

EXECUTIVE COMMITTEE

INDEXES

2003

**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
INDEX OF 2003 EXECUTIVE COMMITTEE MINUTES**

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Berthold, Kerry J.	June
Booker, Joseph, Jr.	October
Caine, Curtis W.	January
Chauvin, John Christopher	February
DeHenre, Malachy M.	September
Dunn, Jack, III	August
Ellis, Terry Kent	September
.	October
Givens, Roderick D.	January
Glass, Ted Alan	September
Hankins, Christopher L.	August
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.....	March
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**BOARD
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2003**

**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
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<u>NAME</u>	<u>MONTH</u>
Dunn, Jack, III	September
Mladineo, John Philip	April
Rolling, Lane Cedric	September
.	November
Smoot, John Medley	September
Townsend, Horrell H., III	April
.	September
.	November
Vaughan, Thomas Alfred	September

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<u>TOPIC</u>	<u>MONTH</u>
Acupuncture	
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.	November
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.	September
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Medical Assistants	November
Regulations	
Electromyography	September
.....	November
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.....	November
Internet Prescribing	September
Nurse Practitioners	April
.....	September
Prescription Guidelines-Controlled Substances	November
Release of Medical Records	April
.....	September
University of Mississippi Medical Center	
TelEmergency	April
USMLE	
Clinical Skills Examination	September
Clinical Skills Learning Labs	September

JANUARY 2003

**MINUTES
EXECUTIVE COMMITTEE MEETING
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
JANUARY 15, 2003**

MEMBERS PRESENT:

Dewitt G. Crawford, M.D., Louisville, Vice President
William B. Harper, D.O., Greenwood, 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

NOT PRESENT:

Robert Ray Smith, M.D., Jackson, President

The Executive Committee of the Mississippi State Board of Medical Licensure met on Wednesday, January 15, 2003, 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 RODERICK C. GIVENS, M.D., NATCHEZ,
MISSISSIPPI MEDICAL LICENSE NUMBER 14914**

Due to the number of recent malpractice cases which were settled, Dr. Givens was asked to appear before the Executive Committee because of concern pertaining to the quality of care. Dr. Burnett briefly reviewed the background on this case and advised that two urologists had reviewed the patients' files. Neither believed there was enough for the Board to take action.

Dr. Givens joined the meeting and was not represented by legal counsel. He reviewed the cases and stated that the attorney for the insurance carrier advised him to settle the cases, rather than go to a trial. Dr. Givens answered questions from the Executive Committee members and talked about his plans for going forward with his practice. No action was required, and Dr. Givens was thanked for attending the meeting.

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STAN INGRAM, ATTORNEY FOR THE BOARD, JOINED THE MEETING AT 4:20 P.M.

REVISIT AMENDMENT TO *RELEASE OF MEDICAL RECORDS*

Dr. Burnett and Mr. Ingram reported on a previous meeting with the Mississippi Bar Association concerning the *Release of Medical Records* regulations. After discussing possible changes to the regulations, it was the consensus of the Executive Committee members for Dr. Harper and Mr. Ingram to work on this and present a proposal to the February 2003 Board meeting.

VAN LEMUEL LACKEY, M.D., JACKSON, MISSISSIPPI MEDICAL LICENSE NUMBER 06430

The Order Accepting in Part the Recommendations of Examining Committee dated November 20, 2002, required Dr. Lackey to submit to periodic, unannounced and witnessed urine and/or blood serum screens by the Investigative Staff of the Board for a period of at least two years. Mr. Ingram advised that Dr. Lackey wanted this changed to one year. Motion was made by Dr. Harper and seconded by Dr. Crawford to decline Dr. Lackey's request. If he declines to accept the non-disciplinary approach as presented, the Executive Committee members would be willing to consider a reportable Consent Order for one year or a hearing will be scheduled. Mr. Ingram will advise Dr. Lackey's attorney, Edmund L. Brunini, Jr., Esq., of this decision.

APPROVAL OF CONSENT ORDER EXECUTED BY TIMOTHY EVANS WHITTLE, M.D., HATTIESBURG, MISSISSIPPI MEDICAL LICENSE NUMBER 11439

Dr. Whittle met with the Executive Committee at their November 20, 2002, meeting, at which time a Consent Order was presented for his review. Dr. Whittle has now executed the Consent Order, and it was presented to the Executive Committee. Motion was made by Dr. Harper and seconded by Dr. Crawford to accept the Consent Order, a copy of which is attached hereto and incorporated by reference.

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JANARDHANA R. JONNALAGADDA, M.D., APPLICANT, USMLE STEP 3

Dr. Burnett presented a request from Dr. Jonnalagadda that an exception be made to the seven-year rule for passing all three steps of USMLE. Motion was made by Dr. Crawford and seconded by Dr. Harper to waive the regulation under these limited circumstances and to proceed with issuing Dr. Jonnalagadda a license.

ADOPTION OF AMENDMENT TO *LICENSURE EXAMINATIONS, B. 5*

Mrs. Freeman presented a regulation pertaining to the seven-year rule for passing all three steps of USMLE. Motion was made by Dr. Crawford and seconded by Dr. Harper to adopt the amendment for final filing with the Secretary of State under the Administrative Procedures Act. A copy of the amendment is attached hereto and incorporated by reference.

DR. SMITH JOINED THE MEETING AT 5:00 P.M.

REVISIT POLICY STATEMENT ON UNREFERRED DIAGNOSTIC SCREENING TESTS

The Board's policy statement on unREFERRED diagnostic screening tests was reviewed, and an addition to the policy statement was presented. It was the consensus of the Executive Committee members to adopt the addition. A copy of the policy statement with the addition underlined is attached hereto and incorporated by reference.

OTHER BUSINESS

Section 73-25-3 states that an applicant shall hold a diploma from a reputable medical college or college of osteopathic medicine that requires a four-year course of at least thirty-two (32) weeks for each session, or its equivalent. Dr. Burnett reported on an applicant who received his diploma after three years. The Executive Committee determined that the three-year curriculum appeared to be equivalent to the four-year program as provided by statute. It was Dr. Burnett's recommendation to accept the three-year medical school training, and there was no objection from the Executive Committee. The possibility of legislatively changing this statute was discussed, but it was decided to defer doing anything at this time.

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MISSISSIPPI RECOVERING PHYSICIANS PROGRAM MEMORANDUM OF UNDERSTANDING

Copies of a proposed change to **Section 11. Confidentiality** of the Mississippi Recovering Physicians Program Memorandum of Understanding were distributed and discussed. The proposed change concerns who would be responsible for the attorney fees when a subpoena is issued. Motion was made by Dr. Crawford, seconded by Dr. Smith, and carried to accept the proposed change. The proposed change, which is highlighted, is attached hereto and incorporated by reference.

CME EXTENSION FOR RETIRED PHYSICIANS

Dr. Burnett reviewed the background on Curtis W. Caine, M.D., Brandon, whose correspondence voicing his objections to obtaining the required 40 hours of CME, was presented at the June 19, 2002, Executive Committee meeting. Dr. Cain was given an extension until December 31, 2002. When he brought his CME in to continue his license, he informed Mrs. Freeman that he had in fact had the CME since June 2002. No action was taken on this matter.

Dr. Burnett advised that he had given an extension until April 30, 2003, to Claude Austin, M.D., Ocean Springs, who works pro bono at a clinic on the coast. The Executive Committee expressed no objections to this but stated those who received an extension this renewal period could not be granted another extension in 2004, when another 40 hours will be required.

CONSUMER HEALTH AD HOC COMMITTEE

Dr. Burnett proposed that an ad hoc committee be composed of consumers to meet with the Board concerning regulations, policies, etc. This recommendation will be presented to the full Board at their February meeting.

OTHER BUSINESS

Dr. Burnett reported on meeting today with the House Appropriations Subcommittee. The legislators asked for a survey of those physicians who did not renew their medical licenses. The information needed from this survey was discussed, and a deadline of March 1, 2003, was established in order to provide the data prior to the legislature adjourning. Motion was made by Dr. Smith, seconded by Dr. Crawford, and carried to approve the requested survey.

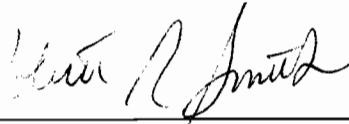
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ADJOURNMENT

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



Robert Ray Smith, M.D.
President

Minutes taken and transcribed
by Kathy Fortenberry
Administrative Assistant
January 15, 2003

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE OF

TIMOTHY E. WHITTLE, M.D.

CONSENT ORDER

WHEREAS, the Investigative Staff of the Mississippi State Board of Medical Licensure has conducted a comprehensive investigation into the medical practice of TIMOTHY E. WHITTLE, M.D., Hattiesburg, Mississippi, and has documented evidence indicating that Dr. Whittle (hereinafter referred to as "Licensee") is suffering from mental illness and has committed professional sexual misconduct;

WHEREAS, on March 18, 2002, Licensee was admitted to the Professional Renewal Center (PRC), Lawrence, Kansas, under the care and direction of Elizabeth Wallace, M.D., and successfully completed initial primary inpatient treatment on May 10, 2002. He returned to PRC on August 5 through August 9, 2002 for a week of follow up treatment and again in November, 2002 for additional treatment;

WHEREAS, pursuant to Subsection (8)(d) of Section 73-25-29, Subsections (a) and (c) of Section 73-25-53 and Section 73-25-83(a), Miss. Code Ann. (1972), the aforementioned acts constitute unprofessional and unethical conduct, for which the Mississippi State Board of Medical Licensure may revoke the Mississippi medical license of Licensee, suspend his right to practice for a time deemed proper by the Board, place his license on probation, the terms of which may be set by the Board, or take any other action in relation to her license as the Board may deem proper under the circumstances;

WHEREAS, Licensee is the holder of expired License No. 11439 for the practice of medicine in the State of Mississippi;

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

NOW, THEREFORE, the Mississippi State Board of Medical Licensure, with consent of Licensee as signified by his joinder herein, does hereby prohibit Licensee from practicing medicine in the State of Mississippi for at least one (1) year. In consideration of Licensee's time already spent away from the practice of medicine during his treatment at PRC and during therapeutic leave time, said prohibition will be in effect for at least one (1) year effective March 18, 2002, after which, Licensee shall have the right to appear before the Board at the next available meeting date, and petition for reinstatement. At such time, the Board reserves the right to then consider his ability to practice medicine with reasonable skill and safety and to impose any additional restrictions or conditions as it may deem necessary to protect the public and to maintain Licensee's recovery.

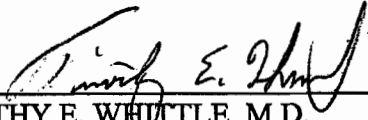
This Consent Order shall be subject to approval by the Board. If the Board fails to approve the Consent Order, in whole or in part, it shall have no force or effect on the parties. It is further understood and agreed that the purpose of this Consent Order is to avoid a hearing before the Board. In this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

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

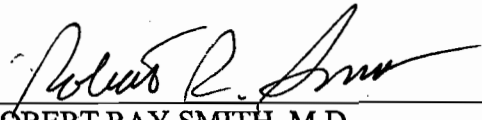
Recognizing his right to notice of charges specified against him, to have such charges adjudicated pursuant to Miss. Code Ann. (1972) Section 73-25-27, to be represented therein by legal counsel of his choice, and to a final decision rendered upon written findings of fact and conclusions of law, TIMOTHY

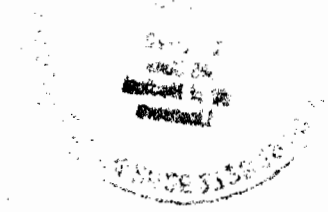
E. WHITTLE, M.D., nonetheless hereby waives his right to notice and a formal adjudication of charges and authorizes the Board to enter an order accepting this Consent Order, thereby prohibiting him from the practice of medicine in the State of Mississippi for at least one (1) year, effective March 18, 2002.

