order as an exhibit.

Dr. Barnes presented his request and answered questions from the Board members.

Motion was made by Dr. Crawford, seconded by Dr. Bush, and carried unanimously to return controlled substance privileges in Schedules III and IV. The Order of the Board is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Vanessa Addison, Certi-Comp Court Reporters.

**PERSONAL APPEARANCE BY KATHRYN J. PASTRELL, M.D., TUPELO, TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE NUMBER 14938**

Dr. Pastrell was present and represented by legal counsel, Walker W. Jones, III, Esq., Jackson. Also present was Ellis M. Moffitt, M.D., of the Mississippi Recovering Physicians Program.

Mr. Jones presented Dr. Pastrell's request to have all restrictions removed, and Dr. Moffitt addressed the Board on behalf of Dr. Pastrell.

Board members were given a chronological summary of Dr. Pastrell's background and history leading to the disciplinary action taken on her medical license. Mr. Ingram entered the chronological summary and the Consent Order as an exhibit.

Following questioning of Dr. Pastrell, motion was made by Dr. Hilbun, seconded by Dr. Bowen, and carried unanimously to remove all restrictions. The Order of the Board is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Vanessa Addison, Certi-Comp Court Reporters.

Mr. Jones introduced Ms. Tiffany Wade, an associate from his law firm.

**SURRENDER OF MEDICAL LICENSE EXECUTED BY TYREE JAMES BAREFIELD-PENDLETON, M.D., BESSEMER, ALABAMA, MISSISSIPPI MEDICAL LICENSE NUMBER 02493**

Dr. Barefield-Pendleton was not present or represented by legal counsel.

Board members were given a chronological summary of Dr. Barefield-Pendleton's background and history leading to the disciplinary action taken on his

medical license, which resulted from action taken by another state. Mr. Moses answered questions from the Board members.

Motion was made by Dr. Bush, seconded by Dr. Hilbun, and carried unanimously to accept the Surrender of Medical License, a copy of which is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Vanessa Addison, Certi-Comp Court Reporters.

**APPROVAL OF CONSENT ORDER EXECUTED BY STEPHEN C. AYERS, M.D., LAKE CHARLES, LA, MISSISSIPPI MEDICAL LICENSE NUMBER 14332**

Dr. Ayers was not present or represented by legal counsel.

Board members were given a chronological summary of Dr. Ayers' background and history leading to the disciplinary action taken on his medical license, which resulted from action taken by another state. Copies of the Consent Order were distributed and reviewed by Mr. Moses.

Motion was made by Dr. Hilbun, seconded by Dr. Bush, and carried unanimously to accept the Consent Order, a copy of which is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Vanessa Addison, Certi-Comp Court Reporters.

**PERSONAL APPEARANCE BY JOE WAYNE WALKER, M.D., WATER VALLEY, TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE NUMBER 04873**

Dr. Walker was present but not represented by legal counsel. Also present were Mrs. Walker and Dr. Moffitt.

Board members were given a chronological summary of Dr. Walker's background and history leading to the disciplinary action taken on his medical license. Mr. Ingram entered the chronological summary, Dr. Walker's letter of request, and the Board Order as an exhibit.

Dr. Walker presented his request and answered questions from Board members. Dr. Moffitt addressed the Board in support of Dr. Walker.

Motion was made by Dr. Crawford, seconded by Dr. Bush, and carried unanimously to remove all restrictions. The Order of the Board is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Vanessa Addison, Certi-Comp Court Reporters.

### **OTHER BUSINESS**

Dr. Burnett presented a letter from Billy Ray Shows, M.D., Newton, requesting that his June, 1997, Consent Order be changed to broaden the list of indications for use of controlled substances. It was the consensus of the Board to allow as he deemed medically necessary and to allow Dr. Burnett to give him permission for other hospital emergency rooms not specified in his Consent Order. Motion was made by Dr. Hilbun, seconded by Dr. Jackson, and carried unanimously to accept an Amendment to Consent Order, a copy of which is attached hereto and incorporated by reference.

Dr. Burnett reported on several calls he had received from CBS news wanting to do an interview on pain management for their program, "48 Hours". The Executive Committee on Wednesday night had recommended a panel to meet with their reporter. However, after discussion with Mr. Cofer and Mr. Ingram, it was the consensus of the Board not to meet with the reporter because of pending litigation but to provide our regulations.

### **PERSONAL APPEARANCE BY VERNON THOMAS HUGHES, JR., D.O., CLARKSDALE, TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE NUMBER 13620**

Dr. Hughes was present but not represented by legal counsel.

Board members were given a chronological summary of Dr. Hughes' background and history leading to the disciplinary action taken on his medical license. Mr. Ingram entered the chronological summary, Dr. Hughes' letter of request, letter from Mississippi Recovering Physicians Program, and the Board's prior Orders as an exhibit.



Dr. Hughes presented his request and answered questions from Board members.

Motion was made by Dr. Smith, seconded by Dr. Hilbun, and carried unanimously to remove all restrictions. The Order of the Board is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Vanessa Addison, Certi-Comp Court Reporters.

**THE BOARD RECESSED FOR LUNCH AT 11:30 A.M. AND RECONVENED AT 1:15 P.M.**

**APPROVAL OF CONSENT ORDER EXECUTED BY ROBERT WYNN WATSON, D.O., CHARLESTON, MISSISSIPPI MEDICAL LICENSE NUMBER 15187**

Dr. Watson was present but not represented by legal counsel.

Board members were given a chronological summary of Dr. Watson's background and history leading to the disciplinary action taken on his medical license, which was a result of his violating his Recovery Contract Agreement with the Mississippi Recovering Physicians Program.

Dr. Watson addressed the Board and answered questions from Board members.

Motion was made by Dr. Hilbun, seconded by Dr. Jackson, and carried unanimously to accept the Consent Order, a copy of which is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Vanessa Addison, Certi-Comp Court Reporters.

#### **OTHER BUSINESS**

Dr. Burnett and Dr. Johnston reported on the discussion of methadone clinics at Wednesday's Executive Committee meeting. It was reported there were no regulations or laws governing these clinics in the state. Because methadone clinics are regulated by the federal government, it was the consensus of the

Executive Committee members that the Board should not have primary responsibility to regulate these clinics.

Dr. Burnett reported on several calls he had received from a reporter with *The Wall Street Journal* regarding the disease management program with pharmacists in the state. The Board's position remains that the physician is responsible if he or she signs a pharmacist's protocol. It was the consensus of the Board that any physician signing on a pharmacist's protocol must furnish the Board a copy of the protocol. Mr. Ingram will present at the March meeting a written regulation pertaining to this.

**PERSONAL APPEARANCE BY PHIL DEWAYNE THOMPSON, D.O., RALEIGH,  
TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE  
NUMBER 10521**

Dr. Thompson was present but not represented by legal counsel.

Board members were given a chronological summary of Dr. Thompson's background and history leading to the disciplinary action taken on his medical license. Mr. Ingram entered the chronological summary, Dr. Thompson's letters of request, and the Consent Order as an exhibit.

Dr. Thompson presented his request and answered questions from Board members.

Motion was made by Dr. Crawford, seconded by Dr. Hilbun, and carried unanimously that the Board consider going into Executive Session. With a motion by Dr. Bush, seconded by Dr. Bowen, the Board went into Executive Session.

Upon motion by Dr. Hilbun, seconded by Dr. Bowen, and carried unanimously, the Board came out of Executive Session at which time Dr. Johnston announced to remove all restrictions. Licensee will continue his affiliation with the Mississippi Recovering Physician Program. The Order of the Board is attached hereto and incorporated by reference.

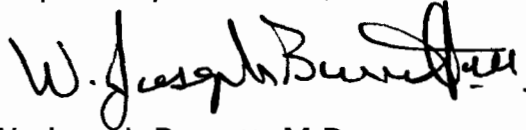
A verbatim account of this proceeding was recorded by Vanessa Addison, Certi-Comp Court Reporters.

**BOARD MINUTES**  
January 21, 1999  
Page 10

**ADJOURNMENT**

The meeting was adjourned at 2:00 p.m. with the next meeting scheduled for Thursday, March 18, 1999.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "W. Joseph Burnett, M.D.", written in a cursive style.

W. Joseph Burnett, M.D.  
Director

Minutes taken and transcribed  
by Kathy Fortenberry  
Administrative Assistant  
January 21, 1999

**EXECUTIVE SESSION  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
JANUARY 21, 1999**

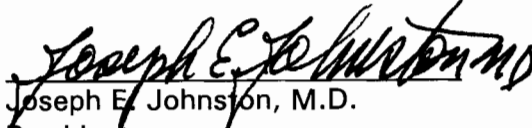
**AGENDA ITEM X**

**APPROVAL OF CONSENT ORDER EXECUTED BY JOANN GUY FRANCIS, M.D.,  
CARTHAGE, MISSISSIPPI MEDICAL LICENSE NUMBER 14721**

Motion made by Dr. Smith, seconded by Dr. Harper, and carried to accept Consent Order.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Freda M. Bush, M.D.	X			
Frank W. Bowen, M.D.	X			
Dewitt G. Crawford, M.D.	X			
William B. Harper, D.O.	X			
Joe Dennis Herrington, M.D.				X
Benton M. Hilbun, M.D.	X			
Paul Douglas Jackson, M.D.	X			
Joseph E. Johnston, M.D.	X			
Robert Ray Smith, M.D.	X			

With a motion by Dr. Crawford, seconded by Dr. Bowen, the Board came out of Executive Session.

  
Joseph E. Johnston, M.D.  
President

**EXECUTIVE SESSION  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
JANUARY 21, 1999**

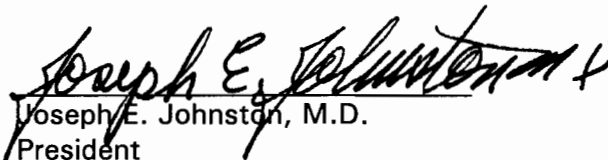
**AGENDA ITEM XVI**

**PERSONAL APPEARANCE BY PHIL DEWAYNE THOMPSON, D.O., RALEIGH, TO  
REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE NUMBER  
10521**

Motion made by Dr. Harper, seconded by Dr. Crawford, and carried to remove all restrictions imposed by Consent Order. Licensee will continue his affiliation with the Mississippi Recovering Physician Program.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Freda M. Bush, M.D.	X			
Frank W. Bowen, M.D.	X			
Dewitt G. Crawford, M.D.	X			
William B. Harper, D.O.	X			
Joe Dennis Herrington, M.D.				X
Benton M. Hilbun, M.D.	X			
Paul Douglas Jackson, M.D.	X			
Joseph E. Johnston, M.D.	X			
Robert Ray Smith, M.D.	X			

With a motion by Dr. Hilbun, seconded by Dr. Bowen, the Board came out of Executive Session.

  
Joseph E. Johnston, M.D.  
President

TELEPHONE: (601) 354-6645



FAX: (601) 987-4159

**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**  
W. Joseph Burnett, M.D., Director

January 21, 1999

HAND DELIVERED

The Honorable Rob H. Smith  
Chairman, Juvenile Justice Committee  
Mississippi Senate  
Jackson, Mississippi

Re: Senate Bill No. 2992

Dear Senator Smith:

The Mississippi State Board of Medical Licensure wishes to express its firm support of Senate Bill No. 2992.

The Board believes that this bill, if enacted, would tremendously assist this agency and its licensees in monitoring the legitimate drug traffic of controlled substances in this state as required by statute.

Sincerely,

W. Joseph Burnett, M.D.  
Director

Joseph E. Johnston, M.D.  
President

Freda M. Bush, M.D.  
Vice-President

Robert Ray Smith, M.D.  
Secretary

Frank W. Bowen, M.D.  
Member

Dewitt G. Crawford, M.D.  
Member

William B. Harper, D.O.  
Member

Benton M. Hilburn, M.D.  
Member

Paul D. Jackson, M.D.  
Member

## XXVI. REGULATION ON INVASIVE PROCEDURES AND LASER THERAPY

Procedures considered invasive, excluding emergency room procedures, and the use of laser devices in the State of Mississippi is adjudged to be the practice of medicine and such use shall be limited to physicians and those directly supervised by physicians, such that a physician is on the premises and would be directly involved in the treatment immediately if required.

**REGULATIONS PERTAINING TO PRESCRIBING, ADMINISTRATION AND DISPENSING OF MEDICATION:**

**Section 2, Subsection VIII. PRESCRIPTION GUIDELINES-CONTROLLED SUBSTANCES, Paragraph A.6., is amended as follows:**

6. A physician shall not utilize blank prescription pads or order forms upon which the signature of the physician or controlled substance prescribed have been mechanically or photostatically reproduced. This prohibition includes the telefaxing or E-Mailing of any controlled substance prescription.

**Section 2, Subsection IX., PRESCRIPTION GUIDELINES-ALL MEDICATIONS, Paragraph A. 1. is amended as follows:**

1. Every written prescription delivered to a patient, or delivered to any other person on behalf of a patient, must be manually signed on the date of issuance by the physician. This does not prohibit, however, the transmission of electronically telefaxed (but not E-Mail) prescriptions for non-controlled drugs to the pharmacy of the patient's choice. Such telefaxed prescriptions shall bear the signature of the prescribing physician and shall be issued in accordance with all other provisions of this section. No prescriptions for brand name or generic equivalents of Nalbuphine Hcl, Carisoprodol, Butalbital compounds, or Tramadol Hcl shall be telefaxed.



**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

**IN THE MATTER OF THE PHYSICIAN'S LICENSE**

**OF**

**JOANN GUY FRANCIS, M.D.**

**ORDER**

THIS MATTER came on regularly for hearing on January 21, 1999, before the Mississippi State Board of Medical Licensure in response to the Petition of Joann Guy Francis, M.D. (hereinafter referred to as "Licensee"), for approval of a plan of practice in a structured and supervised environment (outpatient care only) as required by that certain Consent Order with this Board dated November 27, 1998.

The hearing was convened at 9:30 a.m., Licensee being present without counsel. Although present, Licensee has not submitted a written protocol or plan of practice as required by the aforementioned Consent Order. Nonetheless, the Board has considered Licensee's request to practice at Health Care Clinic of Carthage, Carthage, Mississippi. At said practice location, Licensee will practice in a structured and supervised environment, being supervised by Arbie Hinton, M.D. Furthermore, her practice shall be limited to outpatient care only. Licensee shall continue to receive psychiatric therapy, participate in continued medical education, and be subject to periodic surveillance and review by the Board's Executive Director, any member of the Board, or its investigative staff, all as required by the terms and provisions of the aforementioned November 27, 1998, Consent Order.

IT IS, THEREFORE, ORDERED that pursuant to Miss. Code Ann. Section 73-25-27 (1972),  
a copy of this Order shall be sent by Registered Mail or personally served upon Licensee.

SO ORDERED, this the 21st day of January, 1999.

MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE

BY: Joseph E. Johnston, M.D.  
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

JOANN GUY FRANCIS, M.D.

CONSENT ORDER

WHEREAS, Joann Guy Francis, M.D., herein referred to as "Licensee", is a current holder of License Number 14721, issued in February, 1996, to practice medicine in the State of Mississippi;

WHEREAS, on September 11, 1996, Licensee's clinical privileges at Singing River Hospital, Pascagoula, Mississippi were summarily suspended in response to concerns regarding the quality of care provided by Licensee;

WHEREAS, on December 18, 1996, the Board of Trustees of the Singing River Hospital finally revoked all of Licensee's clinical privileges, based on the report of the Medical Executive Committee;

WHEREAS, such conduct is in violation of the Mississippi Medical Practice Act, specifically Mississippi Code Annotated, Section §73-25-29 (13) and §73-25-83(a), (b), (c), as amended, for which the Mississippi State Board of Medical Licensure may revoke the medical license of Licensee, suspend it for a time deemed proper by the Board or take any other action as the Board may deem proper under the circumstances;

WHEREAS, on August 26 and 27, 1998, Licensee submitted to an evaluation at the University of Florida, College of Medicine, The Florida Personalized Education for Physicians Program (FPEP), to evaluate competency in cardiology and general medicine.

Following completion of this evaluation, a final report was provided to the Board, with a number of recommendations and findings incorporated therein;

WHEREAS, it is the desire of the Licensee to provide assurance of mental and professional competency to the Mississippi State Board of Medical Licensure, and pursuant to authority granted in Section §73-25-87, hereby agrees to submit to certain conditions;

NOW, THEREFORE, the Mississippi State Board of Medical Licensure, with consent of Licensee as signified by her joinder herein, does hereby place the following conditions on Licensee's certificate to practice medicine and reserves the right to renew the same to-wit:

1. Licensee shall enter and thereafter successfully complete a comprehensive psychiatric and psychological evaluation conducted by a psychiatrist chosen by Licensee from a list of Board approved psychiatrists attached hereto and incorporated herein. Licensee hereby authorizes the approved psychiatrist at any time prior to or during the evaluation, to obtain information from the Board and upon completion of the evaluation to forward to the Board's Director a detailed report of all findings, and any diagnosis and recommendations for treatment.
2. If, as a result of the evaluation, it is recommended that Licensee undergo treatment and/or therapy, she shall fully cooperate and successfully complete all phases of treatment. The treating psychiatrist shall provide the

Mississippi State Board of Medical Licensure with a quarterly written progress report to the attention to the Board's Director.

3. After review of the findings of the Board approved psychiatrist, the Board reserves the right to add additional restrictions or conditions as deemed necessary to protect the public.
4. Licensee's practice shall be limited to a structured and supervised environment, out-patient care only and subject to a written protocol or practice plan approved in advance by the Mississippi State Board of Medical Licensure. Licensee shall also advise the Board in writing of any change in employer or practice locations.
5. Licensee shall be subject to periodic surveillance by the Mississippi State Board of Medical Licensure. The Board's Director, any member of the Board or medical consultant appointed by the Board, or its investigative staff, may perform a patient chart review of a representative sample of those patients treated by Licensee.
6. Licensee shall obtain fifty (50) hours of continuing medical education (CME) approved by the American Medical Association in the area of Internal Medicine. Following completion of each course, Licensee shall submit to the Board documented proof of successful completion.

The above enumerated restrictions shall run for an indefinite period of time, provided, however, that Licensee shall have the right to petition the Mississippi State Board of Medical Licensure for release of any or all the above enumerated restrictions

after the expiration of three (3) years from the effective date hereof. Thereafter, any right to petition the Board for reconsideration shall be at reasonable intervals, but not less than twelve (12) months from the date of last appearance.

Licensee understands and expressly acknowledges that this Consent Order shall constitute a public record of the State of Mississippi. Recognizing her right to notice of charges specified against her, to have such charges adjudicated pursuant to Mississippi Code Annotated, Section §73-25-63, to be represented therein by legal counsel of her choice and to a final decision based upon written findings of fact and conclusions of law, Joann Guy Francis, M.D., nonetheless, hereby waives her right to notice and a formal adjudication of charges and authorizes the Board to enter an order accepting this Consent Order, thereby placing the above enumerated conditions/restrictions on her license to practice medicine in the State of Mississippi.

Executed this the 27 day of November 1998.

\_\_\_\_\_  
Witness

Jo Ann Guy Francis MD  
Joann Guy Francis, M.D.

ACCEPTED AND APPROVED, this the 21st day of January, 1999, by the Mississippi State Board of Medical Licensure.

Joseph E. Johnston MD  
President  
Mississippi State Board of Medical Licensure

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

**IN THE MATTER OF THE PHYSICIAN'S LICENSE**

**OF**

**PHILLIP LANCE BARNES, D.O.**

**ORDER**

THIS MATTER came on regularly for hearing on January 21, 1999, before the Mississippi State Board of Medical Licensure in response to the Petition of Phillip Lance Barnes, D.O. (hereinafter referred to as "Licensee"), for removal of certain restrictions placed on his Mississippi medical license by virtue of that certain Consent Order with this Board dated November 14, 1997.

By virtue of said Consent Order, Licensee's certificate to practice medicine was suspended for an indefinite period of time, but automatically stayed subject to certain probationary terms and conditions, the first of which prohibited Licensee from administering, dispensing or prescribing any controlled substance listed in Schedules II, IIN, III, IIIN and IV on an outpatient basis. Licensee now seeks removal of said restrictions in Schedules III and IV.

The hearing was duly convened at 10:00 a.m., Licensee appearing in person, without counsel. Complaint Counsel for the Board was Hon. Stan T. Ingram. Sitting as legal advisor for the Board was Hon. Edwin Cofer, Special Assistant Attorney General. Evidence and testimony were then presented. Based upon the above, the Board finds Licensee's petition to be well-taken.

IT IS, THEREFORE, ORDERED, that Licensee's petition is granted, but limited to return of controlled substance privileges in Schedules III and IV. As a result, Licensee is now authorized to handle on an outpatient basis controlled substances listed in Schedules III, IIIN, IV and V.

IT IS FURTHER ORDERED, that all other restrictions previously imposed on Licensee by virtue of the November 14, 1997, Consent Order, shall remain in full force and effect. After expiration of one (1) year from the date hereof, Licensee shall have the right to petition the Board for removal of all or any part of the remaining restrictions.

IT IS FURTHER ORDERED, that pursuant to Miss. Code Ann. Section 73-25-27 (1972), a copy of this Order shall be sent by Registered Mail or personally served upon Licensee.

SO ORDERED, this the 21st day of January, 1999.

MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE

BY: Joseph E. Johnston M.D.  
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT



BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

KATHRYN J. PASTRELL, M.D.

ORDER

THIS MATTER came on regularly for hearing on January 21, 1999, before the Mississippi State Board of Medical Licensure in response to the Petition of Kathryn J. Pastrell, M.D. (hereinafter referred to as "Licensee"), for removal of all restrictions placed on her Mississippi medical license by virtue of that certain Consent Order with this Board dated July 12, 1996.

The hearing was convened at 10:00 a.m., Licensee being present with counsel. The Board, after hearing said motion, finds the same to be well-taken.

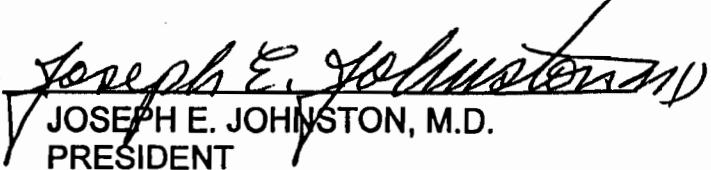
IT IS, THEREFORE, ORDERED that all restrictions imposed on Licensee by virtue of the July 12, 1996, Consent Order are hereby removed. Licensee now holds an unrestricted license to practice medicine in the State of Mississippi.

IT IS FURTHER ORDERED, that pursuant to Miss. Code Ann. Section 73-25-27 (1972), a copy of this Order shall be sent by Registered Mail or personally served upon Licensee.

SO ORDERED, this the 21st day of January, 1999.

MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE

BY:

  
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
IN THE MATTER OF THE PHYSICIAN'S LICENSE  
OF  
TYREE JAMES BAREFIELD- PENDLETON, M.D.

SURRENDER OF MEDICAL LICENSE

WHEREAS, Tyree J. Barefield- Pendleton, M.D., hereinafter referred to as "Licensee," is the current holder of License Number 02493 issued in June, ~~1946~~<sup>1948</sup>, to practice medicine in the State of Mississippi;

WHEREAS, on or about July 30, 1998, Licensee voluntarily surrendered his certificate of qualification and license to practice medicine in the State of Alabama while under investigation by the Alabama State Board of Medical Examiners for alleged violations of Alabama Code Section 34-24-360(1975). See attached Voluntary Surrender as Exhibit "A";

WHEREAS, pursuant to Mississippi Code Annotated Section 73-25-29(8)(d), and (10) and 73-25-83(a), the action taken by the State of Alabama and Licensee's voluntary surrender of his medical license, constitutes grounds for the Mississippi State Board of Medical Licensure to revoke the medical license of Licensee, suspend it for a time deemed proper by the Board or take any other action the Board may deem proper under the circumstances;

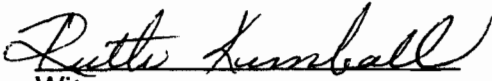
WHEREAS, it is the desire of the Licensee to avoid a disciplinary hearing before the Mississippi State Board of Medical Licensure, and in lieu thereof consents to the unconditional surrender of his license to practice medicine in the State of Mississippi;

NOW, THEREFORE, Licensee hereby voluntarily surrenders his medical license( Number 02493) , to practice medicine in the State of Mississippi. Licensee understands that this is an unconditional surrender. In the event Licensee later decides to practice medicine in the State of Mississippi, it will be necessary for him to make application with the Board. At

time, the Board reserves the right to utilize all evidence, including all facts developed during the current investigation, as part of the consideration of any application.


EXECUTED this the \_\_\_\_\_ day of \_\_\_\_\_, 1998.

  
TYREE J. BAREFIELD- PENDLETON, M.D.

  
Witness

01/07/99  
Date

ACCEPTED AND APPROVED this the 21st day of January,  
1999, by the Mississippi State Board of Medical Licensure.

  
President  
Mississippi State Board of  
Medical Licensure

STATE OF ALABAMA            )  
  )  
MONTGOMERY COUNTY        )

1998

CERTIFICATION

I, Sherri D. Nichols, Secretary and Custodian of Records for the Alabama Board of Medical Examiners, 848 Washington Avenue, P.O. Box 946, Montgomery, Alabama 36101-0946, hereby certify that the attached document, Voluntary Surrender dated July 30, 1998, is a true and correct copy of those records which are on file with the Alabama Board of Medical Examiners in the matter of Tyree James Barefield-Pendleton, M.D.

*Sherri D Nichols*  
Sherri D. Nichols, Secretary

SWORN TO AND SUBSCRIBED before me this 23<sup>rd</sup> day of November, 1998.

*Carla J Haus-Walsh*  
Notary Public  
My Commission Expires: 10/13/99

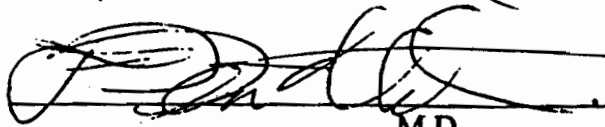
STATE OF ALABAMA )  
 )  
JEFFERSON COUNTY )

VOLUNTARY SURRENDER

I, TYREE JAMES BAREFIELD - PENNILETON, M.D. do hereby voluntarily surrender my certificate of qualification and license to practice medicine in the State of Alabama, number 24165 under the provisions of Ala. Code §34-24-361(g)(1975). I acknowledge that this action is taken by me while under investigation by the State Board of Medical Examiners for alleged violations of Ala. Code §34-24-360(1975).

I acknowledge that I sign this document willingly and that I execute it as my free and voluntary act for the purposes herein expressed, and that I am of sound mind and under no constraint or undue influence. I further acknowledge that this document is a public record of the Alabama Board of Medical Examiners and may be released by the Board upon request.

EXECUTED this 30 day of JULY, 1997. 1998

  
\_\_\_\_\_  
M.D.

  
\_\_\_\_\_  
Witness

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF PHYSICIAN'S LICENSE

OF

STEPHEN CHRISTOPHER AYERS, M.D.

CONSENT ORDER



WHEREAS, Stephen Christopher Ayers, M.D., hereinafter referred to as "Licensee" is the current holder of License No.14432, issued May, 1995 for the practice of medicine in the State of Mississippi;

WHEREAS, on October 22, 1997, Licensee entered into a Consent Order with the Louisiana State Board of Medical Examiners, effective November 1, 1997, placing his Louisiana medical license on probation for a period of five (5) years, said Consent Order attached hereto as "Exhibit A," and incorporated herein by reference.

WHEREAS, pursuant to Subsections (8)(d) and (10) of Section 73-25-29, Mississippi Code (1972), Annotated, the aforementioned Consent Order and probation constitutes restrictions placed on his license in another jurisdiction, grounds for which the Mississippi State Board of Medical Licensure may revoke the Mississippi medical license of Licensee, suspend his right to practice for a time deemed proper by the Board, place his license on probation, the terms of which may be set by the Board or take any other action in relation to his license as the Board may deem proper under the circumstances;

WHEREAS, it is the desire of Licensee to avoid a hearing before the Mississippi State Board of Medical Licensure and in lieu thereof requests that certain restrictions be placed on his license to practice medicine in the State of Mississippi;

**NOW, THEREFORE, the Mississippi State Board of Medical Licensure, with consent of Licensee as signified by his joinder herein, does hereby suspend Licensee's certificate to practice medicine in the State of Mississippi, with the suspension automatically stayed, subject to the following probationary terms and conditions, to-wit:**

- 1. Licensee shall, thirty (30) days prior to relocating his practice to the State of Mississippi, notify the Board of his intention to relocate to Mississippi.**
- 2. During the probationary time specified herein, Licensee shall be prohibited from having any ownership interest or revenue rights in any clinic or any other business establishment in Mississippi from which drugs, chemicals, medications or controlled substances are dispensed.**
- 3. Licensee shall strictly comply with all of the terms and conditions of probation on his license to practice medicine in the State of Louisiana.**
- 4. Licensee shall report in writing to the Mississippi State Board of Medical Licensure within fifteen (15) days should his medical license in any state be subject to investigation or disciplinary action.**
- 5. Licensee shall obey all federal, state and local laws, and all rules and regulations governing the practice of medicine.**
- 6. Licensee's practice of medicine in Mississippi shall be subject to periodic surveillance by the Mississippi State Board of Medical Licensure. The Board's Executive Officer, any member of the Board or investigative staff may perform a patient chart review of a representative sample of those patients treated by Licensee.**

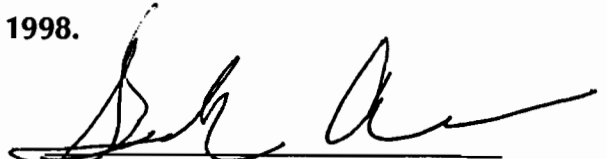
At such time as all probationary conditions have been removed from his license in the State of Louisiana, Licensee shall have the right to petition the Mississippi State Board of Medical Licensure for a release of any or all of above enumerated conditions. Thereafter, any right to petition the Board for reconsideration shall be at reasonable intervals, but not less than twelve (12) months from date of last appearance.

This Consent Order shall be subject to approval by the Board. If the Board fails to approve this Consent Order, in whole or in part, it shall have no force or effect on the parties. It is further understood and agreed that the purpose of this Consent Order is to avoid a hearing before the Board. In this regard, Licensee authorizes the Board to review and examine any documentary evidence or materials concerning Licensee prior to or in conjunction with its consideration of this Consent Order. Should this Consent Order not be accepted by the Board, it is agreed that presentation to and consideration of this Consent Order and other documents and matters pertaining thereto by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation or consideration of the resolution of the proceeding.

Recognizing his right to notice of charges specified against him, to have such charges adjudicated pursuant to Miss. Code Ann. Section 73-25-27 (1972), to be represented therein by legal counsel of his choice, and to a final decision rendered upon written findings of fact and conclusions of law, Stephen C. Ayers, M.D., nonetheless, hereby waives his right to notice and a formal adjudication of charges and authorizes the Board to enter an order accepting this Consent Order, thereby suspending his license to practice medicine in the State of Mississippi for an indefinite period of time, staying the suspension and placing his license on probation subject to those terms and conditions enumerated above.



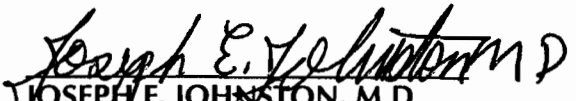
Signed this the \_\_\_\_\_ day of \_\_\_\_\_, 1998.

  
Stephen C. Ayers, M.D.

\_\_\_\_\_  
Witness

1-20-99  
Date

ACCEPTED AND APPROVED, this the 21st day of January, 1999 by the  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE.

By:   
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT

BEFORE THE  
LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

\* \* \* \* \*  
\*  
In the Matter of \*  
\*  
STEPHEN C. AYERS, M.D. \*  
(Certificate No. 021297), \*  
\*  
Respondent. \*  
\*  
\* \* \* \* \*

No. 97-I-002

**CONSENT ORDER**

The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following receipt of information indicating that controlled substances had been dispensed illegally from the medical office of Stephen C. Ayers, M.D., a physician licensed by the Board to practice medicine in the state of Louisiana and at all times pertinent engaged in the practice of medicine in Lake Charles, Louisiana ("Dr. Ayers").

Investigation of the captioned matter was assigned to John B. Bobear, M.D., the Medical Consultant / Director of Investigations for the Board. Following such investigation, which included an analysis of dispensing records maintained by Dr. Ayers, together with office and medical records and on-site inspections, Dr. Ayers was charged with violations of the Louisiana Medical Practice Act (the "Act"), La. Rev. Stat. § 37:1261-92, including allegations that he (1) failed to maintain adequate records of dispensation of medications to

In the Matter of Stephen C. Ayers, M.D.  
Consent Order

patients and of drugs stored at the South Lake Charles Walk-in Clinic, Inc. at 929 W. McNeese Street and at the North Lake Charles Walk-in Clinic at 1725 Opelousas Street, both in Lake Charles (the "Clinics");<sup>1</sup> (2) failed to fully and properly record the dispensation of a controlled substance;<sup>2</sup> (3) failed to provide reasonably secure storage for medications and controlled substances at the Clinics;<sup>3</sup> (4) knowingly lent his professional name and licensure status to a person dispensing controlled substances without lawful authority;<sup>4</sup> and (5) failed to report or to take remedial action to correct such illegal activity.<sup>5</sup>

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<sup>1</sup> Louisiana Administrative Code title 46, §6509(A) provides that the Board may take action against a physician for noncompliance with any of the provisions of Chapter 65 of the Louisiana Administrative Code, title 46, "Dispensation of Medications." Section 6529(A) of Chapter 65 provides that a physician registered to dispense medications must maintain records of all medications in his possession and custody and must update the records at least monthly. Section 6529(B) requires that a physician registered to dispense medications conduct or cause to be conducted a physical inventory of drugs on a quarterly basis and account for any discrepancies between the physical inventory and the records required under § 6529(A).

<sup>2</sup> Louisiana Rev. Stat. § 37:1285(A)(6) provides that the Board may take action against a physician for "[p]rescribing, dispensing, or administering legally controlled substances or any dependency-inducing medication without legitimate medical justification therefor or in other than a legal or legitimate manner."

<sup>3</sup> Louisiana Administrative Code title 46, § 6547(A) provides that a physician registered to dispense medications must maintain all medications in such manner as to reasonably secure them against access or use by unauthorized persons. Section 6547(B) requires that Schedule II controlled substances be maintained in a metal container and equipped with a secure lock to prevent unauthorized access to or use of such medications.

<sup>4</sup> Louisiana Revised Statute 37:1285(A)(30) provides that the Board may take action against the license of a physician for "[k]nowingly performing any act which, in any way, assists an unlicensed person to practice medicine, or having professional connection with, or lending one's name to an illegal practitioner."

<sup>5</sup> Louisiana Revised Statute 37:1285(A)(13) provides that the Board may take action against the license of a physician for "[u]nprofessional conduct."

By his subscription hereto, Dr. Ayers acknowledges the substantial accuracy of the facts supporting the above allegations, acknowledges that his records are insufficient to support his dispensing practices to the patients in question, and acknowledges that such inadequate records would provide the Board with probable cause for the revocation, suspension, or imposition of such other terms and conditions upon Dr. Ayers' license to practice medicine in the State of Louisiana as the Board may deem appropriate.

Recognizing his right to have an administrative adjudication of such charges, at which time Dr. Ayers would be entitled to be represented by legal counsel, to call witnesses, and to present evidence on his own behalf in defense or in mitigation of the charges made, and to a decision thereon by the Board based upon written findings of fact and conclusions of law pursuant to La. Rev. Stat. § 49:955-965, Dr. Ayers, nonetheless, hereby waives his right to notice of charges and formal adjudication and, pursuant to La. Rev. Stat. § 49:955(D), consents to entry of the Order set forth hereinafter and acknowledges that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedures Act or to which otherwise may be afforded to him by law, to contest his agreement to or the force and effect of the Board's investigation or this document in any court. By his subscription hereto, Dr. Ayers also hereby authorizes the Investigating Officer designated by the Board with respect hereto, as well as his legal counsel assisting him in connection herewith, to present this Consent Order to the Board for its consideration and to fully

disclose to and discuss with the Board the nature and results of the investigation, and he waives any objection to such disclosures under La. Rev. Stat. § 49:950 et seq. Dr. Ayers expressly acknowledges that the disclosure of the information to the Board by the Investigating Officer, or his legal counsel, shall be without prejudice to the Investigating Officer's authority to file a formal Administrative Complaint against him, or to the Board's capacity to adjudicate such Complaint, should the Board decline to approve this Consent Order.

Based upon the information provided, accordingly, and upon the recommendation of the Investigating Officer assigned to this matter, the Board has concluded that its responsibility to protect the health, safety and welfare of the citizens of this state pursuant to La. Rev. Stat. § 37:1261 et seq. will be effectively served by entry of the Order set forth hereinafter, by consent.

Accordingly, in consideration of the foregoing, and pursuant to the authority vested in the Board by La. Rev. Stat. § 37:1285 and La. Rev. Stat. § 49:955(D);

**IT IS ORDERED** that the license of Stephen C. Ayers, M.D., to engage in the practice of medicine in the State of Louisiana as evidenced by Certificate No. 021297, shall be, and the same is hereby placed **ON PROBATION** for a period of five (5) years, or until November 1, 2002, *provided, however*, that Dr. Ayers' continuing exercise of the rights and privileges thereunder shall be conditioned upon his acceptance of and strict compliance with

the following minimum terms, conditions and restrictions:

**(a) Revocation of Registration as a Dispensing Physician.** Dr. Ayers' registration as a dispensing physician shall be revoked and cancelled. This revocation and cancellation shall survive the term of probation ordered herein and remain in effect so long as Dr. Ayers shall hold any formal license or permit to practice medicine in the state of Louisiana. In furtherance of this condition, Dr. Ayers shall, within thirty (30) days from the effective date hereof, surrender to the appropriate state and/or federal authorities all dispensing registrations or certificates in his possession.

**(b) Prohibition of Ownership Interest or Revenue Rights in Clinics or Businesses from which Drugs, Medications, Chemicals, or Controlled Substances are Dispensed.** Dr. Ayers shall not, in his lifetime, have any ownership interest or revenue rights in any clinic or any other business establishment from which drugs, chemicals, medications, or controlled substances are dispensed. In furtherance of this condition, Dr. Ayers shall, within twenty (20) days from the effective date

hereof, provide the Board with adequate proof that dispensing activities have stopped and are banned at any clinic or any other business owned, in whole or in part, by Dr. Ayers and that Dr. Ayers retains no rights to receive any revenue from any clinic or any other business establishment from which drugs, chemicals, medications, or controlled substances are dispensed. Within ten (10) days of terminating, concluding, selling, or assigning such ownership rights or revenue rights, Dr. Ayers must report same to the Board in writing. If at any time after the first twenty (20) days of Dr. Ayers' probation, Dr. Ayers owns, in whole or in part, a clinic or property from which or on the site of which dispensing of drugs, chemicals, medications, or controlled substances occurs, Dr. Ayers' medical license shall be permanently revoked.

**(c) Participation in Family Practice Residency Program.** Dr. Ayers has advised the Board's investigators that he has begun a three (3) year residency program in family practice at University Medical Center in Lafayette, Louisiana (the "Program"). Dr. Ayers shall be responsible for and shall arrange with the

Program's director to submit written reports to the Board on a quarterly basis attesting to the fact that Dr. Ayers remains in good standing in the Program. Upon receipt of quarterly reports from the Program's director that Dr. Ayers has remained in good standing throughout the course of the Program and a final report that he has successfully completed the Program, and upon the satisfactory completion of all other terms of probation, the final two (2) years of the five (5) years of probation may be waived. However, if quarterly reports and a final report by the Program's director are not provided timely and sufficiently to the satisfaction of the Board, the Board reserves its right to suspend or revoke Dr. Ayers's license or take any other disciplinary action that the Board deems appropriate, as provided in La. Rev. Stat. § 37:1285.

(d) **Payment of Fine.** Dr. Ayers shall pay to the Board a fine in the amount of Five Thousand and no/100 (\$5,000.00) Dollars, which sum shall be due on or before January 1, 1998.

(e) **Continuing Medical Education.** Dr. Ayers shall obtain not less than fifty (50) credit hours per year, for each of the five (5)



years of his probationary period as set forth hereinabove, of continuing medical education ("CME") credits through attendance at and participation in CME programs accredited by and qualifying for the Physicians Recognition Award of the American Medical Association. On or before January 1st of each year during the term of probation ordered hereby, Dr. Ayers shall cause to be submitted to the Board written certification of the CME programs and credits completed by him during the preceding twelve (12) months.

**(f) Cooperation with Board's Probation and Compliance Officer.** Dr. Ayers shall cooperate with the Board's Probation and Compliance Officer in all matters pertaining to his compliance with the terms, conditions and restrictions of this Consent Order. Dr. Ayers shall immediately notify the Board's Probation and Compliance Officer of any change in his current home or professional addresses and telephone numbers, and he shall direct all matters required pursuant to this Consent Order, including evidence of the CME credits described herein above, to the attention of the Board's Probation and Compliance

Officer.

**IT IS FURTHER ORDERED** that any violation or failure of strict compliance with any of the terms, conditions and restrictions of this Order as set forth herein above, shall be deemed adequate and/or sufficient cause, upon proof of such violation or failure, for the suspension and/or revocation of the medical license of Stephen C. Ayers, M.D., or for such other disciplinary action as the Board deems appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:1285.

**IT IS FURTHER ORDERED** that this Consent Order shall be, and shall be deemed to be, a public record.

Signed in New Orleans, Louisiana, and effective on this 22 day of October, 1997.

**LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS**


By: Keith C. Ferdinand  
Keith C. Ferdinand, M.D.  
Its: President

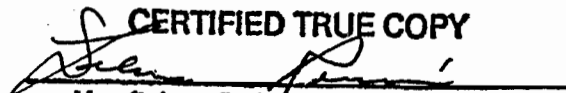
**ACKNOWLEDGMENT AND CONSENT**

I, STEPHEN C. AYERS, M.D., HEREBY ACKNOWLEDGE, APPROVE, ACCEPT  
AND CONSENT to entry of the above and foregoing Order, this 7th day of October, 1997.

  
STEPHEN C. AYERS, M.D.

**APPROVED AS TO FORM**

  
Walter Sanchez, Esq.  
518 Pujo Street  
Lake Charles, LA 70601  
Counsel for Stephen C. Ayers, M.D.

**CERTIFIED TRUE COPY**  
  
Mrs. Delmar Rorison, Executive Director  
Louisiana State Board of Medical Examiners  
Date 9/20/98

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

JOE WAYNE WALKER, M.D.

ORDER

THIS MATTER came on regularly for hearing on January 21, 1999, before the Mississippi State Board of Medical Licensure in response to the Petition of Joe Wayne Walker, M.D. (hereinafter referred to as "Licensee"), for removal of all restrictions placed on his Mississippi medical license by virtue of that certain Order rendered by this Board on January 20, 1994.

The hearing was convened at 10:30 a.m., Licensee being present without counsel. The Board, after hearing said motion, finds the same to be well-taken.

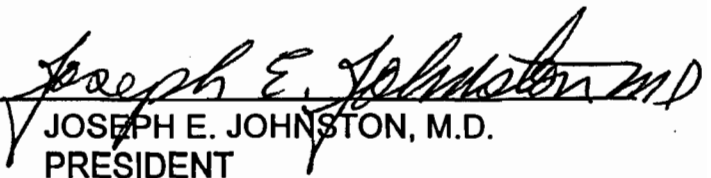
IT IS, THEREFORE, ORDERED that all restrictions imposed on Licensee by virtue of the January 20, 1994, Order are hereby removed. Licensee now holds an unrestricted license to practice medicine in the State of Mississippi.

IT IS FURTHER ORDERED, that pursuant to Miss. Code Ann. Section 73-25-27 (1972), a copy of this Order shall be sent by Registered Mail or personally served upon Licensee.

SO ORDERED, this the 21st day of January, 1999.

MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE

BY:

  
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
IN THE MATTER OF THE PHYSICIAN'S LICENSE  
OF  
BILLY RAY SHOWS, M.D.

AMENDMENT TO CONSENT ORDER

WHEREAS, Billy Ray Shows, M.D., hereinafter referred to as "Licensee," is the current holder of License No. 06247 for the practice of medicine in the State of Mississippi;

WHEREAS, on June 13, 1997, Licensee executed a Consent Order with the Mississippi State Board of Medical Licensure, said Consent Order effective on July 1, 1997;

WHEREAS, Licensee is desirous of relief from certain restrictions enumerated in the aforementioned Consent Order, and hereby agrees to continue to abide by all terms and conditions of the June 13, 1997, Consent Order with the following changes in conditions regarding the use of medications:

Licensee shall be authorized to order controlled substances in Schedules II, IIN, III, IIIN, IV, and V, utilizing the DEA number for either the Scott Regional Hospital, Morton, Mississippi or Newton Regional Hospital, Newton, Mississippi, for in-patients in said hospitals, and/or in-patients admitted to the emergency rooms at said hospitals. Any practice locations other than those specified above will require prior written approval by the Executive Director of the Mississippi State Board of Medical Licensure, and

such requests will be considered on a case by case basis. As to all approved practice locations, Licensee shall be authorized to utilize controlled substances in those acute and/or severe circumstances where he deems it medically necessary; provided, however, Licensee shall continue to be prohibited from use of controlled substances concerning any patients with complaints of "chronic pain," such as headache, back pain and for patients with complaints of cough. Further, Licensee shall not utilize controlled substances in the care of known or suspected drug abusers or family members. Licensee shall continue to be prohibited from personally administering or dispensing any controlled substance. Further, the aforementioned conditions shall also apply to the use of Dalgan(Dezocine), Soma(Carisoprodol), Nubain (Nalbuphine), and Butalbital compounds.

Signed this the 2nd day of Feb, 1999.

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WITNESS

Billy Ray Shows, MD  
BILLY RAY SHOWS, M.D.

ACCEPTED AND APPROVED, This the 21st day of January, 1999,  
by the MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE.

Joseph E. Johnston MD  
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

**IN THE MATTER OF THE PHYSICIAN'S LICENSE**

**OF**

**VERNON THOMAS HUGHES JR., D.O.**

**ORDER**

THIS MATTER came on regularly for hearing on January 21, 1999, before the Mississippi State Board of Medical Licensure in response to the Petition of Vernon Thomas Hughes, D.O. (hereinafter referred to as "Licensee"), for removal of all restrictions placed on his Mississippi medical license by virtue of that certain Consent Order with this Board dated November 15, 1994.

The hearing was convened at 11:00 a.m., Licensee being present without counsel. The Board, after hearing said motion, finds the same to be well-taken.

IT IS, THEREFORE, ORDERED that all restrictions imposed on Licensee by virtue of the November 15, 1994, Consent Order are hereby removed. Licensee now holds an unrestricted license to practice medicine in the State of Mississippi.

IT IS FURTHER ORDERED, that pursuant to Miss. Code Ann. Section 73-25-27 (1972), a copy of this Order shall be sent by Registered Mail or personally served upon Licensee.

SO ORDERED, this the 21st day of January, 1999.

MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE

BY: 

JOSEPH E. JOHNSTON, M.D.  
PRESIDENT

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
IN THE MATTER OF THE PHYSICIAN'S LICENSE**

**OF**

**ROBERT W. WATSON, D.O.**

**CONSENT ORDER**

**WHEREAS, Robert W. Watson, D.O., hereinafter referred to as "Licensee," is the current holder of License No. 15187 for the practice of osteopathic medicine in the State of Mississippi;**

**WHEREAS, on August 10, 1998, Licensee entered into a "Recovery Contract Agreement" with the Mississippi State Board of Medical Licensure as a condition of licensure after having admitted a history of chemical dependency and receiving treatment prior to licensure in Mississippi, said agreement incorporated and attached hereto as "Exhibit A."**

**WHEREAS, on October 8, 1998, an Order of Prohibition was served on Licensee following an investigation that indicated Licensee was in violation of Conditions 2 and 5 of the aforesaid Recovery Contract Agreement, said Order incorporated and attached hereto as "Exhibit B."**

**WHEREAS, Licensee has been diagnosed as being in relapse of chemical dependency and has entered into treatment at COPAC, Brandon, Mississippi.**



**WHEREAS, noncompliance with the terms and conditions of the aforementioned "Recovery Contract Agreement," constitutes violation of the Mississippi Medical Practice Act and specifically Mississippi Code Annotated, Section 73-25-29(1),(3), (8)(d) and Section 73-25-83(a), as amended for which the Mississippi State Board of Medical Licensure may revoke the medical license of Licensee, suspend it for a time deemed proper by the Board, or take any other action as the Board may deem proper under the circumstances;**

**WHEREAS, Licensee wishes to avoid a hearing before the Mississippi State Board of Medical Licensure and in lieu thereof has consented to certain restrictions on his license to practice medicine in the State of Mississippi;**

**NOW THEREFORE, the Mississippi State Board of Medical Licensure with consent of Licensee as signified by his joinder herein, does hereby indefinitely suspend Licensee's Certificate No. 15187 to practice medicine in the State of Mississippi with the suspension stayed, subject to the following probationary terms and conditions:**

- 1. Licensee shall be authorized to keep and maintain his U.S. Drug Enforcement Administration Uniform Controlled Substances Registration Certificate, provided Licensee shall not be permitted to order, manufacture, distribute, possess, dispense, administer or prescribe controlled substances in Schedules II, IIN, III, IIIN or IV on an out-patient basis until authorized to do so by the Board. Licensee's issuance of**

prescriptions for controlled substances on an out-patient basis shall be limited to Schedule V, less Buprenex (Buprenorphine).

2. Licensee shall be authorized to utilize the Uniform Controlled Substances Registration Certificate of any licensed hospital in the State of Mississippi. Licensee shall be limited to ordering controlled substances in said Schedules which are to be dispensed or administered to patients that have been admitted as in-patients to said licensed hospital. Licensee shall not be authorized to personally administer or dispense any drug having addiction-forming or addiction-sustaining liability to any patient.
3. Licensee's use of the medications Nubain (Nalbuphine), Dalgan (Dezocine), Soma (Carisoprodol), Ultram (Tramadol HcL) or Butalbital products shall be limited to ordering the dispensation or administration of said medications to patients that have been admitted as in-patients to a licensed hospital in the State of Mississippi. This precludes the issuance of prescriptions on an out-patient basis in any manner for any of the above referenced substances.
4. Licensee shall be prohibited from ordering, obtaining, possessing, administering, or dispensing, any sample medication in Schedule III, IIIN, IV, V, or any sample product containing Nubain (Nalbuphine), Dalgan (Dezocine) Soma (Carisoprodol), Ultram (Tramadol Hcl) or Butalbital.

5. Licensee shall totally abstain from the use of any alcoholic or intoxicating beverage.
6. At such time as Licensee has completed all phases of treatment at COPAC, Licensee shall execute such releases and/or other authorizations so as to permit the Board to obtain all records of treatment from COPAC and the Board reserves the right in its sole discretion to require Licensee to submit to further restrictions as may be deemed necessary.
7. Licensee shall, immediately obtain affiliation with the Mississippi Recovering Physician's Program (MRPP). Licensee's affiliation shall be verified in writing to the attention of the Mississippi State Board of Medical Licensure's Executive Director. A copy of any and all aftercare conditions imposed upon Licensee by COPAC or the MRPP shall be mailed to the attention of the Mississippi State Board of Medical Licensure's Executive Director. In the event Licensee shall be desirous of affiliation with a professional recovery program in any other state, Licensee shall first be required to appear before the Mississippi State Board of Medical Licensure and obtain written authorization for such affiliation. In the event Licensee suffers a relapse, or fails to comply with any or all of the conditions imposed by this Consent Order, Licensee shall immediately be prohibited from practicing medicine until such time as the Board renders a determination that Licensee is able to return to the practice of medicine. The Board may, in its sole discretion, require

**Licensee to undergo further evaluation or treatment for chemical dependency.**

- 8. For an indefinite period of time, Licensee shall submit to random, unannounced and witnessed urine and/or blood screens to determine the presence of any mood altering drugs, and/or alcohol with the collection and submission to be determined and monitored by the Executive Director of the Mississippi State Board of Medical Licensure. Licensee shall be responsible for all costs and expenses incurred in relation to the urine and/or blood screens. Upon request of the Board, Licensee shall provide to the Board a monthly work itinerary at the beginning of each month for the purpose of compliance with urine screen monitoring.**
- 9. Licensee shall not administer, dispense or prescribe to himself or family members any drug having addiction-forming or addiction-sustaining liability. Licensee shall refrain from ingesting any food product, alcohol, or over-the-counter drug likely to cause a confirmed positive test result of the urine screen analysis. Any confirmed positive test result, not in accordance with Paragraph (10) of this Order, shall be considered a violation subject to Board action. Further, Licensee is referred to his addictionologist and treatment management team for a specific list of foods and medications to avoid.**
- 10. Licensee shall obtain the services of a physician, approved by the Board, for treatment of simple illnesses and similar medical conditions for**

himself. Licensee shall not treat himself or family members. Additionally, Licensee shall provide the Board with an authorization to obtain medical information for the purpose of monitoring any treatment that Licensee may receive from said treating physician. In the event a physician determines that it is necessary to administer, dispense or prescribe to Licensee any drug having addiction-forming or addiction-sustaining liability, the treating physician shall so notify the Board's Executive Director in writing. This notification shall be a letter written on the treating physician's letterhead and shall be mailed to the attention of the Board's Executive Director. Said notification shall be mailed within twenty-four (24) hours after the administration, dispensing or prescribing of said medication. This requirement shall also apply to any care rendered to Licensee by a dentist. The responsibility to ensure that the treating physician or dentist files the required notification rests solely with Licensee. Unless being treated in an emergency situation, Licensee shall not receive any controlled substances or drugs having addiction-forming or addiction-sustaining liability from any source other than the treating physician or dentist. In the event the treating physician/dentist issues a prescription , a copy of said prescription should be submitted on the aforesaid notice (letter). In the event an over the counter medication is recommended, then the original prescription should be attached.

11. **Within one (1) year of the effective date of this Consent Order, Licensee shall successfully complete the entire course entitled, "Clinical, Legal and Ethical Issues in Prescribing Abusable Drugs," sponsored by the University of South Florida. During each remaining year of probation, Licensee shall obtain forty (40) hours of Continuing Medical Education (CME) approved by the American Medical Association in the area of family practice with emphasis on use of controlled substances. Following completion of each course, Licensee shall submit to the Board documentary proof of successful completion.**
12. **Licensee shall obey all federal, state and local laws, and all rules governing the practice of medicine, and shall comply with the Rules and Regulations of the Board, "Pertaining to Prescribing, Administration and Dispensing of Medication." Licensee shall thoroughly familiarize himself with said rules and regulations and shall so indicate to the Board in writing.**
13. **In the event Licensee should leave Mississippi to reside or to practice outside the State, Licensee shall, within ten (10) days prior to departing, notify the Board in writing the dates of departure and return. Periods of residency or practice outside Mississippi will not apply to the reduction of time periods specified in this Consent Order.**

**Licensee shall have the right to petition the Mississippi State Board of Medical Licensure for release of any or all above enumerated conditions after expiration of five**

**(5) years from the effective date hereof. Thereafter, any consideration of any right to petition the Board for reconsideration shall be at reasonable intervals, but not less than twelve (12) months from date of last appearance. Licensee is advised and understands that return of controlled substance privileges may be accomplished on a gradual basis. That is, the Board may return controlled substance privileges in the lesser schedules prior to return of privileges in higher schedules.**

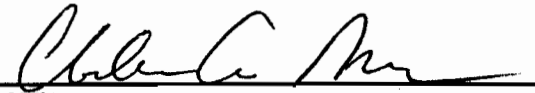
**This Consent Order shall be subject to approval by the Board. If the Board fails to approve this Consent Order, in whole or in part, it shall have no force or effect on the parties. It is further understood and agreed that the purpose of this Consent Order is to avoid a hearing before the Board. In this regard, Licensee authorizes the Board to review and examine any documentary evidence or material concerning the Licensee prior to or in conjunction with its consideration of this Consent Order. Should this Consent Order not be accepted by the Board, it is agreed that presentation to and consideration of this Consent Order and other documents and matters pertaining thereto by the Board shall not unfairly or illegally prejudice the Board or any of its members from participation in any further proceedings.**

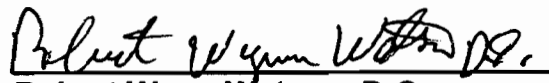
**Licensee understands and expressly acknowledges that this Consent Order, if approved and executed by the Mississippi State Board of Medical Licensure, shall constitute a public record of the State of Mississippi. Licensee further acknowledges that the Board shall provide a copy of this Order to, among others, the U.S. Drug Enforcement Administration, and the Board makes no representation as to action, if**

any, which the U. S. Drug Enforcement Administration may take in response to this Order.

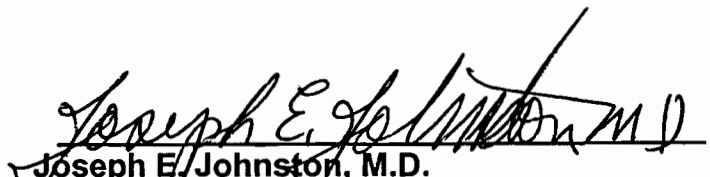
Recognizing his right to notice of charges specified against him, to have such charges adjudicated pursuant to Miss. Code Ann. Section 73-25-27 (1972), to be represented therein by legal counsel of his choice, and to a final decision rendered upon written findings of fact and conclusions of law, Robert Wynn Watson, D.O., nonetheless, hereby waives his right to notice and a formal adjudication of charges and authorizes the Board to enter an order accepting this Consent Order, thereby indefinitely suspending his license to practice medicine in the State of Mississippi, staying the suspension and placing his license on probation subject to those terms and conditions enumerated above.

Signed this the 12 day of Jan, 1999.

  
Witness

  
Robert Wynn Watson, D.O.

ACCEPTED AND APPROVED, This the 21st day of January, 1999 by the MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE.

  
Joseph E. Johnston, M.D.  
President



BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

ROBERT WYNN WATSON, D.O.

RECOVERY CONTRACT AGREEMENT

WHEREAS, Robert Wynn Watson, D.O., hereinafter referred to as "Licensee," has admitted to having a chemical dependency problem but has received treatment and has documented at least a year of sobriety prior to receiving licensure for the practice of medicine in the State of Mississippi;

WHEREAS, it is the desire of the Licensee to provide assurance of continued sobriety to the Mississippi State Board of Medical Licensure by agreeing to submit to certain terms and conditions for the practice of medicine in the State of Mississippi;

NOW, THEREFORE, in consideration of the Licensee receiving a license to practice medicine in the State of Mississippi, Licensee has agreed to the following terms and conditions for a period of at least three (3) years:

1. Licensee shall immediately obtain affiliation with the Mississippi Recovering Physicians Program (MRPP). Licensee shall comply with all affiliation requirements of the MRPP, its Medical Director or the Mississippi Impaired Physician's Committee (MIPC). Licensee hereby authorizes the Board, its Executive Officer or Investigative staff to contact and communicate with the MRPP, MIPC, or any agent or representative of said organizations as to all aspects of his affiliation and/or recovery. Reciprocally, Licensee hereby authorizes the MRPP and MIPC, its agents, representatives or employees to communicate with the Board as to all aspects of his affiliation and/or recovery.

**"EXHIBIT A"**

2. Licensee shall submit to random, unannounced and witnessed urine and/or blood screens to determine the presence of any mood altering drugs, and/or alcohol with the collection and submission to be determined and monitored by the Executive Officer of the Mississippi State Board of Medical Licensure. Licensee shall be responsible for all costs and expenses incurred in relation to the urine and/or blood screens. Upon request of the Board, Licensee shall provide to the Board a monthly work itinerary at the beginning of each month for the purpose of compliance with urine screen monitoring.
3. Licensee shall refrain from ingesting any food product, alcohol, or over-the-counter drug likely to cause a confirmed positive test result of the urine screen analysis. Any confirmed positive test result, not in accordance with Paragraph Four (4) of this Agreement, shall be considered a violation subject to Board action.
4. Licensee shall obtain the services of a physician, approved by the Board, for treatment of simple illnesses and similar medical conditions for himself. Licensee shall not treat himself or family members. Additionally, Licensee shall provide the Board with an authorization to obtain medical information for the purpose of monitoring any treatment that Licensee may receive from said treating physician. In the event a physician determines that it is necessary to administer or dispense to Licensee any medication the treating physician shall so notify the Board's Executive Officer in writing. This notification shall be a letter written on the treating physician's letterhead and shall be mailed to the attention of the Board's Executive Officer. Said notification shall be mailed within twenty-four (24) hours after the administration or dispensation of said medication. This requirement shall also apply to any care rendered to Licensee by a dentist. In addition, a copy of a prescription for any medication should be submitted in

the same manner as for administration or dispensation of medications. In the event an over the counter medication is recommended, then an original prescription issued by the treating physician will be required. The responsibility to ensure that the treating physician or dentist files the required notification rests solely with Licensee. Unless being treated in an emergency situation, Licensee shall not receive any medications from any other source other than the treating physician or dentist.

5. Licensee shall obey all federal, state and local laws, and all rules and regulations governing the practice of medicine.
6. In the event Licensee should leave Mississippi to reside or to practice outside the State, Licensee shall, within ten (10) days prior to departing, notify the Board in writing the dates of departure and return. Periods of residency or practice outside Mississippi will not apply to the reduction of time periods specified in this Recovery Contract Agreement.
7. This Recovery Contract Agreement shall not constitute disciplinary action, and therefore, will not be reportable to the Federation of State Medical Boards or the National Practitioner Data Bank. Notwithstanding, this Agreement or any other document now or hereafter placed in the Licensure file of Licensee, shall be provided to any other Licensure or credentialing agency upon written authorization or release from Licensee.
8. Licensee acknowledges that in the event he suffers a relapse, or fails to comply with any or all of the terms and conditions enumerated herein, or any of the terms and conditions imposed by the MRPP or MIPC, the Board, in its sole and absolute discretion may issue an order prohibiting Licensee from practicing medicine until such time as (i) Licensee has undergone further evaluation and/or treatment for chemical dependency, and (ii) the

Board has determined that Licensee can practice medicine with reasonable skill and safety to patients on either a restricted or unrestricted basis. In this event, any action by the Board shall be deemed disciplinary action and all documents relating thereto, including this Agreement shall thereafter be deemed public record and reportable to the Federation of State Medical Boards or the National Practitioner Data Bank.

9. Licensee shall have the opportunity to petition the Board, through its Executive Officer, for release from these conditions after the expiration of two (2) years.

Signed this the 10 day of August, 1998.

Thomas E. Wooten  
Witness

Robert Wynn Watson D.O.  
Robert Wynn Watson, D.O.

ACCEPTED AND APPROVED, This the 13<sup>th</sup> day of August, 1998 by the  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE.

Thomas E. Stevens MD.  
Executive Officer

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF PHYSICIAN'S LICENSE

OF

ROBERT WYNN WATSON, D.O.

