

EXECUTIVE COMMITTEE

INDEXES

2001

**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
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JANUARY 2001

**MINUTES
EXECUTIVE COMMITTEE MEETING
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
JANUARY 17, 2001**

MEMBERS PRESENT:

Freda M. Bush, M.D., Jackson, President
Robert Ray Smith, M.D., Jackson, Vice President
Joseph E. Johnston, M.D., Mount Olive
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, Investigative Division

The Executive Committee of the Mississippi State Board of Medical Licensure met on Wednesday, January 17, 2001, at 4:00 p.m. in the Executive Conference Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi. Dewitt G. Crawford, M.D., Louisville, Secretary, was not present due to surgery. Dr. Johnston was asked to serve on the Executive Committee for this meeting since Dr. Crawford was not present.

**PERSONAL APPEARANCE BY JOSEPH M. SCOGGIN, M.D., STARKVILLE, TO
REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE
NUMBER 14902**

Dr. Scoggin was present but not represented by legal counsel. Dr. Burnett reviewed Dr. Scoggin's background and history leading to the disciplinary action taken on his medical license.

Dr. Scoggin presented his request for removal of restrictions on his license and explained that he needed an unrestricted license in order to take his Board certification examination. Gary D. Carr, M.D., Medical Director, Mississippi Recovering Physicians Program, addressed the Executive Committee on behalf of Dr. Scoggin. Dr. Scoggin and Dr. Carr answered questions from the Executive Committee members.

It was the consensus of the Executive Committee to remove all restrictions. The Order of the Board is attached hereto and incorporated by reference.

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PERSONAL APPEARANCE BY JAMES RONALD MEDLIN, M.D., ECRU, TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE NUMBER 06439

Dr. Burnett reviewed Dr. Medlin's background and history leading to the disciplinary action taken on his medical license. Dr. Carr addressed the Executive Committee on behalf of Dr. Medlin and answered questions from the members.

Dr. Medlin joined the meeting but was not represented by legal counsel. It was recommended that Dr. Medlin attend the University of Tennessee family practice course in March as a refresher. Dr. Medlin volunteered to attend this course and will provide the Board with certification after completion of the course. Dr. Medlin answered additional questions from the Executive Committee members.

It was the consensus of the Executive Committee to return controlled substance privileges in Schedule IV. Dr. Medlin may return in April, 2001, at which time he will be eligible for removal of all restrictions. The Order of the Board is attached hereto and incorporated by reference.

STAN T. INGRAM, ATTORNEY FOR THE BOARD, JOINED THE MEETING AT 4:25 P.M.

PERSONAL APPEARANCE BY JERRY ROSS ADKINS, M.D., BILOXI, MISSISSIPPI MEDICAL LICENSE NUMBER 04305

Dr. Burnett and Mr. Moses reviewed the background of Dr. Adkins, which included an arrest by the Diversion Division of the Bureau of Narcotics, being charged with unlawful distribution of controlled substances, but has not been indicted. After being arrested, he voluntarily went to see Dr. Carr, who sent him to COPAC. Dr. Burnett had asked him not to practice until after the Executive Committee meeting.

Dr. Adkins joined the meeting but was not represented by legal counsel. He executed a written agreement for this informal meeting, a copy of which is attached hereto and incorporated by reference. After Dr. Adkins addressed the Executive Committee and answered questions from the members, it was the consensus of the members to ask Dr. Adkins to get a second evaluation from Richard Irons, M.D., Professional Renewal Center, Lawrence, Kansas. Dr. Adkins agreed to voluntarily go for this evaluation as soon as possible. Further action will be based on Dr. Irons' recommendations and presented to the full Board.

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VENKATESWARA RAO DHARMAVARAPU, M.D., JACKSON, APPLICANT

Dr. Burnett reported that an anonymous complaint had been filed regarding Dr. Dharmavarapu practicing medicine at University Medical Center after the expiration of his Limited Institutional License and before obtaining a permanent license. Dr. Dharmavarapu had been requested to appear before the Executive Committee to explain; however, he was not present. After discussion of this item, it was the consensus of the Executive Committee members to hold his application until he appears before the Executive Committee.

SURRENDER OF MEDICAL LICENSE BY WILLIAM KEVIN NICHOLS, M.D., PHILADELPHIA, MISSISSIPPI MEDICAL LICENSE NUMBER 11065

Dr. Burnett advised that Dr. Nichols had elected to surrender his license rather than enter treatment for chemical dependency. It was the consensus of the Executive Committee members to accept the Surrender of Medical License, a copy of which is attached hereto and incorporated by reference.

LETTER FROM ROBERT WYNN WATSON, D.O., CHARLESTON

Dr. Watson was not present, but Dr. Burnett presented his letter requesting removal of restrictions on his license. Dr. Burnett explained that Dr. Watson would not be due for removal of all restrictions until January, 2002. Dr. Carr was not able to stay, but Dr. Burnett reported that Dr. Carr did advocate for Dr. Watson having some prescribing privileges returned. It was the consensus of the Executive Committee to return controlled substance privileges in Schedule IV. The Order of the Board is attached hereto and incorporated by reference.

TERRY KENT ELLIS, M.D., OXFORD

In order to reinstate his license, Dr. Ellis, who voluntarily surrendered his medical license in June 1997, was required by the Board's regulation to have a clinical skills assessment program. Dr. Burnett reported that Dr. Ellis went to the University of Florida CARES program. Dr. Burnett reviewed their report and recommendations. Dr. Ellis must also meet conditions set by the Mississippi Impaired Physicians Committee. It was the consensus of the Executive Committee members for Dr. Burnett and Dr. Carr to work together to insure that MIPC's and CARES' recommendations were incorporated in Dr. Ellis' reinstatement.

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COMPLAINT AGAINST WOOD C. HIATT, M.D., RIDGELAND

Dr. Burnett reviewed a complaint against Dr. Hiatt, which involved his testimony in a divorce case. After discussion of this complaint, the Executive Committee members did not feel this was a licensure issue. It was their recommendation to refer the complaint to the Peer Review Committee of Mississippi State Medical Association.

COMPLAINT AGAINST RODERICK C. GIVENS, M.D., FROM STEPHEN D. LIPSON, M.D., CLARKSDALE

As has been discussed at prior Executive Committee meetings, Dr. Burnett reported that he was continuing to receive complaints, particularly from Dr. Lipson, regarding Dr. Givens' treatment of prostate cancer patients, who were originally treated by Myung Chung Park, M.D. Dr. Park has retired, and Dr. Givens bought his practice. After discussion of this matter, it was the consensus of the Executive Committee members to refer the complaint to the Peer Review Committee of Mississippi State Medical Association. Dr. Bush stated she would like for the Board to keep track of this complaint with feedback from the Peer Review Committee, especially if their committee feels it is substandard medicine.

DISPLAYING OF LICENSE AT THE OFFICE OR OTHER PLACES OF PRACTICE FOR M.D.S/D.O.S

Currently, podiatrists are required by statute to display their licenses at the offices or other places of practice, but this is not required of M.D.s and D.O.s. There was some discussion about requiring this of all physicians, but since it would require legislation to change it, the Executive Committee decided to leave as is.

ADMINISTRATORS IN MEDICINE (AIM) AND FEDERATION OF STATE MEDICAL BOARDS' ANNUAL MEETINGS, ATLANTA, APRIL 17 - 22, 2001

Dr. Burnett reported that the Administrators in Medicine and Federation of State Medical Boards' Annual Meetings would be held April 17 - 22, 2001, in Atlanta, Georgia. The following will be attending: Dr. Burnett, Dr. Bush, one other Board member, Ms. Fortenberry, Ms. Freeman, and Mr. Moses. The Executive Committee approved the Board paying their expenses for these meetings.

EXECUTIVE COMMITTEE MINUTES

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APRIL BOARD MEETING

Dr. Burnett advised that because of the AIM and Federation meetings, the April Executive Committee meeting will need to be moved to April 11 and the Board meeting to April 12. This change was approved by the Executive Committee.

OTHER BUSINESS

There have been some questions in the past about paying expert witness fees, specifically paying for travel time, and Dr. Burnett asked the Executive Committee for clarification on this. Ms. Fortenberry was asked to check with surrounding states to see how they handled this.

REVIEW OF JANUARY 18 BOARD AGENDA

Dr. Burnett briefly reviewed the agenda for the January 18 Board meeting.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:45 p.m.



Freda M. Bush, M.D.
President

Minutes taken and transcribed
by Kathy Fortenberry
Administrative Assistant
January 17, 2001

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

OF

JOSEPH M. SCOGGIN, M.D.

ORDER REMOVING ALL RESTRICTIONS

THIS MATTER came on regularly for hearing on January 17, 2001, 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 all restrictions on his license to practice medicine imposed by virtue of that certain Consent Order dated January 23, 1998.

The Executive Committee, after hearing said motion, and taking into consideration all facts and matters, finds Licensee's petition 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 Joseph M. Scoggin, M.D.

ORDERED, this the 17th day of January, 2001.

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

JAMES RONALD MEDLIN, M.D.

ORDER REMOVING RESTRICTIONS

THIS MATTER came on regularly for hearing on January 17, 2001, before the Executive Committee of the Mississippi State Board of Medical Licensure, in response to the Petition of James Ronald Medlin, 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 April 16, 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 Schedule IV. As a result, Licensee now has controlled substance privileges limited to Schedules IV and V. All remaining restrictions imposed by virtue of the April 16, 1998, Consent Order shall continue to be maintained in full force and effect. Licensee shall have the right to petition the Board for reconsideration on or after April, 2001.

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 Ronald Medlin, M.D.

ORDERED, this the 17th day of January, 2001.

MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE

BY: Freda M. Bush, MD
FREDA M. BUSH, M.D.
PRESIDENT

AGREEMENT TO APPEAR INFORMALLY BEFORE EXECUTIVE COMMITTEE

I, JERRY R. ADKINS, M.D., have requested an opportunity to appear informally before the Executive Committee of the Mississippi State Board of Medical Licensure (hereinafter "Board") to discuss possible resolution of a pending disciplinary matter/investigation or to respond to a complaint duly received by the Board. It is the purpose of the informal meeting to discuss the facts of the case, to give me an opportunity to ask questions of the Committee or its staff, and to give the Committee or its staff an opportunity to ask questions of me. Because the meeting is informal, no disciplinary action will be taken without my express written consent. In so doing, I have been advised and understand the following:

1. During the meeting, the Executive Committee may or may not be represented by legal counsel. Notwithstanding, I understand that I have a right, if I so choose, to employ legal counsel and have counsel present during the informal meeting.
2. I authorize the Committee Members to review and examine any statements, documentary evidence, or materials concerning the allegations during my informal appearance.
3. Because the purpose of my appearance is to avoid a hearing before the Board, I agree that presentation to and consideration by the Committee of any facts, matters, and documents pertaining to my case shall not unfairly or illegally prejudice the Committee members from further participation or consideration in the event a formal disciplinary hearing is later conducted. Stated differently, in the event the pending matter is not resolved following my appearance before the Committee, I will not object to any of the Committee members from further participating in subsequent meetings or hearings that may be conducted in relation to this matter.
4. By signing my name in the space provided below, I hereby authorize the Executive Committee to proceed with the informal appearance, subject to the stipulations and understandings as noted above. I have elected to proceed:

with legal counsel present (name of counsel: _____)

without legal counsel present

EXECUTED, this the 17 day of January, 2001.

Jerry R. Adkins, MD

Witness: Charles [Signature]

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

WILLIAM KEVIN NICHOLS, M.D..

SURRENDER OF MEDICAL LICENSE

WHEREAS, WILLIAM KEVIN NICHOLS, M.D., hereinafter referred to as "Licensee," is the current holder of License Number 11065 issued in July, 1986, to practice medicine in the State of Mississippi;

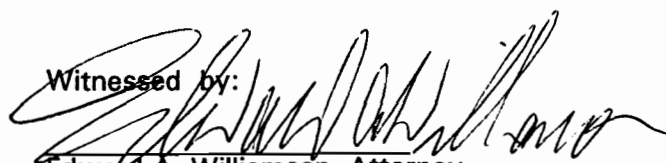
WHEREAS, on December 8, 2000, Licensee was prohibited from the continued practice of medicine, pending a hearing scheduled for December 20, 2000, before the Executive Committee of the Board;

WHEREAS, on December 18, 2000, Licensee's legal representative indicated that Dr. Nichols wished to surrender his medical license in lieu of a hearing;

NOW, THEREFORE, Licensee hereby voluntarily surrenders his medical license (Number 11065) to practice medicine in the State of Mississippi. Licensee understands that this is an unconditional surrender. In the event Licensee later decides to practice medicine in the State of Mississippi, it will be necessary for him to make application with the Board. At such time, the Board reserves the right to utilize all evidence, including all facts developed during the current investigation, as part of the consideration of any application.


EXECUTED this the 20th day of December, 2000.

Witnessed by:


Edward A. Williamson, Attorney


WILLIAM KEVIN NICHOLS, M.D.

ACCEPTED AND APPROVED this the 17th day of ^{January, 2001} ~~December, 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

ROBERT WYNN WATSON, D.O.

ORDER REMOVING RESTRICTIONS

THIS MATTER came on regularly for hearing on January 17, 2001, before the Executive Committee of the Mississippi State Board of Medical Licensure, in response to the Petition of Robert Wynn Watson, 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 January 21, 1999. 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 Schedule IV. As a result, Licensee now has controlled substance privileges limited to Schedules IV and V. All remaining restrictions imposed by virtue of the January 21, 1999, 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 Robert Wynn Watson, D.O.

ORDERED, this the 17th day of January, 2001.

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
JANUARY 18, 2001**

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday, January 18, 2001, in the Executive Conference Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi.

The following members were present:

Robert Ray Smith, M.D., Jackson, Vice President
Frank W. Bowen, M.D., Carthage
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:

Freda M. Bush, M.D., Jackson, President
Dewitt G. Crawford, M.D., Louisville, Secretary
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. Smith. Dr. Burnett reported on Dr. Crawford, who recently had knee surgery. Dr. Smith read a thank-you note from Dr. Johnston. The invocation was given by Dr. Bowen.

For informational purposes only, Dr. Burnett distributed copies of ***Highlights for the Year of 2000*** and ***Plans for the Year of 2001***, which had been prepared by the staff. A copy is attached hereto and incorporated by reference.

DR. JACKSON JOINED THE MEETING AT 9:15 A.M.

APPROVAL OF CERTIFICATION OF MISSISSIPPI LICENSES TO OTHER ENTITIES FOR THE PERIOD OCTOBER 1, 2000, TO DECEMBER 31, 2000

One hundred forty-five (145) licenses were certified to other entities for the period October 1, 2000, to December 31, 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 OCTOBER 1, 2000, TO DECEMBER 31, 2000

Ninety-nine (99) licenses were issued for the period October 1, 2000, to December 31, 2000. Motion was made by Dr. Bowen, seconded by Dr. Johnston, and carried unanimously to approve these licenses.

REVIEW OF MINUTES OF THE EXECUTIVE COMMITTEE MEETING DATED OCTOBER 18, 2000, AND MINUTES OF THE BOARD MEETING DATED OCTOBER 19, 2000

Minutes of the Executive Committee Meeting dated October 18, 2000, and Minutes of the Board Meeting dated October 19, 2000, were reviewed. Dr. Johnston moved for approval of the minutes as submitted. Dr. Jackson seconded the motion, and it carried unanimously.

REVIEW OF MINUTES OF THE EXECUTIVE COMMITTEE MEETING DATED NOVEMBER 15, 2000

Minutes of the Executive Committee Meeting dated November 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 JANUARY 17, 2001, EXECUTIVE COMMITTEE MEETING

Dr. Burnett reported on actions taken by the Executive Committee on January 17, 2001, which included the following: Joseph M. Scoggin, M.D., Starkville, removal of all restrictions; James Ronald Medlin, M.D., Ecrú, return of controlled substances privileges in Schedule IV; Jerry Ross Adkins, M.D., Biloxi, evaluation by Richard Irons, M.D., Professional Renewal Center; William Kevin

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Nichols, M.D., Surrender of Medical License; Robert Wynn Watson, D.O., return of controlled substances privileges in Schedule IV; and Terry Kent Ellis, M.D., Oxford, incorporate MIPC's and University of Florida CARES' recommendations into his reinstatement.

REPORTS FROM AD HOC COMMITTEES

Alternative Medicine - Dr. Johnston reported that the staff had developed a policy statement on complementary and alternative medicine, which he read to the Board. Motion was made by Dr. Johnston, seconded by Dr. Henderson, and carried unanimously to adopt this policy statement, a copy of which is attached hereto and incorporated by reference.

Educational Development - Dr. Smith advised that at last night's Executive Committee there had been some discussion about drug companies and other commercial enterprises approaching the Board about joint educational programs. It was the general feeling of the Executive Committee that the Board would need to be very careful about aligning with commercial ventures to avoid a conflict of interest.

Impaired Physicians Program - Dr. Burnett stated that information regarding updating the treatment center list, psychiatrist list, etc., had been mailed to this committee for their review. Dr. Burnett asked that the committee make a recommendation at the April Board meeting.

Office Based Surgery - Dr. Henderson reported that the committee had made good progress in putting together the regulations, but there was some confusion regarding the different levels. This committee will continue to work on the regulations.

Legislative - Copies of pending legislation, which is being closely monitored by the Board, were distributed for review. Dr. Burnett stated that he would be going later in the day to a meeting pertaining to nurse practitioners being given controlled substances prescribing privileges.

Nurse Practitioner and Expanded Role - This committee had no other information to report other than that discussed about the legislation.

FINAL ADOPTION OF AMENDMENT TO REGULATIONS PERTAINING TO PRESCRIBING, ADMINISTERING AND DISPENSING OF MEDICATION, VIII. PRESCRIPTION GUIDELINES - CONTROLLED SUBSTANCES, A. 6.

Dr. Burnett reviewed the proposed amendment and reported the Board had not received any comments on this. Motion was made by Dr. Herrington, seconded by Dr. Bowen, and carried unanimously to final adopt the amendment, 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.

FINAL ADOPTION OF AMENDMENT TO RULES AND REGULATIONS, VI. LICENSURE EXAMINATIONS, A. FLEX, 2.

Dr. Burnett reviewed the proposed amendment and reported the Board had not received any comments on this. Motion was made by Dr. Bowen, seconded by Dr. Jackson, and carried unanimously to final adopt the amendment, 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.

ADOPTION OF AMENDMENT TO REGULATIONS PERTAINING TO PRESCRIBING, ADMINISTERING AND DISPENSING OF MEDICATION, V. USE OF DIET MEDICATION, 5.

Dr. Burnett reviewed the proposed amendment to the diet medication regulation. Motion was made by Dr. Johnston, seconded by Dr. Jackson, and carried unanimously to adopt the amendment, 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.

OTHER BUSINESS

Dr. Smith welcomed Suzy Sheridan, court reporter, and Sherry Williams, reporter for *The Clarion Ledger*.

Copies of the Legislative Budget Office's proposed budget for the agency were distributed and reviewed by Dr. Burnett.

Copies of the 2001-2002 renewal form were distributed. A new question pertaining to Web-based practice has been added, and the Board members wanted

the licensee to describe their Web site, i.e., informational, advertising, etc. Motion was made by Dr. Herrington, seconded by Dr. Jackson, and carried unanimously to approve the renewal form.

Dr. Burnett distributed copies of a policy statement making the licensure application valid for one year. Motion was made by Dr. Johnston, seconded by Dr. Herrington, and carried unanimously to adopt this policy statement, a copy of which is attached hereto and incorporated by reference.

**CONSENT ORDER EXECUTED BY KEITH DAWSON VAN DE CASTLE, M.D.,
NEWTON, MASSACHUSETTS, MISSISSIPPI MEDICAL LICENSE NUMBER 14908**

Dr. Van de Castle was not present but was represented by Will Grubbs, Esq., Tyner Law Firm, Jackson.

Mr. Grubbs and Mr. Ingram reviewed the Consent Order executed by Dr. Van de Castle and answered questions from the Board members.

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 Suzy Sheridan, Certi-Comp Court Reporters.

**PERSONAL APPEARANCE BY JERRY MITCHELL, III, D.O., LUCEDALE, MISSISSIPPI
MEDICAL LICENSE NUMBER 12395, TO REQUEST REINSTATEMENT OF LICENSE**

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

Mr. Moses was sworn in and presented a chronological summary of Dr. Mitchell's background and history leading to the disciplinary action taken on his medical license. Dr. Carr addressed the Board on behalf of Dr. Mitchell, stating he supported Dr. Mitchell returning to the practice of medicine with certain conditions. Mr. Ingram reviewed the Consent Order executed by Dr. Mitchell.

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. Jackson, seconded by Dr. Herrington, the Board went into Executive Session.

Upon motion by Dr. Herrington, seconded by Dr. Jackson, and carried unanimously, the Board came out of Executive Session at which time Dr. Smith announced to accept the Consent Order with a change made to limit Dr. Mitchell's DEA privileges to Schedule V only. Motion was made by Dr. Bowen, seconded by Dr. Jackson, and carried unanimously to accept the Consent Order with the one addition. The Order Lifting Prohibition and the Consent Order are attached hereto and incorporated by reference.

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

**HEARING IN THE CASE OF NORMAN LEE YATES, III, M.D., JACKSON,
MISSISSIPPI MEDICAL LICENSE NUMBER 15466**

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

Mr. Ingram advised that the attorneys were working on this and requested a continuance. Motion was made by Dr. Johnston, seconded by Dr. Jackson, and carried unanimously to grant the continuance until the next Board meeting, which will be April 12, 2001. The Order of Continuance is attached hereto and incorporated by reference.

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

**PERSONAL APPEARANCE BY JOHN WILBUR MCFADDEN, JR., TUPELO,
MISSISSIPPI MEDICAL LICENSE NUMBER 05129, TO REQUEST REMOVAL OF
RESTRICTIONS**

Dr. McFadden was present and represented by legal counsel, Alex A. Alston, Jr., Esq., Jackson.

Mr. Ingram entered and summarized a number of exhibits, including the files of five patients. Mr. Alston addressed the Board and requested removal of all restrictions on Dr. McFadden's license.

Dr. McFadden was sworn in and answered questions from Mr. Alston, Mr. Ingram, and Board members.

THE BOARD RECESSED AT 11:35 A.M. AND RECONVENED AT 11:45 A.M.

Mr. Ingram advised that Ms. Karen Davis, Moscow, Idaho, would like to address the Board. Mr. Alston objected, stating he did not feel her testimony was relevant to the restrictions on Dr. McFadden's license. The Board went into Executive Session to consider this matter. Dr. Smith stated the Board was not going to hear this witness because it was felt the testimony did not represent any conduct of the physician in relation to what he was asking.

Mr. Alston voiced his objections to the web site testimony presented by Mr. Ingram. Motion was made by Dr. Johnston, seconded by Dr. Jackson, and carried unanimously to reject the web site testimony.

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. Bowen, seconded by Dr. Jackson, the Board went into Executive Session.

Upon motion by Dr. Jackson, seconded by Dr. Herrington, and carried unanimously, the Board came out of Executive Session at which time Dr. Smith announced to deny the request for removal of restrictions. Dr. Smith voiced some concerns expressed in Executive Session by Board members: patients with benign pain were given too much controlled substances, lack of documented physical examinations, lack of contracts. The Order of the Board is attached hereto and incorporated by reference.

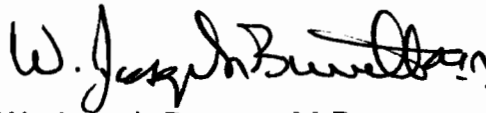
Will Bristow, Esq., Tupelo, who was representing Ms. Karen Davis and Ms. Kitty Hall, requested to address the Board, to which Mr. Alston objected. It was the consensus of the Board members that any complaints should be submitted to the Board in writing.

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

ADJOURNMENT

Motion was made by Dr. Henderson, seconded by Dr. Johnston, and carried unanimously to adjourn at 12:45 p.m. The next meeting is scheduled for Thursday, April 12, 2001.

Respectfully submitted,



W. Joseph Burnett, M.D.
Director

Minutes taken and transcribed
by Kathy Fortenberry
Administrative Assistant
January 18, 2001

**EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
JANUARY 18, 2001**

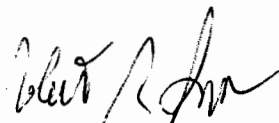
AGENDA ITEM XV

**PERSONAL APPEARANCE BY JERRY MITCHELL, III, D.O., LUCEDALE, MISSISSIPPI
MEDICAL LICENSE NUMBER 12395, TO REQUEST REINSTATEMENT OF LICENSE**

Motion made by Dr. Johnston, seconded by Dr. Bowen, and carried to accept Consent Order with a change made to limit Dr. Mitchell's DEA privileges to Schedule V only.

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



Robert R. Smith, M.D.
Vice President

**EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
JANUARY 18, 2001**


AGENDA ITEM XVII

**PERSONAL APPEARANCE BY JOHN WILBUR MCFADDEN, JR., TUPELO,
MISSISSIPPI MEDICAL LICENSE NUMBER 05129, TO REQUEST REMOVAL OF
RESTRICTIONS**

Motion made by Dr. Henderson, seconded by Dr. Bowen, and carried to deny request for removal of restrictions.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Frank W. Bowen, M.D.	X			
Freda M. Bush, M.D.				X
Dewitt G. Crawford, M.D.				X
William B. Harper, D.O.				X
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. Jackson, seconded by Dr. Herrington, the Board came out of Executive Session.



Robert R. Smith, M.D.
Vice President

MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

HIGHLIGHTS FOR THE YEAR OF 2000

◆ Legislation

- Additional vehicle - SB 2506
- Arrearage limited to five years for the reinstatement of license - HB 643
- Licensure of Physicians Assistants - HB 846
- Extend repealer on the registration requirements for radiologic technologists - HB 291
- To clarify the definition of the practice of podiatry - SB 2472

◆ New Regulations

- CME Requirements
- Governing the Practice of Acupuncture
- Governing the Practice of Physician Assistants

◆ Amended Regulations

- Regulation amended to consider licensure application of foreign medical graduate with one year postgraduate training if currently board certified by a recognized specialty board.
- Licensure examinations regulation pertaining to FLEX amended to allow the Board to 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 recognized specialty board.
- Prescription guidelines regulation amended to allow for a fax prescription to be sent under certain circumstances.

◆ Policy Statement Regarding Internet Prescribing was adopted.

◆ Office Based Surgery Regulations were developed and presented to ad hoc committee.

◆ Policy Statement on Complementary and Alternative Medicine was developed and presented to ad hoc committee.

◆ Memorandum of Understanding with Mississippi Recovering Physicians Program

- Amended to include physicians with mental/emotional illness and/or disruptive behavior
- Amended to include physician assistants

◆ **Computer System**

- **Web site**
- **Imaging system**

◆ **Federation of State Medical Boards Annual Meeting, April 13-15, 2000, Dallas, Texas**

- **Freda M. Bush, M.D., was elected to the Nominating Committee, the first physician from Mississippi to be elected to a position with the Federation.**

◆ **Freda M. Bush, M.D., was elected President of the Board effective July 1, 2000, the first female physician to hold this position.**

PLANS FOR THE YEAR OF 2001

◆ **Regulations**

- **Adopt Office Based Surgery regulations**
- **Amend diet medications regulations**

◆ **Adopt Policy Statement on Complementary and Alternative Medicine**

◆ **Computer System**

- **Physician verification system on the web site**
- **License renewal on line**
- **Investigative tracking system**
 - **Prescription profiling**
 - **Urine screen collections**
 - **Case/complaint**
- **Free-standing clinic profile**

◆ **Implementation of jurisprudence examination**

◆ **Federation of State Medical Boards**

- **W. Joseph Burnett, M.D., will serve on a committee to set 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.**

**Mississippi State Board Of Medical Licensure
Policy Statement
Complementary And Alternative Medicine**

Definitions:

Complementary and Alternative Medicine - Those health care methods of diagnosis, treatment, or interventions that are not acknowledged to be conventional but that may be offered by some licensed physicians in addition to, or as an alternative to, conventional medicine, and that provide a reasonable potential for therapeutic gain in a patient's medical condition and that are not reasonably outweighed by the risk of such methods.

The Mississippi State Board of Medical Licensure is aware that an increasing and significant number of citizens of Mississippi are seeking complementary and alternative medicine in their health care. The Board recognizes that physicians are increasingly incorporating complementary and alternative medicine in their care of patients. The Board recognizes that innovative practices that could benefit patients and improve care should be given reasonable and responsible degrees of latitude. Abusive criticism of alternative practitioners and threats to their licensure solely because they offer their patients an integrated practice will not be tolerated. On the other hand, the Mississippi State Board of Medical Licensure is aware of the Attorney General's findings that consumer fraud does occur in the practice of medicine. If consumer protection means anything, it should protect people weakened by illness from the dangers attendant to unsound, invalidated health practices. The Board is concerned with whether it is proper for physicians and providers to offer, agree to manage jointly or to accede to patient demands for alternative medicine that may not be particularly harmful, but for which little or no proof of potential benefit exist. The Board feels that physicians and providers should never accede to invalidated treatments. The Board does believe that physicians may incorporate nonvalidated treatments if research results are very promising, if the physician believes that a particular patient may benefit, if the risk of harm is very low, and if the physician adheres to the conventions that govern the doctrine of informed consent for nonvalidated treatment. The Board will continue to protect the citizens of the State of Mississippi by:

- 1) Ensuring that licensees employ and document the medical model in their overall evaluation and treatment of the patient (i.e., history, physical, diagnosis, plan of treatment, and periodic assessment and follow up),
- 2) Ensuring that the licensee has the requisite training and skills to perform the particular procedure,

- 3) Ensuring that licensees honestly and fully explain the various procedures available for treatment of the particular condition, to include the risk and benefits of such treatment option or procedure, and
- 4) Carefully scrutinizing any treatment which results in harm to the patient.

The Board believes this policy finds support in traditional ethical principles and is not outweighed by the competing principle of patient autonomy.

Secretary of State
Heber Ladner Building, 401 Mississippi Street
P.O. Box 136, Jackson, MS 39205

ADMINISTRATIVE PROCEDURES FILING NOTICE

Agency MS State Board of Medical Licensure Person to Contact Rhonda Freeman
Address 1867 Crane Ridge Drive Ste 200-B Address _____
Jackson, MS 39216
Phone (601) 987-3079 Transmittal Date January 18, 2001

Copy Attached: Yes No

Name or Number of Rule(s) VIII. Prescription Guidelines - Controlled Substances

Terms or Substance of the Actions or Description of the Subject and Issues:
See attached.

Printed Name and Title of Person Authorized to File Rules: Rhonda Freeman Division Director II
Name _____ Title _____
Rhonda Freeman
Signature

EMERGENCY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
<input type="checkbox"/> Original Filing <input type="checkbox"/> Renewal of Effectiveness To Be In Effect _____ Days Effective Date: <input type="checkbox"/> Immediately on <input type="checkbox"/> Other (Specify): _____	Action Proposed: <input type="checkbox"/> New Rule(s) <input type="checkbox"/> Amendment to Existing Rule(s) <input type="checkbox"/> Repeal of Existing Rule(s) <input type="checkbox"/> Adoption by Reference Proposed Date of Adoption: <input type="checkbox"/> 30 Days after Filing <input type="checkbox"/> Other (Specify): _____	Action Taken: <input checked="" type="checkbox"/> Adopted with No Changes in Text <input type="checkbox"/> Adopted with Changes <input type="checkbox"/> Adopted by Reference <input type="checkbox"/> Withdrawn Date Action Taken <u>January 18, 2001</u> Effective Date <input checked="" type="checkbox"/> 30 Days After Filing <input type="checkbox"/> Other (Specify): _____

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SECRETARY OF STATE

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FILED
JAN 18 2001
ERIC CLARK
SECRETARY
OF STATE

Accepted for filing by _____

Accepted for filing by J. D. ...

Accepted for filing by EJB

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.

Secretary of State
Heber Ladner Building, 401 Mississippi Street
P.O. Box 136, Jackson, MS 39205

ADMINISTRATIVE PROCEDURES FILING NOTICE

Agency MS State Board of Medical Licensure Person to Contact Rhonda Freeman
Address 1867 Crane Ridge Drive Ste 200-B Address _____
Jackson, MS 39216
Phone (601) 987-3079 Transmittal Date January 18, 2001
Copy Attached: Yes No _____
Name or Number of Rule(s) VI. Licensure Examinations, A. Flex, 2.
Terms or Substance of the Actions or Description of the Subject and Issues:
See attached.

Printed Name and Title of Person Authorized to File Rules: Rhonda Freeman Division Director II
Name Title
Rhonda Freeman
Signature

EMERGENCY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
<input type="checkbox"/> Original Filing <input type="checkbox"/> Renewal of Effectiveness To Be In Effect _____ Days Effective Date: <input type="checkbox"/> Immediately on <input type="checkbox"/> Other (Specify): _____	Action Proposed: <input type="checkbox"/> New Rule(s) <input type="checkbox"/> Amendment to Existing Rule(s) <input type="checkbox"/> Repeal of Existing Rule(s) <input type="checkbox"/> Adoption by Reference Proposed Date of Adoption: <input type="checkbox"/> 30 Days after Filing <input type="checkbox"/> Other (Specify): _____	Action Taken: <input checked="" type="checkbox"/> Adopted with No Changes in Text <input type="checkbox"/> Adopted with Changes <input type="checkbox"/> Adopted by Reference <input type="checkbox"/> Withdrawn Date Action Taken <u>January 18, 2001</u> Effective Date <input checked="" type="checkbox"/> 30 Days After Filing <input type="checkbox"/> Other (Specify): _____

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Accepted for filing by _____	Accepted for filing by <u>J. Ammon</u>	Accepted for filing by <u>EBB</u>

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.

COPY

ADMINISTRATIVE PROCEDURES FILING NOTICE

Agency MS State Board of Medical Licensure Person to Contact Rhonda Freeman
Address 1867 Crane Ridge Drive Ste 200-B Address _____
Jackson, MS 39216
Phone (601) 987-3079 Transmittal Date January 18, 2001

Copy Attached: Yes No

Name or Number of Rule(s) V. Use of Diet Medication

Terms or Substance of the Actions or Description of the Subject and Issues:
See attached.

Printed Name and Title of Person Authorized to File Rules: Rhonda Freeman Division Director II

Name Rhonda Freeman Title _____
Signature

EMERGENCY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
<input type="checkbox"/> Original Filing <input type="checkbox"/> Renewal of Effectiveness To Be In Effect _____ Days Effective Date: <input type="checkbox"/> Immediately on <input type="checkbox"/> Other (Specify): _____	Action Proposed: <input type="checkbox"/> New Rule(s) <input checked="" type="checkbox"/> Amendment to Existing Rule(s) <input type="checkbox"/> Repeal of Existing Rule(s) <input type="checkbox"/> Adoption by Reference Proposed Date of Adoption: <input checked="" type="checkbox"/> 30 Days after Filing <input type="checkbox"/> Other (Specify): _____	Action Taken: <input type="checkbox"/> Adopted with No Changes in Text <input type="checkbox"/> Adopted with Changes <input type="checkbox"/> Adopted by Reference <input type="checkbox"/> Withdrawn Date Action Taken _____ Effective Date <input type="checkbox"/> 30 Days After Filing <input type="checkbox"/> Other (Specify): _____

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SECRETARY OF STATE

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Accepted for filing by _____ Accepted for filing by [Signature] Accepted for filing by _____

V. USE OF DIET MEDICATION:

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

are classified as amphetamine or amphetamine-like anorectics and/or central nervous system stimulants, hereinafter referred to as "stimulant", the physician shall not initiate or shall discontinue utilizing said controlled substance stimulant immediately upon ascertaining or having reason to believe:

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

In addition to the above the physician shall not issue a prescription or dispense a stimulant for any greater than a thirty-day supply; and a patient's use of stimulants, whether by dispensation or prescription shall be limited to no more than six (6) thirty-day supplies during any twelve-month period of time. In any case, the total amount of medication shall not exceed a six (6) month supply in the twelve month time period. For the purposes of this paragraph, a twelve (12) month time period is considered to begin on the day of the initial dispensation or prescription issuance.

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

shall receive a thorough reevaluation of the effectiveness of the medication, including a physical examination to document any potential harmful side effects.

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

Application Valid For One Year Policy

It is the policy of the Mississippi State Board of Medical Licensure that an application is valid for 365 days from date of receipt. After 365 days, if applicant has not received a permanent Mississippi medical license , the application file will be considered obsolete and applicant will have to reapply for licensure, including, but not limited to, all fees, certifications, verifications and references.

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**IN THE MATTER OF PHYSICIAN'S LICENSE****KEITH VAN DE CASTLE, M.D.****CONSENT ORDER**

WHEREAS, Dr. Keith Van de Castle is a current holder of License No. 14908 for the practice of medicine in the State of Mississippi;

WHEREAS, a complaint was lodged against Dr. Keith Van de Castle alleging inappropriate examination of a female patient;

WHEREAS, Dr. Burnett, Executive Director of the Mississippi State Board of Medical Licensure requested that Dr. Van de Castle voluntarily submit to examination at Menninger Clinic in Kansas;

WHEREAS, Dr. Van de Castle has cooperated with all requests of the Board and submitted to several years of family therapy and voluntarily agreed not to practice clinical medicine in Mississippi during the interim;

WHEREAS, both parties wish to resolve the pending matter without further litigation, and as a full and complete resolution thereof, Licensee voluntarily allows and agrees 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 voluntarily place the following restrictions on Licensee's certificate to practice medicine in the State of Mississippi for an indefinite period of time, to wit:

- 1. Licensee agrees to continue with family therapy as recommended by Dr. Richard Irons, at Licensee's expense.**
- 2. Licensee agrees to waive his medical privilege with regard to all future therapy for the purpose of continued monitoring by the Board.**

3. Licensee, at his own expense, shall require that his family therapist report at least quarterly to Dr. Gutheil (hereinafter referred to as monitoring therapist), or other qualified physician should he become unavailable, as to the progress or lack thereof of Licensee.
4. Licensee shall provide licensee's primary therapist a copy of this Consent Order. Further, Licensee's primary family therapist shall provide written notification to the board that he/she understands and accepts the reporting responsibility as herein ordered.
5. Dr. Gutheil shall report to this board on an annual basis as to his assessment of Dr. Van de Castle and his ability to continue in the practice of clinical medicine without endangering patients. Licensee shall pay this reporting expense.
6. Licensee shall also provide licensee's monitoring therapist a copy of this Consent Order. Further, Licensee's monitoring therapist shall provide written notification to the board that he/she understands and accepts the reporting responsibility as herein ordered.
7. In the event Licensee wishes to return to the clinical practice of medicine in the State of Mississippi, and notwithstanding the above reporting requirements, Licensee shall provide the Board at least sixty (60) days advance notice in writing. Licensee shall then appear before the Board, submit proof of compliance with each of the above restrictions, and submit proof of his ability to practice clinical medicine with reasonable skill and safety to patients. The Board reserves the right to require Licensee to submit to an independent evaluation at a facility/physician approved by the Board, and may require Licensee to practice pursuant to a written "Plan of Practice."

8. Licensee shall report in writing to the Board within fifteen (15) days should his medical license in any state be subject to investigation or disciplinary action.

9. Licensee shall obey all federal, state and local laws, and all rules and regulations governing the practice of medicine.

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

Licensee executes this Consent Order pursuant to authority set forth in Miss. Code Ann., Section 73-25-29 and 73-25-59 (1972), as amended.

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 and is reportable to the National Practitioner Data Bank, provided however, neither the execution of this Consent Order by Licensee nor the approval of this Consent Order by the Board shall in any way constitute an admission by Licensee of any allegations or malpractice.

Pursuant to Miss. Code ann. Section 73-25-30, Licensee shall pay all such investigative costs, as are allowed by law, not to exceed \$3,000. 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 date of acceptance and approval of this Consent Order by the Board.

Recognizing his right to notice of charges specified against him, to have such charges adjudicated pursuant to Miss. Code Ann, Section 73-25-27(1972), to be represented therein by legal counsel of his choice, and to a final decision rendered upon written findings of fact and conclusions of law, Keith Van de Castle, 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 restricting his license to practice medicine in the State of Mississippi as stated above.

Signed the 9th day of January 2001.


KEITH VAN DE CASTLE, M.D.

Accepted and approved, this the 18th day of January, 2001 by the MISSISSIPPI,
STATE BOARD OF MEDICAL LICENSURE

By: 
FREDA M. BUSH, M.D., PRESIDENT

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

OF

JERRY MITCHELL III, D.O.

ORDER LIFTING PROHIBITION

WHEREAS, on January 25, 1999, an Order of Prohibition was issued by this Board prohibiting Jerry Mitchell, III, D.O., hereinafter "Licensee," from practicing medicine until such time as the Board has made a determination that Licensee is able to return to the practice of medicine with reasonable skill and safety to patients;

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 January 25, 1999, shall be lifted thereby granting Licensee permission to return to the practice of medicine, subject to those terms of the approved Consent Order.

SO ORDERED, this the 18th day of January, 2001.

MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE

BY: _____


ROBERT RAY SMITH, M.D.
VICE-PRESIDENT

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

JERRY MITCHELL, III, D.O.

CONSENT ORDER

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

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

WHEREAS, pursuant to the terms of said Consent Order, Licensee was served with an Order of Prohibition on October 8, 1998, due to a relapse of his chemical dependency;

WHEREAS, on March 18, 1999, Licensee entered into a second Consent Order, thereby reinstating those restrictions set forth in the September 11, 1996, Consent Order;

WHEREAS, pursuant to the terms of said Consent Order, Licensee was served with an Order of Prohibition on January 25, 1999, due to another relapse of his chemical dependency;

WHEREAS, Licensee entered Pine Grove Recovery Center, Hattiesburg, Mississippi for his relapse of chemical dependency on April 21, 2000. Said treatment was conducted under the direction of C. Chapman Sledge, M.D. and Licensee was

discharged on May 31, 2000. Dr. Sledge recommended referral to Metro Atlanta Recovery Residence (MARR), Atlanta, Georgia, for long term treatment. Licensee was transferred and entered MARR on June 1, 2000. Licensee was discharged on December 10, 2000, after successfully completing all phases of treatment;

WHEREAS, pursuant to Subsection (2) of Section 73-25-29, Miss. Code Ann. (1972), Licensee's relapse of chemical dependency constitutes habitual use of intoxicating liquors or any other beverage, to the extent which affects professional competency, for which the Mississippi State Board of Medical Licensure may revoke the Mississippi medical license of Licensee, suspend his right to practice for a time deemed proper by the Board, place his license on probation, the terms of which may be set by the Board or take any other action in relation to his license as the Board may deem proper under the circumstances;

NOW, THEREFORE, in consideration of reinstatement of License No. 12395 to practice medicine in the State of Mississippi, Licensee agrees to the following probationary terms and conditions for an indefinite period of time, which shall be in lieu of any previous Consent Order or Board Order:

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 drug Buprenex (Buprenorphine). As a result, Licensee shall not be permitted to order, manufacture, distribute, possess, dispense, administer or prescribe any controlled substances in said schedules until such time as he is

again properly registered with the U.S. Drug Enforcement Administration with prior written approval from the Mississippi State Board of Medical Licensure. Since Licensee's DEA Certificate is currently expired he shall execute such forms and documents required by the U.S. Drug Enforcement Administration to accomplish application of his controlled substances privileges in Schedule V only.

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), Ultram (Tramadol HCL), 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, Soma (Carisoprodol) or Ultram (Tramadol HCL).
5. Licensee shall immediately obtain affiliation with the Mississippi Recovering Physicians Program (MRPP). Licensee shall comply with all affiliation requirements of the MRPP, its Medical Director or the Mississippi Impaired Physician's Committee (MIPC). Licensee hereby authorizes the Board, its Director or Investigative Staff to contact and communicate with the MRPP, MIPC, or any agent or representative of said organizations as to all aspects of his affiliation and/or recovery. Reciprocally, Licensee hereby authorizes the MRPP and MIPC, its agents, representatives or employees to communicate with the Board as to all aspects of his affiliation and/or recovery. Any report of noncompliance of the Recovery Contract Agreement or any recommendation of the MRPP could result in further disciplinary action. Licensee fully understands and recognizes the importance of maintaining free flow of information to and from the Board, MIPC, MRPP, and Licensee's treating physician pursuant to Paragraph 8 below. As a result, any attempt by Licensee to rescind or revoke the authorization provided herein, to rescind or revoke any medical release already executed or which Licensee may hereinafter be asked to sign in order to

implement this Consent Order, or to interfere in any form or fashion with the free flow of information to and from the Board, MIPC, MRPP, and Licensee's treating physician pursuant to Paragraph 8 below, shall constitute a violation of this order and separate grounds to initiate disciplinary action.

6. Licensee shall submit to random, unannounced and witnessed urine and/or blood screens to determine the presence of any mood altering drugs, and/or alcohol with the collection and submission to be determined and monitored by the Director of the Mississippi State Board of Medical Licensure. Licensee shall be responsible for all costs and expenses incurred in relation to the urine and/or blood screens. Upon request of the Board, Licensee shall provide to the Board a monthly work itinerary at the beginning of each month for the purpose of compliance with urine screen monitoring. In the event that Licensee suffers a relapse, or any urine or blood screen is received indicating the presence of any unauthorized mood-altering drugs and/or agents, Licensee shall be immediately prohibited from practicing medicine until such time as he undergoes an evaluation for relapse of chemical dependency at an approved treatment center under the auspices of the MRPP and, thereafter, is found capable of returning to the practice of medicine by MRPP and the Mississippi State Board of Medical Licensure.
7. 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 Eight (8) of this Agreement, shall be considered a violation subject to Board action. Licensee shall be immediately prohibited from practicing medicine until such time Licensee is found capable of returning to the practice of medicine by MRPP and the Mississippi State Board of Medical Licensure.

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 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.
9. Licensee shall obey all federal, state and local laws, and all rules and regulations governing the practice of medicine in the State of Mississippi.

10. 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.
11. 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 five (5) years from the effective day hereof. Thereafter, any right to petition the Board for reconsideration shall be at reasonable intervals, but not less than twelve (12) months from date of last appearance.

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

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

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

Signed this the 2ND day of FEBRUARY, 2001.

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

ACCEPTED AND APPROVED, this the 18th day of January, 2001, by the
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE.

BY: Robert Ray Smith
ROBERT RAY SMITH, M.D.
VICE-PRESIDENT

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

NORMAN L. YATES, III, M.D.

ORDER OF CONTINUANCE

THIS MATTER came on regularly for hearing on January 18, 2001, before the Mississippi State Board of Medical Licensure, in response to a joint request for continuance of the hearing set for this date by Stan Ingram, Complaint Counsel for the Board, and Dennis Horn, attorney representing the Respondent, Norman L. Yates. III, M.D. After consideration of the matter, the Board finds the joint motion to be well taken.

IT IS, THEREFORE, ORDERED, that this matter be continued until the next regularly scheduled meeting of this Board.

SO ORDERED, this the 18th day of January, 2001.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY: 

**ROBERT RAY SMITH, M.D.
VICE-PRESIDENT**

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

JOHN W. MCFADDEN, M.D.

ORDER DENYING REMOVAL OF RESTRICTIONS

THIS MATTER came on regularly for hearing on January 18, 2000, before the Mississippi State Board of Medical Licensure, in response to the Petition of John W, McFadden, M.D. (hereinafter "Licensee"), seeking removal of all restrictions on his license to practice medicine by virtue of that certain Consent Order dated September 23, 1999, and Addendum to said Consent Order dated December 15, 1999.

As required by Miss. Code Ann. Section 73-25-32(3), when determining whether a disciplinary penalty should be set aside or restrictions removed, the Mississippi State Board of Medical Licensure may investigate and consider (1) all activities of Licensee since the disciplinary action was taken against him, (2) the offense for which he was disciplined, (3) his activity during the time his certificate was in good standing, and (4) his general reputation for truth, professional ability and good character. The burden of proving entitlement rests exclusively with Licensee.

The hearing was convened at 10:00 a.m., Licensee being present and represented by Hon. Alex Alston, Jackson, Mississippi. Complaint Counsel for the Board was Hon. Stan T. Ingram, Jackson, Mississippi. Sitting as legal advisor for the Board was Hon. 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

1. Following a lengthy hearing conducted November 21 and 22, 1996, the Board found Licensee guilty of numerous violations of the Mississippi Medical Practice Act. Specifically, the Board found Licensee guilty of eleven (11) separate counts of administering, dispensing, and prescribing narcotic drugs in a manner that was "otherwise than in the course of legitimate professional practice." The Board further found Licensee's conduct to be unprofessional, including dishonorable or unethical and likely to harm the public. Of particular concern to the Board was Licensee's failure to adequately monitor his patients' consumption of the significant quantities of controlled substances that he prescribed to them. The violations were significant in two (2) respects:

- a. The rules and regulations of the Board provided clear guidance to Licensee as to his utilization of controlled substances and,
- b. Licensee had been warned on at least two (2) prior occasions without Board disciplinary action relative to proper patient monitoring.

The suspension of Licensee's certificate, however, was automatically stayed on the condition that he comply with certain

probationary terms and conditions imposed by the Board. This permitted Licensee to continue to practice, but without use of controlled substances in Schedules II, IIN, III, IIIN and IV.

On May 20, 1999, Licensee was referred to the Examining Committee designated pursuant to the Mississippi Disabled Physician Law, Miss. Code Ann. Section 73-25-51 et seq. The Board found the referral necessary in view of a complaint from a patient alleging sexual misconduct and other matters placing into issue Licensee's ability to practice medicine with reasonable skill and safety to patients. Licensee cooperated with the referral and was ultimately evaluated by Richard Irons, M.D., at the Menninger Clinic, Topeka, Kansas. The Menninger Clinic found Licensee to have engaged in sexual boundary violations and recommended specified treatment and follow-up therapy. On September 23, 1999, Licensee appeared before the Board's Executive Committee and entered into a Consent Order, by virtue of which Licensee was prohibited from practicing medicine until such time as he met certain requirements imposed in order to protect the public. Licensee completed treatment at Menninger Clinic during November, 1999, and was thereafter found by Richard Irons, M.D., to be able to return to the practice of medicine with reasonable skill and safety to patients, subject to certain terms and conditions, most notably, continued restriction on controlled substance prescribing, continued

psychotherapy, and quarterly reports to the Board. The recommendations of Menninger were adopted by the Board's Executive Committee on December 15, 1999, by virtue of entry of an Addendum to the aforementioned Consent Order, duly executed and agreed to by Licensee. At that time, the Board chose to return controlled substance prescribing authority to Licensee, but limited to Schedules IV and V. The December 15, 1999, Addendum to Consent Order also required Licensee to comply with regulations adopted by the Board, effective June 1, 1999, governing the "Use of Controlled Substances for Chronic (Non-Terminal) Pain."

Each of the aforementioned orders, as well as the reports from Menninger Clinic were presented to this Board as a composite exhibit – Board Exhibit No. 1.

2. By virtue of the rules and regulations "Governing the Use of Controlled Substances for Chronic (Non-Terminal) Pain," effective June 1, 1999, Licensee, as well as other practitioners, were authorized to prescribe controlled substances on a long-term (chronic) basis, provided certain monitoring and documentation requirements were met. The importance of proper recordkeeping and monitoring cannot be overemphasized. Those requirements of particular concern to the Board in this case are as follows:
 - C. Notwithstanding any other provisions of these rules and regulations, as to the prescribing, administration, or dispensation of controlled substances in Schedules II, IIN, III, IIIN, IV and V, or other drugs having addiction-forming and addiction-sustaining liability, use of said medications in the treatment of chronic pain should be done with caution. A physician may administer, dispense or

prescribe said medications for the purpose of relieving chronic pain, provided that the following conditions are met:

1. Before initiating treatment utilizing a Schedule II, IIN, III, IIIN, IV or V controlled substance, or any other drug having addiction-forming and addiction-sustaining liability, the physician shall conduct an appropriate risk/benefit analysis by reviewing his own records of prior treatment, or review the records of prior treatment which another treating physician has provided to the physician, that there is an indicated need for long term controlled substance therapy. Such a determination shall take into account the specifics of each patients diagnosis, past treatments and suitability for long term controlled substance use either alone or in combination with other indicated modalities for the treatment of chronic pain. This shall be clearly entered into the patient medical record, and shall include consultation/referral reports to determine the underlying pathology or cause of the chronic pain.
 2. Documentation in the patient record shall include a complete medical history and physical examination that indicates the presence of one or more recognized medical indications for the use of controlled substances.
 3. Documentation of a written treatment plan which shall contain stated objectives as a measure of successful treatment and planned diagnostic evaluations, e.g., psychiatric evaluation or other treatments. The plan should also contain an informed consent agreement for treatment that details relative risks and benefits of the treatment course. This should also include specific requirements of the patient, such as using one physician and pharmacy if possible, and urine/serum medication level monitoring when requested.
 4. Periodic review and documentation of the treatment course is conducted at reasonable intervals (no more than every six months) with modification of therapy dependent on the physician's evaluation of progress toward the stated treatment objectives. This should include referrals and consultations as necessary to achieve those objectives.
- D. No physician shall administer, dispense or prescribe a controlled substance or other drug having addiction-forming and addiction-sustaining liability that is nontherapeutic in nature or non-therapeutic in the manner the controlled substance or other drug is administered, dispensed or prescribed.
- E. No physician shall administer, dispense or prescribe a controlled substance for treatment of chronic pain to any patient who has consumed or disposed of any controlled substance or other drug having addiction-forming and addiction-sustaining liability other than in strict compliance with the treating physician's directions. These circumstances include those patients obtaining controlled substances or other abusable drugs from more than one physician and those patients who have obtained or attempted to obtain new prescriptions for controlled substances or other abusable drugs before a prior prescription should have been consumed according to the treating physician's directions. This requirement will not be enforced in cases where a patient has legitimately

temporarily escalated a dose of their pain medication due to an acute exacerbation of their condition but have maintained a therapeutic dose level, however it will be required of the treating physician to document in the patient record that such increase in dose level was due to a recognized indication and was within appropriate therapeutic dose ranges. Repetitive or continuing escalations should be a reason for concern and a re-evaluation of the present treatment plan shall be undertaken by the physician.

The entire text of the Board's Rules and Regulations "Governing the Use of Controlled Substances for Chronic (Non-Terminal) Pain," was introduced into evidence as Board Exhibit No. 2.