EXECUTED, this the 9 day of Dec, 2002.


TIMOTHY E. WHITTLE, M.D.

ACCEPTED AND APPROVED, this the 15th day of January, 2002³, by the
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE.


ROBERT RAY SMITH, M.D.
PRESIDENT



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 01/16/2003

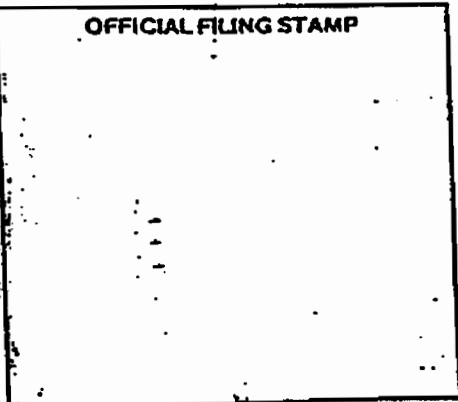
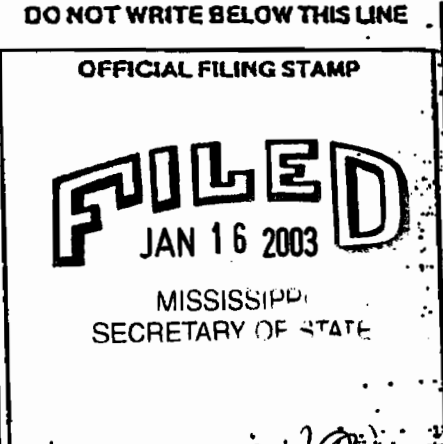
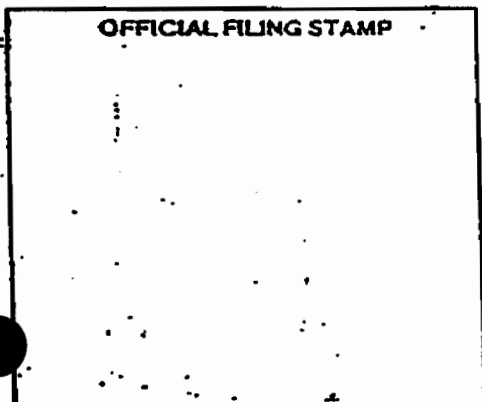
Copy Attached: Yes No _____

Name or Number of Rule(s) IV. Licensure Examinations B. 5.

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"/> 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): _____



Accepted for filing by _____

IV. LICENSURE EXAMINATIONS

B.

5. The Board encourages all applicants to take Step 3 of the USMLE as soon as possible following receipt of the M.D. or D.O. degree. An applicant has seven (7) years in which to pass all steps of the USMLE. The Board, at its discretion, may waive this requirement based on extraordinary circumstances. A candidate who is unsuccessful in passing Step 3 after 3 (three) attempts will be required to take one (1) additional year of ACGME-approved postgraduate training before being eligible to take Step 3 again. Following completion of the year of postgraduate training, the applicant may be allowed three (3) additional attempts to pass Step 3 of the USMLE.

VII. UNREFERRED DIAGNOSTIC SCREENING TESTS

It is the opinion of the Mississippi State Board of Medical Licensure that any medical act that results in a written or documented medical opinion, order or recommendation that potentially affects the subsequent diagnosis or treatment of a patient constitutes the practice of medicine in this state. Further, any physician who renders such a medical opinion, order or recommendation assumes a doctor-patient relationship with that patient and is responsible for continuity of care of that patient. Failure to provide this continuity of care will be deemed to be unprofessional conduct. The obligation to insure continuity of care does not apply in those instances where the physician rendering the medical opinion, order or recommendation has been called in by another treating physician solely for consultation purposes.

STATE OF MISSISSIPPI

COUNTY OF HINDS

**RECOVERING PHYSICIANS PROGRAM
MEMORANDUM OF UNDERSTANDING**

Section 11. Confidentiality: All information, files or records maintained by the MIPC, or any of its members, attorneys, staff, or employees shall be maintained in the strictest confidence and shall not be disclosed to any individual, organization or entity unless, (1) it is essential to disclose such information to further intervention, treatment, counseling or rehabilitation needs of the individual physician concerned, and then only to those persons or organizations who need to know, or (2) unless its release is authorized in writing by the physician, or (3) unless the MIPC is required to render a report to the BOARD. Any request directed to the MIPC or any member thereof for information or records, including any subpoena, shall depending on the facts of each case, be directed to either legal counsel for the BOARD or MIPC. In those cases where the BOARD is a party to an RCA, any request or subpoena of records involving that particular physician shall be directed to the attorney for the BOARD for disposition. In those cases where the BOARD is not a party to an RCA, any request for records involving that particular physician shall be directed to the attorney for the MIPC. Unless otherwise required by law, any confidential participant information and other non-public information acquired, created, or used in good faith by MRPP, the BOARD, or MSMA pursuant to this section shall remain confidential and shall not be subject to discovery or subpoena in a civil case.

JANUARY 2003

**EXECUTIVE COMMITTEE
MEETING ONLY**

FEBRUARY 2003

**MINUTES
EXECUTIVE COMMITTEE MEETING
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
FEBRUARY 18, 2003**

MEMBERS PRESENT:

Robert Ray Smith, M.D., Jackson, President
Dewitt G. Crawford, M.D., Louisville, Vice President
W. Joseph Burnett, M.D., Director

ALSO PRESENT:

Stan T. Ingram, Attorney for the Board
Charles Moses, Division Director II, Investigative Division
Rhonda Freeman, Division Director II, Licensure Division
Kathy Fortenberry, Administrative Assistant
Frances Scott, Special Projects Officer, Investigative Division

NOT PRESENT:

William B. Harper, D.O., Greenwood, Secretary

The Executive Committee of the Mississippi State Board of Medical Licensure met on Tuesday, February 18, 2003, 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, was asked to serve on the Executive Committee for this meeting since Dr. Harper was not present.

**PERSONAL APPEARANCE BY JOHN CHRISTOPHER CHAUVIN, M.D., WEST,
TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE
NUMBER 09218**

Dr. Burnett reviewed Dr. Chauvin's background and history and advised that the prior Board action was based on action taken by the Florida Board of Medicine. The Florida Board has now removed all restrictions, and Dr. Chauvin is requesting removal of all restrictions by the Mississippi Board.

Dr. Chauvin joined the meeting and was not represented by legal counsel. He presented his request and answered questions from the Executive Committee members. Motion was made by Dr. Smith and seconded by Dr. Crawford to mirror the action of the Florida Board. The Order of the Board is attached hereto and incorporated by reference.

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**PERSONAL APPEARANCE BY WILLIAM KEVIN NICHOLS, M.D., PHILADELPHIA,
MISSISSIPPI MEDICAL LICENSE NUMBER 11065**

Dr. Burnett reviewed Dr. Nichols' background and history and stated that Dr. Nichols surrendered his medical license in 2000 rather than going to treatment as recommended in an evaluation.

DR. BUSH JOINED THE MEETING AT 4:15 P.M.

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

Dr. Nichols addressed the Executive Committee and answered questions from the Executive Committee members, Dr. Burnett, and Mr. Ingram. Dr. Burnett thanked Dr. Nichols for attending and advised that he would be contacting him in the next few days regarding the Executive Committee's decision. Following discussion, it was the consensus of the Executive Committee members that Dr. Nichols should enter a treatment program before consideration could be given to reinstating his license.

**PERSONAL APPEARANCE BY WILLIAM GLENN BENNETT, M.D., GREENVILLE,
MISSISSIPPI MEDICAL LICENSE NUMBER 10677**

Dr. Burnett reviewed Dr. Bennett's background and history and stated that the Mississippi Impaired Physicians Committee had found Dr. Bennett in violation of his Recovery Contract Agreement and they had withdrawn their advocacy. MIPC also recommended that Dr. Bennett should stop practicing medicine and should have a further evaluation and inpatient treatment for his disruptive behavior. Upon receipt of the MIPC report and recommendations, Dr. Bennett requested an opportunity to appear informally before the Executive Committee.

Dr. Bennett and his attorney, Sheldon G. Alston, Esq., Jackson, joined the meeting. Dr. Bennett executed a written agreement for this informal meeting, a copy of which is attached hereto and incorporated by reference.

Dr. Bennett and Mr. Alston addressed the Executive Committee. Dr. Bennett presented his recommendations for treatment, one of which was to limit his inpatient treatment to two weeks.

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Following Dr. Bennett's and Mr. Alston's departure from the meeting, the Executive Committee reviewed some reports and discussed possible options. It was the consensus of the Executive Committee members that Dr. Burnett should get an updated report from Margaret K. Cassada, M.D., his treating psychiatrist. After the report is received and reviewed, Dr. Bennett will be given the option to immediately enter inpatient treatment or an Order of Prohibition will be issued.

CONTINUANCE FOR JOHN WILBUR MCFADDEN, JR., M.D., TUPELO, MISSISSIPPI MEDICAL LICENSE NUMBER 05129

A Motion for Continuance from Dr. McFadden's attorney, James R. Franks, Jr., Esq., Tupelo, was presented. Motion was made by Dr. Crawford, seconded by Dr. Smith, and carried to grant a motion until the first mutually agreeable hearing date following adjournment of the 2003 Legislature. The Order of Continuance is attached hereto and incorporated by reference.

HOUSE BILL 651 - ADMINISTRATIVE PROCEDURES LAW

Mr. Ingram briefly reviewed HB 651, which creates a new Administrative Procedures Act and which has gone to the Governor for his signature. The Secretary of State will be mandated to have a compilation of all regulations for each agency, and new procedural rules will be in effect for agencies changing rules and regulations. Boards and agencies will be required to render what is referred to as "declaratory opinions". An economic impact requirement in the statute will require an agency to differentiate between a rule or regulation causing a person or group of people an economic impact of \$100,000 or more. Mr. Ingram noted that the new statute will institute other changes in the manner in which boards and agencies implement rule making authority. The staff will study this statute more closely.

USMLE CLINICAL SKILLS EXAMINATION

Dr. Burnett advised that the Federation of State Medical Boards was proposing a clinical skills examination for inclusion in the United States Medical Licensing Examination in 2004 and that the American Medical Association was opposed to the examination. Dr. Burnett asked that the Executive Committee make a decision prior to the Federation's Annual Meeting in April whether or not to support this.

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ANNUAL RENEWALS

Mrs. Freeman presented a request for sending a notice to physicians to download the annual renewal form from the Board's web site rather than mailing the form. If a physician does not download the form, there will be a fee of \$25 to mail the form. The Executive Committee members approved this change.

RETURNED CHECKS

Mrs. Freeman advised that the Board was currently charging \$20 for a check returned for non-sufficient funds, and she proposed that this be increased to \$50. It was the consensus of the Executive Committee members to approve this increase.

FINAL ADOPTION OF AMENDMENT TO *LICENSURE EXAMINATIONS B.5*

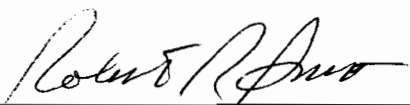
Dr. Burnett and Mrs. Freeman reviewed the amendment to the regulation, *Licensure Examinations B.5*. Motion was made by Dr. Crawford, seconded by Dr. Smith, and carried for final adoption of the amendment, a copy of which is attached hereto and incorporated by reference.

ADMINISTRATORS IN MEDICINE AND FEDERATION OF STATE MEDICAL BOARDS ANNUAL MEETINGS, CHICAGO, ILLINOIS, APRIL 8 - 13, 2003

The Executive Committee members approved the following staff members to attend the AIM and Federation meetings, April 8-13, 2003, in Chicago, Illinois: Dr. Burnett, Mrs. Fortenberry, Mrs. Freeman, and Mr. Moses. Dr. Bush, a candidate for the Federation's Board of Directors, and Dr. Smith will also be attending the Federation meeting, along with one other Board member.