ORDER OF PROHIBITION

WHEREAS, Robert Wynn Watson, D.O., hereinafter referred to as "Licensee", entered into a Recovery Contract Agreement on August 10, 1998, with the Mississippi State Board of Medical Licensure, as a condition of licensure after having admitted to being chemically dependent and receiving treatment prior to licensure in Mississippi;

WHEREAS, Licensee, desiring to demonstrate his clinical competency and provide assurance of continued sobriety to the Mississippi State Board of Medical Licensure, agreed to submit to certain conditions;

WHEREAS, Condition No. 2 of the aforementioned Recovery Contract Agreement required, among other things, *"Licensee shall submit to random, unannounced and witnessed urine and/or blood screens to determine the presence of any mood altering drugs, and/or alcohol with the collection and submission to be determined and monitored by the Executive Officer of the Mississippi State Board of Medical Licensure. Licensee shall be responsible for all costs and expenses incurred in relation to the urine and/or blood screens"*;

WHEREAS, Condition No. 5 of the aforementioned Recovery Contract Agreement required, *"Licensee shall obtain the services of a physician, approved by*

**"EXHIBIT B"**

*the Board, for treatment of simple illnesses and similar medical conditions for himself. Licensee shall not treat himself or family members”;*

WHEREAS, on September 22, 1998, Investigator Washington, collected urine samples from Licensee in the prescribed manner as established by Board policy. Said samples were deposited with the University of Mississippi Toxicology Laboratory, on September 24, 1998. Licensee indicated on the chain of custody form for these samples the following drugs or medications may be present; Vicodin, tobacco, caffeine (occasional);

WHEREAS, on October 2, 1998, the Board received the Analytical Toxicology Report from the UMC Toxicology Lab dated September 29, 1998. Said report indicated confirmed positive results for Bultalbital and Tramadol in addition to the Hydrocodone that was previously indicated on the chain of custody form;

WHEREAS, on October 7, 1998, Licensee was requested by Investigator Thomas Washington, to produce a urine sample for analysis. Licensee refused to provide a sample as requested because he felt the costs incurred from the previous test was excessive. Mr. Washington immediately notified Chief Investigator Charles Moses of Dr. Watson's refusal to provide a sample. Shortly thereafter, Mr. Moses and Board Director, W. Joseph Burnett, M.D., spoke by telephone with Dr. Watson and recommended that he provide a sample as requested. When Dr. Watson was asked for an explanation concerning the presence of Butalbital and Tramadol, he admitted he had treated himself with sample medication that was not prescribed to him by his treating physician. Following the conversation with Dr. Watson, Mr. Washington

called Mr. Moses back and indicated Dr. Watson had again refused to provide a sample until the Board could provide him with an alternative lab for testing his urine;

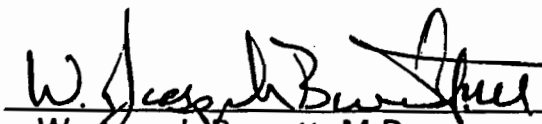
WHEREAS, the Mississippi State Board of Medical Licensure has the authority pursuant to the above enumerated Recovery Contract Agreement to immediately prohibit Licensee from practicing medicine until such time that the Board has made a determination that Licensee is able to return to the practice of medicine with reasonable skill and safety to patients;

NOW, THEREFORE, IT IS HEREBY ORDERED that Licensee is prohibited from practicing medicine until such time as the Board has made a determination that Licensee is able to return to the practice of medicine with reasonable skill and safety to patients.

IT IS FURTHER ORDERED, that a copy of this Order shall be sent by registered mail or personally served upon Robert Wynn Watson, D.O., and shall be effective immediately upon receipt thereof.

ORDERED this the 8<sup>th</sup> day of October, 1998.

MISSISSIPPI STATE BOARD  
OF MEDICAL LICENSURE.

By:   
W. Joseph Burnett, M.D.  
Director

I, Charles Moses, Director, Investigative Division, for the Mississippi State Board of Medical Licensure, did personally serve this Order of Prohibition on Robert Wynn Watson, D.O., Charleston, MS, at 2 p.m., on October 8, 1998.

  
Charles Moses, Director, Investigative Div.

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

**IN THE MATTER OF THE PHYSICIAN'S LICENSE**

**OF**

**PHIL DEWAYNE THOMPSON, D.O.**

**ORDER**

THIS MATTER came on regularly for hearing on January 21, 1999, before the Mississippi State Board of Medical Licensure in response to the Petition of Phil Dewayne Thompson, D.O. (hereinafter referred to as "Licensee"), for removal of all restrictions placed on his Mississippi medical license by virtue of that certain Consent Order with this Board dated October 25, 1995.

The hearing was convened at 1:30 p.m., Licensee being present without counsel. Licensee's request is presented with assurances that he will continue his recovery through his active affiliation with the Mississippi Recovering Physicians Program (MRPP), subject to a Recovery Contract Agreement. The Board, after hearing said motion, finds the same to be well-taken.

IT IS, THEREFORE, ORDERED that all restrictions imposed on Licensee by virtue of the October 25, 1995, Consent Order are hereby removed. Licensee now holds an unrestricted license to practice medicine in the State of Mississippi.

IT IS FURTHER ORDERED, that pursuant to Miss. Code Ann. Section 73-25-27 (1972), a copy of this Order shall be sent by Registered Mail or personally served upon Licensee.



SO ORDERED, this the 21st day of January, 1999.

MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE

BY: Joseph E. Johnston MD  
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT

MARCH 1999

**MINUTES  
EXECUTIVE COMMITTEE MEETING  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
MARCH 17, 1999**

**MEMBERS PRESENT:**

Joseph E. Johnston, M.D., Mount Olive, President  
Freda M. Bush, M.D., Jackson, Vice President  
Robert Ray Smith, M.D., Jackson, Secretary  
W. Joseph Burnett, M.D., Director

**ALSO PRESENT:**

June C. Harris, Division Director II, Licensure Division  
Charles Moses, Division Director II, Investigative Division  
Kathy Fortenberry, Administrative Assistant

The Executive Committee of the Mississippi State Board of Medical Licensure met on Wednesday, March 17, 1999, at 4:00 p.m. in the Executive Conference Room of the Office of the Board located at 2600 Insurance Center Drive, Jackson, Mississippi.

**JEAN PITNER LUCAS, M.D., TUCSON, AZ, REINSTATEMENT**

Dr. Burnett presented the reinstatement application from Dr. Lucas, a seventy-five year old physician who has not practice in several years. Dr. Burnett had earlier advised Dr. Lucas that he would present her request to Executive Committee and that a clinical skills assessment examination and/or SPEX would probably be necessary in order for her to reinstate. The Executive Committee members agreed with this recommendation.

**PAUL ALFRED ROELL, M.D., JACKSON, REINSTATEMENT**

Dr. Burnett advised that Dr. Roell, who voluntarily surrendered his license in 1995 because of health reasons, had contacted him regarding reinstating his license. It was the consensus of the Executive Committee members to require Dr. Roell to complete a clinical skills assessment examination prior to reinstatement.

**JOHN WOOD BOYD, M.D., MCCOMB, REINSTATEMENT**

Dr. Burnett advised that Dr. Boyd, who voluntarily surrendered his license in 1996 because of a physical disability, had contacted him regarding reinstating his license. The Executive Committee requested that Dr. Boyd have an evaluation by

**EXECUTIVE COMMITTEE MEETING**

**March 17, 1999**

**Page 2**

an addictionologist from the list of Board approved treatment centers and complete a clinical skills assessment program.

**ROBERT J. CAIN, M.D., STARKVILLE, LETTER OF REQUEST**

A letter of request from Dr. Cain for removal of restrictions on his license was presented. It was the consensus of the Executive Committee members not to consider such a request until he had completed three years on his Consent Order.

**WILLIAM BRADFORD PRIESTER, M.D., APPLICANT**

Dr. Burnett advised that Dr. Priester had received an application in January, 1998, but did not complete the requirements for licensure within the six months time frame. Since he moved during this time and his mail was not forwarded to him, Dr. Priester is now requesting that he not be required to pay another \$500 for a new application. The Executive Committee members asked Dr. Burnett to advise Dr. Priester the rules could not be changed or an exception made and that he would have to start the application process anew.

**THEODORE TOERNE, M.D., JACKSON**

For informational purposes only, Dr. Burnett informed the Executive Committee members that Dr. Toerne, pursuant to his entering into a Recovery Agreement with Mississippi Recovering Physicians Program, had been issued a license.

**WILLIAM CARLISLE TOUCHSTONE, M.D., JACKSON**

Dr. Touchstone has been in contact with Dr. Burnett regarding removal of restrictions imposed by his Consent Order in order for him to seek employment with a federal prison system. It was the consensus of the Executive Committee members that Dr. Touchstone could use the institution's DEA number and should remain under his Consent Order.

**PATRICK ARTHUR DUFFY, M.D., NATCHEZ**

Dr. Burnett and Mr. Moses reviewed Dr. Duffy's Recovery Agreement with Mississippi Recovery Physicians Program. Dr. Burnett was asked to write him a strong letter, emphasizing the importance of his following these conditions very strictly.

**DARRELL LEE MURRAY, M.D., ATLANTA, GEORGIA**

Dr. Burnett and Mr. Moses reported that Dr. Murray's clinical privileges at Columbus Air Force Base had been revoked for alleged substandard clinical performance. Dr. Murray, who is now practicing in Atlanta, Georgia, will be required to appear before the Board and to have a clinical skills assessment if he should return to the state to practice.

**WANZA BYRON INMON, M.D., BRAXTON, MS, REINSTATEMENT**

Dr. Burnett presented a request for reinstatement from Dr. Inmon, who has not practice medicine the past ten years and has not had a Mississippi license in over twenty-five years. It was the consensus of the Executive Committee members that Dr. Inmon would have to complete a clinical skills assessment evaluation with emphasis on gynecology prior to reinstating.

**FEDERATION OF STATE MEDICAL BOARDS - NOMINATIONS**

Dr. Burnett reported that the Nominating Committee of the Federation of State Medical Boards had notified him that Dr. Bush and T. Steve Parvin, M.D., Starkville, former Board member, were not included in the slate of nominees but could be nominated from the floor of the House of Delegates. Dr. Burnett advised that Dr. Parvin did not wish to be nominated from the floor, and Dr. Bush stated neither did she. Dr. Johnston requested a resolution be presented to the Federation, requiring more than one name be included on the ballot for each position.

**BOARD'S WEB PAGE**

Ms. Harris gave a brief overview of the planned presentation for Thursday's Board meeting on the proposed web page for the Board.

**DIET REGULATION**  
**REGULATIONS PERTAINING TO PRESCRIBING, ADMINISTERING AND**  
**DISPENSING OF MEDICATION - USE OF CONTROLLED SUBSTANCES**  
**FOR CHRONIC (NON-TERMINAL) PAIN**  
**REGULATION ON INVASIVE PROCEDURES AND LASER THERAPY**

The various regulations and comments received were discussed and will be presented to the full Board on Thursday.

**EXECUTIVE COMMITTEE MEETING**

March 17, 1999

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**PAIN MANAGEMENT - LETTERS FROM JEFFREY T. SUMMERS, M.D.**

Copies of a letter from Dr. Summers regarding pain managements were distributed to the Executive Committee members for their review.

**REVIEW OF MARCH 18 BOARD AGENDA**

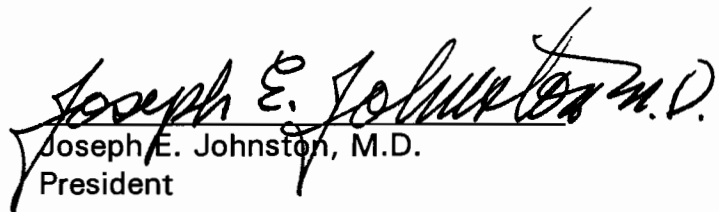
The agenda for Thursday's Board meeting was briefly reviewed.

**OTHER BUSINESS**

Dr. Johnston distributed copies of a letter from John H. Price, Jr., a Jackson attorney, to Dr. Ennis H. Proctor, Executive Director, Mississippi High School Activities Association, regarding nurse practitioners performing physical examinations of students athletes. This will be presented to the full Board on Thursday.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 5:35 p.m.

  
Joseph E. Johnston, M.D.  
President

Minutes taken and transcribed  
by Kathy Fortenberry  
Administrative Assistant  
March 17, 1999

**BOARD MINUTES  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
MARCH 18, 1999**

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday, March 18, 1999, in the Executive Conference Room of the Office of the Board located at 2600 Insurance Center Drive, Jackson, Mississippi.

The following members were present:

Joseph E. Johnston, M.D., Mount Olive, President  
Freda M. Bush, M.D., Jackson, Vice President  
Frank W. Bowen, M.D., Carthage  
Dewitt G. Crawford, M.D., Louisville  
Benton M. Hilbun, M.D., Tupelo  
W. Joseph Burnett, M.D., Director

Also present:

Stan T. Ingram, Attorney for the Board  
Edwin T. Cofer, Special Assistant Attorney General  
June C. Harris, Division Director II, Licensure Division  
Charles Moses, Division Director II, Investigative Division  
Kathy Fortenberry, Administrative Assistant

William B. Harper, D.O., Greenwood, Joe Dennis Herrington, M.D., Natchez, Paul Douglas Jackson, M.D., Greenville, and Robert Ray Smith, M.D., Jackson, Secretary, were not present.

The meeting was called to order at 9:00 a.m. by Dr. Johnston, President, and Dr. Hilbun gave the invocation. Dr. Bush expressed appreciation on behalf of the Board to Dr. Johnston for his contribution of an American and State flag to the Board room.

**PRESENTATION OF BOARD'S WEB PAGE**

Mrs. Harris and Rhonda Freeman, Administrative Assistant, Licensure Division, gave a presentation of the proposed Board's web page. Following discussion and questions, motion was made by Dr. Crawford, seconded by Dr. Bowen, and carried unanimously to approve what had been done on the web page and to give permission for the staff to proceed with finalizing it. It was also the consensus of the Board members that a brief description of disciplinary action would be entered after each Board meeting.

**BOARD MINUTES**

**March 18, 1999**

**Page 2**

**DR. SMITH JOINED THE MEETING AT 9:30 A.M.**

**OTHER BUSINESS**

Dr. Johnston read a letter from Kelly S. Segars, Sr., M.D., luka, voicing his appreciation for the staff's assistance in expediting the license application of a physician coming to luka.

**APPROVAL OF MINUTES**

Minutes of the Executive Committee Meeting dated January 20, 1999, and Minutes of the Meeting dated January 21, 1999, were reviewed. Dr. Hilbun moved for approval of the minutes as submitted. Dr. Bush seconded the motion, and it carried unanimously.

**APPROVAL OF CERTIFICATION OF MISSISSIPPI LICENSES TO OTHER ENTITIES FOR PERIOD JANUARY 1, 1999, TO FEBRUARY 28, 1999**

One hundred twenty-six (126) licenses were certified to other entities for the period January 1, 1999, to February 28, 1999. Motion was made by Dr. Bush, seconded by Dr. Hilbun, and carried unanimously to approve these certifications.

**APPROVAL OF LICENSES ISSUED FOR THE PERIOD JANUARY 1, 1999, TO FEBRUARY 28, 1999**

Forty-five (45) licenses were issued for the period January 1, 1999, to February 28, 1999. Motion was made by Dr. Crawford, seconded by Dr. Bowen, and carried unanimously to approve these licenses.

**REPORTS FROM AD HOC COMMITTEES**

There were no reports from the ad hoc committees at this time.

**OTHER BUSINESS**

Dr. Burnett advised that all of the Board's legislative items, which included recouping investigative expenses, unmarked state cars, and an increase in annual renewal fee for podiatrists, have passed and have been signed by the Governor. Dr. Burnett stated that he would like to see the Board get an early start next year



## **BOARD MINUTES**

**March 18, 1999**

**Page 3**

on diversion legislation, which would assist the Board in monitoring controlled substances in the state.

### **OTHER BUSINESS**

Distributed to the Board members was a letter from John H. Price, Jr., a Jackson attorney, to Dr. Ennis H. Proctor, Executive Director, Mississippi High School Activities Association, regarding nurse practitioners performing physical examinations of students athletes. Mr. Ingram stated that a nurse practitioner could conduct such physicals provided each nurse practitioner is operating pursuant to a valid protocol and the protocol specifically includes physical examinations in the list of authorized procedures. It was the consensus of the Board members to have Mr. Ingram prepare a letter to Mr. Price to this effect.

Dr. Burnett distributed copies of and reviewed an article on disease management by pharmacists, which was written by Linda McMullen, General Counsel for Mississippi State Medical Association, and published in the March, 1999, *MSMA Journal*. Copies of proposed **Rules and Regulations Governing the Supervision of Pharmacists** were distributed to Board members for their review prior to the April 15 meeting.

### **REPORT FROM COMMITTEE ON DIET REGULATION**

Dr. Harper and Dr. Herrington had been asked to study the Board's regulations pertaining to anti-obesity agents, and Dr. Burnett presented their recommendations since neither was present. Proposed changes to the regulations, **Pertaining to Prescribing, Administering, and Dispensing of Medication, Article V, Use of Diet Medication**, were discussed. Motion was made by Dr. Bush, seconded by Dr. Hilbun, and carried to adopt the amendment. The regulation, which will be filed with the Secretary of State under the Administrative Procedures Act, is attached hereto and incorporated by reference.

### **REGULATIONS PERTAINING TO PRESCRIBING, ADMINISTERING AND DISPENSING OF MEDICATION - FINAL ADOPTION OF RULE V, USE OF CONTROLLED SUBSTANCES FOR CHRONIC (NON-TERMINAL) PAIN**

Mr. Moses reviewed several comments the Board had received regarding the pain management regulation. Changes to the regulation were presented for the Board to review. Motion was made by Dr. Bowen, seconded by Dr. Crawford, and

**BOARD MINUTES**

**March 18, 1999**

**Page 4**

carried unanimously for final adoption of the regulation with the proposed changes. The regulation is attached hereto and incorporated by reference.

**APPROVAL OF CONSENT ORDER EXECUTED BY JERRY MITCHELL, III, D.O.,  
WIGGINS, MISSISSIPPI MEDICAL LICENSE NUMBER 12395**

Dr. Mitchell was present but not represented by legal counsel.

Mr. Moses was sworn in and presented a chronological summary of Dr. Mitchell's background and history leading to the disciplinary action taken on his medical license.

Mr. Ingram reviewed the Consent Order and explained that Dr. Mitchell had been treated for relapse of chemical dependency and that the October 8, 1998, Order of Prohibition had been removed on March 1, 1999. The March 1, 1999, Order of the Board is attached hereto and incorporated by reference.

Dr. Mitchell addressed the Board and answered questions. Motion was made by Dr. Hilbun, seconded by Dr. Bowen, and carried unanimously to accept the Consent Order, a copy of which is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Melissa Burnham, Certi-Comp Court Reporters.

**CHRISTY SIEVERT JOINED THE MEETING AT 10:35 A.M. AS COURT REPORTER.**

**APPROVAL OF CONSENT ORDER EXECUTED BY JOHNNY RAY BULLOCK, JR.,  
M.D., COLUMBIA, MISSISSIPPI MEDICAL LICENSE NUMBER 13883**

Dr. Bullock was present and represented by legal counsel, Tom McNeese, Esq., Columbia. Also present was Dr. Bullock's wife.

Mr. Moses was sworn in and presented a chronological summary of Dr. Bullock's background and history leading to the disciplinary action taken on his medical license, which resulted from sexual contact with patients. Mr. Ingram reviewed the Consent Order and Practice Plan presented by Dr. Bullock.

The Consent Order suspended Dr. Bullock's license with the suspension automatically stayed after expiration of one year from October 10, 1998, the date Dr. Bullock entered treatment. Mr. McNeese addressed the Board and asked that

Dr. Bullock be allowed to appear at the September, 1999, Board meeting in order to be ready to return to practice on October 11, 1999, which the Board approved.

Motion was made by Dr. Bowen, seconded by Dr. Hilbun, and carried unanimously to accept the Consent Order, a copy of which is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Christy Sievert, Certi-Comp Court Reporters.

**PERSONAL APPEARANCE BY MICHAEL ALLEN BRUMLEY, M.D., LAUREL,  
TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE  
NUMBER 12487**

Dr. Brumley was present but not represented by legal counsel.

Mr. Moses was sworn in and presented a chronological summary of Dr. Brumley's background and history leading to the disciplinary action taken on his medical license.

Dr. Brumley presented his request for removal of restrictions and answered questions from Board members.

Motion was made by Dr. Hilbun, seconded by Dr. Crawford, and carried unanimously that the Board consider going into Executive Session. With a motion by Dr. Bush, seconded by Dr. Crawford, the Board went into Executive Session.

Upon motion by Dr. Bowen, seconded by Dr. Hilbun, and carried unanimously, the Board came out of Executive Session at which time Dr. Johnston announced to remove all restrictions imposed by Consent Order. Licensee will continue his affiliation with the Mississippi Recovering Physicians Program. The Order of the Board is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Christy Sievert, Certi-Comp Court Reporters.

**REPORT FROM MISSISSIPPI IMPAIRED PHYSICIANS COMMITTEE ON JOHN  
WEBSTER DEGROOTE, M.D., PASCAGOULA, MISSISSIPPI MEDICAL LICENSE  
NUMBER 06906**

Dr. DeGroot was not present but was represented by legal counsel, Kathy Nester, Esq., Jackson.

Dr. DeGroot was referred to the Examining Committee as a result of possible excessive use or abuse of drugs, including alcohol. Mr. Ingram reviewed the report of examination by the Mississippi Impaired Physicians Committee.

Ms. Nester addressed the Board and asked that Dr. DeGroot be allowed to get a second opinion.

Following discussion and questioning of Mr. Ingram and Ms. Nester, motion was made by Dr. Crawford, seconded by Dr. Bush, and carried unanimously that the Board consider going into Executive Session. With a motion by Dr. Bowen, seconded by Dr. Hilbun, the Board went into Executive Session.

Upon motion by Dr. Smith, seconded by Dr. Hilbun, and carried unanimously, the Board came out of Executive Session at which time Dr. Johnston announced to take MIPC report under advisement and to continue until April 15, 1999. Prior to April Board meeting, Licensee shall complete an evaluation by a second addictionologist, which will be from the Board approved list of treatment centers. It was recommended, pending the April meeting of the Board, that Licensee agree to submit to random, unannounced urine screens.

A verbatim account of this proceeding was recorded by Christy Sievert, Certi-Comp Court Reporters.

**HEARING IN THE CASE OF ELLIOTT WANNAMAKER TUCKER, JR., M.D., SARDIS, MISSISSIPPI MEDICAL LICENSE NUMBER 07597**

Dr. Tucker was not present but was represented by legal counsel, James R. Mozingo, Esq., Jackson.

Mr. Ingram explained that Dr. Tucker had been served with an Order of Prohibition on March 6, 1999, prohibiting him from practicing medicine pending a hearing scheduled for March 18, 1999.

Mr. Mozingo presented an Answer to the Affidavit and a Motion for Continuance and addressed the Board.

Charles Chapman Sledge, M.D., Pine Grove Recovery Center, Hattiesburg, was sworn in and answered questions from Mr. Ingram, Mr. Mozingo, and Board members regarding Dr. Tucker's evaluation at Pine Grove Recovery Center.

Motion was made by Dr. Bowen, seconded by Dr. Smith, and carried unanimously that the Board consider going into Executive Session. With a motion by Dr. Bush, seconded by Dr. Hilbun, the Board went into Executive Session.

Upon motion by Dr. Bowen, seconded by Dr. Crawford, and carried unanimously, the Board came out of Executive Session at which time Dr. Johnston announced to grant the continuance until April 15, 1999. The Order of Prohibition was removed, and Licensee was granted permission to return to the practice of medicine, subject to terms in an approved Plan of Practice. The Order of Continuance and the Order of the Board are attached hereto and incorporated by reference.

**THE BOARD RECESSED AT 12:25 P.M. FOR LUNCH AND RECONVENED AT 1:30 P.M.**

**OTHER BUSINESS**

Dr. Burnett reported on items from Wednesday's Executive Committee meeting.

**HEARING IN THE CASE OF RONALD ELLZY WOODALL, M.D., MOSELLE, MISSISSIPPI MEDICAL LICENSE NUMBER 09208**

Dr. Woodall was not present or represented by legal counsel.

Mr. Ingram presented a request for a continuance from Dr. Woodall's attorney, James R. Hayden, Esq., Hattiesburg. Motion was made by Dr. Bush, seconded by Dr. Hilbun, and carried unanimously to grant the continuance until April 15, 1999. The Order of Continuance is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Christy Sievert, Certi-Comp Court Reporters.

**SHOW CAUSE HEARING IN THE MATTER OF THE APPLICATION FOR LICENSURE OF WILLIAM NATHANIEL TAYLOR, JR., M.D., BRANDON, FLORIDA**

## **BOARD MINUTES**

**March 18, 1999**

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Dr. Taylor was present but not represented by legal counsel. Also present was his wife. Mr. Cofer questioned Dr. Taylor regarding legal representation, and Dr. Taylor stated he wished to waive his right to an attorney and proceed without legal counsel.

Mr. Ingram explained the charges as outlined in the Summons and Affidavit, which resulted from the manner in which he answered questions on his licensure application. Dr. Taylor made an opening statement to the Board with reference to the questions.

Dr. Patsy Fargason, Clinical Director of the Men's Program for COPAC, was sworn in and answered questions from Mr. Ingram, Dr. Taylor, Mrs. Taylor, and Board members.

Dr. Taylor was sworn in, addressed the Board, and answered questions from Mr. Ingram and Board members.

Motion was made by Dr. Smith, seconded by Dr. Crawford, and carried unanimously that the Board consider going into Executive Session. With a motion by Dr. Hilbun, seconded by Dr. Bush, the Board went into Executive Session.

Upon motion by Dr. Bowen, seconded by Dr. Crawford, and carried unanimously, the Board came out of Executive Session at which time Dr. Johnston announced the Board would grant an unrestricted license. Prior to the issuance of license, Applicant shall complete a Board approved clinical skills assessment program, successfully pass SPEX, enter into a non-disciplinary agreement with the Board relating to continued psychotherapy and treatment for mental disorders with quarterly reports to the Board, and affiliate with Mississippi Recovering Physicians Program. The Order of the Board is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Christy Sievert, Certi-Comp Court Reporters.

### **DISCUSSION OF REGULATION ON INVASIVE PROCEDURES AND LASER THERAPY**

Dr. Burnett advised of numerous comments received regarding the regulation on invasive procedures and laser therapy. An amended regulation, which pertains only to laser devices, was reviewed. Dr. Burnett advised that Marcia Rachel, Executive Director of the Mississippi Board of Nursing, agreed with the changes.

**BOARD MINUTES**  
**March 18, 1999**  
**Page 9**

Motion was made by Dr. Hilbun, seconded by Dr. Crawford, and carried unanimously for final adoption of the regulation with the proposed changes. The regulation is attached hereto and incorporated by reference.

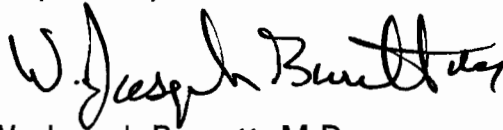
**OTHER BUSINESS**

The Educational Development Ad Hoc Committee and Dr. Burnett reviewed proposed CME requirements. The committee recommended forty hours every two years. The licensure staff was asked to work on this and report at the April Board meeting.

**ADJOURNMENT**

The meeting was adjourned at 3:45 p.m. with the next meeting scheduled for Thursday, April 15, 1999.

Respectfully submitted,



W. Joseph Burnett, M.D.  
Director

Minutes taken and transcribed  
by Kathy Fortenberry  
Administrative Assistant  
March 18, 1999

**EXECUTIVE SESSION  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
MARCH 18, 1999**

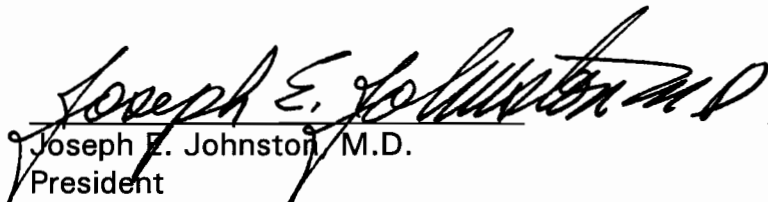
**AGENDA ITEM XVI**

**PERSONAL APPEARANCE BY MICHAEL ALLEN BRUMLEY, M.D., LAUREL,  
TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE  
NUMBER 12487**

Motion made by Dr. Hilbun, seconded by Dr. Bowen, and carried to remove all restrictions imposed by Consent Order. Licensee will continue his affiliation with the Mississippi Recovering Physicians Program.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Freda M. Bush, M.D.	X			
Frank W. Bowen, M.D.	X			
Dewitt G. Crawford, M.D.	X			
William B. Harper, D.O.				X
Joe Dennis Herrington, M.D.				X
Benton M. Hilbun, M.D.	X			
Paul Douglas Jackson, M.D.				X
Joseph E. Johnston, M.D.	X			
Robert Ray Smith, M.D.	X			

With a motion by Dr. Bowen, seconded by Dr. Hilbun, the Board came out of Executive Session.

  
Joseph E. Johnston, M.D.  
President



**EXECUTIVE SESSION  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
MARCH 18, 1999**

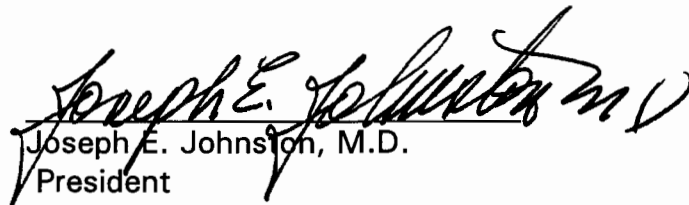
**AGENDA ITEM**

**REPORT FROM MISSISSIPPI IMPAIRED PHYSICIANS COMMITTEE ON JOHN WEBSTER DEGROOTE, M.D., PASCAGOULA, MISSISSIPPI MEDICAL LICENSE NUMBER 06906**

Motion made by Dr. Bush, seconded by Dr. Smith, and carried to take MIPC report under advisement and to continue until April 15, 1999. Prior to April Board meeting, Licensee shall complete an evaluation by a second addictionologist, which will be from the Board approved list of treatment centers. It was recommended, pending the April meeting of the Board, that Licensee agree to submit to random, unannounced urine screens.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Freda M. Bush, M.D.	X			
Frank W. Bowen, M.D.	X			
Dewitt G. Crawford, M.D.	X			
William B. Harper, D.O.				X
Joe Dennis Herrington, M.D.				X
Benton M. Hilbun, M.D.	X			
Paul Douglas Jackson, M.D.				X
Joseph E. Johnston, M.D.	X			
Robert Ray Smith, M.D.	X			

With a motion by Dr. Smith, seconded by Dr. Hilbun, the Board came out of Executive Session.

  
Joseph E. Johnston, M.D.  
President

**EXECUTIVE SESSION  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
MARCH 18, 1999**

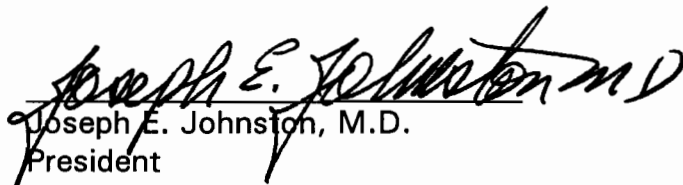
**AGENDA ITEM XVII**

**HEARING IN THE CASE OF ELLIOTT WANNAMAKER TUCKER, JR., M.D., SARDIS,  
MISSISSIPPI MEDICAL LICENSE NUMBER 07597**

Motion made by Dr. Bush, seconded by Dr. Smith, and carried to grant continuance until April 15, 1999. Order of Prohibition was removed, and Licensee was granted permission to return to the practice of medicine, subject to terms in an approved Plan of Practice.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Freda M. Bush, M.D.	X			
Frank W. Bowen, M.D.	X			
Dewitt G. Crawford, M.D.	X			
William B. Harper, D.O.				X
Joe Dennis Herrington, M.D.				X
Benton M. Hilbun, M.D.	X			
Paul Douglas Jackson, M.D.				X
Joseph E. Johnston, M.D.	X			
Robert Ray Smith, M.D.	X			

With a motion by Dr. Bowen, seconded by Dr. Crawford, the Board came out of Executive Session.

  
Joseph E. Johnston, M.D.  
President

**EXECUTIVE SESSION  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
MARCH 18, 1999**

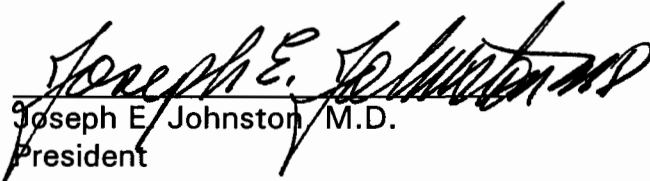
**AGENDA ITEM XIX**

**SHOW CAUSE HEARING IN THE MATTER OF THE APPLICATION FOR LICENSURE  
OF WILLIAM NATHANIEL TAYLOR, JR., M.D., BRANDON, FLORIDA**

Motion made by Dr. Bowen, seconded by Dr. Crawford, and carried to grant unrestricted license. Prior to the issuance of license, Applicant shall complete a Board approved clinical skills assessment program, successfully pass SPEX, enter into a non-disciplinary agreement with the Board relating to continued psychotherapy and treatment for mental disorders with quarterly reports to the Board, and affiliate with Mississippi Recovering Physicians Program.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Freda M. Bush, M.D.	X			
Frank W. Bowen, M.D.	X			
Dewitt G. Crawford, M.D.	X			
William B. Harper, D.O.				X
Joe Dennis Herrington, M.D.				X
Benton M. Hilbun, M.D.	X			
Paul Douglas Jackson, M.D.				X
Joseph E. Johnston, M.D.	X			
Robert Ray Smith, M.D.	X			

With a motion by Dr. Bowen, seconded by Dr. Crawford, the Board came out of Executive Session.

  
Joseph E. Johnston, M.D.  
President

AMENDMENT TO ARTICLE V OF THE REGULATIONS  
"PERTAINING TO PRESCRIBING, ADMINISTRATION  
AND DISPENSING OF MEDICATION"

V. USE OF DIET MEDICATION:

- A. Pursuant to Miss. Code Ann. § 41-29-139(e), it is unlawful for any physician in this state to prescribe, dispense or administer any amphetamine or amphetamine-like anorectic and/or central nervous system stimulant classified as Schedule II, pursuant to § 41-29-115, for the exclusive treatment of obesity, weight control, or weight loss.
- B. As to the administration, dispensation or prescription of ~~controlled substance anorectics~~ in Schedules II, IV and V, use of said medications in the treatment of obesity or weight loss should be done with caution. A physician may administer, dispense or prescribe said medications for the purpose of weight loss in the treatment of obesity only as an adjunct to a regimen of weight reduction based on caloric restriction, provided, that all of the following conditions are met:
1. Before initiating treatment utilizing a Schedule III, IV or V controlled substance, the physician determines through review of his own records of prior treatment, or thorough review of the records of prior treatment which another treating physician or weight-loss program has provided to the physician, that the patient has made a substantial good-faith effort to lose weight in a treatment program utilizing a regimen of weight reduction based on caloric restriction, nutritional counseling, behavior modification, and exercise, without the utilization of controlled substances, and that said treatment has been ineffective.
  2. Before initiating treatment utilizing a schedule III, IV or V controlled substance, the physician obtains a thorough history, performs a thorough physical examination of the patient, and rules out the existence of any recognized contraindications to the use of the controlled substance to be utilized. "Recognized contraindication" means any contraindication to the use of a drug which is listed in the United States Food and Drug Administration (hereinafter, "F.D.A.") approved labeling for the drug.
  3. The physician shall not utilize any schedule III, IV or V controlled substance when he knows or has reason to believe that a recognized contraindication to its use exists.
  4. The physician shall not utilize any schedule III, IV or V controlled substance in the treatment of a patient whom he knows or should know is pregnant.
  5. ~~As to those controlled substances in schedules III, IV or V which are classified as amphetamine or amphetamine-like anorectics and/or central nervous system stimulants, hereinafter referred to as "stimulant",~~ the physician shall not initiate or shall discontinue utilizing ~~said controlled substance stimulant~~ immediately upon ascertaining or having reason to believe:

- a. That the patient has failed to lose weight while under treatment with said stimulant over a period of thirty (30) days, which determination shall be made by weighing the patient at least every thirtieth (30th) day, except that a patient who has never before received treatment for obesity utilizing a stimulant, and who fails to lose weight during his first such treatment attempt, may be treated with a different controlled substance for an additional thirty (30) days, or
- b. That the patient has developed tolerance (a decreasing contribution of the drug toward further weight loss) to the anorectic effects of said stimulant being utilized, or
- c. That the patient has a history of or shows a propensity for alcohol or drug abuse, or
- d. That the patient has consumed or disposed of any controlled substance other than in strict compliance with the treating physician's direction.

In addition to the above, the physician shall not issue a prescription or dispense a stimulant for any greater than a thirty-day supply and a patient's use of stimulants, whether by dispensation or prescription, shall be limited to no more than two (2) thirty-day supplies during any twelve-month period of time. For the purposes of this paragraph, a twelve-month period would be considered to begin on the day immediately following the end of the second thirty-day supply.

6. As to all other legend drugs or controlled substances in schedules III, IV and V, which are not considered stimulants, but which have received FDA approved indication for long term use for weight loss, the physician shall administer, dispense or prescribe said medications in strict compliance with the FDA approved labeling. In addition to the requirements enumerated at sub-paragraphs 1 through 4 above, each prescription shall be issued for no more than a total of three months supply (including refills) and further, before subsequent new prescriptions can be issued, the patient shall receive a thorough reevaluation of the effectiveness of the medication, including a physical examination to document any potential harmful side effects.

- C. A physician shall not utilize a schedule III, IV or V controlled substance or legend drug for purposes of weight loss unless it has a F.D.A. approved indication for this purpose and then only in accordance with all of the above enumerated conditions. The purpose of this rule is to prohibit the use of such drugs as diuretics and thyroid medications for the sole purpose of weight loss.

**V. ADDENDUM, USE OF CONTROLLED SUBSTANCES FOR CHRONIC (Non-Terminal) PAIN:**

A. DEFINITION: For the purpose of Article V., Addendum, the following terms have the indicated meaning:

1. "Chronic Pain" is a pain state in which the cause of the pain cannot be removed or otherwise treated and which in the generally accepted course of medical practice, no relief or cure of the cause of the pain is possible or none has been found after reasonable efforts including, but not limited to, evaluation by the attending physician and one or more physicians specializing in the treatment of the area, system, or organ of the body perceived as the source of the pain. Further, if a patient is receiving controlled substances for the treatment of pain for a prolonged period of time (more than six months), then they will be considered for the purposes of this regulation to have "de facto" chronic pain and subject to the same requirements of this regulation. "Terminal Disease Pain" should not be confused with "Chronic Pain." For the purpose of this Section, "Terminal Disease Pain" is pain arising from a medical condition for which there is no possible cure and the patient is expected to live no more than six (6) months.
2. "Acute Pain" is the normal, predicted physiological response to an adverse chemical, thermal, or mechanical stimulus and is associated with surgery, trauma and acute illness. It is generally time limited and is responsive to therapies, including controlled substances as defined by the U.S. Drug Enforcement Administration. Title 21 CFR Part 1301 Food and Drugs.
3. "Addiction" is a neurobehavioral syndrome with genetic and environmental influences that results in psychological dependence on the use of substances for their psychic effects and is characterized by compulsive use despite harm. Physical dependence and tolerance are normal physiological consequences of extended opioid therapy for pain and should not be considered addiction.
4. "Physical Dependence" is a physiological state of neuroadaptation to a substance which is characterized by the emergence of a withdrawal syndrome if the use of the substance is stopped or decreased abruptly, or if an antagonist is administered. Withdrawal may be relieved by re-administration of the substance. Physical dependence is a normal physiological consequence of extended opioid therapy for pain and should not be considered addiction.
5. "Substance Abuse" is the use of any substance(s) for non-therapeutic purposes; or use of medication for purposes other than those for which it is prescribed.
6. "Tolerance" is a physiological state resulting from regular use of a drug in which an increased dosage is needed to produce the same effect or a reduced effect is observed with a constant dose. Tolerance occurs to different degrees for various drug effects, including sedation, analgesia and constipation. Analgesic tolerance is the need to increase the dose of opioid to achieve the same level of analgesia. Such tolerance may

or may not be evident during treatment and does not equate with addiction.

- B. Notwithstanding any other provisions of these rules and regulations, a physician may prescribe, administer, or dispense controlled substances in Schedules II, IIN, III, IIN, IV and V, or other drugs having addiction-forming and addiction-sustaining liability to a person in the usual course of treatment of that person for a diagnosed condition causing chronic pain.
- C. Notwithstanding any other provisions of these rules and regulations, as to the prescribing, administration, or dispensation of controlled substances in Schedules II, IIN, III, IIN, IV and V, or other drugs having addiction-forming and addiction-sustaining liability, use of said medications in the treatment of chronic pain should be done with caution. A physician may administer, dispense or prescribe said medications for the purpose of relieving chronic pain, provided that the following conditions are met:
1. Before initiating treatment utilizing a Schedule II, IIN, III, IIN, IV or V controlled substance, or any other drug having addiction-forming and addiction-sustaining liability, the physician shall conduct an appropriate risk/benefit analysis by reviewing his own records of prior treatment, or review the records of prior treatment which another treating physician has provided to the physician, that there is an indicated need for long term controlled substance therapy. Such a determination shall take into account the specifics of each patients diagnosis, past treatments and suitability for long term controlled substance use either alone or in combination with other indicated modalities for the treatment of chronic pain. This shall be clearly entered into the patient medical record, and shall include consultation/referral reports to determine the underlying pathology or cause of the chronic pain.
  2. Documentation in the patient record shall include a complete medical history and physical examination that indicates the presence of one or more recognized medical indications for the use of controlled substances.
  3. Documentation of a written treatment plan which shall contain stated objectives as a measure of successful treatment and planned diagnostic evaluations, e.g., psychiatric evaluation or other treatments. The plan should also contain an informed consent agreement for treatment that details relative risks and benefits of the treatment course. This should also include specific requirements of the patient, such as using one physician and pharmacy if possible, and urine/serum medication level monitoring when requested.
  4. Periodic review and documentation of the treatment course is conducted at reasonable intervals (no more than every six months) with modification of therapy dependent on the physician's evaluation of progress toward the stated treatment objectives. This should include referrals and consultations as necessary to achieve those objectives.
- D. No physician shall administer, dispense or prescribe a controlled substance or other drug having addiction-forming and addiction-sustaining liability that is nontherapeutic in nature or non-therapeutic in the manner the controlled substance or other drug is administered,

dispensed or prescribed.

- E. No physician shall administer, dispense or prescribe a controlled substance for treatment of chronic pain to any patient who has consumed or disposed of any controlled substance or other drug having addiction-forming and addiction-sustaining liability other than in strict compliance with the treating physician's directions. These circumstances include those patients obtaining controlled substances or other abusable drugs from more than one physician and those patients who have obtained or attempted to obtain new prescriptions for controlled substances or other abusable drugs before a prior prescription should have been consumed according to the treating physician's directions. This requirement will not be enforced in cases where a patient has legitimately temporarily escalated a dose of their pain medication due to an acute exacerbation of their condition but have maintained a therapeutic dose level, however it will be required of the treating physician to document in the patient record that such increase in dose level was due to a recognized indication and was within appropriate therapeutic dose ranges. Repetitive or continuing escalations should be a reason for concern and a re-evaluation of the present treatment plan shall be undertaken by the physician.
- F. No physician shall prescribe any controlled substance or other drug having addiction-forming or addiction-sustaining liability to a patient who is a drug addict for the purpose of "detoxification treatment", or "maintenance treatment", and no physician shall administer or dispense any narcotic controlled substance for the purpose of "detoxification treatment" or "maintenance treatment" unless they are properly registered in accordance with section 303(g) 21 U.S.C. 823(g). Nothing in this paragraph shall prohibit a physician from administering narcotic drugs to a person for the purpose of relieving acute withdrawal symptoms when necessary while arrangements are being made for referral for treatment. Not more than one (1) day's medication may be administered to the person or for the person's use at one time. Such emergency treatment may be carried out for not more than three (3) days. Nothing in this paragraph shall prohibit a physician from administering or dispensing narcotic controlled substances in a hospital to maintain or detoxify a person as an incidental adjunct to medical or surgical treatment of conditions other than addiction.



BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

JERRY MITCHELL III, D.O.

ORDER

WHEREAS, on October 7, 1998, the Mississippi State Board of Medical Licensure issued an order prohibiting Jerry Mitchell, D.O., License Number 12395 (hereinafter referred to as "Licensee"), from practicing medicine until such time as the Board has made a determination that Licensee is able to return to the practice of medicine with reasonable skill and safety to patients. Said Order was personally served October 8, 1998.

WHEREAS, following service of the Order, Licensee was admitted on December 7, 1998 to Pine Grove Recovery Center, Hattiesburg, Mississippi, for treatment of relapse of chemical dependency. Said treatment was conducted under the direction of C. Chapman Sledge, M.D., and Licensee was discharged on February 26, 1999, after successfully completing all phases of treatment. It is the opinion of Dr. Sledge that Licensee is able to return to the practice of medicine with reasonable skill and safety to patients.

NOW, THEREFORE, the Order of Prohibition previously issued by this Board on October 7, 1998, is hereby removed and Licensee is authorized to return to the practice of medicine, subject, however, to any conditions or restrictions which the Board may deem necessary.

SO ORDERED, this the 1<sup>st</sup> day of March, 1999.

MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE

BY:

  
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

**IN THE MATTER OF THE PHYSICIAN'S LICENSE**

**OF**

**JERRY MITCHELL, III, D.O.**

**CONSENT ORDER**

WHEREAS, Licensee is a current holder of License No. 12395 for the practice of osteopathic medicine in the State of Mississippi:

WHEREAS, on September 11, 1996, Licensee entered into a Consent Order with the Mississippi State Board of Medical Licensure, placing certain restrictions on this license due to chemical dependency (alcoholism);

WHEREAS, pursuant to the terms of said Consent Order, Licensee was served with an Order of Prohibition on October 8, 1998, due to a relapse of his chemical dependency. By virtue of said Order, Licensee was prohibited from practicing medicine until such time as the Board determined that Licensee was able to return to the practice of medicine with reasonable skill and safety to patients;

WHEREAS, Licensee has been treated for his relapse of chemical dependency at the Pine Grove Recovery Center, Hattiesburg, Mississippi and the Board has made a determination that Licensee is able to return to the practice of medicine with reasonable skill and safety to patients;

WHEREAS, pursuant to Subsection (2) of Section 73-25-29, Miss. Code Ann. (1972), Licensee's relapse of chemical dependency constitutes habitual use of intoxicating liquors or any other beverage, to the extent which affects professional competency, for which the Mississippi State Board of Medical Licensure may revoke the Mississippi medical license of

Licensee, suspend his right to practice for a time deemed proper by the Board, place his license on probation, the terms of which may be set by the Board or take any other action in relation to his license as the Board may deem proper under the circumstances;

WHEREAS, it is the desire of Licensee to avoid a hearing before the Mississippi State Board of Medical Licensure and, in lieu thereof, requests that those certain restrictions in place by virtue of the September 11, 1996 Consent Order remain in place on his license to practice osteopathic medicine in the State of Mississippi;

NOW, THEREFORE, the Mississippi State board of Medical Licensure, with consent of Licensee as signified by his joinder herein, does hereby suspend Licensee's certificate to practice osteopathic medicine in the State of Mississippi for an indefinite period of time with the suspension automatically stayed, subject to the original probationary conditions set forth in the September 11, 1996 Consent Order. Notwithstanding any period of time specified in said Consent Order, Licensee agrees and understands that said probationary terms and conditions shall remain in full force and effect as provided herein. Licensee shall have the right to petition the Mississippi State Board of Medical Licensure for release of any or all of said restrictions after expiration of five (5) years from the date of execution of this Consent Order. Thereafter, Licensee shall have the right to petition for removal of any remaining restrictions at reasonable intervals, but no less than every twelve (12) months.

This Consent Order shall be subject to approval by the Board. If the Board fails to approve this Consent Order, in whole or in part, it shall have no force or effect on the parties. It is further understood and agreed that the purpose of this Consent Order is to avoid a hearing before the Board. In this regard, Licensee authorizes the Board to review and examine any documentary evidence or materials concerning the Licensee prior to or in conjunction with its

consideration of this Consent Order. Should this Consent Order not be accepted by the Board, it is agreed that presentation to and consideration of this Consent Order and other documents and matters pertaining thereto by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation or consideration of the resolution of the proceeding.

Recognizing his right to notice of charges specified against him, to have such charges adjudicated pursuant to Miss. Code Ann. Section 73-25-27 (1972), to be represented therein by legal counsel of his choice, and to a final decision rendered upon written findings of fact and conclusions of law, Jerry Mitchell, III, D.O., nonetheless, hereby waives his right to notice and a formal adjudication of charges and authorizes the Board to enter an order accepting this Consent Order, thereby suspending his license to practice medicine in the State of Mississippi for an indefinite period of time, staying the suspension, subject to those probationary terms and conditions enumerated above.

Signed this the 17<sup>th</sup> day of February, 1999.

Jerry Mitchell III DO  
JERRY MITCHELL, III, D.O.

ACCEPTED AND APPROVED, this the 18th day of March, 1999 by the MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE.

BY: Joseph E. Johnston MD  
PRESIDENT

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**  
**IN THE MATTER OF THE PHYSICIAN'S LICENSE OF**  
**JOHNNY R. BULLOCK, JR., M.D.**

**CONSENT ORDER**

WHEREAS, the Investigative Staff of the Mississippi State Board of Medical Licensure has conducted a comprehensive investigation into the medical practice of Johnny R. Bullock, Jr., M.D., Columbia, Mississippi, and has documented evidence indicating that Dr. Bullock (hereinafter referred to as "Licensee") has had sexual contact with patients while maintaining a doctor/patient relationship;

WHEREAS, Licensee voluntarily and without intervention of the Board, entered into an evaluation and treatment for compulsive sexual behavior at the Menninger Clinic, Topeka, Kansas, on or about October 10, 1998; successfully completed all phases of inpatient treatment, and was discharged on or about December 4, 1998, subject to certain aftercare treatment recommendations;

WHEREAS, pursuant to Subsection (8)(d) of Section 73-25-29 and Section 73-25-83(a), Miss. Code Ann. (1972), the aforementioned acts constitute unprofessional and unethical conduct, for which the Mississippi State Board of Medical Licensure may revoke the Mississippi medical license of Licensee, suspend his right to practice for a time deemed proper by the Board, place his license on probation, the terms of which may be set by the Board, or take any other action in relation to his license as the Board may deem proper under the circumstances;

WHEREAS, Licensee is the current holder of License No. 13883 for the practice of medicine in the State of Mississippi;

WHEREAS, it is the desire of Licensee to avoid a hearing before the Mississippi State Board of Medical Licensure and in lieu thereof requests that certain restrictions be placed on his license to practice medicine in the State of Mississippi;

NOW, THEREFORE, the Mississippi State Board of Medical Licensure, with consent of Licensee as signified by his joinder herein, does hereby suspend Licensee's certificate to practice medicine in the State of Mississippi for an indefinite period of time with the suspension automatically stayed after expiration of one (1) year from October 10, 1998, subject to the following probationary terms and conditions, to-wit:

1. Licensee shall comply with all aftercare conditions imposed by Menninger Clinic and agreed to by the Mississippi State Board of Medical Licensure. In the event Licensee fails to comply with all aftercare conditions imposed on him by either the primary treatment center or the Mississippi State Board of Medical Licensure, the stay of suspension shall be immediately removed and Licensee shall be prohibited from practicing medicine until such time as a determination is made by the Board that Licensee is again ready to return to the practice of medicine. Summary suspension pursuant to this paragraph shall be for an indefinite period of time, notwithstanding any term or right to petition for reinstatement provided herein.
2. Licensee hereby authorizes Menninger Clinic, its director, staff or employees to release to the Board all records of his evaluation, treatment and/or recommendations for aftercare monitoring. Further, Licensee authorizes the Mississippi State Board of Medical Licensure to release to the treatment facility all documentation, whether licensure or investigative, for the use and benefit of the facility in any further management and treatment of Licensee.
3. After expiration of one (1) year from October 10, 1998, Licensee will be eligible to appear before the Board to present a plan of supervised practice, incorporating at a minimum those terms and provisions set forth in the "Re-Entry Contract" attached hereto as Exhibit "A" and incorporated herein by reference. Licensee shall not practice under any circumstances until such time as Licensee has appeared before the Board and gained

approval of a plan of practice. The Board reserves the right to incorporate into the plan of practice any other restriction deemed necessary to protect the public and to maintain Licensee's recovery.

4. Licensee's practice of medicine shall be subject to periodic surveillance by the Mississippi State Board of Medical Licensure to monitor compliance with any Board approved plan of practice. The Board's Executive Director, medical consultant, any member of the Board, or investigative staff may perform a patient chart review of a representative sample of those patients treated by Licensee.

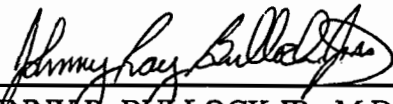
Licensee shall have the right to petition the Mississippi State Board of Medical Licensure for release of any or all of the above enumerated conditions after expiration of five (5) years from the effective day hereof. Thereafter, any right to petition the Board for reconsideration shall be at reasonable intervals, but not less than twelve (12) months from date of last appearance.

This Consent Order shall be subject to approval by the Board. If the Board fails to approve the Consent Order, in whole or in part, it shall have no force or effect on the parties. It is further understood and agreed that the purpose of this Consent Order is to avoid a hearing before the Board. In this regard, Licensee authorizes the Board to review and examine any documentary evidence or materials concerning Licensee prior to or in conjunction with its consideration of the Consent Order. Should the Consent Order not be accepted by the Board, it is agreed that presentation to and consideration of the Consent Order and other documents and matters pertaining thereto by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation or consideration of the resolution of the proceedings.

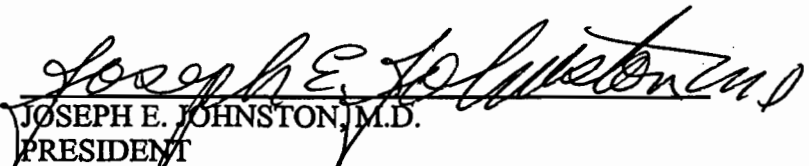
Licensee understands and expressly acknowledges that this Consent Order, if approved and executed by the Mississippi State Board of Medical Licensure, shall constitute a public record of the State of Mississippi.

Recognizing his right to notice of charges specified against him, to have such charges adjudicated pursuant to Miss. Code Ann. (1972) Section 73-25-27, to be represented therein by legal counsel of his choice, and to a final decision rendered upon written findings of fact and conclusions of law, Johnny R. Bullock, Jr., M.D. nonetheless hereby waives his right to notice and a formal adjudication of charges and authorizes the Board to enter an order accepting this Consent Order, thereby suspending his license to practice medicine in the State of Mississippi for an indefinite period of time, staying the suspension after one (1) year, subject to those terms and conditions enumerated above.

EXECUTED, this the 19<sup>th</sup> day of March, 1999.

  
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JOHNNY R. BULLOCK JR., M.D.

ACCEPTED AND APPROVED, this the 18<sup>th</sup> day of March, 1999, by the MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE.

  
\_\_\_\_\_  
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT



## RE-ENTRY CONTRACT

The following are contractual provisions for re-entry into medical practice for Johnny Ray Bullock, Jr., M.D. The contract will begin at time of re-entry to practice. The contract will remain in existence for the remainder of his career in the medical profession or until no longer felt to be necessary by the Mississippi State Board of Medical Licensure. The contract will be reviewed by the treating therapist and the Mississippi State Board of Medical Licensure after three (3) months of re-entry and then, yearly. At these intervals, the contract may be revised or modified if mutually agreed upon by all concerned parties. The site of re-entry will be Columbia, Mississippi, with the Internal Medicine Clinic of Columbia. The provisions are as follows:

1. Practice will be limited to the field of Internal Medicine. This will include all physician-patient interactions plus procedures in which he is trained, certified, and has been previously approved to perform.
2. For the first week of re-entry, he will see patients in the office setting on a half-day basis. This will be from 10:00 a.m. until 2:00 p.m., Monday through Friday. He will take his rotation in call for the group, which is every third day and night, and every third weekend. The schedule will be increased as dictated by his ability to handle the schedule and stress.
3. As the first twelve months of recovery are the greatest risk of relapse, the practice will exclude females under 40 years old until October ~~1999~~. 2000. *fb*
4. He will attend continuing medical education on ethics/sexual exploitation yearly, and will provide copies of certificates of completion to the Board.
5. All patients with psychiatric illness, no matter how mild, will be referred to psychiatric/psychologic care, when appropriate.
6. He will establish a support and recovery network. This network will include his spouse, his family, his spouse's family, sponsors, his medical physician, and medical partners. These people will be made aware of all terms and boundaries of this contract.
7. He will not engage in the use of non-prescription or other mood-altering substances unless prescribed and approved by his primary care physician.
8. He will not have personal or professional conversations, including telephone calls, with females without observation by his wife and/or clinical associate unless approved prior to the event by his therapist or wife.
9. He will not see patients, male or female, in the clinic before or after usual operating hours.

10. He will not see patients in the emergency room without prior triage by the emergency room physician.
11. He will continue treatment with a psychotherapist weekly for the length of the contractual period with Patsy Farguson. The therapist will provide ~~regular~~ <sup>quarterly</sup> written reports to the Mississippi State Board of Medical Licensure. The therapist will dictate the length of the treatment period and frequency of visits.
12. He agrees to name a primary care physician, Mark Allen Stevens, M.D., approved by the Board, experienced in addiction and sexually transmitted diseases. He will have regular visits for medical review. This physician will engage in his recovery network.
13. He agrees to defend, respect, and uphold these contractual provisions.
14. He agrees to have a clinical associate/chaperone present for all hospital and clinic based physician-patient interactions. This person will not be someone previously employed by the clinic.
15. He agrees to regular review of his practice by a medical peer agreed upon by his therapist, the Board and himself. <sup>and quarterly reports to the board</sup>
16. He agrees to the monitoring of boundaries and provisions of this contract.
17. He agrees to random urine screens for drugs on a for-cause basis.
18. He agrees to monitoring of any prescription drugs, if applicable, by his primary care physician.
19. He agrees to disclose to others, including patients, such terms of this contract, especially the practice boundaries, as may be needed to be known by such a party.
20. He will provide written notification to patients that all physician-patient interactions may be observed by a clinical associate.
21. The therapist and chaperone obligate to report sexual offenses, professional impairment and sexual misconduct as defined by state law. Also, the therapist and chaperone agree to report violation of any of the contract provisions to the Mississippi State Board of Medical Licensure.
22. He agrees to participate actively in a 12-step program of Sexaholics Anonymous. This group will promote only healthy nonsexual relationships among its members. He will attend weekly meetings.
23. He agrees to continue participation in the contract as long as he practices medicine in the State of Mississippi, or until the time his therapist and the Mississippi State Board of Medical Licensure feel it is unnecessary.

*Johnny Ray Bullock, Jr.*  
3/18/99

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
IN THE MATTER OF THE PHYSICIAN'S LICENSE  
OF  
MICHAEL ALLEN BRUMLEY, M.D.

ORDER

THIS MATTER came on regularly for hearing on March 18, 1999, before the Mississippi State Board of Medical Licensure in response to the Petition of Michael Allen Brumley, M.D. (hereinafter referred to as "Licensee"), for removal of all restrictions placed on his Mississippi medical license by virtue of that certain Consent Order with this Board executed by Licensee on November 20, 1995, and accepted by the Board on January 18, 1996.

The hearing was convened at 10:00 a.m., Licensee being present without counsel. The Board, after hearing said motion, finds the same to be well-taken.

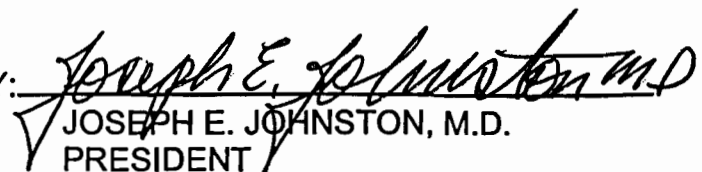
IT IS, THEREFORE, ORDERED that all restrictions imposed on Licensee by virtue of the January 18, 1996, Consent Order are hereby removed. Licensee now holds an unrestricted license to practice medicine in the State of Mississippi.

IT IS FURTHER ORDERED, that pursuant to Miss. Code Ann. Section 73-25-27 (1972), a copy of this Order shall be sent by Registered Mail or personally served upon Licensee.

SO ORDERED, this the 18th day of March, 1999.

MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE

BY:

  
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

ELLIOTT W. TUCKER, M.D.

ORDER OF CONTINUANCE

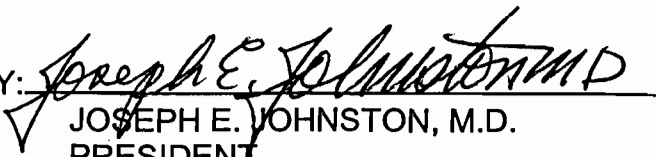
THIS MATTER came on regularly for hearing on March 18, 1999, before the Mississippi State Board of Medical Licensure, in response to a request for continuance of the hearing set for this date filed by Elliott W. Tucker, M.D. (hereinafter "Licensee"). The motion was filed by James R. Mozingo, attorney representing Licensee, setting good and just cause for the continuance. The Board was further advised that Licensee was willing to comply with the terms of a Plan of Practice Pending Disciplinary Hearing in consideration of the Board lifting its Order of Prohibition issued March 6, 1999. After considering the matter, the Board finds Licensee's petition to be well taken.

IT IS, THEREFORE, ORDERED, that Licensee is granted a continuance until April 15, 1999, subject to the terms and conditions set forth in a mutually agreed Plan of Practice Pending Disciplinary Hearing.

SO ORDERED, this the 18<sup>th</sup> day of March, 1999.

MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE

BY:

  
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

**IN THE MATTER OF THE PHYSICIAN'S LICENSE**

**OF**

**ELLIOTT W. TUCKER, M.D.**

**ORDER**

Whereas, on March 6, 1999, the Mississippi State Board of Medical Licensure issued an order prohibiting Elliott W. Tucker, License Number 07597 (hereinafter referred to as "Licensee"), from practicing medicine until such time as the Board has made a determination that Licensee is able to return to the practice of medicine with reasonable skill and safety to patient. Said Order was personally served March 6, 1999;

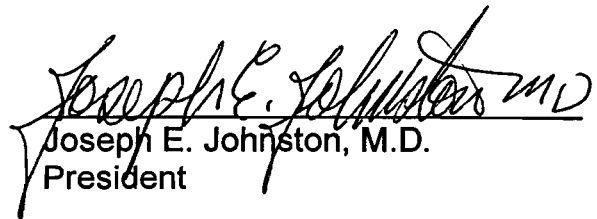
Whereas, following service of the Order, Licensee was admitted on March 9, 1999, to Pine Grove Recovery Center, Hattiesburg, Mississippi, for evaluation of possible chemical dependency. Said evaluation was conducted under the direction of C. Chapman Sledge, M.D., Medical Director;

Whereas, testimony was given by Dr. Sledge before the Board on March 18, 1999, concerning his evaluation of Licensee. His opinion was that Dr. Tucker should not be allowed to practice medicine in an unrestricted manner pending a continuance of this matter until April 15, 1999;

NOW THEREFORE, having received a copy of a Plan of Practice Pending Disciplinary Hearing, executed on behalf of Licensee by his attorney, James Mazingo, Esq., the Order of Prohibition previously issued by this Board on March 6, 1999, is hereby removed, thereby granting Licensee permission to return to the practice of medicine, subject to those terms of the approved Plan of Practice.

SO ORDERED, this the 23<sup>rd</sup> day of March, 1999.

MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE

  
Joseph E. Johnston, M.D.  
President

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
 IN THE MATTER OF THE PHYSICIAN'S LICENSE  
 OF  
 ELLIOTT W. TUCKER, M.D.



**Plan of Practice Pending Disciplinary Hearing**

1. Elliott W. Tucker, M.D., by and through his undersigned attorneys, pursuant to order of the Board on Thursday, March 18, 1999, does hereby submit this Practice Plan pending a final disposition of this matter.

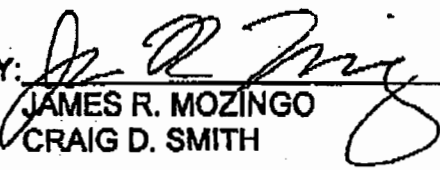
2. Dr. Tucker will meet with Dr. Robert Gray on each day that Dr. Tucker will or may see patients in order that Dr. Gray may observe Dr. Tucker and determine whether or not he believes there is any impairment that would potentially endanger Dr. Tucker's patients on that date. These meetings shall include weekdays but not weekends unless Dr. Tucker intends to see patients on that weekend day.

If for any reason Dr. Gray is unavailable, Dr. Tucker shall notify the Board, through Dr. Burnett thereof, and Dr. Burnett or his representative shall make alternative arrangements of someone to take Dr. Gray's place on that day.

3. Elliott W. Tucker, M.D., for the same time period will submit to the random, unannounced, and witnessed collection of urine and or blood samples by investigators of the Board or such representatives as may be designated by the Board. All costs associated with collection and testing will be the responsibility of Dr. Tucker.

4. Dr. Tucker and his attorneys shall timely receive copies of all test results and other information provided to the Board arising from or regarding said samples.

ELLIOTT W. TUCKER, M.D.

BY:   
 JAMES R. MOZINGO  
 CRAIG D. SMITH

ATTORNEYS FOR ELLIOTT W. TUCKER, M.D.