3. Pursuant to authority as found in the September 23, 1999, Consent Order and December 15, 1999, Addendum, the Board's Director, W. Joseph Burnett, M.D., and Investigator, Thomas Washington, conducted an inspection of Licensee's clinic on November 8, 2000. During the inspection, five (5) patient records were reviewed. In addition, separate profiles of the controlled substance prescriptions issued by Licensee to each of the five (5) patients were used during the review and analysis of the patient records. Subsequently, these same five (5) files were subpoenaed for the Board's review during Executive Session. The patient records and corresponding profiles were introduced into evidence as Board Exhibit Nos. 3 through 7.
4. As required by Section C.2 and C.3 of the aforementioned rules and regulations "Governing the Use of Controlled Substances for Chronic (Non-Terminal) Pain," Licensee must document in each patient record a complete medical history and physical examination, and prepare a written

treatment plan containing "stated objectives as a measure of successful treatment and planned diagnostic evaluations, e.g., psychiatric evaluation and other treatments." Notwithstanding the fact that Patients 1 through 5 were receiving substantial quantities of Schedules IV and V controlled substances, including, but not limited to Tylenol Elixir with Codeine, Darvocet N100, Promethazine with codeine syrup, and Ambien, only two (2) of the five (5) patient files contained treatment plans. As to the two (2) files containing reference to a "treatment plan," the plans were minimal at best. More importantly, the treatment plans should also contain an informed consent agreement detailing the relative risk and benefits of the treatment course, including specific requirements of the patient, such as using one physician and pharmacy if possible, and urine/serum medication level monitoring when requested.

Although Licensee was certainly aware of this requirement, none of the five (5) patient records contained an informed consent agreement. On or about December 28, 2000, Licensee provided the Board with a blank copy of his "Contract for Controlled Substance Prescriptions". Consistent with the regulation, Licensee's contract did include a requirement that the patient obtain controlled substances from only one physician. The importance of the informed consent agreement cannot be overemphasized as it places the patient on notice that any abuse of the controlled

substances, i.e., simultaneously acquiring controlled substances from other physicians, is justification for termination of a doctor/patient relationship.

During the November 8, 2000, inspection of Licensee's clinic, Licensee was informed that out of the five (5) patient records obtained, four (4) of the patients were also receiving controlled substances from other sources. Patient No. 1 was receiving controlled substances from seven (7) other physicians; Patient No. 2, a resident of Canton, Mississippi, was obtaining controlled substances from thirteen (13) other physicians; Patient No. 3, also from Canton, was receiving controlled substances from ten (10) other physicians; and finally, Patient No. 4 was receiving controlled substances from three (3) other physicians. Had Licensee required each patient to sign the required informed consent agreement, this type of drug-seeking behavior may have been avoided.

5. Of great concern to the Board was Licensee's apparent inability to recognize his obligation as a practitioner to adequately monitor the patient's use of controlled substances. When confronted with the fact that Licensee failed to require any of the five (5) patients to execute an informed consent agreement, Licensee responded that he did not believe he was required to under the rules as he was not the primary treating physician. The aforementioned regulations do not distinguish between a treating or primary physician. The rules apply to any physician who has

chosen to prescribe controlled substances for "chronic pain." The volume and frequency of the controlled substance prescriptions issued by Licensee to the five (5) patients clearly indicates an intent to treat each patient with controlled substances on a long-term basis for chronic pain. Licensee has conveniently interpreted the Board regulations in order to practice the way he wishes. Such conduct illustrates a total lack of insight and disregard for the safety to his patients.

6. Equally disturbing was Licensee's attempt to de-emphasize the potential for abuse for those controlled substances which he prescribed. During his testimony, Licensee acknowledged that the maximum 24 hour dosage for Darvocet N100 is six (6) tablets, while the maximum 24 hour dosage for Acetaminophen is 4,000 mg. Yet, a review of the profiles reveals multiple instances where Licensee prescribed medications in such a manner as to permit the patient to exceed the maximum dosage level, all without a proper treatment plan, informed consent agreement, nor urine/serum medication level monitoring.
7. Finally, a review of the five (5) patient records reveals very little, if any, diagnostic testing or consultation referrals, such as MRIs, x-rays, CT scans, psychiatric evaluations, etc., to determine the underlying cause of the numerous complaints of pain, all as required by the Board's rules and

regulations "Governing the Use of Controlled Substances for Chronic (Non-Terminal) Pain," effective June 1, 1999.

CONCLUSIONS OF LAW

Based upon the Findings of Fact as enumerated above, the Board finds that Licensee has failed to justify return of any controlled substance privileges. Licensee's failure to adequately monitor his patients' consumption of controlled substances and his continued non-compliance with the Rules and Regulations of the Board, constitutes administering, dispensing and prescribing of narcotic drugs otherwise than in the course of legitimate professional practice, all in violation of Miss. Code Ann. Section 73-25-29(3), (8)(d) and (13). Whenever restrictions have been imposed on a licensee by virtue of indiscriminate prescribing of controlled substances, restoration of prescribing privileges should be done on a graduated basis, i.e., permitting the practitioner to demonstrate the proper handling of controlled substances in the lesser schedules before restoration of privileges is granted in the higher schedules. Because Licensee has failed to demonstrate proper handling of controlled substances in Schedules IV and V, restoration of privileges in the higher schedules would not be appropriate at this time.

ORDER

IT IS HEREBY ORDERED, that Licensee's Petition for Removal of Restrictions is hereby denied. All restrictions imposed by virtue of that certain Consent Order dated September 23, 1999, and Addendum to said Consent Order dated December 15, 1999,

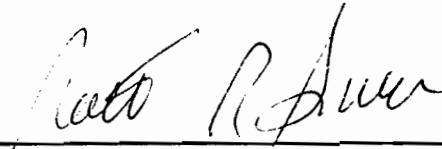
shall continue to be maintained in full force and effect. After expiration of one (1) year, Licensee shall have the right to petition the Board for reconsideration.

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 John W, McFadden, M.D.

ORDERED, this the 18th day of January, 2001.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY: _____


ROBERT RAY SMITH, M.D.
VICE-PRESIDENT

FEBRUARY 2001

**MINUTES
EXECUTIVE COMMITTEE MEETING
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
FEBRUARY 14, 2001**

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:

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, Investigative Division

The Executive Committee of the Mississippi State Board of Medical Licensure met on Wednesday, February 14, 2001, at 4:15 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 VENKATESWARA RAO DHARMAVARAPU, M.D., JACKSON, APPLICANT

Dr. Burnett reported that an anonymous complaint had been filed regarding Dr. Dharmavarapu practicing medicine at University Medical Center after the expiration of his Limited Institutional License and before obtaining a permanent license. Dr. Dharmavarapu had been requested to appear before the Executive Committee at the January 17, 2001, to explain, but he did not get his letter prior to the meeting.

Dr. Dharmavarapu joined the meeting but was not represented by legal counsel. After questioning him about the alleged incident, it was the Executive Committee's decision to issue him an unrestricted license.

LAWSUIT FILED BY LANE CEDIC ROLLING, D.P.M., JACKSON

One condition of Dr. Rolling's September 21, 2000, Consent Order was that he would dismiss with prejudice the pending civil actions against the Board and the Podiatry Advisory Committee. Dr. Burnett advised that he had been contacted by officials of Grenada Lake Hospital expressing concern because Dr. Rolling's lawsuit

EXECUTIVE COMMITTEE MINUTES

February 14, 2001

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against them was not included as a condition of the Consent Order. Mr. Ingram explained that the legal claims and issues against Grenada Lake Hospital were entirely different from that involving the Board, its members, and the Podiatry Advisory Committee. It was felt by Mr. Ingram that including the hospital would have clearly jeopardized resolution of the disciplinary matter before the Board. Mr. Ingram will advise Dr. Rolling's attorney, Stuart Kruger, that the intention of the Board was to include in the Consent Order the lawsuit also being dropped against Grenada Lake. Mr. Ingram will also contact Duke Goza, attorney for Grenada Lake Hospital.

APPROVAL OF CONSENT ORDER EXECUTED BY JOHN CHRISTOPHER CHAUVIN, M.D., WEST, MISSISSIPPI MEDICAL LICENSE NUMBER 09218

Dr. Burnett and Mr. Moses reviewed action taken by the Florida Board of Medicine against Dr. Chauvin. The Consent Order executed by Dr. Chauvin, which reflected the conditions set by the Florida Board, was reviewed. It was the consensus of the Executive Committee to accept the Consent Order, a copy of which is attached hereto and incorporated by reference.

TERRY KENT ELLIS, M.D., OXFORD

For informational purposes only, Dr. Burnett advised that the staff and MRPP were working together in the completion of Dr. Ellis' reinstatement, as was directed by the Executive Committee at their January 17, 2001, meeting. It is anticipated that this process will be completed in time for Dr. Ellis to present his Consent Order at the April 12, 2001, Board meeting.

DR. BUSH JOINED THE MEETING AT 4:35 P.M.

JEFFREY SCOTT DAVIDSON, D.O., MOBILE, AL, APPLICANT

Dr. Burnett reviewed the licensure application of Dr. Davidson. There were negative comments on some of his hospital verifications, which indicated he had exhibited disruptive behavior. It was the consensus of the Executive Committee members to give him an option of withdrawing his application or appearing for a show-cause hearing.

EXECUTIVE COMMITTEE MINUTES

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**PERSONAL APPEARANCE BY JERRY ROSS ADKINS, M.D., BILOXI, MISSISSIPPI
MEDICAL LICENSE NUMBER 04305**

At the January 17, 2001, Executive Committee meeting, Dr. Adkins was asked to get a second evaluation from Richard Irons, M.D., Professional Renewal Center, Lawrence, Kansas, which he did. Dr. Burnett reviewed Dr. Irons' report and recommendations, which included that Dr. Adkins should not practice medicine at this time. The Executive Committee members discussed the report and their options.

Dr. and Mrs. Adkins joined the meeting. Dr. Adkins was not represented by legal counsel, but he executed a written agreement for this informal meeting, a copy of which is attached hereto and incorporated by reference.

Dr. Adkins addressed the Executive Committee, presenting several options which would enable him to continue to work. He and Mrs. Adkins discussed their situation with the Executive Committee and answered questions before being asked to leave the room in order for the members to discuss the matter.

After much discussion, it was the recommendation of the Executive Committee members to offer Dr. Adkins a Recovery Contract Agreement with Mississippi Impaired Physicians Program. The following will be included in his contract, which will be developed by MRPP and the Board: (1) Dr. Irons will supervise his therapy; (2) cannot practice medicine until further action from Board; (3) MRPP will monitor Dr. Adkins and make a recommendation when he can return to the Executive Committee; (4) letter of agreement to allow the staff when contacted about verification to release information, i.e., physician is not authorized to practice.

Dr. Adkins rejoined the meeting and was given the decision of the Executive Committee. Dr. Adkins advised that he would leave on Saturday, February 17, for treatment at Professional Renewal Center.

**RECOMMENDATION OF RICHARD IRONS, M.D., THAT FOR THE PROTECTION OF
THE BOARD ANY PHYSICIAN WITH PENDING LEGAL CHARGES SHOULD NOT
PRACTICE**

Dr. Burnett informed the Executive Committee members that Dr. Irons felt for the protection of the Board any physician with pending legal charges should not be allowed to practice medicine. Comparison was made between a physician charged

EXECUTIVE COMMITTEE MINUTES

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with tax evasion and one charged with D.U.I. The Executive Committee's decision was that this should be considered on an individual basis.

FINAL ADOPTION OF AMENDMENT TO REGULATIONS PERTAINING TO PRESCRIBING, ADMINISTERING AND DISPENSING OF MEDICATION, V. USE OF DIET MEDICATION, 5.

Since there have been no comments on the above regulation, motion was made by Dr. Bush, seconded by Dr. Crawford, and carried to final adopt effective February 17, 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.

ADOPTION OF AMENDMENT TO RULES AND REGULATIONS GOVERNING THE PRACTICE OF PHYSICIANS (M.D./D.O.) AND PODIATRISTS (D.P.M.), VIII. EFFECT OF APPLICATION

Ms. Freeman explained the recommended change in the above regulation. Motion was made by Dr. Smith, seconded by Dr. Crawford, and carried to adopt the 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.

ADOPTION OF AMENDMENT TO RULES AND REGULATIONS GOVERNING THE PRACTICE OF PHYSICIANS (M.D./D.O.) AND PODIATRISTS (D.P.M.), XXII. RULES OF PROCEDURE, 5.

Mr. Moses explained the recommended change in the above regulation. Motion was made by Dr. Smith, seconded by Dr. Crawford, and carried to adopt the 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.

POLICY STATEMENT REGARDING PHYSICIAN ASSISTANTS WHO ARE FOREIGN MEDICAL GRADUATES AND WISH TO SUBSTITUTE THIS FOR THEIR BACCALAUREATE OR MASTER'S DEGREE

Dr. Burnett reported on a Physician Assistant applicant, who received her medical degree from a foreign medical school, but had not obtained a baccalaureate degree. The Physician Assistant program accepted her medical degree to satisfy

EXECUTIVE COMMITTEE MINUTES

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their entrance requirement. It was the consensus of the Executive Committee members to accept the medical degree of a foreign medical graduate in lieu of the baccalaureate degree.

EXPERT WITNESS FEES

As requested at the January 17, 2001, Executive Committee meeting, Ms. Fortenberry had contacted some of the surrounding states regarding their policy of paying expert witness fees, specifically paying for travel time. A compilation of this information was presented for review. It was the consensus of the Executive Committee members to pay for in-state time and reasonable travel expenses.


OTHER BUSINESS

House Bill 1163, which would allow Nurse Practitioners to dispense controlled substances, was discussed. Dr. Bush stated she felt the Board should take a position regarding Nurse Practitioners being allowed to prescribe controlled substances and asked that this be placed on the April Board agenda.

Dr. Crawford expressed interest in attending the Federation of State Medical Boards Annual Meeting in Atlanta on April 18-22. In an informal discussion, Dr. Bush and Dr. Burnett agreed for the Board to pay his expenses. If Dr. Crawford decides to attend the meeting, this will be presented at the April Executive Committee meeting.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:45 p.m.



Freda M. Bush, M.D.

President

Minutes taken and transcribed
by Kathy Fortenberry
Administrative Assistant
February 14, 2001

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

JOHN C. CHAUVIN, M.D.

CONSENT ORDER

WHEREAS, John C. Chauvin, M.D., hereinafter referred to as "Licensee," is the current holder of License No. 09218 for the practice of medicine in the State of Mississippi;

WHEREAS, on the ninth day of March, 2000, a formal hearing was held before the State of Florida, Division of Administrative Hearings, in the matter of the Florida Department of Health, Board of Medicine, Petitioner, versus John C. Chauvin, M.D., Respondent. Following the hearing and based upon findings of fact and conclusions of law, Administrative Law Judge Diane Cleavinger recommended that the Petitioner enter a final order finding the Respondent, Dr. Chauvin, guilty of violating Section 458.331(1) (t), Florida Statutes, and to further impose upon Respondent the following penalty: A reprimand from the Board of Medicine and that Respondent, within two years take twenty-five hours of continuing education in the treatment of myocardial infarction in addition to any hours required for license renewal. On August 5, 2000, the Florida Board of Medicine entered a Final Order, approving and adopting the recommendations of Judge Cleavinger. A certified copy of said Final Order, Motion

for Final Order, Recommended Order and Administrative Complaint is attached hereto and incorporated as a composite "Exhibit A";

WHEREAS, pursuant to Mississippi Code Annotated Section, Section 73-25-29(8)(d), (9), (13) and Section 73-25-83(a), as amended, the action taken by the State of Florida constitutes grounds 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 the issuance of a public reprimand by the Mississippi State Board of Medical Licensure;

NOW, THEREFORE, the Mississippi State Board of Medical Licensure, with the consent of Licensee as signified by his joinder herein, does hereby order that this Consent Order shall constitute a Public Reprimand of Licensee, and that Licensee is hereby reprimanded. The Mississippi State Board of Medical Licensure further orders that Licensee shall obtain twenty-five (25) hours of Category I continuing medical education (CME) in the treatment of myocardial infarction within two years from the effective date of this Consent Order. Said CME shall be in addition to the hours required for licensure renewal. 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 receipt of said notification; Licensee further understands that violation of this Order or any other Orders or Agreements that Licensee has entered into, or is subject to from other Licensing authorities shall constitute evidence of unprofessional conduct and will be grounds for further disciplinary action by the Mississippi State Board of Medical Licensure. Licensee shall comply with all Federal and State laws governing the practice of medicine and should he be desirous of returning to the State of Mississippi to practice medicine, shall so notify the Mississippi State Board of Medical Licensure in writing at least ninety (90) days prior to relocation to the State of Mississippi.

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 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 proceedings.

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

Recognizing his right to notice of charges specified against him, to have such charges adjudicated pursuant to Mississippi Code annotated, 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, JOHN C. CHAUVIN, 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.

Signed this the 23 day of January, 2000¹.

Angie M. Wooten
WITNESS

John C. Chauvin M.D.
JOHN C. CHAUVIN, M.D.

ACCEPTED AND APPROVED, this the 14th day of February, 2000¹,
by the MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE.

Freda M. Bush, M.D.
FREDA M. BUSH, M.D.
PRESIDENT

CERTIFICATION

I, Shawn Canfield Deputy Agency Clerk and Custodian of Records, HEREBY certify the following to be true and correct as on file with the Department of Health.

Attached is a true and correct copy of the Final Order case number 99-3723 as maintained by the Department of Health. The attached is a regularly received and retained record of the Department of Health vs. John Christopher Chauvin, M.D. and is received and retained in the ordinary course of business of the Department of Health.

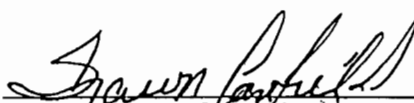
As the Deputy Agency Clerk and Custodian of Records, I hereby certify that this is a true and correct copy from the official file of the Clerk, State of Florida, Department of Health.


~~Shawn Canfield~~
Deputy Agency Clerk



"EXHIBIT A"

Personally appeared before me, the undersigned authority,
Shawn Canfield, Deputy Agency Clerk, Department of Health, Bureau
of Management Services, who being sworn, says that this is a true
and correct copy from the official file of the Department of
Health.


~~Shawn Canfield~~
Deputy Agency Clerk

STATE OF FLORIDA
COUNTY OF LEON

Before me, personally appeared Shawn Canfield, whose
identity is personally known to me as Deputy Agency Clerk, and
who, acknowledges that his signature appears above.

Sworn and Subscribed to, before me, this 24th day of October,
2000.


Notary Public-State of Florida



Vicki Rena Kenon
MY COMMISSION # CC968725 EXPIRES
September 19, 2004
BONDED THRU TROY FAH INSURANCE, INC

Type or Print Name

STATE OF FLORIDA
BOARD OF MEDICINE

Final Order No. DOH-00-1677- Fof.MQA
FILED DATE - 9/14/2000
Department of Health
By: Vicki R. Kenon
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 96-17222
DOAH CASE NO.: 99-3723
LICENSE NO.: ME0063272

JOHN CHRISTOPHER CHAUVIN, M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the Board of Medicine (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on August 5, 2000, in Tampa, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order (a copy of which is attached hereto as Exhibit A) in the above-styled cause. Petitioner was represented by Carol Lanfri, Senior Attorney. Respondent was present but was not represented by counsel.

Upon review of the Recommended Order, the argument of the parties, and after a review of the complete record in this case, the Board makes the following findings and conclusions.

FINDINGS OF FACT

1. The findings of fact set forth in the Recommended Order are approved and adopted and incorporated herein by reference.

2. There is competent substantial evidence to support the findings of fact.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter pursuant to Section 120.57(1), Florida Statutes, and Chapter 458, Florida Statutes.

2. The conclusions of law set forth in the Recommended Order are approved and adopted and incorporated herein by reference.

3. There is competent substantial evidence to support the conclusions of law.

PENALTY

Upon a complete review of the record in this case, the Board determines that the penalty recommended by the Administrative Law Judge be ACCEPTED. WHEREFORE,

IT IS HEREBY ORDERED AND ADJUDGED that

1. Respondent shall be and hereby is REPRIMANDED.
2. Respondent shall document completion of twenty-five (25) hours of Category I continuing medical education (CME) in the treatment of myocardial infarction within two years from the date this Final Order is filed. Said CME shall be in addition to the hours required for licensure renewal.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 5th day of September 2000.

BOARD OF MEDICINE

for Ranya Williams
GEORGES A. EL-BAHRI, M.D.
CHAIRMAN

NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE AGENCY FOR HEALTH CARE ADMINISTRATION AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to John Christopher Chauvin, M.D., 24, 625 Highway 51 North, West, MS 39192; to R. Bruce McKibben, Jr., Esquire, 1301 Miccosukee Road, Tallahassee, Florida 32308; to Diane Cleavinger, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by interoffice delivery to

Kathryn L. Kasprzak, Chief Medical Attorney, Agency for Health Care
Administration, and Simone Marstiller, Senior Attorney - Appeals, Agency
for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida
32308-5403, on or before 5:00 p.m., this 12/11 day of

September, 2000.

Commissary

STATE OF FLORIDA
DEPARTMENT OF HEALTH
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

v.

DOAH CASE NO. 99-3723
AHCA CASE NO. 96-17222

JOHN CHRISTOPHER CHAUVIN, M.D.,

Respondent.

MOTION FOR FINAL ORDER

COMES NOW the Department of Health, by and through the Agency for Health Care Administration, and requests this Honorable Board of Medicine to enter a Final Order in the above-styled cause. As grounds therefore, the Petitioner would state that:

1. Effective July 1, 1997, Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes; Chapter 455, Florida Statutes, and Chapter 458, Florida Statutes. Pursuant to the provisions of Section 20.43(3), Florida Statutes, the Petitioner has contracted with the Agency for Health Care Administration to provide consumer complaint, investigative, and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.

2. On February 1, 1999, the Petitioner filed an Administrative Complaint against the Respondent alleging that the Respondent violated Section 458.331(1)(t), Florida Statutes.

3. Thereafter, Respondent filed an Election of Rights form requesting a formal hearing. This case was filed with the Division of Administrative Hearings on September 1, 1999.

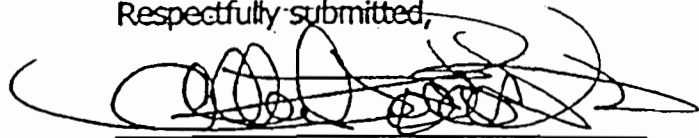
4. The case was assigned to an Administrative Law Judge and a formal hearing was held on March 9, 2000 in Tallahassee, Florida.

5. On May 12, 2000, the Administrative Law Judge issued a Recommended Order in the above-styled cause.

6. The Respondent has been advised by a copy of this Motion that the Board will consider the record, which includes the following documents in this matter: the Administrative Complaint, the Hearing Officer's Recommended Order, the Petitioner's Proposed Recommended Order, the Respondent's Proposed Recommended Order, the Transcript of the Formal Hearing with all exhibits from the Formal Hearing, and the pleading file.

WHEREFORE, the Petitioner respectfully requests that this Honorable Board of Medicine issue a Final Order after consideration of the record in this matter.

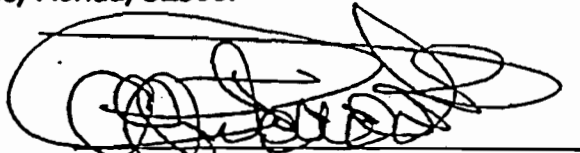
Respectfully submitted,



Albert Peacock
Senior Attorney
Florida Bar # 183207
Agency For Health Care
Administration
P.O. Box 14229
Tallahassee, Florida 32317-4229
(850) 488-0068/ Fax (850) 414-1989

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been forwarded by U.S. mail this 29 day of June 2000, to R. Bruce McKibben, Esquire, at 1301 Miccosukee Road, Tallahassee, Florida, 32308.



Albert Peacock
Senior Attorney

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

DEPARTMENT OF HEALTH,
BOARD OF MEDICINE,

Petitioner,

vs.

JOHN CHRISTOPHER CHAUVIN, M.D.,

Respondent.

Case No. 99-3723

RECOMMENDED ORDER

Pursuant to notice, a formal hearing was held in this case on March 9, 2000, in Tallahassee, Florida, before the Division of Administrative Hearings, by its designated Administrative Law Judge, Diane Cleavinger.

APPEARANCES

For Petitioner: James Morrison, Certified Legal Intern
Albert Peacock, Esquire
Agency for Health Care Administration
Post Office Box 14229
Tallahassee, Florida 32317-4229

For Respondent: R. Bruce McKibben, Jr., Esquire
1301 Miccosukee Road
Tallahassee, Florida 32308

STATEMENT OF THE ISSUE

Whether disciplinary action should be taken against Respondent's license to practice medicine, based on alleged violation of Section 458.331(1)(t), Florida Statutes.

PRELIMINARY STATEMENT

On January 30, 1999, Petitioner filed an Administrative Complaint against Respondent alleging that he violated Section

458.331(1)(t), Florida Statutes. Specifically, Petitioner alleged that Respondent was guilty of failing to practice medicine with an acceptable level of care, skill, and treatment as recognized by a reasonably prudent physician under similar circumstances. Respondent denied the allegations of the Administrative Complaint and requested an administrative hearing. Respondent's request was forwarded to the Division of Administrative Hearings.

At the hearing Petitioner presented the expert testimony of Jay Edelberg, M.D., and offered three exhibits into evidence. Respondent testified on his own behalf but did not offer any exhibits into evidence.

After the hearing, Respondent and Petitioner filed Proposed Recommended Orders on April 7, and April 10, 2000, respectively.

FINDINGS OF FACT

1. Respondent is a licensed physician in the State of Florida. He has been licensed in Florida at all times material to this proceeding. He currently holds license no. ME 0063272.

2. Respondent has been practicing medicine for 20 years. He is certified by the American Association of Physician Specialist in Emergency Room Medicine. He has spent over 50,000 hours working in an emergency room setting and has never had his license suspended, revoked, or otherwise sanctioned.

3. For approximately six to nine months in 1995-1996, Respondent was employed by a company which provided emergency room physicians to hospitals in the Central Florida region. On

May 14, 1996, Respondent was providing services through that company at Glades General Hospital's emergency room.

4. S.A.R. is a 69-year-old male.

5. On May 14, 1996, S.A.R.'s wife called Emergency Medical Services (EMS), in connection with her husband, S.A.R. He was experiencing chest and epigastric pains. S.A.R. wore a nitroglycerin patch and had a history of heart disease.

6. In response to the wife's call, EMS arrived at S.A.R.'s home. The emergency medical technicians (EMTs) noted that patient S.A.R. complained of severe chest pain and that he was cool and moist. The EMT's placed S.A.R. on a heart monitor. The heart monitor showed that S.A.R. was experiencing multifocal premature contractions (PVC's).

7. Multifocal PVC's are a sign of an irritated heart. They are a risk factor for sudden cardiac death. S.A.R. was also experiencing abnormal, ectopic heartbeats consistent with heart disease. EMS gave S.A.R. Lidocaine and oxygen to reduce the irritability in his heart muscle and to suppress the abnormal heartbeats.

8. At approximately 9:10 p.m., EMS transported S.A.R. to the emergency room at Glades General Hospital in Belle Glade, Florida.

9. The Emergency Service Record concerning S.A.R. contains the following findings by the nurse who received the patient into the emergency room:

- a. Current medications: Axid 150 mg,
Minitran 10-mg-patch.
- b. Heart disease (Myocardial Infarction 20 years prior).

- c. Hernia.
- d. Patient complaining of epigastric pains since Friday (May 14 was Thursday).
- e. Pains come and go and are non-radiating.
- f. Skin is warm and dry, lungs are clear, and there is no respiratory distress.
- g. Oxygen is at 98 percent and there is strong pulse.
- h. Multifocal PVC "noted on cardiac monitor."

10. Respondent was among the admitting team who evaluated the patient. Respondent noted that S.A.R. was experiencing severe pains located in the epigastric area with some radiation to the chest. The pains would last approximately five minutes and then fade away. Respondent also learned that S.A.R. had experienced the pain for approximately one week long and had gone to see his regular physician about the chest pain the day before he came to the hospital. His physician had prescribed Axid.

11. Axid is a medication for indigestion. It takes some amount of time to become effective. Therefore it was not surprising to Respondent that S.A.R. had not gotten any relief 25 hours after he had begun taking the indigestion medication.

12. Respondent took patient S.A.R. off the Lidocaine and ordered a GI Cocktail and a cardiac work-up.

13. A GI Cocktail coats the stomach lining and reduces stomach spasms. It is intended to act quickly. A cardiac work-up consists of placing a patient on a heart monitor, monitoring vital signs, observing for arrhythmias, performing an EKG, and drawing blood tests for abnormal electrolytes and cardiac enzymes.

14. A GI Cocktail will relieve chest pain. However, it will not normally alleviate cardiac pain in the chest area. In

this case, all of S.A.R.'s pain and discomfort was relieved by the GI Cocktail, indicating that the epigastric pain was the reason for S.A.R.'s distress.

15. The nurses notes indicate that at approximately 10:15 p.m., S.A.R. was experiencing multifocal PVC's on the monitor. The nurses notes indicate a more serious heart condition.

16. The blood tests showed normal electrolytes and cardiac enzymes, indicating that S.A.R.'s heart was not the problem. Respondent did not find any evidence of a possible cardiac problem from his review of the patient's symptoms, from the test results, or by way of his personal observation of the patient. Respondent did not observe any multifocal PFC. He did observe that S.A.R.'s heart was not normal due to heart disease.

17. Respondent diagnosed the patient with Gastritis, and released patient S.A.R. at approximately 10:30 p.m.

18. The heart strips introduced into evidence did not show multifocal PVCs. They did show an abnormal heart beat consistent with heart disease.

19. However, S.A.R. had numerous risk factors for a heart attack, including:

- a. Patient S.A.R. was a 69-year-old male.
- b. Patient S.A.R. suffered from coronary artery disease.
- c. Patient S.A.R. suffered a myocardial infarction approximately twenty years earlier.
- d. Patient S.A.R. was taking nitroglycerin for his heart condition as evidenced by a patch on his arm.
- e. Patient S.A.R. experienced multifocal PVC's on the cardiac monitor in the ambulance.

f. Patient S.A.R.'s EKG taken in the hospital displayed unifocal PVC's and was abnormal, showing damage to two of the three electrical conduction bundles.

g. Patient S.A.R. was cold and clammy when EMS first arrived.

20. In this case, there is no way to know if S.A.R.'s pain was related to his heart. However, there is no way to rule out S.A.R.'s pain was caused by his heart.

21. Approximately sixteen hours later, patient S.A.R. returned to the emergency room in full cardiac arrest. On May 15, 1996, seven and one-half hours later, he had another heart attack and died, of a myocardial infarction. There is no evidence that S.A.R.'s earlier emergency room visit was the cause of his later demise or that admission to the hospital would have prevented S.A.R.'s later demise.

22. Petitioner's expert witness found that Respondent's treatment of S.A.R. was appropriate. That is, he ordered the proper test and treated the epigastric pain properly. In fact, his diagnosis that the problem was "GI in origin" was, according to Dr. Edelberg, statistically correct.

23. Petitioner's expert concluded that Respondent could not rule out coronary ischemia and therefore should have tried to admit S.A.R. to the hospital for observation. The standard of care is for an emergency physician to evaluate a patient based on the worst case suggested by the symptoms even if statistically not the most probable.

24. Based on patient S.A.R.'s past history and his current symptoms, the standard of care required Respondent to admit this type of patient into the hospital for observation.

25. In failing to admit patient S.A.R. into the hospital for observation, the Respondent deviated from the standard of care required by a reasonably prudent similar physician under similar circumstances and conditions. Other than this one violation there is no evidence that Respondent is incompetent to practice medicine.

CONCLUSIONS OF LAW

26. The Division of Administrative Hearings has jurisdiction over the subject matter of and the parties to this proceeding. Sections 120.57(1) and 455.225, Florida Statutes.

27. Pursuant to Section 458.331, Florida Statutes, the Board of Medicine is empowered to revoke, suspend, or otherwise discipline the license of a physician for violations of Section 458.331, Florida Statutes. Section 458.331, Florida Statutes, states in pertinent part:

(1)(t) Gross or repeated malpractice or the failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances. The board shall give great weight to the provisions of s. 766.102 when enforcing this paragraph. As used in this paragraph, 'repeated malpractice' includes, but is not limited to, three or more claims for medical malpractice within the previous 5-year period resulting in indemnities being paid in excess of \$25,000 each to the claimant in a judgment or settlement and which incidents involved negligent conduct by the physician. As used in this paragraph, 'gross malpractice' or 'the failure to practice medicine with that level of care, skill and treatment which is recommended by a reasonably prudent similar physician under similar conditions and

circumstances," shall be construed to require that a physician be incompetent to practice medicine in order to be disciplined pursuant to this paragraph.

28. Section 766.102(4), Florida Statutes, states in relevant part:

The existence of a medical injury shall not create any inference or presumption of negligence against a health care provider, and the claimant must maintain the burden of proving that an injury was proximately caused by a breach of the prevailing professional standard of care by the health care provider.

29. When the Board of Medicine finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

- (a) Refusal to certify, or certification with restrictions, to the department an application for licensure, certification, or registration.
- (b) Revocation or suspension of a license.
- (c) Restriction of practice.
- (d) Imposition of an administrative fine not to exceed \$5000 for each count or separate offense.
- (e) Issuance of a reprimand.
- (f) Placement of the physician on probation for such period of time and subject to such conditions as the board may specify, including, but not limited to, requiring the physician to submit to treatment, to attend continuing education courses, to submit to re-examination, or to work under the supervision of another physician.
- (g) Issuance of a letter of concern.
- (h) Corrective action.
- (i) Refund of fees billed to and collected from the patient.

30. Disciplinary licensing proceedings are penal in nature. State ex re. Vining v. Florida Real Estate Commission, 281 So. 2d 487 (Fla. 1973). In this disciplinary proceeding, Petitioner must prove the alleged violation of Section 458.331(1)(t),

Florida Statutes, by clear and convincing evidence. Ferris v. Turlington, 510 So. 2d 292 (Fla. 1st DCA 1987); See Addington v. Texas, 441 U.S. 426 (1979).

31. There is clear and convincing evidence that patient S.A.R. presented to Respondent with numerous warning signs of a heart attack. Those signs were the patient's age, history of coronary heart disease, abnormal EKG readings, irregular heartbeats, and presenting symptomology.

32. In this case, there is no evidence Respondent failed to diagnose or treat a patient's condition. There is no clear evidence S.A.R. had a 'condition' other than epigastric discomfort. In fact, no one could say that the patient's heart attack would not have occurred (or that S.A.R. would have survived it) had Respondent admitted S.A.R. to the hospital. However, given all the circumstances of this case, heart eschemia could not be ruled out as the cause for S.A.R.'s pain. Respondent in ruling out a potential underlying cause violated the standard of care for emergency physicians. Respondent's action was not gross or repeated malpractice. It was negligent. There was no evidence that Respondent is otherwise incompetent. Likewise, there was no evidence that Respondent's infraction warranted more than a minimal penalty.

33. This case comes down to a purely speculative assertion by Petitioner as to whether a patient, presented to the emergency room with gastric pain, had enough symptoms or red flags to have

required hospitalization - based on the level of care provided in the area by reasonably prudent health care providers. There is no evidence to support his contention.


RECOMMENDATION

Based upon the findings of fact and conclusions of law, it is

RECOMMENDED:

That Petitioner Department of Health, Board of Medicine enter a final order finding Respondent John Christopher Chauvin, M.D., guilty of violating Section 458.331(1)(t), Florida Statutes, and imposing upon the Respondent the following penalty: A Reprimand from the Board of Medicine and that Respondent, within two years take twenty-five hours of continuing education in the treatment of myocardial infarction in addition to any hours required for license renewal.

DONE AND ENTERED this 12th day of May, 2000, in Tallahassee, Leon County, Florida.


DIANE CLEAVINGER
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675 SUNCOM 278-9675
Fax Filing (850) 921-6847
www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 12th day of May, 2000.

COPIES FURNISHED:

James Morrison, Certified Legal Intern
Albert Peacock, Esquire
Agency for Health Care Administration
Post Office Box 14229
Tallahassee, Florida 32317-4229

R. Bruce McKibben, Jr., Esquire
1301 Miccosukee Road
Tallahassee, Florida 32308

Angela T. Hall, Agency Clerk
Department of Health
Bin A02
2020 Capital Circle, Southeast
Tallahassee, Florida 32399-1703

William Langué, General Counsel
Department of Health
2020 Capital Circle, Southeast
Tallahassee, Florida 32399-1701

Tanya Williams, Executive Director
Department of Health
1940 North Monroe Street
Tallahassee, Florida 32399-0750

NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the Final Order in this case.

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,)
)
PETITIONER,)
)
v.)
)
JOHN CHRISTOPHER CHAUVIN, M.D.,)
)
RESPONDENT.)

CASE NO. 96-17222

ADMINISTRATIVE COMPLAINT

COMES NOW the Petitioner, Department of Health, hereinafter referred to as "Petitioner," and files this Administrative Complaint before the Board of Medicine against John Christopher Chauvin, M.D., hereinafter referred to as "Respondent," and alleges:

1. Effective July 1, 1997, Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes; Chapter 455, Florida Statutes, and Chapter 458, Florida Statutes. Pursuant to the provisions of Section 20.43(3), Florida Statutes, the Petitioner has contracted with the Agency for Health Care Administration to provide consumer complaint, investigative, and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.

2. Respondent is and has been at all times material hereto a licensed physician in the state of Florida, having been issued license number ME 0063272. Respondent's last known address is 15 Cahaba Lane, Destin FL 32541.

3. On or about May 14, 1996, Patient SAR, a sixty-five-year old male, presented to the Emergency Room (ER) at Glades General Hospital, Belle Glade, Florida, with complaints of severe nonradiating epigastric pain, five (5) days duration. Respondent was among the admitting team who evaluated patient. The admitting team stabilized patient with oxygen and then took a history. Patient revealed that he was a diabetic who had been taking Axid and Minitran (10 mg) for pain. The emergency medical technicians (EMT) noted that patient was cold and clammy. Vital signs included: BP. of 163/93, pulse rate of 78, temperature 97.8. An EKG noted frequent multifocal premature ventricular contractions. Respondent decided patient had gastritis or chest wall pain and prepared to release patient.

4. A reasonably prudent similar physician under similar conditions and circumstances would have noted several risk factors. Patient's age, diabetic status, and complaints of severe pain placed him at high risk for numerous health problems. The "cold and clammy" skin noted by the EMTs indicated something more serious than gas pain. Finally, the EKG was clearly abnormal and should have mandated admission for more tests and evaluation.

5. Respondent diagnosed gastritis and sent patient home. Sixteen (16) hours later, patient was brought back to the ER of Glades General Hospital in cardiac arrest. Patient died on or about May 15, 1996, of an acute inferior myocardial infarction.

6. Respondent saw patient in the ER with several warning signs of a heart attack. Respondent misdiagnosed patient as having gastritis and released him. Less than twenty-four (24) hours later, patient had been brought back to the ER and had died of a heart attack. Respondent's diagnosis and treatment in the ER was inappropriate, fell below the standard of care, and directly contributed to the patient's death.

7. Respondent, therefore, violated Section 458.331(1)(t), Florida Statutes, by failing to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

WHEREFORE, the Petitioner respectfully requests the Board of Medicine enter an order imposing one or more of the following penalties: permanent revocation or suspension of the Respondent's license, restriction of the Respondent's practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, the assessment of costs related to the investigation and prosecution of this case, other than costs associated with an attorney's time, as provided for in Section 455.624(3), Florida Statutes, and/or any other relief that the Board deems appropriate.

SIGNED this 30 day of January, 1999.

Robert G. Brooks, M.D., Secretary


Larry G. McPherson, Jr.
Chief Medical Attorney

COUNSEL FOR DEPARTMENT:

Larry G. McPherson, Jr.
Chief Medical Attorney
Agency for Health Care Administration
P. O. Box 14229
Tallahassee, Florida 32317-4229
Florida Bar # 788643
RPC/shm
PCP: January 29, 1999
PCP Members: Slade, Winchester, Varn

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK *Stephanie Q. Dier*
DATE 2-1-99

AGREEMENT TO APPEAR INFORMALLY BEFORE EXECUTIVE COMMITTEE

I, Jerry Adkins, M.D., have requested an opportunity to appear informally before the Executive Committee of the Mississippi State Board of Medical Licensure (hereinafter "Board") to discuss possible resolution of a pending disciplinary matter/investigation or to respond to a complaint duly received by the Board. It is the purpose of the informal meeting to discuss the facts of the case, to give me an opportunity to ask questions of the Committee or its staff, and to give the Committee or its staff an opportunity to ask questions of me. Because the meeting is informal, no disciplinary action will be taken without my express written consent. In so doing, I have been advised and understand the following:

1. During the meeting, the Executive Committee may or may not be represented by legal counsel. Notwithstanding, I understand that I have a right, if I so choose, to employ legal counsel and have counsel present during the informal meeting.
2. I authorize the Committee Members to review and examine any statements, documentary evidence, or materials concerning the allegations during my informal appearance.
3. Because the purpose of my appearance is to avoid a hearing before the Board, I agree that presentation to and consideration by the Committee of any facts, matters, and documents pertaining to my case shall not unfairly or illegally prejudice the Committee members from further participation or consideration in the event a formal disciplinary hearing is later conducted. Stated differently, in the event the pending matter is not resolved following my appearance before the Committee, I will not object to any of the Committee members from further participating in subsequent meetings or hearings that may be conducted in relation to this matter.
4. By signing my name in the space provided below, I hereby authorize the Executive Committee to proceed with the informal appearance, subject to the stipulations and understandings as noted above. I have elected to proceed:

with legal counsel present (name of counsel: _____)

without legal counsel present

EXECUTED, this the 14th day of February, 2001.

Jerry R. Adkins

Witness: Clarence

COPY

ADMINISTRATIVE PROCEDURES FILING NOTICE

Agency Board of Medical Licensure Person to Contact Rhonda Freeman
Address 1867 Crane Ridge Drive Suite 200B Address _____
Jackson, MS 39216
Phone (601) 987-3079 Transmittal Date February 20, 2001
Copy Attached: Yes No _____

Name or Number of Rule(s) V. Use of Diet Medication

Terms or Substance of the Actions or Description of the Subject and Issues:
See attached.

Printed Name and Title of Person Authorized to File Rules: Rhonda Freeman Division Director II

Name _____ Title _____
Rhonda Freeman
Signature

EMERGENCY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
<input type="checkbox"/> Original Filing <input type="checkbox"/> Renewal of Effectiveness To Be In Effect _____ Days Effective Date: <input type="checkbox"/> Immediately on <input type="checkbox"/> Other (Specify): _____	Action Proposed: <input type="checkbox"/> New Rule(s) <input type="checkbox"/> Amendment to Existing Rule(s) <input type="checkbox"/> Repeal of Existing Rule(s) <input type="checkbox"/> Adoption by Reference Proposed Date of Adoption: <input type="checkbox"/> 30 Days after Filing <input type="checkbox"/> Other (Specify): _____	Action Taken: <input checked="" type="checkbox"/> Adopted with No Changes in Text <input type="checkbox"/> Adopted with Changes <input type="checkbox"/> Adopted by Reference <input type="checkbox"/> Withdrawn Date Action Taken <u>adopted 2/14/01</u> Effective Date <input checked="" type="checkbox"/> 30 Days After Filing <input type="checkbox"/> Other (Specify): _____

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		FILED FEB 20 2001 MISSISSIPPI SECRETARY OF STATE
Accepted for filing by _____	Accepted for filing by _____	Accepted for filing by <u>J. Simon</u>

V. USE OF DIET MEDICATION:

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

are classified as amphetamine or amphetamine-like anorectics and/or central nervous system stimulants, hereinafter referred to as "stimulant", the physician shall not initiate or shall discontinue utilizing said controlled substance stimulant immediately upon ascertaining or having reason to believe:

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

In addition to the above the physician shall not issue a prescription or dispense a stimulant for any greater than a thirty-day supply; and a patient's use of stimulants, whether by dispensation or prescription shall be limited to no more than six (6) thirty-day supplies during any twelve-month period of time. In any case, the total amount of medication shall not exceed a six (6) month supply in the twelve month time period. For the purposes of this paragraph, a twelve (12) month time period is considered to begin on the day of the initial dispensation or prescription issuance.

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

shall receive a thorough reevaluation of the effectiveness of the medication, including a physical examination to document any potential harmful side effects.

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

COPY

ADMINISTRATIVE PROCEDURES FILING NOTICE

Agency Board of Medical Licensure Person to Contact Rhonda Freeman
Address 1867 Crane Ridge Drive Suite 200B Address _____
Jackson, MS 39216
Phone (601) 987-3079 Transmittal Date February 20, 2001
Copy Attached: Yes No _____

Name or Number of Rule(s) X. Effect of Application, D.

Terms or Substance of the Actions or Description of the Subject and Issues:
See attached.

Printed Name and Title of Person Authorized to File Rules: Rhonda Freeman Division Director II
Name Title
Rhonda Freeman
Signature

EMERGENCY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
<input type="checkbox"/> Original Filing <input type="checkbox"/> Renewal of Effectiveness To Be In Effect _____ Days Effective Date: <input type="checkbox"/> Immediately on <input type="checkbox"/> Other (Specify): _____	Action Proposed: <input type="checkbox"/> New Rule(s) <input checked="" type="checkbox"/> Amendment to Existing Rule(s) <input type="checkbox"/> Repeal of Existing Rule(s) <input type="checkbox"/> Adoption by Reference Proposed Date of Adoption: <input checked="" type="checkbox"/> 30 Days after Filing <input type="checkbox"/> Other (Specify): _____	Action Taken: <input type="checkbox"/> Adopted with No Changes in Text <input type="checkbox"/> Adopted with Changes <input type="checkbox"/> Adopted by Reference <input type="checkbox"/> Withdrawn Date Action Taken _____ Effective Date <input type="checkbox"/> 30 Days After Filing <input type="checkbox"/> Other (Specify): _____

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Accepted for filing by _____	Accepted for filing by <i>JF</i>	Accepted for filing by _____

X. EFFECT OF APPLICATION

- D. Upon submission of an application for licensure to the Board, the applicant shall promptly provide all information deemed necessary by the Board to process the application, including, but not limited to letters of recommendation, certification of graduation from medical school, photograph of applicant, internship certificate and birth certificate. The Board shall have a reasonable period of time within which to collect and assimilate all required documents and information necessary to issue a medical license. If, after submitting an application for medical license, an applicant has failed to respond or make a good faith effort to pursue licensure for a period of three (3) months, the application will be considered null and void, and applicant will have to reapply for licensure, including, but not limited to, all fees, application, certifications, and references. Additionally, if after one year from the date of receipt of application, applicant has not received a medical license, the application will be considered null and void, and applicant will have to reapply for licensure, including, but not limited to, all fees, application, certifications, and references. Under no circumstances will the one year time limit be waived.

COPY

ADMINISTRATIVE PROCEDURES FILING NOTICE

Agency Board of Medical Licensure Person to Contact Rhonda Freeman
Address 1867 Crane Ridge Drive Suite 200B Address _____
Jackson, MS 39216
Phone (601) 987-3079 Transmittal Date February 20, 2001
Copy Attached: Yes No _____

Name or Number of Rule(s) XXII. Rules of Procedure, 5. Subpoenas

Terms or Substance of the Actions or Description of the Subject and Issues:
See attached.

Printed Name and Title of Person Authorized to File Rules: Rhonda Freeman Division Director II
Name Title
Rhonda Freeman
Signature

EMERGENCY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
<input type="checkbox"/> Original Filing <input type="checkbox"/> Renewal of Effectiveness To Be In Effect _____ Days Effective Date: <input type="checkbox"/> Immediately on <input type="checkbox"/> Other (Specify): _____	Action Proposed: <input type="checkbox"/> New Rule(s) <input checked="" type="checkbox"/> Amendment to Existing Rule(s) <input type="checkbox"/> Repeal of Existing Rule(s) <input type="checkbox"/> Adoption by Reference Proposed Date of Adoption: <input checked="" type="checkbox"/> 30 Days after Filing <input type="checkbox"/> Other (Specify): _____	Action Taken: <input type="checkbox"/> Adopted with No Changes in Text <input type="checkbox"/> Adopted with Changes <input type="checkbox"/> Adopted by Reference <input type="checkbox"/> Withdrawn Date Action Taken _____ Effective Date <input type="checkbox"/> 30 Days After Filing <input type="checkbox"/> Other (Specify): _____

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Accepted for filing by _____	Accepted for filing by <i>J. Simon</i>

XXII. RULES OF PROCEDURE

5. SUBPOENAS

- A. For the purpose of disciplinary hearings, the Board acting by and through its Executive Officer, may subpoena persons and papers on its own behalf and on behalf of a Respondent.
- B. Before the Board shall issue on behalf of a Respondent any subpoena for persons or papers, the Respondent shall:
 - 1. File with the Board a written request for the issuance of said subpoenas, identifying with certainty the identity and address of all individuals to be subpoenaed, along with a concise description of the records to be subpoenaed with the identity and address of the custodian of said records.
 - 2. All requests for the issuance of subpoenas shall be filed with the Board sufficiently distant in time to allow for the preparation and mailing of said subpoenas at least fifteen (15) days before the scheduled hearing date. The Board shall not be responsible for the timely receipt of subpoenas issued after the aforementioned deadline.
- C. All subpoenas issued by the Board either on its own behalf or on behalf of a Respondent shall be effected by either personal service of process or certified mail.
- D. Any subpoena issued by the Board shall be returnable within 10 days to either the Board or other location as specified in the subpoena.
- E. No subpoena shall be issued for the purpose of discovery, the means and manner of discovery being set forth at Paragraph 6 below.
- F. The Board shall charge a Respondent a reasonable fee, not to exceed \$25.00 per subpoena, for preparation and mailing of subpoenas.

FEBRUARY 2001

**EXECUTIVE COMMITTEE
MEETING ONLY**

MARCH 2001

MARCH 2001

**BOARD
MEETING ONLY**

**BOARD MINUTES
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
MARCH 29, 2001**

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday, March 29, 2001, 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
Dewitt G. Crawford, M.D., Louisville, Secretary
Frank W. Bowen, M.D., Carthage
William B. Harper, D.O., Greenwood
Joseph E. Johnston, M.D., Mount Olive
W. Joseph Burnett, M.D., Director

Also present:

Stan T. Ingram, Attorney for the Board
Beverly Bolton, 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 H. Henderson, M.D., Oxford
Paul Douglas Jackson, M.D., Greenville

The meeting was called to order at 10:30 a.m. by Dr. Bush, President. Dr. Bush welcomed Beverly Bolton from the Attorney General's Office and Suzy Sheridan, court reporter. The invocation was given by Dr. Bowen.

**APPROVAL OF CERTIFICATION OF MISSISSIPPI LICENSES TO OTHER ENTITIES
FOR THE PERIOD JANUARY 1, 2001, TO FEBRUARY 28, 2001**

One hundred two (102) licenses were certified to other entities for the period January 1, 2001, to February 28, 2001. Motion was made by Dr. Johnston, seconded by Dr. Crawford, and carried unanimously to approve these certifications.

APPROVAL OF LICENSES ISSUED FOR THE PERIOD JANUARY 1, 2001, TO FEBRUARY 28, 2001

Fifty-eight (58) licenses were issued for the period January 1, 2001, to February 28, 2001. Motion was made by Dr. Bowen, seconded by Dr. Harper, and carried unanimously to approve these licenses.

REVIEW OF MINUTES OF THE EXECUTIVE COMMITTEE MEETING DATED JANUARY 17, 2001, AND MINUTES OF THE BOARD MEETING DATED JANUARY 18, 2001

Minutes of the Executive Committee Meeting dated January 17, 2001, and Minutes of the Board Meeting dated January 18, 2001, were reviewed. Dr. Bowen moved for approval of the minutes as submitted. Dr. Johnston seconded the motion, and it carried unanimously.

REVIEW OF MINUTES OF THE EXECUTIVE COMMITTEE MEETING DATED FEBRUARY 14, 2001

Minutes of the Executive Committee Meeting dated February 14, 2001, were reviewed. Dr. Crawford moved for approval of the minutes as submitted. Dr. Bowen seconded the motion, and it carried unanimously.

PRESCRIBING CONTROLLED SUBSTANCE PRIVILEGES FOR NURSE PRACTITIONERS

Dr. Bush advised that the Board had never made a decision whether or not to support prescribing controlled substances privileges for nurse practitioners, although the Board had agreed earlier to pursue it. After much discussion, the vote of the Board was as follows:

Frank W. Bowen, M.D.	Qualified Yes
Freda M. Bush, M.D.	Yes
Dewitt G. Crawford, M.D.	Qualified Yes
William B. Harper, D.O.	Qualified Yes
Joseph E. Johnston, M.D.	Qualified Yes
Robert Ray Smith, M.D.	Yes

Conditions of the qualified yeses were limiting privileges to Schedule V, with the enabling legislative act sunseting after three (3) years, and statutorily establishing a joint committee similar to Alabama's, which would encompass all scope of practice issues.

Other items of concern regarding this issue were the establishment of a joint committee, educational requirements, knowing who the physicians are that supervise nurse practitioners within the 15 mile radius, potential for more abuse of drugs, strengthen control over physicians supervising nurse practitioners, limit of three M.D./D.O. sponsors for a nurse practitioner, and physicians not supervising more than three nurse practitioners.

Dr. Burnett advised there would be a question on the annual renewal form asking if a physician supervises a nurse practitioner. The Board was asked what they wanted to do with this information. It was the consensus that this would be retained in the Board's office for informational purposes as needed.

DR. SMITH EXITED THE MEETING AT 11:00 A.M.

CORRESPONDENCE FROM R. BRENT HARRISON, M.D., PROFESSOR AND CHAIRMAN, DEPARTMENT OF RADIOLOGY, UNIVERSITY OF MISSISSIPPI MEDICAL CENTER

Dr. Burnett reviewed correspondence from Dr. Harrison regarding difficulty keeping faculty in the Radiology Department at the University of Mississippi Medical Center and his recommendations for helping to correct this problem. Dr. Harrison's suggestions to help with this manpower shortage would involve possible regulation and/or statutory changes. After discussion, the Board asked that Dr. Burnett check with surrounding states to see what they do and to see if Medicare will pay for services rendered by a Limited Institutional Licensee. Dr. Burnett will get this information and present back at a later meeting.

