

EXECUTIVE COMMITTEE

INDEXES

2000

**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
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Awdeh, Mahir	April
Baker, Micheal Leo	September
Barnes, Phillip Lance	May
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.	April
.	November
Bowles, Alfred Perry	November
Brinkley, Ben Paul	July
Cain, Robert John	January
Christie, William Joseph	January
Cox, John Warren	April
.	May
Dagogo-Jack, Sam Erekosima	January
Dial, John Dee	September
Falouji, Wiaam M.H.	July
Feldman, Arnold Erwin	May
Hall, Mary Kitty and Scotty	April
Hammond, Jack L.	November
Hensarling, James Kenneth	May
Howard, Jeffrey C.	September
Kramer, James Joseph	February
Lam, Charles C.	July
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Morris, Steve, III	November

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	October
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Scoggin, Joseph M.	May
Stanback, Charles Oliver	January
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Touchstone, William Carlisle	January
Townes, Robert Burwell, Jr.	April
Warnick, Jamie Sue	August
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Wilkerson, George Edward	September
Wilson, Diana W.	November
Zweig, Mark Alan	February
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..... September

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..... May

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**BOARD
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McFadden, John Wilbur, Jr.	January
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	May
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JANUARY 2000

**MINUTES
EXECUTIVE COMMITTEE MEETING
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
JANUARY 19, 2000**

MEMBERS PRESENT:

Joseph E. Johnston, M.D., Mount Olive, President
Freda M. Bush, M.D., Jackson, Vice President
Dewitt G. Crawford, M.D., Louisville
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, January 19, 2000, 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. Crawford was asked to serve on the Executive Committee for this meeting since Robert Ray Smith, M.D., Jackson, Secretary, was not present.

**PERSONAL APPEARANCE BY ROBERT JOHN CAIN, M.D., STARKVILLE, TO
REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE
NUMBER 12954**

Dr. Cain was present but not represented by legal counsel. Also present was Gary D. Carr, M.D., Medical Director, Mississippi Recovering Physicians Program.

Dr. Cain requested that all restrictions be removed and answered questions from Dr. Burnett and the Executive Committee members. Dr. Carr addressed the Executive Committee on behalf of Dr. Cain.

It was the consensus of the Executive Committee members to remove all restrictions on Dr. Cain's license. The Order of the Board is attached hereto and incorporated by reference.

**PERSONAL APPEARANCE BY MORTON FRANKLIN LONGNECKER, JR., M.D.,
BILOXI, TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL
LICENSE NUMBER 06351**

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Dr. Burnett advised that Dr. Longnecker did not receive his letter regarding his appearance before the Executive Committee. He will be rescheduled for the February meeting.

PERSONAL APPEARANCE BY CHARLES OLIVER STANBACK, M.D., COLUMBUS, MISSISSIPPI MEDICAL LICENSE NUMBER 04866

Dr. Stanback had requested to meet with the Executive Committee members to discuss a proposed Consent Order pertaining to the Board's investigation of his prescribing habits. Also present was his son, John E. Stanback, M.D., Columbus.

Mr. Moses presented a summary of Dr. Stanback's background and history and answered questions from Dr. Stanback and his son pertaining to the investigation. Copies of the proposed Consent Order and a letter from Dr. Stanback dated December 21, 1999, were reviewed. Dr. Stanback stated in the letter that he would voluntarily surrender his scheduled class drug certificate for as long as he practiced medicine.

Dr. Stanback and his son were dismissed for the Executive Committee to discuss the matter. After they rejoined the meeting, Dr. Johnston advised that the Executive Committee would accept the agreement in his letter to permanently surrender his DEA certificate or he could come before the full Board for a hearing. A Consent Order incorporating this will be presented to Dr. Stanback, and he will advise the Board of his decision. If he does not accept the Consent Order, the Executive Committee directed that he be served with a Summons and Affidavit.

APPROVAL OF CONSENT ORDER EXECUTED BY MUKUND KANU PATEL, M.D., COLUMBUS, MISSISSIPPI MEDICAL LICENSE NUMBER 14386

Dr. Burnett presented a Consent Order from Dr. Patel, who recently suffered a relapse and has completed treatment. 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.

APPROVAL OF CONSENT ORDER EXECUTED BY WILLIAM CARLISLE TOUCHSTONE, M.D., JACKSON, MISSISSIPPI MEDICAL LICENSE NUMBER 05165

Dr. Burnett presented a Consent Order from Dr. Touchstone, who recently suffered a relapse and has completed treatment. It was the consensus of the

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Executive Committee members to accept the Consent Order, a copy of which is attached hereto and incorporated by reference.

REQUEST FOR REMOVAL OF RESTRICTIONS BY WILLIAM JOSEPH CHRISTIE, M.D., TORRANCE, 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. It was the consensus of the Executive Committee to issue a Board Order to this effect, a copy of which is attached hereto and incorporated by reference.

REPORT OF EXAMINING COMMITTEE ON WILLIAM GLENN BENNETT, M.D., STARKVILLE, MISSISSIPPI MEDICAL LICENSE NUMBER 10677

Dr. Burnett reported on the recommendation from the Examining Committee that Dr. Bennett submit to an inpatient evaluation at Menninger Clinic for evaluation and possible treatment in their Disruptive Physicians Program. 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.

CONSIDERATION OF LICENSURE APPLICATION OF SAM EREKOSIMA DAGOGO-JACK, M.D., ST. LOUIS, MO

Dr. Burnett and Mrs. Freeman reviewed Dr. Dagogo-Jack's application for licensure. Dr. Dagogo-Jack 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.

OTHER BUSINESS

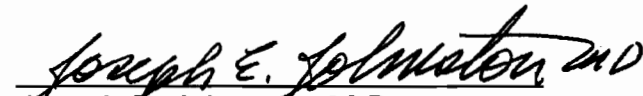
Dr. Burnett reviewed the agenda for Thursday's Board meeting.

Several legislative items were discussed. The staff was asked to check with the Federation of State Medical Boards to see if other states had any type of anti-diversion legislation.

Dr. Burnett reported that he was trying to schedule a meeting with the Governor or his Chief of Staff to discuss the upcoming Board appointments.

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
January 19, 2000

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

ROBERT JOHN CAIN, M.D.

ORDER

THIS MATTER came on regularly for hearing on January 20, 2000, before the Mississippi State Board of Medical Licensure, in response to the Petition of Robert John Cain, 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 December 9, 1996.

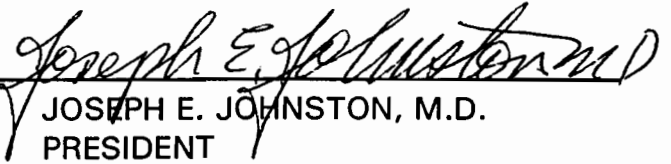
The hearing on this matter was conducted before the Executive Committee of the Board on Wednesday, January 19, 2000, Licensee then being present without counsel. It was the recommendation of the Executive Committee that all restrictions on his license to practice medicine be removed. The Board, after hearing said motion, and taking into consideration the recommendation of the Executive Committee, finds the same to be well-taken.

IT IS HEREBY ORDERED, that Licensee's petition for removal of all restrictions is hereby granted. Licensee now holds an unrestricted license to practice medicine in the State of Mississippi.

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 Robert John Cain, M.D.

ORDERED, this the 20th day of January, 2000.

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
MUKUND KANU PATEL, M.D.**

CONSENT ORDER

WHEREAS, Mukund Kanu Patel, M.D., hereinafter referred to as "Licensee," is the current holder of License No. 14386 for the practice of medicine in the State of Mississippi;

WHEREAS, on August 18, 1999, 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 September 22, 1999, the Board received an Analytical Toxicology Report from the UMC Toxicology Laboratory. Said report indicated confirmed positive results for ethanol;

WHEREAS, on September 22, 1999, information was provided to the Board by the Mississippi Recovering Physicians Program, that indicated Licensee had been admitted to COPAC, Brandon, Mississippi, for relapse of his substance dependence;

WHEREAS, Licensee completed inpatient treatment at COPAC, Brandon, Mississippi on November 15, 1999, and was transferred to COPAC's Phase IV/Intensive Outpatient Program;

WHEREAS, it is the recommendation of COPAC's staff that Licensee not return to the practice of medicine for a minimum of twelve (12) months;

WHEREAS, such conduct is in violation of the Mississippi Medical Practice Act and specifically Mississippi Code Annotated, Section 73-25-29(2) and 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 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. 14386 to practice medicine in the State of Mississippi.

Licensee shall have the right, but not the obligation, to petition the Board after expiration of no less than twelve (12) months for authorization to return to the practice of medicine.

During the twelve month period of no practice, Licensee will abide by all treatment recommendations made by COPAC and the Mississippi Recovering Physicians Program (MRPP). At such time as the Board elects to authorize Licensee to return to the practice of medicine, the Board reserves the right, at it's sole and absolute discretion, to utilize any information or reports from COPAC, the MRPP, or any other source to impose any other restrictions it deems necessary to protect the public.

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

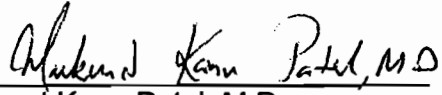
of the State of Mississippi. Licensee further acknowledges that the Board shall provide a copy of this Order to, among others, the U.S. Drug Enforcement Administration, and the Board makes no representation as to action, if any, which the U. S. Drug Enforcement Administration may take in response to 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, Mukund Kanu Patel, 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 indefinitely suspending his license to practice medicine in the State of Mississippi, subject to those terms and conditions enumerated above.

Signed this the 6th day of January, 2000.

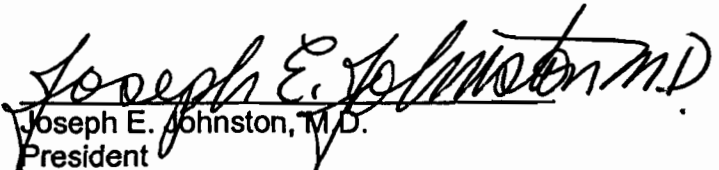


Witness



Mukund Kanu Patel, M.D.

ACCEPTED AND APPROVED, This the 19th day of January, 2000,
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
WILLIAM CARLISLE TOUCHSTONE, M.D.

CONSENT ORDER

WHEREAS, William Carlisle Touchstone, M.D., hereinafter referred to as "Licensee," is the current holder of License No. 05165 for the practice of medicine in the State of Mississippi;

WHEREAS, on May 16, 1996, 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 30, 1999, the Board received the Analytical Toxicology Report from the UMC Toxicology Laboratory dated July 27, 1999. Said report indicated confirmed positive results for Butalbital;

WHEREAS, on August 10, 1999, information was provided to the Board by the Mississippi Recovering Physicians Program, indicating that Licensee had been admitted to Next Step/Pine Grove Recovery Center for relapse of his substance dependence;

WHEREAS, Licensee was evaluated at Pine Grove Recovery Center, Hattiesburg, Mississippi, and found to be suffering from chemical dependency;

WHEREAS, Licensee has completed recommended treatment and was discharged November 20, 1999;

WHEREAS, such conduct is in violation of the Mississippi Medical Practice Act and specifically Mississippi Code Annotated, Section 73-25-29(2), 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 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. 05165) to practice medicine in the State of Mississippi with the suspension automatically stayed, subject to the following probationary terms and conditions

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 at a licensed hospital or the hospital emergency room. Emergency room treatment is permitted under this section, however, Licensee shall not be authorized to personally administer, dispense or prescribe any drug in Schedules II, IIN, III, IIIN or IV to any patient.
3. Licensee's use of the medications 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 or a hospital emergency room. This excludes the issuing of prescriptions on an out-patient basis in any manner for any of the above referenced substances to any patients. Emergency Room treatment is permitted under this Section; however, Licensee shall not be authorized to personally administer, dispense or prescribe any of the above referenced drugs to any patient.
4. Licensee shall be prohibited from ordering, obtaining, possessing, administering, or dispensing any sample medication in Schedules III, IIIN, IV and V, or any sample product containing Butalbital, Carisoprodol or Ultram (Tramadol HCL).

5. Licensee shall immediately obtain affiliation with the Mississippi Recovering Physicians Program (MRPP). Licensee shall comply with all treatment recommendations and affiliation requirements of the MRPP, its Medical Director or the Mississippi Impaired Physician's Committee (MIPC). Licensee hereby authorizes the Board, its Executive 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. In the event Licensee suffers a relapse and/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 determines that Licensee is able to return to the practice of medicine. The Board may, in its sole discretion, require Licensee to undergo further evaluation for chemical dependency.
6. Licensee shall totally abstain from the use of any alcoholic or intoxicating beverage and shall not prescribe, dispense or administer to himself, any family member, or anyone with whom Licensee has an emotional and/or personal relationship, any controlled substances or other drugs 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.

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 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.
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 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.

9. During each year of probation, Licensee shall obtain twenty (20) hours of Continuing Medical Education (CME) approved by the American Medical Association with an emphasis in the area of Family Medicine or use of controlled substances. Following completion of each course, Licensee shall submit to the Board documentary proof of successful completion.
10. 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 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.
11. Licensee shall obey all federal, state and local laws, and all rules governing the practice of medicine.
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 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 shall be in lieu of all previous orders and agreements, including that certain Consent Order May 16, 1996.

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 further 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, William Carlisle Touchstone, 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 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 4 day of Jan, 2000.

Charles C. Moore
Witness

William Carlisle Touchstone, M.D.
William Carlisle Touchstone, M.D.

ACCEPTED AND APPROVED, This the 19th day of January, 2000,
by the Mississippi State Board of Medical Licensure.

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

WILLIAM J. CHRISTIE, M.D.

ORDER

THIS MATTER came on regularly for consideration on January 20, 2000, before the Mississippi State Board of Medical Licensure, in response to the request of William J. Christie, M.D. (hereinafter "Licensee"), seeking clarification of his licensure status by virtue of that certain Determination and Order dated January 18, 1996.

The matter was considered by the Executive Committee of the Board on Wednesday, January 19, 2000. Licensee's request was considered in absentia. It was noted that the aforementioned Determination and Order expired by virtue of its own terms on January 18, 1998. Therefore, no formal action by this Board was then necessary. Notwithstanding, Licensee has requested a formal order for clarification purposes and for notification to the National Practitioner Data Bank. It was the recommendation of the Executive Committee that all restrictions on Licensee's certificate to practice medicine be formally removed, effective January 18, 1998. The Board, after hearing said motion, and taking into consideration the recommendation of the Executive Committee, finds the same to be well-taken.

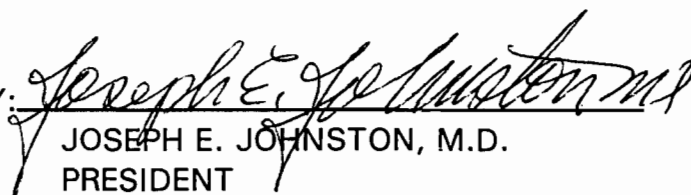
THEREFORE, IT IS HEREBY ORDERED, that Licensee's request for removal of all restrictions is hereby granted. Effective January 18, 1998, Licensee held an unrestricted license to practice medicine in the State of Mississippi.

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 William J. Christie, M.D.

ORDERED, this the 20th day of January, 2000.

MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE

BY:


JOSEPH E. JOHNSTON, M.D.
PRESIDENT

XXX.

**CME REQUIREMENTS FOR STATE OF MISSISSIPPI PHYSICIANS,
OSTEOPATHIC PHYSICIANS AND PODIATRISTS**

A. BASIC REQUIREMENT

Every Mississippi licensee must earn or receive not less than forty (40) hours of Category I continuing medical education in a two-year cycle as a condition precedent to renewing his or her license for the next fiscal year. Excess hours may not be carried over to another two-year cycle. *For the purpose of this regulation, the two-year period begins July 1, 2000, and every two years thereafter.*

1. Category I continuing medical education shall mean those programs of continuing medical education designated as Category I which are sponsored or conducted by those organizations approved by the Mississippi State Medical Association, American Medical Association or by the Accreditation Council for Continuing Medical Education (ACCME) to sponsor or conduct Category I continuing medical education programs.
2. Programs of continuing medical education designated as Category I-A which are sponsored or conducted by organizations or entities accredited by the American Osteopathic Association to sponsor or conduct Category I-A continuing medical education for osteopathic physicians.
3. Programs of continuing medical education designated as a "prescribed hour" which are sponsored or conducted by organizations or entities accredited by the American Academy of Family Physicians to sponsor or conduct "prescribed hours" of continuing medical education.
4. Programs of continuing medical education designated as "cognates" which are sponsored or conducted by organizations or entities which are accredited by the American College of Obstetrics and Gynecology to sponsor or conduct approved cognates on obstetrical and gynecological related subjects.
5. Programs of continuing medical education designated as Category I-A which are sponsored or conducted by organizations or entities accredited by the Council on Podiatric Medical Education to sponsor or conduct Category I-A continuing medical education for podiatrists.

B. PERSONS AFFECTED

Every Mississippi licensee is required to comply with the minimum requirement for continuing medical education established by these rules and regulations.

C. EXEMPTION FOR INITIAL LICENSES

Physicians, osteopaths or podiatrists receiving their initial license to practice medicine in Mississippi after June 30, or receiving their board certification after June 30, are exempt from the minimum continuing medical education requirement for the two-year period following their receiving a license or board certification. The forty (40) hour continuing education certification will be due within the next two-year cycle.

- July 1, 2000 through June 30, 2002 (1st cycle)
- July 1, 2002 through June 30, 2004 (2nd cycle)
- July 1, 2004 through June 30, 2006 (3rd cycle)
- July 1, 2005 through June 30, 2008 (4th cycle)

For instance, a physician receiving an initial license August 3, 2001, will not have to complete forty (40) hours of CME until July 1, 2002, through June 30, 2004. All CME's must be acquired within the two-year cycle.

D. EFFECTIVE DATE

The first time for reporting continuing medical education activity will be the renewal period for the fiscal year beginning July 1, 2002, when reporting on continuing medical education work earned during the two-year period of July 1, 2000, to June 30, 2002.

E. RECORD KEEPING REQUIREMENT

1. Every licensee shall maintain records of attendance or certificates of completion demonstrating compliance with the minimum continuing medical education requirement. Documentation adequate to demonstrate compliance with the minimum continuing medical education requirements of this regulation shall consist of certificates of attendance, completion certificates, proof of registration, or similar documentation issued by the organization or entity sponsoring or conducting the continuing medical education program. These records must be maintained by the physician for

a period of three (3) years following the year in which the continuing medical education credits were earned and are subject to examination by representatives of the State Board of Medical Licensure upon request. If a physician is on a hospital medical staff, it is recommended these certificates and hours be recorded with the primary hospital medical staff records.

2. With his or her annual renewal application, every licensee must certify the completion of the minimum continuing medical education requirement established under these regulations. Failure to maintain records documenting that a physician has met the minimum continuing medical education requirement, and/or failure to provide such records upon request to the Mississippi State Board of Medical Licensure, is hereby declared to be unprofessional conduct and may constitute grounds, within the discretion of the Mississippi State Board of Medical Licensure, for the suspension of the physician's license to practice medicine.

F. ANNUAL RENEWAL

As a condition for annual renewal of license, beginning with the fiscal year July 1, 2002, through June 30, 2003, every physician, osteopath or podiatrist will be required to certify biennially, by signature on his or her annual renewal form, that he or she has earned the required 40 hours of approved Category 1 continuing medical education requirement. The Board will randomly select physicians to ensure complete compliance with this requirement. If deficiencies are identified, licensee must complete deficiencies within six (6) months of date of notification. Failure to comply may result in the suspension of licensee's license.

Any physician, osteopath or podiatrist practicing during the time of a suspended license shall be considered an illegal practitioner and shall be subject to penalties provided for violation of the Medical Practice Act, and for costs incurred in the enforcement of this regulation.

G. WAIVER

A physician, osteopath or podiatrist who is unable to meet the minimum continuing medical education requirement for legitimate cause may apply to the Mississippi State Board of Medical Licensure for a waiver of the requirement prior to April 1 of the last year of the two-year cycle. Such waiver may be granted or denied within the sole discretion of the Mississippi State Board of Medical Licensure.

H. COMPLIANCE REVIEW

It shall be the responsibility of the Mississippi State Board of Medical Licensure to enforce the provisions of this regulation by review of the records maintained by physicians subject to this rule which demonstrate compliance with the program for continuing medical education. This compliance review may be conducted by the Board by random or designated sample, by mail or in person, or otherwise at the discretion of the Board. Non-compliance may result in the suspension of the physician's license to practice medicine under the Medical Practice Act.

I. EFFECTIVE DATE OF REGULATION

The above rules and regulations pertaining to continuing medical education shall become effective (date adopted).

STATE OF MISSISSIPPI

COUNTY OF HINDS

**RECOVERING PHYSICIANS PROGRAM
MEMORANDUM OF UNDERSTANDING**

THIS MEMORANDUM OF UNDERSTANDING is made and entered into this the 1st day of July, 1998, by and between the **Mississippi State Board of Medical Licensure**, hereinafter the "BOARD," an agency of the State of Mississippi, and the **Mississippi State Medical Association**, a non-profit corporation established under the laws of the State of Mississippi, hereinafter the "MSMA," for the purpose of establishing the Mississippi Impaired Physicians Committee, hereinafter the "MIPC," which will administer the Mississippi Recovering Physicians Program, hereinafter the "MRPP," and other purposes stated herein. The provisions of this memorandum are expressly acknowledged and agreed to by the Mississippi Impaired Physicians Committee, such acknowledgment being evidenced by the Committee's joinder herein. This agreement is executed by the parties pursuant to authority granted by the Mississippi Medical Practice Act and the Disabled Physicians Law, Miss. Code Ann., Sections 73-25-1, et seq.

WITNESSETH:

WHEREAS, the BOARD is vested with authority, pursuant to the Mississippi Medical Practice Act, to protect the public and ensure that all individuals licensed to practice medicine in the State of Mississippi can do so with reasonable skill and safety to patients. Correspondingly, the BOARD, pursuant to authority granted by the Mississippi Disabled Physicians Law, encourages the early identification, intervention, treatment, and rehabilitation

of physicians licensed to practice medicine in Mississippi, who may be impaired due to chemical dependency or mental/emotional illness; and

WHEREAS, the BOARD is an agency of the State of Mississippi and is charged with the responsibility for licensing physicians to practice medicine and regulating such practice in the interest of the public health, safety, and welfare. In discharging this responsibility, the BOARD is empowered, *inter alia*, to require the examination of a physician when the BOARD has reasonable cause to believe that the physician's fitness to practice medicine with reasonable skill and safety to patients, has been compromised by reason of drunkenness, excessive use of alcohol, drugs, chemicals, or any other substance, or due to mental/emotional illness. The BOARD has the ultimate authority to restrict, suspend, or revoke the license of a physician who is unable to practice medicine with reasonable skill or safety to patients.

WHEREAS, the MSMA is a nonprofit professional medical association whose members constitute a majority of the physicians licensed to practice medicine in the State of Mississippi. MSMA is committed to the highest ideals of the medical profession, to the preservation of the integrity and vitality of the profession, and to the maintenance and enhancement of high standards of professional competence and skill among its members, toward the end that the medical profession of this State may provide safe, quality medical service to its patients. MSMA performs its functions, as appropriate, through its constituent committees and affiliate organizations. By virtue of its broad, professional membership, MSMA possesses the knowledge, expertise, resources, and personnel to establish, maintain,

and carry out an impaired physicians program as authorized by the Disabled Physicians Law, Miss. Code Ann., Section 73-25-55.

WHEREAS, MIPC is a constituent committee of MSMA. MIPC was created for the purpose of operating and administering the MRPP as contemplated and defined in this Memorandum.

WHEREAS, the BOARD, MSMA and MIPC, as parties to this agreement, wish to establish a relationship as hereinafter described to ensure the mutual success of the Mississippi Recovering Physicians Program and to set forth and define their respective rights and responsibilities to each other.

NOW, THEREFORE, in consideration of the foregoing recitals, the mutual promises and covenants contained herein, and for good and other valuable consideration the receipt of which is hereby acknowledged, the parties agree as follows:

Section 1. Definitions: As used in this Memorandum:

- A. "Chemical dependency" or "chemically dependent" means the state of impairment by reason of excessive use and/or abuse of alcohol, controlled substances, other drugs having addiction-forming or addiction-sustaining liability, or any other chemical or other substances.
- B. "Impaired physician" means a physician, resident or medical student in training or licensed to practice medicine in the State of Mississippi who is chemically dependent or is unable to practice medicine with reasonable skill and safety due to mental or emotional illness. For the purposes of this document, the terms "impaired physician," "mental/emotional illness" and "recovering

physician," may be used in reference to the "Disruptive Physician ." The Disruptive Physician is defined as a physician who has a pattern of being unable or unwilling to function well with others to the extent that his or her behavior, by words or action, has the potential to interfere with quality health care.

- C. "Recovering Physician" means a person who, having once met the criteria of an impaired physician, has had appropriate treatment, has accepted responsibility for his/her recovery, and has engaged in those behaviors necessary to maintain sobriety and mental health.
- D. "Medical Director" means the physician selected and approved by the MSMA Board of Trustees who is retained to coordinate and direct the activities of MIPC and MRPP and vested with the duties and responsibilities set forth elsewhere in this Memorandum.
- E. "MIPC Chairman" means the physician selected and approved by the MSMA Board of Trustees who serves as chairman of the MIPC and assists the Medical Director with the administrative and operational aspects of the program. This position is voluntary and unsalaried.

Section 2. Referrals to MRPP/MIPC: Pursuant to the terms and conditions as hereinafter provided, the BOARD and MSMA understand and agree that effective July 1, 1998, and thereafter as specified, the MRPP shall be operated and administered by MIPC under the direction of the Medical Director. Subject to the duties and responsibilities as hereinafter provided, the BOARD hereby agrees to refer in writing from Executive Director of the

BOARD to MIPC, physicians whose health and effectiveness have been impaired due to chemical dependency or mental/emotional illness.

Section 3. Creation of Mississippi Recovering Physicians Program: The MRPP is Mississippi's impaired physicians program, and was developed in compliance with the recommendations of the Federation of State Medical Boards' Ad Hoc Committee on Physician Impairment. The MRPP is hereby created to assist the BOARD to provide for the identification of impaired physicians; for timely intervention; and for the implementation of appropriate measures to protect the public health and safety, to encourage and assist impaired physicians in effective rehabilitative efforts, and to ensure the continued availability of skilled, highly-trained medical professionals for the benefit of the public. It is the purpose and intent of the MRPP to provide a confidential, non-punitive alternative to disciplinary sanctions for impaired physicians who voluntarily seek or are motivated to accept intervention, treatment, counseling, and rehabilitation for their impairment.

Section 4. The Mississippi Impaired Physicians Committee: The MRPP shall operate under the supervision and direction of the MIPC, a committee of physicians licensed to practice medicine in Mississippi who are selected and appointed in the following manner:

- A. The MIPC Chairman and Medical Director shall name at least five (5) and not more than seven (7) physicians who are deemed qualified, because of their knowledge and/or expertise in the area of chemical dependency and/or mental/emotional illness as described in this document, and in the statutes enacting the Disabled Physicians Law, to serve as members of the MIPC. If

feasible, one of the physicians shall be a psychiatrist and one of the physicians shall be an addictionologist. At his discretion, the Medical Director may include psychologists or other professionals with special skills regarding addiction and whose contribution would facilitate the mission of MIPC. At least one and not more than two MIPC members will be non-recovering physicians.

- B. Appointed MIPC members shall be presented to the MSMA Board of Trustees for confirmation.
- C. MSMA shall submit the MIPC membership to the BOARD for confirmation.
- D. MIPC members shall serve for a period of three (3) years and are eligible for reappointment.
- E. MIPC members serve on a voluntary basis and receive no compensation other than reasonable travel expenses as approved by the MIPC Chairman/Medical Director.

Section 5. Duties and Responsibilities of the Medical Director/MIPC: The MIPC, under the direction of the Medical Director, will develop, maintain, and make available to all licensed physicians, programs that promote the early identification, intervention, treatment, and rehabilitation of physicians who may be impaired by reason of chemical dependency or mental/emotional illness. MIPC will maintain a program description containing the operational details of the MRPP, including available treatment and rehabilitation resources, draft aftercare contracts, and monitoring procedures. The MIPC will operate a Recovering Physicians Helpline, where information and assistance for impaired physicians can be obtained. MIPC

shall have and exercise a broad range of duties, functions and responsibilities, including, but not limited to the following:

- A. Serve in a consultant and advisory capacity to the BOARD and MSMA under the auspices of the Medical Director.
- B. Receive, evaluate, and investigate reports of suspected impairment from any source including referrals from the BOARD, physicians, hospital administrations, family members, etc.
- C. Intervene in cases of suspected impairment and refer impaired physicians for appropriate evaluation/treatment to a facility jointly approved by the MIPC and the BOARD.
- D. Establish a treatment contract with each impaired physician which will detail the requirements of his/her recovery program, but will not place formal restrictions on the physician's license. The MIPC may place informal restrictions, where such restrictions are deemed necessary for the physician's recovery.
- E. Monitor the treatment and rehabilitation of impaired physicians which will include receiving monthly reports from treatment centers regarding evaluation and treatment with a copy to the BOARD's Executive Director.
- F. Provide post-treatment monitoring, aftercare, and advocacy for the recovering physician, which will include receiving regular reports from treating professionals and/or regional support groups regarding behavioral, emotional and intellectual function, as well as, attendance of group meetings.

- G. Render quarterly reports to the BOARD on the status of MRPP program participants. Self-referred physicians will be identified by code (number), with their names known only to the Executive Director and investigative staff of the BOARD and the University of Mississippi Medical Center Analytical Toxicology Laboratory, or other designated laboratory. Physicians referred to the MRPP by the BOARD will be identified by name. Any significant contract violations, as hereinafter enumerated in subparagraph H below, shall warrant immediate notification by the Medical Director/MIPC to the BOARD, to the attention of the BOARD's Executive Director.
- H. Report to the BOARD in writing to the attention of the Executive Director, the name of any physician the MIPC has reason to believe may be impaired and, (1) who has failed or refused to follow the recommendations of the MIPC for treatment and/or rehabilitation, or (2) who has discontinued such treatment and/or rehabilitation against medical advice, (3) who has failed to abide by the terms and conditions of an aftercare contract with the MIPC, or (4) who, in the opinion of the MIPC, is unable to continue in the practice of medicine or osteopathy with reasonable skill and safety to patients. The obligation of the Medical Director and MIPC to report to the BOARD is mandatory. The Medical Director has the discretion to make initial reporting through any form of communication (telephone, facsimile, etc.) provided that within twenty-four (24) hours a written report to the BOARD's Executive Director providing a summary

of all evidence, witnesses and reports shall thereafter follow. Receipt of that summary shall not prohibit the Board from obtaining other documents by request or subpoena.

- I. Develop outreach and awareness programs which seek to educate both the general public and the medical community concerning the disease of addiction and the services available through the Recovering Physicians Program.
- J. Work with Board to develop standards for the ongoing evaluation of treatment facilities utilized by the MIPC.
- K. Make recommendations for CME in the areas of physician impairment.
- L. Appoint consultants, advisors, and assistants as necessary to accomplish the above listed functions.
- M. Other functions and responsibilities as may be mutually agreed upon between MSMA, MIPC and the BOARD.

Section 6. Duties and Responsibilities of BOARD: In implementing its duties under the Mississippi Medical Practice Act and Mississippi Disabled Physicians Law, the BOARD, through its Executive Director, shall have and exercise a broad range of functions and responsibilities, including, but not limited to, the following:

- A. To receive, evaluate and investigate reports of suspected impairment from any source, including referrals from the MIPC, physicians, hospital administrators, family members, etc. In cases of chemical dependency, without any other notable violations of the Mississippi Medical Practice Act, the BOARD shall

refer the impaired physician to the MIPC for prompt intervention, treatment and recovery. The BOARD shall provide any and all documentation which the investigative staff and Executive Director believe would be helpful to the MIPC to implement a successful intervention leading to treatment and recovery. In cases where the BOARD investigation reveals other violations of the Medical Practice Act as enumerated in Miss. Code Ann., Sections 73-25-29 or 73-25-83, the BOARD may, in its sole and absolute discretion, refer the impaired physician for treatment while reserving the right to initiate disciplinary action based on other grounds.

- B. In cases where a physician has been referred by the BOARD to MRPP/MIPC for treatment, the BOARD reserves the right, in its sole and absolute discretion, to require that physician to enter into an agreement with the BOARD requiring the physician to participate in the MRPP, and may impose any other conditions which the BOARD deems necessary to protect the public. Where an agreement is entered into between an impaired physician and the BOARD, based solely on chemical dependency, the agreement, referred to as "Recovery Contract Agreement," shall not be deemed disciplinary action, shall not be considered a public record, and shall not be reportable to the National Practitioner Data Bank or the Federation of State Medical Boards. A "Recovery Contract Agreement" shall incorporate provisions for random, unannounced and witnessed urine and/or blood screens as provided in Section 8 below. It is

recognized and acknowledged by the undersigned parties that, with rare exception, an impaired physician will have engaged in some form of drug seeking or drug diversion behavior for self use. With this recognition, a "Recovery Contract Agreement" for a first-time referral will generally not include a restriction on the physician's right to prescribe, administer, or dispense controlled substances or other drugs having addiction-forming or addiction-sustaining liability. However, where an agreement is executed based on chemical dependency and other statutory grounds for disciplinary action as enumerated in Miss. Code Ann. Sections 73-25-29 or 73-25-83, such an agreement may be referred to as a "Consent Order" and shall be reportable. At his discretion, the Executive Director may sign as a party to a recovering physician's MIPC Contract in lieu of issuing a "Recovery Contract Agreement." Regardless of whether the parties utilize a "Recovery Contract Agreement" or MIPC Contract, and notwithstanding any other provision herein to the contrary, the BOARD shall have the right to incorporate into any contract, a provision to assess and collect costs incurred by the BOARD pursuant to Miss Code Ann. Section 73-25-30.

- C. The BOARD's Executive Director and/or Investigative Staff shall cooperate fully with the MIPC, its Medical Director and MRPP to implement the MRPP monitoring and aftercare program. To this extent, when information is brought to the attention of the BOARD or its Investigative Staff of non-compliance with

any aftercare contract or other monitoring requirement of the MIPC, this information shall be promptly reported in writing to the Medical Director.

- D. The BOARD, through its Executive Director and its Investigative Staff shall implement a urine and/or blood screen program as a part of the aftercare monitoring program as hereinafter provided in Section 8.

Section 7. Aftercare Monitoring by MIPC/MRPP: Impaired physicians completing any indicated treatment shall be carefully monitored through at least a five (5) year contract with the MRPP with the active oversight of the MIPC and its Medical Director. Such Monitoring shall include weekly local MRPP facilitated support group attendance, regular reports to the Medical Director by the recovering physician's local MIPC sponsor, periodic personal appearances before the MIPC, routine Alcoholics Anonymous/Narcotics Anonymous and/or other self-help attendance, etc. Regular reports will be provided by any physician, psychiatrist, psychologist or other mental health provider involved in the recovering physician's ongoing treatment.

The MRPP contract will combine effective language from BOARD consent orders and the Caduceus contract and will be composed in a fashion acceptable to the BOARD, MSMA, and MIPC.

Section 8. Aftercare Monitoring by BOARD: The BOARD shall assist the MIPC and MRPP by implementing a system of random, unannounced and witnessed urine and/or blood screens for all impaired physicians in the MRPP, regardless of whether entry into the program was pursuant to self-referral or referral by the BOARD. Only the BOARD's Executive

Director, those members of the Investigative Staff responsible for urine and/or blood screens and the University of Mississippi Medical Center Analytical Toxicology Laboratory, or successor lab, shall be aware of the physician's name. Unless otherwise authorized by Section 11 below, the physician's name and results of any urine and/or blood screens, shall not be deemed to be public record.

All urine and/or blood samples shall be taken utilizing the standard chain of custody forms and procedures. The chain of custody form utilized will identify all physicians by name. The sample, along with the chain of custody form, will be submitted to the University of Mississippi Medical Center Analytical Toxicology Laboratory or successor laboratory designated by the BOARD for testing. The results, along with the billing statement, shall be sent to the impaired physician. A copy of the results shall be provided to the MIPC Medical Director and Executive Director of the BOARD. Failure to submit or cooperate with the collection of specimens and/or failure to pay the laboratory testing fees in a timely and appropriate manner, shall constitute a breach of treatment contract. Such cases shall be referred to the Board.

Section 9. Relapse Management: Levels of relapse behavior should be recognized by all parties involved. For the purposes of this agreement, the levels of relapse are defined as follows:

- LEVEL 1. Behavior that might indicate mental relapse without chemical use.
- LEVEL 2. Relapse with chemical use that is not in the context of active medical practice.

LEVEL 3. Relapse with chemical use in the context of active medical practice.

Regardless of the level of relapse, any or all violations of an aftercare contract by an impaired physician shall be reported by the Medical Director of the MIPC to the Executive Director of the Board. This report will include, or be followed by, circumstances of the violation, the action taken by the MIPC in response to the violation and the MIPC's recommendations to the Board regarding the violation. In each case, the Executive Director of the Board will then decide if the violation needs to be brought before the Board. If necessary, the Board will then consider the level of relapse, the action taken by the MIPC and the recommendations of MIPC. The Board shall have the authority to: a) allow MIPC to manage the problem, b) warn the physician of impending disciplinary action, or c) initiate disciplinary action.

All relapses and proposed management will be reported to the BOARD by code number or name as is appropriate to the case.

Section 10. Portability: All aftercare contracts will have a provision for notification to the BOARD and the Recovering Physicians Program and State licensing authority of any other state should the physician under contract decide to move.

Section 11. Confidentiality: All information, files or records maintained by the MIPC, or any of its members, attorneys, staff, or employees shall be maintained in the strictest confidence and shall not be disclosed to any individual, organization or entity unless, (1) it is essential to disclose such information to further intervention, treatment, counseling or rehabilitation needs of the individual physician concerned, and then only to those persons or organizations who need to know, or (2) unless its release is authorized in writing by the physician, or (3)

unless the MIPC is required to render a report to the BOARD. Any request directed to the MIPC or any member thereof for information or records, including any subpoena, will be directed to the attorney for the BOARD for disposition. Unless otherwise required by law, any confidential patient information and other non-public information acquired, created, or used in good faith by MRPP, the BOARD, or MSMA pursuant to this section shall remain confidential and shall not be subject to discovery or subpoena in a civil case.

Section 12. Funding: To the extent authorized by law, funding for the MIPC and the MRPP shall be provided in part by the BOARD. A surcharge will be added to the yearly licensure fee for health providers licensed by BOARD to practice medicine in Mississippi which shall be used to fund the MIPC and MRPP. Other funds shall be provided by MSMA and by participant fees. The MIPC shall explore all avenues to develop further funding to support its activities. MIPC funds provided hereunder shall only be utilized to support its chemical dependency programs for health providers licensed by BOARD and the MIPC shall provide a copy of its annual independent audit to both the BOARD and MSMA.

Section 13. Approval of Treatment Facilities: All parties recognize that an impaired physician may be required to submit to treatment. No physician shall be referred to a treatment facility for evaluation and/or treatment unless that facility has been jointly recognized by both the MIPC and BOARD as a facility approved for treatment of impaired physicians. Guidelines for approval of a treatment facility shall be created and amended as needed by joint action of MIPC and BOARD, however, the selection and approval of treatment facilities shall remain the prerogative of the BOARD. In this regard, any and all

funds provided by the BOARD to support the MRPP as provided in Section 12 above, shall not be deemed or interpreted as an inducement for remuneration in return for referral of impaired physicians to any treatment facility or its medical staff.

Section 14. Immunity: Program activities conducted in good faith pursuant to this Memorandum shall not be grounds for civil action under the laws of this State and are deemed to be State directed and sanctioned and shall constitute State action for the purposes of application of antitrust laws.

Section 15. New Administrative Policies: The BOARD and MIPC with the MSMA serving as advisory in all such deliberations shall work in conjunction with each other to develop further administrative policies necessary to promote and effectuate the mission of the MRPP.

Section 16. Term of Agreement: This Agreement shall be in effect for a period of one (1) year from July 1, 1998, and shall automatically renew for successive one (1) year periods, unless either party gives written notice to the other of termination not less than ninety (90) days prior to the end of the current one year term.

Section 17. Default: If either party to this Agreement violates any of the terms and covenants contained herein, said violation shall be deemed an event of default. Upon the event of default, the non-defaulting party may at its option, declare the Agreement terminated by giving notice, including the specific written reasons therefor. Notwithstanding, it is the intent and purpose of this Agreement to encourage both parties to amicably resolve any differences. To this extent, the non-defaulting party may at its option, request the defaulting party to take immediate steps to come into compliance with this agreement. Failure of the

defaulting party to comply with the terms herein within a reasonable period of time, but not exceeding thirty (30) days, shall authorize the non-defaulting party to declare the Agreement as terminated.

Section 18. Modification: No modification or amendment of this memorandum shall be effective unless approved by the MSMA, MIPC and the BOARD. Such modification or amendment shall be in writing and signed by all parties.

Section 19. Notice: All notices given with respect to this memorandum shall be in writing. Every notice shall be deemed to have been given at the time it shall be deposited in the United States mail to the party to be notified at the address set forth below, or at such address as either party may from time to time designate in writing, to-wit:

If to the Mississippi State Board of Medical Licensure:

2600 Insurance Center Drive, Suite 200-B
Jackson, Mississippi 39216

If to the Mississippi State Medical Association:

408 West Parkway Place
Post Office Box 2548
Ridgeland, MS 39158-2548

If to the Mississippi Impaired Physicians Committee:

625 Lakeland East Drive, Suite C
Jackson, Mississippi 39208-8817

Section 20. Applicable Law: This agreement shall be governed by and construed in accordance with the laws of the State of Mississippi.

Section 21. Additional Documents: Each of the parties hereto agree to execute any document or documents that may be required from time to time by the other party to implement or complete the party's obligation pursuant to this memorandum.

Section 22. Entire Agreement: This Memorandum expressly or through reference constitutes the entire agreement between the BOARD, MSMA, and the MIPC covering the subject matter herein contained and shall substitute, replace, and supersede any previous agreements between the parties concerning said subject matter, whether previous agreement shall have been oral or reduced to writing.

IN WITNESS WHEREOF, the parties acknowledge their intent to be bound by this memorandum by affixing their signatures herein below.

MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

By: W. Joseph Burnett
Executive Director *2/4/2000*

MISSISSIPPI STATE MEDICAL ASSOCIATION

By: W. R. L. White
Executive Director

MISSISSIPPI IMPAIRED PHYSICIANS COMMITTEE

By: Tom D. Con, M.D. *2/6/00*
Medical Director

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 (1) licensed to practice medicine or surgery in the State, and (2) adequately trained in the above subject. 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.

V. LICENSURE BY RECIPROCITY OR ENDORSEMENT - M.D. and/or D.O.

G.

4. If a graduate from a Foreign Medical School, applicant must present documentation of having completed either (i) three (3) or more years of ACGME- approved postgraduate training in the United States or training in Canada approved by the Royal College of Physicians and Surgeons or (ii) at least one year of ACGME-approved postgraduate training in the United States or training in Canada approved by the Royal College of Physicians and Surgeons, be currently Board certified by a Speciality Board recognized by the American Board of Medical Specialties or the American Osteopathic Association and will be based upon approval by the Mississippi State Board of Medical Licensure.

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
IN THE MATTER OF PHYSICIAN'S LICENSE OF
CURTIS A. BROUSSARD, M.D.

CONSENT ORDER

WHEREAS, on or about November 15, 1999, the Mississippi State Board of Medical Licensure (the "Board") issued to Curtis A. Broussard, M.D., current holder of License No. 09015, 12330 Ashley Drive, Gulfport, MS 39503 (the "Licensee") a Summons with attached Affidavit of Harry Gunter, Investigator for the Board; and,

WHEREAS, Licensee, by and through his attorneys of record, filed a Response to Summons and Affidavit on or about December 30, 1999.

NOW THEREFORE, the Mississippi State Board of Medical Licensure does hereby place Licensee on probation, subject to the following probationary terms and conditions:

1. Licensee shall be authorized to maintain his U.S. Drug Enforcement Administration Uniform Controlled Substances Registration Certificate in all schedules, but shall not be permitted to order, administer, distribute, or prescribe controlled substances listed in Schedules II, IIN, III, and IIIN on an out-patient basis. Licensee shall possess full controlled substances privileges in all schedules for hospital in-patient use only. As used herein, "hospital in-patient" means actual admission to a hospital (including emergency room), hospital managed outpatient facility, or hospice. Licensee retains privileges to administer, dispense, or prescribe on an out-patient basis all controlled substances in Schedules IV, and V. Further, Licensee shall have the right, notwithstanding the aforementioned restrictions on Schedule III and IIIN controlled substances privileges, to administer, dispense or prescribe Schedule III hydrocodone based cough syrup solely for the purpose of treating upper respiratory infections.

2. 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." This includes the recently adopted Addendum to said Rules pertaining to "Use of Controlled Substances For Chronic (Non-Terminal Pain)."
3. In addition to the above, Licensee shall, within one (1) year from the date of this Consent Order, demonstrate his understanding and knowledge of the rules and regulations referenced in paragraph 2 above by successfully passing a jurisprudence examination in this area, the content and form of which shall be determined by the Executive Director of the Board. The place and date of this examination will be made known to Licensee at least thirty (30) days prior to the date said examination is to be administered in order to give Licensee sufficient time to prepare for this requirement, but in no event shall the time allowed exceed the one year time limit as specified above.
4. 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.
5. During each remaining year of probation, Licensee shall obtain fifty (50) hours of Category I Continuing Medical Education (CME) approved by the American Medical Association. Following completion of each course, Licensee shall submit to the Board documented proof of successful completion.
6. Licensee's practice of medicine shall be subject to periodic surveillance by the Mississippi State Board of Medical Licensure. 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.

7. Pursuant to Miss. Code Ann. Section 73-25-30, Licensee is hereby assessed all costs of this 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 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.
8. In the event Licensee fails to comply with the provisions of this Consent Order, the Board, after notice and hearing on the matter, may take appropriate action against Licensee.
9. In the event Licensee should leave Mississippi to reside or 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 of the above enumerated conditions after the expiration of one (1) year from the date of this Consent 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.

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. 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 the Consent Order and other documents and matters pertaining thereto by the Board shall not unfairly

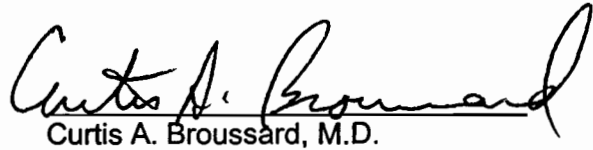
or illegally prejudice the Board or any of its members from further participation or consideration of the resolution of the proceeding.

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.

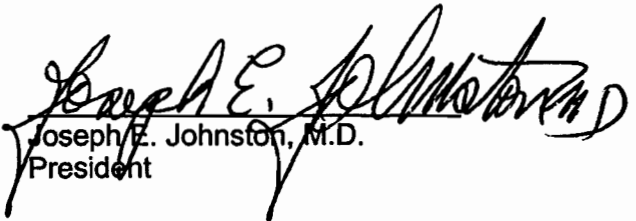
Recognizing Licensee's rights pursuant to Miss. Code (1972) Annotated, Section 73-25-27, as amended, but without admitting nor denying the allegations of the Summons and Affidavit, Curtis A. Broussard, M.D., Licensee, hereby enters into this Consent Order and authorizes the Board to enter an Order accepting this Consent Order, thereby placing his license to practice medicine in the State of Mississippi on probation, subject to those terms and conditions enumerated above.

Signed this the 12 day of January, 2000


Witness


Curtis A. Broussard, M.D.

ACCEPTED AND APPROVED, this the 20th day of January, 2000, 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

REID G. SHEFTALL, M.D.

ORDER

THIS MATTER came on regularly for hearing on January 20, 2000, before the Mississippi State Board of Medical Licensure in response to the request of Reid G. Sheftall, M.D. (hereinafter "Licensee"), seeking removal of all restrictions on his license to practice medicine as a result of that certain Order and "Plan of Practice" executed by Licensee on November 19, 1998. Licensee entered into a Consent Order with the Board on June 8, 1998, suspending his license to practice medicine in the State of Mississippi, with the suspension stayed effective October 6, 1998, provided Licensee satisfactorily completed certain prerequisites. By action of the Board dated November 19, 1998, Dr. Sheftall was authorized to return to the practice of medicine subject to an amended Plan of Practice. Pursuant to the terms of the Plan of Practice, Licensee agreed to return to his "primary practice location at 305 East Central Avenue, Wiggins, Mississippi, with any additional practice locations to be provided to the Board in advance" At said practice locations Licensee was limited to practicing in the area of his expertise and training, i.e., family practice and assisting in surgery. Licensee further agreed to participate in the American College of Surgeons Self-Assessment Program and provide the Board with written update of his progress in six (6) months from date of said Order. Licensee's operating room

responsibilities were limited to assisting a designated surgeon. Most importantly, his practice was subject to periodic surveillance by the Board to monitor his compliance with the Plan of Practice and to permit the Board to perform periodic patient chart reviews of a representative sample of patients treated by Licensee.

The hearing was convened at 10:45 a.m., Licensee being present without counsel. Complaint counsel retained for the purpose of responding to Licensee's petition was Hon. Stan T. Ingram, Jackson, Mississippi. During the hearing and deliberations the Board was represented by Hon. Edwin Cofer, Special Assistant Attorney General. Evidence and testimony were then presented. Based upon said evidence, the Board finds Licensee's petition not to be well-taken.