03/22/99 MON 17:34 FAX 601 353 2961

HAW ATTY.

2003

APPROVED, this the 19th day of March, 1999



W. JOSEPH BURNETT, M.D.  
EXECUTIVE DIRECTOR  
MISSISSIPPI STATE BOARD  
OF MEDICAL LICENSURE



BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

RONALD E. WOODALL, M.D.

ORDER OF CONTINUANCE


THIS MATTER came on regularly for hearing on March 18, 1999, before the Mississippi State Board of Medical Licensure, in response to a request for continuance of the hearing set for this date filed by Ronald E. Woodall, M.D. (hereinafter "Licensee"). The motion was filed by James R. Hayden, attorney representing Licensee, setting good and just cause for the continuance. After considering the matter, the Board finds Licensee's petition to be well taken.

IT IS, THEREFORE, ORDERED, that Licensee is granted a continuance until April 15, 1999.

SO ORDERED, this the 18<sup>th</sup> day of March, 1999.

MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE

BY:

  
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

**IN THE MATTER OF THE APPLICATION FOR LICENSURE**

**OF**

**WILLIAM N. TAYLOR, M.D.**

**ORDER**

THIS MATTER came on regularly for hearing on March 18, 1999, before the Mississippi State Board of Medical Licensure, pursuant to Miss. Code Ann. Section 73-25-27 (1972) as amended. The Board initiated these proceedings on March 5, 1999, by issuance of an Order against William N. Taylor, M.D. (hereinafter referred to as "Applicant"), to show cause why his application for a Mississippi medical license should not be denied. As grounds for denial, the Order to Show Cause alleged that Applicant was guilty of unprofessional conduct likely to deceive, defraud or harm the public; and guilty of attempting to obtain a license by fraud or deception, all in violation of Subsections (7) and (8)(f) of Miss. Code Ann. Section 73-25-29. The specific allegations were set forth by affidavit of Charles Moses dated March 5, 1999, attached to and made a part of the Order to Show Cause.

The hearing was convened at 1:30 p.m., Applicant appearing in person, without counsel. Complaint Counsel for the Board was Hon. Stan T. Ingram. Sitting as advisor for the Board was Hon. Edwin Cofer, Special Assistant Attorney General. Evidence and testimony were then presented. Based on said evidence and testimony, the Board finds that Applicant's application for a license to practice medicine in the State of Mississippi should be granted. On August 29, 1998, Applicant submitted his application

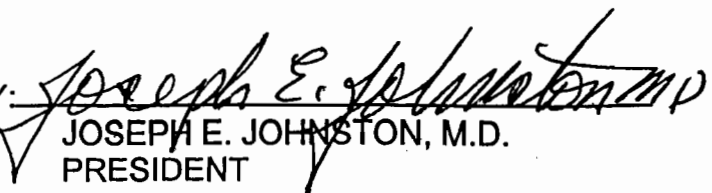
for a license to practice medicine. Notwithstanding his past history for treatment of chemical dependency and mental illness (primarily bipolar disorder), Applicant chose to answer all questions on the application relating to past treatment and use of controlled substances in the negative. Although the manner in which Applicant completed the questionnaire is highly suspect, Applicant has shown good faith in cooperating with the Board during its investigation, including successful completion of the Special Purpose Examination (SPEX) and completion of an independent evaluation by a Board approved psychiatrist. Such mitigating circumstances compel the Board to recognize Applicant's potential as a licensee in the State of Mississippi.

IT IS, THEREFORE, ORDERED, that Applicant be issued a license to practice medicine in the State of Mississippi. In so doing, however, prior to the issuance of a license, Applicant shall complete a Board approved clinical skills assessment program and shall enter into a non-disciplinary agreement with the Board relating to continued psychotherapy and treatment for mental disorders and affiliation with Mississippi Recovering Physicians Program and appropriate support groups necessary to maintain his sound recovery.

IT IS FURTHER ORDERED, that pursuant to Section 73-25-27, a copy of this Order shall be sent by registered mail or personally served upon William N. Taylor, M.D.

SO ORDERED, this the 18th day of March, 1999.

MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE

BY:   
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT

## XXVI. REGULATION CONCERNING USE OF LASER DEVICES.

The use of laser devices, either for invasive or cosmetic procedures, is considered to be the practice of medicine in the State of Mississippi and therefore such use shall be limited to physicians and those directly supervised by physicians, such that a physician is on the premises and would be directly involved in the treatment if required.

APRIL 1999

**MINUTES  
EXECUTIVE COMMITTEE MEETING  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
APRIL 14, 1999**

**MEMBERS PRESENT:**

Joseph E. Johnston, M.D., Mount Olive, President  
Robert Ray Smith, M.D., Jackson, Secretary  
W. Joseph Burnett, M.D., Director

**ALSO PRESENT:**

June C. Harris, Division Director II, Licensure Division  
Charles Moses, Division Director II, Investigative Division  
Kathy Fortenberry, Administrative Assistant

The Executive Committee of the Mississippi State Board of Medical Licensure met on Wednesday, April 14, 1999, at 4:00 p.m. in the Executive Conference Room of the Office of the Board located at 2600 Insurance Center Drive, Jackson, Mississippi. Freda M. Bush, M.D., Jackson, Vice President, was not present.

**DAVID MARK GILDER, M.D., YAZOO CITY**

Dr. Burnett reported that Dr. Gilder had been under investigation because of some complaints concerning his clinical skills. Dr. Burnett had asked Dr. Gilder to voluntarily enter a clinical skills assessment program, and Dr. Gilder requested to present his position to the Executive Committee. Dr. Gilder joined the meeting, addressed the members, and answered questions. It was the consensus of the Executive Committee members to reserve the recommendation for the assessment program but did request quarterly reports from Dr. Gilder's psychiatrist, who monitors his depression, and letters from his partners and associates that his clinical skills were acceptable.

**LOWERY H. HUFF, D.P.M., JACKSON**

Dr. Burnett and Mr. Moses reported on a complaint that Dr. Huff had advertised in the Yellow Pages as a member of Blue Cross Blue Shield Key Physician Network, of which he is not. It was the consensus of the Executive Committee members to refer this matter to the Podiatry Advisory Committee and ask them to interview Dr. Huff and report back to Dr. Burnett prior to the next Executive Committee meeting.

**EXECUTIVE COMMITTEE MEETING**

April 14, 1999

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**BRIDGET A. WALSH, D.O., REINSTATEMENT**

Dr. Burnett and Mrs. Harris reviewed the file on Dr. Walsh, who has signed a Recovery Contract Agreement, and has an appointment with Mark Webb, M.D., a Board-approved psychiatrist. Dr. Walsh will be considered for reinstatement once the report has been received from Dr. Webb.

**JOHN A. KING, D.O., J.D., APPLICANT**

Dr. Burnett and Mrs. Harris advised Executive Committee members of Dr. King's objection to the Board's regulation concerning the requirement of the SPEX examination if over ten years since taking an examination and not Board certified. Dr. King is certified by American Association of Physician Specialists, which is not recognized as a specialty organization by AOA or ABMS. It was the consensus of the Executive Committee members not to take a position on this matter until he makes a formal application.

**WILLIAM NATHANIEL TAYLOR, M.D., APPLICANT**

Dr. Burnett reported that Dr. Taylor had completed all requirements for licensure, but there had been a conflict with scheduling his interview. It was the consensus of the Executive Committee members that Dr. Taylor would have to wait until the next available date for the interview before being issued his license.

**OTHER BUSINESS**

Dr. Burnett requested that the June Board meeting be moved from the third Thursday to the second Thursday, June 10. He also announced the following tentative Board meeting dates for the remainder of the year: August 19; October 21; and November 18. The August 19 meeting will possibly be held in Oxford.

**JOHN W. MCFADDEN, JR., M.D., TUPELO**

The Committee received a cursory review of a pending investigation being conducted by the Board's Investigative Staff, pertaining to allegations of possible sexual misconduct with a patient. It was the consensus of the Executive Committee to inform Dr. McFadden in order to avoid a hearing the Board would give him the opportunity to be evaluated by Richard Irons, M.D., Menninger Clinic,

**EXECUTIVE COMMITTEE MEETING**

April 14, 1999

Page 3

and the Board would give consideration to Dr. Irons' recommendations. If he does not want the evaluation at Menninger, a full hearing will be held.

**ARNOLD E. FELDMAN, M.D., NATCHEZ**

Dr. Burnett reported that four of Dr. Feldman's patient files have been obtained with a search warrant, two of which have been reviewed with Dr. Burnett. After he reviews the other two files with the Investigative Staff, he will poll the Executive Committee to see if they want to proceed with a hearing.

**NURSE PRACTITIONERS CONDUCTING PHYSICAL EXAMINATIONS OF HIGH SCHOOL STUDENTS**

For informational purposes only, Dr. Burnett reviewed a letter from Stan Ingram, Board attorney, to John Price, attorney for the Mississippi High School Activities Association, regarding nurse practitioners conducting student physical examinations. Mr. Ingram advised Mr. Price that the Board was of the opinion nurse practitioners could conduct these examinations, provided each nurse practitioner is operating pursuant to a valid protocol, which specifically includes physical examinations in the list of authorized procedures.

**PROPOSED CLINICAL SKILLS ASSESSMENT REGULATION**

Dr. Burnett reviewed a proposed regulation which would require, prior to the issuance of or reinstatement of a license, participation in a clinical skills assessment program to assure post-licensure competency if the physician has not actively practiced for a three-year period. The regulation will be presented to the full Board on Thursday.

**PROPOSED CME REGULATION**

The proposed CME regulation, which would require twenty hours of Category I continuing medical education every fiscal year, was briefly reviewed. It will be presented to the full Board on Thursday.

**OTHER BUSINESS**

Dr. Smith reported on the Invitational Conference on Standardized Patient Assessment in the Licensing Process, which he recently attended. This conference



**EXECUTIVE COMMITTEE MEETING**

April 14, 1999

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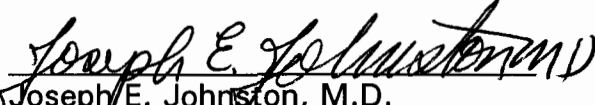
was sponsored by the National Board of Medical Examiners in Philadelphia, Pennsylvania.

**REVIEW OF APRIL 15 BOARD AGENDA**

Dr. Burnett briefly reviewed the agenda for Thursday's Board meeting.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 6:00 p.m.

  
Joseph E. Johnston, M.D.  
President

Minutes taken and transcribed  
by Kathy Fortenberry  
Administrative Assistant  
April 14, 1999

**BOARD MINUTES  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
APRIL 15, 1999**

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday, April 15, 1999, in the Executive Conference Room of the Office of the Board located at 2600 Insurance Center Drive, Jackson, Mississippi.

The following members were present:

Joseph E. Johnston, M.D., Mount Olive, President  
Robert Ray Smith, M.D., Jackson, Secretary  
Frank W. Bowen, M.D., Carthage  
Dewitt G. Crawford, M.D., Louisville  
Joe Dennis Herrington, M.D., Natchez  
Benton M. Hilbun, M.D., Tupelo  
Paul Douglas Jackson, M.D., Greenville  
W. Joseph Burnett, M.D., Director

Also present:

Stan T. Ingram, Attorney for the Board  
Edwin T. Cofer, Special Assistant Attorney General  
June C. Harris, Division Director II, Licensure Division  
Charles Moses, Division Director II, Investigative Division  
Kathy Fortenberry, Administrative Assistant

The meeting was called to order at 9:00 a.m. by Dr. Johnston, President, and the invocation was given by Dr. Herrington.

Freda M. Bush, M.D., Jackson, Vice President, and William B. Harper, D.O., Greenwood, were not present. Dr. Johnston introduced Doyle White, Knoll Pharmaceutical Company.

**APPROVAL OF MINUTES**

Minutes of the Executive Committee Meeting dated March 17, 1999, and Minutes of the Meeting dated March 18, 1999, were reviewed. Dr. Smith moved for approval of the minutes as submitted. Dr. Bowen seconded the motion, and it carried unanimously.

**APPROVAL OF CERTIFICATION OF MISSISSIPPI LICENSES TO OTHER ENTITIES FOR PERIOD MARCH 1, 1999, TO MARCH 31, 1999**

Seventy (70) licenses were certified to other entities for the period March 1, 1999, to March 31, 1999. Motion was made by Dr. Herrington, seconded by Dr. Crawford, and carried unanimously to approve these certifications.

**APPROVAL OF LICENSES ISSUED FOR THE PERIOD MARCH 1, 1999, TO MARCH 31, 1999**

Forty-seven (47) licenses were issued for the period March 1, 1999, to March 31, 1999. Motion was made by Dr. Jackson, seconded by Dr. Bowen, and carried unanimously to approve these licenses.

**REPORTS FROM AD HOC COMMITTEES**

***Alternative Medicine*** - There was no report from this committee.

***Educational Development*** - Dr. Smith presented the continuing medical education proposal, which would require twenty hours of Category I continuing medical education every fiscal year. It was the consensus of the Board to postpone the implementation of this for another year and to have the proposal reviewed by Mississippi State Medical Association.

**DR. HARPER JOINED THE MEETING AT 9:20 A.M.**

***Impaired Physicians Program*** - Dr. Burnett reported on a very informative meeting he and Mr. Moses had with Dr. and Mrs. Gary Carr and Dr. Ellis Moffitt.

***Legislative*** - There was no report from this committee.

***Nurse Practitioner and Expanded Role*** - Dr. Burnett reviewed a letter from Mr. Ingram to John Price, attorney for the Mississippi High School Activities Association, regarding nurse practitioners conducting student physical examinations. Mr. Ingram advised Mr. Price that the Board was of the opinion nurse practitioners could conduct these examinations, provided each nurse practitioner is operating pursuant to a valid protocol, which specifically includes physical examinations in the list of authorized procedures. A copy of Mr. Ingram's letter is attached hereto and incorporated by reference.

**BOARD MINUTES**

April 15, 1999

Page 3

**OTHER BUSINESS**

Dr. Bowen reviewed a resolution from Central Medical Society pertaining to a database for controlled substances. It was the consensus of the Board members to recommend to Mississippi State Medical Association that the reference committee give consideration for adoption and that a representative from the Bureau of Narcotics be included on the ad hoc committee working on this project.

**FINAL ADOPTION OF AMENDMENT TO ARTICLE V, REGULATIONS PERTAINING TO PRESCRIBING, ADMINISTERING AND DISPENSING OF MEDICATION**

Motion was made by Dr. Bowen, seconded by Dr. Herrington, and carried unanimously for the final adoption of the amended regulation pertaining to diet medication effective April 18, 1999, assuming no other comments are received prior to the expiration of thirty days. A copy of the amended regulation is attached hereto and incorporated by reference.

**RULES AND REGULATIONS GOVERNING THE SUPERVISION OF PHARMACISTS**

Following a review and discussion of regulations governing the supervision of pharmacists, motion was made by Dr. Smith, seconded by Dr. Crawford, and carried unanimously to adopt the regulations. The regulations, which will be filed with the Secretary of State under the Administrative Procedures Act, are attached hereto and incorporated by reference. By same vote, the Board directed that if upon expiration of the thirty (30) day comment period as required by the Mississippi Administrative Procedures Act, no comments are received, the regulation will be deemed as adopted, but effective thirty (30) days thereafter or June 21, 1999, whichever is greater.

**PERSONAL APPEARANCE BY JOANN KRIS COATES, D.O., PHILADELPHIA, TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE NUMBER 14259**

Dr. Coates was present and represented by legal counsel, Delia Y. Owens, Esq., Jackson. Also present was her husband, Mr. Lee Coates.

Mr. Moses was sworn in and presented a chronological summary of Dr. Coates' background and history leading to the disciplinary action taken on her medical license.

**BOARD MINUTES**

**April 15, 1999**

**Page 4**

Ms. Owens addressed the Board and presented numerous letters of recommendation on behalf of Dr. Coates. Dr. Coates was sworn in and answered questions from Ms. Owens, Mr. Ingram, and Board members. Jimmy Wallace, Health Director, Mississippi Band of Choctaw Indians, was sworn in and answered questions from Ms. Owens and Mr. Ingram.

Motion was made by Dr. Smith, seconded by Dr. Hilbun, and carried unanimously that the Board consider going into Executive Session. With a motion by Dr. Herrington, seconded by Dr. Bowen, the Board went into Executive Session.

Upon motion by Dr. Hilbun, seconded by Dr. Jackson, and carried unanimously, the Board came out of Executive Session at which time Dr. Johnston announced to remove all restrictions imposed by the Consent Order. Licensee was asked to voluntarily submit to random urine screens. The Order of the Board is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Vanessa Addison, Certi-Comp Court Reporters.

**REPORT FROM MISSISSIPPI IMPAIRED PHYSICIANS COMMITTEE ON JOHN WEBSTER DEGROOTE, M.D., PASCAGOULA, MISSISSIPPI MEDICAL LICENSE NUMBER 06906**

Dr. DeGroote was present and represented by legal counsel, Kathryn N. Nester, Esq., Jackson. Also present was Mrs. DeGroote.

Ms. Nester advised the Board that Dr. DeGroote would voluntarily enter Menninger Clinic and asked that he be allowed thirty days prior to entering treatment, to which the Board agreed.

It was the consensus of the Board that Dr. DeGroote be allowed to enter into a Recovery Contract Agreement with the Mississippi Recovering Physicians Program, which would be non-public, non-reportable.

A verbatim account of this proceeding was recorded by Vanessa Addison, Certi-Comp Court Reporters.

**HEARING IN THE CASE OF ELLIOTT WANNAMAKER TUCKER, JR., M.D., SARDIS,  
MISSISSIPPI MEDICAL LICENSE NUMBER 07597**

Dr. Tucker was not present but was represented by legal counsel, Craig D. Smith, Esq., Jackson.

Mr. Smith addressed the Board and requested the proceeding against Dr. Tucker be dismissed.

Motion was made by Dr. Herrington, seconded by Dr. Crawford, and carried unanimously that the Board consider going into Executive Session. With a motion by Dr. Jackson, seconded by Dr. Smith, the Board went into Executive Session.

Upon motion by Dr. Hilbun, seconded by Dr. Jackson, and carried unanimously, the Board came out of Executive Session at which time Dr. Johnston announced that the proceeding against Dr. Tucker would be dismissed in its entirety and that the Plan of Practice Pending Disciplinary Hearing would be terminated. The Order of the Board is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Vanessa Addison, Certi-Comp Court Reporters.

**HEARING IN THE CASE OF RONALD ELLZY WOODALL, M.D., MOSELLE,  
MISSISSIPPI MEDICAL LICENSE NUMBER 09208**

Dr. Woodall was present and represented by legal counsel, James R. Hayden, Esq., Hattiesburg.

Mr. Ingram explained the charges as outlined in the Summons and Affidavit, which resulted from violation of his Consent Order and a conviction involving moral turpitude. Mr. Hayden addressed the Board.

Mickey Robbins, Investigator for the Board, was sworn in and answered questions from Mr. Ingram and Mr. Hayden.

Dr. Woodall was sworn in and answered questions from Mr. Hayden, Mr. Ingram, and Board members.

## **BOARD MINUTES**

**April 15, 1999**

**Page 6**

Motion was made by Dr. Crawford, seconded by Dr. Jackson, and carried unanimously that the Board consider going into Executive Session. With a motion by Dr. Bowen, seconded by Dr. Smith, the Board went into Executive Session.

Upon motion by Dr. Smith, seconded by Dr. Bowen, and carried unanimously, the Board came out of Executive Session at which time Dr. Johnston announced to suspend Dr. Woodall's license with suspension stayed after the completion of a comprehensive psychiatric evaluation by a Board approved psychiatrist. Licensee shall also be subject to all terms and provisions of the original Consent Order, which shall remain in force for an additional five years. Consent Order shall be amended to authorize Licensee to treat patients in an emergency room. The Order of the Board is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Vanessa Addison, Certi-Comp Court Reporters.

## **OTHER BUSINESS**

Dr. Burnett reviewed a proposed regulation which would require, prior to the issuance of or reinstatement of a license, participation in a clinical skills assessment program to assure post-licensure competency if the physician has not actively practiced for a three-year period. It was the consensus of the Board that this would not include charity or research work. Motion was made by Dr. Herrington, seconded by Dr. Jackson, and carried unanimously to adopt the regulation. The regulation, which will be filed with the Secretary of State under the Administrative Procedures Act, is attached hereto and incorporated by reference. By same vote, the Board directed that if upon expiration of the thirty (30) day comment period as required by the Mississippi Administrative Procedures Act, no comments are received, the regulation will be deemed as adopted, but effective thirty (30) days thereafter or June 21, 1999, whichever is greater.

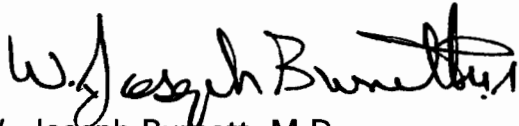
Dr. Burnett requested that the June Board meeting be moved from the third Thursday to the second Thursday, June 10, which was agreeable with Board members. He also announced the following meeting dates, which are subject to change: August 19; October 21; and November 18.

**BOARD MINUTES**  
April 15, 1999  
Page 7

**ADJOURNMENT**

The meeting was adjourned at 11:45 a.m. with the next meeting scheduled for Thursday, June 10, 1999.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "W. Joseph Burnett, M.D.", with a stylized flourish at the end.

W. Joseph Burnett, M.D.  
Director

Minutes taken and transcribed  
by Kathy Fortenberry  
Administrative Assistant  
April 15, 1999



**EXECUTIVE SESSION  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
APRIL 15, 1999**

**AGENDA ITEM XI**

**PERSONAL APPEARANCE BY JOANN KRIS COATES, D.O., PHILADELPHIA,  
TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE  
NUMBER 14259**

Motion made by Dr. Herrington, seconded by Dr. Hilbun, and carried to remove all restrictions imposed by Consent Order. Licensee is asked to voluntarily submit to random urine screens.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Frank W. Bowen, M.D.	X			
Freda M. Bush, M.D.				X
Dewitt G. Crawford, M.D.	X			
William B. Harper, D.O.	X			
Joe Dennis Herrington, M.D.	X			
Benton M. Hilbun, M.D.	X			
Paul Douglas Jackson, M.D.	X			
Joseph E. Johnston, M.D.	X			
Robert Ray Smith, M.D.	X			

With a motion by Dr. Hilbun, seconded by Dr. Jackson, the Board came out of Executive Session.

  
Joseph E. Johnston, M.D.  
President

**EXECUTIVE SESSION  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
APRIL 15, 1999**

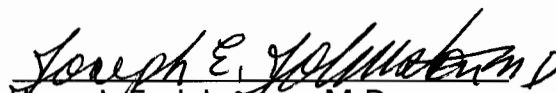
**AGENDA ITEM XIII**

**HEARING IN THE CASE OF RONALD ELLZY WOODALL, M.D., MOSELLE,  
MISSISSIPPI MEDICAL LICENSE NUMBER 09208**

Motion made by Dr. Hilbun, seconded by Dr. Herrington, and carried to suspend Dr. Woodall's license with suspension stayed after the completion of a comprehensive psychiatric evaluation by a Board approved psychiatrist. Licensee shall also be subject to all terms and provisions of the original Consent Order, which shall remain in force for an additional five years. Consent Order shall be amended to authorize Licensee to treat patients in an emergency room.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Frank W. Bowen, M.D.	X			
Freda M. Bush, M.D.				X
Dewitt G. Crawford, M.D.	X			
William B. Harper, D.O.	X			
Joe Dennis Herrington, M.D.	X			
Benton M. Hilbun, M.D.	X			
Paul Douglas Jackson, M.D.	X			
Joseph E. Johnston, M.D.	X			
Robert Ray Smith, M.D.	X			

With a motion by Dr. Smith, seconded by Dr. Bowen, the Board came out of Executive Session.

  
Joseph E. Johnston, M.D.  
President

**EXECUTIVE SESSION  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
APRIL 15, 1999**

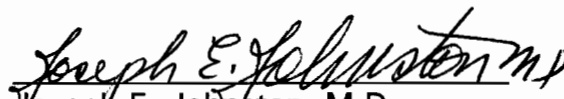
**AGENDA ITEM XIV**

**HEARING IN THE CASE OF ELLIOTT WANNAMAKER TUCKER, JR., M.D., SARDIS,  
MISSISSIPPI MEDICAL LICENSE NUMBER 07597**

Motion made by Dr. Herrington, seconded by Dr. Bowen, and carried to dismiss proceeding against Licensee in its entirety and to terminate the Plan of Practice Pending Disciplinary Hearing.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Frank W. Bowen, M.D.	X			
Freda M. Bush, M.D.				X
Dewitt G. Crawford, M.D.	X			
William B. Harper, D.O.	X			
Joe Dennis Herrington, M.D.	X			
Benton M. Hilbun, M.D.	X			
Paul Douglas Jackson, M.D.	X			
Joseph E. Johnston, M.D.	X			
Robert Ray Smith, M.D.	X			

With a motion by Dr. Hilbun, seconded by Dr. Jackson, the Board came out of Executive Session.

  
Joseph E. Johnston, M.D.  
President

*Heidelberg & Woodliff, P.A.  
Attorneys at Law*

1400 Capital Towers  
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Jackson, Mississippi 39201

Mailing Address:  
Post Office Box 23040  
Jackson, Mississippi 39225-3040

Telephone: (601) 948-3800  
Facsimile: (601) 353-2961

March 26, 1999

STANLEY T. INGRAM  
(601) 968-8507

**VIA HAND DELIVERY**

John H. Price, Esq.  
Price & Zirulnik  
Suite 1150 Capital Towers  
125 South Congress Street  
Jackson, Mississippi 39207



(e-mail) [singram@hwpa.com](mailto:singram@hwpa.com)

**RE: Mississippi High School Activities Association, Inc.  
Nurse Practitioners - Physical Examinations of Students**

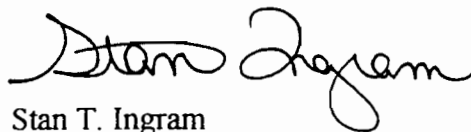
Dear John:

This Firm represents the Mississippi State Board of Medical Licensure. W. Joseph Burnett, M.D., Director (successor to Thomas E. Stevens, M.D.), has forwarded to us a copy of your September 11, 1998 letter to Dr. Ennis H. Proctor. After discussing the matter with the Board and Dr. Burnett, we are of the opinion that nurse practitioners can conduct student physical examinations outside the presence of the supervising physician, provided each nurse practitioner is operating pursuant to a valid protocol, and the protocol specifically includes physical examinations in the list of authorized procedures.

If you have any questions, please do not hesitate to call.

Very truly yours,

HEIDELBERG & WOODLIFF, P.A.

  
Stan T. Ingram

STI:pcb

Enclosure

cc: W. Joseph Burnett, M.D.

G:\HWF\Pub\4304304\Price Nurse Practitioner Ltr.wpd

AMENDMENT TO ARTICLE V OF THE REGULATIONS  
"PERTAINING TO PRESCRIBING, ADMINISTRATION  
AND DISPENSING OF MEDICATION"

V. USE OF DIET MEDICATION:

- A. Pursuant to Miss. Code Ann. § 41-29-139(e), it is unlawful for any physician in this state to prescribe, dispense or administer any amphetamine or amphetamine-like anorectic and/or central nervous system stimulant classified as Schedule II, pursuant to § 41-29-115, for the exclusive treatment of obesity, weight control, or weight loss.
- B. As to the administration, dispensation or prescription of ~~controlled substance anorectics~~ in Schedules II, IV and V, use of said medications in the treatment of obesity or weight loss should be done with caution. A physician may administer, dispense or prescribe said medications for the purpose of weight loss in the treatment of obesity only as an adjunct to a regimen of weight reduction based on caloric restriction, provided, that all of the following conditions are met:
1. Before initiating treatment utilizing a Schedule III, IV or V controlled substance, the physician determines through review of his own records of prior treatment, or thorough review of the records of prior treatment which another treating physician or weight-loss program has provided to the physician, that the patient has made a substantial good-faith effort to lose weight in a treatment program utilizing a regimen of weight reduction based on caloric restriction, nutritional counseling, behavior modification, and exercise, without the utilization of controlled substances, and that said treatment has been ineffective.
  2. Before initiating treatment utilizing a schedule III, IV or V controlled substance, the physician obtains a thorough history, performs a thorough physical examination of the patient, and rules out the existence of any recognized contraindications to the use of the controlled substance to be utilized. "Recognized contraindication" means any contraindication to the use of a drug which is listed in the United States Food and Drug Administration (hereinafter, "F.D.A.") approved labeling for the drug.
  3. The physician shall not utilize any schedule III, IV or V controlled substance when he knows or has reason to believe that a recognized contraindication to its use exists.
  4. The physician shall not utilize any schedule III, IV or V controlled substance in the treatment of a patient whom he knows or should know is pregnant.
  5. ~~As to those controlled substances in schedules III, IV or V which are classified as amphetamine or amphetamine-like anorectics and/or central nervous system stimulants, hereinafter referred to as "stimulant",~~ the physician shall not initiate or shall discontinue utilizing ~~said controlled substance stimulant~~ immediately upon ascertaining or having reason to believe:

- a. That the patient has failed to lose weight while under treatment with **said stimulant** over a period of thirty (30) days, which determination shall be made by weighing the patient at least every thirtieth (30th) day, except that a patient who has never before received treatment for obesity utilizing **a stimulant**, **and** who fails to lose weight during his first such treatment attempt, may be treated with a different controlled substance for an additional thirty (30) days, or
- b. That the patient has developed tolerance (a decreasing contribution of the drug toward further weight loss) to the anorectic effects of **said stimulant** being utilized, or
- c. That the patient has a history of or shows a propensity for alcohol or drug abuse, or
- d. That the patient has consumed or disposed of any controlled substance other than in strict compliance with the treating physician's direction.

**In addition to the above, the physician shall not issue a prescription or dispense a stimulant for any greater than a thirty-day supply; and a patient's use of stimulants, whether by dispensation or prescription, shall be limited to no more than two (2) thirty-day supplies during any twelve-month period of time. For the purposes of this paragraph, a twelve-month period would be considered to begin on the day immediately following the end of the second thirty-day supply.**

6. **As to all other legend drugs or controlled substances in schedules III, IV and V, which are not considered stimulants, but which have received FDA approved indication for long term use for weight loss, the physician shall administer, dispense or prescribe said medications in strict compliance with the FDA approved labeling. In addition to the requirements enumerated at sub-paragraphs 1 through 4 above, each prescription shall be issued for no more than a total of three months supply (including refills) and further, before subsequent new prescriptions can be issued, the patient shall receive a thorough reevaluation of the effectiveness of the medication, including a physical examination to document any potential harmful side effects.**

- C. A physician shall not utilize a schedule III, IV or V controlled substance or legend drug for purposes of weight loss unless it has a F.D.A. approved indication for this purpose and then only in accordance with all of the above enumerated conditions. The purpose of this rule is to prohibit the use of such drugs as diuretics and thyroid medications for the sole purpose of weight loss.

**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**  
**Rules And Regulations Governing The Supervision of Pharmacists**

**XVII. The Supervision Of Pharmacists**

**Authority: Chapter 25 And 27, Title 73, Mississippi Code (1972) Annotated**

**1. SCOPE:**

These regulations apply to all individuals licensed to practice medicine or osteopathic medicine in the State of Mississippi.

**2. DEFINITIONS AS USED IN THESE REGULATIONS:**

- A. For the purpose of this regulation only, "Physician" means any person licensed to practice medicine or osteopathic medicine in the State of Mississippi.
- B. "Supervising Physician" means a physician who, pursuant to a duly executed protocol has agreed to supervise a pharmacist and is the physician responsible for the overall management and supervision for the activities of the pharmacist as is directly related to patients receiving medications or disease management services under the protocol.
- C. "Pharmacist" means any person licensed to practice pharmacy in the State of Mississippi, who has met all requirements of Article XXXVI of the rules and regulations of the Mississippi State Board of Pharmacy and any other requirements as the Mississippi State Board of Medical Licensure may deem necessary.

**3. BOARD REVIEW:**

- A. Before any physician shall execute a protocol to supervise a pharmacist, the physician must first obtain approval from the Board to act as a Supervising Physician. Application for approval will be made in writing to the attention of the Executive Director of the Board. The facts and matters to be considered by the Board shall include, but is not limited to, how the Supervising Physician and Pharmacist plan to implement the protocol, the method and manner of supervision, consultation, referral and liability.
- B. Where a Pharmacist is being supervised pursuant to an existing protocol as of the effective date of this regulation, the requirements of Board approval set forth in Subpart A above shall not be required until the next succeeding renewal date for said certificate as required by the Mississippi State Board of

Pharmacy, or not more than one (1) year from the date of adoption of this regulation.

**4. SUPERVISING PHYSICIAN LIMITED:**

No physician shall be authorized to supervise a pharmacist unless that physician holds an unrestricted license to practice in the State of Mississippi. Likewise, no physician shall be authorized to supervise a pharmacist unless that pharmacist holds an unrestricted license to practice in the State of Mississippi. No more than two (2) pharmacists shall be supervised by a physician.

**5. TERMINATION OR CHANGES IN THE PROTOCOL:**

Any physician desirous of termination or amending the supervisory protocol with a pharmacist shall so notify in writing, the pharmacist, the Mississippi State Board of Pharmacy and the Mississippi State Board of Medical Licensure to the attention of the Executive Director. The notification shall include the name of the pharmacist, the desired change, and proposed effective date of change.

**6. VIOLATION OF REGULATIONS/DISAPPROVAL OF SUPERVISION:**

Any violation of the Rules and Regulations as enumerated above shall constitute unprofessional conduct in violation of Mississippi Code Annotated §73-25-29(8), as amended.

**7. EFFECTIVE DATE OF REGULATIONS:**

The above rules and regulations pertaining to Supervising Physicians shall become effective \_\_\_\_\_, 1999.

*"To be added"*



BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

JOANN KRIS COATES, D.O.

ORDER

THIS MATTER came on regularly for hearing on April 15, 1999, before the Mississippi State Board of Medical Licensure in response to the Petition of Joann Kris Coates, D.O. (hereinafter referred to as "Licensee"), for removal of all restrictions placed on her Mississippi medical license by virtue of that certain Consent Order with this Board dated February 15, 1996.

The hearing was convened at 10:00 a.m., Licensee being present and represented by Honorable Delia Y. Owens. Complaint Counsel for the Board was Hon. Stan T. Ingram. Sitting as legal advisor for the Board was Hon. Edwin Cofer, Special Assistant Attorney General. Evidence and testimony were then presented. Based upon the above, the Board finds Licensee's petition to be well-taken.

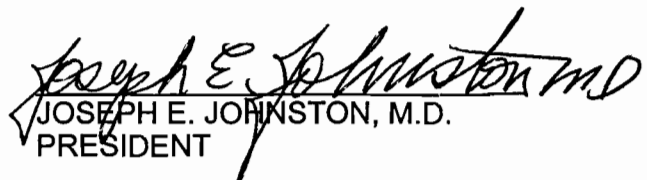
IT IS, THEREFORE, ORDERED that all restrictions imposed on Licensee by virtue of the February 15, 1996, Consent Order are hereby removed. Licensee now holds an unrestricted license to practice medicine in the State of Mississippi.

IT IS FURTHER ORDERED, that pursuant to Miss. Code Ann. Section 73-25-27 (1972), a copy of this Order shall be sent by Registered Mail or personally served upon Licensee.

SO ORDERED, this the 15th day of April, 1999.

MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE

BY:

  
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT

**BEFORE THE MISSISSIPPI BOARD OF MEDICAL LICENSURE**

**IN THE MATTER OF THE PHYSICIAN'S LICENSE**

**OF**

**ELLIOTT W. TUCKER, M. D.**

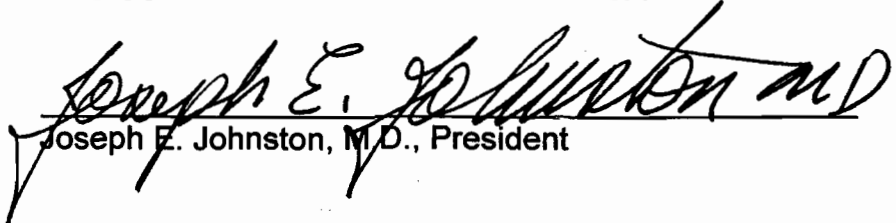
**ORDER OF DISMISSAL**

This day there came before the Board for consideration the Affidavit filed herein against Elliott W. Tucker, M.D., the Answer of Dr. Tucker and other subsequent proceedings, and it appearing to the Board that there is not a sufficient basis to proceed on the allegations made in the Affidavit dated March 6, 1999, or which would support a determination of any impairment of Dr. Tucker to practice medicine in the State of Mississippi, and being fully advised of all matters and facts deemed pertinent by the Board, the Board is of the opinion that this proceeding should be dismissed, as hereinafter set forth.

IT IS, THEREFORE, HEREBY ORDERED that this proceeding against Elliott W. Tucker, M.D. is hereby dismissed in its entirety, and the Plan of Practice Pending Disciplinary Hearing presently in place is hereby terminated, subject only to the reservation of the Board's right to reopen this proceeding within six (6) months from the date hereof should evidence come to the Board's attention providing a basis therefor.

SO ORDERED this the 15 day of April, 1999.

MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

  
Joseph E. Johnston, M.D., President

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**  
**IN THE MATTER OF THE PHYSICIAN'S LICENSE**

**OF**

**RONALD E. WOODALL, M.D.**

**DETERMINATION AND ORDER**

THIS MATTER came on regularly for hearing on April 15, 1999, before the Mississippi State Board of Medical Licensure, pursuant to Miss. Code Ann. Section 73-25-27 (1972), as amended. The Board initiated these proceedings on February 8, 1999, by issuance of a Summons against Ronald E. Woodall, M.D. (hereinafter "Licensee"), charging Licensee with violation of Subsections (6), (8)(d) and (13) of Section 73-25-29, and violation of Section 73-25-83(a). The specific allegations were set forth by Affidavit of same date from Gerald W. Robbins, Investigator, attached to and made a part of the Summons, wherein Licensee was charged with two (2) separate counts of violation of the Mississippi Medical Practice Act, i.e., violation of an existing Board Order, stipulation or agreement; and having been convicted of a felony or misdemeanor involving moral turpitude; each of the above violations constituting unprofessional conduct likely to deceive, defraud or harm the public.

The hearing was convened at 10:30 a.m., Licensee appearing in person and represented by Honorable James R. Hayden, Hattiesburg, Mississippi. Complaint Counsel for the Board was Honorable Stan T. Ingram. Sitting as legal advisor for the Board was Honorable Edwin Cofer, Special Assistant Attorney General. Evidence and testimony was

then presented. Based upon the above, the Board renders the following Findings of Fact, Conclusions of Law, and Order.

### FINDINGS OF FACT

#### I.

Licensee is a physician licensed to practice medicine in the State of Mississippi, currently holding License No. 09208.

#### II.

On March 21, 1996, Licensee entered into a Consent Order, with the Board, thereby indefinitely suspending Licensee's certificate to practice medicine in the State of Mississippi with the suspension automatically stayed, subject to certain probationary terms and conditions. The Consent Order followed an investigation establishing that Licensee had prescribed controlled substances and/or other drugs having addiction-forming or addiction-sustaining liability outside the course of legitimate professional practice.

Probationary Condition No. 1 of said Consent Order provided that, "Licensee shall be authorized to keep his U.S. Drug Enforcement Administration Certificate, but shall not be permitted to order, manufacture, distribute, possess, dispense, administer or prescribe any controlled substances listed in Schedules II, IIN, III, IIIN or IV on an out-patient basis until authorized to do so by the Board. Licensee's issuance of prescriptions for controlled substances on an out-patient basis shall be limited to Schedule V, less Buprenex (Buprenorphine) until authorized to do so by prior written order of this Board."

Probationary Condition No. 2 provided that, "Licensee shall be authorized to utilize the Uniform Controlled Substances Registration Certificate of the Forrest General Hospital,

Hattiesburg, Mississippi, or any other licensed hospital in the State of Mississippi. Licensee shall be limited to ordering controlled substances which are to be dispensed or administered to patients that have been admitted as in-patients to the Forrest General Hospital or other licensed hospital in the State of Mississippi. Emergency Room treatment is prohibited under this section. Licensee shall not be authorized to personally administer or dispense any drug having addiction-forming or addiction-sustaining liability to any patient until authorized to do so by this Board."

Probationary Condition No. 3 of said Consent Order provided that, "Licensee's use of the medications Stadol (Butorphanol Tartrate), Nubain (Nalbuphine), Dalgan (Dezocine), Soma (Carisoprodol), or Butalbital products shall be limited to ordering or administering to patients that have been admitted as in-patients to the Forrest General Hospital or other licensed hospital in the State of Mississippi. This excludes the administering, dispensing or prescribing on an out-patient basis in any manner for any of the above referenced substances to any patients. Emergency Room treatment is prohibited under section."

Finally, Probationary Condition No. 6 provided in part that, "Licensee shall obey all federal, state and local laws, and all rules governing the practice of medicine, and shall comply with the Rules and Regulations of the Board, "Pertaining to Prescribing, Administration and Dispensing of Medication."

On July 8, 1997, Licensee was charged with two counts of violation of the Mississippi Medical Practice Act, including violation of the aforementioned Consent Order. The charges stemmed from Licensee's failure to continue psychotherapy and attend a specific continuing medical education course. Following a hearing conducted on

September 18, 1997, the Board issued a Determination and Order finding Licensee guilty as charged, thereby suspending his license to practice medicine for an indefinite period of time. The suspension was stayed at such time as Licensee complied with all of the terms and conditions of the aforementioned Consent Order. The Order further provided that, "at such time as Licensee is authorized to return to the practice of medicine as provided above, Licensee's practice shall continue to be subject to all terms and provisions as provided in the March 21, 1996, Consent Order."

On February 18, 1998, Licensee was authorized to return to the Practice of Medicine, subject to the terms of the March 21, 1996, Consent Order.

During December, 1998, Board Investigators conducted a profile of pharmacies in the Petal and Hattiesburg, Mississippi, areas and documented the following prescriptions issued on an out-patient basis by authority of Licensee between February 18, 1998, and December 16, 1998:

<u>DATE</u>	<u>PRESCRIPTION #</u>	<u>DRUG</u>	<u>QUANTITY</u>
03/18/98	4429014	Valium 5mg	60 x 3 refills
07/16/98	4432436	Valium 5mg	180 x 3 refills
11/11/98	766537	Phenobarb 60mg	60 x 3 refills
12/15/98	not filled	Soma 350mg	60 x 3 refills
12/15/98	not filled	Xanax .5mg	60 x 3 refills

Valium (Diazepam), Phenobarbital and Xanax (Alprazolam) are Schedule IV controlled substances having addiction-forming or addiction-sustaining liability. Soma (Carisoprodol) is a drug having addiction-forming or addiction-sustaining liability.

III.

During June, 1998, the Board obtained a certified copy of a Grand Jury Indictment, filed on March 12, 1997, with the United States District Court for the Southern District of Mississippi, Hattiesburg Division, charging Licensee with two (2) Counts of "Filing a False Income Tax Return" in violation of 26 U.S.C. 7206(1). Licensee pled guilty on December 16, 1997, to Count I of the Indictment before Hon. Charles W. Pickering, Sr., U.S. District Court Judge, and was sentenced to five (5) years probation with six (6) months to be served in home confinement, ordered to pay a fine of \$100,000 and to pay back taxes of \$203,793 together with penalties.

**CONCLUSIONS OF LAW**

I.

Based upon the Findings of Fact as enumerated above, Licensee is guilty of Count I as a result of violation of the March 21, 1996, Consent Order, i.e., violating a board order, stipulation or agreement; and guilty of unprofessional conduct, including dishonorable or unethical conduct likely to deceive, defraud or harm the public; all in violation of Subsections (13) and (8)(d) of Miss. Code Ann. Section 73-25-29 and Miss. Code Ann. Section 73-25-83(a).

II.

Based upon the Findings of Fact as enumerated above, Licensee is guilty of Count II, that is, guilty of having been convicted of a felony or misdemeanor involving moral turpitude; and guilty of unprofessional conduct, including dishonorable or unethical conduct

likely to deceive, defraud or harm the public, all in violation of Subsections (6) and (8)(d) Miss. Code Ann. Section 73-25-29 and Section 73-25-83(a).

### ORDER

IT IS HEREBY ORDERED, that based upon the Findings of Fact and Conclusions of Law enumerated above, Licensee's certificate to practice medicine is hereby suspended for an indefinite period of time, provided, however, said suspension shall be stayed subject to the following conditions:

1. Licensee shall immediately submit to a comprehensive psychiatric and psychological evaluation performed by a psychiatrist chosen by Licensee from a list of Board approved psychiatrists attached hereto as Exhibit "A." Licensee shall not practice until, (a) completion of the evaluation, (b) receipt of the report of the evaluation by the Board, and (c) written authorization to return by the Board's Director as hereinafter set forth. Upon conclusion of the evaluation, a complete report shall be forwarded to the Board's Director. Licensee shall comply with all treatment recommendations, if any, which may be imposed. Upon receipt of the report of evaluation, the Board's Executive Committee, with advice and consultation from the Board's Director, may authorize Licensee to then return to the practice of medicine or recommend that Licensee first appear before the full Board to request such authorization. As a part of the comprehensive evaluation process, Licensee shall execute appropriate releases authorizing the Mississippi State Board of Medical



Licensure to provide the psychiatrist with any and all information contained in this investigation, which may be utilized as a part of the evaluation/treatment process. Licensee shall be responsible for payment of the cost of said evaluation and/or treatment.

2. Upon return to the practice of medicine, Licensee shall be subject to all of the terms and conditions as set forth in the original Consent Order dated March 21, 1996, but with the following amendments:

a. Paragraphs 2 and 3 are hereby amended to authorize Licensee to treat patients in an emergency room of any hospital, utilizing the Uniform Controlled Substances Registration Certificate of said hospital, but limited to ordering controlled substances which are to be dispensed and/or administered to patients that have been admitted to said emergency room. By setting forth this authorization, the Mississippi State Board of Medical Licensure does not mandate any hospital to grant Licensee medical staff and/or emergency room privileges, such decisions to be left to the sole and absolute discretion of the medical staff and/or hospital administration of said hospital.

b. The first unnumbered paragraph on page 6 shall be amended to provide that the above and all other terms and provisions set forth in said Consent Order shall remain in full force and effect for an additional five (5) years from date of this Order. Licensee shall not have the right to petition the Board for release of any or all of said


conditions until after expiration of five (5) years from the date of this Order. Thereafter, any right to petition the Board for reconsideration shall be at reasonable intervals, but not less than twelve (12) months from date of last appearance.

IT IS FURTHER ORDERED, that pursuant to Section 73-25-27, a copy of this Determination and Order shall be sent by registered mail, or personally served upon Licensee. Because Licensee was informed of this decision following Board deliberations, the Order shall be given immediate effect.

SO ORDERED, this the 15th day of April, 1999.

MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE

BY:

  
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT



W. Joseph Burnett, M.D., Director  
2600 Insurance Center Drive, Suite 200B, Jackson, Mississippi 39216  
Post Office Box 9268, 39286-9268  
Fax 601-987-4159  
601-987-3079

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**Psychiatrists Approved By  
The Mississippi State Board Of Medical Licensure:**

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**Gray Hilsman, M.D.**  
1855 Crane Ridge Drive, #D  
Jackson, MS 39216  
Telephone: 601-362-5015

**Mark Webb, M.D.**  
Mississippi Neuropsychiatric Clinic, PLLC  
Paragon Center  
576 Highland Colony  
Ridgeland, MS 39157  
Telephone: 601-853-2676

**William M. Wood, M.D.**  
5002 Highway 39 North  
Meridian, MS 39307  
Telephone: 601-483-4821

### III. DUTY TO OBTAIN LICENSE

- A. Any physician, osteopathic physician, or podiatrist desiring to practice in this State must first obtain a license to do so by contacting the Mississippi State Board of Medical Licensure, Post Office Box 9268, Jackson, Mississippi 39286-9268; telephone (601) 354-6645.
- B. When an inquiry concerning licensure is received, an application eliciting certain pertinent information is sent to the practitioner. References submitted on the application are queried, as well as the American Medical, Osteopathic, or Podiatry Associations, other states in which the practitioner is licensed, and hospitals where the practitioner has held staff privileges.
- C. A physician, osteopathic physician, or podiatrist who is participating in or who has participated in an impaired professionals/disabled doctors program as approved by the Board must document a two-year period of abstinence from any abusive use of mood-altering drugs, which shall include, but not be limited to, alcohol and all substances listed in Schedules I through V of the Uniform Controlled Substances Law, Mississippi Code of 1972, Annotated, from the date of completion of the program before he is eligible for a permanent license to practice medicine/podiatry in Mississippi.
- D. Prior to the issuance of, or reinstatement of a license, any physician, osteopathic physician, or podiatrist who has not actively practiced for a three (3) year period shall be required to participate in a Board approved physician assessment program and/or clinical skills assessment program to assure post-licensure competency.

A physician shall be deemed to have not "actively" practiced medicine if during said three (3) year period the physician has not treated any patients for remuneration, other than friends and family.

This section excludes those physicians, osteopathic physicians, or podiatrists who perform charity work or work in research.

Amended April 15, 1999

JUNE 1999

**MINUTES  
EXECUTIVE COMMITTEE MEETING  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
JUNE 9, 1999**

**MEMBERS PRESENT:**

Joseph E. Johnston, M.D., Mount Olive, President  
Robert Ray Smith, M.D., Jackson, Secretary  
W. Joseph Burnett, M.D., Director

**ALSO PRESENT:**

Stan T. Ingram, Attorney for the Board  
June C. Harris, Division Director II, Licensure Division  
Charles Moses, Division Director II, Investigative Division  
Kathy Fortenberry, Administrative Assistant

The Executive Committee of the Mississippi State Board of Medical Licensure met on Wednesday, June 9, 1999, at 4:15 p.m. in the Executive Conference Room of the Office of the Board located at 2600 Insurance Center Drive, Jackson, Mississippi. Freda M. Bush, M.D., Jackson, Vice President, was not present.

Mr. Ingram reviewed the authority of the Executive Officer and the Executive Committee as stated in §73-43-13 and §73-43-14. Dr. Burnett advised that he would like to see the Executive Committee handle more of the cases, which would then be presented as Executive Committee action to the full Board for their approval.

**WILLIAM HARVEY DURHAM, M.D., HATTIESBURG**

Prior to Dr. Durham joining the meeting, Dr. Burnett reviewed Dr. Durham's background and history leading to the disciplinary action taken on his medical license. Dr. Durham presented his request for removal of all restrictions and answered questions. It was the recommendation of the Executive Committee to remove all restrictions, pending approval by the full Board at the July 15 meeting. Dr. Durham asked about being released from his Mississippi Recovering Physicians Program Contract, and Dr. Burnett advised that he would check with Kay Gatewood, MRPP Executive Director, to see if this could be done.

**BRIDGET A. WALSH, D.O., ELBERTON, GA, REINSTATEMENT**

Dr. Walsh, who has a bi-polar disorder, was asked by the Executive Committee to submit to an evaluation by a Board approved psychiatrist.

**EXECUTIVE COMMITTEE MEETING**

June 9, 1999

Page 2

Dr. Burnett reviewed the report from Mark C. Webb, M.D., who feels she can return to the practice of medicine. Dr. Walsh joined the meeting and answered questions. Dr. Walsh was asked to continue with a semi-annual psychiatric visit with a report to the Board and to keep the Board advised of her practice location. This recommendation will be presented to the full Board at the July 15 meeting for their approval.

**JAMES JOSEPH KRAMER, M.D., JACKSON**

Prior to Dr. Kramer joining the meeting, Dr. Burnett reviewed Dr. Kramer's background and history leading to the disciplinary action taken on his medical license. Dr. Kramer presented his request and answered questions. It was the recommendation of the Executive Committee to allow Dr. Kramer to use Schedules IV and V on an inpatient basis only, pending approval by the full Board at the July 15 meeting.

**DR. BUSH JOINED THE MEETING AT 5:00 P.M.**

**WIAAM M. H. FALOUJI, M.D., JACKSON, APPLICANT**

Dr. Burnett advised that Dr. Falouji's appearance before the Executive Committee would be delayed until the July 14 Executive Committee meeting.

**GREGORY B. WAWRYSZCZUK, M.D., OCEAN SPRINGS, APPLICANT**

Dr. Burnett presented Dr. Wawryszczuk's application for licensure since he does not have the required two-years of documented sobriety. Dr. Burnett has made arrangements for him to meet with the Mississippi Impaired Physicians Committee regarding a Recovery Contract Agreement. It was the consensus of the Executive Committee to issue Dr. Wawryszczuk a license if MIPC accepts him for a Recovery Contract Agreement.

**REPORT FROM EXAMINING COMMITTEE ON CHARLES C. LAM, M.D., MORTON**

Dr. Burnett reported on the recommendation from the Examining Committee that Dr. Lam receive a full psychiatric evaluation and psychological testing by a Board-approved psychiatrist for a possible personality disorder. It was the consensus of the Executive Committee members to accept this recommendation, and an Order from the Examining Committee will be issued to this effect.

## **EXECUTIVE COMMITTEE MEETING**

June 9, 1999

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### **MIPC REFERRALS**

Dr. Burnett advised that the Mississippi Impaired Physicians Committee was being used for referrals, such as with Dr. Lam.

### **REPORT FROM PODIATRY ADVISORY COMMITTEE ON LOWERY H. HUFF, D.P.M., JACKSON**

Copies of the recommendations of the Podiatry Advisory Committee were presented to the Executive Committee, which they agreed to accept. Dr. Burnett will advise Dr. Huff by letter of this decision. If he does not comply with the recommendations, he will be requested to appear before the full Board at the July meeting.

### **RECONSIDERATION OF RULES AND REGULATIONS GOVERNING THE SUPERVISION OF PHARMACISTS**

Dr. Burnett reported on comments from Buck Stevens, Executive Director of the Pharmacy Board, concerning this proposed regulation. Mr. Ingram was asked to study it further, and it will be taken before the full Board at the July 15 meeting.

### **OTHER BUSINESS**

Dr. Burnett informed the Executive Committee of his meeting with Denise Auttonberry, Information and Quality Healthcare, regarding her involvement with the Alabama Board in developing their Nurse Practice Act. Dr. Burnett and Dr. Auttonberry plan to meet again regarding this issue. Dr. Bush, a member of the Board of Nursing, had asked the Nurse Practitioner Ad Hoc Committee to give her their input on nurse practitioners expanding their role into flexible sigmoidoscopy for screening only. The Executive Committee asked Dr. Bush to try to postpone a decision being made on this issue until Dr. Burnett and Dr. Auttonberry could meet again.

Mr. Moses reported on the investigation of Lane C. Rolling, D.P.M., which involved a quality of care issue. In order for the Investigative Staff to be able to obtain needed records, the Executive Committee members executed a Determination with Reasonable Cause and Authority to Inspect and Copy Records, which will be served by Dr. Burnett and Thomas Washington, Investigator for the Board.



**EXECUTIVE COMMITTEE MEETING**

June 9, 1999

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**JOHN M. SMOOT, M.D., BATESVILLE, ORDER OF PROHIBITION**

For informational purposes only, Dr. Burnett reported that because of a position urine screen Dr. Smoot had been served with an Order of Prohibition on May 28, 1999, and is now at Pine Grove Recovery Center for an evaluation.

**CME REGULATION**

Dr. Burnett advised that the proposed CME regulation had been published in the *MSMA Report* and that he had received several calls in support of it. He stated he anticipated a recommendation in September from Mississippi State Medical Association.

**REPORT ON RENEWALS**

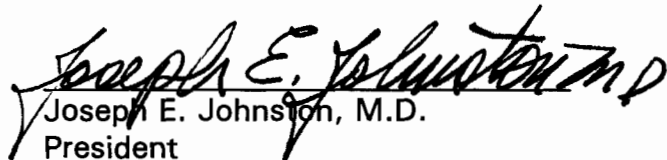
Mrs. Harris reported that as of today 6,238 licensees had renewed, 339 of which were over 70 years of age and did not pay, and 1,830 have not renewed.

**RECIPROCITY WITH MASSACHUSETTS**

Dr. Burnett reviewed a letter from the Massachusetts Board of Registration and Podiatry inquiring about reciprocity with Mississippi. The Executive Committee asked him to respond that every applicant for licensure in Mississippi must go through the application process.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 5:45 p.m.

  
Joseph E. Johnston, M.D.  
President

Minutes taken and transcribed  
by Kathy Fortenberry  
Administrative Assistant  
June 9, 1999

**JUNE, 1999**

**EXECUTIVE COMMITTEE  
MEETING ONLY**

JULY 1999

**MINUTES  
EXECUTIVE COMMITTEE MEETING  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
JULY 14, 1999**

**MEMBERS PRESENT:**

Joseph E. Johnston, M.D., Mount Olive, President  
Freda M. Bush, M.D., Jackson, Vice President  
Robert Ray Smith, M.D., Jackson, Secretary  
W. Joseph Burnett, M.D., Director

**ALSO PRESENT:**

June C. Harris, Division Director II, Licensure Division  
Charles Moses, Division Director II, Investigative Division  
Kathy Fortenberry, Administrative Assistant

The Executive Committee of the Mississippi State Board of Medical Licensure met on Wednesday, July 14, 1999, at 4:15 p.m. in the Executive Conference Room of the Office of the Board located at 2600 Insurance Center Drive, Jackson, Mississippi.

**WIAAM M. H. FALOUJI, M.D., JACKSON, APPLICANT**

Dr. Falouji had been asked to come before the Executive Committee to explain a couple of answers on her licensure application. Mrs. Harris reviewed the application prior to Dr. Falouji joining the meeting. Dr. Johnston addressed the problem, and Dr. Falouji responded. Following discussion of the Executive Committee, it was the consensus of the members to give her an unrestricted license. Dr. Johnston requested Dr. Falouji to appear before the Executive Committee at the end of one year. A letter will be sent to Dr. Falouji.

**JOHN LEANDER TURNER, IV, M.D., GREENVILLE - DETERMINATION WITH REASONABLE CAUSE AND AUTHORITY TO INSPECT AND COPY RECORDS**

Thomas Washington, Investigator for the Board, joined the meeting and reviewed a complaint the Board had received on Dr. Turner. In order for medical records necessary for the investigation to be obtained, the Executive Committee members executed a Determination with Reasonable Cause and Authority to Inspect and Copy Records, which Dr. Burnett and Mr. Washington will serve.

**STAN INGRAM, ATTORNEY FOR THE BOARD, JOINED THE MEETING AT 4:50 P.M.**

**RULES AND REGULATIONS GOVERNING THE SUPERVISION OF PHARMACISTS**

Dr. Burnett and Mr. Ingram reviewed the proposed regulations and reported on additional language that Buck Stevens, Executive Director of Mississippi Board of Pharmacy, wanted incorporated in the regulations. Following discussion of this, the Executive Committee requested that Dr. Burnett and Mr. Ingram get a generic protocol from Mr. Stevens and that they work on revised regulations and resubmit at the August Executive Committee meeting.

**OTHER BUSINESS**

Mr. Ingram reported on an inquiry from the law firm of Phelps Dunbar, L.L.P., Tupelo, asking for the Board's position on a joint venture between a Mississippi ophthalmologist and a Mississippi optometrist. Dr. Burnett and Mr. Ingram will respond to their letter. Dr. Johnston requested that this be called to the attention of the Attorney General and ask for an opinion from his office.

**MICHAEL GOODRICH, M.D., CORRBORO, NC, APPLICANT**

Dr. Burnett reported on the licensure application of Dr. Goodrich, which is not complete at this time. Because of some reported action while in the military, the Executive Committee will need to review the file upon completion.

**REPORT FROM EXAMINING COMMITTEE ON JOHN WILBUR MCFADDEN, JR., M.D., TUPELO**

Dr. Burnett reported on the recommendation from the Examining Committee that Dr. McFadden submit to a complete psychiatric examination with psychological testing to rule out sexual addiction, possible bi-polar disease and/or personality disorder. The committee also recommended this evaluation be conducted in an inpatient setting and include professionals trained specifically in sexual addiction to evaluate this possibility. It was the consensus of the Executive Committee members to accept this recommendation, and an Order from the Examining Committee will be issued to this effect.

**MOTION OF STANLEY L. HILL & ASSOCIATES, P.C., TO WITHDRAW AS COUNSEL FOR GREGORY TRENT WALKER, M.D.**

Copies of the Motion of Stanley L. Hill & Associates, P.C., to Withdraw as Counsel were distributed. It was the consensus of the Executive Committee to

## **EXECUTIVE COMMITTEE MEETING**

July 14, 1999

Page 3

accept this motion and to allow Mr. Hill and his associates to withdraw as counsel for Dr. Walker. The Order of the Board accepting this motion is attached hereto and incorporated by reference.

### **AIM'S 1999 REGIONAL MEETING, NEW ORLEANS**

Dr. Burnett presented information on the Administrators in Medicine's Regional Meeting scheduled for October 15 and 16 in New Orleans and requested permission to attend, to which the Executive Committee had no objection.

### **REVIEW OF PROFESSIONAL ASSESSMENT PROGRAM, ABBOTT NORTHWESTERN HOSPITAL**

For informational purposes only, a brochure from Abbott Northwestern Hospital was reviewed. Their Professional Assessment Program will be added to the list of recommended programs.

### **INQUIRY FROM DATELINE NBC REGARDING OFFICE-BASED SURGERY**

Dr. Burnett reviewed a letter from NBC inquiring about the Board's regulations pertaining to office-based surgery. Draft copies of his response were distributed and approved by the Executive Committee. Dr. Burnett also reported that Mississippi State Medical Association will work on a resolution to present to the House of Delegates and get something started about some regulations pertaining to office-based surgery. Dr. Johnston requested that Dr. Burnett check with other states to see which ones have this type regulations.

### **CHARLES C. LAM, M.D., YAZOO CITY**

Dr. Burnett reported that Dr. Lam had completed his independent mental examination with Mark C. Webb, M.D., Jackson, who recommended Dr. Lam could practice but should continue psychotherapy. Dr. Lam has met with Dr. Burnett and Mr. Moses and has agreed to enter psychiatric follow-up with Dr. Webb or another Board-approved psychiatrist with quarterly reports submitted to the Board. Dr. Lam will be asked to appear before the Executive Committee in one year.

### **UPDATE BOARD APPROVED PSYCHIATRIST LIST**

Dr. Burnett and Mr. Moses are working on a new list of Board-approved psychiatrists to expand the current list to include physicians in locations other than

**EXECUTIVE COMMITTEE MEETING**

July 14, 1999

Page 4

Jackson. Dr. Johnson cautioned that those placed on the list should be checked out very closely, and Dr. Bush encouraged them to have a female on the list.

**LICENSURE REGULATION XVIII. PREVENTION OF TRANSMISSION OF HEPATITIS B VIRUS (HBV) AND HUMAN IMMUNODEFICIENCY VIRUS (HIV) TO PATIENTS**

Mr. Moses reviewed a proposed amended regulation, which would add Hepatitis C virus (HCV) to the existing regulation, Section 1, Rule XVIII, ***PREVENTION OF TRANSMISSION OF HEPATITIS B VIRUS (HBV) AND HUMAN IMMUNODEFICIENCY VIRUS (HIV) TO PATIENTS***. This will be presented to the full Board on Thursday.

**REVIEW OF JULY 15 BOARD AGENDA**

Dr. Burnett briefly reviewed the agenda for Thursday's Board meeting.

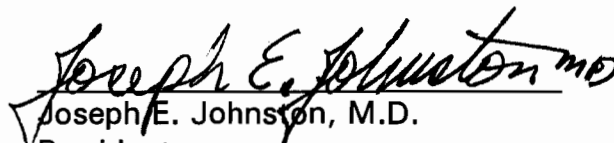
**OTHER BUSINESS**

Dr. Johnston reviewed an article on the Kentucky Board of Medical Licensure's policy statement relating to complementary and alternative therapies. He will ask the Alternative Medicine Committee to begin developing something similar for this Board.

There was a brief discussion regarding the terms of Board officers beginning July 1, rather than January 1, to coincide with appointment dates. This will be presented to the full Board.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 6:00 p.m.