ADJOURNMENT

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



Robert Ray Smith, M.D.
President

Minutes taken and transcribed
by Kathy Fortenberry
Administrative Assistant
February 18, 2003

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
IN THE MATTER OF THE PHYSICIAN'S LICENSE
OF
JOHN C. CHAUVIN, M.D.**

ORDER REMOVING ALL RESTRICTIONS

THIS MATTER came on regularly for consideration on February 18, 2003, before the Executive Committee of the Mississippi State Board of Medical Licensure, in response to the request of John C. Chauvin, M.D. (hereinafter "Licensee"), seeking removal of all restrictions on his license to practice medicine. By virtue of that certain Consent Order dated January 23, 2001, and accepted by the Executive Committee on February 14, 2001, Licensee was issued a formal reprimand and required to obtain certain additional continuing medical education within a two (2) year period of time; said action based on similar action taken in the State of Florida. All prerequisites have now been met. Therefore, the Executive Committee of the Board, after hearing said request, finds the same to be well-taken.

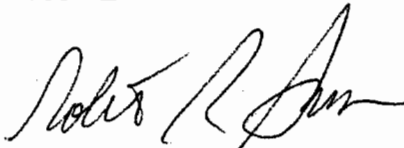
IT IS HEREBY ORDERED, that all restrictions on Licensee's certificate to practice medicine are hereby removed. Licensee now holds an unrestricted license to practice medicine in the State of Mississippi.

IT IS FURTHER ORDERED, that pursuant to Miss. Code Ann. 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 C. Chauvin, M.D.

ORDERED, this the 18th day of February, 2003.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY:



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

AGREEMENT TO APPEAR INFORMALLY BEFORE EXECUTIVE COMMITTEE

I, William Kevin Nichols ^{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 18th day of February, 2003.

William Kevin Nichols

Witness: _____

AGREEMENT TO APPEAR INFORMALLY BEFORE EXECUTIVE COMMITTEE

I, William C. Bennett 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: Sheldon Alston)
 without legal counsel present

EXECUTED, this the 12 day of February, 2003.

W Bennett

Witness: Sue Ann Bennett

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
IN THE MATTER OF THE PHYSICIAN'S LICENSE
OF JOHN WILBUR MCFADDEN, M.D.**

ORDER OF CONTINUANCE

THIS MATTER came on regularly for hearing on February 18, 2003, before the Executive Committee of the Mississippi State Board of Medical Licensure, in response to a request for continuance of the hearing set for February 19, 2003, made by John Wilbur McFadden, M.D. (hereinafter "Licensee") through his attorney, James R. Mozingo. After consideration of the matter, the Committee finds Licensee's motion to be well taken.

IT IS, THEREFORE, ORDERED, that this matter is continued until the first mutually agreeable hearing date following adjournment of the 2003 Legislature, taking into consideration the current docket now pending before the Board;

IT IS, FURTHER ORDERED, that pending the hearing on this matter, the October 31, 2002, *Summary Restriction Pending Hearing*, shall remain in full force and effect.

SO ORDERED, this the 18th day of February, 2003.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY: 

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

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 19, 2003
Copy Attached: Yes No _____

Name or Number of Rule(s) IV. Licensure Examinations, B. 5.

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 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>February 18, 2003</u> Effective Date <input checked="" 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 FEB 19 2003 MISSISSIPPI SECRETARY OF STATE
Accepted for filing by _____	Accepted for filing by _____	Accepted for filing by <u>[Signature]</u>

IV. LICENSURE EXAMINATIONS

B.

5. USMLE Steps 1, 2 and 3 must be passed within a seven-year time period beginning when the examinee passes his first Step. The Board, at its discretion, may waive this requirement based on extraordinary circumstances. The Board encourages all applicants to take Step 3 of the USMLE as soon as possible following receipt of the M.D. or D.O. degree. A candidate who is unsuccessful in passing Step 3 after 3 (three) attempts will be required to take one (1) additional year of ACGME-approved postgraduate training before being eligible to take Step 3 again. Following completion of the year of postgraduate training, the applicant may be allowed three (3) additional attempts to pass Step 3 of the USMLE.

FEBRUARY 2003

**EXECUTIVE COMMITTEE
MEETING ONLY**

MARCH 2003

**MINUTES
EXECUTIVE COMMITTEE MEETING
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
MARCH 19, 2003**

MEMBERS PRESENT:

Robert Ray Smith, M.D., Jackson, President
William B. Harper, D.O., Greenwood, Secretary
Freda M. Bush, M.D., Jackson
W. Joseph Burnett, M.D., Director

ALSO PRESENT:

Stan T. Ingram, Attorney for the Board
Charles Moses, Division Director II, Investigative Division
Rhonda Freeman, Division Director II, Licensure Division
Kathy Fortenberry, Administrative Assistant
Frances Scott, Special Projects Officer, Investigative Division

NOT PRESENT:

Dewitt G. Crawford, M.D., Louisville, Vice President

The Executive Committee of the Mississippi State Board of Medical Licensure met on Wednesday, March 19, 2003, at 4:10 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, was asked to serve on the Executive Committee for this meeting due to Dr. Crawford being hospitalized.

PERSONAL APPEARANCE BY MICHAEL J. MANCINO, M.D., LITTLE ROCK, ARKANSAS, TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE NUMBER 13582

Dr. Burnett reviewed Dr. Mancino's background and history and advised that he was now living in Little Rock, Arkansas, and was not able to get an Arkansas license as long as he had restrictions on his Mississippi license. Dr. Mancino has been participating in the Arkansas Medical Foundation's Physicians' Health Committee, and a report from them, as well as recommendation letters, were presented.

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

EXECUTIVE COMMITTEE MINUTES

March 19, 2003

Page 2

Dr. Burnett asked Gary D. Carr, M.D., Medical Director, Mississippi Recovering Physicians Program, to also join the meeting, although Dr. Mancino is not associated with the Mississippi Recovering Physicians Program.

Dr. Mancino presented his request and answered questions from the Executive Committee members, Mr. Ingram, and Dr. Carr. It was Dr. Carr's recommendation to remove all restrictions. Motion was made by Dr. Bush, 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 TIMOTHY EVANS WHITTLE, M.D., HATTIESBURG, TO REQUEST REINSTATEMENT OF HIS LICENSE, MISSISSIPPI MEDICAL LICENSE NUMBER 11439

Dr. Burnett reviewed Dr. Whittle's background and history and advised that it had been a year since the effective date of Dr. Whittle's Consent Order.

Dr. Whittle joined the meeting and was not represented by legal counsel. Dr. Carr addressed the Executive Committee members on behalf of Dr. Whittle. Dr. Whittle presented his Re-Entry Practice Plan and answered questions from Mr. Ingram and Executive Committee members. Motion was made by Dr. Smith, seconded by Dr. Bush, and carried to authorize Dr. Whittle to return to the practice of medicine with his license placed on probation for an indefinite period of time, subject to all restrictions imposed by the Re-Entry Practice Plan. The Order of the Board is attached hereto and incorporated by reference.

PERSONAL APPEARANCE BY GAIL ROGER WILLIAMS, M.D., MONTGOMERY, ALABAMA, TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE NUMBER 14703

Dr. Burnett reviewed Dr. Williams' background and history. When Dr. Williams was originally issued a license in Mississippi, it was restricted to the Mississippi Prison System. Dr. Burnett advised that the Alabama Board has removed all restrictions but Dr. Williams' license is still revoked in Michigan and Oklahoma.

Dr. Williams joined the meeting and was not represented by legal counsel. Dr. Williams executed a written agreement for this informal meeting, a copy of which is attached hereto and incorporated by reference. He presented his request for removal of all restrictions and answered questions from Mr. Ingram and the

EXECUTIVE COMMITTEE MINUTES

March 19, 2003

Page 3

Executive Committee members. Motion was made by Dr. Bush, seconded by Dr. Smith, and carried to mirror the action of the Alabama Board and remove all restrictions. Dr. Burnett will informally ask Dr. Williams to present a Practice Plan. The Order of the Board is attached hereto and incorporated by reference.

AMENDMENT TO *RELEASE OF MEDICAL RECORDS*

Mr. Ingram and Dr. Harper reviewed proposed changes to the amendment to the regulation, *Release of Medical Records*. They will continue to work on this and present to the full Board at the April meeting.

CME FOR RETIRED PHYSICIANS

Paul A. Roell, M.D., retired physician, has written the Board members concerning the CME requirement for retired physicians. Dr. Smith asked the staff to look into a honorary type license, which would not require the CME. This license would allow consultation but would not entitle the physician to have prescribing privileges. Mr. Ingram and Mrs. Freeman both feel this will take legislative action.

CONTROLLED SUBSTANCES PRESCRIBING PRIVILEGES FOR PHYSICIAN ASSISTANTS

Dr. Burnett reported on correspondence from the Mississippi and the American Academy of Physician Assistants concerning controlled substances prescribing privileges for physician assistants. Clare Hester, CLH Consulting, Inc., has also contacted Dr. Burnett. Ms. Hester believes the Board can adopt a regulation allowing this, but Mr. Ingram thinks it will require statutory changes. The Executive Committee asked him to contact Ms. Hester and report back on this.

DR. SMITH AND MR. INGRAM EXITED THE MEETING AT 5:30 P.M.

AMERICAN ASSOCIATION OF PHYSICIAN SPECIALISTS, INC.

Dr. Burnett advised that Dr. Jim Winn, former Executive Vice President of the Federation of State Medical Boards, had contacted him regarding the Board accepting the specialities of the American Association of Physician Specialists, Inc. At this time, the Board only accepts the American Board of Medical Specialties. The question came up whether or not AAPS was accepted by the American Medical Association. The staff will get more information on this and bring back at another meeting.

EXECUTIVE COMMITTEE MINUTES

March 19, 2003

Page 4

USMLE CLINICAL SKILLS EXAMINATION

As discussed at the February 18, 2003, Executive Committee meeting, the Federation of State Medical Boards is proposing a clinical skills examination for inclusion in the United States Medical Licensing Examination in 2004 and the American Medical Association is opposed to the examination. Dr. Bush is in favor of this examination, and Dr. Harper asked that he be allowed to read the information prior to making a decision.

FEDERATION OF STATE MEDICAL BOARDS ANNUAL MEETING, APRIL 9 - 13, 2003, CHICAGO, ILLINOIS

Following the February 18, 2003, Dr. Smith appointed Dr. Crawford to attend the Annual Meeting as the voting delegate since Dr. Smith has another meeting and will not be able to attend. Dr. Crawford is now scheduled for by-pass surgery and will not be able to attend. It was the consensus of the Executive Committee members to approve Dr. Joe Johnston as the voting delegate and to contact other Board members to see if one more would like to attend.

RENEWAL FORM

Mrs. Freeman distributed copies of the renewal form, which the Executive Committee approved with the following addition: "Please attach a list of your nurse practitioners and their location". She advised that House Bill 946, which would have allowed printing the form from the web site, has not passed and that it would be necessary to mail the forms.

POLICY STATEMENT REGARDING RE-ISSUANCE AFTER A PHYSICIAN HAS SURRENDERED LICENSE

Mrs. Freeman presented a proposed policy statement regarding the re-issuance after a physician has surrendered license. It was the consensus of the Executive Committee members to adopt this policy statement, a copy of which is attached hereto and incorporated by reference.

ARCHIVE RESEARCH FEE

Mrs. Freeman reported on the number of inquiries she was receiving requiring much researching of the old license books. It was the consensus of the Executive

EXECUTIVE COMMITTEE MINUTES

March 19, 2003

Page 5

Committee members to adopt the proposed policy statement, which would allow charging a research fee of \$25 plus a copy charge of 50¢ per page. A copy of the policy statement is attached hereto and incorporated by reference.

OFFICE BASED SURGERY

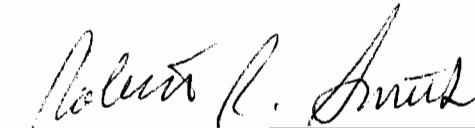
Dr. Burnett advised that the Investigative Staff would begin spot-checking some of the physicians who perform Levels II and III office based surgery.