Although Licensee testified that he has completed the American College of Surgeons Self-Assessment Program, the Board had not received any grade results at the time of Licensee's appearance. Most importantly, following Licensee's execution of the Amended Practice Plan on November 19, 1998, Licensee left the State of Mississippi and has been practicing in Viet Nam. Licensee testified that his practice in Viet Nam was on a voluntary basis assisting in certain surgical procedures and treatments at a rural health clinic and hospital. As a result of Licensee practicing outside the jurisdiction of this Board, no information was received concerning Licensee's practice, including, the results of random patient chart reviews.

IT IS, THEREFORE, ORDERED that Licensee's petition for removal of all restrictions on his license is hereby denied. Paragraphs 1, 3 and 4 of the Amended Plan

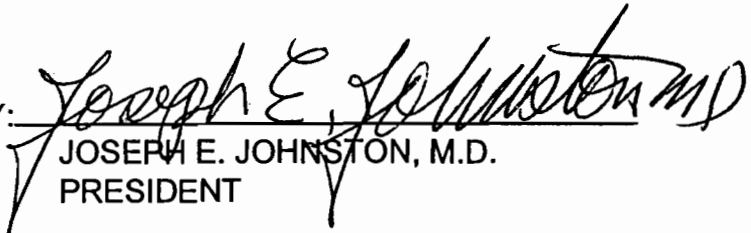
of Practice dated November 19, 1998, shall remain in full force and effect. In the event Licensee chooses not to practice in Wiggins, Mississippi, he shall be authorized to practice at any Mississippi location, provided he advises the Board of each practice location in writing. His operating room responsibilities shall continue to be limited to assisting designated surgeons, the identity of whom Licensee shall advise the Board in writing on a monthly basis.

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

SO ORDERED, this the 20th day of January, 2000.

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

WALTER OCAMPO ANDERSON, M.D.

ORDER OF ABEYANCE

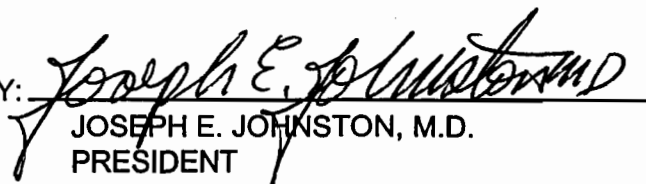
THIS MATTER came on regularly for hearing on January 20, 2000, before the Mississippi State Board of Medical Licensure, in response to the request of the Office of the Attorney General for the State of Mississippi to place the hearing set for this date in abeyance until such time as the criminal charges against the Respondent, Walter Ocampo Anderson, M.D., brought by the Attorney General have been concluded. After considering the matter, the Board finds the Attorney General's petition to be well taken.

IT IS, THEREFORE, ORDERED, that this matter be placed in abeyance until such time as the criminal charges against the Respondent have been concluded.

SO ORDERED, this the 20th day of January, 2000.

MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE

BY:


JOSEPH E. JOHNSTON, M.D.
PRESIDENT

**BOARD MINUTES
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
JANUARY 20, 2000**

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday, January 20, 2000, 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
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
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, was not present.

Prior to the meeting, Pam Davis, Accountant/Auditor II, assisted Board members with the completion of necessary tax forms.

The meeting was called to order at 9:10 a.m. by Dr. Johnston, President, who gave the invocation.

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

Ninety-nine (99) licenses were certified to other entities for the period November 1, 1999, to December 31, 1999. Motion was made by Dr. Bush, seconded by Dr. Herrington, and carried unanimously to approve these certifications.

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

Sixty-two (62) licenses were issued for the period November 1, 1999, to December 31, 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 asked the committee to stay abreast of happenings in this area.

Educational Development - The proposed CME regulations, which would require 40 hours biennially, were discussed. Motion was made by Dr. Bush, seconded by Dr. Bowen, and carried unanimously to adopt the proposed regulations, which will be filed with the Secretary of State under the Administrative Procedures Act. A copy of the regulation is attached hereto and incorporated by reference.

Impaired Physicians Program - Dr. Burnett reviewed the proposal by Mississippi Recovering Physicians Program regarding physicians with mental/emotional illness and/or disruptive behavior and proposed changes to the Memorandum of Understanding. He stated that Gary D. Carr, M.D., Medical Director, Mississippi Recovering Physicians Program, wanted the following phrase pertaining to treatment facilities omitted: "however, the selection and approval of treatment facilities shall remain the prerogative of the Board." Dr. Jackson advised that the committee felt the final decision should be left with the Board. Motion was made by Dr. Hilbun, seconded by Dr. Jackson, and carried unanimously to accept the Memorandum of Understanding as submitted, which would leave the above phrase in place. A copy of the Memorandum of Understanding is attached hereto and incorporated by reference.

Dr. Burnett presented a request from Dr. Carr to discontinue using Menninger Clinic for addiction treatment. Dr. Carr would like for Metro Atlanta Recovery Residences (MARR) to be included on the list of approved treatment centers. Dr. Burnett reported that he and Dr. Carr were scheduled to visit Menninger Clinic in late February. Motion was made by Dr. Hilbun, seconded by Dr. Herrington, and carried unanimously to approve MARR but to defer making a decision on Menninger Clinic until after the planned visit by Dr. Burnett and Dr. Carr.

Office Based Surgery - The staff was asked to check with the Federation of State Medical Board regarding office based surgery regulations and to obtain the guidelines of the American Society of Anesthesiologists.

Legislative - Dr. Burnett reported that he had a meeting with the Chairman of the Public Health and Welfare Committee to discuss filing of the Board's legislation which would change the fees for reinstatement of a lapsed license. Introduced bills pertaining to pain management and to the creation of an Acupuncture Board were discussed. Dr. Bush stated she would like to see a coordinated effort by several entities for the passage of some type of anti-diversion legislation.

Nurse Practitioner and Expanded Role - Dr. Burnett reported on his meeting with nurse practitioner and physician assistant representatives to discuss legislation pertaining to the Board licensing physician assistants.

Dr. Crawford distributed copies of articles on non-physicians from ***American Medical News***.

REPORT FROM JANUARY 19, 2000, EXECUTIVE COMMITTEE MEETING

Dr. Burnett reported on the action taken at the January 19, 2000, Executive Committee meeting. Motion was made by Dr. Crawford to approve these actions, which will be reflected in the Minutes of the Executive Committee meeting. Dr. Jackson seconded the motion, and it carried unanimously.

REVIEW OF MINUTES OF THE EXECUTIVE COMMITTEE MEETING DATED NOVEMBER 17, 1999, AND MINUTES OF THE BOARD MEETING DATED NOVEMBER 18, 1999

Minutes of the Executive Committee Meeting dated November 17, 1999, and Minutes of the Meeting dated November 18, 1999, were reviewed. Dr. Hilbun 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 DECEMBER 15, 1999

Minutes of the Executive Committee Meeting dated December 15, 1999, were reviewed. Because of some of the newspaper reports, Dr. Hilbun questioned the status of John W. McFadden, Jr., M.D., as reported in the Minutes. He was

advised that Dr. McFadden accepted the decision of the Executive Committee and had returned to the practice of medicine. Dr. Herrington moved for approval of the minutes as submitted. Dr. Jackson seconded the motion, and it carried unanimously.

ADOPTION OF REGULATIONS GOVERNING THE PRACTICE OF ACUPUNCTURE

At their December 15, 1999, meeting, the Executive Committee recommended changing the proposed regulation governing the practice of acupuncture to include proper training, rather than certification, training, etc., from the different entities. Motion was made by Dr. Herrington, seconded by Dr. Jackson, and carried unanimously for final adoption of this regulation, a copy of which is attached hereto and incorporated by reference. The regulation will be filed with changes with the Secretary of State under the Administrative Procedures Act.

AMENDMENT TO REGULATION V. G. 4., WHICH WOULD ALLOW THE BOARD TO CONSIDER FOREIGN MEDICAL GRADUATES WITH LESS THAN THREE YEARS OF POSTGRADUATE TRAINING IF BOARD CERTIFIED

At their November 17, 1999, meeting, the Executive Committee recommended changing the licensure regulations to allow the Board to consider foreign medical graduates with less than three years of postgraduate training if Board certified. Motion was made by Dr. Herrington, seconded by Dr. Bush, and carried unanimously to adopt the regulation, a copy of which is attached hereto and incorporated by reference. The regulation will be filed with the Secretary of State under the Administrative Procedures Act.

PROPOSAL BY MISSISSIPPI RECOVERING PHYSICIANS PROGRAM REGARDING PHYSICIANS WITH MENTAL/EMOTIONAL ILLNESS AND/OR DISRUPTIVE BEHAVIOR AND PROPOSED CHANGES TO THE MEMORANDUM OF UNDERSTANDING

This agenda item was discussed at the time of the ad hoc committee reports.

APPROVAL OF CONSENT ORDER EXECUTED BY CURTIS ANDREW BROUSSARD, M.D., GULFPORT, MISSISSIPPI MEDICAL LICENSE NUMBER 09015

Dr. Broussard was not present but was represented by John A. Crawford, Esq., and Karen E. Livingston-Wilson, Esq., Jackson.

BOARD MINUTES

January 20, 2000

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Mr. Moses was sworn in and presented a chronological summary of Dr. Broussard's background and history leading to the disciplinary action taken on his medical license. Mr. Ingram reviewed the Consent Order, and he and Mr. Crawford answered questions from Board members.

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

Mr. Crawford referred to § 73-25-30, which allows for assessment of costs incurred by the Board in an investigation, and asked that attorney fees not be included in the assessment.

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

PERSONAL APPEARANCE BY REID GAILLARD SHEFTALL, M.D., BILOXI, TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE NUMBER 13870

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

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

Dr. Sheftall addressed the Board and answered questions from Mr. Ingram and Board members. He advised that he had been doing volunteer work out of the country the past year and could not be monitored by another physician, as was required in his Consent Order.

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. Herrington, 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 deny the request for removal of restrictions. Licensee must comply fully with Consent Order and be evaluated by psychiatrist with a report to the

Board before resuming practice in the state. 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.

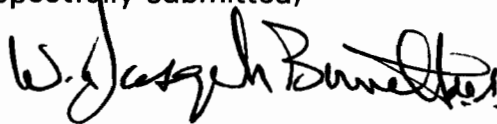
Mr. Ingram advised that Kenny O'Neal, Director of the Medicaid Fraud Division, Office of the Attorney General, had requested the hearing be postponed until after the criminal proceedings are over, which are scheduled for early April. Motion was made by Dr. Herrington, seconded by Dr. Jackson, and carried unanimously to place the hearing in abeyance. 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.

ADJOURNMENT

The meeting was adjourned at 10:35 a.m. with the next meeting scheduled for Thursday, February 17, 1999.

Respectfully submitted,



W. Joseph Burnett, M.D.
Director

Minutes taken and transcribed
by Kathy Fortenberry
Administrative Assistant
January 20, 2000

**EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
JANUARY 20, 2000**

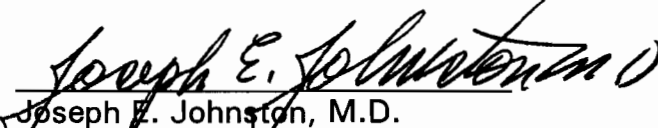
AGENDA ITEM XIII

**PERSONAL APPEARANCE BY REID GAILLARD SHEFTALL, M.D., BILOXI, TO
REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE
NUMBER 13870**

Motion made by Dr. Crawford, seconded by Dr. Jackson, and carried to deny the request for removal of restrictions. Licensee must comply fully with Consent Order and be evaluated by psychiatrist with a report to the Board before resuming practice in the state.

<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. Bowen, the Board came out of Executive Session.



Joseph E. Johnston, M.D.
President

FEBRUARY 2000

**MINUTES
EXECUTIVE COMMITTEE MEETING
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
FEBRUARY 16, 2000**

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:

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, February 16, 2000, 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.

APPROVAL OF CONSENT ORDER EXECUTED BY CHARLES OLIVER STANBACK, M.D., COLUMBUS, MISSISSIPPI MEDICAL LICENSE NUMBER 04866

Dr. Burnett reviewed Dr. Stanback's meeting with the Executive Committee on January 19, 2000, to discuss a proposed Consent Order pertaining to the Board's investigation of his prescribing habits. The Consent Order executed by Dr. Stanback was presented, and 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.

CONTINUANCE IN THE CASE OF MARK ALAN ZWEIG, M.D., GLOSTER, MISSISSIPPI MEDICAL LICENSE NUMBER 16115

Dr. Zweig had been served with a Summons and Affidavit for a hearing on February 17, 2000. Because the Board meeting had been canceled, it was the consensus of the Executive Committee members to continue the hearing to the April 20, 2000, Board meeting. The Order of Continuance is attached hereto and incorporated by reference.

EXECUTIVE COMMITTEE MEETING

February 16, 2000

Page 2

FINAL RECOMMENDATION OF THE EXAMINING COMMITTEE - WILLIAM GLENN BENNETT, M.D.

Dr. Burnett reported on the recommendations from the Examining Committee after Dr. Bennett had been evaluated at Menninger Clinic in their Disruptive Physicians Program. It was the consensus of the Executive Committee members to offer Dr. Bennett a Recovery Contract with Mississippi Recovering Physicians Program, which would be based on the recommendations from Menninger. If he does not accept, a full hearing will be held.

DR. BUSH JOINED THE MEETING AT 4:10 P.M.

PERSONAL APPEARANCE BY MORTON FRANKLIN LONGNECKER, JR., M.D., BILOXI, TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE NUMBER 06351

Dr. Longnecker was present but not represented by legal counsel. He presented his request for removal of all restrictions and answered questions from Dr. Burnett and the Executive Committee members. It was the consensus of the Executive Committee members to remove all restrictions. The Order of the Board is attached hereto and incorporated by reference.

LETTER FROM JULIAN C. HENDERSON, M.D., MISSISSIPPI ASSOCIATION OF PATHOLOGISTS

Dr. Burnett reviewed a letter from Dr. Henderson, written on behalf of the Mississippi Association of Pathologists, with reference to physicians marking up the fees for laboratory services of pathologists. Dr. Henderson feels this is a violation of the code of ethics and that the Board should enforce ethical matters under §73-25-29. Dr. Burnett advised that Senate Bill 2781, which was recently introduced, could possibly help with this problem. It was the consensus of the Executive Committee members that this matter should be addressed by the Peer Review and/or Judicial Committees of Mississippi State Medical Association.

FINAL ADOPTION OF AMENDMENT TO REGULATION V. G. 4., WHICH WOULD ALLOW THE BOARD TO CONSIDER FOREIGN MEDICAL GRADUATES WITH LESS THAN THREE YEARS OF POSTGRADUATE TRAINING IF BOARD CERTIFIED

It was the consensus of the Executive Committee members to final adopt effective February 21 the above regulation, a copy of which is attached hereto and

EXECUTIVE COMMITTEE MEETING

February 16, 2000

Page 3

incorporated by reference. This will be filed with the Secretary of State under the Administrative Procedures Act.

FINAL ADOPTION OF REGULATION XXX. CME REQUIREMENTS FOR STATE OF MISSISSIPPI PHYSICIANS, OSTEOPATHIC PHYSICIANS AND PODIATRISTS

It was the consensus of the Executive Committee members to final adopt effective February 21 the above regulation, a copy of which is attached hereto and incorporated by reference. This will be filed with the Secretary of State under the Administrative Procedures Act.

FEDERATION OF STATE MEDICAL BOARDS AND ADMINISTRATORS IN MEDICINE MEETINGS, DALLAS, APRIL 11-15, 2000

Dr. Burnett advised that he, Charles Moses, Rhonda Freeman, and Kathy Fortenberry would be attending the Administrators in Medicine meeting, April 11-12, and the Federation of State Medical Boards meeting, April 13-15, in Dallas, Texas. Dr. Bush and Dr. Johnston will also attend the Federation of State Medical Boards meeting. The Executive Committee members approved these travel plans.

Dr. Burnett announced that Dr. Bush's name would be on the ballot for a position as a member of the Federation's Nominating Committee.

BOARD POLICY ON INTERNET PRESCRIBING

Because of information and recommendations just received from the Federation of State Medical Boards, Dr. Johnston asked that the developing of a Board policy on Internet prescribing be deferred until the next meeting in order for Dr. Burnett and the staff to review the Federation information.

SCOPE OF PRACTICE FOR PHYSICIAN ASSISTANTS

If the legislation pertaining to the licensure of physician assistants is passed, it was the consensus of the Executive Committee members that physician assistants would come under the same rules and regulations as physicians. The national regulations for physician assistants will be thoroughly reviewed and incorporated into the state regulations when applicable. It was, however, the consensus of the Executive Committee members that a physician assistant would be under the direct supervision of a physician.

EXECUTIVE COMMITTEE MEETING

February 16, 2000

Page 4

LEGISLATION

Several legislative items, which would affect the Board, were discussed. The Executive Committee members asked that Dr. Burnett stay abreast of these. Dr. Burnett informed the members that he and some of the staff had met with the House Appropriations subcommittee and were scheduled to meet on Thursday with the Senate Appropriations subcommittee.

OTHER BUSINESS

Dr. Burnett reported that he had met earlier in the afternoon with James Joseph Kramer, M.D., Jackson. Dr. Kramer's practice location is restricted by his May, 1996, Consent Order, and he has been practicing at Charter Hospital, which is closing. Dr. Kramer is considering a private practice in addiction medicine on an outpatient basis and would need approval from the Board. It was the consensus of the Executive Committee members to allow Dr. Kramer to practice medicine on a solo practice basis, i.e., is no longer restricted to an institutional and/or group practice, and to return outpatient controlled substance privileges in Schedules IV and V. All remaining restrictions imposed by virtue of the May 6, 1996, Consent Order shall continue to be maintained in full force and effect. The Order of the Board is attached hereto and incorporated by reference.

For informational purposes only, Dr. Burnett advised the Executive Committee members of the following items:

1. Skip Baker, President, American Society for Action on Pain, had requested a list of Board members, which will be mailed to him.
2. Dr. Burnett and Mr. Moses are scheduled to make a presentation at a pain management meeting on February 19 in Corinth.
3. Dr. Gary Carr, Medical Director of the Mississippi Recovering Physicians Program, and Dr. Burnett will be in a meeting at Menninger Clinic on February 24 and 25.
4. Dr. Burnett and the staff are working on regulations pertaining to office based surgery.
5. Dr. Burnett will be on leave and out of the country from March 9 to 20, and there will not be an Executive Committee or Board meeting in March.

EXECUTIVE COMMITTEE MEETING

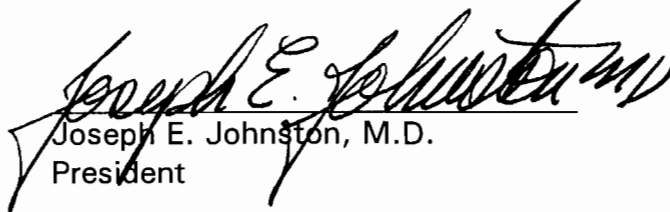
February 16, 2000

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Dr. Johnston asked that statistical information on disciplinary actions, which was distributed to Executive Committee members, be included in the next newsletter. This statistical information is attached hereto and incorporated by reference.

ADJOURNMENT

There being no further business, the meeting adjourned at 5:15 p.m.



Joseph E. Johnston, M.D.
President

Minutes taken and transcribed
by Kathy Fortenberry
Administrative Assistant
February 16, 2000

COA 2-14-00

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF PHYSICIAN'S LICENSE OF

CHARLES O. STANBACK, 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 Charles O. Stanback, M.D., Columbus, Mississippi, and has documented evidence indicating that Dr. Stanback, hereinafter referred to as "Licensee," has violated the Rules and Regulations of the Board "Pertaining to Prescribing, Administration and Dispensing of Medication",

WHEREAS, such conduct is in violation of the Mississippi Medical Practice Act and specifically, Subsection (13) of Section 73-25-29, Mississippi Code (1972) 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 the Board may deem proper under the circumstances;

WHEREAS, Licensee is current holder of License No. 04866 for the practice of medicine in the State of Mississippi;

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. 04866) to practice medicine in the State of Mississippi with the suspension automatically stayed, subject to the following probationary terms and conditions:

1. Licensee shall immediately and permanently surrender his federal Uniform Controlled Substances Registration Certificate for all schedules.
2. 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."
3. In addition to the above, Licensee shall, within one year of the effective date of this Consent Order, demonstrate his understanding and knowledge of said rules and regulations by successfully passing a jurisprudence examination in this area, whose content and form shall be determined by the Executive Director of the Board. The place and date of this examination will be made known to Licensee at least thirty (30) days prior to the date said examination is to be administered in order to give Licensee sufficient time to prepare for this requirement, but in no event shall the time allowed exceed the one year time limit as specified above.
4. Licensee shall not prescribe, dispense or administer to himself or any family members any medication. He shall obtain the services of a primary care physician to treat medical conditions of himself and family members.

5. During each year of probation, Licensee shall obtain fifty (50) hours of continuing medical education (CME) approved by the American Medical Association with emphasis on the use of controlled substances. Following completion of each course, Licensee shall submit to the Board documented proof of successful completion.
6. Licensee's practice of medicine 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.
7. 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 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.
8. In the event Licensee fails to comply with any or all of the conditions imposed in this Consent Order, the Board, after notice and hearing on the matter, may take further disciplinary action against Licensee.
9. In the event Licensee should leave Mississippi to reside or practice outside the State, Licensee shall, 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 of the above enumerated conditions after the expiration of one (1) year 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 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 proceeding.

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 actions, 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 (1972) Annotated, Section 73-25-27, to be

represented therein by legal counsel of his choice, and to a final decision based upon written findings of fact and conclusions of law, Charles O. Stanback, 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 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 2nd day of February, 2000

Anita Peel
Witness

Charles O. Stanback
Charles O. Stanback, M.D.

ACCEPTED AND APPROVED, this the 16th day of February, 2000, by the
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE.

By: Joseph E. Johnston III
Joseph E. Johnston, M.D.
President

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

OF

MARK ALAN ZWEIG, M.D.


ORDER OF CONTINUANCE

THIS MATTER came on regularly for hearing on February 16, 2000, before the Executive Committee of the Mississippi State Board of Medical Licensure, in response to the request by Board staff for continuance of the hearing set for tomorrow against MARK ALAN ZWEIG, M.D. (hereinafter "Licensee"). After considering the matter, the Executive Committee finds the request to be well taken.

IT IS, THEREFORE, ORDERED, that hearing set for February 17, 2000 against Licensee is hereby continued until April 20, 2000.

SO ORDERED, this the 16th day of February, 2000.

**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

M. F. LONGNECKER, JR., M.D.

ORDER

THIS MATTER came on regularly for hearing on February 16, 2000, before the Executive Committee of the Mississippi State Board of Medical Licensure, in response to the Petition of M. F. LONGNECKER, JR., M.D. (hereinafter "Licensee"), seeking removal of all restrictions on his license to practice medicine imposed on his license by virtue of that certain Consent Order dated March 21, 1996. After hearing said petition, the Executive Committee finds Licensee's petition to be well-taken.

IT IS, THEREFORE, ORDERED that all restrictions imposed on Licensee by virtue of the March 21, 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 16th day of February, 2000.

MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE

BY:


JOSEPH E. JOHNSTON, M.D.
PRESIDENT

V. LICENSURE BY RECIPROCITY OR ENDORSEMENT - M.D. and/or D.O.

G.

4. If a graduate from a Foreign Medical School, applicant must present documentation of having completed either (i) three (3) or more years of ACGME- approved postgraduate training in the United States or training in Canada approved by the Royal College of Physicians and Surgeons or (ii) at least one year of ACGME-approved postgraduate training in the United States or training in Canada approved by the Royal College of Physicians and Surgeons, be currently Board certified by a Speciality Board recognized by the American Board of Medical Specialties or the American Osteopathic Association and will be based upon approval by the Mississippi State Board of Medical Licensure.

**XXX. CME REQUIREMENTS FOR STATE OF MISSISSIPPI PHYSICIANS,
OSTEOPATHIC PHYSICIANS AND PODIATRISTS**

A. BASIC REQUIREMENT

Every Mississippi licensee must earn or receive not less than forty (40) hours of Category I continuing medical education in a two-year cycle as a condition precedent to renewing his or her license for the next fiscal year. Excess hours may not be carried over to another two-year cycle. *For the purpose of this regulation, the two-year period begins July 1, 2000, and every two years thereafter.*

1. Category I continuing medical education shall mean those programs of continuing medical education designated as Category I which are sponsored or conducted by those organizations approved by the Mississippi State Medical Association, American Medical Association or by the Accreditation Council for Continuing Medical Education (ACCME) to sponsor or conduct Category I continuing medical education programs.
2. Programs of continuing medical education designated as Category I-A which are sponsored or conducted by organizations or entities accredited by the American Osteopathic Association to sponsor or conduct Category I-A continuing medical education for osteopathic physicians.
3. Programs of continuing medical education designated as a "prescribed hour" which are sponsored or conducted by organizations or entities accredited by the American Academy of Family Physicians to sponsor or conduct "prescribed hours" of continuing medical education.
4. Programs of continuing medical education designated as "cognates" which are sponsored or conducted by organizations or entities which are accredited by the American College of Obstetrics and Gynecology to sponsor or conduct approved cognates on obstetrical and gynecological related subjects.
5. Programs of continuing medical education designated as Category I-A which are sponsored or conducted by organizations or entities accredited by the Council on Podiatric Medical Education to sponsor or conduct Category I-A continuing medical education for podiatrists.

B. PERSONS AFFECTED

Every Mississippi licensee is required to comply with the minimum requirement for continuing medical education established by these rules and regulations.

C. EXEMPTION FOR INITIAL LICENSES

Physicians, osteopaths or podiatrists receiving their initial license to practice medicine in Mississippi after June 30, or receiving their board certification after June 30, are exempt from the minimum continuing medical education requirement for the two-year period following their receiving a license or board certification. The forty (40) hour continuing education certification will be due within the next two-year cycle.

- July 1, 2000 through June 30, 2002 (1st cycle)
- July 1, 2002 through June 30, 2004 (2nd cycle)
- July 1, 2004 through June 30, 2006 (3rd cycle)
- July 1, 2005 through June 30, 2008 (4th cycle)

For instance, a physician receiving an initial license August 3, 2001, will not have to complete forty (40) hours of CME until July 1, 2002, through June 30, 2004. All CME's must be acquired within the two-year cycle.

D. EFFECTIVE DATE

The first time for reporting continuing medical education activity will be the renewal period for the fiscal year beginning July 1, 2002, when reporting on continuing medical education work earned during the two-year period of July 1, 2000, to June 30, 2002.

E. RECORD KEEPING REQUIREMENT

1. Every licensee shall maintain records of attendance or certificates of completion demonstrating compliance with the minimum continuing medical education requirement. Documentation adequate to demonstrate compliance with the minimum continuing medical education requirements of this regulation shall consist of certificates of attendance, completion certificates, proof of registration, or similar documentation issued by the organization or entity sponsoring or conducting the continuing medical education program. These records must be maintained by the physician for

a period of three (3) years following the year in which the continuing medical education credits were earned and are subject to examination by representatives of the State Board of Medical Licensure upon request. If a physician is on a hospital medical staff, it is recommended these certificates and hours be recorded with the primary hospital medical staff records.

2. With his or her annual renewal application, every licensee must certify the completion of the minimum continuing medical education requirement established under these regulations. Failure to maintain records documenting that a physician has met the minimum continuing medical education requirement, and/or failure to provide such records upon request to the Mississippi State Board of Medical Licensure, is hereby declared to be unprofessional conduct and may constitute grounds, within the discretion of the Mississippi State Board of Medical Licensure, for the suspension of the physician's license to practice medicine.

F. ANNUAL RENEWAL

As a condition for annual renewal of license, beginning with the fiscal year July 1, 2002, through June 30, 2003, every physician, osteopath or podiatrist will be required to certify biennially, by signature on his or her annual renewal form, that he or she has earned the required 40 hours of approved Category 1 continuing medical education requirement. The Board will randomly select physicians to ensure complete compliance with this requirement. If deficiencies are identified, licensee must complete deficiencies within six (6) months of date of notification. Failure to comply may result in the suspension of licensee's license.

Any physician, osteopath or podiatrist practicing during the time of a suspended license shall be considered an illegal practitioner and shall be subject to penalties provided for violation of the Medical Practice Act, and for costs incurred in the enforcement of this regulation.

G. WAIVER

A physician, osteopath or podiatrist who is unable to meet the minimum continuing medical education requirement for legitimate cause may apply to the Mississippi State Board of Medical Licensure for a waiver of the requirement prior to April 1 of the last year of the two-year cycle. Such waiver may be granted or denied within the sole discretion of the Mississippi State Board of Medical Licensure.

H. COMPLIANCE REVIEW

It shall be the responsibility of the Mississippi State Board of Medical Licensure to enforce the provisions of this regulation by review of the records maintained by physicians subject to this rule which demonstrate compliance with the program for continuing medical education. This compliance review may be conducted by the Board by random or designated sample, by mail or in person, or otherwise at the discretion of the Board. Non-compliance may result in the suspension of the physician's license to practice medicine under the Medical Practice Act.

I. EFFECTIVE DATE OF REGULATION

The above rules and regulations pertaining to continuing medical education shall become effective (date adopted).

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

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

ORDER

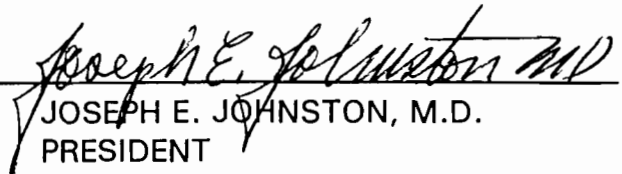
THIS MATTER came on regularly for hearing on February 16, 2000, before the Executive Committee of the Mississippi State Board of Medical Licensure, in response to the Petition of James Joseph Kramer, M.D. (hereinafter "Licensee"), seeking removal of certain restrictions on his license to practice medicine imposed on his license by virtue of that certain Consent Order dated May 6, 1996. After hearing said petition, the Executive Committee finds Licensee's petition to be well-taken.

IT IS HEREBY ORDERED, that Licensee's Petition for Removal of Restrictions is hereby granted, but limited to return of out-patient controlled substance privileges in Schedules IV and V. Further, Licensee shall be authorized to practice medicine on a solo practice basis; i.e., is no longer restricted to an institutional and/or group practice. Licensee shall advise the Board in writing of all changes in his practice locations. 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 16th day of February, 2000.

MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE

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



Mississippi State Board of Medical Licensure
Fiscal year June 30, 1998 - July 1, 1999

	Mississippi	Out of State	All Licenses
Medical Doctors	5250	2389	7639
Osteopaths	202	55	257
Podiatrists	62	28	90
Total Physicians	5514	2472	7986



Total complaints received 310

Total cases 117

Type	Number	%
Prescribing	56	48
Impaired	15	13
Unprofessional Conduct	29	25
Illegal practice of medicine	5	4
Sexual Abuse of Patients	3	2
Other	9	8



Total number of physicians disciplined 40 / .50%

FEBRUARY, 2000

**EXECUTIVE COMMITTEE
MEETING ONLY**

APRIL 2000

**MINUTES
EXECUTIVE COMMITTEE MEETING
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
APRIL 19, 2000**

MEMBERS PRESENT:

Joseph E. Johnston, M.D., Mount Olive, President
Robert Ray Smith, M.D., Jackson, Secretary
Freda M. Bush, M.D., Jackson
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
Frances Scott, Special Projects Officer

The Executive Committee of the Mississippi State Board of Medical Licensure met on Wednesday, April 19, 2000, at 4:30 p.m. in the Executive Conference Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi.

LETTER FROM AMERICAN ASSOCIATION OF ELECTRODIAGNOSTIC MEDICINE

Dr. Burnett reviewed a letter from the American Association of Electrodiagnostic Medicine, along with a letter to them dated February 13, 1981, from Frank J. Morgan, M.D., Executive Officer for the Board at that time. The AAEM wanted a current statement of the Board's position regarding the practice of needle EMG, specifically whether or not it would constitute the practice of medicine. It was the consensus of the Executive Committee members that this would be considered the practice of medicine and may be performed only by a licensed physician or under the direct supervision of a licensed physician.

ANNUAL RENEWAL FEES

Mrs. Freeman and Dr. Burnett advised that the annual renewal fees would probably need to be increased for the FY 2001 budget. Dr. Johnston requested that additional information be provided and that this be brought to the full Board in May for their consideration.

EXECUTIVE COMMITTEE MEETING

April 19, 2000

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PERSONAL APPEARANCE BY WILLIAM GLENN BENNETT, M.D., STARKVILLE, TO DISCUSS RECOVERY CONTRACT AGREEMENT, MISSISSIPPI MEDICAL LICENSE NUMBER 10677

Dr. Bennett had requested to meet with the Executive Committee members to discuss a proposed Recovery Contract Agreement. Also present was Gary D. Carr, M.D., Medical Director, Mississippi Recovering Physicians Program.

Dr. Bennett requested that his Recovery Contract Agreement, which was based on recommendations from Menninger Clinic, be changed to allow him to do endoscopic procedures in a hospital setting. Dr. Carr addressed the Executive Committee on behalf of Dr. Bennett.

It was the consensus of the Executive Committee members to develop another Recovery Contract Agreement which would allow a hospital practice under the supervision of a physician for endoscopic procedures only for eighteen months.

DR. SMITH HAD TO LEAVE THE MEETING AT 5:05 P.M.

PERSONAL APPEARANCE BY MARY KITTY HALL AND SCOTTY E. HALL, SALTILLO

The Governor's Office requested that Ms. Hall and her son be allowed to address the Executive Committee regarding the disciplinary action taken against John W. McFadden, M.D., Tupelo. Ms. Hall advised that her son was not able to attend because of illness.

Ms. Hall presented written information on a recent simple assault conviction of Dr. McFadden but was advised to avoid discussing this with the Executive Committee since the matter would need to be investigated by the Board.

Ms. Hall addressed the Board for fifty minutes with her concerns about the disciplinary action taken against Dr. McFadden concerning his prescribing habits and his sexual misconduct. During this time, she asked questions of and answered questions from the Executive Committee members and Mr. Ingram. A report of this meeting will be provided to the Governor's Office.

EXECUTIVE COMMITTEE MEETING

April 19, 2000

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ROBERT BURWELL TOWNES, JR., M.D., GRENADA

Dr. Burnett reported that Dr. Townes had been visited several times by the investigators for his prescribing habits. It was the consensus of the Executive Committee members to have Dr. Burnett send Dr. Townes a warning letter about this matter.

GLEN OMAR PUGH, M.D., BROOKSVILLE

Dr. Burnett presented a letter from Dr. Pugh requesting that he be allowed to use his DEA number, which he had surrendered earlier, for administrative purposes only and agreeing not to treat family members. Dr. Burnett advised that Dr. Pugh cannot continue at the rural health clinic without a DEA number. It was the consensus of the Executive Committee members to grant him permission to reapply for his DEA certificate under the conditions of his letter dated March 30, 2000, but for the Investigative Staff to monitor him closely.

JOHN WARREN COX, M.D., COLUMBUS

Dr. Burnett reported that Dr. Cox, who is obligated under a Board Consent Order and a MRPP contract to submit to urine screens, refused an early morning urine screen and also refused a lie detector test. The Executive Committee requested that he come before the Committee at their next meeting to explain why he refused to do this.

CARLOS ARAOZ, M.D., APPLICANT

Mrs. Freeman and Dr. Burnett reviewed the license application of Dr. Araoz. Dr. Araoz does not have the three years of postgraduate training required for foreign medical graduates. Since he is board certified, it was the consensus of the Executive Committee to issue him a license.

MAHIR AWDEH, M.D., APPLICANT

Mrs. Freeman and Dr. Burnett reviewed the license application of Dr. Awdeh. Dr. Awdeh does not have the three years of postgraduate training required for foreign medical graduates. Since he is board certified, it was the consensus of the Executive Committee to issue him a license.

EXECUTIVE COMMITTEE MEETING

April 19, 2000

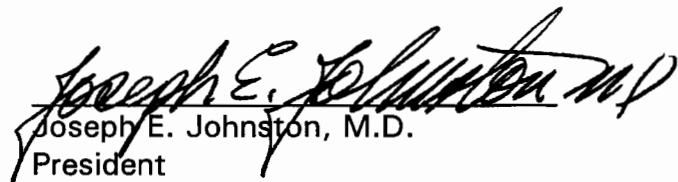
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REVIEW OF APRIL 20, 2000 BOARD AGENDA

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

ADJOURNMENT

There being no further business, the meeting adjourned at 6:30 p.m.


Joseph E. Johnston, M.D.
President

Minutes taken and transcribed
by Kathy Fortenberry
Administrative Assistant
April 19, 2000

**BOARD MINUTES
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
APRIL 20, 2000**

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday, April 20, 2000, in the Executive Conference Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi.

The following members were present:

Joseph E. Johnston, M.D., Mount Olive, 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
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

Freda M. Bush, M.D., Jackson, Vice President; 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. The invocation was given by Dr. Harper.

**APPROVAL OF CERTIFICATION OF MISSISSIPPI LICENSES TO OTHER ENTITIES
FOR THE PERIOD JANUARY 1, 2000, TO MARCH 31, 2000**

One hundred seventy-three (173) licenses were certified to other entities for the period January 1, 2000, to March 31, 2000. Motion was made by Dr. Crawford, seconded by Dr. Harper, and carried unanimously to approve these certifications.

BOARD MINUTES

April 20, 2000

Page 2

APPROVAL OF LICENSES ISSUED FOR THE PERIOD JANUARY 1, 2000, TO MARCH 31, 2000

Sixty-eight (68) licenses were issued for the period January 1, 2000, to March 31, 2000. Motion was made by Dr. Bowen, seconded by Dr. Harper, and carried unanimously to approve these licenses.

REPORTS FROM AD HOC COMMITTEES

Alternative Medicine - There was no new information to report.

Educational Development - Dr. Burnett advised that a CME reminder would be going out with the annual renewal forms.

Impaired Physicians Program - There was no new information to report.

Office Based Surgery - Copies of a proposed office based surgery regulation developed by the staff were distributed to the committee for their review.

Legislative - Dr. Burnett advised that the PA legislation had passed. Copies of the proposed PA regulations were distributed to the members for their review prior to the May meeting, at which time regulations will need to be adopted. It was the consensus of the Board members for the fees to be the same as physicians: \$500 for a new application and \$150 for the annual renewal fee.

Dr. Burnett reported on the appropriation bill and other legislation which would affect the Board.

Nurse Practitioner and Expanded Role - This report was delayed until Dr. Bush joined the meeting.

OTHER BUSINESS

Dr. Johnston welcomed Heather Wagner, Special Assistant Attorney General; Gloria Butler Baldwin, reporter for *The Clarion Ledger*; and Karla L. Seely, court reporter. Mr. Ingram introduced Angela Wallace, a legal extern from Mississippi College.

BOARD MINUTES

April 20, 2000

Page 3

**REVIEW OF MINUTES OF THE EXECUTIVE COMMITTEE MEETING DATED
JANUARY 19, 2000, AND MINUTES OF THE BOARD MEETING DATED
JANUARY 20, 2000**

Minutes of the Executive Committee Meeting dated January 19, 2000, and Minutes of the Meeting dated January 20, 2000, were reviewed. Dr. Hilbun 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
FEBRUARY 16, 2000**

Minutes of the Executive Committee Meeting dated February 16, 2000, were reviewed. Dr. Hilbun moved for approval of the minutes as submitted. Dr. Harper seconded the motion, and it carried unanimously.

**LETTER FROM JULIAN C. HENDERSON, M.D., MISSISSIPPI ASSOCIATION OF
PATHOLOGISTS**

Dr. Burnett reviewed a letter from Dr. Henderson, written on behalf of the Mississippi Association of Pathologists, with reference to physicians marking up the fees for laboratory services of pathologists. Dr. Henderson feels this is a violation of the code of ethics and that the Board should enforce ethical matters under §73-25-29. The Executive Committee has already referred this to the Peer Review and/or Judicial Committees of Mississippi State Medical Association but wanted the full Board to consider it. It was the consensus of the Board members that this matter should first be addressed by State Medical.

DR. BUSH AND DR. SMITH JOINED THE MEETING AT 9:25 A.M.**THE BOARD BRIEFLY RECESSED FOR GROUP PICTURES MADE BY STEVE
COLSTON, PHOTOGRAPHER.****OTHER BUSINESS**

Dr. Johnston recognized Dr. Bush for being elected to the Nominating Committee of the Federation of State Medical Boards at their recent Annual Meeting. Dr. Bush is the first Mississippi Board member to be elected to any position with the Federation.

BOARD MINUTES

April 20, 2000

Page 4

Nurse Practitioner and Expanded Role Ad Hoc Committee - Dr. Bush reported on the recent Board of Nursing meeting, at which time one agenda item was prescriptive authority for nurse practitioners. The Board of Nursing placed this in abeyance until a study of what was allowed in other states could be completed, and it will also be referred to the Nurse Practitioners Joint Committee. Another item Dr. Bush reported on was telemedicine. One particular request was from University Medical Center, which would allow expansion into the rural areas. This was sent back for more details before the Board of Nursing could respond. Dr. Burnett emphasized the need to get the Nurse Practitioners Joint Committee reconvened.

Dr. Johnston reported on the Board's resolution presented at the Annual Meeting of the Federation of State Medical Boards regarding paraprofessionals' scope of practice. He stated he was hoping the Federation would give some clear guidelines, which they did not.

Another item from the Annual Meeting reported on by Dr. Johnston was physician profiling, which he stated needed to be made available by the Board to the public. Mrs. Freeman reported on the imaging now being done of all the current licensure files. After the imaging is completed, physician profiling will be brought back to the full Board for their direction.

Dr. Burnett and Dr. Johnston briefly commented on internet prescribing and telemedicine, which were also discussed at the Annual Meeting.

HEARING IN THE CASE OF ARNOLD ERWIN FELDMAN, M.D., NATCHEZ, MISSISSIPPI MEDICAL LICENSE NUMBER 10981

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

Dr. Burnett reported on his and Mr. Ingram's meeting on April 19, 2000, with Dr. Feldman and his attorneys and that his attorneys have filed a motion for a continuance. Motion was made by Dr. Smith, seconded by Dr. Harper, and carried unanimously to grant a continuance until May 18, 2000, and to grant additional time until May 11, 2000, to file his answer to the Summons and Affidavit. The Order of Continuance and Order Granting Additional Time to File Answer is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Karla L. Seely, Certi-Comp Court Reporters.

BOARD MINUTES

April 20, 2000

Page 5

**HEARING IN THE CASE OF MARK ALAN ZWEIG, M.D., GLOSTER, MISSISSIPPI
MEDICAL LICENSE NUMBER 16115**

Dr. Zweig was present but not represented by legal counsel. Mr. Cofer questioned Dr. Zweig regarding legal representation, and Dr. Zweig 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 action taken by the Louisiana State Board of Medical Examiners. Mr. Ingram entered a number of exhibits and summarized the charges by the Louisiana Board.

Dr. Zweig was sworn in and addressed the Board, followed by questions from Mr. Ingram and Board members.

Gary D. Carr, M.D., Medical Director, Mississippi Recovering Physicians Program, advised that Dr. Zweig had contacted him, and he had advised him to follow up with any recommendations the impaired physicians program of the Louisiana Board might have.

Motion was made by Dr. Bush, seconded by Dr. Smith, 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. Crawford, seconded by Dr. Bush, and carried unanimously, the Board came out of Executive Session at which time Dr. Johnston announced to suspend license for one year. Licensee may petition the Board for reinstatement after receiving license reinstatement or other favorable resolution by the Louisiana Board of Medical Examiners and resolution of the sexual boundary dysfunction, including a comprehensive evaluation by Richard Irons, M.D., Lawrence, Kansas. The Order of the Board is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Karla L. Seely, Certi-Comp Court Reporters.

OTHER BUSINESS

Gloria Butler Baldwin, reporter for *The Clarion Ledger*, addressed Board members about the Board not revoking more licenses. Mr. Ingram, Dr. Carr, and

BOARD MINUTES

April 20, 2000

Page 6

Board members responded to her concerns. Dr. Johnston asked that the staff provide Ms. Baldwin a list of revocations and suspensions for the past eight years.

APPROVAL OF CONSENT ORDER EXECUTED BY MICHAEL EDWARD STEUER, M.D., GREENVILLE, MISSISSIPPI MEDICAL LICENSE NUMBER 15385

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

Mr. Moses was sworn in and presented a chronological summary of Dr. Steuer's background and history leading to the disciplinary action taken on his medical license. Mr. Ingram reviewed the Consent Order, which was based on action taken by the Medical Board of California.

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 Karla L. Seely, Certi-Comp Court Reporters.

HEARING IN THE CASE OF MICHAEL JOSEPH ROOK, M.D., SOUTHAVEN, MISSISSIPPI MEDICAL LICENSE NUMBER 16471

Mr. Ingram explained that Dr. Rook had been served an Order of Prohibition on April 17, 2000, which prohibited him from performing any surgical procedure, minor or otherwise, pending the outcome of a scheduled hearing for today.

Mr. Ingram advised that Dennis Horn, Esq., Jackson, attorney for Dr. Rook, had requested a continuance. Motion was made by Dr. Smith, seconded by Dr. Bush, and carried unanimously to grant a continuance until May 18, 2000, subject to the Order of Prohibition. The Order of Continuance of the Board is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Karla L. Seely, Certi-Comp Court Reporters.

BOARD MINUTES

April 20, 2000

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OTHER BUSINESS

Dr. Burnett advised that the annual renewal fees would probably need to be increased for the FY 2001 budget. Dr. Johnston requested that the fees from surrounding states be obtained and presented to the Board at the May 18 meeting.

**HEARING IN THE CASE OF MUKUND KANU PATEL, M.D., JACKSON, MISSISSIPPI
MEDICAL LICENSE NUMBER 14386**

Dr. Patel was present but not represented by legal counsel. Mr. Cofer questioned Dr. Patel regarding legal representation, and Dr. Patel 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 violation of the Board's Consent Order and Mississippi Recovering Physicians Program's contract, and entered several exhibits.

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

Dr. Carr was sworn in and answered questions from Mr. Ingram. Dr. Carr stated that Mississippi Impaired Physicians Committee was unable to advocate for Dr. Patel.

Dr. Patel did not wish to address the Board but did answer questions from Board members.

Motion was made by Dr. Crawford, seconded by Dr. Bowen, 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. Harper, and carried unanimously, the Board came out of Executive Session at which time Dr. Johnston announced to indefinitely suspend Dr. Patel's license. The Order of the Board is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Karla L. Seely, Certi-Comp Court Reporters.

BOARD MINUTES

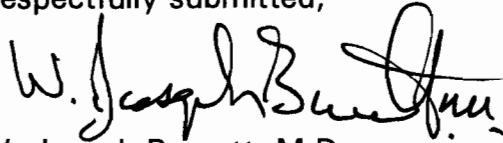
April 20, 2000

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ADJOURNMENT

The meeting was adjourned at 12:30 p.m. with the next meeting scheduled for Thursday, May 18, 2000.

Respectfully submitted,



W. Joseph Burnett, M.D.

Director

Minutes taken and transcribed

by Kathy Fortenberry

Administrative Assistant

April 20, 2000

**EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
APRIL 20, 2000**

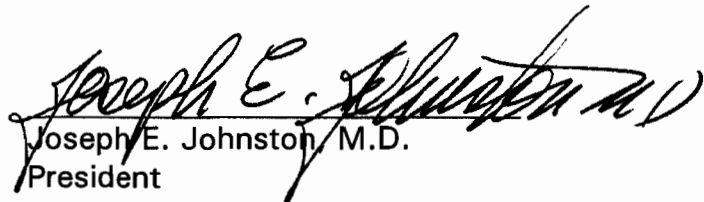
AGENDA ITEM XI

**HEARING IN THE CASE OF MARK ALAN ZWEIG, M.D., GLOSTER, MISSISSIPPI
MEDICAL LICENSE NUMBER 16115**

Motion made by Dr. Bush, seconded by Dr. Crawford, and carried to suspend license for one year. Licensee may petition the Board for reinstatement after receiving license reinstatement or other favorable resolution by the Louisiana Board of Medical Examiners and resolution of the sexual boundary dysfunction, including a comprehensive evaluation by Richard Irons, M.D., Lawrence, Kansas.

<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
APRIL 20, 2000**

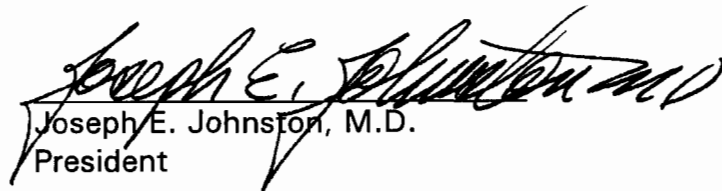
AGENDA ITEM XII

**HEARING IN THE CASE OF MUKUND KANU PATEL, M.D., JACKSON, MISSISSIPPI
MEDICAL LICENSE NUMBER 14386**

Motion made by Dr. Hilbun, seconded by Dr. Crawford, and carried to indefinitely suspend license.

<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. Harper, 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

ARNOLD ERWIN FELDMAN, M.D.