  
Joseph E. Johnston, M.D.  
President

Minutes taken and transcribed  
by Kathy Fortenberry  
Administrative Assistant  
July 14, 1999

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

**IN THE MATTER OF THE PHYSICIAN'S LICENSE**

**OF**

**GREGORY TRENT WALKER, M.D.**

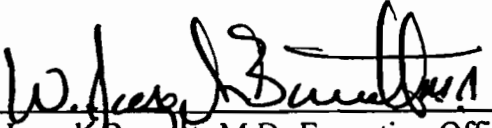
**ORDER**

THIS CAUSE COMING to be heard before this Board on the Motion of STANLEY L. HILL & ASSOCIATES, P.C. for Leave to Withdraw as counsel for the Respondent, Gregory Trent Walker, M.D., notice having been given to the parties by certified and regular mail, the Board being fully advised in the premises,

**IT IS HEREBY ORDERED:**

1. That the Motion for Leave to Withdraw is Granted.
2. That STANLEY L. HILL & ASSOCIATES, P.C. is hereby ordered withdrawn as counsel for Respondent, Gregory Trent Walker, M.D.

ENTER:

  
W. Joseph Burnett, M.D. Executive Officer

STANLEY L. HILL & ASSOCIATES, P.C.  
10 South LaSalle Street  
Suite 1301  
Chicago, Illinois 60603  
312-917-8888



**BOARD MINUTES  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
JULY 15, 1999**

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday, July 15, 1999, in the Executive Conference Room of the Office of the Board located at 2600 Insurance Center Drive, Jackson, Mississippi.

The following members were present:

Joseph E. Johnston, M.D., Mount Olive, President  
Freda M. Bush, M.D., Jackson, Vice President  
Robert Ray Smith, M.D., Jackson, Secretary  
Frank W. Bowen, M.D., Carthage  
Dewitt G. Crawford, M.D., Louisville  
William B. Harper, D.O., Greenwood  
Benton M. Hilbun, M.D., Tupelo  
Paul Douglas Jackson, M.D., Greenville  
W. Joseph Burnett, M.D., Director

Also present:

Stan T. Ingram, Attorney for the Board  
Edwin T. Cofer, Special Assistant Attorney General  
June C. Harris, Division Director II, Licensure Division  
Charles Moses, Division Director II, Investigative Division  
Kathy Fortenberry, Administrative Assistant

Joe Dennis Herrington, M.D., Natchez, was not present.

The meeting was called to order at 9:00 a.m. by Dr. Johnston, President. The invocation was given by Dr. Bush.

**APPROVAL OF CERTIFICATION OF MISSISSIPPI LICENSES TO OTHER ENTITIES  
FOR THE PERIOD APRIL 1, 1999, TO JUNE 30, 1999**

One hundred eighty-two (182) licenses were certified to other entities for the period April 1, 1999, to June 30, 1999. Motion was made by Dr. Hilbun, seconded by Dr. Jackson, and carried unanimously to approve these certifications.

**APPROVAL OF LICENSES ISSUED FOR THE PERIOD APRIL 1, 1999, TO  
JUNE 30, 1999**

## **BOARD MINUTES**

**July 15, 1999**

**Page 2**

One hundred twenty-five (125) licenses were issued for the period April 1, 1999, to June 30, 1999. Motion was made by Dr. Crawford, seconded by Dr. Harper, and carried unanimously to approve these licenses.

### **REPORTS FROM AD HOC COMMITTEES**

***Alternative Medicine*** - Dr. Johnston reviewed the Kentucky Board of Medical Licensure's policy statement relating to complementary and alternative therapies. Copies were provided to the Alternative Medicine Committee for them to begin developing something similar for this Board.

***Educational Development*** - Dr. Burnett reported that most of the comments received on the proposed CME requirements have been in support of the regulation but are requesting some flexibility on the time frame.

***Impaired Physicians Program*** - There was no report from this committee.

***Legislative*** - There was no report from this committee.

***Nurse Practitioner and Expanded Role*** - Dr. Bush reported that the Board of Nursing had delayed making a decision on nurse practitioners performing flexible sigmoidoscopies. Dr. Bush requested that this committee meet during lunch.

### **REVIEW OF MINUTES OF THE EXECUTIVE COMMITTEE MEETING DATED APRIL 14, 1999, AND MINUTES OF THE BOARD MEETING DATED APRIL 15, 1999**

Minutes of the Executive Committee Meeting dated April 14, 1999, and Minutes of the Meeting dated April 15, 1999, were reviewed. Dr. Bowen moved for approval of the minutes as submitted. Dr. Bush seconded the motion, and it carried unanimously.

### **REVIEW OF MINUTES OF THE EXECUTIVE COMMITTEE MEETING DATED JUNE 9, 1999, AND BOARD APPROVAL OF EXECUTIVE COMMITTEE ACTIONS**

Minutes of the Executive Committee Meeting dated June 9, 1999, and the following Executive Committee actions from this meeting were reviewed:

***William Harvey Durham, M.D.***, Hattiesburg, removal of all restrictions, Mississippi Medical License Number 11912;

**BOARD MINUTES**

July 15, 1999

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*James Joseph Kramer, M.D.*, Jackson, return of Schedules IV and V on an inpatient basis only, Mississippi Medical License Number 14243; and

*Bridget A. Walsh, D.O.*, Elberton, GA, reinstatement of Mississippi Medical License Number 11935.

Dr. Jackson moved for approval of the minutes and the actions as submitted. Dr. Hilbun seconded the motion, and it carried unanimously. The Orders of the Board are attached hereto and incorporated by reference.

**AMENDMENT TO LICENSURE REGULATIONS, III. DUTY TO OBTAIN LICENSE (PHYSICIAN ASSESSMENT PROGRAM AND/OR CLINICAL SKILLS ASSESSMENT PROGRAM TO ASSURE POST-LICENSURE COMPETENCY)**

Dr. Burnett reported that the above amendment had been final filed with the Secretary of State and was now in effect, a copy of which is attached hereto and incorporated by reference.

**FINAL ADOPTION OF RULES AND REGULATIONS GOVERNING THE SUPERVISION OF PHARMACISTS**

After some discussion on the above regulation, it was the consensus of the Board for Dr. Burnett and Mr. Ingram to get a generic protocol from Buck Stevens, Executive Director of Mississippi Board of Pharmacy, and work on a revised regulation and resubmit.

**OTHER BUSINESS**

Mr. Moses reviewed a proposed amended regulation, which would add Hepatitis C virus (HCV) to the existing regulation, Section 1, Rule XVIII, ***PREVENTION OF TRANSMISSION OF HEPATITIS B VIRUS (HBV) AND HUMAN IMMUNODEFICIENCY VIRUS (HIV) TO PATIENTS***. Motion was made by Dr. Crawford, seconded by Dr. Jackson, and carried unanimously to adopt the regulation. The regulation, which will be filed with the Secretary of State under the Administrative Procedures Act, is attached hereto and incorporated by reference.

**PROPOSAL BY TERRENCE SHIRLEY, DIRECTOR, AND GEORGE A. LYRENE, M.D., UNIVERSITY MEDICAL CENTER DIVISION OF CORRECTIONAL MEDICINE, REGARDING NURSE PRACTITIONERS WORKING IN REGIONAL PRISONS**

## **BOARD MINUTES**

**July 15, 1999**

**Page 4**

Mr. Shirley and Dr. Lyrene presented their request that nurse practitioners in the regional correctional facilities be allowed sponsorship by University Medical Center via the Division of Correctional Medicine under one set of protocols, policies and procedures. Some of the nurse practitioners would be practicing outside the 50-mile limits of nurse practitioner to physician. Following questions by the Board members, Dr. Johnston thanked Mr. Shirley and Dr. Lyrene and advised that the Board would give them an answer as soon as possible.

### **OTHER BUSINESS**

Dr. Johnston welcomed Linda McMullen, General Counsel for Mississippi State Medical Association; Bethany Cammack, Certi-Comp Court Reporters; and Gloria Butler Baldwin, reporter for *The Clarion Ledger*.

### **PERSONAL APPEARANCE BY WANZA BYRON INMON, M.D., BRAXTON, TO REQUEST WAIVER OF REGULATION REQUIRING CLINICAL SKILLS ASSESSMENT FOR HIS REINSTATEMENT, MISSISSIPPI MEDICAL LICENSE NUMBER 02247**

Dr. Inmon addressed the Board concerning the fees for reinstatement of his medical license, which are statutorily mandated, and the fact that his professional competency was being questioned by his being asked to complete a clinical skills assessment. Following questioning by the Board members, Dr. Johnston advised Dr. Inmon that the Board would make a decision and notify him.

### **PERSONAL APPEARANCE BY RONALD ELLZY WOODALL, M.D., MOSELLE, MISSISSIPPI MEDICAL LICENSE NUMBER 09208**

Dr. Woodall was present and represented by legal counsel, James R. Hayden, Esq., Hattiesburg.

Mr. Ingram reviewed the Board Order of April 15, 1999, which required a comprehensive psychiatric and psychological evaluation, and entered a number of exhibits. Copies of the evaluation performed by William M. Wood, M.D., Meridian, were provided to the Board members for their review. Dr. Wood was present; however, Mr. Hayden objected to Dr. Wood being called as a witness since he did not know this matter would be handled as a hearing. Mr. Hayden entered a psychiatric report from Mark Webb, M.D., Jackson.

**BOARD MINUTES**

**July 15, 1999**

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Motion was made by Dr. Smith, seconded by Dr. Jackson, and carried unanimously that the Board consider going into Executive Session. With a motion by Dr. Bush, seconded by Dr. Bowen, the Board went into Executive Session.

Upon motion by Dr. Bowen, seconded by Dr. Crawford, and carried unanimously, the Board came out of Executive Session at which time Dr. Johnston announced to allow Licensee to return to the practice of medicine, subject to all of the terms and conditions as set forth in the original Consent Order dated March 21, 1996, as amended by an Order of the Board on April 15, 1999, and that quarterly psychiatric reports must be submitted to the Board. The Order of the Board is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Bethany Cammack, Certi-Comp Court Reporters.

**DR. HERRINGTON JOINED THE MEETING AT 11:00 A.M.**

**PERSONAL APPEARANCE BY JOHN EVANS MANN, JR., M.D., PHILADELPHIA, TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE NUMBER 05295**

Dr. Mann was present and represented by legal counsel, Whitman B. Johnson, III, Esq., Jackson.

Mr. Ingram entered a composite exhibit, and Mr. Johnson addressed the Board, requesting removal of all restrictions remaining on Dr. Mann's license. Dr. Mann answered questions from Mr. Ingram and Board members.

Motion was made by Dr. Smith, seconded by Dr. Jackson, and carried unanimously to remove all restrictions imposed by the May 15, 1997, Board Order. The Order of the Board is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Bethany Cammack, Certi-Comp Court Reporters.

**PERSONAL APPEARANCE BY KATHY A. PULLIAM, M.D., STONE MOUNTAIN, GA, TO REQUEST REINSTATEMENT OF LICENSE, MISSISSIPPI MEDICAL LICENSE NUMBER 12699**

**BOARD MINUTES**

**July 15, 1999**

**Page 6**

Dr. Pulliam was present but not represented by legal counsel. Mr. Cofer questioned Dr. Pulliam regarding legal representation, and Dr. Pulliam stated she wished to waive her right to an attorney and proceed without legal counsel.

Mr. Ingram entered several exhibits. Neil Breeland, Investigator for the Board, was sworn in and presented a chronological summary of Dr. Pulliam's background and history leading to the disciplinary action taken on her medical license.

Dr. Pulliam was sworn in, presented her request for reinstatement, and answered questions from Mr. Ingram and Board members.

Motion was made by Dr. Smith, seconded by Dr. Herrington, and carried unanimously that the Board consider going into Executive Session. With a motion by Dr. Hilbun, seconded by Dr. Harper, the Board went into Executive Session.

Upon motion by Dr. Smith, seconded by Dr. Herrington, and carried unanimously, the Board came out of Executive Session at which time Dr. Johnston announced to remove all restrictions. However, if at any time in the future, Licensee chooses to practice medicine in the State of Mississippi, she shall appear before the Board. The Order of the Board is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Bethany Cammack, Certi-Comp Court Reporters.

**THE BOARD RECESSED AT 12:05 P.M. FOR LUNCH AND RECONVENED AT 1:05 P.M.**

**OTHER BUSINESS**

The Board went into Executive Session to discuss personnel matters with Senator Richard G. White, who had requested to meet with the Board.

**PERSONAL APPEARANCE BY WILLIAM DOUGLAS OWEN, M.D., MORTON, TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE NUMBER 06448**

**BOARD MINUTES**

**July 15, 1999**

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Dr. Owen was present but not represented by legal counsel. Mr. Cofer questioned Dr. Owen regarding legal representation, and Dr. Owen stated he wished to waive his right to an attorney and proceed without legal counsel.

Mr. Ingram entered a composite exhibit. Mr. Breeland was sworn in and presented a chronological summary of Dr. Owen's background and history leading to the disciplinary action taken on his medical license.

Dr. Owen was sworn in and addressed the Board, requesting removal of all remaining restrictions.

Motion was made by Dr. Hilbun, seconded by Dr. Jackson, and carried unanimously that the Board consider going into Executive Session. With a motion by Dr. Herrington, seconded by Dr. Bush, the Board went into Executive Session.

Upon motion by Dr. Bowen, seconded by Dr. Hilbun, and carried unanimously, the Board came out of Executive Session at which time Dr. Johnston announced to remove all restrictions. The Order of the Board is attached hereto and incorporated by reference.

After Dr. Owen was given the decision of the Board, motion was made by Dr. Smith, seconded by Dr. Hilbun, and carried unanimously that Dr. Owen must appear before the full Board before doing any type of office or hospital surgical procedures.

A verbatim account of this proceeding was recorded by Bethany Cammack, Certi-Comp Court Reporters.

**SHOW CAUSE HEARING IN THE CASE OF MICHAEL J. ROOK, M.D., WALLS, APPLICANT**

Dr. Rook was present but not represented by legal counsel. Mr. Cofer questioned Dr. Rook regarding legal representation, and Dr. Rook stated he wished to waive his right to an attorney and proceed without legal counsel.

Mr. Ingram explained the charges as outlined in the Order to Show Cause and Affidavit, which resulted from action taken by Arkansas based on his habitual indulgence in the use of alcohol, and entered a number of exhibits.

**BOARD MINUTES**

**July 15, 1999**

**Page 8**

Dr. Rook and Gary D. Carr, M.D., Mississippi Recovering Physicians Program, addressed the Board and answered questions from Mr. Ingram and Board members.

Motion was made by Dr. Herrington, seconded by Dr. Jackson, and carried unanimously that the Board consider going into Executive Session. With a motion by Dr. Bush, seconded by Dr. Hilbun, the Board went into Executive Session.

Upon motion by Dr. Herrington, seconded by Dr. Smith, and carried unanimously, the Board came out of Executive Session at which time Dr. Johnston announced to accept a Consent Order from Dr. Rook as a condition of his initial licensure. The Consent Order is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Bethany Cammack, Certi-Comp Court Reporters.

**HEARING IN THE CASE OF JAMIE SUE WARNICK, M.D., NATCHEZ, MISSISSIPPI  
MEDICAL LICENSE NUMBER 15164**

Dr. Warnick was present and represented by legal counsel, Lisa Jordan, Esq., Natchez. Dr. Herrington recused himself.

Mr. Ingram explained the charges as outlined in the Summons and Affidavit, which resulted from Dr. Warnick having hospital privileges suspended and/or restricted, and entered a number of exhibits.

Ms. Jordan presented her opening statement and entered exhibits on behalf of Dr. Warnick. Dr. Warnick addressed the Board and answered questions from Mr. Ingram and Board members.

Motion was made by Dr. Jackson, seconded by Dr. Bush, and carried unanimously that the Board consider going into Executive Session. With a motion by Dr. Smith, seconded by Dr. Hilbun, the Board went into Executive Session.

Upon motion by Dr. Crawford, seconded by Dr. Hilbun, and carried unanimously, the Board came out of Executive Session at which time Dr. Johnston announced to remove the Order of Prohibition. Licensee's practice shall be limited to general pediatrics, and Licensee is prohibited from performing any infant or neonatal resuscitation (intubation) procedures or any infant critical care procedures until she has successfully completed additional training in the areas of critical care



**BOARD MINUTES**

July 15, 1999

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pediatrics and neonatal resuscitation. The Order of the Board is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Bethany Cammack, Certi-Comp Court Reporters.

**OTHER BUSINESS**

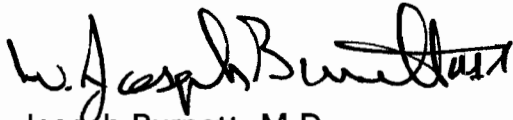
The Board requested that Dr. Burnett write Dr. Owen and ask for a letter from him providing assurance to the Board that he would not perform any type of surgery, as he offered under oath for removal of restrictions on his license.

In Executive Session, the Board unanimously voted to offer Dr. Inmon a choice of (1) an unrestricted license after completion of clinical skills assessment or (2) a license restricted to gynecology office only. It was also decided that the arrearage would be waived. Dr. Burnett will advise Dr. Inmon of this decision.

**ADJOURNMENT**

The meeting was adjourned at 5:05 p.m. with the next meeting scheduled for Thursday, September 23, 1999.

Respectfully submitted,



W. Joseph Burnett, M.D.  
Director

Minutes taken and transcribed  
by Kathy Fortenberry  
Administrative Assistant  
July 15, 1999

**EXECUTIVE SESSION  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
JULY 15, 1999**

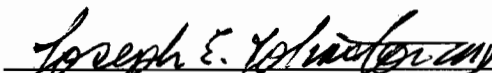
**AGENDA ITEM XII**

**PERSONAL APPEARANCE BY WANZA BYRON INMON, M.D., BRAXTON, TO  
REQUEST WAIVER OF REGULATION REQUIRING CLINICAL SKILLS ASSESSMENT  
FOR HIS REINSTATEMENT, MISSISSIPPI MEDICAL LICENSE NUMBER 02247**

Motion made by Dr. Bush, seconded by Dr. Hilbun, and carried to offer a choice of (1) unrestricted license after completion of clinical skills assessment or (2) license restricted to gynecology office only, and the arrearage will be waived.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Frank W. Bowen, M.D.	X			
Freda M. Bush, M.D.	X			
Dewitt G. Crawford, M.D.	X			
William B. Harper, D.O.	X			
Joe Dennis Herrington, M.D.				X
Benton M. Hilbun, M.D.	X			
Paul Douglas Jackson, M.D.	X			
Joseph E. Johnston, M.D.	X			
Robert Ray Smith, M.D.	X			

With a motion by Dr. Hilbun, seconded by Dr. Bush, the Board came out of Executive Session.

  
Joseph E. Johnston, M.D.  
President

**EXECUTIVE SESSION  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
JULY 15, 1999**

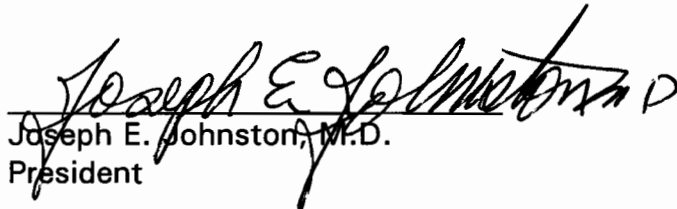
**AGENDA ITEM XIV**

**PERSONAL APPEARANCE BY RONALD ELLZY WOODALL, M.D., MOSELLE,  
MISSISSIPPI MEDICAL LICENSE NUMBER 09208**

Motion made by Dr. Crawford, seconded by Dr. Smith, and carried to allow Licensee to return to the practice of medicine, subject to all of the terms and conditions as set forth in the original Consent Order dated March 21, 1996, as amended by an Order of the Board on April 15, 1999, and quarterly psychiatric reports must be submitted to the Board.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Frank W. Bowen, M.D.	X			
Freda M. Bush, M.D.	X			
Dewitt G. Crawford, M.D.	X			
William B. Harper, D.O.	X			
Joe Dennis Herrington, M.D.				X
Benton M. Hilbun, M.D.	X			
Paul Douglas Jackson, M.D.	X			
Joseph E. Johnston, M.D.	X			
Robert Ray Smith, M.D.	X			

With a motion by Dr. Bowen, seconded by Dr. Crawford, the Board came out of Executive Session.

  
Joseph E. Johnston, M.D.  
President

**EXECUTIVE SESSION  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
JULY 15, 1999**

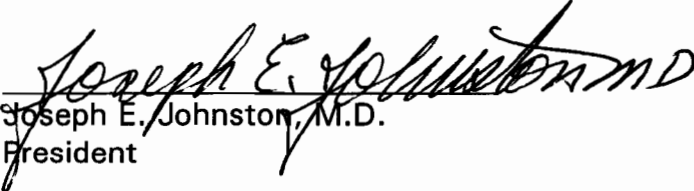
**AGENDA ITEM XV**

**PERSONAL APPEARANCE BY KATHY A. PULLIAM, M.D., STONE MOUNTAIN, GA,  
TO REQUEST REINSTATEMENT OF LICENSE, MISSISSIPPI MEDICAL LICENSE  
NUMBER 12699**

Motion made by Dr. Hilbun, seconded by Dr. Bush, and carried to remove all restrictions. However, if at any time in the future, Licensee chooses to practice medicine in the State of Mississippi, she shall appear before the Board.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Frank W. Bowen, M.D.	X			
Freda M. Bush, M.D.	X			
Dewitt G. Crawford, M.D.	X			
William B. Harper, D.O.	X			
Joe Dennis Herrington, M.D.	X			
Benton M. Hilbun, M.D.	X			
Paul Douglas Jackson, M.D.	X			
Joseph E. Johnston, M.D.	X			
Robert Ray Smith, M.D.	X			

With a motion by Dr. Smith, seconded by Dr. Herrington, the Board came out of Executive Session.

  
Joseph E. Johnston, M.D.  
President

**EXECUTIVE SESSION  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
JULY 15, 1999**

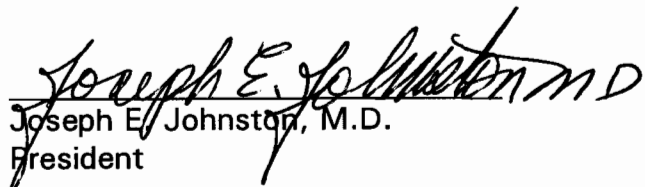
**AGENDA ITEM XVII**

**PERSONAL APPEARANCE BY WILLIAM DOUGLAS OWEN, M.D., MORTON, TO  
REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE NUMBER  
06448**

Motion made by Dr. Hilbun, seconded by Dr. Smith, and carried to remove all restrictions.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Frank W. Bowen, M.D.	X			
Freda M. Bush, M.D.	X			
Dewitt G. Crawford, M.D.	X			
William B. Harper, D.O.	X			
Joe Dennis Herrington, M.D.	X			
Benton M. Hilbun, M.D.	X			
Paul Douglas Jackson, M.D.	X			
Joseph E. Johnston, M.D.	X			
Robert Ray Smith, M.D.	X			

With a motion by Dr. Bowen, seconded by Dr. Hilbun, the Board came out of Executive Session.

  
Joseph E. Johnston, M.D.  
President

**EXECUTIVE SESSION  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
JULY 15, 1999**

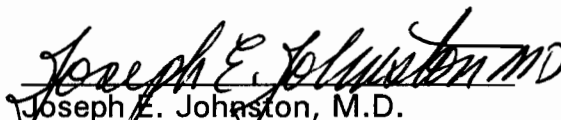
**AGENDA ITEM XVIII**

**SHOW CAUSE HEARING IN THE CASE OF MICHAEL J. ROOK, M.D., WALLS,  
APPLICANT**

Motion made by Dr. Smith, seconded by Dr. Hilbun, and carried to accept Consent Order.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Frank W. Bowen, M.D.	X			
Freda M. Bush, M.D.	X			
Dewitt G. Crawford, M.D.	X			
William B. Harper, D.O.	X			
Joe Dennis Herrington, M.D.	X			
Benton M. Hilbun, M.D.	X			
Paul Douglas Jackson, M.D.	X			
Joseph E. Johnston, M.D.	X			
Robert Ray Smith, M.D.	X			

With a motion by Dr. Herrington, seconded by Dr. Smith, the Board came out of Executive Session.

  
Joseph E. Johnston, M.D.  
President

**EXECUTIVE SESSION  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
JULY 15, 1999**

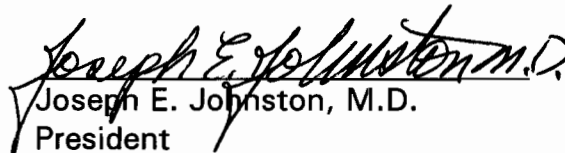
**AGENDA ITEM XIX**

**HEARING IN THE CASE OF JAMIE SUE WARNICK, M.D., NATCHEZ, MISSISSIPPI  
MEDICAL LICENSE NUMBER 15164**

Motion made by Dr. Harper, seconded by Dr. Bush, and carried to remove the Order of Prohibition. Licensee's practice shall be limited to general pediatrics, and Licensee is prohibited from performing any infant or neonatal resuscitation (intubation) procedures or any infant critical care procedures until she has successfully completed additional training in the areas of critical care pediatrics and neonatal resuscitation.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Frank W. Bowen, M.D.	X			
Freda M. Bush, M.D.	X			
Dewitt G. Crawford, M.D.	X			
William B. Harper, D.O.	X			
Joe Dennis Herrington, M.D.				X
Benton M. Hilbun, M.D.	X			
Paul Douglas Jackson, M.D.	X			
Joseph E. Johnston, M.D.	X			
Robert Ray Smith, M.D.	X			

With a motion by Dr. Crawford, seconded by Dr. Hilbun, the Board came out of Executive Session.

  
Joseph E. Johnston, M.D.  
President

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

**IN THE MATTER OF THE PHYSICIAN'S LICENSE**

**OF**

**WILLIAM HARVEY DURHAM, M.D.**

**ORDER**

THIS MATTER came on regularly for hearing on July 15, 1999, before the Mississippi State Board of Medical Licensure in response to the Petition of William Harvey Durham, M.D. (hereinafter referred to as "Licensee"), for removal of all restrictions placed on his Mississippi medical license by virtue of that certain Consent Order with this Board dated September 21, 1995.

The hearing on this matter was conducted before the Executive Committee of the Board on Wednesday, June 9, 1999, Licensee then being present without counsel. It was the recommendation of the Executive Committee that all restrictions be removed. The Board, after hearing said motion and taking into consideration the recommendation of the Executive Committee, finds the same to be well-taken.

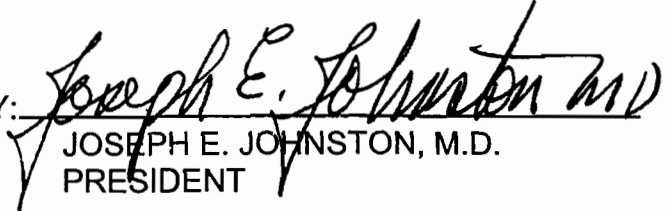
IT IS, THEREFORE, ORDERED that all restrictions imposed on Licensee by virtue of the September 21, 1995, Consent Order are hereby removed. Licensee now holds an unrestricted license to practice medicine in the State of Mississippi.

IT IS FURTHER ORDERED, that pursuant to Miss. Code Ann. Section 73-25-27 (1972), a copy of this Order shall be sent by Registered Mail or personally served upon Licensee.



SO ORDERED, this the 15th day of July, 1999.

MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE

BY:   
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT

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**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
IN THE MATTER OF THE PHYSICIAN'S LICENSE**

**OF**

**JAMES JOSEPH KRAMER, M.D.**

**ORDER**

THIS MATTER came on regularly for hearing on July 15, 1999, before the Mississippi State Board of Medical Licensure, in response to the Petition of James Joseph Kramer, M.D. (hereinafter "Licensee"), seeking removal of certain restrictions on his license to practice medicine imposed on his license by virtue of that certain Consent Order dated May 6, 1996.

The hearing on this matter was conducted before the Executive Committee of the Board on Wednesday, June 9, 1999, Licensee then being present without counsel. It was the recommendation of the Executive Committee that Licensee receive privileges to handle controlled substances in Schedules IV and V on an inpatient basis only. The Board, after hearing said motion, and taking into consideration the recommendation of the Executive Committee, finds the same to be well-taken. By authorizing Licensee to order the administration or disposition of controlled substances on an inpatient basis only, Licensee is given the opportunity to demonstrate the proper handling of controlled substances in the lesser schedules prior to further consideration of return of privileges in the higher schedules.

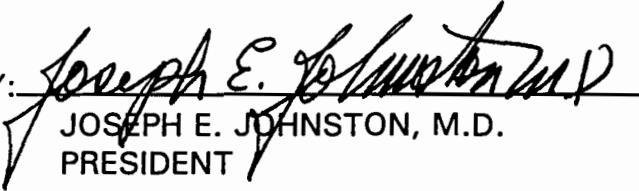
IT IS HEREBY ORDERED, that Licensee's Petition for Removal of Restrictions is hereby granted, but is limited to the return of controlled substance privileges in Schedules IV and V on an inpatient basis only. All remaining restrictions imposed by virtue of the May 6, 1996, Consent Order shall continue to be maintained in full force and effect. After expiration of one (1) year, Licensee shall have the right to petition the Board for reconsideration.

IT IS FURTHER ORDERED, that pursuant to Miss. Code Ann. Sections 73-25-27 and 73-25-32 (1972), a copy of this Order shall be sent by registered mail or personally served upon James Joseph Kramer, M.D.

ORDERED, this the 15th day of July, 1999.

MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE

BY:

  
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

**IN THE MATTER OF THE PHYSICIAN'S LICENSE**

**OF**

**BRIDGET A. WALSH, D.O.**

**ORDER**

THIS MATTER came on regularly for hearing on July 15, 1999, before the Mississippi State Board of Medical Licensure, in response to the request of Bridget A. Walsh, M.D. (hereinafter referred to as "Licensee"), for authorization to return to the practice of medicine pursuant to the terms and provisions of that certain Recovery Contract Agreement with this Board dated March 12, 1999.

Licensee's request was heard before the Executive Committee of the Board on Wednesday, June 9, 1999, Licensee then being present, without counsel. It was the recommendation of the Executive Committee that Licensee be authorized to return to the practice of medicine. The Board, after hearing said request and taking into consideration the recommendation of the Executive Committee, finds the same to be well-taken.

IT IS, THEREFORE, ORDERED that Licensee is hereby authorized to return to the practice of medicine, subject to the following conditions:

1. Licensee shall continue to receive psychotherapy on a semi-annual basis, with Licensee's therapist reporting to the Board as to her treatment status and prognosis following each session.

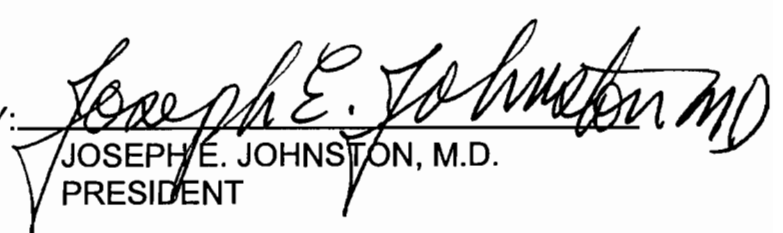
2. In the event Licensee chooses to practice medicine in the State of Mississippi, she will advise the Board in writing as to all of her practice locations.

IT IS FURTHER ORDERED, that pursuant to Miss. Code Ann. Section 73-25-27 (1972), a copy of this Order shall be sent by Registered Mail or personally served upon Licensee.

SO ORDERED, this the 15th day of July, 1999.

MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE

BY: \_\_\_\_\_

  
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT

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### III. DUTY TO OBTAIN LICENSE

- A. Any physician, osteopathic physician, or podiatrist desiring to practice in this State must first obtain a license to do so by contacting the Mississippi State Board of Medical Licensure, Post Office Box 9268, Jackson, Mississippi 39286-9268; telephone (601) 354-6645.
- B. When an inquiry concerning licensure is received, an application eliciting certain pertinent information is sent to the practitioner. References submitted on the application are queried, as well as the American Medical, Osteopathic, or Podiatry Associations, other states in which the practitioner is licensed, and hospitals where the practitioner has held staff privileges.
- C. A physician, osteopathic physician, or podiatrist who is participating in or who has participated in an impaired professionals/disabled doctors program as approved by the Board must document a two-year period of abstinence from any abusive use of mood-altering drugs, which shall include, but not be limited to, alcohol and all substances listed in Schedules I through V of the Uniform Controlled Substances Law, Mississippi Code of 1972, Annotated, from the date of completion of the program before he is eligible for a permanent license to practice medicine/podiatry in Mississippi.
- D. Prior to the issuance of, or reinstatement of a license, any physician, osteopathic physician, or podiatrist who has not actively practiced for a three (3) year period shall be required to participate in a Board approved physician assessment program and/or clinical skills assessment program to assure post-licensure competency.

A physician shall be deemed to have not "actively" practiced medicine if during said three (3) year period the physician has not treated any patients for remuneration, other than friends and family.

This section excludes those physicians, osteopathic physicians, or podiatrists who perform charity work or work in research.

Amended April 15, 1999

**XVIII. PREVENTION OF TRANSMISSION OF HEPATITIS B VIRUS (HBV),  
HEPATITIS C VIRUS (HCV) AND HUMAN IMMUNODEFICIENCY  
VIRUS (HIV) TO PATIENTS**

AUTHORITY: CHAPTERS 25 AND 27, TITLE 73, MS CODE (1972) ANN., AS  
AMENDED

1. SCOPE

The following rules of prescribed practice and reporting requirements for physicians and podiatrists licensed in the State of Mississippi are to protect the public from the risk of transmission of Hepatitis B Virus, Hepatitis C Virus and Human Immunodeficiency Virus from physicians to patients and to insure the maintenance of quality medical care by physicians and podiatrists who are HbeAg, HCV and HIV seropositive.

2. DEFINITIONS

- A. "HBV" means Hepatitis B Virus.
- B. "HCV" means Hepatitis C Virus.
- C. "HIV" means Human Immunodeficiency Virus.
- D. "HBeAg seropositive" means that a test of the practitioner's blood has confirmed the presence of Hepatitis Be antigen.
- E. "HCV seropositive" means that a test of the practitioner's blood has confirmed the presence of Hepatitis C antigen.
- F. "HIV seropositive" means that a test of the practitioner's blood has confirmed the presence of HIV antibody.
- G. "Exposure-Prone Procedure" means an invasive procedure in which there is an increased risk of percutaneous injury to the practitioner by virtue of digital palpation of a needle tip or other sharp object in a body cavity or the simultaneous presence of the practitioner's fingers and a needle or other sharp instrument or object in a poorly visualized or highly confined anatomic site, or any other invasive procedure in which there is a significant risk of contact between the blood or body fluids of the practitioner and the blood or body fluids of the patient.

- H. "Practitioners" or "Physicians" means any individual licensed to practice medicine, osteopathic medicine or podiatric medicine in the State of Mississippi.
- I. "Act" means the Mississippi Medical Practice Act as found at Sections 73-25-1 through 73-27-19, Mississippi Code (1972) Annotated, as amended.

### 3. USE OF INFECTION CONTROL PRECAUTIONS

- A. General Requirements. A practitioner who performs or participates in an invasive procedure or performs a function ancillary to an invasive procedure shall, in the performance of or participation in any such procedure or function, be familiar with, observe and rigorously adhere to both general infection control practices and universal blood and body-fluid precautions as then recommended by the Federal Centers for Disease Control to minimize the risk of transmission of the HBV, HCV or HIV from a practitioner to a patient, from a patient to a practitioner, from a patient to a patient, or from a practitioner to a practitioner.
- B. Universal Blood and Body-Fluid Precautions. For purposes of this Section, adherence to universal blood and body-fluid precautions requires observance of the following minimum standards:
  - 1. Protective Barriers. A practitioner shall routinely use appropriate barrier precautions to prevent skin and mucous-membrane contact with blood and other body fluids of all patients. Gloves and surgical masks shall be worn and shall be changed after contact with each patient. Protective eyewear or face shields and gowns or aprons made of materials that provide an effective barrier shall be worn during procedures that commonly result in the generation of droplets, splashing of blood or body fluids, or the generation of bone chips. A practitioner who performs, participates in, or assists in a vaginal or cesarean delivery shall wear gloves and gowns when handling the placenta or the infant until blood and amniotic fluid have been removed from the infant's skin and shall wear gloves during post-delivery care of the umbilical cord. If, during any invasive procedure, a glove



is torn or punctured, the glove should be removed and a new glove used as promptly as patient safety permits.

2. Hand Washing. Hands and other skin surfaces shall be washed immediately and thoroughly if contaminated with blood or other body fluids. Hands shall be washed immediately after gloves are removed.
3. Percutaneous Injury Precautions. A practitioner shall take appropriate precautions to prevent injuries caused by needles, scalpels, and other sharp instruments or devices during procedures; when cleaning used instruments; during disposal of used needles, and when handling sharp instruments after procedures. If a needlestick injury occurs, the needle or instrument involved in the incident should be removed from the sterile field. To prevent needlestick injuries, needles should not be recapped, purposely bent or broken by hand, removed from disposable syringes, or otherwise manipulated by hand. After they are used, disposable syringes and needles, scalpel blades, and other sharp items should be placed for disposal in puncture-resistant containers located as close as practical to the use area. Large-bore reusable needles should be placed in puncture-resistant containers for transport to the reprocessing area.
4. Resuscitation Devices. To minimize the need for emergency mouth-to-mouth resuscitation, a practitioner shall ensure that mouthpieces, resuscitation bags, or other ventilation devices are available for use in areas in which the need for resuscitation is predictable.
5. Sterilization and Disinfection. Instruments or devices that enter sterile tissue or the vascular system of any patient or through which blood flows should be sterilized before reuse. Devices or items that contact intact mucous membranes should be sterilized before reuse. Devices or items that contact intact mucous membranes should be sterilized or receive high-level disinfection.
6. Precautions for Practitioners with High Risk Lesions and Dermatitis. Practitioners who have exudative lesions or weeping dermatitis must refrain from all direct patient

care and from handling patient care equipment and devices used in performing invasive procedures until the condition is resolved.

- C. Failure to Comply with Standards. Failure by a practitioner to adhere to the Universal Blood and Body Fluid Precautions established herein shall be deemed unprofessional conduct in violation of Section 73-25-29(8)(d). Upon report of a violation, the Board of Medical Licensure shall take action consistent with the Medical Practice Act to determine if a violation has occurred, and if a violation has occurred, determine what sanctions, if any, are appropriate. The practitioner shall be entitled to the procedures guaranteed by the Act, including, but not necessarily limited to, a hearing concerning the charge(s).

#### 4. SCREENING/REPORTING

- A. It is recommended that physicians know their HIV, HBV or HCV antibody status and submit to the appropriate tests to determine this status on an annual basis on or before the physician's birthday.
- B. Any practitioner who is or becomes HbeAg seropositive, HCV seropositive or HIV seropositive shall give written notice of such seropositivity to the Board of Medical Licensure on or before thirty (30) days from the date the seropositivity is determined.
- C. The written notice of seropositivity as required in Subpart B above shall be sent by Registered Mail to the attention of the Board's Executive Officer, and shall include a copy of the test results and identification of the physician's treating physician.
- D. A Panel shall be established to monitor physicians who are HIV seropositive, HBeAg seropositive or HCV seropositive. The Panel shall consist of the physician's private physician(s), an infectious disease specialist with expertise in the epidemiology of HIV, HBV and HCV transmission, a practitioner with expertise in the procedures performed by the infected practitioner, a psychiatrist, and a member and/or Executive Officer of the Board of Medical Licensure. The above list is not intended to be all inclusive and other physicians or representatives of other fields of medicine can be added to the Panel, at the request of either the infected physician, a Panel

member, and/or the Board of Medical Licensure.

The Panel shall designate two or more of its members to meet with seropositive physicians to evaluate the physicians' practice, extent of illness and other factors to determine what modifications, if any, will be required in their practice patterns. In addition, the Panel shall meet at least annually with the Board to report its progress, discuss enforcement and related issues.

## 5. CONFIDENTIALITY OF REPORTED INFORMATION

- A. General Confidentiality. Reports and information furnished to the Board pursuant to Section 4.B above shall be confidential and privileged. Said reports and information shall not be subject to disclosure without prior written consent of the practitioner identified in the report.
- B. Confidentiality of Identity of Seropositive Practitioners. The identity of practitioners who have reported their status as carriers of HBV, HCV or HIV to the Board pursuant to Section 4.B above shall be maintained in confidence by the Board and shall not be disclosed to any person, firm, organization, or entity, governmental or private, except as may be necessary in the investigation or prosecution of suspected violations of this rule and regulation or violation of the Mississippi Medical Practice Act.
- C. Disclosure of Statistical Data. Provided that the identity of reporting practitioners is not disclosed, the provisions of this Section shall not be deemed to prevent disclosure by the Panel or Board of statistical data derived from such reports, including, the number and licensure class of practitioners having reported themselves as HbeAg, HCV and/or HIV seropositive and their geographical distribution.

## 6. PENALTIES

HIV, HBV or HCV positive practitioners who perform exposure-prone procedures or otherwise practice contrary to the direction of the Panel shall be guilty of unprofessional conduct in violation of Section 73-25-29(8)(d). Upon report of a violation, the Board shall take action consistent with the Act to determine if a violation has occurred and if so, determine what sanctions, if any, are appropriate. The

practitioner shall be entitled to the procedures guaranteed by the Act including, but not limited to, a hearing concerning the charge(s).

7. HIV,HBV, AND HCV TESTS

All tests to determine HIV, HbeAg or HCV seropositivity should be performed at a standardized laboratory that is licensed in the State of Mississippi.

**Adopted July 1, 1992. Amended November 18, 1993.**  
**Amended \_\_\_\_\_, 1999.**

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

RONALD E. WOODALL, M.D.

ORDER

THIS MATTER came on regularly for hearing on July 15, 1999, before the Mississippi State Board of Medical Licensure, in response to the request of Ronald E. Woodall, M.D., for authorization to return to the practice of medicine.

The hearing was convened at 10:45 a.m., Licensee appearing in person and represented by Honorable James R. Hayden, Hattiesburg, Mississippi. Complaint Counsel for the Board was Honorable Stan T. Ingram. Sitting as legal advisor for the Board was Honorable Edwin Cofer, Special Assistant Attorney General. Based upon the above, the Board finds Licensee's request to be well taken.

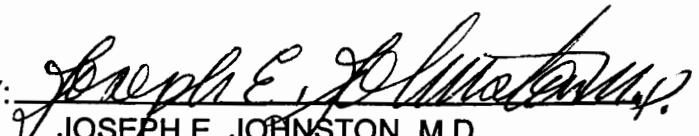
IT IS HEREBY ORDERED, that Licensee is authorized to return to the practice of medicine, subject to all of the terms and conditions as set forth in the original Consent Order dated March 21, 1996, as amended by order of this Board on April 15, 1999.

IT IS FURTHER ORDERED, that pursuant to Section 73-25-27, a copy of this Determination and Order shall be sent by registered mail, or personally served upon Licensee.

SO ORDERED, this the 15th day of July, 1999.

MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE

BY:

  
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

JOHN EVANS MANN, JR., M.D.

ORDER

THIS MATTER came on regularly for hearing on July 15, 1999, before the Mississippi State Board of Medical Licensure in response to the Petition of John Evans Mann, Jr., M.D. (hereinafter referred to as "Licensee"), for removal of all restrictions placed on his Mississippi medical license by virtue of that certain Determination and Order rendered by this Board on May 15, 1997.


The hearing was convened at 10:45 a.m., Licensee being present with counsel. The Board, after hearing said motion, finds the same to be well-taken.

IT IS, THEREFORE, ORDERED that all restrictions imposed on Licensee by virtue of the May 15, 1997, Determination and Order are hereby removed. Licensee now holds an unrestricted license to practice medicine in the State of Mississippi.

IT IS FURTHER ORDERED, that pursuant to Miss. Code Ann. Section 73-25-27 (1972), a copy of this Order shall be sent by Registered Mail or personally served upon Licensee.

SO ORDERED, this the 15th day of July, 1999.

MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE

BY:   
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

**IN THE MATTER OF THE PHYSICIAN'S LICENSE**

**OF**

**KATHY A. PULLIAM, M.D.**

**ORDER**

THIS MATTER came on regularly for hearing on July 15, 1999, before the Mississippi State Board of Medical Licensure in response to the Petition of Kathy A. Pulliam, M.D. (hereinafter referred to as "Licensee"), for removal of all restrictions placed on her Mississippi medical license by virtue of that certain Order of Prohibition rendered by this Board on June 2, 1992.

The hearing was convened at 11:45 a.m., Licensee being present without counsel. The Board, after hearing said motion, finds the same to be well-taken.

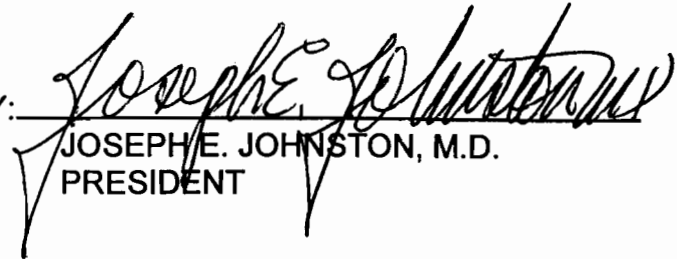
IT IS, THEREFORE, ORDERED that all restrictions imposed on Licensee by virtue of the June 2, 1992, Order of Prohibition are hereby removed. Licensee now holds an unrestricted license to practice medicine in the State of Mississippi, provided, however, if, at any time in the future, Licensee chooses to practice medicine in the State of Mississippi, she shall advise the Board in writing prior to initiation of practice. At such time, Licensee shall informally appear before the Board to discuss her practice plans, recovery and licensure status in other jurisdictions. The Board reserves the right to place any restriction on Licensee's certificate to practice medicine in Mississippi which the Board, in its discretion, then deems necessary to protect the public and ensure her sobriety.

IT IS FURTHER ORDERED, that pursuant to Miss. Code Ann. Section 73-25-27 (1972), a copy of this Order shall be sent by Registered Mail or personally served upon Licensee.

SO ORDERED, this the 15th day of July, 1999.

MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE

BY: \_\_\_\_\_

  
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT

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**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

**IN THE MATTER OF THE PHYSICIAN'S LICENSE**

**OF**

**WILLIAM D. OWEN, M.D.**

**ORDER**

THIS MATTER came on regularly for hearing on July 15, 1999, before the Mississippi State Board of Medical Licensure in response to the Petition of William D. Owen, M.D. (hereinafter referred to as "Licensee"), for removal of all restrictions placed on his Mississippi medical license by virtue of that certain Consent Agreement with this Board dated July 6, 1984.

The hearing was convened at 2:00 p.m., Licensee being present without counsel. The Board, after hearing said motion, finds the same to be well-taken.

IT IS, THEREFORE, ORDERED that all restrictions imposed on Licensee by virtue of the July 6, 1984, Consent Agreement are hereby removed. Licensee now holds an unrestricted license to practice medicine in the State of Mississippi.

IT IS FURTHER ORDERED, that pursuant to Miss. Code Ann. Section 73-25-27 (1972), a copy of this Order shall be sent by Registered Mail or personally served upon Licensee.

SO ORDERED, this the 15th day of July, 1999.

MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE

BY:   
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

MICHAEL JOSEPH ROOK, M.D.

**CONSENT ORDER**

WHEREAS, Michael Joseph Rook, M.D., hereinafter referred to as "Applicant," appeared before the Arkansas State Medical Board on June 8, 1995 to answer a Notice of Hearing before that Board in relation to charges that Applicant was in violation of the Arkansas Medical Practices Act, more specifically, Arkansas Code Annotated 17-93-409(6), i.e. habitual indulgence in the use of alcohol to such an extent as to render Applicant incapable of exercising that degree of skill and judgement in the treatment of patients which the moral trust and confidence in him demands. Following a hearing, Applicant's license to practice medicine in Arkansas was suspended for sixty (60) days, with the suspension stayed subject to certain terms and conditions, including, affiliation with the Arkansas Physician's Health Committee, quarterly reports to the Arkansas Board, random unannounced urine screens, and referral to a psychiatrist;

WHEREAS, on October 5, 1998, in response to allegations that Applicant was again guilty of habitual indulgence in the use of alcohol, Applicant's Arkansas medical license was suspended upon issuance of an Emergency Order of Suspension;

WHEREAS, on December 4, 1998, Applicant appeared before the Arkansas Medical Board to answer the aforementioned Emergency Order and Notice of Hearing. It was determined that there had been a violation of the Arkansas Medical Practices Act and as a result of the violation, the Board imposed further sanctions, including the suspension of his medical license until such time as he completed treatment and signed a contract with the Physician's Health Program in Arkansas. Upon completion of these requirements, the Order stated that Applicant's medical license would be revoked with the revocation stayed as long as he remained compliant with his monitoring program. It was specifically provided that the terms of said Order would not be changed for two years;

WHEREAS, such actions constitute grounds whereby the Mississippi State Board of Medical Licensure may, under Sections 73-25-29(2),(8)(d), (9) and (13) deny issuance of a medical license to Applicant;

WHEREAS, it is the desire of the Applicant to provide assurance of continued sobriety to the Mississippi State Board of Medical Licensure by agreeing to submit to certain conditions for licensure;

NOW, THEREFORE, in consideration of the Applicant receiving a license to practice medicine in the State of Mississippi, Applicant agrees to the following probationary terms and conditions for an indefinite period of time:

1. Applicant shall immediately obtain affiliation with the Mississippi Recovering Physicians Program (MRPP). Applicant shall comply with all affiliation

requirements of the MRPP, its Medical Director or the Mississippi Impaired Physician's Committee (MIPC). Applicant hereby authorizes the Board, its Director or Investigative staff to contact and communicate with the MRPP, MIPC, or any agent or representative of said organizations as to all aspects of his affiliation and/or recovery. Reciprocally, Applicant hereby authorizes the MRPP and MIPC, its agents, representatives or employees to communicate with the Board as to all aspects of his affiliation and/or recovery.

2. Applicant shall submit to random, unannounced and witnessed urine and/or blood screens to determine the presence of any mood altering drugs, and/or alcohol with the collection and submission to be determined and monitored by the Director of the Mississippi State Board of Medical Licensure. Applicant shall be responsible for all costs and expenses incurred in relation to the urine and/or blood screens. Upon request of the Board, Applicant shall provide to the Board a monthly work itinerary at the beginning of each month for the purpose of compliance with urine screen monitoring.
3. Applicant shall refrain from ingesting any food product, alcohol, or unauthorized over-the-counter drug likely to cause a confirmed positive test result of the urine screen analysis. Any confirmed positive test result, not in accordance with Paragraph Four (4) of this Agreement, shall be considered a violation subject to Board action.

4. Applicant shall obtain the services of a physician, approved by the Board, for treatment of simple illnesses and similar medical conditions for himself. Applicant shall not treat himself or family members. Additionally, Applicant shall provide the Board with an authorization to obtain medical information for the purpose of monitoring any treatment that Applicant may receive from said treating physician. In the event a physician determines that it is necessary to administer, dispense or prescribe to Applicant any controlled substance or mood altering substance, the treating physician shall so notify the Board's Director in writing. This notification shall be a letter written on the treating physician's letterhead and shall be mailed to the attention of the Board's Director. Said notification shall be mailed within twenty-four (24) hours after the administration, dispensation, or prescribing of said medication. This requirement shall also apply to any care rendered to Applicant by a dentist. Unless being treated in an emergency situation, Applicant shall not receive any medications from any other source other than the treating physician or dentist.
5. Applicant shall obey all federal, state and local laws, and all rules and regulations governing the practice of medicine.
6. In the event Applicant should leave Mississippi to reside or to practice outside the State, Applicant shall, within ten (10) days prior to departing, notify the Board in writing the dates of departure and return. Periods of residency or

practice outside Mississippi will not apply to the reduction of time periods specified in this Consent Order.

Applicant shall have the right to petition the Mississippi State Board of Medical Licensure for a release of any or all of the above enumerated conditions after expiration of five (5) years from the effective day hereof. Thereafter, any right to petition the Board for reconsideration shall be at reasonable intervals, but not less than twelve (12) months from date of last appearance.


This Consent Order shall be subject to approval by the Mississippi State Board of Medical Licensure. If the Board fails to approve the Consent Order, in whole or in part, it shall have no force or effect on the parties. It is further understood and agreed that the purpose of this Consent Order is to avoid a hearing before the Board. In this regard, Applicant authorizes the Board to review and examine any documentary evidence or materials concerning the Applicant prior to or in conjunction with its consideration of the Consent Order. Should the Consent Order not be accepted by the Board, it is agreed that presentation to and consideration of the Consent Order and other documents and matters pertaining thereto by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation or consideration of the resolution of the proceedings.

Applicant understands and expressly acknowledges that this Consent Order, if approved and executed by the Mississippi State Board of Medical Licensure, shall constitute a public record of the State of Mississippi. Applicant further acknowledges

that the Board shall provide a copy of this Order to, among others, the U.S. Drug Enforcement Administration, and the Board makes no representations as to actions, if any, which the U.S. Drug Enforcement Administration may take in response to this Order.

Michael Joseph Rook, M.D., hereby authorizes the Mississippi State Board of Medical Licensure to enter an Order accepting this Consent Order, thereby issuing to him a license to practice medicine in the State of Mississippi subject to the conditions enumerated above.

Signed this the 15th day of July, 1999.



\_\_\_\_\_  
Michael Joseph Rook, M.D.

Witness: Francis C. Scott

ACCEPTED AND APPROVED, this the 15th day of July, 1999, by the Mississippi State Board of Medical Licensure.



\_\_\_\_\_  
President

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

**IN THE MATTER OF THE PHYSICIAN'S LICENSE**

**OF**

**JAMIE SUE WARNICK, M.D.**

**DETERMINATION AND ORDER**

THIS MATTER came on regularly for hearing on July 15, 1999, before the Mississippi State Board of Medical Licensure, pursuant to Miss. Code Ann. Section 73-25-27 (1972), as amended. The Board initiated these proceedings on July 1, 1999, by issuance of a Summons and Order of Prohibition against Jamie Sue Warnick, M.D. (hereinafter referred to as "Licensee"), charging Licensee with violation of Subsection (8)(d) of Section 73-25-29, and violation of Section 73-25-83(a) and (c). The specific allegations were set forth by Affidavit of same date from Charles Neil Breeland, Investigator, attached to and made a part of the Summons, wherein Licensee was charged with two (2) separate counts of violation of the Mississippi Medical Practice Act, i.e., unprofessional conduct likely to harm the public and having been disciplined by a licensed hospital or medical staff of said hospital.

The hearing was convened at 2:30 p.m., Licensee appearing in person and represented by Honorable Lisa D. Jordan, Natchez, Mississippi. Complaint Counsel for the Board was Honorable Stan T. Ingram. Sitting as legal advisor for the Board was



Honorable Edwin Cofer, Special Assistant Attorney General. Evidence and testimony was then presented. Based upon the above, the Board renders the following Findings of Fact, Conclusions of Law, and Order.

### FINDINGS OF FACT

#### I.

Licensee is a physician licensed to practice medicine in the State of Mississippi, currently holding License No. 15164.

#### II.

On or about December 3, 1998, the Mississippi State Board of Medical Licensure received an Adverse Action Report from the Natchez Community Hospital, Natchez, Adams County, Mississippi, which indicated said hospital had placed restrictions on Licensee's hospital staff privileges. The report states:

*"At the point of annual review, the Department of Pediatrics Chairman stated there have been observations made of Dr. Warnick having difficulty at times with intubation of infants. After thorough review and investigation of documented incidents, the Board of Trustees at Natchez Community Hospital approved her appointment to the Medical Staff with the exception of resuscitation of infants privilege. This denotes a reduction in her privileges from initial appointment. She may reapply for this privilege once appropriate training is completed."*

Upon receipt of the above Adverse Action Report, the investigative staff of the Board conducted an investigation, which included contact with both Licensee and the administrative staff at Natchez Community Hospital. The medical staff disciplinary action taken by Natchez Community Hospital followed a lengthy inquiry during 1998 by the

hospital's Medical Staff Executive Committee, Appellate Review Committee, and Board of Trustees. Final action was taken on or about October 29, 1998, by the Board of Trustees, wherein, Licensee was notified of the following specific restrictions:

*"Upheld the decision made at the Board of Trustees meeting on July 30, 1998, to approve your appointment to the Active Medical Staff with the privileges as you requested in Pediatrics and Newborn Care, except that the resuscitation of infant privilege (under Newborn Care) not be approved. The resuscitation of infant privilege applies to infants ages 0 through 12 months. Additionally, due to the potential interrelated activities of resuscitation, intubation, and cesarean section procedures, you are not to attend any Cesarean Section procedures at Natchez Community Hospital. Before you may be reconsidered for the privilege of resuscitation of infants, you are required to complete a training program in resuscitation and intubation of infants at a recognized teaching facility. This facility must be approved by the Executive Committee of the Medical Staff. Written documentation must be provided from the teaching facility stating that this training has been completed and you are deemed competent in these skills. Once these steps have been completed, you may reapply for the privilege of resuscitation of infants."*

III.

On or about June 8, 1999, the Mississippi State Board of Medical Licensure received another Adverse Action Report from the Natchez Regional Medical Center, Natchez, Adams County, Mississippi (hereinafter referred to as, "Natchez Regional"). Said report indicated that Licensee's hospital staff privileges had been suspended effective June 3, 1999, said suspension related to newborn infant care and critically ill patients. The report states under Section C., Number 31:

*"On 4/2/99 Dr. Warnick was attending the post-delivery care of a newborn infant. The newborn had apparent respiratory problems and Dr. Warnick attempted intubation and chest tube placement. The child died some 5 ½ hours later. Summary suspension was imposed by the medical staff. Peer review was conducted and ultimately the Board of Trustees upheld the recommendation of*

*conducted and ultimately the Board of Trustees upheld the recommendation of suspension of all of her clinical privileges relating to newborn infant care and critically ill patients."*

Similar to the previous adverse action, the investigative staff of the Board conducted an investigation, which included contact with the administrative staff of Natchez Regional. The investigation revealed that following summary suspension, the medical staff of Natchez Regional, through its Executive Committee and Ad Hoc Hearing Committee, recommended to the Hospital's Board of Trustees, the following medical staff discipline:

*"The Executive Committee of the Natchez Regional Medical Center Medical Staff met on May 11, 1999, and received the report of the Ad Hoc Hearing Committee concerning the Summary Suspension of the privileges of Dr. Jamie Warnick. The Committee reviewed and discussed the report in detail. A motion was made, seconded and passed unanimously to accept the report with the change that Dr. Warnick not be privileged to take emergency room call for any patients and that the Professional Activities Committee concurrently review all of her admissions for as long as the Executive Committee sees fit. The entire recommendation of the Executive Committee is as follows: \*revoke privileges for intubation or chest tube placement which will preclude her from attending Cesarean Sections or caring for critically ill infants. \*revoke all privileges listed on the privilege request form under "minor surgical procedures" - this is intended to include any procedure, minor or otherwise. \*revoke all privileges related to newborn and infant care (infant is defined as less than one year of age) \*revoke all privileges related to care of critically ill patients (critically ill is defined as patients who meet the criteria for admission into the Intensive Care Unit). \*revoke all privileges to insert arterial lines or perform arterial sticks \*revoke all privileges to take Emergency Room call for any patients \*subject all of Dr. Warnick's admissions to concurrent review by the Professional Activities Committee for as long as the Executive Committee sees fit. Since no specific incidents suggesting deficiencies in general pediatric care have been submitted, the Executive Committee agrees with the Ad Hoc Committee recommendation that Dr. Warnick's privileges in general pediatric care be restored with the stipulations outlined above. A copy of privileges reflecting these recommended changes is attached. Respectfully submitted, Thomas E. Weed, M.D., Chief of Staff."*

On June 28, 1999, the Board of Trustees of Natchez Regional, after consideration of the report and recommendations of the Medical Staff Executive Committee, adopted said recommendations as specified above.

### **CONCLUSIONS OF LAW**

#### **I.**

Based upon the Findings of Fact as enumerated above, Licensee is guilty of Count I as a result of Licensee being guilty of unprofessional conduct, including dishonorable or unethical conduct likely to harm the public; all in violation of Subsection (8)(d) of Miss. Code Ann. Section 73-25-29 and Miss. Code Ann. Section 73-25-83(a).

#### **II.**

Based upon the Findings of Fact as enumerated above, Licensee is guilty of Count II, that is, guilty of having disciplinary action taken against her by a licensed hospital or medical staff of said hospital, all in violation of Miss. Code Ann. Section 73-25-83(c).

### **ORDER**

IT IS HEREBY ORDERED, that based upon the Findings of Fact and Conclusions of Law enumerated above, the Order of Prohibition issued by this Board on July 1, 1999, is hereby removed, and Licensee authorized to return to the practice of medicine subject to the following conditions:

1. Licensee's practice shall be limited to general pediatrics, and Licensee is prohibited from performing any infant or neonatal resuscitation (intubation)

procedures or any infant critical care procedures until such time as she has successfully completed additional training in the areas of critical care pediatrics and neonatal resuscitation of a type and duration approved in advance by the Board's Executive Director.

2. Upon satisfaction of Condition Number 1 as enumerated above, all neonatal or infant resuscitation/intubation procedures and all infant critical care procedures, shall be conducted by Licensee under immediate supervision of another practitioner approved in advance by the Board's Executive Director, for a period of six (6) months.

Licensee's plan to satisfy the above enumerated conditions shall be reduced to writing and submitted to the Board's Executive Director for review and approval.

IT IS FURTHER ORDERED, that pursuant to Miss. Code Ann. Section 73-25-30, Licensee is hereby assessed all costs of this investigation and disciplinary action. Licensee shall be advised of the total assessment by separate written notification. Licensee must have a certified check or money order made payable to the Mississippi State Board of Medical Licensure on or before forty (40) days from the date of receipt of this Order. Should Licensee fail to submit payment for the total assessed costs by the stated deadline, she will be deemed to have violated the terms of this Order.

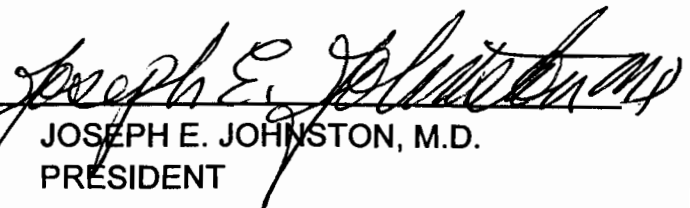
IT IS FURTHER ORDERED, that pursuant to Section 73-25-27, a copy of this Determination and Order shall be sent by registered mail, or personally served upon

Licensee. Because Licensee was informed of this decision following Board deliberations,  
the Order shall be given immediate effect.

SO ORDERED, this the 15th day of July, 1999.

MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE

BY:

  
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT

AUGUST 1999

**MINUTES  
EXECUTIVE COMMITTEE MEETING  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
AUGUST 18, 1999**

**MEMBERS PRESENT:**

Joseph E. Johnston, M.D., Mount Olive, President  
Freda M. Bush, M.D., Jackson, Vice President  
W. Joseph Burnett, M.D., Director

**ALSO PRESENT:**

Charles Moses, Division Director II, Investigative Division  
Rhonda Freeman, Administrative Assistant, Licensure Division  
Kathy Fortenberry, Administrative Assistant

The Executive Committee of the Mississippi State Board of Medical Licensure met on Wednesday, August 18, 1999, at 4:00 p.m. in the Executive Conference Room of the Office of the Board located at 2600 Insurance Center Drive, Jackson, Mississippi.

**MUKUND KANU PATEL, M.D., COLUMBUS**

Dr. Patel was present; also present were Gary D. Carr, M.D., Mississippi Recovering Physicians Program, and Dr. Patel's parents. Dr. Burnett explained that Dr. Patel had completed his treatment program and had executed a Consent Order that would allow him to return to the practice of medicine. Dr. Carr addressed the Executive Committee on behalf of Dr. Patel. Dr. Patel, his parents, and Dr. Carr answered questions from the Executive Committee members. It was the consensus of the Executive Committee members on behalf of the Board to accept the Consent Order, effective as of this date, a copy of which is attached hereto and incorporated by reference.

**JOHN MEDLEY SMOOT, M.D., BATESVILLE**

Dr. Smoot was present; Dr. Carr also served as his advocate. Dr. Burnett reported that Dr. Smoot had completed his treatment, and the Order of Prohibition was removed effective August 9, 1999, a copy of this Board Order is attached hereto and incorporated by reference. It was the consensus of the Executive Committee members on behalf of the Board to accept the Consent Order, effective as of this date, a copy of which is attached hereto and incorporated by reference.