FINAL ADOPTION OF AMENDMENT TO *RULES AND REGULATIONS GOVERNING THE PRACTICE OF PHYSICIANS (M.D./D.O.) AND PODIATRISTS (D.P.M.)*, VIII. EFFECT OF APPLICATION

Dr. Burnett advised that no comments were received during the statutory comment period on the above amendment. Motion was made by Dr. Johnston, seconded by Dr. Crawford, and carried unanimously to final adopt the amendment, which will be final filed with the Secretary of State under the Administrative

BOARD MINUTES

March 29, 2001

Page 4

Procedures Act. A copy of the regulation is attached hereto and incorporated by reference.

FINAL ADOPTION OF AMENDMENT TO *RULES AND REGULATIONS GOVERNING THE PRACTICE OF PHYSICIANS (M.D./D.O.) AND PODIATRISTS (D.P.M.)*, XXII. RULES OF PROCEDURE, 5.

Mr. Ingram briefly explained the necessity for a change in the above regulation, and Dr. Burnett advised that no comments were received during the statutory comment period. Motion was made by Dr. Johnston, seconded by Dr. Crawford, and carried unanimously to final adopt the amendment, which will be final filed with the Secretary of State under the Administrative Procedures Act. A copy of the regulation is attached hereto and incorporated by reference.

OTHER BUSINESS

Dr. Burnett advised that Joe D. Herrington, M.D., Church Hill, resigned from the Board effective March 8, 2001, due to a recent change in his place of residence which moved him to the First Supreme Court District, giving that district more members than allowed by the statute. A copy of Dr. Herrington's letter is attached hereto and incorporated by reference.

Dr. Burnett reported on a call from Dr. Dick Miller, University of Mississippi Medical Center, expressing his concerns about surgical supply representatives who are in the operating room demonstrating their products. It was the consensus of the Board members that this issue should be addressed by the local medical staffs.

Dr. Burnett advised that the Board had voted at the May 18, 2000, meeting to increase the renewal fee by \$25 to \$175, effective for the renewal period beginning July 1, 2001, but that this would not be necessary since the requested staff reallocations were not approved by the legislature. Motion was made by Dr. Johnston, seconded by Dr. Crawford, and carried unanimously to leave the approved \$175 on the record but to stay at \$150 for this year's renewal since the increase was not needed.

Dr. Burnett reported on calls regarding the Board's regulation governing the practice of acupuncture, specifically what the Board defined as "adequately trained" in acupuncture. Dr. Burnett was asked to contact some of the physicians in the state who perform acupuncture and get information regarding training required.

BOARD MINUTES

March 29, 2001

Page 5

Dr. Burnett advised the Board members of the quarterly report he received on the Mississippi Recovering Physicians Program participants. Motion was made by Dr. Johnston, seconded by Dr. Crawford, and carried unanimously that Dr. Bush send a letter to Gary D. Carr, M.D., Medical Director, Mississippi Recovering Physicians Program, thanking him for his work with the program.

Mr. Ingram took several minutes to address the Board relative to a package of material recently sent to each Board member by Will Bristow, attorney representing Ms. Kitty Hall and Karen Davis. With two exceptions, none of the Board members reviewed the contents. As to those members who did review the contents, review was limited to only that necessary determine the nature of the material, i.e. John W. McFadden, M.D. As to those Board members who still had the material, Mr. Ingram advised them to forward the material to either him or the Board's investigative staff. Upon further inquiry, the Board members confirmed that the material would not adversely effect their ability to consider any future petitions or matters involving Dr. McFadden. Mr. Ingram did advise that he would inform Mr. Bristow not to contact Board members in the future.

PERSONAL APPEARANCE BY STANLEY CLAY RUSSELL, M.D., JACKSON, TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE NUMBER 03623

Dr. Russell was present but not represented by legal counsel. Ms. Bolton questioned Dr. Russell regarding legal representation, and Dr. Russell stated he wished to waive his right to an attorney and proceed without legal counsel.

Dr. Burnett distributed letters of recommendation which had been received on behalf of Dr. Russell. Mr. Moses was sworn in and presented a chronological summary of Dr. Russell's background and history leading to the disciplinary action taken on his medical license. Mr. Ingram entered a number of exhibits and explained each.

Dr. Russell addressed the Board and presented his request for removal of part or all of his restrictions. Dr. Russell was sworn in and answered questions from Mr. Ingram and Board members. Dr. Russell admitted to prescribing a legend drug to his son, which was a violation of his Consent Order.

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. Johnston, seconded by Dr. Harper, the Board went into Executive Session.

BOARD MINUTES

March 29, 2001

Page 6

Upon motion by Dr. Bowen, seconded by Dr. Johnston, and carried unanimously, the Board came out of Executive Session at which time Dr. Bush announced to return Schedule IV. All remaining restrictions imposed by the January 15, 1998, Board Order shall remain in force. Licensee may petition the Board for reconsideration after one year. Dr. Bush admonished Dr. Russell about technical violations of his Consent Order and reminded him to read it carefully.

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

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

OTHER BUSINESS

Dr. Burnett advised that he would be on leave May 21 through June 6.

SURRENDER OF MEDICAL LICENSE EXECUTED BY HOLLIS DANIEL TIDMORE, M.D., WAKE FOREST, NC, MISSISSIPPI MEDICAL LICENSE NUMBER 09195

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

Mr. Ingram advised that action was taken against Dr. Tidmore by the North Carolina Medical Board, which would have been grounds for this Board to take action. Dr. Tidmore elected to voluntarily surrender his medical license, which is a non-disciplinary action but will be a public record.

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

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

SURRENDER OF MEDICAL LICENSE EXECUTED BY ROBERT HART, M.D., CLYDE, NC, MISSISSIPPI MEDICAL LICENSE NUMBER 16626

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

Mr. Moses advised that the Licensee was arrested by the Bureau of Narcotics and charged with eight counts of obtaining controlled drugs by fraud. Dr. Hart

BOARD MINUTES

March 29, 2001

Page 7

elected to voluntarily surrender his medical license, which will be reportable disciplinary action. Copies of the Surrender of Medical License were distributed to Board members for their review.

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

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

APPROVAL OF CONSENT ORDER EXECUTED BY CHARLES LARRY MCCULLOUGH, JR., M.D., LOUISVILLE, MISSISSIPPI MEDICAL LICENSE NUMBER 13953

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

Mr. Moses gave a brief history on the background of Dr. McCullough, who is currently in treatment. While on therapeutic leave from treatment, Dr. McCullough wrote a prescription for a controlled substance. Copies of the Consent Order, which indefinitely suspends the medical license, were distributed to Board members and reviewed by Mr. Ingram.

Dr. Johnston stated he would like to see a regulation or a statement in the Recovery Contract Agreement that a physician cannot write prescriptions while in treatment.

Motion was made by Dr. Johnston, 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 Suzy Sheridan, Certi-Comp Court Reporters.

REQUEST BY CHARLES OLIVER STANBACK, M.D., COLUMBUS, FOR THE RETURN OF LIMITED DEA PRIVILEGES, MISSISSIPPI MEDICAL LICENSE NUMBER 04866

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

BOARD MINUTES

March 29, 2001

Page 8

Dr. Burnett reported that Dr. Stanback had contacted him and asked him to present his request for consideration for reinstating his DEA privileges, which were permanently surrendered in his Consent Order. Mr. Ingram entered as exhibits the chronological summary on Dr. Stanback and prior Board Orders.

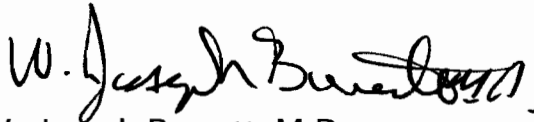
Motion was made by Dr. Johnston, seconded by Dr. Bowen, and carried unanimously not to take any action until Dr. Stanback appeared before the full Board with supporting evidence as to why his DEA privileges should be returned.

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

ADJOURNMENT

The meeting was adjourned at 12 noon with the next meeting scheduled for Thursday, April 12, 2001.

Respectfully submitted,



W. Joseph Burnett, M.D.

Director

Minutes taken and transcribed
by Kathy Fortenberry
Administrative Assistant
March 29, 2001

**EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
MARCH 29, 2001**

AGENDA ITEM XIII

**PERSONAL APPEARANCE BY STANLEY CLAY RUSSELL, M.D., JACKSON, TO
REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE
NUMBER 03623**

Motion made by Dr. Johnston, seconded by Dr. Bowen, and carried to return Schedule IV. All remaining restrictions imposed by the January 15, 1998, Board Order shall remain in force. Licensee may petition the Board for reconsideration after one year.

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



Freda M. Bush, M.D.
President

COPY

ADMINISTRATIVE PROCEDURES FILING NOTICE

Agency Board of Medical Licensure Person to Contact Rhonda Freeman
Address 1867 Crane Ridge Drive Suite 200B Address _____
Jackson, MS 39216
Phone (601) 987-3079 Transmittal Date April 2, 2001

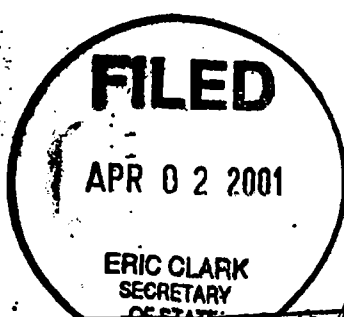
Copy Attached: Yes No

Name or Number of Rule(s) X. Effect of Application, D.

Terms or Substance of the Actions or Description of the Subject and Issues:
See attached.

Printed Name and Title of Person Authorized to File Rules: Rhonda Freeman Division Director II
Name Rhonda Freeman Title
Signature

EMERGENCY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
<input type="checkbox"/> Original Filing	Action Proposed:	Action Taken:
<input type="checkbox"/> Renewal of Effectiveness	<input type="checkbox"/> New Rule(s)	<input checked="" type="checkbox"/> Adopted with No Changes in Text
To Be In Effect _____ Days	<input type="checkbox"/> Amendment to Existing Rule(s)	<input type="checkbox"/> Adopted with Changes
Effective Date:	<input type="checkbox"/> Repeal of Existing Rule(s)	<input type="checkbox"/> Adopted by Reference
<input type="checkbox"/> Immediately on	<input type="checkbox"/> Adoption by Reference	<input type="checkbox"/> Withdrawn
<input type="checkbox"/> Other (Specify):	Proposed Date of Adoption:	Date Action Taken <u>March 29, 2001</u>
	<input type="checkbox"/> 30 Days after Filing	Effective Date
	<input type="checkbox"/> Other (Specify):	<input type="checkbox"/> 30 Days After Filing
		<input type="checkbox"/> Other (Specify):

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OFFICIAL FILING STAMP	OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
		
Accepted for filing by _____	Accepted for filing by _____	Accepted for filing by <u>[Signature]</u>

X. EFFECT OF APPLICATION

- D. Upon submission of an application for licensure to the Board, the applicant shall promptly provide all information deemed necessary by the Board to process the application, including, but not limited to letters of recommendation, certification of graduation from medical school, photograph of applicant, internship certificate and birth certificate. The Board shall have a reasonable period of time within which to collect and assimilate all required documents and information necessary to issue a medical license. If, after submitting an application for medical license, an applicant has failed to respond or make a good faith effort to pursue licensure for a period of three (3) months, the application will be considered null and void, and applicant will have to reapply for licensure, including, but not limited to, all fees, application, certifications, and references. Additionally, if after one year from the date of receipt of application, applicant has not received a medical license, the application will be considered null and void, and applicant will have to reapply for licensure, including, but not limited to, all fees, application, certifications, and references. Under no circumstances will the one year time limit be waived.

COPY

ADMINISTRATIVE PROCEDURES FILING NOTICE

Agency Board of Medical Licensure Person to Contact Rhonda Freeman
Address 1867 Crane Ridge Drive Suite 200B Address _____
Jackson, MS 39216
Phone (601) 987-3079 Transmittal Date April 2, 2001

Copy Attached: Yes No _____

Name or Number of Rule(s) XXII. Rules of Procedure, 5.Subposenas

Terms or Substance of the Actions or Description of the Subject and Issues:
See attached.

Printed Name and Title of Person Authorized to File Rules: Rhonda Freeman Division Director II
Name _____ Title _____
Rhonda Freeman
Signature

EMERGENCY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
<input type="checkbox"/> Original Filing <input type="checkbox"/> Renewal of Effectiveness To Be In Effect _____ Days Effective Date: <input type="checkbox"/> Immediately on <input type="checkbox"/> Other (Specify): _____	Action Proposed: <input type="checkbox"/> New Rule(s) <input type="checkbox"/> Amendment to Existing Rule(s) <input type="checkbox"/> Repeal of Existing Rule(s) <input type="checkbox"/> Adoption by Reference Proposed Date of Adoption: <input type="checkbox"/> 30 Days after Filing <input type="checkbox"/> Other (Specify): _____	Action Taken: <input checked="" type="checkbox"/> Adopted with No Changes in Text <input type="checkbox"/> Adopted with Changes <input type="checkbox"/> Adopted by Reference <input type="checkbox"/> Withdrawn Date Action Taken <u>March 29, 2001</u> Effective Date <input type="checkbox"/> 30 Days After Filing <input type="checkbox"/> Other (Specify): _____

DO NOT WRITE BELOW THIS LINE		
OFFICIAL FILING STAMP	OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
		FILED APR 02 2001 ERIC CLARK SECRETARY OF STATE

Accepted for filing by _____ Accepted for filing by _____ Accepted for filing by: EQB

XXII. RULES OF PROCEDURE

5. SUBPOENAS

- A. For the purpose of disciplinary hearings, the Board acting by and through its Executive Officer, may subpoena persons and papers on its own behalf and on behalf of a Respondent.
- B. Before the Board shall issue on behalf of a Respondent any subpoena for persons or papers, the Respondent shall:
 - 1. File with the Board a written request for the issuance of said subpoenas, identifying with certainty the identity and address of all individuals to be subpoenaed, along with a concise description of the records to be subpoenaed with the identity and address of the custodian of said records.
 - 2. All requests for the issuance of subpoenas shall be filed with the Board sufficiently distant in time to allow for the preparation and mailing of said subpoenas at least fifteen (15) days before the scheduled hearing date. The Board shall not be responsible for the timely receipt of subpoenas issued after the aforementioned deadline.
- C. All subpoenas issued by the Board either on its own behalf or on behalf of a Respondent shall be effected by either personal service of process or certified mail.
- D. Any subpoena issued by the Board shall be returnable within 10 days to either the Board or other location as specified in the subpoena.
- E. No subpoena shall be issued for the purpose of discovery, the means and manner of discovery being set forth at Paragraph 6 below.
- F. The Board shall charge a Respondent a reasonable fee, not to exceed \$25.00 per subpoena, for preparation and mailing of subpoenas.

Route 2, Box 246
Church Hill, MS 39120
March 8, 2001

The Honorable Ronnie Musgrove
Governor
State of Mississippi
Post Office Box 139
Jackson, MS 39205

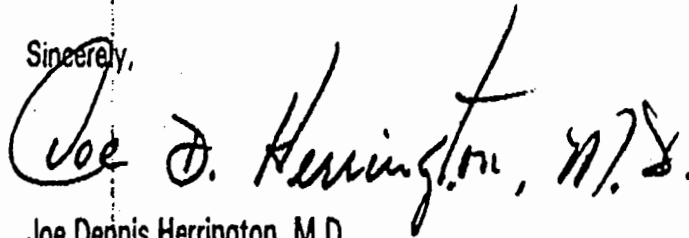
Dear Governor Musgrove:

Please accept my resignation as a member of the Mississippi State Board of Medical Licensure effective March 8, 2001.

It has been called to my attention that a recent change in my place of residence moves me to the First Supreme Court District, giving that district more members than allowed by the statute. Recognizing that I was appointed from the Second Supreme Court District, I regretfully submit my resignation.

I have enjoyed serving the people of the State of Mississippi. If I can be of any assistance to the Board in the future, please let me know.

Sincerely,

A handwritten signature in black ink that reads "Joe D. Herrington, M.D." The signature is written in a cursive style with a large, sweeping initial "J".

Joe Dennis Herrington, M.D.

kf

cc: Freda M. Bush, M.D., President
Mississippi State Board of Medical Licensure
W. Joseph Burnett, M.D., Director
Mississippi State Board of Medical Licensure

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

STANLEY CLAY RUSSELL, M.D.

ORDER REMOVING RESTRICTIONS

THIS MATTER came on regularly for hearing on March 29, 2001, before the Mississippi State Board of Medical Licensure, in response to the Petition of Stanley Clay Russell, M.D. (hereinafter "Licensee"), seeking removal of all restrictions on his license to practice medicine in the State of Mississippi imposed by virtue of that certain Determination and Order dated January 15, 1998.

As required by Miss. Code Ann. Section 73-25-32(3), when determining whether a disciplinary penalty should be set aside or restrictions removed, the Mississippi State Board of Medical Licensure may investigate and consider (1) all activities of Licensee since the disciplinary action was taken against him, (2) the offense for which he was disciplined, (3) his activity during the time his certificate was in good standing, and (4) his general reputation for truth, professional ability and good character. The burden of proving entitlement rests exclusively with Licensee.

The hearing was convened at 10:30 a.m., Licensee being present without counsel. Following advisement of rights, Licensee voluntarily chose to proceed without counsel. Complaint Counsel for the Board was Hon. Stan T. Ingram, Jackson, Mississippi. Sitting as legal advisor for the Board was Hon. Beverly Bolton, Special Assistant Attorney General. Evidence and testimony was then presented. After

hearing said petition, the Board finds Licensee's petition to be well-taken, limited to return of controlled substance privileges in Schedule IV.

IT IS HEREBY ORDERED, that Licensee's Petition for Removal of Restrictions is hereby granted, but limited to return of controlled substance privileges in Schedule IV. As a result, Licensee now has controlled substance privileges limited to Schedules IV and V. All remaining restrictions imposed by virtue of the Determination and Order dated January 15, 1998, shall continue to be maintained in full force and effect. Licensee shall have the right to petition the Board for reconsideration after expiration of one (1) year from the date hereof.

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 Stanley Clay Russell, M.D.

ORDERED, this the 29th day of March, 2001.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY: *Freda M. Bush MD*
FREDA M. BUSH, M.D.
PRESIDENT

SURRENDER OF MEDICAL LICENSE

To: W. Joseph Burnett, M.D.
Executive Director
Mississippi State Board of Medical Licensure

WHEREAS, I, Hollis D. Tidmore, M.D., am the current holder of License No. 9195 issued in August, 1980, to practice medicine in the State of Mississippi;

WHEREAS, It my wish to surrender my current license (No. 9195) to practice medicine in the State of Mississippi so that I may retire with a clear and unencumbered license;

THEREFORE, I hereby voluntarily surrender medical license (No. 9195) to practice medicine in the State of Mississippi, said surrender effective the date indicated below.

I understand that this is a voluntary surrender, and as such, is a public record but is not a reportable disciplinary action. In the event I later decide to practice medicine in the State of Mississippi, I understand it will be necessary for me to make application with the Board. At such time, the Board reserves the right to utilize any and all information now or which it may letter obtain as part of the consideration of any application.

EXECUTED this the 8th day of March , 2001.

Hollis D. Tidmore
Hollis D. Tidmore, M.D.

Witness: Steven E. Sanborn
Steven E. Sanborn, Esq.

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
IN THE MATTER OF THE PHYSICIAN'S LICENSE
OF
ROBERT HART, M.D.

SURRENDER OF MEDICAL LICENSE

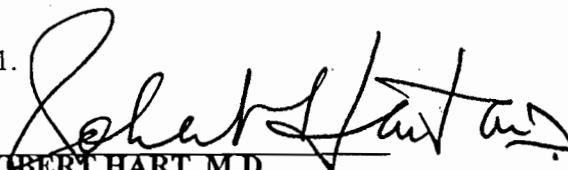
WHEREAS, ROBERT HART, M.D., hereinafter referred to as "Licensee," is the current holder of License Number 16626 issued in November 1999, to practice medicine in the State of Mississippi;


WHEREAS, on March 2, 2001, Licensee surrendered his U.S. Drug Enforcement Administration Uniform Controlled Substances Registration Certificate based on the issuance of controlled substance prescriptions outside the course of legitimate professional practice;

WHEREAS, such conduct constitutes grounds for which the Mississippi State Board of Medical Licensure may place Licensee's medical license on probation, the terms of which may be set by the Board, suspend his right to practice for a time deemed proper by the Board, revoke said license, or take any other action in relation to said license as the Board may deem proper under the circumstances;

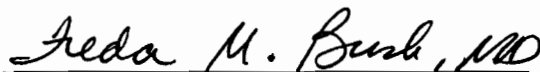
NOW, THEREFORE, Licensee hereby voluntarily surrenders his medical license (Number 16626) to practice medicine in the State of Mississippi. Licensee understands that this is an unconditional surrender, is reportable as disciplinary action to the National Practitioner Data Bank, and is a public record of the State of Mississippi. In the event Licensee later decides to practice medicine in the State of Mississippi, it will be necessary for him to make application with the Board. At such time, the Board reserves the right to utilize all evidence, including all facts developed during the current investigation, as part of the consideration of any application.

EXECUTED this the 23rd day of March, 2001.


ROBERT HART, M.D..


Witness

2001,
ACCEPTED AND APPROVED this the 29th day of March, by the Mississippi State Board of Medical Licensure.


President
Mississippi State Board of
Medical Licensure

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE OF

CHARLES L. MCCULLOUGH, JR., M.D.

CONSENT ORDER

WHEREAS, CHARLES L. MCCULLOUGH, JR., M.D., hereinafter referred to as "Licensee," is the current holder of License No. 13953 for the practice of medicine in the State of Mississippi;

WHEREAS, on January 5, 2001, Licensee entered treatment for chemical dependency at the Clearview Recovery Center, Moselle, Mississippi. Subsequently, on or about January 26, 2001, Licensee left Clearview Recovery Center and on or about February 2, 2001, entered into Pine Grove Recovery Center's Next Step Program located in Hattiesburg, Mississippi;

WHEREAS, on or about February 23, 2001, Licensee issued a controlled substance prescription to a family member while on therapeutic leave from Pine Grove;

WHEREAS, on March 9, 2001, the Board received a letter dated March 6, 2001, from Gary D. Carr, M.D., Medical Director, Mississippi Recovering Physicians Program, referencing said aforementioned incident. Dr. Carr recommended that Licensee be prohibited from practicing medicine until he had been adequately treated for his chemical dependency. Said letter is attached and incorporated herein by reference as Exhibit "A";

WHEREAS, such conduct is in violation of the Mississippi Medical Practice Act 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, pursuant to authority set forth in Mississippi Code Annotated, Section 73-25-59, of the Mississippi Disabled Physicians Law, 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. 13953 to practice medicine in the State of Mississippi.

Licensee shall have the right, but not the obligation, to petition the Board at such time as he (1) has successfully completed all recommended treatment for chemical dependency, and (2) obtained affiliation with the Mississippi Recovering Physicians Program, (3) obtained advocacy of said program.

During the period of no practice, Licensee will abide by all treatment recommendations made by PineGrove 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 Pine Grove, 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.

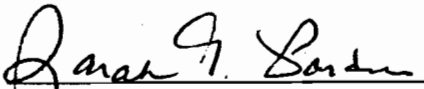
Licensee understands and expressly acknowledges that this Consent Order, if approved and executed by the Mississippi State Board of Medical Licensure, shall constitute a public record of the


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.

Pursuant to Mississippi Code Annotated, Section 73-25-63(5), this Consent Order shall not be used against Licensee in any other legal proceedings nor does execution of this Consent Order constitutes any acknowledgment of wrongful misconduct or malpractice by Licensee.


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, CHARLES L. MCCULLOUGH, JR., M.D., nonetheless, hereby waives his right to notice and a formal adjudication of charges and authorizes the Board to enter an order accepting this Consent Order, thereby indefinitely suspending his license to practice medicine in the State of Mississippi, subject to those terms and conditions enumerated above.

Signed this the 20 day of March, 2001.


Witness


CHARLES L. MCCULLOUGH, JR., M.D.

ACCEPTED AND APPROVED, This the 29th day of March, 2001, by the Mississippi State Board Of Medical Licensure.


Freda M. Bush, M.D.
PRESIDENT



Mississippi Recovering Physicians Program

Mississippi Impaired Physicians Committee

Kay Gatewood, Executive Director
625 Lakeland East Drive, Suite C
Jackson, Mississippi 39208-8817
(601) 420-0240
1-800-844-1446
Fax (601) 420-0290

Gary D. Carr, MD, Medical Director
4902 Old Highway 11
Hattiesburg, Mississippi 39402
(601) 261-9899
Cell: (601) 297-MRPP (6777)
Fax (601) 261-0508

March 6, 2001

W. Joseph Burnett, M.D., Director
Mississippi State Board of Medical Licensure
1867 Crane Ridge Drive Suite 200B
Jackson, MS 39216

RE: Charles D. McCullough, Jr., M.D.

Dear Dr. Burnett:

This date I was advised by Investigator Neil Breland that Dr. McCullough had obtained a controlled prescription while on therapeutic leave from Pine Grove on February 23, 2001. Dr. McCullough alleges that this prescription was for his wife's daughter and was obtained because finances precluded their being able to go to a physician. This explanation is inadequate.

It is my concern that Dr. McCullough has exercised extremely poor judgement. Certainly, it would appear that he is yet to mentally enter into a therapeutic treatment mode. This coupled with his obvious lack of judgement concern me a great deal.

It is the recommendation of the Mississippi Impaired Physicians Committee that Dr. McCullough be served a "Prohibition to Practice" Order. I believe this would serve to protect both Dr. McCullough and the public until such time as he has been adequately treated and has recovered the judgement that he has obviously lost through his addiction.

If I can answer any questions or assist in any way, please do not hesitate to let me know. I am,

Sincerely,

Gary D. Carr, M.D.
Gary D. Carr, M.D.
Medical Director, MRPP

GDC/dcy

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

CHARLES O. STANBACK, M.D.

ORDER

THIS MATTER came on regularly for hearing on March 29, 2001, before the Mississippi State Board of Medical Licensure, in response to the Petition of Charles O. Stanback, M.D. (hereinafter "Licensee"), seeking removal of restrictions on his license to practice medicine in the State of Mississippi imposed by virtue of that certain Consent Order dated February 2, 2000.

The hearing was convened at 11:30 a.m., Licensee not being present. Complaint Counsel for the Board was Hon. Stan T. Ingram, Jackson, Mississippi. Sitting as legal advisor for the Board was Hon. Beverly Bolton, Special Assistant Attorney General. Upon review of the February 2, 2000, Consent Order, it was the opinion of the Board to place in abeyance any action in response to Licensee's request until such time as Licensee can personally appear and present evidence on his behalf.

IT IS HEREBY ORDERED, that consideration of Licensee's Petition for Removal of Restrictions is hereby placed in abeyance until such time as Licensee can appear in person, with or without counsel, and present evidence in support of his petition.

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 Charles O. Stanback, M.D.

ORDERED, this the 29th day of March, 2001.

MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE

BY: *Freda M. Bush MD*
FREDA M. BUSH, M.D.
PRESIDENT

APRIL 2001

**MINUTES
EXECUTIVE COMMITTEE MEETING
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
APRIL 11, 2001**

MEMBERS PRESENT:

Freda M. 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
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, April 11, 2001, 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 NORMAN LEE YATES, III, M.D., JACKSON,
MISSISSIPPI MEDICAL LICENSE NUMBER 15466**

Dr. Burnett explained the background of Dr. Yates. Because Dr. Yates was released from the University of Mississippi Medical Center for a sexual harassment allegation, the Board had served him with a Summons and Affidavit. Dr. Burnett recommended that these charges be dismissed in lieu of a practice plan.

Dr. Yates joined the meeting but was not represented by legal counsel. He addressed the Executive Committee, presented his practice plan, and answered questions from members and Dr. Burnett. It was the consensus of the Executive Committee to accept the non-reportable practice plan, a copy of which is attached hereto and incorporated by reference. This will be presented to the full Board on Thursday with the recommendation that the charges be dismissed.

EXECUTIVE COMMITTEE MINUTES

April 11, 2001

Page 2

PERSONAL APPEARANCE BY CURTIS A. BROUSSARD, M.D., GULFPORT, TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE NUMBER 09015

Dr. Burnett reviewed the chronological summary of Dr. Broussard's background and history leading to the disciplinary action taken on his medical license.

Dr. Broussard and his attorney, John Crawford, Esq., Jackson, joined the meeting. Dr. Broussard executed a written agreement for this informal appearance before the Executive Committee, a copy of which is attached hereto and incorporated by reference.

Dr. Broussard and his attorney addressed the Executive Committee and answered questions from the members and Dr. Burnett. It was the consensus of the Executive Committee members to remove all restrictions with a letter to Dr. Broussard that the Board would continue to monitor his prescribing habits.

WILLIAM GLENN BENNETT, M.D., STARKVILLE

Dr. Burnett reported that Dr. Bennett had retained an attorney, who advised him not to get the evaluation he had agreed to obtain. Dr. Burnett advised that Dr. Bennett will be served an Order of Prohibition, based on his MRPP Recovery Contract, with the summons for the July 19, 2001, Board meeting.

WALTER OCAMPO ANDERSON, M.D., CHUNKY, MS

Dr. Burnett and Mr. Moses briefly reviewed the background on Dr. Anderson, who has been served by the Board with a Summons and Affidavit because of Medicaid fraud. At the time of his scheduled hearing before the Board, the Attorney General's office had asked the Board to place this in abeyance until after their hearing, which has been continued twice.

It is Dr. Burnett's understanding that the Attorney General's office is working on an agreed settlement with Dr. Anderson, which may include an offer from Dr. Anderson to surrender his medical license. If not, the case will need to be reopened by the Board, and the hearing would probably be in July.

EXECUTIVE COMMITTEE MINUTES

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ADVERTISING BY STEVE MORRIS, III, M.D., WAYNESBORO

Dr. Burnett reported on complaints concerning the advertising by Dr. Morris for office based surgical procedures. Copies of the advertising were distributed to Executive Committee members for their review.

Dr. Burnett stated that hopefully the adoption of office based surgery regulations would take care of this. It was the consensus of the Executive Committee members for the staff and ad hoc committee to continue working on the office based surgery regulations.

NEIL BREELAND'S MEETING WITH BUREAU OF NARCOTICS CONCERNING OXYCONTIN

Neil Breeland, Investigator for the Board, joined the meeting to report on his recent meeting with the Bureau of Narcotics. Mr. Breeland reported that there have been six known cases of death in the state from Oxycontin since January 2001. The Bureau of Narcotics recognizes there is a legitimate use for this drug, but that it is also being abused, especially by "professional patients". They would like some guidelines and assistance from the Board and other entities in stopping the abuse.

It was the consensus of the Executive Committee members that the physicians have to be educated about this problem, and it was suggested that information regarding this problem be in the next newsletter and the *MSMA Journal*. Mr. Breeland will meet again with the Bureau of Narcotics on April 17 and keep the Board apprised.

PODIATRIST SHOULD HAVE A PHYSICIAN PERFORM PRE-OPERATIVE HISTORIES AND PHYSICALS

For informational purposes only, Dr. Burnett advised that Tippah County Hospital had contacted him regarding whether or not a podiatrist could be credentialed to do the entire history and physical on a patient. He recommended that the local hospital staff by-laws should address this issue and should require a physician to do histories and physicals for all pre-operative cases. The Executive Committee members agreed this matter should be handled by the hospitals.

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INTEREST EXPRESSED IN CHANGING ACUPUNCTURE REGULATION TO ALLOW ACUPUNCTURE ASSISTANTSHIP LICENSURE

Dr. Burnett reported on a request from Robert Fortier-Bensen, M.D., an acupuncturist in Gulfport, asking the Board to certify his acupuncture assistant. Dr. Fortier-Bensen has been advised that the Board regulations only provide for the practice of acupuncture by a licensed physician. It was the consensus of the Executive Committee members to leave the regulation as is.

The Board has received some calls regarding the acupuncture regulation and what is considered "adequately trained in the subject", as specified in the regulation. The Executive Committee asked that the staff check with other states to see what their requirements were.

LETTER FROM AUBREY E. NICHOLS, ESQ., REGARDING COPYING OF PATIENT RECORDS

Dr. Burnett reviewed a letter from Aubrey E. Nichols, an attorney in Columbus, regarding the Board's regulation on charges for providing copies of medical records, specifically if the regulation allowed for expenses incurred in providing these records, i.e., physician's time, clerical help, postage, etc. The Executive Committee members felt if this was allowed there was great potential for abuse and that the regulation should remain as is.

LETTER FROM COLLE & MCVOY, INC., REGARDING THE USE OF XYREM FOR THE TREATMENT OF CATAPLEXY ASSOCIATED WITH NARCOLEPSY

Dr. Burnett distributed copies of a letter from Bob Gagne, Public Affairs Consultant to Orphan Medical, Colle & McVoy, regarding the use of a new drug, Xyrem, for the treatment of cataplexy associated with the narcolepsy. The medication would not be stocked in Mississippi but would be provided from a mail-order pharmacy. Mr. Gagne asked to meet with the Board to discuss the use of faxed prescriptions for this medication. Dr. Burnett advised that he had already answered that he could not meet with the Board because of such a full agenda on Thursday. This was presented for informational purposes only, and no action was needed.

EXECUTIVE COMMITTEE MINUTES

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SET DATE FOR VISIT FROM STAFF MEMBER AND BOARD MEMBER OF THE FEDERATION OF STATE MEDICAL BOARDS

The Federation of State Medical Boards has requested future meeting dates in order to schedule a staff member and a member of the Board of Directors to visit the Board. Dr. Burnett will advise them that the meetings are scheduled as follows: May 16-Executive Committee; July 18-Executive Committee; July 19-Board; October 17-Executive Committee; and October 18-Board. Dr. Bush mentioned having the October meeting away from the office, and Dr. Burnett will check on having it in Oxford.

CORRESPONDENCE FROM R. BRENT HARRISON, M.D., PROFESSOR AND CHAIRMAN, DEPARTMENT OF RADIOLOGY, UNIVERSITY OF MISSISSIPPI MEDICAL CENTER

Dr. Burnett reviewed correspondence from Dr. Harrison regarding the anticipated manpower shortage in radiology. This will be referred to the Educational Development Ad Hoc Committee for their recommendations to the full Board.

OTHER BUSINESS

Dr. Crawford reported on the Nurse Practitioner Joint Committee meeting on April 4, 2001, and distributed copies of the draft minutes of that meeting. Dr. Bush advised that she had invited Pam Pitchford from the Board of Nursing to address the Board on Thursday regarding nurse practitioners.

Dr. Bush moved Dr. Smith from the Educational Development Ad Hoc Committee to the Nurse Practitioner and Expanded Role Ad Hoc Committee. The new Board appointee will serve on the Educational Development Committee.

REVIEW OF APRIL 12 BOARD MEETING

Dr. Burnett briefly reviewed the April 12 Board agenda.

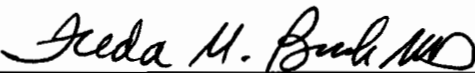
EXECUTIVE COMMITTEE MINUTES

April 11, 2001

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ADJOURNMENT

There being no further business, the meeting adjourned at 6:25 p.m. with the next Executive Committee meeting scheduled for Wednesday, May 16, 2001.



Freda M. Bush, M.D.

President

Minutes taken and transcribed
by Kathy Fortenberry
Administrative Assistant
April 11, 2001

Before the Mississippi State Board of Medical Licensure
In the Matter of the Physicians License of
Norman L. Yates, III, M.D.
Practice Plan

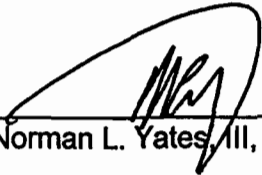
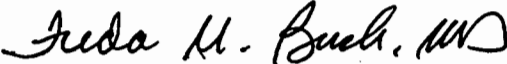


As the current holder of Mississippi Medical License number 15466, and in order to show good faith to the Board that he is desirous of demonstrating that he can practice medicine with all reasonable skill and safety to the public, Norman L. Yates, III, M.D., hereinafter referred to as "Licensee," agrees to all of the following terms of this non-disciplinary Plan of Practice:

1. Licensee shall obtain within one year of the effective date of this Plan of Practice, at least fifty (50) hours of Category I Continuing Medical Education, ten (10) of which shall be in the area of medical ethics;
2. Licensee shall enter and complete at his own expense, a comprehensive psychiatric/psychological evaluation at COPAC, 3949 Hwy 43 North, Brandon, Mississippi, for exploration of possible professional boundary issues and disruptive behavior. He shall execute such releases that will allow sharing of all information in the Board's possession and information maintained in the files of the University Medical Center with evaluator(s) and with the Mississippi Recovering Physicians Program as may be deemed necessary by the Executive Director of the Board of Medical Licensure;
3. He shall abide by any other provisions that may be added to this plan of practice that may be necessary to protect the public, as determined by the Executive Director of the Board;
4. Licensee understands that this Plan of Practice is non-disciplinary in nature, but is releasable to other credentialing authorities, licensing authorities, malpractice carriers or any other entity who presents a duly executed release of information from Licensee.

This plan of practice shall remain in effect for at least one (1) year from the effective date hereof, at which time Licensee shall have the right to petition the Board to be formally released from these provisions.

Understanding he has the right to a full, disciplinary hearing before the Board, Licensee nonetheless waives this right and does enter into this plan of practice as evidenced by his joinder herein.

 _____ Norman L. Yates, III, M.D.	3/18/01 Date
 _____ Freda M. Bush, M.D., President Mississippi State Board of Medical Licensure	4/11/01 Date

**INFORMAL APPEARANCE BEFORE EXECUTIVE COMMITTEE ON
PETITION TO REMOVE CONDITIONS IMPOSED IN A CONSENT ORDER**

I, Curtis A. Broussard, M.D., am appearing informally before the Executive Committee of the Mississippi State Board of Medical Licensure (hereinafter "Board") upon my Petition to Remove Conditions contained in that certain Consent Order approved January 20, 2000. It is the purpose of the informal meeting to discuss the facts of the case, to give me an opportunity to ask questions of the Committee or its staff, and to give the Committee or its staff an opportunity to ask questions of me. Because the meeting is informal, I understand that no disciplinary action will arise from any of the matters discussed before the Executive Committee. In so doing, I have been advised and understand the following:

1. During the meeting, the Executive Committee may or may not be represented by legal counsel. Notwithstanding, I understand that I have a right, if I so choose, to employ legal counsel and have counsel present during the informal meeting.
2. I authorize the Committee Members to review and examine any statements, documentary evidence, or materials concerning my petition during my informal appearance.
3. In the event the pending matter is not resolved following my appearance before the Committee, I will not object to any of the Committee members participating in any subsequent meetings or hearings with regard to my Petition to Remove Conditions from the Consent Order approved January 20, 2000.

My attorney is John A. Crawford, Butler, Snow, O'Mara, Stevens & Cannada, PLLC, P.O. Box 22567, Jackson, MS 39225-2567, phone - 601-948-5711, fax - 601-949-4555, who is representing me before the Executive Committee.

EXECUTED this, the 11 day of April, 2001.


CURTIS A. BROUSSARD, M.D.

BOARD MINUTES
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
APRIL 12, 2001

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday, April 12, 2001, 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
Dewitt G. Crawford, M.D., Louisville, Secretary
William B. Harper, D.O., Greenwood
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
Rhonda Freeman, Division Director II, Licensure Division
Charles Moses, Division Director II, Investigative Division
Kathy Fortenberry, Administrative Assistant

Not present:

Frank W. Bowen, M.D., Carthage
William H. Henderson, M.D., Oxford

The meeting was called to order at 9:10 a.m. by Dr. Bush, President. The invocation was given by Dr. Bush.

Dr. Bush welcomed Suzanne Lee, court reporter, and Kathy Dougan, reporter for *The Clarion Ledger*. Dr. Burnett reported that Dr. Henderson was recovering from lung surgery.

**APPROVAL OF CERTIFICATION OF MISSISSIPPI LICENSES TO OTHER ENTITIES
FOR THE PERIOD MARCH 1, 2001, TO MARCH 31, 2001**

Eighty-three (83) licenses were certified to other entities for the period March 1, 2001, to March 31, 2001. Motion was made by Dr. Johnston, seconded by Dr. Jackson, and carried unanimously to approve these certifications.

BOARD MINUTES

April 12, 2001

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APPROVAL OF LICENSES ISSUED FOR THE PERIOD MARCH 1, 2001, TO MARCH 31, 2001

Twenty-six (26) licenses were issued for the period March 1, 2001, to March 31, 2001. Motion was made by Dr. Johnston, seconded by Dr. Jackson, and carried unanimously to approve these licenses.

REVIEW OF MINUTES OF THE BOARD MEETING DATED MARCH 29, 2001

Minutes of the Board Meeting dated March 29, 2001, were reviewed. Dr. Johnston moved for approval of the minutes as submitted. Dr. Smith seconded the motion, and it carried unanimously.

REPORT OF APRIL 11, 2001, EXECUTIVE COMMITTEE MEETING

Dr. Burnett reviewed action taken by the Executive Committee on April 11. The Executive Committee approved the removal of all restrictions for Curtis A. Broussard, M.D., Gulfport, and the Practice Plan for Norman Lee Yates, III, M.D., Jackson. Several other informational items were presented to the Board. Motion was made by Dr. Johnston, seconded by Dr. Harper, and carried unanimously to approve the Executive Committee actions. Dr. Broussard's Order of the Board is attached hereto and incorporated by reference.

REPORTS FROM AD HOC COMMITTEES

Alternative Medicine - There was no new information to report.

Educational Development - Dr. Burnett briefly reviewed correspondence from R. Brent Harrison, M.D., Chairman, Department of Radiology, University of Mississippi Medical Center, concerning an anticipated manpower shortage. This was referred to the Education Committee.

Impaired Physicians Program - A list of treatment facilities recommended by Gary D. Carr, M.D., Medical Director, Mississippi Recovering Physicians Program, was reviewed by this committee. Motion was made by Dr. Johnston, seconded by Dr. Jackson, and carried unanimously to accept Dr. Carr's recommendations.

Office Based Surgery - Dr. Burnett advised the office based surgery regulations were on hold because of Dr. Henderson's recent surgery.

BOARD MINUTES

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Legislative - There was no new information to report.

Nurse Practitioner and Expanded Role - Dr. Crawford reported on the Nurse Practitioner Joint Committee meeting on April 4, 2001, and distributed draft copies of the minutes. Pam Pitchford, Board of Nursing, gave a brief overview of nurse practitioners and what is expected by their Board, followed by questions from the Board members.

OTHER BUSINESS

Dr. Bush advised that Dr. Joe D. Herrington would be recognized with a resolution at the July Board meeting. Dr. Burnett reported that the three nominees submitted to the Governor for this position on the Board were Larry B. Aycock, M.D., McComb; Wayne A. Hughes, M.D., Hattiesburg; and Harry J. Sanders, M.D., McComb.

Dr. Burnett distributed copies of a summary he had prepared of a communication from Gary D. Carr, M.D., Medical Director, Mississippi Recovering Physicians Program, concerning the progress in the MRPP program. A copy is attached hereto and incorporated by reference. Dr. Burnett distributed copies of a letter from Dr. Bush to Dr. Carr, thanking him for his work with the program, as was directed by the Board at their March 29, 2001, meeting.

Dr. Burnett reported on a presentation earlier in the week by the Physicians Recovery Network (PRN) in Florida that does urine screens around the country. He advised the Board staff needs some help with the collections, and this could be done by PRN at no cost to the Board. Dr. Carr made some comments about the screening. Motion was made by Dr. Crawford, seconded by Dr. Johnston, and carried unanimously to accept the recommendation to use PRN.

CONTINUATION IN THE MATTER OF NORMAN LEE YATES, III, M.D., JACKSON, MISSISSIPPI MEDICAL LICENSE NUMBER 15466

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

Mr. Ingram reviewed Dr. Yates' practice plan, which was accepted by the Executive Committee at their April 11, 2001, meeting.

Motion was made by Dr. Smith, seconded by Dr. Johnston, and carried unanimously to dismiss the pending disciplinary proceeding by the acceptance of

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the non-disciplinary practice plan. The Order of Dismissal is attached hereto and incorporated by reference.

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

THE BOARD RECESSED AT 10:10 A.M. AND RECONVENED AT 10:20 A.M.

PERSONAL APPEARANCE BY GEORGE LOVELACE BARKER, M.D., MEMPHIS, TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE NUMBER 03857

Dr. Barker was present but not represented by legal counsel. Ms. Wagner questioned Dr. Barker regarding legal representation, and Dr. Barker stated he wished to waive his right to an attorney and proceed without legal counsel.

Mr. Ingram entered a number of exhibits and explained each of them. Mr. Moses was sworn in and presented a chronological summary of Dr. Barker's background and history leading to the disciplinary action taken on his medical license.

Dr. Burnett requested that Dr. Barker's mini-residency be counted as part of his CME requirement. Dr. Barker addressed the Board and answered questions from Mr. Ingram and Board members.

Motion was made by Dr. Johnston, seconded by Dr. Harper, 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. Crawford, seconded by Dr. Johnston, and carried unanimously, the Board came out of Executive Session at which time Dr. Bush announced to remove all restrictions, subject to a non-disciplinary letter of agreement that Dr. Barker will not do any invasive procedures. The Order of the Board is attached hereto and incorporated by reference.

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

BOARD MINUTES

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**PERSONAL APPEARANCE BY JOANN GUY FRANCIS, M.D., TYLERTOWN,
TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE
NUMBER 14721**

Dr. Francis was present and represented by legal counsel, Rhonda Cooper, Esq., and Melvin V. Priester, Esq., Jackson.

Mr. Ingram entered a number of exhibits and explained each of them. Mr. Moses was sworn in and presented a chronological summary of Dr. Francis' background and history leading to the disciplinary action taken on her medical license.

Dr. Burnett stated that Dr. Francis has been very diligent in keeping the Board informed. Ms. Cooper and Dr. Francis addressed the Board and answered questions from Mr. Ingram and Board members.

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

Upon motion by Dr. Johnston, seconded by Dr. Smith, and carried unanimously, the Board came out of Executive Session at which time Dr. Bush announced to remove all restrictions with the recommendation that Dr. Francis continues psychiatric care. The Order of the Board is attached hereto and incorporated by reference.

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

**PERSONAL APPEARANCE BY TERRY KENT ELLIS, M.D., OXFORD, TO
REQUEST REINSTATEMENT OF HIS LICENSE, MISSISSIPPI MEDICAL LICENSE
NUMBER 07978**

Dr. Ellis was present but not represented by legal counsel. Ms. Wagner questioned Dr. Ellis regarding legal representation, and Dr. Ellis stated he wished to waive his right to an attorney and proceed without legal counsel.

BOARD MINUTES

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Mr. Ingram entered a number of exhibits and explained each of them. Mr. Moses was sworn in and presented a chronological summary of Dr. Ellis' background and history leading to the surrender of his medical license.

Dr. Ellis addressed the Board, voicing his concerns about the proposed Consent Order prepared by the Board staff. Dr. Carr addressed the Board on behalf of Dr. Ellis. Dr. Ellis and Dr. Carr answered questions from Board members, Dr. Burnett, and Mr. Ingram.

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

Upon motion by Dr. Crawford, seconded by Dr. Smith, and carried unanimously, the Board came out of Executive Session at which time Dr. Bush announced to modify the proposed Consent Order as follows: (1) allow Schedules IV and V; (2) after completion of emergency medicine training and obtaining an evaluation from the U.F. Cares or similar assessment program, Licensee may petition Board to practice emergency medicine; and (3) may petition the Board for release of other restrictions after one year. Rather than a Consent Order, this was finalized in a Determination and Order, a copy of which is attached hereto and incorporated by reference.

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

**PERSONAL APPEARANCE BY GREGORY BARAT FOX, D.O., GAUTIER, TO
REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE
NUMBER 15152**

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

Mr. Ingram entered a number of exhibits and explained each of them. Motion was made by Dr. Crawford, seconded by Dr. Jackson, and carried unanimously to waive the reading of the chronological summary, which was entered as an exhibit. Dr. Fox and Dr. Carr addressed the Board and answered questions from Board members, Dr. Burnett, and Mr. Ingram.

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Motion was made by Dr. Johnston, 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 Suzanne Lee, Certi-Comp Court Reporters.

PERSONAL APPEARANCE BY JAMES RONALD MEDLIN, M.D., ECRU, TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE NUMBER 06439

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

Mr. Ingram entered a number of exhibits and explained each of them. Motion was made by Dr. Johnston, seconded by Dr. Harper, and carried unanimously to waive the reading of the chronological summary, which was entered as an exhibit. Dr. Medlin and Dr. Carr addressed the Board and answered questions from Board members, Dr. Burnett, and Mr. Ingram.

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 Suzanne Lee, Certi-Comp Court Reporters.

PERSONAL APPEARANCE BY WILLIAM CARLISLE TOUCHSTONE, M.D., JACKSON, TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE NUMBER 05165

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

Mr. Ingram entered a number of exhibits and explained each of them. Motion was made by Dr. Smith, seconded by Dr. Johnston, and carried unanimously to waive the reading of the chronological summary, which was entered as an exhibit. Dr. Touchstone and Dr. Carr addressed the Board and answered questions from Board members, Dr. Burnett, and Mr. Ingram.

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Motion was made by Dr. Johnston, 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 Suzanne Lee, Certi-Comp Court Reporters.

HEARING IN THE MATTER OF DONALD RAY RAYNER, M.D., GULFPORT, MISSISSIPPI MEDICAL LICENSE NUMBER 03987

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

Mr. Ingram explained the charges as outlined in the Summons and Affidavit, which resulted from Dr. Rayner entering a plea of guilty for the offense of conspiracy to file fraudulent income tax returns. Mr. Ingram reviewed a Consent Order, which had been presented to Dr. Rayner. The Consent Order would indefinitely suspend his license effective July 5, 2001, the date he begins his incarceration.

Ms. Wagner questioned Dr. Rayner regarding legal representation, and Dr. Rayner stated he wished to waive his right to an attorney and proceed without legal counsel. Dr. Rayner addressed the Board, objecting to the reference in the Consent Order to the charges involving moral turpitude.

Motion was made by Dr. Johnston, seconded by Dr. Harper, and carried unanimously to accept the Consent Order as written. Dr. Rayner agreed to execute the Consent Order, a copy of which is attached hereto and incorporated by reference.

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

TERMINATION OF REPRIMAND 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 that the completion of Dr. Feldman's reprimand would be May 12, 2001, and that Dr. Feldman had met all the obligations of the reprimand.

BOARD MINUTES

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Motion was made by Dr. Crawford, seconded by Dr. Johnston, and carried unanimously to remove all restrictions effective May 12, 2001. The Order of the Board is attached hereto and incorporated by reference.

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

**HEARING IN THE CASE OF BILLY NEWMAN WATKINS, M.D., TERRY, MISSISSIPPI
MEDICAL LICENSE NUMBER 04912**

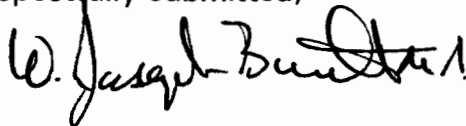
Dr. Burnett advised that Dr. Watkins was served with an Order of Prohibition April 11, 2001, with a hearing scheduled for this Board meeting and that Dr. Watkins had requested a continuance. Motion was made by Dr. Johnston, seconded by Dr. Harper, and carried unanimously to grant the continuance until July 19, 2001. The Order of Continuance is attached hereto and incorporated by reference.

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

ADJOURNMENT

Motion was made by Dr. Crawford and seconded by Dr. Smith to adjourn the meeting at 12:45 p.m. with the next meeting scheduled for Thursday, July 19, 2001.

Respectfully submitted,



W. Joseph Burnett, M.D.
Director

Minutes taken and transcribed
by Kathy Fortenberry
Administrative Assistant
April 12, 2001

**EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
APRIL 12, 2001**

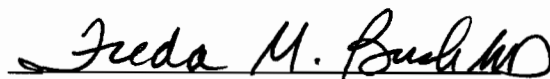
AGENDA ITEM XI

**PERSONAL APPEARANCE BY GEORGE LOVELACE BARKER, M.D., MEMPHIS,
TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE
NUMBER 03857**

Motion made by Dr. Smith, seconded by Dr. Johnston, and carried to remove all restrictions, subject to a non-disciplinary letter of agreement that Dr. Barker will not do any invasive procedures.

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


Freda M. Bush, M.D.
President

**EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
APRIL 12, 2001**

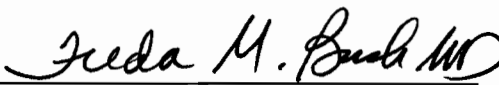
AGENDA ITEM XII

**PERSONAL APPEARANCE BY TERRY KENT ELLIS, M.D., OXFORD, TO
REQUEST REINSTATEMENT OF HIS LICENSE, MISSISSIPPI MEDICAL LICENSE
NUMBER 07978**

Motion made by Dr. Crawford, seconded by Dr. Smith, and carried to modify Consent Order as follows: (1) allow Schedules IV and V; (2) after completion of emergency medicine training and obtaining an evaluation from the U.F. Cares or similar assessment program, Licensee may petition Board to practice emergency medicine; and (3) may petition the Board for release of other restrictions after one year.

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



Freda M. Bush, M.D.
President

**EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
APRIL 12, 2001**


AGENDA ITEM XIV

**PERSONAL APPEARANCE BY JOANN GUY FRANCIS, M.D., TYLERTOWN, TO
REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE
NUMBER 14721**

Motion made by Dr. Johnston, seconded by Dr. Smith, and carried to remove all restrictions with the recommendation that Dr. Francis continues psychiatric care.

<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
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. Smith, 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

CURTIS A. BROUSSARD, M.D.

ORDER REMOVING ALL RESTRICTIONS

THIS MATTER came on regularly for consideration on April 11, 2001, before the Executive Committee of the Mississippi State Board of Medical Licensure, in response to the request of Curtis A. Broussard, 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 20, 2000. Licensee appeared in person without counsel. The Executive Committee, after hearing said request, finds the same to be well-taken.

IT IS HEREBY ORDERED, that Licensee's request 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 Curtis A. Broussard, M.D.