**ORDER OF CONTINUANCE AND
ORDER GRANTING ADDITIONAL TIME TO FILE ANSWER**

THIS MATTER came on regularly for hearing on April 20, 2000, before the Mississippi State Board of Medical Licensure, in response to a request for continuance of the hearing set for this date filed by Arnold Erwin Feldman, M.D. (hereinafter "Licensee") and for additional time to file an answer as required by the procedural rules of this Board. The motions were filed by John Mulhearn, 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 May 18, 2000.

IT IS FURTHER ORDERED, that Licensee shall have until May 11, 2000, to file his answer to the Summons and Affidavit now pending in this matter.

SO ORDERED, this the 20th day of April, 2000.

**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

MARK ALAN ZWEIG, M.D.

DETERMINATION AND ORDER

THIS MATTER came on regularly for hearing on April 20, 2000, 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 January 18, 2000, by issuance of a Summons and Affidavit against Mark Alan Zweig, M.D. (hereinafter "Licensee"), charging Licensee with violation of Subsections (8)(d) and (9) 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 Charles Moses, 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 had his license, permit or certificate to practice medicine in another state or jurisdiction (Louisiana) revoked by the licensing authority in that state; and unprofessional conduct, which includes being guilty of dishonest or unethical conduct likely to deceive, defraud or harm the public. By previous order of the Board, the matter was continued until this date.

The hearing was convened at 10:30 a.m., Licensee appearing 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. 16115.

II.

During 1997, Licensee sought an license to practice medicine in the State of Mississippi by submitting his application to the Mississippi State Board of Medical Licensure. Upon conducting a licensure inquiry, it was determined that on August 19, 1997, Licensee was indicted by the 19th Judicial District Court for the Parish of East Baton Rouge, State of Louisiana, for multiple counts of Medicaid fraud in violation of the Louisiana Revised Statutes. Following a plea of guilty to five (5) counts, Licensee was placed on one (1) year probation and required to pay restitution of \$50,900.90.

III.

Based upon the aforementioned conviction, an Order to Show Cause was issued on March 10, 1998, commanding Licensee to appear before the Mississippi State Board of Medical Licensure and show cause why his application to practice medicine in the State of Mississippi should not be denied. On or about April 6, 1998, Licensee filed his answer and responses to the Order to Show Cause, wherein Licensee denied, "that he ever intentionally misbilled or defrauded Medicaid," further stating:

The Louisiana State Medical Board with full understanding of the plea entered under Article 893 of the Louisiana Code has never made a complaint, registered a sanction or questioned the conduct of Dr. Zweig or taken any action against Dr. Zweig's license. In fact the state of Louisiana has hired Dr. Zweig to work for it in their maximum security prison facility at Angola, Louisiana and has provided Dr. Zweig with free housing and other benefits while he awaits his Mississippi license. Such actions by the Louisiana Board does not suggest unprofessional conduct sufficient to deny a license by the Medical Board and State most familiar with Dr. Zweig's conduct.

In addition, Licensee presented to the Mississippi State Board of Medical Licensure the following affirmative defense, found at paragraph 3 of his Answer and Response:

Mississippi offers reciprocity to Louisiana physicians. Dr. Zweig's license in Louisiana is currently unrestricted and has always been unrestricted and entitles him to reciprocity from Mississippi.

On November 11, 1998, following an October 15, 1998, hearing before the Mississippi State Board of Medical Licensure pursuant to Miss. Code Ann. (1972), Section 73-25-27 as amended, Licensee was issued an unrestricted license (No.16115) to practice medicine in the State of Mississippi. Said License is current until June 30, 2000. During the hearing, Licensee again denied that he ever intentionally mis-billed or defrauded Medicaid, placing emphasis on the "confusion and complexity in the particular KIDMED Billing Regulations" in the State of Louisiana. More importantly, Licensee placed great emphasis on the fact that his medical license in the State of Louisiana remained unrestricted. When issuing its order of October 15, 1998, thereby granting Licensee an unrestricted medical license, the Mississippi Board made the following observation:

By issuing said license, the Board is not unmindful of applicant's conduct in the State of Louisiana. However, applicant has completed his probationary term without further incident or violation. Furthermore, the licensing authorities of the State of Louisiana have chosen to permit applicant to continue to practice on an unrestricted basis in that jurisdiction and have even employed applicant to work in the State prison system. (Emphasis added)

IV.

On December 7, 1999, the Mississippi State Board of Medical Licensure received notification from the Louisiana State Board of Medical Examiners that Licensee's Louisiana medical license had been revoked and canceled by Opinion and Ruling (No. 99-A-011), dated and effective November 2, 1999. Pursuant to the express language of said order, Licensee was charged and found guilty of a number of offenses, the basis upon which revocation occurred. The first was violation of L.R.S.37:1285A(1) and (2) as a result of Licensee entering a plea of guilty to a felony arising out of the practice of medicine, i.e., five (5) counts of Medicaid fraud. In addition, Licensee was found guilty by the Louisiana Board of the following additional charges:

- a. Violation of L.R.S. 37:1285A(11), i.e., making false, deceptive or unfounded claims, reports or opinions to any patients, insurance company or indemnity association, company, individual or governmental authority for the purpose of obtaining anything of economic value.
- b. Violation of L.R.S. 37:1285A(16), gross, willful and continued overcharging of professional services.
- c. Violation of L.R.S. 37:1285A(15), unprofessional conduct and immoral conduct as a result of making uninvited sexual overtures to his employees, to visiting female sales people, and to patients, despite repeated warnings. Further, this same charge included a finding that Licensee was personally slovenly in his habits, appearing in his office wearing dirty clothes, unshaven,

failing to wash hands between patients or wearing gloves when performing examinations or drawing blood.

CONCLUSIONS OF LAW

I.

Based upon the Findings of Fact as enumerated above, Licensee is guilty of having had his license, permit or certificate to practice medicine in another state or jurisdiction (Louisiana) revoked by the licensing authority in that state, all in violation of Subsection (9) of Miss. Code Ann. Section 73-25-29.

II.

Based upon the Findings of Fact as enumerated above, Licensee is 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).

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 indefinitely suspended for a period of one (1) year. Upon expiration of the one (1) year, Licensee shall have the right to petition the Board for reinstatement of license, provided Licensee is in compliance with both of the following requirements, to-wit:

1. Licensee has sought and received license reinstatement or other favorable resolution (authorizing his return to practice on a restricted or unrestricted basis) before the Louisiana Board of Medical Examiners.

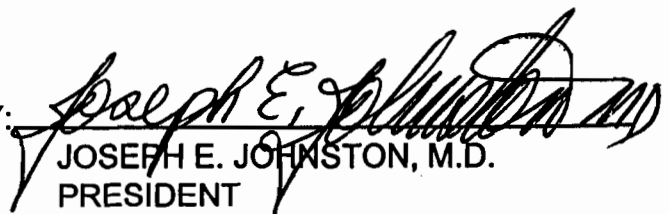
2. That Licensee shall submit to a comprehensive evaluation by Richard Irons, M.D., Lawrence, Kansas. The evaluation will address all aspects of Licensee's psychiatric well-being, including any sexual addictions or aberrations which may be determined. Upon conclusion of the above evaluation, a written 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.

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 20th day of April, 2000.

**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 PHYSICIAN'S LICENSE

OF

MICHAEL EDWARD STEUER, M.D.

CONSENT ORDER

WHEREAS, MICHAEL EDWARD STEUER, M.D., hereinafter referred to as "Licensee" is the current holder of License No. 15385, issued July 7, 1999 for the practice of medicine in the State of Mississippi;

WHEREAS, on January 12, 2000, following a hearing on Case No. 17-96-67587, OAH No. L-1998110405, Administrative Law Judge David B. Rosenman of the Office of Administrative Hearings found cause to suspend or revoke Licensee's California medical license under California Business and Professions Code Section 2234 (e) for engaging in unprofessional conduct in the nature of dishonesty in two instances of applying for hospital privileges. On February 15, 2000, the Medical Board of California, Department of Consumer Affairs, State of California, adopted the proposed decision of Judge Rosenman and made its decision effective March 16, 2000, revoking Licensee's California medical license, staying the revocation, and placing his license on probation for two (2) years, subject to terms and conditions, said "Proposed Decision" 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 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 revoke Licensee's certificate to practice medicine in the State of Mississippi, with the revocation 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 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 shall obey all federal, state and local laws, and all rules and regulations governing the practice of medicine.
4. 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.

5. Licensee shall pay all investigative costs as allowed by statute.

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, MICHAEL E. STEUER, 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 revoking his license to practice medicine in the State of Mississippi for an indefinite period of time, staying the revocation and placing his license on probation subject to those terms and conditions enumerated above.

Signed this the 12th day of April, 2000.



MICHAEL E. STEUER, M.D.

Suzzy Goodwin

Witness

4/12/2000

Date

ACCEPTED AND APPROVED, this the 20th day of April, 2000 by the MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE.

By: Joseph E. Johnston, M.D.

JOSEPH E. JOHNSTON, M.D.
PRESIDENT

7

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)
Against:)
MICHAEL STEUER, M.D.)
9899 Santa Monica Blvd., Suite 369)
Beverly Hills, CA 90212)
Physician's and Surgeon's)
Certificate No. G73878,)

Respondent.)

Case No. 17-96-67587
OAH No. L-1998110405

MEDICAL BOARD OF CALIFORNIA
I do hereby certify that
this document is true
and correct copy of the
original on file in this
office.

Brenda Allen 3/15/00
SIGNED DATE

DECISION

Asst. Custodian of Records
TITLE

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Medical Board of California as its Decision in the above-entitled matter.

This Decision shall become effective March 16, 2000.

IT IS SO ORDERED February 15, 2000.

MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By Ira Lubell
Ira Lubell, M.D.
Chair, Panel A
Division of Medical Quality

sp

"EXHIBIT A"

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

MICHAEL STEUER, M.D.
9899 Santa Monica Blvd., Suite 369
Beverly Hills, CA 90212

Physician and Surgeon's Certificate
No. G73878,

Respondent.

Case No. 17-96-67587

OAH No. L-1998110405

PROPOSED DECISION

This matter came on regularly for hearing on September 21, 22 and 24, 1999, and December 14, 15 and 16, 1999, before David B. Rosenman, Administrative Law Judge, Office of Administrative Hearings, State of California, at Los Angeles, California. Complainant Ron Joseph was represented by E. A. Jones III, Deputy Attorney General. Respondent Michael Steuer was present and was represented by Harold Greenberg, Attorney at Law.

The following amendments to the Accusation were made during the hearing:

1. The initials "L.S." were changed to "B.K." at page 5, line 13 and page 8, line 6.
2. All allegations relating to patient I.W. were stricken, at page 7, lines 10 and 22; page 8, line 18 through page 10, line 14; page 10, lines 16 and 21; and page 11, line 5.

Evidence was submitted by way of oral testimony, documents, and stipulation. The record was closed and the matter was submitted for decision.

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FACTUAL FINDINGS

The Administrative Law Judge finds the following facts:

1. Complainant Ron Joseph brought the accusation solely in his official capacity as the Executive Director of the Medical Board of California.

2. The Board issued Physician and Surgeon's Certificate No. G73878 to respondent on April 14, 1992. There is no record of any prior disciplinary action.

3. Patient B.K.¹ was admitted to a hospital on August 6, 1996 for surgery on her left knee.

4. It was not established by clear and convincing evidence that, during the surgery, respondent placed his hand on the patient's left breast and fondled it, or that he asked the patient if it felt good.

5. In support of the allegation, B.K. testified that she awoke for two short periods during the surgery and, the second time, she saw respondent touching her breast. After the surgery, while still feeling the effects of the anesthesia, she mentioned the event to her roommate who was visiting her in the hospital.

6. Respondent denied that he touched B.K.'s breasts for a sexual gratification or other sexual purposes. Respondent submitted evidence that electronic monitoring pads were attached to respondent to monitor her heart rate, including a pad placed under her left breast. It is not uncommon for the electrical lead to the pad to become dislodged during surgery, and it is the anesthesiologist's responsibility to reattach the lead. While respondent does not recall whether or not it was necessary to do so during the surgery of B.K., respondent established that such actions are common during orthopedic surgery.

Respondent also established that there were numerous other people in the operating room at the time, including the surgeon and his assistant, at least one nurse and perhaps a technician, and that none of these people filed any required reports of an unusual occurrence during the surgery.

7. Respondent established that the anesthesia medications administered to B.K., that is, Versed and Propafol, when combined, produce a hallucinatory effect. Respondent also established that the medical literature and other anesthesiologists' experience include instances of such hallucinations having a sexual nature which often involve the surgeon, anesthesiologist or other medical personnel.

¹ To protect their confidentiality, patients are referred to by their initials.

8. The Accusation alleges numerous other interactions between respondent and B.K., only one of which was established by the evidence. That is, respondent did learn that B.K. worked at a restaurant in Beverly Hills. However, there was insufficient evidence to establish that respondent: told B.K. he enjoyed treating her and would like to take her to the beach; told her that he wanted to start a relationship; or told her he would see her at the restaurant where she worked.

9. The evidence established that respondent probably telephoned B.K.'s home a short time after she was discharged from the hospital. Although respondent does not recall making this phone call, he testified that it was his standard procedure to contact patients after their hospital discharge to determine how they were proceeding with their recovery. There was no evidence that there was anything inappropriate about this phone call.

10. It was not established by clear and convincing evidence that respondent committed any sexual misconduct with patient L.S.

11. Patient L.S. had been seen by Dr. Paul Freeman on August 22, 1996 for treatment for her pain after she had been at a hospital emergency room the prior evening and received intravenous Demerol, a narcotic painkiller. On August 27, Dr. Freeman got a call from the emergency room at Midway Hospital that L. S. was there. He admitted her to the hospital after she spent 24 hours in the emergency room. She required intravenous hydration and Demerol for her pain. Dr. Freeman requested a consultation from the anesthesiology department to assess the need and perhaps provide management for continued intravenous narcotics for pain management. Respondent was assigned to the case for that purpose.

12. L.S. testified that respondent asked her a number of personal questions, including whether she was married or had a boyfriend. She also testified that, after administering an injection through her intravenous line, respondent forcibly had sexual intercourse with her, against her wishes, in the bathroom of her hospital room. She also testified that, after she broke away from respondent's attack and went back to her bed, respondent stood in the bathroom doorway and masturbated, and then verbally threatened her not to reveal anything.

13. Respondent testified that he took none of the actions described by L.S., except for administering intravenous medications to her.

14. It was also alleged, but not established, that a man who said he was a friend of respondent's later entered her hospital room and threatened L.S. not to get respondent in trouble.

15. It was also alleged, but not established by clear and convincing evidence, that after she left the hospital, patient L.S. received a telephone call from a man who said he was respondent, or that she used the telephone company's return call service, redialed the number, and that the call was answered by respondent.

16. Respondent denies any phone calls as described by L.S.

17. L.S. described the man who entered her hospital room and threatened her as a doctor who was assigned to treat her during her next admission to Midway Hospital. That doctor denied that he had ever entered L.S.'s room during her first hospitalization, or made any threat to her concerning respondent.

18. Respondent established that the actions of L.S. were consistent with someone who is seeking a high from intravenous narcotic pain medication. L.S. was uncooperative with many people assigned to her care, was manipulative, and did not follow through with arrangements for further care or promises to bring copies of the documents from prior treatments or tests. It was also established that L.S. refused other tests, therapies, and consultations that would have assisted her doctors in determining the causes of her pain or other possible ways to treat it. Numerous other doctors assigned to her care during her two hospitalizations at Midway Hospital concur with these assessments.

19. L.S. was not credible in her denial that other tests, therapies, or consultations were either not ordered for her or that she refused to cooperate with her doctors.

20. During her hospitalizations at Midway, L.S. expressed dissatisfaction with numerous doctors who did not simply comply with her demands for intravenous narcotic pain medication.

21. Based upon the totality of the evidence, the testimony of L.S. relating to her charge that respondent is guilty of sexual misconduct is not credible and is not believed.

22. As the allegations that respondent committed sexual misconduct with patients B.K and L.S. were not established by clear and convincing evidence, it was also not established that such alleged acts constitute gross negligence, repeated negligent acts or incompetence.

23. On May 2, 1992, respondent applied for hospital staff privileges at the San Jose Medical Center in San Jose, California. In the application, respondent stated that he was enrolled in the residency program at New York University--Cornell University Medical Center from July 1988 through June 1992.

24. Respondent's application was incorrect in this respect. From July 1988 through 1989, respondent was a resident at Harvard Medical School--Massachusetts General Hospital, at which time he transferred to New York University--Cornell University Medical Center.

25. The Board's investigator testified that respondent's application to San Jose Medical Center also indicated that respondent had active hospital privileges at Hollywood Community Hospital, while the investigator learned that his privileges were temporary.

26. The application in evidence (Exhibit 17) is incomplete as pages and attachments are missing. Nor was there any evidence as to the difference, if any, between active and temporary privileges at Hollywood Community Hospital. Therefore it cannot be determined whether respondent's listing of such privileges was indicative of dishonesty by respondent.

More specifically, the evidence indicated that there is a difference between temporary and permanent privileges, and that one instance wherein temporary privileges are granted is while an application for permanent privileges is pending. But there was no evidence as to the difference, if any, between indicating that privileges are "active" or "temporary."

27. Respondent had no intention to deceive the San Jose Medical Center in his application. In fact, he submitted his Curriculum Vitae to the anesthesiology department at San Jose Medical Center, which indicates the proper dates and places of his residency training programs.

28. On April 16, 1996, respondent applied for hospital staff privileges at Midway Hospital Medical Center in Los Angeles, California. In his application, respondent indicated that he had never voluntarily relinquished membership in any medical staff.

29. In the Midway application, respondent failed to indicate that his affiliation with San Jose Medical Center ended December 1, 1992, when he moved away and resigned.

30. In the Midway application, respondent failed to indicate that he had relinquished membership at Arroyo Grande Community Hospital.

31. In his Midway application, respondent indicated there were no lawsuits pending against him. In fact, there was a pending professional liability action against him. However, it was not established that respondent was aware of the existence of that pending lawsuit at the time he filled out the Midway application.

32. In his application, respondent stated his privileges at Hollywood Community Hospital were active. Respondent's privileges at Hollywood Community Hospital were temporary.

33. In his application, respondent stated that his privileges at Midway Hospital "were active (pending)" when, in fact, they were temporary.

34. Although complainant never established whether there was a significant difference between "active privileges" as opposed to "temporary privileges," it is clear that respondent understood there was a difference. In his Midway application, he makes that distinction by listing his privileges as "active" at Hollywood Community Hospital and San Jose Medical Center, while listing his privileges as "temporary" at Century City Hospital and Brotman Medical Center.

35. Century City Hospital indicated in June 1996 that it had no record of respondent being a staff member at any time. However, respondent was able to confirm in 1997 that he applied for privileges at Century City Hospital on January 1, 1996, was granted temporary privileges at that time, and withdrew his application on May 29, 1997 when he left California to reside in Mississippi.

36. Respondent established that it was common for anesthesiologist to do *locum tenans* work, often filling in for other anesthesiologists on vacation or when hospitals did not have enough on their own staffs. Respondent established that, in the time that he worked in California, he worked at some twenty- seven different hospitals or clinics often with temporary privileges, doing *locum tenans* work.

37. On October 23, 1996, respondent withdrew his application for medical staff membership and clinical privileges at Midway Hospital. Although Midway had investigated some of the omissions in respondent's application, it had not taken any action against his temporary privileges due to the omissions alone.

38. Respondent testified that he had no intention to deceive Midway in his application. He filled in as many blanks as there were on the page for prior hospital affiliations, but did not add an extra page to list additional affiliations. In part this was because of the high number of facilities in which he had performed *locum tenans* work.

39. Respondent established that he is much more careful in filling out such applications now and takes effort to include all information that is called for. Respondent has lived and practiced in Mississippi since 1997.

40. The Board submitted two exhibits supporting its request to recover reasonable costs of investigation and prosecution, that may be summarized as follows.

Exhibit 21 is a certification by a supervising investigator describing the work performed by investigators to support the 57 hours billed in fiscal year 1997 (at \$112 per hour) and the 4 hours billed in fiscal year 1998 (at \$108.80 per hour). This subtotal is \$6,819.20. The certification also shows that the Board has incurred costs for expert review and reporting, 25 hours at \$75 per hour, for a subtotal of \$1,875. The total of costs in Exhibit 21 is \$8,694.20.

Exhibit 22 is a declaration from Deputy Attorney General E.A. Jones III describing the work he performed and listing the charges for his work, and estimating additional time and charges. Mr. Jones billed 102.75 hours in 1998-99, at a rate of \$100 per hour, for a subtotal of \$10,275. Mr. Jones estimated 30 more hours for case preparation between the date of the declaration, July 28, 1999, and the date of the hearing, for a subtotal of \$3,000. The total of costs in Exhibit 22 is \$13,275.

The total of costs in these exhibits is \$21,969.20.

LEGAL CONCLUSIONS AND DISCUSSION

Based upon the foregoing factual findings, the Administrative Law Judge makes the following Conclusions of Law:

1. The burden of proof to be applied in this case is that the allegations and violations must be established by "clear and convincing evidence." Ettinger v. Board of Medical Quality Assurance (1982) 135 Cal.App.3d 853, 856. This means that the burden rests on complainant to establish the charging allegations by proof that is clear, explicit and unequivocal—so clear as to leave no substantial doubt, and sufficiently strong to command the unhesitating assent of every reasonable mind. In re Marriage of Weaver (1990) 224 Cal.App.3d 478.

2. Cause does not exist to suspend or revoke respondent's license for violation of Business and Professions Code Section 726, sexual misconduct with a patient, as set forth in Findings 2 through 21, above.

3. Although B.K. testified to the existence of the misconduct, respondent's denial combined with the expert testimony of the hallucinatory effects of the anesthesia administered to B.K. as occasionally including hallucinations of a sexual nature involving the surgeon or anesthesiologist, results in the conclusion that complainant has not established this allegation by clear and convincing evidence. The same is true of the allegations of that respondent made inappropriate comments to B.K.

4. As to patient L.S., again the patient's testimony supports the allegations, respondent denies the allegations, and respondent brought in additional evidence indicating that, based upon the totality of the circumstances, the patient's testimony does not bare enough credibility to sustain the allegation by clear and convincing evidence.

5. Cause does not exist to suspend or revoke respondent's license under Business and Professions Code Section 2234(b) for gross negligence in the care, treatment and management of patients B.K. and L.S., as set for in Findings 2 through 22 and Conclusions 1 through 4, above.

6. Cause does not exist to suspend or revoke respondent's license under Business and Professions Code Section 2234(c) for repeated negligent acts in the care, treatment and management of patients B.K. and L.S., as set for in Findings 2 through 22 and Conclusions 1 through 4, above.

7. Cause does not exist to suspend or revoke respondent's license under Business and Professions Code Section 2234(d) for incompetence, as set for in Findings 2 through 22 and Conclusions 1 through 4, above.

8. Cause exists to suspend or revoke respondent's license under Business and Professions Code Section 2234(e) for engaging in unprofessional conduct in the nature of dishonesty in the applications for hospital privileges to San Jose Medical Center and Midway Hospital Center, as set forth in Findings 23 through 38, above.

9. As to San Jose Medical Center, based upon respondent's evidence that his curriculum vita was also submitted to the medical center, which included correct information about his residency, it cannot be said that respondent had the intention of misleading the medical center.

As to the application to Midway Hospital Medical Center, respondent acknowledges that he was not nearly as thorough as called for by the application. Again, however, there was no evidence that respondent intended to purposely mislead Midway Hospital during his application process for privileges.

10. The Board is entitled to recover its reasonable costs of investigation and prosecution of this matter under Business and Professions Code §125.3. See Finding 40. Section 125.3 states, in part, that "a certified copy of the actual costs . . . shall be prima facie evidence of reasonable costs." The exhibits submitted in support of the costs request do not meet this description. Rather, bills or time sheets, for example, would be evidence of the "actual costs," which could be certified by the Board pursuant to Evidence Code §§1530 and 1531. Nevertheless, these exhibits are evidence of costs which can be examined as part of the process of determining what amount of costs is reasonable.

The case as alleged against respondent is dramatically different then the case that was proven against respondent. Although the Board went to great expense to investigate and prove the allegations against respondent, in the end it merely proved 2 instances of poorly prepared applications. Under these circumstances the Administrative Court must consider what would be the appropriate award of costs.

For these reasons, it would not be appropriate to conclude that all of the costs were "reasonably incurred." Based upon the evidence at trial, this Administrative Court estimates that approximately 80% of the time billed for investigation and prosecution and of evidence submitted by the Board was either not relevant to the violations alleged in the pleadings or not sufficient to sustain the Board's burden of proof. Therefore, it would be reasonable to reduce the amount of costs, \$21,969.20, by 80% (\$17,575.36), resulting in a reasonable amount of costs incurred in the investigation and prosecution of this matter of \$4,393.84.

11. California Code of Regulations, Title 16, §1361 refers to the Board's formal Disciplinary Guidelines (7th edition 1995). These guidelines include recommended penalties for the different code and regulatory violations that Board licensees may commit. For the violations committed by respondent, the guidelines recommend maximum discipline of revocation with cost recovery, and minimum discipline of revocation stayed, 5 years probation, actual suspension and numerous other terms and conditions.

In fashioning the appropriate discipline herein, the most significant factor is that this case involved minor omissions from 2 applications for privileges that apparently had minimal if any impact. San Jose Medical Center was aware of respondent's residency due to his submission of his curriculum vitae and Midway took no action based upon its investigation of the omissions (Findings 27 and 37). Further, respondent was sincere and credible in his statements that he did not intend to deceive either institution. No concerns were raised regarding the quality of care provided by respondent to his patients.

These circumstances and the totality of the evidence support the conclusion that a properly conditioned probationary license will protect the public health, safety and welfare. A probationary term of less than the recommended minimum, as well as elimination of other recommended conditions, is also ordered because the recommended terms are not supported by the evidence. For example, the provision tolling probation while respondent is out of state has been eliminated, as respondent's actions in applying for staff privileges anywhere can be effectively monitored by mail, as can his compliance with the other probation terms.

ORDER

WHEREFORE, IT IS HEREBY ORDERED that:

Certificate No. G73878 issued to respondent Michael Steuer is revoked; however, revocation is stayed and respondent is placed on probation for two years upon the following terms and conditions.

1. Within 15 days after the effective date of this decision the respondent shall provide the Division, or its designee, proof that respondent has served a copy of this decision on the Chief of Staff or the Chief Executive Officer at every hospital where privileges or membership are extended to respondent or where respondent is employed to practice medicine.

2. Within 60 days of the effective date of this decision, respondent shall enroll in a course in Ethics approved in advance by the Division or its designee, and shall successfully complete the course during the first year of probation.

3. Respondent shall obey all federal, state and local laws, all rules governing the practice of medicine in California, and remain in full compliance with any court ordered criminal probation, payments and other orders.

4. Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Division, stating whether there has been compliance with all the conditions of probation.

5. Respondent shall comply with the Division's probation surveillance program. Respondent shall, at all times, keep the Division informed of his or her addresses of business and residence which shall both serve as addresses of record. Changes of such addresses shall be immediately communicated in writing to the Division. Under no circumstances shall a post office box serve as an address of record.

Respondent shall also immediately inform the Division, in writing, of any travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty (30) days.

6. Respondent shall appear in person for interviews with the Division, its designee or its designated physician(s) upon request at various intervals and with reasonable notice.

7. The respondent is hereby ordered to reimburse the Division the amount of \$4,393.84 for its investigative and prosecution costs, payable in equal annual installments at the end of each year of probation, unless the Division agrees in writing to payment by a different installment plan because of financial hardship. The filing of bankruptcy by the respondent shall not relieve the respondent of his/her responsibility to reimburse the Division for its investigative and prosecution costs.

8. Respondent shall pay the costs associated with probation monitoring each and every year of probation. Such costs shall be payable to the Medical Board of California at the end of each fiscal year.

9. Following the effective date of this decision, if respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the terms and conditions of probation, respondent may voluntarily tender his/her certificate to the Board. The Division reserves the right to evaluate the respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the tendered license, respondent will no longer be subject to the terms and conditions of probation.

10. If respondent violates probation in any respect, the Division, after giving respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against respondent during probation, the Division shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

11. Upon successful completion of probation, respondent's certificate shall be fully restored.

DATED: January 12, 2000.

DBR:sp



DAVID B. ROSENMAN
Administrative Law Judge
Office of Administrative Hearings

EXHIBIT A

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 E. A. JONES III, State Bar No. 71375,
Deputy Attorney General
3 California Department of Justice
300 South Spring Street, Suite 5212
4 Los Angeles, California 90013-1233
Telephone: (213) 897-2543

5 Attorneys for Complainant
6
7

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO August 17 1998
BY Debra Thorne ASSOCIATE

8 BEFORE THE
9 DIVISION OF MEDICAL QUALITY
10 MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

11 In the Matter of the Accusation) Case No. 17-96-67587
Against:)

12 MICHAEL STEUER, M.D.) ACCUSATION
13 9899 Santa Monica Blvd., Ste. 369)
14 Beverly Hills, Ca. 90212)

15 Physician and Surgeon's Certificate)
No. G73878,)

16 Respondent.)
17

18 The Complainant alleges:

19 PARTIES

20 1. Ron Joseph ("Complainant") brings this accusation
21 solely in his official capacity as the Executive Director of the
22 Medical Board of California (hereinafter the "Board").

23 2. On or about April 14, 1992, Physician and Surgeon's
24 Certificate No. G73878 was issued by the Board to MICHAEL STEUER,
25 M.D. (hereinafter "respondent"). At all times relevant to the
26 charges brought herein, this license has been in full force and
27 effect. Unless renewed, it will expire on September 30, 1999.

JURISDICTION

1
2 3. This accusation is brought before the Division of
3 Medical Quality of the Medical Board of California, Department of
4 Consumer Affairs (hereinafter the "Division"), under the authority
5 of the following sections of the Business and Professions Code
6 (hereinafter "Code"):

7 A. Section 2227 of the Code provides that a
8 licensee who is found guilty under the Medical Practice Act
9 may have his license revoked, suspended for a period not to
10 exceed one year, placed on probation and required to pay the
11 costs of probation monitoring, or such other action taken in
12 relation to discipline as the Division deems proper.

13 B. Section 2234 of the Code provides that
14 unprofessional conduct includes, but is not limited to, the
15 following:

16 "(a) Violating or attempting to violate, directly or
17 indirectly, or assisting in or abetting the violation of, or
18 conspiring to violate, any provision of this chapter.

19 "(b) Gross negligence.

20 "(c) Repeated negligent acts.

21 "(d) Incompetence.

22 "(e) The commission of any act involving dishonesty
23 or corruption which is substantially related to the
24 qualifications, functions, or duties of a physician and
25 surgeon.

26 "(f) Any action or conduct which would have
27 warranted the denial of a certificate.

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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 726 of the Code provides:

"The commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer constitutes unprofessional conduct and grounds for disciplinary action for any person licensed under this division, under any initiative act referred to in this division and under Chapter 17 (commencing with Section 9000) of Division 3.

"This section shall not apply to sexual contact between a physician and surgeon and his or her spouse or person in an equivalent domestic relationship when that physician and surgeon provides medical treatment, other than psychotherapeutic treatment, to his or her spouse or person in an equivalent domestic relationship.

COST RECOVERY

E. Section 125.3 of the Code provides, in part, that the Division may request the administrative law judge to direct any licentiate found to have committed a violation or violations of the licensing act, to pay the Division a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

1 BUDGET ACT PROVISION

2 F. Section 16.01 of the Budget Act of the State of
3 California provides, in pertinent part, that:

4 "(a) No funds appropriated by this act may be
5 expended to pay any Medi-Cal claim for any service performed
6 by a physician while that physician's license is under
7 suspension or revocation due to disciplinary action of the
8 Medical Board of California.

9 "(b) No funds appropriated by this act may be
10 expended to pay any Medi-Cal claim for any surgical services
11 or other invasive procedure performed on any Medi-Cal
12 beneficiary by a physician if that physician has been placed
13 on probation due to a disciplinary action of the Medical Board
14 of California related to the performance of that specific
15 service or procedure on any patient, except in any case where
16 the board makes a determination during its disciplinary
17 process that there exist compelling circumstances that warrant
18 continued Medi-Cal reimbursement during the probationary
19 period."

20 FIRST CAUSE FOR DISCIPLINE

21 (Sexual Misconduct--Patients B.K. and L.S.1')

22 4. Respondent MICHAEL E. STEUER, M.D. is subject to
23 disciplinary action under section 726 of the Business and
24 Professions Code in that respondent engaged in sexual misconduct
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26 1. All patient references in this pleading are by initials
27 only. The true names of the patients are known to respondent and
will be disclosed to him upon his timely written request for
discovery under Government Code section 11507.6.

1 with patients B.K. and L.S. while both were under respondent's
2 care, treatment and management. The circumstances are as follows:

3 (Patient B.K.)

4 A. On or about August 6, 1996, B.K. was
5 hospitalized at Midway Hospital for arthroscopic surgery on
6 her left knee. During the procedure, respondent placed his
7 hand on the patient's left breast and fondled it. The
8 patient's gown was off her shoulder. He then leaned over and
9 asked patient B.K. if it felt good. Patient B.K. responded,
10 "No."

11 B. Respondent later visited B.K. in her hospital
12 room. He told her that he enjoyed treating her and that he
13 would like to take her to the beach. Respondent told L.S.
14 that he wanted to start a relationship with her. Respondent
15 also talked to B.K. about her place of employment which was
16 then The Cheesecake Factory, located in Beverly Hills.
17 Referring to The Cheesecake Factory, respondent told B.K.,
18 "I'll see you there."

19 C. On or about August 14, 1996, respondent
20 telephoned patient B.K. at her home. Patient B.K. was asleep
21 at the time. Her roommate answered respondent's call. The
22 following day, respondent telephoned B.K. again.

23 (Patient L.S.)

24 D. On or about and during October 1996, patient
25 L.S. was admitted to Midway Hospital for severe pain.
26 Respondent was assigned as her physician. Patient L.S. had a
27 history of neck pain as well as a history of cancer. Patient

1 L.S.'s cancer, however, had been in remission for nine years.
2 Most recently, patient L.S. had undergone a root canal
3 procedure which caused her pain.

4 E. Respondent asked patient L.S. a number of
5 personal questions, including where was her husband and then,
6 after L.S. told him that she was not married, did she have a
7 boyfriend.

8 F. After giving patient L.S. an injection through
9 her intravenous line, respondent took patient L.S. into the
10 bathroom. Respondent stood behind patient L.S. and held her
11 wrists against the sink. Patient L.S. was wearing a hospital
12 gown that was opened in the back. Respondent inserted his
13 penis into the patient's vagina. Patient L.S. was bent over
14 the sink. Patient L.S. tried to resist and was able to move
15 in such a manner that respondent's penis was no longer inside
16 her.

17 G. Respondent exclaimed, "Oh no, get over here."
18 Respondent grabbed patient L.S. and reinserted his penis into
19 her vagina from the rear. Patient L.S. again was able to get
20 away from respondent. She went to her bed and lay in a fetal
21 position. Respondent called to her. Patient L.S. looked
22 toward the bathroom. Respondent was standing in the doorway,
23 partially nude, masturbating. Respondent walked over to
24 patient L.S. and said, "Better not say anything!"

25 H. Later that night, a man whom patient L.S. did
26 not know entered her room. He told patient L.S. that
27 respondent was a "great doctor" and that she "better not get

1 him in trouble." Frightened, patient L.S. left Midway
2 Hospital.

3 I. Later, patient L.S. received a telephone call
4 from a man who said, "It's your Dr. Michael." Patient L.S.
5 immediately hung up and then utilized the telephone company's
6 "star 69" service to have the last incoming call automatically
7 redialed. Respondent answered patient L.S.'s call.
8 Respondent, however, denied having telephoned patient L.S.

9 SECOND CAUSE FOR DISCIPLINE

10 (Gross Negligence--Patients B.K., L.S., and I.W.)

11 5. Respondent MICHAEL E. STEUER, M.D. is subject to
12 disciplinary action under section 2234, subdivision (b), of the
13 Business and Professions Code in that respondent was grossly
14 negligent during his care, treatment, and management of patients
15 B.K. and L.S.. The circumstances are as follows:

16 (Patients B.K. and L.S.)

17 A. Complainant refers to and, by this reference,
18 incorporates herein paragraph 4, above, as though fully set
19 forth.

20 B. The following acts and omissions of respondent
21 during his care, treatment and management of patients B.K.,
22 L.S., and I.W., individually and collectively, constituted
23 extreme departures from the standard of care:

24 (Patient B.K.)

25 (1) Attempting to initiate a personal
26 relationship with B.K. while she was respondent's
27 patient.

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(2) Making inappropriate remarks to patient B.K.

(3) Inviting patient B.K. to join him in the bathroom.

(4) Asking patient L.S. inappropriate questions regarding her personal life such as "Where's your husband?" and "Do you have a boyfriend?"

(Patient L.S.)

(5) Engaging patient L.S. in unconsented sexual intercourse.

(6) Masturbating while in patient L.S.'s hospital room and in front of patient L.S.

(7) Telling patient L.S. that she "better not say anything."

(8) Telephoning patient L.S. at her home.

(Patient I.W.)

C. On or about and during July 1994, I.W., then 74 years old, presented herself to respondent for care and treatment. Patient I.W. had chronic pain and headaches, secondary to cervical radiculitis. Respondent treated patient I.W. with analgesic medications and referred her for physical therapy. Patient I.W. had cervical epidural steroid injections at the C5-6 vertebrae on March 15 and 23, 1994, and at the C6-7 vertebrae on March 31, 1994. These had been performed by Boris Pilch, M.D. and had helped to relieve the

1 patient's pain.

2 D. On or about August 3, 1994, respondent was to
3 perform a cervical epidural steroid injection to patient I.W.
4 Prior to beginning the procedure, respondent read the informed
5 consent document to patient I.W. Respondent did not explain
6 all of the dangers and consequences of the procedure, and
7 patient I.W. agreed to the procedure.

8 E. During the procedure, which took place at
9 Arroyo Grande Community Hospital, respondent encountered
10 difficulty locating the site for the injection. Patient I.W.
11 told respondent to cease. Respondent stated, "I can't stop."
12 Respondent injured patient I.W.'s cervical cord. As a result,
13 patient I.W. suffered excruciating pain in both shoulders as
14 well as partial paralysis.

15 F. On or about August 4, 1994, patient I.W.
16 underwent a magnetic resonance imaging (MRI) test to determine
17 whether an epidural hematoma was present. The MRI showed no
18 hematoma. However, the MRI showed a small disc herniation at
19 the C5-6 vertebrae, bulging at the C6-7 vertebrae, and
20 possible soft tissue mass at the C3 vertebrae. Respondent
21 then advised patient I.W. that since she did not have a
22 hematoma there was no need for her to remain hospitalized. At
23 the time, patient I.W. was experiencing dizziness and nausea
24 in addition to pain.

25 G. On or about August 5, 1994, patient I.W. was
26 discharged from the hospital.

27 H. The following acts and omissions of respondent

1 during his care, treatment and management of patients I.W.,
2 individually and collectively, constituted extreme departures
3 from the standard of care:

4 (1) Reading the informed consent to
5 patient I.W. and not fully explaining the dangers
6 and consequences of the procedure.

7 (2) Failing to locate the site for the
8 cervical epidural steroid injection.

9 (3) Causing cervical cord insult to the
10 patient while attempting to perform the cervical
11 epidural steroid injection.

12 (4) Saying "I can't stop" and continuing
13 with the injection procedure after being told to
14 stop by the patient.

15 THIRD CAUSE FOR DISCIPLINE

16 (Repeated Negligent Acts--Patients B.K., L.S., and I.W.)

17 6. Respondent MICHAEL E. STEUER, M.D. is subject to
18 disciplinary action under section 2234, subdivision (c), of the
19 Business and Professions Code in that respondent committed repeated
20 negligent acts during his care, treatment, and management of
21 patients B.K., L.S. and I.W. The circumstances are as follows:

22 A. Complainant refers to and, by this reference,
23 incorporates herein paragraphs 4 and 5, above, as though fully
24 set forth.

25 FOURTH CAUSE FOR DISCIPLINE

26 (Incompetence)

27 7. Respondent MICHAEL E. STEUER, M.D. is subject to

1 disciplinary action under section 2234, subdivision (d), of the
2 Business and Professions Code for incompetence in that respondent
3 demonstrated a lack of knowledge or ability to discharge his
4 professional medical obligations during his care, treatment and
5 management of patients B.K., L.S., and I.W. The circumstances are
6 as follows:

7 A. Complainant refers to and, by this reference,
8 incorporates herein paragraphs 4 and 5, above, as though fully
9 set forth.

10 FIFTH CAUSE FOR DISCIPLINE

11 (Dishonest or Corrupt Acts)

12 8. Respondent MICHAEL E. STEUER, M.D. is subject to
13 disciplinary action under section 2234, subdivision (e), of the
14 Business and Professions Code in that respondent engaged in
15 unprofessional conduct in applying for hospital privileges. The
16 circumstances are as follows:

17 A. Complainant refers to and, by this reference,
18 incorporates herein paragraph 4 and 5, above, as though fully
19 set forth.

20 B. On or about May 2, 1992, respondent applied for
21 hospital staff privileges at the San Jose Medical Center, San
22 Jose, California. In his application, respondent wrote that
23 he was enrolled in the residency program at New York
24 University--Cornell University Medical Center between July
25 1988 and June 1992. Respondent also wrote that he had active
26 hospital privileges at Hollywood Community Hospital.

27 C. Respondent was not a resident at New York

1 University--Cornell University Medical Center between July
2 1988 and June 1992.

3 D. At the time of his application for privileges
4 at the San Jose Medical Center, respondent did not have active
5 hospital privileges at Hollywood Community Hospital.

6 E. Respondent was a resident at Massachusetts
7 General Hospital between July 1988 and September 1989 and,
8 thereafter, transferred voluntarily to New York University--
9 Cornell University Medical Center in the wake of issues over
10 the level of his performance while a resident at Massachusetts
11 General Hospital.

12 F. No background investigation was conducted by
13 the San Jose Medical Center and respondent was granted full
14 hospital privileges. Subsequently, officials at the San Jose
15 Medical Center discovered that respondent had been a resident
16 a Massachusetts General Hospital and had left that facility
17 over issues concerning the level of his performance there.
18 After learning that San Jose Medical Center officials would be
19 investigating the completeness and accuracy of the information
20 provided by respondent in his application for privileges,
21 respondent resigned. The fact of respondent's resignation was
22 reported to the Medical Board of California pursuant to
23 Business and Professions Code section 805.1.

24 G. On or about April 16, 1996, respondent applied
25 for hospital staff privileges at Midway Hospital Medical
26 Center in Los Angeles, California. In his application,
27 respondent failed to indicate that his affiliation with San

1 Jose Medical Center ended effective December 1, 1992, when he
2 resigned from the medical staff after issues arose regarding
3 the completeness and accuracy of his initial application. In
4 his application, respondent indicated that he had never
5 voluntarily relinquished membership on any medical staff when
6 in fact he had done so at the San Jose Medical Center and at
7 Arroyo Grande Community Hospital. In his application,
8 respondent indicated that there were no law suits pending
9 against him when in fact there was a pending professional
10 liability action against him. In his application respondent
11 stated his privileges at Hollywood Community Hospital were
12 active when they were only temporary. In his application
13 respondent stated his privileges at Midway were "Active
14 (pending)" when in fact they were temporary. In his
15 application respondent listed temporary privileges at Century
16 City Hospital with an appointment of December 1995 when in
17 fact Century City Hospital had no record of any such
18 membership. On October 23, 1996, respondent withdrew his
19 application for medical staff membership and clinical
20 privileges at Midway Hospital Medical Center.

21 **SIXTH CAUSE FOR DISCIPLINE**

22 (Unprofessional Conduct)

23 9. Respondent MICHAEL E. STEUER, M.D. is subject to
24 disciplinary action under section 2234, generally, of the Business
25 and Professions Code in that respondent has engaged in
26 unprofessional conduct during the care, treatment, and management
27 of patients and in applying for hospital staff privileges. The

1 circumstances are as follows:

2 A. Complainant refers to and, by this reference,
3 incorporates herein paragraphs 4, 5, and 8, above, as though
4 fully set forth.

5 PRAYER

6 WHEREFORE, the complainant requests that a hearing be
7 held on the matters herein alleged, and that following the hearing,
8 the Division issue a decision:


9 1. Revoking or suspending Physician and Surgeon's
10 Certificate Number G73878, heretofore issued to respondent MICHAEL
11 E. STEUER, M.D.;

12 2. Revoking, suspending or denying approval of the
13 respondent's authority to supervise physician's assistants,
14 pursuant to Business and Professions Code section 3527;

15 3. Ordering respondent to pay the Division the actual
16 and reasonable costs of the investigation and enforcement of this
17 case; and,

18 4. Taking such other and further action as the Division
19 deems necessary and proper.

20 DATED: August 17, 1998.

21
22
23 
24 Douglas Lane Director
25 Ron Joseph Deputy Director
26 Executive Director
27 Medical Board of California
Department of Consumer Affairs
State of California

Complainant

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

MICHAEL JOSEPH ROOK, M.D.

ORDER OF CONTINUANCE

THIS MATTER came on regularly for hearing on April 20, 2000, before the Mississippi State Board of Medical Licensure, in response to a request for continuance of the hearing set for this date filed by Michael Joseph Rook, M.D. (hereinafter "Licensee"). The motion was filed by Dennis Horn, attorney representing Licensee, setting good and just cause for the continuance. After consideration of the matter, the Board finds Licensee's petition to be well taken, provided Licensee adhere to the Order of Prohibition pending the hearing or other resolution of this matter.

IT IS, THEREFORE, ORDERED, that Licensee is granted a continuance until May 18, 2000.

IT IS, FURTHER ORDERED, that pending the hearing or other resolution of this matter, Licensee shall adhere to all of the terms and conditions set forth in the Order of Prohibition simultaneously issued with the Summons and Affidavit.

SO ORDERED, this the 20th day of April, 2000.

**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

MUKUND KANU PATEL, M.D.

DETERMINATION AND ORDER

THIS MATTER came on regularly for hearing on April 20, 2000, 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 20, 2000, by issuance of a Summons and Affidavit against Mukund Kanu Patel, M.D. (hereinafter "Licensee"), charging Licensee with violation of Subsections (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 Charles Moses, 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 a previous order of the Board by virtue of being out of compliance with an agreement with the Mississippi Recovering Physicians Program, and unprofessional conduct, which includes being guilty of dishonest or unethical conduct likely to harm the public.

The hearing was convened at 11:00 a.m., Licensee appearing 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. 14386.

II.

On September 23, 1997, following a Board investigation, Licensee entered into treatment for chemical dependency at Talbott Recovery Campus, Atlanta, Georgia, followed by additional treatment at St. Jude's Recovery Center. The extent of Licensee's dependency was such that Talbott recommended Licensee not practice medicine for a period of at least six (6) months. On March 13, 1998, Licensee entered into his first Consent Order with the Board, incorporating the recommendation of Talbott.

III.

Following a relapse and documentation of prescribing controlled substances outside the course of professional practice, a Summons and Affidavit was served on Licensee. On September 17, 1998, Licensee appeared before the Board for the second time. Following the hearing, a Determination and Order was entered suspending Licensee's certificate to practice medicine for six (6) months, but with specific requirements for his return to practice medicine, i.e., another chemical dependency evaluation, participation in AA twelve step program and Caduceus, etc. As a result of the evaluation, Licensee received further treatment at Talbott March Recovery Center in Atlanta, Georgia, and COPAC in Brandon, Mississippi. In each case, Licensee was found to be in need of long term treatment.

IV.

On or about June 17, 1999, Licensee entered into a "Recovery Contract Agreement" with the Mississippi Recovering Physicians Program. Licensee initialed by paragraph number three (3) of this agreement that "I agree to abstain completely from the use of any medications, alcohol and other mood-altering substance including non-approved over-the-counter medications unless ordered by my primary physician and, when appropriate, in consultation with the MIPC/MSBML."

V.

On or about August 18, 1999, Licensee entered into a second Consent Order with the Mississippi State Board of Medical Licensure, placing certain restrictions on his license to practice medicine in the State of Mississippi. The conditions included abstinence from the use of mood-altering substances unless ordered by a primary care physician and compliance with all after-care conditions imposed by the Mississippi Recovering Physicians Program.

VI.

On September 20, 1999, Information was provided to the Mississippi State Board of Medical Licensure that Licensee was in again in relapse of his substance dependency for the second time. Licensee was admitted to COPAC, Brandon, Mississippi, for relapse of his substance dependance. On November 15, 1999, Licensee was transferred to COPAC's outpatient treatment program, with the recommendation that he take a one (1) year sabbatical from medical practice.

VII.

On January 6, 2000, Licensee signed a third Consent Order with the Mississippi State Board of Medical Licensure, agreeing to an indefinite suspension of his medical license, with the right to petition for reinstatement after twelve (12) months. A condition of this agreement required Licensee to abide by "...all treatment recommendations made by COPAC and the Mississippi Recovering Physicians Program (MRPP).

VIII.

On February 23, 2000, the Mississippi State Board of Medical Licensure received a faxed letter from Gary D. Carr, M.D., Medical Director of the Mississippi Recovering Physicians Program, that indicated Dr. Patel was again in relapse (third time) and out of compliance with his MRPP contract. In response, the aforementioned Summons and Affidavit was issued.

IX.