REQUEST FROM ADMINISTRATORS IN MEDICINE TO LINK BOARD'S HOME PAGE WITH AIM DOCFINDER

Mrs. Freeman presented a request from Barbara Neuman of Administrators in Medicine, asking that the Board's web site be listed on AIM DocFinder, which would be a free service. There was no objections to this.

ADJOURNMENT

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



Robert Ray Smith, M.D.
President

Minutes taken and transcribed
by Kathy Fortenberry
Administrative Assistant
March 19, 2003

AGREEMENT TO APPEAR INFORMALLY BEFORE EXECUTIVE COMMITTEE

I, Michael John Mancino, MD, 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 19th day of March, 2003.

Michael Mancino

Witness: _____

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
IN THE MATTER OF THE PHYSICIAN'S LICENSE
OF
MICHAEL JOHN MANCINO, M.D.**

ORDER REMOVING ALL RESTRICTIONS

THIS MATTER came on regularly for consideration on March 19, 2003, before the Executive Committee of the Mississippi State Board of Medical Licensure, in response to the request of Michael John Mancino, M.D. (hereinafter "Licensee"), for removal of all restrictions imposed on his Mississippi medical license by virtue of that certain Order dated June 19, 1997. Pursuant to said order, the Board lifted a previously issued Order of Prohibition, and permitted Licensee to return to the practice of medicine subject to the terms and conditions of that certain Consent Order dated January 18, 1996. Although Licensee has been residing in the State of Arkansas, the Committee received sufficient information indicating that Licensee obtained affiliation with the Arkansas recovering physicians program, obtained its advocacy, and has complied with all prerequisites of the Arkansas program for the past three (3) years. Therefore, the Executive Committee of the Board, after hearing said request, finds the same to be well-taken.

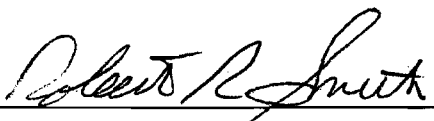
IT IS HEREBY ORDERED, that Licensee's request for removal of all restrictions on his Mississippi medical license is hereby granted. Licensee now holds an unrestricted license to practice medicine in the State of Mississippi. Licensee is encouraged to maintain his affiliation with the Arkansas recovering physicians program.

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 Michael John Mancino, M.D.

ORDERED, this the 19th day of March, 2003.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY:



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

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

TIMOTHY E. WHITTLE, M.D.

ORDER

THIS MATTER came on regularly for hearing on March 19, 2003, before the Executive Committee of the Mississippi State Board of Medical Licensure, in response to the petition of Timothy E. Whittle, M.D. (hereinafter referred to as "Licensee"), for authorization to return to the practice of medicine.

On March 18, 2002, Licensee was admitted to the Professional Renewal Center (PRC), Lawrence, Kansas for evaluation and treatment for professional sexual misconduct. Licensee thereafter returned to PRC on August 5 through August 9, 2002, for a week follow-up treatment and again in November 2002 for additional treatment. On December 9, 2002, Licensee entered into a Consent Order with the Board, wherein Licensee was prohibited from practicing medicine in the State of Mississippi for a period of one (1) year, effective March 18, 2002, after which, Licensee was authorized to re-appear before the Board for reinstatement. The Board reserved the right to then consider Licensee's ability to practice medicine with reasonable skill and safety to patients and impose any additional restrictions or conditions as may be deemed necessary to protect the public. It has now been one (1) year since the effective date of the Consent Order, and the Committee is in receipt of documentation from both the Mississippi Recovering Physicians Program (MRPP) and Licensee's treating physician, indicating that Licensee can practice medicine with reasonable skill and safety to patients. Furthermore, Licensee has presented to the

Committee a Re-Entry Practice Plan setting forth numerous terms and conditions specifically aimed to prohibit any further sexual misconduct.

After consideration of the request, the Committee finds Licensee's request to be well-taken.

IT IS, THEREFORE, ORDERED that Licensee is authorized to return to the practice of medicine. However, said license shall be placed on probation for an indefinite period of time, subject to all restrictions imposed by that certain Re-Entry Practice Plan attached hereto as Exhibit "A" and incorporated herein by reference,

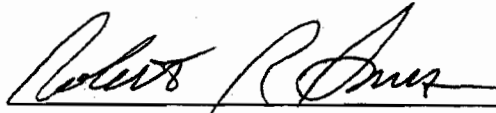
IT IS FURTHER ORDERED that the restrictions imposed by the Re-Entry Practice Plan cannot be changed without written approval of the Mississippi Impaired Physicians Committee (MIPC) and the Board through its Executive Director.

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 Timothy E. Whittle, M.D.

ORDERED, this the 19th day of March, 2003.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY:



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

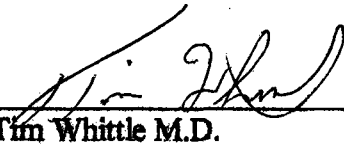
RE-ENTRY PRACTICE PLAN FOR TIM WHITTLE

1. My site of practice on returning to work will be West Point, Ms., in partnership with Dr. John Shields, Dr. Charlotte Mangussen, and Dr. Diane Kinch.
2. My practice monitor will be Dr. John Shields. He, along with my therapist, chaperone, primary care physician, and MRPP will be obligated to report any boundary violations or breach of this re-entry plan to MSBML and MIPC.
3. Practice will include all aspects of office and Clay County Memorial Hospital ob-gyn. Call will be every fourth night and every fourth weekend.
4. I will continue outpatient psychotherapy with Dr. James Brown in Jackson at intervals as he deems appropriate in consultation with MIPC.
5. I will have a nurse present at all times with patients, both in the hospital and in the office. At no time will I see patients in the office outside of clinic hours.
6. I will avoid all personal relationships with female patients, past or present, including any contact with past or present patients which could have the appearance of impropriety.
7. I agree to follow the conditions set by Dr. Carr and MRPP and agree to regular monitoring as directed by MIPC.
8. Any medications prescribed to me will be monitored by my primary care physician.
9. I agree to respect and uphold the rights of patients to be cared for medically in a professional manner.
10. I will have Dr. Brown provide reports of therapy to MRPP on a quarterly basis.
11. I agree some of my patients will be asked to complete Patient Satisfaction Surveys which will be turned in to MIPC through Dr. Shields.
12. I understand Dr. Shields is required to submit a quarterly report of my practice activity to MIPC with immediate reports should any concern arise.
13. This practice re-entry plan and my MRPP contract will be shared with my partners, therapist, and nurse chaperone.
14. I agree to return to PRC in Lawrence, Kansas for a one week follow-up in July, 2003.

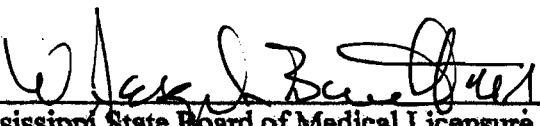
Re: Tim Whittle M.D.

Page Two

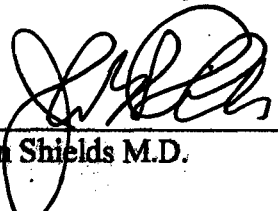
15. I understand this practice plan cannot be changed without the written approval of MIPC and the MSBML through its Executive Director.

 3/18/03


Tim Whittle M.D.



Mississippi State Board of Medical Licensure

 , no 3-17-03

John Shields M.D.

 3/19/03

Mississippi Impaired Physicians Committee

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
IN THE MATTER OF THE PHYSICIAN'S LICENSE
OF
GAIL ROGER WILLIAMS, M.D.**

ORDER REMOVING ALL RESTRICTIONS

THIS MATTER came on regularly for consideration on March 19, 2003, before the Executive Committee of the Mississippi State Board of Medical Licensure, in response to the request of Gail Roger Williams, M.D. (hereinafter "Licensee"), for removal of all restrictions imposed on his Mississippi medical license by virtue of that certain Determination and Order dated September 21, 1995. Pursuant to said order, the Board granted Licensee a certificate to practice medicine in the State of Mississippi, but limited to the Mississippi Prison System and prohibition from treating any female patients without the presence of a female escort. Following entry of the order, Licensee never practiced in this state, but served, without incident or complaint, as Chief Psychiatrist for the Alabama Department of Corrections from November 1994 through June 2002. Therefore, the Executive Committee of the Board, after hearing said request, finds the same to be well-taken.

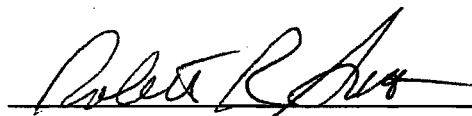
IT IS HEREBY ORDERED, that Licensee's request for removal of all restrictions on his Mississippi medical license is hereby granted. Licensee now holds an unrestricted license to practice medicine in the State of Mississippi. It is the recommendation of the Committee, however, that Licensee take steps to fully comply with all ethical and legal patient boundary requirements so as to avoid potential complaints or even the appearance of impropriety.

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 Gail Roger Williams, M.D.

ORDERED, this the 19th day of March, 2003.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY:



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

RE-LICENSURE AFTER SURRENDER OF MEDICAL LICENSE

Upon surrender of a medical license, whether reportable or non-reportable, the physician must submit his original licensure wall certificate and current wallet card.

At the time of surrender, the physician's license will become null and void.

In the event a physician, who has surrendered his/her medical license, later desires to return to the practice of medicine in Mississippi, the physician must reapply for licensure on the same basis as though he/she never held a Mississippi medical license. Stated differently, the physician is then deemed an original applicant and will be subject to all laws and regulations governing applicants for licensure, including, but not limited to, completion of an application, proof of competency where required, verification that there are no statutory grounds for licensure denial, payment of all fees, and submission of all required certifications, verifications and references. Once the physician's application for licensure is completed the physician will be notified of his appearance date before the Board for re-licensure consideration.

RESEARCH FEES

It is the policy of the Board of Medical Licensure to supply individuals who request information regarding their ancestors, a copy of the ancestor's medical license. There is no charge involved when there is one to five pages. If information for more than two physicians is requested, a research fee of \$25 will be assessed along with the copy charge of \$.50 per page.

MARCH 2003

**EXECUTIVE COMMITTEE
MEETING ONLY**

APRIL 2003

APRIL 2003

**BOARD
MEETING ONLY**

April 17, 2003 Board Minutes

are signed by

Dewitt G. Crawford, M.D., Vice President,

due to the death of

Robert Ray Smith, M.D., President,

on May 8, 2003.

BOARD MINUTES
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
APRIL 17, 2003

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday, April 17, 2003, 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, President
Dewitt G. Crawford, M.D., Louisville, Vice President
William B. Harper, D.O., Greenwood, Secretary
Frank W. Bowen, M.D., Carthage
Freda M. Bush, M.D., Jackson
Paul Douglas Jackson, M.D., Greenville
Joseph E. Johnston, M.D., Mount Olive
Dwalia S. South, M.D., Ripley
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:

Henry J. Sanders, M.D., McComb

The meeting was called to order at 9:05 a.m. by Dr. Smith, President. The invocation was given by Dr. Bowen.

Dr. Smith congratulated Dr. Bush on her election to the Board of Directors of the Federation of State Medical Boards, thanked Dr. Johnston for serving as a delegate to the Federation's Annual Meeting, and introduced Britney Emmons, Court Reporter. Mr. Ingram introduced Gaylan McLin, an extern with his firm from Mississippi College, and Karen Wilson and Anthony Walker, Investigators for the Mississippi State Board of Dental Examiners. Dr. Burnett reminded the Board members that their renewal forms for 2003-2004 were on the table.

BOARD MINUTES

April 17, 2003

Page 2

OATH OF OFFICE - DWALIA SHERREE SOUTH, M.D., RIPLEY

Dr. Smith welcomed Dwalia Sherree South, M.D., as a Board member. Dr. South was appointed to represent the Third Supreme Court District for the unexpired term of William H. Henderson, M.D., ending June 30, 2006. Dr. South was administered the Oath of Office by Britney Emmons, Court Reporter, a copy of which is attached hereto and incorporated by reference.