ORDERED, this the 12th day of April, 2001.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY: *Freda M. Bush MD*
**FREDA M. BUSH, M.D.
PRESIDENT**

**SUMMARY OF COMMUNICATION FROM
GARY D. CARR, M.D., MEDICAL DIRECTOR
MISSISSIPPI RECOVERING PHYSICIANS PROGRAM**

I have been asked to summarize a report from Dr. Carr concerning the progress in the MRPP program since the institution of the Memorandum of Understanding entered with MSBML in September 1998.

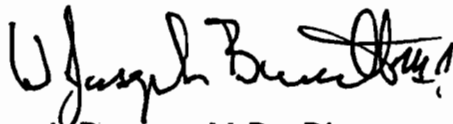
Dr. Carr is especially impressed that 53% of MIPC referrals have come from colleagues, partners, family, friends, and the impaired physicians themselves. He states the institution of voluntary admission, privacy, and reduction of disciplinary action has greatly caused this group listed above to refer physicians who need help. He outlines that approximately 50% of the referrals are related to alcohol and drug issues, approximately 20% related to alcohol and drug issues with mental/emotional component, approximately 26% are mental/emotional referrals, and approximately 4% are associated with sexual issues.

Dr. Carr has reiterated several goals that MSBML, MIPC and MSMA set forth in the Memorandum of Understanding:

1. Reaching impaired physicians earlier,
2. Avenues that protect the public from impaired physicians, yet avoid punishment for cooperative physicians with illness,
3. Improved accountability of MIPC to MSBML,
4. Education of the medical community regarding physician impairment
5. The need for the medical community to feel more freedom with regard to reporting possible impairment,
6. The need for MSMA, MIPC, and MSBML to work in concert for the benefit of all concerned.

Dr. Carr further offered to address any questions this report may generate and offered to respond to any specific statistical markers MSBML or MSMA would find useful in future reports. He expresses again his dedication to his goal, which is to have a program with MRPP that is second to none.

Summary Prepared By



W. Joseph Burnett, M.D., Director
April 12, 2001

WJB:kf

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

NORMAN L. YATES, III, M.D.

ORDER OF DISMISSAL

THIS MATTER came on regularly for hearing on April 12, 2001, before the Mississippi State Board of Medical Licensure, in response to a joint request of both parties for dismissal. It was announced by Stan T. Ingram, Complaint Counsel for the Board that the pending disciplinary proceeding had been resolved by entry of a non-disciplinary Practice Plan duly executed by Norman L. Yates, III, M.D., and approved by the Executive Committee of the Board. After consideration of the matter, the Board finds the joint motion to be well taken.

IT IS, THEREFORE, ORDERED, that the Summons and Affidavit against Norman L. Yates, III, M.D., now pending before this Board shall be and is hereby dismissed with prejudice.

SO ORDERED, this the 12th day of April, 2001.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY: *Freda M. Bush*
**FREDA M. BUSH, M.D.
PRESIDENT**

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

GEORGE LOVELACE BARKER, M.D.

ORDER REMOVING ALL RESTRICTIONS

THIS MATTER came on regularly for hearing on April 12, 2001, before the Mississippi State Board of Medical Licensure, in response to the Petition of George Lovelace Barker, 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 8, 1995.

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. Subject to the terms and conditions of a non-disciplinary letter agreement, 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 Lovelace Barker, M.D.

ORDERED, this the 12th day of April, 2001.

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

JOANN GUY FRANCIS, M.D.

ORDER REMOVING ALL RESTRICTIONS

THIS MATTER came on regularly for hearing on April 12, 2001, before the Mississippi State Board of Medical Licensure, in response to the Petition of JoAnn Guy Francis, M.D. (hereinafter "Licensee"), seeking removal of all restrictions on her license to practice medicine imposed by virtue of that certain Consent Order dated November 27, 1998.

The hearing was convened at 11:00 a.m., Licensee appearing in person and represented by Honorable Rhonda C. Cooper and Honorable Melvin V. Priester. 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 JoAnn Guy Francis, M.D.

ORDERED, this the 12th day of April, 2001.

**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

TERRY KENT ELLIS, M.D.

DETERMINATION AND ORDER

THIS MATTER came on regularly for hearing on April 12, 2001, before the Mississippi State Board of Medical Licensure, pursuant to Miss. Code Ann. Section 73-25-27 (1972), in response to the petition of Terry Kent Ellis, M.D. (hereinafter "Licensee"), seeking reinstatement of his license to practice medicine in the State of Mississippi. Following a comprehensive investigation during 1997, Licensee surrendered his certificate to practice medicine in the State of Mississippi on June 19, 1997, based on evidence indicating that Licensee was then guilty of habitual personal use of narcotic drugs, or any other drug having addiction-forming or addiction-sustaining liability; guilty of administering, dispensing or prescribing narcotic drugs, or any other drug having addiction-forming or addiction-sustaining liability otherwise than in the course of legitimate professional practice; and guilty of unprofessional conduct, which includes, but is not limited to dishonorable or unethical conduct likely to deceive, defraud or harm the public, all in violation of Mississippi Code Annotated, Sections 73-25-29(1), (3), (8)(d), (13) and 73-25-83(a). Licensee now seeks authorization to return to the practice of medicine, and in so doing, agrees to practice medicine subject to certain terms and conditions as set forth in this order.

The hearing was convened at 10:45 a.m. Licensee being present 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. Based upon the above, the Board finds Licensee's petition to be well taken, subject to those terms and conditions hereinafter set forth.

IT IS, THEREFORE, ORDERED, that the Surrender of Medical License accepted and approved by this Board on June 19, 1997, shall be lifted, thereby granting Licensee permission to return to the practice of medicine, subject to those terms enumerated below:

1. Licensee's previous DEA Certificate has been surrendered; therefore, he shall be authorized to execute such forms and documents required by the U.S. Drug Enforcement Administration to accomplish application for a Uniform Controlled Substances Registration Certificate limited to Schedules IV and V.
2. Licensee shall be prohibited from ordering, obtaining, possessing, administering, or dispensing any sample medication containing Butalbital, Carisoprodol or Ultram (Tramadol HCL).
3. 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. Any report of noncompliance of the Recovery Contract Agreement or any recommendation of the MRPP could result in further disciplinary action. Licensee fully understands and recognizes the importance of maintaining free flow of information to and from the Board, MIPC, MRPP, and Licensee's treating physician pursuant to Paragraph Four below. As a result, any attempt by Licensee to rescind or revoke the authorization provided herein, to rescind or revoke any medical release already executed or which Licensee may hereinafter be asked to sign in order to implement this Order, or to interfere in any form or fashion with the free flow of information to and from the Board, MIPC, MRPP, and Licensee's treating physician pursuant to Paragraph Four below, shall constitute a violation of this order and separate grounds to initiate disciplinary action.

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. In the event that Licensee suffers a relapse, or any urine or blood screen is received indicating the presence of any unauthorized mood-altering drugs and/or agents, Licensee shall be immediately prohibited from practicing medicine until such time as he undergoes an evaluation for relapse of chemical dependency at an approved treatment center under the auspices of the MRPP and, thereafter, is found capable of returning to the practice of medicine by MRPP and the Mississippi State Board of Medical Licensure.

5. 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 of this Agreement, shall be considered a violation subject to Board action. Licensee shall be immediately prohibited from practicing medicine until such time Licensee is found capable of returning to the practice of medicine by MRPP and the Mississippi State Board of Medical Licensure.
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 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.

7. Licensee's practice of medicine in the State of Mississippi shall be restricted to General Practice/Urgent Care. Licensee is prohibited from practicing emergency medicine until completion of an emergency medicine board review course approved in advance by this Board. After completion of emergency medicine training, Licensee shall obtain an evaluation by U. F. Cares, at the University of Florida or similar assessment program, and then reappear before this Board seeking special authorization to practice emergency medicine. When considering return of emergency medicine privileges, this Board shall review the results of both the emergency medicine training and evaluation by U. F. Cares, at the University of Florida.

8. During each year of probation, Licensee shall obtain twenty (20) hours of Continuing Medical Education (CME) approved by the American Medical Association with emphasis in updates on treatment of common patient conditions. Following completion of each course, Licensee shall submit to the Board documentary proof of successful completion.
9. Licensee shall obey all federal, state and local laws, and all rules and regulations governing the practice of medicine in the State of Mississippi.
10. 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 Order.
11. 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 this Order.

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 aforementioned restrictions after expiration of one (1) year from the effective date hereof, provided however, Licensee may petition the Board any anytime for return of emergency

medicine privileges as long as all prerequisites set forth at Paragraph 7 above, have been satisfied. Thereafter, any right to petition the Board for reconsideration shall be at reasonable intervals, but not less than twelve (12) months.

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 12th day of April, 2001.

**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

GREGORY BARAT FOX, D.O.

ORDER REMOVING ALL RESTRICTIONS

THIS MATTER came on regularly for hearing on April 12, 2001, before the Mississippi State Board of Medical Licensure, in response to the Petition of Gregory Barat Fox, D.O. (hereinafter "Licensee"), seeking removal of all restrictions on his license to practice medicine imposed by virtue of that certain Consent Order dated January 15, 1998.

The hearing was convened at 10:00 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 Gregory Barat Fox, D.O.

ORDERED, this the 12th day of April, 2001.

**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

JAMES RONALD MEDLIN, M.D.

ORDER REMOVING ALL RESTRICTIONS

THIS MATTER came on regularly for hearing on April 12, 2001, before the Mississippi State Board of Medical Licensure, in response to the Petition of James Ronald Medlin, 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 16, 1998.

The hearing was convened at 11:30 a.m., Licensee appearing in person without counsel. Complaint Counsel for the Board was Honorable Stan T. Ingram. Sitting as legal advisor for the Board was Honorable 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.

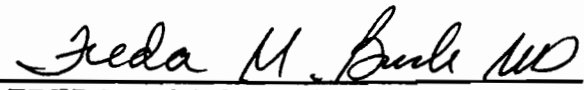
IT IS HEREBY ORDERED, that Licensee's petition for removal of all restrictions is hereby granted. Licensee now holds an unrestricted license to practice medicine in the State of Mississippi.

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 James Ronald Medlin, M.D.

ORDERED, this the 12th day of April, 2001.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY:



**FREDA M. BUSH, 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.

ORDER REMOVING ALL RESTRICTIONS

THIS MATTER came on regularly for hearing on April 12, 2001, before the Mississippi State Board of Medical Licensure, in response to the Petition of William Carlisle Touchstone, 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 4, 2000.

The hearing was convened at 12:00 noon, Licensee appearing in person without counsel. Complaint Counsel for the Board was Honorable Stan T. Ingram. Sitting as legal advisor for the Board was Honorable 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 Carlisle Touchstone, M.D.

ORDERED, this the 12th day of April, 2001.

**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

DONALD RAY RAYNER, M.D.

CONSENT ORDER

WHEREAS, DONALD RAY RAYNER, M.D., hereinafter referred to as "Licensee" is the holder of License No. 3987, current until June 30, 2001, for the practice of medicine in the State of Mississippi;

WHEREAS, on February 21, 2001, Licensee entered a plea of guilty to Count One (1) of information in U.S. District Court for the Southern District of Mississippi (Case Number 1:99cr64GG-001) for the offense "Conspiracy to File Fraudulent Income Tax Returns", in violation of 18 U.S.C. §371. Based on said plea of guilty, the U.S. District Court for the Southern District of Mississippi sentenced Licensee to four (4) months incarceration in the federal prison system, beginning July 5, 2001, followed by supervised release for three (3) years, including home confinement with electronic monitoring not to exceed sixty (60) days following his release;

WHEREAS, pursuant to Subsections (6), (8)(d) and (13) of Section 73-25-29 and Section 73-25-83(a), Mississippi Code (1972), Annotated, the aforementioned constitutes a plea of guilty to a felony or misdemeanor involving moral turpitude, grounds for which the Mississippi State Board of Medical Licensure may revoke the Mississippi medical license of Licensee, suspend his right to practice for a time deemed proper by the Board, place

his license on probation, the terms of which may be set by the Board, or take any other action in relation to his license as the Board may deem proper under the circumstances;

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

NOW, THEREFORE, the Mississippi State Board of Medical Licensure, with consent of Licensee as signified by his joinder herein, does hereby indefinitely suspend Licensee's certificate to practice medicine in the State of Mississippi, effective July 5, 2001.

IT IS FURTHER ORDERED, that Licensee shall during his incarceration obtain through correspondence at least fifty (50) hours of Category 1 Continuing Medical Education (CME) approved by the American Medical Association, with emphasis on medical ethics.

IT IS FURTHER ORDERED, that upon release from incarceration, Licensee shall have the right to petition the Board for reinstatement of his license. Any order of reinstatement of license shall be subject to the following probationary terms and conditions which shall remain in effect until otherwise ordered by the Board, to-wit:

1. Licensee shall strictly comply with all of the terms and conditions of his Federal probation.
2. Licensee shall report in writing to the Mississippi State Board of Medical Licensure within fifteen (15) days should his medical license in any state be subject to investigation or disciplinary action.

3. Licensee's medical practice shall be subject to periodic surveillance and the Board's Director, any member of the Board, or Investigator for the Board may perform a chart review of selected patient files.
4. Licensee shall obey all federal, state and local laws, and all rules and regulations governing the practice of medicine.

IT IS FURTHER ORDERED, that at such time as Licensee has completed all federal probationary terms and conditions, Licensee shall have the right to petition the Mississippi State Board of Medical Licensure for 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.

IT IS FURTHER ORDERED, that pursuant to Miss. Code Ann., Section 73-25-30, Licensee shall pay all such investigative costs as are allowed by law. Licensee shall be advised of the total assessment by separate written notification, and shall have a certified check or money order made payable to the Mississippi State Board of Medical Licensure on or before forty (40) days from the day of acceptance and approval of this Consent Order by the Board.

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, DONALD RAY RAYNER, 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 issuing him a public reprimand and placing his license on probation subject to those terms and conditions enumerated above.

Signed this the 12 day of April, 2001.

Donald Ray Rayner, M.D.
DONALD RAY RAYNER, M.D.

Witness

ACCEPTED AND APPROVED, this the 12th day of April, 2001 by the
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

ARNOLD ERWIN FELDMAN, M.D.

ORDER REMOVING ALL RESTRICTIONS

THIS MATTER came on regularly for hearing on April 12, 2001, before the Mississippi State Board of Medical Licensure, in response to the Petition of Arnold Erwin Feldman, M.D. (hereinafter "Licensee"), seeking removal of all restrictions on his license to practice medicine imposed by virtue of that certain Reprimand dated May 12, 2000.

The hearing was convened at 12:30 p.m., Licensee's petition considered in absentia. 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 May 12, 2001. After this date, Licensee will hold 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 Arnold Erwin Feldman, M.D.

ORDERED, this the 12th day of April, 2001.

**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 NEWMAN WATKINS, M.D.

ORDER OF CONTINUANCE

THIS MATTER came on regularly for hearing on April 12, 2001, before the Mississippi State Board of Medical Licensure, in response to a request for continuance of the hearing set for this date made by Billy Newman Watkins, M.D. (hereinafter "Licensee"). The motion was presented on behalf of Licensee in absentia by Board Complaint Counsel, Stan T. Ingram, 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 motion to be well taken.

IT IS, THEREFORE, ORDERED, that this matter is continued until July 19, 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, in the State of Mississippi.

SO ORDERED, this the 12th day of April, 2001.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY: *Freda M. Bush MD*
**FREDA M. BUSH, M.D.
PRESIDENT**

MAY 2001

**MINUTES
EXECUTIVE COMMITTEE MEETING
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
MAY 16, 2001**

MEMBERS PRESENT:

Freda M. 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
Frances Scott, Special Projects Officer, Investigative Division
Regina Lyle, Administrative Assistant, Licensure Division

The Executive Committee of the Mississippi State Board of Medical Licensure met on Wednesday, May 16, 2001, at 4:00 p.m. in the Executive Conference Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi.

OTHER BUSINESS

The Office Based Surgery Ad Hoc Committee presented their proposed regulations, which the Executive Committee unanimously approved. The proposed regulations will be presented to the full Board, and if there are no objections, they will be filed with the Secretary of State under the Administrative Procedures Act. The regulations are attached hereto and incorporated by reference.

**PERSONAL APPEARANCE BY JACK LANSFORD HAMMOND, M.D., WHITFIELD,
TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE
NUMBER 08945**

Ms. Scott presented a brief chronological summary of Dr. Hammond's background and history leading to the disciplinary action taken on his medical license.

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

EXECUTIVE COMMITTEE MINUTES

May 16, 2001

Page 2

Dr. Hammond presented his request for removal of all restrictions and answered questions from Executive Committee members and Dr. Burnett. Dr. Carr addressed the Executive Committee on behalf of Dr. Hammond.

Motion was made by Dr. Smith, seconded by Dr. Crawford, and carried to remove all restrictions, effective June 18, 2001. The Order of the Board is attached hereto and incorporated by reference.

PERSONAL APPEARANCE BY JAMES JOSEPH KRAMER, M.D., RIDGELAND, TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE NUMBER 14243

Ms. Scott presented a brief chronological summary of Dr. Kramer's background and history leading to the disciplinary action taken on his medical license.

Dr. Kramer joined the meeting but was not represented by legal counsel. Also present was Dr. Carr.

Dr. Kramer presented his request for removal of all restrictions and answered questions from Executive Committee members and Dr. Burnett. Dr. Carr addressed the Executive Committee on behalf of Dr. Kramer.

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

PERSONAL APPEARANCE BY JOHN WARREN COX, M.D., COLUMBUS, TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE NUMBER 08934

Ms. Scott presented a brief chronological summary of Dr. Cox's background and history leading to the disciplinary action taken on his medical license.

Dr. Cox joined the meeting but was not represented by legal counsel. Also present were his wife, Darlene, and Dr. Carr.

Dr. Cox presented his request for removal of all restrictions and answered questions from Executive Committee members and Dr. Burnett. Dr. Carr addressed the Executive Committee on behalf of Dr. Cox.

EXECUTIVE COMMITTEE MINUTES

May 16, 2001

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

**COMPLAINT FROM STEPHEN D. LIPSON, M.D., CLARKSDALE, AGAINST
RODERICK GIVENS, M.D., CLARKSDALE**

Dr. Burnett reported on ongoing information being received from Dr. Lipson concerning Dr. Givens' treatment of prostate cancer patients. It was the consensus of the Executive Committee members to obtain the records from Dr. Givens and have another physician to review and give the Board an expert opinion on them.

**APPROVAL OF ANTHONY JOSEPH STOCK, M.D., GULFPORT, FOR INCLUSION
ON THE BOARD APPROVED PSYCHIATRIST LIST**

Dr. Carr had requested that Dr. Stock be added to the list of Board approved psychiatrist, and his curriculum vitae was presented for review. It was the consensus of the Executive Committee members to add Dr. Stock to the list of Board approved psychiatrist.

**FOREIGN MEDICAL GRADUATES - ALLOWING TO TAKE USMLE STEP 3 AFTER
ONE YEAR OF TRAINING**

Dr. Burnett reported that a resolution was passed at the recent Mississippi State Medical Association meeting regarding foreign medical graduates taking USMLE Step 3 after one year of postgraduate training, rather than after the third year. The Board's regulation currently requires applying for a license before taking USMLE Step 3, and three years of postgraduate training are required for a foreign medical graduate before applying for a license. Dr. Burnett asked that Ms. Lyle or Ms. Freeman discuss this issue with Dr. Mehta, University Medical Center, and report back in July.

VISITING PROFESSOR PERMIT

For informational purposes only, Dr. Burnett distributed copies of a letter from James M. Berry, M.D., professor at the University Medical Center, and the Texas regulations for a visiting professor permit. Dr. Burnett defined the requirements for a visiting professor as no patient contact, but coming to the University to teach only, and this would not require a license. Any thing to suggest the practice of medicine would require a license.

EXECUTIVE COMMITTEE MINUTES

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CORRESPONDENCE FROM R. BRENT HARRISON, M.D., UNIVERSITY OF MISSISSIPPI MEDICAL CENTER

Additional correspondence from Dr. Harrison regarding the anticipated manpower shortage in radiology was distributed to the Executive Committee members for their review. Dr. Burnett will advise Dr. Harrison that he is waiting to get some feedback from the manpower committee of the American Board of Radiology. Dr. Burnett will also contact George Barrett, M.D., Charlotte, North Carolina, who is outgoing President of the Federation of State Medical Boards and serving on this committee.

CORRESPONDENCE FROM ARNOLD FELDMAN, M.D.

Dr. Burnett expressed concern over the deaths in the state from OxyContin and stated he had asked Dr. Feldman for some ideas about what could be done from a regulatory standpoint. Dr. Feldman's recommendations were discussed, and the Executive Committee agreed that education of the physicians was going to be the key. Various means of educating the physicians were discussed, i.e., CME courses, newsletter, etc. Because of the urgency in getting this critical information to the physicians, it was decided that a mail-out would be the best approach, and the Executive Committee requested that a letter alerting physicians to this problem go out as soon as possible.

IMRAC'S REQUEST TO MAKE A PRESENTATION TO THE BOARD

IMRAC has requested to meet with the full Board for a presentation on their prescription writing system. Dr. Burnett has invited them to present this at the October meeting.

OFFICE PERSONNEL

Dr. Burnett advised that four staff members have resigned or retired. These positions will be filled in the near future.

OTHER BUSINESS

Interest has been expressed in prior meetings for having a Board meeting in Oxford. Dr. Burnett stated he would try to arrange this for January 2002.

EXECUTIVE COMMITTEE MINUTES

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Dr. Burnett advised the Board would have visitors from the Federation of State Medical Boards for the July 18 and 19 Executive Committee and Board meetings. Dr. Burnett will be attending a FSMB/CSAT meeting at the Federation's office on June 24 and 25, 2001.

Dr. Burnett reminded the Executive Committee members that he would be on leave from May 21 to June 6.

ADJOURNMENT

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



Freda M. Bush, M.D.

President

Minutes taken and transcribed
by Kathy Fortenberry
Administrative Assistant
May 16, 2001

COPY

ADMINISTRATIVE PROCEDURES FILING NOTICE

Agency Board of Medical Licensure Person to Contact Rhonda Freeman
Address 1867 Crane Ridge Drive Suite 200B Address _____
Jackson, MS 39216

Phone (601) 987-3079 Transmittal Date June 14, 2001
Copy Attached: Yes No _____

Name or Number of Rule(s) XXIV. Office Based Surgery Regulations

Terms or Substance of the Actions or Description of the Subject and Issues:
See attached.

Printed Name and Title of Person Authorized to File Rules: Rhonda Freeman Division Director II

Name Rhonda Freeman Title _____
Signature

EMERGENCY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
<input type="checkbox"/> Original Filing <input type="checkbox"/> Renewal of Effectiveness To Be In Effect _____ Days Effective Date: <input type="checkbox"/> Immediately on <input type="checkbox"/> Other (Specify): _____	Action Proposed: <input checked="" type="checkbox"/> New Rule(s) <input type="checkbox"/> Amendment to Existing Rule(s) <input type="checkbox"/> Repeat of Existing Rule(s) <input type="checkbox"/> Adoption by Reference Proposed Date of Adoption: <input checked="" type="checkbox"/> 30 Days after Filing <input type="checkbox"/> Other (Specify): _____	Action Taken: <input type="checkbox"/> Adopted with No Changes in Text <input type="checkbox"/> Adopted with Changes <input type="checkbox"/> Adopted by Reference <input type="checkbox"/> Withdrawn Date Action Taken _____ Effective Date <input type="checkbox"/> 30 Days After Filing <input type="checkbox"/> Other (Specify): _____

DO NOT WRITE BELOW THIS LINE

OFFICIAL FILING STAMP	OFFICIAL FILING STAMP FILED JUN 14 2001 MISSISSIPPI SECRETARY OF STATE	OFFICIAL FILING STAMP
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Accepted for filing by _____ Accepted for filing by S.D. Field Accepted for filing by _____

XXIV. OFFICE BASED SURGERY REGULATIONS

A. SCOPE

This regulation sets forth the policies of the Mississippi State Board of Medical Licensure regarding office based surgery rendered by individuals licensed to practice medicine, osteopathic medicine and podiatric medicine in the State of Mississippi.

B. DEFINITIONS

1. For the purpose of Article XXIV only, the following terms have the meanings indicated:
 - a. "Surgery" is defined as any operative procedure, including the use of lasers, performed upon the body of a living human being for the purposes of preserving health, diagnosing or curing disease, repairing injury, correcting deformity or defects, prolonging life, relieving suffering or any elective procedure for aesthetic, reconstructive or cosmetic purposes, to include, but not be limited to: incision or curettage of tissue or an organ; suture or other repair of tissue or organ, including a closed as well as an open reduction of a fracture; extraction of tissue including premature extraction of the products of conception from the uterus; insertion of natural or artificial implants; or an endoscopic procedure with use of local or general anesthetic.
 - b. "Surgeon" is defined as a licensed physician performing any procedure included within the definition of surgery.
 - c. Implicit within the use of the term of "equipment" is the requirement that the specific item named must meet current performance standards.
 - d. "Office surgery" is defined as surgery which is performed outside a hospital, an ambulatory surgical center, abortion clinic, or other medical facility licensed by the Mississippi State Department of Health or a successor agency. Physicians performing office based surgery must register with the Mississippi State Board of Medical Licensure.
 - e. "Adverse incidents" means, but not limited to, prolonged recovery, complications, or death.

C. GENERAL REQUIREMENTS FOR OFFICE SURGERY

1. For all surgical procedures, the level of sterilization shall meet current OSHA requirements.
2. The surgeon must maintain complete records of each surgical procedure, including anesthesia records, when applicable and the records shall contain written informed consent from the patient reflecting the patient's knowledge of identified risks, consent to the procedure, type of anesthesia and anesthesia provider, and that a choice of anesthesia provider exists, i.e., anesthesiologist, another appropriately trained physician as provided in this regulation, or certified registered nurse anesthetist.
3. The surgeon must maintain a log of all Level II and Level III surgical procedures performed, which must include a confidential patient identifier, the type of procedure, the type of anesthesia used, the duration of the procedure, the type of post-operative care, and any adverse incidents. The log and all surgical records shall be provided to investigators of the Mississippi State Board of Medical Licensure upon request.
4. In any liposuction procedure, the surgeon is responsible for determining the appropriate amount of supernatant fat to be removed from a particular patient. A maximum of 4000 cc supernatant fat may be removed by liposuction in the office setting. A maximum of 50mg/kg of Lidocaine can be injected for tumescent liposuction in the office setting.
5. A policy and procedure manual must be maintained in the office and updated annually. The policy and procedure manual must contain the following: duties and responsibilities of all personnel, cleaning and infection control, and emergency procedures. This shall not apply to offices that limit surgery to Level I procedures.
6. The surgeon shall report to the Mississippi State Board of Medical Licensure any adverse incidents that occur within the office based surgical setting. This report shall be made within 15 days after the occurrence of an incident.
7. A sign must be prominently posted in the office which states that the office is a doctor's office regulated pursuant to the rules and regulations of the Mississippi State Board of Medical Licensure. This

notice must also appear prominently within the required patient informed consent.

8. It is strongly recommended that the American Society of Anesthesiologists' *Guidelines for Office-Based Anesthesia* be utilized for Level III procedures.

D. LEVEL I OFFICE SURGERY

1. **Scope.** Level I office surgery includes, but not limited to, the following:
 - a. Minor procedures such as excision of skin lesions, moles, warts, cysts, lipomas, LEEP, laser cone of cervix, laser/cautery ablation of warts or other lesions, and repair of lacerations or surgery limited to the skin and subcutaneous tissue performed under topical or local anesthesia not involving drug-induced alteration of consciousness other than minimal pre-operative tranquilization of the patient.
 - b. Incision and drainage of superficial abscesses, limited endoscopies such as proctoscopies, hysteroscopies, skin biopsies, arthrocentesis, paracentesis, dilation of urethra, cysto-scopic procedures, and closed reduction of simple fractures or small joint dislocations (i.e., finger and toe joints).
 - c. Pre-operative medications not required or used other than minimal pre-operative tranquilization of the patient; anesthesia is local, topical, or none. No drug-induced alteration of consciousness other than minimal pre-operative tranquilization of the patient is permitted in Level I Office Surgery.
 - d. Chances of complication requiring hospitalization are remote.
2. **Standards for Level I Office Surgery**
 - a. **Training Required.** Surgeon's continuing medical education should include: proper dosages; management of toxicity or hypersensitivity to regional anesthetic, drugs. Basic Life Support Certification is recommended but not required.
 - b. **Equipment and Supplies Required.** Oxygen, positive pressure ventilation device, Epinephrine (or other

vasopressor), Corticoids, Antihistamine and Atropine, if any anesthesia is used.

- c. **Assistance of Other Personnel Required.** No other assistance is required, unless the specific surgical procedure being performed requires an assistant.

E. LEVEL II OFFICE SURGERY

1. Scope

- a. Level II Office Surgery is that in which peri-operative medication and sedation are used intravenously, intramuscularly, or rectally, thus making intra and post-operative monitoring necessary. Such procedures shall include, but not be limited to: hernia repair, hemorrhoidectomy, reduction of simple fractures, large joint dislocations, breast biopsies, dilatation and curettage, thoracentesis, and colonoscopy.
- b. Level II Office surgery includes any surgery in which the patient is placed in a state which allows the patient to tolerate unpleasant procedures while maintaining adequate cardiorespiratory function and the ability to respond purposefully to verbal command and/or tactile stimulation. Patients whose only response is reflex withdrawal from a painful stimulus are sedated to a greater degree than encompassed by this definition.
- c. Any procedures that may yield an excessive loss of blood should be covered under Level II.

2. **Transfer Agreement Required.** The surgeon must have a written transfer agreement from a licensed hospital within reasonable proximity if the surgeon does not have staff privileges to perform the same procedure as that being performed in the office based surgical setting at a licensed hospital within reasonable proximity.

3. **Level of Anesthetic.** Local or peripheral major nerve block, including Bier Block, plus intravenous or intramuscular sedation, but with preservation of vital reflexes.

4. **Training Required.** The surgeon must be credentialed by a group of his peers at the local hospital and must have privileges at that hospital to perform the same procedure as that being performed in the office based surgical setting or must be able to document satisfactory completion of surgical training such as Board certification or Board eligibility by a Board approved by the American Board of Medical Specialties. The surgeon and one attending assistant must be certified in Basic Life Support. It is recommended that the surgeon and at least one assistant be certified in Advanced Cardiac Life Support or have a qualified anesthetic provider, practicing within the scope of the provider's license, manage the anesthetic.

5. **Equipment and Supplies Required**

a. **Full and current crash cart at the location the anesthetizing is being carried out.** The crash cart must include, at a minimum, the following resuscitative medications:

- (1) adrenalin (epinephrine) Abboject 1mg-1:10,000; 10ml
- (2) adrenalin (epinephrine) ampules 1mg-1:1000; 1ml
- (3) atropine Abboject 0.1mg/ml; 5ml
- (4) benadryl (diphenhydramine) syringe 50mg/ml; 1ml
- (5) calcium chloride Abboject 10%; 100mg/ml; 10ml
- (6) dextrose Abboject 50%; 25g/50ml
- (7) dilantin (phenytoin) syringe 250mg/5ml
- (8) dopamine 400mg/250ml pre-mixed
- (9) heparin 10,000 units/ml; 1 ml vial
- (10) inderal (propranolol) 1mg/ml; 1 ml ampule
- (11) isuprel (isoproterenol) 1mg/5ml; 1:5000 ampule
- (12) lanoxin (digoxin) 0.5 mg/2ml ampule
- (13) lasix (furosemide) 40 mg/4ml vial
- (14) lidocaine Abboject 2%; 100mg/5ml
- (15) lidocaine 2 grams/500ml pre-mixed
- (16) magnesium sulfate 50%; 20ml vial (1g/2ml)
- (17) narcan (naloxone) 0.4mg/ml; 1ml ampule
- (18) pronestyl (procainamide) 100mg/ml; 10ml vial
- (19) sodium bicarbonate Abboject 50mEq/50ml
- (20) solu-medrol (methylprednisolone) 125mg/2ml vial
- (21) verapamil syringe 5mg/2ml

b. Suction devices, endotracheal tubes, laryngoscopes, etc.

- c. Positive pressure ventilation device (e.g., Ambu) plus oxygen supply.
 - d. Double tourniquet for the Bier Block procedure.
 - e. Monitors for blood pressure/EKG/Oxygen saturation and portable approved defibrillator.
 - f. Emergency intubation equipment.
 - g. Adequate operating room lighting.
 - h. Emergency power source able to produce adequate power to run required equipment for a minimum of two (2) hours, which would require generator on site.
 - i. Appropriate sterilization equipment.
 - j. IV solution and IV equipment.
6. **Assistance of Other Personnel Required.** The surgeon must be assisted by a qualified anesthesia provider as follows: an anesthesiologist, certified registered nurse anesthetist, or a registered nurse may be utilized to assist with the anesthesia, if the surgeon is ACLS certified. An assisting anesthesia provider cannot function in any other capacity during the procedure. If additional assistance is required by the specific procedure or patient circumstances, such assistance must be provided by a physician, registered nurse, licensed practical nurse, or operating room technician. A licensed physician, a licensed registered nurse with post-anesthesia care unit experience or the equivalent, credentialed in Advanced Cardiac Life Support or, in the case of pediatric patients, Pediatric Advanced Life Support, must be available to monitor the patient in the recovery room until the patient is recovered from anesthesia. Surgeon must have a written agreement with a qualified support physician with hospital privileges to cope with any problems that may arise if the surgeon performing the procedure does not have such privileges.

F. LEVEL III OFFICE SURGERY

1. Scope

- a. Level III Office Surgery is that surgery which involves, or reasonably should require, the use of a general anesthesia or major conduction anesthesia and pre-operative sedation. This includes the use of:
 - (1) Intravenous sedation beyond that defined for Level II office surgery;
 - (2) General Anesthesia: loss of consciousness and loss of vital reflexes with probable requirement of external support of pulmonary or cardiac functions; or
 - (3) Major Conduction anesthesia.
- b. Only patients classified under the American Society of Anesthesiologist's (ASA) risk classification criteria as Class I, II, or III are appropriate candidates for Level III office surgery. For ASA Class III patients, the surgeon must document in the patient's record the justification and precautions that make the office an appropriate forum for the particular procedure to be performed.
- c. Level III Office Surgery would include liposuction involving the removal of less than 4000 cc supernatant fat.

2. **Hospital Staff Privileges Required.** The surgeon must be credentialed by a group of his peers at a licensed hospital within reasonable proximity and must have privileges at that hospital to perform the same procedure as that being performed in the office based surgical setting.

3. Level of Anesthetic

- a. General Anesthetic: loss of consciousness and loss of vital reflexes with probable requirement of external support of pulmonary or cardiac functions.
- b. Major Conduction: epidural, spinal, caudal.

4. **Training Required**

- a. Surgeon must have documentation of training to perform the particular surgical procedures and must have knowledge of the principles of general anesthesia.
- b. The surgeon and at least one attending assistant must be certified in Basic Life Support. It is recommended that the surgeon and at least one assistant be certified in Advanced Cardiac Life Support.
- c. Emergency procedures related to serious anesthesia complications should be formulated, periodically reviewed, practiced, updated, and posted in a conspicuous location.

5. **Equipment and Supplies Required**

- a. Equipment, medication, including at least 36 ampules of dantrolene on site, and monitored post-anesthesia recovery must be available in the office.
- b. The office, in terms of general preparation, equipment, and supplies, must be comparable to a free standing ambulatory surgical center, including, but not limited to, recovery capability, and must have provisions for proper record keeping.
- c. Blood pressure monitoring equipment; EKG; end tidal CO2 monitor; pulse oximeter, precordial or esophageal stethoscope, emergency intubation equipment and a temperature monitoring device.
- d. Table capable of trendelenburg and other positions necessary to facilitate the surgical procedure.
- e. IV solutions and IV equipment.

6. **Assistance of Other Personnel Required.** An anesthesiologist or certified registered nurse anesthetist must administer the general or regional anesthesia and a physician, registered nurse, licensed practical nurse, or operating room technician must assist with the surgery. The anesthesia provider cannot function in any other capacity during the procedure. A licensed physician or a licensed registered nurse with post-anesthesia care unit experience or the

equivalent, and credentialed in Advanced Cardiac Life Support, or in the case of pediatric patients, Pediatric Advanced Life Support, must be available to monitor the patient in the recovery room until the patient has recovered from anesthesia.

G. EFFECTIVE DATE OF REGULATION

The above rules and regulations pertaining to Office Based Surgery shall become effective September 1, 2001.

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
IN THE MATTER OF THE PHYSICIAN'S LICENSE
OF
JACK LANSFORD HAMMOND, M.D.

ORDER REMOVING ALL RESTRICTIONS

THIS MATTER came on regularly for consideration on May 16, 2001, before the Executive Committee of the Mississippi State Board of Medical Licensure, in response to the request of Jack Lansford Hammond, 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 1, 1998. Licensee appeared in person without counsel. The Executive Committee, after hearing said request, finds the same to be well-taken.

IT IS HEREBY ORDERED, that Licensee's request for removal of all restrictions is hereby granted effective June 18, 2001. After that date, Licensee will hold 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 Jack Lansford Hammond, M.D.

ORDERED, this the 16th day of May, 2001.

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
JAMES JOSEPH KRAMER, M.D.

ORDER REMOVING ALL RESTRICTIONS

THIS MATTER came on regularly for consideration on May 16, 2001, before the Executive Committee of the Mississippi State Board of Medical Licensure, in response to the request of James Joseph Kramer, 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 6, 1996. Licensee appeared in person without counsel. The Executive Committee, after hearing said request, finds the same to be well-taken.

IT IS HEREBY ORDERED, that Licensee's request 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 James Joseph Kramer, M.D.

ORDERED, this the 16th day of May, 2001.

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 WARREN COX, M.D.**

ORDER REMOVING ALL RESTRICTIONS

THIS MATTER came on regularly for consideration on May 16, 2001, before the Executive Committee of the Mississippi State Board of Medical Licensure, in response to the request of John Warren Cox, 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 21, 1997. Licensee appeared in person without counsel. The Executive Committee, after hearing said request, finds the same to be well-taken.

IT IS HEREBY ORDERED, that Licensee's request 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 Warren Cox, M.D.

ORDERED, this the 16th day of May, 2001.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY: *Freda M. Bush, MD*
**FREDA M. BUSH, M.D.
PRESIDENT**

MAY 2001

**EXECUTIVE COMMITTEE
MEETING ONLY**

JULY 2001

**MINUTES
EXECUTIVE COMMITTEE MEETING
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
JULY 18, 2001**

MEMBERS PRESENT:

Freda M. 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:

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, Investigative Division

The Executive Committee of the Mississippi State Board of Medical Licensure met on Wednesday, July 18, 2001, at 4:00 p.m. in the Executive Conference Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi.

**APPROVAL OF CONSENT ORDER EXECUTED BY MTANIUS A. SULTANI, M.D.,
CLARKSDALE, MISSISSIPPI MEDICAL LICENSE NUMBER 15212**

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

Dr. Burnett and Mr. Moses reviewed Dr. Sultani's background and history leading to the disciplinary action taken on his medical license, which resulted from his conviction of a misdemeanor. 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.

**REQUEST FOR REMOVAL OF RESTRICTIONS FROM CRAWFORD HAL
CLEVELAND, M.D., GULFPORT, MISSISSIPPI MEDICAL LICENSE NUMBER 03285**

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

Dr. Burnett reviewed Dr. Cleveland's background and advised that Dr. Cleveland had been released by the Mississippi Recovering Physicians Program. Dr. Cleveland has written Dr. Burnett that he plans to retire in December of this

EXECUTIVE COMMITTEE MINUTES

July 18, 2001

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year or sooner. 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.

REQUEST FROM ROBERT W. KING, JR., M.D., MANDEVILLE, LA, TO BE RELEASED FROM LOUISIANA PHYSICIANS' HEALTH NETWORK, MISSISSIPPI MEDICAL LICENSE NUMBER 16498

Dr. Burnett advised that when Dr. King was originally licensed in Mississippi it was requested that he be monitored by the Louisiana Physicians' Health Network for two years. It was the consensus of the Executive Committee members that his obligations to the Board have been fulfilled and no further drug testing will be necessary. Dr. King will be advised by letter of this decision.

ROGER B. VOGELFANGER, M.D., MEMPHIS - SUPERVISION OF NURSE PRACTITIONER

Dr. Burnett presented a request from Dr. Vogelfanger to supervise a nurse practitioner in Batesville, a distance of 67.4 miles. Dr. Burnett advised that Dr. Vogelfanger only has hospital privileges in Memphis. The Executive Committee will present this to the full Board on Thursday for their decision.

TIM WEISBORD, M.D., FULTON - SUPERVISION OF NURSE PRACTITIONER

Dr. Burnett presented the request of Dr. Weisbord to supervise more than two nurse practitioners and to supervise from any distance via cell phone when backup coverage is unavailable. Motion was made by Dr. Smith, seconded by Dr. Bush, and carried to deny the request.

PERSONAL APPEARANCE BY JEFFREY SCOTT DAVIDSON, D.O., MOBILE, APPLICANT

Mr. Ingram explained that because of action taken by a hospital Dr. Davidson had been given a choice of withdrawing his application or appearing for a show-cause hearing. Dr. Davidson had requested an informal meeting with the Executive Committee before making a decision on this. He executed a written agreement for this meeting, a copy of which is attached hereto and incorporated by reference.

Dr. Davidson joined the meeting and was not represented by legal counsel.

EXECUTIVE COMMITTEE MINUTES

July 18, 2001

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Dr. Davidson addressed the Executive Committee and answered questions from Mr. Ingram, Executive Committee members, and Dr. Burnett.

It was the consensus of the Executive Committee members to have Dr. Davidson appear for a Show Cause Hearing if he wishes to continue with his application.

FOREIGN MEDICAL GRADUATES - ALLOWING TO TAKE USMLE STEP 3 AFTER ONE YEAR OF TRAINING

Dr. Burnett reported at the May 16, 2001, Executive Committee that a resolution was passed at the Mississippi State Medical Association meeting regarding foreign medical graduates taking USMLE Step 3 after one year of postgraduate training, rather than after the third year. The Board's regulation currently requires applying for a license before taking USMLE Step 3, and three years of postgraduate training are required for a foreign medical graduate before applying for a license. It was the consensus of the Executive Committee members not to change this regulation.

CHARGE FOR DUPLICATE RENEWAL FORMS IF ADDRESS HAS NOT BEEN CHANGED

Dr. Burnett and Mrs. Freeman reported on numerous requests the staff receives each year for duplicate renewal forms and that many times this is a result of the physician not advising the Board of an address change. Dr. Burnett proposed charging a fee for duplicate renewal forms: \$50 for those who have not changed their mailing address and \$10 for all others. This was approved by the Executive Committee and will be effective with the 2002-2003 renewal period.

SCOPE OF PRACTICE FOR MEDICAL RADIATION TECHNOLOGISTS - PULLING FEMORAL WIRES OR SHEATHS

Dr. Burnett reviewed a letter from Jackie Stafford, R.N., Biloxi Regional Medical Center, who presented questions regarding registered radiology technologists pulling femoral wires and sheaths. It was the opinion of the Executive Committee that these privileges should be addressed by the local medical staff.

EXECUTIVE COMMITTEE MINUTES

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OFFICE BASED SURGERY REGULATIONS

This item will be discussed at the Board meeting on Thursday.

REVIEW OF JULY 19 BOARD AGENDA

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

Robert Bayer, M.D., McComb, applicant for a permanent license, Mississippi Volunteer License Number V-004, was scheduled to appear before the full Board on Thursday. The Board's regulation requires a physician who has not practice for a three-year period to participate in an assessment program. Because of illness, Dr. Bayer exceeded the three-year period by two months but had actually started his application process prior to the three years. It was the consensus of the Executive Committee members to waive this regulation to allow Dr. Bayer to get a permanent license in the state and that it would not be necessary for him to appear before the full Board.

OTHER BUSINESS

Dr. Bush advised that she would serve on the Legislative Committee, replacing Dr. Jackson, because he is currently serving on three committees. The new appointee will serve on the Educational Development and the Impaired Physicians Program Committees.

ADJOURNMENT

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



Freda M. Bush, M.D.

President

Minutes taken and transcribed
by Kathy Fortenberry
Administrative Assistant
July 18, 2001

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

MTANIUS A. SULTANI, M.D.

CONSENT ORDER

WHEREAS, MTANIUS A. SULTANI, M.D., hereinafter referred to as "Licensee," is the current holder of Mississippi Medical License Number 15212 , 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 Licensee and has documented evidence indicating that Licensee has committed ethical violations in regards to the use of prescription medication, and is guilty of unprofessional conduct likely to deceive, defraud or harm the public;

WHEREAS, as a result of the above conduct, Licensee has agreed to enter a plea of guilty to a misdemeanor charge of attempted false pretense before the Justice Court of Coahoma County, Mississippi, resulting in a suspended sentence, restitution, fine and assessment of cost in favor the Insurance Integrity Enforcement Bureau of the Office of the Attorney General;

WHEREAS, such conduct is in violation of the Mississippi Medical Practice Act, specifically Miss. Code Ann. (1972) §73-25-29(6), (8)(d) and (13) and 73-25-83(a), 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 resolve all pending criminal and administrative matters;

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, with the suspension stayed, subject to the following probationary terms and conditions:

1. 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.
2. Within one (1) year of the effective date of this Consent Order, Licensee must obtain at least 40 hours of Category II continuing medical education (CME) with an emphasis in the area of medical ethics. Following completion of said CME, Licensee shall submit to the Board documentary proof of successful completion.
3. 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.

4. 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. Further, Licensee shall make arrangements within forty (40) days of acceptance and approval of this Consent Order to reimburse the Insurance Fraud Unit of the Mississippi Attorney General's Office for all of its investigative costs and shall make full restitution to any third party insurance plan administrator identified by the AG's fraud unit as it may apply in this case.

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.

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.

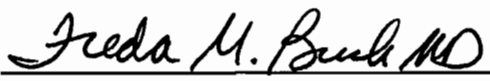
Recognizing his right to a notice of charges specified against him, to have such charges adjudicated pursuant to Miss. Code Ann. §73-25-27, to be represented therein by legal counsel of his choice, and to a final decision rendered upon written findings of fact and conclusions of law, MTANIUS A. SULTANI, 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 indefinitely suspending his license to practice medicine in the State of Mississippi, with the suspension stayed subject to those probationary terms and conditions enumerated above.

THIS, the 18 day of May, 2001.



MTANIUS A. SULTANI, M.D.

ACCEPTED AND APPROVED, this the 18th day of July, 2001, 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

CRAWFORD HAL CLEVELAND, M.D.

ORDER REMOVING ALL RESTRICTIONS

THIS MATTER came on regularly for hearing on July 18, 2001, before the Executive Committee of the Mississippi State Board of Medical Licensure, in response to the request of Crawford Hal Cleveland, 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 5, 1996.

The meeting was convened at 4:00 p.m., Licensee's request being considered in abstentia. The Executive Committee, after considering said request, finds the same to be well-taken.

IT IS HEREBY ORDERED, that Licensee's request 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 Crawford Hal Cleveland, M.D.

ORDERED, this the 18th day of July, 2001.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY: *Freda M. Bush MD*
FREDA M. BUSH, M.D., PRESIDENT

AGREEMENT TO APPEAR INFORMALLY BEFORE EXECUTIVE COMMITTEE

I, Jeffrey Scott Davidson, M.D., have requested an opportunity to appear informally before the Executive Committee of the Mississippi State Board of Medical Licensure (hereinafter "Board") to discuss possible resolution of a pending disciplinary matter/investigation or to respond to a complaint duly received by the Board. It is the purpose of the informal meeting to discuss the facts of the case, to give me an opportunity to ask questions of the Committee or its staff, and to give the Committee or its staff an opportunity to ask questions of me. Because the meeting is informal, no disciplinary action will be taken without my express written consent. In so doing, I have been advised and understand the following:

1. During the meeting, the Executive Committee may or may not be represented by legal counsel. Notwithstanding, I understand that I have a right, if I so choose, to employ legal counsel and have counsel present during the informal meeting.
2. I authorize the Committee Members to review and examine any statements, documentary evidence, or materials concerning the allegations during my informal appearance.
3. Because the purpose of my appearance is to avoid a hearing before the Board, I agree that presentation to and consideration by the Committee of any facts, matters, and documents pertaining to my case shall not unfairly or illegally prejudice the Committee members from further participation or consideration in the event a formal disciplinary hearing is later conducted. Stated differently, in the event the pending matter is not resolved following my appearance before the Committee, I will not object to any of the Committee members from further participating in subsequent meetings or hearings that may be conducted in relation to this matter.
4. By signing my name in the space provided below, I hereby authorize the Executive Committee to proceed with the informal appearance, subject to the stipulations and understandings as noted above. I have elected to proceed:

with legal counsel present (name of counsel: _____)

without legal counsel present

EXECUTED, this the 10th day of July, 2001.



Witness: _____

**BOARD MINUTES
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
JULY 19, 2001**

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday, July 19, 2001, 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
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:

Robert Ray Smith, M.D., Jackson, Vice President
Paul Douglas Jackson, M.D., Greenville

The meeting was called to order at 9:10 a.m. by Dr. Bush, President. The invocation was given by Dr. Crawford. Dr. Bush welcomed Melissa Magee, court reporter.

Dr. Bush recognized Joe Dennis Herrington, M.D., Church Hill, who served on the Board from July 1, 1996, to March 8, 2001. Dr. Bush read a resolution from the Board, a copy of which is attached hereto and incorporated by reference, and presented Dr. Herrington with a lapel pin. Dr. Herrington briefly addressed the Board.

Dr. Bush welcomed her daughter and grandchild to the meeting.

BOARD MINUTES

July 19, 2001

Page 2

APPROVAL OF CERTIFICATION OF MISSISSIPPI LICENSES TO OTHER ENTITIES FOR THE PERIOD APRIL 1, 2001, TO JUNE 30, 2001

One hundred ninety (190) licenses were certified to other entities for the period April 1, 2001, to June 30, 2001. Motion was made by Dr. Crawford, seconded by Dr. Johnston, and carried unanimously to approve these certifications.

APPROVAL OF LICENSES ISSUED FOR THE PERIOD APRIL 1, 2001, TO JUNE 30, 2001

One hundred thirty-six (136) licenses were issued for the period April 1, 2001, to June 30, 2001. 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 APRIL 11, 2001, AND MINUTES OF THE BOARD MEETING DATED APRIL 12, 2001

Minutes of the Executive Committee Meeting dated April 11, 2001, and Minutes of the Board Meeting dated April 12, 2001, 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 MAY 16, 2001

Minutes of the Executive Committee Meeting dated May 16, 2001, were reviewed. Dr. Bowen moved for approval of the minutes as submitted. Dr. Henderson seconded the motion, and it carried unanimously.

DR. SMITH JOINED THE MEETING AT 9:20 A.M.

PRESENTATION BY VISITORS FROM THE FEDERATION OF STATE MEDICAL BOARDS

Dr. Bush welcomed Tim R. Knettlar, Assistant Vice President, Member Support Services, and Cheryl E. Winchell, M.D., Board of Directors, Federation of State Medical Boards. Mr. Knettlar made an informative presentation on the services of the Federation, and he and Dr. Winchell answered questions from Board members and the staff.

BOARD MINUTES

July 19, 2001

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REPORT OF JULY 18, 2001, EXECUTIVE COMMITTEE MEETING

Dr. Burnett reviewed action taken by the Executive Committee on July 18. Jeffrey Scott Davidson, M.D., Mobile, applicant, will be asked to appear for a Show Cause Hearing if he wishes to continue with his application. A Consent Order executed by Mtanius A. Sultani, M.D., Clarksdale, was accepted. All restrictions on the license of Crawford Hal Cleveland, M.D., Gulfport, were removed. Robert W. King, Jr., M.D., Mandeville, LA, was released by the Executive Committee from the requirement of having a contract with the Louisiana Physicians' Health Network. The request of Tim Weisbord, M.D., Fulton, to supervise a nurse practitioner from any distance via cell phone when backup coverage is unavailable was denied. Several other informational items were presented to the Board.

The Executive Committee wanted the full Board to consider the request of Roger B. Vogelfanger, M.D., Memphis, to supervise a nurse practitioner in Batesville, a distance of 67.4 miles. It was the consensus of the Board to deny this request.

DR. JACKSON JOINED THE MEETING AT 10:30 A.M.

REPORTS FROM AD HOC COMMITTEES

Alternative Medicine - There was no new information to report.

Educational Development - Dr. Burnett reported on the anticipated manpower shortage in the Radiology Department at the University of Mississippi Medical Center, which has been referred to the Educational Development Committee. The Committee recommends that this issue be studied very closely before a decision is made.

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

Office Based Surgery - Comments received from different physicians regarding the Office Based Surgery regulations were reviewed, and the proposed changes to the regulations were discussed. It was unanimously agreed that no one would be "grandfathered in" with this regulation and that these regulations would apply immediately after September 1, 2001, to all physicians practicing office based surgery.

BOARD MINUTES

July 19, 2001

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Legislative - Fingerprinting is being considered as a requirement for licensure, which would require legislation. This will be on the agenda for the next Board meeting.

Nurse Practitioner and Expanded Role - Dr. Burnett reported that Mississippi State Medical Association and Mississippi Nurses' Association had met regarding nurse practitioners having controlled substances prescribing privileges. Dr. Burnett stated that the Board needed to decide at their next meeting if they were going to take an independent position concerning this matter.

A chart and information on physicians supervising nurse practitioners were distributed to the Board members for their review.

Dr. Bowen presented a scenario on nurse practitioners in his local nursing home. He takes care of his own patients, signs the nurse practitioner's protocol for those, and also has to sign as a back-up physician to the nurse practitioners taking care of others in the nursing home. It was recommended that these concerns be taken to the Nurse Practitioners Joint Committee.

FINAL ADOPTION OF OFFICE BASED SURGERY REGULATIONS

Motion was made by Dr. Johnston, seconded by Dr. Henderson, and carried unanimously to final adopt the regulations with the recommended changes, which are highlighted. A copy of the regulation is attached hereto and incorporated by reference. These regulations will be effective September 1, 2001. This will be filed with the Secretary of State under the Administrative Procedures Act.