At the hearing, Licensee did not deny the facts and matters set forth in the Summons and Affidavit, nor did he file an answer. Further, Licensee did not deny the fact that he has experienced three (3) relapses of his chemical dependency and was appearing before the Board for his third time. When queried about his need for a medical license, Licensee openly stated that he felt he was a competent physician and further, wanted to be able to continue to drink and practice medicine.

CONCLUSIONS OF LAW

I.

Based upon the Findings of Fact as enumerated above, Licensee is guilty of Count

I, as a result of being in violation of an existing Board Order, Stipulation or Agreement, all in violation of Subsection (13) of Miss. Code Ann. Section 73-25-29.

II.

Based upon the Findings of Fact as enumerated above, Licensee is guilty of Count II 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).

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 indefinitely suspended.

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 20th day of April, 2000.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY:


JOSEPH E. JOHNSTON, M.D.
PRESIDENT

MAY 2000

**MINUTES
EXECUTIVE COMMITTEE MEETING
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
MAY 17, 2000**

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, May 17, 2000, at 4:00 p.m. in the Executive Conference Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi.

**REPRIMAND EXECUTED BY ARNOLD ERWIN FELDMAN, M.D., NATCHEZ,
MISSISSIPPI MEDICAL LICENSE NUMBER 10981**

Dr. Johnston requested that Dr. Feldman's Reprimand be presented to the full Board on Thursday for their approval.

**EDWARD J. O'BRIEN, SR., M.D., HATTIESBURG, MISSISSIPPI MEDICAL LICENSE
NUMBER 07040**

Dr. Burnett advised that Dr. O'Brien was moving out of state and had requested that urine screens be stopped. Dr. O'Brien's Consent Order states that periods of residency outside Mississippi would not apply to the reduction of the time period specified in the Consent Order, and he also requested that this be waived. It was the consensus of the Executive Committee that his monitoring and time on the Consent Order would resume when he returned to the state.

EXECUTIVE COMMITTEE MEETING

May 17, 2000

Page 2

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

Mr. Moses presented a chronological summary of Dr. Barnes' background and history leading to the disciplinary action taken on his medical license.

Dr. Barnes and his wife, Susan, joined the meeting. Dr. Barnes presented his request for removal of all restrictions and answered questions from Dr. Burnett and the Executive Committee members. It was the consensus of the Executive Committee members to remove all restrictions. The Order of the Board is attached hereto and incorporated by reference.

**PERSONAL APPEARANCE BY JOSEPH M. SCOGGIN, M.D., STARKVILLE, TO
REQUEST EXPANDED DEA PRIVILEGES, MISSISSIPPI MEDICAL LICENSE
NUMBER 14902**

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

Dr. Scoggin and Gary D. Carr, M.D., Medical Director, Mississippi Recovering Physicians Program, joined the meeting. Dr. Scoggin presented his request for removal of all restrictions and answered questions from Dr. Burnett and the Executive Committee members. Dr. Carr addressed the Executive Committee on behalf of Dr. Scoggin. It was the consensus of the Executive Committee members to return Schedules III and IV. The Order of the Board is attached hereto and incorporated by reference.

**DR. CARR REMAINED AT THE MEETING FOR THE DISCUSSION ON DR. COX AND
DR. HENSARLING.**

**JOHN WARREN COX, M.D., COLUMBUS, MISSISSIPPI MEDICAL LICENSE
NUMBER 08934**

Dr. Burnett and Dr. Carr reviewed the background on Dr. Cox, who had been asked to appear at this meeting but had a previous engagement. Dr. Cox, who is obligated under a Board Consent Order and a MRPP contract to submit to urine screens, refused an early morning urine screen and also refused a lie detector test.

EXECUTIVE COMMITTEE MEETING

May 17, 2000

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It was the consensus of the Executive Committee for Dr. Burnett to write Dr. Cox that very close monitoring would be continued and that if there were any other refusals to cooperate totally with this Board his license may be in jeopardy.

JAMES KENNETH HENSARLING, M.D., JACKSON, MISSISSIPPI MEDICAL LICENSE NUMBER 07313

Dr. Carr reviewed the background on Dr. Hensarling, who after having Board restrictions removed left MRPP before his MRPP contract was completed. It was the consensus of the Executive Committee that nothing could be done at this time since all Board restrictions were removed but that the Investigative Staff should monitor his prescribing closely.

OTHER BUSINESS

Dr. Burnett advised Dr. Carr that once the Board starts licensing Physician Assistants that they would need to be included in MRPP. The Memorandum of Understanding will be amended to include this group.

ROBERT GLENN MILLER, M.D., MEMPHIS, APPLICANT

Dr. Burnett reviewed the licensure application of Dr. Miller, who has taken the SPEX examination twice and made 74. Dr. Miller has asked that the Board make an exception to the Federation of State Medical Board's recommendation of 75 as the lowest score, which is used as the Board's licensure guideline. It was the consensus of the Executive Committee that the Board should not vary from the Federation's recommendation of 75.

REPRIMAND PROTOCOL

When Dr. Burnett talked individually to the Board members regarding Dr. Feldman's Reprimand, there was some concern expressed over a protocol being established for using a Reprimand rather than a Consent Order. It was the consensus of the Executive Committee that a reprimand will be used when the individual's license is not being restricted in any way and when special conditions on an individual on a case-by-case basis will be required. The Executive Committee also asked that a file be maintained on policies for Board decisions.

EXECUTIVE COMMITTEE MEETING

May 17, 2000

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INTERNET PRESCRIBING

Mr. Moses reviewed a proposed Policy Statement Regarding Internet Prescribing. The Executive Committee made some minor changes and asked that it be presented to the full Board on Thursday.

PROPOSAL BY DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER FOR SUPERVISION OF NURSE PRACTITIONERS IN THE STATE VETERANS HOME, KOSCIUSKO, MISSISSIPPI

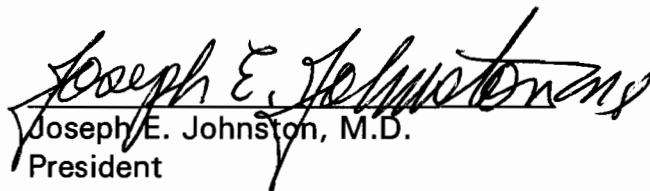
Dr. Burnett presented a proposal from Kent A. Kirchner, M.D., Acting Chief of Staff, Veterans Affairs Medical Center, Jackson, to supervise nurse practitioners in the State Veterans Home located in Kosciusko from the VA Medical Center in Jackson. This would exceed the recommended distance of 50 miles for a free-standing clinic. The Executive Committee approved the request for this location only and stated that each location would have to be approved on an individual basis.

REVIEW OF MAY 18, 2000 BOARD AGENDA

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

ADJOURNMENT

There being no further business, the meeting adjourned at 5:50 p.m.


Joseph E. Johnston, M.D.
President

Minutes taken and transcribed
by Kathy Fortenberry
Administrative Assistant
May 17, 2000

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

PHILLIP LANCE BARNES, D.O.

ORDER REMOVING RESTRICTIONS

THIS MATTER came on regularly for hearing on May 17, 2000, before the Executive Committee of the Mississippi State Board of Medical Licensure, in response to the Petition of Phillip Lance Barnes, D.O. (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 November 14, 1997.

The Executive Committee, after hearing said motion, and taking into consideration the all facts and matters, finds Licensee's petition to be well-taken.

THEREFORE, IT IS HEREBY ORDERED, that Licensee's petition for removal of all restrictions is hereby granted. Licensee now holds an unrestricted license to practice medicine in the State of Mississippi.

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 Phillip Lance Barnes, D.O.

ORDERED, this the 17th day of May, 2000.

MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE

BY:


JOSEPH E. JOHNSTON, M.D.
PRESIDENT

A:\Barnes.wpd

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

JOSEPH M. SCOGGIN, M.D.

ORDER REMOVING RESTRICTIONS

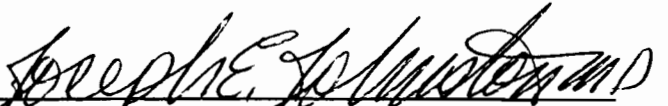
THIS MATTER came on regularly for hearing on May 17, 2000, before the Executive Committee of the Mississippi State Board of Medical Licensure, in response to the Petition of Joseph M. Scoggin, M.D. (hereinafter "Licensee"), seeking removal of certain restrictions on his license to practice medicine imposed on his license by virtue of that certain Consent Order dated January 23, 1998. After hearing said petition, the Executive Committee finds Licensee's petition to be well-taken.

IT IS HEREBY ORDERED, that Licensee's Petition for Removal of Restrictions is hereby granted, but limited to return of controlled substance privileges in Schedules III, IIIN, and IV. As a result, Licensee now has full controlled substance privileges, limited to Schedules III, IIIN, IV, and V. All remaining restrictions imposed by virtue of the January 23, 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 Joseph M. Scoggin, M.D.

ORDERED, this the 17th day of May, 2000.

MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE

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

**BOARD MINUTES
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
MAY 18, 2000**

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday, May 18, 2000, in the Executive Conference Room of the Office of the Board located at 1867 Crane Ridge 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
Paul Douglas Jackson, M.D., Greenville
W. Joseph Burnett, M.D., Director

Also present:

Stan T. Ingram, Attorney for the Board
Heather Wagner, Special Assistant Attorney General
Rhonda Freeman, Division Director II, Licensure Division
Charles Moses, Division Director II, Investigative Division
Kathy Fortenberry, Administrative Assistant

Benton M. Hilbun, M.D., Tupelo, and Joe Dennis Herrington, M.D., Natchez, were not present.

The meeting was called to order at 9:15 a.m. by Dr. Johnston, President. Dr. Johnston welcomed Ms. Wagner, Special Assistant Attorney General recently assigned to the Board; Matt Cantrell, legal intern with the Attorney General's office; and Christy Sievert, Certi-Comp Court Reporters. The invocation was given by Dr. Bush.

**APPROVAL OF CERTIFICATION OF MISSISSIPPI LICENSES TO OTHER ENTITIES
FOR THE PERIOD APRIL 1, 2000, TO APRIL 30, 2000**

Seventy (70) licenses were certified to other entities for the period April 1, 2000, to April 30, 2000. Motion was made by Dr. Crawford, seconded by Dr. Bowen, and carried unanimously to approve these certifications.

**APPROVAL OF LICENSES ISSUED FOR THE PERIOD APRIL 1, 2000, TO
APRIL 30, 2000**

BOARD MINUTES

May 18, 2000

Page 2

Thirteen (13) licenses were issued for the period April 1, 2000, to April 30, 2000. Motion was made by Dr. Bowen, seconded by Dr. Crawford, and carried unanimously to approve these licenses.

REPORTS FROM AD HOC COMMITTEES

There were no reports from the ad hoc committees.

REVIEW OF MINUTES OF THE EXECUTIVE COMMITTEE MEETING DATED APRIL 19 , 2000, AND MINUTES OF THE BOARD MEETING DATED APRIL 20, 2000

Minutes of the Executive Committee Meeting dated April 19, 2000, and Minutes of the Meeting dated April 20, 2000, were reviewed. Dr. Smith moved for approval of the minutes as submitted. Dr. Crawford seconded the motion, and it carried unanimously.

OTHER BUSINESS

ELECTION OF OFFICERS - Dr. Johnston reported that the Nominating Committee was presenting the following names as officers, beginning July 1, 2000: Dr. Bush, President; Dr. Smith, Vice-President; and Dr. Hilbun, Secretary. If Dr. Bush and Dr. Hilbun are not reappointed by the Governor when their terms expire June 30, 2000, another election will be necessary. Motion was made by Dr. Crawford, seconded by Dr. Bowen, and carried unanimously to accept this slate of officers. Dr. Burnett thanked Dr. Johnston for his service to the Board as President.

PHYSICIAN ASSISTANT LICENSURE REGULATIONS - Dr. Burnett and Mrs. Freeman advised that the physician assistant regulations would be available later in the meeting for their review. Mrs. Freeman stated these regulations were based on regulations from surrounding states and the model guidelines from the American Academy of Physician Assistants.

DR. HERRINGTON JOINED THE MEETING AT 9:25 A.M.

ANNUAL RENEWAL FEES - Dr. Burnett and Mrs. Freeman reviewed the budget and the need for an increase in the annual renewal fees. After discussion and questions by the Board members, motion was made by Dr. Herrington, seconded by

BOARD MINUTES

May 18, 2000

Page 3

Dr. Bowen, and carried unanimously to increase the fees by \$25 (to \$175) effective for the renewal period beginning July 1, 2001.

**HEARING IN THE CASE OF MICHAEL JOSEPH ROOK, M.D., SOUTHAVEN,
MISSISSIPPI MEDICAL LICENSE NUMBER 16471**

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

Mr. Ingram explained the charges as outlined in the Summons and Affidavit, which were based upon the Order of Prohibition, which prohibited any type of surgery. In lieu of a hearing, Dr. Rook has executed a Consent Order, which Mr. Ingram reviewed.

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

Motion was made by Dr. Jackson, seconded by Dr. Harper, 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.

**REPRIMAND EXECUTED BY ARNOLD ERWIN FELDMAN, M.D., NATCHEZ,
MISSISSIPPI MEDICAL LICENSE NUMBER 10981**

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

Dr. Burnett reviewed the background and answered questions regarding why a reprimand was used instead of a Consent Order. Dr. Johnston advised that this was a reportable action, just like a Consent Order.

Motion was made by Dr. Bush, seconded by Dr. Jackson, and carried to accept the Reprimand. Dr. Herrington abstained on the vote. The Reprimand is attached hereto and incorporated by reference.

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

BOARD MINUTES

May 18, 2000

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**HEARING IN THE CASE OF KEITH DAWSON VAN DE CASTLE, M.D., NEWTON,
MASSACHUSETTS, MISSISSIPPI MEDICAL LICENSE NUMBER 14908**

Dr. Van de Castle was not present or represented by legal counsel.

Mr. Ingram advised that Dr. Van de Castle had requested a continuance. Motion was made by Dr. Herrington, seconded by Dr. Bowen, and carried unanimously to grant a continuance until the July Board meeting. 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.

THE BOARD RECESSED AT 10:00 A.M. AND RECONVENED AT 10:15 A.M.

**PERSONAL APPEARANCE BY MARSHALL JAMES STOUT, JR., M.D., JACKSON,
TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE
NUMBER 07363**

Dr. Stout was present but not represented by legal counsel. Also present was Gary D. Carr, M.D., Medical Director, Mississippi Recovering Physicians Program.

Mr. Moses was sworn in and presented a chronological summary of Dr. Stout's background and history leading to the disciplinary action taken on his medical license. Mr. Ingram entered a number of exhibits, which he summarized. Dr. Stout and Dr. Carr addressed the Board and answered questions.

Motion was made by Dr. Smith, seconded by Dr. Crawford, 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 Christy Sievert, Certi-Comp Court Reporters.

**PERSONAL APPEARANCE BY WILLIAM CLAUD WELCH, JR., M.D., JACKSON,
TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE
NUMBER 04580**

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

BOARD MINUTES

May 18, 2000

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Mr. Moses was sworn in and presented a chronological summary of Dr. Welch's background and history leading to the disciplinary action taken on his medical license. Mr. Ingram entered a number of exhibits, which he summarized. Dr. Welch addressed the Board and answered questions.

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 Christy Sievert, Certi-Comp Court Reporters.

OTHER BUSINESS

Dr. Burnett and Mr. Moses reviewed their proposed Policy Statement Regarding Internet Prescribing. Following questions and discussion, motion was made by Dr. Crawford, seconded by Dr. Smith, and carried unanimously to adopt this policy statement, a copy of which is attached hereto and incorporated by reference. Dr. Johnston requested that this also be included in the next newsletter.

Mr. Ingram distributed copies of the proposed Physician Assistant regulations, and the Board recessed for fifteen minutes to give members time to read the regulations. After reconvening, motion was made by Dr. Smith, seconded by Dr. Crawford, and carried unanimously to approve the regulations after Mr. Ingram made certain amendments as discussed. After amended, the regulations will be forwarded to Board members and then filed with the Secretary of State under the Administrative Procedures Act.

PERSONAL APPEARANCE BY PATRICK ELLISON SEWELL, JR., M.D., TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE NUMBER 14876

Dr. Sewell was present but not represented by legal counsel. Also present were Dr. Carr and Mel Flowers, M.D., Chairman of the Mississippi Impaired Physicians Committee, who also works with Dr. Sewell in the Department of Radiology at University Medical Center.

Mr. Moses was sworn in and presented a chronological summary of Dr. Sewell's background and history leading to the disciplinary action taken on his medical license. Mr. Ingram entered a number of exhibits, which he summarized.

BOARD MINUTES

May 18, 2000

Page 6

Dr. Sewell presented his request for removal of all restrictions and answered questions from Board members. Dr. Carr and Dr. Flowers addressed the Board on behalf of Dr. Sewell, both of whom supported having his restrictions removed.

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. Bush, seconded by Dr. Jackson, 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 remove all restrictions but that Licensee is to complete his MRPP contract. The Order of the Board is attached hereto and incorporated by reference.

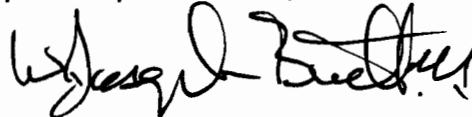
A verbatim account of this proceeding was recorded by Christy Sievert, Certi-Comp Court Reporters.

ADJOURNMENT

Dr. Burnett advised it would not be necessary to have a Board meeting in June. Motion was made by Dr. Bowen, seconded by Dr. Crawford, and carried unanimously to have the next meeting on July 27, 2000.

The meeting was adjourned at 11:40 a.m.

Respectfully submitted,



W. Joseph Burnett, M.D.
Director

Minutes taken and transcribed
by Kathy Fortenberry
Administrative Assistant
May 18, 2000

**EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
MAY 18, 2000**

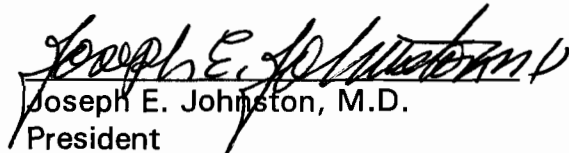
AGENDA ITEM X

**PERSONAL APPEARANCE BY PATRICK ELLISON SEWELL, JR., M.D., TO REQUEST
REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE NUMBER 14876**

Motion made by Dr. Crawford, seconded by Dr. Bowen, and carried to
remove all restrictions but Licensee is to complete MRPP contract.

<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

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

OF

MICHAEL JOSEPH ROOK, M.D.

ORDER LIFTING PROHIBITION

WHEREAS, on April 17, 2000, an Order of Prohibition was issued by this Board prohibiting Michael Joseph Rook, M.D., hereinafter "Licensee," from performing any type of surgery pending a hearing set for this date;

WHEREAS, on this date, Licensee submitted to the Board a Consent Order, which if approved, resolves all pending matters;

WHEREAS, the Board finds the Consent Order to be acceptable and a timely and proper resolution of all matters;

IT IS, THEREFORE, ORDERED, that the Order of Prohibition issued by this Board on April 17, 2000 shall be lifted at such time as Licensee complies with the aforementioned Consent Order by entering COPAC, Inc., for evaluation/treatment for chemical dependency. Thereafter, Licensee shall comply all of the terms and conditions imposed by virtue of said order.

SO ORDERED, this the 18th day of May, 2000.

**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 "Licensee," currently holds Mississippi Medical License Number 16471, said number valid until June 30, 2000;

WHEREAS, on July 15, 1999, in consideration of receiving a license to practice medicine, Licensee entered into a Consent Order with the Mississippi State Board of Medical Licensure, placing certain restrictions on this license due to chemical dependency;

WHEREAS, Paragraph (3) of the aforementioned Consent Order of July 15, 1999, provided that: "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." ;

WHEREAS, on January 13, 2000, pursuant to the terms of the aforementioned Consent Order, Licensee submitted a urine sample to Board Investigator Thomas



Washington. Analysis of said sample by the University of Mississippi Medical Center (UMC) Toxicology Lab confirmed a positive finding for ethanol;

WHEREAS, on March 1, 2000, Licensee submitted a second urine sample, along with a blood sample, to Board Investigator Thomas Washington. Analysis of the samples by the UMC Toxicology Laboratory indicated that both the urine and blood samples were confirmed positive for ethanol;

WHEREAS, in response to the above positive urine screens Licensee submitted to an evaluation for chemical dependency by Lloyd J. Gordon, M.D. at COPAC, Brandon, Mississippi. As a result of said evaluation, certain questions arose relative to a potential prostate infection by Licensee and abnormal liver function tests. Furthermore, the levels of alcohol found in the March sample of alcohol and blood could be indicative of alcohol consumption. It was the recommendation that Licensee enter a structured treatment environment.

WHEREAS, on April 1, 2000, Licensee underwent a polygraph examination administered by C.T. Freeman, MA, LPE, licensed forensic psychophysicologist. The results of said examination indicated a "strong or consistent unresolved response" to the question: "In the past 12 months, have you consumed any alcohol for recreational purposes?" Mr. Freeman indicated that it was his opinion that Licensee was "Deceptive" when he answered the aforementioned question;

WHEREAS, on April 10, 2000, the Mississippi Impaired Physicians Committee advised Licensee to return to COPAC for treatment and in the interim not to practice

surgery. Thereafter, Gary Carr, M.D., Medical Director, of the Mississippi Recovering Physicians Program, advised the Board that advocacy of Licensee had been withdrawn due to Licensee's refusal to return to COPAC for treatment;

WHEREAS, pursuant to Subsections (2), (8)(d), and (13) of Section 73-25-29 and Section 73-25-83(a), Miss. Code Ann. (1972), the aforementioned acts, if established as true, constitute habitual use of intoxicating liquors, or any beverage to an extent which affects professional competency; violation of an existing order, stipulation or agreement with the Board; and, 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; and

WHEREAS, Licensee desires to comply with the recommendations of the Mississippi Recovering Physicians Committee and the Mississippi State Board of Medical Licensure;

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 May 29, 2000, with the suspension stayed, based on the following terms and conditions:



1. On or after May 29, 2000 Licensee enter COPAC, Inc., Brandon, Mississippi under the care of Lloyd J. Gordon, M.D., Medical Director, for the purpose of a comprehensive evaluation for chemical dependency. Upon conclusion of the evaluation, a report shall be provided to the Board to the attention of its Director and the Mississippi Recovering Physicians Program (MRPP) to the attention of its medical director. Licensee shall comply with all treatment recommendations made. Licensee hereby authorizes the Board, its Director or Investigative Staff to contact and communicate freely with COPAC, Dr. Gordon or any agent or representative of COPAC as to all aspects of the evaluation and/or treatment. Reciprocally, Licensee hereby authorizes COPAC, Dr. Gordon, its agents and representatives to fully communicate with the Board as to all aspects of the evaluation and/or treatment.
2. Upon completion of the evaluation and treatment as provided at Paragraph 1 above, Licensee shall obtain re-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.

3. Effective May 29, 2000 Licensee shall not practice medicine under any circumstances until such time as (i) Licensee successfully completes the evaluation and treatment as required by Paragraph 1 above, and has been found able to practice medicine with reasonable skill and safety to patients, (ii) has achieved re-affiliation with the MRPP, and (iii) the Board is in receipt of written confirmation of both. At that time, Licensee shall be authorized to appear before the Board's Director and/or Executive Committee for written authorization to return to the practice of medicine.
4. 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. Split samples of Dr. Rook's blood and/or urine when submitted to the Board's lab for analysis shall simultaneously be submitted, at Dr. Rook's expense, to the American Medical Laboratories, Inc., 14225 Newbrook Drive, Chantilly, VA 20153-0841.



5. Licensee shall totally abstain from the use of any alcoholic or intoxicating beverage and shall not prescribe, dispense or administer to himself, any family member, or anyone with whom Licensee has an emotional and/or personal relationship, any controlled substances or other drugs having addiction-forming or addiction-sustaining liability. Further, 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 Six (6) of this Agreement, shall be considered a violation subject to Board action.

6. 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 medication, 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.

7. In the event Licensee suffers a relapse and/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 determines that Licensee is able to return to the practice of medicine. The Board may, in its sole discretion, require Licensee to undergo further evaluation for chemical dependency.
8. Licensee shall obey all federal, state and local laws, and all rules and regulations governing the practice of medicine.
9. 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.
10. Pursuant to Miss. Code Ann. Section 73-25-30, Licensee shall pay all investigative costs as are allowed by law, attributable to the current investigation and matter, not to exceed \$3,000.00. 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.

IT IS FURTHER ORDERED, that 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 shall be in lieu of all prior actions and orders of the Board, and specifically in lieu of the aforementioned Consent Order of July 15, 1999. Hereinafter, all rights and obligations of the respective parties shall be governed by this Consent Order.

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 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.

Michael Joseph Rook, M.D., hereby authorizes the Mississippi State Board of Medical Licensure to enter an Order accepting this Consent Order, thereby indefinitely suspending Licensee's certificate to practice medicine in the State of Mississippi, effective May 29, 2000, with the suspension stayed, subject to the conditions enumerated above.

EXECUTED, this the 17th day of May, 2000.



MICHAEL JOSEPH ROOK, M.D.

ACCEPTED AND APPROVED, this the 18th day of May, 2000, 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

ARNOLD ERWIN FELDMAN, M.D.

REPRIMAND

WHEREAS, Arnold Erwin Feldman, M.D., hereinafter referred to as "Licensee," is current holder of License No. 10981 for the practice of medicine in the State of Mississippi;

WHEREAS, the Investigative Staff of the Mississippi State Board of Medical Licensure has conducted a comprehensive investigation into the medical practice of Licensee in Natchez, Adams County, Mississippi, and has documented evidence indicating that Licensee has violated the Rules and Regulations of the Board, "Pertaining to Prescribing, Administration and Dispensing of Medication";

WHEREAS, such conduct is in violation of the Mississippi Medical Practice Act and specifically Mississippi Code Annotated, Section 73-25-29(13), 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 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 conditions being 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 formally reprimand Licensee, and impose on Licensee's certificate to practice medicine the following conditions for a term of one (1) year:

1. Within one (1) year of the effective date of this Reprimand, Licensee shall successfully pass a jurisprudence examination covering the rules and regulations of the Board pertaining to administering, dispensing and prescribing medications, with the content of the examination to be determined by the Executive Director of the Board.
2. Within one (1) year of the effective date of this Reprimand, Licensee shall successfully complete Case Western Reserve University's intensive courses in controlled substance management and medical record keeping, or courses of similar content and duration that are approved in advance by the Executive Director of the Board.
3. No later than the first week of each month, Licensee shall provide the Investigative staff of the Board with copies of his administration and dispensing records, purchase invoices and DEA 222 Order forms for all controlled substances purchased or used in his practice during the previous month.
4. Within one (1) year of the effective date of this Reprimand, obtain fifty (50) hours of Continuing Medical Education (CME) with emphasis, but not limited to, the area of clinical, legal and ethical use of controlled substances.

Licensee is allowed to apply any or all of the CME hours obtained through Condition Number 2 toward reduction of the total hours required in this condition.

5. Licensee's practice shall be subject to random surveillance by any Board Investigator, the Board's Executive Director, any member of the Board or any designated representative of the Board.
6. Licensee shall obey all federal, state and local laws, and all rules and regulations governing the practice of medicine. Licensee shall further demonstrate compliance with this requirement by ensuring that the following is done in a complete and timely manner:
 - a. All Schedule II drugs ordered by Licensee will be obtained pursuant to a Drug Enforcement Administration Order Form 222, and said forms shall be used in numerical sequence so that each book of forms will be used up completely before a new book of forms is utilized; provided, however, Licensee may obtain any controlled substance by prescription where the entire quantity/volume of the medication is to be administered or dispensed immediately (same day) to the patient.
 - b. Licensee shall henceforth document and maintain an "initial inventory" on all new drugs that are purchased. All controlled substances will be inventoried biennially.
 - c. Licensee shall consistently maintain a record of the strength of the controlled substance(s) used to the nearest milligram per metric weight, i.e. milligrams per tablet or milligrams per milliliter.
 - d. Except as provided in Paragraph 6(a) above, Licensee shall not utilize any prescriptions to obtain clinic supply of controlled substances for general dispensation/administration to patients.
7. Licensee shall pay all costs or assessments incurred during the current investigation, not to exceed three thousand dollars (\$3000.00), pursuant to

Section 73-25-30 (2),(3) and (4) Mississippi Code (1972) as amended. Notification of said costs shall be made to Licensee by U.S. Mail and failure by Licensee to pay all costs within forty (40) days of receipt of said notification shall be grounds for further action.

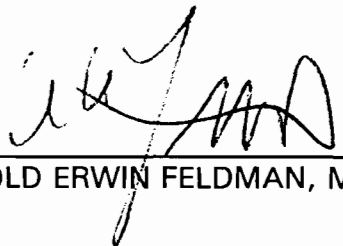
In the event Licensee should leave Mississippi to reside and practice outside the State, Licensee shall, within ten (10) days prior to departing, notify the Board in writing the dates of departure and return. Periods of residency or practice outside Mississippi will not apply to the reduction of time periods specified in this Reprimand.

This Reprimand shall be subject to approval by the Board. If the Board fails to approve this Reprimand, 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 Reprimand 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 Reprimand. Should this Reprimand not be accepted by the Board, it is agreed that presentation to and consideration of this Reprimand 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.

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

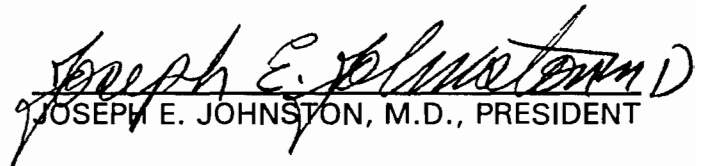
Recognizing his right to notice of charges specified against him, to have such charges adjudicated pursuant to Miss. Code Ann. Section 73-25-27 (1972), to be represented therein by legal counsel of his choice, and to a final decision rendered upon written findings of fact and conclusions of law, Arnold Erwin Feldman, 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 Reprimand, thereby formally reprimanding Licensee and imposing the above enumerated conditions on his license for a term of one (1) year.

Signed this the 12th day of May, 2000.



ARNOLD ERWIN FELDMAN, M.D.

ACCEPTED AND APPROVED, This the 18th day of May, 2000 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

KEITH DAWSON VAN DE CASTLE, M.D.

ORDER OF CONTINUANCE

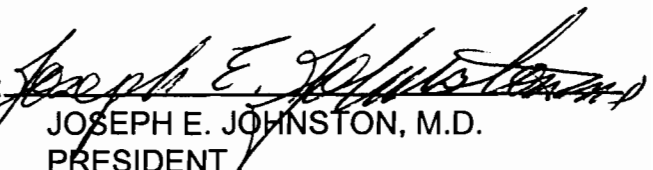
THIS MATTER came on regularly for hearing on May 18, 2000, before the Mississippi State Board of Medical Licensure, in response to a request for continuance of the hearing set for this date filed by Keith Dawson Van De Castle, M.D. (hereinafter "Licensee"). After considering the matter, the Board finds Licensee's petition to be well taken.

IT IS, THEREFORE, ORDERED, that Licensee is granted a continuance until July 27, 2000.

SO ORDERED, this the 18th day of May, 2000.

**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

MARSHALL JAMES STOUT, M.D.

ORDER REMOVING ALL RESTRICTIONS

THIS MATTER came on regularly for hearing on May 18, 2000, before the Mississippi State Board of Medical Licensure, in response to the Petition of Marshall James Stout, M.D. (hereinafter "Licensee"), seeking removal of all restrictions on his license to practice medicine imposed by virtue of that certain Consent Order dated April 1, 1998.

The hearing was convened at 10:45 a.m., Licensee appearing without counsel. Complaint Counsel for the Board was Honorable Stan T. Ingram. Sitting as legal advisor for the Board was Honorable Heather Wagner, Special Assistant Attorney General. Evidence and testimony was then presented. The Board, after hearing said motion, finds the same to be well-taken.

IT IS HEREBY ORDERED, that Licensee's petition for removal of all restrictions is hereby granted. Licensee now holds an unrestricted license to practice medicine in the State of Mississippi.

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 Marshall James Stout, M.D.

ORDERED, this the 18th day of May, 2000.

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

WILLIAM CLAUD WELCH, JR., M.D.

ORDER REMOVING ALL RESTRICTIONS

THIS MATTER came on regularly for hearing on May 18, 2000, before the Mississippi State Board of Medical Licensure, in response to the Petition of William Claud Welch, Jr., M.D. (hereinafter "Licensee"), seeking removal of all restrictions on his license to practice medicine imposed by virtue of that certain Consent Order dated November 21, 1996.

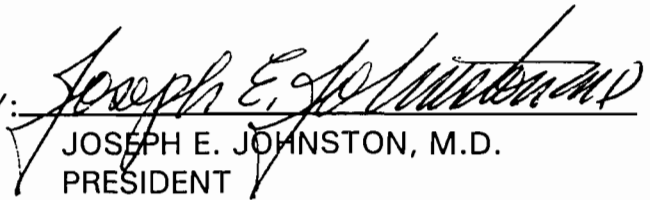
The hearing was convened at 11:00 a.m., Licensee appearing without counsel. Complaint Counsel for the Board was Honorable Stan T. Ingram. Sitting as legal advisor for the Board was Honorable Heather Wagner, Special Assistant Attorney General. Evidence and testimony was then presented. The Board, after hearing said motion, finds the same to be well-taken.

IT IS HEREBY ORDERED, that Licensee's petition for removal of all restrictions is hereby granted. Licensee now holds an unrestricted license to practice medicine in the State of Mississippi.

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 William Claud Welch, Jr. M.D.

ORDERED, this the 18th day of May, 2000.

MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE

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

Mississippi State Board of Medical Licensure

Policy Statement Regarding Internet Prescribing

Essential components of proper prescribing and legitimate medical practice requires that the physician obtains a thorough medical history and conducts an appropriate physical examination before prescribing any medication for the first time.

Exceptions to this circumstance that would be permissible may include, but not be limited to: admission orders for a newly hospitalized patient, prescribing for a patient of another physician for whom the prescriber is taking call, or continuing medication on a short term basis for a new patient prior to the patient's first appointment. Established patients may not require a new history and physical examination for each new prescription, depending on good medical practice.

It is the position of the Mississippi State Board of Medical Licensure that prescribing drugs to individuals that the physician has never met and based solely on answers to a set of questions, as is found in Internet or toll-free telephone prescribing is inappropriate, fails to meet a basic standard of care that potentially places patients health at risk and could constitute unprofessional conduct punishable by disciplinary action.

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

PATRICK E. SEWELL, JR., M.D.

ORDER REMOVING ALL RESTRICTIONS

THIS MATTER came on regularly for hearing on May 18, 2000, before the Mississippi State Board of Medical Licensure, in response to the Petition of Patrick E. Sewell, Jr., M.D. (hereinafter "Licensee"), seeking removal of all restrictions on his license to practice medicine imposed by virtue of that certain Consent Order dated May 15, 1997.

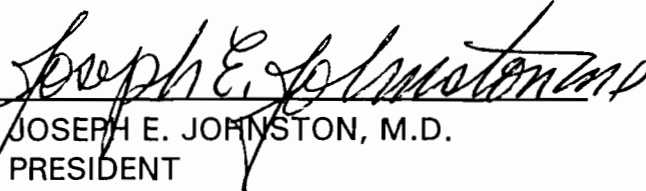
The hearing was convened at 10:30 a.m., Licensee appearing without counsel. Complaint Counsel for the Board was Honorable Stan T. Ingram. Sitting as legal advisor for the Board was Honorable Heather Wagner, Special Assistant Attorney General. Evidence and testimony was then presented. The Board, after hearing said motion, finds the same to be well-taken.

IT IS HEREBY ORDERED, that Licensee's petition for removal of all restrictions is hereby granted. Licensee now holds an unrestricted license to practice medicine in the State of Mississippi.

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 Patrick E. Sewell, Jr., M.D.

ORDERED, this the 18th day of May, 2000.

MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE

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

JULY2000

**MINUTES
EXECUTIVE COMMITTEE MEETING
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
JULY 26, 2000**

MEMBERS PRESENT:

Freda M. Bush, M.D., Jackson, President
Dewitt G. Crawford, M.D., Louisville
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, July 26, 2000, at 4:05 p.m. in the Executive Conference Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi. Robert Ray Smith, M.D., Jackson, Vice President, was not present. Dr. Bush asked Dr. Crawford to serve on the Executive Committee for this meeting since the position of secretary is vacant due to Benton M. Hilbun, M.D., not being reappointed to the Board.

Prior to the beginning of the meeting, copies of *Lifeline*, the newsletter of the National Chronic Pain Outreach Association, Inc., featuring an article by John W. McFadden, M.D., Tupelo, were distributed to the Executive Committee members as requested by Dr. McFadden.

**PERSONAL APPEARANCE BY BEN PAUL BRINKLEY, M.D., HATTIESBURG,
MISSISSIPPI MEDICAL LICENSE NUMBER 13453**

Dr. Burnett presented a summary of Dr. Brinkley's background and the disciplinary action taken on his medical license and answered questions from the Executive Committee members. Copies of the quarterly report and recommendations from Gene G. Abel, M.D., Behavioral Medicine Institute of Atlanta, were reviewed.

Dr. Brinkley joined the meeting but was not represented by legal counsel. He presented a compilation of documents pertaining to his licensure and practice requirements and requested that the Executive Committee consider allowing him to treat female patients on a limited basis. His previous Board Order prohibited him from treating or seeing female patients under any circumstances, which Dr. Brinkley

EXECUTIVE COMMITTEE MEETING

July 26, 2000

Page 2

said had caused serious problems with his obtaining employment. It was the consensus of the Executive Committee members to accept Dr. Brinkley's revised practice plan, which would allow him to treat female patients on a limited basis.

PERSONAL APPEARANCE BY WIAAM M. H. FALOUJI, M.D., LEBANON, TENNESSEE, MISSISSIPPI MEDICAL LICENSE NUMBER 16469

Dr. Burnett explained that Dr. Falouji was asked to appear before the Executive Committee in July 1999, prior to being issued a Mississippi license to explain some of her answers on her original licensure application. At that time, the Executive Committee had requested a follow-up visit at the end of one year. Dr. Falouji reported that she is practicing in Lebanon, Tennessee, and was very comfortable with her life at this point. No action was necessary, and the Executive Committee thanked her for making the trip.

PERSONAL APPEARANCE BY CHARLES C. LAM, M.D., FOREST, MISSISSIPPI MEDICAL LICENSE NUMBER 14924

Dr. Lam, who was evaluated by the Examining Committee in 1999 and was to follow their recommendations, had been requested to meet with the Executive Committee after one year. Dr. Burnett advised that Dr. Lam had called that morning from Canada and had just received the letter to appear before the Executive Committee. The meeting was rescheduled for the August Executive Committee meeting.

PERSONAL APPEARANCE BY PAUL ALFRED ROELL, M.D., JACKSON, MISSISSIPPI MEDICAL LICENSE NUMBER 04558

Dr. Burnett presented a summary of Dr. Roell's background. Dr. Roell executed a Surrender of Medical License in November 1995, following a stroke, and is now asking for reinstatement. Dr. Burnett advised that Dr. Roell did not plan to practice medicine, that he simply wanted his license reinstated.

Dr. Roell joined the meeting but was not represented by legal counsel. Dr. Roell addressed the Executive Committee, expressing his opinion that he had been coerced into surrendering his license, and answered questions from the Executive Committee members and Dr. Burnett. It was the consensus of the Executive Committee members to reinstate Dr. Roell's license, contingent upon his providing the Board a letter that he would not practice medicine.

EXECUTIVE COMMITTEE MEETING

July 26, 2000

Page 3

STAN T. INGRAM, ATTORNEY FOR THE BOARD, AND DR. SMITH JOINED THE MEETING AT 5:00 P.M.

OTHER BUSINESS

Dr. Burnett and Mr. Ingram reviewed comments the Board had received from various entities following the filing of the Physician Assistant regulations. These will be presented to the full Board on Thursday for their recommendations and for final adoption.

LETTER FROM FREDRICK A. MAY, M.D., MEDICAL DIRECTOR, BLUE CROSS BLUE SHIELD OF MISSISSIPPI

Dr. Burnett reviewed correspondence from Dr. May regarding a nurse practitioner admitting a patient to Scott Regional Hospital. Dr. Burnett reported that according to the hospital bylaws the nurse practitioner was on staff and had full admitting privileges. The Executive Committee requested that the Mississippi Hospital Association be contacted for clarity on their guidelines for para-professionals. They also requested that this be presented to the joint committee on nurse practitioners at their next meeting.

BOARD APPOINTMENTS

Dr. Burnett advised that he had informally discussed with Heather Wagner, Special Assistant Attorney General, the recent Attorney General's official opinion regarding Board appointments, which were effective July 1, 2000. Ms. Wagner authorized Dr. Burnett to pay expenses for the Board's new appointments, Dr. Freda M. Bush, Dr. William H. Henderson, and Dr. Joseph E. Johnson. Since Dr. Bush and Dr. Johnston were confirmed by the Senate for their first appointment, Ms. Wagner advised they could be paid the per diem.

Dr. Burnett reported that Dr. Bush would be attending the Federation of State Medical Board's upcoming symposium "*Medical Licensure in the 21st Century*" to be held September 6 and 7 in Washington, D.C. Motion was made by Dr. Crawford and seconded by Dr. Smith to authorize this trip.

RULES AND REGULATIONS GOVERNING THE SUPERVISION OF PHARMACISTS

Mr. Moses reported on an incident where a pharmacist issued a prescription two months before his protocol was signed by the physician. The pharmacist has

EXECUTIVE COMMITTEE MEETING

July 26, 2000

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filed a revised protocol where he is asking for specific prescriptive authority. It is felt that this goes beyond the intent of the regulations. Dr. Burnett and Mr. Moses will meet with staff members of the Pharmacy Board and report back to the Executive Committee.

REQUEST FOR MAILING LIST - KEVIN CONNELL, ACCOUNT EXECUTIVE, PURDUE PHARMA L.P.

Dr. Burnett presented a request from Mr. Connell, requesting the Board's assistance in providing a mailing list to send out information on an upcoming CME program sponsored by his company. It was the consensus of the Executive Committee that the physicians list should be used for credentialing purposes only.

REVIEW OF JULY 27, 2000, BOARD AGENDA

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

OTHER BUSINESS

Dr. Burnett requested that the next Executive Committee meeting be rescheduled for Tuesday, August 15, 2000, at 5:00 p.m.

Dr. Bush stated she would like to see the meetings rotated among different locations. Dr. Crawford will check on the facilities at Lake Tiak-O'Khata, Louisville, for perhaps the October meeting.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:10 p.m.



Freda M. Bush, M.D.
President

Minutes taken and transcribed
by Kathy Fortenberry
Administrative Assistant
July 26, 2000

BOARD MINUTES
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
JULY 27, 2000

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday, July 27, 2000, in the Executive Conference Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi.

The following members were present:

Freda M. Bush, M.D., Jackson, President
Robert Ray Smith, M.D., Jackson, Vice President
Frank W. Bowen, M.D., Carthage
Dewitt G. Crawford, M.D., Louisville
William H. Henderson, M.D., Oxford
Joe Dennis Herrington, M.D., Natchez
Joseph E. Johnston, M.D., Mount Olive
W. Joseph Burnett, M.D., Director

Also present:

Stan T. Ingram, Attorney for the Board
Heather Wagner, Special Assistant Attorney General
Rhonda Freeman, Division Director II, Licensure Division
Charles Moses, Division Director II, Investigative Division
Kathy Fortenberry, Administrative Assistant

Not present:

William B. Harper, D.O., Greenwood
Paul Douglas Jackson, M.D., Greenville

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

OATH OF OFFICE FOR NEW BOARD MEMBERS

The new appointments to the Board are as follows: Freda McKissic Bush, M.D., Jackson, representing the First Supreme Court District; Joseph Eugene Johnston, M.D., representing the Second Supreme Court District; and William Hollensworth Henderson, M.D., representing the Third Supreme Court District. Each appointment is for a six-year term, which will end July 1, 2006. The new Board members were administered the Oath of Office by Heather Wagner, Special Assistant Attorney General, copies of which are attached hereto and incorporated by reference.

BOARD MINUTES

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Dr. Bush addressed the Board as she assumed the position of President, thanking Mississippi State Medical Association for nominating her, Governor Ronnie Musgrove for appointing her to the Board, her partners, and her husband, Lee Bush, who was present.

Dr. Bush welcomed Bethany Cammack as court reporter. Dr. Bush presented Dr. Johnston with an engraved gavel and expressed appreciation to him for his service as President of the Board. She welcomed Dr. Henderson to the Board and also advised that Benton W. Hilbun, M.D., Tupelo, whose term expired June 30, 2000, would be recognized with a lapel pin and resolution at the September Board meeting.

APPROVAL OF CERTIFICATION OF MISSISSIPPI LICENSES TO OTHER ENTITIES FOR THE PERIOD MAY 1, 2000, TO JUNE 30, 2000

One hundred twenty-eight (128) licenses were certified to other entities for the period May 1, 2000, to June 30, 2000. Motion was made by Dr. Johnston, seconded by Dr. Crawford, and carried unanimously to approve these certifications.

APPROVAL OF LICENSES ISSUED FOR THE PERIOD MAY 1, 2000, TO JUNE 30, 2000

One hundred seven (107) licenses were issued for the period May 1, 2000, to June 30, 2000. Motion was made by Dr. Johnston, seconded by Dr. Bowen, and carried unanimously to approve these licenses.

REVIEW OF MINUTES OF THE EXECUTIVE COMMITTEE MEETING DATED MAY 17, 2000, AND MINUTES OF THE BOARD MEETING DATED MAY 18, 2000

Minutes of the Executive Committee Meeting dated May 17, 2000, and Minutes of the Board Meeting dated May 18, 2000, were reviewed. Dr. Smith moved for approval of the minutes as submitted. Dr. Crawford seconded the motion, and it carried unanimously.

REPORT OF JULY 26, 2000, EXECUTIVE COMMITTEE MEETING

Dr. Burnett reported on action taken by the Executive Committee at their July 26 meeting. A revised practice plan submitted by Ben Paul Brinkley, M.D., Hattiesburg, was accepted, which would allow him to treat female patients on a

BOARD MINUTES

July 27, 2000

Page 3

limited basis. The Order of the Board is attached hereto and incorporated by reference.

Paul Alfred Roell, M.D., Jackson, who surrendered his medical license in November 1995, petitioned the Executive Committee for reinstatement. It was the consensus of the Executive Committee members to reinstate Dr. Roell's license, contingent upon his providing the Board a letter that he would not practice medicine.

ELECTION OF BOARD SECRETARY

Since the position of secretary was left vacant when Dr. Hilbun was not reappointed to the Board, Dr. Johnston reported that the Nominating Committee was submitting the name of Dr. Crawford for secretary. Dr. Bush called for other nominations, which there were none. Motion was made by Dr. Smith, seconded by Dr. Bowen, and carried unanimously to accept the Nominating Committee's recommendation.

REPORTS FROM AD HOC COMMITTEES

Dr. Bush made the following ad hoc committee appointments: ***Alternative Medicine*** - Drs. Bowen, Harper, and Johnston; ***Educational Development*** - Drs. Bowen, Henderson, and Smith; ***Impaired Physicians Program*** - Drs. Herrington, Jackson, and Johnston; ***Office Based Surgery*** - Drs. Henderson, Jackson, and Smith; ***Legislative*** - Drs. Crawford, Harper, and Jackson; and ***Nurse Practitioner and Expanded Role*** - Drs. Bush, Crawford, and Herrington.

Dr. Crawford distributed copies of the draft minutes from the July 6, 2000, meeting of the joint committee on nurse practitioners. The only agenda item for this meeting was controlled prescribing privileges for nurse practitioners. This issue was discussed with the Board's main concerns being the training and education for nurse practitioners who wanted this privileges. Dr. Crawford advised this committee would be meeting again on September 12, 2000.

There were no reports from any of the other committees.

OTHER BUSINESS

Dr. Burnett introduced Eric B. Hedberg, M.D., Medical Director for Talbott Recovery Campus, Atlanta, who addressed the Board regarding their program.

REVIEW OF LICENSURE REGULATIONS III, D. REGARDING CLINICAL SKILLS ASSESSMENT PROGRAM

There has been some misinterpretation of this regulation, and Dr. Burnett advised that it only applied to the issuance of a new license or reinstatement. This does not apply if a license is kept current even though the physician is not actively practicing.

APPROVAL OF CONSENT ORDER EXECUTED BY ALVIN DARBY, M.D., OCEAN SPRINGS, MISSISSIPPI MEDICAL LICENSE NUMBER 14069

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

Mr. Moses presented a chronological summary of Dr. Darby's background and history leading to the disciplinary action taken on his medical license, which was based on criminal convictions and action taken by the Louisiana State Board of Medical Examiners. Mr. Ingram reviewed the Consent Order.

Motion was made by Dr. Johnston, seconded by Dr. Herrington, 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 Bethany Cammack, Certi-Comp Court Reporters.

PERSONAL APPEARANCE BY JASPER DUNCAN MOORE, M.D., UNION, TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE NUMBER 03354

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

Mr. Moses was sworn in and presented a chronological summary of Dr. Moore's background and history leading to the disciplinary action taken on his medical license. Dr. Bush advised that Gary D. Carr, M.D., Medical Director, Mississippi Recovering Physicians Program, was on record as supporting the removal of restrictions for Dr. Moore. Dr. Moore answered questions from the Board members.