APPROVAL OF CERTIFICATION OF MISSISSIPPI LICENSES TO OTHER ENTITIES FOR THE PERIOD OCTOBER 1, 2002, TO MARCH 31, 2003

Four hundred twenty-seven (427) licenses were certified to other entities for the period October 1, 2002, to March 31, 2003. Motion was made by Dr. Crawford, seconded by Dr. Johnston, and carried unanimously to approve these certifications.

APPROVAL OF LICENSES ISSUED FOR THE PERIOD OCTOBER 1, 2002, TO MARCH 31, 2003

Two hundred seven (207) licenses were issued for the period October 1, 2002, to March 31, 2003. Motion was made by Dr. Johnston, seconded by Dr. Bowen, and carried unanimously to approve these licenses.

REVIEW OF MINUTES OF THE BOARD MEETING DATED OCTOBER 31, 2002

Minutes of the Board Meeting dated October 31, 2002, were reviewed. Dr. South called for the removal of Dr. William H. Henderson's name on the two pages of Executive Session Minutes. Dr. Johnston moved for approval of the minutes as corrected. Dr. Bowen seconded the motion, and it carried unanimously.

REVIEW OF MINUTES OF THE EXECUTIVE COMMITTEE MEETING DATED NOVEMBER 20, 2002

Dr. Burnett summarized the Minutes of the November 20, 2002, Executive Committee Meeting. Dr. Johnston moved for approval of the minutes as submitted. Dr. Crawford seconded the motion, and it carried unanimously.

**REVIEW OF MINUTES OF THE EXECUTIVE COMMITTEE MEETING DATED
JANUARY 15, 2003**

Dr. Burnett summarized the Minutes of the January 15, 2003, Executive Committee Meeting. Dr. Bush moved for approval of the minutes as submitted. Dr. Harper seconded the motion, and it carried unanimously.

**REVIEW OF MINUTES OF THE EXECUTIVE COMMITTEE MEETING DATED
FEBRUARY 18, 2003**

Dr. Burnett summarized the Minutes of the February 18, 2003, Executive Committee Meeting. Dr. Bush moved for approval of the minutes as submitted. Dr. Bowen seconded the motion, and it carried unanimously.

Mr. Ingram and Ms. Wagner briefly reviewed how House Bill 651, which was discussed at the February 18 Executive Committee meeting, would affect the Board. This bill created a new Administrative Procedures Act, and Ms. Wagner advised she was working on a summary and outline of it, which she will share with the Board staff.

**REVIEW OF MINUTES OF THE EXECUTIVE COMMITTEE MEETING DATED
MARCH 19, 2003**

Dr. Burnett summarized the Minutes of the March 19, 2003, Executive Committee Meeting. Dr. Johnston moved for approval of the minutes as submitted. Dr. Bowen seconded the motion, and it carried unanimously.

REPORTS FROM AD HOC COMMITTEES

Alternative Medicine - There was no new information to report.

Educational Development - There was no new information to report.

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

Office Based Surgery - There was no new information to report.

Telemedicine - Dr. Burnett distributed copies of the quarterly report regarding the Rural TelEmergency Medicine Program from Robert L. Galli, M.D., Department of Emergency Medicine, University of Mississippi Medical Center. In the report,

BOARD MINUTES

April 17, 2003

Page 4

Dr. Galli requested an extension of the one-year pilot project. Motion was made by Dr. Johnston, seconded by Dr. Crawford, and carried unanimously to extend for one year at the end of the year previously agreed upon with continued quarterly reports.

Legislative - There was no new information to report.

Nurse Practitioner and Expanded Role - Dr. Burnett advised of an Attorney General's opinion to the Board of Nursing, which would require joint promulgation of the recently adopted regulations pertaining to nurse practitioners adopted by this Board. It was the consensus of the Board members to place these regulations in abeyance.

CONSUMER HEALTH AD HOC COMMITTEE

Dr. Burnett advised that Mississippi is one of thirteen states who does not have a consumer on the Board, and he recommended appointing a Consumer Health Ad Hoc Committee composed of three public members. After discussion and questions, Dr. Smith appointed the following committee to work on this and present their recommendations back to the Board: Dr. Bush, Dr. Johnston, Ms. Wagner, and Mr. Ingram.

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

OTHER BUSINESS - HEALTH SCREENING BY LIFE LINE SCREENING OF AMERICA

Dr. Smith introduced Colin Scully, President and CEO for Life Line Screening of America, and Barry K. Cockrell, Esq., Jackson, attorney for Life Line. Both addressed the Board concerning the company being in compliance with the Board's Unreferred Diagnostic Screening Tests policy statement. Following questioning 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. With a motion by Dr. Bowen, seconded by Dr. Crawford, the Board went into Executive Session.

Upon motion by Dr. Crawford, seconded by Dr. Bowen, and carried unanimously, the Board came out of Executive Session at which time Dr. Smith announced temporary approval for Life Line to continue their screening while the Board revises the Unreferred Diagnostic Screening Tests policy statement.

Life Line has the responsibility to contact physicians concerning abnormal findings, and they are not to see patients who do not identify a physician.

OTHER BUSINESS

Dr. Burnett advised that several legislators during the appropriations hearing had requested information on why physicians had not renewed their licenses. At their January 15, 2003, Executive Committee meeting, the members approved a survey to obtain this information. Mrs. Freeman presented the results in a Non-Renewal Survey Analysis, a copy of which is attached hereto and incorporated by reference.

FINAL ADOPTION OF AMENDMENT TO *RELEASE OF MEDICAL RECORDS*

Mr. Ingram reviewed the changes made in the amendment to *Release of Medical Records* and answered questions from the Board members. It was the consensus of the Board members to make the following changes:

- D. Add the word "authorized" in front of requesting party
- E. Change the word "shall" to "may" and insert "if" in front of so requested.
- F. Delete the words "off-site"

Motion was made by Dr. Jackson, seconded by Dr. South, and carried to approve the amendment with these changes. Mr. Ingram will make the changes, present to the Bar Association, and if they approve, this will be brought back to the May Board meeting for final adoption.

HEARING IN THE CASE OF JOHN PHILIP MLADINEO, M.D., JACKSON, MISSISSIPPI MEDICAL LICENSE NUMBER 06945

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

Dr. Burnett distributed copies of a letter agreement from Dr. Mladineo's attorney, Whitman B. Johnson, III, Esq., Jackson, which would place this matter in abeyance until Dr. Mladineo could obtain and complete post-graduate and/or fellowship training and would limit his practice to general clinical medicine with no surgery privileges. After discussion, it was the consensus of the Board members that Dr. Mladineo be allowed to perform Level I Office Based Surgery, as defined in the Board's Office Based Surgery Regulation.

Motion was made by Dr. Crawford, seconded by Dr. Bowen, and carried unanimously to accept the letter agreement and 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 Britney Emmons, Court Reporter.

HEARING IN THE CASE OF HORRELL H. TOWNSEND, III, D.O., GULFPORT, MISSISSIPPI MEDICAL LICENSE NUMBER 11143

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

Ms. Wagner questioned Dr. Townsend regarding legal representation, and Dr. Townsend stated he was not prepared to proceed and asked for a continuance. Mr. Ingram objected to the continuance. Dr. Townsend stated he was expecting his attorney, Mark Larson, Esq., Gulfport, to attend, but Mr. Larson had called while Dr. Townsend was en route to Jackson and told him he had to be in court.

Mr. Moses was sworn in and answered questions from Mr. Ingram, who entered as exhibits the Summons and Affidavit and the Board's Rules of Procedure which were served to Dr. Townsend on March 3, 2003. Dr. Townsend stated he did not receive the Rules of Procedure and did not know the procedure for requesting a continuance. He further stated his attorney had attempted to contact Mr. Ingram but was given the wrong number.

Motion was made by Dr. Johnston, seconded by Dr. Crawford, 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. Harper, seconded by Dr. Bowen, the Board went into Executive Session.

Upon motion by Dr. Crawford, seconded by Dr. Bowen, and carried unanimously, the Board came out of Executive Session at which time Dr. Smith announced to grant a continuance until June 19, 2003. Pending the hearing on this matter, Licensee shall be prohibited from practicing medicine under any circumstances. It was the consensus of the Board that the continuance would be a reportable event. The Order of the Board is attached hereto and incorporated by reference.

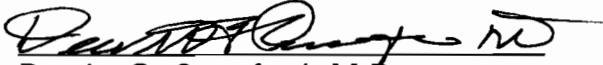
A verbatim account of this proceeding was recorded by Britney Emmons, Court Reporter.

OTHER BUSINESS

As discussed earlier in the meeting, the Attorney General has rendered an opinion to the Board of Nursing, which would require joint promulgation of the regulations pertaining to nurse practitioners recently adopted by this Board. Motion was made by Dr. Bush, seconded by Dr. Crawford, and carried unanimously to withdraw this amendment which has been filed with the Secretary of State under the Administrative Procedures Act, a copy of which is attached hereto and incorporated by reference.

ADJOURNMENT

The meeting was adjourned at 11:55 a.m. with the next meeting, which will be a two-day meeting, scheduled for Wednesday and Thursday, May 14 and 15, 2003.


Dewitt G. Crawford, M.D.
Vice President

Minutes taken and transcribed
by Kathy Fortenberry
Administrative Assistant
April 17, 2003

**EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
APRIL 17, 2003**


AGENDA ITEM XV

OTHER BUSINESS - HEALTH SCREENING BY LIFE LINE SCREENING OF AMERICA

Motion made by Dr. Crawford, seconded by Dr. Bowen, and carried for Life Line to continue their screening while the Board revises the Unreferred Diagnostic Screening Tests policy statement. Life Line has the responsibility to contact physicians concerning abnormal findings, and they are not to see patients who do not identify a physician.

<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			
Paul Douglas Jackson, M.D.	X			
Joseph E. Johnston, M.D.	X			
Henry J. Sanders, M.D.				X
Robert Ray Smith, M.D.	X			
Dwalia S. South, M.D.	X			

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


Dewitt G. Crawford, M.D.
Vice President

**EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
APRIL 17, 2003**

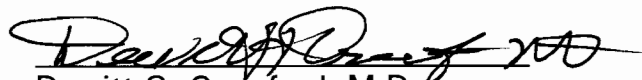
AGENDA ITEM XVIII

**HEARING IN THE CASE OF HORRELL H. TOWNSEND, III, D.O., GULFPORT,
MISSISSIPPI MEDICAL LICENSE NUMBER 11143**

Motion made by Dr. Crawford, seconded by Dr. Bowen, and carried to grant a continuance until June 19, 2003. Pending the hearing on this matter, Licensee shall be prohibited from practicing medicine under any circumstances.

<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			
Paul Douglas Jackson, M.D.	X			
Joseph E. Johnston, M.D.	X			
Henry J. Sanders, M.D.				X
Robert Ray Smith, M.D.	X			
Dwalia S. South, M.D.	X			

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


Dewitt G. Crawford, M.D.
Vice President

OATH OF OFFICE

I, Dwalia Sherree South, 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, Mississippi State 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 17th day
of April, 192003.

Dwalia Sherree South

By Thonda Freeman

Notary Public, State of Mississippi At Large
My Commission Expires: October 11, 2006
Bonded Thru Heldon, Brooks & Carlson, Inc

Non-Renewal Survey Analysis

On February 6, 2003, the Board of Medical Licensure mailed 534 survey forms to physicians who did not renew their medical license June 30, 2002. Of these 534 surveys mailed, 49 were undeliverable, 342 physicians responded and 143 physicians did not respond. Below is an analysis of the responses received by the Board. Note that some physicians' surveys contained more than one response.