OTHER BUSINESS

Copies of the proposed budget were distributed and reviewed by Pam Davis, Fiscal Officer, and Dr. Burnett. Both answered questions from Board members. Motion was made by Dr. Johnston, seconded by Dr. Bowen, and carried unanimously to approve the budget, a copy of which is attached hereto and incorporated by reference.

Copies of a list of physicians who have not renewed were distributed to the Board for their review. Motion was made by Dr. Johnston, seconded by Dr. Bowen, and carried unanimously to report the list to the Attorney General's Office and other entities. A copy of the list is attached hereto and incorporated by reference.

BOARD MINUTES

July 19, 2001

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THE BOARD RECESSED AT 11:20 A.M. AND RECONVENED AT 11:30 A.M.

APPROVAL OF CONSENT ORDER EXECUTED BY FREEMAN THOMAS BENNETT, M.D., JACKSON, MISSISSIPPI MEDICAL LICENSE NUMBER 14442

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

Mr. Ingram reviewed the Consent Order executed by Dr. Bennett, who has suffered several relapses. Gary D. Carr, M.D., Medical Director, Mississippi Recovering Physicians Program, reported on Dr. Bennett's current treatment.

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

A verbatim account of this proceeding was recorded by Melissa Magee, CSR/RPR.

PERSONAL APPEARANCE BY ROBERT BAYER, M.D., MCCOMB, APPLICANT FOR A PERMANENT LICENSE, MISSISSIPPI VOLUNTEER LICENSE NUMBER V-004

Dr. Burnett advised that the Executive Committee at Thursday's meeting had made the decision to allow Dr. Bayer to get a permanent license in the state and that he would not be appearing before the full Board.

PERSONAL APPEARANCE BY WALTER CARL MOSES, JR., M.D., GREENWOOD, TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE NUMBER 08394

Dr. Moses was present but not represented by legal counsel. Dr. Harper recused himself.

Mr. Moses was sworn in and presented a chronological summary of Dr. Moses' background and history leading to the disciplinary action taken on his medical license. Mr. Ingram entered exhibits and briefly explained them. He stated that it was two months before the time would be completed on Dr. Moses' Consent Order.

Dr. Moses addressed the Board and answered questions from Board members. Dr. Carr addressed the Board on behalf of Dr. Moses.

BOARD MINUTES

July 19, 2001

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Motion was made by Dr. Smith, seconded by Dr. Jackson, and carried unanimously to remove all restrictions effective September 9, 2001. The Order of the Board is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Melissa Magee, CSR/RPR.

PERSONAL APPEARANCE BY VERNON WEBB DOSTER, M.D., PASCAGOULA, TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE NUMBER 08184

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

Mr. Moses was sworn in and presented a chronological summary of Dr. Doster's background and history leading to the disciplinary action taken on his medical license. Mr. Ingram entered exhibits and briefly explained them.

Dr. Doster addressed the Board 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. Jackson, the Board went into Executive Session.

Upon motion by Dr. Henderson, seconded by Dr. Bowen, and carried unanimously, the Board came out of Executive Session at which time Dr. Bush announced to remove all restrictions. Dr. Doster was warned that his practice would be closely monitored. The Order of the Board is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Melissa Magee, CSR/RPR.

HEARING IN THE CASE OF BILLY NEWMAN WATKINS, M.D., TERRY, MISSISSIPPI MEDICAL LICENSE NUMBER 04912

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

Mr. Ingram advised that he had talked with Dr. Watkins the prior evening and that Dr. Watkins did not plan to appear for the hearing. Mr. Ingram further stated

BOARD MINUTES

July 19, 2001

Page 7

that Dr. Watkins was willing to voluntarily surrender his medical license. Motion was made by Dr. Johnston, seconded by Dr. Bowen, and carried unanimously to accept a surrender of his license, which will be a reportable action. This document will be prepared and presented to Dr. Watkins.

THE MEETING RECESSED FOR LUNCH AT 12:05 P.M. AND RECONVENED AT 1:05 P.M. DR. SMITH DID NOT REJOIN THE MEETING.

PRESENTATION OF PHYSICIAN VERIFICATION PROGRAM

Mrs. Freeman presented a proposed physician verification program and answered questions from Board members. Motion was made by Dr. Johnston, seconded by Dr. Bowen, and carried unanimously to allow the use of this program.

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

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

Mr. Ingram entered a number of exhibits and explained each of them. Mr. Moses was sworn in and presented a chronological summary of Dr. Stanback's background and history leading to the disciplinary action taken on his medical license.

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

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

Upon motion by Dr. Johnston, seconded by Dr. Bowen, and carried unanimously, the Board came out of Executive Session at which time Dr. Bush announced to remove all restrictions, subject to a non-disciplinary letter agreement that Dr. Stanback will not use his DEA privileges. The Order of the Board is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Melissa Magee, CSR/RPR.

BOARD MINUTES

July 19, 2001

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DR. SMITH JOINED THE MEETING AT 2:10 P.M.

**HEARING IN THE CASE OF DANIEL KIHONG KIM, M.D., NORCROSS, GEORGIA,
APPLICANT**

Dr. Kim was present but not represented by legal counsel. Ms. Wagner questioned Dr. Kim regarding legal representation, and Dr. Kim stated he wished to waive his right to an attorney and proceed without legal counsel.

Mr. Ingram explained the charges as outlined in the Order to Show Cause and Affidavit, which resulted from action taken by the State of Georgia, and entered a number of exhibits, summarizing them. Dr. Burnett advised that he had met earlier with Dr. Kim and that Dr. Kim does not plan to do any type of office based surgery.

Dr. Kim addressed the Board, entered a composite exhibit of correspondence, recommendations, etc., and answered questions from the 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. Smith, seconded by Dr. Jackson, the Board went into Executive Session.

Upon motion by Dr. Johnston, seconded by Dr. Bowen, and carried unanimously, the Board came out of Executive Session at which time Dr. Bush announced to issue a license with Dr. Kim executing a Consent Order, placing certain restrictions on his license. Dr. Kim may return in one year, subject to release from restrictions placed on his license by the State of Georgia. The Consent Order is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Melissa Magee, CSR/RPR.

**PERSONAL APPEARANCE BY JERRY ROSS ADKINS, M.D., BILOXI, MISSISSIPPI
MEDICAL LICENSE NUMBER 04305**

Dr. Adkins was present but not represented by legal counsel. Dr. Adkins executed a written agreement for this meeting, a copy of which is attached hereto and incorporated by reference.

BOARD MINUTES

July 19, 2001

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Mr. Ingram reviewed Dr. Adkins' background and summarized a Consent Order executed by Dr. Adkins. Dr. Adkins and Dr. Carr addressed the Board and answered questions from Board members.

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

A verbatim account of this proceeding was recorded by Melissa Magee, CSR/RPR.

THE BOARD RECESSED AT 2:50 P.M. AND RECONVENED AT 3:00 P.M.

PERSONAL APPEARANCE BY WILLIAM GLENN BENNETT, M.D., STARKVILLE, MISSISSIPPI MEDICAL LICENSE NUMBER 10677

Dr. Bennett had requested an informal meeting with the Board to discuss his Recovery Contract Agreement with the Mississippi Recovering Physicians Program. Also present was his attorney, Sheldon G. Alston, Esq., Jackson.

Mr. Alston reviewed item by item the changes Dr. Bennett wanted made to the Recovery Contract Agreement, and each item was thoroughly discussed. Some of the Board members voiced concern over the Board having to work out details of the agreement since it was a MRPP contract.

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

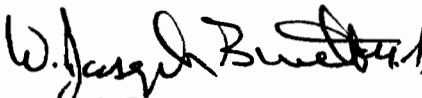
Upon returning, Dr. Bush advised that the Board had discussed the proceedings of a physician's Recovery Contract Agreement and wants to make sure that Dr. Bennett understands that the Board's concern is not only for the physicians but also that the Board has a contract for support of physicians through MIPC and wants to support them since the Board is looking to them to monitor physicians. In that respect, a contract will be presented which incorporates the items the two attorneys have agreed upon. Mr. Ingram and Mr. Alston will work on the contract, which must be approved by MIPC and the Board's Director, Dr. Burnett. Dr. Bush stated the members would not review the contract and that the Board's effort was to remain objective.

BOARD MINUTES
July 19, 2001
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ADJOURNMENT

The meeting was adjourned at 4:05 p.m. with the next meeting scheduled for Thursday, September 20, 2001.

Respectfully submitted,



W. Joseph Burnett, M.D.
Director

Minutes taken and transcribed
by Kathy Fortenberry
Administrative Assistant
July 19, 2001

**EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
JULY 19, 2001**


AGENDA ITEM XVII

**PERSONAL APPEARANCE BY VERNON WEBB DOSTER, M.D., PASCAGOULA,
TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE
NUMBER 08184**

Motion made by Dr. Smith, seconded by Dr. Johnston, and carried to remove all restrictions.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Frank W. Bowen, M.D.	X			
Freda M. Bush, M.D.	X			
Dewitt G. Crawford, M.D.	X			
William B. Harper, D.O.	X			
William H. Henderson, 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. Henderson, seconded by Dr. Bowen, the Board came out of Executive Session.


Freda M. Bush, M.D.
President

**EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
JULY 19, 2001**

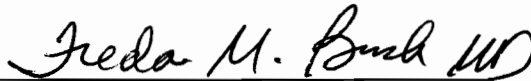
AGENDA ITEM XIX

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

Motion made by Dr. Johnston, seconded by Dr. Jackson, and carried to remove all restrictions, subject to a non-disciplinary letter agreement that Dr. Stanback will not use his DEA privileges.

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


Freda M. Bush, M.D.
President

**EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
JULY 19, 2001**


AGENDA ITEM XX

**HEARING IN THE CASE OF DANIEL KIHONG KIM, M.D., NORCROSS, GEORGIA,
APPLICANT**

Motion made by Dr. Johnston, seconded by Dr. Bowen, and carried to issue a license with Dr. Kim executing a Consent Order, placing certain restrictions on his license. Dr. Kim may return in one year, subject to release from restrictions placed on his license by the State of Georgia.

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


Freda M. Bush, M.D.
President

RESOLUTION

WHEREAS, Joe Dennis Herrington, M. D., Church Hill, Mississippi, faithfully and conscientiously served the Mississippi State Board of Medical Licensure as a member; and

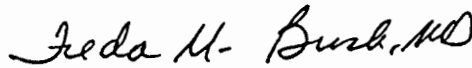
WHEREAS, Dr. Herrington discharged his duties with firmness, dignity and compassion, always in keeping with the intent of the Medical Practice Act and Rules and Regulations of this Board, and thereby working to the great benefit of the Board and citizens of the State of Mississippi; and

WHEREAS, during his years of service Dr. Herrington 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;

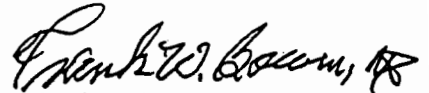
THEREFORE, BE IT RESOLVED, that the Mississippi State Board of Medical Licensure, on behalf of the Board and the people of the State of Mississippi, by means of this resolution, expresses to Dr. Herrington its gratitude and appreciation for his services during the years he devoted to the Board and the 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. Herrington expressing to him the highest esteem of the Board.

DATED, this the nineteenth day of July, 2001.



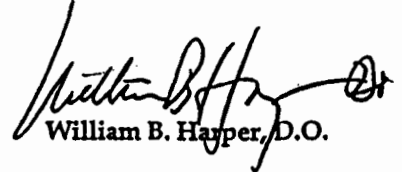
Freda M. Bush, M.D., President



Frank W. Bowen, M.D.




Robert R. Smith, M.D., Vice President



William B. Hayper, D.O.

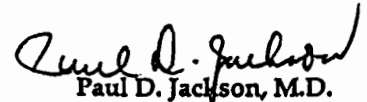


Dewitt G. Crawford, M.D., Secretary

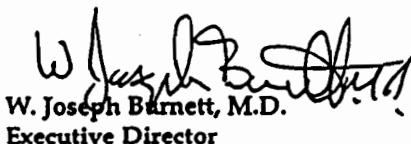


William H. Henderson, M.D.

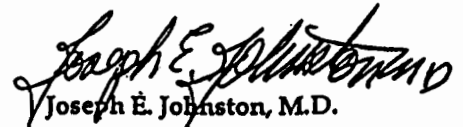
ATTEST:



Paul D. Jackson, M.D.



W. Joseph Barnett, M.D.
Executive Director



Joseph E. Johnston, M.D.

COPY

ADMINISTRATIVE PROCEDURES FILING NOTICE

Agency Board of Medical Licensure Person to Contact Rhonda Freeman
Address 1867 Crane Ridge Drive Suite 200B Address _____
Jackson, MS 39216
Phone (601) 987-3079 Transmittal Date _____

Copy Attached: Yes No _____

Name or Number of Rule(s) _____

Terms or Substance of the Actions or Description of the Subject and Issues:

See attached.

Printed Name and Title of Person Authorized to File Rules: Rhonda Freeman Division Director II

Name Rhonda Freeman Title _____
Signature _____

EMERGENCY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
<input type="checkbox"/> Original Filing <input type="checkbox"/> Renewal of Effectiveness To Be In Effect _____ Days Effective Date: <input type="checkbox"/> Immediately on <input type="checkbox"/> Other (Specify): _____	Action Proposed: <input type="checkbox"/> New Rule(s) <input type="checkbox"/> Amendment to Existing Rule(s) <input type="checkbox"/> Repeal of Existing Rule(s) <input type="checkbox"/> Adoption by Reference Proposed Date of Adoption: <input type="checkbox"/> 30 Days after Filing <input type="checkbox"/> Other (Specify): _____	Action Taken: <input type="checkbox"/> Adopted with No Changes in Text <input checked="" type="checkbox"/> Adopted with Changes <input type="checkbox"/> Adopted by Reference <input type="checkbox"/> Withdrawn Date Action Taken <u>July 19, 2001</u> Effective Date <input type="checkbox"/> 30 Days After Filing <input checked="" type="checkbox"/> Other (Specify): <u>September 1, 2001</u>

DO NOT WRITE BELOW THIS LINE

OFFICIAL FILING STAMP	OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
		FILED JUL 31 2001 MISSISSIPPI SECRETARY OF STATE
Accepted for filing by _____	Accepted for filing by _____	Accepted for filing by <u>S. J. Fields</u>

XXIV. OFFICE BASED SURGERY REGULATIONS

A. SCOPE

This regulation sets forth the policies of the Mississippi State Board of Medical Licensure regarding office based surgery rendered by individuals licensed to practice medicine, osteopathic medicine and podiatric medicine in the State of Mississippi.

B. DEFINITIONS

1. For the purpose of Article XXIV only, the following terms have the meanings indicated:
 - a. "Surgery" is defined as any operative procedure, including the use of lasers, performed upon the body of a living human being for the purposes of preserving health, diagnosing or curing disease, repairing injury, correcting deformity or defects, prolonging life, relieving suffering or any elective procedure for aesthetic, reconstructive or cosmetic purposes, to include, but not be limited to: incision or curettage of tissue or an organ; suture or other repair of tissue or organ, including a closed as well as an open reduction of a fracture; extraction of tissue including premature extraction of the products of conception from the uterus; insertion of natural or artificial implants; or an endoscopic procedure with use of local, ~~or general anesthetic, or intravenous sedation.~~
 - b. "Surgeon" is defined as a licensed physician performing any procedure included within the definition of surgery.
 - c. Implicit within the use of the term of "equipment" is the requirement that the specific item named must meet current performance standards.
 - d. "Office surgery" is defined as surgery which is performed outside a hospital, an ambulatory surgical center, abortion clinic, or other medical facility licensed by the Mississippi State Department of Health or a successor agency. Physicians performing office based surgery must register with the Mississippi State Board of Medical Licensure.
 - e. ~~"Adverse incidents" means, but not limited to, prolonged recovery, complications, or death. "Adverse incident" is recognized as a potentially harmful or life-threatening episode~~

related to either the anesthetic or the surgery. Adverse incidents in the immediate peri-operative period that must be reported are those which are life-threatening, or require special treatment, or require hospitalization, including, but not limited to the following: (1) serious cardiopulmonary or anesthetic events; (2) major anesthetic or surgical complications; (3) temporary or permanent disability; (4) coma; or (5) death.

C. GENERAL REQUIREMENTS FOR OFFICE SURGERY

1. For all surgical procedures, the level of sterilization shall meet current OSHA requirements.
2. The surgeon must maintain complete records of each surgical procedure, including anesthesia records, when applicable and the records shall contain written informed consent from the patient reflecting the patient's knowledge of identified risks, consent to the procedure, type of anesthesia and anesthesia provider, and that a choice of anesthesia provider exists, i.e., anesthesiologist, another appropriately trained physician as provided in this regulation, or certified registered nurse anesthetist.
3. The surgeon must maintain a log of all Level II and Level III surgical procedures performed, which must include a confidential patient identifier, the type of procedure, the type of anesthesia used, the duration of the procedure, the type of post-operative care, and any adverse incidents. The log and all surgical records shall be provided to investigators of the Mississippi State Board of Medical Licensure upon request.
4. In any liposuction procedure, the surgeon is responsible for determining the appropriate amount of supernatant fat to be removed from a particular patient. A maximum of 4000 cc supernatant fat may be removed by liposuction in the office setting. Using the tumescent method of liposuction, it is strongly recommended that a reasonable amount of fat should be removed in the office setting, i.e., a range of 4000cc to 5000cc of supernatant fat is a 70 Kg patient with a BMI (body mass index) of less than 30. This range should be adjusted downward in thin patients (less than 25 BMI) and upward in obese patients (over 30 BMI). Morbidly obese patients should preferably be done in the hospital setting. A maximum of 50mg/kg of Lidocaine can be injected for tumescent liposuction in the office setting.

5. A policy and procedure manual must be maintained in the office and updated annually. The policy and procedure manual must contain the following: duties and responsibilities of all personnel, cleaning and infection control, and emergency procedures. This shall not apply to offices that limit surgery to Level I procedures.
6. The surgeon shall report to the Mississippi State Board of Medical Licensure any adverse incidents that occur within the office based surgical setting. This report shall be made within 15 days after the occurrence of an incident. Report shall include outpatient operative records and anesthesia records.
7. A sign must be prominently posted in the office which states that the office is a doctor's office regulated pursuant to the rules and regulations of the Mississippi State Board of Medical Licensure. This notice must also appear prominently within the required patient informed consent.
8. It is strongly recommended that the American Society of Anesthesiologists' *Guidelines for Office-Based Anesthesia* be utilized for Level III procedures.

D. LEVEL I OFFICE SURGERY

1. **Scope.** Level I office surgery includes, but not limited to, the following:
 - a. Minor procedures such as excision of skin lesions, moles, warts, cysts, lipomas, LEEP, laser cone of cervix, laser/cautery ablation of warts or other lesions, and repair of lacerations or surgery limited to the skin and subcutaneous tissue performed under topical or local anesthesia not involving drug-induced alteration of consciousness. ~~other than minimal pre-operative tranquilization of the patient.~~
 - b. Incision and drainage of superficial abscesses, limited endoscopies such as proctoscopies, flexible sigmoidoscopies, hysteroscopies, skin biopsies, arthrocentesis, paracentesis, dilation of urethra, cysto-scopic procedures, and closed reduction of simple fractures or small joint dislocations (i.e., finger and toe joints).

- c. Pre-operative medications not required or used other than minimal pre-operative tranquilization of the patient; anesthesia is local, topical, or none. No drug-induced alteration of consciousness other than minimal pre-operative tranquilization of the patient is permitted in Level I Office Surgery.
- d. Chances of complication requiring hospitalization are remote.

2. **Standards for Level I Office Surgery**

- a. **Training Required.** Surgeon's continuing medical education should include: proper dosages; management of toxicity or hypersensitivity to regional anesthetic, drugs. Basic Life Support Certification is recommended but not required.
- b. **Equipment and Supplies Required.** Oxygen, positive pressure ventilation device, Epinephrine (or other vasopressor), Corticoids, Antihistamine and Atropine, if any anesthesia is used.
- c. **Assistance of Other Personnel Required.** No other assistance is required, unless the specific surgical procedure being performed requires an assistant.

E. **LEVEL II OFFICE SURGERY**

1. **Scope**

- a. Level II Office Surgery is that in which peri-operative medication and sedation are used orally, intravenously, intramuscularly, or rectally, thus making intra and post-operative monitoring necessary. Such procedures shall include, but not be limited to: hernia repair, hemorrhoidectomy, reduction of simple fractures, large joint dislocations, breast biopsies, dilatation and curettage, thoracentesis, and colonoscopy.
- b. Level II Office surgery includes any surgery in which the patient is placed in a state which allows the patient to tolerate unpleasant procedures while maintaining adequate cardiorespiratory function and the ability to respond purposefully to verbal command and/or tactile stimulation. Patients whose only response is reflex withdrawal from a

painful stimulus are sedated to a greater degree than encompassed by this definition.

- c. Any procedures that may yield an excessive loss of blood should be covered under Level II.
2. **Transfer Agreement Required.** The surgeon must have a written transfer agreement from a licensed hospital within reasonable proximity if the surgeon does not have staff privileges to perform the same procedure as that being performed in the office based surgical setting at a licensed hospital within reasonable proximity.
3. **Level of Anesthetic.** Local or peripheral major nerve block, including Bier Block, plus intravenous or intramuscular sedation, but with preservation of vital reflexes.
4. **Training Required.** The surgeon must be credentialed by a group of his peers at the local hospital and must have privileges at that hospital to perform the same procedure as that being performed in the office based surgical setting or must be able to document satisfactory completion of surgical training such as Board certification or Board eligibility by a Board approved by the American Board of Medical Specialties or American Board of Osteopathic Specialties. The surgeon and one attending assistant must be certified in Basic Life Support. It is recommended that the surgeon and at least one assistant be certified in Advanced Cardiac Life Support or have a qualified anesthetic provider, practicing within the scope of the provider's license, manage the anesthetic.
5. **Equipment and Supplies Required**
 - a. **Full and current crash cart at the location the anesthetizing is being carried out.** The crash cart must include, at a minimum, the following resuscitative medications; or other resuscitative medication subsequently marketed and available after initial adoption of this regulation, provided said medication has the same FDA approved indications and usage as the medications specified below:
 - (1) adrenalin (epinephrine) Abboject 1mg-1:10,000; 10ml
 - (2) adrenalin (epinephrine) ampules 1mg-1:1000; 1ml
 - (3) atropine Abboject 0.1mg/ml; 5ml
 - (4) benadryl (diphenhydramine) syringe 50mg/ml; 1ml

- (5) calcium chloride Abboject 10%; 100mg/ml; 10ml
- (6) dextrose Abboject 50%; 25g/50ml
- (7) dilantin (phenytoin) syringe 250mg/5ml
- (8) dopamine 400mg/250ml pre-mixed
- (9) heparin 10,000 units/ml; 1 ml vial
- (10) inderal (propranolol) 1mg/ml; 1 ml ampule
- (11) isuprel (isoproterenol) 1mg/5ml; 1:5000 ampule
- (12) lanoxin (digoxin) 0.5 mg/2ml ampule
- (13) lasix (furosemide) 40 mg/4ml vial
- (14) lidocaine Abboject 2%; 100mg/5ml
- (15) lidocaine 2 grams/500ml pre-mixed
- (16) magnesium sulfate 50%; 20ml vial (1g/2ml)
- (17) narcan (naloxone) 0.4mg/ml; 1ml ampule
- (18) pronestyl (procainamide) 100mg/ml; 10ml vial
- (19) sodium bicarbonate Abboject 50mEq/50ml
- (20) solu-medrol (methylprednisolone) 125mg/2ml vial
- (21) verapamil syringe 5mg/2ml
- (22) romazicon 5ml or 10 ml (0.1mg/ml)

- b. Suction devices, endotracheal tubes, laryngoscopes, etc.
- c. Positive pressure ventilation device (e.g., Ambu) plus oxygen supply.
- d. Double tourniquet for the Bier Block procedure.
- e. Monitors for blood pressure/EKG/Oxygen saturation and portable approved defibrillator.
- f. Emergency intubation equipment.
- g. Adequate operating room lighting.
- h. Emergency power source able to produce adequate power to run required equipment for a minimum of two (2) hours, which would require generator on site.
- i. Appropriate sterilization equipment.
- j. IV solution and IV equipment.

6. **Assistance of Other Personnel Required.** The surgeon must be ~~ACLS certified and may be~~ assisted by a qualified anesthesia provider

as follows: an anesthesiologist; or certified registered nurse anesthetist. ~~or a registered nurse may be utilized to assist with the anesthesia, if the surgeon is AGLS certified.~~ A registered nurse may only administer analgesic doses of anesthetic agents under the direct order of a physician. An assisting anesthesia provider cannot function in any other capacity during the procedure. If additional assistance is required by the specific procedure or patient circumstances, such assistance must be provided by a physician, registered nurse, licensed practical nurse, or operating room technician. A licensed physician, a licensed registered nurse with post-anesthesia care unit experience or the equivalent, credentialed in Advanced Cardiac Life Support or, in the case of pediatric patients, Pediatric Advanced Life Support, must be available to monitor the patient in the recovery room until the patient is recovered from anesthesia. Surgeon must have a written agreement with a qualified support physician with hospital privileges to cope with any problems that may arise if the surgeon performing the procedure does not have such privileges.

F. LEVEL III OFFICE SURGERY

1. Scope

- a. Level III Office Surgery is that surgery which involves, or reasonably should require, the use of a general anesthesia or major conduction anesthesia and pre-operative sedation. This includes the use of:
 - (1) Intravenous sedation beyond that defined for Level II office surgery;
 - (2) General Anesthesia: loss of consciousness and loss of vital reflexes with probable requirement of external support of pulmonary or cardiac functions; or
 - (3) Major Conduction anesthesia.
- b. Only patients classified under the American Society of Anesthesiologist's (ASA) risk classification criteria as Class I, II, or III are appropriate candidates for Level III office surgery. For ASA Class III patients, the surgeon must document in the patient's record the justification and precautions that make the office an appropriate forum for the particular procedure to be performed.

- c. Level III Office Surgery would include liposuction. ~~involving the removal of less than 4000 cc supernatant fat.~~ Using the tumescent method of liposuction, it is strongly recommended that a reasonable amount of fat should be removed in the office setting, i.e., a range of 4000cc to 5000cc of supernatant fat is a 70 Kg patient with a BMI (body mass index) of less than 30. This range should be adjusted downward in thin patients (less than 25 BMI) and upward in obese patients (over 30 BMI). Morbidly obese patients should preferably be done in the hospital setting.
2. **Hospital Staff Privileges Required.** The surgeon must be credentialed by a group of his peers at a licensed hospital within reasonable proximity and must have privileges at that hospital to perform the same procedure as that being performed in the office based surgical setting.
3. **Level of Anesthetic**
 - a. General Anesthetic: loss of consciousness and loss of vital reflexes with probable requirement of external support of pulmonary or cardiac functions.
 - b. Major Conduction: epidural, spinal, caudal.
4. **Training Required**
 - a. Surgeon must have documentation of training to perform the particular surgical procedures and must have knowledge of the principles of general anesthesia.
 - b. The surgeon and at least one attending assistant must be certified in Basic Life Support. It is recommended that the surgeon and at least one assistant be certified in Advanced Cardiac Life Support.
 - c. Emergency procedures related to serious anesthesia complications should be formulated, periodically reviewed, practiced, updated, and posted in a conspicuous location.
5. **Equipment and Supplies Required**

- a. Equipment, medication, including at least 12 ampules of dantrolene on site (in cases involving general inhalation or general endotracheal anesthesia), and monitored post-anesthesia recovery must be available in the office.
 - b. The office, in terms of general preparation, equipment, and supplies, must be comparable to a free standing ambulatory surgical center, including, but not limited to, recovery capability, and must have provisions for proper record keeping.
 - c. Blood pressure monitoring equipment; EKG; end tidal CO2 monitor; pulse oximeter, precordial or esophageal stethoscope, emergency intubation equipment and a temperature monitoring device.
 - d. Table capable of trendelenburg and other positions necessary to facilitate the surgical procedure.
 - e. IV solutions and IV equipment.
 - f. All equipment and supplies listed under Level II (E-5).
6. **Assistance of Other Personnel Required.** An anesthesiologist or certified registered nurse anesthetist must administer the general or regional anesthesia and a physician, registered nurse, licensed practical nurse, or operating room technician must assist with the surgery. The anesthesia provider cannot function in any other capacity during the procedure. A licensed physician or a licensed registered nurse with post-anesthesia care unit experience or the equivalent, and credentialed in Advanced Cardiac Life Support, or in the case of pediatric patients, Pediatric Advanced Life Support, must be available to monitor the patient in the recovery room until the patient has recovered from anesthesia.

G. EFFECTIVE DATE OF REGULATION

The above rules and regulations pertaining to Office Based Surgery shall become effective September 1, 2001.

Mississippi State Board of Medical Licensure 1867 Crane Ridge Drive, Suite 200 B, Jackson, MS 39216

W. Joseph Burnett, M.D.

AGENCY	ADDRESS			CHIEF EXECUTIVE OFFICER	
	(1) Actual Expenses FY Ending June 30, 2001	(2) Estimate Expenses FY Ending June 30, 2002	(3) Requested for FY Ending June 30, 2003	(4) Requested Increase (+) or Decrease (-) FY 2003 vs. FY 2002 (Col. 3 vs. Col. 2)	
				AMOUNT	PERCENT
I. A. PERSONAL SERVICES					
1. Salaries, Wages & Fringe Benefits (Base)	756,514	800,234	897,409		
a. Additional Compensation			14,457		
b. Proposed Vacancy Rate (Dollar Amount)					
c. Per Diem	2,320	6,960	6,960		
Total Salaries, Wages & Fringe Benefits	758,834	807,194	918,826	111,632	13.83%
2. Travel					
a. Travel & Subsistence (In-State)	10,384	22,875	27,500	4,625	20.22%
b. Travel & Subsistence (Out-of-State)	6,533	14,625	17,500	2,875	19.66%
c. Travel & Subsistence (Out-of-Country)					
Total Travel	16,917	37,500	45,000	7,500	20.00%
B. CONTRACTUAL SERVICES (Schedule B):					
a. Tuition, Rewards & Awards	5,391	8,200	10,700	2,500	30.49%
b. Communications, Transportation & Utilities	28,589	35,600	40,600	5,000	14.04%
c. Public Information		200	200		
d. Rents	141,116	155,744	174,472	18,728	12.02%
e. Repairs & Service	3,388	7,000	7,300	300	4.29%
f. Fees, Professional & Other Services	274,322	360,353	190,208	(170,145)	(47.22%
g. Other Contractual Services	11,656	18,000	20,200	2,200	12.22%
h. Data Processing	59,875	102,412	121,000	18,588	18.15%
i. Other	87	300	300		
Total Contractual Services	524,424	687,809	564,980	(122,829)	(17.86%
C. COMMODITIES (Schedule C):					
a. Maintenance & Construction Materials & Supplies					
b. Printing & Office Supplies & Materials	29,305	32,300	39,500	7,200	22.29%
c. Equipment, Repair Parts, Supplies & Accessories	6,541	7,800	10,300	2,500	32.05%
d. Professional & Scientific Supplies & Materials	32	450		(450)	(100.00%
e. Other Supplies & Materials	13,553	7,100	10,175	3,075	43.31%
Total Commodities	49,431	47,650	59,975	12,325	25.87%
D. CAPITAL OUTLAY:					
1. Total Other Than Equipment (Schedule D-1)					
2. Equipment (Schedule D-2):					
a. Automobiles, SUV, Vans, Trucks & Other Vehicles	19,892		20,000	20,000	
b. Road Machinery, Farm & Other Working Equipment					
c. Office Machines, Furniture, Fixtures & Equipment	5,767		2,500	2,500	
d. IS Equipment (Data Processing & Telecommunications)	35,842	5,000	3,000	(2,000)	(40.00%
e. Equipment - Lease Purchase					
f. Other Equipment					
Total Equipment	61,501	5,000	25,500	20,500	410.00%
E. SUBSIDIES, LOANS & GRANTS (Schedule E):					
I. Total Subsidies, Loans & Grants		100	200,100	200,000	** *** **
TOTAL EXPENDITURES	1,411,107	1,585,253	1,814,381	229,128	14.45%
II. BUDGET TO BE FUNDED AS FOLLOWS:					
Cash Balance-Unencumbered	2,263,852	2,454,170	2,285,404	(168,766)	(6.88%
General Fund Appropriation (Enter General Fund Lapse Below)					
Federal Funds					
Special Funds	1,601,425	1,416,487	1,569,360	152,873	10.79%
Other Funds (Specify)					
Less: Estimated Cash Available Next Fiscal Period	(2,454,170)	(2,285,404)	(2,040,383)	(245,021)	(10.72%
TOTAL (same as total of A through E above)	1,411,107	1,585,253	1,814,381	229,128	14.45%
GENERAL FUND LAPSE					
III. PERSONNEL DATA					
Number of Positions Authorized in Appropriation Bill	20	20	21	1	5.00%
a.) Full Perm					
b.) Full T-L					
c.) Part Perm.					
d.) Part T-L					
Average Annual Vacancy Rate (Percentage)	6.50				
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: August 1, 2001

MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
MISSISSIPPI PHYSICIANS - LICENSE EXPIRATION 06/30/2001
CURRENT MISSISSIPPI PHYSICIANS
PRINTED: 7/13/2001

License	Issued	Reinstated	Disciplinary Name	Address	City	State	Zip
16284	04/05/1999		NO	ABDEL-AZIZ, AHMED SAAD, MD	DEPT OF ANESTHESIOLOGY UMC 2500 N STATE ST	JACKSON	MS 39216
15729	02/09/1998		NO	AFIFI, ALAA YOUSSEF, MD	SCHENECTADY CARDIOTHORACIC SURGEONS 1201 NOTT ST STE 203	SCHENECTADY	NY 12308
16084	09/28/1998		NO	AHMAD, IMTIAZ, MD	DEPT OF PULMONARY MEDICINE UMC 2500 N STATE ST	JACKSON	MS 39216
14880	07/01/1996		NO	ALAPATI, SATYAPRASAD V, MD	GASTROENTEROLOGY CONSULTANTS, S. C. 545 VALLEY VIEW DR	MOUNE	IL 61265
17089	02/12/2001		NO	ALEXANDER, STEVEN MARSDEN, MD	METHODIST HOSPITAL 1285 UNION AVE	MEMPHIS	TN 38104
15378	07/07/1997		NO	ALLEMAN, ANTHONY MICHAEL, MD	EAR NOSE AND THROAT CLINIC 3510 PEMBERTON BLVD	VICKSBURG	MS 39180
16324	05/17/1999		NO	AMACKER, LARRY BROWN, MD	UNITED HEALTH CARE OF LOUISIANA 3838 CAUSEY BLVD, STE 2100	METAIRIE	LA 70002
14053	08/01/1994		NO	AMRA, NASIR KHALID, MD	ROOM D-205 PATHOLOGY SVCS DIV DHAHRAN HEALTH CTR DHAHRAN 31311	SAUDI ARABIA	
14399	06/20/1995		NO	ANDERSON, WALTER OCAMPO, MD	1215 COFFEE CUP RD	CHUNKY	MS 39323
14763	04/01/1996	9/1/2000	NO	ANTWINE, HAROLD MELVILLE, III, MD	THE JACKSON CLINIC 616 W FOREST AVE	JACKSON	TN 38301
05764	06/11/1969		NO	AQUINO, ANDRES DAVID, MD	1300 GENERAL CAVAZOS BLVD	KINGSVILLE	TX 78363
15308	05/19/1997		NO	ARENO, JOHN PAUL, IV, MD	HATTIESBURG CLINIC 415 S 28TH AVE	HATTIESBURG	MS 39401
14745	03/18/1996		NO	ARMSTRONG, DEANNA LOUISE, MD	270 S LEGGETT DR	ABILENE	TX 79605
06149	06/11/1971		NO	ARRANTS, CHARLES DREW, MD	2065 N 134TH AVE	GOODYEAR	AZ 85338
12755	03/05/1991	8/18/2000	NO	ARTHUR, BASIL CUTHBERT, MD	COMMUNITY HOSPITAL P. O. BOX 767 PORT OF SPAIN	TRINIDAD	
06378	06/07/1972	7/18/1997	NO	BAILEY, JAMES WESLEY, MD	7326 OAK RUN DR	GERMANTOWN	TN 38138
14501	07/31/1995		NO	BALLARD, MARK C, MD	2929 5TH ST STE 210	RAPID CITY	SD 57701
15712	01/12/1998		NO	BANKS, RICHARD WILLIAM, DO	GILMORE ORTHOPAEDIC CLINIC GILMORE MEMORIAL HOSPITAL 1107 EARL FRYE BLVD STE 4	AMORY	MS 38821
07404	09/18/1975		NO	BARLOW, CARL WAYNE, MD	EMERGENCY DEPT DALE MEDICAL CENTER 100 HOSPITAL AVE	OZARK	AL 36390
14775	04/15/1996	8/28/2000	NO	BARNES, JAMES ROBERT, MD	4301 W MARKHAM SLOT 520-1	LITTLE ROCK	AR 72205
15247	03/26/1997		NO	BARNETT, MARTIN KIRK, MD	THE WEST CLINIC 55 PHYSICIANS #200	SOUTHAVEN	MS 38671
12086	07/01/1989	9/15/2000	NO	BARTON, JOHN VERNON, MD	215 MARION ST EM SERVICES	MCCOMB	MS 39648
12816	07/01/1991		NO	BAXTER, MALCOM EVERETT, MD	395 WALLACE RD STE 101 BLDG B	NASHVILLE	TN 37211
15088	10/21/1996		NO	BEAMAN, RODERICK THOMAS, DO	47 MORGAN AVE. UNIT 99	JOHNSTON	RI 02919
16784	06/05/2000		NO	BEHAR, PHILOMENA MUFALLI, MD	791 ESTATE PLACE	MEMPHIS	TN 38120
16309	05/10/1999		NO	BELL, WALTER CHARLES, MD	UNIVERSITY OF AL HOSPITAL 701 20TH ST S	BIRMINGHAM	AL 35294
15038	09/03/1996		NO	BENGE, JIM PATRICK, MD	100 HOSPITAL ST STE 100	BOONEVILLE	MS 38829
13083	02/03/1992		NO	BENJAMIN, REGINA MARCIA, MD	318 PATRICIAN DR	SPANISH FORT	AL 36527
03449	06/21/1994		NO	BERRY, DONALD RAY, MD	622 GOODYEAR BLVD P O BOX 938	PICAYUNE	MS 39466
11894	06/27/1988		NO	BILKA, TASSILO JOSEPH, MD	8020 NAVION LANE	PEYTON	CO 80831
15399	07/14/1997		NO	BISHARA, LISA ANN, MD	COSTAL ANESTHESIA SERVICE P A 4224 CENTRAL ST	GULFPORT	MS 39502-1828
16106	10/28/1998		NO	BISHARA, TAREK MAKRAM, MD	KEESLER MEDICAL CENTER 81 MDT/SGQC 301 FISHER ST	KEESLER AFB	MS 39534-2519
14741	03/11/1998		NO	BLOSE, PATRICIA DENCARNACAO, MD	GREENBRIER LAKES 7432 OVERLOOK DR	SOUTHAVEN	MS 38671-3841
02488	08/18/1946		YES	BLOUNT, JASPER MONROE, JR, MD	RT 4 BOX 425-C	PHILADELPHIA	MS 39350
10531	06/20/1984		NO	BOBO, PHILLIP KELLEY, MD	EMERGI-CARE PC 32 15TH ST	TUSCALOOSA	AL 35401
09819	06/15/1973		NO	BOWICK, LOUIS ALBERT, JR, MD	8303 WHITESBURG WAY #208	HUNTSVILLE	AL 35802
12908	07/17/1990		NO	BRADSHAW, RONALD WILLIAM, MD	300 E 5TH ST	LONG BEACH	MS 39960
05596	06/21/1988		NO	BRANCH, RUDOLPH ELROY, JR, MD	5789 BELTUNE RD #720	DALLAS	TX 75240
02499	06/19/1946		NO	BRALEY, FORREST GROVES, MD	2519 MCDOWELL RD	JACKSON	MS 39204
06704	08/07/1979		NO	BREWER, MARTHA JOHNSTON, MD	4228 HOLMA BLVD STE #400	METAIRIE	LA 70006
12958	06/19/1991		NO	BRITTON, LEON CHARLES, MD	DEPT OF EMERGENCY CROUSE HOSPITAL 736 IRVING AVE	SYRACUSE	NY 13210
04736	06/20/1962		NO	BROOKS, BROWN, JR, MD	6377 KIRBY OAKS DR.	MEMPHIS	TN 38119
04647	06/20/1962		NO	BROWN, RUFUS MILTON, MD	7215 PLANTATION CIRCLE	GERMANTOWN	TN 38138
15882	11/10/1997		NO	BROWNSTEIN, RICHARD EARL, MD	100 MCAULEY DR	GERMANTOWN	MS 39181-0590
05418	06/07/1967		NO	BRUMFIELD, JAMES DOUGLAS, MD	LAB HEALDSBURG GEN HOSP 1375 UNIVERSITY ST	HEALDSBURG	CA 95448
16010	08/03/1998		NO	BRUNO, CARLOS ALBERTO, MD	1909 E PASS RD B-1	GULFPORT	MS 39507

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License	Issued	Reinstated	Disciplinary	Name	Address	City	State	Zip
80154	12/14/1998		NO	BRYAN, EMMA LILLIAN, DPM	2429 W COMMERCE ST STE A	OCEAN SPRINGS	MS	39564
05789	09/11/1969		NO	BUCHANAN, BENJAMIN HAL, JR, MD	4381 S EASON STE 102 BOX 1506	TUPELO	MS	38802
13078	02/24/1992		NO	BURKE, LARRY DALE, MD	20 S DUDLEY, STE 601B	MEMPHIS	TN	38103
09053	07/24/1980		YES	BURNETT, ROBERT JAMES, III, DO	213 LAKEVIEW	SOMERVILLE	TN	38068
16312	05/10/1999		NO	BYCK, DANN CONRAD, III, MD	MS SPORTS MEDICINE 1325 E FORTIFICATION ST.	JACKSON	MS	39202
10619	11/22/1999	12/16/1999	NO	CABIGAO, EDUARDO, MD	FAMILY MEDICINE PARTNERS 491 W POPLAR	COLLIERVILLE	TN	38017
11703	07/01/1988		NO	CADY, JAMES DONALD, JR, MD	1800 12TH ST	MERIDIAN	MS	39301
15344	09/18/1997		NO	CALFEE, MICHAEL DAVID, MD	CAMPBELL FOUNDATION ATTN BABRARA JOYNER 910 MADISON AVE STE 500	MEMPHIS	TN	38103
05420	09/07/1967		NO	CALVERT, WILLIAM ERNEST, MD	300 MARION AVE.	MCCOMB	MS	39648
16710	03/27/2000		NO	CAMERON, ALAN BART, MD	5012 4TH AVE	KENOSHA	WI	53140
10978	04/18/1986		NO	CAMPBELL, EDWARD M, IV, MD	10545 LAKE FOREST BLVD	NEW ORLEANS	LA	70127
04489	09/21/1961		YES	CANNON, CHARLES NEIL, MD	1003 HOLLAND AVE	PHILADELPHIA	MS	39350
09091	08/04/1980	10/9/1997	NO	CANTRELL, JOHN EARL, MD	UT MEDICAL GROUP RADIATION ONCOLOGY 877 JEFFERSON AVE. STE. FB016	MEMPHIS	TN	38103
03553	12/09/1954		NO	CARROLL, HAIRSTON REED, MD	1303 RIVER RD	GREENWOOD	MS	38930
14969	08/01/1996		NO	CARTER, JOEY FRANKLIN, MD	DEPT OF ORTHOPAEDICS UMC 2500 N STATE ST	JACKSON	MS	39216
12429	04/16/1990		NO	CASINI, MICHAEL PETER, MD	20 S DUDLEY STE 601B	MEMPHIS	TN	38103
16187	01/11/1999		NO	CHANDLER, BERRY MARSHALL, MD	1400 E UNION ST	GREENVILLE	MS	38704
15638	10/13/1997		NO	CHAUDHARY, KUNAL, MD	951 COURT AVE., 649D	MEMPHIS	TN	38163
15130	11/18/1996		NO	CHAWLA, CHANDAR DAS, MD	COASTAL FAMILY CENTER HEALTH CENTER 683 DIVISION ST.	BILOXI	MS	39530
14143	10/03/1994		NO	CHEN, CHANG WEN, MD	CONCORD FAMILY PRACTICE 10517 KINGSTON PIKE #C	KNOXVILLE	TN	37922
15134	11/25/1996		NO	CHEN, DIANE LIANGING, MD	96 BROADWAY #107	BOSTON	MA	02116
09425	08/09/1961		NO	CHILDERS, JAMES, MD	312 MAGNOJIA LANE	PASS CHRISTIAN	AL	39571
05995	08/21/1988		NO	CHITTON, PARK THETFORD, MD	SELMA DOCTORS CLINIC 509 PARKMAN AVE	SELMA	AL	36701
13746	01/18/1994	7/14/1997	NO	CHRISTENSEN, ALAN LLOYD, MD	WP AFB MEDICAL CENTER/S GOG 4881 SUGAR MAPLE DR	WRIGHT-PATTERSON AFB	OH	45433-5529
09522	02/12/1982		NO	CLARK, JAMES IRVING, MD	NATCHEZ REGIONAL MEDICAL CENTER DEPT PATHOLOGY P O BOX 1488	NATCHEZ	MS	39121
11928	11/07/1988	8/15/2000	NO	CLARKE, DIANE, MD	703 E MARSHALL STE 1001	LONGVIEW	TX	75601
04953	08/20/1982	9/25/2000	NO	CLINGAN, ROBERT CHARLES, MD	1202 MISSION PARK DR	VICKSBURG	MS	39180
11819	07/01/1988		NO	COCHRANE, LEONARD JAMES, JR, MD	GVILLE HOSP SYS-INT MED 701 GROVE ROAD	GREENVILLE	SC	29605
09953	07/01/1983		NO	COCKRELL, WAYNE POE, JR, MD	201 COX ST	MOBILE	AL	36604
06709	08/09/1973		NO	COGGIN, ROBERT LOUIS, MD	4154 CARMICHAL RD	MONTGOMERY	AL	36106
18123	11/02/1998		NO	COLE, CRIS WAYNE, MD	CHILDREN'S CLINIC 4903 MACPHELAH RD.	PASCAGOULA	MS	39581
06827	09/15/1973		NO	COLLIER, RICHARD EARLE, JR, MD	100 MEDICAL CENTER BLVD #200	CONROE	TX	77304
15957	08/06/1998		NO	COLLINS, KIMBERLY A, MD	LAKELAND REGIONAL MEDICAL CENTER EMERGENCY DEPT 1324 LAKELAND HILLS BLVD	LAKELAND	FL	33805
04801	09/19/1963		NO	COLLINS, REX WILSON, MD	13 TALLAHOMA W DR	LAUREL	MS	39440
04655	08/20/1962		NO	COOK, JAMES HARMON, JR, MD	7400 N KENDALL DR STE 207	MIAMI	FL	33156
05348	09/15/1966		NO	CORBAN, MAGRUDER SULLIVAN, MD	4502 W RAILROAD P O BOX 4206	GULFPORT	MS	39501
04804	06/19/1963	9/21/2000	NO	CORNELIUS, LELAND RAEBURN, MD	7655 POPLAR AVE STE 130	GERMANTOWN	TN	38138
11179	09/20/1986	9/11/2000	NO	COX, DIETHRA DIANE, MD	METRO HEALTH CLEMENT CTR 2500 E 79TH ST	CLEVELAND	OH	44104
03578	08/27/1955	5/9/2000	NO	COX, WILLIAM LUTHER, JR, MD	%JUNE COX 2975 MAVERICK ST.	LAS VEGAS	NV	89106
10530	08/30/1999		NO	CREWS, JAMES HOLT, MD	DEPT OF OB/GYN UMC 2500 N STATE ST	JACKSON	MS	39216
10482	07/01/1984		NO	CRIDER, JOHN PAUL, MD	DECATUR CO CLINIC 1100 PRICE ST	PARSONS	TN	38363
03873	09/26/1957		NO	CRISP, GEORGE BLACKMER, JR, MD	800 8TH AVE STE 432	FORT WORTH	TX	76104
80045	09/01/1975		NO	CROOK, RONALD RAY, DPM	316 W SHIELDS AVE	FRESNO	CA	93705
14877	12/16/1995		NO	CROSSON, CHARLES MACK, MD	5700 J ST	SACRAMENTO	CA	95819
10058	09/28/1983		NO	CRUZ, EDUARDO V, MD	STAGE CENTRE 6600 STAGE RD STE 129	BARTLET	TN	38134
10629	11/29/1999		NO	CUMMINS, MICHELLE MARIE, MD	1300 N. VIRGINIA ST., STE. 112	PORT LAVACA	TX	77979-2512
15700	12/29/1997		NO	CURCIO, LIŠA DIANE, MD	KEESLER MEDICAL CENTER MSGS/SGCS 301 FISHER ST	KEESLER AFB	MS	39534
15876	09/16/1998		NO	CURRY, GEORGE A, II, MD	OU HSC RADIOLOGICAL SCIENCES 1220 NEVERETT UH-RINP 606	OKLAHOMA CITY	OK	73104
09912	09/02/1963		NO	D'AUGUSTINE, ALAN ALPHONSE, DO	1006 BISHOP	GROSSE POINTE	MI	48230
18997	03/06/2000		NO	DABAGE-FORZOLI, NEMER, MD	1032 W LEGION RD	BRAWLEY	CA	92227
14031	07/16/1994	9/27/2000	NO	DAOUD, BASEEM TAHER, MD	P O BOX 2157 AMMAN 11821	JORDAN		

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License	Issued	Reinstated	Disciplinary Name	Address	City	State	Zip
16893	08/07/2000		NO	DAS, MIHIR KUMAR, MD	413 LEE AVENUE	CRYSTAL SPRINGS	MS 39059
15508	08/18/1997		NO	DATER, SUZANNE ONDINE, MD	UMC DEPT OF INTERNAL MEDICINE 2500 N STATE ST	JACKSON	MS 39216
05976	08/12/1970		YES	DAVIS, JAMES HARVEY, JR., MD	MONTGOMERY COUNTY CORONER'S OFC 361 WEST THIRD ST	DAYTON	OH 45402
17005	11/27/2000		NO	DEERING, THOMAS ANTHONY, MD	UNIVERSITY OF TENNESSEE DEPT OF PATHOLOGY 899 MADISON AVENUE	MEMPHIS	TN 38163
05598	06/21/1988		NO	DELGADO, ARMANDO F, MD	10823 OVERBROOK	HOUSTON	TX 77042
18191	01/11/1999		NO	DELGADO, WILLIAM ALBERT, MD	VITREORETINAL FOUNDATION 825 RIDGE LAKE BLVD STE 310	MEMPHIS	TN 38120
17066	01/22/2001		NO	DESAI, PARUL SATISH, MD	VITREORETINAL FOUNDATION 825 RIDGE LAKE BLVD	MEMPHIS	TN 38120
13341	09/28/1992		NO	DEWAN, SUMAN, MD	15825 PROFESSIONAL PLAZA	HAMMOND	LA 70403
16363	08/14/1999		NO	DICKERSON, OMAR BRUCE, MD	HDI 74 SCOTT SWAMP ROAD	FARMINGTON	CT 06032-2880
18519	09/30/1999		NO	DIEFENDERFER, KATHLYN LEWIS, MD	DEPT OF INTERNAL MEDICINE UMC 2500 N STATE ST	JACKSON	MS 39216
18186	01/11/1999		NO	DJUKIC, SERGE L, MD	DRS SHEER AHEARN & ASSOCIATES 9204 KING PALM DR	TAMPA	FL 33619
15577	09/08/1997		NO	DONATI, DONNA LOUISE, MD	SINGING RIVER RADIOLOGY GROUP PA 2809 DENNY AVE	PASCAGOULA	MS 39475
03051	06/20/1951	3/19/2001	NO	DUCK, ERNEST GERALD, MD	102 SHELBY SPEIGHTS DR	PURVIS	MS 39531
14706	04/08/1998	9/22/1999	NO	DUFFY, DANIEL MICHAEL, MD	81 MDS/SGCG 301 FISHER ST ROOM 1A132	BILOXI	MS 39501
08526	11/27/1978		NO	DUKE, HARRY RONALD, MD	170 AZALEA DR	GADSDEN	AL 35901
12612	07/23/1990		NO	DUNCAN-CODY, BARBARA ALFREDA, MD	1174 POPLAR AVE	MEMPHIS	TN 38105
18178	12/28/1998		NO	EDWARDS, SCOTT GRAHAM, MD	CAMPBELL FOUNDATION ATTN: BARBARA JOYNER 910 MADISON AVE STE 500	MEMPHIS	TN 38103
15734	02/09/1998		NO	EL ZIND, NABILA HASSAN, MD	5 NW HEATHERSTONE DR	LAWTON	OK 73505
13011	10/29/1991		NO	ELLIS, JOHN WILLIAM, III, MD	1770 KIRBY PARKWAY STE 300	MEMPHIS	TN 38138
18542	09/13/1999		NO	ELSTON, JAMES BRANDT, MD	EAST JEFFERSON GENERAL HOSPITAL 4200 HOUMA BLVD	METAIRIE	LA 70006
12741	02/11/1991		NO	EMERSON, PAUL HOWARD, DO	14840 STONEHAM LN.	RIVERVIEW	MI 48192
11824	07/11/1988		NO	ENGLAND, GEORGE D, MD	NEURO SCIENCE ST MARY'S HOSPITAL 260 E JEFFERSON STE 203	GRAND RAPIDS	MI 49503
07302	08/04/1975	10/2/2000	NO	EVANS, JOHN WILLIS, JR., MD	156 GOLDEN BEAR LANE	CLEMMONS	NC 27012
16590	09/20/1999		NO	FALER, LANCE CHRISTOPHER, MD	METHODIST HOSPITAL 1265 UNION AVE	MEMPHIS	TN 38104
12096	05/16/1989		NO	FAULKNER, HENRY WADE, MD	2880 DAUPHIN	MOBILE	AL 36606
10787	07/01/1985		NO	FLOWERS, SETHLE LUCAS, MD	299 HWY 51 STE F1	RIDGELAND	MS 39157
18789	06/05/2000		NO	FLOYD, DOROTHY LUNETTE, MD	1963 MCDOWELL ROAD	JACKSON	MS 39204
14154	10/10/1994		NO	FLYNN, TIMOTHY CORCORAN, MD	1800 15TH ST	GULFPORT	MS 39501
14836	06/10/1996	11/10/2000	NO	FOURNET, TIMOTHY SCOTT, MD	930 MADISON AVE. STE. 890	MEMPHIS	TN 38103
16773	05/22/2000		NO	FUNDERBURK, AMY ELISE, MD	METHODIST HOSPITAL 125 UNION. 1 TOWER MEDICAL EDUCATION	MEMPHIS	TN 38104
15797	04/13/1998		NO	GAL, RICHARD, MD	556 WINDMEADOWS	ALT SPRINGS	FL 32701
11832	07/15/1986		NO	GILFEATHER, BRIAN MICHAEL, MD	FLEET SURGICAL TEAM TWO	FPO	AE 09501-7028
08642	06/22/1979		NO	GILLIES, WILLIAM GEORGE, SR, MD	210 S HIGH ST	GALENA	IL 61036-2114
08638	08/15/1973		NO	GILLIS, WILFRED REGINALD, MD	KENSINGTON, RR#5 PRINCE EDWARD ISLAND P O BOX 685	CANADA, COBIMO	GA 30106
11127	07/08/1986		NO	GLEASON, JOHN RICHARD, MD	2041 MESA VALLEY WAY STE 100	AUSTELL	TN 38104
16379	06/21/1999		NO	GOFF, SHARRON DENISE, MD	METHODIST TEACHING PRACTICE 1325 EASTMORELAND AVE STE 101	MEMPHIS	TN 38104
09120	08/04/1980		NO	GONG, RICHARD JOHN, MD	2455 NE LOOP 410 STE 245	SAN ANTONIO	TX 78217
09280	12/16/1980		NO	GORDON, DANIEL B, MD	PINE KNOLL SHORES PHASE II #55 BOX 95	ATLANTIC BEACH	NC 28512
05436	06/07/1987		NO	GOUDELOCK, JOHN CLIFTON, MD	1400 COUNTY RD 73	MYRTLE	MS 38652
18422	07/19/1999		NO	GRANBERRY, KATHERINE CLEMONS, MD	HUMANA-ADVOCATE HMO 9435 S WESTERN	CHICAGO	IL 60620
18808	11/15/1999		NO	GRANT, KARL WILLIS, DO	4238 ROCK CREEK RD	RANTOUL	KS 66709
01008	12/05/1939		NO	GRAVES, JAMES ALDEN, MD	1470 WILKES AVE	BILOXI	MS 39530
07247	08/12/1975	7/2/1997	NO	GREEN, NEIL EDWARD, MD	1819 LAUREL RIDGE DR	NASHVILLE	TN 37215
14158	10/11/1994		NO	GREENFIELD, ANDREW KENT, MD	6430 RUBIA CIR	APOLLO BEACH	FL 33572
14117	09/16/1994		NO	GREENWALD, CORY STUART, MD	155 EAGLE'S WALK STE F	STOCKBRIDGE	GA 30281
07010	08/06/1974		NO	GREER, HILTON THOMAS, JR., MD	DEPT OF FAMILY MEDICINE E304 UNIV OF WASHINGTON HEALTH SCI BOX 356390	SEATTLE	WA 98195-6390
05891	06/12/1970		NO	GRIFFIN, JERRY C, MD	1 MIRAFLORES LANE	TIBURON	CA 94920
80141	09/08/1997		NO	GROVES, MACK JAY, IV, DPM	4906 HIGHWAY 22 #4	MANDEVILLE	LA 70471
80070	03/01/1984		NO	GUERIN, GERARD GEORGE, DPM	FOOT CARE & SURGICAL CENTER 1616 S COLUMBIA ST	BOGALUSA	LA 70427
15709	01/05/1998		NO	GUNAWARDENE, ISHAN AJANTHA, MD	AMERICAN MEDICAL CLINIC 3305 US HWAY 19	HOLIDAY	FL 34691
03199	06/25/1952		NO	GUNN, CLYDE HUBERT, JR., MD	4225 ROBINSON AVE	MOSS POINT	MS 39563
12742	02/19/1991		NO	GUNTER, KELLY PARKS, MD	5000 WEST 4TH ST	HATTIESBURG	MS 39402