BOARD MINUTES

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Motion was made by Dr. Johnston, seconded by Dr. Smith, 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 Bethany Cammack, Certi-Comp Court Reporters.

HEARING IN THE CASE OF RICHARD JOHN CUNNINGHAM, M.D., WIGGINS, MISSISSIPPI MEDICAL LICENSE NUMBER 11855

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

Mr. Ingram advised that Dr. Cunningham had allowed his license to lapse, and it was Mr. Ingram's recommendation that the matter be placed in abeyance. The information will be in Dr. Cunningham's file in the event he should try to renew.

Motion was made by Dr. Johnston, seconded by Dr. Bowen and carried unanimously to place the matter in abeyance. The Board's Order of Abeyance 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 RICHARD REGINALD KADUE, M.D., MINNETONKA, MINNESOTA, MISSISSIPPI MEDICAL LICENSE NUMBER 06740

Dr. Kadue was not present or represented by legal counsel. Mr. Moses verified that he was not in the building.

Mr. Ingram explained the charges as outlined in the Summons and Affidavit, which resulted from Dr. Kadue being out of compliance with his Mississippi Recovering Physician Program Recovery Contract Agreement, and entered a composite exhibit.

Motion was made by Dr. Johnston, seconded by Dr. Bowen, and carried unanimously to indefinitely suspend Dr. Kadue's license. The Order of the Board is attached hereto and incorporated by reference.

BOARD MINUTES

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

PERSONAL APPEARANCE BY JOSEPH BOOKER, JR., M.D., MADISON, TO REQUEST REINSTATEMENT OF LICENSE, MISSISSIPPI MEDICAL LICENSE NUMBER 10182

Dr. Booker was present and represented by legal counsel, Dixie White Ishee, Esq., Memphis.

Mr. Ingram explained Dr. Booker's December 15, 1999, Consent Order, which indefinitely suspended his license while incarcerated for his conviction of filing a false income tax return. Ms. Ishee and Dr. Booker addressed the Board and answered questions from Board members.

Motion was made by Dr. Johnston, seconded by Dr. Bowen, 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. Herrington, and carried unanimously, the Board came out of Executive Session at which time Dr. Bush announced to allow Dr. Booker to return to practice, subject to restrictions of original Consent 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.

FINAL ADOPTION OF *PHYSICIAN ASSISTANT LICENSURE REGULATIONS*

The following were present for the discussion on the physician assistant regulations: James T. Cox, Special Counsel to the Mississippi Nurses Association; Betty Dickson, Executive Director, Mississippi Nurses Association; Ann Davis, Director of State Government Affairs, American Academy of Physician Assistants; Clare Hester, CLH Consulting, Inc., representing the American Academy of Physicians Assistants; Randolph Henderson, Board member, Mississippi Academy of Physician Assistants; and Charmain Thompson, Deputy Director and Director of Government Affairs, Mississippi State Medical Association.

BOARD MINUTES

July 27, 2000

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Mr. Cox presented proposed changes to the regulations, and Ms. Davis responded. After a lengthy discussion and questions by Board members, motion was made by Dr. Crawford, seconded by Dr. Johnston, and carried unanimously to adopt the regulations as amended, a copy of which is attached hereto and incorporated by reference. The regulations will be final filed with the Secretary of State under the Administrative Procedures Act.

Dr. Burnett and Dr. Bush expressed appreciation to the staff for their work and to the public for their input on the regulations.

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

APPROVAL OF PHYSICIAN ASSISTANT LICENSURE APPLICATIONS AND FEES

Copies of the physician assistant licensure application packet were distributed to Board members for their review. Motion was made by Dr. Bowen, seconded by Dr. Johnston, and carried unanimously to accept the application packet and to set the fees the same as for physicians, \$500 for the initial application and \$175 for the annual renewal fee.

AGENCY BUDGET AND REQUEST TO INCREASE CONTRIBUTION TO MISSISSIPPI RECOVERING PHYSICIANS PROGRAM

Dr. Burnett presented the draft budget for the fiscal year ending June 30, 2002, with expenditures totaling \$1,897,249. Dr. Burnett advised that the Mississippi Recovering Physicians Program was requesting additional funding, and this was reflected in the increase for contractual services. Motion was made by Dr. Johnston, seconded by Dr. Herrington, and carried unanimously to increase the contribution to MRPP to \$25 per paying licensee. Dr. Johnston expressed that he thought this should be the maximum amount. Dr. Carr thanked the Board for their support of the program. Dr. Johnston complimented Dr. Carr on his excellent presentation at the recent meeting of the Academy of Family Practitioners.

Motion was made by Dr. Herrington, seconded by Dr. Bowen, and carried unanimously to accept the draft copy of the agency's proposed budget, a copy of which is attached hereto and incorporated by reference.

BOARD MINUTES

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MEMORANDUM OF UNDERSTANDING - MISSISSIPPI RECOVERING PHYSICIANS PROGRAM

Copies of the Addendum to Recovering Physicians Program Memorandum of Understanding, which would include Physician Assistants, were distributed for the Board's review. Motion was made by Dr. Johnston, seconded by Dr. Crawford, and carried unanimously to approve the addendum, a copy of which is attached hereto and incorporated by reference.

HEARING IN THE CASE OF KEITH DAWSON VAN DE CASTLE, M.D., NEWTON, MASSACHUSETTS, MISSISSIPPI MEDICAL LICENSE NUMBER 14908

Dr. Van de Castle was not present or represented by legal counsel.

Mr. Ingram advised that Dr. Van de Castle's attorney, Mitchell H. Tyner, Sr., Esq., Jackson, had requested a continuance and that Dr. Van de Castle would not practice in the state until this matter had been resolved. Motion was made by Dr. Johnston, seconded by Dr. Bowen, and carried unanimously to grant the continuance. The Order of Continuance 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 LANE CEDRIC ROLLING, D.P.M., JACKSON, MISSISSIPPI MEDICAL LICENSE NUMBER 80122

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

Mr. Ingram advised that Dr. Rolling's attorney, Stuart G. Kruger, Esq., Jackson, had requested a continuance. He further advised that on the prior afternoon Carmen Brooks, Esq., and Carroll Rhodes, Esq., Hazlehurst, had filed on behalf of Dr. Rolling a complaint and a motion for a temporary restraining order.

Motion was made by Dr. Johnston, seconded by Dr. Herrington, and carried unanimously to grant the continuance until September 21, 2000. The Order of Continuance is attached hereto and incorporated by reference.

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

BOARD MINUTES

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OTHER BUSINESS

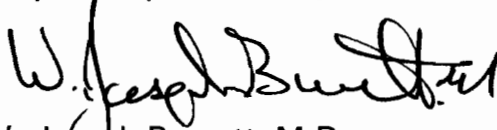
Dr. Burnett advised that it would not be necessary to have a Board meeting in August but the Executive Committee would meeting on Tuesday, August 15, at 5:00 p.m. The September Board meeting is expected to be a long meeting, and the Board members were asked if they wanted a two-day meeting or a long one-day meeting. It was the consensus of the Board members to try to keep it to one day.

Dr. Crawford advised there has been some confusion regarding the regulations for supervising nurse practitioners, which defines a free standing clinic as being more than fifteen miles away from the primary office of the supervising physician. The question is whether the fifteen miles are "as the crow flies" or "as the car drives". Motion was made by Dr. Crawford, seconded by Dr. Smith, and carried unanimously that this regulation would be interpreted "as the car drives".

ADJOURNMENT

The meeting was adjourned at 11:50 a.m. with the next meeting scheduled for Thursday, September 21,2000.

Respectfully submitted,



W. Joseph Burnett, M.D.
Director

Minutes taken and transcribed
by Kathy Fortenberry
Administrative Assistant
July 27, 2000

**EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
JULY 27, 2000**

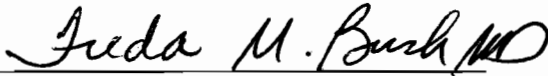
AGENDA ITEM XXI

**PERSONAL APPEARANCE BY JOSEPH BOOKER, JR., M.D., MADISON, TO
REQUEST REINSTATEMENT OF LICENSE, MISSISSIPPI MEDICAL LICENSE
NUMBER 10182**

Motion made by Dr. Smith, seconded by Dr. Herrington, and carried to allow Dr. Booker to return to practice, subject to restrictions of original 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
William H. Henderson, M.D.	X			
Joe Dennis Herrington, 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.


Freda M. Bush, M.D.
President

OATH OF OFFICE

I, Freda McKissic Bush, M.D. do solemnly swear (or affirm)
that I will faithfully support the Constitution of the United States and the Constitution of the State of Mississippi,
Member, Board of
and obey the laws thereof; that I am not disqualified from holding the office of **Medical Licensure** ;
that I will faithfully discharge the duties of the office upon which I am about to enter. So help me God.

Subscribed and sworn to before me at

Jackson

Mississippi, this 27th day

of July, 192000

Freda M. Bush MD

By Aranda Freeman

Notary Public State of Mississippi At Large
My Commission Expires: October 11, 2003
Bonded Thru Heiden, Brooks & Garland, Inc

OATH OF OFFICE


I, William Hollensworth Henderson, M.D. do solemnly swear (or affirm)
that I will faithfully support the Constitution of the United States and the Constitution of the State of Mississippi,
Member, Board of
and obey the laws thereof; that I am not disqualified from holding the office of **Medical Licensure** ;
that I will faithfully discharge the duties of the office upon which I am about to enter. So help me God.

Subscribed and sworn to before me at

Jackson

Mississippi, this 27th day

of July, 192000



By Shanda Freeman

Notary Public State of Mississippi At Large
My Commission Expires: October 11, 2003
Bonded Thru Heiden, Brooks & Garland, Inc

OATH OF OFFICE

I, Joseph Eugene Johnston, M.D. do solemnly swear (or affirm)
that I will faithfully support the Constitution of the United States and the Constitution of the State of Mississippi,
Member, Board of
and obey the laws thereof; that I am not disqualified from holding the office of **Medical Licensure** ;
that I will faithfully discharge the duties of the office upon which I am about to enter. So help me God.

Subscribed and sworn to before me at

Jackson

Mississippi, this 27th day

of July, 192000

Joseph E. Johnston

By Rhonda Freeman

Notary Public State of Mississippi At Large
My Commission Expires: October 11, 2003
Bonded Thru Heiden, Brooks & Garland, Inc

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF PHYSICIAN'S LICENSE

OF

BEN BRINKLEY, M.D.

ORDER

THIS MATTER came on regularly for hearing on July 27, 2000, before the Mississippi State Board of Medical Licensure, in response to the petition of Ben Brinkley, M.D. (hereinafter "Licensee"), seeking approval of a Revised Practice Plan. On November 16, 1995, the Board suspended Licensee's certificate to practice medicine for a period of two (2) years based on inappropriate sexual contact with a patient and other grounds. On February 19, 1998, the Board authorized Licensee to return to practice subject to a Practice Plan and other monitoring restrictions. Due to the prohibition against any treatment of or contact with female patients, Licensee has been unable to gain any form of medical practice employment. Licensee now wishes to amend the Practice Plan to permit limited female patient contact, i.e., strictly for purposes of brief assessment and referral necessary for Licensee to participate in call-sharing and emergency care responsibilities. The petition was originally considered by the Executive Committee of the Board on July 26, 2000. It was the recommendation of the Executive Committee to approve the Revised Practice Plan.

The Board, after hearing said petition, and taking into consideration the recommendation of the Executive Committee, finds the same to be well-taken.

IT IS HEREBY ORDERED, that Licensee's petition for approval of the Revised Practice Plan, Exhibit A, is hereby granted. All other restrictions imposed by virtue of the February 19, 1998, Order shall remain in full force and effect.

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 Ben P. Brinkley, M.D.

ORDERED, this the 27th day of July, 2000.

MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE

BY: *Freda M. Bush, MD*
FREDA M. BUSH, M.D.
PRESIDENT

**REVISED PRACTICE PLAN
FOR
BEN P. BRINKLEY MD**

As a part of my return to the practice of Medicine and Psychiatry in the State of Mississippi, I, Ben P. Brinkley, MD, intend to uphold the highest ethical standards in my Professional and Private life, and to promote the ethical practice of medicine among my fellow professionals. I will accomplish this goals first through my own ethical behavior, and secondly through patient education, and the education of my colleagues as opportunity arises.

For the present, I will limit my practice to the treatment of adult male patients only. I will have no professional contact with female patients except for purposes of brief assessment and referral, as required within my employment. Any contact with females will be in the presence of female staff and in an observable setting. I will not engage in any long-term treatment of females.

I intend to practice in a supervised, structured environment, where my interaction with patients, and toward hospital staff can be readily observed and monitored, and will actively seek feedback from professional staff regarding my conduct and demeanor.

I will treat all people, male and female, with dignity and respect, and will do all I can to foster an environment free of sexual or gender oriented harassment. I will promote this through education and example among my colleagues and throughout the working environment where I may have influence.

To insure that the above goals are met, I propose the following measures as approved by my treating Physician, and within my treatment plan.

1. I will continue in active treatment through the Behavioral Medicine Institute in Atlanta, including group therapy and individual sessions as needed. This may be augmented by local treatment as needed or recommended.
2. With the approval of my Supervising Physician, I will designate at least one person from each nursing unit on all shifts to be familiar with my history, and this practice plan, in order to facilitate appropriate observation and feedback. In addition, appropriate medical and allied professional staff will have access to these facts.
3. Monitoring questionnaires will be sent to my Supervising Physician on a monthly basis, in order to facilitate the creation of periodic reports to be sent to my Treating Physician and to the Board of Medicine.
4. I voluntarily submit to periodic polygraph examinations to aid in verifying my continued compliance. Questions will be determined by the staff at BMI Atlanta, in conjunction with the Medical Board.

This plan is submitted for the approval of the Board of Medicine of the State of Mississippi, my treatment group, and prospective employers.

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF PHYSICIAN'S LICENSE

OF

ALVIN DARBY, M.D.

CONSENT ORDER

WHEREAS, Alvin Darby, M.D., hereinafter referred to as "Licensee" is the current holder of License No. 14069, issued August, 1994 for the practice of medicine in the State of Mississippi, said license currently in a lapsed status;

WHEREAS, Licensee entered a plea of guilty to two (2) counts of criminal conduct before the Judge of Section "F" of the Criminal Court for the Parish of Orleans on April 1, 1998. The first count was for a felony (simple possession of cocaine) with the second count, a misdemeanor (carrying a concealed weapon). Licensee was sentenced to two (2) years in the Department of Corrections on the first count and to six (6) months in Orleans Parish Prison on the second count, both of which sentences were suspended. Licensee was also sentenced to two (2) years active probation as to each count and Twenty Dollars monthly probation fee. He was also fined Two Hundred Dollars for Count 2, and Six Hundred Dollars for Count 1 with the court costs associated with Count 1 and was ordered to enroll in a drug counseling and rehabilitation program;

WHEREAS, Licensee has admitted to having a chemical dependency problem and entered treatment at the Palmetto Addiction Recovery Center in Rayville, Louisiana, on or about May 23, 1998 and was discharged September 24, 1998;

WHEREAS, Licensee executed a Treatment Contract for five (5) years with the Physicians Health Program of Louisiana (PHP) on or about September 22, 1998. The PHP has reported that Licensee is in compliance of the Treatment contract and all drug tests were negative;

WHEREAS, Licensee, did on July 13, 1999, enter into a Consent Order with the Louisiana State Board of Medical Examiners, whereby his Louisiana medical license was placed on probation for a period of five (5) years, subject to certain terms and conditions, said Consent Order attached hereto as "Exhibit A," and incorporated herein by reference;

WHEREAS, pursuant to Subsections (6), (8)(d) and (10) of Section 73-25-29, Mississippi Code(1972), Annotated, the aforementioned conduct of Licensee, misdemeanor criminal convictions, and Consent Order with the Louisiana State Board of Medical Examiners, constitute 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 to provide assurance of his continued sobriety to the Mississippi State Board of Medical Licensure. In lieu thereof, Licensee agrees to submit to certain terms and conditions for reinstatement of his license;

NOW, THEREFORE, in consideration of the Mississippi State Board of Medical Licensure reinstating Certificate Number 14069 to practice medicine in the State of Mississippi, Licensee hereby agrees, as signified by his joinder herein, to a suspension of his license, with the suspension automatically stayed, subject 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), including, but not limited to, execution of a Recovery Contract Agreement. Licensee shall comply with any and all affiliation requirements of 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. Any report of non compliance of the Recovery Contract Agreement or any recommendation of the MRPP could result in further disciplinary action.

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 Licensee (i) suffers a relapse, (ii) submits a urine and/or blood screen indicating the presence of any unauthorized mood-altering drugs and/or agents, (iii) or fails to comply with this Consent Order or any affiliation requirement of MRPP, including the Recovery Contract Agreement , 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 an act of noncompliance for the purpose of prohibitory action pursuant to Paragraph 2 above.

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. 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.

8. Pursuant to Miss. Code Ann. Section 73-25-30, Licensee shall pay all investigative costs as are allowed by law, attributable to the current investigation and matter, not to exceed \$3,000.00. 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.

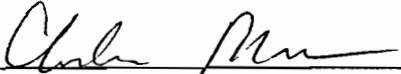
Licensee shall have the right to petition the Mississippi State Board of Medical Licensure for a release of any or all of the above enumerated conditions after expiration of three (3) years from the effective day hereof. Thereafter, any right to petition the Board for reconsideration shall be at reasonable intervals, but not less than twelve (12) months from date of last appearance.

This Consent Order 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 this 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.

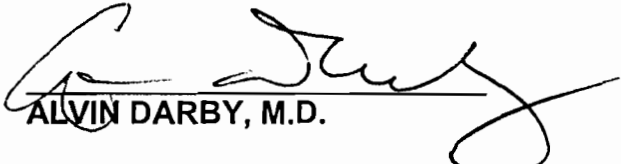
Licensee understands and expressly acknowledges that this Consent Order, if approved and executed by the Mississippi State Board of Medical Licensure, shall constitute a public record of the State of Mississippi. Licensee further acknowledges that the Board shall provide a copy of this Order to, among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

Alvin Darby, 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.

EXECUTED, this the 28th day of June, 2000.




Witness



ALVIN DARBY, M.D.

ACCEPTED AND APPROVED, this the 27th day of July, 2000, by the Mississippi State Board of Medical Licensure.



President

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

In the Matter of

ALVIN DARBY, M.D.
(Certificate No. 07143R)

Respondent

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NO. 98-I-034

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 Alvin Darby, M.D. ("Dr. Darby"), a physician licensed to practice medicine in the State of Louisiana and at all times engaged in the practice of physical medicine in and around Gretna, Louisiana, suffers from and has recently received treatment for substance abuse and, additionally, pled guilty to two counts of criminal conduct, one for the felony of possession of cocaine and the other for the misdemeanor of carrying a concealed weapon.

Investigation of the captioned matter was assigned to the Medical Consultant/Director of Investigations ("DOI" or "Investigating Officer") for the Board.

Dr. Darby was, at all times pertinent to the matter set forth in this Consent Order, licensed to practice medicine in the State of Louisiana. He was engaged in the practice of physical medicine at 555 Holmes Boulevard, Gretna, Louisiana 70056.

Exhibit "A"

On April 1, 1998, Dr. Darby entered a plea of guilty to two (2) counts of criminal conduct before the Judge of Section "F" of the Criminal Court for the Parish of Orleans. The first count to which Dr. Darby pled guilty was a felony for simple possession of cocaine. The second count to which Dr. Darby pled guilty was for a misdemeanor of carrying a concealed weapon on his person (handgun). Dr. Darby was sentenced to two (2) years in the Department of Corrections on the first count and to six (6) months in Orleans Parish Prison on the second count, both of which sentences were suspended. Dr. Darby was also sentenced to two (2) years active probation as to each count and Twenty and 00/100 (\$20.00) Dollars monthly probation fee. He was also fined Two Hundred and 00/100 (\$200.00) Dollars for Count 2, and Six Hundred and 00/100 (\$600.00) Dollars for Count 1 with the court costs associated with Count 1 and was ordered to enroll in a drug counseling and rehabilitation program.

In addition, Dr. Darby submitted to inpatient treatment at Palmetto Addiction Recovery Center ("PARC") on or about May 23, 1998. The discharge summaries disclosed that Dr. Darby had used marijuana on a daily basis and had used cocaine in 1982, 1985, and 1991, during which latter year he began using cocaine on a more regular and frequent basis. He developed a dependency on crack cocaine and "primo", a mixture of cocaine and marijuana smoked together. Dr. Darby denied use of opiates and benzodiazepines. He had been smoking approximately four to five joints of marijuana and crack cocaine per week and having binges of fifths of vodka. The discharge summaries at PARC also revealed that Dr. Darby completed all four phases of residential treatment and made a commitment to long term recovery by establishing relationships with the Physicians Health Program ("PHP"). On discharge, Dr. Darby was to continue treatment at the New Freedom

Treatment Center in New Orleans by attending intensive out-patient five nights per week for approximately six (6) weeks and attending aftercare with Mark Coleman's group in New Orleans. Dr. Darby signed a contract with the PHP a week prior to his discharge and verbalized an agreement to comply with all elements of that contract. No activity restrictions were imposed nor any psychiatric medications prescribed. From a clinical perspective, he was cleared to return to the practice of medicine under the guidelines imposed by his monitoring contract and was discharged in a markedly improved condition over his admission status. Final diagnosis was anxiety disorder, NOS, extreme stress, cocaine dependence and cannabis dependence.

The DOI's review and analysis of the matter confirms to his satisfaction that just cause exists for recommending that a formal Administrative Complaint be filed against Dr. Darby charging him with violations of the Louisiana Medical Practice Act pursuant to La.Rev.Stat. §37:1285(A) (1),¹ (2),² (5),³ (13),⁴ (15)⁵ and (25)⁶. Nevertheless, after meeting with Dr. Darby, the DOI has determined that this Consent Order be presented to the Board to dismiss the investigation concerning Dr. Darby.

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- ¹ Conviction of a crime or entry of a plea of guilty or *nolo contendere* to a criminal charge constituting a felony under the laws of Louisiana or of the United States.
 - ² Conviction of a crime or entry of a plea of guilty or *nolo contendere* to any criminal charge arising out of or in connection with the practice of medicine, osteopathy or midwifery.
 - ³ Habitual or recurring abuse of drugs, including alcohol, which affect the central nervous system and which are capable of inducing physiological or psychological dependence.
 - ⁴ Unprofessional conduct.
 - ⁵ Immoral conduct.
 - ⁶ Inability to practice medicine with reasonable skill or safety to patients because of mental illness or deficiency; physical illness, including but not limited to deterioration through the aging process or loss of motor skills; and/or, excessive use of abuse of drugs, including alcohol.

As evidenced by his subscription hereto, Dr. Darby acknowledges the substantial accuracy of the foregoing factual information and further, that proof of such information upon administrative evidentiary hearing would establish grounds under the Act for the suspension, or such other action against the physician's license to practice medicine in the State of Louisiana as the Board might deem appropriate, pursuant to La.Rev.Stat. §37:1285A (1), (2), (5), (13), (15) and (25).

Recognizing his right to have notice of any allegation or charges asserted against him, to administrative adjudication of such allegations or charges pursuant to La.Rev.Stat. §49:955-958, and to a subsequent final decision rendered upon written findings of fact and conclusions of law, Dr. Darby nonetheless hereby waives his right to notice of charges, formal adjudication and, written decision and pursuant to La.Rev.Stat. §49:955(D), consents to entry of the Order set forth hereinafter.

By his subscription hereto, Dr. Darby acknowledges that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La.Rev.Stat. §49:951, et seq., or any other right that 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 or other forum relating to the matters set forth herein. By his subscription hereto, Dr. Darby 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 disclose fully and discuss with the Board the nature and results of his investigation of this matter; Dr. Darby waives any objection to such disclosure under La.Rev.Stat. §49:960. Dr. Darby expressly acknowledges that the disclosure of such 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.

This matter is now before the Board on the recommendation of the Investigating Officer and the Physicians Health Committee of the Board that Dr. Darby's license to practice medicine in Louisiana be placed on probation, subject to specific appropriate terms, conditions and restrictions. Based on such recommendation, and upon its review of the available information respecting the physician's recent treatment, the Board is persuaded that the condition from which Dr. Darby suffers may be susceptible to effective medical treatment, resulting in the maintenance or restoration of the physician's capacity to engage in the practice of medicine with reasonable skill and safety to patients, provided that Dr. Darby strictly observes and complies with appropriate restrictions on and conditions to maintenance of his medical license. Based upon the information provided and on the recommendation of the Investigating Officer, the Board has concluded that its responsibility to protect the health, safety, and welfare of the citizens of this state against the unprofessional, unqualified and unsafe practice of medicine, pursuant to the La. Rev. Stat. §37:1261, 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 Alvin Darby, M.D., to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. 07143R, be, and the same is hereby, effective as of the date hereof, placed **ON PROBATION**, for a period of five (5) years;

provided however, that Dr. Darby's continuing exercise of rights and privileges thereunder shall be conditioned upon his acceptance of and strict compliance with the following minimum conditions and restrictions:

(a) Continuing Aftercare; Reports to Board. Dr. Darby shall continue in, abide by and comply in all respects with the outpatient treatment program prescribed in any PHP substance abuse treatment contract executed by Dr. Darby or recommended by his treating physician(s) and/or health care provider to the extent that they continue to follow him. Dr. Darby shall authorize and cause such physician(s) to submit to the Board, not less frequently than quarterly throughout the probationary period, written reports on Dr. Darby's then current treatment diagnosis, course of treatment, prognosis, maintenance of abstinence from alcohol and mood-altering chemicals and substances, fitness and ability to practice medicine with reasonable skill and safety to patients, and compliance with the terms, conditions and restrictions of any PHP contract signed by Dr. Darby and of this Order.

(b) Personal Appearance Before Impaired Physicians Committee. Prior to the Board's consideration of this Consent Order, Dr. Darby shall personally appear before the Physicians Health Committee of the Board to permit the Committee and the Board to consider his current and after-care treatment, his compliance with the terms of this Order and to advise the Committee and the Board of his intentions with respect to the practice of medicine.

(c) Participation in Physicians Health Program. Within ten (10) days of the date hereof, if he has not done so already, Dr. Darby shall enter into and execute a new PHP substance abuse contract, the term of which contract will be at least the duration of the term of the probationary period. He shall thereafter comply in all respects with the terms and provisions of any PHP substance abuse or other contract signed by him as well as the Aftercare Criteria referenced therein. Within five (5) days of his execution of such PHP substance abuse contract, Dr. Darby shall cause a copy thereof to be delivered to the Board, and he shall advise the Board in writing of the names and addresses of his treating and monitoring physicians pursuant to such contract.

(d) Maintenance of Complete Abstinence. Dr. Darby shall, for the duration of his life, maintain complete and total abstinence from the use of alcohol, all DEA controlled drugs, Stadol, Soma, Dalgan, Nubain, Butalbital, Ultram and any other mood-altering substances, except as may be provided by a treating physician other than himself for a *bona fide* medical condition. Dr. Darby shall personally inform and provide written verification concerning the prescription to his treating and monitoring physicians, both orally and in writing, within two (2) days of the prescription or administration of any mood-altering substance received by him from another physician for treatment of a *bona fide* medical condition.

(e) Continuing Medical Education. Dr. Darby shall obtain not less than 50 credit hours per year for each of the five (5) years during the term of probationary licensure

through attendance at and participation in continuing medical education programs ("CME") accredited by and qualifying for the Physician's Recognition Award of the American Medical Association, and he shall obtain such award within three years from the date hereof. On or before July 1 of each year during the term of probation ordered hereby, Dr. Darby 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) Certification of Compliance with Probationary Terms/Personal Appearance before the Board. At least sixty (60) days prior to the conclusion of the probationary term imposed herein, Dr. Darby shall provide the Board with an executed affidavit certifying that he has complied with each of the terms of probation imposed upon him by this Order, and he shall contact the Board and arrange for a personal appearance and shall personally appear before the Board's Physicians Health Committee, or such other committee as may be designated by the Board, at its meeting preceding the expiration of the probationary term ordered herein.

(g) Fees and Costs of Treatment; Testing and Reports. Any and all fees, costs or expenses incurred by Dr. Darby in connection with his continuing substance abuse, psychiatric, and/or other treatment, including the drug screens ordered herein, as well as the reporting requirements contained in this Order, shall be borne by Dr. Darby.

(h) Absence from State. Should Dr. Darby at any time during the period of probation ordered herein be absent from the state of Louisiana, relocate to and/or take

up residency in another state or country for a period of thirty (30) days or more, he will so advise the Board in writing. In such instance, the probationary period ordered herein and all terms and conditions thereof shall be deemed interrupted and extended and shall not commence to run until Dr. Darby notifies the Board in writing that he has returned to, relocated in and/or taken up residency in the state of Louisiana. In such instance, Dr. Darby shall not receive credit toward the probationary period for the time during which he was absent from the state of Louisiana.

(i) Cooperation with Board's Probation and Compliance Officer. Dr. Darby shall immediately notify the Board's Probation and Compliance Officer of any change in his current home and professional addresses and telephone numbers, and he shall direct all matters required pursuant to this Consent Order to the attention of the Probation and Compliance Officer, with whom he shall cooperate on all matters and inquiries pertaining to his compliance with the terms, conditions and restrictions of this Consent Order.

(j) Board Access to Treatment Records and Reports. Dr. Darby shall, and does by his subscription hereto, authorize and cause any physician or any institution at which he undergoes treatment for any psychiatric or substance abuse condition, as well as any physician under whose care he may come at such an institution, who has or may hereafter evaluate, diagnose, treat or monitor him, to provide the Board within ten (10) days of discharge thereupon with complete copies of all medical records and reports relating to Dr. Darby's history, examination, evaluation, diagnosis, treatment

and prognosis and to provide the Board with written and verbal reports relative thereto. Dr. Darby expressly waives any privilege which may otherwise be afforded the disclosure of such records, pursuant to state or federal law.

(k) Drug Screens/Suspension of License. In addition to the requirements stipulated in any PHP substance abuse contract signed by Dr. Darby, Dr. Darby shall submit periodic, unannounced blood, urine, saliva and/or hair collection for the presence of controlled or other mood-altering substances when requested by a PHP physician or his or her designee. Dr. Darby shall authorize and cause such physician to report the results of such drug screens to the Board not less frequently than quarterly throughout the probationary period. Should any drug screen be reported as positive for the presence of any controlled or mood-altering substance, Dr. Darby shall immediately cease practicing medicine and, by his subscription hereto, he irrevocably agrees with and consents to the immediate summary suspension of his license by the Board.

(l) Additional Probationary Terms. In addition to such other terms and conditions as are placed upon any license to practice medicine by this Order, Dr. Darby hereby consents to, agrees with and acquiesces in the imposition of any additional terms, conditions or restrictions, as well as the length and nature thereof, including additional treatment, reports and evaluations, and an extension of his probationary period, which the Board in its sole discretion may deem necessary or appropriate to impose thereon.

IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the terms, conditions and restrictions of this Order by Dr. Darby as set forth hereinabove shall be

deemed adequate and sufficient cause, upon proof of such violation or failure, for the suspension and/or revocation and cancellation or for the denial of the renewal of the medical license of Alvin Darby, 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 Order is and shall be deemed to be and treated as a public record in all respects.

New Orleans, Louisiana, this 18th day of August, 1999.

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

By: Mary Lou Applewhite, M.D.
MARY LOU APPLEWHITE, M.D.
Its: President

I, ALVIN DARBY, M.D., hereby acknowledge, approve, accept and consent to the entry of the above and foregoing Order this 13 day of July, 1999.

Alvin Darby
ALVIN DARBY, M.D.

WITNESSES:

Deleste White
Signature

Typed Name: Deleste White

Address: 1631 Nie Pkwy, N.O., LA 70131

Jennifer Fauscette
Signature

Typed Name: Jennifer Fauscette

Address: 356 Barton Ave., Luling LA 70070

Sworn to and subscribed before me at Bretna, Louisiana, this 13th day of July, 1999, in the presence of the two stated witnesses

Debra H. [Signature]
NOTARY PUBLIC

CERTIFIED TRUE COPY
Delmar [Signature]
Mrs. Delmar Rolison, Executive Director
Louisiana State Board of Medical Examiners
Date 9/3/99

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

JASPER D. MOORE, M.D.

ORDER

THIS MATTER came on regularly for hearing on July 27, 2000, before the Mississippi State Board of Medical Licensure, in response to the Petition of Jasper D. Moore, M.D. (hereinafter "Licensee"), seeking removal of certain restrictions on his license to practice medicine by virtue of that certain Consent Order dated March 29, 1995.

The hearing was convened at 9:30 a.m., Licensee present, without counsel. The Board, after hearing said motion, finds the same to be well-taken.

IT IS HEREBY ORDERED, that Licensee's petition for removal of all restrictions is hereby granted. Licensee now holds an unrestricted license to practice medicine in the State of Mississippi.

IT IS FURTHER ORDERED, that pursuant to Miss. Code Annt. Sections 73-25-27 and 73-25-32 (1972), a copy of this Order shall be sent by registered mail or personally served upon Jasper D. Moore, M.D.

ORDERED, this the 27th day of July, 2000.

MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE

BY: *Freda M. Bush M.D.*
FREDA M. BUSH, M.D., PRESIDENT

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

RICHARD JOHN CUNNINGHAM, M.D.

ORDER OF ABEYANCE

THIS MATTER came on regularly for hearing on July 27, 2000, before the Mississippi State Board of Medical Licensure, in response to the request by Board staff for continuance of the hearing set for this date against Richard John Cunningham, M.D. (hereinafter "Licensee"). The Board was advised that Licensee has permitted his license to lapse. Therefore, Licensee is no longer authorized to practice medicine in the State of Mississippi and cannot practice until such time as reinstatement is achieved pursuant to Miss. Code Ann. Section 73-25-14. After considering the matter, the Board finds the request to be well taken, but considers it more appropriate to place the matter in abeyance.

IT IS, THEREFORE, ORDERED, that the hearing set for this date against Licensee is hereby placed in abeyance for an indefinite period of time. In the event Licensee attempts at anytime in the future to seek reinstatement of his lapsed license to practice medicine, this matter will be reactivated and set for hearing.

SO ORDERED, this the 27th day of July, 2000.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY: *Freda M. Bush M.D.*
FREDA M. BUSH, M.D., PRESIDENT

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

RICHARD REGINALD KADUE, M.D.

DETERMINATION AND ORDER

THIS MATTER came on regularly for hearing on July 27, 2000, 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 May 21, 2000, by issuance of a Summons and Affidavit against Richard Reginald Kadue, M.D. (hereinafter "Licensee"), charging Licensee with violation of Subsections (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 Charles Moses, 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 violated an order of this Board by virtue of being out of compliance with his Mississippi Recovering Physician Program Recovery Contract Agreement; and unprofessional conduct, which includes being guilty of dishonest or unethical conduct likely to deceive, defraud or harm the public.

The hearing was convened at 10:00 a.m. Licensee was not present, having previously corresponded with the Board, advising all parties of his intent not to appear. Complaint Counsel for the Board was Honorable Stan T. Ingram. Sitting as legal advisor for the Board was Honorable Heather Wagner, 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. 06740.

II.

On or about November 15, 1999, Licensee entered into a "Recovery Contract Agreement" with the Mississippi Recovering Physicians Program(MRPP). The agreement, entered into as a result of Licensee's chemical dependency, sets forth certain terms and conditions which the Board and MRPP requires of physicians in recovery, primarily aimed to protect the public and ensure the physician's sobriety. Licensee initialed by paragraph number three (3) of the agreement that, "I agree to abstain completely from the use of any medications, alcohol and other mood-altering substance including non-approved over-the-counter medications unless ordered by my primary physician and, when appropriate, in consultation with the MIPC/MSBML."

III.

On or about March 30, 2000, Investigator Harry Gunter collected a urine sample from Licensee pursuant to the terms of the Recovery Contract Agreement and in accordance with established chain of custody procedures. Said sample was delivered for testing to the University of Mississippi Toxicology (UMC) Laboratory on April 3, 2000. The sample was logged in as Toxicology Lab Case No. SO519. On April 17, 2000, the

Mississippi State Board of Medical Licensure received the UMC Analytical Toxicology Lab Report, indicating that the aforementioned urine sample had tested positive for ethanol at a concentration of 39 mg/dl.

IV.

On or about April 24, 2000, Gary D. Carr, M.D., Medical Director of the Mississippi Recovering Physicians Program, sent a letter to the Mississippi State Board of Medical Licensure, stating that Dr. Kadue had admitted consuming alcohol, but refused to submit to further evaluation and/or treatment. Dr. Carr further stated that the Mississippi Impaired Physicians Committee (MIPC) of the MRPP was withdrawing advocacy from Dr. Kadue, all in violation of the aforementioned Recovery Contract Agreement.

CONCLUSIONS OF LAW

I.

Based upon the Findings of Fact as enumerated above, Licensee is guilty of having violated an order of this Board by virtue of being out of compliance with his Mississippi Recovering Physician Program Recovery Contract Agreement, dated November 15, 1999, all in violation of Subsection (13) of Miss. Code Ann. Section 73-25-29.

II.

Based upon the Findings of Fact as enumerated above, Licensee is guilty of unprofessional conduct, including dishonorable or unethical conduct likely to deceive, defraud, or 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).

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 indefinitely suspended.

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 27th day of July, 2000.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY: *Freda M. Bush MD*
FREDA M. BUSH, M.D.
PRESIDENT

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF PHYSICIAN'S LICENSE

OF

JOSEPH BOOKER, JR., M.D.

ORDER

THIS MATTER came on regularly for hearing on July 27, 2000, before the Mississippi State Board of Medical Licensure, in response to the petition of Joseph Booker, Jr. M.D. (hereinafter "Licensee"), seeking reinstatement of his license to practice medicine.

On December 15, 1999, Licensee entered into a Consent Order with this Board indefinitely suspending his license to practice medicine effective January 7, 2000, as a result of conviction of a felony or misdemeanor involving moral turpitude. By virtue of the conviction, Licensee was sentenced to incarceration in the Federal Prison System for a period of five (5) months beginning January 7, 2000, followed by certain probationary terms and conditions, one of which included home confinement for a period of five (5) months. Upon release of incarceration Licensee was authorized to petition this Board for reinstatement, provided that he 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. Licensee has now been released from incarceration and has submitted to this Board satisfactory proof of completion of all CME.

The hearing was convened at 9:15 a.m., Licensee being present and represented by Honorable Dixie White Ishee, Memphis, Tennessee. Complaint Counsel for the Board

was Honorable Stan T. Ingram. Sitting as legal advisor for the Board was Honorable Heather Wagner, Special Assistant Attorney General.

The Board, after hearing said petition, finds the same to be well-taken.

IT IS HEREBY ORDERED, that Licensee's petition for reinstatement of licensure is hereby granted, 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, a copy of said probationary terms and conditions attached hereto as Exhibit "A" and incorporated herein by reference.
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. The Board's Director, any member of the Board, or Investigator(s) for the Board may, at any time, inspect the clinic or office wherein Licensee is practicing medicine, review all aspects of the operation and 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. Sections 73-25-27(1972), a copy of this Order shall be sent by registered mail or personally served upon Joseph Booker Jr., M.D.

ORDERED, this the 27th day of July, 2000.

MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE

BY: *Freda M. Bush, MD*
FREDA M. BUSH, M.D.
PRESIDENT

Defendant: BOOKER, Joseph J. Jr.
Case Number: 1:98cr55BrG

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of one (1) year

While on supervised release, the defendant shall not commit another federal, state, or local crime and shall not illegally possess a controlled substance. The defendant shall comply with the standard conditions that have been adopted by this Court (set forth below). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:

For offenses committed on or after September 13, 1994: The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.

The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

- The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.
- The defendant shall not possess a firearm or destructive device.

SPECIAL CONDITIONS:

- 1) The defendant shall participate in the home confinement program for a period of five (5) months. During this time, the defendant shall remain at his place of residence at all times. Exceptions may include employment and any other activities approved in advance by his probation officer. He will maintain a telephone at his place of residence without "call forwarding," a modem, "caller ID," "call waiting," or cordless portable telephones for the above period. At the direction of the probation officer, the defendant will wear an electronic monitoring device and follow electronic monitoring procedures specified by the U.S. Probation Officer. While in this program, the defendant is not allowed to consume alcoholic beverages whatsoever or use non-prescribed medication. The defendant will also agree to urine testing as directed by the U.S. Probation Officer. The defendant shall also be responsible for payment of the electronic monitoring charges.
- 2) The defendant shall pay a \$3,000 fine within thirty days of sentencing. The fine is payable to the U.S. District Court Clerk and any interest requirement is waived.
- 3) The defendant shall work with the Internal Revenue Service to determine his correct taxes for 1994 and 1995. Also, he shall make arrangements to pay all outstanding taxes determined to be owed to the Internal Revenue Service for tax years 1994 and 1995 and provide documentation of such to the U.S. Probation Officer. The defendant shall also identify all assets in his name, his child's name, or in nominee names, that he has owned, sold, transferred or disposed of since 1994.
- 4) The defendant shall submit any business or personal financial information to the supervising U. S. Probation Officer as requested.

STANDARD CONDITIONS OF SUPERVISION

- 1) The defendant shall not leave the judicial district without permission of the court or probation officer;
- 2) The defendant shall report to the probation officer as directed by the Court or probation officer, and shall submit a truthful and complete written report within the first five days of each month;
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) The defendant shall support his or her dependents and meet other family responsibilities;
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training or other acceptable reasons;
- 6) The defendant shall notify the probation officer ten days prior to any change of residence or employment;
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the Court;
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

XL. REGULATIONS GOVERNING THE PRACTICE OF PHYSICIAN ASSISTANTS

A. SCOPE/GENERAL STATEMENT

- 1. The following regulations pertain to Physician Assistants practicing medicine with physician supervision. Physician Assistants may perform those duties and responsibilities, including diagnosing and the ordering, prescribing, dispensing of prepackaged drugs, and administration of drugs and medical devices as delegated by their supervising physician(s).**
- 2. Physician Assistants may provide any medical service which is delegated by the supervising physician when the service is within the Physician Assistant's training and skills; forms a component of the physician's scope of practice; and is provided with supervision.**
- 3. Physician Assistants shall be considered the agents of their supervising physicians in the performance of all practice-related activities including, but not limited to, the ordering of diagnostic, therapeutic, and other medical services.**

B. DEFINITIONS

- 1. The following terms have the meanings indicated:**
 - a. "Board" - means the Mississippi State Board of Medical Licensure.**
 - b. "Physician Assistant" - means a person who meets the Board's criteria for licensure as a Physician Assistant and is licensed as a Physician Assistant by the Board.**
 - c. "Supervising physician" - means a doctor of medicine or a doctor of osteopathic medicine who holds an unrestricted license from the Board, who is in the full-time practice of medicine, and who has been approved by the Board to supervise Physician Assistants.**
 - d. "Supervise" or "Supervision" - means overseeing and accepting responsibility for the medical services rendered by a Physician Assistant.**
 - e. "Primary Office" - means the usual practice location of a physician and being the same location reported by that**

physician to the Mississippi State Board of Medical Licensure and the United States Drug Enforcement Administration.

- f. "NCCPA" - National Commission on Certification of Physician Assistants
- g. "PANCE" - Physician Assistant National Certifying Examination
- h. "CAAHEP" - Commission on Accreditation of Allied Health Education Programs
- i. "Predecessor or Successor Agency" - refers to the agency responsible for accreditation of educational programs for Physician Assistants that preceded CAAHEP or the agency responsible for accreditation of educational programs for physician assistants that succeeded CAAHEP.

- 2. Masculine terms wherever used in this regulation shall also be deemed to include the feminine.

C. QUALIFICATIONS FOR LICENSURE

- 1. Pursuant to Section 73-43-11, Mississippi Code (1972), Annotated, all Physician Assistants who are employed as Physician Assistants by a Department of Veterans Affairs health care facility, a branch of the United States military, or the Federal Bureau of Prisons and who are practicing as Physician Assistants in a federal facility in Mississippi on July 1, 2000, and those Physician Assistants who trained in a Mississippi Physician Assistant program and have been continuously practicing as a Physician Assistant in Mississippi since 1976, shall be eligible for licensure if they submit an application for licensure to the Board by December 31, 2000, and meet the following additional requirements:
 - a. Satisfies the Board that he is at least twenty-one (21) years of age and of good moral character.
 - b. Submits an application for license on a form supplied by the Board, completed in every detail with a recent photograph (wallet-size/passport type) attached. A Polaroid or informal snapshot will not be accepted.
 - c. Pays the appropriate fee as determined by the Board.
 - d. Presents a certified copy of birth certificate.

- e. Proof of legal change of name if applicable (notarized or certified copy of marriage or other legal proceeding).
- f. Provides information on registration or licensure in all other states where the applicant is or has been registered or licensed as a Physician Assistant.
- g. Must have favorable references from two (2) physicians licensed in the United States with whom the applicant has worked or trained.
- h. No basis or grounds exist for the denial of licensure as provided at Article N below.

Physician Assistants licensed under this subsection will be eligible for license renewal so long as they meet standard renewal requirements.

- 2. Before December 31, 2004, applicants for Physician Assistant licensure, except those licensed pursuant to the paragraph above, must be graduates of Physician Assistant educational programs accredited by the Commission on Accreditation of Allied Health Educational Programs or its predecessor or successor agency, have passed the certification examination administered by the National Commission on Certification of Physician Assistants (NCCPA), have current NCCPA certification, and possess a minimum of a baccalaureate degree, and meet the following additional requirements:
 - a. Satisfies the Board that he is at least twenty-one (21) years of age and of good moral character.
 - b. Submits an application for license on a form supplied by the Board, completed in every detail with a recent photograph (wallet-size/passport type) attached. A Polaroid or informal snapshot will not be accepted.
 - c. Pays the appropriate fee as determined by the Board.
 - d. Presents a certified copy of birth certificate.
 - e. Proof of legal change of name if applicable (notarized or certified copy of marriage or other legal proceeding).

- f. Provides Information on registration or licensure in all other states where the applicant is or has been registered or licensed as a Physician Assistant.
- g. Must have favorable references from two (2) physicians licensed in the United States with whom the applicant has worked or trained.
- h. No basis or grounds exist for the denial of licensure as provided at Article N below.

Physician Assistants meeting these licensure requirements will be eligible for license renewal so long as they meet standard renewal requirements.

- 3. On or after December 31, 2004, applicants for Physician Assistant licensure must meet the following requirements:
 - a. Satisfies the Board that he is at least twenty-one (21) years of age and of good moral character.
 - b. Submits an application for license on a form supplied by the Board, completed in every detail with a recent photograph (wallet-size/passport type) attached. A Polaroid or informal snapshot will not be accepted.
 - c. Pays the appropriate fee as determined by the Board.
 - d. Presents a certified copy of birth certificate.
 - e. Proof of legal change of name if applicable (notarized or certified copy of marriage or other legal proceeding).
 - f. Possesses a master's degree in a health-related or science field.
 - g. Has successfully completed an educational program for Physician Assistants accredited by CAAHEP or its predecessor or successor agency.
 - h. Passed the certification examination administered by the NCCPA and have current NCCPA certification.
 - i. Provides Information on registration or licensure in all other states where the applicant is or has been registered or licensed as a Physician Assistant.

- j. Must have favorable references from two (2) physicians licensed in the United States with whom the applicant has worked or trained.
- k. No basis or grounds exist for the denial of licensure as provided at Article N below.

4. Temporary License

- a. The Board may grant a temporary license to an applicant who meets the qualifications for licensure except that the applicant has not yet taken the national certifying examination administered by the NCCPA or the applicant has taken the national certifying examination and is awaiting the results.
- b. A temporary license is valid:
 - (1) For one hundred eighty (180) days from the date of issuance;
 - (2) Until the results of an applicant's examination are available; or
 - (3) Until the Board makes a final decision on the applicant's request for licensure, whichever comes first. The Board may extend a temporary license, upon a majority vote of the Board members, for a period not to exceed one hundred eighty (180) days. Under no circumstances may the Board grant more than one extension of a temporary license.

D. REQUIREMENT OF PROTOCOL - PRESCRIBING/DISPENSING

- 1. Physician Assistants shall practice according to a Board-approved protocol which has been mutually agreed upon by the Physician Assistant and the supervising physician. Each protocol shall be prepared taking into consideration the specialty of the supervising physician, and must outline diagnostic and therapeutic procedures and categories of pharmacologic agents which may be ordered, administered, dispensed and/or prescribed for patients with diagnoses identified by the Physician Assistant. Each protocol shall contain a detailed description of back-up coverage if the supervising physician is

away from the primary office. Although licensed, no Physician Assistant shall practice until a duly executed protocol has been approved by the Board.

2. Physician Assistants may not write prescriptions for or dispense controlled substances or any other drug having addiction-forming or addiction-sustaining liability. A Physician Assistant may, however, administer such medications pursuant to an order by the supervising physician according to the protocol worked out with the physician.

E. SUPERVISION

1. Before any physician shall supervise a Physician Assistant, the physician must first (a) present to the Board's Executive Director, a duly executed protocol, (b) appear personally before the Board or its Executive Director, and (c) obtain written approval to act as a supervising physician. The facts and matters to be considered by the Board when approving or disapproving a protocol or supervision arrangement, shall include, but are not limited to, how the supervising physician and Physician Assistant plan to implement the protocol, the method and manner of supervision, consultation, referral and liability.
2. Where two or more physicians anticipate executing a protocol to supervise a Physician Assistant, it shall not be necessary that all of the physicians personally appear before the Board or Executive Director as required in subsection 1 above. In this situation, the physician who will bear the primary responsibility for the supervision of the Physician Assistant shall make the required personal appearance.