ECONOMIC CONDITIONS	19
LEGAL ENVIRONMENT	75
CONTINUING MEDICAL EDUCATION	143
THIRD PARTY REIMBURSEMENTS	11
RELOCATED (NO REASON GIVEN)	43
RETIRED	38
NOT PRACTICING IN MS	27

Total Surveys Mailed	534
Total Surveys Completed	342
Undeliverable Surveys	49
Did Not Respond	143

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
IN THE MATTER OF THE PHYSICIAN'S LICENSE
OF JOHN PHILIP MLADINEO, M.D.

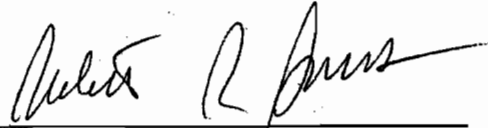
ORDER OF ABEYANCE

THIS MATTER came on regularly for hearing on April 17, 2003, 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 Philip Mladineo, M.D. (hereinafter "Licensee") through his attorney, Whitman B. Johnson, III. The Board is advised that the Licensee is proposing that the matter be placed in abeyance, thereby giving Licensee an opportunity to enter into an approved post-graduate training or fellowship program in gynecological-oncology or pelvic surgery. Upon completion of such a program, the hearing can then be re-scheduled, wherein the Board would have the authority to then consider all evidence, including the additional training and experience received by Licensee. Upon consideration of the matter, the Board finds Licensee's motion to be well taken, provided that pending conclusion of the hearing in this matter, Licensee shall be prohibited from performing any surgery whatsoever, other than *Level I Office Based Surgery* as that term is defined in the Board's Office Based Surgery Regulation.

IT IS, THEREFORE, ORDERED, that this matter is hereby indefinitely continued and placed in abeyance until the first mutually agreeable hearing date following Licensee's successful completion of post-graduate and/or fellowship training as provided for in that certain Letter Agreement entered into by and between this Board and Licensee, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference.

SO ORDERED, this the 17th day of April, 2003.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

A handwritten signature in black ink, appearing to read "Robert R. Smith", written over a horizontal line.

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

CURRIE JOHNSON GRIFFIN GAINES & MYERS, P.A.

ATTORNEYS AT LAW

**1044 RIVER OAKS DRIVE
JACKSON, MISSISSIPPI**

**WHITMAN B. JOHNSON III
wjohnson@curriejohnson.com**

**KATHY VANCE
JENNIFER B. MAY
LEGAL ASSISTANTS**

MAILING ADDRESS:

**POST OFFICE BOX 750
JACKSON, MISSISSIPPI 39205-0750**

**TELEPHONE: 601 969-1010
FACSIMILE: 601 969-5120**

April 8, 2003

Stan Ingram, Esq.
Armstrong Allen, PLLC
Ste. 200, 2525 Lakeward Dr.
Jackson, MS 39216

Re: John P. Mladineo, M.D.
Mississippi Medical License No. 06945

Dear Stan:

There is now pending before the Mississippi State Board of Medical Licensure that certain Summons and Affidavit dated March 13, 2003, charging Dr. Mladineo with violation of the Mississippi Medical Practice Act as the result of actions being taken by the medical staff of certain Jackson, Mississippi hospitals.

It is the desire of Dr. Mladineo to place the pending matter in abeyance, thereby providing him an opportunity to potentially resolve all issues and questions through additional training and supervised practice.

Accordingly, Dr. Mladineo requests that the pending hearing before the Board be indefinitely placed in abeyance, based on the following conditions:

1. Dr. Mladineo shall take immediate steps to enter and successfully complete a minimum of one (1) year of post-graduate training or Fellowship Training in gynecological-oncology or pelvic surgery. The Fellowship Training Program must be approved by the American Medical Association (AMA) and recognized by the Accreditation Council for Graduate Medical Education (ACGME). In the event Dr. Mladineo seeks training in a surgical specialty other than gynecological-oncology or pelvic surgery, prior authorization from the Board's Executive Directory should be obtained. The Board recognizes that a reasonable amount of time should be extended to Dr. Mladineo to locate and obtain acceptance into an approved Fellowship Training Program, but not to exceed a period of one (1) year. Licensee shall advise the Board in writing when an acceptable Fellowship Training Program has been located.

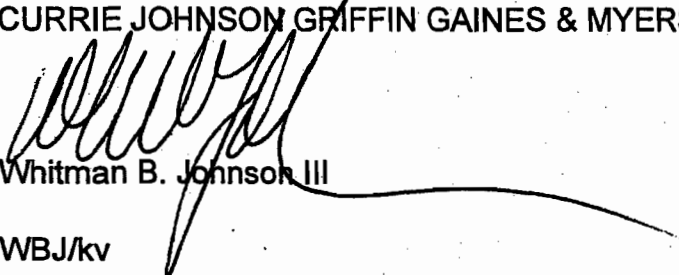
Exhibit "A"

2. At such time as Licensee has successfully completed post-graduate and/or Fellowship Training as required at Paragraph 1 above, he shall appear before the Mississippi State Board of Medical Licensure, as soon as the appearance can be reasonably scheduled, to discuss his return to practice. At said appearance, the Board will consider the type of post-graduate training received, the specific surgical procedures taught, and those procedures which Dr. Mladineo then wishes to perform. The Board shall then have the right, in its sole and absolute discretion, to authorize return to a surgical practice, and the conditions, if any, which should be imposed, including but not limited to practicing in a structured supervised environment, periodic surveillance by the Board, and/or supervision by a board certified surgeon.

3. Until such time as Dr. Mladineo has entered and completed training as provided for in Paragraphs 1 and 2 above, his practice shall be limited to general clinical medicine with no surgery privileges.

Sincerely yours,

CURRIE JOHNSON GRIFFIN GAINES & MYERS, P.A.



Whitman B. Johnson III

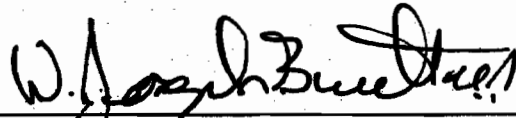
WBJ/kv

APPROVED & AGREED TO:



JOHN P. MLADINEO, M.D.
April 8, 2003

APPROVED & AGREED TO:



W. JOSEPH BURNETT, M.D.
April 8, 2003

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
IN THE MATTER OF THE PHYSICIAN'S LICENSE
OF HORRELL H. TOWNSEND, III, D.O.**

ORDER OF CONTINUANCE

THIS MATTER came on regularly for hearing on April 17, 2003, before the Mississippi State Board of Medical Licensure, in response to a request for continuance of the hearing this date made by Horrell H. Townsend, III, D.O. (hereinafter "Licensee"). After consideration of the matter, the Board finds Licensee's motion to be well taken. During his appearance, Licensee acknowledged that he has not been practicing medicine pursuant to the terms of that certain letter agreement dated August 29, 2002, and agreed not to practice pending hearing, if the continuance is granted.

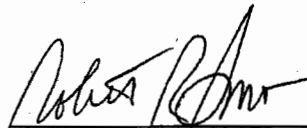
IT IS, THEREFORE, ORDERED, that this matter is continued until June 19, 2003, at 10:00 a.m.

IT IS, THEREFORE, ORDERED, that pending the hearing on this matter, Licensee shall be prohibited from practicing medicine under any circumstances.

SO ORDERED, this the 17th day of April, 2003.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY:



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

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 04/17/2003

Copy Attached: Yes No

Name or Number of Rule(s) XIII. Supervision of Nurse Practitioners (amendments of April 18, 2002)

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 type="checkbox"/> Adopted with No Changes in Text <input type="checkbox"/> Adopted with Changes <input type="checkbox"/> Adopted by Reference <input checked="" type="checkbox"/> Withdrawn Date Action Taken <u>04/17/2003</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 18 2003 MISSISSIPPI SECRETARY OF STATE
Accepted for filing by _____	Accepted for filing by _____	Accepted for filing by <u>[Signature]</u>

XIII. THE SUPERVISION OF NURSE PRACTITIONERS

AUTHORITY: CHAPTER 25 AND 27, TITLE 73, MISSISSIPPI CODE (1972)
ANNOTATED, AS AMENDED

A. SCOPE

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

B. DEFINITIONS

For the purpose of Article XIII only, the following terms have the meanings indicated:

1. "Physician" means any person licensed to practice medicine or osteopathic medicine in the State of Mississippi.
2. "Free Standing Clinic/Collaborative Practice Site" means a clinic or other facility wherein patients are treated by a Nurse Practitioner who is not physically located in the same building as that of the Collaborating/ Supervising Physician. Excluded from this definition are all licensed hospitals.
3. "Primary Office" means the usual practice location of a physician and being the same location reported by that physician to the Mississippi State Board of Medical Licensure and the United States Drug Enforcement Administration.
4. "Collaboration" means a Mississippi State Board of Medical Licensure recognized relationship between the nurse practitioner and a physician with an unrestricted license to practice medicine in the state of Mississippi. This relationship must be documented in a protocol that is mutually agreed upon by the physician and the nurse practitioner and approved by the Mississippi State Board of Medical Licensure and Mississippi Board of Nursing.
5. "Collaborating/Supervising Physician" means a physician who, pursuant to a duly executed protocol has agreed to supervise a Nurse Practitioner.
6. "Nurse Practitioner" means any person licensed to practice nursing in the State of Mississippi and certified by the Mississippi Board of Nursing to practice in an expanded role as a Nurse Practitioner.

C. BOARD REVIEW:

1. Before any physician shall **execute** a protocol to supervise a Nurse Practitioner who plan or anticipates practicing in a Free Standing Clinic/Collaborative Practice Site, the physician must first (a) appear personally before the Mississippi State Board of Medical Licensure, (b) present and discuss the protocol, and (c) obtain approval from the Board to act as a Collaborating/ Supervising Physician. The facts and matters to be considered by the Board shall include, but is not limited to, how the Collaborating/ Supervising Physician and Nurse Practitioner plan to implement the protocol, the method and manner of supervision, consultation, referral and liability. This requirement shall not apply to collaborative practice arrangements existing at the time of the effective date of these amended regulations. If there is a change in the primary Collaborating/ Supervising physician or clinic site, personal appearance will be required.
2. The requirement of Board appearance and approval set forth in Subpart 1 above also applies to any physician Collaborating/ Supervising a Nurse Practitioner who later moves to a Free Standing Clinic/Collaborative Practice Site under an existing protocol.
3. Where a Nurse Practitioner is being supervised in a Free Standing Clinic/Collaborative Practice Site pursuant to an existing protocol as of the effective date of this regulation, the requirements of personal appearance and Board approval set forth in Subpart 1 above shall not be required until the next succeeding renewal date for said certification as required by the Mississippi State Board of Nursing.
4. Where two or more physicians anticipate executing a protocol to supervise a Nurse Practitioner practicing in a Free Standing Clinic/Collaborative Practice Site, it shall not be necessary that all of the physicians personally appear before the Mississippi State Board of Medical Licensure as required in Subpart 1 above. In this situation, the physician who will bear the primary responsibility for the supervision of the Nurse Practitioner shall make the required personal appearance.