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11589	09/14/1987	7/7/1997	NO	GUOTH, PAMELA RENATA H, MD	113 OLD TRAM RD	MOULTRIE	GA	31768
12782	05/09/1991		NO	GUYTON, DOUGLAS CHARLES, MD	1005 TERMINALWAY STE 165	RENO	NV	89502
16345	05/23/1999		NO	HAIDER, SYED NOMAN, MD	402 MORVEN ROAD	WADESBORO	NC	28170
13822	05/23/1994		NO	HAIRSTON, RICHARD JOSEPH, MD	1145 19TH ST NW STE 500	WASHINGTON	DC	20036
12292	08/30/1989	6/26/2001	NO	HALLIBURTON, CHARLES RAY, JR., MD	MEDICAL ASSOCIATES 7777 HENNESSY BLVD STE 1000	BATON ROUGE	LA	70808-4300
06918	08/20/1974		NO	HARMON, EDWIN PAUL, MD	CHILDRENS HOSP OF NO 200 HENRY CLAY	NEW ORLEANS	LA	70118
12388	02/09/1990		NO	HARROLD, JAMES SAMMUEL, JR., MD	800 HILLCREST RD BLDG 6	MOBILE	AL	36695
15178	01/13/1997		NO	HARVEY, SUSAN SELIKOFF, MD	CYTOLOGY & PATHOLOGY SERVICES PC 1974 CHANDALAR DR STE D	PELHAM	AL	35124
09814	11/12/1982		NO	HASEK, JOSEPH, MD	WEBSTER GENERAL HOSPITAL 500 HWY 9 S	EUPORA	MS	39744
05824	08/07/1987	7/17/1997	NO	HAWKINS, HARRY LEE, JR., MD	3615 DORCHESTER	HORN LAKE	MS	38673
12778	04/22/1991		NO	HAWLEY, WILLIAM DWIGHT, MD	1135 E LAKESHORE DR	CARRIERE	MS	39426
03901	08/28/1957		NO	HAYS, JAMES MARTIN, MD	508 ROLLING CREEK RD	KNOXVILLE	TN	37922-1518
06562	12/07/1972		NO	HEIDISCH, RITA CLARE, MD	320 HWY 98E STE 501	DESTIN	FL	32541
14847	06/17/1998		NO	HENDERSON, MURDOC MICHAEL, MD	804 N. WILEY DOCTORS BLDG	DONALSONVILLE	GA	31745
07898	08/09/1978	11/3/1997	NO	HENDRIX, MAECENAS BENTON, III, MD	2300 MANCHESTER EXPWY BLDG G	COLUMBUS	GA	31904
10773	07/01/1985		NO	HENSON, KENNETH DARYL, MD	HEART SPECIALISTS OF SARASOTA 1852 HILLVIEW ST. STE. 308	SARASOTA	FL	34239
12457	09/05/1990		NO	HERDEN, MARY JEAN, MD	CHIEF. PEDIATRICS NAVAL HOSPITAL 100 BREWSTER BLVD	CAMP LE JEUNE	NC	28546
05738	12/21/1988	7/14/1997	NO	HICKERSON, OTRIE BERTRELLE, MD	1134 WINTER STREET	JACKSON	MS	39204
13135	08/09/1992		NO	HILTON, JACK GRANT, MD	202 WEST JACKSON STREET	CARBONDALE	IL	62901
15400	07/14/1997		NO	HITTON, WILLIAM JACK, MD	1000 MEMORIAL DR	DENISON	TX	75021
15562	09/15/1997		NO	HOAGLAND, GUY DUNCAN, MD	SOUTHERN CARE 1110 N CHALKVILLE RD STE 136	TRUSSVILLE	AL	35173-1063
03291	12/01/1952	7/18/1997	NO	HOGAN, MARY ELIZABETH, MD	3470 JANET ST	PEARL	MS	39208
04989	08/17/1984		NO	HOLLINGSHEAD, CHARLES AARON, MD	EAST RIVER MEDICAL CLINIC 1030 N FLOWOOD DR	JACKSON	MS	39271
80099	12/01/1990		NO	HOROWITZ, BRIAN D, DPM	1689 STATELINE RD	SOUTHAVEN	MS	38671
00918	08/24/1938		NO	HOUSE, NATHANIEL COLLINS, MD	417 COLLEGE ST	BATESVILLE	MS	38926
80029	08/01/1987		NO	HUFF, LOWERY HOLMES, DPM	500 O EAST WOODROW WILSON	JACKSON	MS	39216
15323	08/02/1997		NO	HUGHES, WILLIAM STEVEN, MD	TUPELO AESTHETIC & RECONSTRUCTIVE SURGERY PLLC 1040 B SO MADISON ST	TUPELO	MS	38801
11886	08/29/1988		NO	HULL, JAMES LEE, MD	8475 SO VAN NESS AVE STE 101	INGLEWOOD	CA	90305
07128	12/12/1974		NO	HUNTER, CARRIE PEARL, MD	15328 FALCONBRIDGE TERRACE	NORTH POTOMAC	MD	20878
06567	12/07/1972		NO	HUNTER, STEPHEN CORNELIUS, MD	THE HUGHSTON CLINIC PC 8262 HAMILTON RD PO BOX 9517	COLUMBUS	GA	31908-9517
14554	08/28/1995		NO	IMAM, JAVED, MD	291 JAMES PAYTON BLVD	SYLACAUGA	AL	35150
02247	12/15/1932	9/13/1999	NO	INMON, WANZA BYRON, MD	380 GUM SPRINGS RD	BRAXTON	MS	39044
18920	08/21/2000		NO	IQBAL, ZEBA, MD	959 LAKE HARBOUR DRIVE APT 610	RIDGELAND	MS	39157
18059	09/10/1996		NO	ISAACSON, FREDERICK MICHAEL, MD	VIRTRAL RADIOLOGY PC 28 WHITE BRIDGE RD STE 209	NASHVILLE	TN	37205
16319	05/17/1999	8/29/2000	NO	ISOM, JOHNSON MILTON, MD	BAPTIST MEMORIAL HOSPITAL-DESOTO 7601 SOUTHCREST PARKWAY	SOUTHAVEN	MS	38671
10289	07/01/1984		NO	JOHNSON, JACK LEEGON, JR., MD	2404 S STEMMONS FWY STE B	LEWISVILLE	TX	75067
15320	08/02/1997		NO	JOHNSON, MARTIN LEWIS, MD	103 WASHINGTON ST	DYESS AFB	TX	79807
03907	08/28/1957		NO	JOHNSON, WARREN WOODROW, MD	P O BOX 219 1122 TIMBERIDGE	TERRY	MS	39170
15719	01/28/1996		NO	JONES, CONIGLIARO, MD	SE MS RURAL HEALTH INITIATIVE 66 OLD AIRPORT RD	HATTIESBURG	MS	39403
18520	08/30/1999		NO	JONES, SUSAN ELIZABETH, MD	DEPT OF INTERNAL MEDICINE UMC 2500 N STATE ST	GILBERT	MS	39216
14256	02/13/1995	2/22/2001	NO	JOST, CHARLES MAURICE TULLIO, MD	ADVANCE CARDIAC SPECIALIST 201 W. GUADALUPE, STE. 209	BICCA RATON	FL	33433
80158	02/22/1999		NO	KAHN, DOUGLAS HOWARD, DPM	8628 THORNHILL COURT	TAMPA	FL	33635
13878	09/21/1994		NO	KANDAWALLA, NARIOSANG MINOCHER, MD	11210 MOONVALLEY WAY	SLIDELL	LA	70461
17007	11/27/2000		NO	KAPLAN, DAVID BARUCH, MD	NORTHSHORE REGIONAL MED. CENTER 100 MEDICAL CENTER DRIVE	BAKERSFIELD	CA	93306
05634	09/21/1988	7/7/1997	NO	KARUNAKAR, ARSR, MD	4701 CHRISTMAS TREE LANE	BATON ROUGE	LA	70808
18129	11/09/1998		NO	KASARLA, MARENDAR REDDY, MD	7777 HENNESSY BLVD STE 6001	PHOENIX	AZ	85020
14350	05/22/1995		NO	KALFMANN, SILVIA, MD	909 E. BRILL ST.	FLORENCE	AL	35230
14443	07/01/1995		NO	KEITH, STEPHEN DANIEL, MD	OBSTETRICS & GYNECOLOGY ASSOCIATE OF NORTHWEST ALABAMA 2407 HELTON DR	SLIDELL	LA	70221
16285	04/19/1999		NO	KHAN, ABDUL MATEEN, MD	1051 GAUSE BLVD STE 260	NEW ORLEANS	LA	70121
14507	07/27/1995		NO	KHAN, SAAD M, MD	OCHSNER CLINIC 1516 JEFFERSON HWY	BRENTWOOD	TN	37027
09484	10/01/1981		NO	KIRCHBERG, ROY WILLIAM, JR., MD	5301 VIRGINIA WAY STE 320 THREE MARYLAND FARMS STE 350			

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15182	01/13/1997		NO	KLEIN, JEFFREY ALLEN, MD	DIVISION OF EMERGENCY MEDICINE NORTHWESTERN UNIV MEDICAL SCHOOL 216 E SUPERIOR ST 1ST FLOOR	CHICAGO	IL 60611-2914
12733	02/04/1991		NO	KOCHANSKI, SANDRA CARTER, MD	WOMEN'S HEALTH ALLIANCE PC 300 20TH AVE N 4TH FLOOR	NASHVILLE	TN 37203
14433	08/28/1995	1/26/2001	NO	KRUGLIK, GERALD DAVID, MD	401 N. RAINBOW DR.	HOLLYWOOD	FL 33021
14130	09/19/1994		NO	KUM-NJI, PHILIP, MD	2245 NORTH STATE ST P O BOX 1447	CLARKSDALE	MS 38514
05803	09/11/1989	7/7/1997	NO	KUMARI, SURESH, MD	4701 CHRISTMAS TREE LANE	BAKERSFIELD	CA 93306
15882	08/22/1998		NO	LADDEN, DAVID ALAN, MD	CARDIOVASCULAR CARE CENTER 3811 W. GORE SUITE 7	LAWTON	OK 73505
80182	09/13/1999		NO	LAFFERTY, DENNIS CRAIG, DPM	106 STRANGE ROAD	STARKVILLE	MS 39759
03075	08/20/1991		NO	LAIRD, KERMIT DENVER, MD	103 DOCTORS PARK	STARKVILLE	MS 39759
15086	09/23/1996	11/7/2000	NO	LAKHANPAL, SURESH KUMAR, MD	1427 EBERHART AVE	COLUMBUS	GA 31906
14807	10/02/1995	6/29/2001	NO	LARMON, JANET ELAINE, MD	REGIONAL OBSTETRICAL CONSULTANTS 979 E THIRD ST STE C-825	CHATTANOOGA	TN 37403
10880	09/18/1985		NO	LAUTNER, LLOYD WENZEL, MD	13841 FAIRWAY DRIVE	OCEAN SPRINGS	MS 39564
05459	08/07/1987		NO	LAWS, ALBERT HENLEY, MD	2475 5TH ST N	COLUMBUS	MS 39701
13761	02/22/1994		NO	LAWSON, WAYNE KIVAN, MD	521 OAKHILL CIRCLE	STONE MOUNTAIN	GA 30083
15235	03/17/1997		NO	LEARY, JOHN BERNARD, SR, MD	DESERT MED CNTR RADIOLOGY GROUP 1150 R INDIAN CANAYAN DR	PALM SPRINGS	CA 92263
14933	07/22/1996		NO	LEMLEK, JOSEPH EDWARD, DO	CARDIOVASCULAR MEDICINE STONEBROOK PLAZA 1531 W 32ND STREET STE 208	JOPLIN	MO 64804
16526	08/30/1999		NO	LEVY, VICTOR YORK, MD	DEPT OF PEDIATRICS UMC 2500 N STATE ST	JACKSON	MS 39216
05563	12/14/1987		NO	LEWIS, FREDRIC AUSTIN, MD	22 PIN OAK LANE	HAMMOND	LA 70401
16874	07/24/2000		NO	LIMBAUGH, JUDY COMBS, MD	NORTHSHORE PATHOLOGY ST. TAMMY PARISH HOSPITAL	COVINGTON	LA 70433
08574	02/01/1979	7/11/1997	NO	LIN, JOSEPH CHUNGHAN, MD	5 E 22ND ST #8M	NEW YORK	NY 10010
16931	08/28/2000		NO	LINCOLN, JOEL ALAN, MD	BETH ISRAEL MEDICAL CENTER 1ST AVENUE AND 16TH STREET	NEW YORK	NY 10003
14198	12/05/1994		NO	LINDSAY, ROBERT LYNN, MD	VISTA RADIOLOGY P C 2001 LAUREL AVE STE 304	KNOXVILLE	TN 37865
05045	08/17/1984		NO	LITTLE, ROBERT ASHFORD, MD	THE CTR FOR EYE CARE GULFCOAST MEDICAL PLAZA 1808 DEBUYS RD STE 225	BILOXI	MS 39535
12358	12/11/1989		NO	LITTLEWOOD, STEVEN CAMPBELL, MD	2101 ROBIN AVE STE 15	HAMMOND	LA 70403
16474	08/09/1999		NO	LOCHALA, RODDY SMART, DO	AHEC FAMILY MEDICAL CLINIC 460 W OAK	EL DORADO	AR 71730
08906	11/21/1979		NO	LOSKOVITZ, LEWIS IRWIN, MD	2018 GERMANTOWN RD S	GERMANTOWN	TN 38138
14794	04/24/1996		NO	LUCAS, MICHAEL JAMES, MD	KALISPELL REGIONAL MEDICAL CENTER 310 SUNNYVIEW LANE	KALISPELL	MT 59901
18550	09/13/1999		NO	LUMSDEN, BOYD CHRISTOPHER, MD	UNIV OF SOUTH ALABAMA DEPT OF ORTHOPAEDIC SURGERY 2451 FILLINGIM ST	MOBILE	AL 36617
04387	08/22/1980		NO	MACHLER, THEODORE JOHN, JR, MD	6740 CROSSWINDS DR N STE B	ST PETERSBERG	FL 33710
08019	08/08/1977		NO	MANGAOANG, MANUEL ORDONA, MD	6170 PARKSIDE AVE	SAN DIEGO	CA 92139
09986	07/01/1983		NO	MANGUM, CHARLES SPURGEON, MD	3129 PRYANIA ST	NEW ORLEANS	LA 70115
13543	07/01/1993		NO	MARCELLUS, JOHN ELIAS, MD	4888 LOOP CENTRAL DR #510	HOUSTON	TX 77081
14039	07/25/1994		NO	MARCUSON, PATRICIA LYNN, MD	BILOXI INTERNAL MEDICINE CLINIC 808 HOWARD AVE STE A	BILOXI	MS 39530
15771	03/16/1998		NO	MARCUSON, SANFORD KENT, MD	BILOXI INTERNAL MEDICINE CLINIC 808 HOWARD AVE	BILOXI	MS 39530
18545	09/13/1999		NO	MARSHALL, PATRICE YVETTE, MD	KAISER PERMANENTE CRESENT CENTRE MEDICAL OFFICE 200 CRESCENT CENTRE PARKWAY	TUCKER	GA 30084
05298	09/15/1986		NO	MARTIN, BENJAMIN FRANKLIN, III, MD	306 HOSPITAL DR	COLUMBUS	MS 39701
16483	08/16/1999		NO	MASKAL, STEVEN LESLIE, MD	110 YAZOO AVE	CLARKSDALE	MS 38614
12521	07/01/1990		NO	MASSEY, SAMUEL OLIVER, III, MD	1 PROFESSIONAL PKWY STE 11	JOHNSON CITY	TN 37604
12948	08/05/1991		NO	MASSINGALE, HAROLD LYNN, MD	1900 WINSTON RD STE 300	KNOXVILLE	TN 37919
13901	07/01/1994		NO	MAUFFRAY, RANDY OWEN, MD	59TH MDW WHMC/MMKT LACKLAND AFB	SAN ANTONIO	TX 78251
08748	08/08/1973		NO	MAULDIN, OLIN BEVERLY, JR, MD	101 W 12TH ST UF PEDS AT A ROBINSON	JACKSONVILLE	FL 32206
15122	11/12/1996		NO	MAY, SCOTT EDMOND, MD	315 TICKLE ST	DYERSBURG	TN 38024
05297	08/15/1986		NO	MAYNOR, ROBERT CLAYTON, JR, MD	MAYNOR EYE CENTER 120 GOVERNORS DR STE 100	HUNTSVILLE	AL 35801
15889	08/15/1998		NO	MCCAIN, JOHN DAVID, MD	2700 CADIZ ST.	NEW ORLEANS	LA 70115
15778	05/22/2000		NO	MCCALL, CHARLES LOUIS, MD	METHODIST HOSPITA-DYERSBURG 400 TICKLE ST	DYERSBURG	TN 38024
08883	11/01/1979		NO	MCCONNELL, ROBERT GAYLORD, MD	43 AVE OF THE OAKS	BEAUMONT	TX 77707
11937	11/15/1988		NO	MCGHEE, BRUCE EDWARD, MD	GASTON MEMORIAL HOSPITAL 2525 COURT DR.	GASTONIA	NC 28053
09990	07/01/1983		NO	MCINTYRE, KRISTI JO, MD	PBH 111 STE 320 8230 WALNUT HILL LANE	DALLAS	TX 75231
14402	08/26/1995		NO	MCINNIE, JAMES JUDE, MD	1430 TULANE AVE SL48	NEW ORLEANS	LA 70112
11083	07/01/1986		NO	MCLEMORE, CURTIS ESTES, MD	9407 WINFIELD PLACE	MONTGOMERY	AL 36114
03219	08/25/1992	8/28/2000	NO	MCMAHON, DONALD, JR, MD	1717 N E ST STE 302	PENSACOLA	FL 32501

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18385	09/14/1999		NO	MCPHERSON, EDGAR LEE, MD	BAPTIST MEMORIAL - DESOTO 7601 SOUTHCREST PKWY	SOUTHAVEN	MS 38671
05067	12/07/1984		NO	MCPHERSON, FRANK TAYLOR, MD	3204 HIGHLAND DR	VICKSBURG	MS 39180
16096	10/05/1996		NO	MCQUILLEN, MICHAEL WAYNE, MD	CAMPBELL FOUNDATION ATTN: BARBARA JOYNER 901 MADISON AVE STE 500	MEMPHIS	TN 38103
10483	06/28/1984		NO	MCQUINTER, WROTEN, JR, MD	7730 GIBRALTAR TERRACE	APPLE VALLEY	GA 31636
16175	12/21/1998		NO	MEREDITH, SHIRLEY JEAN, MD	5632 CYPRESS LAKE TRIAL	LAKE PARK	MA 01915
14909	07/15/1996		NO	MIDDLETON, REBECCA CLAIRE, MD	106 BROUGHTON DR	BEVERLY	TN 38119
07339	08/04/1975		NO	MILNOR, JOHN PERVIS, III, MD	920 ESTATE SUITE 8	HOUSTON	TX 77030
15785	03/30/1998	9/20/2000	NO	MILTENBURG, DARLENE MARGARET, MD	BAYLOR COLLEGE OF MEDICINE 6550 FANNIN STE 1628	WASHINGTON	NC 28802
10111	08/03/1983		NO	MILTON, DAVID T, MD	PO BOX 2959 513 MCDOWELL ST	JACKSON	DC 20010
14057	08/01/1994	8/14/2000	NO	MINNITI, CATERINA PATRIZIA, MD	CHILDREN NATIONAL MEDICAL CENTER 111 MICHIGAN AVE., NW	MEMPHIS	MS 39216
16346	05/25/1999		NO	MOHAMMAD, YOUSEF MOHAMMAD, MD	UMC 2500 NORTH STATE STREET	MEMPHIS	TN 38146
12038	04/03/1989		NO	MOINUDDIN, SHAMIM M, MD	BAPTIST MEM HOSPITAL 899 MADISON	DENVER	CO 80231
14298	03/27/1995		NO	MOORE, MICHAEL KIRK, MD	10320 E JEWELL AVE #61	LEAKESVILLE	MS 39431
05299	09/15/1996		NO	MORENO, ALVARO, MD	1200 JANE DR	MEMPHIS	TN 38119
15760	03/09/1996		NO	MORGAN, KERRY DEAN, MD	5220 PARK AVE STE 210	SEDRO WOOLEY	WA 98284
16563	10/04/1999		NO	MUFF, NICHOLAS SAMUEL, MD	NORTH PUGET ONCOLOGY 1971 HWY 20	ALABASTER	AL 35007
15566	09/08/1997		NO	MULLENS, MARK LEE, MD	1004 1ST ST STE 200	PICAYUNE	MS 39466
15072	09/23/1996		NO	MUNAYIRJI, AZIZ GEORGE, MD	306 SO MAGNOLIA ST	ATLANTA	GA 30310
15154	12/16/1996		NO	MURRAY, DARRRELL LEE, MD	652 QUEEN ST SW	MEMPHIS	TN 38119
14812	10/09/1995	8/14/2000	NO	MURRAY, EVAN WILLIAM, MD	MEMPHIS MEDICAL ASSOCIATES 5220 PARK AVE	MORGANVILLE	NJ 07751
14272	03/06/1995	7/14/1997	NO	MUSHAYANDEBVU, TAONEI I, MD	306 ROCKY TOL ROAD	SPRINGDALE	AR 72764
02822	08/21/1949		NO	MYERS, SHERMAN CLIFFORD, MD	153 SAN JOSE DR	MEMPHIS	TN 38120
16740	05/01/2000		NO	NAVARRO, FELIPE, MD	80 HUMPHREYS CENTER STE 2000	COLUMBUS	GA 31901
15688	12/06/1997		NO	NELSON, HUNTER BEN, JR, MD	COLUMBUS DIAGNOSTIC CENTER 2040 10TH AVENUE	RIDGELAND	MS 39157
06850	12/07/1973		NO	NELSON, NORMAN CROOKS, MD	COST CARE INC 795 WOODLANDS PKWY	BATON ROUGE	LA 70806
13791	04/11/1994		NO	NELSON, SCOTT KIMBERLY, MD	550 CONNELLS PARK LANE	BAY SHORE	NY 11706
18429	07/19/1999		NO	NG, WING KEE, MD	SOUTHSIDE HOSPITAL BRACKETT BLDG., 301 E. MAIN ST	CEDAR RAPIDS	IA 52403
08224	06/11/1971		NO	NICHOLS, BUDDY RAYMOND, MD	3600 HIGH RIDGE DR S E	ATLANTA	GA 30331
12870	07/01/1991		NO	NICHOLS, MICHELLE L, MD	DEPT OF FAMILY MEDICINE MOREHOUSE SCHOOL OF MEDICINE 505 FAIRBURN RD SW STE 100	CLARKSDALE	MS 38614
15902	09/22/1997		NO	NIKAHN, YAGHOUB, MD	785 OHIO AVE. STE 2-G	JACKSON	MS 39216
16530	09/28/2000		NO	OHTOMO, MIKA, MD	EMERGENCY MEDICINE RESIDENCY PROG UMMC 2500 N STATE ST	JACKSON	MS 39216
12596	07/12/1990	8/21/2000	NO	OSMAN, KHIDIR A, MD	UMC DEPT OF CARDIOLOGY 2500 N STATE ST	BIRMINGHAM	AL 35233
06258	07/05/1978		NO	PAINTE, THOMAS DAVID, MD	CARDIAC CATERIZATION - 4TH FLOOR THE KIRKLIN CLINIC-UAB 2000 6TH AVE S	MEMPHIS	TN 38120
11301	03/31/1987		NO	PAINTER, MAX WESLEY, SR, MD	6027 WALNUT GROVE RD STE 312	COLUMBUS	MS 39705
18909	08/14/2000		NO	PALETTA, FRANK, MD	300 HOSPITAL DR	NATCHEZ	MS 39120
80167	08/07/2000		NO	PANEPINTO, RORY PAUL, DPM	957 HWY 61 S	JACKSON	MS 39211
03356	08/22/1953		NO	PARKER, MARION POMEROY, MD	1818 E NORTHSIDE DR	PHILADELPHIA	MS 39350
14464	07/11/1995		NO	PASHA, SABIHA, MD	1056 HOLLAND AVE PO BOX 1035	HOUSTON	TX 77225-0249
14246	01/30/1995		NO	PAZZAGLIA, PEGGY JO, MD	UNIV TX MED SCHOOL HOUSTON HCP3 3C06 2800 S MACGROGE WAY	JACKSON	MS 39216
15238	03/17/1997		NO	PERUMAREDDI, PARVATHI, DO	UMC DEPT OF EMERGENCY MEDICINE 2500 N STATE ST	DAVIS	CA 95616
15335	06/09/1997		NO	PETERSON, ROBERT KAY, MD	2031 ANDERSON RD STE A	ENGLEWOOD	CO 80110
13064	03/09/1992		NO	PHILLIPS, BARBARA LYNNE, MD	701 E HAMPTEN #530	BILOXI	MS 39532-3239
80129	05/13/1996		NO	PIANO, THEODORE JOSEPH, DPM	926 WILDWOOD LANE	LONDON	TN 37774
08951	06/20/1974		NO	PICKETT, JAMES CLARKE, MD	FORT SANDERS LONDON MED. CTR. 1125 GROVE STREET	JAMAICA	NY 11414
18969	10/02/2000		NO	PIEDAD, SAMUEL DEMETRIO AGBAYANI, JR, .	151-32 79TH ST 1ST FLOOR	JACKSON	MS 39216
18015	08/03/1996		NO	PIEL, CHRISTOPHER PAUL, MD	DEPT OF EMERGENCY MEDICINE UMC 2500 N STATE ST	LONG BEACH	MS 39560
05194	06/16/1985		NO	PIERCE, PATRICK LOUIS, MD	5535 GATES AVE	MEMPHIS	TN 38134
06790	08/09/1973		NO	PINSTEIN, MARTIN LEE, MD	5791 SUMMER TREES DR STE #2	BILOXI	MS 39530
13755	02/07/1994		NO	PLOTKA, MARSHALL BRIAN, MD	BILOXI REGIONAL MEDICAL CENTER 150 REYNOIR ST.	GEMANTOWN	TN 38138
13853	08/07/1994		NO	PORTER, JOLIE GARCIA, MD	FOUNDATION MEDICAL GROUP 7690 WOLF RIVER CIRLE		

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16655	01/24/2000		NO	PORTIS, MARY CECELIA, MD	GASTROENTEROLOGY CENTER OF THE MIDSOUTH 1407 UNION AVE STE 1400 P O BOX 1003	MEMPHIS	TN	38014
02127	06/26/1942		NO	POWELL, ALBERT DAVID, SR, MD	3522 GRAND ROCK CIRCLE	COLDWATER	MS	38818
12572	07/01/1990		NO	POWELL, RHONDA HENDERSON, MD	205 NOBLE W	BIRMINGHAM	AL	35223
13469	06/14/1993		YES	PRESCOTT, JAMES CLAUDE, MD	SACRED HEART MEDICAL GROUP BUILDING B STE 121 155 CRYSTAL BEACH DR	THOMASVILLE	AL	36784
11766	07/01/1988		NO	PSIKOGIOS, MICHAEL LEN, MD	394 SINGLETON RIDGE RD P O BOX 1609	DESTIN	FL	32541
11201	09/10/1986		NO	QUILLEN, TIMOTHY JOSEPH, MD	2120 EXETER STE 240	CONWAY	SC	29526
06035	08/08/1977		NO	RAFFEL, BRUCE CORWYN, SR, MD	531 CARYSBROOK COVE	GERMANTOWN	TN	38138
10319	07/01/1984		NO	RALSTON, MICHAEL DEAN, MD	4203 LEE RD	MEMPHIS	TN	38120
06668	06/15/1973		NO	RANKIN, GERALD MINSKY, MD	THE DOCTORS GROUP 8938 MID SOUTH AVENUE	VICKSBURG	MS	39180
16380	06/21/1999		NO	REIMERS, ELIZABETH ELLIS, MD	WOMAN'S CLINIC 1967 HOSPITAL DR	OLIVE BRANCH	MS	38654
13037	12/30/1991		NO	RENAUDIN, WILLIAM S, MD	COLUMBUS MEDICAL CLINI 14MDG	CLARKSDALE	MS	38614
16192	01/11/1999		NO	RENO, RICHARD CHARLES, MD	ALABAMA ORTHOPAEDIC CLINICS 3421 MEDICAL PARK DR	COLUMBUS AFB	MS	39710
19016	08/26/1996		NO	REVELS, TIM SIDNEY, MD	RADIOLOGY GROUP PA 1722 PINE ST STE 203	MOBILE	AL	36693
12740	02/11/1991		NO	RICHARDSON, KENNETH JOE, MD	METHODIST HOSPITAL 1265 UNION AVE	MONTGOMERY	AL	36106
19016	06/26/1996		NO	ROBERTS, KIM CAUDILL, MD	1150 RESERVOIR AVE STE LL3	MEMPHIS	TN	38104
14867	07/01/1996		NO	ROBINS, JERROLD REID, MD	7603 SOUTHCREST PKWY STE 101	CRANSTON	RI	02920
16676	07/24/2000		NO	ROBINSON, JON FREDRICK, MD	ANESTHESIA CONSULTANTS OF OXFORD, PLLC 902 COLLEGE HILL RD	SOUTHAVEN	MS	38671
15751	03/02/1998		NO	ROLLER, KEITH ALAN, MD	401 SOUTHCREST CIRCLE STE 203	OXFORD	MS	38655
16471	06/09/1999		YES	ROOK, MICHAEL JOSEPH, MD	777 WASHINGTON AVE STE 215	SOUTHAVEN	MS	38671
14394	06/19/1995		NO	SALIM, MUBADDA ABDO, MD	1264 WESLEY DR., STE 502	MEMPHIS	TN	38105
17002	11/20/2000		NO	SANDHU, PREETINDER SINGH, MD	1395 RIVERSIDE CIRCLE	WELLINGTON	TN	38116
06836	08/22/1979	7/10/1997	NO	SCANTLEBURY, THOMAS HERBERT, MD	305 MTN ROAD SW	WELLINGTON	FL	33414
10015	07/01/1983		NO	SCARA, RUSSELL GARDNER, MD	RADIOLOGY DEPT UNIV WISC 600 HIGHLAND AVE E 3/311	MCDONALD	TN	37353
14857	06/24/1996		NO	SCHREIBMAN, KEN L, PHD, MD	1721 EAST BLVD	MADISON	WI	53792-3252
12671	09/25/1990		NO	SCHROLL, CHARLES EDWIN, MD	MADISON COUNTY MEDICAL CENTER HWY 16 E P O BOX 1607	MONTGOMERY	AL	36117
14844	06/17/1996		NO	SCHWAB, EDWARD THEODORE, DO	126 CLINIC DR	CANTON	MS	39046-1607
10790	07/01/1985	9/22/2000	NO	SCOTT, AUBREY LEROY, JR, MD	6719 GALL BLVD, SUITE 203	DOTHAN	AL	36303
15124	11/12/1996		NO	SHAMSI, ZIA UDDIN, MD	UMC DEPT OF GASTROENTEROLOGY 2500 N STATE ST	ZEPHYRHILLS	FL	33541
15388	07/09/1997		NO	SHEIKH, TARIQ IQBAL, MD	1030 RIVER OAKS DRIVE	JACKSON	MS	39216
12943	08/06/1991		NO	SHERARD, REGINALD KEITH, MD	66 OLD AIRPORT RD	JACKSON	MS	39208
14474	07/17/1995		NO	SIDDIQ, ZUBAIR A, MD	HANCOCK MEDICAL CENTER 149 DRINKWATER BLVD	HATTIESBURG	MS	39403
15086	10/21/1998	8/3/2000	NO	SIDDIQI, NAUMAN AHMED, MD	UMC DEPT. OF CYTOPATHOLOGY 2500 NORTH STATE ST	BAY ST LOUIS	MS	39520
16797	05/05/2000		NO	SIDDIQI, NOMAN HAIDER, MD	6005 PARK AVE. # 624B	JACKSON	MS	39216
15012	08/23/1996		NO	SIEVERS, RICHARD ERVIN, MD	UNIVERSITY OF NEW MEXICO, HOSPITAL DEPT. OF ANESTHESIOLOGY 2211 LOMAS BLVD, NE	MEMPHIS	TN	38119
15150	12/09/1996		NO	SKIBBA, JOSEPH LEO, MD	LOWER COLUMBIA PATHOLOGISTS P S 1217 14TH AVE P O BOX 3012	ALBUQUERQUE	NM	87131-5216
13961	07/01/1994		NO	SMITH, DELJA ANNE, MD	800 CANTON ROAD	LONGVIEW	WA	98632
15188	01/27/1997		NO	SMITH, DENNIS CARROLL, JR, MD	GREEN FOREST MEDICAL BUILDING RT. 9, BOX 397 A	MARIETTA	GA	30060
11955	11/29/1988	7/7/1997	NO	SMITH, GILBERT DUANE, MD	MS SPORTS MEDICINE 1325 E FORTIFICATION ST	POPLAR BLUFF	MO	63901
16322	05/17/1999		NO	SMITH, JULIUS PERRY, III, MD	DEAN'S OFFICE UNIV OF UTAH SCH OF MED	JACKSON	MS	39202
02376	12/23/1944		NO	SNYDER, CLIFFORD CHARLES, MD	835 N HILLSIDE	SALT LAKE CITY	UT	84132
04722	08/20/1962		NO	SOLOMON, HERMAN, JR, MD	STE 350 2105 W SPRING CREEK PARKWAY	WICHITA	KS	67214
12345	11/21/1989		NO	SORENSEN, KENT W, MD	153 SACKVILLE DR LOWER SACKVILLE	PLANO	TX	75023
14526	06/14/1995		NO	SPIESS, STEVEN D, MD	5 PARC MONCEAU E	NOVA SCOTIA	CN	B4C2R-3
02626	06/25/1947		NO	STACY, ARCHIE JACKSON, JR, MD	ANDALUSIA REGIONAL HOSPITAL 849 SOUTH THREE NOTCH ST	TUPELO	MS	38801
09686	07/01/1982		NO	STANFORD, THOMAS ENOS, JR, MD	701 RICHARD M. SCHRUSHY PKWY	ANDALUSIA	AL	36420
16373	06/21/1999		NO	STANIEWSKY, JOHN ALBERT, MD	1626 AUDUBON STHOSPITAL	FAIRFIELD	AL	35064
15048	09/09/1996		NO	STEWART, KELLY RANDOLPH, MD	9870 WATERMILL CIR	NEW ORLEANS	LA	70118
05679	08/21/1988		NO	STOEV, DIMITRE STOYKO, MD	OAK GROVE PRIMARY CARE CLINIC POST OFFICE BOX 4609	BOYNTON BEACH	FL	33437
15065	10/04/1988		NO	STORY, CLIFTON WAYNE, MD	401 HWY 550 HW	ONEIDA	TN	37841
05326	06/15/1986		NO	STRONG, DAVID HILL, MD	5800 W 10TH ST STE 605	BROOKHAVEN	MS	39601
09190	06/04/1980		NO	SULLIVAN, JAN GREER, MD		LITTLE ROCK	AR	72204

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06679	09/15/1973		NO SUZUKI, AKIO, MD	TOKYO MEDICAL & DENTAL UNIV CARDIOTHORACIC SURGERY 5-45 YUSHIMA 1-CHOME BUNKYO-KU	TOKYO 113	JAPAN	
06175	02/02/1978		NO TABER, DAVID SPENCER, MD	DEPARTMENT OF RADIOLOGY VANDERBILT V. MEDICAL CENTER	NASHVILLE	TN	37232-2675
09564	05/10/1982		YES TAKOS, ROBERT MICHAEL, MD	ATTICA CORRECTIONAL FACILITY P O BOX 149 EXCHANGE STREET	ATTICA	NY	14011
09192	08/04/1980		NO TALKINGTON, JAMES MCGEE, MD	2428 JENKS AVE	PANAMA CITY	FL	32405
16587	10/18/1999		NO TAN, MICHAEL PUA, DO	MERIDIAN MEDICAL ASSOC PA 2024 - 15TH ST 2ND FLOOR	MERIDIAN	MS	39301
14392	09/19/1995		NO TASSIN, GERARD BENNETT, MD	RADIOLOGY OF NORTH MISSISSIPPI 913 GARFIELD STREET P.O. BOX 980	TUPELO	MS	38802-0980
15526	09/19/1997		NO TAYLOR, CHRIS W, MD	UMC DEPT OF OB/GYN 2500 N STATE ST	JACKSON	MS	39216
10448	07/01/1984	8/14/2000	NO TAYLOR, TERRY WAYNE, MD	5580 INN RD., STE. B	MOBILE	AL	36619
10744	07/01/1985		NO THAGGARD, SHERRY LYNN, MD	5005 LITTLEBURY RD	HUNTSVILLE	AL	35802
16656	01/24/2000		NO THATIPELLI, MALLIKARJUN RAO, MD	4749 W BRADDOCK RD #102	ALEXANDRIA	VA	22311
12786	05/13/1991		NO THOMAS, JAMES EDWIN, JR., MD	5791 SUMMER TREES DR STE 2	MEMPHIS	TN	38134
13994	07/01/1994		NO TIBBS, ROBERT EUGENE, JR., MD	DEPT OF NEUROSURGERY UMC 2500 N STATE ST	JACKSON	MS	39216
16871	07/17/2000		NO TING, LISA CIE PING, DO	UMMC EMERGENCY DEPT 2500 N STATE ST	JACKSON	MS	39216
16836	06/26/2000		NO TIU, CHRISTOPHER, MD	OTOLARYNGOLOGY RESIDENCY PROGRAM UMMC 2500 N STATE ST	JACKSON	MS	39216
15633	10/13/1997		NO TODD, LA CUYETUNIA SEABURY, MD	2550 NW 16TH COURT	FT LAUDERDALE	FL	33311
07937	07/13/1977		NO TODD, MICHAEL ANDREW, MD	200 HWY 30 W	NEW ALBANY	MS	39652
16245	03/08/1999		NO TOERNE, THEODORE, MD	DEPT OF EMERGENCY MEDICINE UMC 2500 N STATE ST	JACKSON	MS	39216
10795	07/01/1985		NO TOMPKINS, ERIC RODNEY, MD	LANDSTUHL REGIONAL MEDICAL CTR	LANDSTUHL GERMANY		
08579	02/01/1979		NO TRAN, THUAN VAN, MD	2900 TRAVIS SUITE F	HOUSTON	TX	77006
14311	04/17/1995		NO TREACY, STEPHEN HUGH, MD	2400 GLENWOOD AVE STE 200	JOLIET	IL	60435
14084	08/03/1994		NO TUCEK, LADD THEODORE, DO	10812 COLONY WOOD PL	THE WOODLANDS	TX	77380
13578	07/01/1993		NO TURNER, KENNETH EDWARD, SR., MD	JOHNSON CITY MEDICAL CTR DEPT OF EMERGENCY MEDICINE 400 N STATE OF FRANKLIN RD	JOHNSON CITY	TN	37604
05759	12/21/1968		NO TURNER, THOMAS MURRAY, MD	1169 ANGELO DR	BEVERLY HILLS	CA	90210
14027	07/18/1984		NO TWILLIE, TWYLA MONETTE, MD	4131 KIRBY PKWY STE 1	MEMPHIS	TN	38115
14738	03/11/1996		NO UDDIN, SAID, MD	1200 BINZ SUITE 730	HOUSTON	TX	77004
14906	07/15/1996	YES	VAN DE CASTLE, KEITH DAWSON, MD	7 TURNER TERRACE	NEWTON	MA	02460
11628	02/29/1988		NO VANDERMOLLEN, DAVID THEODORE, MD	LSUMC 1501 KINGS HWY	SHREVEPORT	LA	71130-3932
09016	08/06/1980		NO VARNER, HAROLD HOSEA, JR., MD	3113 ISKOOKA-WENONAH RD	BIRMINGHAM	AL	35211
14905	07/31/1995		NO VISINTINE, ROBERT EDWARD, MD	6214 BOURBONNAIS DR	CORPUS CHRISTI	TX	78414
15471	08/11/1997	8/17/2000	NO VRIONIS, FOTIOS D, MD	HARBORSIDE MEDICAL TOWER 4 COLUMBIA DR., STE. 730	TAMPA	FL	33606
11432	07/01/1987		NO WALKER, EVELYN RICKS, MD	JACKSON HEART STUDY 350 W WOODROW WILSON	JACKSON	MS	39213
09828	08/25/1983		NO WALKER, LINDA KYLE, MD	LEHIGH VALLEY HOSPITAL I-78 AND CEDARCREST BLVD	ALLENTOWN	PA	18103
02956	08/22/1950		NO WALLEY, W W, MD	606 SOUTH ST	WAYNESBORO	MS	39367-2792
08725	07/22/1982	9/13/1999	NO WARD, EMILY WOFFORD, MD	FORENSIC PATHOLOGY RESOURCES HIGHLAND VILLAGE STE 223 4500 1-55, NORTH	JACKSON	MS	39211
10958	02/28/1986		NO WEATHERLY, MARK WILLARD, MD	4535 KINGS BROOK RD	MEMPHIS	TN	38117
09200	08/04/1980		NO WEAVER, JAMES MICHAEL, MD	DEPT OF ORTHOPAEDIC SURGERY HATTIESBURG CLINIC PA 415 S 28TH AVE	HATTIESBURG	MS	39401
07229	03/08/1975		NO WEBRE, DONALD RAY, MD	OCHSNER CLINIC 1514 JEFFERSON HWY	NEW ORLEANS	LA	70121
10101	07/27/1983		NO WEBSTER, STEVAN ALAN, MD	#36 TALLAHOMA DR	LAUREL	MS	39440
09914	09/07/1983		NO WHITE, MARYLIN HELEN, MD	1704 ELEVENTH ST	WICHITA FALLS	TX	76301
12256	07/31/1989		NO WILBANKS, MILLIARD MACAULEY, MD	238 REHOBOTH AVE	REHOBOTH BEACH	DE	19971
04118	09/25/1958		NO WILLEY, LOYS WILLIAM, JR., MD	147 MARQUIS DR	FAYETTEVILLE	GA	30214
13647	09/30/1993		NO WILLIAMSON, CHARLES H, MD	550 CONNELL'S PARK LANE	BATON ROUGE	LA	70806
14001	07/01/1994		NO WILSON, ANGELA KAY, MD	PSC 41 BOX 2171	APO	AE	09464
16443	07/28/1999		NO WILSON, SHANDRA SHEPPARD, MD	2012 RED OAK DR.	BRANDON	MS	39042
13138	09/15/1992	8/11/2000	NO WINDER, JAMES BERNARD, III, MD	HWY 411	ETOWAH	TN	37923
15033	09/03/1996	8/24/2000	NO WISEMAN, PAMELA MARKIEWICZ, MD	TULANE UNIVERSITY 200 S. BROADWAY AVE.	NEW ORLEANS	LA	70118
14977	08/05/1996		NO WITCHER, JOHN EDWIN, MD	1636 POPPS FERRY RD STE 103	BILOXI	MS	39532
13573	07/01/1993		NO WOOLDRIDGE, CHARLES DENNIS, MD	CHICKASAW FAMILY MEDICAL CENTER 521 WEST DR	OKOLONA	MS	38860
16594	11/01/1999		NO WORMUTH, SEAN, MD	HANCOCK MEDICAL CENTER ATTN: MEDICAL STAFF OFFICE 149 DRINKWATER BLVD	BAY ST LOUIS	MS	39521-2790

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License	Issued	Reinstated	Disciplinary Name	Address	City	State	Zip
05509	06/07/1967	NO	WRIGHT, GLENN E, MD	ST MARY'S TOWER STE 710	KNOXVILLE	TN	37917
14754	03/25/1996	NO	WRIGHT, JAMES TURNER, JR. MD	344 ARNOLD AVE P O BOX 1277	GREENVILLE	MS	38702
16211	02/01/1999	NO	YOUNG, DAVID EUGENE, MD	MULTICARE HEMATOLOGY/ONCOLOGY 1003 S. 5TH ST.	TACOMA	WA	98405
80121	12/01/1994	NO	YOUNG, RICHARD RUSSELL, DPM	FOOT CLINIC OF TUPELO 1018 N GLOSTER	TUPELO	MS	38801
06790	08/09/1973	NO	YUMUKOGLU, MINA, MD	1937 VETERANS BLVD #217	METAIRIE	LA	70005

I certify that the names appearing on this list have renewed their Mississippi license for the period July 1, 2000 thru June 30, 2001.

EXECUTIVE DIRECTOR

Total number of physicians : 405

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE OF

FREEMAN THOMAS BENNETT, M.D.

CONSENT ORDER

WHEREAS, FREEMAN THOMAS BENNETT, M.D., hereinafter referred to as "Licensee," is the current holder of License No. 14442 for the practice of medicine in the State of Mississippi;

WHEREAS, on February 25, 2000, Licensee entered COPAC treatment center, Brandon, Mississippi, for an evaluation for chemical dependency. Subsequently, the evaluation revealed Licensee was diagnosed with sedative hypnotic dependence, opiate dependence, substance induced mood disorder, and withdrawal seizures;

WHEREAS, on or about November 2000, Licensee relapsed shortly after being discharged from COPAC treatment center, Brandon, Mississippi, as a result of his abuse of nitrous oxide and alcohol;

WHEREAS, on December 18, 2000, Licensee was admitted to St. Dominic Hospital, Jackson, Mississippi, for "Polysubstance abuse." Licensee was treated and then discharged on December 28, 2000. Licensee's discharge diagnoses were: chemical dependency, drug induced psychosis and corrected hypokalemia;

WHEREAS, on January 16, 2001, the Mississippi State Board of Medical Licensure was in receipt of information indicating Licensee had again presented to COPAC treatment center, Brandon, Mississippi, for readmission and treatment;

WHEREAS, on May 7, 2001, the Mississippi State Board of Medical Licensure was in receipt of information indicating Licensee had again relapsed and was committed to the Mississippi State Hospital, Purvis, Mississippi;

WHEREAS, such conduct is in violation of the Mississippi Medical Practice Act 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, pursuant to authority set forth in Mississippi Code Annotated, Section 73-25-59, of the Mississippi Disabled Physicians Law, 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. 14442 to practice medicine in the State of Mississippi.

Licensee shall have the right, but not the obligation, to petition the Board at such time as he (1) has successfully completed all recommended treatment for chemical dependency, (2) obtained affiliation with the Mississippi Recovering Physicians Program, and (3) obtained advocacy of said program.

Licensee shall execute such releases as may be necessary to authorize the Board and the Mississippi Recovering Physicians Program (MRPP) to obtain information from COPAC, St. Dominic Hospital and the Mississippi State Hospitals at Whitfield and Purvis, Mississippi.

During the period of no practice, Licensee will abide by all treatment recommendations made by his treatment program and MRPP. At such time as the Board elects to authorize Licensee to return to the practice of medicine, the Board reserves the right, in its sole and absolute discretion, to utilize any and all information or reports from the treatment program, 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.

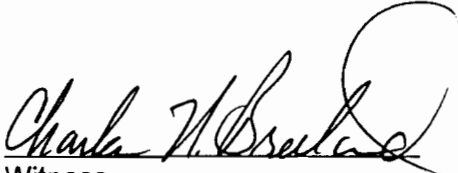
Licensee understands and expressly acknowledges that this Consent Order, if approved and executed by the Mississippi State Board of Medical Licensure, shall constitute a public record of the State of Mississippi. Licensee further acknowledges that the Board shall provide a copy of this Order to, among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

Pursuant to Mississippi Code Annotated, Section 73-25-63(5), this Consent Order shall not be used against Licensee in any other legal proceedings nor does execution of this Consent Order constitute any acknowledgment of wrongful misconduct or malpractice by Licensee.

Recognizing his right to notice of charges specified against him, to have such charges adjudicated pursuant to Miss. Code Ann. Section 73-25-63 and 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, FREEMAN THOMAS BENNETT, M.D., nonetheless, hereby waives his right to notice and a formal adjudication of charges and authorizes the Board to enter an

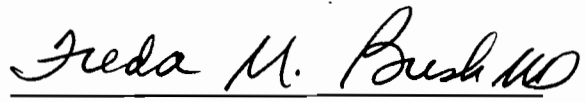
order accepting this Consent Order, thereby indefinitely suspending his license to practice medicine in the State of Mississippi, subject to those terms and conditions enumerated above.

Signed this the 18 day of May, 2001.


Witness


FREEMAN THOMAS BENNETT, M.D.

ACCEPTED AND APPROVED, This the 19th day of July, 2001, 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

WALTER C. MOSES, JR., M.D.

ORDER REMOVING ALL RESTRICTIONS

THIS MATTER came on regularly for hearing on July 19, 2001, before the Mississippi State Board of Medical Licensure, in response to the Petition of Walter C. Moses, 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 September 9, 1996.

The hearing was convened at 11:30 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 effective September 9, 2001, 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 Walter C. Moses, Jr., M.D.

ORDERED, this the 19th day of July, 2001.

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

VERNON W. DOSTER, M.D.

ORDER REMOVING ALL RESTRICTIONS

THIS MATTER came on regularly for hearing on July 19, 2001, before the Mississippi State Board of Medical Licensure, in response to the Petition of Vernon W. Doster, 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 9, 1997.

The hearing was convened at 11:40 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 Vernon W. Doster, M.D.

ORDERED, this the 19th day of July, 2001.

**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

CHARLES O. STANBACK, M.D.

ORDER REMOVING ALL RESTRICTIONS

THIS MATTER came on regularly for hearing on July 19, 2001, before the Mississippi State Board of Medical Licensure, in response to the Petition of Charles O. Stanback, M.D. (hereinafter "Licensee"), seeking removal of all restrictions on his license to practice medicine imposed by virtue of that certain Consent Order dated February 2, 2000.

The hearing was convened at 1:10 p.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, subject, however, to a non-disciplinary letter agreement to be submitted by Licensee. 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 Charles O. Stanback, M.D.

ORDERED, this the 19th day of July, 2001.

**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 APPLICATION FOR LICENSURE

OF

DANIEL KIHONG KIM, M.D.