F. SUPERVISING PHYSICIAN LIMITED

1. No physician shall be authorized to supervise a Physician Assistant unless that physician holds an unrestricted license to practice medicine in the State of Mississippi.
2. Supervision means overseeing activities of, and accepting responsibility for, all medical services rendered by the Physician Assistant. Except as described in subsection 3, supervision must be continuous, but shall not be construed as necessarily requiring the physical presence of the supervising physician.
3. New graduate Physician Assistants and all Physician Assistants newly practicing in Mississippi, except those licensed under provision C1,

require the on-site presence of a supervising physician for one hundred twenty (120) days.

4. The Physician Assistant's practice shall be confined to the primary office or clinic of the supervising physician or any hospital(s) or clinic or other health care facility within the same community where the primary office is located, wherein the supervising physician holds medical staff privileges. Exceptions to this requirement may be granted on an individual basis, provided the location(s) of practice are thereafter set forth in the protocol.
5. The supervising physician must provide adequate means for communication with the Physician Assistant. Communication may occur through the use of technology which may include, but is not limited to, radio, telephone, fax, modem, or other telecommunication device.
6. The supervising physician shall, on at least a monthly basis, conduct a review of the records/charts of at least ten percent(10%) of the patients treated by the Physician Assistant, said records/charts selected on a random basis. During said review, the supervising physician shall note the medical and family histories taken, results of any and all examinations and tests, all diagnoses, orders given, medications prescribed, and treatments rendered. The review shall be evidenced by the supervising physician placing his signature or initials next to each of the above areas of review, and shall submit proof of said review to the Board upon request.

G. NUMBER OF PHYSICIAN ASSISTANTS SUPERVISED

No physician shall supervise more than two (2) Physician Assistants at any one time. A physician supervising two (2) nurse practitioners may not supervise a Physician Assistant.

H. TERMINATION

The Physician Assistant and supervising physician shall notify the Board in writing immediately upon the Physician Assistant's termination, physician retirement, withdrawal from active practice, any other change in employment, functions or activities. Failure to notify can result in disciplinary action.

I. DUTY TO NOTIFY BOARD OF CHANGE OF ADDRESS

Any Physician Assistant who is licensed or receives a license to practice as a Physician Assistant in this state and thereafter changes his practice location from what was noted in the application upon which he received a license, shall immediately notify the Board in writing of the change of location. Failure to notify within 30 days could result in disciplinary action.

J. CONTINUING EDUCATION

Each licensed Physician Assistant must show proof of completing 50 hours of CME each year, 20 hours of which must be Category I, as defined by the Accreditation Council for Continuing Medical Education (ACCME). Physician Assistants who are certified by the NCCPA may meet this requirement by providing evidence of current NCCPA certification.

K. IDENTIFICATION

1. The supervising physician shall be responsible to ensure that any Physician Assistant under his supervision does not advertise or otherwise hold himself out in any manner which would tend to mislead the general public or patients. Physician Assistants shall at all times when on duty wear a name tag, placard or plate identifying themselves as Physician Assistants.
2. Physician Assistants may not advertise in any manner which implies that the Physician Assistant is an independent practitioner.
3. A person not licensed as a Physician Assistant by the Board who holds himself out as a Physician Assistant is subject to the penalties applicable to the unlicensed practice of medicine.

L. PHYSICIAN LIABILITY

Prior to the supervision of a Physician Assistant, the physician's and/or Physician Assistant's insurance carrier must forward to the Board a Certificate of Insurance.

M. RENEWAL SCHEDULE

1. The license of every person licensed to practice as a Physician Assistant in the State of Mississippi shall be renewed annually.

2. On or before May 1 of each year, the State Board of Medical Licensure shall mail an application for renewal of license to every Physician Assistant to whom a license was issued or renewed during the current licensing year. The applicant shall complete the application and return it to the Board before June 30 with documentation of completing each year 50 hours of CME, 20 hours of which must be Category I, or current NCCPA certification and the renewal fee of an amount established by the Board. The payment of the annual license renewal fee shall be optional with all Physician Assistants over the age of seventy (70) years. Upon receipt of the application and fee, the Board shall verify the accuracy of the application and issue to applicant a certificate of renewal for the ensuing year, beginning July 1 and expiring June 30 of the succeeding calendar year. Such renewal shall render the holder thereof a licensed Physician Assistant as stated on the renewal form.
3. A Physician Assistant practicing in Mississippi who allows his license to lapse by failing to renew the license as provided in subsection 2 may be reinstated by the Board on satisfactory explanation for such failure to renew, by completion of a reinstatement form, and upon payment of the renewal fee for the current year, and shall be assessed a fine of Twenty-five Dollars (\$25.00) plus an additional fine of Five Dollars (\$5.00) for each month thereafter that the license renewal remains delinquent.
4. Any Physician Assistant not practicing in Mississippi who allows his license to lapse by failing to renew the license as provided in subsection 2 may be reinstated by the Board on satisfactory explanation for such failure to renew, by completion of a reinstatement form, and upon payment of the arrearage for the previous five (5) years and the renewal fee for the current year.
5. Any Physician Assistant who allows his license to lapse shall be notified by the Board within thirty (30) days of such lapse.
6. Any person practicing as a Physician Assistant during the time his license has lapsed shall be considered an illegal practitioner and shall be subject to the same penalties as provided at Miss. Code Ann., Section 73-25-14.

N. DISCIPLINARY PROCEEDINGS

1. GROUNDS FOR DISCIPLINARY ACTION AGAINST PHYSICIAN ASSISTANTS

For the purpose of conducting disciplinary actions against individuals licensed to practice as Physician Assistants, the Board hereby incorporates those grounds for the non-issuance, suspension, revocation, or restriction of a license or the denial of reinstatement or renewal of a license, as set forth in Miss. Code Ann., Sections 73-25-29 and 73-25-83. As a basis for denial, suspension, revocation or other restriction, the Board may initiate disciplinary proceedings based upon any one or more of those grounds as set forth in Sections 73-25-29 and 73-25-83, and may make provision for the assessment of costs as provided therein.

2. HEARING PROCEDURE AND APPEALS

No individual shall be denied a license or have his license suspended, revoked or restriction placed thereon, unless the individual licensed as a Physician Assistant has been given notice and opportunity to be heard. For the purpose of notice, disciplinary hearings and appeals, the Board hereby adopts and incorporates by reference all provisions of the "Rules of Procedure" now utilized by the Board for those individuals licensed to practice medicine, osteopathic medicine, and podiatric medicine in the State of Mississippi.

3. REINSTATEMENT OF LICENSE

- a. A person whose license to practice as a Physician Assistant has been revoked, suspended, or otherwise restricted may petition the Mississippi State Board of Medical Licensure to reinstate his license after a period of not less than one (1) year has elapsed from the date of the revocation or suspension. The procedure for the reinstatement of a license that is suspended for being out of compliance with an order for support, as defined in Section 93-11-153, shall be governed by Section 93-11-157 or 93-11-163, as the case may be.
- b. The petition shall be accompanied by two (2) or more verified recommendations from physicians or osteopaths licensed by the Board of Medical Licensure to which the petition is addressed and by two (2) or more recommendations from citizens each

having personal knowledge of the activities of the petitioner since the disciplinary penalty was imposed and such facts as may be required by the Board of Medical Licensure.

The petition may be heard at the next regular meeting of the Board of Medical Licensure but not earlier than thirty (30) days after the petition was filed. No petition shall be considered while the petitioner is under sentence for any criminal offense, including any period during which he is under probation or parole. The hearing may be continued from time to time as the Board of Medical Licensure finds necessary.

- c. In determining whether the disciplinary penalty should be set aside and the terms and conditions, if any, which should be imposed if the disciplinary penalty is set aside, the Board of Medical Licensure may investigate and consider all activities of the petitioner since the disciplinary action was taken against him, the offense for which he was disciplined, his activity during the time his certificate was in good standing, his general reputation for truth, professional ability and good character; and it may require the petitioner to pass an oral examination.

O. IMPAIRED PHYSICIAN ASSISTANTS

- 1. For the purpose of the Mississippi Disabled Physician Law, Miss. Code Ann., Sections 73-25-51 to 73-25-67, any individual licensed to practice as a Physicians Assistant, shall be subject to restriction, suspension, or revocation, in the case of disability by reason of one or more of the following:
 - a. Mental illness;
 - b. Physical illness, including but not limited to deterioration through the aging process, or loss of motor skills;
 - c. Excessive use or abuse of drugs, including alcohol.
- 2. If the Board has reasonable cause to believe that a Physician Assistant is unable to practice with reasonable skill and safety to patients because of one or more of the conditions described above, referral of the Physician Assistant shall be made, and action taken, if any, in the manner as provided in Sections 73-25-55 through 73-25-65,

including referral to the Mississippi Recovering Physicians Program,
sponsored by the Mississippi State Medical Association.

P. EFFECTIVE DATE OF REGULATIONS

The above rules and regulations shall become effective September 1, 2000.

BUDGET REQUEST FOR FISCAL YEAR ENDING JUNE 30, 2002

ORIGINAL _____
REVISED _____
DATE FILED _____

DRAFT

Mississippi State Board of Medical Licensure 1867 Crane Ridge Drive, Ste 200 B

W Joseph Burnett, M.D.

AGENCY	ADDRESS			CHIEF EXECUTIVE OFFICER	
	(1) Actual Expenses FY Ending June 30, 2000	(2) Estimate Expenses FY Ending June 30, 2001	(3) Requested for FY Ending June 30, 2002	(4) Requested Increase (+) or Decrease (-) FY 2002 vs. FY 2001 (Col. 3 vs. Col. 2)	
				AMOUNT	PERCENT
I. A. PERSONAL SERVICES					
1. Salaries, Wages & Fringe Benefits (Base)	733,717	807,435	892,519		
a. Additional Compensation			14,457		
b. Proposed Vacancy Rate (Dollar Amount)					
c. Per Diem	3,277	4,320	6,960	2,640	61.11%
Total Salaries, Wages & Fringe Benefits	736,994	811,755	913,936	102,181	12.59%
2. Travel					
a. Travel & Subsistence (In-State)	12,422	27,500	27,500		
b. Travel & Subsistence (Out-of-State)	11,589	17,500	17,500		
c. Travel & Subsistence (Out-of-Country)					
Total Travel	24,011	45,000	45,000		
B. CONTRACTUAL SERVICES (Schedule B):					
a. Tuition, Rewards & Awards	5,646	8,200	8,200		
b. Communications, Transportation & Utilities	27,158	41,800	46,700	4,900	11.72%
c. Public Information		200	200		
d. Rents	117,174	145,500	173,560	28,060	19.29%
e. Repairs & Service	3,632	8,700	7,300	(1,400)	(16.09%)
f. Fees, Professional & Other Services	266,037	385,252	410,853	25,601	6.65%
g. Other Contractual Services	10,170	16,250	25,650	9,400	57.85%
h. Data Processing	93,408	202,454	172,500	(29,954)	(14.80%)
i. Other	242	260	300	40	15.38%
Total Contractual Services	523,467	808,616	845,263	36,647	4.53%
C. COMMODITIES (Schedule C):					
a. Maintenance & Const. Materials & Supplies					
b. Printing & Office Supplies & Materials	26,116	34,600	37,500	2,900	8.38%
c. Equipment, Repair Parts, Supplies & Accessories	5,209	8,700	8,500	(200)	(2.30%)
d. Professional & Scientific Supplies & Materials	738	550	1,450	900	163.64%
e. Other Supplies & Materials	2,862	11,250	8,500	(2,750)	(24.44%)
Total Commodities	34,925	55,100	55,950	850	1.54%
D. CAPITAL OUTLAY:					
1. Total Other Than Equipment (Schedule D-1)					
2. Equipment (Schedule D-2):					
a. Automobiles, Station Wagons, Trucks & Other Vehicles	13,727	40,000	20,000	(20,000)	(50.00%)
b. Road Machinery, Farm & Other Working Equipment					
c. Off. Machines, Furniture, Fixtures & Equipment		5,500	2,500	(3,000)	(54.55%)
d. IS Equipment (Data Processing & Telecommunications)	14,575	16,500	14,500	(2,000)	(12.12%)
e. Equipment - Lease Purchase					
f. Other Equipment	961				
Total Equipment	29,263	62,000	37,000	(25,000)	(40.32%)
E. SUBSIDIES, LOANS & GRANTS (Schedule E):					
1. Total Subsidies, Loans & Grants		100	100		
TOTAL EXPENDITURES	1,348,660	1,782,571	1,897,249	114,678	6.43%
II. BUDGET TO BE FUNDED AS FOLLOWS:					
Cash Balance-Unencumbered	2,176,323	2,391,570	2,215,597	(175,973)	(7.36%)
General Fund Appropriation (Enter General Fund Lapse Below)					
Federal Funds					
Other Funds (Specify)					
Special Fund: 3829	1,563,907	1,606,598	1,728,483	121,885	7.59%
Less: Estimated Cash Available Next Fiscal Period	(2,391,570)	(2,215,597)	(2,046,831)	(168,766)	(7.62%)
TOTAL (same as total of A through E above)	1,348,660	1,782,571	1,897,249	114,678	6.43%
GENERAL FUND LAPSE					
III. PERSONNEL DATA					
Number of Positions Authorized in Appropriation Bill					
a.) Full Perm	18	20	21	1	5.00%
b.) Full T-L					
c.) Part Perm.					
d.) Part T-L					
Average Annual Vacancy Rate (Percentage)	5.56				
a.) Full Perm					
b.) Full T-L					
c.) Part Perm.					
d.) Part T-L					

Approved by: _____
Official of Board or Commission

Submitted by: W. Joseph Burnett, M.D.
Name

Budget Officer: _____

Title: Executive Director

Phone Number: 987-3079

Date: _____

STATE OF MISSISSIPPI

COUNTY OF HINDS

**ADDENDUM TO
RECOVERING PHYSICIANS PROGRAM
MEMORANDUM OF UNDERSTANDING**

THIS ADDENDUM to Memorandum of Understanding is made and entered into this the first day of July, 2000, by and between the **Mississippi State Board of Medical Licensure**, hereinafter the "BOARD," the **Mississippi State Medical Association**, hereinafter the "MSMA," and the **Mississippi Impaired Physicians Committee**, hereinafter the "MIPC,"

WHEREAS, on July 1, 1998, the BOARD, MSMA, and MIPC entered into a Memorandum of Understanding to establish, maintain, and carry out an impaired physicians program as authorized by the Disabled Physicians Law, Miss. Code Ann., Section 73-25-55; and

WHEREAS, effective July 1, 2000, the BOARD was given the authority, pursuant to amendment of Chapter 43, Title 73, Miss. Code Ann. (1972), to license and credential individuals seeking to practice as Physician Assistants in the State of Mississippi; and

WHEREAS, it is the desire of the undersigned to enable Physician Assistants, who are "impaired" as that term is defined in the referenced Memorandum of Understanding, to receive adequate intervention, treatment, and rehabilitation on the same terms and conditions as the physicians; and

NOW, THEREFORE, in consideration of the foregoing recitals, the mutual promises and covenants contained herein, and for good and other valuable consideration the receipt of which is hereby acknowledged, the undersigned parties hereby agree that from and after this date, Physician Assistants shall be included in all activities of the MRPP and MIPC and receive the same benefits of intervention, evaluation, treatment, rehabilitation, and advocacy, on the same terms and conditions as received by Impaired Physicians pursuant to the aforementioned Memorandum of Understanding.

IN WITNESS WHEREOF, the parties acknowledge their intent to be bound by this memorandum by affixing their signatures herein below.

MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

By: W. James M. Burnett 7/28/2000
Executive Director

MISSISSIPPI STATE MEDICAL ASSOCIATION

By: W. Cole
Executive Director

MISSISSIPPI IMPAIRED PHYSICIANS COMMITTEE

By: Gary A. Gentry, M.D.
Medical Director

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

OF

KEITH VAN DE CASTLE, M.D.

ORDER OF CONTINUANCE

THIS MATTER came on regularly for hearing on July 27, 2000, before the Mississippi State Board of Medical Licensure, in response to a request for continuance of the hearing set for this date filed by Keith Van De Castle, M.D. (hereinafter "Licensee"). The motion was filed by Mitchell H. Tyner, Sr., attorney representing Licensee, setting forth good and just cause for the continuance. As further consideration for granting the continuance, Licensee has agreed not to practice medicine, under any circumstances, in the State of Mississippi until such time as the captioned matter has been resolved. After consideration of the matter, the Board finds Licensee's petition to be well taken.

IT IS, THEREFORE, ORDERED, that this matter is continued until September 21, 2000, at 10:00 a.m.

IT IS, FURTHER ORDERED, that pending the hearing or other resolution of this matter, Licensee shall not practice medicine, under any circumstances, in the State of Mississippi.

SO ORDERED, this the 27th day of July, 2000.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY: *Freda M. Bush MD*
FREDA M. BUSH, M.D., PRESIDENT

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

LANE CEDRIC ROLLING, D.P.M.

ORDER OF CONTINUANCE

THIS MATTER came on regularly for hearing on July 27, 2000, before the Mississippi State Board of Medical Licensure, in response to a request for continuance of the hearing set for this date filed by Lane Cedric Rolling, D.P.M. (hereinafter "Licensee"). The motion was filed by Stuart G. Kruger, attorney representing Licensee, setting forth good and just cause for the continuance. After consideration of the matter, the Board finds Licensee's motion to be well taken.

IT IS, THEREFORE, ORDERED, that Licensee is granted a continuance until September 21, 2000.

SO ORDERED, this the 27th day of July, 2000.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY: *Freda M. Bush MD*
FREDA M. BUSH, M.D.
PRESIDENT

AUGUST 2000

**MINUTES
EXECUTIVE COMMITTEE MEETING
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
AUGUST 15, 2000**

MEMBERS PRESENT:

Robert Ray Smith, M.D., Jackson, Vice President
Dewitt G. Crawford, M.D., Louisville, 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 Tuesday, August 15, 2000, at 5:05 p.m. in the Executive Conference Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi. Freda M. Bush, M.D., Jackson, President, was not present.

**PERSONAL APPEARANCE BY MILTON ROPER RAINES, M.D., GULFPORT, TO
REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE
NUMBER 08850**

Dr. Raines was present but not represented by legal counsel. Dr. Burnett reviewed Dr. Raines' background and history leading to the disciplinary action taken on his medical license. Dr. Raines addressed the Executive Committee and answered questions from members. Motion was made by Dr. Smith and seconded by Dr. Crawford to remove all restrictions. The Order of the Board is attached hereto and incorporated by reference.

DR. BUSH JOINED THE MEETING AT 5:15 P.M.

**PERSONAL APPEARANCE BY CHARLES C. LAM, M.D., FOREST, MISSISSIPPI
MEDICAL LICENSE NUMBER 14924**

Dr. Lam, who was evaluated by the Examining Committee in 1999 and was to follow their recommendations, had been requested to meet with the Executive Committee after one year. He had telephoned Dr. Burnett and asked that this meeting be rescheduled from July to the August 15 meeting. Dr. Lam was not present and did not respond to the letter advising him of the scheduled meeting.

AGENDA**August 15, 2000****Page 2**

The Executive Committee members were advised that Dr. Lam had submitted his renewal application for the period July 1, 2000, to June 30, 2001. Because Dr. Lam has failed to comply with the terms of his agreement with the Board to seek psychotherapy with Mark Webb, M.D., with quarterly reports to the Board and has failed to comply with other recommendations of the Examining Committee, it was the consensus of the Executive Committee members to initiate formal disciplinary action to show cause why his license should not be renewed. Dr. Lam will be given an opportunity to withdraw his application for renewal.

SURRENDER OF MEDICAL LICENSE BY MYUNG CHUN PARK, M.D., CLARKSDALE, MISSISSIPPI MEDICAL LICENSE NUMBER 15358

Dr. Burnett reported that Dr. Park had written him a letter, copies of which were distributed to the Executive Committee, voluntarily surrendering his license to practice medicine in Mississippi due to a total disability, effective August 4, 2000. It was the consensus of the Executive Committee members to accept the surrender of Dr. Park's license, which will be reported to the various entities as not disciplinary in nature. The Order of the Board accepting the surrender is attached hereto and incorporated by reference.

PAUL ALFRED ROELL, M.D., JACKSON, MISSISSIPPI MEDICAL LICENSE NUMBER 04558

Dr. Roell, who executed a Surrender of Medical License in November 1995 following a stroke, met with the Executive Committee on July 26, 2000, to ask for reinstatement of his license. Dr. Roell stated he did not plan to practice medicine, that he simply wanted his license restored. The Executive Committee agreed to reinstate Dr. Roell's license, contingent upon his providing the Board a letter that he would not practice medicine. Dr. Burnett advised that Dr. Roell had not provided this letter to the Board. It was the consensus of the Executive Committee members that due to his untimely response, the decision would be rescinded until such letter is received. At that time, the issue will be brought back to the Executive Committee.

JAMIE SUE WARNICK, M.D., SOUTHAVEN, MISSISSIPPI MEDICAL LICENSE NUMBER 15164

Dr. Warnick was not present or represented by legal counsel. Mr. Moses presented a chronological summary of Dr. Warnick's background and history leading to the disciplinary action taken on her medical license. Dr. Burnett reported

that Dr. Warnick has met all the requirements of the Board Order. Motion was made by Dr. Smith and seconded by Dr. Crawford to remove all restrictions. The Order of the Board is attached hereto and incorporated by reference.

JOINT COMMISSION ON THE ACCREDITATION OF HEALTHCARE ORGANIZATIONS -- COMMUNITY HEALTH CENTERS

For informational purposes only, Dr. Burnett advised that community health centers would be accredited by the Joint Commission.

PRESCRIBING AUTHORITY FOR PHARMACISTS

Dr. Burnett and Mr. Moses reported on a recent meeting with William L. Stevens, Executive Director, and Harold J. Stamps, Director of Compliance, Mississippi Board of Pharmacy, regarding independent prescribing authority for pharmacists. The current regulations do not allow for prescriptive authority for pharmacists. It was the consensus of the Executive Committee members that pharmacists should be prohibited from independent prescribing until further study is done.

JURISPRUDENCE EXAMINATION

Dr. Burnett reviewed a proposed jurisprudence examination to be used for those whose Board Order required such an examination. Motion was made by Dr. Smith and seconded by Dr. Crawford to accept the examination and to use 50 percent as a starting point.

The staff is recommending that this also be included as part of the initial licensure process and be given when they come to the Board Office for their interviews. It was the consensus of the Executive Committee members that this be allowed with the staff monitoring the test results, i.e., area where more questions were missed, etc.

JIM C. BARNETT, M.D. - LEGISLATOR OF THE YEAR

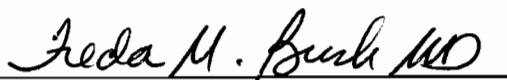
Dr. Burnett reported on Dr. Barnett's selection as a Legislator of the Year by the American Legislative Exchange Council and read his congratulatory letter to Dr. Barnett, which the Executive Committee approved.

**PHYSICIANS WHO HAVE NOT RENEWED AND WILL BE REPORTED TO THE
ATTORNEY GENERAL'S OFFICE**

Copies of a list of physicians who have not renewed were distributed to the Executive Committee for their review. The list, which will be reported to the Attorney General's Office and other entities, is attached hereto and incorporated by reference.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:30 p.m.



Freda M. Bush, M.D.
President

Minutes taken and transcribed
by Kathy Fortenberry
Administrative Assistant
August 15, 2000

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

MILTON R. RAINES, M.D.

ORDER

THIS MATTER came on regularly for hearing on August 15, 2000, before the Executive Committee of the Mississippi State Board of Medical Licensure, in response to the Petition of Milton R. Raines, M.D. (hereinafter "Licensee"), seeking removal of all restrictions on his license to practice medicine imposed on his license by virtue of that certain Consent Order dated July 20, 1995. After hearing said petition, the Executive Committee finds Licensee's petition to be well-taken.

IT IS HEREBY ORDERED, that Licensee's Petition for Removal of Restrictions is hereby granted. Licensee now has an unrestricted license to practice medicine in the State of Mississippi.

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 Milton R. Raines, M.D.

ORDERED, this the 15th day of August, 2000.

MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE

BY: *Freda M. Bush, MD*
FREDA M. BUSH, M.D., PRESIDENT

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

OF

MYUNG CHUN PARK, M.D.

ORDER ACCEPTING SURRENDER OF LICENSE

THIS MATTER came on regularly for consideration on August 15, 2000, before the Executive Committee of the Mississippi State Board of Medical Licensure, in response to the written request dated July 31, 2000 (Exhibit A), of Myung Chun Park, M.D. (hereinafter "Licensee"), for surrender of his license to practice medicine in the State of Mississippi due to total disability. Pursuant to Mississippi Code Annotated § 73-25-53(b), such physical illness constitutes grounds for the surrender of license. After hearing said request, the Executive Committee finds Licensee's request to be well-taken.

IT IS HEREBY ORDERED, that Licensee's request for surrender of his license to practice medicine in the State of Mississippi due to total disability, pursuant to Mississippi Code Annotated § 73-25-53(b), is hereby accepted.

IT IS FURTHER ORDERED, that pursuant to Miss. Code Ann. Section 73-25-59, a copy of this Order shall be sent by registered mail to Myung Chun Park, M.D.

ORDERED, this the 15th day of August, 2000.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY: *Freda M. Bush MD*

FREDA M. BUSH, M.D., PRESIDENT

NORTHWEST MS UROLOGY CLINIC
MYUNG C. PARK, M. D.
645 EVELYN STREET, SUITE B
P. O. BOX 549
CLARKSDALE, MS 38614

TELEPHONE 662-624-9110

JULY 31, 2000

Joseph Burnett, M. D., Medical Director
625 Lakeland East Drive, Suite C
Jackson, MS 39208-8817



Dear Dr. Carr,

Please find enclosed please find medical license and corporate certificate. I am totally disabled and will be retiring from medical practice August 4, 2000. Please close your files accordingly.

Sincerely,


M. C. Park, M. D.

MCP/br

EXHIBIT A

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

JAMIE SUE WARNICK, M.D.

ORDER

THIS MATTER came on regularly for hearing on August 15, 2000, before the Executive Committee of the Mississippi State Board of Medical Licensure, in response to the Petition of Jamie Sue Warnick, M.D. (hereinafter "Licensee"), seeking removal of all restrictions on her license to practice medicine imposed by virtue of that certain Determination and Order rendered by the Board on July 15, 1999. The Executive Committee, after hearing said motion, finds the same to be well-taken.

IT IS HEREBY ORDERED, that Licensee's petition for removal of all restrictions is hereby granted. Licensee now holds an unrestricted license to practice medicine in the State of Mississippi.

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 Jamie Sue Warnick, M.D.

ORDERED, this the 15th day of August, 2000.

MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE

BY: *Freda M. Bush, MD*
FREDA M. BUSH, M.D., PRESIDENT

MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
MISSISSIPPI PHYSICIANS - LICENSE EXPIRATION 06/30/2000
MISSISSIPPI PHYSICIANS WITH LAPSED LICENSES
 PRINTED: 8/15/2000

License	Issued	Reinstated	Disciplinary	Name	Address	City	State	Zip
15808	04/20/1998	NO	AARON, JANNICE OWENS, MD	P O BOX 3034	CORDOVA	TN	38088-3034	
14045	07/26/1994	NO	ABDALLAH, HALA MOHAMMAD, MD	2701 NAPOLEON AVE	NEW ORLEANS	LA	70115	
12717	01/08/1991	NO	ACREE, MARTIN VERNON, MD	1325 EASTMORELAND STE 150	MEMPHIS	TN	38104	
14773	04/15/1996	NO	ADAMS, KELLY LYNN, DO	SOUTH WESTERN VERMONT MED CENTER 100 HOSPITAL DR	BENNINGTON	VT	05201	
80139	07/07/1997	NO	ADAMS, TIMOTHY, DPM	1462 S COLORADA #5B	GREENVILLE	MS	38703	
16232	03/01/1999	NO	AGBETUNSIN, CAROLINE OLUFUNMILAYO, MD	BROAD AVENUE PEDIATRIC CLINIC 1210 BROAD AVE	GULFPORT	MS	39501	
04476	09/21/1961	YES	AGEE, RICHARD EUGENE, MD	P O BOX 8207	DURANGO	CO	81301	
12789	05/20/1991	NO	AKIN, KATHRYN BROOKS, MD	20091 PINEVILLE RD	LONG BEACH	MS	39560	
16426	07/19/1999	NO	ALFANO, THOMAS GENE, MD	ANESTHESIOLOGY CONSULTANT OF AR 1 RIVERFRONT PLACE	N LITTLE ROCK	AR	72223	
15682	12/01/1997	NO	ALKHERSAM, HUSAM H, MD	1130 BEAR CREEK PKWY #1209	EULESS	TX	76039	
09396	06/30/1981	NO	ALLEN, JAMES MADISON, MD	1680 MONTGOMERY HWY	HOOVER	AL	35216	
16313	05/10/1999	NO	ALLEN, REGINALD AGUSTUS, MD	COASTAL UROLOGY CENTER 2040 DAN PROCTOR DR	ST MARYS	GA	31558	
15713	01/12/1998	NO	ALLEN, VINSON EUGENE, DO	LAC-HARBOR-UCLA MEDICAL CENTER 1000 W CARSON ST	TORRANCE	CA	90502-2059	
16260	04/05/1999	NO	ALLOJU, MURALI MOHAN, MD	THE GREENVILLE CLINIC 1502 SO COLORADO ST	GREENVILLE	MS	38703	
15234	03/17/1997	NO	ALTIRKAWI, KHALID A, MD	ALHAMMADI HOSPITAL	RIYADH SAUDI ARABIA		11534	
15296	05/12/1997	NO	ALTMAN, SANFORD DAVID, MD	16400 NW 2ND AVE STE 101	NORTH MIAMI BEACH	FL	33169	
16215	02/08/1999	NO	ALVARADO, LISSETTE, MD	MS PHYSICIAN SERVICES INC 1636 POPPS FERRY RD STE 103	BILOXI	MS	39532	
14763	04/01/1996	NO	ANTWINE, HAROLD MELVILLE, III, MD	THE JACKSON CLINIC 616 W FOREST AVE	JACKSON	TN	38301	
10216	05/04/1984	NO	ARDISON, GARY WINSHIP, MD	DALLASTOWN FAMILY MEDICINE 755 S PLEASANT AVE	DALLASTOWN	PA	17313	
16051	08/31/1998	NO	ARIF, MUHAMMAD, MD	KEMPER COMMUNITY HOSPITAL P O BOX 246	DEKALB	MS	39328	
12755	03/05/1991	NO	ARTHUR, BASIL CUTHBERT, MD	1806 KINGSBURY DR	NASHVILLE	TN	37215	
15695	12/13/1997	NO	AUGUSTUS, VALERIE LOUISE, MD	310 MID-CONTINENT PLAZA STE 335	WEST MEMPHIS	AR	72301	
80124	07/24/1995	NO	AUSTIN, CORLISS LA-SHUNUETTE, DPM	3693 WITTENBURG CT	DECATUR	GA	30034	
09536	07/01/1983	NO	BAGNATO, VITO JOHN, MD	401 FOURTH AVE	ALBANY	GA	31701	
14073	08/08/1994	NO	BAILLIO, EMILY RENE, MD	JACKSON MEDICAL CLINIC 501 MARSHALL ST STE 208	JACKSON	MS	39202	
12451	05/29/1990	NO	BAKER, LAURIE MOLING, MD	8071 WINCHESTER	MEMPHIS	TN	38125	
13071	02/18/1992	NO	BALLESTEROS, JOSE VELOSO, MD	4655 CHADWICK ST	BEAUMONT	TX	77706-7725	
14775	04/15/1996	NO	BARNES, JAMES ROBERT, MD	4301 W. MARKHAM SLOT 520-1	LITTLE ROCK	AR	72205	
15746	03/02/1998	NO	BARRETT, SHAWN ADRIAN, MD	KEESLER USAF MEDICAL CENTER 301 FISHER ST BLDG 468	KEESLER AFB	MS	39534-2522	
12086	07/01/1989	NO	BARTON, JOHN VERNON, MD	215 MARION ST EM SERVICES	MCCOMB	MS	39648	
18016	08/03/1998	NO	BARTON, SHERRI LYNN, MD	DEPT OF FAMILY MEDICINE UMC 2500 N STATE ST	JACKSON	MS	39216	
12641	08/08/1990	NO	BEALS, DAVID HASKELL, MD	630 ONEEGA AVE STE A	ERWIN	TN	37650-2129	
15852	06/01/1998	NO	BENSON, ROBERT WILLIAM, MD	104 ASBURY CIRCLE	HATTIESBURG	MS	39402	
14292	03/27/1995	NO	BERGERON, RHETT L, MD	320 CORPORATE CTR CIRCLE	STOCKBRIDGE	GA	30281	
09919	06/21/1983	NO	BERRYMAN, CHARLES RAYBURN, MD	1604 FERN ROCK CIRCLE	MOBILE	AL	36695	
09838	01/04/1983	NO	BISHOP, TERRELL PHILMORE, JR, MD	1614 W 42	PINE BLUFF	AR	71603	
13978	06/28/1994	NO	BOGEN, GREGG LOREN, MD	WESTERN RESERVE CARE SYSTEM PROFESSIONAL OFFICE CENTER 500 GYPSY LANE STE 200	YOUNGSTOWN	OH	44501	
06899	08/09/1973	NO	BOSWELL, JAMES LIONEL, MD	5563 NORMANDY	MEMPHIS	TN	38119	
14109	09/12/1994	NO	BOWLES, ALFRED PERRY, MD	UMC DEPT OF NEUROSURGERY 2500 N STATE ST	JACKSON	MS	39216	
13686	09/13/1993	NO	BOYER, DAVID LYNN, MD	UAB DEPT OF ANESTHESIOLOGY 964 JEFFERSON TOWER 619 S 19TH ST	BIRMINGHAM	AL	35233-6810	
15740	02/23/1998	NO	BRANDT, JASON COFFMAN, MD	CAMPBELL FOUNDATION ATTN BARBARA JOYNER 910 MADISON STE 500	MEMPHIS	TN	38103	
12386	02/05/1990	NO	BRASFIELD, JOYCE BORUP, MD	835 BRANDYWINE STE 117	SOUTHAVEN	MS	38671	
06982	08/08/1974	NO	BREWER, THOMAS GEORGE, MD	COMMANDER USA MEDICAL COMPONENT AFRRMS-BANGKOK	APO	AP	96546-5000	
10999	08/17/1986	NO	BROSS, MICHAEL HARTWELL, MD	DELTA AHEC FAMILY MEDICINE 1633 HOSPITAL ST	GREENVILLE	MS	38704	
04322	06/22/1960	NO	BROWN, JOHN AUGUSTUS, JR, MD	111 NORTH HOPE ROOM 538	LOS ANGELES	CA	90012	

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License	Issued	Reinstated	Disciplinary Name	Address	City	State	Zip
09085	08/04/1980		NO BRYANT, CLARENCE JAMES, MD	2129 WHITFIELD LANE	ORLANDO	FL	32835
15574	09/08/1997		NO BURNS, MARY HEATHER GARRISON, MD	PEDIATRIC ASSOCIATES 1001 N HALSTEAD RD	OCEAN SPRINGS	MS	39564
11702	07/01/1988		NO BURT, JAMES TRAVIS, MD	1 MEDICAL PARK BLVD STE 250 W	BRISTOL	TN	37620
19603	11/15/1999		NO BUTT, MOHAMMAD ZAMAN, MD	1019 DUMBARTON ROAD	GLEN BURNIE	MD	21060
14005	07/01/1994		NO CADE, WANDA BRAY, MD	MURFREESBORO MEDICAL CLINIC 1004 N HIGHLAND AVE	MURFREESBORO	TN	37130
14899	07/08/1996		NO CAIN, EDWARD LYLE, JR, MD	CAMPBELL FOUNDATION ATTN BARBARA J JOYNER 910 MADISON AVE STE 500	MEMPHIS	TN	38103-3403
04797	09/19/1963		NO CARPENTER, EARL LEE, MD	909 D ANNA AVE EAST	TUSCALOOSA	AL	35401
03381	09/22/1953		NO CARROLL, MAXWELL GLENN, MD	432 N MAIN ST BOX 1357	CRESTVIEW	FL	32538
16653	01/24/2000		NO CHAIM, SOLOMON HERMAN, MD	MS SPORTS MEDICINE CLINIC 1325 FORTIFICATION ST	JACKSON	MS	39238-6870
15649	10/20/1997		NO CHANDLER, GERALD BLAKE, MD	CAMPBELL FOUNDATION ATTN BARBARA JOYNER 910 MADISON AVE STE 500	MEMPHIS	TN	38103
15418	07/21/1997		NO CHERON, FRED ARTHUR, MD	DEPT OF MEDICINE UNIV OF MED & DENTISTRY OF NJ 150 BERGEN ST	NEWARK	NJ	07103-2406
11018	07/01/1986	7/3/1997	NO CHILDS, DAVID LYNN, MD	304 SHORTER AVE STE 102	ROME	GA	30165
13513	07/01/1993		NO CHILDS, THOMAS RAY, MD	MEA MEDICAL CLINIC 323 HWY 51	RIDGELAND	MS	39157
12206	06/30/1989		NO CHINTAMANENI, SURESH, MD	1516 HARVEST LANE	WESTMONT	IL	60559
18533	08/30/1999		NO CHLEBICKI, MACIEJ PIOTR, MD	MILLRY MEDICAL CLINIC 105 FIFTH AVE	MILLRY	AL	36558
05970	06/12/1970		NO CLARK, WILLIAM FLENOY, JR, MD	RT 1 BOX 34-A	OAKLAND	MS	38948
07974	08/08/1977		NO CLELAND, WILLIAM HOWARD, MD	1020 N FLOWOOD	JACKSON	MS	39208
04653	08/20/1962		NO CLINGAN, ROBERT CHARLES, MD	1202 MISSION PARK DR	VICKSBURG	MS	39180
04174	06/24/1959		NO COERS, CARL RICHARD, III, MD	800 8TH AVE	FT WORTH	TX	76104
12270	08/02/1989		NO CONNOR, GREGORY SINCLAIR, MD	6585 SOUTH YALE #620	TULSA	OK	74136
07640	08/09/1976		NO COOK, BILLY HERSHEL, MD	MISSISSIPPI STATE HOSPITAL	WHITFIELD	MS	39193
04132	06/25/1958		NO COOKE, ROBERT SAMUEL, JR, MD	33 KINGSBORO LANE	FAIRFIELD GLADE	TN	38558
09797	10/18/1982		NO COOLEY, DANIEL JAY, MD	218 STIMSON ST	HERKIMER	NY	13350
11241	11/10/1986		NO COPE, JOHN WILLIAM, MD	3615 HOSPITAL RD	PASCAGOULA	MS	39581
04804	06/19/1963		NO CORNELIUS, LELAND RAEBURN, MD	7655 POPLAR AVE STE 130	GERMANTOWN	TN	38138
16574	10/11/1999		NO CORRY, BEVERLY ELIZABETH, MD	COLUMBUS CHILDREN'S CLINIC 2600 5TH ST NORTH	COLUMBUS	MS	39701
14131	09/19/1994		NO COWAN, WILLIAM RAYMOUND, MD	2 LEATHERWOOD COURT	HILTON HEAD	SC	29926
11179	08/20/1986		NO COX, DIETHRA DIANE, MD	METRO HEALTH CLEMENT CTR 2500 E 79TH ST	CLEVELAND	OH	44104
04657	08/20/1962		NO COX, JOE DAVID, MD	262 E MAIN ST	GALLATIN	TN	37066
03578	06/27/1955		NO COX, WILLIAM LUTHER, JR, MD	2975 MAVERICK ST	LAS VEGAS	NV	89120-1562
13344	09/28/1992		NO CRISP, ANGELA FAYE, MD	5646 READ BLVD STE 220	NEW ORLEANS	LA	70127
13265	07/13/1992		NO CROMPTON, JOHN DAVID, MD	NORWOOD CLINIC 1528 CARRAWAY BLVD	BIRMINGHAM	AL	35234
05101	09/16/1965		NO DANAHEY, THOMAS JOSEPH, III, MD	3641 SACRAMENTO ST STE J	SAN FRANCISCO	CA	94118
03835	12/10/1958		NO DANIEL, JACK DALTON, MD	2308 BROTHER ABDON WAY	SANTA FE	NM	87505
14031	07/18/1994		NO DAQUD, BASEEM TAHER, MD	UMC 2500 N STATE ST	JACKSON	MS	39216
16364	09/14/1999		NO DASAREE, LAKSHMI KANAKAVALLI, MD	MID-SOUTH GASTROENTEROLOGY GROUP 1417 MONROE AVE	MEMPHIS	TN	38104
80133	09/18/1996		NO DAVID, LEOPOLDO QUICHO, JR, DPM	407-D W CENTRAL AVE	WIGGINS	MS	39577
09039	07/03/1980		NO DAVIS, WILLIAM ARTHUR, JR, DO	210 SWIFT CREEK RD	HARTSVILLE	SC	29550
16320	05/17/1999		NO DELLINGER, JANET WOODSON, MD	HEALTH FIRST MEDICAL GROUP 5240 POPLAR AVE	MEMPHIS	TN	38119
13431	03/29/1993		NO DERBES, LAWRENCE JOSEPH, MD	UC DAVIS MEDICAL CENTER CARDIOVASCULAR MED 4860 Y ST STE 2820	SACRAMENTO	CA	95817
15194	02/03/1997		NO DESROSIERS, RAYMOND JOSEPH, MD	VA MEDICAL CTR 400 VETERANS AVE	BILOXI	MS	39522
07297	08/04/1975		NO DIAZ ESQUIVEL, PABLO RAFAEL, MD	1500 COLIJTER STE 2	AMARILLO	TX	79108
14630	10/30/1995		NO DORMAN, KENNETH R, MD	3124 WHEELER	AUSTIN	TX	78705
03051	09/20/1951		NO DUCK, ERNEST GERALD, MD	102 SHELBY SPEIGHTS DR	PURVIS	MS	39475
14765	04/08/1996		NO DUJEFF, DANIEL MICHAEL, MD	81 MDS/SGCG 301 FISHER ST ROOM 1A132	BILOXI	MS	39531
15601	09/22/1997		NO DUNN, JAMES SANDIDGE, MD	KEESLER MEDICAL CENTER 301 FISHER ST	KEESLER AFB	MS	39534
18531	08/30/1999		NO EASON, WILLIAM A, MD	PRIME CARE MEDICAL CENTER PLC 181 SOUTH Y SQUARE	SELMER	TN	38375
14345	05/22/1995		NO EHLAYEL, MOHAMMAD SAYEL, MD	SECTION OF ALLERGY-IMMUNOLOGY DEPT OF PEDIATRICS-HAMAD MED CORP P O BOX 3050	DOHA-QATAR		
10964	05/07/1986		NO ELDIN, AHMED RAOF, MD	KING FAISAL SPECIALIST HOSPITAL RESEARCH CENTER M B C # 84 P O BOX 3354	RIYADH SAUDI ARABIA	ZZ	11211

License	Issued	Reinstated	Disciplinary Name	Address	City	State	Zip
80120	05/01/1994	7/7/1997	NO	ERALI, RICHARD PEARL, DPM	BAPTIST MEMORIAL HOSPITAL 2301 S LAMAR BLVD	OXFORD	MS 38655
07302	08/04/1975		NO	EVANS, JOHN WILLIS, JR, MD	3080 RICHFIELD DR	COLORADO SPRINGS	CO 80919
09904	05/17/1983		NO	EXSTRUM, TERRY D, MD	DALLAS DIAGNOSTIC ASSOC 7777 FOREST LN STE C 300	DALLAS	TX 75230
15612	09/22/1997		NO	FARNSWORTH, SAMUEL ERIC, MD	910 MADISON AVE STE 704	MEMPHIS	TN 38103
10609	07/01/1985		NO	FINLEY, CHESTER LAWRENCE, MD	525 NATCHEZ BLVD STE D	OPELOUSAS	LA 70570
08338	08/08/1978		NO	FITCH, SARAH JEAN, MD	700 CLANLO LANE	MEMPHIS	TN 38104
04346	05/22/1960		NO	FLEMING, RICHARD CHARLES, JR, MD	319 HICKORY DR	MERIDIAN	MS 39305
15638	12/06/1999		NO	FOGARTY, STEVEN JAMES, MD	VITREORETINAL FOUNDATION 825 RIDGELAKE BLVD	MEMPHIS	TN 38120
04188	09/24/1959		NO	FORD, ROBERT GRANT, MD	3918 MONICLAIR RD STE 102	BIRMINGHAM	AL 35213
07120	12/12/1974		NO	FORSTNER, JAMES ROBERT, MD	250 E 11TH ST	NC	28461
14836	08/10/1996		NO	FOURNET, TIMOTHY SCOTT, MD	930 MADISON AVE STE 890	MEMPHIS	TN 38103
14158	10/17/1994		NO	FOWBLE, COLEMAN DEANE, MD	HANCOCK MEDICAL CENTER 149 DRINKWATER BLVD P O BOX 2790	BAY ST LOUIS	MS 39521
14416	07/01/1995		NO	FRANK, THOMAS CHRISTOPHER, MD	UMCDEPT OF OTOLARYNGOLOGY 2500 N STATE ST	JACKSON	MS 39216
16148	11/23/1998		NO	FRATERRIGO, PHILIP ANDREW, MD	910 MADISON AVE STE 820	MEMPHIS	TN 38103
10227	06/19/1984		YES	GABRIEL, DEBRA JEAN, MD	100 KING EDWARD DR	COLUMBUS	MS 39701
15876	06/16/1998		NO	GALAN, ANTHONY R, MD	JEFFERSON MEDICAL ASSOCIATES 1203 JEFFERSON ST	LAUREL	MS 39440
14551	08/28/1995		NO	GIACOMINI, MARK EDWARD, DO	FORREST GENERAL HOSPITAL 6051 HWY 49 P O BOX 16384	HATTIESBURG	MS 39404-6389
15556	09/25/1997		NO	GOMEZ, ENRIQUE LUIS, MD	NORTHWEST MS REGIONAL MED CENTER 853 RITCHIE AVE	CLARKSDALE	MS 38614
12899	07/01/1981		NO	GORDON, DAVID LEE, MD	UMC DEPT OF NEUROLOGY 2500 N STATE ST	JACKSON	MS 39216
10158	11/10/1983	7/16/1997	NO	GORMAN, RICHARD J, DO	P O BOX 1818	OCEAN SPRINGS	MS 39564
13637	08/09/1993		NO	GOSSUM, ROBIN SANN, MD	2200 BERGQUIST DR STE 1 MKFO	LACKLAND AFB	TX 78236-5300
14649	11/27/1995		NO	GOVANI, MAHENDRA V, MD	DIV OF NEPHROLOGY UTMB 4.200 JOHN SEALY ANNEX 301 UNIVERSITY BLVD	GALVESTON	TX 77555-0562
15114	11/04/1996		NO	GOVANI, RITA MAHENDRA, MD	820 MOHAWK DR APT D	CARMEL	IN 46032
05787	06/11/1969		NO	GRANTIER, DAVID RAYMOND, MD	1453 CLEARVIEW DR	ACWORTH	GA 30102
14968	08/01/1996		NO	GRAVES, WHITE SOLOMON, MD	UMC DEPARTMENT OF ORTHOPAEDICS 2500 N STATE ST	JACKSON	MS 39216
15561	09/08/1997		NO	GRAY, VICTOR JOHN, MD	101 PARKGATE DR EXTENDED	TUPELO	MS 38801
07773	10/05/1976		NO	GUILLOT, WALTER LOUIS, JR, MD	1006 BONNABEL BLVD	METAIRIE	LA 70005
11569	09/14/1987	7/7/1997	NO	GUOTH, PAMELA RENATA H, MD	113 OLD TRAM RD	MOULTRIE	GA 31768
15707	01/05/1998		NO	HAITH, WILLIAM LAWRENCE, JR, DO	KEESLER AFB MEDICAL CENTER 301 FISHER ST	KEESLER AFB	MS 39534
12292	08/30/1989		NO	HALLIBURTON, CHARLES RAY, JR, MD	MEDICAL ASSOCIATES 7777 HENNESSY BLVD STE 1000	BATON ROUGE	LA 70808-4300
16240	03/08/1999		NO	HAMILTON, ROBERT EZRA, III, MD	UNIVERSITY OF TEXAS SOUTHWESTERN 5201 HARRY HINES BLVD	DALLAS	TX 75235
14884	07/08/1996		NO	HANKINS, CHRISTOPHER LOVELL, MD	2220 MANASSAS DR	BIRMINGHAM	AL 35213
15339	06/16/1997		NO	HANNA, RICHARD TINSLEY, MD	2000 E GREENVILLE ST	ANDERSON	SC 29621
15104	10/20/1996		NO	HASTY, CHRISTOPHER CLAY, MD	CAMPBELL FOUNDATION ATTN BARBARA J JOYNER 910 MADISON AVE STE 500	MEMPHIS	TN 38103-3403
13098	04/06/1992		NO	HEATH, BRYAN HENRY, MD	612 PALMETTO ST	NEW SMYRNA BEACH	FL 32168
15862	08/08/1998		NO	HEFFNER, CHRISTOPHER DABNEY, MD	4550 MEMORIAL DR STE 420	BELLVILLE	IL 62226
08755	08/08/1982		NO	HERSEY, HARRY THORNTON, MD	GENERAL PRACTICE ASSOCIATES 2001 CANAL ST	NEW ORLEANS	LA 70122
14268	02/27/1995		NO	HILL, RAYMOND DEAN, MD	3104 CROASDAILE DR P O BOX 15538	DURHAM	NC 27704
01072	06/28/1940		NO	HOLDER, ERNEST JEFF, MD	1321 N 11TH AVE	LAUREL	MS 39440
12928	07/18/1991	10/29/1997	NO	HOMBERG, ERIC JON, MD	JACKSON ANESTHESIA & PERIOPERATIVE CONSULTANTS P O BOX 10697	JACKSON	TN 38308-0111
03902	06/26/1957		NO	HOWE, ROBERT EDGAR, MD	1528 CARRAWAY BLVD	BIRMINGHAM	AL 35234
12128	07/01/1989		NO	HUCKABEE, RIFE EDWARD, MD	IMAGING DEPT RIVER OAKS HOSPITAL 1030 RIVER OAKS DR	JACKSON	MS 39208
03903	06/26/1957		NO	HUGHES, JERALD STACY, MD	P O BOX 487	BAY SPRINGS	MS 39422
15844	10/13/1997		NO	HUNTSMAN, CASEY IRA, MD	CAMPBELL FOUNDATION ATTN BARBARA J JOYNER 910 MADISON AVE STE 500	MEMPHIS	TN 38103
16319	05/17/1999		NO	ISOM, JOHNNATHAN MILTON, MD	BAPTIST MEMORIAL HOSPITAL-DESOTO 7601 SOUTHCREST PARKWAY	SOUTHAVEN	MS 38671
13775	03/14/1994		NO	JAMISON, THELMA MAY, DO	133 CYPRESS POINT DR	PALM BEACH GARDENS	FL 33418
16263	03/22/1999		NO	JANI, AJAYKUMAR MANMOHAN, MD	PEDIATRIC CLINIC OF UNION CITY 1117 S MILES AVE	UNION CITY	TN 38261
09625	07/01/1982	7/3/1997	NO	JENKINS, RONALD ARMAND, MD	201 ST PATRICK ST STE 201	LAFAYETTE	LA 70506-4568
08978	03/31/1980		NO	JIRSA, HAROLD OTTO, MD	14610 GARRETT AVE APT 218	APPLE VALLEY	MN 55124-8474
12131	07/01/1989	6/13/2000	NO	JONES, KYLE MORRIS, MD	COMPREHENSIVE ANESTHESIA SERVICES 2006 FRANKLIN ST STE 301	HUNTSVILLE	AL 35801
06232	05/25/1978		NO	JORDAN, JAN ERIC, MD	13580 ALPINE AVE N	SEMINOLE	FL 34646