D. PHYSICIAN QUALITY IMPROVEMENT RESPONSIBILITIES

The decision to work in a collaborative practice arrangement with a nurse practitioner involves more than simply signing a practice protocol and being available for consultations. The responsibilities outlined in these regulations are the minimum standards that will be required to ensure that there is an active collaborative process between physician(s) and nurse practitioner(s)

as outlined in a mutually agreed upon written protocol. Each protocol shall, at a minimum, include the following Quality Improvement responsibilities for the collaborating physician(s):

1. To ensure the continuity of the collaborative process, an alternative physician(s) shall be designated on the Board of Nursing approved protocol and will be available to provide necessary services in the absence of the primary collaborating physician.
2. Collaborating physicians will be available for daily status reports on complications or problems encountered that are not covered by the practice protocol. The physicians will be available to accept referrals from the nurse practitioner or make alternative arrangements to handle such referrals.
- ~~3. If the nurse practitioner routinely provides services at a location other than where the collaborating physician is located, or if the physician is not otherwise engaged in full-time medical practice, the following requirements are applicable:~~
3. The collaborating physician will be physically present at the off-site practice Free Standing Clinic/Collaborative Practice site location at least once monthly quarterly during the nurse practitioner's regular working hours. The physician shall remain at the off-site practice location for the necessary amount of time to meet his/her minimum responsibilities as stated in the protocol, described herein, including, but not limited to, directly observing the activities of the nurse practitioner in taking patient histories, making a diagnosis, rendering treatment and providing counseling. The collaborating physician will maintain a log of dates and times. A log will be maintained documenting the dates and times when he or she was present at the off-site practice location. Physicians working with health clinics operated by State institutions of higher learning or other practice situations approved by either Board may be exempted from the requirements in this section by petitioning the Executive Director of the Mississippi State Board of Medical Licensure in writing.
4. The collaborating physician shall insure implementation of a quality improvement plan including, but not limiting to the following:
 - (a) Documentation of discussion regarding referrals to a specialist in another field.
 - (b) Documentation of discussion regarding adverse drug reactions.

- (c) Documentation of discussion regarding interpretation of conflicting diagnostic tests.
- (d) Documentation of discussion with physician for hospitalizations.

review each written follow-up report from physicians to whom patients were referred by the nurse practitioner in order to consider the appropriateness of the referral and prior treatment rendered by the nurse practitioner. In addition, all patient charts will be reviewed that involve complications from treatment and adverse drug reactions. On at least a monthly basis, the collaborating physician shall review a random sampling of no less than five percent (5%) of all patient charts involving treatment that was solely rendered by the nurse practitioner, and a notation shall be made by the physician in each chart reviewed as to the date said review was done. If the nurse practitioner is exercising controlled substance prescribing authority, at least twenty-five fifteen percent (25%) (15%) of charts involving treatment with controlled substances shall be reviewed, but these charts can be included in the overall 5% total. A log of the charts reviewed in accordance with this section shall be maintained ~~by the physician in the off-site clinic,~~ with a reference included as to the patient or file number, date of review, and reason for the review. This log shall be made available for inspection upon request by any duly authorized representative of the Mississippi State Board of Medical Licensure.

- 5 In order to ensure that the collaborating physician(s) have met their obligations under these regulations, the Mississippi State Board of Medical Licensure has the authority to review any and all records or documents related to the conduct of Quality Improvement and the collaborating physician(s) will cooperate fully with any monitoring activities undertaken by the Mississippi State Board of Medical Licensure in this regard.

E. COLLABORATING -SUPERVISING PHYSICIAN LIMITED

No physician shall be authorized to supervise a Nurse Practitioner unless that physician holds an unrestricted license to practice medicine in the State of Mississippi.

F. RE-EVALUATION OF NURSE PRACTITIONER CATEGORIES

Pursuant to authority granted in Mississippi Code (1972) Annotated, Section §73-15-5, the Mississippi State Board of Medical Licensure, along with the Mississippi Board of Nursing are granted authority to jointly promulgate rules and regulations governing Nurse Practitioners. In order to insure the current nature and accuracy of said rules and regulations, the Board shall perform a review of said regulations every two (2) years. If changes are deemed

necessary, joint action by the Board and Mississippi Board of Nursing shall be pursued.

G. VIOLATION OF REGULATIONS

Any violation of the Rules and Regulations as enumerated above shall constitute unprofessional conduct in violation of Mississippi Code Annotated (1972) Annotated, Section §73-25-29(8), as amended.

H. EFFECTIVE DATE OF REGULATIONS:

The above rules and regulations pertaining to Collaborating/ Supervising Physicians shall become effective September 21, 1991, as amended April 18, 2002.

JUNE 2003

**MINUTES
EXECUTIVE COMMITTEE MEETING
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
JUNE 17, 2003**

MEMBERS PRESENT:

Dewitt G. Crawford, M.D., Louisville, Vice President
Paul D. Jackson, M.D., Greenville
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

NOT PRESENT:

William B. Harper, D.O., Greenwood, Secretary

The Executive Committee of the Mississippi State Board of Medical Licensure met on Tuesday, June 17, 2003, at 4:05 p.m. in the Executive Conference Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi. Freda M. Bush, M.D., Jackson, and Paul D. Jackson, M.D., Greenville, were asked to serve on the Executive Committee for this meeting.

**REQUEST FROM FERNALD WILLIAM WENTZELL, M.D., OCEANSIDE, CA, FOR
REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE NUMBER 07379**

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

Dr. Burnett reviewed a letter from Dr. Wentzell, requesting removal of all restrictions. His Consent Order was based on action taken by the Medical Board of California, who has removed all restrictions. It was the consensus of the Executive Committee to approve his request and remove all restrictions. The Order of the Board is attached hereto and incorporated by reference.

EXECUTIVE COMMITTEE MINUTES

June 17, 2003

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JOHN WILBUR MCFADDEN, JR., M.D., TUPELO, MISSISSIPPI MEDICAL LICENSE NUMBER 05129

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

Dr. Burnett and Mr. Ingram reported that Dr. McFadden had filed a suit in Hinds County Chancery Court seeking an injunction against the Board. Jim Waide, Esq., Tupelo, attorney for Dr. McFadden, advised in his June 12, 2003, letter to Mr. Ingram that Dr. McFadden was offering to totally cease and desist the practice of medicine pending an order from the Chancery Court.

It was the consensus of the Executive Committee to place this matter in abeyance until a decision was made by the Hinds County Chancery Court, during which time, Licensee is prohibited from practicing medicine. The Order of Abeyance with Mr. Waide's letter attached as Exhibit A is attached hereto and incorporated by reference.

CONTINUATION - HORRELL H. TOWNSEND, D.O., GULFPORT, MISSISSIPPI MEDICAL LICENSE NUMBER 11143

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

Mr. Ingram presented a request from Dr. Townsend's attorney, Mark S. Lawson, Esq., Gulfport, requesting another continuance. The Executive Committee agreed to continue this matter until September 18, 2003. The Second Order of Continuance is attached hereto and incorporated by reference.

CONSENT ORDER - THOMAS MICHAEL LEHMAN, MISSISSIPPI MEDICAL LICENSE NUMBER 13009

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

Dr. Burnett reviewed Dr. Lehman's July 18, 2002, Consent Order, and asked for clarification on the restriction which prohibited any cardiology procedures. Dr. Lehman has an opportunity for a job in one of the correctional facilities and the restriction was not clear.

It was the consensus of the Executive Committee to amend the Consent Order to clarify that this restriction would prohibit Licensee from performing any cardiology procedures deemed to be "invasive". At such time as a new practice

EXECUTIVE COMMITTEE MINUTES

June 17, 2003

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location has been identified, License shall submit to the Board's Director a revised Practice Plan. The Order of the Board is attached hereto and incorporated by reference.

AFFIDAVIT OF REASONABLE CAUSE AND DETERMINATION OF REASONABLE CAUSE AND ORDER OF AUTHORITY TO INSPECT AND COPY RECORDS - LANE CEDRIC ROLLING, D.P.M.

For informational purposes only, Dr. Burnett reviewed the above documents which were executed on June 12 and 13, 2003, and served on June 16, 2003, by Dr. Burnett and Charles Ware, Board Investigator.

EXTENSION OF LIMITED INSTITUTIONAL LICENSE FOR PACIFICO ONGKINGCO, M.D., MERIDIAN, MISSISSIPPI MEDICAL LICENSE NUMBER 473L

Dr. Burnett presented a letter from Patricia Dudley, M.D., East Mississippi State Hospital, Meridian, requesting an extension on Dr. Ongkingco's Limited Institutional License. It was the consensus of the Executive Committee to extend the license for another year. During the next twelve months, Dr. Ongkingco must either supply evidence of ABMS Board certification or take all steps of the USMLE to be considered at some future time for a permanent license.

ROBERT P. HENDERSON, M.D., JACKSON - CME

For informational purposes only, Dr. Burnett reviewed correspondence between him and Dr. Henderson, in which Dr. Burnett gave Dr. Henderson an extension on his CME requirement. Dr. Henderson has been retired but is returning to work part time in the Department of Radiology at the University of Mississippi Medical Center because of the acute shortage of radiologists.

AMENDMENT TO *RELEASE OF MEDICAL RECORDS*

Dr. Burnett presented correspondence regarding the proposed amendment to the *Release of Medical Records* regulation from Tommy Alexander, M.D., President, Tri-State HealthCare Group, and Osvaldo Hans, M.D., President, Tri-State Physicians Organization. Dr. Burnett asked that Mr. Ingram answered this letter on behalf of the Board.

DR. BUSH JOINED THE MEETING AT 4:20 P.M.

EXECUTIVE COMMITTEE MINUTES

June 17, 2003

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BOARD OFFICERS

Dr. Burnett advised that due to the death of Dr. Robert R. Smith, Board President, new Board officers needed to be elected and he felt this should be handled by mail ballot rather than waiting for the next Board meeting. These officers will begin serving immediately and will serve the remainder of Dr. Smith's term, which will end on June 30, 2004. The following slate of officers as recommended by the nominating committee, composed of Drs. Frank Bowen, Freda Bush, and Joe Johnston, will be presented to the Board members via mail ballot:

President - Dewitt G. Crawford, M.D.

Vice President - William B. Harper, D.O.

Secretary - Paul G. Jackson, M.D.

Dr. Burnett announced that Governor Ronnie Musgrove had appointed Larry B. Aycock, M.D., McComb, and Philip T. Merideth, M.D., J.D., Jackson, to complete the terms of Henry J. Sanders, M.D., McComb, and Robert R. Smith, M.D., Jackson. Both terms will expire June 30, 2008.

PERSONAL APPEARANCE BY KERRY J. BERTHOLD, M.D., UMC, TO PETITION FOR A PERMANENT LICENSE

Dr. Burnett reviewed the background of Dr. Berthold, who was approved for a one-year restricted temporary license at the April 17, 2002, Executive Committee meeting. She is now petitioning the Board for a permanent license, and Dr. Burnett advised that the Mississippi Recovering Physicians Program is advocating for her.

Dr. Berthold joined the meeting and was not represented by legal counsel. She answered questions from Dr. Burnett and the Executive Committee members. It was the consensus of the Executive Committee to approve Dr. Berthold for an unrestricted permanent license.

MISSISSIPPI STATE MEDICAL ASSOCIATION MEETING, MAY 29 - JUNE 1, BILOXI

Dr. Burnett reported on attending the MSMA meeting in Biloxi May 29 through June 1, 2003. The Executive Committee members were polled earlier by telephone and approved the Board paying his expenses for this trip.

EXECUTIVE COMMITTEE MINUTES

June 17, 2003

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USMLE CLINICAL SKILLS LEARNING LABS, PHILADELPHIA, PENNSYLVANIA

Dr. Burnett will be attending the USMLE Clinical Skills Learning Lab on July 14, 2003, and stated that the Federation of State Medical Boards would pay his expenses and for a Board member to attend. Dr. Bush expressed an interest in attending on August 22.

REQUEST FOR BOARD'S POSITION REGARDING THE PROVISION OF ELECTROMYOGRAPHY BY PHYSICAL THERAPISTS

STATE MEDICAL BOARD OF OHIO - STATEMENT ON ELECTROMYOGRAPHY AND PRACTICE OF MEDICINE

Dr. Burnett reported that the law firm of Butler, Snow, O'Mara, Stevens & Cannada had requested a position from the Board regarding physical therapists providing EMG. Dr. Burnett stated that he thought the Board should develop a policy on EMG and reviewed Ohio's Statement on Electromyography. Mr. Ingram will arrange a meeting with key staff members of Mississippi Methodist Rehabilitation Center to discuss this matter, and the staff was asked to obtain information from other states.