CONSENT ORDER

WHEREAS, On November 16, 2000, Daniel KiHong Kim, M.D. (hereinafter referred to as "Applicant"), completed a licensure application seeking a license to practice medicine in the State of Mississippi. The licensure staff for the Mississippi State Board of Medical Licensure (hereinafter referred to as the "Board"), received the original application on November 22, 2000, and

WHEREAS, in response to the application, the Investigative Staff of the Board conducted a comprehensive investigation into the Applicant's previous licensure history and determined that Applicant (i) had been convicted in the State of Georgia of a misdemeanor involving moral turpitude, (ii) had his license or certificate to practice medicine in the State of Georgia summarily suspended, (iii) thereafter surrendered his license to the licensing authority of the State of Georgia, and (iv) when said license was reinstated, reinstatement was subject to restrictions imposed by the licensing authority of the State of Georgia; and

WHEREAS, pursuant to Subsections (6), (8)(d), (9), and (13) of Section 73-25-29 and Section 73-25-83(a), Miss. Code (1972) Annotated, as amended, such acts constitute grounds for which the Board may deny Applicant's request for a Mississippi medical license

or take any other action in relation to his application as the Board may deem proper under the circumstances; and

WHEREAS, as a condition of receiving a license to practice medicine in the State of Mississippi, Applicant has consented to certain restrictions being placed on his license as issued;

NOW THEREFORE, the Mississippi State Board of Medical Licensure, with consent of Applicant as signified by his joinder herein, does hereby authorize the issuance of a license to Applicant, subject, however, to the following enumerated restrictions, to-wit:

1. For a period of at least one (1) year, Applicant's practice shall be limited to the Southern Eye Center, P.A. II, 1420 South 28th Avenue, Hattiesburg, Mississippi, under the supervision of Lyrin B. McMahan, M.D. Applicant's practice shall be supervised by Dr. McMahan in all aspects of diagnosis, treatment, patient management and care.
2. Applicant shall submit or cause to be submitted quarterly reports from Dr. McMahan addressing Applicant's performance. The first report shall be due on or before October 31, 2001, with subsequent reports due January 31, April 30 and July 31 of each calendar year, including a report on any medication being prescribed to Applicant. Failure to submit or have such reports submitted in a timely manner shall constitute a violation of this Consent Order.
3. Applicant shall obtain prior written approval from the Board, through either the Board's Executive Committee or Director, for any changes in the practice location and/or supervising physician.

4. Applicant's practice of medicine shall be subject to periodic surveillance by the Board. 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 Applicant.
5. Applicant 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.
6. Prior to receiving a license, Applicant shall demonstrate his understanding and knowledge of said rules and regulations by successfully passing a jurisprudence examination, the content and form of which shall be determined by the Director of the Board.
7. Pursuant to Miss. Code Ann. Section 73-25-30, Applicant is hereby assessed all costs of this investigation and disciplinary action. Applicant shall be advised of the total assessment by separate written notification. Applicant 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 Applicant 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 Applicant fails to comply with any or all of the conditions imposed in this Consent Order, and after notice and hearing, the Mississippi State Board of Medical Licensure shall suspend and/or revoke any license granted unto Applicant pursuant to this Consent Order.

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

Applicant 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.

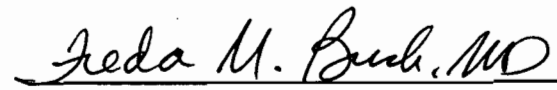
Applicant understands and expressly acknowledges that this Consent Order shall constitute a public record of the State of Mississippi.

SIGNED this the 30 day of July, 2001.



DANIEL KIHONG KIM, M.D.

ACCEPTED AND APPROVED, this the 19th day of July, 2001, by the MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE.

By: 

FREDA M. BUSH, M.D., President

**AGREEMENT TO APPEAR INFORMALLY
BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

I, Jerry Ross Adkins, M.D., have requested an opportunity to appear informally before the the Mississippi State Board of Medical Licensure (hereinafter "Board") to discuss possible resolution of a pending disciplinary matter/investigation by the Board. It is the purpose of the informal meeting to discuss the facts of the case, to give me an opportunity to ask questions of the Board or its staff, and to give the Board or its staff an opportunity to ask questions of me. Because the meeting is informal, no disciplinary action will be taken without my express written consent. In so doing, I have been advised and understand the following:

1. During the meeting, the Board will be represented by legal counsel. Notwithstanding, I understand that I have a right, if I so choose, to employ legal counsel and have counsel present during the informal meeting.
2. I authorize the Board Members to review and examine any statements, documentary evidence, or materials concerning the allegations during my informal appearance.
3. Because the purpose of my appearance is to avoid a hearing before the Board, I agree that presentation to and consideration by the Board of any facts, matters, and documents pertaining to my case shall not unfairly or illegally prejudice the Board members from further participation or consideration in the event a formal disciplinary hearing is later conducted. Stated differently, in the event the pending matter is not resolved following my appearance before the Board, I will not object to any of the Board members from further participating in subsequent meetings or hearings that may be conducted in relation to this matter.
4. By signing my name in the space provided below, I hereby authorize the Board to proceed with the informal appearance, subject to the stipulations and understandings as noted above. I have elected to proceed:

___ with legal counsel present (name of counsel: _____)

without legal counsel present

EXECUTED, this the 19th day of July, 2001.

Jerry Ross Adkins

Witness: Frances C. Scott

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
IN THE MATTER OF PHYSICIAN'S LICENSE OF
JERRY ROSS ADKINS, M.D.

CONSENT ORDER

WHEREAS, Licensee is current holder of License No. 04305 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 Jerry Ross Adkins, M.D., Biloxi, Mississippi, and has documented evidence indicating that Dr. Adkins, hereinafter referred to as "Licensee," has violated the Rules and Regulations of the Board "Pertaining to Prescribing, Administration and Dispensing of Medication" by administering, dispensing or prescribing any narcotic drug, or any other drug having addiction-forming or addiction-sustaining liability otherwise than in the course of legitimate professional practice; and has committed professional sexual misconduct;

WHEREAS, such conduct is in violation of the Mississippi Medical Practice Act and specifically, Subsections (3), (8)(d) and (13) of Section 73-25-29, and Section 73-25-83(a) 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 has voluntarily undergone an evaluation and treatment at the Professional Renewal Center, Lawrence, Kansas, under the direction of Richard Irons, M.D. Licensee has been diagnosed with paraphilia NOS and Narcissistic personality disorder. As a part of his treatment and as a show of good faith of his cooperation with the Board, Licensee ceased the practice of medicine on or about November 20, 2000;

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. 04305) to practice medicine in the State of Mississippi with the suspension automatically stayed after August 1, 2001, subject to the following probationary terms and conditions:

1. Licensee shall continue participating in and successfully complete any treatment program recommended by Richard Irons, M.D., with quarterly reports provided to the Executive Director of the Mississippi State Board of Medical Licensure and the Medical Director of the Mississippi Recovering Physicians Program (MRPP). It shall be the sole responsibility of Licensee that said reports are provided in a timely manner. Further, prior to reentry into practice, Licensee shall submit for approval by the Executive Director of the Board, a formal, written plan of practice.
2. Licensee shall immediately obtain affiliation with the Mississippi Recovering Physicians Program (MRPP). Licensee shall comply with all affiliation requirements of the MRPP (including any Recovery Contract Agreement), its Medical Director or the Mississippi Impaired Physician's Committee (MIPC).
3. Licensee has surrendered his U.S. Drug Enforcement Administration (DEA) Uniform Controlled Substances Registration Certificate in all schedules. Notwithstanding, Licensee shall be permitted to enter into arrangements with any hospital, wherein he holds medical staff privileges, to order, administer, and dispense (but not prescribe) controlled substances in all schedules for hospital in-patient use only, utilizing the hospital's Uniform Controlled Substances

Registration Certificate. As used herein, "hospital in-patient" means actual admission to a hospital (including emergency room) or hospital managed outpatient facility. Licensee shall maintain a log of all patients who have received controlled substances under his orders and will provide a copy of said log, upon request, to any representative of the Mississippi State Board of Medical Licensure or Mississippi Bureau of Narcotics. Licensee shall not attempt to apply for reinstatement of his DEA registration certificate without prior approval of the Mississippi State Board of Medical Licensure.

4. 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."
5. 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.
6. 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.
7. Licensee shall practice only in a group practice setting and will provide to the Executive Director of the Board and the Medical Director of MRPP, the name of a monitoring/supervising physician who is agreeable to being responsible for reporting quarterly to the Board and MIPC on Licensee's activities. Said

physician shall be approved in advance by the Executive Director of the Board and the Medical Director of MRPP.

8. 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.
9. 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.
10. In the event Licensee fails to comply with any or all of the conditions imposed in this Consent Order, or fails to comply with all aftercare conditions imposed by Dr. Irons, any other treatment programs or his MRPP Recovery Contract Agreement, the stay of suspension shall be immediately removed without a hearing and Licensee shall be prohibited from practicing medicine until such time as a determination is made by the Board that Licensee is again ready to return to the practice of medicine. Summary suspension pursuant to this paragraph shall be for an indefinite period of time, notwithstanding any term or right to petition for reinstatement provided herein.
11. This Consent Order does not address any pending or future criminal charges against Licensee. In the event Licensee pleads guilty to, or is later convicted of

any criminal violations, including violations arising out of conduct by Licensee as enumerated in this Consent Order, the Board reserves the right to initiate further disciplinary proceedings based upon said guilty plea or criminal conviction.

12. 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 and MRPP 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. Licensee is advised that the advocacy of MRPP will be a requirement before he petitions for release from restrictions. 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, Jerry Ross Adkins, 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 19th day of July, 2001.

Frances C. Scott
Witness

Jerry Ross Adkins
JERRY ROSS ADKINS, M.D.

ACCEPTED AND APPROVED, this the 19th day of July, 2001, by the
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE.

Freda M. Bush, M.D.
FREDA M. BUSH, M.D.
President

SEPTEMBER 2001

**MINUTES
EXECUTIVE COMMITTEE MEETING
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
SEPTEMBER 19, 2001**

MEMBERS PRESENT:

Freda M. 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:

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, Investigative Division

The Executive Committee of the Mississippi State Board of Medical Licensure met on Wednesday, September 19, 2001, at 4:05 p.m. in the Executive Conference Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi.

**ORDER OF PROHIBITION - JOHNNY RAY BULLOCK, JR., M.D., COLUMBIA,
MISSISSIPPI MEDICAL LICENSE NUMBER 13883**

Dr. Burnett reported that Dr. Bullock, who has been treated for sexual addiction and was under a Consent Order, has relapsed and was served with an Order of Prohibition. Dr. Burnett advised that Dr. Bullock would be returning for treatment with Dr. Richard Irons, Lawrence, Kansas.

RELAPSES BY PHYSICIANS WITH MRPP CONTRACTS

Gary D. Carr, M.D., Medical Director, Mississippi Recovering Physicians Program, appeared before the Executive Committee to discuss with them conditions concerning his program and some isolated cases of relapse that he wished to discuss.

EXECUTIVE COMMITTEE MINUTES

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MEETING WITH CHAIRMAN OF CREDENTIALING COMMITTEE AND MEDICAL DIRECTOR OF BLUE CROSS/BLUE SHIELD

Dr. Burnett advised that he had scheduled a meeting to see if Blue Cross Blue Shield would offer some flexibility on their Key Physician list for physicians with Board restrictions. He will be meeting on October 17 with Dr. Reginald Martin, Credentialing Committee Chair for Blue Cross Blue Shield; Dr. Fred May, Medical Director for Blue Cross Blue Shield; Dr. Carr; and Dr. Tom Fenter, who had expressed an interest in meeting with this group.

REQUEST FROM J. MARTIN LEE, JR., M.D., NEPHROLOGY AND HYPERTENSION ASSOCIATES, TUPELO, AND MISSISSIPPI DIALYSIS SERVICES WITH SEVEN FACILITIES IN NORTH MISSISSIPPI, REGARDING A WAIVER ON THE 50 MILE LIMIT FOR NURSE PRACTITIONERS

Dr. Burnett presented a request from Dr. Lee, who has dialysis units beyond the 50 mile limit, for supervising a nurse practitioner. The Executive Committee members asked that the protocol be carefully reviewed and that the back-up be a local physician, who would also be required to sign the protocol. It was the consensus of the Executive Committee members to approve Dr. Lee's request under these recommendations.

PHYSICIAN WITH A VOLUNTEER LICENSE SUPERVISING A NURSE PRACTITIONER

For informational purposes only, Dr. Burnett advised that a physician with a volunteer license had inquired about supervising a nurse practitioner, which is not allowed with a volunteer license.

REQUEST FROM JOHN C. MORRISON, M.D., DEPARTMENT OF OBSTETRICS AND GYNECOLOGY, UNIVERSITY OF MISSISSIPPI MEDICAL CENTER

Dr. Burnett presented a letter from Dr. Morrison, in which he was requesting the following: (1) to accept faculty position in lieu of postgraduate training for foreign medical graduates; (2) to be allowed to credential licensure applicants for medical staff; and (3) for faculty to verify graduates for local medical staff privileges. It was the consensus of the Executive Committee members for the faculty to assist with verifications for local medical staff privileges; however, the members agreed that credentialing of licensure applicants should remain with this Board. The Educational Committee, along with Mrs. Freeman, will be asked to

EXECUTIVE COMMITTEE MINUTES

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review Dr. Morrison's request of accepting faculty position in lieu of postgraduate training for foreign medical graduates and make a recommendation to the full Board.

FEDERATION CREDENTIALS VERIFICATION SERVICE

Dr. Burnett reviewed the Federation Credentials Verification Service (FCVS), a centralized credentialing service of the Federation of State Medical Boards for licensure applicants. It was the consensus of the Executive Committee members to accept this but not to require it of applicants.

VISIT BY NANCY FORTENBERRY, ASSISTANT GENERAL COUNSEL, CENTRAL INTELLIGENCE AGENCY

Dr. Burnett reported on a visit from Ms. Fortenberry regarding the possibility of physicians who are CIA employees making application for a Mississippi license. The applicant would be prohibited by security regulations from acknowledging their employment with the CIA. Dr. Burnett entered into an agreement with the CIA, which would allow for the provision of licenses and professional accreditations for CIA employees.

VIRTUAL MEDICAL GROUP. COM - INTERNET PRESCRIBING POSITION STATEMENT

Dr. Burnett briefly reviewed a letter from Virtual Medical Group.com, asking for changes in the Board's Internet prescribing policy. It was the consensus of the Executive Committee members not to change the policy.

LETTER FROM CHIEF LEGAL COUNSEL, OFFICE OF THE GOVERNOR

For informational purposes only, a letter from Peyton D. Prospere, Chief Legal Counsel, Office of the Governor, was presented. Mr. Prospere had been asked to provide a written explanation of why it was necessary for Joe D. Herrington, M.D., Church Hill, to resign.

ONLINE VERIFICATION CONTENTS

Mrs. Freeman presented information she was proposing for online verification for credentialing agencies, hospitals, insurance companies, etc. The Executive Committee approved providing the following information: physician's name,

EXECUTIVE COMMITTEE MINUTES

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Page 4

degree, date of birth, Social Security number (used for look up only), primary practice location, license number, issued date, reinstated date, expiration date, medical/podiatry school, year of graduation, physician specialty, and public record. Fees for online verification were set at \$250 for hospitals with ten or less physicians and \$500 for credentialing agencies, hospitals with more than ten physicians, and all others. The site will be monitored for the first year to see the number of hits and to determine if the fees should be adjusted.

CREDENTIALING OF OFFICES PERFORMING OFFICE BASED SURGERY

For informational purposes only, Dr. Burnett advised that the Board was beginning to receive solicitation from private entities to credential physicians performing office based surgery.

FEDERATION OF STATE MEDICAL BOARDS - 2002 ANNUAL MEETING NOMINATIONS AND RESOLUTIONS

The Federation of State Medical Boards has called for nominations by November 14, 2001, and resolutions by February 26, 2002, for the 2002 Annual Meeting. Dr. Burnett asked that if any member was interested in being nominated or in submitting a resolution that the Board staff be notified prior to the deadlines.

OTHER BUSINESS

In order for the Investigative Division to obtain records, the Executive Committee members executed a Determination of Reasonable Cause and Authority to Inspect and Copy Records of Roderick Clarence Givens, M.D., Clarksdale.

Dr. Burnett reported on meeting with the Legislative Budget Office committee regarding next year's budget.

Following discussion of physicians in treatment being able to write prescriptions, it was recommended when an intervention occurs that the impaired physician be asked to sign an agreement not to practice medicine in any form. It is felt that this agreement is necessary since the Recovery Contract Agreement is not normally signed until after treatment is completed. If the physician should violate this agreement, it would be grounds for disciplinary action. This recommendation will be presented to the full Board on Thursday.

EXECUTIVE COMMITTEE MINUTES

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REVIEW OF SEPTEMBER 20 BOARD AGENDA

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

ADJOURNMENT

There being no further business, the meeting adjourned at 6:35 p.m.



Freda M. Bush, M.D.

President

Minutes taken and transcribed

by Kathy Fortenberry

Administrative Assistant

September 19, 2001

**BOARD MINUTES
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
SEPTEMBER 20, 2001**

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday, September 20, 2001, 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 H. Henderson, M.D., Oxford
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
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
Robert Ray Smith, M.D., Jackson, Vice President

The meeting was called to order at 9:20 a.m. by Dr. Bush, President. The invocation was given by Dr. Johnston.

Mr. Moses introduced new staff members: Tiffany Barner, Licensing Officer; Claesia Longino, Investigative Secretary; and Robert Luke, Investigator. Dr. Bush welcomed Melissa Magee, court reporter, and Theresa Kiely, reporter for *The Clarion Ledger*.

APPROVAL OF CERTIFICATION OF MISSISSIPPI LICENSES TO OTHER ENTITIES FOR THE PERIOD JULY 1, 2001, TO AUGUST 31, 2001

One hundred seventeen (117) licenses were certified to other entities for the period July 1, 2001, to August 31, 2001. 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, 2001, TO AUGUST 31, 2001

Ninety-one (91) licenses were issued for the period July 1, 2001, to August 31, 2001. Motion was made by Dr. Johnston, seconded by Dr. Jackson, and carried unanimously to approve these licenses.

REVIEW OF MINUTES OF THE EXECUTIVE COMMITTEE MEETING DATED JULY 18, 2001, AND MINUTES OF THE BOARD MEETING DATED JULY 19, 2001

Minutes of the Executive Committee Meeting dated July 18, 2001, and Minutes of the Board Meeting dated July 19, 2001, were reviewed. Dr. Crawford called for a correction in the last paragraph of page one of the Executive Committee Minutes, which will be corrected as follows:

Dr. Burnett reviewed Dr. Cleveland's background and advised that Dr. Cleveland (originally had name of Dr. Crawford) had been released by the Mississippi Recovering Physicians Program.

Dr. Johnston moved for approval of the minutes as amended. Dr. Crawford seconded the motion, and it carried unanimously.

REPORT OF SEPTEMBER 19, 2001, EXECUTIVE COMMITTEE MEETING

Dr. Burnett reported on Wednesday's Executive Committee meeting. He advised that Johnny Ray Bullock, Jr., M.D., who was served with an Order of Prohibition on September 13, 2001, would be returning for treatment with Richard Irons, M.D. The Executive Committee granted a waiver on the 50 mile limit for nurse practitioners for J. Martin Lee, Jr., M.D., Tupelo, for his dialysis clinics, subject to certain conditions. A request from John C. Morrison, Jr., M.D., University Medical Center, asking the Board to accept faculty positions in lieu of postgraduate training for foreign medical graduates will be referred to the Educational Committee, who will report back at the November meeting. Fees for

online verification for credentialing services, hospitals, etc., were set at \$250 for hospitals with ten or less physicians and \$500 for credentialing agencies, hospitals with more than ten physicians, and all others. Dr. Burnett presented other informational items, which are reflected in the Executive Committee Minutes.

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

REPORTS FROM AD HOC COMMITTEES

Alternative Medicine - There was no new information to report.

Educational Development - Dr. Morrison's request was referred to this committee by the Executive Committee for a report back at the next meeting.

Impaired Physicians Program - Mr. Ingram and Gary D. Carr, M.D., Medical Director, Mississippi Recovering Physicians Program, recommended when an intervention occurs the impaired physician be asked to sign an agreement not to practice medicine in any form. It is felt that this agreement is necessary since the Recovery Contract Agreement is not normally signed until after treatment is completed. If the physician should violate this agreement, it would be grounds for disciplinary action. Motion was made by Dr. Johnston, seconded by Dr. Bowen, and carried unanimously to add this to the Memorandum of Understanding.

Dr. Johnston expressed his appreciation to Dr. Carr for enlightening the medical communities through his presentations to the various medical societies.

Office Based Surgery - This committee report was deferred until later in the agenda.

Legislative - Dr. Burnett reported that the possibility of using fingerprinting was in the development stage. He also advised that the staff would survey other states regarding the use of fines, assessments, etc., and would report back at the next meeting.

Nurse Practitioner and Expanded Role - Dr. Crawford reported that the Nurse Practitioner Joint Committee was trying to set another meeting and was waiting for input from Mississippi State Medical Association concerning their meeting with the Nurses' Association. Board members were asked if they had any recommendations to get them to Dr. Crawford or Dr. Smith.

PRESENTATION OF CONSENT ORDER EXECUTED BY JOHN CHARLES MUTZIGER, D.O., COLLINSVILLE, MISSISSIPPI MEDICAL LICENSE NUMBER 10066

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

Mr. Ingram reviewed the Consent Order and explained that a chronological summary would not be entered into the record since the dates were reflected in the Consent Order.

Dr. Mutziger addressed the Board and requested that CME approved by the American Osteopathic Association, as well as the American Medical Association, be allowed, which was agreeable with the Board members. Dr. Carr addressed the Board on behalf of Dr. Mutziger.

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

A verbatim account of this proceeding was recorded by Melissa Magee, CSR/RPR.

OTHER BUSINESS

Mr. Ingram advised that subpoenas for confidential records are being directed to the Mississippi Impaired Physicians Committee. He and Dr. Carr want a change in the Mississippi Disabled Physicians law to exempt from disclosure confidential patient and licensure information in the possession of the Mississippi Impaired Physicians Committee. It was the consensus of the Board members for Mr. Ingram to proceed with changing this statute.

Mr. Ingram introduced Laura Olin, an extern in his firm from Mississippi College.

PROPOSED CHANGES TO OFFICE BASED SURGERY REGULATIONS

Dr. Bush introduced the following visitors: Dr. John McCraw, Jackson; Larry Lanier, Assistant Director of State Affairs, American Academy of Dermatology; Katherine (Kathy) J. Svedman, Executive Director, American Society for Dermatologic Surgery; Dr. Christopher Harmon, Birmingham, Alabama, American Society for Dermatologic Surgery; Dr. Sabra Sullivan, Jackson, American

Academy of Dermatology; Jo Ann Bienvenu, Medical Assurance; and Dr. Rick Pecunia, Plastic Surgeon, Hattiesburg.

Each briefly addressed the Board with their concerns regarding the Office Based Surgery Regulations. Following questions and discussion of this issue, motion was made by Dr. Bowen, seconded by Dr. Smith, and carried unanimously that the Board consider going into Executive Session. With a motion by Dr. Crawford, seconded by Dr. Jackson, the Board went into Executive Session.

Upon motion by Dr. Crawford, seconded by Dr. Johnston, and carried unanimously, the Board came out of Executive Session at which time Dr. Bush expressed her appreciation to those who came and stated she felt it had been an excellent discussion. She advised that the Board was referring this matter to the Office Based Surgery Committee for their recommendations at the next meeting.

OXYCONTIN TASK FORCE COMMITTEE

Dr. Bush introduced the following members of the OxyContin Task Force Committee: Lt. Col. Tim Rutledge, Mississippi Bureau of Narcotics; Otis Washington, Division of Medicaid; Karen Davenport, Blue Cross Blue Shield; and Scott Leary, Esq., Office of the Attorney General. Lt. Col. Rutledge addressed the Board and requested the Board to consider the following: (1) increase education on pain management issues for the physicians; (2) duplicate prescriptions; and (3) patient/physician agreement for outpatient, non-malignant patients. Following questions by the Board members, Dr. Bush referred this matter to the Educational Committee for their recommendations at the next meeting.

FSMB/CSAT MODEL POLICY GUIDELINES FOR OPIOID ADDICTION TREATMENT IN MEDICAL OFFICES

Dr. Bush and Dr. Burnett advised that included in the agendas were the Federation of State Medical Boards' proposed policy guidelines for opioid addiction treatment in medical offices. Motion was made by Dr. Johnston, seconded by Dr. Bowen, and carried unanimously for the Board staff to begin developing guidelines based on the Federation's recommendations, which will be presented at the next Board meeting. Since Dr. Burnett is serving on this Federation committee, Dr. Bush asked that any input on these guidelines be given to Dr. Burnett by November 1. It was the consensus of the Board members to approve these guidelines.

**CONFIRMATION OF APPOINTMENT OF WILLIAM C. DUDLEY, M.D., MERIDIAN,
AND ROBERT T. LOVE, M.D., GREENVILLE, TO THE MISSISSIPPI IMPAIRED
PHYSICIANS COMMITTEE**

Motion was made by Dr. Johnston, seconded by Dr. Jackson, and carried unanimously to confirm the appointments of William C. Dudley, M.D., Meridian, and Robert T. Love, M.D., Greenville, to the Mississippi Impaired Physicians Committee, as appointed by the Board of Trustees of Mississippi State Medical Association.

CORPORATE PRACTICE OF MEDICINE

Mr. Ingram reported on a call from an attorney regarding the American Health Lawyers Association's web site's language for this Board's Corporate Practice of Medicine Policy. Mr. Ingram recommended that paragraph 3 of the Policy be amended as follows:

The manner of billing and the amount of fees and expenses charged to a patient for medical services rendered shall be left solely to the discretion of the licensed physician. It is recognized that when physicians choose to affiliate with an HMO, PPO or other managed care entity, some discretion as to fees and expenses is lost. Whenever possible, however, the manner of billing and the amount of fees and expenses charged to a patient for medical services rendered shall be left solely to the discretion of the licensed physician.

Motion was made by Dr. Smith, seconded by Dr. Crawford, and carried unanimously to make this recommended change in the policy. The revised policy is attached hereto and incorporated by reference.

**HEARING IN THE CASE OF BRUCE MICHAEL FREEDMAN, D.P.M., RICHLANDS,
VIRGINIA, MISSISSIPPI MEDICAL LICENSE NUMBER 80081**

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

Dr. Burnett explained that this Board revoked Dr. Freedman's license in 1988, based on action taken by the Illinois Board. One of the requirements for reinstating his license is that he must have letters of recommendation from two podiatrists in the state. Because he has never practiced in the state, he cannot obtain these letters of recommendation. At their meeting on Wednesday night, the

BOARD MINUTES
September 20, 2001
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Executive Committee recommended that the letters of recommendation could come from podiatrists in Virginia and also letters of recommendation from two patients.

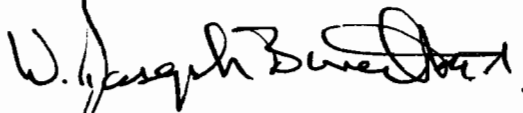
Motion was made by Dr. Henderson, seconded by Dr. Bowen, and carried unanimously to defer any action until Mr. Ingram can get the Podiatry Advisory Committee's recommendation. The Order of Continuance is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Melissa Magee, CSR/RPR.

ADJOURNMENT

The meeting was adjourned at 12:05 p.m. with the next meeting scheduled for Thursday, November 15, 2001.

Respectfully submitted,



W. Joseph Burnett, M.D.
Director

Minutes taken and transcribed
by Kathy Fortenberry
Administrative Assistant
September 20, 2001

**EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
SEPTEMBER 20, 2001**

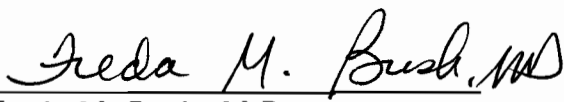
AGENDA ITEM X

PROPOSED CHANGES TO OFFICE BASED SURGERY REGULATIONS

Motion made by Dr. Crawford, seconded by Dr. Johnston, and carried to refer to the Office Based Surgery Committee for their recommendations.

<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			
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. Johnston, 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

JOHN CHARLES MUTZIGER, D.O.

CONSENT ORDER

WHEREAS, John C. Mutziger, D.O., hereinafter referred to as "Licensee," is a current holder of License 10066 for the practice of medicine in the State of Mississippi;

WHEREAS, on October 28, 1983, Licensee voluntarily surrendered Schedules II and III of his federal controlled substances registration certificate due to having been diagnosed and treated for substance abuse. He was granted permission to re-register for said schedules on or about November 14, 1984;

WHEREAS, on or about March 21, 1985, Licensee voluntarily surrendered Schedules II through V of his federal controlled substances registration due to his having relapsed in his recovery from substance abuse. He was granted permission to re-register for Schedules IV and V on May 27, 1986 and obtained permission to re-register for Schedule III on July 7, 1987;

WHEREAS, between March 1990 and July 1990, Licensee entered into and completed treatment for another relapse of his substance abuse problem. On July 25, 1990, Licensee surrendered Schedules II through IV of his federal controlled substances registration certificate;

WHEREAS, between September 1991 and November 1993, Licensee was allowed to gradually obtain a full and unrestricted license, including full controlled substance prescribing privileges;

WHEREAS, the Mississippi State Board of Medical Licensure , hereinafter referred to as "the Board," has investigated the medical practice of Licensee and has determined that Licensee is in violation of Mississippi Code Annotated § 73-25-29 (1) , setting forth as grounds for suspension, revocation or restriction of a medical license, the habitual personal use of narcotic drugs or other drugs having addiction-forming or addiction-sustaining liability to wit: On or about May 7, 2001, following a relapse involving intravenous use of methamphetamine purchased "on the street," Licensee entered into Pine Grove Recovery Center, Hattiesburg, Mississippi, for evaluation and treatment of chemical dependency under the Direction of C. Chapman Sledge, M.D. Licensee completed the initial evaluation and treatment and was discharged on May 10, 2001 with diagnoses of stimulant dependence and major depressive disorder. During the exit conference, it was recommended that Licensee pursue further evaluation and treatment for sexual compulsivity and trauma issues;

WHEREAS, on or about May 21, 2001, Licensee entered into the day treatment program at the Professional Renewal Center, Lawrence, Kansas, under the direction of Richard Irons, M.D. He completed his evaluation and treatment and was subsequently discharged on June 29, 2001 with a number of diagnoses including Amphetamine Dependence in early sustained remission, Depression Disorder NOS, and Sexual Disorder NOS ;

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

NOW, THEREFORE, Licensee does hereby consent to and request the Board to indefinitely suspend his license to practice medicine in the State of Mississippi with the order

of suspension stayed based on the following probationary terms and conditions to run until ordered otherwise by the Board:

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. 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 continue all recommended psychotherapy or followup care as may be recommended by Richard Irons, M.D., or the staff of the Professional Recovery Center with regular quarterly reports being submitted to the Director of the Board and MRPP. Sole responsibility that said reports are submitted on a timely basis will rest with Licensee.
3. 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 MIPC and 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. In the event that a urine or blood screen is received indicating the presence of any unauthorized mood-altering drugs and/or agents, Licensee shall be immediately prohibited from practicing medicine until such time as he undergoes an evaluation for relapse of chemical dependency at an approved treatment center under the auspices of the MRPP and, thereafter, is found capable of returning to the practice of medicine by MRPP and the Mississippi State Board of Medical Licensure.

4. 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 Five (5) of this Agreement, shall be considered a violation subject to Board action.
5. Licensee shall obtain the services of a physician, approved by MIPC, 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 or MRPP with an authorization to obtain medical information for the purpose of monitoring any treatment that Licensee may receive from any 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 and MIPC 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 and the Medical Director of MRPP. 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.

6. Licensee shall not primarily practice in the areas of addiction medicine or psychiatry. His practice shall be limited to the area of family practice in a group setting with a designated monitoring physician approved in advance by the Director of the Board and MIPC, with regular quarterly reports being submitted by the monitoring physician to the Board's Director and MRPP. Responsibility for timely submission of said reports shall be solely that of Licensee.
7. Licensee shall be prohibited from personally administering or dispensing any controlled substance to any patient. Licensee shall not be authorized to order or dispense controlled substance sample medications. Licensee shall upon request, provide the Board or any representative of the Board, all drug purchase information or sample order information for all medications. Licensee shall

maintain full prescribing privileges, including all controlled substances, however the Board, through its Executive Director, reserves the right to monitor and review such privileges at any time during the probationary period. The Executive Director of the Board may independently, or upon recommendation by the Medical Director of the MRPP, and without a hearing, decide that limitations of prescribing privileges are necessary in order to protect the public or facilitate Licensee's continued sobriety and recovery. Licensee shall fully cooperate and comply with any decision to limit Licensee's prescribing privileges. Licensee will be required to execute such Drug Enforcement Administration forms as may be necessary to address or remedy any public safety concerns or to assist Licensee in his recovery program.

8. 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 shall obey all federal, state and local laws, and all rules and regulations governing the practice of medicine in the State of Mississippi.

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, unless affiliation is obtained with another state's physician recovery program that is recognized and approved by both MRPP and the Board.

Within one (1) year from the date of execution of this Consent Order, Licensee shall obtain fifty (50) hours of continuing medical education (CME) approved by the American Medical Association for Category 1 Credits. Licensee shall obtain at least fifty (50) hours of CME for each remaining year of probation, with written proof of successful completion for all CME to be provided to the Board on an annual basis.

Licensee shall have the right to petition the Mississippi State Board of Medical Licensure for a release of any or all of the above enumerated conditions after expiration of two (2) years from the effective day hereof. Thereafter, any right to petition the Board for reconsideration shall be at reasonable intervals, but not less than twelve (12) months from date of last appearance.

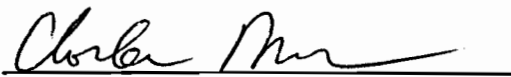
This Consent Order shall be subject to approval by the Mississippi State Board of Medical Licensure. If the Board fails to approve the Consent Order, in whole or in part, it shall have no force or effect on the parties. It is further understood and agreed that the purpose of this Consent Order is to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

Board shall not unfairly or illegally prejudice the Board or any of its members from further participation or consideration of the resolution of the proceedings.

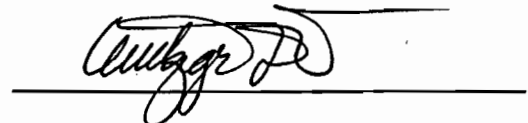
Licensee understands and expressly acknowledges that this Consent Order, if approved and executed by the Mississippi State Board of Medical Licensure, shall constitute a public record of the State of Mississippi. Licensee further acknowledges that the Board shall provide a copy of this Order to, among others, the U.S. Drug Enforcement Administration, and the Board makes no representations as to actions, if any, which the U.S. Drug Enforcement Administration may take in response to this Order.

John C. Mutziger, D.O., hereby authorizes the Mississippi State Board of Medical Licensure to enter an Order accepting this Consent Order, thereby indefinitely suspending his license to practice medicine in the State of Mississippi, with said suspension stayed, subject to the probationary terms and conditions enumerated above.

Signed this the 13th day of September, 2001.

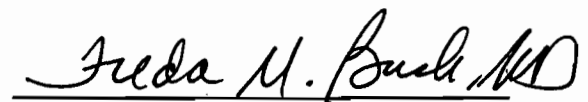


Witness



John C. Mutziger, D.O.

ACCEPTED AND APPROVED, this the 20th day of September, 2001 by the Mississippi State Board of Medical Licensure.



Freda M. Bush, M.D., President

POLICY AS TO THE CORPORATE PRACTICE OF MEDICINE IN MISSISSIPPI

Due to increased interest in the area of managed care and integrated health care systems, the Mississippi State Board of Medical Licensure recently had an opportunity to reconsider its policy as to the corporate practice of medicine. After full consideration, it is the policy of this Board not to concern itself with the form or type of business arrangements entered into by a licensee, provided certain prerequisites are met, to-wit:

1. The physician employed or associated with the entity is licensed by the Board.
2. The method and manner of patient treatment and the means by which patients are treated are left to the sole and absolute discretion of the licensed physician. The provision of medical services and the exercise of sound medical judgment at all times shall be exercised solely in the discretion of the licensed physician and he/she shall not be subject to any influence, direct or indirect, to the contrary.
3. The manner of billing and the amount of fees and expenses charged to a patient for medical services rendered shall be left solely to the discretion of the licensed physician. It is recognized that when physicians choose to affiliate with an HMO, PPO or other managed care entity, some discretion as to fees and expenses is lost. Whenever possible, however, the manner of billing and the amount of fees and expenses charged to a patient for medical services rendered shall be left solely to the discretion of the licensed physician.
4. At no time shall a physician enter into any agreement or arrangement whereby consideration or compensation is received as an inducement for the referral of patients, referral of medical services or supplies or for admissions to any hospital.
5. The business arrangement and the actions of the physician in relation thereto, cannot be contrary to or be in violation of the Medicare or Medicaid Payment and Program Protection Act of 1987, 42 U.S.C. §1320 (a-7)(b), commonly known as the "Medicare Anti-Kickback Statute"; the Anti-Kickback Act of 1986, 41 U.S.C. §5158, and related statutes, rules and regulations.
6. Free choice of physicians and hospitals is a right of every individual. One may select and change at will one's physician or hospital or may choose a medical care plan such as that provided by a closed panel or group practice or health maintenance organization (HMO) or service organization (PPO). While it is recognized that the choosing to subscribe to an HMO or PPO or accepting treatment in a particular hospital will result in the patient accepting limitations upon freedom of choice of medical services, all physicians must recognize that situations will exist where patients will be best served by physicians or hospitals outside such contractual arrangements. If the HMO or PPO contract or other business arrangement does not permit referral to a non-contracting medical specialist, diagnostic or treatment facility or hospital, and the physician believes that the patient's best interest will be served by a specialist, facility or hospital outside of the contractual relationship, the physician has an ethical and contractual obligation to inform the patient of this fact. The physician should so inform the patient so that the patient may decide whether to accept the outside referral at his or her own expense or

confine herself or himself to the services available within the HMO, PPO or other business arrangement.

7. Licensed physicians shall have the sole responsibility for approval of any and all public communications or advertisements, and these communications and/or advertisements must be in full compliance at all times with Board requirements relating to Physician Advertisements.
8. Pursuant to Miss. Code Ann. Section 79-10-31, shareholders of a professional corporation rendering medical services shall only be licensed physicians.

The above policy statement was adopted utilizing language set forth in the current opinions of the Council on Ethical and Judicial Affairs of the American Medical Association (Sections 8.13 and 9.06).

Revised by the Board of Medical Licensure on May 16, 1996 and September 20, 2001.

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PODIATRIC LICENSE

OF

BRUCE M. FREEDMAN, D.P.M.

ORDER OF CONTINUANCE

THIS MATTER came on regularly for hearing on September 20, 2001, before the Mississippi State Board of Medical Licensure, in response to a request for continuance of the hearing set for this date made by Bruce M. Freedman, D.P.M. (hereinafter "Licensee"). The motion was presented on behalf of Licensee in absentia by Board Complaint Counsel, Stan T. Ingram, 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 this matter is continued until November 15, 2001, at 10:30 a.m.

SO ORDERED, this the 20th day of September, 2001.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY: *Freda M. Bush, MD*

**FREDA M. BUSH, M.D.
PRESIDENT**

NOVEMBER 2001

**MINUTES
EXECUTIVE COMMITTEE MEETING
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
NOVEMBER 14, 2001**

MEMBERS PRESENT:

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 14, 2001, 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, and Robert Ray Smith, M.D., Jackson, Vice President, were not present. Joseph E. Johnston, M.D., Mount Olive, attended for Dr. Smith.

REQUEST FROM JERRY MITCHELL, III, D.O., FOR REMOVAL OF DEA RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE NUMBER 12395

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

Dr. Burnett presented Dr. Mitchell's request for the return of all DEA privileges, which were surrendered with his January 18, 2001, Consent Order. Motion was made by Dr. Johnston and seconded by Dr. Crawford to return the DEA privileges. The Order of the Board is attached hereto and incorporated by reference.

WILLIAM HINES DUDLEY, M.D., MERIDIAN, MISSISSIPPI MEDICAL LICENSE NUMBER 03317

For informational purposes only, Dr. Burnett advised the Executive Committee that he had been asked to give Dr. Dudley permission to work with some male police officers concerning burnout, etc. Dr. Dudley has been restricted by his 1993 Board Order to work only in an institutional setting and has been

EXECUTIVE COMMITTEE MINUTES

November 14, 2001

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working at East Mississippi Hospital, Meridian. Dr. Burnett gave Dr. Dudley permission to see these police officers.

HUBERT FULTON CAMPBELL, M.D., MEDICAL DIRECTOR, AZALEA GARDEN NURSING CENTER, WIGGINS, MISSISSIPPI MEDICAL LICENSE NUMBER 03419

For informational purposes only, Dr. Burnett reported on a complaint regarding Dr. Campbell's care of a patient at the Azalea Garden Nursing Center. There were also complaints from the nurses of having been put in uncomfortable positions of having to make medical decisions. Because of his age, it had been suggested that Dr. Campbell might want to consider retiring as medical director. Dr. Burnett presented a letter from the administrator, along with the resignation of Dr. Campbell.

DR. BUSH AND STAN T. INGRAM, ATTORNEY FOR THE BOARD, JOINED THE MEETING AT 4:10 P.M.

ZBIGNIEW DWORAK, M.D.

Dr. Burnett presented correspondence from Arie Blitz, M.D., Rush Heart Institute, Meridian, questioning if Dr. Dworak would be eligible for a Mississippi license. Dr. Dworak is not Board certified and does not have three years postgraduate training, although he has 22 years experience as an assistant cardiac surgeon. It was the consensus of the Executive Committee members to authorize one year of postgraduate training for his 22 years of experience, therefore satisfying the three years of postgraduate training, if Dr. Dworak meets all the other licensure requirements. Because he is not Board certified and has not had an examination in ten years, he would be required to take and pass the SPEX.

PERSONAL APPEARANCE BY DEREK MILES, M.D., APPLICANT, UNIVERSITY OF MISSISSIPPI MEDICAL CENTER

Dr. Burnett advised that Dr. Miles exceeded by 13 months the seven year limit allowed by the Board's regulations for passing all three steps of USMLE. Dr. Miles joined the meeting and answered questions from Executive Committee members. It was the consensus of the Executive Committee members to waive the regulation under these limited circumstances and issue Dr. Miles a permanent license.

EXECUTIVE COMMITTEE MINUTES

November 14, 2001

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CORRESPONDENCE FROM ROBERT D. CULPEPPER, M.D., MEDICAL DIRECTOR, CENTRAL MISSISSIPPI CORRECTIONAL FACILITY

Dr. Burnett reviewed correspondence from Dr. Culpepper and the background on the University of Mississippi Medical Center monitoring nurse practitioners. Dr. Burnett advised that he had talked with Dr. Wallace Conerly about this complaint, and Dr. Conerly assured him they are working on improving it.

Dr. Culpepper joined the meeting and expressed his concerns about the way the program was currently operating, i.e., calls from nurse practitioners he did not know, calls regarding inmates for whom he did not have medical records, etc. Dr. Burnett advised Dr. Culpepper of Dr. Conerly's concern. Dr. Johnston stated he thought the Board should meet with those responsible for the program at UMC.

CORRESPONDENCE FROM JOHN H. EICHHORN, M.D., CHAIRMAN, DEPARTMENT OF ANESTHESIOLOGY, UNIVERSITY OF MISSISSIPPI SCHOOL OF MEDICINE

Dr. Burnett reviewed correspondence from John H. Eichhorn, M.D., Professor and Chairman, Department of Anesthesiology, University of Mississippi School of Medicine, regarding a J-1 waiver on a physician who wants to join his faculty. This will be referred to the Educational Ad Hoc Committee.

CHELATION THERAPY

The Tennessee Board of Medical Examiners' Position Statement on Chelation was presented to the Executive Committee members for their review. This will be referred to the Alternative Medicine Ad Hoc Committee.

OTHER BUSINESS

Dr. Burnett reported on a meeting he and Gary D. Carr, M.D., Medical Director, Mississippi Recovering Physicians Program, had with Blue Cross Blue Shield representatives to discuss the problems the restricted physicians were having by not being able to get on the Key Physician List. There was discussion on how Consent Orders could be changed to avoid the physician being classified as restricted. It was the consensus of the Executive Committee members that this should be handled on a case by case basis. Because of having to pay two physicians, Blue Cross Blue Shield will continue not to have physicians who have lost their DEA privileges on the Key Physician List.

EXECUTIVE COMMITTEE MINUTES

November 14, 2001

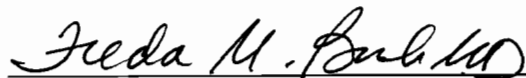
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REVIEW OF NOVEMBER 15 BOARD AGENDA

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

ADJOURNMENT

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



Freda M. Bush, M.D.

President

Minutes taken and transcribed

by Kathy Fortenberry

Administrative Assistant

November 14, 2001

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

JERRY MITCHELL, III, D.O.

ORDER REMOVING RESTRICTIONS

THIS MATTER came on regularly for hearing on November 14, 2001, before the Executive Committee of the Mississippi State Board of Medical Licensure, in response to the Petition of Jerry Mitchell, III, 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 February 2, 2001. 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 all schedules. As a result, Licensee no longer has a restriction on his ability to prescribe, administer, and dispense controlled substances in any schedule. Restriction Nos. 1, 2, and 3 as set forth in the referenced Consent Order are removed. All remaining restrictions imposed by virtue of the February 2, 2001 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 Jerry Mitchell, III, D.O.

ORDERED, this the 14th day of November, 2001.

MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE

BY: *Freda M. Bush, M.D.*
FREDA M. BUSH, M.D.
PRESIDENT

**BOARD MINUTES
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
NOVEMBER 15, 2001**

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday, November 15, 2001, 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
Joseph E. Johnston, M.D., Mount Olive
W. Joseph Burnett, M.D., Director

Also present:

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

Not present:

Robert Ray Smith, M.D., Jackson, Vice President
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. Dr. Bush welcomed Steve Lawrence, Special Assistant Attorney General; Kathy Dougan, reporter for *The Clarion Ledger*; and Melissa Magee, court reporter.

**APPROVAL OF CERTIFICATION OF MISSISSIPPI LICENSES TO OTHER ENTITIES
FOR THE PERIOD SEPTEMBER 1, 2001, TO OCTOBER 31, 2001**

One hundred sixteen (116) licenses were certified to other entities for the period September 1, 2001, to October 31, 2001. Motion was made by Dr. Crawford, seconded by Dr. Johnston, and carried unanimously to approve these certifications.

APPROVAL OF LICENSES ISSUED FOR THE PERIOD SEPTEMBER 1, 2001, TO OCTOBER 31, 2001

Sixty-five (65) licenses were issued for the period September 1, 2001, to October 31, 2001. Motion was made by Dr. Crawford, seconded by Dr. Bowen, and carried unanimously to approve these licenses.

REVIEW OF MINUTES OF THE EXECUTIVE COMMITTEE MEETING DATED SEPTEMBER 19, 2001, AND MINUTES OF THE BOARD MEETING DATED SEPTEMBER 20, 2001

Minutes of the Executive Committee Meeting dated September 19, 2001, and Minutes of the Board Meeting dated September 20, 2001, were reviewed. Dr. Bowen moved for approval of the minutes as submitted. Dr. Johnston seconded the motion, and it carried unanimously.

DR. JACKSON JOINED THE MEETING AT 9:10 A.M.

TELEMERGENCY PRESENTATION BY ROBERT L. GALLI, M.D., CHAIR, DEPARTMENT OF EMERGENCY MEDICINE, UNIVERSITY OF MISSISSIPPI MEDICAL CENTER

Dr. Galli presented a proposal for the University of Mississippi Medical Center's Department of Emergency Medicine to utilize nurse practitioners for rural health care. This would be used in the smaller hospitals with 25 beds or less. Following questions and discussion, Dr. Bush thanked Dr. Galli for his presentation and told him this would be referred to a committee for advisement.

REPORT OF NOVEMBER 14, 2001, EXECUTIVE COMMITTEE MEETING

Dr. Burnett reported on Wednesday's Executive Committee meeting. Derek Miles, M.D., who currently has a temporary license, exceeded by 13 months the seven year limit allowed by the Board's regulations for passing all three steps of USMLE. The Executive Committee agreed to waive the regulation under these limited circumstances and issue Dr. Miles a permanent license. The DEA restrictions on the license of Jerry Mitchell, III, D.O., were removed. The Executive Committee authorized one year of postgraduate training for 22 years of experience, therefore, satisfying the three years of postgraduate training, for Zbigniew Dworak, M.D., if he meets all the other licensure requirements. Dr. Burnett presented other informational items, which are reflected in the Executive Committee Minutes.

REPORTS FROM AD HOC COMMITTEES

Alternative Medicine - Dr. Johnston reviewed the Tennessee Board of Medical Examiners' Position Statement on Chelation. The Alternative Medicine Committee will prepare a similar policy to present at the January Board meeting.

Educational Development - Copies of a proposed Limited Faculty License were distributed for the Board to review. The Educational Committee will study this and report back at the January meeting.

The committee tabled any discussion on the recommendations of the OxyContin Task Force Committee until the presentation by the Drug Enforcement Administration representatives scheduled for later on the agenda.

Impaired Physicians Program - Dr. Burnett reported on a meeting he and Dr. Gary Carr had with Blue Cross Blue Shield representatives to discuss the problems the restricted physicians were having by not being able to get on the Key Physician List. There was discussion on how Consent Orders could be changed to avoid the physician being classified as restricted. Dr. Burnett advised that he and Mr. Ingram would continue to work on this.

Office Based Surgery - The amended Office Based Surgery regulations were reviewed. Dr. Sabra Sullivan, dermatologist, Jackson, and Larry Lanier, Assistant Director of State Affairs, American Academy of Dermatology, expressed their appreciation to the Board for listening to their concerns regarding the regulations. Dr. Bush tabled the discussion of these regulations until the end of the meeting.

Legislative - Mr. Ingram presented proposed legislation, which would exempt from disclosure confidential patient and license information in the possession of the Mississippi Impaired Physicians Committee. Motion was made by Dr. Crawford, seconded by Dr. Bowen, and carried unanimously to proceed with this legislation, which will be presented to Mississippi State Medical Association for their filing.

Dr. Burnett and Mrs. Freeman reported on possible legislation which would require fingerprinting of new applicants. Motion was made by Dr. Crawford, seconded by Dr. Bowen, and carried unanimously for the staff to proceed with this legislation.

Nurse Practitioner and Expanded Role - Dr. Crawford reported on the Nurse Practitioner Joint Committee meeting of November 6, 2001. He advised that the Nursing Association and Mississippi State Medical Association had met several times regarding controlled substances prescriptive privileges for nurse practitioners and that no final recommendation had come out of their meetings. He reported, however, that the Joint Committee had tentatively agreed to give Schedules IV and V across the Board with Schedules II and III offered under special circumstances, which will be approved on an individual basis. Details have not been worked out on what the special circumstances will be. All privileges will have special education requirements.

The proposed ***Regulations Pertaining to Prescribing Controlled Substances and Medications by Nurse Practitioners*** were distributed to the Board members for their review. Dr. Bush advised that these would need to be promulgated jointly by this Board and the Nursing Board.

Dr. Bush asked for approval for the representatives from the Board to the Nurse Practitioner Joint Committee to proceed with allowing Schedules IV and V across the board and Schedules II and III under special circumstances, subject to educational requirements and agreement on special circumstances to be worked out by the Joint Committee. The vote was as follows:

Dr. Bowen	Yes
Dr. Bush	Yes
Dr. Crawford	Yes
Dr. Harper	Yes
Dr. Henderson	Abstain
Dr. Jackson	Abstain
Dr. Johnston	Yes

Dr. Burnett advised that the Board has the authority to go independently with the Nursing Board to have this adopted without going to the legislature.

PRESENTATION BY JEROME S. TANNEBAUM, M.D., CHAIRMAN OF THE BOARD, IMRAC, NASHVILLE, TENNESSEE

Dr. Burnett introduced Dr. Tannebaum, Dr. Mike Skiera, President of IMRAC, and Dr. Deaver Collins, Jackson, who presented information on their electronics medical software. Following the presentation and questions by the Board members, Dr. Bush thanked Dr. Tannebaum, Dr. Skiera, and Dr. Collins and advised

that a decision could not be made at that time but would be referred to a committee.

THE BOARD RECESSED AT 11:00 A.M. AND RECONVENED AT 11:10 A.M.

OTHER BUSINESS

Copies of a letter from Robert D. Cox, M.D., Chair, Pharmacy and Therapeutics Committee, University of Mississippi Medical Center, concerning a new computerized prescription writer were distributed for review. Motion was made by Dr. Johnston, seconded by Dr. Crawford, and carried unanimously that computer generated prescriptions were acceptable as long as the individual physicians sign the prescriptions.

Dr. Bush assigned the Office Based Surgery Committee members, Drs. Henderson, Jackson, and Smith, to a new committee, Telemedicine. This committee will study the electronically transmitted signatures, Internet prescribing, some of the issues presented by Dr. Tannebaum, etc.

CHERYL GOLDEN, NEW ORLEANS, AND MIKE HARGRODER, JACKSON, DRUG ENFORCEMENT ADMINISTRATION

Dr. Bush introduced Mr. Hargroder, Jackson DEA Office, and Ms. Golden, New Orleans DEA Office. Mr. Hargroder expressed concern over some of the Board Orders issued in the past 60 days and presented several examples. Gary D. Carr, M.D., Medical Director, Mississippi Recovering Physicians Program, and William Dudley, M.D., Mississippi Impaired Physicians Committee Member, responded to Mr. Hargroder's concerns. Following questions and comments from the Board, Mr. Hargroder thanked the Board for listening to them and stated he would like to continue the open communication and the good working relationship with the Board.

APPROVAL OF MISSISSIPPI RECOVERING PHYSICIANS PROGRAM AGREEMENT

It was recommended at the September 20, 2001, Board Meeting when an intervention occurred that the impaired physician be asked to sign an agreement not to practice medicine in any form. Copies of an updated proposed agreement were distributed. Motion was made by Dr. Johnston, seconded by Dr. Crawford, and carried unanimously to accept this agreement, a copy of which is attached hereto and incorporated by reference.