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License	Issued	Reinstated	Disciplinary Name	Address	City	State	Zip
14256	02/13/1995		NO	JOST, CHARLES MAURICE TULLIO, MD	S TX CARDIOVASCULAR CONSULTANTS 4330 MEDICAL DR STE 550	SAN ANTONIO	TX 78229
14923	07/22/1996		NO	KACHMARYK, MARTHA MARIA, MD	825 RIDGE LAKE BOULEVARD	MEMPHIS	TN 38120
13628	08/02/1993		NO	KAPASI, MUNIR JAINUDDIN, MD	BROOKDALE UNIVERSITY HOSPITAL PEDIATRIC CRITICAL CARE DIVISION RM 800, 8CHC 1, BROOKDALE PLAZA	BROOKLYN	NY 11212
15651	10/20/1997		NO	KAPLAN, STUART JOEL, MD	575 EASTON AVE #12F	SOMERSET	NJ 06873
03478	06/21/1954		NO	KELLUM, WILLIAM CARL, SR., MD	KELLUM CLINIC 910 N CLAYTON AVE	TUPELO	MS 38801
07401	09/03/1975		NO	KELLY, ROY ARTHUR, JR., MD	S LOUISIANA MED ASSOC 1978 INDUSTRIAL BLVD	HOUMA	LA 70363
13356	10/12/1992		NO	KHURANA, RAJIV., MD	5516 REBECCA BLVD	KENNER	LA 70065
08004	08/08/1977		NO	KIM, JIN SOO, MD	49 FIELDSTONE LANE	WEYMOUTH	MA 02189
15074	09/30/1996		NO	KING, FRED ERNEST, MD	2018 S GERMANTOWN RD	GERMANTOWN	TN 38018
14075	08/08/1994		NO	KITCHNER, IRVING., MD	6632 SW GISBOURNE CT	TOPEKA	KS 66614
15105	10/28/1996		NO	KLEINMAN, PAUL BRUCE, MD	5000 RIDGEWOOD RD APT 1618	JACKSON	MS 39202
15583	09/15/1997		NO	KNATT, THEODORE., SR., MD	6110 MAIN ST	ZACHARY	LA 70791
13937	07/01/1994		NO	KNOEPP, THERESA GREENE, MD	MCG DEPT OF DERMATOLOGY MEDICAL COLLEGE OF GEORGIA	AUGUSTA	GA 30912-3190
14407	07/01/1995		NO	KOON, HENRY B, JR., MD	BETH ISRAEL DEACONESS MEDICAL CTR 330 BROOKLINE AVE	BOSTON	MA 02215
14433	06/28/1995		NO	KRUGLIK, GERALD DAVID, MD	625 N CRESCENT	HOLLYWOOD	FL 33021
14299	03/27/1995		NO	KUFUOR, NANA KOBINA, MD	1210 BROAD AV	GULFPORT	MS 39501
15248	03/15/1999		NO	KUSNICK, BARRY A, MD	128 NORTH PARK	COVINGTON	LA 70433
15068	09/23/1996		NO	LAKHANPAL, SURESH KUMAR, MD	1427 EBERHART AVE	COLUMBUS	GA 31906
14490	07/24/1995		NO	LAMMERT, LAURIE MAUGHON, MD	KIMBERLY CLARK CORPORATION 1400 HOLCOMB BRIDGE RD	ROSWELL	GA 30076
15478	08/11/1997		NO	LANCE, DANIEL ROY, MD	81ST MEDICAL GROUP 81 MDOS/SGOE EMERGENCY SERVICES FLIGHT	KEESLER AFB	MS 39534
14360	05/30/1985		NO	LANGLEY, CAROL LYNN, MD	BELL FLOWER CLINIC 1101 WEST 10TH ST	INDIANAPOLIS	IN 46202
13254	07/01/1992		NO	LANTRIP, BRYAN STACY, MD	RADIOLOGY CONSULTANTS BAPTIST MED TOWERS I STE 1100 9601 LILE DR	LITTLE ROCK	AR 72205
14607	10/02/1995		NO	LARMON, JANET ELAINE, MD	UMC/DEPT OF OB/GYN 2500 N STATE ST	JACKSON	MS 39216
13814	05/16/1994		NO	LASALLE, MIGUEL ANGEL, MD	P O BOX 6428	MAYAGUEZ	PR 00681-6428
13457	05/24/1993		NO	LATOS, SHELDON KURT, DO	601 EXPOSITION BLVD	NEW ORLEANS	LA 70118
14588	09/11/1995		NO	LAVEN, BARRY NATHAN, MD	2974 DELTA FAIR BLVD	ANTIOCH	CA 94509
11870	08/18/1988		NO	LEBOW, HARLAN GARY, MD	WORK HORIZONS PHYSICIANS SERVICES 3780 EISENHOWER PARKWAY	MACON	GA 31206
16190	01/11/1999		NO	LEBRON, JUAN F, MD	VITREORETINAL FOUNDATION 825 RIDGE LAKE BLVD	MEMPHIS	TN 38120
13744	01/18/1994		NO	LEONOVICZ, DOUGLAS., MD	1110 BROAD AVE #400	GULFPORT	MS 39501-2458
15581	09/15/1997		NO	LIM, MIN YING, MD	283 BARD AVE	STATEN ISLAND	NY 10310
15693	12/15/1997		NO	LIN, CHRISTINA VIOLA, DO	FORREST GENERAL HOSPITAL EMERGENCY DEPT P O DRAWER 18389	HATTIESBURG	MS 39404
05806	06/11/1969		NO	LINCE, LEONARDO., MD	4330 MEDICAL DR STE 325	SAN ANTONIO	TX 78229
05461	06/07/1967		NO	LOVETT, WILLIAM LEE, MD	6049 N 5TH PLACE	PHOENIX	AZ 85012
80137	06/18/1997		NO	LUCAS, NATHAN., DPM	ADVANCED FOOT CARE 1417 MONROE AVE	MEMPHIS	TN 38104
14945	07/30/1996		NO	LUI, HENRY KIN-SUN, MD	MED SPECIALTY CLINIC 27 MED CTR DR	JACKSON	TN 38301
15867	06/15/1998		NO	LYONS, THOMAS., MD	MS SPORTS MED & ORTHO CENTER 1325 E FORTIFICATION ST	JACKSON	MS 39202
13552	07/01/1993	7/2/1997	NO	MAGRUDER, MARY JANE, MD	DESERT RADIOLOGISTS 2020 PALOMINO LANE STE 100	LAS VEGAS	NY 89106
15628	09/29/1997		NO	MAINES, TIMOTHY YORK, MD	3665 HWY LA 1	RACELAND	LA 70394
15600	09/22/1997		NO	MANE, SHEILA RAMCHANDRA, MD	1330 SYCAMORE AVE STE 3	KINGMAN	AZ 86401
02402	06/19/1946		NO	MANGOLD, MARIA SALIGER, MD	735 E 5TH ST P O BOX 778	YAZOO CITY	MS 39194
14707	02/05/1996		NO	MANN, RANDEEP SINGH, MD	2874 WATERLEAF DR	GERMANTOWN	TN 38138
18599	11/01/1999		NO	MARRI, NAUSHABA., MD	METHODIST HOSPITAL OF CHICAGO 5025 N PAULINA	CHICAGO	IL 60640
15599	09/22/1997		NO	MASON, LOWELL DEAN, II., MD	USA MEDICAL CENTER 2451 FILLIGHIM ST STE 503	MOBILE	AL 36617
12522	07/01/1990		NO	MASSEY, VIRGIL RUDOLPH, MD	211 RIVER OAKS LANE	RUSSELLVILLE	AR 72802
13762	02/22/1994		NO	MATAR, BASSAM FAOUR, MD	RIGHT CARE MEDICAL CENTER 4708 N KEDZIE AVE	CHICAGO	IL 60625
14103	09/06/1994		NO	MAZUR, RICHARD ALFRED, MD	351 LADNIER ST.	PASS CHRISTIAN	MS 39571
11581	10/20/1987		NO	MCCASLIN, LUCINDA JEAN, MD	CHILDREN'S HOSPITAL 200 HENRY CLAY	NEW ORLEANS	LA 70118
05810	06/11/1969		NO	MCDANIEL, DAVID BORDEN, MD	2610 KELLY DR	GRAND JUNCTION	CO 81506
09532	02/24/1982		NO	MCELWEY, JOHN DONALD, DO	RT 2 BOX 205	COFFEVILLE	MS 38922
12559	06/25/1990		NO	MCHARDY, GEORGE GORDON, MD	10 JAPONICA ST	PASS CHRISTIAN	MS 39571

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03219	08/25/1952		NO	MCMAHON, DONALD, JR, MD	1717 N E ST STE 302	PENSACOLA	FL 32501
16089	10/05/1998		NO	MENDOZA, JOSEPH BRIONES, MD	KEESLER AFB MEDICAL CENTER ADULT AMBULATORY CARE CLINIC 301 FISHER ST RM 1A132	KEESLER AFB	MS 39534-2519
14140	09/26/1994		NO	MICALSON, LINDA SUE, MD	NIIC 700 IRONWOOD DR #710	COEM D'ALENE	ID 83814
15785	03/30/1998		NO	MILTENBURG, DARLENE MARGARET, MD	BAYLOR COLLEGE OF MEDICINE 6550 FANNIN STE 1628	HOUSTON	TX 77030
13249	07/01/1992		NO	MONAJIEM, NAVID, MD	OELTA SURGICAL CLINIC 110 E BAKER ST	INDIANOLA	MS 38751
15225	03/10/1997		NO	MONGE, AGUSTIN ABELARDO GARCIA CABALLERUS	RUSC NORRIS CANCER CENTER 1441 EASTLAKE AVE 3439	LOS ANGELES	CA 90089
12196	06/27/1989		NO	MONTOURIS, GEORGIA DOROTHY, MD	COMPREHENSIVE EPILEPSY CARE CTR FOR CHILDREN & ADULTS 222 S WOODS MILL RD STE 610	CHESTERVILLE	TN 38103
10309	07/01/1984		NO	MOONEY, JOSEPH SPENCER, MD	BROOKHAVEN EAR NOSE TH CL 201 S. RAILROAD AVE.	BROOKHAVEN	MS 39601
11060	07/01/1986		NO	MORGAN, JAN SHAFER, MD	SURGICAL ANESTHESIA ASSOC PA 1088 FLINT DR STEA	FLOWOOD	MS 39208
13612	07/15/1993		NO	MOSKOP, ROBERT JAY, JR, MD	BAPTIST HOSPITAL DESOTO 7603 SOUTHCREST PKWY STE 301	SOUTHAVEN	MS 38671
15766	03/16/1998		NO	MULLERSMAN, JERALD ERIC, MD	DEPT OF PATHOLOGY UNIVERSITY OF TENNESSEE 899 MADISON AVE #578M BMH	MEMPHIS	TN 38163
14364	06/05/1995		NO	MUSGROVE, CARL CHRISTOPHER, II, MD	3721 TILFORD	MONROE	LA 71201
05655	06/21/1988		NO	MYERS, WAYNE CARROLL, MD	3945 WOODTRACE	OWENSBORO	KY 42303
16070	09/21/1998		NO	NASS, OMAR, MD	HENRY FORD HOSPITAL 2799 W GRAND BLVD	DETROIT	MI 48202
03080	06/20/1951	7/18/1997	NO	NEILL, WALTER RIDGWAY, MD	P O BOX 6515	LAUREL	MS 39441
12589	07/03/1990		NO	NESS, MARSHA JEAN, MD	1544 MASSEY POINTE LANE	MEMPHIS	TN 38120
08025	08/08/1977		NO	NICHOLAS, DEBORAH ADELE, MD	SHRINERS HOSP FOR CHILDREN 950 W FARIS RD	GREENVILLE	SC 29605
15850	06/01/1998		NO	NORBERG, FRANK, MD	1325 E FORTIFICATION ST	JACKSON	MS 38202
11782	07/01/1988		NO	NORTON, BENNETTE EDWARD, III, MD	HOLSTON MEDICAL GROUP ROSS CARTER BLVD	DUFFIELD	VA 24244
12668	09/24/1990		NO	O'NEAL, TERI BARR, MD	101 JASON DR	WEST MONROE	LA 71291
15793	04/06/1998		NO	ORR, TRACY R, MD	6305 HUMPHREYS BLVD #205	MEMPHIS	TN 38120
16073	09/21/1998		NO	OSMAN, AYAH YOUSIF, MD	309 SUMMER HILL RD	MADISON	MS 39110
12598	07/12/1990		NO	OSMAN, KHIDIR A, MD	UMC DEPT OF CARDIOLOGY 2500 N STATE ST	JACKSON	MS 39216
15110	11/04/1996	7/3/1997	NO	OWENS, MICHELLE MCDANIEL, MD	ARNOLD PALMER HOSPITAL FOR WOMEN 105 WEST MILLER	ORLANDO	FL 32806
10155	10/20/1983		NO	PACE, THOMAS BRANTLEY, MD	86 VILLA RD	GREENVILLE	SC 29615
07042	08/08/1974		NO	PALMER, DAVID ODELL, MD	3535 TRAVIS ST #210	DALLAS	TX 75204
05481	06/07/1987		NO	PARISH, MARK FRAZER, MD	HOSP MED PAVALLION STE 306 HOSP BLVD	HILTON HEAD IS	SC 29926
16058	09/09/1998		NO	PARISH, ANJALI PRASAD, MD	DEPT OF PEDIATRICS UMC 2500 N STATE ST	JACKSON	MS 39216
16352	06/07/1999		NO	PAYNE, CHRISTOPHER RANDOLPH, MD	1265 UNION AVE	MEMPHIS	TN 38104
12261	07/31/1989		NO	PENFIELD, JEFFREY GUY, MD	VA NORTH TEXAS HEALTH CARE 111G1 MEDICAL SERVICE - NEPHROLOGY 4500 SO LANCASTER RD	DALLAS	TX 75216
04553	08/21/1961		NO	PEREZ, EVELIO ALBERTO, MD	19007 NORLLER CT	LUTZ	FL 33549
13358	10/12/1992		NO	PERLIN, BARRY MICHAEL, MD	1455 NORTHPARK DR	FT LAUDERDALE	FL 33266
18677	02/07/2000		NO	PERRY, STEVEN DWAYNE, DO	KEESLER AFB HOSPITAL 301 FISHER ST	KEESLER AFB	MS 39534-2521
13581	07/01/1993	7/2/1997	NO	PETRIE, SCOTT GEORGE, MD	1212 RIVERVIEW BLVD STE 1020	GONZALES	LA 70737
15517	08/19/1997		NO	PICKELL, STUART CHARLES, MD	UMC DEPT OF PEDIATRICS 2500 N STATE ST	JACKSON	MS 39216
05830	06/11/1969		NO	PINEDA, JOSE DISCUA, MD	325 WOOBINE DR	SHREVEPORT	LA 71105
09371	06/03/1981		YES	PITRE, WAYNE MICHAEL, MD	1202 MISSION PARK DR	VICKSBURG	MS 39180
11461	06/02/1987		NO	PITTINOS, GEORGE EDWIN, III, MD	MOBILE INFIRMARY P O BOX 2144	MOBILE	AL 36652
08671	07/18/1979		NO	POWELL, ARCHIE LINEAL, MD	MEHARRY MEDICAL COLLEGE 1005 DB TODD BLVD	NASHVILLE	TN 37208-3599
14756	03/25/1996		NO	PRIOR, DONALD STEWART, MD	KING'S DAUGHTERS HOSPITAL 300 S WASHINGTON AVE	GREENVILLE	MS 38701
80039	09/01/1973		NO	PRUIITT, OTHA DENUM, DPM	8118 S LASALLE	CHICAGO	IL 60620
12669	09/24/1990		NO	PURDY, KAREN ADELIN, MD	1325 EASTMORELAND STE 150	MEMPHIS	TN 38104
16431	07/28/1999		NO	PURSLEY, TRACY STARLING, MD	CAMPBELL CLINIC 1400 GERMANTOWN PARKWAY	MEMPHIS	TN 38138
03089	06/20/1951		NO	PURYEAR, LAMAR, JR, MD	307 PINEHURST CIRCLE	HAZLEHURST	MS 39083
06856	12/07/1973		NO	RADZIKOWSKI, RONALD AUBREY, MD	MEDICAL ASSOC 7777 HENNESSY BLVD STE 1000	BATON ROUGE	LA 70808
15331	06/09/1997		NO	RANEY, MICHAEL JOE, MD	METHODIST HOSPITAL CENTRAL 1265 UNION AVE	MEMPHIS	TN 38104-3415
05718	08/21/1988	6/9/1997	NO	RAVIN, JOHN MURRAY, MD	9600 STERLING RIDGE AVE	LAS VEGAS	NV 89129
09769	08/31/1982		YES	REAUX, JOHN MALCOLM, MD	OMEGA MEDICAL CLINIC B211 GOODWOOD BLVD D-2	BATON ROUGE	LA 70806-7740

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15220	03/03/1997	NO	RECKREY, GLORIA ANNE, MD	4051 BAYOU RAPIDES RD APT 501	ALEXANDRIA	LA 71303
13844	05/31/1994	NO	REDDY, ANOOP KUMAR, MD	15307 AMBERLY DR #20	TAMPA	FL 33647
16042	08/24/1998	NO	RHODES, DAVID MICHAEL, MD	CAMPBELL FOUNDATION ATTN: BARBARA JOYNER 910 MADISON AVE STE 500	MEMPHIS	TN 38103
18663	01/31/2000	NO	RICHLI, WILLIAM RUDOLPH, MD	MID-SOUTH IMAGING & THERAPEUTICS 6305 HUMPHREYS BLVD STE 205	MEMPHIS	TN 38120
13145	06/22/1992	NO	RIGBY, JOEL LAMAR, MD	UROLOGY PA 830 SO GLOSTER EAST TOWER 4TH FLOOR	TUPELO	MS 38801
03090	06/20/1951	NO	RILEY, GEORGE ALFRED, MD	RT 2 BOX 130 B	COFFEEVILLE	MS 38922
15181	01/13/1997	NO	RINEHART, BRIAN KEITH, MD	MATERNAL-FETAL MEDICINE UMC 2500 N STATE ST	JACKSON	MS 39216
15490	08/18/1997	NO	RINEHART, TRACY TAYLOR, MD	MS STATE HOSPITAL P O BOX 157A	WHITFIELD	MS 39193
13959	07/01/1994	7/17/1997	ROBBINS, MARK ANTONY, MD	DEPT OF CARDIOLOGY CLEVELAND CLINIC FOUNDATION 9500 EUCLID AVE	CLEVELAND	OH 44195
16124	11/02/1998	NO	ROBINSON, JOHN DALE, MD	PINE BELT MENTAL HEALTHCARE 103 SOUTH 19TH AVENUE P O BOX 1030	HATTIESBURG	MS 39403-1030
05150	06/16/1965	NO	ROBISON, LOWELL BENJAMIN, JR, MD	388 S PAULINE ST	MEMPHIS	TN 38104
14567	09/11/1995	NO	RONEL, DANIEL NACHMAN, MD	NO MISSISSIPPI MEDICAL CTR 803 S GLOSTER ST	TUPELO	MS 38801
03941	06/26/1957	NO	ROSS, THEOPHILUS ERSKINE, III, MD	415 S 28TH AVE	HATTIESBURG	MS 39401
14802	05/13/1996	NO	RUBIN, MARK JOHNATHAN, MD	P O BOX 1049	WAYNESBORO	MS 39367
10891	09/24/1985	NO	RUTH, MICHAEL, MD	9001 SUMMA AVE	BATON ROUGE	LA 70809
08541	01/04/1979	YES	SAVAGE, PATRICK JOSEPH, MD	505 E MATTHEWS	JONESBORO	AR 72401
11983	01/03/1989	3/10/1997	SCHACKNOW, PAUL NEIL, MD	2889 10TH AVE N	LAKE WORTH	FL 33461
10820	07/02/1985	NO	SCHNEIDER, JOSEPH FRANCES, JR, MD	201 SIVLEY RD P O BOX 1955	HUNTSVILLE	AL 35807
10790	07/01/1985	NO	SCOTT, AUBREY LEROY, JR, MD	126 CLINIC DR	DOTHAN	AL 36303
15431	07/28/1997	NO	SEKEL, JAMES JOSEPH, DO	1505 HARRISON AVE	MCCOMB	MS 39648
11418	07/01/1987	NO	SEKUL, ELIZABETH ANN, MD	ROOM CJ2103 MEDICAL COLLEGE OF GEORGIA 1120 15TH ST	AUGUSTA	GA 30912-3255
13064	02/03/1992	NO	SFORZA, ANTHONY, MD	HC-65 BOX 21-B	ALPINE	TX 79830
15790	04/06/1998	NO	SHAH, AKBAR, MD	CARDIOLOGY SOUTH INC 1380 E STROOP RD	KETTERING	OH 45429
14440	07/01/1995	NO	SHAW, STEPHEN GERARD, MD	UNIVERSITY HOSPITAL & CLINIC 613 NW AVE	DURANT	MS 39063
03235	06/25/1952	NO	SHOEMAKER, JOSEPH HAMILTON, SR, MD	518 WEST DR	OKOLONA	MS 38860
14054	08/01/1994	NO	SHORT, JEFFREY KEITH, MD	2095 HENRY TECKLENBURG DR	CHARLESTON	SC 29414
16179	12/28/1998	NO	SIDDQUI, MUHAMMAD FARHAN, MD	3433-I N DRUID HILLS RD	DECATUR	GA 30033
10020	07/01/1983	NO	SIEGRIST, JOY HELENE, MD	3500 N CAUSEWAY BLVD STE 1410	METAIRIE	LA 70005
15197	02/10/1997	NO	SIERRA, CAROLINA GISELA, MD	7235 CORAL WAY #214	MIAMI	FL 33155
16389	06/14/1999	NO	SIFONTE, MYRTA N, MD	TULANE MEDICAL 1440 CANAL ST TB-52	NEW ORLEANS	LA 70112
73008	06/22/1950	NO	SIMMONS, WILLIAM HENRY, MD	LAKESHORE #253 3939 TEASLEY LANE	DENTON	TX 76205-0445
14359	05/30/1995	NO	SISAM, RANDALL LEE, DO	THE WOMANS CLINIC OF MCCOMB 205 MARION AVE	MCCOMB	MS 39648
12906	07/17/1990	NO	SLADE, JOEL RONALD, MD	877 JEFFERSON FG026	MEMPHIS	TN 38103
11878	08/23/1988	NO	SMITH, BENNETT WALKER, JR, MD	BAPTIST MEMORIAL HOSPITAL DESOTA ANESTHESIA DEPT 7603 SOUTHCREST PKWY	SOUTHAVEN	MS 38671
12680	10/08/1990	NO	SMITH, BRUCE DOUGLAS, MD	DEPT OF ORTH SURGERY EHRLING BERGQUIST HOSPITAL	OFFUTT AFB	NE 68113-2160
13308	08/17/1992	NO	SNOODGRASS, SAMUEL ROBERT, MD	UMC DEPT OF PEDIATRICS 2500 N STATE ST	JACKSON	MS 39216
05159	06/16/1965	NO	STEPHENS, MARTHA ANNE, MD	5201 PEG LANE N	MEMPHIS	TN 38117
05756	12/21/1988	NO	STITH, JAMES LOGAN, MD	2757 WOODLAND HILLS DR	BLAIRSVILLE	GA 30512-5457
16673	02/07/2000	NO	STOKES, DAVID ANDREW, MD	UNIV S AL MED CENTER 2451 FILLINGIM ST	MOBILE	AL 36617
10555	09/26/1984	NO	STRACNER, BOBBY DALE, MD	120 GEORGIA AVE PO BOX 1857	FLORENCE	AL 35631
11902	09/26/1988	NO	SWAFFORD, WILLIAM BRYSON, JR, MD	4566 STARBOARD DR	BOULDER	CO 80301
10937	01/16/1986	NO	TABBARA, TOUFIK, MD	200 ARNET STE 180	YPSILANTI	MI 48198
08176	02/02/1978	NO	TAYLOR, ZACHARY JEROME, II, MD	1820 PEABODY ST	TUNICA	MS 38676
15277	04/21/1997	NO	TERRONE, DOM ANDREW, MD	UMC 2500 N STATE ST	JACKSON	MS 39216
16114	11/02/1998	NO	TEXADA, RICHARD PAUL, JR, MD	LSU MEDICAL CENTER 1501 KINGS HWY	SHREVEPORT	LA 71103
14180	11/07/1994	NO	THOMAS, JAMES VIRGIL, III, MD	UAB/DEPT OF ANESTHESIOLOGY 619 SOUTH 19TH STREET JT9	BIRMINGHAM	AL 35233
16385	06/28/1999	NO	THRELKELD, JUDSON EARNEST, MD	DEPT OF RADIOLOGY UMC 2500 N STATE ST	JACKSON	MS 39216
15003	08/19/1996	NO	VERHAGE, LARRY WILLIAM, MD	5178 RIDGEVIEW DR LOOP NE	MOSES LAKE	WA 98837
15471	08/11/1997	NO	VRIONIS, FOTIOS D, MD	SEMMES-MURPHEY CLINIC ATTN ELIZABETH SCURA 930 MADISON AVE STE 600	MEMPHIS	TN 38103
03244	06/25/1952	NO	WALKER, PRENTICE JONES, MD	URGENT CARE CENTER 6118 US HWY 49 S	HATTIESBURG	MS 39401
14390	06/19/1995	NO	WALKER, STEPHEN BAUCUM, MD	3235 PERKINS ROAD	BATON ROUGE	LA 70808

License	Issued	Reinstated	Disciplinary Name	Address	City	State	Zip
14194	11/28/1994	7/11/1997	NO	WALTON, WILLIAM THOMAS, MD	25 BENCHWOOD CIR	SAN ANTONIO	TX 78248
15823	05/04/1998		NO	WALTRIP, ROYCE WILLIAM, II, MD	DEPT OF PSYCHIATRY UNIVERSITY OF MS 2500 N STATE ST	JACKSON	MS 39216
14989	08/05/1996		NO	WANGLER, MICHAEL DAVID, MD	11720 PLEASANT RIDGE CIR STE 1604	LITTLE ROCK	AR 72212
15738	02/23/1998		NO	WARD, KRAIG ALLAN, MD	1000 S WALTER @ GREENRIDGE POINTE	AMARILLO	TX 79106
80111	09/01/1992		NO	WATTS, WILMA MARIE HUNT, DPM	200-01 MURDOCK AVE	ST ALBANS	NY 11412
11943	11/22/1988		NO	WEINSTEIN, VICTOR JEROME, MD	1200 S PINE ISLAND RD STE 600	FT LAUDERDALE	FL 33324-4460
06270	06/11/1971		NO	WHITTLE, MICHAEL ROY, MD	342 LAKESHORE DR	CORDELE	GA 31015
14688	01/09/1996		NO	WIGGINS, RICHARD HENRY, III, MD	UNIVERSITY OF UTAH DEPARTMENT OF RADIOLOGY RM #1A71 50 N MEDICAL DR	SALT LAKE CITY	UT 84132
14030	07/18/1994		NO	WILLIAMS, DEBORAH LYNN, MD	BMH-DESOTO SOUTHCREST PKWY	SOUTHAVEN	MS 38671
16613	11/15/1999		NO	WILLIAMS, GEORGE RAYMOND, MD	LSUMC-SHREVEPORT	SHREVEPORT	LA
08525	11/16/1978		NO	WILLIAMS, JAMES ELMER, III, MD	CENTURA PATHOLOGY ST MARY-CORWIN HOSPITAL 1008 MINNEQUA AVE	PUEBLO	CO 81004
16252	03/15/1999		NO	WILLSON, RONALD LEE, MD	3525 PRYTANIA ST STE 320	NEW ORLEANS	LA 70115
16598	11/01/1999		NO	WILSON, IAN FITZSIMMONS, MD	DEPT OF PLASTIC SURGERY UNIV OF MS MED SCHOOL 2500 N STATE STREET	JACKSON	MS 39216-4505
04756	06/20/1962		NO	WILSON, THOMAS EPPS, III, MD	2342 N CHERYL	JACKSON	MS 39211
14629	10/23/1995		NO	WINN, LAUREN MICHAUD, MD	1707 SANDRINGHAM	SAN ANTONIO	TX 78258
15033	09/03/1996		NO	WISEMAN, PAMELA MARKIEWICZ, MD	139 KIRKWOOD ST	PICAYUNE	MS 39466
15883	06/22/1998		NO	WOMACK, WILLIAM BRIAN, DO	DEPT OF FAMILY MEDICINE UMC 2500 N STATE ST	JACKSON	MS 39216
16403	07/12/1999		NO	WOODWARD, BRITTON KEITH, MD	C/O SHERRI WHITE 910 MADISON AVE, SUITE 704	MEMPHIS	TN 38103
11856	06/08/1988		NO	WOOTEN, ROBERT STRODE, MD	1068 CRESTHAVEN RD STE 300	MEMPHIS	TN 38119
04271	06/24/1959		NO	WRIGHT, LEONARD DAVIDSON, JR, MD	5625 POPLAR AVE	MEMPHIS	TN 38119
09884	04/12/1983		NO	WRIGHT, MAUDE HELEN, MD	CHARTER HOSPITAL OF JACKSON LAKELAND DRIVE	JACKSON	MS 39216
80082	08/01/1996		NO	ZELLNER, STANLEY R, DPM	1204 MADISON AVE	MEMPHIS	TN 38104

AUGUST, 2000

**EXECUTIVE COMMITTEE
MEETING ONLY**

SEPTEMBER 2000

**MINUTES
EXECUTIVE COMMITTEE MEETING
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
SEPTEMBER 20, 2000**

MEMBERS PRESENT:

Freda Bush, M.D., Jackson, President
Robert Ray Smith, M.D., Jackson, Vice President
Dewitt G. Crawford, M.D., Louisville, Secretary
W. Joseph Burnett, M.D., Director

ALSO PRESENT:

Charles Moses, Division Director II, Investigative Division
Kathy Fortenberry, Administrative Assistant
Regina Lyle, Administrative Assistant, Licensure Division
Frances Scott, Special Projects Officer

The Executive Committee of the Mississippi State Board of Medical Licensure met on Wednesday, September 20, 2000, at 4:00 p.m. in the Executive Conference Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi.

**PERSONAL APPEARANCE BY MICHEAL LEO BAKER, D.O., VICKSBURG,
MISSISSIPPI MEDICAL LICENSE NUMBER 15475**

Dr. Burnett reviewed Dr. Baker's background and history leading to the disciplinary action taken on his medical license.

Dr. Baker joined the meeting and presented his request for reinstatement of his license. Gary D. Carr, M.D., Medical Director, Mississippi Recovering Physicians Program, addressed the Executive Committee on behalf of Dr. Baker. Dr. Baker and Dr. Carr answered questions from the Executive Committee members.

It was the consensus of the Executive Committee to reinstate Dr. Baker's license and to accept his Consent Order, which is a condition of his reinstatement. The Consent Order is attached hereto and incorporated by reference.

**PERSONAL APPEARANCE BY THOMAS PURSER, III, M.D., PICAYUNE,
MISSISSIPPI MEDICAL LICENSE NUMBER 04709**

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

EXECUTIVE COMMITTEE MEETING

September 20, 2000

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Dr. Purser joined the meeting and presented his request for removal of all restrictions on his license. Dr. Carr addressed the Executive Committee on behalf of Dr. Purser, and both answered questions from the Executive Committee members.

It was the consensus of the Executive Committee to remove all restrictions on Dr. Purser's license. The Order of the Board is attached hereto and incorporated by reference.

PERSONAL APPEARANCE BY GEORGE EDWARD WILKERSON, M.D., BRANDON, MISSISSIPPI MEDICAL LICENSE NUMBER 05507

Dr. Burnett reviewed Dr. Wilkerson's background and history leading to the disciplinary action taken on his medical license.

Dr. Wilkerson joined the meeting and presented his request for removal of all restrictions on his license. Dr. Carr addressed the Executive Committee on behalf of Dr. Wilkerson, and both answered questions from the Executive Committee members. Dr. Carr pointed out that although Dr. Wilkerson had only been under his Consent Order two years that he had a year of documented sobriety prior to the signing of his Consent Order.

It was the consensus of the Executive Committee to remove all restrictions on Dr. Wilkerson's license. Dr. Wilkerson will remain under his MRPP contract with monitoring by MRPP. The Order of the Board is attached hereto and incorporated by reference.

JEFFREY C. HOWARD, M.D., JACKSON, APPLICANT

Dr. Burnett and Dr. Carr reviewed the background pertaining to Dr. Howard's licensure application. Because Dr. Howard has not practiced for over three years, he was required to participate in a clinical skills assessment program, and Dr. Burnett reported that Dr. Howard had completed the University of Florida Comprehensive Assessment, Remediation and Education Services program. It was the consensus of the Executive Committee to issue Dr. Howard a license. It was, however, recommended that he extend his MRPP agreement for another five years and that he work in a supervised environment, i.e., residency program.

EXECUTIVE COMMITTEE MEETING

September 20, 2000

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PERSONAL APPEARANCE BY JOHN DEE DIAL, M.D., PARCHMAN, MISSISSIPPI MEDICAL LICENSE NUMBER 09551

Mr. Moses presented a chronological summary of Dr. Dial's background and history leading to the disciplinary action taken on his medical license, and Dr. Burnett reviewed Dr. Dial's letter, requesting removal of all restrictions.

Dr. Dial joined the meeting, presented his request and answered questions from the Executive Committee members. Dr. Dial stated he had no plans to do obstetrical or surgical procedures, and he was asked to provide a letter to that effect. It was the consensus of the Executive Committee to remove all restrictions. The Order of the Board is attached hereto and incorporated by reference.

LETTER FROM CHARLES C. LAM, M.D., MISSISSIPPI MEDICAL LICENSE NUMBER 14924

Because Dr. Lam failed to comply with the terms of his agreement with the Board to seek psychotherapy with Mark Webb, M.D., with quarterly reports to the Board and failed to comply with other recommendations of the Examining Committee, the Executive Committee at their August 15, 2000, meeting decided to initiate formal disciplinary action to show cause why Dr. Lam's license should not be renewed. Dr. Lam was given an opportunity to withdraw his application for renewal, and Dr. Burnett advised that Dr. Lam had elected to withdraw his application for renewal. Copies of the Board's letter, which was signed by Dr. Lam on September 8, 2000, were distributed to Executive Committee members.

FEDERATION OF STATE MEDICAL BOARDS - 2001 ANNUAL MEETING NOMINATIONS AND RESOLUTIONS

Dr. Burnett distributed letters from the Federation of State Medical Boards, calling for officer nominations and resolutions. Dr. Bush, who is currently serving on the Federation's Nominating Committee, was encouraged to submit her name for nomination. She will make a decision prior to the deadline.

PHYSICIAN ASSISTANTS WORKING INDEPENDENTLY IN AN EMERGENCY ROOM

Dr. Burnett advised that he had received a call inquiring about physician assistants working independently in an emergency room setting. It was the consensus of the Executive Committee that this could not be done.

EXECUTIVE COMMITTEE MEETING

September 20, 2000

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OUT-OF-STATE PHYSICIANS COMING INTO THE STATE LONGER THAN FIVE DAYS FOR EDUCATIONAL PURPOSES

Dr. Burnett reported on a telephone call concerning out-of-state physicians coming into the state for educational purposes only. Section 73-25-19 was reviewed, and it was the consensus of the Executive Committee that out-of-state physicians could come into the state for more than five days for educational purposes only.

OCTOBER BOARD MEETING

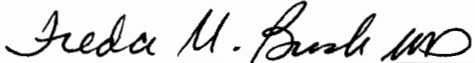
Dr. Burnett advised that the October 18 and 19 Executive Committee and Board meetings were scheduled for Lake Tiak-O'Khata, 213 Smyth Lake Road, Louisville, Mississippi.

REVIEW OF SEPTEMBER 21, 2000, BOARD MEETING

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

ADJOURNMENT

There being no further business, the meeting adjourned at 6:10 p.m.


Freda M. Bush, M.D., President

Minutes taken and transcribed
by Kathy Fortenberry
Administrative Assistant
September 20, 2000

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

MICHEAL LEO BAKER, D.O.

CONSENT ORDER

WHEREAS, Micheal Leo Baker, D.O., hereinafter referred to as "Licensee" is the current holder of License No. 15475, issued August, 1997 for the practice of medicine in the State of Mississippi, said license currently in a lapsed status;

WHEREAS, 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). 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.

WHEREAS, 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 Levenworth,

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.

WHEREAS, the Board initiated proceedings on November 18, 1999, by issuance of a Summons charging Licensee with violation of Subsection (6) of Section 73-25-29, and violation of Section 73-25-83(a). 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. Licensee's application for renewal of his license to practice medicine, was placed in abeyance, subject to certain conditions rendered in the Determination and Order dated November 18, 1999;

WHEREAS, in February 2000, Licensee entered the Professional Renewal Center, Lawrence, Kansas for an evaluation and assessment under the direction of Richard Irons, M.D. It was recommended that Licensee enter into COPAC, Brandon, Mississippi, for treatment for alcohol dependency, sexual disorder NOS, and recurrent major depression;

WHEREAS, on March 27, 2000, Licensee entered COPAC for recommended treatment and was discharged on July 31, 2000. It was the opinion of both treatment facilities that Licensee can practice medicine with reasonable skill and safety to patients:

WHEREAS, Licensee has satisfied the requirements of the aforementioned Determination and Order and desires to return to the practice of medicine in Mississippi;

NOW, THEREFORE, in consideration of Licensee reinstating Certificate Number 15475 to practice medicine in the State of Mississippi, Licensee hereby agrees, as signified by his joinder herein, to an indefinite suspension of his license, with the suspension stayed, subject to the following probationary terms and conditions:

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.

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. In the event Licensee violates any of the terms and conditions of this Consent Order, including, but not limited to, receipt of a urine and/or blood screen indicating the presence of any mood-altering drugs and/or agents not otherwise authorized by Paragraph 4 above, 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.
6. Licensee shall obey all federal, state and local laws, and all rules and regulations governing the practice of medicine in the State of Mississippi.
7. 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.

At such time as Licensee has completed all federal or state probationary terms and conditions, 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 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.

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.

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.

Micheal Leo Baker, D.O., 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 20th day of September, 2000.

Witness



Micheal Leo Baker, D.O.

ACCEPTED AND APPROVED, this the 20th day of September, 2000, by the Mississippi State Board of Medical Licensure.



Freda M. Bush, M.D.
President

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

THOMAS PURSER III, M.D.

ORDER REMOVING RESTRICTIONS

THIS MATTER came on regularly for hearing on September 20, 2000, before the Executive Committee of the Mississippi State Board of Medical Licensure, in response to the Petition of Thomas Purser III, M.D. (hereinafter "Licensee"), seeking removal of all restrictions on his license to practice medicine imposed by virtue of that certain Consent Order dated January 5, 1995.

The Executive Committee, after hearing said motion, and taking into consideration all the facts and matters, finds Licensee's petition to be well-taken.

THEREFORE, IT IS HEREBY ORDERED, that Licensee's petition for removal of all restrictions is hereby granted. Licensee now holds an unrestricted license to practice medicine in the State of Mississippi.

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 Thomas Purser III, M.D.

ORDERED, this the 20th day of September, 2000.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY: *Freda M. Bush MD*

FREDA M. BUSH, M.D., PRESIDENT

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

OF

GEORGE EDWARD WILKERSON, M.D.

ORDER REMOVING RESTRICTIONS

THIS MATTER came on regularly for hearing on September 20, 2000, before the Executive Committee of the Mississippi State Board of Medical Licensure, in response to the Petition of George Edward Wilkerson, M.D. (hereinafter "Licensee"), seeking removal of all restrictions on his license to practice medicine imposed by virtue of that certain Consent Order dated June 18, 1998.

The Executive Committee, after hearing said motion, and taking into consideration all the facts and matters, finds Licensee's petition to be well-taken. The aforementioned Consent Order provided that after expiration of three (3) years from June 18, 1998, Licensee would then be authorized to petition the Board for removal of any portion or all of the restrictions. Notwithstanding the fact that the three (3) year period does not expire until June 18, 2001, this Committee has chosen to give Licensee credit for the one (1) year of documented sobriety prior to entry of the June 18, 1998, Consent Order.

THEREFORE, IT IS HEREBY ORDERED, that Licensee's petition for removal of all restrictions is hereby granted. Licensee now holds an unrestricted license to practice medicine in the State of Mississippi.

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 George Edward Wilkerson, M.D.

ORDERED, this the 20th day of September, 2000.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY: *Freda M. Bush, MD*
FREDA M. BUSH, M.D., PRESIDENT

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

JOHN D. DIAL, M.D.

ORDER REMOVING RESTRICTIONS

THIS MATTER came on regularly for hearing on September 20, 2000, before the Executive Committee of the Mississippi State Board of Medical Licensure, in response to the Petition of John D. Dial, M.D. (hereinafter "Licensee"), seeking removal of all restrictions on his license to practice medicine imposed by virtue of that certain Consent Order dated August 13, 1985.

The Executive Committee, after hearing said motion, and taking into consideration all the facts and matters, finds Licensee's petition to be well-taken.

THEREFORE, IT IS HEREBY ORDERED, that Licensee's petition for removal of all restrictions is hereby granted. Licensee now holds an unrestricted license to practice medicine in the State of Mississippi.

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 John D. Dial, M.D.

ORDERED, this the 20th day of September, 2000.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY: *Freda M. Bush MD*

FREDA M. BUSH, M.D., PRESIDENT

**BOARD MINUTES
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
SEPTEMBER 21, 2000**

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday, September 21, 2000, in the Executive Conference Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi.

The following members were present:

Freda M. Bush, M.D., Jackson, President
Dewitt G. Crawford, M.D., Louisville, Secretary
Frank W. Bowen, M.D., Carthage
William B. Harper, D.O., Greenwood
William H. Henderson, M.D., Oxford
Joe Dennis Herrington, M.D., Natchez
Paul Douglas Jackson, M.D., Greenville
Joseph E. Johnston, M.D., Mount Olive
W. Joseph Burnett, M.D., Director

Also present:

Stan T. Ingram, Attorney for the Board
Heather Wagner, Special Assistant Attorney General
Charles Moses, Division Director II, Investigative Division
Kathy Fortenberry, Administrative Assistant
Regina Lyle, Administrative Assistant, Licensure Division

Not present:

Robert Ray Smith, M.D., Jackson, Vice President

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

**APPROVAL OF CERTIFICATION OF MISSISSIPPI LICENSES TO OTHER ENTITIES
FOR THE PERIOD JULY 1, 2000, TO AUGUST 31, 2000**

Eighty-five (85) licenses were certified to other entities for the period July 1, 2000, to August 31, 2000. Motion was made by Dr. Crawford, seconded by Dr. Johnston, and carried unanimously to approve these certifications.

**APPROVAL OF LICENSES ISSUED FOR THE PERIOD JULY 1, 2000, TO
AUGUST 31, 2000**

Ninety-six (96) licenses were issued for the period July 1, 2000, to August 31, 2000. Motion was made by Dr. Herrington, seconded by Dr. Johnston, and carried unanimously to approve these licenses.

OTHER BUSINESS

Dr. Bush welcomed Bethany Cammack, Certi-Comp Court Reporters; Leigh Vernon, Esq., Heidelberg & Woodliff; and Bobby L. Adams, D.P.M., Meridian, and Rickey H. Bullard, D.P.M., Tupelo, members of the Podiatry Advisory Committee.

**REVIEW OF MINUTES OF THE EXECUTIVE COMMITTEE MEETING DATED
JULY 26, 2000, AND MINUTES OF THE BOARD MEETING DATED JULY 27, 2000**

Minutes of the Executive Committee Meeting dated July 26, 2000, and Minutes of the Board Meeting dated July 27, 2000, were reviewed. Dr. Johnston moved for approval of the minutes as submitted. Dr. Bowen seconded the motion, and it carried unanimously.

**REVIEW OF MINUTES OF THE EXECUTIVE COMMITTEE MEETING DATED
AUGUST 15, 2000**

Minutes of the Executive Committee Meeting dated August 15, 2000, were reviewed. Dr. Johnston moved for approval of the minutes as submitted. Dr. Bowen seconded the motion, and it carried unanimously.

REPORT OF SEPTEMBER 20, 2000, EXECUTIVE COMMITTEE MEETING

Dr. Burnett reported on action taken by the Executive Committee at their September 20 meeting, which included the reinstatement of the license of Micheal Leo Baker, D.O., Vicksburg, and removal of all restrictions on the licenses of John Dee Dial, M.D., Parchman; Thomas Purser, III, M.D., Picayune; and George Edward Wilkerson, M.D., Brandon. Dr. Burnett also reported that the Executive Committee had approved the licensure application of Jeffrey C. Howard, M.D., Jackson, and that Charles C. Lam, M.D., Canada, had elected not to renew his licensure.

Other informational items from the meeting were a call from the Federation of State Medical Boards for nominations and/or resolutions and the decision that physician assistants cannot work independently in an emergency room.

REPORTS FROM AD HOC COMMITTEES

Alternative Medicine - There was no report from this committee.

Educational Development - Dr. Burnett reported that the office continued to receive calls from retired physicians regarding CME and were always told there would be no exceptions to this.

Impaired Physicians Program - Dr. Burnett advised of a problem with disbursement of the MRPP funds from the Board and the work that was being done to try to resolve this.

Office Based Surgery - Dr. Burnett distributed information to the committee members pertaining to office based surgery recommendations and regulations in other states.

Legislative - Dr. Crawford stated that he would still like the legislation passed giving a waiver of liability for retired physicians to do school physicals, legislative doctor of the day, etc. He advised that Mississippi State Medical Association would work on this again in the upcoming legislative session.

Nurse Practitioner and Expanded Role - Dr. Bush reported on meetings being held throughout the state by the Board of Nursing concerning prescriptive authority for controlled substances for nurse practitioners. Dr. Burnett pointed out there was some opposition to this from Mississippi State Medical Association.

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

OTHER BUSINESS

Dr. Bush reported on attending the Federation of State Medical Board's symposium, ***Medical Licensure in the 21st Century***, which was held in Washington, DC, on September 6 and 7. Main topics of discussion at this meeting were (1) competency issues, (2) telemedicine, and (3) non-physician collaboration. A final report from the meeting will be forthcoming from the Federation and will be distributed to Board members.

HEARING IN THE CASE OF KEITH DAWSON VAN DE CASTLE, M.D., NEWTON, MASSACHUSETTS, MISSISSIPPI MEDICAL LICENSE NUMBER 14908

Dr. Van de Castle was not present or represented by legal counsel.

Mr. Ingram requested a continuance in the hearing of Dr. Van de Castle when it was anticipated that Dr. Rolling's hearing would take the entire day. The Order of Continuance 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 LANE CEDRIC ROLLING, D.P.M., JACKSON,
MISSISSIPPI MEDICAL LICENSE NUMBER 80122**

Dr. Rolling was present and represented by legal counsel, Stuart Kruger, Esq., Jackson.