**EXECUTIVE COMMITTEE MEETING**

August 18, 1999

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**JUNE C. HARRIS, DIVISION DIRECTOR II, LICENSURE DIVISION, JOINED THE MEETING AT 4:20 P.M.**

**ROBERT RAY SMITH, M.D., JACKSON, SECRETARY, JOINED THE MEETING AT 4:30 P.M.**

**JOHN LEANDER TURNER, IV, M.D., GREENVILLE**

Dr. Turner, an anesthesiologist, had been asked to appear before the Executive Committee to answer questions regarding an anonymous complaint that he left a heart surgery patient unattended during the procedure. Dr. Turner explained the circumstances regarding the surgery and answered questions from Executive Committee members. Ralph E. Dunn, M.D., Madison, anesthesiologist consultant for the Board, voiced his concerns over this procedure and answered questions from the Executive Committee members. Dr. Turner apologized to the members and assured them this would not happen again. No action was taken.

**DEREK MILES, M.D., UMC, RESTRICTED TEMPORARY LICENSE**

Dr. Miles appeared before the Executive Committee in July, 1998, prior to being issued a restricted temporary license. He was to meet with the Executive Committee again in July, 1999, for a review of recommendations to ascertain all had been completed prior to being issued a permanent license. Dr. Burnett advised that Dr. Miles did not successfully pass the USMLE Step 3 and that his restricted temporary license had been extended.

**REPORT FROM EXAMINING COMMITTEE ON TERRY ANN MEADOWS, D.O., MENDENHALL**

Dr. Burnett reported on the recommendation from the Examining Committee that Dr. Meadows submit to a full psychiatric evaluation by a Board-approved psychiatrist. Motion was made by Dr. Smith and seconded by Dr. Bush to accept this recommendation, and an Order from the Examining Committee will be issued to this effect.

**TELEMEDICINE - MISSISSIPPI STATE DEPARTMENT OF HEALTH**

Dr. Burnett reviewed correspondence regarding proposed telemedicine regulations from David M. Buchanan, J.D., Director, Policy and Planning, Office of the State Health Officer. At the direction of Dr. Burnett, the staff had prepared a

## **EXECUTIVE COMMITTEE MEETING**

**August 18, 1999**

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response to Mr. Buchanan. Dr. Johnston requested that Stan Ingram, Board Attorney, review the response and give his opinion on it.

### **BOARD ACTIONS ON WEB SITE**

Ms. Freeman and Ms. Harris reviewed the plans for putting information on the WEB site for verification of physicians. The Executive Committee members were asked what information they wanted, and for the general public it was decided that the name, city, and state, but no street address or telephone number, would be listed. For credentialing entities, it was the consensus of the members to charge between \$500 and \$1000 annually for any entity using the WEB site and to include board actions. The exact amount to charge these entities will be established after the Board's expenses are determined by ITS.

### **CHANGE IN STATUTE CONCERNING PAYING ARREARAGE FOR REINSTATEMENT**

Dr. Burnett asked for directions on what the Executive Committee wanted incorporated in an amendment to the statute regarding arrearage of fees for reinstatement. It was the consensus of the members to change this statute so that the reinstatement fees would only be for the five previous years.

### **TWO-DAY BOARD MEETING IN NOVEMBER**

Dr. Burnett advised that it may be necessary to have a two-day Board meeting in November. The Executive Committee members requested that a meeting be scheduled for December and not have a two-day meeting.

### **REPORT ON MEETING WITH BILL ROBERTS AND BRIGGS HOPSON, M.D.**

For informational purposes only, Dr. Burnett reported on a meeting with Mr. Roberts and Dr. Hopson regarding family practitioners charging fees, in addition to the lab fee, for work done by a pathologist. This is an unresolved issue on which Mississippi State Medical Association will continue working.

### **OTHER BUSINESS**

Dr. Burnett advised that Mississippi State Medical Association had responded with some changes to the Board's proposed CME regulations. Dr. Burnett will work on these regulations for the September Board meeting.

**EXECUTIVE COMMITTEE MEETING**

August 18, 1999

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Dr. Burnett requested permission for the three administrative staff members, in addition to himself, to attend the Administrators in Medicine's Regional Meeting scheduled for October 15 and 16 in New Orleans, to which the Executive Committee had no objection.

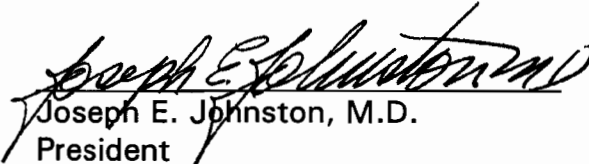
Mr. Ingram joined the meeting and was asked to review the correspondence between the Board and the Health Department regarding the proposed telemedicine regulations. Mr. Ingram agreed with the response, and the Executive Committee approved sending the letter. Mr. Ingram was asked to work out with Mr. Buchanan of the Health Department any differences which may arise pertaining to the regulations.

Dr. Burnett reported on meeting with Marcia Rachel and Pam Pitchford of the Mississippi Board of Nursing. The purpose of the meeting was to establish a joint committee between the Board of Nursing and the Medical Licensure Board for discussing issues of common concern related to nurse practitioners and physicians who collaborate/consult with nurse practitioners. The committee will be composed of two Board members and a staff member from each of the boards.

Representatives from the Division of Correctional Medicine, University Medical Center, addressed the full Board at the July 15, 1999, meeting to request that nurse practitioners in the regional correctional facilities be allowed sponsorship by University Medical Center via the Division of Correctional Medicine under one set of protocols, policies and procedures. A response was not given at that time. Motion was made by Dr. Smith and seconded by Dr. Bush to approve this request, and Dr. Burnett was instructed to advise them of the approval.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 5:45 p.m.

  
Joseph E. Johnston, M.D.  
President

Minutes taken and transcribed  
by Kathy Fortenberry  
Administrative Assistant  
August 18, 1999

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

MUKUND KANU PATEL, M.D.

CONSENT ORDER

WHEREAS, Mukund Kanu Patel, M.D., hereinafter referred to as "Licensee," appeared before the Mississippi State Board of Medical Licensure on September 17, 1998, to answer a Summons before the Board in relation to charges that Licensee was in violation of an existing Consent Order with the Board. As a result of said hearing, Licensee's certificate to practice medicine was suspended for a period of six months effective September 17, 1998, further, requiring that Licensee meet three (3) conditions before petitioning for return to the practice of medicine;

WHEREAS, Licensee has satisfied the conditions stipulated in the aforementioned Order and desires to return to the practice of medicine in Mississippi;

NOW, THEREFORE, in consideration of reinstatement of License Number 14386 to practice medicine in the State of Mississippi, Licensee agrees to the following probationary terms and conditions for an indefinite period of time:

1. Licensee shall immediately obtain affiliation with the Mississippi Recovering Physicians Program (MRPP). Licensee shall comply with all affiliation requirements of the MRPP, its Medical Director or the Mississippi Impaired Physician's Committee (MIPC). Licensee hereby authorizes the Board, its Director or Investigative Staff to contact and

communicate with the MRPP, MIPC, or any agent or representative of said organizations as to all aspects of his affiliation and/or recovery. Reciprocally, Licensee hereby authorizes the MRPP and MIPC, its agents, representatives or employees to communicate with the Board as to all aspects of his affiliation and/or recovery.

2. Licensee shall submit to random, unannounced and witnessed urine and/or blood screens to determine the presence of any mood altering drugs, and/or alcohol with the collection and submission to be determined and monitored by the Director of the Mississippi State Board of Medical Licensure. Licensee shall be responsible for all costs and expenses incurred in relation to the urine and/or blood screens. Upon request of the Board, Licensee shall provide to the Board a monthly work itinerary at the beginning of each month for the purpose of compliance with urine screen monitoring. In the event that a urine or blood screen is received indicating the presence of any mood-altering drugs and/or agents, Licensee shall be immediately prohibited from practicing medicine until such time as he undergoes an evaluation for relapse of chemical dependency at an approved treatment center under the auspices of the MRPP and, thereafter, is found capable of returning to the practice of medicine by MRPP and the Mississippi State Board of Medical Licensure.
3. Licensee shall refrain from ingesting any food product, alcohol, or unauthorized over-the-counter drug likely to cause a confirmed positive test result of the urine screen analysis. Any confirmed positive test result, not in accordance with Paragraph Four (4) of this Agreement, shall be considered a violation subject to Board action.
4. Licensee shall obtain the services of a physician, approved in writing by the Board, for treatment of simple illnesses and similar medical conditions for himself. Licensee shall

not treat himself or family members. Additionally, Licensee shall provide the Board with an authorization to obtain medical information for the purpose of monitoring any treatment that Licensee may receive from said treating physician. In the event a physician determines that it is necessary to administer, dispense or prescribe to Licensee any controlled substance or mood altering substance, the treating physician shall so notify the Board's Director in writing. This notification shall be a letter written on the treating physician's letterhead and shall be mailed to the attention of the Board's Director. Said notification shall be mailed within twenty-four (24) hours after the administration, dispensation, or prescribing of said medication. This requirement shall also apply to any care rendered to Licensee by a dentist. Unless being treated in an emergency situation, Licensee shall not receive any medications from any other source other than the treating physician or dentist. Responsibility for said notification shall rest solely with Licensee.

5. Licensee shall obey all federal, state and local laws, and all rules and regulations governing the practice of medicine.
6. In the event Licensee should leave Mississippi to reside or to practice outside the State, Licensee shall, within ten (10) days prior to departing, notify the Board in writing the dates of departure and return. Periods of residency or practice outside Mississippi will not apply to the reduction of time periods specified in this Consent Order.
7. Licensee shall surrender all privileges to handle and prescribe controlled substances listed in Schedules II, IIN, III, IIIN, and IV, or any drug hereafter placed in said schedules. Licensee shall retain privileges in Schedule V except for the drug Buprenex (Buprenorphine). As a result, Licensee shall not be permitted to order, manufacture,

distribute, possess, dispense, administer or prescribe any controlled substances in said schedules until such time as he is again properly registered with the U.S. Drug Enforcement Administration with prior written approval from the Mississippi State Board of Medical Licensure. Licensee shall execute such forms and documents required by the U.S. Drug Enforcement Administration to accomplish surrender of his controlled substances privileges in the above enumerated schedules. Licensee shall have the right to petition the Board for return of any or all prescribing privileges after one (1) year.

8. Licensee shall be authorized to utilize the Uniform Controlled Substances Registration Certificate of any licensed hospital in the State of Mississippi pursuant to Section 1301.22 (c) of the Code of Federal Regulations. Licensee's use of controlled substances shall be confined to ordering controlled substances which are to be administered or dispensed (but not prescribed) to patients admitted as inpatients or admitted to the Emergency Room of said licensed hospitals in the State of Mississippi. Licensee shall not be authorized to personally administer or dispense any drug having addiction-forming or addiction-sustaining liability to any patient. Regardless of whether Licensee uses his own registration certificate or that of the hospital for which he is acting as agent or employee, Licensee shall not be authorized to prescribe any controlled substances on an outpatient basis, other than permitted medications in Schedule V.
9. Licensee's use of the medications Nubain (Nalbuphine), Dalgan (Dezocine), Soma (Carisoprodol), or Ultram (Tramadol HcL) shall be confined to ordering or administering to patients that have been admitted as inpatients or admitted to an Emergency Room of a licensed hospital in the State of Mississippi. This prohibits the issuing of

prescriptions on an outpatient basis in any manner for any of the above referenced substances to any patients.

Unless otherwise specified herein, Licensee shall have the right to petition the Mississippi State Board of Medical Licensure for a release of any or all of the above enumerated conditions after expiration of three (3) years from the effective day hereof. Thereafter, any right to petition the Board for reconsideration shall be at reasonable intervals, but not less than twelve (12) months from date of last appearance.

This Consent Order and all terms and conditions set forth herein is in lieu of and shall supersede all prior orders of the Board.

This Consent Order shall be subject to approval by the Mississippi State Board of Medical Licensure. If the Board fails to approve the Consent Order, in whole or in part, it shall have no force or effect on the parties. It is further understood and agreed that the purpose of this Consent Order is to avoid a hearing before the Board. In this regard, Licensee authorizes the Board to review and examine any documentary evidence or materials concerning the Licensee prior to or in conjunction with its consideration of the Consent Order. Should the Consent Order not be accepted by the Board, it is agreed that presentation to and consideration of the Consent Order and other documents and matters pertaining thereto by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation or consideration of the resolution of the proceedings.

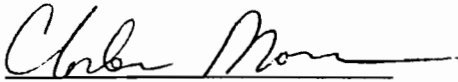
Licensee understands and expressly acknowledges that this Consent Order, if approved and executed by the Mississippi State Board of Medical Licensure, shall constitute a public record of the State of Mississippi. Licensee further acknowledges that the Board shall provide a copy of this Order to, among others, the U.S. Drug Enforcement Administration, and the



Board makes no representations as to actions, if any, which the U.S. Drug Enforcement Administration may take in response to this Order.

Mukund Kanu Patel, M.D., hereby authorizes the Mississippi State Board of Medical Licensure to enter an Order accepting this Consent Order, thereby reinstating his license to practice medicine in the State of Mississippi, subject to the probationary terms and conditions enumerated above.

Signed this the 18<sup>th</sup> day of August, 1999.

  
Witness

  
Mukund Kanu Patel, M.D.

ACCEPTED AND APPROVED, this the 18<sup>th</sup> day of August, 1999, by the Mississippi State Board of Medical Licensure.

  
President

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

**IN THE MATTER OF THE PHYSICIAN'S LICENSE**

**OF**

**JOHN MEDLEY SMOOT, M.D.**

**ORDER**

WHEREAS, on May 27, 1999, the Mississippi State Board of Medical Licensure issued an order prohibiting John Medley Smoot, M.D., License Number 07716 (hereinafter referred to as "Licensee"), from practicing medicine until such time as the Board has made a determination that Licensee is able to return to the practice of medicine with reasonable skill and safety to patients. Said Order was personally served May 28, 1999;

WHEREAS, following service of the Order, Licensee was admitted on June 1, 1999, to Pine Grove Recovery Center, Hattiesburg, Mississippi, for evaluation of possible chemical dependency. Said evaluation was conducted under the direction of C. Chapman Sledge, M.D., Medical Director;

WHEREAS, Licensee has completed recommended treatment and has requested the Board to allow him to return to the practice of medicine under certain restrictions;

NOW THEREFORE, having received an executed copy of a Proposed Consent Order, executed by Licensee on August 6, 1999, the Order of Prohibition previously issued by this Board on May 27, 1999, is hereby removed, thereby granting Licensee permission to return to the practice of medicine, subject to those terms of the approved Consent Order.

SO ORDERED, this the 9<sup>th</sup> day of August, 1999.

MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE

BY:   
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT

smoot.order.to.return.to.practice.wpd

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

JOHN MEDLEY SMOOT, M.D.

CONSENT ORDER

WHEREAS, Licensee is a current holder of License No. 07716 for the practice of medicine in the State of Mississippi;

WHEREAS, on September 18, 1997, following a personal appearance before the Board for reinstatement of his medical license following a six month suspension, Licensee was allowed to return to the practice of medicine, subject to conditions of a previous Consent Order dated March 28, 1990, along with additional requirements of a practice plan to be submitted and approved by the Executive Director of the Board. No solo practice was allowed, and Licensee was required to have a supervising physician;

WHEREAS, on May 27, 1999, subsequent to confirmation of the presence of an unauthorized mood-altering substance in a urine sample received from Licensee as part of his monitoring program with the Board, an Order of Prohibition was issued, lifting the stay of suspension from the March, 1990, Consent Order and September 18, 1997, Order of the Board, thereby suspending Licensee's certificate to practice medicine effective May 28, 1999;

WHEREAS, on June 1, 1999, Licensee entered into Pine Grove Recovery Center for an evaluation for chemical dependency under the Direction of C. Chapman Sledge, M.D.

Licensee completed recommended treatment and was discharged August 6, 1999;

WHEREAS, Licensee has satisfied the requirements of the aforementioned Order of Prohibition and desires to return to the practice of medicine in Mississippi;

NOW, THEREFORE, in consideration of reinstatement of license number 07716 to practice medicine in the State of Mississippi, Licensee agrees to the following probationary terms and conditions, in lieu of any previous Consent Order or Board Order, for an indefinite period of time:

1. Licensee shall immediately obtain affiliation with the Mississippi Recovering Physicians Program (MRPP). Licensee shall comply with all affiliation requirements of the MRPP, its Medical Director or the Mississippi Impaired Physician's Committee (MIPC). Licensee hereby authorizes the Board, its Director or Investigative Staff to contact and communicate with the MRPP, MIPC, or any agent or representative of said organizations as to all aspects of his affiliation and/or recovery. Reciprocally, Licensee hereby authorizes the MRPP and MIPC, its agents, representatives or employees to communicate with the Board as to all aspects of his affiliation and/or recovery.
2. Licensee shall submit to random, unannounced and witnessed urine and/or blood screens to determine the presence of any mood altering drugs, and/or alcohol with the collection and submission to be determined and monitored by the Director of the Mississippi State Board of Medical Licensure. Licensee shall be responsible for all costs and expenses incurred in relation to the urine and/or blood screens. Upon request of the Board, Licensee shall provide to the Board a monthly work itinerary

at the beginning of each month for the purpose of compliance with urine screen monitoring. In the event that a urine or blood screen is received indicating the presence of any mood-altering drugs and/or agents, Licensee shall be immediately prohibited from practicing medicine until such time as he undergoes an evaluation for relapse of chemical dependency at an approved treatment center under the auspices of the MRPP and, thereafter, is found capable of returning to the practice of medicine by MRPP and the Mississippi State Board of Medical Licensure.

3. Licensee shall refrain from ingesting any food product, alcohol, or unauthorized over-the-counter drug likely to cause a confirmed positive test result of the urine screen analysis. Any confirmed positive test result, not in accordance with Paragraph Four (4) of this Agreement, shall be considered a violation subject to Board action.
4. Licensee shall obtain the services of a physician, approved by the Board, for treatment of simple illnesses and similar medical conditions for himself. Licensee shall not treat himself or family members. Additionally, Licensee shall provide the Board with an authorization to obtain medical information for the purpose of monitoring any treatment that Licensee may receive from said treating physician. In the event a physician determines that it is necessary to administer, dispense or prescribe to Licensee any controlled substance or mood altering substance, the treating physician shall so notify the Board's Director in writing. This notification shall be a letter written on the treating physician's letterhead and shall be mailed to the attention of the Board's Director. Said notification shall be mailed within twenty-four (24) hours after the administration, dispensation, or prescribing of said

medication. This requirement shall also apply to any care rendered to Licensee by a dentist. Unless being treated in an emergency situation, Licensee shall not receive any medications from any other source other than the treating physician or dentist. Responsibility for said notification to be made rests solely with Licensee.

5. Licensee shall obey all federal, state and local laws, and all rules and regulations governing the practice of medicine in the State of Mississippi.
6. In the event Licensee should leave Mississippi to reside or to practice outside the State, Licensee shall, within ten (10) days prior to departing, notify the Board in writing the dates of departure and return. Periods of residency or practice outside Mississippi will not apply to the reduction of time periods specified in this Consent Order.
7. Licensee shall retain privileges in Schedules IV and V only, except for the drugs Stadol (Butorphanol Tartrate) and Buprenex (Buprenorphine). As a result, Licensee shall not be permitted to order, manufacture, distribute, possess, dispense, administer or prescribe any controlled substances in other schedules until such time as he is again properly registered with the U.S. Drug Enforcement Administration with prior written approval from the Mississippi State Board of Medical Licensure.
8. Licensee's use of the medications Nubain (Nalbuphine), Dalgan (Dezocine), any product containing Butalbital, or Ultram (Tramadol HcL) shall be confined to ordering the administration or dispensation to patients that have been admitted to an emergency room or admitted as an inpatient to any licensed hospital in the State of Mississippi. This prohibits the issuing of prescriptions on an outpatient basis in any

manner for any of the above referenced substances to any patients. Further, Licensee shall be prohibited from personally administering or dispensing any of the aforementioned medications.

9. Licensee shall not engage in the solo practice of medicine and shall have a supervising physician approved in advance by the Executive Director of the Board.
10. Within one (1) year from the date of execution of this Consent Order, Licensee shall obtain forty (40) hours of continuing medical education (CME) approved by the American Medical Association for Category 1 Credits. Licensee shall obtain at least forty (40) hours of CME for each remaining year of probation, with written proof of successful completion for all CME to be provided to the Board on an annual basis.

Licensee shall have the right to petition the Mississippi State Board of Medical Licensure for a release of any or all of the above enumerated conditions after expiration of five (5) years from the effective day hereof. Thereafter, any right to petition the Board for reconsideration shall be at reasonable intervals, but not less than twelve (12) months from date of last appearance.

This Consent Order shall be subject to approval by the Mississippi State Board of Medical Licensure. If the Board fails to approve the Consent Order, in whole or in part, it shall have no force or effect on the parties. It is further understood and agreed that the purpose of this Consent Order is to avoid a hearing before the Board. In this regard, Licensee authorizes the Board to review and examine any documentary evidence or materials concerning the Licensee prior to or in conjunction with its consideration of the Consent Order. Should the Consent Order not be accepted by the Board, it is agreed that



presentation to and consideration of the Consent Order and other documents and matters pertaining thereto by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation or consideration of the resolution of the proceedings.

Licensee understands and expressly acknowledges that this Consent Order, if approved and executed by the Mississippi State Board of Medical Licensure, shall constitute a public record of the State of Mississippi. Licensee further acknowledges that the Board shall provide a copy of this Order to, among others, the U.S. Drug Enforcement Administration, and the Board makes no representations as to actions, if any, which the U.S. Drug Enforcement Administration may take in response to this Order.

John Medley Smoot, M.D., hereby authorizes the Mississippi State Board of Medical Licensure to enter an Order accepting this Consent Order, thereby reinstating his license to practice medicine in the State of Mississippi, subject to the probationary terms and conditions enumerated above.

Signed this the 6<sup>th</sup> day of August, 1999.

Charles C. Plon  
Witness

John Medley Smoot MD  
John Medley Smoot, M.D.

ACCEPTED AND APPROVED, this the 18<sup>th</sup> day of August, 1999, by the Mississippi State Board of Medical Licensure.

Joseph E. Johnston MD  
Joseph E. Johnston, M.D.  
President

**AUGUST, 1999**

**EXECUTIVE COMMITTEE  
MEETING ONLY**

SEPTEMBER 1999

**MINUTES  
EXECUTIVE COMMITTEE MEETING  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
SEPTEMBER 22, 1999**

**MEMBERS PRESENT:**

Joseph E. Johnston, M.D., Mount Olive, President  
Freda M. Bush, M.D., Jackson, Vice President  
W. Joseph Burnett, M.D., Director

**ALSO PRESENT:**

Stan T. Ingram, Attorney for the Board  
Charles Moses, Division Director II, Investigative Division  
Rhonda Freeman, Division Director II, Licensure Division  
Kathy Fortenberry, Administrative Assistant

Robert Ray Smith, M.D., Jackson, Secretary, was not present.

The Executive Committee of the Mississippi State Board of Medical Licensure met on Wednesday, September 22, 1999, at 4:00 p.m. in the Executive Conference Room of the Office of the Board located at 2600 Insurance Center Drive, Jackson, Mississippi.

Dr. Johnston welcomed Richard Irons, M.D., Menninger Clinic, who addressed the Executive Committee members regarding his treatment of physicians for sexual misconduct and addiction and answered questions from Executive Committee members. Dr. Irons emphasized the Board should be consistent with penalties. Dr. Burnett and Mr. Ingram will work on penalties for the different offenses.

**PERSONAL APPEARANCE BY JOHNNY RAY BULLOCK, JR., M.D., COLUMBIA, TO  
REQUEST REINSTATEMENT OF LICENSE, MISSISSIPPI MEDICAL LICENSE  
NUMBER 13883**

Dr. Bullock was present but not represented by legal counsel. Also present was his wife.

Dr. Bullock presented his request for reinstatement of his license, and he and Mrs. Bullock answered questions from Dr. Burnett and Executive Committee members. It was the consensus of the Executive Committee members to allow

**EXECUTIVE COMMITTEE MEETING**

**September 22, 1999**

**Page 2**

Dr. Bullock to return to the practice of medicine, effective October 10, 1999, subject to the terms and conditions imposed by the March 19, 1999, Consent Order and Re-Entry Contract. This recommendation will be presented to the full Board on Thursday for their approval.

**PERSONAL APPEARANCE BY WILLIAM LEON MARCY, M. D., TUPELO, TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE NUMBER 08638**

Dr. Marcy was present but not represented by legal counsel.

Dr. Marcy presented his request for removal of all restrictions and answered questions from Dr. Burnett and Executive Committee members. It was the consensus of the Executive Committee members to remove all restrictions. This recommendation will be presented to the full Board on Thursday for their approval.

**PERSONAL APPEARANCE BY DOUGLAS ALAN PRITCHARD, M.D., TUPELO, TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE NUMBER 12950**

Dr. Pritchard was present but not represented by legal counsel.

Dr. Pritchard presented his request for removal of all restrictions and answered questions from Dr. Burnett and Executive Committee members. It was the consensus of the Executive Committee members to remove all restrictions. This recommendation will be presented to the full Board on Thursday for their approval.

**PERSONAL APPEARANCE BY JOHN WILBUR MCFADDEN, JR., M.D., TUPELO, MISSISSIPPI MEDICAL LICENSE NUMBER 05129**

Dr. McFadden was present but not represented by legal counsel.

Dr. McFadden was ordered by the Examining Committee to submit to a complete psychiatric examination with psychological testing to rule out sexual addiction, possible bi-polar disease and/or personality disorder, which he has completed at Menninger Clinic. He addressed the Executive Committee and answered questions from members, Dr. Irons, and Dr. Burnett. While acknowledging a sexual relationship with complainant, Kitty Hall, Dr. McFadden

**EXECUTIVE COMMITTEE MEETING**

**September 22, 1999**

**Page 3**

expressed willingness to comply with treatment recommendations of Menninger Clinic and willingness to resolve the current investigation and all other matters with the Board through execution of a Consent Order.

Dr. Johnston expressed his concern that this should be presented to the full Board for a decision, which will be done on Thursday.

**WILLIAM GLENN BENNETT, M.D., STARKVILLE - DETERMINATION WITH REASONABLE CAUSE AND AUTHORITY TO INSPECT AND COPY RECORDS**

Dr. Burnett and Mr. Moses reviewed an investigation of Dr. Bennett, who has lost his hospital privileges. In order for medical records necessary for the investigation to be obtained, the Executive Committee members executed a Determination with Reasonable Cause and Authority to Inspect and Copy Records, which Dr. Burnett and an investigator will serve.

**DAVID W. BOARD, M.D., JACKSON, LIMITED INSTITUTIONAL LICENSE NUMBER 500L**

For informational purposes, Dr. Burnett distributed copies of correspondence between Dr. Board and Mr. Ingram. Dr. Board questioned the Board's regulation of three years of post-graduate training for foreign medical graduates while an U. S. graduate is only required one year, and Mr. Ingram responded for the Board.

**MISSISSIPPI STATE DEPARTMENT OF HEALTH - NURSE PRACTITIONERS**

Correspondence from F. E. Thompson, Jr., M.D., State Health Officer, who provided a list of physicians supervising nurse practitioners for the Department of Health, was provided to the Executive Committee members. Dr. Thompson will provide this information to the Board on an annual basis and/or whenever changes occur.

**PHYSICIANS SUPERVISING NURSE PRACTITIONERS**

The Mississippi Board of Nursing has provided a list of all physicians in the state who supervise a nurse practitioner, which was distributed to the Executive Committee members. This list will be updated periodically by the Board of Nursing.

## **EXECUTIVE COMMITTEE MEETING**

**September 22, 1999**

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### **PHYSICIANS LIST - FOR OTHER THAN CREDENTIALING**

Dr. Burnett presented a request from *M. D. NEWS*, asking permission to use the Board's physician list for mailing of their magazine. It was the consensus of the Executive Committee members that this list should be used for credentialing purposes only.

### **FEDERATION OF STATE MEDICAL BOARDS**

The Federation of State Medical Boards has called for nominations and resolutions for the 2000 Annual Meeting of the House of Delegates. Dr. Bush's name will be entered as a candidate for the Nominating Committee.

### **PROPOSED LEGISLATION FOR 2000**

Copies of proposed changes to §73-25-14 and §73-27-12, which would change the fees for reinstatement of a lapsed license, were distributed for the Executive Committee members to review. This will be presented to the full Board on Thursday.

After discussion of number (4) of these current statutes regarding the notification of a lapsed license, it was the consensus of the Executive Committee to adopt a policy that these notices will be mailed July 15 or the first working day thereafter. This, along with the fifteen days provided for in number (5) of the statutes, will give the Licensee thirty days for reinstatement without a penalty.

### **OTHER BUSINESS**

Dr. Burnett reported that he had been advised that the Governor who will take office in January, rather than the current Governor, will be the one to make the upcoming Board appointments. Since appointments cannot be made until that time, Dr. Burnett is recommending that the election of new Board officers be delayed until March. This will be presented to the full Board on Thursday.

Mr. Moses distributed copies and reviewed a compilation of the number of physicians in the Mississippi Recovering Physicians Program.

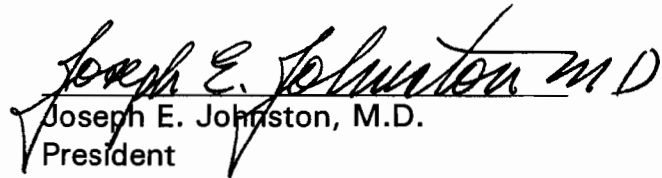
### **REVIEW OF SEPTEMBER 23 BOARD MEETING**

Dr. Burnett briefly reviewed the agenda for Thursday's meeting.

**EXECUTIVE COMMITTEE MEETING**  
**September 22, 1999**  
**Page 5**

**ADJOURNMENT**

There being no further business, the meeting adjourned at 6:45 p.m.

  
Joseph E. Johnston, M.D.  
President

Minutes taken and transcribed  
by Kathy Fortenberry  
Administrative Assistant  
September 22, 1999



**BOARD MINUTES  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
SEPTEMBER 23, 1999**

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday, September 23, 1999, in the Executive Conference Room of the Office of the Board located at 2600 Insurance Center Drive, Jackson, Mississippi.

The following members were present:

Joseph E. Johnston, M.D., Mount Olive, President  
Freda M. Bush, M.D., Jackson, Vice President  
Frank W. Bowen, M.D., Carthage  
Dewitt G. Crawford, M.D., Louisville  
Benton M. Hilbun, M.D., Tupelo  
Paul Douglas Jackson, M.D., Greenville  
W. Joseph Burnett, M.D., Director

Also present:

Stan T. Ingram, Attorney for the Board  
Edwin T. Cofer, Special Assistant Attorney General  
Rhonda Freeman, Division Director II, Licensure Division  
Charles Moses, Division Director II, Investigative Division  
Kathy Fortenberry, Administrative Assistant

Robert Ray Smith, M.D., Jackson, Secretary; William B. Harper, D.O., Greenwood; and Joe Dennis Herrington, M.D., Natchez, were not present.

The meeting was called to order at 9:00 a.m. by Dr. Johnston, President, who gave the invocation. Dr. Johnston welcomed Richard Irons, M.D., Menninger Clinic; Andrea Anglin, extern from Mr. Ingram's office; and Rosalind Ramsey, guest of Dr. Bush.

**APPROVAL OF CERTIFICATION OF MISSISSIPPI LICENSES TO OTHER ENTITIES  
FOR PERIOD JULY 1, 1999, TO AUGUST 31, 1999**

One hundred thirty-six (136) licenses were certified to other entities for the period July 1, 1999, to August 31, 1999. Motion was made by Dr. Jackson, seconded by Dr. Hilbun, and carried unanimously to approve these certifications.

**BOARD MINUTES**

Page 2

September 23, 1999

**APPROVAL OF LICENSES ISSUED FOR THE PERIOD JULY 1, 1999, TO  
AUGUST 31, 1999**

One hundred forty-five (145) licenses were issued for the period July 1, 1999, to August 31, 1999. Motion was made by Dr. Bush, seconded by Dr. Crawford, and carried unanimously to approve these licenses.

**REPORTS FROM AD HOC COMMITTEES**

***Alternative Medicine*** - Dr. Johnston advised he had some information for the committee on alternative medicine and would like to see some legislation started on this.

***Educational Development*** - Copies of a revised proposal for CME requirements were distributed for the Board to review. The new proposal would require 40 hours over a two-year period. The Educational Committee will study this, and it will be brought back at a later date.

***Impaired Physicians Program*** - Dr. Burnett distributed copies of a compilation of the number of physicians in the Mississippi Recovering Physicians Program. He stated that he felt the program was working well and that the Board has a good relationship with MRPP.

***Office Based Surgery*** - Information was distributed to this newly appointed committee for them to begin working on some guidelines for office based surgery.

**DR. HERRINGTON JOINED THE MEETING AT 9:15 A.M.**

***Legislative*** - Copies of proposed changes to §73-25-14 and §73-27-12, which would change the fees for reinstatement of a lapsed license, were distributed for the Board to review. Motion was made by Dr. Crawford, seconded by Dr. Hilbun, and carried unanimously to file this legislation after Mr. Ingram makes final changes on the wording. A copy of this legislation, with the proposed changes highlighted, is attached hereto and incorporated by reference.

Pertaining to number (4) of these current statutes regarding the notification of a lapsed license, Dr. Burnett advised that the Executive Committee had adopted a policy that these notices will be mailed July 15 or the first working day thereafter. This, along with the fifteen days provided for in number (5) of the statutes, will give the Licensee thirty days for reinstatement without a penalty.

## **BOARD MINUTES**

Page 3

September 23, 1999

***Nurse Practitioner and Expanded Role*** - Dr. Bush reported on a planning meeting between the Board of Nursing and the Medical Licensure Board to establish a joint committee for discussing issues of common concern related to nurse practitioners and physicians who collaborate/consult with nurse practitioners. Dr. Crawford, Dr. Smith, and Mr. Moses will serve on this committee.

### **REVIEW OF MINUTES OF THE EXECUTIVE COMMITTEE MEETING DATED JULY 14, 1999, AND MINUTES OF THE BOARD MEETING DATED JULY 15, 1999**

Minutes of the Executive Committee Meeting dated July 14, 1999, and Minutes of the Meeting dated July 15, 1999, were reviewed. Dr. Jackson moved for approval of the minutes as submitted. Dr. Crawford seconded the motion, and it carried unanimously.

### **REVIEW OF MINUTES OF THE EXECUTIVE COMMITTEE MEETING DATED AUGUST 18, 1999, AND REPORT ON EXECUTIVE COMMITTEE ACTION**

Minutes of the Executive Committee Meeting dated August 18, 1999, were reviewed. Dr. Bowen moved for approval of the minutes as submitted. Dr. Herrington seconded the motion, and it carried unanimously.

Dr. Burnett advised that at the August 18, 1999, meeting the Executive Committee accepted Consent Orders from Mukund Kanu Patel, M.D., Columbus, and John Medley Smoot, M.D., Batesville, effective that date. He reported that Dr. Patel has relapsed and has re-entered Pine Grove Recovery Center.

### **BOARD APPROVAL OF EXECUTIVE COMMITTEE ACTION FROM SEPTEMBER 22, 1999, MEETING**

***Johnny Ray Bullock, Jr., M.D., Columbia*** - The Executive Committee recommended that Dr. Bullock be authorized to return to the practice of medicine, effective October 10, 1999, subject to the terms and conditions imposed by the March 19, 1999, Consent Order and Re-Entry Contract.

Mr. Oby T. Rogers, attorney, was present at the Board meeting and voiced concern with the Re-Entry Contract and asked that it be amended to delete the last sentence in Paragraph 14, and insert in lieu thereof, the words, "This person will not be someone previously employed by the clinic *or hospital*."

**BOARD MINUTES**

**Page 4**

**September 23, 1999**

Motion was made by Dr. Crawford, seconded by Dr. Hilbun, and carried unanimously to accept the Executive Committee's recommendation with the Re-Entry Contract amended as requested by Mr. Rogers. The Order of the Board is attached hereto and incorporated by reference.

***William Leon Marcy, M. D., Tupelo*** - The Executive Committee recommended the removal of all restrictions imposed on Dr. Marcy by the July 16, 1998, Consent Order. Motion was made by Dr. Bowen, seconded by Dr. Hilbun, and carried unanimously to accept the Executive Committee's recommendation. The Order of the Board is attached hereto and incorporated by reference.

***Douglas Alan Pritchard, M.D., Tupelo*** - The Executive Committee recommended the removal of all restrictions imposed on Dr. Pritchard by the September 18, 1997, Consent Order. Motion was made by Dr. Hilbun, seconded by Dr. Jackson, and carried unanimously to accept the Executive Committee's recommendation. The Order of the Board is attached hereto and incorporated by reference.

***John Wilbur McFadden, Jr., M.D., Tupelo*** - Motion was made by Dr. Hilbun, seconded by Dr. Jackson, and carried unanimously that the Board consider going into Executive Session. With a motion by Dr. Bush, seconded by Dr. Crawford, the Board went into Executive Session to discuss recommendations from the Executive Committee for a Consent Order, which if executed by Dr. McFadden would resolve all pending matters between Dr. McFadden and the Board. The Board was joined by Dr. Irons, Dr. Burnett, and Mr. Ingram.

Upon motion by Dr. Crawford, seconded by Dr. Jackson, and carried unanimously, the Board came out of Executive Session at which time Dr. Johnston announced adoption of a Consent Order, which would include the following: (1) attend an approved prescribing course within one year; (2) cannot practice until completion of in-patient treatment at Menninger Clinic with evaluation, report, and recommendations to the Executive Committee; (3) on medication for six weeks minimum; (4) under psychiatric care with regular reports to the Board; (5) consideration of returning Schedule IV at a later date; and (6) sporadic review of his practice after returning to practice. This Consent Order will be presented to Dr. McFadden and his attorney.

**OTHER BUSINESS**

***Internet Prescribing*** - Mr. Moses reported on Internet prescribing and what other states are doing. Dr. Johnston asked that he continue to monitor this.

***Board Officers*** - Dr. Burnett recommended that the election of Board officers be moved to the March 2000 meeting to give time for Board appointments to be made by the Governor, who will take office in January. Motion was made by Dr. Herrington, seconded by Dr. Hilbun, and carried unanimously to approve this recommendation.

***Physicians who have not renewed who will be reported to Attorney General's Office*** - A list of physicians who have not renewed was reviewed by the Board. The list, which will be reported to the Attorney General's Office and other entities, is attached hereto and incorporated by reference.

**FINAL ADOPTION OF SECTION I., RULE XVIII. PREVENTION OF TRANSMISSION OF HEPATITIS B (AMENDED TO ADD HEPATITIS C VIRUS)**

Motion was made by Dr. Crawford, seconded by Dr. Jackson, and carried unanimously for the final adoption of the amended regulation pertaining to transmission of hepatitis. A copy of the amended regulation, which will be final filed with the Secretary of State, is attached hereto and incorporated by reference.

**RULES AND REGULATIONS GOVERNING THE SUPERVISION OF PHARMACISTS**

Dr. Burnett reported on items that Mississippi State Medical Association wanted changed and/or inserted on the proposed regulations governing the supervision of pharmacists. After discussion, motion was made by Dr. Bowen, seconded by Dr. Crawford, and carried unanimously to adopt the amended regulation. The original proposed regulation will be withdrawn from filing with the Secretary of State, and the amended regulation will be filed with the Secretary of State under the Administrative Procedures Act. A copy of the amended regulation is attached hereto and incorporated by reference.

**PERSONAL APPEARANCE BY JONATHAN CROSS CAMPBELL, III, M.D.,  
HATTIESBURG, TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI  
MEDICAL LICENSE NUMBER 12826**

Dr. Campbell was present but not represented by legal counsel.

**BOARD MINUTES**

**Page 6**

**September 23, 1999**

Mr. Moses was sworn in and presented a chronological summary of Dr. Campbell's background and history leading to the disciplinary action taken on his medical license. Dr. Campbell presented his request for removal of restrictions and answered questions from Board members.

Motion was made by Dr. Crawford, seconded by Dr. Jackson, and carried unanimously to remove all restrictions. The Order of the Board is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Sherry Martin, Certi-Comp Court Reporters.

**PERSONAL APPEARANCE BY MAXWELL CAMDEN COOKE, M.D., NEW ALBANY, TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE NUMBER 05915**

Dr. Cooke was present and represented by legal counsel, Walker W. Jones, III, Esq., Jackson.

Mr. Moses was sworn in and presented a chronological summary of Dr. Cooke's background and history leading to the disciplinary action taken on his medical license. Mr. Jones addressed the Board, and Dr. Cooke answered questions from Board members.

Motion was made by Dr. Jackson, seconded by Dr. Bowen, and carried unanimously that the Board consider going into Executive Session. With a motion by Dr. Bush, seconded by Dr. Hilbun, the Board went into Executive Session.

Upon motion by Dr. Crawford, seconded by Dr. Jackson, and carried unanimously, the Board came out of Executive Session at which time Dr. Johnston announced to remove all restrictions. The Order of the Board is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Sherry Martin, Certi-Comp Court Reporters.

**PERSONAL APPEARANCE BY HERBERT HOLLIS HICKS, M.D., NATCHEZ, TO REQUEST REINSTATEMENT OF LICENSE, MISSISSIPPI MEDICAL LICENSE NUMBER 04282**

Dr. Hicks was present and represented by legal counsel, Whitman B. Johnson, III, Esq., Jackson. Also present was Mrs. Hicks. Dr. Herrington recused himself.

Mr. Moses was sworn in and presented a chronological summary of Dr. Hicks' background and history leading to the disciplinary action taken on his medical license. Mr. Johnson addressed the Board, and Dr. Hicks answered questions from Board members.

Motion was made by Dr. Crawford, seconded by Dr. Jackson, and carried unanimously that the Board consider going into Executive Session. With a motion by Dr. Bush, seconded by Dr. Bowen, the Board went into Executive Session.

Upon motion by Dr. Crawford, seconded by Dr. Bush, and carried unanimously, the Board came out of Executive Session at which time Dr. Johnston announced to allow Licensee to return to practice with all restrictions removed. The Order of the Board is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Sherry Martin, Certi-Comp Court Reporters.

**PERSONAL APPEARANCE BY THOMAS MICHAEL LEHMAN, M.D., GREENVILLE, TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE NUMBER 13009**

Dr. Lehman was present but not represented by legal counsel. Also present was Mrs. Lehman.

Mr. Moses was sworn in and presented a chronological summary of Dr. Lehman's background and history leading to the disciplinary action taken on his medical license. Dr. Lehman presented his request for removal of restrictions and answered question from Board members.

Motion was made by Dr. Jackson, seconded by Dr. Crawford, and carried unanimously that the Board consider going into Executive Session. With a motion by Dr. Jackson, seconded by Dr. Hilbun, the Board went into Executive Session.

Upon motion by Dr. Hilbun, seconded by Dr. Jackson, and carried unanimously, the Board came out of Executive Session at which time Dr. Johnston

announced to remove all restrictions. The Order of the Board is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Sherry Martin, Certi-Comp Court Reporters.

**PERSONAL APPEARANCE BY OLUFEMI OLUSOLA OKUNOREN, M.D., JACKSON, TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE NUMBER 08027**

Dr. Okunoren was present and represented by legal counsel, Gail W. Lowery, Esq., Jackson.

Mr. Moses was sworn in and presented a chronological summary of Dr. Okunoren's background and history leading to the disciplinary action taken on his medical license. Ms. Lowery addressed the Board, and Dr. Okunoren answered questions from Board members.

Motion was made by Dr. Herrington, seconded by Dr. Jackson, and carried unanimously that the Board consider going into Executive Session. With a motion by Dr. Hilbun, seconded by Dr. Bowen, the Board went into Executive Session.

Upon motion by Dr. Bush, seconded by Dr. Jackson, and carried unanimously, the Board came out of Executive Session at which time Dr. Johnston announced to remove all restrictions. The Order of the Board is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Sherry Martin, Certi-Comp Court Reporters.

**OTHER BUSINESS**

Dr. Burnett announced the following scheduled meetings for the remainder of the year:

October 20	Executive Committee Meeting
November 17	Executive Committee Meeting
November 18	Board Meeting
December 15	Executive Committee Meeting
December 16	Board Meeting.

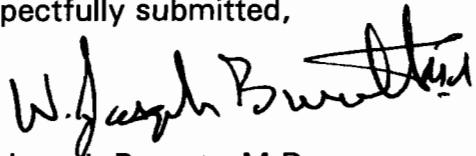


**BOARD MINUTES**  
**Page 9**  
**September 23, 1999**

**ADJOURNMENT**

The meeting was adjourned at 11:45 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "W. Joseph Burnett, M.D.", written in a cursive style.

W. Joseph Burnett, M.D.  
Director

Minutes taken and transcribed  
by Kathy Fortenberry  
Administrative Assistant  
September 23, 1999

**EXECUTIVE SESSION  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
SEPTEMBER 23, 1999**

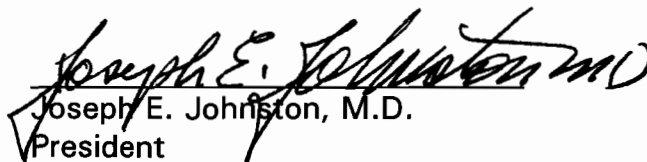
**AGENDA ITEM IX**

**BOARD APPROVAL OF EXECUTIVE COMMITTEE ACTION FROM SEPTEMBER 22, 1999, MEETING - JOHN WILBUR MCFADDEN, JR., M.D., TUPELO**

Motion made by Dr. Jackson, seconded by Dr. Bowen, and carried to adopt a Consent Order, which would include the following: (1) attend an approved prescribing course within one year; (2) cannot practice until completion of in-patient treatment at Menninger Clinic with evaluation, report, and recommendations to the Executive Committee; (3) on medication for six weeks minimum; (4) under psychiatric care with regular reports to the Board; (5) consideration of returning Schedule IV at a later date; and (6) sporadic review of his practice after returning to practice.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Frank W. Bowen, M.D.	X			
Freda M. Bush, M.D.	X			
Dewitt G. Crawford, M.D.	X			
William B. Harper, D.O.				X
Joe Dennis Herrington, M.D.	X			
Benton M. Hilbun, M.D.	X			
Paul Douglas Jackson, M.D.	X			
Joseph E. Johnston, M.D.	X			
Robert Ray Smith, M.D.				X

With a motion by Dr. Crawford, seconded by Dr. Jackson, the Board came out of Executive Session.

  
Joseph E. Johnston, M.D.  
President

**EXECUTIVE SESSION  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
SEPTEMBER 23, 1999**

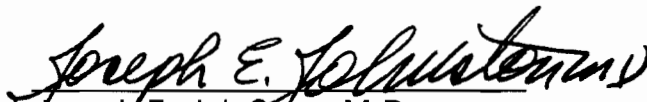
**AGENDA ITEM XIV**

**PERSONAL APPEARANCE BY MAXWELL CAMDEN COOKE, M.D., NEW ALBANY,  
TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE  
NUMBER 05915**

Motion made by Dr. Hilbun, seconded by Dr. Herrington, and carried to remove all restrictions.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Frank W. Bowen, M.D.	X			
Freda M. Bush, M.D.	X			
Dewitt G. Crawford, M.D.	X			
William B. Harper, D.O.				X
Joe Dennis Herrington, M.D.	X			
Benton M. Hilbun, M.D.	X			
Paul Douglas Jackson, M.D.	X			
Joseph E. Johnston, M.D.	X			
Robert Ray Smith, M.D.				X

With a motion by Dr. Crawford, seconded by Dr. Jackson, the Board came out of Executive Session.

  
Joseph E. Johnston, M.D.  
President

**EXECUTIVE SESSION  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
SEPTEMBER 23, 1999**

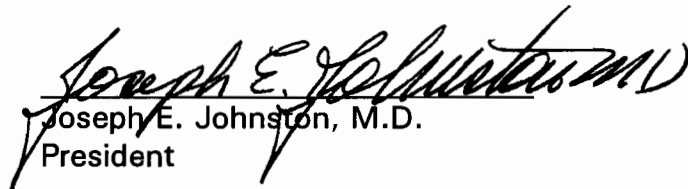
**AGENDA ITEM XV**

**PERSONAL APPEARANCE BY HERBERT HOLLIS HICKS, M.D., NATCHEZ, TO  
REQUEST REINSTATEMENT OF LICENSE, MISSISSIPPI MEDICAL LICENSE  
NUMBER 04282**

Motion made by Dr. Hilbun, seconded by Dr. Jackson, and carried to allow  
Licensee to return to practice with all restrictions removed.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Frank W. Bowen, M.D.	X			
Freda M. Bush, M.D.	X			
Dewitt G. Crawford, M.D.	X			
William B. Harper, D.O.				X
Joe Dennis Herrington, M.D.			X	
Benton M. Hilbun, M.D.	X			
Paul Douglas Jackson, M.D.	X			
Joseph E. Johnston, M.D.	X			
Robert Ray Smith, M.D.				X

With a motion by Dr. Crawford, seconded by Dr. Bush, the Board came out  
of Executive Session.

  
Joseph E. Johnston, M.D.  
President

**EXECUTIVE SESSION  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
SEPTEMBER 23, 1999**

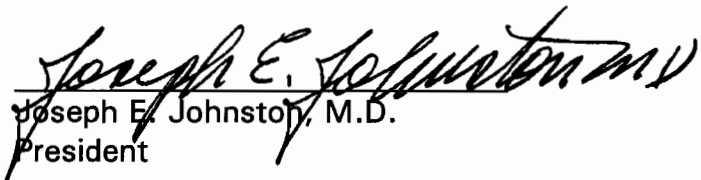
**AGENDA ITEM XVI**

**PERSONAL APPEARANCE BY THOMAS MICHAEL LEHMAN, M.D., GREENVILLE,  
TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE  
NUMBER 13009**

Motion made by Dr. Crawford, seconded by Dr. Herrington, and carried to remove all restrictions.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Frank W. Bowen, M.D.	X			
Freda M. Bush, M.D.	X			
Dewitt G. Crawford, M.D.	X			
William B. Harper, D.O.				X
Joe Dennis Herrington, M.D.	X			
Benton M. Hilbun, M.D.	X			
Paul Douglas Jackson, M.D.	X			
Joseph E. Johnston, M.D.	X			
Robert Ray Smith, M.D.				X

With a motion by Dr. Hilbun, seconded by Dr. Jackson, the Board came out of Executive Session.

  
Joseph E. Johnston, M.D.  
President

**EXECUTIVE SESSION  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
SEPTEMBER 23, 1999**

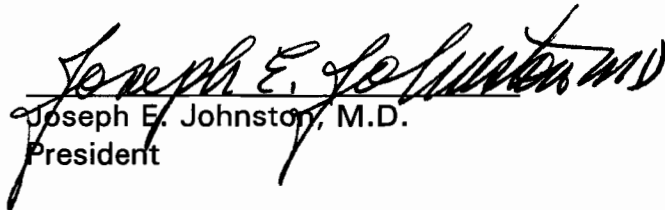
**AGENDA ITEM XVII**

**PERSONAL APPEARANCE BY OLUFEMI OLUSOLA OKUNOREN, M.D., JACKSON,  
TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE  
NUMBER 08027**

Motion made by Dr. Bowen, seconded by Dr. Crawford, and carried to remove all restrictions.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Frank W. Bowen, M.D.	X			
Freda M. Bush, M.D.	X			
Dewitt G. Crawford, M.D.	X			
William B. Harper, D.O.				X
Joe Dennis Herrington, M.D.	X			
Benton M. Hilbun, M.D.	X			
Paul Douglas Jackson, M.D.	X			
Joseph E. Johnston, M.D.	X			
Robert Ray Smith, M.D.				X

With a motion by Dr. Bush, seconded by Dr. Jackson, the Board came out of Executive Session.

  
Joseph E. Johnston, M.D.  
President

1 § 73-25-14. Annual renewal of license.

2  
3 (1) The license of every person licensed to practice medicine or osteopathy in  
4 the State of Mississippi shall be renewed annually.

5  
6 On or before May 1 of each year, the State Board of Medical Licensure shall  
7 mail an application for renewal of license to every physician or osteopath to whom  
8 a license was issued or renewed during the current licensing year. The applicant  
9 shall complete the application and return it to the board before June 30 with the  
10 renewal fee of an amount established by the board, but not to exceed Two Hundred  
11 Dollars (\$200.00), a portion of which fee shall be used to support a program to aid  
12 impaired physicians and osteopaths. The payment of the annual license renewal  
13 fee shall be optional with all physicians over the age of seventy (70) years. Upon  
14 receipt of the application and fee, the board shall verify the accuracy of the  
15 application and issue to applicant a certificate of renewal for the ensuing year,  
16 beginning July 1 and expiring June 30 of the succeeding calendar year. Such  
17 renewal shall render the holder thereof a legal practitioner as stated on the renewal  
18 form.

19  
20 (2) Any physician or osteopath practicing in Mississippi who allows his  
21 license to lapse by failing to renew the license as provided in subsection (1) may be  
22 reinstated by the Board of Medical Licensure on satisfactory explanation for such  
23 failure to renew, by completion of a reinstatement form, and upon payment of the  
24 renewal fee for the current year, and shall be assessed a fine of Twenty-five Dollars  
25 (\$25.00) plus an additional fine of Five Dollars (\$5.00) for each month thereafter  
26 that the license renewal remains delinquent.

27  
28 (3) Any physician or osteopath not practicing in Mississippi who allows his  
29 license to lapse by failing to renew the license as provided in subsection (1) may be  
30 reinstated by the board on satisfactory explanation for such failure to renew, by  
31 completion of a reinstatement form and upon payment of all arrearages ~~not in~~  
32 ~~excess of five (5) years plus~~ the renewal fee for the current year.

33  
34 (4) Any physician or osteopath who allows his license to lapse shall be  
35 notified by the Board of Medical Licensure within thirty (30) days of such lapse.

36  
37 (5) Any person practicing as a licensed physician or osteopath during the  
38 time his license has lapsed shall be considered an illegal practitioner and shall be  
39 subject to penalties provided for violation of the Medical Practice Act, provided he  
40 had not submitted the required reinstatement form and fee within fifteen (15) days  
41 after notification by the Board of Medical Licensure of such lapse.

42  
43 (6) ~~Any physician or osteopath who is unable to meet the June 30 deadline~~  
44 ~~or legitimate cause may apply to the Mississippi State Board of Medical Licensure~~  
45 ~~for an extension. Such extension may be granted or denied within the sole~~  
46 ~~discretion of the Mississippi State Board of Medical Licensure.~~

47  
48 (7) None of the fees or fines provided for in this section shall be applicable to

1 the renewal of a special volunteer medical license authorized under Section 73-25-  
2 18.

3

4 (8) Fees collected under the provisions of this section shall be used by the  
5 board to defray expenses of administering the licensure provisions of the Medical  
6 Practice Act (Title 73, Chapter 25, Mississippi Code of 1972) and to support a  
7 program to aid impaired physicians and osteopaths in an amount determined by the  
8 board.

9

10 This act shall take effect and be in force from and after July 1, 1998.

11

12 **APPROVED March 26, 1998**

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1 § 73-27-12. Annual renewal of license.

2  
3 (1) The license of every person licensed to practice podiatry in the State of  
4 Mississippi shall be renewed annually.

5  
6 On or before May 1 of each year, the State Board of Medical Licensure shall  
7 mail an application for renewal of license to every podiatrist to whom a license was  
8 issued or renewed during the current licensing year. The applicant shall complete  
9 the application and return it to the Board of Medical Licensure before June 30 with  
10 the renewal fee of an amount established by the board, but not to exceed Two  
11 Hundred Dollars (\$200.00), a portion of which fee shall be used to support a  
12 program to aid impaired podiatrists. Upon receipt of the application and fee, the  
13 Board of Medical Licensure shall verify the accuracy of the application and issue to  
14 applicant a certificate of renewal for the ensuing year, beginning July 1 and expiring  
15 June 30 of the succeeding calendar year. Such renewal shall render the holder  
16 thereof a legal practitioner as stated on the renewal form.

17  
18 (2) Any podiatrist practicing in Mississippi who allows his license to lapse by  
19 failing to renew the license as provided in subsection (1) may be reinstated by the  
20 Board of Medical Licensure on satisfactory explanation for such failure to renew, by  
21 completion of a reinstatement form, and upon payment of the renewal fee for the  
22 current year, and shall be assessed a fine of Twenty-five Dollars (\$25.00) plus an  
23 additional fine of Five Dollars (\$5.00) for each month thereafter that the license  
24 renewal remains delinquent.

25  
26 (3) Any podiatrist not practicing in Mississippi who allows his license to lapse  
27 by failing to renew the license as provided in subsection (1) may be reinstated by  
28 the board on satisfactory explanation for such failure to renew, by completion of a  
29 reinstatement form and upon payment of all ~~arrears due on the previous five (5)~~  
30 ~~years plus~~ the renewal fee for the current year.

31  
32 (4) Any podiatrist who allows his license to lapse shall be notified by the  
33 Board of Medical Licensure within thirty (30) days of such lapse.

34  
35 (5) Any person practicing as a licensed podiatrist during the time his license  
36 has lapsed shall be considered an illegal practitioner and shall be subject to  
37 penalties set forth in Section 73-27-17, Mississippi Code of 1972, provided he has  
38 not submitted the required reinstatement form and fee within fifteen (15) days after  
39 notification by the Board of Medical Licensure of such lapse.

40  
41 (6) ~~Any podiatrist who is unable to meet the June 30 deadline for reinstatement~~  
42 ~~cause may apply to the Mississippi State Board of Medical Licensure for an~~  
43 ~~extension. Such extension may be granted or denied within the sole discretion of~~  
44 ~~the Mississippi State Board of Medical Licensure.~~

45  
46 (7) Fees collected under the provisions of this section shall be used by the  
47 Board of Medical Licensure to defray expenses of administering the licensure  
48 provisions of Title 73, Chapter 27, Mississippi Code of 1972, and to support a

1 program to aid impaired podiatrists in an amount determined by the board.  
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**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
IN THE MATTER OF THE PHYSICIAN'S LICENSE**

**OF**

**JOHNNY R. BULLOCK, JR., M.D.**

**ORDER**

THIS MATTER came on regularly for hearing on September 23, 1999, before the Mississippi State Board of Medical Licensure in response to the Petition of Johnny R. Bullock, Jr., M.D. (hereinafter referred to as "Licensee"), for authorization to return to the practice of medicine, pursuant the terms and conditions set forth in the "Re-Entry Contract" attached to that certain Consent Order with this Board dated March 19, 1999.

The hearing on this matter was conducted before the Executive Committee of the Board on Wednesday, September 22, 1999, Licensee then being present without counsel. It was the recommendation of the Executive Committee that Licensee be authorized to return to the practice of medicine, effective October 10, 1999, subject to the terms and conditions imposed by the aforementioned Consent Order and Re-Entry Contract. The Board, after hearing said motion and taking into consideration the recommendation of the Executive Committee and statements made by interested parties present, finds the same to be well-taken, subject to one amendment of the Re-entry Contract.

IT IS, THEREFORE, ORDERED that Licensee is authorized to return to the practice of medicine, effective October 10, 1999, pursuant the terms and conditions set

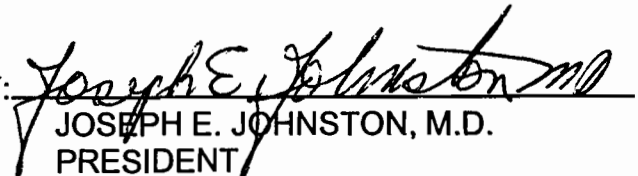
forth in the "Re-Entry Contract" attached to that certain Consent Order with this Board dated March 19, 1999.

IT IS FURTHER ORDERED, that the "Re-Entry Contract" is hereby amended to delete the last sentence in Paragraph 14, and insert in lieu thereof, the words, "This person will not be someone previously employed by the clinic or hospital." (Emphasis added).

IT IS FURTHER ORDERED, that pursuant to Miss. Code Ann. Section 73-25-27 (1972), a copy of this Order shall be sent by Registered Mail or personally served upon Licensee.

SO ORDERED, this the 23rd day of September, 1999.

MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE

BY:   
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT

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**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

**IN THE MATTER OF THE PHYSICIAN'S LICENSE**

**OF**

**WILLIAM LEON MARCY, M.D.**

**ORDER**

THIS MATTER came on regularly for hearing on September 23, 1999, before the Mississippi State Board of Medical Licensure in response to the Petition of William Leon Marcy, M.D. (hereinafter referred to as "Licensee"), for removal of all restrictions placed on his Mississippi medical license by virtue of that certain Consent Order with this Board dated July 16, 1998.

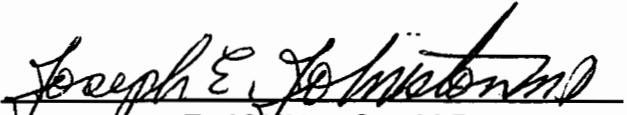
The hearing on this matter was conducted before the Executive Committee of the Board on Wednesday, September 22, 1999, Licensee then being present without counsel. It was the recommendation of the Executive Committee that all restrictions be removed. The Board, after hearing said motion and taking into consideration the recommendation of the Executive Committee, finds the same to be well-taken.

IT IS, THEREFORE, ORDERED that all restrictions imposed on Licensee by virtue of the July 16, 1998, Consent Order are hereby removed. Licensee now holds an unrestricted license to practice medicine in the State of Mississippi.

IT IS FURTHER ORDERED, that pursuant to Miss. Code Ann. Section 73-25-27 (1972), a copy of this Order shall be sent by Registered Mail or personally served upon Licensee.

SO ORDERED, this the 23rd day of September, 1999.

MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE

BY:   
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT

A:\Marcy.999

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
IN THE MATTER OF THE PHYSICIAN'S LICENSE**

**OF**

**DOUGLAS ALAN PRITCHARD, M.D.**

**ORDER**

THIS MATTER came on regularly for hearing on September 23, 1999, before the Mississippi State Board of Medical Licensure in response to the Petition of Douglas Alan Pritchard, M.D. (hereinafter referred to as "Licensee"), for removal of all restrictions placed on his Mississippi medical license by virtue of that certain Consent Order with this Board dated September 18, 1997.

The hearing on this matter was conducted before the Executive Committee of the Board on Wednesday, September 22, 1999, Licensee then being present without counsel. It was the recommendation of the Executive Committee that all restrictions be removed. The Board, after hearing said motion and taking into consideration the recommendation of the Executive Committee, finds the same to be well-taken.

IT IS, THEREFORE, ORDERED that all restrictions imposed on Licensee by virtue of the September 18, 1997, Consent Order are hereby removed. Licensee now holds an unrestricted license to practice medicine in the State of Mississippi.

IT IS FURTHER ORDERED, that pursuant to Miss. Code Ann. Section 73-25-27 (1972), a copy of this Order shall be sent by Registered Mail or personally served upon Licensee.

SO ORDERED, this the 23rd day of September, 1999.

MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE

BY: *Joseph E. Johnston MD*  
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT

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MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
MISSISSIPPI PHYSICIANS - LICENSE EXPIRATION 06/30/99

PRINTED: 09/20/99

LICENSE	NAME	ADDRESS	CITY	STATE	ZIP
15596	ABDELLATIF, BADAMI KHADER, MD	ALGER MAXIMUM CORRECTIONAL FACILITY P O BOX 600 INDUSTRIAL PARK AVE	MUNISING	MI	49862
14497	ACHECAR, FREDDY ALBERTO, JR, MD	HORIZON ORTHOPAEDICS 1620 MIELKEY RD	AUSTELL	GA	30106
14767	ADAM, GEORGE AZER, MD	183 WEST ST	BATTLE CREEK	MI	49017
15881	ADCOCK, JON MICHAEL, MD	UNIVERSITY OF TN 853 JEFFERSON STE E102	MEMPHIS	TN	38103
15170	AHMED, KALIM, MD	700 MITCHELL BRIDGE RD APT 52	ATHENS	GA	30606
14575	ALEXANDER, EDWARD BAIN, MD	ANESTHESIA ASSOCIATES, PSC 3320 TATES CREEK RD STE 204	LEXINGTON	KY	40573
06090	ALEXANDER, JOHN HUTCHINS, MD	1903 RIVERVIEW DR	MURFREESBORO	TN	37129
05577	ALLISON, ARCHIE BROOKS, JR, MD	RIVERTON MEMORIAL HOSPITAL 2100 W SUNSET DR	RIVERTON	WY	82501
12755	ARTHUR, BASIL CUTHBERT, MD	CAVE DIAGNOSTIC CLINIC P O BOX 223	BRIDGETOWN BARBA		
09596	ASHLEY, TIMOTHY DALE, MD	438 N SEMINARY ST	FLORENCE	AL	35630
15622	BABER, WILSON BLOOMFIELD, MD	825 RIDGE LAKE BLVD	MEMPHIS	TN	38120
02900	BAKER, ROBERT FRANCIS, SR, MD	207 E BOCKMAN WAY STE B	SPARTA	TN	38583
15607	BALLARD, CHERYL LYNN, MD	P O BOX 1139	GREENSBURG	LA	70441
04956	BALLENGER, REID LANGFORD, MD	6027 WALNUT GOVE, STE 401	MEMPHIS	TN	38120
14098	BARLET, ELIZABETH MARGARET, MD	OBGYN ASSOCIATES 1221 MCINTOSH CIRCLE	JOPLIN	MO	64804
13101	BARTHOLOMEW, DENNIS WILLIAM, MD	2051 MAUVILLA COVE	BILOXI	MS	39531
07092	BEBIN, JOSE, MD	1638 LAKESIDE DR	JACKSON	MS	39216
13879	BECKETT, JAMES BURGESS, MD	SUTTER MEDICAL GROUP 1020 29TH STREET STE 680	SACRAMENTO	CA	95817
14049	BERGERON, KIMBERLY CRANSTON, MD	DEPT OF PEDIATRICS VANDERBILT UNIVERSITY HOSPITAL 1161 21ST AVE S	NASHVILLE	TN	37232
12088	BERGERON, PAUL MARSHALL, MD	ST THOMAS HOSPITAL 4220 HARDING RD	NASHVILLE	TN	37205
03449	BERRY, DONALD RAY, MD	622 GOODYEAR BLVD P O BOX 938	PICAYUNE	MS	39466
14183	BEARATHAN, RAJAPILLAI KALIDAGAN, MD	308 SUN BREEZE CIRCLE APT 203	ROANOKE	VA	24018
07947	BIHEL, ALBERT GEORGE, III, MD	951 NW 13TH ST STE 1-C	BOCA RATON	FL	33486-238
15711	BLANCHARD, MARGARET VAN KOUTEN, MD	1129 HALE RD	MEMPHIS	TN	38116
14662	BLINDER, KEVIN JAY, MD	825 RIDGELAKE BLVD	MEMPHIS	TN	38120
15169	BOUCHER, ROBERT MANUEL, MD	KNT CONSULTANTS OF WINCHESTER 116 MEDICAL CIRCLE	WINCHESTER	VA	22601-339
08703	BOWIE, ROGER EARL, MD	804 HEAVENS DR STE 101	HANDEVILLE	LA	70471
13281	BRANCHE, CHERYL LOUISE, MD	2570 BAILLY AVE	JACKSON	MS	39216
14048	BRITT, LAUREN BUTLER, MD	UMC DEP OF OB/GYN 2500 N STATE ST	JACKSON	MS	39216
04647	BROWN, RUFUS MILTON, MD	7215 PLANTATION CIRCLE	GERMANTOWN	TN	38138
12376	BROWN, WILLIAM KELLER, MD	2704 GOOD SHEPHERD	BROWNWOOD	TX	76801
11949	BURROW, WILLIAM BOOKER, MD	8095 HUNTERS HILL COVE	OLIVE BRANCH	MS	38654
14965	CADLE, CHRISTOPHER JOSEPH, MD	UMC DEPARTMENT OF OB GYN 2500 N STATE ST	JACKSON	MS	39216
14646	CALDERON, ERICK ESTUARDO, MD	CARDIOLOGY OFFICE 953 COURT AVE	MEMPHIS	TN	38015
13992	CAPENER, MARK L., MD	UMC DEPT OF FAMILY MEDICINE 2500 N STATE ST	JACKSON	MS	39216

LICENSE	NAME	ADDRESS	CITY	STATE	EIP
06988	CARGILE, KENNETH ROWLAND, MD	JACKSON CL OF HENDERSON 208 NORTH AVE	HENDERSON	TN	38304
11817	CARR, MARTHA ANN, MD	#8 50TH ST	GULFPORT	MS	39507
12018	CHAPMAN, ROSS DRAME, MD	625 W OLIVE AVE STE 105	MERCED	CA	95340
14812	CHESHIRE, HOWARD JOSEPH, MD	777 WEST STATE STREET STE 302	COLUMBUS	OH	43222
14751	CHILDS, DARWIN BRYAN, DO	2225 E 37TH ST	TULSA	OK	74105
12206	CHINTAMANANI, SURESH, MD	1516 HARVEST LANE	WESTMONT	IL	60559
13279	CLARKE, ANTHONY WAYNE, MD	9105 VAN DYKE	DETROIT	MI	48213
15748	CLEMONS, VALERIE ANN, MD	LAURELWOOD CENTER 5000 HWY 39 NORTH	MERIDIAN	MS	39303
06710	COLE, FREDERICK LAWRENCE, MD	CHIEF MEDICAL OFFICER US DEPT OF JUSTICE, F.C.I. 1101 JOHN A DENIE ROAD	MEMPHIS	TN	38134-769
13848	COLINA, RAMON E, MD	MALCOM GROW MEDICAL CENTER 89TH MEDICAL GROUP	ANDREWS AFB	MD	20762
03116	COPELAND, GEORGE DANIEL, MD	930 MADISON AVE STE 454	MEMPHIS	TN	38103-340
07108	CORREA, AMILCAR JORGE ENRIQUE, MD	3526 PACKENHAM DR	CHALMETTE	LA	70043
15434	COTLE, WILLIAM R., III, MD	436 HARBOR DR SOUTH	VENICE	FL	34285
14176	CROWDER, ROWE SANDERS, III, MD	290 E BEACH BLVD	PASS CHRISTIAN	MS	39751
14164	CUISON, JEANJIKO DAI, MD	PEDIATRICS 1027 W PARK AVE	LIBERTYVILLE	IL	60048
14438	DABAGIA, MARK DANIEL, MD	UMC/DEPT OF SURGERY 2500 NORTH STATE ST	JACKSON	MS	39216
14606	DAYE, MAUREEN WISSAL, MD	273 ANDREWS ST	MASSENA	NY	13662
14212	DOOLITTLE, THOMAS P, MD	KESLER AIR FORCE BASE	KESLER AFB	MS	39532
14630	DORMAN, KENNETH R, MD	3124 WHEELER	AUSTIN	TX	78705
15073	DROZDOW, GILBERT LANCE, MD	4651 SHERIDON ST STE 200	HOLLYWOOD	FL	33021
14766	DUFFY, DANIEL MICHAEL, MD	81 MDS/SGOG 301 FISHER ST ROOM 1A132	BILOXI	MS	39531
15949	DUNDEE, DAVID THOMAS, MD	TRACE HEALTH CLINIC OF DERMA 200 S MAIN ST P O BOX 218	DERMA	MS	38839
13291	EL-NEWINI, HUSSEIN MOSTAFA, MD	1600 S IMPERIAL STE #8	EL CENTRO	CA	92243
03585	ELLIS, BERNARD HOPKINS, SR, MD	206 COLLEGE ST	COLUMBUS	MS	39701
05352	ELLIS, MARSHALL STONE, MD	WESTGATE CENTER 1015 LEE DR	CLARKSDALE	MS	38614
06551	ELLIS, MICHAEL SYDNEY, MD	228 WEST GENIE ST	CHALMETTE	LA	70043
15939	EPSTEIN, AARON M, MD	LAUREL SURGERY CLINIC 1007 JEFFERSON ST	LAUREL	MS	39440
14313	FAHOUN, SAMER HANNA, MD	600 RAVENWOOD DR APT 6	SELMA	AL	36701
15017	FAHERUDDIN, DILSHAD, MD	420 - 64TH ST APT 3G	BROOKLYN	NY	11220
13484	FARRIER, DANIEL FREDERICK, MD	4533 MACARTHUR BLVD #545	NEWPORT BEACH	CA	92660
12679	FINLEY, GEORGETTE ROCHELLE, MD	8990 GERMANTOWN EXTENDED	OLIVE BRANCH	MS	38654
15678	FLOWITT, CATHERINE JEAN, MD	3902 OLD OAK RD	CORINTH	MS	38834
12426	FRAZIER, MARY ALMA, MD	4806 BROWN BARK COVE	STONE MOUNTAIN	GA	30083
15040	FREEMAN, TIJUANA LISETTE, MD	UMC DEPT OF PEDIATRICS 2500 N STATE ST	JACKSON	MS	39216
16206	FRILEY, MICHAEL DOUGLAS, MD	STONE COUNTY HOSPITAL 1434 E CENTRAL AVE P O DRAWER 97	WIGGINS	MS	39577
11946	GAREY, MICHAEL KEVIN, MD	1355 N MOLA DR	CENTERTVILLE	UT	84014-116
04593	GARNER, MABLE TECOLA, MD	FAYETTE STREET CLINIC, LTD. POST OFFICE BOX 615	INDIANOLA	MS	38751
09504	GERRAIBER, JAFER NASER, MD	907 EAST REED	HAYTI	MO	63851
03467	GIBSON, JAMES ADELL, MD	1870 CLUB DR	PANLAYS ISLAND	SC	29585
14797	GIESWEIN, PETER, MD	ANESTHETIC & RECONSTRUCTIVE SURGERY OF CENTRAL PA, P.C. 816 BELVEDERE ST	CARLISLE	PA	17013
16095	GOEL, MUKESH, MD	19 RIDGECREST TERRACE	WEST ROXBURY	MA	02132

<u>LICENSE</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>STATE</u>	<u>ZIP</u>
15352	GORDON, MARTHA ANN, MD	CHAMBERLIN CLINIC 7603 SOUTHCREST PARKWAY STE 201	SOUTHAVERN	MS	38671
14178	GOTTEN, NICHOLAS, JR, MD	5395 ESTATE OFFICE PARK DR #2	MEMPHIS	TN	38119
80150	GREEN, RONA RENELL, DPM	65 W CAMPBELLTON ST	FAIRBURN	GA	30213
12646	GUESS, CAROL WINFRED, MD	1203 A BROAD AVE	GULFPORT	MS	39501
09128	RANBLIN, KARIS JAN, MD	PRESBYTERIAN ONCOLOGY ASSOCIATES PRESBYTERIAN CANCER CENTER 200 HAWTHORNE LANE P O B	CHARLOTTE	NC	28233-354
14735	HANSEN, REGAN BENNETT, MD	BRYDEN CANYON CENTER 320 WARNER DRIVE	LEWISTON	ID	83501
15623	HARRIS, CHARLES LEE, MD	825 RIDGELAKE BLVD	MEMPHIS	TN	38120
12388	HARROLD, JAMES SAMUEL, JR, MD	800 HILLCREST RD BLDG 6	MOBILE	AL	36695
16033	HATTEN, HOMER PAUL, JR, MD	INDIAN RIVER RADIOLOGY 1485 37TH ST STE 107	VERO BEACH	FL	32960
15880	HEINKE, BRETT A, MD	UMC-SPONSORED ERS 2500 N STATE ST	JACKSON	MS	39216
03472	HENLEY, FELIX THOMPSON, MD	BAPTIST MED CTR PRINCETON 701 PRINCETON AVE	BIRMINGHAM	AL	35211
04519	HERNDON, PATRICIA MILLER, MD	5398 SOUTHWOOD DR	MEMPHIS	TN	38120
08999	HILL, WILLIAM HERBERT, MD	1701 45TH AVE STE 21	GULFPORT	MS	39501
08456	HIRSCH, GUY , III, MD	3406 63RD ST	LUBBOCK	TX	79413
10698	HORNBERGER, BOYCE ANDREW, MD	ALLERGY AND ASTHMA CONSULTANTS 1000 W BROADWAY SUTIE 205	OVIDO	FL	32765
05280	HUSBAND, LOWELL S, MD	VA OUTPATIENT CLINIC 312 KENMORE DR	PENSACOLA	FL	32503
07323	JAMSHIDI, KEVIN, MD	501 SEMINOLE CIRCLE	MT HOPE	WV	25880
09625	JENKINS, RONALD ARMAND, MD	201 ST PATRICK ST STE 201	LAFAYETTE	LA	70506-456
80143	JEYNES, ARTHUR RALPH, DPM	175 DOCTORS DR	PEARL	MS	39157
15131	JOCHEN, TIMOTHY MARK, MD	TULANE UNIVERSITY MEDICAL CENTER 1440 TULANE AVE	NEW ORLEANS	LA	70112-260
15705	JORDAN, LEANNE EBERLY, MD	KESLER AFB MEDICAL CENTER 301 FISHER ST	KESLER AFB	MS	39534
14937	JOYNER, JAMES BRIAN, MD	DEPARTMENT OF EMERGENCY MEDICINE UNIVERSITY OF MS MEDICAL CENTER 2500 NORTH STATE ST	JACKSON	MS	39216
13395	KATTINE, ALBERT ANTHONY, MD	9314 PARK WEST BLVD STE 102	KNOXVILLE	TN	37923
13936	KNOEPP, LOUIS FREDERICK, III, MD	UMC DEPT OF GENERAL SURGERY 2500 N STATE ST	JACKSON	MS	39216
01039	KNOX, ISAAC CECIL, JR, MD	11 AUTUMN COVE	JACKSON	MS	39206
14687	KORNSTEIN, MARCOS R, MD	PASS ROAD FAMILY MED CNTR 612 E PASS RD	GULFPORT	MS	39507
14037	KOYA, IBIKUNLE OLAYEMI, MD	2 HAMILL RD STE 344	BALTIMORE	MD	21210
10875	LAMBERT, CARI J, JR, MD	HUNTINGTON CARDIOTHORACIC SURGERY ST MARY'S PROFESSIONAL CENTER 2900 FIRST AVE STE 4	HUNTINGTON	WV	25702
15539	LEE, KARLA JAN, MD	GILMORE MEMORIAL HOSPITAL MEDICAL ARTS BUILDING 1107 EARL FRYE BLVD STE 5	AMORY	MS	38821
08508	LEHMILLER, DAVID JOHN, MD	550 IH-10 SOUTH STE 201	BEAUMONT	TX	77707
80056	LEMOINE, JOSEPH ROBERT, DPM	1812 N BATOU RD	MERIGOLD	MS	38759-999
13774	LENAHAN, LELAND CORNELIUS, III, MD	108 BLUFF LANE	LAFAYETTE	LA	70508
09916	LIND, ROGER CHARLES, JR, MD	1716 MEMORIAL DR	CLARESVILLE	TN	37043
13360	LONOTAN, CHRISTINE AGBAYANI, MD	URGENT CARE CENTER P O BOX 1387	PUYALLUP	WA	98371
15628	MAIHES, TIMOTHY YORK, MD	POST OFFICE BOX 436	RACELAND	LA	70394-043
10131	MALCOLM, IAN GRANT, MD	1200 MILITARY ST S	HAMILTON	AL	35570
13738	MARANDET, NOE JUSTIN, MD	3151 E CENTER ST	WARSAW	IN	46580
15565	MARROGI, AZZENHAWAR JAMIL, MD	HUBSOUTH MEDICAL GROUP HUBSOUTH PATHOLOGY 200 W HOSPITAL DR	HATTIESBURG	MS	39402
14520	MARTIN, PATRICK LEE, MD	UMC 2500 N STATE ST	JACKSON	MS	39216
14092	MCCLAIN, DONALD ALLAN, MD	UMC DIV OF ENDOCRINOLOGY 2500 N STATE ST	JACKSON	MS	39216
14961	MCCOOL, ANGELA RUFFIN, MD	UMC DEPT OF OB/GYN 2500 N STATE ST	JACKSON	MS	39216

LICENSE	NAME	ADDRESS	CITY	STATE	ZIP
13547	MENROTRA, DEEPAK, MD	DEPARTMENT OF PEDIATRICS 2500 N STATE ST	JACKSON	MS	39216
07575	MENDEZ, J ERNESTO, MD	MIDLAND GYNECOLOGY INC 2201 W TENNESSEE	MIDLAND	TX	79701
06220	MENDOZA, DANIEL, MD	353 NEW SHACKLE ISLAND RD STE 104	HENDERSONVILLE	TN	37075
13454	MICHLIN, JOHN PAUL, MD	HWY 176 P O BOX 236	BROOKSVILLE	ME	04617
14765	MILLER, STEVEN JAY, MD	2693 BIENVILLE BLVD	OCEAN SPRINGS	MS	39564
13137	MITCHELL, BANFORD RAYE, MD	OZARK ORTHOPEDICS 3317 N WIMBERLY	FAYETTEVILLE	AR	72703
14155	MISSELL, WILLIAM LEONARD, DO	P O BOX 522	FRANKLINTON	LA	70438
13956	MOLLERE, PAUL JOSEPH, MD	TULANE UNIVERSITY HOSPITAL 1430 TULANE AVE	NEW ORLEANS	LA	70112
14631	MOORE, KENNETH LAWRENCE, MD	971 LAKELAND DR STE 654	JACKSON	MS	39216
14632	MORGAN, STEVEN BRAXTON, MD	CAMPBELL FOUNDATION ATTN BARBARA J JOYNER 910 MADISON AVE STE 500	MEMPHIS	TN	38103-340
14944	MOULDER, STACY LYNN, MD	UMC DEPT OF INTERNAL MEDICINE 2500 N STATE ST	JACKSON	MS	39216
14121	MULLINS, WALTER KIRK, MD	LOYOLA HOSPITAL 2160 S 1ST AVE	MAYWOOD	IL	60153
16064	MUNIR, MUHAMMAD AMJAD, MD	LACKEY MEMORIAL HOSPITAL 330 BROAD ST P O BOX 428	FOREST	MS	39074-350
14612	MURRAY, EVAN WILLIAM, MD	MEMPHIS MEDICAL ASSOCIATES 3960 KNIGHT ARNOLD #103	MEMPHIS	TN	38118
14694	MUTTIANA, DALJIT S, MD	9930 WINCHESTER VILLAGE CT	HOUSTON	TX	77064
13663	MYERS, TIMOTHY V., MD	ST JOHN'S HOSPITAL 1575 BEAM AVE	MAPLEWOOD	MN	55109
14951	MYRICK, SAMUEL EDWARD, MD	DIV OF UROLOGY DEPT OF SURGERY EMORY UNIVERSITY 1365 CLIFTON RD	ATLANTA	GA	30322
09318	NASH, JAMES FRANK, MD	FIVE DOCTOR CIRCLE	LONGVIEW	TX	75605-510
05047	NEELY, JAMES HENRY, MD	608 N SPRING	TUPELO	MS	38801
10494	NEUMANN, THOMAS ROBERT, MD	6203 BIG OAK HOLLOW	AUSTIN	TX	78750
10872	NEWTON, GRACE ANN, MD	2602 LANGHORNE RD	LYNCHBURG	VA	24501
15542	NIEWO, JOSE GALILEO, MD	MID-SOUTH NEPHROLOGY 160 N PARKWAY	MEMPHIS	TN	38108
09994	NORSWORTHY, THOMAS PHILIP, MD	708 W FOREST AVE	JACKSON	TN	38301
11762	NORTON, BENNETTE EDWARD, III, MD	HOLSTON MEDICAL GROUP ROSS CARTER BLVD	DUFFIELD	VA	24244
15155	NWAFOR-ANENE, VICTORIA NGOZI, MD	P O BOX 730	AMORY	MS	38821
15349	OKOH, ENYI, MD	153 PIERREPONT ST	BROOKLYN	NY	11201
15037	OKOROJI, BASIL IKECHUKWU, MD	C/O LEIGH-ANNE SCHAEFER JACKSON & COKER 1150 HAMMOND DR STE A-1200	ATLANTA	GA	30328
06590	ORAM, ALAN JOSEPH, MD	400 EAST SIXTH ST	BERWICK	PA	18603
13233	OXLEY, DANIEL DAVIDSON, MD	UNIVERSITY MS MEDICAL CTR 2500 N STATE ST	JACKSON	MS	39216
15847	OZMENT, DAVID DODD, DO	2208 WOODLEY RD	MONTGOMERY	AL	36111
08030	PARK, CHONG HEE, MD	1 TILDEN CT	LIVINGSTON	NJ	07039
09442	PATEL, BHARTI RAMSHEKUMAR, MD	UMC DEPT OF RADIOLOGY 2500 N STATE ST	JACKSON	MS	39216
15908	PEARSON, CHERYL LAMONT, MD	COMO CHILDRENS CLINIC 103 MAIN ST	COMO	MS	38619
15578	PEGANY, MOHINDER SINGH, MD	WARD PARKWAY HEALTH SERVICES 8800 STATE LINE	LEAWOOD	KS	66206
13683	PERRY, THOMAS CLEMENT, MD	4500 13TH ST	OCEAN SPRINGS	MS	39564
12678	PETERS, BONNIE ANN, MD	3435 S ALAMEDA	CORPUS CHRISTI	TX	48411
13322	PHILLIPS, CLARENCE RANDOLPH, MD	525 FREDERICK DR	CLEVELAND	MS	38732
13958	PILLOW, WILLIAM PARES, MD	UMC 2500 N STATE ST	JACKSON	MS	39216
12728	POCHE, JAMES ALEXANDER, JR, MD	105 FAR WEST DR STE 202	ST JOSEPH	MO	64506
15702	PONCE, BRENT ANDREW, MD	MEDICAL CLINIC 201 INDEPENDENCE DR STE 235	COLUMBUS AFB	MS	39710
07223	POWELL, KENNETH EUGENE, MD	1976 CONTINENTAL DR	ATLANTA	GA	30345-340

<u>LICENSE</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>STATE</u>	<u>ZIP</u>
14675	FURBER, DAN C, MD	2255 N UNIVERSITY PARKWAY #15	PROVO	UT	84604
02763	QUINN, WILLIAM CLARKE, MD	417 AUDUBON DR	DAUPHIN ISLAND	AL	36528
14022	REDDY, SRINIVAS P, MD	ST EDWARD MERCY MEDICAL CENTER 7301 ROGERS AVE	FORT SMITH	AR	72903
09834	REDDY, VENKULA SEANTE, MD	4800 MEMORIAL DR	WACO	TX	76711
07577	REHAK, EDWARD MATTHEW, MD	111 TURTLE CREEK RD APT 2	CHARLOTTEVILLE	VA	22901-673
11606	RIDDELL, GLADYS MAY, MD	506 DOGWOOD CIRCLE	SUMMERVILLE	SC	29483
05391	RISING, JAMES ARTHUR, MD	DEPT OF PATHOLOGY ST JOSEPH MERCY HOSPITAL	PONTIAC	MI	48341
12720	RITCHIE, JAMES VIVIAN, MD	780 NOTTINGHAM DR	VIRGINIA BEACH	VA	23452
02829	ROGERS, MACK RAY, MD	501 N FIFTH ST #4	COVINA	CA	91723
15528	ROSE, THOMAS AARON, MD	UMC DEPT OF PATHOLOGY 2500 N STATE ST	JACKSON	MS	39216
16152	ROSS, GLENN RAY, MD	1537 WYNDHAM COVE	MEMPHIS	TN	38120
09873	SARAN, SOMNAKANTI MAHARAJA, MD	ALPHA PLASMA CENTER 910 NORTH 47 ST	KANSAS CITY	KS	66102
13743	SCRIFO, RONALD JOSEPH, MD	18 CARRICK RD	PALM BEACH GARDE	FL	33418
12992	SCHUTZMANN, KATHERINE MARLENE, MD	50 W TERRACE DR	HOUSTON	TX	77007-703
16039	SCOTT, RUDOLPH THOMAS, MD	NORTHWEST MS REG MEDICAL CENTER 1970 HOSPITAL DR P O BOX 1218	CLARKSDALE	MS	38614
04862	SHARPE, BENJAMIN WEEKS, JR, MD	JACKSON MADISON CY HOSPITAL	JACKSON	TN	38301
07714	SIMMONS, GREGORY ELLIS, MD	DEPT OF PATHOLOGY ST FRANCIS MEDICAL CENTER 530 NE GLEN OAK	PROBIA	IL	61637
04721	SIMMONS, JAMES WALTER, JR, MD	8122 DATAPOINT DR STE 1200	SAN ANTONIO	TX	78229
11584	SIMPSON, ROBERT DAVID, MD	233 HARDIN DR	SELMA	AL	36701
14858	SIMS, HARRISON GLENDON, III, MD	UMC DEPT OF FAMILY MEDICINE 2500 N STATE ST	JACKSON	MS	39216
13397	SLATER, WILLIAM MASON, MD	HC-1 BOX 469 5323 JAVELINA WAY	STRAWBERRY	AZ	85544
13073	SMITH, GREGORY BURDICK, MD	DEPT OF RADIOLOGY COBB HOSPITAL 3950 AUSTELL RD	AUSTELL	GA	30001
15404	SMITH, PETER L, MD	MID-SOUTH IMAGING & THERAPEUTICS 910 MADISON AVE STE 704	MEMPHIS	TN	38103
00928	SNEED, RALPH, MD	3817 REDBUD RD	JACKSON	MS	39211
13110	ST VILLE, JOSEPH MCKINLEY, MD	2101 W 101ST ST	TULSA	OK	74132
15302	STANDEFFER, WILLIAM CARTER, JR, MD	1020 22ND AVE	MERIDIAN	MS	39301
14772	STOLLSTEIMER, GEORGE THOMAS, MD	912 RUSSELL DR	LEBANON	PA	17042
13962	STONE, ILYA, MD	DEPT OF PATHOLOGY UNIV OF ARKANSAS FOR MED SCIENCES 4301 W MARKEAM ST	LITTLE ROCK	AR	72205
11087	STROUD, CATHERINE HAMILTON, MD	VA MED CTR MEDICAL SVC 1500 WOODROW WILSON	JACKSON	MS	39216
02102	SUGG, SAMUEL COOKE, MD	P O BOX 503 132 BELZONI ST	ISOLA	MS	38754
15133	SULLIVAN, MANLY JACKSON, MD	1600 CARRAWAY BLVD	BIRMINGHAM	AL	35284
08278	SWAMY, MANJULA S, MD	1615 KATHY LANE SW	DECATUR	AL	35603
08295	SWAMY, SIVAPPA S, MD	1615 KATHY LANE SW	DECATUR	AL	35603
16002	TAYLOR, STEVEN MITCHELL, MD	DEPT OF SURGERY UMC 2500 N STATE ST	JACKSON	MS	39216
14180	THOMAS, JAMES VIRGIL, III, MD	UAB/DEPT OF ANESTHESIOLOGY 619 SOUTH 19TH STREET JT9	BIRMINGHAM	AL	35233
15443	THOMPSON, CRAIG ALAN, MD	LOWN CARDIOVASCULAR CENTER 21 LONGWOOD AVE	BROOKLINE	MA	02146
14834	THORNTON, FERGUS PAUL, MD	EMERGENCY DEPT METHODIST HOSPITAL OF HATTIESBURG	HATTIESBURG	MS	39404-650
08950	TOOHIG, JOHN JOSEPH, MD	4137 KIRBY PARKWAY	MEMPHIS	TN	38115
07373	TWENTE, MICHAEL EDWIN, MD	522 OAK ST NE	DECATUR	AL	35603
08093	VAN DEVENTER, WILHELM HENDRIK, MD	9678 ROBINSON THOMAS RD	MERIDIAN	MS	39303
13943	VEILLON, BERNARD JOSEPH, MD	UMC DEPT OF RADIOLOGY 2500 N STATE ST	JACKSON	MS	39216

<u>LICENSE</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>STATE</u>	<u>ZIP</u>
08874	VERZOSA, MANUEL SIEVERT, MD	P O BOX 340	ROGERSVILLE	TN	37857
13495	WAIT, GERALD MARK, MD	124 DEER RUN SOUTH	OXFORD	MS	38655
12069	WASSEMAN, JAMES MICHAEL, MD	280 RUE PETIT BOIS	BILOXI	MS	39531
13752	WATSON, RICHARD BALDWIN, MD	2134 E 27TH ST	YUMA	AZ	85364
14599	WEISS, JEFFREY MARTIN, DO	2320 ADAMS ST	NEW ORLEANS	LA	70118
14690	WESTON, LUCY ALLEN, MD	UMC DEPT OF ANESTHESIOLOGY 2500 N STATE ST	JACKSON	MS	39216
08677	WHEELLOCK, JOHNNY B, MD	2021 CHURCH ST STE 402	NASHVILLE	TN	37203
12965	WHITNEY, HEATHER HUNT, MD	MEDICAL ASSOC OF NORTH GEORGIA 320 HOSPITAL RD	CANTON	GA	30114
16204	WIEDMER, MICHAEL ROGER, MD	MS SPORTS MEDICINE 1325 E FORTIFICATION	JACKSON	MS	39202
16197	WILLETT, WILLIAM FRANK, III, MD	2604 CROSSGATE TRAIL	MONTGOMERY	AL	36117
14749	WILLIAMS, ROBERT SETH, MD	CAMPBELL FOUNDATION ATTN BARBARA J JOYNER 910 MADISON AVE STE 500	MEMPHIS	TN	38103-340
15502	WILSON, PASCAL PROLIA, JR, MD	UMC DEPT OF INTERNAL MEDICINE 2500 N STATE ST	JACKSON	MS	39216
12661	WINTER, EDITH YANG, MD	309 W MILLBROOK RD STE 171	RALEIGH	NC	27609
02636	WOMACK, NOEL CATCHINGS, JR, MD	904 FAIRVIEW ST	JACKSON	MS	39202
13946	WOO, KENT EUGENE, MD	UMC DEPT OF ORTHOPEDIC SURGERY 2500 N STATE ST	JACKSON	MS	39216
14881	YEE, DAVID THOMAS, MD	301 E MUHAMMAD ALI BLVD	LOUISVILLE	KY	40202
15381	YOUNG, JOHN PATRICK, MD	DEPT OF ORTHOPAEDICS UNIV OF MS MEDICAL CENTER 2500 N STATE ST R-249	JACKSON	MS	39216
16036	ZHOU, MENG, MD	DEPT OF NEUROLOGY/EEG-EMG UMC 2500 N STATE ST	JACKSON	MS	39216
15030	ZIELINSKI, DAVID LOUIS, MD	RILEY MEMORIAL HOSPITAL EMERGENCY ROOM PO BOX 1810	MERIDIAN	MS	39302

TOTAL NUMBER OF PHYSICIANS:218

**XVIII. PREVENTION OF TRANSMISSION OF HEPATITIS B VIRUS (HBV),  
HEPATITIS C VIRUS (HCV) AND HUMAN IMMUNODEFICIENCY  
VIRUS (HIV) TO PATIENTS**

**AUTHORITY: CHAPTERS 25 AND 27, TITLE 73, MS CODE (1972) ANN., AS  
AMENDED**

**1. SCOPE**

The following rules of prescribed practice and reporting requirements for physicians and podiatrists licensed in the State of Mississippi are to protect the public from the risk of transmission of Hepatitis B Virus, Hepatitis C Virus and Human Immunodeficiency Virus from physicians to patients and to insure the maintenance of quality medical care by physicians and podiatrists who are HbeAg, HCV and HIV seropositive.

**2. DEFINITIONS**

- A. "HBV" means Hepatitis B Virus.
- B. "HCV" means Hepatitis C Virus.
- C. "HIV" means Human Immunodeficiency Virus.
- D. "HBeAg seropositive" means that a test of the practitioner's blood has confirmed the presence of Hepatitis Be antigen.
- E. "HCV seropositive" means that a test of the practitioner's blood has confirmed the presence of Hepatitis C antigen.
- F. "HIV seropositive" means that a test of the practitioner's blood has confirmed the presence of HIV antibody.
- G. "Exposure-Prone Procedure" means an invasive procedure in which there is an increased risk of percutaneous injury to the practitioner by virtue of digital palpation of a needle tip or other sharp object in a body cavity or the simultaneous presence of the practitioner's fingers and a needle or other sharp instrument or object in a poorly visualized or highly confined anatomic site, or any other invasive procedure in which there is a significant risk of contact between the blood or body fluids of the practitioner and the blood or body fluids of the patient.

- H. "Practitioners" or "Physicians" means any individual licensed to practice medicine, osteopathic medicine or podiatric medicine in the State of Mississippi.
- I. "Act" means the Mississippi Medical Practice Act as found at Sections 73-25-1 through 73-27-19, Mississippi Code (1972) Annotated, as amended.

### 3. USE OF INFECTION CONTROL PRECAUTIONS

- A. General Requirements. A practitioner who performs or participates in an invasive procedure or performs a function ancillary to an invasive procedure shall, in the performance of or participation in any such procedure or function, be familiar with, observe and rigorously adhere to both general infection control practices and universal blood and body-fluid precautions as then recommended by the Federal Centers for Disease Control to minimize the risk of transmission of the HBV, HCV or HIV from a practitioner to a patient, from a patient to a practitioner, from a patient to a patient, or from a practitioner to a practitioner.
- B. Universal Blood and Body-Fluid Precautions. For purposes of this Section, adherence to universal blood and body-fluid precautions requires observance of the following minimum standards:
  - 1. Protective Barriers. A practitioner shall routinely use appropriate barrier precautions to prevent skin and mucous-membrane contact with blood and other body fluids of all patients. Gloves and surgical masks shall be worn and shall be changed after contact with each patient. Protective eyewear or face shields and gowns or aprons made of materials that provide an effective barrier shall be worn during procedures that commonly result in the generation of droplets, splashing of blood or body fluids, or the generation of bone chips. A practitioner who performs, participates in, or assists in a vaginal or cesarean delivery shall wear gloves and gowns when handling the placenta or the infant until blood and amniotic fluid have been removed from the infant's skin and shall wear gloves during post-delivery care of the umbilical cord. If, during any invasive procedure, a glove



is torn or punctured, the glove should be removed and a new glove used as promptly as patient safety permits.

2. **Hand Washing.** Hands and other skin surfaces shall be washed immediately and thoroughly if contaminated with blood or other body fluids. Hands shall be washed immediately after gloves are removed.
3. **Percutaneous Injury Precautions.** A practitioner shall take appropriate precautions to prevent injuries caused by needles, scalpels, and other sharp instruments or devices during procedures; when cleaning used instruments; during disposal of used needles, and when handling sharp instruments after procedures. If a needlestick injury occurs, the needle or instrument involved in the incident should be removed from the sterile field. To prevent needlestick injuries, needles should not be recapped, purposely bent or broken by hand, removed from disposable syringes, or otherwise manipulated by hand. After they are used, disposable syringes and needles, scalpel blades, and other sharp items should be placed for disposal in puncture-resistant containers located as close as practical to the use area. Large-bore reusable needles should be placed in puncture-resistant containers for transport to the reprocessing area.
4. **Resuscitation Devices.** To minimize the need for emergency mouth-to-mouth resuscitation, a practitioner shall ensure that mouthpieces, resuscitation bags, or other ventilation devices are available for use in areas in which the need for resuscitation is predictable.
5. **Sterilization and Disinfection.** Instruments or devices that enter sterile tissue or the vascular system of any patient or through which blood flows should be sterilized before reuse. Devices or items that contact intact mucous membranes should be sterilized before reuse. Devices or items that contact intact mucous membranes should be sterilized or receive high-level disinfection.
6. **Precautions for Practitioners with High Risk Lesions and Dermatitis.** Practitioners who have exudative lesions or weeping dermatitis must refrain from all direct patient

care and from handling patient care equipment and devices used in performing invasive procedures until the condition is resolved.

- C. Failure to Comply with Standards. Failure by a practitioner to adhere to the Universal Blood and Body Fluid Precautions established herein shall be deemed unprofessional conduct in violation of Section 73-25-29(8)(d). Upon report of a violation, the Board of Medical Licensure shall take action consistent with the Medical Practice Act to determine if a violation has occurred, and if a violation has occurred, determine what sanctions, if any, are appropriate. The practitioner shall be entitled to the procedures guaranteed by the Act, including, but not necessarily limited to, a hearing concerning the charge(s).

4. SCREENING/REPORTING

- A. It is recommended that physicians know their HIV, HBV or HCV antibody status and submit to the appropriate tests to determine this status on an annual basis on or before the physician's birthday.
- B. Any practitioner who is or becomes HbeAg seropositive, HCV seropositive or HIV seropositive shall give written notice of such seropositivity to the Board of Medical Licensure on or before thirty (30) days from the date the seropositivity is determined.
- C. The written notice of seropositivity as required in Subpart B above shall be sent by Registered Mail to the attention of the Board's Executive Officer, and shall include a copy of the test results and identification of the physician's treating physician.
- D. A Panel shall be established to monitor physicians who are HIV seropositive, HBeAg seropositive or HCV seropositive. The Panel shall consist of the physician's private physician(s), an infectious disease specialist with expertise in the epidemiology of HIV, HBV and HCV transmission, a practitioner with expertise in the procedures performed by the infected practitioner, a psychiatrist, and a member and/or Executive Officer of the Board of Medical Licensure. The above list is not intended to be all inclusive and other physicians or representatives of other fields of medicine can be added to the Panel, at the request of either the infected physician, a Panel

member, and/or the Board of Medical Licensure.

The Panel shall designate two or more of its members to meet with seropositive physicians to evaluate the physicians' practice, extent of illness and other factors to determine what modifications, if any, will be required in their practice patterns. In addition, the Panel shall meet at least annually with the Board to report its progress, discuss enforcement and related issues.

5. CONFIDENTIALITY OF REPORTED INFORMATION

- A. General Confidentiality. Reports and information furnished to the Board pursuant to Section 4.B above shall be confidential and privileged. Said reports and information shall not be subject to disclosure without prior written consent of the practitioner identified in the report.
- B. Confidentiality of Identity of Seropositive Practitioners. The identity of practitioners who have reported their status as carriers of HBV, HCV or HIV to the Board pursuant to Section 4.B above shall be maintained in confidence by the Board and shall not be disclosed to any person, firm, organization, or entity, governmental or private, except as may be necessary in the investigation or prosecution of suspected violations of this rule and regulation or violation of the Mississippi Medical Practice Act.
- C. Disclosure of Statistical Data. Provided that the identity of reporting practitioners is not disclosed, the provisions of this Section shall not be deemed to prevent disclosure by the Panel or Board of statistical data derived from such reports, including, the number and licensure class of practitioners having reported themselves as HbeAg, HCV and/or HIV seropositive and their geographical distribution.

6. PENALTIES

HIV, HBV or HCV positive practitioners who perform exposure-prone procedures or otherwise practice contrary to the direction of the Panel shall be guilty of unprofessional conduct in violation of Section 73-25-29(8)(d). Upon report of a violation, the Board shall take action consistent with the Act to determine if a violation has occurred and if so, determine what sanctions, if any, are appropriate. The

practitioner shall be entitled to the procedures guaranteed by the Act including, but not limited to, a hearing concerning the charge(s).

7. HIV, HBV, AND HCV TESTS

All tests to determine HIV, HbeAg or HCV seropositivity should be performed at a standardized laboratory that is licensed in the State of Mississippi.

**Adopted July 1, 1992. Amended November 18, 1993.**  
Amended \_\_\_\_\_, 1999.

# MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

## Rules and Regulations Governing The Supervision of Pharmacists

### XVI. The Supervision Of Pharmacists

**Authority:** Chapter 25 and 27, Title 73, Mississippi Code (1972) Annotated

**Preamble:** To optimize the favorable professional working relationship that already exists between the State of Mississippi's physician and pharmacist communities, the following is directed.

1. **SCOPE:**

These regulations apply to all individuals licensed to practice medicine or osteopathic medicine in the State of Mississippi.

2. **DEFINITIONS AS USED IN THESE REGULATIONS:**

- A. For the purpose of this regulation only, "Physician" means any person licensed to practice medicine or osteopathic medicine in the State of Mississippi.
- B. "Supervising Physician" means a physician who, pursuant to a duly executed a Written Guideline or Protocol as hereinafter defined, has agreed to supervise a pharmacist and is the physician responsible for the overall management and supervision for the activities of the pharmacist as is directly related to patients receiving medications or disease management services under the Protocol.
- C. "Pharmacist" means any person licensed to practice pharmacy in the State of Mississippi, who has met all requirements of Article XXXVI of the rules and regulations of the Mississippi State Board of Pharmacy to either (i) accept patients referred by a physician, (ii) initiate or modify drug therapy, or (iii) order lab work, all in accordance with Written Guidelines or Protocols as hereinafter defined.
- D. "Written Guideline or Protocol" means an agreement in which a physician authorized to prescribe drugs delegates to a pharmacist authority to consult with a patient or to conduct specific prescribing functions in an institutional setting, or with individual patients, provided that a specific Protocol agreement is signed on each patient and is filed with the Mississippi State Board of Pharmacy as required

and is filed with the Mississippi State Board of Pharmacy as required by Mississippi Code Annotated § 73-21-73(jj) and is filed with this Board.

**3. BOARD REVIEW - PROTOCOL FORMAT:**

- A. Before any physician shall execute a Protocol to supervise a pharmacist in the care or consultation with a patient, or initiation and/or modification of prescription drug therapy, and/or ordering lab work, the supervising physician must jointly execute a Written Guideline or Protocol with the pharmacist and thereafter file the same with the Mississippi State Board of Medical Licensure.
- B. No Protocol agreement authorizing the care or consultation with a patient, or initiation and/or modification of prescription drug therapy shall be executed by a physician unless the Protocol shall meet at a minimum the following requirements:
  - (1) Identifies the Physician who agrees to supervise the pharmacist and the scope of the Physician's active practice; and
  - (2) Describe the specific responsibilities authorized by the Supervising Physician; and
  - (3) Describe the method the pharmacist shall use to document decisions or recommendations the pharmacist makes to the Supervising Physician; and
  - (4) Describe the patient activities the Supervising Physician requires the pharmacist to monitor; and
  - (5) Describe the types of reports the Supervising Physician requires the pharmacist to report and the schedule by which the pharmacist is to submit these reports; and
  - (6) Include a statement of the medication categories and the type of initiation and modification of drug therapy that the Supervising Physician authorizes the pharmacist to perform; and
  - (7) Describe the procedures or plan that the pharmacist shall follow if the pharmacist exercises initiation and modification of drug therapy; and

- (8) Indicate the date the Supervising Physician's supervision ends. The duration of the Protocol agreement shall not exceed one (1) year; and
- (9) Be dated and signed by the pharmacist(s) and the Supervising Physician. If more than one Physician agrees to supervise the pharmacist(s), each Physician and pharmacist(s) shall sign and date the protocol; and
- (10) Include a statement that stipulates that the patient has been notified by the pharmacist(s) and the Supervising Physician that a Protocol agreement exists; and
- (11) Include a statement which certifies that the Physician(s) has advised their respective malpractice liability carriers concerning the Protocol and supervisory relationship, and that any potential liability that may ensue as a result of implementing the protocol agreement, shall be covered by the malpractice liability insurance policies or endorsements thereto.

C. No Protocol agreement authorizing the ordering of lab work by a pharmacist shall be executed by a physician unless the Protocol shall meet at a minimum the following requirements:

- (1) Identifies the Physician who agrees to supervise the pharmacist and the scope of the Physician's active practice; and
- (2) Describe the specific responsibilities authorized by the Supervising Physician, including the type of lab tests the Supervising Physician authorizes the pharmacist to order; and
- (3) Describe the method the pharmacist shall use to document decisions or recommendations the pharmacist makes to the Supervising Physician; and
- (4) Describe the patient activities the Supervising Physician requires the pharmacist to monitor; and
- (5) Describe the types of reports the Supervising Physician requires the pharmacist to report and the schedule by which the pharmacist is to submit these reports; and
- (6) Describe the procedures or plan that the pharmacist shall follow if the pharmacist orders lab tests; and

- (7) Describe the process which the physician employs to periodically monitor the pharmacist's interpretation of the lab tests; and
- (8) Indicate the date the Supervising Physician's supervision ends. The duration of the Protocol agreement shall not exceed one (1) year; and
- (9) Be dated and signed by the pharmacist(s) and the Supervising Physician. If more than one Physician agrees to supervise the pharmacist(s), each Physician and pharmacist(s) shall sign and date the protocol; and
- (10) Include a statement that stipulates that the patient has been notified by the pharmacist(s) and the Supervising Physician that a Protocol agreement exists; and
- (11) Include a statement which certifies that the Physician(s) has advised their respective malpractice liability carriers concerning the Protocol and supervisory relationship, and that any potential liability that may ensue as a result of implementing the Protocol agreement, shall be covered by the malpractice liability insurance policies or endorsements thereto.

**4. SUPERVISING PHYSICIAN LIMITED:**

No physician shall be authorized to supervise a pharmacist unless that physician holds an unrestricted license to practice in the State of Mississippi. Likewise, no physician shall be authorized to supervise a pharmacist unless that pharmacist holds an unrestricted license to practice in the State of Mississippi.

**5. TERMINATION OR CHANGES IN THE PROTOCOL:**

Any physician desirous of termination or amending the supervisory protocol with a pharmacist shall so notify in writing, the pharmacist, the Mississippi State Board of Pharmacy and the Mississippi State Board of Medical Licensure to the attention of the Executive Director. The notification shall include the name of the pharmacist, the desired change, and proposed effective date of change.



**6. VIOLATION OF REGULATIONS/DISAPPROVAL OF SUPERVISION:**

Any violation of the Rules and Regulations as enumerated above shall constitute unprofessional conduct in violation of Mississippi Code Annotated § 73-25-29(8), as amended.

**7. EFFECTIVE DATE OF REGULATIONS:**

The above rules and regulations pertaining to Supervising Physicians shall become effective \_\_\_\_\_, 1999.

G:\Pharmacist Reg.99

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

**IN THE MATTER OF THE PHYSICIAN'S LICENSE**

**OF**

**JONATHAN C. CAMPBELL, M.D.**

**ORDER**

THIS MATTER came on regularly for hearing on September 23, 1999, before the Mississippi State Board of Medical Licensure in response to the Petition of Jonathan C. Campbell, M.D. (hereinafter referred to as "Licensee"), for removal of all restrictions placed on his Mississippi medical license by virtue of that certain Amended Consent Order dated September 19, 1996.

The hearing was convened at 9:45 a.m., Licensee being present without counsel. The Board, after hearing said motion, finds the same to be well-taken.

IT IS, THEREFORE, ORDERED that all restrictions imposed on Licensee by virtue of the September 19, 1996, Amended Consent Order are hereby removed. Licensee now holds an unrestricted license to practice medicine in the State of Mississippi.

IT IS FURTHER ORDERED, that pursuant to Miss. Code Ann. Section 73-25-27 (1972), a copy of this Order shall be sent by Registered Mail or personally served upon Licensee.

SO ORDERED, this the 23rd day of September, 1999.

MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE

BY: Joseph E. Johnston, M.D.  
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT

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**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

**IN THE MATTER OF THE PHYSICIAN'S LICENSE**

**OF**

**MAXWELL C. COOKE, M.D.**

**ORDER**

THIS MATTER came on regularly for hearing on September 23, 1999, before the Mississippi State Board of Medical Licensure in response to the Petition of Maxwell C. Cooke, M.D. (hereinafter referred to as "Licensee"), for removal of all restrictions placed on his Mississippi medical license by virtue of that certain Consent Order dated September 21, 1995, and Order dated September 17, 1998.

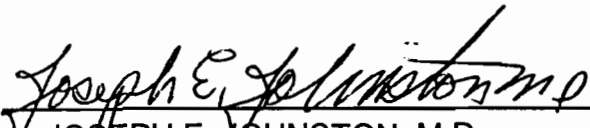
The hearing was convened at 10:00 a.m., Licensee being present with counsel, Walker W. Jones, III. The Board, after hearing said motion, finds the same to be well-taken.

IT IS, THEREFORE, ORDERED that all restrictions imposed on Licensee by virtue of the September 21, 1995, Consent Order and September 17, 1998, Order are hereby removed. Licensee now holds an unrestricted license to practice medicine in the State of Mississippi.

IT IS FURTHER ORDERED, that pursuant to Miss. Code Ann. Section 73-25-27 (1972), a copy of this Order shall be sent by Registered Mail or personally served upon Licensee.

SO ORDERED, this the 23rd day of September, 1999.

MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE

BY:   
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT

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**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

**IN THE MATTER OF THE PHYSICIAN'S LICENSE**

**OF**

**HERBERT H. HICKS, M.D.**

**ORDER**

THIS MATTER came on regularly for hearing on September 23, 1999, before the Mississippi State Board of Medical Licensure in response to the Petition of Herbert H. Hicks, M.D. (hereinafter referred to as "Licensee"), for removal of all restrictions placed on his Mississippi medical license by virtue of that certain Determination and Order dated September 18, 1997.


The hearing was convened at 10:30 a.m., Licensee being present with counsel, Whitman B. Johnson, III. The Board, after hearing said motion, finds the same to be well-taken.

IT IS, THEREFORE, ORDERED that all restrictions imposed on Licensee by virtue of the September 18, 1997, Determination and Order are hereby removed. Licensee now holds an unrestricted license to practice medicine in the State of Mississippi.

IT IS FURTHER ORDERED, that pursuant to Miss. Code Ann. Section 73-25-27 (1972), a copy of this Order shall be sent by Registered Mail or personally served upon Licensee.

SO ORDERED, this the 23rd day of September, 1999.

MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE

BY:   
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT

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**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
IN THE MATTER OF THE PHYSICIAN'S LICENSE**

**OF**

**THOMAS M. LEHMAN, M.D.**

**ORDER**

THIS MATTER came on regularly for hearing on September 23, 1999, before the Mississippi State Board of Medical Licensure in response to the Petition of Thomas M. Lehman, M.D. (hereinafter referred to as "Licensee"), for removal of all restrictions placed on his Mississippi medical license by virtue of that certain Consent Order dated May 16, 1996.

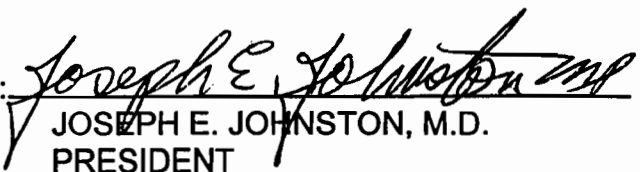
The hearing was convened at 11:00 a.m., Licensee being present without counsel. The Board, after hearing said motion, finds the same to be well-taken.

IT IS, THEREFORE, ORDERED that all restrictions imposed on Licensee by virtue of the May 16, 1996, Consent Order are hereby removed. Licensee now holds an unrestricted license to practice medicine in the State of Mississippi.

IT IS FURTHER ORDERED, that pursuant to Miss. Code Ann. Section 73-25-27 (1972), a copy of this Order shall be sent by Registered Mail or personally served upon Licensee.

SO ORDERED, this the 23rd day of September, 1999.

MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE

BY:   
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT



**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
IN THE MATTER OF THE PHYSICIAN'S LICENSE**

**OF**

**OLUFEMI OKUNOREN, M.D.**

**ORDER**

THIS MATTER came on regularly for hearing on September 23, 1999, before the Mississippi State Board of Medical Licensure in response to the Petition of Olufemi Okunoren, M.D. (hereinafter referred to as "Licensee"), for removal of all restrictions placed on his Mississippi medical license by virtue of that certain Determination and Order dated September 17, 1998.

The hearing was convened at 11:30 a.m., Licensee being present with counsel, Gail Wright Lowery. The Board, after hearing said motion, finds the same to be well-taken.

IT IS, THEREFORE, ORDERED that all restrictions imposed on Licensee by virtue of the September 17, 1998, Determination and Order are hereby removed. Licensee now holds an unrestricted license to practice medicine in the State of Mississippi.

IT IS FURTHER ORDERED, that pursuant to Miss. Code Ann. Section 73-25-27 (1972), a copy of this Order shall be sent by Registered Mail or personally served upon Licensee.

SO ORDERED, this the 23rd day of September, 1999.

MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE

BY: Joseph E. Johnston, M.D.  
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT

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OCTOBER 1999

**MINUTES  
EXECUTIVE COMMITTEE MEETING  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
OCTOBER 20, 1999**

**MEMBERS PRESENT:**

Joseph E. Johnston, M.D., Mount Olive, President  
Freda M. Bush, M.D., Jackson, Vice President  
Robert Ray Smith, M.D., Jackson, Secretary  
W. Joseph Burnett, M.D., Director

**ALSO PRESENT:**

Charles Moses, Division Director II, Investigative Division  
Rhonda Freeman, Division Director II, Licensure Division  
Kathy Fortenberry, Administrative Assistant

The Executive Committee of the Mississippi State Board of Medical Licensure met on Wednesday, October 20, 1999, at 4:15 p.m. in the Executive Conference Room of the Office of the Board located at 2600 Insurance Center Drive, Jackson, Mississippi.

**PERSONAL APPEARANCE BY JACK LANSFORD HAMMOND, M.D., WHITFIELD,  
TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE  
NUMBER 08945**

Dr. Hammond was present but not represented by legal counsel.

Dr. Hammond presented his request and answered questions from Dr. Burnett and Executive Committee members. It was the consensus of the Executive Committee members to return outpatient controlled substance privileges in Schedules IV and V. All remaining restrictions imposed by virtue of the June 1998 Consent Order shall continue to be maintained in full force and effect. The Order of the Board effective as of this date is attached hereto and incorporated by reference.

**APPROVAL OF CONSENT ORDER EXECUTED BY JOHN WILBUR MCFADDEN, JR.,  
M.D., TUPELO, MISSISSIPPI MEDICAL LICENSE NUMBER 05129**

Dr. Burnett advised that Dr. McFadden had executed a Consent Order, which had been adopted by the Board at the September 23, 1999, Board meeting and that Dr. McFadden was being given until October 23, 1999, to complete the closure of his practice. It was the consensus of the Executive Committee members

**EXECUTIVE COMMITTEE MEETING**

**October 20, 1999**

**Page 2**

to accept the Consent Order, a copy of which is attached hereto and incorporated by reference.

**REPORT FROM EXAMINING COMMITTEE ON MYUNG CHUN PARK, M.D.,  
CLARKSDALE, MISSISSIPPI MEDICAL LICENSE NUMBER 15358**

Dr. Burnett reported on the recommendation from the Examining Committee that Dr. Park submit to an inpatient evaluation at Menninger Clinic for evaluation and possible treatment in their Disruptive Physicians Program. The Examining Committee determined that the evaluation was necessary for the Committee to make its determination pursuant to the Mississippi Disabled Physician Law. Motion was made by Dr. Bush and seconded by Dr. Smith to accept this recommendation, and an Order from the Examining Committee will be issued to this effect.

**REPORT FROM PODIATRY ADVISORY COMMITTEE ON LANE CEDRIC ROLLING,  
D.P.M., PHILADELPHIA**

Copies of the report from the Podiatry Advisory Committee were reviewed and discussed. Based upon their recommendations, a Consent Order suspending the license for one year will be prepared for presentation to Dr. Rolling.

**APPROVAL OF CONSENT ORDER EXECUTED BY FERNALD WILLIAM WENTZELL,  
M.D., OCEANSIDE, CA, MISSISSIPPI MEDICAL LICENSE NUMBER 07379**

Dr. Wentzell's Consent Order, which was based on action taken by the Medical Board of California, was reviewed by Dr. Burnett and Mr. Moses. Motion was made by Dr. Smith and seconded by Dr. Bush to accept the Consent Order, a copy of which is attached hereto and incorporated by reference.

**WILLIAM DANIEL POTTER, III, M.D., EUTAW, AL, MISSISSIPPI MEDICAL LICENSE  
NUMBER 04405, SURRENDER OF MEDICAL LICENSE**

Mr. Moses reviewed a proposed Surrender of Medical License to be presented to Dr. Potter, who has surrendered his license in Alabama. Motion was made by Dr. Smith and seconded by Dr. Bush to proceed with offering the document to Dr. Potter.

**EXECUTIVE COMMITTEE MEETING**

**October 20, 1999**

**Page 3**

**GREGG SPAULDING HUNTER, M.D., JACKSON**

For informational purposes only, Dr. Burnett advised the Executive Committee members of several calls he had received concerning Dr. Hunter's behavior at a recent Central Medical Society meeting. This matter will continue to be investigated.

**JOHN DOE, M.D.**

Mr. Moses reviewed an investigation regarding a sexual relationship between a physician and an employee of his clinic. It was the consensus of the Executive Committee members that nothing could be done unless it was determined that a physician/patient relationship was established.

**JOHNNY RAY BULLOCK, JR., M.D., COLUMBIA**

Dr. Burnett reviewed correspondence from Dr. Bullock and Jerry Howell, Chief Operating Officer, Marion General Hospital, requesting that paragraph 14 of Dr. Bullock's "Re-entry Contract" be amended to allow the chaperone(s) who make hospital rounds with Dr. Bullock to be current or past hospital employees. The Executive Committee approved this change, and the Order of the Board is attached hereto and incorporated by reference.

**JOINT COMMITTEE ON NURSE PRACTITIONERS**

Dr. Burnett reported that the first meeting of the joint committee on nurse practitioners is scheduled for Wednesday, November 3.

He also reported on several complaints from physicians regarding a lay nurse midwife in Long Beach, Mississippi. Dr. Bush advised that this should be handled by the State Department of Health. These complaints will be provided for members to review at the meeting of the joint committee.

**RATIFY BOARD POLICY FOR REINSTATEMENT FEES**

The Executive Committee, telephonically on October 6, 1999, adopted the following policy, retroactive to October 1, 1999, as pertains to Section §73-25-14 (3):

## **EXECUTIVE COMMITTEE MEETING**

**October 20, 1999**

**Page 4**

Physicians who were formerly licensed in Mississippi but have allowed their Mississippi license to lapse because they have not been practicing in the state may reinstate upon paying the arrearage to be calculated by adding the total renewal fees for the last five (5) years.

Motion was made by Dr. Smith and seconded by Dr. Bush to ratify this change.

### **REGULATION GOVERNING THE PRACTICE OF ACUPUNCTURE**

Dr. Burnett advised that a regulation pertaining to the practice of acupuncture, which was adopted by the Board in 1982, had erroneously not been included in composite filings with the Secretary of State. Therefore, it cannot be considered as a regulation of the Board. Motion was made by Dr. Bush and seconded by Dr. Smith to re-adopt the regulation. A copy of the regulation, which will be filed with the Secretary of State under the Administrative Procedures Act, is attached hereto and incorporated by reference.

### **FEDERATION OF STATE MEDICAL BOARDS REGIONAL WORKSHOP - DALLAS**

Dr. Burnett requested permission to attend the Regional Workshop in Dallas on November 13. This was approved by the Executive Committee members.

### **REPORT FROM FEDERATION OF STATE MEDICAL BOARDS ON BOARD MEMBERS' AND STAFF'S INVOLVEMENT IN FEDERATION ACTIVITIES**

For informational purposes only, Dr. Burnett reviewed a report from the Federation of State Medical Boards, which detailed Board members' and staff's involvement in Federation activities.

### **NEWSLETTER**

Copies of a draft newsletter to be published in November were distributed to the Executive Committee members for their review.

### **FORECAST - BOARD AND EXECUTIVE COMMITTEE MEETINGS**

Dr. Burnett reported that hearings would possibly be held at the November Board meeting for the following physicians: Walter Ocampo Anderson, M.D., Chunky; Micheal Leo Baker, D.O., Vicksburg; and Joseph Booker, Jr., M.D., Gulfport.

**EXECUTIVE COMMITTEE MEETING**

October 20, 1999

Page 5

Darrell Lenard Wilson, M.D., Memphis, and Millard Seals Costilow, M.D., North Carrollton, were tentatively scheduled for the November Executive Committee meeting. However, due to a schedule conflict, Dr. Wilson has requested to come before the full Board. Dr. Burnett advised that he had allowed Dr. Wilson's residency to satisfy his requirement of 50 CME hours.

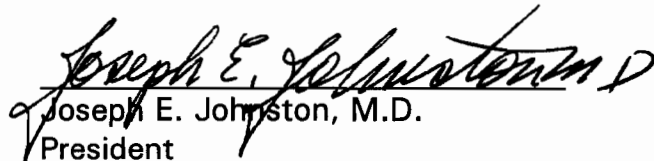
A hearing for Arnold Erwin Feldman, M.D., Natchez, is tentatively scheduled for the December Board meeting.

**OTHER BUSINESS**

Dr. Burnett reported on a very positive meeting earlier in the day with Frederick Matthes, Office of Classification and Compensation, Mississippi State Personnel Board. Dr. Burnett is hoping to reclassify and upgrade positions within the agency.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 5:30 p.m.

  
Joseph E. Johnston, M.D.  
President

Minutes taken and transcribed  
by Kathy Fortenberry  
Administrative Assistant  
October 20, 1999



**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
IN THE MATTER OF THE PHYSICIAN'S LICENSE**

**OF**

**JACK LANSFORD HAMMOND, M.D.**

**ORDER**

THIS MATTER came on regularly for hearing on October 20, 1999, before the Executive Committee of the Mississippi State Board of Medical Licensure, in response to the Petition of Jack Lansford Hammond, M.D. (hereinafter "Licensee"), seeking removal of restrictions on his license to practice medicine. Specifically, Licensee has requested relief from those restrictions imposed on his license by virtue of that certain Consent Order executed by Licensee on June 1, 1998, and accepted by the Board on June 18, 1998.

The Executive Committee of the Board after hearing said motion finds the same to be well-taken, but limited to the return of controlled substance privileges in Schedules IV and V. Whenever a physician has lost the privilege of handling controlled substances due to chemical dependency and /or indiscriminate prescribing, the Board takes into consideration a number of factors, including all activities of the Petitioner since the disciplinary action was taken, the offense for which he was disciplined, his activities during the time his certificate was in good standing, and his general reputation for truth, professional ability and good character. By authorizing Licensee to administer, dispense or prescribe controlled substances in Schedules IV and V, on

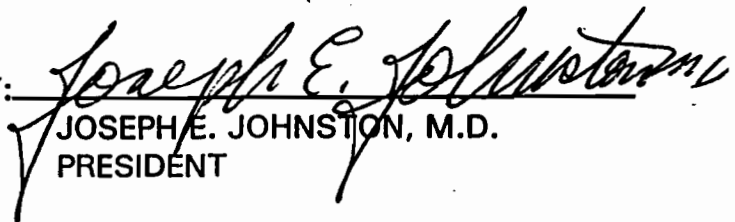
an outpatient basis, Licensee is given the opportunity to demonstrate the proper handling of controlled substances in the lesser schedules prior to further consideration of return of privileges in the higher schedules.

THEREFORE, IT IS HEREBY ORDERED, that Licensee's petition for removal of restrictions is hereby granted, but limited to return of outpatient controlled substance privileges in Schedules IV and V. All remaining restrictions imposed by virtue of the June 1, 1998, Consent Order shall continue to be maintained in full force and effect. After expiration of one (1) year, Licensee shall have the right to petition the Board for reconsideration.

IT IS FURTHER ORDERED, that pursuant to Miss. Code Ann. Sections 73-25-27 and 73-25-32 (1972), a copy of this Order shall be sent by registered mail or personally served upon Jack Lansford Hammond, M.D.

ORDERED, this the 20th day of October, 1999.

MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE

BY:   
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

**IN THE MATTER OF THE PHYSICIAN'S LICENSE OF**

**JOHN WILBUR MCFADDEN, M.D.**

**CONSENT ORDER**

WHEREAS, the Investigative Staff of the Mississippi State Board of Medical Licensure has conducted a comprehensive investigation into the medical practice of John Wilbur McFadden, M.D., Tupelo, Mississippi, and has documented evidence indicating that Dr. McFadden (hereinafter referred to as "Licensee") is in violation of a previous Board Order requiring Licensee to successfully complete a course on the prescribing of abusable drugs, and has had sexual contact with a patient while maintaining a doctor/patient relationship; and

WHEREAS, Licensee, through referral to the Examining Committee pursuant to the Mississippi Disabled Physician Law, entered into an evaluation at the Menninger Clinic, Topeka, Kansas, on or about September 2, 1999 for the purpose of determining his fitness to practice medicine with reasonable skill and safety to patients by reason of mental illness. Upon conclusion of the evaluation, it was determined that Licensee did engage in a work-related sexual boundary violation. Licensee's conduct was viewed by the treatment staff at Menninger in context of other significant problems and stressors occurring in the patient's life; and

WHEREAS, on September 22, 1999, Licensee appeared informally before the Executive Committee of the Mississippi State Board of Medical Licensure. While Licensee

acknowledged an inappropriate sexual relationship with one patient, the Board recognizes, based on the facts presented and evaluation results, that the sexual relationship was an isolated incident with no evidence or diagnosis of sexual addiction or sexual compulsivity. Furthermore, Licensee expressed willingness to undergo further treatment and resolve all other pending legal matters with the Board; and

WHEREAS, pursuant to authority granted by the Mississippi Disabled Physician Law, specifically Miss. Code Ann. § 73-25-59, both parties desire to resolve all pending matters by execution of this Consent Order;

NOW, THEREFORE, the Mississippi State Board of Medical Licensure, with consent of Licensee as signified by his joinder herein, does hereby place the following restrictions on his license to practice medicine in the State of Mississippi, to-wit:

1. Licensee shall immediately reenter the Menninger Clinic, Topeka, Kansas, and complete all in-patient treatment as required Menninger Clinic, under the direction and/or supervision of Richard R. Irons, M.D.
2. Licensee shall not practice medicine under any circumstances until such time as the following prerequisites are meet:
  - a. Licensee has completed all in-patient treatment at Menninger Clinic followed by a minimum of six (6) week period of medication therapy.
  - b. The Board is in receipt of a written report from Menninger Clinic, concluding that Licensee has completed the above in-patient and out-patient treatment program and, subject to any further treatment requirements or regimen, *is capable of returning to the practice of*

*medicine with reasonable skills and safety of the patients.* Licensee shall comply with all aftercare conditions imposed by the Menninger Clinic.

c. Licensee appears informally before the Executive Committee of the Board to review Licensee's progress and consider all further treatment recommendations of the Menninger Clinic for his return to the practice of medicine. The Committee shall have the right to incorporate into this Consent Order by amendment or addendum, any other restriction deemed necessary to implement the Menninger Clinic treatment plan, maintain Licensee's recovery, and reinstate prescribing privileges.

3. Following his return to the practice of medicine, the Menninger Clinic shall provide the Board, to the attention of the Board's Director, written quarterly reports, setting forth the status of Licensee's treatment and aftercare monitoring, compliance with all treatment recommendations, and future treatment options.

4. In the event Licensee fails to comply with all conditions imposed on him by either Menninger Clinic or this Consent Order, Licensee shall be prohibited from practicing medicine until such time as a determination is made by the Board that Licensee is again ready to return to the practice of medicine. Summary suspension pursuant to this paragraph shall be for an indefinite

period of time, notwithstanding any term or right to petition for reinstatement provided herein.

5. Licensee hereby authorizes Menninger Clinic, its director, staff or employees to release to the Board all records of his evaluation, treatment and/or recommendations for aftercare monitoring. Further, Licensee authorizes the Mississippi State Board of Medical Licensure to release to the treatment facility all documentation, whether licensure or investigative, for the use and benefit of the facility in any further management and treatment of Licensee.
6. On or before expiration of one(1) year from the date of this order, Licensee shall successfully complete either one of the following continuing medical education courses, (a) "Physician Education Program in Clinical, Legal and Ethical Issues in Prescribing Abusable Drugs," sponsored by the University of South Florida, or (b) "Prescribing Controlled Drugs; Critical Issues and Common Pitfalls," sponsored by the Vanderbilt Medical Center, Nashville, Tennessee.
7. Licensee recognizes that he currently does not possess the right to prescribe, administer or dispense on an out-patient basis, any controlled substances in schedules II, IIN, III, IIIN, and IV. Notwithstanding termination of the Board's previous order of November 22, 1996, as hereinafter provided, Licensee shall not attempt to register with the U.S. Drug Enforcement Administration for privileges in said schedules without prior written consent from the Board.

8. Licensee shall comply with all Federal and State laws governing the practice of medicine and shall comply with the rules and regulations of the Board "Pertaining to Prescribing, Administration and Dispensing of Medication," including the recent amendment addressing, "Use of Controlled Substances for Chronic (Non-Terminal) Pain."
9. Licensee's practice of medicine shall be subject to periodic surveillance by the Mississippi State Board of Medical Licensure to monitor compliance with any Board approved plan of practice. The Board's medical consultant, any member of the Board, or investigative staff may perform a patient chart review of a representative sample of those patients treated by Licensee.

This Consent Order shall be in lieu of all previous orders and agreements. Licensee understands and the Board agrees, that the Determination and Order of the Board rendered November 22, 1996, shall have no force and effect upon Licensee after execution of this Consent Order.

Licensee shall have the right to petition the Mississippi State Board of Medical Licensure for release of any or all of the above enumerated conditions after expiration of six(6) months from the effective day hereof. Thereafter, any right to petition the Board for reconsideration shall be at reasonable intervals, but not less than twelve (12) months from date of last appearance.

Licensee understands and expressly acknowledges that this Consent Order shall constitute a public record of the State of Mississippi. Notwithstanding, pursuant to authority

set forth at Mississippi Code Ann. § 73-25-63(5), this Consent Order shall not be used against Licensee in any other legal proceedings.

Recognizing his right to notice of charges specified against him, to have such charges adjudicated pursuant to Miss. Code Ann. (1972) Section 73-25-63, to be represented therein by legal counsel of his choice, and to a final decision rendered upon written findings of fact and conclusions of law, John Wilbur McFadden, M.D. nonetheless hereby waives his right to notice and a formal adjudication of charges and authorizes the Board to enter an order accepting this Consent Order, thereby placing the above enumerated restrictions on his license to practice medicine in the State of Mississippi.

EXECUTED, this the 23 day of September, 1999.

*John Wilbur McFadden*  
*John Wilbur McFadden*  
\_\_\_\_\_  
JOHN WILBUR MCFADDEN, M.D.

ACCEPTED AND APPROVED, this the <sup>20</sup> ~~23~~ day of <sup>October</sup> ~~September~~, 1999, by the  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE.

*Joseph E. Johnston MD*  
\_\_\_\_\_  
MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE



**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

**IN THE MATTER OF PHYSICIAN'S LICENSE**

**OF**

**FERNALD WILLIAM WENTZELL, M.D.**

**CONSENT ORDER**

**WHEREAS, FERNALD WILLIAM WENTZELL, M.D., hereinafter referred to as "Licensee" is the current holder of License No.07379, issued August, 1975 for the practice of medicine in the State of Mississippi;**

**WHEREAS, on December 10, 1998, Licensee entered into a "Stipulation in Settlement and Decision" with the State of California, Division of Medical Quality, Medical Board of California, Department of Consumer Affairs, regarding Case No. 10-97-71118, effective June 5, 1999 placing his California medical license on probation for a period of five (5) years, said Decision and Stipulation attached hereto as "Exhibit A," and incorporated herein by reference.**

**WHEREAS, pursuant to Subsections (8)(d) and (10) of Section 73-25-29, Mississippi Code (1972), Annotated, the aforementioned Consent Order and probation constitutes restrictions placed on his license in another jurisdiction, grounds for which the Mississippi State Board of Medical Licensure may revoke the Mississippi medical license of Licensee, suspend his right to practice for a time deemed proper by the Board, place his license on probation, the terms of which may be set by the Board or take any other action in relation to his license as the Board may deem proper under the circumstances;**

**WHEREAS, it is the desire of Licensee to avoid a hearing before the Mississippi State Board of Medical Licensure and in lieu thereof requests that certain restrictions be placed on his license to practice medicine in the State of Mississippi;**

**NOW, THEREFORE, the Mississippi State Board of Medical Licensure, with consent of Licensee as signified by his joinder herein, does hereby suspend Licensee's certificate to practice medicine in the State of Mississippi, with the suspension automatically stayed, subject to the following probationary terms and conditions, to-wit:**

- 1. Licensee shall strictly comply with all of the terms and conditions of probation on his license to practice medicine in the State of California.**
- 2. Licensee shall, thirty (30) days prior to relocating his practice to the State of Mississippi, notify the Board of his intention to relocate to Mississippi. At such time the Board reserves the right to require Licensee to personally appear before the Board, which may impose any further restriction deemed necessary to protect the public.**
- 3. Licensee shall report in writing to the Mississippi State Board of Medical Licensure within fifteen (15) days should his medical license in any state be subject to investigation or disciplinary action.**
- 4. Licensee shall obey all federal, state and local laws, and all rules and regulations governing the practice of medicine.**

5. Licensee's practice of medicine in Mississippi shall be subject to periodic surveillance by the Mississippi State Board of Medical Licensure. The Board's Executive Director, any member of the Board or investigative staff may perform a patient chart review of a representative sample of those patients treated by Licensee.

At such time as all probationary conditions have been removed from his license in the State of California, Licensee shall have the right to petition the Mississippi State Board of Medical Licensure for a release of any or all of above enumerated conditions. Thereafter, any right to petition the Board for reconsideration shall be at reasonable intervals, but not less than twelve (12) months from date of last appearance.

This Consent Order shall be subject to approval by the Board. If the Board fails to approve this Consent Order, in whole or in part, it shall have no force or effect on the parties. It is further understood and agreed that the purpose of this Consent Order is to avoid a hearing before the Board. In this regard, Licensee authorizes the Board to review and examine any documentary evidence or materials concerning Licensee prior to or in conjunction with its consideration of this Consent Order. Should this Consent Order not be accepted by the Board, it is agreed that presentation to and consideration of this Consent Order and other documents and matters pertaining thereto by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation or consideration of the resolution of the proceeding.

Recognizing his right to notice of charges specified against him, to have such charges adjudicated pursuant to Miss. Code Ann. Section 73-25-27 (1972), to be represented therein by

legal counsel of his choice, and to a final decision rendered upon written findings of fact and conclusions of law, Fernald W. Wentzell, M.D., nonetheless, hereby waives his right to notice and a formal adjudication of charges and authorizes the Board to enter an order accepting this Consent Order, thereby suspending his license to practice medicine in the State of Mississippi for an indefinite period of time, staying the suspension and placing his license on probation subject to those terms and conditions enumerated above.

Signed this the 15 day of Oct., 1999.

Pat Ky  
Witness

Fernald W. Wentzell  
FERNALD W. WENTZELL, M.D.  
10-15-99  
Date

ACCEPTED AND APPROVED, this the 20th day of October, 1999 by the  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE.

By: Joseph E. Johnston MD  
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT

BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DIVISION OF MEDICAL QUALITY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation )  
Against: )  
FERNALD WILLIAM WENTZELL, M.D. )  
Physician & Surgeon Cert. No. C-36925 )  
Respondent )  
\_\_\_\_\_ )

No. 10-1997-71118

DECISION

The attached Stipulation Settlement and Decision in case number 10-1997-71118 is hereby adopted by the Division of Medical Quality of the Medical Board of California as its decision in the above entitled matter.

This Decision shall become effective at 5:00 p.m. on June 5, 1999

It is so Ordered May 5, 1999

DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA

By Carole Hurvitz, M.D.  
CAROLE HURVITZ, M.D.  
Chairperson, Panel B

1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
2 RICHARD D. HENDLIN  
Deputy Attorney General  
3 State Bar No. 76742  
Department of Justice  
4 110 West A Street, Suite 1100  
Post Office Box 85266  
5 San Diego, California 92186-5266  
Telephone: (619) 645-2071  
6  
7 Attorneys for Complainant

8 **BEFORE THE**  
9 **DIVISION OF MEDICAL QUALITY**  
10 **MEDICAL BOARD OF CALIFORNIA**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation ) Case No. 10-97-71118  
14 Against: )  
15 FERNALD WILLIAM WENTZELL, M.D. ) OAH No. L-1998090039  
16 3230 Waring Court, Suite D ) STIPULATION IN  
17 Oceanside, California 92056 ) SETTLEMENT AND DECISION  
18 Physician's and Surgeon's )  
19 Certificate No. C-36925 )  
20 Respondent. )

21 Complainant, Ron Joseph, Executive Director of the  
22 Medical Board of California, by and through his attorney, Daniel  
23 E. Lungren, Attorney General of the State of California, by  
24 Richard D. Hendlin, Deputy Attorney General, and Fernald William  
25 Wentzell, M.D. ("respondent"), by and through his attorney Monty  
26 A. McIntyre, Esq., hereby stipulate as follows:

27 1. The Division of Medical Quality of the Medical  
Board of California, Department of Consumer Affairs ("Division")  
acquired jurisdiction over respondent by reason of the following:

///  
///

1           A.    Respondent was duly served with a copy of the  
2           Accusation, Statement to Respondent, Request for Discovery,  
3           Form Notice of Defense and copies of Government Code  
4           sections 11507.5, 11507.6 and 11507.7 as required by section  
5           11503 and 11505, and respondent timely filed a Notice of  
6           Defense within the time allowed by section 11506 of the  
7           code.  A copy of the Accusation is attached hereto as  
8           Attachment A.

9           B.    Respondent has received and read the  
10          Accusation which is presently on file as Case No. 10-97-  
11          71118, before the Division.  Respondent understands the  
12          nature of the charges alleged in the Accusation and that the  
13          charges and allegations constitute cause for imposing  
14          discipline upon respondent's license to practice medicine  
15          which was issued by the Medical Board of California  
16          ("Board").

17                2.   Respondent and his counsel are aware of each of  
18          respondent's rights, including the right to a hearing on the  
19          charges and allegations, the right to confront and cross-examine  
20          witnesses who would testify against respondent, the right to  
21          present evidence in his favor and call witnesses on his behalf,  
22          or to testify, his right to contest the charges and allegations,  
23          and other rights which are accorded to respondent pursuant to the  
24          California Administrative Procedure Act (Gov. Code, § 11500 et  
25          seq.), including the right to seek reconsideration, review by the  
26          superior court, and appellate review.

27        ///

1           3.    Respondent freely and voluntarily waives each and  
2 every one of the rights set forth in paragraph 2.

3           4.    Respondent understands that in signing this  
4 stipulation rather than contesting the Accusation, he is enabling  
5 the Division to issue the following order without further  
6 process.

7           5.    For the purpose of resolving Accusation  
8 No. 10-97-71118, respondent admits the truth of the Fourth Cause  
9 for Discipline (Failure to Maintain Adequate and Accurate Medical  
10 Records) set forth in Paragraph 8 of the Accusation, and does not  
11 contest all other allegations in the Accusation. Respondent  
12 agrees that respondent has thereby subjected his Physician's and  
13 Surgeon's Certificate to disciplinary action. Respondent agrees  
14 to be bound by the Board's Disciplinary Order as set forth below.

15           6.    It is understood by respondent that, in deciding  
16 whether to adopt this stipulation, the Division may receive oral  
17 and written communications from its staff and the Attorney  
18 General's office. Communications pursuant to this paragraph  
19 shall not disqualify the Division or other persons from future  
20 participation in this or any other matter affecting respondent.  
21 In the event this settlement is not adopted by the Division, the  
22 stipulation will not become effective and may not be used for any  
23 purpose, except for this paragraph, which shall remain in effect.

24           7.    Facsimile copies of this stipulation, including  
25 facsimile signatures of the parties, may be used in lieu of  
26 original documents and signatures. The facsimile copies will  
27 have the same force and effect as originals.





1 with emphasis in the area of breast cancer diagnosis and  
2 treatment. This program shall be in addition to the Continuing  
3 Medical Education requirements for re-licensure. Following the  
4 completion of each course, the Division or its designee may  
5 administer an examination to test respondent's knowledge of the  
6 course. Respondent shall provide proof of attendance for 50  
7 hours per year of continuing medical education of which 25 hours  
8 were in satisfaction of this condition and were approved in  
9 advance by the Division or its designee. Should respondent  
10 request early termination of his probation, he agrees to have  
11 completed all additional 125 hours of Continuing Medical  
12 Education before the probation terminates early.

13                   2.     CLINICAL TRAINING PROGRAM

14                   Within 45 days from the effective date of this  
15 Decision, respondent shall submit to the Division or its designee  
16 for its prior approval, a Physician Assessment and Clinical  
17 Education (PACE) Program conducted by the University of  
18 California at San Diego School of Medicine, which program shall  
19 include an oral or written examination in the areas of diagnosis  
20 and treatment of breast cancer. The exact number of hours of the  
21 program shall be determined by the Division or its designee.  
22 Within 90 days of the effective date of the decision, respondent  
23 shall successfully complete the training program and pass the  
24 examination administered as part of the clinical training  
25 program.

26 ///

27 ///

1                   3.    **OBEY ALL LAWS**

2                   Respondent shall obey all federal, state and local  
3 laws, all rules governing the practice of medicine in California,  
4 and remain in full compliance with any court ordered criminal  
5 probation, payments and other orders.

6                   4.    **QUARTERLY REPORTS**

7                   Respondent shall submit quarterly declarations under  
8 penalty of perjury on forms provided by the Division, stating  
9 whether there has been compliance with all the conditions of  
10 probation.

11                   5.    **PROBATION SURVEILLANCE PROGRAM COMPLIANCE**

12                   Respondent shall comply with the Division's probation  
13 surveillance program. Respondent shall, at all times, keep the  
14 Division informed of his or her addresses of business and  
15 residence which shall both serve as addresses of record. Changes  
16 of such addresses shall be immediately communicated in writing to  
17 the Division. Under no circumstances shall a post office box  
18 serve as an address of record.

19                   Respondent shall also immediately inform the Division,  
20 in writing, of any travel to any areas outside the jurisdiction  
21 of California which lasts, or is contemplated to last, more than  
22 30 days.

23                   6.    **INTERVIEW WITH THE DIVISION, ITS DESIGNEE OR ITS  
24                   DESIGNATED PHYSICIAN(S)**

25                   Respondent shall appear in person for interviews with  
26 the Division, its designee or its designated physician(s) upon  
27 request at various intervals and with reasonable notice.

1                   7.    **TOLLING FOR OUT-OF-STATE PRACTICE, RESIDENCE OR**  
2                                   **IN-STATE NON-PRACTICE**

3                   In the event respondent should leave California to  
4 reside or to practice outside the State or for any reason should  
5 respondent stop practicing medicine in California, respondent  
6 shall notify the Division or its designee in writing within ten  
7 days of the dates of departure and return or the dates of non-  
8 practice within California. Non-practice is defined as any  
9 period of time exceeding 30 days in which respondent is not  
10 engaging in any activities defined in Sections 2051 and 2052 of  
11 the Business and Professions Code. All time spent in an  
12 intensive training program approved by the Division or its  
13 designee shall be considered as time spent in the practice of  
14 medicine. Periods of temporary or permanent residence or  
15 practice outside California or of non-practice within California,  
16 as defined in this condition, will not apply to the reduction of  
17 the probationary period.

18                   8.    **COMPLETION OF PROBATION**

19                   Upon successful completion of probation, respondent's  
20 certificate shall be fully restored.

21                   9.    **VIOLATION OF PROBATION**

22                   If respondent violates probation in any respect, the  
23 Division, after giving respondent notice and the opportunity to  
24 be heard, may revoke probation and carry out the disciplinary  
25 order that was stayed. If an accusation or petition to revoke  
26 probation is filed against respondent during probation, the  
27 Division shall have continuing jurisdiction until the matter is

1 final, and the period of probation shall be extended until the  
2 matter is final.

3           **10. COST RECOVERY**

4           The respondent is hereby ordered to reimburse the  
5 Division the amount of \$3,140.00 within 90 days from the  
6 effective date of this decision for its investigation and  
7 prosecution costs. Failure to reimburse the Division's cost of  
8 its investigation and prosecution as set forth above shall  
9 constitute a violation of the probation order, unless the  
10 Division agrees in writing to payment by an installment plan  
11 because of financial hardship. The filing of bankruptcy by the  
12 respondent shall not relieve the respondent of his responsibility  
13 to reimburse the Division for its investigative and prosecution  
14 costs.

15           **11. PROBATION MONITORING COSTS**

16           Respondent shall pay the costs associated with  
17 probation monitoring each and every year of probation. Such  
18 costs shall be payable to the Division at the beginning of each  
19 calendar year. Failure to pay such costs shall constitute a  
20 violation of probation.

21           **12. LICENSE SURRENDER**

22           Following the effective date of this decision, if  
23 respondent ceases practicing due to retirement, health reasons or  
24 is otherwise unable to satisfy the terms and conditions of  
25 probation, respondent may voluntarily tender his certificate to  
26 the Division. The Division reserves the right to evaluate the  
27 respondent's request and to exercise its discretion whether to

1 grant the request, or to take any other action deemed appropriate  
2 and reasonable under the circumstances. Upon formal acceptance  
3 of the tendered license, respondent will no longer be subject to  
4 terms and conditions of probation.

5 We concur in the stipulation and order.

6 DATED: 12/11/98

7 DANIEL E. LUNGREN, Attorney General  
8 of the State of California

9 *Richard D. Hendlin*

10 RICHARD D. HENDLIN  
11 Deputy Attorney General  
12 Attorneys for Complainant

13 DATED: 12-10-98

14 *Monty A. McIntyre*  
15 MONTY A. MCINTYRE, Esq.  
16 Attorney for Respondent

17 ACCEPTANCE

18 I have carefully read and fully understand the  
19 stipulation and order set forth above. I have discussed the  
20 terms and conditions set forth in the stipulation and order with  
21 my attorney, Monty A. McIntyre, Esq. I understand that in  
22 signing this stipulation I am waiving my right to a hearing on  
23 the charges set forth in the Accusation on file in this matter.  
24 I further understand that in signing this stipulation the  
25 Division may enter the foregoing order placing certain

26 ///  
27 ///

Trans. by: DEPT OF JUSTICE

619 645 2061;

12/08/98 4:21PM; Info #419; Page 12/12

1 requirements, restrictions and limitations on my right to  
2 practice medicine in the State of California.

3 DATED: 12-10-98

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6 **F. W. Wentzell, M.D.**  
7 **Respondent**

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ATTACHMENT "A"



1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
2 RICHARD D. HENDLIN, [State Bar No. 76742]  
Deputy Attorney General  
3 California Department of Justice  
110 West A Street, Suite 1100  
4 Post Office Box 85266  
San Diego, California 92186-5266  
5 Telephone: (619) 645-2071

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO August 5 19 98  
BY [Signature] ANALYST

6 Attorneys for Complainant

7  
8 **BEFORE THE**  
9 **DIVISION OF MEDICAL QUALITY**  
10 **MEDICAL BOARD OF CALIFORNIA**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
12 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation ) CASE NO. 10-97-71118  
Against: )  
12 )  
13 FERNALD WILLIAM WENTZELL, M.D. ) **ACCUSATION**  
3230 Waring Court, Suite D )  
Oceanside, CA 92056 )  
14 )  
Physician's and Surgeons's )  
15 Certificate No. C 36925, )  
Respondent. )

17  
18 Complainant Ron Joseph, as cause for disciplinary  
19 action, alleges:

20 **PARTIES**

21 1. Complainant is the Executive Director of the  
22 Medical Board of California, Department of Consumer Affairs  
23 (hereinafter the "Board"), and brings this accusation solely in  
24 his official capacity.

25 **LICENSE STATUS**

26 2. On or about March 12, 1976, License No. C 36925  
27 was issued by the Board to Fernald William Wentzell, M.D.,

1 (hereinafter "respondent"), and at all times relevant to the  
2 charges brought herein, this license has been in full force and  
3 effect. Unless renewed, respondent's license will expire on  
4 September 30, 1998. Respondent is not a supervisor of a  
5 Physician Assistant.

6 JURISDICTION

7 3. This accusation is brought before the Division of  
8 Medical Quality of the Medical Board of California, Department of  
9 Consumer Affairs (hereinafter the "Division"), under the  
10 authority of the following sections of the California Business  
11 and Professions Code (hereinafter "Code"):

12 A. Section 2227 of the Code provides that the  
13 Board may revoke, suspend for a period not to exceed one  
14 year, or place on probation, the license of any licensee who  
15 has been found guilty under the Medical Practice Act.

16 B. Section 2234 of the Code provides, as  
17 relevant hereto, that the Division shall take action against  
18 any licensee who is charged with unprofessional conduct. In  
19 addition to other provisions of this article, unprofessional  
20 conduct includes, but is not limited to, the following:

21 "(a) Violating or attempting to violate, directly  
22 or indirectly, or assisting in or abetting the  
23 violation of, or conspiring to violate, any provision  
24 of this chapter.

25 "(b) Gross negligence.

26 "(c) Repeated negligent acts.

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"(d) Incompetence.

". . . ."

C. . Section 2266 of the Code provides:

"The failure of a physician and surgeon to maintain adequate and accurate records relating to the provision of services to their patients constitutes unprofessional conduct."

D. Section 16.01 of the 1997/1998 Budget Act of the State of California provides, in pertinent part, that:

(a) no funds appropriated by this act may be expended to pay any Medi-Cal claim for any service performed by a physician while that physician's license is under suspension or revocation due to a disciplinary action of the Medical Board of California; and,

(b) no funds appropriated by this act may be expended to pay any Medi-Cal claim for any surgical service or other invasive procedure performed on any Medi-Cal beneficiary by a physician if that physician has been placed on probation due to a disciplinary action of the Medical Board of California related to the performance of that specific service or procedure on any patient, except in any case where the board makes a determination during its disciplinary process that there exist compelling circumstances that warrant continued Medi-Cal reimbursement during the probationary period.

///

1 COST RECOVERY

2 4. California Business and Professions Code section  
3 125.3 provides, in pertinent part, that in any order issued in  
4 resolution of a disciplinary proceeding, a board may request that  
5 the administrative law judge direct a licensee found to have  
6 committed a violation or violations of the licensing act to pay a  
7 sum not to exceed the reasonable costs of the investigation and  
8 enforcement of the case, including charges imposed by the  
9 Attorney General.

10 Under section 125.3, subdivision (c), a certified copy  
11 of the actual costs or a good faith estimate of costs where  
12 actual costs are not available, including investigative and  
13 enforcement costs, and charges imposed by the Attorney General,  
14 up to the date of the hearing, signed by the designated  
15 representative of the entity bringing the proceeding shall be  
16 prima facie evidence of reasonable costs of investigation and  
17 prosecution of the case.

18 CAUSES FOR DISCIPLINE

19 FIRST CAUSE FOR DISCIPLINE

20 (Gross Negligence Re: Patient Ana J.)

21 5. Respondent, Fernald William Wentzell, M.D., has  
22 subjected his license to disciplinary action under California  
23 Business and Professions Code section 2234, on the grounds of  
24 unprofessional conduct as defined by section 2234, subdivision  
25 (b) of the Code, in his care and treatment of patient Ana J. as  
26 more particularly alleged hereinafter:

27 ///

1           A.    On or about January 28, 1997, the Medical  
2 Board of California received a letter from an attorney  
3 advising it that a binding arbitration proceeding had  
4 recently concluded against respondent with an award of  
5 \$554,093.00 being awarded to patient Ana J. and \$100,000.00  
6 to her husband Bradley J. arising out her claim against  
7 respondent for his gross negligence and carelessness in his  
8 care and treatment of a lump in her right breast.

9           B.    Patient Ana J. was born March 20, 1951.  
10 Respondent was patient Ana J.'s treating obstetrician and  
11 gynecologist from April 1990 until 1995. On July 8, 1991,  
12 respondent delivered patient Ana J.'s third and last child  
13 by a repeat caesarean section and also performed a bilateral  
14 tubal ligation at that time. Subsequent to that time  
15 respondent saw patient Ana J. on a six month basis for a pap  
16 smear because of her apprehension of her mother's history of  
17 having cervical cancer. The patient had no cervical  
18 abnormalities.

19           C.    On August 11, 1992, respondent saw patient  
20 Ana J. The "Problem List" filled in by the nurse noted the  
21 visit was for a "pap and right breast lump." According to  
22 later deposition testimony of patient Ana J., on that day  
23 the lump was the size of a pea or smaller. Patient Ana J.  
24 had large pendulous breasts and was still breast-feeding her  
25 baby born the previous year. Respondent's notes of the  
26 August 11, 1992, visit are sketchy comprising less than  
27 eight words and a diagram of the right breast. The latter

1 shows a dark spot at the approximately lateral 8 o'clock  
2 position with the words "rough spot" and "mammogram."  
3 Respondent failed to record the history of the lump, date of  
4 onset, size, or disposition. Respondent told patient Ana J.  
5 that he thought the area on the right breast was probably a  
6 result of her lactating, that it could be a clogged duct and  
7 was nothing to worry about. According to respondent, he  
8 recommended she get a mammogram. Respondent made no  
9 arrangements to see patient Ana J. for follow-up regarding  
10 the breast problem, nor was he aware that she did not obtain  
11 the recommended mammogram. Between August of 1992 and  
12 November of 1994, the same right breast lump was slowly  
13 getting larger, according to patient Ana J.

14 D. Approximately six months after the August  
15 1992 office visit, on February 16, 1993, patient Ana J. was  
16 again seen by respondent for a pap smear. Patient Ana J.  
17 states she also complained of the enlarging right breast  
18 lump which was now approximately the size of a penny, but  
19 respondent's records make no mention of such complaint.  
20 Respondent's progress note of February 16, 1993, consists of  
21 only three words, "cervix normal, pap." There is no mention  
22 in the chart that the previous appointment breast problem  
23 was addressed nor does it mention that patient failed to  
24 have the mammogram which respondent recommended at the  
25 August 11, 1992, appointment. Respondent examined her  
26 breasts on February 16, 1993, and again told her the right  
27 breast problem was related to breast feeding. He told her

1 to use hot compresses and to get a mammogram. Respondent  
2 did not scheduled patient Ana J. for a follow-up  
3 appointment. When patient Ana J. went to the radiology  
4 center she was told she had to wait four to six months after  
5 she stopped nursing to have a mammogram. Patient Ana J.  
6 stopped breast feeding sometime in April 1993.

7 E. Respondent next saw patient Ana J. on August  
8 10, 1993, for a yearly exam. Patient Ana J. told respondent  
9 that she was worried that the lump was getting larger. It  
10 was now about the size of a quarter. Respondent's progress  
11 notes are very sketchy but there is a drawing of the right  
12 breast which now shows an elongated area extending  
13 diagonally down the lower lateral quadrant. Respondent  
14 noted a "firm elongated area. Recently stopped breast  
15 feeding." Respondent did not record the date of onset  
16 measurements, or disposition of the abnormal area. The left  
17 breast was normal. The chart makes no mention of the  
18 patient not getting the previously recommended mammogram(s).  
19 Another mammogram was ordered.

20 F. The August 18, 1993, mammography impression  
21 was "dense lactating breasts without good evidence of  
22 malignancy...." In the body of the mammography report it  
23 states, "There is no radiographic representation of the  
24 palpable lump laterally on the right." The mammography  
25 report also states that:

26 "though mammography is a sensitive test for the  
27 detection of breast cancer, approximately ten

1 percent of breast malignancies cannot be  
2 identified at mammography. In addition, not all  
3 palpable breast masses are mammographically  
4 apparent. For this reason, a negative mammogram  
5 should not discourage biopsy of a clinically  
6 suspicious lesion. The chief value of mammography  
7 is to detect nonpalpable malignancy."

8 When patient Ana J. called respondent's office for the  
9 mammogram results she was informed that they were negative  
10 and that she had nothing to worry about. Respondent did not  
11 refer her <sup>to</sup> a surgeon for evaluation for biopsy or perform any  
12 further evaluation. No follow-up visit was scheduled.

13 G. On February 1, 1994, respondent next examined  
14 patient Ana J., eighteen months after the initial right  
15 breast complaint. According to patient Ana J., the breast  
16 lump was now larger than a quarter. Respondent's notes  
17 again are very cursory but again he diagrams the right  
18 breast. This diagram shows a slightly larger area than  
19 previously drawn and in the same location with the word  
20 "lump." Respondent failed to record the measurements of the  
21 lump. Respondent once again ordered a mammogram. His  
22 records make no indication of recommendation of surgical  
23 consult or referral, nor did he schedule a follow-up  
24 appointment.

25 H. Patient Ana J. had the mammogram and the  
26 February 21, 1994, mammogram report reads:

27 "no interval change in breast density or



1 architecture is seen on the right. No  
2 mammographically discernible mass is identified  
3 with specific attention to the outer aspect of the  
4 right breast. This should not dissuade biopsy of  
5 a clinically suspicious mass...."

6 The mammogram was reported to the patient as normal on  
7 February 23, 1994, and no follow-up appointment was  
8 recommended, nor referral made for further evaluation.

9 I. On November 9, 1994, respondent saw patient  
10 Ana J. for the last time and he now diagrams a very large  
11 area covering the 9-7 o'clock position of the right breast.  
12 This is the same area except larger than that seen on the  
13 prior diagrams of the right breast. Respondent notes "Firm  
14 Lump. Some retraction of skin. Axilla-no nodes palp." The  
15 pelvic exam was normal. He ordered a mammogram and referred  
16 the patient for surgical consultation with Dr. Modafferi.

17 J. The November 11, 1994, mammogram report  
18 impression was:

19 "There is an area of architectural deformity and  
20 spiculation which has appeared in the lateral  
21 aspect of the right breast since the previous  
22 examination on 02-21-94 that must be considered  
23 strongly suspicious for malignancy."

24 K. The November 15, 1994, biopsy by Dr.  
25 Modafferi of patient Ana J.'s "4 x 2-3 cm. firm, movable  
26 mass in the nine to ten o'clock position" was reported by  
27 the pathologist as "moderately differentiated infiltrating

1 ductal carcinoma of the breast."

2 L. Patient Ana J. underwent surgery and  
3 treatment at Cedars-Sinai Medical Center in Los Angeles for  
4 a stage III B breast cancer. On December 1, 1994, she had a  
5 right radical mastectomy and lymph node dissection. The  
6 pathology report revealed a 4.5 cm. moderately to poorly  
7 differentiated infiltrating carcinoma; metastatic carcinoma,  
8 five of sixteen axillary nodes positive. The histologic and  
9 nuclear grade were III; estrogen and progesterone receptor  
10 negative. Patient Ana J. underwent chemotherapy from  
11 December of 1994 through June of 1995 and then in August and  
12 September of 1995 underwent a course of radiation therapy.  
13 In March and August of 1996 she underwent reconstructive  
14 breast surgery.

15 6. Respondent, Fernald William Wentzell, M.D., has  
16 subjected his license to disciplinary action under California  
17 Business and Professions Code sections 2220, 2227 and 2234 on the  
18 grounds of unprofessional conduct, as defined by section 2234(b)  
19 of the Code, in that he is guilty of gross negligence in his care  
20 and treatment of patient Ana J. as more particularly alleged  
21 hereinafter:

22 A. Paragraph 5, above, is incorporated by  
23 reference and realleged as if fully set forth herein.

24 B. Respondent failed to make a timely diagnosis  
25 of patient Ana J.'s right breast cancer. The standard of  
26 care is to investigate a patient's complaint to the point of  
27 diagnosis. A biopsy and histologic evaluation of any non-

1 resolving lesion must be made. Aspiration is both  
2 diagnostic and curative in galactoceles or milk filled cysts  
3 during lactation. Mammograms of the lactating breast are  
4 extremely hard to interpret so any persistent abnormality  
5 needs tissue sampling even in the face of a negative  
6 reading. Physical examination and imaging such as  
7 mammograms are not definitive. In 1991, the false-negative  
8 rate of mammography was 10-15 percent. Only a histologic  
9 examination by the various biopsy methods is sufficient to  
10 establish the final diagnosis. If a physician does not do  
11 breast biopsies then appropriate, timely referrals to a  
12 surgeon must be made for any questionable mass. On August  
13 11, 1992, February 16, 1993, August 10, 1993, and February  
14 1, 1994, Respondent failed to schedule necessary follow-up  
15 appointments and failed to perform appropriate tissue  
16 diagnosis, or to make appropriate referrals for proper  
17 evaluation.

18 C. On August 10, 1993, several months after the  
19 patient discontinued nursing, the right breast abnormality  
20 was enlarging and respondent failed to refer the patient for  
21 a tissue diagnosis.

#### 22 SECOND CAUSE FOR DISCIPLINE

23 (Incompetence Re: Patient Ana J.)

24 8. Respondent, Fernald William Wentzell, M.D., has  
25 further subjected his license to disciplinary action under  
26 California Business and Professions Code sections 2220, 2227 and  
27 2234 on the grounds of unprofessional conduct, as defined by

1 section 2234(d) of the Code, in that he is guilty of incompetence  
2 in his care and treatment of patient Ana J. as more particularly  
3 alleged hereinafter:

4 A. Paragraph 5, above, is incorporated by  
5 reference and realleged as if fully set forth herein.

6 B. Respondent is guilty of incompetence in that  
7 his failure to pursue further evaluation, including a  
8 biopsy, despite negative mammograms of an suspicious and  
9 enlarging lesion of the breast demonstrates a lack of  
10 knowledge of proper diagnosis and treatment and with regard  
11 to the use of negative mammograms of August 18, 1993, and  
12 February 21, 1994.

13 THIRD CAUSE FOR DISCIPLINE

14 (Repeated Negligent Acts Re: Patient Ana J.)

15 7. Respondent, Fernald William Wentzell, M.D., has  
16 further subjected his license to disciplinary action under  
17 California Business and Professions Code sections 2220, 2227 and  
18 2234 on the grounds of unprofessional conduct, as defined by  
19 section 2234(c) of the Code, in that he is guilty of repeated  
20 negligent acts in his care and treatment of patient Mavin S. as  
21 more particularly alleged hereinafter:

22 A. Paragraphs 5 and 6, above, are incorporated  
23 by reference and realleged as if fully set forth herein.

24 B. Respondent maintained incomplete, inaccurate  
25 and inadequate medical records in that they were so sketchy  
26 as to not provide necessary information to address patient  
27 Ana J.'s complaint. There are no written assessments and no

1 treatment plans outlined. Respondent failed to document any  
2 measurements as part of the description of the breast mass,  
3 and failed to record a history of the onset of problem. If,  
4 as respondent claims, the patient denied any breast problem  
5 on February 16, 1993, it should have been but was not  
6 documented in her chart.

7 **FOURTH CAUSE FOR DISCIPLINE**

8 (Inadequate Medical Records Re: Patient Ana J.)

9 8. Respondent, Fernald William Wentzell, M.D., has  
10 further subjected his license to disciplinary action under  
11 California Business and Professions Code sections 2220, 2227 and  
12 2234 on the grounds of unprofessional conduct, as defined by  
13 section 2234 and 2266 of the Code, in that he failed to maintain  
14 adequate and accurate records relating to the provision of  
15 services to his patient Ana J., as more particularly alleged  
16 in Paragraphs 5, 6, and 7 above, which are incorporated by  
17 reference as if fully set forth herein.

18 **PRAYER**

19 **WHEREFORE**, the complainant requests that a hearing be  
20 held on the matters herein alleged, and that following the  
21 hearing, the Division issue a decision:

22 1. Revoking or suspending Physician's and  
23 Surgeon's License Number C 36925 heretofore issued to  
24 respondent Fernald William Wentzell, M.D.;


25 2. Pursuant to Business and Professions Code  
26 section 125.3, ordering respondent to pay to the  
27 Division the actual and reasonable costs of the

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investigation and enforcement of this case, and if placed on probation, the costs of probation monitoring of this case, and

3. Taking such other and further action as the Division deems necessary and proper to protect the public health, safety, and welfare.

DATED: August 5, 1998.

  
Douglas Lane  
Deputy Director

Ron Joseph  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California

Complainant

RDH:sol  
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**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

**IN THE MATTER OF THE PHYSICIAN'S LICENSE**

**OF**

**JOHNNY R. BULLOCK, JR., M.D.**

**ORDER**

THIS MATTER came on regularly for hearing on October 20, 1999, before the Executive Committee of the Mississippi State Board of Medical Licensure in response to the request of Marion General Hospital and Johnny R. Bullock, Jr., M.D. (hereinafter referred to as "Licensee"), for further amendment and/or clarification of Paragraph 14 of the "Re-Entry Contract" attached to that certain Consent Order with this Board dated March 19, 1999.

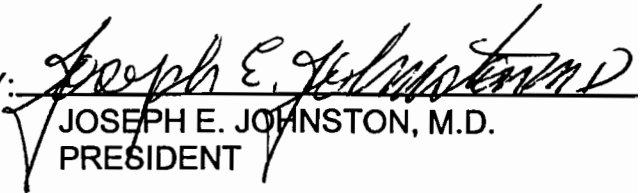
The request of Licensee and Marion General Hospital was considered in absentia by the Executive Committee. Upon consideration of all facts and matters, the request was found to be well taken.

IT IS, THEREFORE, ORDERED, that the "Re-Entry Contract" is hereby amended to delete the last sentence in Paragraph 14, and insert in lieu thereof, the words, "This person will not be someone previously employed by the clinic." By making such amendment, it is the intent of the Board to return the language in Paragraph 14 to its original form, as attached to that certain Consent Order with this Board dated March 19, 1999.

IT IS FURTHER ORDERED, that pursuant to Miss. Code Ann. Section 73-25-27 (1972), a copy of this Order shall be sent by Registered Mail or personally served upon Licensee.

SO ORDERED, this the 20th day of October, 1999.

MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE

BY:   
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT

A:\BULLOCK.099



## **MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

### **XXVIII. REGULATIONS GOVERNING THE PRACTICE OF ACUPUNCTURE**

**Acupuncture may be performed in the State of Mississippi only by a physician licensed to practice medicine or surgery in the State. Such licensed individuals wishing to utilize acupuncture in their practice may do so provided that any and all portions of the acupuncture treatment are performed by the person so licensed and no surrogate is authorized in this State to serve in his stead. The practice of acupuncture should follow the same quality of standard that the physician, or any other physician in his community, would render in delivering any other medical treatment. It is strongly recommended that any physician employing such modalities in their practices should have records of attending a course approved for Continuing Medical Education in that subject by the American Medical Association.**

**OCTOBER, 1999**

**EXECUTIVE COMMITTEE  
MEETING ONLY**

NOVEMBER 1999

**MINUTES  
EXECUTIVE COMMITTEE MEETING  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
NOVEMBER 17, 1999**

**MEMBERS PRESENT:**

Joseph E. Johnston, M.D., Mount Olive, President  
Freda M. Bush, M.D., Jackson, Vice President  
W. Joseph Burnett, M.D., Director

**ALSO PRESENT:**

Charles Moses, Division Director II, Investigative Division  
Rhonda Freeman, Division Director II, Licensure Division  
Kathy Fortenberry, Administrative Assistant

The Executive Committee of the Mississippi State Board of Medical Licensure met on Wednesday, November 17, 1999, at 4:15 p.m. in the Executive Conference Room of the Office of the Board located at 2600 Insurance Center Drive, Jackson, Mississippi. Robert Ray Smith, M.D., Jackson, Secretary, was not present.

**PERSONAL APPEARANCE BY MILLARD SEALS COSTILOW, M.D., NORTH CARROLLTON, MISSISSIPPI MEDICAL LICENSE NUMBER 03805**

Dr. Costilow was present but not represented by legal counsel.

Dr. Costilow presented his request for removal of restrictions and answered questions from the Executive Committee members. Because of health problems, he has not completed his CME requirements but will continue submitting these to the Board.

It was the consensus of the Executive Committee to remove all restrictions. The Order of the Board is attached hereto and incorporated by reference.

**PERSONAL APPEARANCE BY ROBERT DAVID LEVINE, M.D., MEMPHIS, TN, APPLICANT**

Dr. Levine had been asked to appear before the Executive Committee to explain why he would not give a release to obtain information for one particular hospital staff privileges.

Dr. Burnett briefly reviewed his application and stated there was no derogatory information in the file. Dr. Levine addressed the Executive Committee

**EXECUTIVE COMMITTEE MEETING**

**November 17, 1999**

**Page 2**

and answered their questions. It was the consensus of the members to issue him an unrestricted license.

**WILLIAM DANIEL POTTER, III, M.D., EUTAW, AL, MISSISSIPPI MEDICAL LICENSE NUMBER 04405, SURRENDER OF MEDICAL LICENSE**

Based on action taken by the Alabama State Board of Medical Examiners, Dr. Potter executed a voluntary surrender of his Mississippi medical license. It was the consensus of the Executive Committee members to accept the Surrender of Medical License, a copy of which is attached hereto and incorporated by reference.

**APPROVAL OF CONSENT ORDER EXECUTED BY J. MICHAEL STOKES, D.O., NORTH CARROLLTON, MISSISSIPPI MEDICAL LICENSE NUMBER 13354**

Dr. Burnett presented a Consent Order from Dr. Stokes, who recently suffered a relapse and has completed treatment at Pine Grove. It was the consensus of the Executive Committee members to accept the Consent Order, a copy of which is attached hereto and incorporated by reference.

**WILLIAM JOSEPH CHRISTIE, LA MESA, CA, MISSISSIPPI MEDICAL LICENSE NUMBER 14708**

Dr. Burnett reviewed Dr. Christie's background and the disciplinary action taken on his medical license. Because the two years specified in the Board Order have lapsed, Dr. Christie has requested confirmation from the Board that restrictions are removed. The Executive Committee agreed to issue a Board Order to this effect, pending a letter from Dr. Christie as to his plans for practicing in the state.

**ROBERT HART, M.D., CLYDE, NC, APPLICANT**

Dr. Burnett and Mrs. Freeman reviewed Dr. Hart's application for licensure. Dr. Hart does not have the three years of postgraduate training required for foreign medical graduates; however, he is Board certified. It was the consensus of the Executive Committee to issue him a license.

Mrs. Freeman was asked to start working on a regulation to allow the Board to consider foreign medical graduates with less than three years of postgraduate training if Board certified. This will be presented to the full Board at a later meeting.

**EXECUTIVE COMMITTEE MEETING**

November 17, 1999

Page 3

**GREGG SPAULDING HUNTER, M.D., JACKSON, MISSISSIPPI MEDICAL LICENSE NUMBER 14990**

For informational purposes only, Dr. Burnett advised that Dr. Hunter was in treatment in Atlanta. As was reported at an earlier Executive Committee meeting, several calls have been received concerning Dr. Hunter's disruptive behavior at a recent Central Medical Society meeting.

**MENNINGER CLINIC**

Dr. Burnett advised of changes in the staff at Menninger Clinic and a recommendation from Mississippi Recovering Physicians Program to consider dropping Menninger Clinic as a treatment center. Dr. Johnston asked that this be presented to the full Board on Thursday.

**CHANGE OF ANNUAL RENEWAL OF LICENSE FROM FISCAL YEAR (JULY 1 TO JUNE 30) TO CALENDAR YEAR (JANUARY 1 TO DECEMBER 31)**

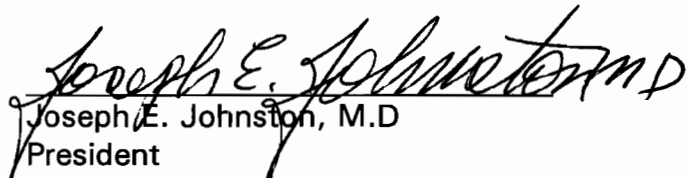
Dr. Burnett and Mrs. Freeman advised that because of the volume of work in the summer months some staff members have requested that consideration be given in changing the annual renewal period. After much discussion, the Executive Committee decided that this should remain as is.

**REVIEW OF NOVEMBER 18 BOARD MEETING**

Dr. Burnett briefly reviewed the agenda for Thursday's Board meeting.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 5:30 p.m.

  
Joseph E. Johnston, M.D.  
President

Minutes taken and transcribed  
by Kathy Fortenberry  
Administrative Assistant  
November 17, 1999

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

**IN THE MATTER OF THE PHYSICIAN'S LICENSE**

**OF**

**MILLARD SEALS COSTILOW, M.D.**

**ORDER**

THIS MATTER came on regularly for hearing on November 17, 1999, before the Mississippi State Board of Medical Licensure in response to the Petition of Millard Seals Costilow, M.D. (hereinafter referred to as "Licensee"), for removal of all restrictions placed on his Mississippi medical license by virtue of that certain Consent Order with this Board dated November 23, 1994.

The hearing on this matter was conducted before the Executive Committee of the Board on Wednesday, November 17, 1999, Licensee then being present without counsel. It was the recommendation of the Executive Committee that all restrictions be removed. The Board, after hearing said motion and taking into consideration the recommendation of the Executive Committee, finds the same to be well-taken.

IT IS, THEREFORE, ORDERED that all restrictions imposed on Licensee by virtue of the November 23, 1994, Consent Order are hereby removed. Licensee now holds an unrestricted license to practice medicine in the State of Mississippi.

IT IS FURTHER ORDERED, that pursuant to Miss. Code Ann. Section 73-25-27 (1972), a copy of this Order shall be sent by Registered Mail or personally served upon Licensee.

SO ORDERED, this the 17th day of November, 1999.

MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE

BY:   
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT

A:\Costlow Order 11-18-99.wpd



BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

WILLIAM DANIEL POTTER, III, M.D.

SURRENDER OF MEDICAL LICENSE

WHEREAS, William Daniel Potter, III, M.D., hereinafter referred to as "Licensee," is the current holder of License Number 04405 issued in June 1960, to practice medicine in the State of Mississippi;

WHEREAS, on or about August 11, 1999, Licensee voluntarily surrendered his certificate of qualification and license to practice medicine in the State of Alabama while under investigation by the Alabama State Board of Medical Examiners for alleged violations of Alabama Code Section 34-24-360 (2),(3),(8) and (9)(1975). See attached Voluntary Surrender as Exhibit "A";

WHEREAS, pursuant to Mississippi Code Annotated Section 73-25-29(8)(d), and (10) and 73-25-83(a), the action taken by the State of Alabama and Licensee's voluntary surrender of his medical license, constitutes grounds for the Mississippi State Board of Medical Licensure to revoke the medical license of Licensee, suspend it for a time deemed proper by the Board or take any other action the Board may deem proper under the circumstances;

WHEREAS, it is the desire of the Licensee to avoid a disciplinary hearing before the Mississippi State Board of Medical Licensure, and in lieu thereof consents to the unconditional surrender of his license to practice medicine in the State of Mississippi;

WHEREAS, by executing this Surrender of Medical License, Licensee acknowledges and understands said action is reportable to the National Practitioner Data Bank and other entities and is subject to be a part of Licensee's permanent licensure history.

Licensee acknowledges the execution of this document could, and most likely would, affect any license that may exist in any other jurisdiction, state, province or territory.

Licensee further acknowledges the opportunity for a full due process hearing before the Mississippi State Board of Medical Licensure, but waives all rights to such a hearing;

NOW, THEREFORE, Licensee hereby voluntarily surrenders his medical license (Number 04405), to practice medicine in the State of Mississippi. Licensee understands that this is an unconditional surrender. In the event Licensee later decides to practice medicine in the State of Mississippi, it will be necessary for him to make application with the Board. At such time, the Board reserves the right to utilize all evidence, including all facts developed during the current investigation, as part of the consideration of any application.

EXECUTED this the 3<sup>rd</sup> day of November, 1999.

Rosemary A. Potter  
Witness

William Daniel Potter III, M.D.  
William Daniel Potter, III, M.D.

11-3-99  
Date

ACCEPTED AND APPROVED this the 17th day of November,  
1999, by the Mississippi State Board of Medical Licensure.

  
President  
Mississippi State Board of  
Medical Licensure

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

J. MICHAEL STOKES, D.O.

CONSENT ORDER

WHEREAS, J. Michael Stokes, D.O., hereinafter referred to as "Licensee," is the current holder of License No. 13354 for the practice of medicine in the State of Mississippi;

WHEREAS, on March 12, 1998, Licensee entered into a Consent Order with this Board as a result of an investigation establishing that Licensee suffered from chemical dependency. The Consent Order imposed on Licensee the usual and customary restrictions found necessary to maintain Licensee's sobriety;

WHEREAS, on July 28, 1999, the Board received the Analytical Toxicology Report from the UMC Toxicology Laboratory dated July 26, 1999. Said report indicated confirmed positive results for Ultram (Tramadol) and Norpropoxyphene a metabolite for propoxyphene (Darvocet/Darvon);

WHEREAS, on August 29, 1999, information was provided to the Board by the Mississippi Recovering Physicians Program, indicated Licensee had been admitted to Next Step/Pine Grove Recovery Center for relapse of his substance dependence;

WHEREAS, Licensee has completed recommended treatment and was discharged October 29, 1999;

NOW THEREFORE, Licensee agrees to the following probationary terms and conditions, in of the Consent Order of March 12, 1998:

1. Licensee shall surrender all privileges to handle and prescribe controlled substances listed in Schedules II, IIN, III, IIIN, and IV, or any drug hereafter placed in said Schedules. Licensee shall retain privileges in Schedule V except for the drugs Buprenex (Buprenorphine). As a result, Licensee shall not be permitted to order, manufacture, distribute, possess, dispense, administer or prescribe any controlled substances in said Schedules until such time as he is again properly registered with the U.S. Drug Enforcement Administration with prior written approval from the Mississippi State Board of Medical Licensure. Licensee shall execute such forms and documents required by the U.S. Drug Enforcement Administration to accomplish surrender of his controlled substances privileges in the above enumerated Schedules.
2. Licensee shall be authorized to utilize the Uniform Controlled Substances Registration Certificate of any licensed hospital in the State of Mississippi. Licensee shall be limited to ordering controlled substances in said Schedules which are to be dispensed or administered to patients that have been admitted as in-patients to said licensed hospital in the State of Mississippi. Licensee shall not be authorized to personally administer or dispense any drug having addiction-forming or addiction-sustaining liability to any patient.
3. Licensee's use of the medications Ultram (Tramadol HCL), Stadol (Butorphanol Tartrate), Nubain (Nalbuphine), Dalgan (Dezocine), Soma (Carisoprodol) or Butalbital products shall be limited to ordering or administering to patients that have been admitted as in-patients to a licensed

hospital in the State of Mississippi. This prohibits the issuing of prescriptions on an out-patient basis in any manner for any of the above referenced substances to any patients.

4. Licensee shall be prohibited from ordering, obtaining, possessing, administering, or dispensing any sample medication in Schedule III, IIIN, IV and V, or any sample product containing Butorphanol Tartrate, Butalbital, Carisoprodol or Ultram (Tramadol HCL).
5. Licensee shall immediately obtain affiliation with the Mississippi Recovering Physicians Program (MRPP). Licensee shall comply with all affiliation requirements of the MRPP, its Medical Director or the Mississippi Impaired Physician's Committee (MIPC). Licensee hereby authorizes the Board, its Director or Investigative Staff to contact and communicate with the MRPP, MIPC, or any agent or representative of said organizations as to all aspects of his affiliation and/or recovery. Reciprocally, Licensee hereby authorizes the MRPP and MIPC, its agents, representatives or employees to communicate with the Board as to all aspects of his affiliation and/or recovery.
6. Licensee shall totally abstain from the use of any alcoholic or intoxicating beverage, and shall not prescribe, dispense or administer to himself or family members any controlled substances or other drugs having addiction-forming or addiction-sustaining liability.
7. For an indefinite period of time, Licensee shall submit to random, unannounced and witnessed urine and/or blood screens to determine the

presence of any mood altering drugs, and/or alcohol with the collection and submission to be determined and monitored by the Executive Officer of the Mississippi State Board of Medical Licensure. Licensee shall be responsible for all costs and expenses incurred in relation to the urine and/or blood screens. Upon request of the Board, Licensee shall provide to the Board a monthly work itinerary at the beginning of each month for the purpose of compliance with urine screen monitoring.

8. Licensee shall obtain the services of a physician, approved by the Board, for treatment of simple illnesses and similar medical conditions for himself. Licensee shall not treat himself or family members. Additionally, Licensee shall provide the Board with an authorization to obtain medical information for the purpose of monitoring any treatment that Licensee may receive from said treating physician. In the event a physician determines that it is necessary to administer, dispense or prescribe to Licensee any drug having addiction-forming or addiction-sustaining liability, the treating physician shall so notify the Board's Executive Officer in writing. This notification shall be a letter written on the treating physician's letterhead and shall be mailed to the attention of the Board's Executive Officer. Said notification shall be mailed within twenty-four (24) hours after the administration, dispensing or prescribing of said medication. This requirement shall also apply to any care rendered to Licensee by a dentist. The responsibility to ensure that the treating physician or dentist files the required notification rests solely with Licensee. Unless being treated in an emergency situation, Licensee shall

not receive any controlled substances or drugs having addiction-forming or addiction-sustaining liability from any source other than the treating physician or dentist.

9. Licensee shall not administer, dispense or prescribe to himself or family members any drug having addiction-forming or addiction-sustaining liability. Licensee shall refrain from ingesting any food product, alcohol, or over-the-counter drug likely to cause a confirmed positive test result of the urine screen analysis. Any confirmed positive test result, not in accordance with Paragraph (8) of this Order, shall be considered a violation subject to Board action.
10. During each year of probation, Licensee shall obtain forty (40) hours of Continuing Medical Education (CME) approved by the American Medical Association in the area of Family Medicine with emphasis on use of controlled substances. Following completion of each course, Licensee shall submit to the Board documentary proof of successful completion.
11. Licensee shall obey all federal, state and local laws, and all rules governing the practice of medicine, and shall comply with the Rules and Regulations of the Board, "Pertaining to Prescribing, Administration and Dispensing of Medication." Licensee shall thoroughly familiarize himself with said rules and regulations and shall so indicate to the Board in writing.
12. In the event Licensee should leave Mississippi to reside or to practice outside the State, Licensee shall, within ten (10) days prior to departing, notify the Board in writing the dates of departure and return. Periods of



residency or practice outside Mississippi will not apply to the reduction of time periods specified in this Consent Order.

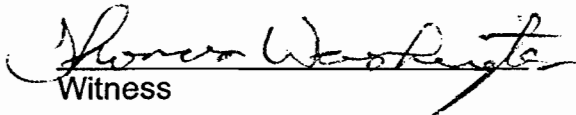
Licensee shall have the right to petition the Mississippi State Board of Medical Licensure for release of any or all above enumerated conditions after expiration of three (3) years from the effective date hereof. Thereafter, any right to petition the Board for reconsideration shall be at reasonable intervals, but not less than twelve (12) months from date of last appearance.


This Consent Order shall be subject to approval by the Board. If the Board fails to approve this Consent Order, in whole or in part, it shall have no force or effect on the parties. It is further understood and agreed that the purpose of this Consent Order is to avoid a hearing before the Board. In this regard, Licensee authorizes the Board to review and examine any documentary evidence or material concerning the Licensee prior to or in conjunction with its consideration of this Consent Order. Should this Consent Order not be accepted by the Board, it is agreed that presentation to and consideration of this Consent Order and other documents and matters pertaining thereto by the Board shall not unfairly or illegally prejudice the Board or any of its members from participation in any further proceedings.

Licensee understands and expressly acknowledges that this Consent Order, if approved and executed by the Mississippi State Board of Medical Licensure, shall constitute a public record of the State of Mississippi. Licensee further acknowledges that the Board shall provide a copy of this Order to, among others, the U.S. Drug Enforcement Administration, and the Board makes no representation as to action, if any, which the U. S. Drug Enforcement Administration may take in response to this Order.

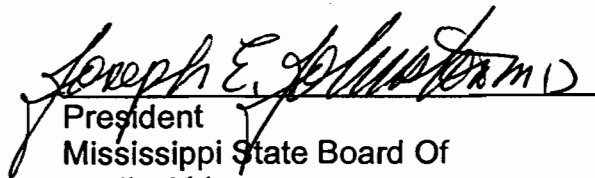
Recognizing his right to notice of charges specified against him, to have such charges adjudicated pursuant to Miss. Code Ann. Section 73-25-27 (1972), to be represented therein by legal counsel of his choice, and to a final decision rendered upon written findings of fact and conclusions of law, J. Michael Stokes, D.O., nonetheless, hereby waives his right to notice and a formal adjudication of charges and authorizes the Board to enter an order accepting this Consent Order, thereby indefinitely suspending his license to practice medicine in the State of Mississippi, staying the suspension and placing his license on probation subject to those terms and conditions enumerated above.

Signed this the 16 day of NOVEMBER, 1999.

  
Witness

  
J. Michael Stokes, D.O.

ACCEPTED AND APPROVED, This the 17th day of November, 1999, by the Mississippi State Board Of Medical Licensure.

  
President  
Mississippi State Board Of  
Medical Licensure

**BOARD MINUTES  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
NOVEMBER 18, 1999**

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday, November 18, 1999, in the Executive Conference Room of the Office of the Board located at 2600 Insurance Center Drive, Jackson, Mississippi.

The following members were present:

Joseph E. Johnston, M.D., Mount Olive, President  
Freda M. Bush, M.D., Jackson, Vice President  
Frank W. Bowen, M.D., Carthage  
Dewitt G. Crawford, M.D., Louisville  
William B. Harper, D.O., Greenwood  
Benton M. Hilbun, M.D., Tupelo  
Paul Douglas Jackson, M.D., Greenville  
W. Joseph Burnett, M.D., Director

Also present:

Stan T. Ingram, Attorney for the Board  
Edwin T. Cofer, Special Assistant Attorney General  
Rhonda Freeman, Division Director II, Licensure Division  
Charles Moses, Division Director II, Investigative Division  
Kathy Fortenberry, Administrative Assistant

Joe Dennis Herrington, M.D., Natchez, and Robert Ray Smith, M.D., Jackson, Secretary, were not present.

The meeting was called to order at 9:00 a.m. by Dr. Johnston, President. The invocation was given by Dr. Hilbun. Dr. Johnston welcomed Andrea Anglin, extern from Mr. Ingram's office, and Sheila Youngblood, court reporter. Mr. Cofer introduced Heather Wagner, Special Assistant Attorney General.

**APPROVAL OF CERTIFICATION OF MISSISSIPPI LICENSES TO OTHER ENTITIES  
FOR PERIOD SEPTEMBER 1, 1999, TO OCTOBER 31, 1999**

One hundred two (102) licenses were certified to other entities for the period September 1, 1999, to October 31, 1999. Motion was made by Dr. Jackson, seconded by Dr. Bowen, and carried unanimously to approve these certifications.

**APPROVAL OF LICENSES ISSUED FOR THE PERIOD SEPTEMBER 1, 1999, TO OCTOBER 31, 1999**

Fifty-two (52) licenses were issued for the period September 1, 1999, to October 31, 1999. Motion was made by Dr. Bowen, seconded by Dr. Hilbun, and carried unanimously to approve these licenses.

**REPORTS FROM AD HOC COMMITTEES**

***Alternative Medicine*** - Dr. Johnston asked that the committee stay abreast of changes taking place in this field.

***Educational Development*** - A decision on the proposed CME regulation will be delayed until the first of next year.

***Impaired Physicians Program*** - Dr. Burnett referred to this committee proposed changes by the Mississippi Recovering Physicians Program in the Memorandum of Understanding between MRPP and the Board.

MRPP also recommended dropping Menninger Clinic as a treatment center. It was the consensus of the Board members to continue using Menninger for disruptive physicians and Richard Irons, M.D., for sexual disorders.

***Office Based Surgery*** - Dr. Burnett advised that the staff would begin working on some type of draft regulations pertaining to office based surgery.

***Legislative*** - The final copy of proposed changes to §73-25-14 and §73-27-12, which would change the fees for reinstatement of a lapsed license, were distributed for the Board to review. These proposed changes were adopted at the September 23, 1999, Board meeting with some minor changes to be made in the wording. A copy of this legislation, with the proposed changes highlighted, is attached hereto and incorporated by reference.

Dr. Crawford, who serves on the Legislative Committee for Mississippi State Medical Association, gave a brief report on their proposed legislation.

***Nurse Practitioner and Expanded Role*** - Dr. Crawford reported on the first meeting of the joint committee on nurse practitioners, which was held on November 3. He advised that minutes from this meeting should be available by the next Board meeting.

**DR. SMITH JOINED THE MEETING AT 9:30 A.M.**

**REVIEW OF MINUTES OF THE EXECUTIVE COMMITTEE MEETING DATED SEPTEMBER 22, 1999, MINUTES OF THE BOARD MEETING DATED SEPTEMBER 23, 1999, AND MINUTES OF THE EXECUTIVE COMMITTEE MEETING DATED OCTOBER 20, 1999**

Minutes of the Executive Committee Meeting dated September 22, 1999, Minutes of the Meeting dated September 23, 1999, and Minutes of the Executive Committee Meeting dated October 20, 1999, were reviewed. Dr. Crawford moved for approval of the minutes as submitted. Dr. Hilbun seconded the motion, and it carried unanimously.

**FINAL ADOPTION OF RULES AND REGULATIONS GOVERNING THE SUPERVISION OF PHARMACISTS**

Motion was made by Dr. Bush, seconded by Dr. Bowen, and carried unanimously for the final adoption of the amended regulation pertaining to the supervision of pharmacists. A copy of the regulation, which will be final filed with the Secretary of State, is attached hereto and incorporated by reference.

**FINAL ADOPTION OF REGULATIONS GOVERNING THE PRACTICE OF ACUPUNCTURE**

Motion was made by Dr. Bush, seconded by Dr. Crawford, and carried unanimously for the final adoption of the regulation pertaining to the practice of acupuncture. The regulation will be final filed with the Secretary of State on December 3, 1999, if no adverse comments are received prior to the expiration of thirty days. A copy of the regulation is attached hereto and incorporated by reference.