REQUEST FROM MISSISSIPPI IMPAIRED PHYSICIANS COMMITTEE TO INCLUDE PALMETTO RECOVERY CENTER, LOUISIANA, ON THE BOARD'S APPROVED LIST OF TREATMENT CENTERS

Motion was made by Dr. Johnston, seconded by Dr. Jackson, and carried unanimously to add Palmetto Recovery Center, Louisiana, to the Board's approved list of treatment centers as requested by the Mississippi Impaired Physicians Committee.

PERSONAL APPEARANCE BY DONALD RAY RAYNER, M.D., LONG BEACH, TO REQUEST REINSTATEMENT OF MEDICAL LICENSE, MISSISSIPPI MEDICAL LICENSE NUMBER 03987

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

Mr. Ingram advised Dr. Rayner's license had been suspended while he was incarcerated and that he has completed his sentence and is now requesting reinstatement. Dr. Rayner presented his request and answered questions from the Board members.

Motion was made by Dr. Johnston, seconded by Dr. Jackson, and carried unanimously to reinstate Dr. Rayner's license. The Order of the Board is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Melissa Magee, CSR/RPR.

HEARING IN THE CASE OF BRUCE MICHAEL FREEDMAN, D.P.M., RICHLANDS, VIRGINIA, MISSISSIPPI MEDICAL LICENSE NUMBER 80081

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

Mr. Ingram advised that Dr. Freedman's license had been revoked a number of years ago based on action taken by the Illinois Board of Medicine and that he was requesting reinstatement. Dr. Freedman has requested two continuances, and after discussing this with Dr. Freedman, Mr. Ingram recommended his request be placed in abeyance until Dr. Freedman had his paperwork in order and was ready to appear.

Motion was made by Dr. Crawford, seconded by Dr. Johnston, and carried unanimously to place this matter in abeyance. The Order of Abeyance is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Melissa Magee, CSR/RPR.

**HEARING IN THE CASE OF THOMAS MICHAEL LEHMAN, M.D., STONEVILLE,
MISSISSIPPI MEDICAL LICENSE NUMBER 13009**

Dr. Lehman was present and represented by legal counsel, Barry Cockrell, Esq., Jackson.

Mr. Ingram explained the charges as outlined in the Summons and Affidavit, which were based on a final sanction notice by the Office of the Inspector General, Department of Health and Human Services. Mr. Cockrell advised he was in the process of preparing an appeal and requested that this be placed in abeyance. A stipulation of the Order of Abeyance would be that Dr. Lehman shall not under any circumstances practice medicine in the state until this matter is ultimately heard by the Board.

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

A verbatim account of this proceeding was recorded by Melissa Magee, CSR/RPR.

**HEARING IN THE CASE OF RICHARD ALFRED MAZUR, M.D., PASS CHRISTIAN,
MISSISSIPPI MEDICAL LICENSE NUMBER 14103**

Dr. Mazur was present and represented by legal counsel, Malcolm Jones, Esq., Pass Christian.

Mr. Ingram explained the charges as outlined in the Summons and Affidavit, which were based on action taken by the Illinois Department of Professional Regulations for failure to pay child support.

Mr. Jones made a motion to dismiss the affidavit for lack of jurisdiction within the body, stating the Mississippi Department of Human Services has the

jurisdiction. If this motion was denied, Mr. Jones asked that the hearing be continued since testimony by Dr. Mazur in today's hearing could be used against him in an upcoming Federal trial. Mr. Ingram responded that the action was strictly based on the action taken by the State of Illinois.

Following questions by the Board members, motion was made by Dr. Johnston, seconded by Dr. Jackson, and carried unanimously that the Board consider going into Executive Session to consider entry of an order which may be appealable. With a motion by Dr. Johnston, seconded by Dr. Crawford, the Board went into Executive Session.

Upon motion by Dr. Henderson, seconded by Dr. Bowen, and carried, although not unanimously, the Board came out of Executive Session at which time Dr. Bush announced to continue the hearing until the first available Board meeting after the scheduled Federal trial. Request for dismissal was denied. The Order Denying Motion to Dismiss and Granting Continuance is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Melissa Magee, CSR/RPR.

HEARING IN THE CASE OF WALTER OCAMPO ANDERSON, M.D., CHUNKY, MISSISSIPPI MEDICAL LICENSE NUMBER 14399

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

Mr. Ingram advised that Dr. Anderson's attorney, Joseph A. Kieronski, Jr., Esq., Meridian, had a conflict and was requesting a continuance. Motion was made by Dr. Johnston, seconded by Dr. Crawford, 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 Melissa Magee, CSR/RPR.

HEARING IN THE CASE OF JOHN ALLEN FRENZ, M.D., BRANDON, MISSISSIPPI MEDICAL LICENSE NUMBER 10906

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

Mr. Ingram presented a request for a continuance from Dr. Frenz's attorney, John L. Maxey, II, Esq., Jackson, since Dr. Frenz is currently in treatment.

Motion was made by Dr. Johnston, seconded by Dr. Jackson, 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 Melissa Magee, CSR/RPR.

**APPROVAL OF CONSENT ORDER EXECUTED BY JOSEPH S. MARDIS, M.D.,
GRENADA, MISSISSIPPI MEDICAL LICENSE NUMBER 15863**

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

Mr. Ingram reviewed the Consent Order executed by Dr. Mardis. Motion was made by Dr. Bowen, seconded by Dr. Johnston, and carried unanimously to accept the Consent Order, a copy of which is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Melissa Magee, CSR/RPR.

AMENDMENTS TO OFFICE BASED SURGERY REGULATIONS

Discussion returned to the Office Based Surgery regulations, which was tabled earlier in the day. Dr. Harper presented a question regarding the alternative credentialing mentioned under "Training Required" for Levels II and III and asked that this be reflected on the Registration Form, as well as a list of procedures a physician plans to do in the office. Motion was made by Dr. Johnston, seconded by Dr. Jackson, and carried unanimously to make the following changes to the Office Based Surgery Regulations: (1) amend Registration Form to include how the physician is credentialed, a list of procedures the physician plans to do in his office, and indicate a space for the physician's signature; (2) have the multi-specialty board appointed by the Board's Director to develop guidelines so that the physician will know how to go about alternative credentialing; and (3) move effective date to June 1, 2002.

OTHER BUSINESS

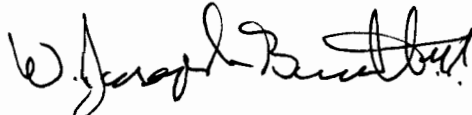
Dr. Johnston asked that the Board members review the Tennessee Board of Medical Examiners' Position Statement on Chelation. Motion was made by Dr. Crawford, seconded by Dr. Jackson, and carried unanimously for the staff to develop a similar position for approval at the January meeting.

For their information, Mr. Ingram distributed copies of information regarding a new Federal rule on the supervision of CRNA's. He also advised that the Joint Commission was requiring hospitals to adopt medical staff policies regarding impaired physicians, and he distributed copies of a draft of a sample policy developed by Linda McMullen of Mississippi State Medical Association, Dr. Carr, and Mr. Ingram.

ADJOURNMENT

The meeting was adjourned at 1:00 p.m. with the next meeting scheduled for Thursday, January 17, 2002.

Respectfully submitted,



W. Joseph Burnett, M.D.
Director

Minutes taken and transcribed
by Kathy Fortenberry
Administrative Assistant
November 15, 2001

**EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
NOVEMBER 15, 2001**

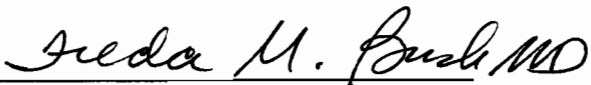
AGENDA ITEM XIX

**HEARING IN THE CASE OF RICHARD ALFRED MAZUR, M.D., PAST CHRISTIAN,
MISSISSIPPI MEDICAL LICENSE NUMBER 14103**

Motion made by Dr. Harper, seconded by Dr. Bowen, and carried to continue the hearing until the first available Board meeting after the scheduled Federal trial. Request for dismissal was denied.

<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			
Paul Douglas Jackson, M.D.	X			
Joseph E. Johnston, M.D.		X		
Robert Ray Smith, M.D.				X

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



Freda M. Bush, M.D.
President

Mississippi Recovering Physicians Program

Mississippi Impaired Physicians Committee

Kay Gatewood, Executive Director
625 Lakeland East Drive, Suite C
Jackson, Mississippi 39208-8817
(601) 420-0240
1-800-844-1446
Fax (601) 420-0290

Gary D. Carr, M.D., Medical Director
4902 Old Highway 11
Hattiesburg, Mississippi 39402
(601) 261-9899
Cell: (601) 297-MRPP (6777)
Fax (601) 261-0508

AGREEMENT

I, _____, have been requested by the MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE, hereinafter "MSBML," and/or the MISSISSIPPI IMPAIRED PHYSICIANS COMMITTEE, hereinafter "MIPC," the operating arm of the Mississippi Recovering Physician Program, to enter into treatment for chemical dependency and/or mental illness pursuant to the Mississippi Impaired Physicians Law, as codified at Miss. Code Ann. Section 73-25-51 et seq. It is my intent to cooperate with the MIPC/MSBML and enter into treatment, with the ultimate goal to return to the practice of medicine.

As a showing of good faith on my part, and in consideration of the Mississippi Recovering Physicians Program (MRPP) agreeing to assume an active advocacy role on my behalf with the Mississippi State Board of Medical Licensure (MSBML), or other licensing boards, hospital boards, managed care panels, malpractice carriers and other appropriate agencies at such time as I complete treatment as herein after provided, I hereby agree to the following non-disciplinary terms and conditions:

1. I will not practice medicine in any manner, directly or indirectly, including, but not limited to prescribing, administering, or dispensing of any medication, controlled or non-controlled, until such time as I have successfully completed all phases of treatment and obtained the advocacy of the MRPP.
2. I will not treat or attempt to treat myself or any family member.
3. I agree to abstain completely from the use of any medications, alcohol and other mood-altering substances including non-approved over-the-counter medications unless ordered and/or approved by my treatment center.

NOTE: Provided that I fully comply with the above terms and conditions, this agreement shall not be deemed disciplinary action and shall not be reported to the National Practitioner Data Bank. Accordingly, any violation of this agreement shall constitute grounds for disciplinary action by the MSBML pursuant to Miss. Code Ann, Section 73-25-29(8)(d) and 73-25-83, in which case, any such action by the MSBML shall be deemed disciplinary action, and all documents relating thereto, including this Agreement, shall thereafter be deemed public record and reportable to the Federation of State Medical Boards, the National Practitioner Data Bank and other entities requiring MSBML reporting.

Signed, this the ___ day of _____, 2001.

Program Participant

Witness to Participant Signature

Medical Director, MRPP

MIPC Chairman

Executive Director, MSBML

cc: Program Participant
Executive Director, MSBML
Monitoring Physician
Caduceus Club Facilitator
Primary Care Physician

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

OF

DONALD RAY RAYNER, M.D.

ORDER

THIS MATTER came on regularly for hearing on November 15, 2001, before the Mississippi State Board of Medical Licensure, in response to the petition of Donald Ray Rayner, M.D. (hereinafter "Licensee"), seeking reinstatement of his license to practice medicine.

On April 12, 2001, Licensee entered into a Consent Order with this Board indefinitely suspending his license to practice medicine effective July 5, 2001, 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 four (4) months beginning July 5, 2001, followed by certain probationary terms and conditions for a period of three (3) years. 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 11:30 a.m., Licensee being present without counsel. Complaint Counsel for the Board was Honorable Stan T. Ingram. Sitting as legal advisor for the Board was Honorable Steve Lawrence, 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 Donald Ray Rayner, M.D.

ORDERED, this the 15th day of November, 2001.

**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 PODIATRIC LICENSE

OF

BRUCE M. FREEDMAN, D.P.M.

ORDER OF ABEYANCE

THIS MATTER came on regularly for hearing on November 15, 2001, before the Mississippi State Board of Medical Licensure, in response to a request for abeyance of the hearing set for this date made by Bruce M. Freedman, D.P.M. (hereinafter "Licensee"). Because it is the responsibility of Licensee to pursue his petition for reinstatement and because he has not asked for a definite hearing date, an order of abeyance would be the best approach at this point. The motion was presented on behalf of Licensee in absentia by Board Complaint Counsel, Stan T. Ingram. After consideration of the matter, the Board finds Licensee's motion to be well taken.

IT IS, THEREFORE, ORDERED, that this matter is placed in abeyance and will not be placed on any future docket until such time as Licensee decides to pursue reinstatement of his license.

SO ORDERED, this the 15th day of November, 2001.

**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

THOMAS M. LEHMAN, M.D.

ORDER OF ABEYANCE

THIS MATTER came on regularly for hearing on November 15, 2001, before the Mississippi State Board of Medical Licensure, in response to the petition of the Respondent, Thomas M. Lehman, M.D., to place the hearing set for this date in abeyance pending his appeal of sanctions imposed by the Office of Inspector General, Department of Health and Human Services (OIG/DHHS). Respondent acknowledges that this Board has the authority to proceed with the pending charges, notwithstanding pendency of the appeal, but has agreed not to practice medicine in the State of Mississippi until this matter is ultimately heard by this Board after conclusion or withdrawal of the appeal. After consideration the matter, the Board finds Respondent's petition to be well taken.

IT IS, THEREFORE, ORDERED, that this matter be placed in abeyance until such time as Dr. Lehman's appeal of the sanctions imposed by the Office of Inspector General, Department of Health and Human Services has been brought to a conclusion either by order of the Secretary DHHS or withdrawal of the appeal by Dr. Lehman.

IT IS, FURTHER, ORDERED, that Dr. Lehman shall not, under any circumstances, practice medicine in the State of Mississippi until this matter is ultimately heard by this Board after conclusion or withdrawal of the appeal.

SO ORDERED, this the 15th day of November, 2001.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY: *Freda M. Bush MD*
**FREDA BUSH, M.D.
PRESIDENT**

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE MEDICAL LICENSE

OF

RICHARD A. MAZUR, M.D.

ORDER DENYING MOTION TO DISMISS AND GRANTING CONTINUANCE

THIS MATTER came on regularly for hearing on November 15, 2001, before the Mississippi State Board of Medical Licensure (hereinafter "Board"), in response to the Motion of Richard A. Mazur, M.D. (hereinafter "Licensee") to dismiss the charges now pending before this Board, or in the alternative, to continue this matter until the next available hearing date.

The hearing on said motions was convened at 11:30 a.m., Licensee represented by Honorable Malcolm F. Jones, Pass Christian, Mississippi. Complaint Counsel for the Board was Honorable Stan T. Ingram, Jackson, Mississippi. Sitting as legal advisor for the Board was Honorable Steve Lawrence, Jackson, Mississippi, Special Assistant Attorney General. After consideration of the motions and argument of counsel, the Board finds the motion to dismiss to be without merit, but grants the motion for continuance.

Licensee has been charged with violation of Subsections (8)(d), (9) and (13) of Section 73-25-29 and Section 73-25-83(a), Miss. Code (1972) Ann., i.e. having been disciplined by the Illinois Department of Professional Regulation. The disciplinary action by the State of Illinois was based, in part, on Licensee's apparent failure to pay child support. Accordingly, it is Licensee's position that disciplinary action taken by this Board based on failure to pay child support is governed solely by Miss. Code Ann. Section 93-11-157 *et seq.* We find this argument to be without merit. Miss. Code Ann. Section 93-11-157 sets forth one available avenue for disciplinary action against a licensee based upon failure to pay child support. In the matter now pending, charges are based upon actions taken by "a licensing authority of another state or jurisdiction. . . , a certified copy of disciplinary order or action taken by the other state or jurisdiction being prima facie evidence thereof. . . ." This is clearly governed by Subsection (9) of Section 73-25-29, providing this Board separate jurisdiction upon which to initiate disciplinary action.

As to the Motion for Continuance, the Board has been advised of the pending criminal charges against Licensee before the United States District Court for the Southern District of Mississippi, based upon a criminal indictment for failure to pay child support. If Licensee chooses to testify before this Board before his criminal trial, any statement which he makes could conceivably be used against him by federal prosecutors. The Board

believes it is important that each respondent in disciplinary proceedings should have an opportunity to defend and testify if he/she so wishes. To protect that right and preserve Licensee's opportunity to testify, the Board believes a continuance is in the best interest of all parties. The Board is advised that the criminal proceedings will be conducted in the early part of January, 2002 and Licensee's attorney has agreed to a March 21, 2002, setting.

IT IS, THEREFORE, ORDERED, that Licensee's Motion to Dismiss all pending charges as set forth in the Summons and Affidavit filed in this matter is hereby denied.

IT IS, FURTHER, ORDERED, that this matter is continued until March 21, 2002, at 10:00 a.m.

SO ORDERED, this the 15th day of November, 2001.

**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 MEDICAL LICENSE

OF

WALTER OCAMPO ANDERSON, M.D.

ORDER OF CONTINUANCE

THIS MATTER came on regularly for hearing on November 15, 2001, before the Mississippi State Board of Medical Licensure, in response to a request for continuance of the hearing set for this date made by Walter Ocampo Anderson, M.D. (hereinafter "Licensee"). After consideration of the matter, the Board finds Licensee's motion to be well taken.

IT IS, THEREFORE, ORDERED, that this matter is continued until January 17, 2002 at 10:00 a.m.

SO ORDERED, this the 15th day of November, 2001.

**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 MEDICAL LICENSE

OF

JOHN A. FRENZ, M.D.

ORDER OF CONTINUANCE

THIS MATTER came on regularly for hearing on November 15, 2001, before the Mississippi State Board of Medical Licensure, in response to a request for continuance of the hearing set for this date made by John A. Frenz, M.D. (hereinafter "Licensee"). After consideration of the matter, the Board finds Licensee's motion to be well taken.

IT IS, THEREFORE, ORDERED, that this matter is continued until January 17, 2002, at 10:00 a.m.

SO ORDERED, this the 15th day of November, 2001.

**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

JOSEPH S. MARDIS, M.D.

CONSENT ORDER

WHEREAS, JOSEPH S. MARDIS, M.D., hereinafter referred to as "Licensee," is the current holder of License No. 15863 for the practice of medicine in the State of Mississippi;

WHEREAS, on or about December 7, 2000, Licensee entered treatment for chemical dependency at COPAC, Brandon, Mississippi, and was subsequently discharged from treatment on or about March 16, 2001;

WHEREAS, on or about May 26, 2001, the Board was notified by Gary Carr, M.D., Medical Director of the Mississippi Recovering Physician's Program (MRPP), that Licensee had relapsed and was entering Pine Grove Recovery Center, Hattiesburg, Mississippi, for further treatment for chemical dependency. Licensee completed said treatment and was discharged on or about July 26, 2001. It was discovered that on July 27, 2001, Licensee had issued a prescription for Oxycontin® to a patient. In the followup investigation, a Board investigator made several unsuccessful attempts to locate Licensee for collection of a urine sample and to make inquiry about the aforesaid prescription. On or about August 13, 2001, Licensee was confronted about issuing the prescription by Mississippi Impaired Physicians Committee (MIPC)

members of the MRPP. On or about September 19, 2001, a previously collected urine sample was reported to be positive for opiates;

WHEREAS, on or about September 19, 2001, Licensee was directed by MIPC and Dr. Carr to return to COPAC for an evaluation of his relapse of chemical dependency;

WHEREAS, such conduct is in violation of the Mississippi Medical Practice Act 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, pursuant to authority set forth in Mississippi Code Annotated, Section 73-25-59, of the Mississippi Disabled Physicians Law, 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. 15863 to practice medicine in the State of Mississippi.

Licensee shall have the right, but not the obligation, to petition the Board at such time as he (1) has successfully completed all recommended treatment for chemical dependency, (2) obtained affiliation with the Mississippi Recovering Physicians Program and (3) obtained advocacy of said program.

During the period of no practice, Licensee will abide by all treatment recommendations made by his treatment center 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 its 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.

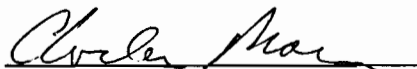
This Consent Order shall be subject to approval by the Board. If the Board fails to approve this Consent Order, in whole or in part, it shall have no force or effect on the parties. It is further understood and agreed that the purpose of this Consent Order is to avoid a hearing before the Board. In this 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.

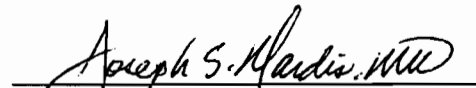
Licensee understands and expressly acknowledges that this Consent Order, if approved and executed by the Mississippi State Board of Medical Licensure, shall constitute a public record of the State of Mississippi. Licensee further acknowledges that the Board shall provide a copy of this Order to, among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

Pursuant to Mississippi Code Annotated, Section 73-25-63(5), this Consent Order shall not be used against Licensee in any other legal proceedings nor does execution of this Consent Order constitute any acknowledgment of wrongful misconduct or malpractice by Licensee.


Recognizing his right to notice of charges specified against him, to have such charges adjudicated pursuant to Miss. Code Ann. Section 73-25-27 (1972), to be represented therein by legal counsel of his choice, and to a final decision rendered upon written findings of fact and conclusions of law, JOSEPH S. MARDIS, 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 25th day of September, 2001.


Witness


JOSEPH S. MARDIS, M.D.

ACCEPTED AND APPROVED, This the 15th day of November, 2001, by the Mississippi State Board Of Medical Licensure.


Freda M. Bush, M.D.
PRESIDENT

DECEMBER 2001

DECEMBER 2001

**BOARD MEETING
ONLY**

**BOARD MINUTES
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
DECEMBER 20, 2001**

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday, December 20, 2001, 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
William B. Harper, D.O., Greenwood
Paul Douglas Jackson, M.D., Greenville
Joseph E. Johnston, M.D., Mount Olive
Henry J. Sanders, III, M.D., McComb
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:

Frank W. Bowen, M.D., Carthage
William H. Henderson, M.D., Oxford
Robert Ray Smith, M.D., Jackson, Vice President

The meeting was called to order at 10:00 a.m. by Dr. Bush, President. The invocation was given by Dr. Crawford.

Dr. Bush welcomed Henry J. Sanders, III, M.D., McComb, as a Board member. Dr. Sanders was appointed to represent the Second Supreme Court District, for the unexpired term of Joe D. Herrington, M.D., ending June 30, 2002. Dr. Sanders was administered the Oath of Office by Heather Wagner, Special Assistant Attorney General, a copy of which is attached hereto and incorporated by reference.

**MISSISSIPPI STATE MEDICAL ASSOCIATION BOARD OF TRUSTEES FOR
DISCUSSION OF CONTROLLED SUBSTANCES PRIVILEGES FOR NURSE
PRACTITIONERS AND OTHER ITEMS**

The following Mississippi State Medical Association representatives met with the Board to discuss several items of concern: Hugh A. Gamble, M.D., President; John J. Cook, M.D., President-Elect; Candace E. Keller, M.D., Immediate Past President; Helen R. Turner, M.D., Secretary-Treasurer; Daniel P. Edney, M.D., Vice Speaker, House of Delegates; T. Steve Parvin, M.D., Chair, Board of Trustees; Arthur M. Matthews, Jr., M.D., Vice Chair, Board of Trustees; Thomas E. Joiner, M.D., Member, Board of Trustees; J. Patrick Barrett, M.D., Member, Board of Trustees; Charles L. Wilkinson, M.D., Member, Board of Trustees; Briggs Hopson, M.D.; Bill Roberts, Director; and Linda McMullen, General Counsel.

Dr. Parvin asked Dr. Gamble, a member of MSMA's nurse practitioners task force, to discuss nurse practitioners and their role with physicians and address some of their recommendations. Dr. Gamble asked where the joint committee of the Medical Board and Nursing Board currently stood with their discussions on controlled substance privileges for nurse practitioners. Dr. Crawford responded that the committee had agreed on across the board on Schedules IV and V with Schedules II and III available on special circumstances only. The committee is still working on Schedules II and III.

Dr. Burnett reported on a letter from Dr. Marcia Rachel, Board of Nursing, and their proposed regulations on controlled substances, which have been filed with the Secretary of State. He stated the educational requirements needed to be worked out prior to the Medical Board jointly promulgating the regulations.

Dr. Gamble advised there had been several meetings with the Nurses' Association and summarized the results of the meetings. He stated that MSMA would be willing to support Schedules III, IV, and V, but in return wanted to do something about collaboration. Since MSMA has no authority to do anything about collaboration, they were asking the Medical Board to do something. He stated that before MSMA could join in supporting prescriptive authority, they want some assurance that a collaborative effort is being monitored.

DR. SMITH JOINED THE MEETING AT 10:20 A.M.

Dr. Parvin asked the Board to make a commitment to establish a committee or division of the Board to work strictly with physicians who are collaborating with nurse practitioners.

Dr. Gamble, as a personal interest, asked the status of the Medical Board relative to medical expert testimony. There is currently no regulation in the state regulating expert testimony.

Dr. Parvin referred to the Impaired Physician Policy, which has been prepared for medical staffs, and there was discussion on anonymous complaints. Dr. Parvin stated that he did not think it was a good policy for Mississippi Impaired Physicians Committee to handle disruptive physicians and that it should be handled by the Medical Board.

Dr. Bush thanked the representatives from Mississippi State Medical Association for coming and stated she thought this should be an annual meeting.

Dr. Crawford stated the joint committee with the Board of Nursing would meet in early January. Motion was made by Dr. Crawford, seconded by Dr. Johnston, and carried unanimously for Dr. Burnett to respond to Dr. Rachel's letter that the educational requirements would have to be better identified before the Board could jointly promulgate the regulations.

OTHER BUSINESS

Dr. Bush welcomed Pamela Davis as the court reporter for the day.

APPROVAL OF SURRENDER OF MEDICAL LICENSE EXECUTED BY FRANK LOUIS LAURO, M.D., JACKSON, MISSISSIPPI MEDICAL LICENSE NUMBER 14654

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

Dr. Burnett reviewed the Surrender of Medical License executed by Dr. Lauro, which will be a reportable action. Motion was made by Dr. Johnston, seconded by Dr. Crawford, and carried unanimously to accept the Surrender of Medical License, a copy of which is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Pamela Davis, CSR.

APPROVAL OF SURRENDER OF MEDICAL LICENSE EXECUTED BY RICHARD HAROLD FLOWERS, JR., M.D., GREENWOOD, MISSISSIPPI MEDICAL LICENSE NUMBER 03732

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

Dr. Burnett reviewed the Surrender of Medical License executed by Dr. Flowers, which is a non-reportable disciplinary action. Motion was made by Dr. Johnston, seconded by Dr. Jackson, and carried unanimously to accept the Surrender of Medical License, a copy of which is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Pamela Davis, CSR.

APPROVAL OF CONSENT ORDER EXECUTED BY JOHN BERTRAND DAVIS, M.D., FORT MYERS, FLORIDA, MISSISSIPPI MEDICAL LICENSE NUMBER 09100

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

Mr. Ingram reviewed the Consent Order executed by Dr. Davis, which was based on action taken by the Florida Board of Medicine. Motion was made by Dr. Johnston, seconded by Dr. Jackson, and carried unanimously to accept the Consent Order, a copy of which is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Pamela Davis, CSR.

SUSPENSION OF MEDICAL LICENSE OF THOMAS ENOS STANFORD, JR., M.D., AUSTIN, TEXAS, MISSISSIPPI MEDICAL LICENSE NUMBER 09688

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

Mr. Ingram reviewed the suspension of Dr. Stanford's license, which was ordered by the Chancery Court of Lee County, Mississippi, due to failure to pay child support. The Board's Order, which was effective November 26, 2001, is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Pamela Davis, CSR.

PROPOSED FINGERPRINTING LEGISLATION

Dr. Burnett reviewed the proposed legislation, which would require fingerprinting of licensure applicants, and advised that this had been sent to Dr. Jim Barnett for filing. Dr. Burnett has not heard from Dr. Barnett, but will follow up with him.

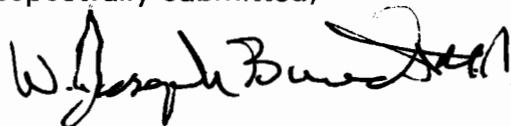
OTHER BUSINESS

There was some earlier discussion regarding unethical or false testimony by physicians from out of state. The question was asked if a regulation or ruling could be made, without going to the legislature, that the practice of medicine would be considered rendering a medical opinion in a case or record review. It was felt that a physician giving an opinion should come under the jurisdiction of the Board. Mr. Ingram and Ms. Wagner were asked to work on this and report back at the January meeting.

ADJOURNMENT

The meeting was adjourned at 11:50 a.m. with the next meeting scheduled for Thursday, January 17, 2002.

Respectfully submitted,



W. Joseph Burnett, M.D.
Director

Minutes taken and transcribed
by Kathy Fortenberry
Administrative Assistant
December 20, 2001

OATH OF OFFICE

I, Henry John Sanders, III, 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,
and obey the laws thereof; that I am not disqualified from holding the office of Member, Board 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 20th day
of December, 2001



By [Handwritten Signature]
Notary Public

Notary Public State of Mississippi At Large
My Commission Expires: October 11, 2002
Bonded Thru Heiden, Brooks & Garland, Inc

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

FRANK LOUIS LAURO, M.D.

SURRENDER OF MEDICAL LICENSE

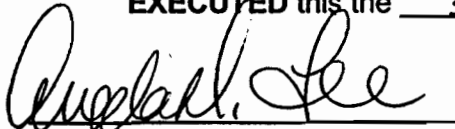
WHEREAS, FRANK LOUIS LAURO, M.D., hereinafter referred to as "Licensee," is the current holder of License Number 14654 issued in November 1995, to practice medicine in the State of Mississippi;

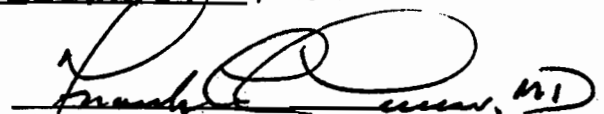
WHEREAS, the investigative staff of the Mississippi State Board of Medical Licensure has conducted a comprehensive investigation into Licensee's habitual use of intoxicating liquors, or any beverage to the extent which affects professional competency;

WHEREAS, such conduct constitutes grounds for which the Mississippi State Board of Medical Licensure may place Licensee's medical license on probation, the terms of which may be set by the Board, suspend his right to practice for a time deemed proper by the Board, revoke said license, or take any other action in relation to said license as the Board may deem proper under the circumstances;

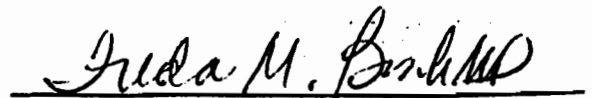
NOW, THEREFORE, Licensee hereby voluntarily surrenders his medical license (Number 14654) to practice medicine in the State of Mississippi. Licensee understands that this is an unconditional surrender, is reportable as disciplinary action to the National Practitioner Data Bank, and is a public record of the State of Mississippi. In the event Licensee later decides to practice medicine in the State of Mississippi, it will be necessary for him to make application with the Board. At such time, the Board reserves the right to utilize all evidence, including all facts developed during the current investigation, as part of the consideration of any application.

EXECUTED this the 3 day of December, 2001.


Witness


FRANK LOUIS LAURO, M.D.

ACCEPTED AND APPROVED this the 20th day of December, 2001, by the Mississippi State Board of Medical Licensure.


President

SURRENDER OF MEDICAL LICENSE

To: W. Joseph Burnett, M.D.
Executive Director
Mississippi State Board of Medical Licensure

WHEREAS, I, Richard Harold Flowers, Jr., M.D., am the current holder of License Number 03732, issued in June, 1956, to practice medicine in the State of Mississippi;

WHEREAS, I am currently disabled and cannot practice medicine with reasonable skill and safety. It my wish to surrender my current license (No. 03732) to practice medicine in the State of Mississippi so that I may retire with a clear and unencumbered license;

THEREFORE, I hereby voluntarily surrender medical license (No. 03732) to practice medicine in the State of Mississippi, said surrender effective the 6th day of December, 2001.

I understand that this is a voluntary surrender, and as such, is not a reportable disciplinary action. In the event I later decide to practice medicine in the State of Mississippi, I understand it will be necessary for me to make application with the Board. At such time, the Board reserves the right to utilize any and all information now or which it may letter obtain as part of the consideration of any application.

EXECUTED this the 6th day of December, 2001.

Richard H. Flowers, Jr.
RICHARD H. FLOWERS, JR., M.D.

Conservator

The attached "Surrender of Medical License," for Richard Harold Flowers, Jr., M.D., dated December 6, 2001 is hereby accepted by the Mississippi State Board of Medical Licensure.

Dated this the 20th day of December, 2001.

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

JOHN B. DAVIS, M.D.

CONSENT ORDER



WHEREAS, JOHN B. DAVIS, M.D., hereinafter referred to as "Licensee," is the current holder of License No. 09100 for the practice of medicine in the State of Mississippi:

WHEREAS, on July 3, 2001, Licensee entered into a Consent Agreement with the Florida Department of Health, after being charged in an Administrative Complaint (Case Number 2000-07050) with violation of Chapter 458, Florida Statutes. Said Consent Order was approved and adopted by the Florida Board of Medicine by Final Order on August 29, 2001.

A certified copy of said Final Order is attached hereto and incorporated as "Exhibit A";

WHEREAS, pursuant to Mississippi Code Annotated Section, Section 73-25-29(8)(d), (9), (13) and Section 73-25-83(a), as amended, the action taken by the State of Florida constitutes grounds 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 the following terms and conditions 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 publicly reprimand Licensee and place the following probationary terms and conditions on his Mississippi Medical License, to-wit:

1. Licensee shall strictly comply with all of the terms and conditions of the Consent Agreement with the State of Florida.
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 shall pay all investigative costs as allowed by statute, with a certified check made payable to the Board within forty (40) days of receipt of a copy of the charge letter.

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 after the expiration of one (1) year. 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.

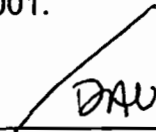
This Consent Order shall be subject to approval by the Board. If the Board fails to approve this Consent Order, in whole or in part, it shall have no force or effect on the parties. It is further understood and agreed that the purpose of this Consent Order is to avoid a hearing before the Board. In this 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, John B. Davis, 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 issuing a public reprimand to Licensee, and placing his license on probation subject to those terms and conditions enumerated above.

Signed this the 18th day of November, 2001.



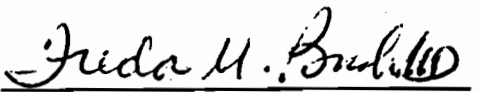
Witness



John B. Davis, M.D.
11-18-01

Date

ACCEPTED AND APPROVED, this the 20th day of December, 2001 by the MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE.

By: 

FREDA M. BUSH, M.D.
PRESIDENT

STATE OF FLORIDA
BOARD OF MEDICINE

By: *[Signature]*
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

CASE NO.: 2000-07050
LICENSE NO.: ME0039739

JOHN BERTRAND DAVIS, M.D.,

Respondent.



FINAL ORDER

THIS CAUSE came before the Board of Medicine (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on August 3, 2001, in Tallahassee, Florida, for consideration of a Consent Agreement (attached hereto as Exhibit A) entered into between the parties in the above-styled cause. Upon consideration of the Consent Agreement, the documents submitted in support thereof, the arguments of the parties, and being otherwise advised in the premises,

IT IS HEREBY ORDERED AND ADJUDGED that the Consent Agreement as submitted be and is hereby approved and adopted in toto and incorporated by reference herein. Accordingly, the parties shall adhere to and abide by all the terms and conditions of the Consent Agreement.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

"EXHIBIT A"

DONE AND ORDERED this 29th day of August, 2001.

BOARD OF MEDICINE

Tanya Williams
TANYA WILLIAMS, BOARD DIRECTOR
For
GASTON ACOSTA-RUA, M.D.
CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to John Bertrand Davis, M.D., 9981 Healthpark Circle, Suite 259, Ft. Myers, Florida 33908; and by interoffice delivery to Nancy M. Snurkowski, Chief - Practitioner Regulation, and Simone Marstiller, Senior Attorney - Appeals, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308-5403, on or before 5:00 p.m., this _____ day of _____, 2001.

STATE OF FLORIDA
DEPARTMENT OF HEALTH
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO. 2000-07050

JOHN B. DAVIS, M.D.,

Respondent.

CONSENT AGREEMENT

JOHN B. DAVIS, M.D. referred to as the "Respondent," and the Department of Health referred to as "Department," by and through the Agency for Health Care Administration stipulate and agree to the following Agreement and to the entry of a Final Order of the Board of Medicine, referred to as "Board," incorporating the Stipulated Facts and Stipulated Disposition in this matter.

Effective July 1, 1997, Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes, and Chapter 458, Florida Statutes. Pursuant to the provisions of Section 20.43(3), Florida Statutes, the Petitioner has contracted with the Agency for Health Care Administration to provide consumer complaint, investigative, and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.

STIPULATED FACTS

1. At all times material hereto, the Respondent was a licensed physician in the State of Florida having been issued license number ME 39739.
2. The Respondent was charged by an Administrative Complaint filed by the Department and properly served upon the Respondent with a violation of Chapter 458, Florida Statutes, and the rules enacted pursuant thereto. A true and correct copy of the Administrative Complaint is attached hereto as Exhibit A.
3. Respondent neither admits nor denies the allegations of fact contained in the Administrative Complaint.

STIPULATED CONCLUSIONS OF LAW

1. The Respondent admits that, in his capacity as a licensed physician, he is subject to the provisions of Chapters 456 and 458, Florida Statutes, and the jurisdiction of the Department and the Board.
2. The Respondent admits that the facts set forth in the Administrative Complaint, if proven, would constitute a violation of Chapter 458, Florida Statutes, as alleged in the Administrative Complaint.
3. Respondent admits that the Stipulated Disposition in this case is fair, appropriate and acceptable to Respondent.

STIPULATED DISPOSITION

1. **FUTURE CONDUCT.** The Respondent shall not in the future violate Chapters 456, 458 and 893, Florida Statutes, or the rules promulgated pursuant thereto. Prior to signing this agreement, the Respondent shall read Chapters 456, 458, 893 and the Rules of the Board of Medicine, at Section 64B8, Florida Administrative Code.

2. **ADMINISTRATIVE FINE.** The Board shall impose an administrative fine in the amount of two hundred fifty dollars (\$250.00) against the Respondent. The fine shall be paid by the Respondent to the Board of Medicine within thirty (30) days of its imposition by Final Order of the Board. **THE RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE FINES IS HIS LEGAL OBLIGATION AND RESPONSIBILITY AND THE RESPONDENT AGREES TO CEASE PRACTICING IF THE FINE IS NOT PAID AS AGREED TO IN THIS CONSENT AGREEMENT, SPECIFICALLY: IF THE RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION THAT THE FULL AMOUNT OF THE FINE HAS BEEN RECEIVED BY THE BOARD OFFICE WITHIN THIRTY (30) DAYS OF THE FILING OF THIS FINAL ORDER, THE RESPONDENT AGREES TO CEASE PRACTICE UNTIL SUCH WRITTEN CONFIRMATION IS RECEIVED BY THE RESPONDENT FROM THE BOARD. (SEE EXHIBIT B, PARAGRAPH 1 OF THIS CONSENT AGREEMENT FOR BOARD ADDRESS AND STANDARD TERMS).**

3. **REIMBURSEMENT OF COSTS.** In addition to the amount of any fine noted above, the Respondent agrees to reimburse the Department for any administrative costs incurred in the investigation, prosecution, and preparation of this case, including costs assessed by the Division of Administrative Hearings, if applicable, and by the Board of Medicine office. The agreed upon Agency costs to be reimbursed in this case is three hundred thirty-three dollars and fifty-seven cents (\$333.57). The costs shall be paid by the Respondent to the Board of Medicine within thirty (30) days of its Imposition by Final Order of the Board. **THE RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE COSTS IS HIS LEGAL OBLIGATION AND RESPONSIBILITY AND RESPONDENT AGREES TO CEASE PRACTICING IF THE COSTS ARE NOT PAID AS AGREED TO IN THIS CONSENT AGREEMENT, SPECIFICALLY: IF THE RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION THAT THE FULL AMOUNT OF THE COSTS NOTED ABOVE HAS BEEN RECEIVED BY THE BOARD OFFICE WITHIN THIRTY (30) DAYS OF THE FILING OF THIS FINAL ORDER, THE RESPONDENT AGREES TO CEASE PRACTICE UNTIL SUCH WRITTEN CONFIRMATION IS RECEIVED BY THE RESPONDENT FROM THE BOARD. (SEE EXHIBIT B, OF THIS CONSENT AGREEMENT FOR BOARD ADDRESS AND STANDARD TERMS.**

4. **CONTINUING MEDICAL EDUCATION.** Within ninety (90) days of the date of the filing of a Final Order in this cause, Respondent shall attend three (3) hours of Continuing Medical Education (CME), in ethics. Respondent shall submit a written plan to the Chairman of the Board for approval prior to the completion of said continuing education hours and course. The Board confers authority on the Chairman of the Board to approve or disapprove said continuing education hours or course. In addition, Respondent shall submit documentation in the form of certified copies of the receipts, vouchers, certificates, or other papers, such as physician's recognition awards, documenting completion of this medical course within ninety (90) days of the Final Order in this matter. **All such documentation shall be sent to the Board of Medicine, regardless of whether some or any of such documentation was previously provided during the course of any audit or discussion with counsel for the Department. These hours shall be in addition to those hours required for renewal of licensure. Unless otherwise approved by the Board, said continuing medical education course shall consist of a formal, live lecture format.**

STANDARD PROVISIONS

This Consent Agreement shall be governed by the attached "Standard Terms Applicable to Consent Agreements", Exhibit B, which is incorporated as if fully set forth herein.

1. It is expressly understood that this Agreement is subject to the approval of the Board and the Department. In this regard, the foregoing paragraphs (and only the foregoing paragraphs) shall have no force and effect unless a Final Order incorporating the terms of this Agreement is entered by the Board.

2. Respondent is not required to appear before the Board at the meeting of the Board where this Agreement is considered.

3. Respondent and the Department fully understand that this joint agreement and subsequent Final Order incorporating same will in no way preclude additional proceedings against Respondent for acts or omissions not specifically set forth in the Administrative Complaint.

4. Upon the Board's adoption of this Agreement, Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of the Agreement and the Final Order of the Board incorporating said Agreement.

5. Upon the Board's adoption of this Agreement, the parties hereby agree that each party will bear his own attorney's fees and costs resulting from prosecution or defense of this matter. Respondent waives the right to seek any attorney's fees or costs from the Department in connection with this matter.

6. This agreement is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of the Agreement. Furthermore, should this joint Agreement not be accepted by the Board, it is agreed that presentation to and consideration of this Agreement and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration, or resolution of these proceedings.

Exhibit B

STANDARD TERMS APPLICABLE TO CONSENT AGREEMENTS

The following are the standard terms applicable to all Consent Agreements.

A. PAYMENT OF FINES. Unless otherwise directed by the Consent Agreement, all fines shall be paid by check or money order and sent to the Board address as set forth in paragraph E, below. The Board office does not have the authority to change terms of payment of any fine imposed by the Board.

B. COMMUNITY SERVICE AND CONTINUING EDUCATION UNITS. Unless otherwise directed by the Consent Agreement, all community service requirements, continuing education units/courses must be completed, and documentation of such completion submitted to the Board of Medicine at the address set forth below in paragraph E, **WITHIN ONE YEAR OF THE DATE OF THE FINAL ORDER.**

C. ADDRESSES. The Respondent must keep current residence and practice addresses on file with the Board. The Respondent shall notify the Board within ten (10) days of any changes of said addresses. Furthermore, if the Respondent's license is on probation, the Respondent shall notify the Board within ten (10) days in the event that the Respondent leaves the active practice of medicine in Florida.

D. COSTS. Pursuant to Section 458.331(2), Florida Statutes, the Respondent shall pay all costs necessary to comply with the terms of this Consent Agreement. Such costs include, but are not limited to, the cost of preparation of Investigative Reports detailing compliance with the terms of the Consent Agreement, obtaining supervision or monitoring of the practice, the cost of quality assurance reviews, and the Board's administrative cost directly associated with the Respondent's probation.

E. BOARD ADDRESS. Unless otherwise directed by the Board office, all fines, reports, correspondence and inquires shall be sent to: **Board of Medicine, 4052 Bald Cypress Way, Bin # C-03, Tallahassee, Florida 32399-3253, Attn: Final Order Compliance Officer.**

SIGNED this 27 day of JUNE, 2001.

John B. Davis MD
John B. Davis, M.D.

Before me, personally appeared John B Davis, whose identity is known to me by FL Dr Lic (type of identification) and who, under oath, acknowledges that his/her signature appears above.

Sworn to and subscribed before me this 27th day of June 2001, 2001.



Francis Coryell
NOTARY PUBLIC

My Commission Expires: 8-16-2003

APPROVED this 3rd day of July, 2001.

Robert G. Brooks, M.D., Secretary
Department of Health

By: Nancy M. Snurkowski
for Chief Attorney - Practitioner Regulation

JET/tc

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,)
)
 PETITIONER,)
)
 v.)
)
 JOHN BERTRAND DAVIS, M.D.,)
)
 RESPONDENT.)
 _____)

CASE NO. 2000-07050

ADMINISTRATIVE COMPLAINT

COMES NOW the Petitioner, Department of Health, hereinafter referred to as "Petitioner," and files this Administrative Complaint before the Board of Medicine against John Bertrand Davis, M.D., hereinafter referred to as "Respondent," and alleges:

1. Effective July 1, 1997, Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes, and Chapter 458, Florida Statutes. Pursuant to the provisions of Section 20.43(3), Florida Statutes, Petitioner has contracted with the Agency for Health Care Administration to provide consumer complaint, investigative, and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.

2. Respondent is and has been at all times material hereto a licensed physician in the state of Florida, having been issued license number ME 0039739. Respondent's last known address is 9981 Healthpark Circle, Suite 259, Fort Myers, Florida 33908.

3. Section 455.565, Florida Statutes, Designated health care professionals; Information required for licensure, states:

(1) Each person who applies for initial licensure as a physician under chapter 458, chapter 459, chapter 460, or chapter 461, except a person applying for registration pursuant to ss. 458.345 and 459.021, must, at the time of application, and each physician who applies for license renewal under chapter 458, chapter 459, chapter 460, or chapter 461, except a person registered pursuant to ss. 458.345 and 459.021, must, in conjunction with the renewal of such license and under procedures adopted by the Department of Health, and in addition to any other information that may be required from the applicant, furnish the following information to the Department of Health:

(a)7. A description of any criminal offense of which the applicant has been found guilty, regardless of whether adjudication of guilt was withheld, or to which the applicant has pled guilty or nolo contendere. A criminal offense committed in another jurisdiction which would have been a felony or misdemeanor if committed in this state must be reported. If the applicant indicates that a criminal offense is under appeal and submits a copy of the notice for appeal of that criminal offense, the department must state that the criminal offense is under appeal if the criminal offense is reported in the applicant's profile. If the applicant indicates to the department that a criminal offense is under appeal, the applicant must, upon disposition of the appeal, submit to the department a copy of the final written order of disposition.

4. On or about March 12, 1999, Respondent completed a mandatory practitioner profile questionnaire, and affirmed by signature that the information contained within the questionnaire was true and correct.

5. The mandatory practitioner profile questionnaire for licensure included the following question:

Have you ever been convicted or found guilty, regardless of whether adjudication of guilt was withheld, or pled guilty or nolo contendere to a criminal misdemeanor or felony in any jurisdiction? (Authority: Section 455.565(1)(a)(7), Florida Statutes)

Respondent answered "no" to the above question.

6. On or about November 7, 1995, Respondent pled nolo contendere, and was adjudicated guilty, of the charge of reckless driving, a criminal misdemeanor, in Lee County, Florida. Respondent was placed on probation for six (6) months, required to attend DUI school, required to provide fifty (50) hours of community service, and fined \$380.

7. On or about November 20, 1995, Respondent pled nolo contendere to DUI in Lee County, Florida. Respondent was adjudicated guilty, required to attend DUI school, placed on probation for six (6) months, required to provide fifty (50) hours of community service, had his license revoked for six (6) months, and fined \$480.

8. Respondent made a misleading, untrue, deceptive, or fraudulent representation on a profile, credentialing, or initial or renewal licensure application when he falsely represented that he had never pled guilty or nolo contendere to a criminal misdemeanor or felony.

9. Section 455.624, Grounds for discipline; penalties; enforcement, states:

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(v) Failing to comply with the requirements for profiling and credentialing, including, but not limited to, failing to provide initial information, failing to timely provide updated information, or making misleading, untrue, deceptive, or fraudulent representations on a profile, credentialing, or initial or renewal licensure application.

10. Respondent failed to perform any statutory or legal obligation placed upon a licensed physician, in that Respondent made misleading, untrue, deceptive, or fraudulent representations on a profile, credentialing, or initial or renewal licensure application; and/or Respondent failed to comply with the requirements for profiling and

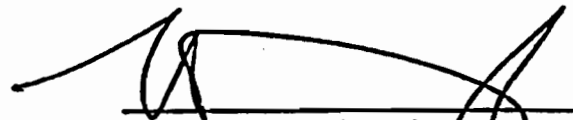
credentialing by not timely providing updated information to the Board, in violation of Section 455.624(1)(v), Florida Statutes.

11. Based on the foregoing, Respondent has violated Section 458.331(1)(g), Florida Statutes, by failing to perform any statutory or legal obligation placed upon a licensed physician.

WHEREFORE, the Petitioner respectfully requests the Board of Medicine enter an order imposing one or more of the following penalties: permanent revocation or suspension of the Respondent's license, restriction of the Respondent's practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, the assessment of costs related to the investigation and prosecution of this case as provided for in Section 456.072(4), Florida Statutes, and/or any other relief that the Board deems appropriate.

SIGNED this 3rd day of May, 2001.

Robert G. Brooks, M.D., Secretary



Nancy M. Snurkowski
Chief Attorney, Practitioner Regulation

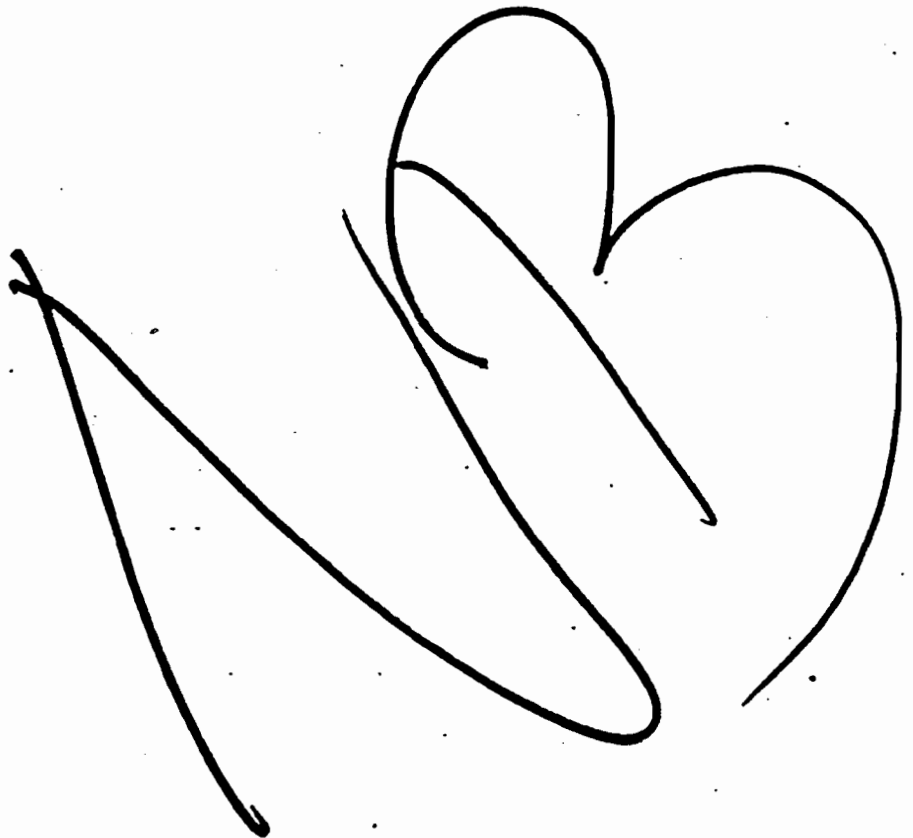
FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK Victoria Kenan

DATE 5/4/01

COUNSEL FOR DEPARTMENT:

Eric S. Scott
Senior Attorney, Practitioner Regulation
Agency for Health Care Administration
P. O. Box 14229
Tallahassee, Florida 32317-4229
Florida Bar # 0911496
ESS/cdc
PCP: April 27, 2001
PCP Members: El-Bahri, Tucker, Pardue

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and curves, positioned in the lower right quadrant of the page.

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

OF

THOMAS E. STANFORD, JR., M.D.

ORDER OF LICENSE SUSPENSION

WHEREAS, Thomas E. Stanford, M.D., hereinafter referred to as "Licensee," currently holds Mississippi Medical License Number 09688. Although said license is presently lapsed, Licensee has the right to seek reinstatement of the same pursuant to Mississippi law;

WHEREAS, on November 13, 2001, the Chancery Court of Lee County, Mississippi, rendered an Order in Cause No. 95-1372, styled *Dale S. Stanford v. Thomas E. Stanford*, finding Licensee in contempt of court as a result of his "willful, contumacious...failure to pay any reasonable amount toward outstanding child support arrearage."

WHEREAS, pursuant to authority set forth in Miss. Code Ann. § 93-11-163, the Chancery Court ordered that the medical license previously issued to Licensee be immediately suspended and that the Board not reinstate or reissue said medical license except upon Order of the Court, "which shall not issue until Defendant, Thomas E. Stanford, Jr., has brought all child support payments current."

NOW, THEREFORE, IT IS HEREBY ORDERED, that License No. 09688 issued to Thomas E. Stanford, Jr., M.D., is hereby suspended pursuant to authority granted by Miss. Code Ann. Section 93-11-163. Licensee shall not be authorized to practice medicine in

the State of Mississippi until such time as this Board receives an order of the Chancery Court of Lee County, Mississippi, or other court of competent jurisdiction, directing this Board to reinstate licensure.

IT IS FURTHER ORDERED, that a copy of this Order shall be sent by registered mail or personally served upon Thomas E. Stanford, Jr., M.D.

ORDERED this the 26th day of November, 2001.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY: *Freda M. Bush MD*
FREDA M. BUSH, M.D.
PRESIDENT