Dr. Harper recused himself from the hearing.

Mr. Ingram explained the charges as outlined in the Summons and Affidavit and distributed copies of a proposed Consent Order. Mr. Ingram explained the conditions of the Consent Order and answered questions from Board members.

Mr. Kruger addressed the Board, requesting that Dr. Rolling not be assessed the maximum allowed by statute for investigative and related costs since his income would be significantly affected by the restrictions in the Consent Order.

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

Upon motion by Dr. Johnston, seconded by Dr. Herrington, and carried unanimously, the Board came out of Executive Session at which time Dr. Bush announced to accept the Consent Order and to assess the Licensee \$1,500 for investigative and related costs. The Order of the Board is attached hereto and incorporated by reference.

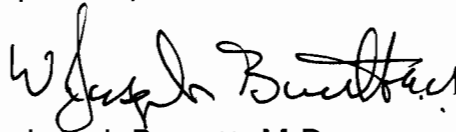
Dr. Bush thanked members of the Podiatry Advisory Committee for their assistance in the investigation and determination of this case.

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

ADJOURNMENT

The meeting was adjourned at 10:35 a.m. with the next meeting scheduled for Thursday, October 19, 2000, at Lake Tiak-O'Khata, 213 Smyth Lake Road, Louisville, Mississippi.

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 21, 2000

**EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
SEPTEMBER 21, 2000**

AGENDA ITEM XI

**HEARING IN THE CASE OF LANE CEDRIC ROLLING, D.P.M., JACKSON,
MISSISSIPPI MEDICAL LICENSE NUMBER 80122**


Motion made by Dr. Smith, seconded by Dr. Johnston, and carried to amend Consent Order to assess the Licensee \$1,500 for investigative and related costs.

<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	
William H. Henderson, M.D.	X			
Joe Dennis Herrington, M.D.	X			
Paul Douglas Jackson, M.D.			X	
Joseph E. Johnston, M.D.	X			
Robert Ray Smith, M.D.	X			

Motion was made by Dr. Henderson, seconded by Dr. Bowen, and carried to accept the 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	
William H. Henderson, M.D.	X			
Joe Dennis Herrington, 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. Johnston, seconded by Dr. Herrington, the Board came out of Executive Session.


Freda M. Bush, M.D., President

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

KEITH DAWSON VAN DE CASTLE, M.D.

ORDER OF CONTINUANCE

THIS MATTER came on regularly for hearing on September 21, 2000, before the Mississippi State Board of Medical Licensure, in response to a request for continuance of the hearing set for this date filed by Stan T. Ingram, Complaint Counsel for the Board. Being advised of the full docket and other hearings previously scheduled for this date, the Board finds the motion to be well taken.

IT IS, THEREFORE, ORDERED, that this matter is continued until October 19, 2000. Because the October meeting of the Board will be conducted at a different location, Complaint Counsel is directed to correspond with all parties so as to advise all concerned relative to the exact time and location of the hearing.

SO ORDERED, this the 21st day of September, 2000.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY: *Freda M. Bush MD*
FREDA M. BUSH, M.D.
PRESIDENT

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

LANE CEDRIC ROLLING, D.P.M

ORDER

THIS MATTER came on regularly for hearing on September 21, 2000, before the Mississippi State Board of Medical Licensure, in response to the joint request of the Board's Complaint Counsel and Lane Cedric Rolling, D.P.M. (hereinafter "Licensee"), seeking approval of a Consent Order, which if accepted, would resolve the disciplinary matter now pending before this Board. The Board initiated these proceedings on June 27, 2000, by the issuance of a Summons and Affidavit of same date, charging Licensee with violation of the Mississippi Podiatric Practice Law in relation to Licensee's treatment of certain patients and practicing outside the scope of podiatry.

The Consent Order, a copy of which is attached hereto and incorporated herein by reference, indefinitely suspends Licensee's certificate to practice podiatric medicine in the State of Mississippi, with the suspension automatically stayed, based on certain terms and conditions. This Board finds the terms and conditions to be a fair and reasonable resolution of the pending matter, with the only unresolved issue being assessment of costs pursuant to Miss. Code Ann, Section 73-25-30.

The hearing was convened at 9:30 a.m., Licensee being present and represented by Honorable Stuart Kruger. Complaint Counsel for the Board was Honorable Stan T.

Ingram. Sitting as legal advisor for the Board was Honorable Heather Wagner, Special Assistant Attorney General.

The Board, after consideration of the matter, finds the proposed Consent Order to be acceptable. In addition, the Board finds that an assessment of \$1,500.00, being one-half of that authorized by statute, would be fair and equitable.

IT IS THEREFORE, ORDERED, that the attached Consent Order, duly signed by Licensee, is hereby accepted.

IT IS FURTHER ORDERED, that pursuant to Miss. Code Ann. Section 73-25-30, Licensee shall reimburse the Board for investigative and related costs in the amount of \$1,500.00. Licensee 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 date of this Consent Order.

IT IS FURTHER ORDERED, that pursuant to Miss. Code Ann. Sections 73-25-27(1972), a copy of this Order shall be sent by registered mail or personally served upon Lane Cedric Rolling, D.P.M.

ORDERED, this the 21st day of September, 2000.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY: *Freda M. Bush, M.D.*

**FREDA M. BUSH, M.D.
PRESIDENT**

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

OF

LANE CEDRIC ROLLING, D.P.M.

CONSENT ORDER

WHEREAS, Lane Cedric Rolling, D.P.M., hereinafter referred to as "Licensee," currently holds Mississippi Podiatry License Number 80122, said number valid until June 30, 2001;

WHEREAS, there is now pending before the Mississippi State Board of Medical Licensure that certain Summons and Affidavit dated June 27, 2000, charging Licensee with violation of the Mississippi Podiatric Practice Law in relation to Licensee's treatment of certain patients and practicing outside the scope of podiatry; and

WHEREAS, pursuant to Subsections (1)(h)(iv), and (1)(e) of Section 73-27-13, Miss. Code Ann. (1972), the aforementioned acts, if established, could be found by the Board to constitute the performing of any medical diagnosis or treatment outside the scope of podiatry and unprofessional conduct, including being guilty of any dishonorable or unethical conduct likely to deceive, defraud or harm the public, for which the Mississippi State Board of Medical Licensure could revoke Licensee's Mississippi podiatric license, suspend his right to practice for a time deemed proper by the Board, place said 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; and

WHEREAS, it is the desire of Licensee to resolve the pending matter and all other legal matters with the Board.

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 podiatric medicine in the State of Mississippi, with the suspension automatically stayed, based on the following terms and conditions:

1. Licensee shall take immediate steps to enter and successfully complete one (1) year of post-graduate training in one of the podiatric surgical specialties, including, but not limited to, internal bone fixation. The post-graduate training program must be approved by the American Podiatric Medical Association, Inc. The Board recognizes that a reasonable amount of time should be extended to Licensee to locate and obtain acceptance into an approved post-graduate training program, but not to exceed a period of two (2) years. Licensee shall advise the Board in writing when an acceptable post-graduate training program has been located.
2. Until such time as Licensee has entered and completed post-graduate training as provided for in Paragraph 1 above, his practice shall be limited to general podiatric medicine. Except as provided below, Licensee shall not, under any circumstances, perform any surgical procedures, including internal bone fixation procedures. Licensee's surgical privileges shall be limited solely to the performance of (i) soft tissue procedures, (ii) procedures to correct hammer toes, and (iii) procedures to correct bunions, provided further, that Licensee's surgical practice as to items (ii) and (iii) shall be

supervised by a Board certified orthopaedic surgeon or Board certified podiatric surgeon, approved in advance and in writing by the Executive Director of the Mississippi State Board of Medical Licensure. Furthermore, prior to performance of any surgical procedure to correct hammer toes or bunions, the supervising surgeon shall first review the patient record and agree with Licensee's findings, diagnosis, treatment plan, proposed surgical procedure and post-operative care. The supervising surgeon's approval shall be documented in the patient file.

3. At such time as Licensee has successfully completed post-graduate training as required at Paragraph 1 above, he shall immediately petition and appear before the Mississippi State Board of Medical Licensure for authority to return to the general practice of podiatric medicine. At said appearance the Board will consider the type of post-graduate training received, the specific surgical procedures taught, and those procedures which Licensee then wishes to perform. The Board shall then have the right, in its sole and absolute discretion, to permit Licensee to return to the full practice of podiatric medicine, including surgical procedures, subject to a structured supervised environment providing Licensee with surgical supervision by either a Board certified orthopaedic surgeon or Board certified podiatric surgeon. Supervision may include, but shall not be limited to, a requirement that prior to performance of any surgical procedure the supervising surgeon

shall first review the patient record and agree with Licensee's findings, diagnosis, treatment plan, proposed surgical procedure and post-operative care.

4. Licensee's practice of podiatric medicine shall be subject to periodic surveillance by the Mississippi State Board of Medical Licensure. The Board's Director, any member of the Board, Board designee, or investigative staff may perform a patient chart review of a representative sample of those patients treated by Licensee. So that the Board may conduct adequate monitoring and periodic surveillance, Licensee shall simultaneously with the execution of this order, advise the Board in writing of all practice locations, whether clinical or hospital based, and any changes in practice locations thereafter.
5. Licensee shall obey all federal, state and local laws, and all rules and regulations governing the practice of podiatric medicine.
6. Licensee shall immediately dismiss, with prejudice, the civil actions now pending before the Circuit Court of the First Judicial District of Hinds County, Mississippi (Civil Action No. 251-00-756CIV) and the United States District Court for the Southern District of Mississippi (Civil Action No. 3:CV636WS) as to defendants Mississippi State Board of Medical Licensure, W. Joseph Burnett, M.D., Freda M. Bush, M.D., Robert Ray Smith, M.D., Frank Weston Bowen, M.D., Dewitt Grey Crawford, M.D., William B. Harper, D.O., William H. Henderson, M.D., Joe Dennis Herrington, M.D., Paul Douglas Jackson, M.D., Joseph E. Johnston, M.D., Richard Myers, D.P.M., Bobby Adams, D.P.M., Ricky Bullard, D.P.M. and B. Tip Sullivan, D.P.M.

IT IS FURTHER ORDERED, that by execution of this Consent Order, Licensee does not acknowledge any act of negligence or misconduct, said Order executed strictly to resolve the pending matter before the Mississippi State Board of Medical Licensure.

IT IS FURTHER ORDERED, that 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 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.

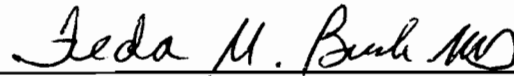
Lane Cedric Rolling, D.P.M., hereby authorizes the Mississippi State Board of Medical Licensure to enter an Order accepting this Consent Order, thereby indefinitely suspending his certificate to practice podiatric medicine in the State of Mississippi, with the suspension automatically stayed, subject to the conditions enumerated above.

EXECUTED, this the 21st day of September, 2000.



LANE CEDRIC ROLLING, D.P.M.

ACCEPTED AND APPROVED, this the 21st day of September, 2000, by the
Mississippi State Board of Medical Licensure.



FREDA M. BUSH, M.D., PRESIDENT

OCTOBER 2000

**MINUTES
EXECUTIVE COMMITTEE MEETING
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
OCTOBER 18, 2000**

MEMBERS PRESENT:

Dewitt G. Crawford, M.D., Louisville, Secretary
Joseph E. Johnston, M.D., Mount Olive
W. Joseph Burnett, M.D., Director

ALSO PRESENT:

Neil Breeland, Investigative Division
Kathy Fortenberry, Administrative Assistant
Regina Lyle, Administrative Assistant, Licensure Division

The Executive Committee of the Mississippi State Board of Medical Licensure met on Wednesday, October 18, 2000, at 4:30 p.m. in the Tiak-O'Khata Room of Lake Tiak-O'Khata, 213 Smyth Lake Road, Louisville, Mississippi. Freda Bush, M.D., Jackson, President, and Robert Ray Smith, M.D., Jackson, Secretary, were not present. Dr. Johnston was asked to serve on the Executive Committee for this meeting since Dr. Smith was not present.

PAUL ALFRED ROELL, M.D., JACKSON

Dr. Roell, who executed a Surrender of Medical License in November 1995 following a stroke, met with the Executive Committee on July 26, 2000, to ask for reinstatement of his license. Dr. Roell stated he did not plan to practice medicine, that he simply wanted his license restored. The Executive Committee agreed at that time to reinstate Dr. Roell's license, contingent upon his providing the Board a letter that he would not practice medicine. Dr. Roell did not send a letter, and at the August 15, 2000, Executive Committee, the decision was rescinded until such letter was received. Dr. Burnett advised that he has now received a letter from Dr. Roell. Motion was made by Dr. Johnston and seconded by Dr. Crawford to reinstate the license.

JAMIE SUE WARNICK, M.D., SOUTHAVEN

Dr. Burnett advised that Dr. Warnick is upset that the Board Order of July 1999 reflects unprofessional conduct and wants this language removed from her Order. Dr. Warnick is appealing the July 1999 decision, although all restrictions imposed by the Order have already been removed. It was the consensus of the Executive Committee to let this issue run its course in Chancery Court.

EXECUTIVE COMMITTEE MEETING

October 18, 2000

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MYUNG CHUN PARK, M.D., AND RODERICK CLARENCE GIVENS, M.D., CLARKSDALE

Dr. Burnett stated there had been a lot of questions about Dr. Park's treatment of prostate cancer patients. Dr. Park, an urologist, has surrendered his license and sold his practice to Dr. Givens, a radiation oncologist, who is following Dr. Park's prostate cancer patients. A couple of other physicians in the area have contacted Dr. Burnett with concerns about Dr. Givens treating these patients. The Executive Committee requested that Dr. Burnett contact the State Society of Radiation Oncology concerning the appropriateness of the treatment and that after receiving this information to contact Dr. Givens.

DANIEL GLEN NORBERG, M.D., DAVIE, FL, APPLICANT

Dr. Burnett reviewed the application of Dr. Norberg, who has a pending complaint with the Florida Board of Medicine. The Executive Committee agreed to issue Dr. Norberg a license with the understanding that if the Florida Board took action, the Mississippi Board would take action to reflect this.

RULES AND REGULATIONS, VI. LICENSURE EXAMINATIONS, A. FLEX, 2.

Dr. Burnett reported on a telephone call he received from a board certified physician, inquiring whether or not he would be eligible for a license since he only had a weighted average of 74 on the FLEX exam. Dr. Johnston asked that the Data Bank be queried for malpractice on the physician and if there were some his application would need to be brought to the Executive Committee for a decision. The Executive Committee felt this regulation could be waived for those certified by a specialty Board.

PHYSICIAN ASSISTANT PROTOCOL

For informational purposes only, the first physician assistant protocol approved by the Board was distributed to the Executive Committee members for their review.

PHYSICIAN ASSISTANTS WORKING INDEPENDENTLY IN AN EMERGENCY ROOM

Since the Executive Committee made their decision at the September 20, 2000, meeting that physician assistant could not work independently in an emergency room, Dr. Burnett reported receiving additional calls regarding this.

EXECUTIVE COMMITTEE MEETING

October 18, 2000

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The Executive Committee's decision remained the same that physician assistants could not work independently in an emergency room, only under the supervision of a physician.

DIET MEDICATIONS

Dr. Burnett suggested that the Board should probably reconsider their position about the prescribing of diet medication. Mr. Breeland reported on regulations in some of the surrounding states. Dr. Johnston and Dr. Crawford liked the Tennessee regulation, which requires the physician to register with the Board if they prescribe diet medication. More information will be obtained from other states, and this will be presented to the full Board at a later date.

QUARTERLY BOARD MEETINGS

Dr. Burnett recommended that the Board go to quarterly meetings, which would meet the statutory requirement, and suggested January, April, July, and October for 2001. He stated there may be a need for a longer or interim meeting. This will be presented to the full Board on Thursday.

OTHER BUSINESS

Dr. Burnett advised that the Federation of State Medical Board had asked him to participate on a committee that is setting up a model policy and enforcement procedures for use by state medical boards in regulating the use of Buprenorphine in the treatment of opiate addiction. There will be two meetings between now and January and expenses will be paid by the Federation. The Executive Committee approved Dr. Burnett's serving on this committee.

Dr. Burnett distributed copies of a press release from Menninger announcing they were forming an alliance with Baylor University.

Draft copies of the newsletter scheduled for release in November were distributed to the Executive Committee members for their review.

Dr. Burnett advised that Stan Ingram, attorney for the Board, would make a presentation to the full Board on Thursday regarding information he had on the Drug Abuse Treatment Act of 2000.

EXECUTIVE COMMITTEE MEETING

October 18, 2000

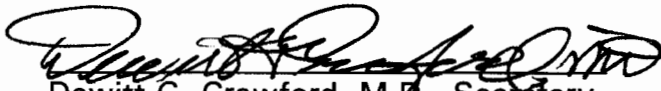
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REVIEW OF OCTOBER 19 BOARD MEETING

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

ADJOURNMENT

There being no further business, the meeting adjourned at 5:20 p.m.



Dewitt G. Crawford, M.D., Secretary

Minutes taken and transcribed
by Kathy Fortenberry
Administrative Assistant
October 18, 2000

**BOARD MINUTES
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
OCTOBER 19, 2000**

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday, October 19, 2000, in the Colonial Room of Lake Tiak-O'Khata, 213 Smyth Lake Road, Louisville, Mississippi.

The following members were present:

Freda M. Bush, M.D., Jackson, President
Dewitt G. Crawford, M.D., Louisville, Secretary
Frank W. Bowen, M.D., Carthage
William B. Harper, D.O., Greenwood
William H. Henderson, M.D., Oxford
Joe Dennis Herrington, M.D., Natchez
Paul Douglas Jackson, M.D., Greenville
Joseph E. Johnston, M.D., Mount Olive
W. Joseph Burnett, M.D., Director

Also present:

Stan T. Ingram, Attorney for the Board
Heather Wagner, Special Assistant Attorney General
Charles Moses, Division Director II, Investigative Division
Kathy Fortenberry, Administrative Assistant
Regina Lyle, Administrative Assistant, Licensure Division

Not present:

Robert Ray Smith, M.D., Jackson, Vice President

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

Dr. Bush welcomed everyone to the meeting at Lake Tiak-O'Khata and stated that in an effort to be responsive to the people of the state the Board was trying to have at least one meeting per year outside of Jackson for the public to see how the Board conducted their business. Dr. Bush also thanked Dr. and Mrs. Crawford for their hospitality on Wednesday.

Dr. Bush recognized Benton M. Hilbun, M.D., Tupelo, who served on the Board from July 1, 1994, to June 30, 2000. Dr. Bush read a resolution from the Board, a copy of which is attached hereto and incorporated by reference, and Dr. Burnett presented him with a lapel pin. Dr. Hilbun briefly addressed the Board.

Dr. Bush welcomed Christy Sievert as court reporter.

APPROVAL OF CERTIFICATION OF MISSISSIPPI LICENSES TO OTHER ENTITIES FOR THE PERIOD SEPTEMBER 1, 2000, TO SEPTEMBER 30, 2000

Fifty-eight (58) licenses were certified to other entities for the period September 1, 2000, to September 30, 2000. Motion was made by Dr. Johnston, seconded by Dr. Herrington, and carried unanimously to approve these certifications.

APPROVAL OF LICENSES ISSUED FOR THE PERIOD SEPTEMBER 1, 2000, TO SEPTEMBER 30, 2000

Twenty-four (24) licenses were issued for the period September 1, 2000, to September 30, 2000. Motion was made by Dr. Crawford, seconded by Dr. Herrington, and carried unanimously to approve these licenses.

REVIEW OF MINUTES OF THE EXECUTIVE COMMITTEE MEETING DATED SEPTEMBER 20, 2000, AND MINUTES OF THE BOARD MEETING DATED SEPTEMBER 21, 2000

Minutes of the Executive Committee Meeting dated September 20, 2000, and Minutes of the Board Meeting dated September 21, 2000, were reviewed. Dr. Burnett noted an editorial change that had been made on page 4, the third paragraph from the end of the page. "Dr. Johnston announced" was changed to "Dr. Bush announced". Dr. Johnston moved for approval of the minutes as corrected. Dr. Jackson seconded the motion, and it carried unanimously.

REPORT OF OCTOBER 18, 2000, EXECUTIVE COMMITTEE MEETING

Dr. Burnett reported on Wednesday's Executive Committee meeting. The Executive Committee agreed to reinstate the license of Paul Alfred Roell, M.D., who surrendered his license in November 1995. The Order of the Board is attached hereto and incorporated by reference.

Daniel Glen Norberg, M.D., Davie, Florida, an applicant, has a pending complaint with the Florida Board of Medicine. The Executive Committee agreed to issue Dr. Norberg a license with the understanding that if the Florida Board took action, the Mississippi Board would take action to reflect this.

Dr. Burnett reported on a telephone call he received from a board certified physician, inquiring whether or not he would be eligible for a license since he only had a weighted average of 74 on the FLEX exam. It was the Executive Committee's recommendation to waive this regulation for those certified by a specialty Board. Motion was made by Dr. Crawford, seconded by Dr. Johnston, and carried unanimously to waive this regulation for this particular physician and to prepare a change in the regulation to be brought back to the next Board meeting.

Dr. Burnett suggested that the Board should probably reconsider their position about the prescribing of diet medication. At a future meeting, he would like to see some modifications to the regulations.

Dr. Burnett announced there would be no Board meeting in November or December, but there would be an Executive Committee meeting in November. The Executive Committee agreed to quarterly Board meetings, which would meet the statutory requirement, and the months for 2001 are January, April, July, and October.

Several other items from the Executive Committee meeting were reported for informational purposes only.

REPORTS FROM AD HOC COMMITTEES

Alternative Medicine - There was no report from this committee other than they are monitoring these issues.

Educational Development - There was no report from this committee.

Impaired Physicians Program - There was no report from this committee.

Office Based Surgery - Dr. Henderson reported this regulation should be finalized shortly. The committee will then present it to the full Board.

Legislative - Dr. Crawford reported Mississippi State Medical Association's Council on Legislation, of which he is a member, would be meeting on October 25.

Nurse Practitioner and Expanded Role - Dr. Bush reported on her October 6 Board of Nursing meeting, at which time they received a report on the forums held around the state regarding controlled substance prescribing privileges for nurse practitioners.

AMENDMENT TO REGULATIONS PERTAINING TO PRESCRIBING, ADMINISTERING AND DISPENSING OF MEDICATION, VIII. PRESCRIPTION GUIDELINES - CONTROLLED SUBSTANCES, A. 6.

Mr. Moses reviewed the proposed amendment to the prescribing guidelines, which would allow for a faxed prescription under certain circumstances. This was prepared with input from the Pharmacy Board and the Bureau of Narcotics. Motion was made by Dr. Herrington, seconded by Dr. Jackson, and carried unanimously to accept the proposed amendment. This will be filed with the Secretary of State under the Administrative Procedures Act.

THE BOARD RECESSED AT 9:35 A.M. AND RECONVENED AT 9:45 A.M.

PERSONAL APPEARANCE BY HILTON MCKAY FAIRCHILD, M.D., PHILADELPHIA, MISSISSIPPI MEDICAL LICENSE NUMBER 04506, TO REQUEST REMOVAL OF RESTRICTIONS

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

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

Ms. Wagner questioned Dr. Fairchild regarding legal representation, and Dr. Fairchild stated he wished to waive his right to an attorney and proceed without legal counsel.

Mr. Ingram entered a composite exhibit of the chronological summary and a compilation of all the public records of Dr. Fairchild's license and reviewed the requirements of his Consent Order.

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

Motion was made by Dr. Johnston, seconded by Dr. Herrington, 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 Christy Sievert, Certi-Comp Court Reporters.

**PERSONAL APPEARANCE BY BILLY RAY SHOWS, M.D., NEWTON, MISSISSIPPI
MEDICAL LICENSE NUMBER 06247, TO REQUEST REMOVAL OF RESTRICTIONS**

Dr. Shows was present but not represented by legal counsel. Ms. Wagner questioned Dr. Shows regarding legal representation, and Dr. Shows stated he wished to waive his right to an attorney and proceed without legal counsel.

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

Mr. Ingram entered a composite exhibit of the chronological summary and a compilation of all the public records of Dr. Shows' license and reviewed the requirements of his Consent Order.

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

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

Upon motion by Dr. Johnston, seconded by Dr. Herrington, and carried unanimously, the Board came out of Executive Session at which time Dr. Bush announced to remove all restrictions effective November 1, 2000. The Order of the Board is attached hereto and incorporated by reference.

Dr. Shows voluntarily offered to report to the Board when he writes a prescription for controlled substances, and the Board asked him to keep a log of these prescriptions and submit to the Board monthly.

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

**CONCERNS ADDRESSED BY WILLIAM GLENN BENNETT, M.D., STARKVILLE,
MISSISSIPPI MEDICAL LICENSE NUMBER 10677, REGARDING HIS RECOVERY
CONTRACT AGREEMENT**

Dr. Bennett was present without legal counsel. Gary D. Carr, M.D., Medical Director, Mississippi Recovering Physicians Program, was also present.

Mr. Ingram explained that Dr. Bennett was present informally to present his concerns, which he had addressed in previous letters. Mr. Ingram explained to Dr. Bennett that anything said in this meeting was public, and Dr. Bennett stated he wished to proceed.

Dr. Bennett read a prepared statement and asked that his August 10, 2000, letter to Dr. Burnett and his August 25, 2000, letter to Mr. Ingram be considered as Exhibits 1 and 2, although this was not a hearing. These letters voiced his concerns that the proceedings in his case were not in compliance with state law. As Exhibit 3, he entered a letter from his therapist, Melinda Pilkinton, Baptist Behavioral Health Care, Willowbrook, Starkville, Mississippi, and as Exhibit 4, he entered a note from Mark C. Webb, M.D., Mississippi Neuropsychiatric Clinic, Jackson. Dr. Bennett requested that all proceedings in his case be dismissed and stated he would like a formal, non-disciplinary hearing.

Dr. Carr stated he could not support Dr. Bennett's request. He further stated that it was MRPP's position that they follow Menninger Clinic's recommendations.

Motion was made by Dr. Johnston, seconded by Dr. Henderson, and carried unanimously for the Board to take this matter under advisement. Dr. Bush advised Dr. Bennett that at some future point when the staff has reviewed all the information it will be presented to the Board and a decision will be made whether a formal hearing will be conducted.

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

OTHER BUSINESS

Dr. Bush referred back to the item regarding prescribing guidelines, which would allow for a faxed prescription under certain circumstances. Dr. Harper made a motion which would amend the regulation to require a logbook of faxed transactions, rather than just recommending one be maintained. This motion was seconded by Dr. Johnston and carried unanimously.

**HEARING IN THE CASE OF KEITH DAWSON VAN DE CASTLE, M.D., NEWTON,
MASSACHUSETTS, MISSISSIPPI MEDICAL LICENSE NUMBER 14908**

Dr. Van de Castle was present and represented by legal counsel, Mitchell Tyner, Esq., and William Grubbs, Esq., Jackson. Also present was Mrs. Van de Castle and their daughter, Grace.

Mr. Ingram explained the charges as outlined in the Summons and Affidavit.

Mr. Tyner presented a Motion for Continuance because Dr. Van de Castle's physician who had been following his progress could not be present to testify. Mr. Ingram responded to this request. Motion was made by Dr. Johnston, seconded by Dr. Crawford, and carried unanimously to deny the Motion for Continuance and to proceed with the hearing as scheduled.

Mr. Tyner requested to make a record that Dr. Van de Castle in his request for a continuance stated he would not practice any clinical medicine until the matter had been resolved by the Board. Following further presentations by Mr. Tyner and Mr. Ingram, motion was made by Dr. Crawford, seconded by Dr. Herrington, and carried unanimously that the Board consider going into Executive Session. With a motion by Dr. Herrington, seconded by Dr. Crawford, the Board went into Executive Session.

Upon motion by Dr. Herrington, seconded by Dr. Bowen, and carried unanimously, the Board came out of Executive Session at which time Dr. Bush announced Dr. Van de Castle's case would be continued until January 18, 2001. The Order of Continuance is attached hereto and incorporated by reference.

Mr. Ingram requested that he be allowed to take the depositions of Lisa Klem, Petal, Mississippi, and Christina Henderson, Richton, Mississippi, who were present to testify. Mr. Tyner had no objection to this, and motion was made by Dr. Johnston, seconded by Dr. Harper, and carried unanimously to allow these depositions to be taken.

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

OTHER BUSINESS

Mr. Ingram presented information regarding the Drug Abuse Treatment Act of 2000.

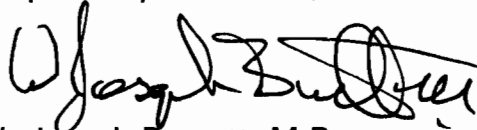
Richard Irons, M.D., Professional Renewal Center, Lawrence, Kansas, who was scheduled to be a witness in the Van de Castle hearing, briefly addressed the Board.

Board members were given copies of the jurisprudence examination for their review. The Board staff will be using this test for new licensees and for those required by a Board Order to take an exam.

ADJOURNMENT

The meeting was adjourned at 11:15 a.m. with the next meeting scheduled for Thursday, January 18, 2001.

Respectfully submitted,



W. Joseph Burnett, M.D.
Director

Minutes taken and transcribed
by Kathy Fortenberry
Administrative Assistant
October 19, 2000

**EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
OCTOBER 19, 2000**

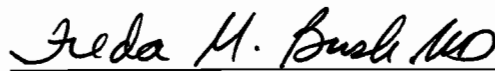
AGENDA ITEM XI

**PERSONAL APPEARANCE BY BILLY RAY SHOWS, M.D., NEWTON, MISSISSIPPI
MEDICAL LICENSE NUMBER 06247, TO REQUEST REMOVAL OF RESTRICTIONS**

Motion made by Dr. Johnston, seconded by Dr. Herrington, and carried to remove all restrictions effective November 1, 2000.

<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			
William H. Henderson, M.D.	X			
Joe Dennis Herrington, 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. Johnston, seconded by Dr. Herrington, the Board came out of Executive Session.



Freda M. Bush, M.D.

President

**EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
OCTOBER 19, 2000**

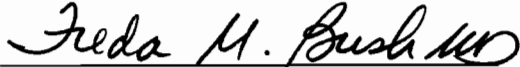
AGENDA ITEM XIII

**HEARING IN THE CASE OF KEITH DAWSON VAN DE CASTLE, M.D., NEWTON,
MASSACHUSETTS, MISSISSIPPI MEDICAL LICENSE NUMBER 14908**

Motion made by Dr. Henderson, seconded by Dr. Bowen, and carried to grant continuance. Pending the hearing, Licensee cannot practice medicine in the State of Mississippi or any other state or jurisdiction.

<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			
William H. Henderson, M.D.	X			
Joe Dennis Herrington, 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. Bowen, the Board came out of Executive Session.


Freda M. Bush, M.D.
President

RESOLUTION

WHEREAS, Benton McInnis Hilbun, Tupelo, Mississippi, faithfully and conscientiously served the Mississippi State Board of Medical Licensure as a member; and

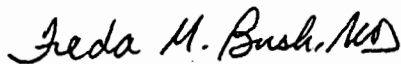
WHEREAS, Dr. Hilbun discharged his duties with firmness, dignity and compassion, always in keeping with the intent of the Medical Practice Act and Rules and Regulations of this Board, and thereby working to the great benefit of the Board and citizens of the State of Mississippi; and

WHEREAS, during his years of service Dr. Hilbun continually and graciously gave his efforts, time and abilities toward maintaining the highest standard of medical practice for which the State of Mississippi is noted;

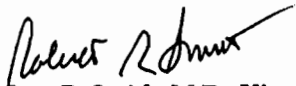
THEREFORE, BE IT RESOLVED, that the Mississippi State Board of Medical Licensure, on behalf of the Board and the people of the State of Mississippi, by means of this resolution, expresses to Dr. Hilbun its gratitude and appreciation for his services during the years he devoted to the Board and the State of Mississippi; and

BE IT FURTHER RESOLVED, that a copy of this resolution be spread upon the minutes of the Board and a copy be given to Dr. Hilbun expressing to him the highest esteem of the Board.

DATED, this the nineteenth day of October, 2000.



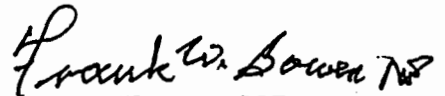
Freda M. Bush, M.D., President



Robert R. Smith, M.D., Vice President



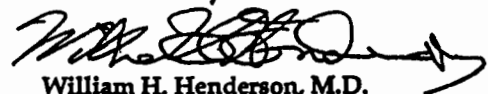
Dewitt G. Crawford, M.D., Secretary



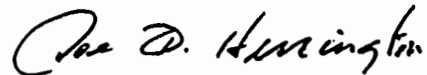
Frank W. Bowen, M.D.



William B. Harper, D.O.



William H. Henderson, M.D.



Joe D. Herrington, M.D.

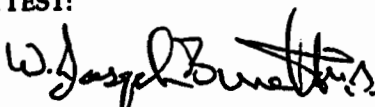


Paul D. Jackson, M.D.



Joseph E. Johnston, M.D.

ATTEST:



W. Joseph Burnett, M.D.
Executive Director

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF PHYSICIAN'S LICENSE

OF

PAUL A. ROELL, M.D.

ORDER

THIS MATTER came on regularly for hearing on October 19, 2000, before the Mississippi State Board of Medical Licensure, in response to the petition of Paul A. Roell, M.D. (hereinafter "Licensee"), seeking reinstatement of his license to practice medicine.

On November 24, 1995, Licensee surrendered his license to practice medicine as a result of physical illness then affecting his ability to practice medicine with reasonable skill and safety to patients. Licensee has since recovered from the illness and desires return of his license. The petition has already been considered by the Executive Committee of the Board on October 18, 2000. It is the recommendation of the Executive Committee to permit reinstatement of licensure.

The Board, after hearing said petition, and taking into consideration the recommendation of the Executive Committee, finds the same to be well-taken.

IT IS HEREBY ORDERED, that Licensee's petition for reinstatement of licensure is hereby granted. Licensee now holds an unrestricted license to practice medicine in the State of Mississippi.

IT IS FURTHER ORDERED, that pursuant to Miss. Code Ann. Sections 73-25-27(1972), a copy of this Order shall be sent by registered mail or personally served upon Paul A. Roell, M.D.

ORDERED, this the 19th day of October, 2000.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY: *Freda M. Bush MD*
FREDA M. BUSH, M.D.
PRESIDENT

Proposed amendment to existing regulation:

VIII. PRESCRIPTION GUIDELINES - CONTROLLED SUBSTANCES:

A. 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, except that a fax prescription may be sent only under the following circumstances:

- a. When a prescription is written for a Schedule II narcotic substance to be prepared or compounded for the direct administration to a patient by parenteral, intravenous, intramuscular, subcutaneous or intraspinal infusion, such a prescription may be transmitted by the physician or the physician's agent to a pharmacy of the patient's choice by facsimile. Prescription blanks utilized in this manner shall bear a pre-printed heading that indicates the blank is a "Fax Prescription Form." The original prescription shall immediately be voided after successfully completing the fax transmission by writing across the face of the prescription from corner to corner the notation "faxed." The original prescription shall be retained in the physician's patient file with additional information included on the back of the prescription as to the date it was faxed, the name or initials of the person faxing the prescription and the name/location of the pharmacy receiving the fax transmission.

It is also required, that in addition to filing the original prescription in the patient file, a perpetual, chronological logbook of fax transactions be established and maintained. Such a logbook would serve to protect the prescribing physician in the event the original prescription is somehow lost or misfiled. The information contained in such a logbook shall include the patient's name and address, date of issuance, name, strength and quantity of the drug prescribed and the name and fax number of the receiving pharmacy and the initials or name of the person faxing the prescription. Such logs shall be maintained in the physician's clinic in a readily retrievable manner, and kept for at least seven (7) years after the original record is established. The requirements set forth in this subsection are in addition to, and not in lieu of documentation required in IV. E.

- b. When a prescription is prepared and written for any controlled substance for a resident of a Long Term Care Facility (LTCF)(as defined in Section 1301.01(25) Code of Federal Regulations), such prescription may be transmitted by the practitioner or the practitioner's agent to the dispensing pharmacy by facsimile. The physician or the physician's agent will

note on the prescription that the patient is a resident of a LTCF. The original prescription and fax transaction log will be prepared and maintained in the same manner as described in subsection (a.) above.

- c. When a prescription is written for any controlled substance for a patient residing in a hospice certified by Medicare under Title XVIII or licensed by the state, such prescription may be transmitted by the practitioner or the practitioner's agent to the dispensing pharmacy by facsimile. The physician or the physician's agent will note on the prescription that the patient is a hospice patient. The original prescription and fax transmission log will be maintained in the same manner as described in subsection (a.) above.

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

OF

HILTON MCKAY FAIRCHILD, M.D.

ORDER REMOVING ALL RESTRICTIONS

THIS MATTER came on regularly for hearing on October 19, 2000, before the Mississippi State Board of Medical Licensure, in response to the Petition of Hilton McKay Farichild, M.D. (hereinafter "Licensee"), seeking removal of all restrictions on his license to practice medicine imposed by virtue of that certain Consent Order dated June 19, 1997.

The hearing was convened at 9:30 a.m., Licensee appearing without counsel. Complaint Counsel for the Board was Honorable Stan T. Ingram. Sitting as legal advisor for the Board was Honorable Heather Wagner, Special Assistant Attorney General. Evidence and testimony was then presented. The Board, after hearing said motion, finds the same to be well-taken.

IT IS HEREBY ORDERED, that Licensee's petition for removal of all restrictions is hereby granted. Licensee now holds an unrestricted license to practice medicine in the State of Mississippi.

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 Hilton McKay Farichild, M.D.

ORDERED, this the 19th day of October, 2000.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY: *Freda M. Bush MD*
FREDA M. BUSH, 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.

ORDER REMOVING ALL RESTRICTIONS

THIS MATTER came on regularly for hearing on October 19, 2000, before the Mississippi State Board of Medical Licensure, in response to the Petition of Billy Ray Shows, M.D.(hereinafter "Licensee"), seeking removal of all restrictions on his license to practice medicine imposed by virtue of that certain Consent Order dated June 13, 1997, but effective July 1, 1997.

The hearing was convened at 9:45 a.m., Licensee appearing without counsel. Complaint Counsel for the Board was Honorable Stan T. Ingram. Sitting as legal advisor for the Board was Honorable Heather Wagner, Special Assistant Attorney General. Evidence and testimony was then presented. The Board, after hearing said motion, finds the same to be well-taken.

IT IS HEREBY ORDERED, that Licensee's petition for removal of all restrictions is hereby granted. Effective November 1, 2000, Licensee shall hold a unrestricted license to practice medicine in the State of Mississippi.

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 Billy Ray Shows, M.D.

ORDERED, this the 19th day of October, 2000.

MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE

BY: *Freda M. Bush MD*

FREDA M. BUSH, M.D.
PRESIDENT

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

OF

KEITH VAN DE CASTLE, M.D.

ORDER OF CONTINUANCE

THIS MATTER came on regularly for hearing on October 19, 2000, before the Mississippi State Board of Medical Licensure, in response to a request for continuance of the hearing set for this date filed by Keith Van De Castle, M.D. (hereinafter "Licensee"). The motion was filed by Mitchell H. Tyner, Sr., attorney representing Licensee, setting forth good and just cause for the continuance. As further consideration for granting the continuance, Licensee has agreed not to practice medicine, under any circumstances, either in the State of Mississippi or elsewhere, until such time as the captioned matter has been resolved. After consideration of the matter, the Board finds Licensee's petition to be well taken.

IT IS, THEREFORE, ORDERED, that this matter is continued until January 18, 2001 at 10:00 a.m.

IT IS, FURTHER ORDERED, that pending the hearing or other resolution of this matter, Licensee shall not practice medicine, under any circumstances, either in the State of Mississippi, or any other state or jurisdiction.

SO ORDERED, this the 19th day of October, 2000.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY: *Freda M. Bush MD*
FREDA M. BUSH, M.D.
PRESIDENT

NOVEMBER 2000

**MINUTES
EXECUTIVE COMMITTEE MEETING
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
NOVEMBER 15, 2000**

MEMBERS PRESENT:

Robert Ray Smith, M.D., Jackson, Vice President
Dewitt G. Crawford, M.D., Louisville, 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
Frances Scott, Special Projects Officer, Investigative Division

The Executive Committee of the Mississippi State Board of Medical Licensure met on Wednesday, November 15, 2000, at 4:00 p.m. in the Executive Conference Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi. Freda M. Bush, M.D., Jackson, President, was not present.

DIANA W. WILSON, M.D., APPLICANT, METAIRIE, LOUISIANA

Dr. Burnett reviewed Dr. Wilson's letter dated September 29, 2000, in which she advised him that she had been practicing in Natchez since July pending the completion of her Mississippi licensure application. Dr. Burnett, as directed by Dr. Bush, had sent Dr. Wilson a letter that she would have to appear for a show-cause hearing or that she could withdraw her application. Dr. Burnett had met earlier in the day with Dr. Wilson, who asked for consideration and that she be given a license without the show-cause hearing. Dr. Crawford and Dr. Smith wished to delay a decision until Dr. Bush arrived.

After Dr. Bush arrived, the case was reviewed, and it was the consensus of the Executive Committee members to issue Dr. Wilson an unrestricted license without having the show-cause hearing.

**APPROVAL OF CONSENT ORDER EXECUTED BY STEVE MORRIS, III, M.D.,
WAYNESBORO, MISSISSIPPI MEDICAL LICENSE NUMBER 13836**

Dr. Burnett briefed the Executive Committee on the background and history leading to the disciplinary action taken on Dr. Morris' medical license, which was a

EXECUTIVE COMMITTEE MEETING

November 15, 2000

Page 2

result of his violating the prescribing rules and regulations of the Board. Motion was made by Dr. Crawford and seconded by Dr. Smith to accept the Consent Order, a copy of which is attached hereto and incorporated by reference.

JACK L. HAMMOND, M.D., WHITFIELD

Dr. Burnett presented a letter from Dr. Hammond requesting removal of all restrictions on his license; however, the three years stipulated in his Consent Order will not be up until June, 2001. It was the consensus of the Executive Committee to advise Dr. Hammond that he could not petition the Board for removal of all restrictions until June, 2001, but could petition for additional DEA privileges prior to that time.

ALFRED PERRY BOWLES, M.D., AND NORMAN LEE YATES, III, M.D., UMC

Dr. Burnett advised that Dr. Bowles and Dr. Yates were both terminated from the UMC staff. Dr. Bowles has left the state and his Mississippi medical license is not current. There was some concern expressed about his being able to go to another state and get a license without that state being aware of the action at UMC. Dr. Yates' license is current, and the Executive Committee requested Mr. Moses to get more information on Dr. Yates' termination and bring back to the next Executive Committee meeting.

WILLIAM GLENN BENNETT, M.D., STARKVILLE

For informational purposes only, copies of a letter from Dr. Bennett to Gary D. Carr, M.D., Medical Director, Mississippi Recovering Physicians Program, were distributed. Dr. Burnett advised that Dr. Bennett was scheduled to meet with MIPC in December. The Executive Committee will await the results of this scheduled meeting.

AMENDMENT TO RULES AND REGULATIONS, VI. LICENSURE EXAMINATIONS, A. FLEX, 2.

At the October 19, 2000, Board meeting, Dr. Burnett reported on a call from a board certified physician, inquiring whether or not he would be eligible for a license since he only had a weighted average of 74 on the FLEX exam. The Board requested an amendment to the rules and regulations regarding this, and this

EXECUTIVE COMMITTEE MEETING

November 15, 2000

Page 3

change was presented to the Executive Committee. It was their consensus to adopt this amendment, which will be filed with the Secretary of State under the Administrative Procedures Act. A copy of the amendment is attached hereto and incorporated by reference.

OTHER BUSINESS

Dr. Burnett advised that just prior to the meeting he had been served a summons from the attorney for Lane C. Rolling, D.P.M. The Board members are also named in this lawsuit.

Dr. Burnett reported that Bill Roberts, Mississippi State Medical Association, had suggested that the Family Practice Academy be provided with a copy of the proposed office based surgery regulations for their review. Dr. Burnett will send a copy to their President, Lee Giffin, M.D., Vicksburg, and Dr. Crawford will take a copy by the Academy's office.

DR. BUSH JOINED THE MEETING AT 4:35 P.M.

Dr. Burnett reviewed the billing of Richard Irons, M.D., Professional Renewal Center, Lawrence, Kansas, who was scheduled to be a witness in the hearing of Keith Van de Castle, M.D., which was continued at the October 19, 2000, Board meeting. There was some question about paying all of the submitted travel time. The staff was asked to research the records to see how the Board had paid expert witnesses in the past.

Dr. Burnett and Ms. Freeman reported on numerous requests the Board was receiving for the physicians lists. In the past, this list has only been released to credentialing agencies, but other companies (i.e., home intravenous companies, pharmaceutical companies, etc.) are now being required to verify the licensure status. It was the consensus of the Executive Committee to provide the list to these entities, and they asked that the staff work on getting this information on the Board's web site.

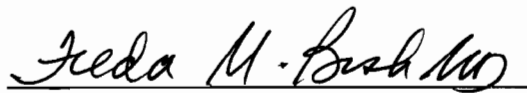
EXECUTIVE COMMITTEE MEETING

November 15, 2000

Page 4

ADJOURNMENT

There being no further business, the meeting adjourned at 5:20 p.m.



Freda M. Bush, M.D.

President

Minutes taken and transcribed
by Kathy Fortenberry
Administrative Assistant
November 15, 2000

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

OF

STEVE MORRIS III, M.D.

CONSENT ORDER

WHEREAS, Steve Morris III, M.D., hereinafter referred to as "Licensee," is the current holder of Mississippi Medical License Number 13836, current until June 30, 2001;

WHEREAS, the Investigative Staff of the Mississippi State Board of Medical Licensure has conducted a comprehensive investigation into the medical practice of Steve Morris III, M.D., Waynesboro, Mississippi, and has documented evidence indicating that Steve Morris III, M.D., has violated the rules and regulations of the Board "Pertaining to Prescribing, Administration and Dispensing of Medication," in regards to the use of controlled substance anorectic medications and other prescribing violations;

WHEREAS, such conduct is in violation of the Mississippi Medical Practice Act and specifically Miss. Code Ann. (1972) §73-25-29 (3) and (8)(d) and (13), 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 requested that certain restrictions be placed upon 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 a period of three (3) years, with the suspension stayed, subject to the following probationary terms and conditions:

1. Licensee shall not be permitted to prescribe, dispense or administer any controlled substance, legend drug or over the counter (OTC) medication or herbal preparation for the treatment of obesity, weight loss or weight control. Licensee may continue to treat patients in a weight loss program utilizing a regimen of weight reduction based solely on caloric restriction, nutritional counseling, behavior modification and exercise.
2. 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," and after thoroughly familiarizing himself with said rules and regulations, shall so indicate to the Board in writing.
3. Within one (1) year of the effective date of this Consent Order, Licensee must attend and successfully complete courses in proper prescribing of controlled substances and medical record keeping, with said courses approved in advance by the Executive Director of the Board. Following completion of these courses, Licensee shall submit to the Board documentary proof of successful completion.
4. Licensee's practice of medicine 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 medical consultant appointed by 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 the expiration of one (1) year 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.

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 Mississippi State Board of Medical Licensure. 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.

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.

Licensee understands and expressly acknowledges that this Consent Order executed by the Mississippi State Board of Medical Licensure shall constitute a public record of the State of Mississippi. Execution of this Consent Order shall not be interpreted as an admission of malpractice by Licensee.

Recognizing his right to a notice of charges specified against him, to have such charges adjudicated pursuant to Miss. Code Ann. §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, Steve Morris III, M.D., nonetheless, hereby waives his right to notice and a formal adjudication of charges and authorizes the Mississippi State Board of Medical Licensure to enter an order accepting this Consent Order, thereby suspending his license to practice medicine in the State of Mississippi for a period of three (3) years, with the suspension stayed subject to those probationary terms and conditions enumerated above.



Steve Morris III, M.D.


11/01/00

Date



Witness

ACCEPTED AND APPROVED, this the 15th day of November, 2000,
by the Mississippi State Board of Medical Licensure.


President

VI. LICENSURE EXAMINATIONS

A. FLEX

2. Prior to January 24, 1985, the FLEX examination was divided into three components:

Day I - Basic Science

Day II - Clinical Science

Day III - Clinical Competence

In order to pass this examination, each applicant must have obtained a FLEX weighted average of 75 with Day I given a value of 1/6 of the entire examination, Day II given a value of 2/6, and Day III given a value of 3/6. The Board may make an exemption to the weighted average of 75 if the applicant has completed an approved residency program and is currently Board certified by a Speciality Board recognized by the American Board of Medical Specialties or the American Osteopathic Association.

From and after January 24, 1985, the Board has approved administration of a new FLEX examination with a different design from that administered since 1973. This examination is also a three-day examination, but is comprised of two components. Component I consists of one and one-half (1 ½) days and judges the readiness of a physician to practice medicine in a supervised setting. Component II consists of one and one-half (1 ½) days and judges the readiness of a physician to practice independently. A score of 75 is considered a passing grade for each component. If taken separately, Component I must be passed before taking Component II.

NOVEMBER, 2000

**EXECUTIVE COMMITTEE
MEETING ONLY**