**OTHER BUSINESS**

Dr. Burnett distributed copies of and reviewed §73-43-14, which gives the Executive Committee authority to execute all powers vested in the Board. He also explained how he and the staff determine which physicians should appear before the full Board or who will appear before the Executive Committee. It was agreeable with Board members to continue this practice.

Dr. Crawford asked Mr. Moses to make some additional remarks on the first meeting of the joint committee on nurse practitioners. Mr. Ingram reviewed the statute pertaining to joint promulgation of regulations pertaining to nurse practitioners. It was the consensus of the Board members to see what regulations pertaining to nurse practitioners, if any, have been filed with the Secretary of State since the passage of this statute.

Dr. Burnett gave an overview of the action taken on Wednesday night at the Executive Committee meeting.

Dr. Johnston expressed his hope for a complete recovery for Steve Franks, Investigator for the Board, who had back surgery.

**PERSONAL APPEARANCE BY DARRELL LENARD WILSON, M.D., MEMPHIS,  
TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE  
NUMBER 13221**

Dr. Wilson was present but not represented by legal counsel. Also present was Gary D. Carr, M.D., Medical Director, Mississippi Recovering Physicians Program.

Neil Breeland, Investigator for the Board, was sworn in and presented a chronological summary of Dr. Wilson's background and history leading to the disciplinary action taken on his medical license. Mr. Ingram entered a number of exhibits.

Dr. Wilson presented his request, and Dr. Carr addressed the Board on behalf of Dr. Wilson. Both answered questions from Board members.

Motion was made by Dr. Smith, seconded by Dr. Jackson, and carried unanimously to remove all restrictions. The Order of the Board is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Sheila Youngblood, Certi-Comp Court Reporters.

**PERSONAL APPEARANCE BY JAMES KENNETH HENSARLING, M.D., JACKSON,  
TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE  
NUMBER 07313**

Dr. Hensarling was present and represented by legal counsel, John R. McNeal, Jr., Esq., Jackson. Dr. Carr also attended on behalf of Dr. Hensarling.

Mr. Moses was sworn in and presented a chronological summary of Dr. Hensarling's background and history leading to the disciplinary action taken on his medical license. Mr. Ingram entered as an exhibit the Consent Order executed by Dr. Hensarling.

Mr. McNeal addressed the Board and requested that all restrictions be removed. Dr. Hensarling and Dr. Carr answered questions from Board members.

Motion was made by Dr. Smith, seconded by Dr. Jackson, and carried unanimously to remove all restrictions. However, because the Consent Order dated February 7, 1997, did not grant Licensee the right to petition for removal of restrictions until January 16, 2000, this will be the effective date. The Order of the Board is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Sheila Youngblood, Certi-Comp Court Reporters.

**THE BOARD RECESSED AT 10:30 A.M. AND RECONVENED AT 10:40 A.M.**

**PERSONAL APPEARANCE BY REGINALD DAVID RIGSBY, M.D., LEXINGTON,  
TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE  
NUMBER 10623**

Dr. Rigsby was present and represented by legal counsel, Charlene Priester, Esq., Jackson.

Mr. Moses was sworn in and presented a chronological summary of Dr. Rigsby's background and history leading to the disciplinary action taken on his medical license. Mr. Ingram and Ms. Priester entered a number of exhibits.

Ms. Priester addressed the Board and advised that evidence of Dr. Rigsby completing his CME requirements would be provided to the Board. Dr. Rigsby was

sworn in and answered questions from Ms. Priester, Mr. Ingram and Board members.

Motion was made by Dr. Crawford, seconded by Dr. Jackson, and carried unanimously that the Board consider going into Executive Session. With a motion by Dr. Harper, seconded by Dr. Bush, the Board went into Executive Session.

Upon motion by Dr. Jackson, seconded by Dr. Bush, and carried unanimously, the Board came out of Executive Session at which time Dr. Johnston announced to remove all restrictions imposed on Licensee by virtue of the Consent Order dated May 11, 1995, as amended by Orders dated March 20, 1997, and September 17, 1998, after Licensee has submitted documentary proof of successful completion of all required CME. It is recommended that Licensee conduct no unchaperoned examination and that he continue periodic therapy as recommended by Richard Irons, M.D. The Order of the Board is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Sheila Youngblood, Certi-Comp Court Reporters.

**HEARING IN THE CASE OF WALTER OCAMPO ANDERSON, M.D., CHUNKY,  
MISSISSIPPI MEDICAL LICENSE NUMBER 14399**

Dr. Anderson was not present but was represented by Joseph A. Kieronski, Jr., Esq., Meridian.

Mr. Kieronski asked that the hearing be continued until January 20, 2000. Motion was made by Dr. Bush, seconded by Dr. Jackson, and carried unanimously that the request be granted. The Order of Continuance is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Sheila Youngblood, Certi-Comp Court Reporters.

**HEARING IN THE CASE OF JOSEPH BOOKER, JR., M.D., GULFPORT, MISSISSIPPI  
MEDICAL LICENSE NUMBER 10182**

Dr. Booker was not present or represented by legal counsel.



Mr. Ingram advised that Dr. Booker's attorney, Henry Clay, Esq., Ridgeland, was trying to resolve this matter with a Consent Order but it has not been accomplished. Motion was made by Dr. Jackson, seconded by Dr. Crawford, and carried unanimously to grant a continuance until December 16, 1999. The Order of Continuance is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Sheila Youngblood, Certi-Comp Court Reporters.

**HEARING IN THE CASE OF MICHEAL LEO BAKER, D.O., VICKSBURG, MISSISSIPPI  
MEDICAL LICENSE NUMBER 15475**

Dr. Baker was present but not represented by legal counsel. Also present were his two sisters.

Mr. Cofer questioned Dr. Baker regarding legal representation, and Dr. Baker stated he wished to waive his right to an attorney and proceed without legal counsel.

Mr. Ingram explained the charges as outlined in the Summons and Affidavit, which resulted from his violating a military and civil code. A number of exhibits were entered by Mr. Ingram, and he answered questions from Board members.

Dr. Baker was sworn in, addressed the Board, and answered questions from Mr. Ingram and Board members.

Motion was made by Dr. Hilbun, seconded by Dr. Jackson, and carried unanimously that the Board consider going into Executive Session. With a motion by Dr. Crawford, seconded by Dr. Bush, the Board went into Executive Session.

Upon motion by Dr. Jackson, seconded by Dr. Hilbun, and carried unanimously, the Board came out of Executive Session at which time Dr. Johnston announced to place in abeyance Licensee's application for renewal of his license until Licensee meets certain conditions, which will include a comprehensive evaluation by Richard Irons, M.D., with a report to the Board. The Order of the Board is attached hereto and incorporated by reference.

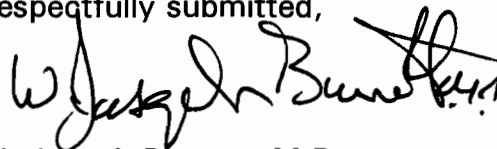
A verbatim account of this proceeding was recorded by Sheila Youngblood, Certi-Comp Court Reporters.

**BOARD MINUTES**  
**November 18, 1999**  
**Page 8**

**ADJOURNMENT**

The meeting was adjourned at 12:05 p.m. with the next meeting scheduled for Thursday, January 20, 2000.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "W. Joseph Burnett, M.D.", with a stylized flourish at the end.

W. Joseph Burnett, M.D.  
Director

Minutes taken and transcribed  
by Kathy Fortenberry  
Administrative Assistant  
November 18, 1999

**EXECUTIVE SESSION  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
NOVEMBER 18, 1999**

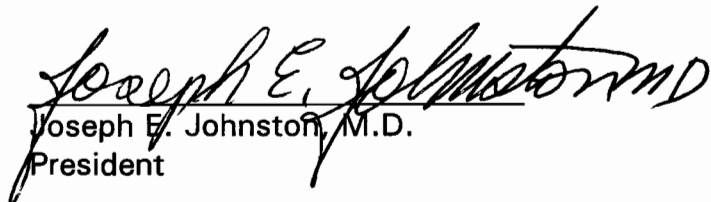
**AGENDA ITEM XII**

**PERSONAL APPEARANCE BY REGINALD DAVID RIGSBY, M.D., LEXINGTON,  
TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE  
NUMBER 10623**

Motion made by Dr. Crawford, seconded by Dr. Bowen, and carried to remove all restrictions imposed on Licensee by virtue of the Consent Order dated May 11, 1995, as amended by Orders dated March 20, 1997, and September 17, 1998, after Licensee has submitted documentary proof of successful completion of all required CME. It is recommended that Licensee conduct no unchaperoned examination and that he continue periodic therapy as recommended by Richard Irons, M.D.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Frank W. Bowen, M.D.	X			
Freda M. Bush, M.D.	X			
Dewitt G. Crawford, M.D.	X			
William B. Harper, D.O.	X			
Joe Dennis Herrington, M.D.				X
Benton M. Hilbun, M.D.	X			
Paul Douglas Jackson, M.D.	X			
Joseph E. Johnston, M.D.	X			
Robert Ray Smith, M.D.	X			

With a motion by Dr. Jackson, seconded by Dr. Bush, the Board came out of Executive Session.

  
Joseph E. Johnston, M.D.  
President

**EXECUTIVE SESSION  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
NOVEMBER 18, 1999**

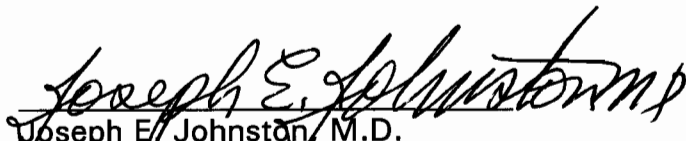
**AGENDA ITEM XVI**

**HEARING IN THE CASE OF MICHEAL LEO BAKER, D.O., VICKSBURG, MISSISSIPPI  
MEDICAL LICENSE NUMBER 15475**

Motion made by Dr. Bush, seconded by Dr. Jackson, and carried to place in abeyance Licensee's application for renewal of his license until Licensee meets certain conditions, which will include a comprehensive evaluation by Richard Irons, M.D., with a report to the Board.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Frank W. Bowen, M.D.	X			
Freda M. Bush, M.D.	X			
Dewitt G. Crawford, M.D.	X			
William B. Harper, D.O.	X			
Joe Dennis Herrington, M.D.				X
Benton M. Hilbun, M.D.	X			
Paul Douglas Jackson, M.D.	X			
Joseph E. Johnston, M.D.	X			
Robert Ray Smith, M.D.	X			

With a motion by Dr. Jackson, seconded by Dr. Hilbun, the Board came out of Executive Session.

  
Joseph E. Johnston, M.D.  
President

1 § 73-25-14. Annual renewal of license.

2  
3 (1) The license of every person licensed to practice medicine or osteopathy in  
4 the State of Mississippi shall be renewed annually.

5  
6 On or before May 1 of each year, the State Board of Medical Licensure shall  
7 mail an application for renewal of license to every physician or osteopath to whom  
8 a license was issued or renewed during the current licensing year. The applicant  
9 shall complete the application and return it to the board before June 30 with the  
10 renewal fee of an amount established by the board, but not to exceed Two Hundred  
11 Dollars (\$200.00), a portion of which fee shall be used to support a program to aid  
12 impaired physicians and osteopaths. The payment of the annual license renewal  
13 fee shall be optional with all physicians over the age of seventy (70) years. Upon  
14 receipt of the application and fee, the board shall verify the accuracy of the  
15 application and issue to applicant a certificate of renewal for the ensuing year,  
16 beginning July 1 and expiring June 30 of the succeeding calendar year. Such  
17 renewal shall render the holder thereof a legal practitioner as stated on the renewal  
18 form.

19  
20 (2) Any physician or osteopath practicing in Mississippi who allows his  
21 license to lapse by failing to renew the license as provided in subsection (1) may be  
22 reinstated by the Board of Medical Licensure on satisfactory explanation for such  
23 failure to renew, by completion of a reinstatement form, and upon payment of the  
24 renewal fee for the current year, and shall be assessed a fine of Twenty-five Dollars  
25 (\$25.00) plus an additional fine of Five Dollars (\$5.00) for each month thereafter  
26 that the license renewal remains delinquent.

27  
28 (3) Any physician or osteopath not practicing in Mississippi who allows his  
29 license to lapse by failing to renew the license as provided in subsection (1) may be  
30 reinstated by the board on satisfactory explanation for such failure to renew, by  
31 completion of a reinstatement form and upon payment of all arrearages and the  
32 renewal fee for the current year.

33  
34 (4) Any physician or osteopath who allows his license to lapse shall be  
35 notified by the Board of Medical Licensure within thirty (30) days of such lapse.

36  
37 (5) Any person practicing as a licensed physician or osteopath during the  
38 time his license has lapsed shall be considered an illegal practitioner and shall be  
39 subject to penalties provided for violation of the Medical Practice Act, provided he  
40 had not submitted the required reinstatement form and fee within fifteen (15) days  
41 after notification by the Board of Medical Licensure of such lapse.

42  
43 (6) ~~Any physician or osteopath practicing in the State of Mississippi whose~~  
44 ~~license has lapsed and is deemed an illegal practitioner pursuant to paragraph (5)~~  
45 ~~above may petition the Board for reinstatement of license on a retroactive basis,~~  
46 ~~provided said physician or osteopath was unable to meet the June 30 deadline due~~  
47 ~~to extraordinary or other legitimate reasons. Retroactive reinstatement of licensure~~  
48 ~~may be granted or denied within the sole discretion of the Mississippi State Board~~

1 ~~On medical licensure, failure to advise the Board of change of address shall not be~~  
2 ~~considered a basis for reinstatement.~~

3  
4 (7) None of the fees or fines provided for in this section shall be applicable to  
5 the renewal of a special volunteer medical license authorized under Section 73-25-  
6 18.

7  
8 (8) Fees collected under the provisions of this section shall be used by the  
9 board to defray expenses of administering the licensure provisions of the Medical  
10 Practice Act (Title 73, Chapter 25, Mississippi Code of 1972) and to support a  
11 program to aid impaired physicians and osteopaths in an amount determined by the  
12 board.

13  
14 This act shall take effect and be in force from and after July 1, 1998.

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16 APPROVED March 26, 1998  
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1 § 73-27-12. Annual renewal of license.

2  
3 (1) The license of every person licensed to practice podiatry in the State of  
4 Mississippi shall be renewed annually.

5  
6 On or before May 1 of each year, the State Board of Medical Licensure shall  
7 mail an application for renewal of license to every podiatrist to whom a license was  
8 issued or renewed during the current licensing year. The applicant shall complete  
9 the application and return it to the Board of Medical Licensure before June 30 with  
10 the renewal fee of an amount established by the board, but not to exceed Two  
11 Hundred Dollars (\$200.00), a portion of which fee shall be used to support a  
12 program to aid impaired podiatrists. Upon receipt of the application and fee, the  
13 Board of Medical Licensure shall verify the accuracy of the application and issue to  
14 applicant a certificate of renewal for the ensuing year, beginning July 1 and expiring  
15 June 30 of the succeeding calendar year. Such renewal shall render the holder  
16 thereof a legal practitioner as stated on the renewal form.

17  
18 (2) Any podiatrist practicing in Mississippi who allows his license to lapse by  
19 failing to renew the license as provided in subsection (1) may be reinstated by the  
20 Board of Medical Licensure on satisfactory explanation for such failure to renew, by  
21 completion of a reinstatement form, and upon payment of the renewal fee for the  
22 current year, and shall be assessed a fine of Twenty-five Dollars (\$25.00) plus an  
23 additional fine of Five Dollars (\$5.00) for each month thereafter that the license  
24 renewal remains delinquent.

25  
26 (3) Any podiatrist not practicing in Mississippi who allows his license to lapse  
27 by failing to renew the license as provided in subsection (1) may be reinstated by  
28 the board on satisfactory explanation for such failure to renew, by completion of a  
29 reinstatement form and upon payment of all arrearages and the renewal fee for the  
30 current year.

31  
32 (4) Any podiatrist who allows his license to lapse shall be notified by the  
33 Board of Medical Licensure within thirty (30) days of such lapse.

34  
35 (5) Any person practicing as a licensed podiatrist during the time his license  
36 has lapsed shall be considered an illegal practitioner and shall be subject to  
37 penalties set forth in Section 73-27-17, Mississippi Code of 1972, provided he has  
38 not submitted the required reinstatement form and fee within fifteen (15) days after  
39 notification by the Board of Medical Licensure of such lapse.

40  
41 (6) ~~Any podiatrist practicing in the State of Mississippi whose license has~~  
42 ~~lapsed shall be deemed an illegal practitioner pursuant to paragraph (5) above may~~  
43 ~~petition the Board for reinstatement of license on a retroactive basis provided said~~  
44 ~~podiatrist was unable to meet the June 30 deadline due to extraordinary or other~~  
45 ~~legitimate reasons. Retroactive reinstatement of licensure may be granted or~~  
46 ~~denied within the sole discretion of the Mississippi State Board of Medical~~  
47 ~~Licensure. Failure to advise the Board of change of address shall not be considered~~  
48 ~~a basis for reinstatement.~~

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(7) Fees collected under the provisions of this section shall be used by the Board of Medical Licensure to defray expenses of administering the licensure provisions of Title 73, Chapter 27, Mississippi Code of 1972, and to support a program to aid impaired podiatrists in an amount determined by the board.



# MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

## Rules and Regulations Governing The Supervision of Pharmacists

### XVI. The Supervision Of Pharmacists

**Authority:** Chapter 25 and 27, Title 73, Mississippi Code (1972) Annotated

**Preamble:** To optimize the favorable professional working relationship that already exists between the State of Mississippi's physician and pharmacist communities, the following is directed.

#### 1. SCOPE:

These regulations apply to all individuals licensed to practice medicine or osteopathic medicine in the State of Mississippi.

#### 2. DEFINITIONS AS USED IN THESE REGULATIONS:

- A. For the purpose of this regulation only, "Physician" means any person licensed to practice medicine or osteopathic medicine in the State of Mississippi.
- B. "Supervising Physician" means a physician who, pursuant to a duly executed a Written Guideline or Protocol as hereinafter defined, has agreed to supervise a pharmacist and is the physician responsible for the overall management and supervision for the activities of the pharmacist as is directly related to patients receiving medications or disease management services under the Protocol.
- C. "Pharmacist" means any person licensed to practice pharmacy in the State of Mississippi, who has met all requirements of Article XXXVI of the rules and regulations of the Mississippi State Board of Pharmacy to either (i) accept patients referred by a physician, (ii) initiate or modify drug therapy, or (iii) order lab work, all in accordance with Written Guidelines or Protocols as hereinafter defined.
- D. "Written Guideline or Protocol" means an agreement in which a physician authorized to prescribe drugs delegates to a pharmacist authority to consult with a patient or to conduct specific prescribing functions in an institutional setting, or with individual patients, provided that a specific Protocol agreement is signed on each patient and is filed with the Mississippi State Board of Pharmacy as required

and is filed with the Mississippi State Board of Pharmacy as required by Mississippi Code Annotated § 73-21-73(jj) and is filed with this Board.

**3. BOARD REVIEW - PROTOCOL FORMAT:**

- A. Before any physician shall execute a Protocol to supervise a pharmacist in the care or consultation with a patient, or initiation and/or modification of prescription drug therapy, and/or ordering lab work, the supervising physician must jointly execute a Written Guideline or Protocol with the pharmacist and thereafter file the same with the Mississippi State Board of Medical Licensure.
- B. No Protocol agreement authorizing the care or consultation with a patient, or initiation and/or modification of prescription drug therapy shall be executed by a physician unless the Protocol shall meet at a minimum the following requirements:
  - (1) Identifies the Physician who agrees to supervise the pharmacist and the scope of the Physician's active practice; and
  - (2) Describe the specific responsibilities authorized by the Supervising Physician; and
  - (3) Describe the method the pharmacist shall use to document decisions or recommendations the pharmacist makes to the Supervising Physician; and
  - (4) Describe the patient activities the Supervising Physician requires the pharmacist to monitor; and
  - (5) Describe the types of reports the Supervising Physician requires the pharmacist to report and the schedule by which the pharmacist is to submit these reports; and
  - (6) Include a statement of the medication categories and the type of initiation and modification of drug therapy that the Supervising Physician authorizes the pharmacist to perform; and
  - (7) Describe the procedures or plan that the pharmacist shall follow if the pharmacist exercises initiation and modification of drug therapy; and

- (8) Indicate the date the Supervising Physician's supervision ends. The duration of the Protocol agreement shall not exceed one (1) year; and
- (9) Be dated and signed by the pharmacist(s) and the Supervising Physician. If more than one Physician agrees to supervise the pharmacist(s), each Physician and pharmacist(s) shall sign and date the protocol; and
- (10) Include a statement that stipulates that the patient has been notified by the pharmacist(s) and the Supervising Physician that a Protocol agreement exists; and
- (11) Include a statement which certifies that the Physician(s) has advised their respective malpractice liability carriers concerning the Protocol and supervisory relationship, and that any potential liability that may ensue as a result of implementing the protocol agreement, shall be covered by the malpractice liability insurance policies or endorsements thereto.

C. No Protocol agreement authorizing the ordering of lab work by a pharmacist shall be executed by a physician unless the Protocol shall meet at a minimum the following requirements:

- (1) Identifies the Physician who agrees to supervise the pharmacist and the scope of the Physician's active practice; and
- (2) Describe the specific responsibilities authorized by the Supervising Physician, including the type of lab tests the Supervising Physician authorizes the pharmacist to order; and
- (3) Describe the method the pharmacist shall use to document decisions or recommendations the pharmacist makes to the Supervising Physician; and
- (4) Describe the patient activities the Supervising Physician requires the pharmacist to monitor; and
- (5) Describe the types of reports the Supervising Physician requires the pharmacist to report and the schedule by which the pharmacist is to submit these reports; and
- (6) Describe the procedures or plan that the pharmacist shall follow if the pharmacist orders lab tests; and

- (7) Describe the process which the physician employs to periodically monitor the pharmacist's interpretation of the lab tests; and
- (8) Indicate the date the Supervising Physician's supervision ends. The duration of the Protocol agreement shall not exceed one (1) year; and
- (9) Be dated and signed by the pharmacist(s) and the Supervising Physician. If more than one Physician agrees to supervise the pharmacist(s), each Physician and pharmacist(s) shall sign and date the protocol; and
- (10) Include a statement that stipulates that the patient has been notified by the pharmacist(s) and the Supervising Physician that a Protocol agreement exists; and
- (11) Include a statement which certifies that the Physician(s) has advised their respective malpractice liability carriers concerning the Protocol and supervisory relationship, and that any potential liability that may ensue as a result of implementing the Protocol agreement, shall be covered by the malpractice liability insurance policies or endorsements thereto.

**4. SUPERVISING PHYSICIAN LIMITED:**

No physician shall be authorized to supervise a pharmacist unless that physician holds an unrestricted license to practice in the State of Mississippi. Likewise, no physician shall be authorized to supervise a pharmacist unless that pharmacist holds an unrestricted license to practice in the State of Mississippi.

**5. TERMINATION OR CHANGES IN THE PROTOCOL:**

Any physician desirous of termination or amending the supervisory protocol with a pharmacist shall so notify in writing, the pharmacist, the Mississippi State Board of Pharmacy and the Mississippi State Board of Medical Licensure to the attention of the Executive Director. The notification shall include the name of the pharmacist, the desired change, and proposed effective date of change.

**6. VIOLATION OF REGULATIONS/DISAPPROVAL OF SUPERVISION:**

Any violation of the Rules and Regulations as enumerated above shall constitute unprofessional conduct in violation of Mississippi Code Annotated § 73-25-29(8), as amended.

**7. EFFECTIVE DATE OF REGULATIONS:**

The above rules and regulations pertaining to Supervising Physicians shall become effective \_\_\_\_\_, 1999.

G:\Pharmacist Reg.99

## **MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

### **XXVIII. REGULATIONS GOVERNING THE PRACTICE OF ACUPUNCTURE**

**Acupuncture may be performed in the State of Mississippi only by a physician licensed to practice medicine or surgery in the State. Such licensed individuals wishing to utilize acupuncture in their practice may do so provided that any and all portions of the acupuncture treatment are performed by the person so licensed and no surrogate is authorized in this State to serve in his stead. The practice of acupuncture should follow the same quality of standard that the physician, or any other physician in his community, would render in delivering any other medical treatment. It is strongly recommended that any physician employing such modalities in their practices should have records of attending a course approved for Continuing Medical Education in that subject by the American Medical Association.**

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
IN THE MATTER OF THE PHYSICIAN'S LICENSE**

**OF**

**DARRELL L. WILSON, M.D.**

**ORDER**

THIS MATTER came on regularly for hearing on November 18, 1999, before the Mississippi State Board of Medical Licensure in response to the Petition of Darrell L. Wilson, M.D. (hereinafter referred to as "Licensee"), for removal of all restrictions placed on his Mississippi medical license by virtue of that certain Consent Order dated June 21, 1995, as amended by Order dated August 20, 1997.

The hearing was convened at 10:00 a.m., Licensee being present without counsel. The Board, after hearing said motion, finds the same to be well-taken.

IT IS, THEREFORE, ORDERED that all restrictions imposed on Licensee by virtue of the Consent Order dated June 21, 1995, as amended by Order dated August 20, 1997, are hereby removed. Licensee now holds an unrestricted license to practice medicine in the State of Mississippi.

IT IS FURTHER ORDERED, that pursuant to Miss. Code Ann. Section 73-25-27 (1972), a copy of this Order shall be sent by Registered Mail or personally served upon Licensee.

SO ORDERED, this the 18th day of November, 1999.

MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE

BY: Joseph E. Johnston MD  
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT

A:\Wilson Order 11-18-99.wpd



**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

**IN THE MATTER OF THE PHYSICIAN'S LICENSE**

**OF**

**JAMES KENNETH HENSARLING, M.D.**

**ORDER**

THIS MATTER came on regularly for hearing on November 18, 1999, before the Mississippi State Board of Medical Licensure in response to the Petition of JAMES KENNETH HENSARLING, M.D. (hereinafter referred to as "Licensee"), for removal of all restrictions placed on his Mississippi medical license by virtue of that certain Consent Order dated February 7, 1997.

The hearing was convened at 10:00 a.m., Licensee being present with counsel. The Board, after hearing said motion, finds the same to be well-taken.

IT IS, THEREFORE, ORDERED that all restrictions imposed on Licensee by virtue of the Consent Order dated February 7, 1997, are hereby removed. Licensee now holds an unrestricted license to practice medicine in the State of Mississippi.

IT IS FURTHER ORDERED, that because the Consent Order dated February 7, 1997 did not grant Licensee the right to petition for removal of restrictions until January 16, 2000, this order shall not take effect until that date.

IT IS FURTHER ORDERED, that pursuant to Miss. Code Ann. Section 73-25-27 (1972), a copy of this Order shall be sent by Registered Mail or personally served upon Licensee.

SO ORDERED, this the 18th day of November, 1999, but effective January 16,  
2000.

MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE

BY: Joseph E. Johnston  
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT

A:\Hensarling Order 11-18-99.wpd

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**  
**IN THE MATTER OF THE PHYSICIAN'S LICENSE**

**OF**

**REGINALD D. RIGSBY, M.D.**

**ORDER**

THIS MATTER came on regularly for hearing on November 18, 1999, before the Mississippi State Board of Medical Licensure in response to the Petition of Reginald D. Rigsby, M.D. (hereinafter referred to as "Licensee"), for removal of all restrictions placed on his Mississippi medical license by virtue of that certain Consent Order dated May 11, 1995 as amended by Orders dated March 20, 1997, and September 17, 1998.

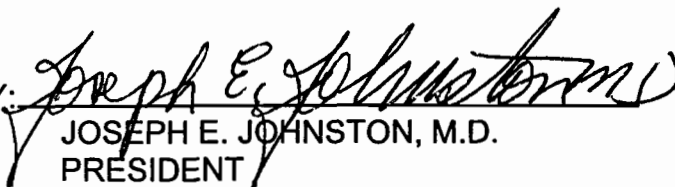
The hearing was convened at 11:00 a.m., Licensee being present with counsel. The Board, after hearing said motion, finds the same to be well-taken. It was noted that Licensee, while successfully completing all required CME, has not submitted documented proof of the same.

IT IS, THEREFORE, ORDERED that at such time as Licensee has submitted documentary proof of successful completion of all required CME, all restrictions imposed on Licensee by virtue of the Consent Order dated May 11, 1995, as amended by Orders dated March 20, 1997, and September 17, 1998, are hereby removed. Licensee will then hold an unrestricted license to practice medicine in the State of Mississippi. Notwithstanding the unrestricted license, it is recommended that Licensee continue periodic therapy as recommended by Richard Irons, M.D.

IT IS FURTHER ORDERED, that pursuant to Miss. Code Ann. Section 73-25-27 (1972), a copy of this Order shall be sent by Registered Mail or personally served upon Licensee.

SO ORDERED, this the 18th day of November, 1999.

MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE

BY:   
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT

A:\Rigsby Order 11-18-99.wpd

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

**IN THE MATTER OF THE PHYSICIAN'S LICENSE**

**OF**

**WALTER OCAMPO ANDERSON, M.D.**

**ORDER OF CONTINUANCE**

THIS MATTER came on regularly for hearing on November 18, 1999, before the Mississippi State Board of Medical Licensure, in response to a request for continuance of the hearing set for this date filed by WALTER OCAMPO ANDERSON, M.D. (hereinafter "Licensee"). The motion was filed by Joseph A. Kieronski, Jr., attorney representing Licensee, setting good and just cause for the continuance. After considering the matter, the Board finds Licensee's petition to be well taken.

IT IS, THEREFORE, ORDERED, that Licensee is granted a continuance until January 20, 2000.

SO ORDERED, this the 18<sup>th</sup> day of November, 1999.

MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE

BY:

  
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

**IN THE MATTER OF THE PHYSICIAN'S LICENSE**

**OF**

**JOSEPH BOOKER JR, M.D.**

**ORDER OF CONTINUANCE**

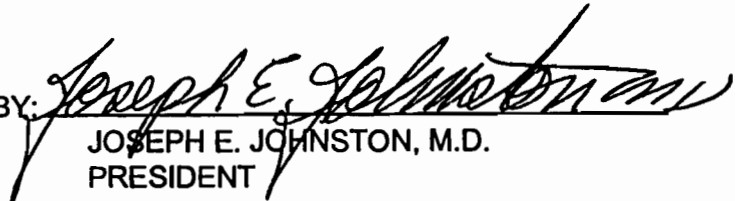
THIS MATTER came on regularly for hearing on November 18, 1999, before the Mississippi State Board of Medical Licensure, in response to a request for continuance of the hearing set for this date filed by JOSEPH BOOKER, JR., M.D. (hereinafter "Licensee"). The motion was filed by Henry Clay, attorney representing Licensee, setting good and just cause for the continuance. After considering the matter, the Board finds Licensee's petition to be well taken.

IT IS, THEREFORE, ORDERED, that Licensee is granted a continuance until December 16, 1999.

SO ORDERED, this the 18<sup>th</sup> day of November, 1999.

MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE

BY:

  
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

**IN THE MATTER OF THE PHYSICIAN'S LICENSE**

**OF**

**MICHEAL LEO BAKER, D.O.**

**DETERMINATION AND ORDER**

THIS MATTER came on regularly for hearing on November 18, 1999, before the Mississippi State Board of Medical Licensure, pursuant to Miss. Code Ann. Section 73-25-27 (1972), as amended. The Board initiated these proceedings on October 6, 1999, by issuance of a Summons against Micheal Leo Baker, D.O. (hereinafter "Licensee"), charging Licensee with violation of Subsection (6) of Section 73-25-29, and violation of Section 73-25-83(a). The specific allegations were set forth by Affidavit of same date from Angela Lee, Investigator, attached to and made a part of the Summons, wherein Licensee was charged with violation of the Mississippi Medical Practice Act, i.e., having been convicted of a felony or misdemeanor involving moral turpitude and unprofessional conduct likely to harm the public.

The hearing was convened at 11:15 a.m., Licensee appearing in person without counsel. Complaint Counsel for the Board was Honorable Stan T. Ingram. Sitting as legal advisor for the Board was Honorable Edwin Cofer, Special Assistant Attorney General. Evidence and testimony was then presented. Based upon the above, the Board renders the following Findings of Fact, Conclusions of Law, and Order.

## FINDINGS OF FACT

### I.

Licensee is a physician licensed to practice medicine in the State of Mississippi, currently holding License No. 15475. Said license is now lapsed due to Licensee's failure to renew the same.

### II.

On May 21, 1998, Licensee, following a plea of guilty, was found guilty by a Naval General Court-Martial for violations of the Uniform Code of Military Justice, specifically Article 111 (driving under the influence of alcohol), Article 125 (sodomy with another individual - enlisted man), and Article 134 (solicitation to commit sodomy and fraternization). Licensee had also been indicted for forcible sodomy, but was acquitted of this particular charge. As a result, Licensee received a dishonorable discharge from the U. S. Navy, and was sentenced to two (2) years confinement in the Navy-Marine Corps Brig at Miramar, California.

On June 2, 1998, Licensee was found guilty by the Superior Court of California, San Diego County, of one count of false imprisonment by violence, in violation of the California Penal Code Section 236/237, as a result of wilfully and unlawfully violating the personal liberty of an individual under 18 years of age. Licensee was sentenced to 16 months of civil confinement at Fort Leavenworth, Kansas, to run concurrently with the military confinement, three (3) years of supervised probation through the State of Mississippi upon release, and required to pay a fine of \$1,000.00.



Licensee was transferred to Fort Leavenworth, Kansas, on June 11, 1998, and released August, 1999.

During his incarceration Licensee underwent extensive psychotherapy and counseling, none of which established a pattern of sexual addiction. During his medical training in the military, Licensee received excellent grades and evaluations.

## CONCLUSIONS OF LAW

### I.

Based upon the Findings of Fact as enumerated above, Licensee is guilty of having been convicted of a felony or misdemeanor involving moral turpitude, and guilty of unprofessional conduct, including dishonorable or unethical conduct likely to harm the public; all in violation of Subsection (6) of Miss. Code Ann. Section 73-25-29 and Miss. Code Ann. Section 73-25-83(a).

### II.

During the hearing, Licensee did not deny the allegations as set forth in the Summons and Affidavit. While acknowledging his misconduct and convictions, Licensee exhibited an extremely high level of insight and remorse for his transgressions. Furthermore, none of the transgressions placed into issue his technical skills as a physician, i.e. all of the acts of indiscretion were off the military base and did not involve patients. Notwithstanding, it is the responsibility of this Board to insure that Licensee's sexual preference and indiscretions do not and will not threaten any patient he may treat in the future.

## ORDER

**IT IS HEREBY ORDERED**, that based upon the Findings of Fact and Conclusions of Law enumerated above, Licensee is authorized to file an application for renewal of his license to practice medicine, provided, however, any action in response to the application shall be placed in abeyance, subject to the following conditions:

1. Licensee shall submit to a comprehensive evaluation by Richard Irons, M.D., Lawrence, Kansas. The evaluation will address all aspects of Licensee's sexual preferences and any addictions or aberrations which may be determined.
2. Upon conclusion of the above evaluation, a written report shall be sent to the Board to the attention of its Director. The evaluation shall set forth any and all diagnoses, recommendations for treatment, and address Licensee's ability to practice medicine with reasonable skill and safety to patients, on either a restricted or unrestricted basis. Licensee shall execute any and all releases necessary to provide to and receive information from Richard Irons, M.D.
3. Upon receipt by the Board of the report and Licensee's application for renewal, Licensee shall re-appear before the Board, whereupon a determination shall be made as to issuance of license, and those restrictions, if any, which may be imposed.

**IT IS FURTHER ORDERED**, that pursuant to Miss. Code Ann. Section 73-25-30, Licensee is hereby assessed all costs of this investigation and disciplinary action.

Licensee shall be advised of the total assessment by separate written notification. Licensee must have a certified check or money order made payable to the Mississippi State Board of Medical Licensure on or before forty (40) days from the date of receipt of this Order. Should Licensee fail to submit payment for the total assessed costs by the stated deadline, he will be deemed to have violated the terms of this Order.

IT IS FURTHER ORDERED, that pursuant to Section 73-25-27, a copy of this Determination and Order shall be sent by registered mail, or personally served upon Licensee. Because Licensee was informed of this decision following Board deliberations, the Order shall be given immediate effect.

SO ORDERED, this the 18th day of November, 1999.

MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE

BY:   
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT

DECEMBER 1999

**MINUTES  
EXECUTIVE COMMITTEE MEETING  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
DECEMBER 15, 1999**

**MEMBERS PRESENT:**

Joseph E. Johnston, M.D., Mount Olive, President  
Robert Ray Smith, M.D., Jackson, Secretary  
W. Joseph Burnett, M.D., Director

**ALSO PRESENT:**

Stan T. Ingram, Attorney for the Board  
Edwin T. Cofer, Special Assistant Attorney General  
Charles Moses, Division Director II, Investigative Division  
Rhonda Freeman, Division Director II, Licensure Division  
Kathy Fortenberry, Administrative Assistant

The Executive Committee of the Mississippi State Board of Medical Licensure met on Wednesday, December 15, 1999, at 4:20 p.m. in the Executive Conference Room of the Office of the Board located at 2600 Insurance Center Drive, Jackson, Mississippi. Freda M. Bush, M.D., Jackson, Vice President, was not present.

**HEARING IN THE CASE OF JOSEPH BOOKER, JR., M.D., GULFPORT, MISSISSIPPI  
MEDICAL LICENSE NUMBER 10182**

Dr. Booker was present and represented by legal counsel, Henry Clay, Esq., Ridgeland.

Mr. Ingram reviewed §73-43-14, which gives the Executive Committee authority to execute all powers vested in the Board.

Mr. Clay advised that he and Dr. Booker would like to negotiate a Consent Order but had a problem with the 50 hours of CME required in the Consent Order presented Dr. Booker. After the Executive Committee reviewed the Consent Order, motion was made by Dr. Johnston, seconded by Dr. Smith, and carried unanimously that the Board consider going into Executive Session. With a motion by Dr. Smith, seconded by Dr. Johnston, the Board went into Executive Session.

Upon motion by Dr. Smith, seconded by Dr. Johnston, and carried unanimously, the Board came out of Executive Session at which time Dr. Johnston announced their decision to include the following in the Consent Order: (1) suspension of license effective immediately until released from incarceration and

**EXECUTIVE COMMITTEE MEETING**

**December 15, 1999**

**Page 2**

home confinement; (2) complete 50 hours of CME by correspondence, or otherwise, with emphasis on ethics; (3) return after incarceration to petition Board for possible release of suspension; and (4) remainder of proposed Consent Order the same.

After discussion between Mr. Clay, Mr. Ingram, and Executive Committee members, it was decided that the suspension would be effective January 7, 2000. Upon release from incarceration, Licensee shall have the right to petition the Board for reinstatement of his license. Mr. Clay advised that Dr. Booker would execute this Consent Order, a copy of which is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Christy Sievert, Certi-Comp Court Reporters.

**CONTINUANCE IN THE HEARING OF CURTIS ANDREW BROUSSARD, M.D.,  
GULFPORT, MISSISSIPPI MEDICAL LICENSE NUMBER 09015**

Dr. Broussard was not present or represented by legal counsel.

Mr. Ingram advised that Dr. Broussard's attorneys have requested a continuance to the January 20, 2000, Board meeting. Motion was made by Dr. Smith and seconded by Dr. Johnston to grant the continuance.

The Order of Continuance, Order Granting Additional Time to Answer, Order Permitting Counsel to Enroll and Admitting Attorneys *Pro Hac Vice* by Comity are attached hereto and incorporated by reference.

**MYUNG CHUN PARK, M.D., CLARKSDALE, MISSISSIPPI MEDICAL LICENSE  
NUMBER 15358**

Mr. Moses reviewed the background on Dr. Park and the recommendation from the Examining Committee that Dr. Park submit to an inpatient evaluation at Menninger Clinic for evaluation and possible treatment in their Disruptive Physicians Program.

Dr. Park has executed a Consent Order, based on the recommendations from Menninger Clinic, which was presented to the Executive Committee. Motion was made by Dr. Smith and seconded by Dr. Johnston to accept the Consent Order, a copy of which is attached hereto and incorporated by reference.

## **EXECUTIVE COMMITTEE MEETING**

**December 15, 1999**

**Page 3**

### **ACUPUNCTURE REGULATION**

Dr. Burnett reviewed a letter from Louisa S. Lomax, M.D., Brandon, regarding the proposed acupuncture regulation. She has recommended that the training standards of certain entities be incorporated in the regulation. The proposed regulation recommended a course approved by the American Medical Association, which Mrs. Freeman reported does not have such a course. It was the consensus of the Executive Committee for Mrs. Freeman to change the proposed regulation to include proper training, rather than certification, training, etc., from the different entities. This will be presented to the full Board at the January 20, 2000, Board meeting.

### **DR. BUSH JOINED THE MEETING AT 5:10 P.M.**

### **JAMES RICHARD HATCHER, M.D., BATON ROUGE, LA, APPLICANT**

Because of the volume of malpractice claims, Mr. Ingram was asked to review Dr. Hatcher's application file. It was the recommendation of the Executive Committee members to delay the application process until a Professional Review Organization could evaluate the claims and give a recommendation.

### **PROPOSED CHANGES BY MISSISSIPPI IMPAIRED PHYSICIANS COMMITTEE TO THE MEMORANDUM OF UNDERSTANDING**

Proposed changes to the Memorandum of Understanding made by MIPC, along with recommendations from the Board's Impaired Physicians Program Ad Hoc Committee, were discussed. Motion was made by Dr. Bush and seconded by Dr. Smith to approve MIPC's recommendations with the exclusion of proposed change #12 (pertaining to Board attorney) and proposed change #14 (pertaining to treatment facilities).

Mr. Ingram recommended adding to the Memorandum a section to include assessing cost, as allowed by §73-25-30. Motion was made by Dr. Smith and seconded by Dr. Bush to include this. Mr. Ingram will prepare the Memorandum of Understanding for the Board's approval.

Dr. Burnett distributed copies of a letter from Gary D. Carr, M.D., Medical Director, Mississippi Recovering Physicians Program, regarding their proposal regarding physicians with mental/emotional illness and/or disruptive behavior. This will be presented to the full Board at the January meeting.

**EXECUTIVE COMMITTEE MEETING**

**December 15, 1999**

**Page 4**

**JOHN WILBUR MCFADDEN, JR., M.D., TUPELO, MISSISSIPPI MEDICAL LICENSE NUMBER 05129**

Dr. McFadden was present but not represented by legal counsel. Also present was Mrs. McFadden.

Mr. Ingram reviewed Dr. McFadden's Consent Order, a condition of which was to appear before the Executive Committee before returning to the practice of medicine.

Dr. McFadden addressed the Executive Committee and answered questions from the members. A copy of the report from Menninger Clinic was distributed for their review.

Motion was made by Dr. Smith, seconded by Dr. Bush, and carried unanimously that the Board consider going into Executive Session. With a motion by Dr. Bush, seconded by Dr. Smith, the Board went into Executive Session.

Upon motion by Dr. Smith, seconded by Dr. Bush, and carried unanimously, the Board came out of Executive Session at which time Dr. Johnston announced Licensee could return to the practice of medicine and would be allowed to register for Schedule IV privileges. Licensee will continue psychotherapy as recommended by Menninger Clinic with reports to the Board. Other conditions of the Consent Order will remain in effect. The Order of the Board is attached hereto and incorporated by reference.

Dr. McFadden voiced concern that he could not provide for his patients with only Schedules IV and V. Dr. Johnston advised him that he could appeal to the full Board but that the restriction of not practicing would remain in effect until the full Board made a decision. Dr. McFadden stated he needed to return to work. If he elected to accept this decision and not appeal to the full Board, Mr. Ingram advised he could petition the full Board in six months, as stated in his Consent Order.

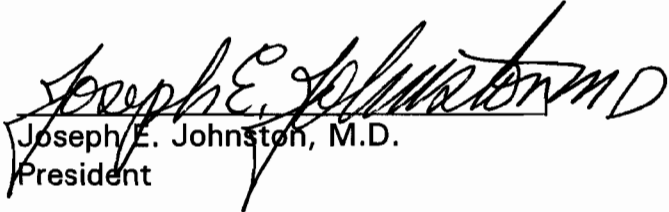
**REQUEST FROM FEDERATION OF STATE MEDICAL BOARDS REGARDING ALL LICENSED PHYSICIAN PROJECT**

Dr. Burnett presented a request from the Federation of State Medical Boards for certain information on all licensees for the Federation's Licensed Physician Project. Motion was made by Dr. Smith and seconded by Dr. Bush to provide this information.



**ADJOURNMENT**

There being no further business, the meeting adjourned at 6:10 p.m.

  
Joseph E. Johnston, M.D.  
President

Minutes taken and transcribed  
by Kathy Fortenberry  
Administrative Assistant  
December 15, 1999

**EXECUTIVE SESSION OF  
THE EXECUTIVE COMMITTEE  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
DECEMBER 15, 1999**

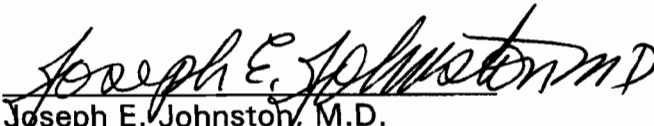
**AGENDA ITEM I**

**HEARING IN THE CASE OF JOSEPH BOOKER, JR., M.D., GULFPORT, MISSISSIPPI  
MEDICAL LICENSE NUMBER 10182**

Motion was made to include the following in Consent Order: (1) suspension of license effective immediately until released from incarceration and home confinement; (2) complete 50 hours of CME by correspondence, or otherwise, with emphasis on ethics; (3) return after incarceration to petition Board for possible release of suspension; and (4) remainder of proposed Consent Order the same.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Freda M. Bush, M.D.				X
Joseph E. Johnston, M.D.	X			
Robert Ray Smith, M.D.	X			

With a motion by Dr. Smith, seconded by Dr. Johnston, the Board came out of Executive Session.

  
Joseph E. Johnston, M.D.  
President

**EXECUTIVE SESSION OF  
THE EXECUTIVE COMMITTEE  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
DECEMBER 15, 1999**

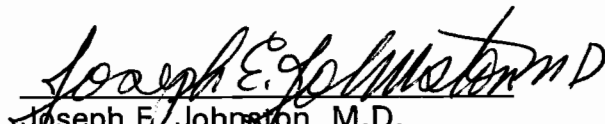
**AGENDA ITEM II**

**JOHN WILBUR MCFADDEN, JR., M.D., TUPELO, MISSISSIPPI MEDICAL LICENSE  
NUMBER 05129**

Motion made to allow Licensee to return to the practice of medicine and to be allowed to register for Schedule IV privileges. Licensee will continue psychotherapy as recommended by Menninger Clinic with reports to the Board. Other conditions of the Consent Order will remain in effect.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Freda M. Bush, M.D.	X			
Joseph E. Johnston, M.D.	X			
Robert Ray Smith, M.D.	X			

With a motion by Dr. Smith, seconded by Dr. Bush, the Board came out of Executive Session.

  
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Joseph E. Johnston, M.D.  
President

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
IN THE MATTER OF PHYSICIAN'S LICENSE**

**OF**

**JOSEPH BOOKER, JR., M.D.**

**CONSENT ORDER**

WHEREAS, JOSEPH BOOKER, JR., M.D., hereinafter referred to as "Licensee," is the current holder of License No. 10182, issued February, 1984, for the practice of medicine in the State of Mississippi;

WHEREAS, on July 12, 1999, Licensee entered a plea of guilty to Count Two (2) "Filing a False Income Tax Return" of a two (2) Count federal indictment in criminal case number 1:98cr 55BrG before the U.S. District Court for the Southern District of Mississippi. Based on said plea of guilty, the U.S. District Court for the Southern District of Mississippi sentenced Licensee to five (5) months incarceration in the federal prison system, beginning January 7, 2000, followed by certain probationary terms and conditions, one of which includes home confinement for a period of five (5) months;

WHEREAS, pursuant to Subsections (6) and (8)(d) of Section 73-25-29 and Section 73-25-83(a), Mississippi Code (1972), Annotated, the aforementioned constitutes a plea of guilty to a felony or misdemeanor involving moral turpitude, grounds for which the Mississippi State Board of Medical Licensure may revoke the Mississippi medical license of Licensee, suspend his right to practice for a time deemed proper by the Board, place his license on probation, the terms of which may be set by the Board, or take any other action in relation to his license as the Board may deem proper under the circumstances;

WHEREAS, it is the desire of Licensee to avoid a hearing before the Mississippi State Board of Medical Licensure and in lieu thereof requests that certain restrictions be placed on his license to practice medicine in the State of Mississippi;

NOW, THEREFORE, the Mississippi State Board of Medical Licensure, with consent of Licensee as signified by his joinder herein, does hereby indefinitely suspend Licensee's certificate to practice medicine in the State of Mississippi, effective January 7, 2000.

IT IS FURTHER ORDERED, that Licensee shall during his incarceration obtain through correspondence at least fifty (50) hours of Category 1 Continuing Medical Education (CME) approved by the American Medical Association, with emphasis on medical ethics.

IT IS FURTHER ORDERED, that upon release from incarceration, Licensee shall have the right to petition the Board for reinstatement of his license. Any order of reinstatement of license shall be subject to the following additional probationary terms and conditions which shall remain in effect until otherwise ordered by the Board, to-wit:

1. Licensee shall strictly comply with all of the terms and conditions of his Federal probation.
2. Licensee shall report in writing to the Mississippi State Board of Medical Licensure within fifteen (15) days should his medical license in any state be subject to investigation or disciplinary action.
3. Licensee's medical practice shall be subject to periodic surveillance and the Board's Director, any member of the Board, or Investigator for the Board may perform a chart review of selected patient files.

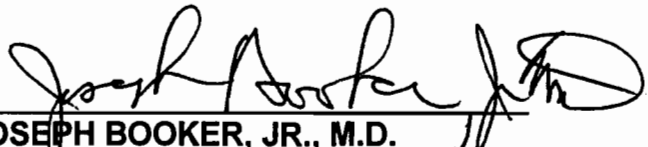
4. Licensee shall obey all federal, state and local laws, and all rules and regulations governing the practice of medicine.

IT IS FURTHER ORDERED, that at such time as Licensee has completed all federal probationary terms and conditions, Licensee shall have the right to petition the Mississippi State Board of Medical Licensure for release of any or all of the above enumerated conditions. Thereafter, any right to petition the Board for reconsideration shall be at reasonable intervals, but not less than twelve (12) months from date of last appearance.


IT IS FURTHER ORDERED, that pursuant to Miss. Code Ann. Section 73-25-30, Licensee shall pay all such investigative costs as are allowed by law. Licensee shall be advised of the total assessment by separate written notification, and shall have a certified check or money order made payable to the Mississippi State Board of Medical Licensure on or before forty (40) days from the day of acceptance and approval of this Consent Order by the Board.

Recognizing his right to notice of charges specified against him, to have such charges adjudicated pursuant to Miss. Code Ann. Section 73-25-27 (1972), to be represented therein by legal counsel of his choice, and to a final decision rendered upon written findings of fact and conclusions of law, Joseph Booker, Jr., M.D., nonetheless, hereby waives his right to notice and a formal adjudication of charges and authorizes the Board to enter an Order accepting this Consent Order, thereby suspending his license to practice medicine in the State of Mississippi, subject to those terms and conditions enumerated above.

Signed this the 15th day of December , 1999.

  
JOSEPH BOOKER, JR., M.D.

ACCEPTED AND APPROVED, this the 15th day of December, 1999 by the  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE.

By:   
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

**IN THE MATTER OF THE PHYSICIAN'S LICENSE**

**OF**

**CURTIS A. BROUSSARD, M.D.**

**ORDER OF CONTINUANCE**

THIS MATTER came on regularly for hearing on December 15, 1999, before the Mississippi State Board of Medical Licensure, in response to a request for continuance of the hearing set for this date filed by CURTIS A. BROUSSARD, M.D. (hereinafter "Licensee"). The motion was filed by Deborah Cunningham Foshee, attorney representing Licensee, setting good and just cause for the continuance. After considering the matter, the Board finds Licensee's petition to be well taken.

IT IS, THEREFORE, ORDERED, that Licensee is granted a continuance until January 20, 2000.

SO ORDERED, this the 15<sup>th</sup> day of December, 1999.

MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE

BY:

  
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT



BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

CURTIS A. BROUSSARD, M.D.

ORDER GRANTING ADDITIONAL TIME TO ANSWER

THIS MATTER came on regularly for hearing on December 15, 1999, before the Mississippi State Board of Medical Licensure, in response to the Motion of CURTIS A BROUSSARD, M.D. (hereinafter "Licensee") for an additional fifteen (15) days to file his responsive answer to the Summons and Affidavit now pending before the Board. The motion was filed by W. F. Holder II, Mississippi counsel for Licensee, setting good and just cause for the extension of time. After considering the matter, the Board finds Licensee's petition to be well taken.

IT IS, THEREFORE, ORDERED, that Licensee is granted an additional fifteen (15) days from this date to file his answer to the Summons and Affidavit now pending before the Board.

SO ORDERED, this the 15<sup>th</sup> day of December, 1999.

MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE

BY:

  
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

**IN THE MATTER OF THE PHYSICIAN'S LICENSE**

**OF**

**CURTIS A. BROUSSARD, M.D.**

**ORDER PERMITTING COUNSEL TO ENROLL AND  
ADMITTING ATTORNEYS *PRO HAC VICE* BY COMITY**

On motion of Tenet Physician Services and Mississippi licensed counsel, Mark Verret, the Court finds that the motion is well taken and should be granted.

IT IS, THEREFORE, ORDERED that Mark Verret is hereby enrolled as counsel of record for Tenet Physician Services (Employer of Dr. Curtis A. Broussard).

On motion of Mark Verret, an attorney duly admitted to practice in Mississippi, to admit, Deborah Cunningham Foshee to practice *pro hac vice*, this Court finds that Ms. Foshee is admitted to practice before the courts of Louisiana and is a member in good standing of the Louisiana State Bar, as indicated by the certificate attached as an exhibit to the motion. On the representation that the moving attorney will act as local counsel, the Court finds that the motion is well taken and should be granted.

IT IS, THEREFORE, ORDERED that Deborah Cunningham is hereby admitted *pro hac vice* by comity, fees and oath to be waived.

SO ORDERED, this the 15<sup>th</sup> day of December, 1999.

MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE

BY:

  
JOSEPH E. JOHNSTON, M.D.  
PRESIDENT

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

**IN THE MATTER OF THE PHYSICIAN'S LICENSE OF**

**MYUNG C. PARK, M.D.**

**CONSENT ORDER**

WHEREAS, the Examining Committee, as designated by the Mississippi State Board of Medical Licensure and Mississippi State Medical Association, pursuant to Section 73-25-55 of the "Disabled Physician Law," Mississippi Code 1972, (Annotated) convened at 1:00 p.m., September 23, 1999, at the office of the Mississippi State Medical Association Building and conducted an examination of Myung C. Park, M.D., Clarksdale, Mississippi, for the purpose of determining his fitness to practice medicine with reasonable skill and safety to patients by reason of possible mental illness. As a result of said examination, the Examining Committee reported its recommendations to the Board on September 27, 1999, i.e. that Licensee submit to an independent mental examination/evaluation at Menninger Clinic, Topeka, Kansas to determine his fitness to practice medicine with reasonable skill and safety to patients, either on a restricted or unrestricted basis;

WHEREAS, Licensee submitted to the required evaluation at the Menninger Clinic, Topeka, Kansas, on or about November 17, 1999. Upon conclusion of the evaluation, it was determined that Licensee was in need of psychotherapeutic intervention to address a number of problems relating to interpersonal conflicts marked by poor control of anger, possibly due to prolonged occupational stress and an associated state of neurophysiological depletion. It was agreed that only re-evaluation after an adequate

period of rest could further clarify a number of issues and help determine if more long-range restrictions may need to be placed on Licensee's clinical activities. Among other recommendations, it was determined that Licensee should be given "a leave of absence from all duties and obligations as a physician for a period of at least one (1) month," and during said month Licensee should begin some focused stress/anger management training followed by repeated neuropsychological testing; and

WHEREAS, Licensee has undergone an independent evaluation of his neurological function and has been diagnosed as having diabetic peripheral neuropathy of such a nature as to be considered chronic and progressive; and

WHEREAS, pursuant to authority granted by the Mississippi Disabled Physician Law, specifically Miss. Code Ann. § 73-25-59, the Board has the authority to implement restrictions deemed necessary to protect the public through execution of a Consent Order;

NOW, THEREFORE, the Mississippi State Board of Medical Licensure, with consent of Licensee as signified by his joinder herein, does hereby place the following restrictions on his license to practice medicine in the State of Mississippi, to-wit:

Effective immediately Licensee shall not practice surgery under any circumstances.

This includes any and all invasive procedures performed in an office or hospital based setting. Effective December 21, 1999, Licensee shall take a complete leave of absence from all duties and obligations as a physician for a period of one (1) month. Upon his return, being January 18, 2000, his practice shall continue to be non-surgical related and will be limited to no more than a total of five (5) half days per days per week.

1. That within three (3) months of January 18, 2000, Licensee shall begin some

focused emotional or stress control management training such as that which he previously received at the Mayo Clinic. This can be obtained by return to the Mayo Clinic or by involvement in a similar program available at another reputable treatment center, approved in writing, in advance, by the Board.

2. Licensee shall within three (3) months of the effective date of this Consent Order, affiliate with the Mississippi Recovering Physicians Program (MRPP) and execute any releases for information, agreements or contracts with that program as may be deemed necessary by MRPP.
3. In the event Licensee fails to comply with any conditions imposed on him by this Consent Order, Licensee shall be prohibited from practicing medicine until such time as a determination is made by the Board that Licensee is again ready to return to the practice of medicine. Summary suspension pursuant to this paragraph shall be for an indefinite period of time, notwithstanding any term or right to petition for reinstatement provided herein.
4. Licensee hereby authorizes Menninger Clinic (and any other treatment facility that has or will render treatment/ evaluation of licensee in conjunction with this Order), its director, staff or employees to release to the Board all records of his evaluation, treatment and/or recommendations for aftercare monitoring. Further, Licensee authorizes the Mississippi State Board of Medical Licensure to release to the treatment facility all documentation, whether licensure or investigative, for the use and benefit

of the facility in any further management and treatment of Licensee.

Licensee's practice of medicine shall be subject to periodic surveillance by the Mississippi State Board of Medical Licensure to monitor compliance with any Board approved plan of practice. The Board's Executive Director, any member of the Board, consultant for the Board, or investigative staff may perform a patient chart review of a representative sample of those patients treated by Licensee.

5. Pursuant to Miss. Code Ann. Section 73-25-30, Licensee is hereby advised of the total assessment by separate written notification. Licensee must assessed all costs of this investigation and disciplinary action. Licensee shall be have a certified check or money order made payable to the Mississippi State Board of Medical Licensure on or before forty (40) days from the date of receipt of this Consent Order. Should Licensee fail to submit payment for the total assessed costs by the stated deadline, he will be deemed to have violated the terms of this Consent Order.
6. Licensee shall have the right to petition the Mississippi State Board of Medical Licensure for release of any or all of the above enumerated conditions after expiration of twelve (12) months from the effective day hereof. Thereafter, any right to petition the Board for reconsideration shall be at reasonable intervals, but not less than twelve (12) months from date of last appearance.

Licensee understands and expressly acknowledges that this Consent Order shall

constitute a public record of the State of Mississippi. Notwithstanding, pursuant to authority set forth at Mississippi Code Ann. § 73-25-63(5), this Consent Order shall not be used against Licensee in any other legal proceedings.

Recognizing his right to notice of charges specified against him, to have such charges adjudicated pursuant to Miss. Code Ann. (1972) Section 73-25-63, to be represented therein by legal counsel of his choice, and to a final decision rendered upon written findings of fact and conclusions of law, Myung C. Park, M.D. nonetheless hereby waives his right to notice and a formal adjudication of charges and authorizes the Board to enter an order accepting this Consent Order, thereby placing the above enumerated restrictions on his license to practice medicine in the State of Mississippi.

EXECUTED, this the 15 day of December, 1999.

  
MYUNG C. PARK, M.D.

ACCEPTED AND APPROVED, this the 15th day of December, 1999, by the  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE.

  
PRESIDENT  
MISSISSIPPI STATE BOARD OF MEDICAL  
LICENSURE

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**  
**IN THE MATTER OF THE PHYSICIAN'S LICENSE OF**  
**JOHN WILBUR MCFADDEN, M.D.**

**ADDENDUM BY ORDER TO CONSENT ORDER**

**WHEREAS**, on October 20, 1999, Licensee entered into a Consent Order with the Mississippi State Board of Medical Licensure, wherein John Wilbur McFadden, M.D. (hereinafter "Licensee") was prohibited from practicing medicine until such time as he completed all inpatient treatment at Menninger Clinic, including a minimum period of six (6) weeks medication therapy and was found to be capable of practicing medicine with reasonable skill and safety to patients;

**WHEREAS**, Licensee has complied with the aforementioned prerequisites and appeared informally before the Executive Committee of the Board to review his progress on December 15, 1999. Pursuant to the terms of the aforementioned Consent Order, the Executive Committee was granted the authority to incorporate into the order by amendment or addendum any other restriction deemed necessary to implement the Menninger Clinic treatment plan, maintain Licensee's recovery, and reinstate prescribing privileges, if any;

**WHEREAS**, the Executive Committee has now reviewed the Menninger report and believes that Licensee is ready to return to the practice of medicine, subject to certain additional restrictions deemed necessary to maintain him in a state of good mental health and to protect the public.



**NOW, THEREFORE**, the Mississippi State Board of Medical Licensure does hereby authorize Licensee to immediately return to the practice of medicine, subject to the following restrictions, to-wit:

1. Licensee shall continue individual psychotherapy at a frequency of 1-2 times per week on an outpatient basis for a period of at least 12-18 months. The psychotherapist shall be an individual chosen by Licensee and approved in advance by the Board and will be an individual other than the psychiatrist from which Licensee was receiving psychotherapy at the time of his second admission to Menninger Clinic.
2. Licensee shall continue the medications as prescribed and recommended by Menninger, Licensee's use of said medications to be monitored by his local psychotherapist.
3. Concurrent with Licensee's psychotherapy as enumerated above, Licensee shall participate in ongoing marital therapy. Licensee shall advise the Board of the individual chosen by him and his wife for marital therapy. The wife shall have the means and right to convey appropriate information to both the marital therapist and psychotherapist regarding Licensee's behavior. The marital therapist shall have the right to fully communicate at any time with the psychotherapist.
4. The psychotherapist shall provide the Board with quarterly progress reports concerning Licensee's progress. The psychotherapist shall report to the Board any aberrant behavior, refusal to respond and/or receive treatment,

and/or any effort by Licensee to isolate or control the flow of information concerning his behavior to or from the marital therapist or psychotherapist.

5. Licensee shall be authorized to register with the U. S. Drug Enforcement Administration for a Uniform Controlled Substances Registration Certificate in Schedules IV and V. By rendering such an authorization, the Mississippi State Board of Medical Licensure does not guarantee that the U. S. Drug Enforcement Administration will in fact issue a certificate in any one or both schedules.

**IT IS FURTHER ORDERED** that the above restrictions shall be in addition to those set forth in the referenced Consent Order of October 20, 1999. As a result, Licensee's practice shall be subject to periodic surveillance by the Board. At any time, the Board's Director, any member of the Board or Investigative Staff may perform a patient chart review of a representative sample of those patients treated by Licensee.

Licensee shall have the right to petition the Mississippi State Board of Medical Licensure for release of any or all of the above enumerated conditions after expiration of six (6) months from the effective day hereof. Thereafter, any right to petition the Board for reconsideration shall be at reasonable intervals, but not less than twelve (12) months from date of last appearance.

Licensee understands and expressly acknowledges that this Consent Order shall constitute a public record of the State of Mississippi. Notwithstanding, pursuant to authority set forth at Mississippi Code Ann. § 73-25-63(5), this Consent Order shall not be used against Licensee in any other legal proceedings.

SO ORDERED, this the 15th day of December, 1999.

**MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE**

BY:   
Joseph E. Johnston, M.D.  
President

**DECEMBER, 1999**

**EXECUTIVE COMMITTEE  
MEETING ONLY**