PROPOSED POLICY STATEMENT - FINAL SANCTIONS BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR FAILURE TO REPAY STUDENT LOANS

Dr. Burnett reviewed a proposed policy statement which states that default on a student loan would be considered unprofessional conduct and subject to formal, disciplinary action. It was the consensus of the Executive Committee to adopt this policy statement, a copy of which is attached hereto and incorporated by reference.

SUPERVISION OF DIALYSIS TECHNICIANS

Dr. Burnett reviewed the *Recognition of Authority*, which was adopted at the July 18, 2002, Board meeting. This gave physicians authority to train and certify dialysis technicians, who would work under a protocol with the physician, rather than requiring a nurse to perform this procedure. Dr. Burnett reported on a call from Delia Owens, Executive Director of the Board of Nursing, voicing her objections to this.

EXECUTIVE COMMITTEE MINUTES

June 17, 2003

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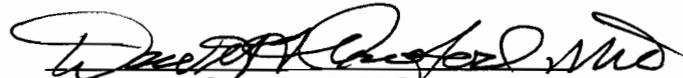
The Core Curriculum and Objectives for Hemodialysis Patient Care Technician Expanded Role, which was prepared by members of the Dialysis Providers Coalition and submitted by Barry K. Cockrell, Esq., Jackson, was reviewed and discussed.

FEE STRUCTURE AND APPROVAL FOR REQUESTED MISCELLANEOUS REPORTS

Mrs. Freeman reported that she was receiving requests from different entities wanting various physician lists, i.e., certain counties, certain specialities, etc., and she wanted to know if the Executive Committee wanted her to provide this information. It was the consensus of the Executive Committee to charge \$300 per request.

ADJOURNMENT

Dr. Burnett advised that the next Executive Committee meeting would be on Wednesday, August 20, and the next Board meeting on Thursday, September 18. There being no further business, the meeting adjourned at 5:10 p.m.



Dewitt G. Crawford, M.D.

President

Minutes taken and transcribed
by Kathy Fortenberry
Administrative Assistant
June 17, 2003

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
IN THE MATTER OF THE PHYSICIAN'S LICENSE
OF
FERNALD WILLIAM WENTZELL, M.D.**

ORDER REMOVING ALL RESTRICTIONS

THIS MATTER came on regularly for consideration on June 17, 2003, before the Executive Committee of the Mississippi State Board of Medical Licensure, in response to the request of Fernald William Wentzell, M.D. (hereinafter "Licensee"), for removal of all restrictions imposed on his Mississippi medical license by virtue of that certain Consent Order dated October 15, 1999. Pursuant to said order, the Board suspended Licensee's certificate to practice of medicine in the State of Mississippi, but stayed the suspension subject to certain enumerated conditions similar to those imposed by the Medical Board of California, Division of Medical Quality. The Committee was advised that all restrictions imposed by the Medical Board of California have been removed. The Executive Committee of the Board, after hearing said request, finds the same to be well-taken.

IT IS HEREBY ORDERED, that Licensee's request for removal of all restrictions on his Mississippi medical license 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 Fernald William Wentzell, M.D.

ORDERED, this the 17th day of June, 2003.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY:


**DEWITT GREY CRAWFORD, M.D.
PRESIDENT**

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
IN THE MATTER OF THE PHYSICIAN'S LICENSE
OF JOHN WILBUR MCFADDEN, JR., M.D.

ORDER OF ABEYANCE

THIS MATTER came on regularly for hearing on June 17, 2003, before the Executive Committee of the Mississippi State Board of Medical Licensure, in response to a request of John Wilbur McFadden, Jr., M.D. (hereinafter "Licensee"), through his attorney, Jim Waide, to place the hearing set for Wednesday, June 18, 2003, in abeyance. On June 12, 2003, Stan Ingram, complaint counsel for the Board, was in receipt of a letter of same date from Jim Waide, requesting that the hearing be placed in abeyance until such time as an order from a court of competent jurisdiction has been entered in Cause No. G2003-964 W/4 before the Chancery Court of the First Judicial District of Hinds County. Pending receipt of such an order, Licensee agreed to totally cease the practice of medicine. A copy of Mr. Waide's letter of June 12, 2003, is attached hereto as Exhibit "A" and incorporated herein by reference. Upon request of Mr. Ingram, the Committee will consider Mr. Waide's letter as a formal motion. After consideration of the matter, the Committee finds Licensee's motion to be well taken.

IT IS, THEREFORE, ORDERED, that this matter is placed in abeyance until such time as an order from a court of competent jurisdiction has been entered in Cause No. G2003-964 W/4 before the Chancery Court of the First Judicial District of Hinds County.

IT IS, FURTHER ORDERED, that pending the hearing on this matter, Licensee is hereby prohibited, under any circumstances, from practicing medicine, directly or indirectly, in the State of Mississippi.

IT IS, FURTHER ORDERED, that by granting this motion, the Board is not recognizing as having any merit the numerous accusations and allegations set forth in Mr. Waide's letter as attached hereto.

SO ORDERED, this the 17th day of June, 2003.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY: 
DEWITT GREY CRAWFORD, M.D.
VICE PRESIDENT

WAIDE & ASSOCIATES, P.A.
ATTORNEYS AND COUNSELORS AT LAW

JIM WAIDE
LUTHER C. FISHER, IV
KRISTY L. BENNETT
RON L. WOODRUFF

OF COUNSEL:
WILLIAM H. BREWER

MAILING ADDRESS:
POST OFFICE BOX 1357
TUPELO, MISSISSIPPI 38802

TELEPHONE: 662/842-7324
FACSIMILE: 662/842-8056
EMAIL: WAIDE@WAIDELAW.COM

STREET ADDRESS:
332 NORTH SPRING STREET
TUPELO, MISSISSIPPI 38804

June 12, 2003
VIA FACSIMILE - 601-713-2049



Stan Ingram, Esq.
Armstrong Allen, PLLC
2525 Lakeward Drive, Suite 200
Jackson, MS 39216

Re: John Wilbur McFadden, Jr. v. Mississippi Board of Medical Licensure
No.: G2003-964-W

Dear Stan:

Thank you for your letter of June 11, 2003. I am surprised that the Board intends to have a hearing against Dr. McFadden even though he has agreed not to practice pain medicine until there is either a court order or a Board order permitting him to do so.

In a further effort to alleviate the necessity of a pointless hearing where the outcome is a foregone conclusion, Dr. McFadden hereby offers to totally cease and desist practice of medicine pending an order from a court of competent jurisdiction on the suit that has been filed in the Chancery Court of Hinds County. With this offer, there is absolutely no reason to have the hearing except for the purpose of embarrassing Dr. McFadden.

Since Dr. McFadden is agreeing to cease practicing medicine until a court ruling, there is no point in having a hearing just for the purpose of airing the allegations against Dr. McFadden when the Board will only rule against him.

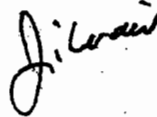
Stan Ingram, Esq.
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This procedure will permit ample time for discovery before presenting our case that the procedures utilized by the Board against physicians' licenses are unconstitutional.

As I previously stated, I do not believe I could obtain a preliminary injunction without first conducting discovery, so as to demonstrate the unfairness of your procedures.

With kindest regards, I am

Sincerely yours,



JIM WAIDE

JDW/kd

cc: W. Joseph Burnett, M.D., Board Director
Heather Wagner, Esq.
Jim Mozingo, Esq.
Jamie Franks, Esq.
Dr. John McFadden

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF HORRELL H. TOWNSEND, III, D.O.

SECOND ORDER OF CONTINUANCE

THIS MATTER came on regularly for hearing on June 17, 2003, before the Mississippi State Board of Medical Licensure, in response to a request for continuance of the hearing this date made by Horrell H. Townsend, M.D. (hereinafter "Licensee"). After consideration of the matter, the Board finds Licensee's motion to be well taken.

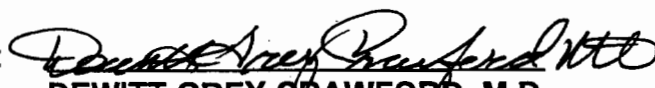
IT IS, THEREFORE, ORDERED, that this matter is continued until September 18, 2003, at 10:00 a.m.

IT IS, THEREFORE, ORDERED, that pending the hearing on this matter, Licensee shall be prohibited from practicing medicine under any circumstances.

SO ORDERED, this the 17th day of June, 2003.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY:



**DEWITT GREY CRAWFORD, M.D.
PRESIDENT**

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

OF

THOMAS MICHAEL LEHMAN, M.D.

AMENDMENT TO CONSENT ORDER

THIS MATTER came on regularly for consideration on June 17, 2003, before the Executive Committee of the Mississippi State Board of Medical Licensure, in response to the request of Thomas Michael Lehman, M.D. (hereinafter "Licensee"), for approval of a change in his current practice plan and for amendment of the restrictions imposed on his Mississippi medical license by virtue of that certain Consent Order dated July 18, 2002. Pursuant to said order, the Board suspended Licensee's certificate to practice of medicine in the State of Mississippi, but stayed the suspension subject to certain enumerated terms and restrictions. One of such restrictions limits Licensee's practice to a structured supervised environment at a location approved in advance by the Board through submission and approval of a Practice Plan. Licensee is now wishing to change his practice location, but prior to doing so, needs clarification as to the prohibition on cardiology procedures. The Executive Committee of the Board, after hearing said request, finds the same to be well-taken.

IT IS HEREBY ORDERED, that the Committee interprets Restriction No.1 of the aforementioned Consent Order, to prohibit Licensee from performing any cardiology procedures deemed to be "invasive." A cardiology procedure shall be deemed "invasive" if any part of the body is penetrated, including the skin during catheterization. If Licensee has any question relative to what is or is not deemed "invasive," he shall immediately contact the Board's Director for further instruction prior to performing any such procedure. Any direction or clarification from the Board shall be in writing.

IT IS FURTHER ORDERED, that pursuant to Restriction No. 4 of the aforementioned Consent Order, at such time as a new practice location has been identified, Licensee shall submit to the Board's Director a revised Practice Plan. Said plan

shall, except for the practice location, contain the same terms and conditions as is presently used, and shall include the signature of the responsible/supervising physician. Licensee shall not practice at any new location until such time as the requisite Practice Plan has been approved in advance by the Board's Director.

IT IS FURTHER ORDERED, that pursuant to Miss. Code Ann. Sections 73-25-27 and 73-25-32 (1972), a copy of this Order shall be sent by registered mail or personally served upon Thomas Michael Lehman, M.D.

ORDERED, this the 17th day of June, 2003.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY:


**DEWITT GREY CRAWFORD, M.D.
PRESIDENT**

POLICY STATEMENT
FINAL SANCTIONS BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
FOR DEFAULT ON STUDENT LOANS

Any and all final sanctions against a physician by the Department of Health and Human Services for default on a student loan will be considered unprofessional conduct, as referred to in §73-25-29, (8), and as such, subject to formal, disciplinary action.

JUNE 2003

**EXECUTIVE COMMITTEE
MEETING ONLY**

AUGUST 2003

**MINUTES
EXECUTIVE COMMITTEE MEETING
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
AUGUST 20, 2003**

MEMBERS PRESENT:

Dewitt G. Crawford, M.D., Louisville, President
Paul D. Jackson, M.D., Greenville, 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

NOT PRESENT:

William B. Harper, D.O., Greenwood, Vice President

The Executive Committee of the Mississippi State Board of Medical Licensure met on Wednesday, August 20, 2003, at 4:00 p.m. in the Executive Conference Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi.

**REINSTATEMENT OF CHRISTOPHER L. HANKINS, M.D., LONDON, MISSISSIPPI
MEDICAL LICENSE NUMBER 14894**

Dr. Burnett presented a letter from Dr. Hankins, whose Mississippi medical license expired June 30, 2000. Dr. Hankins asked that he be exempted from completing the reinstatement process as outlined in the Board's regulations. After discussion, the Executive Committee members agreed that he should be required to complete the process and provide all required information for reinstatement.

YONAS ZEGEYE, M.D., APPLICANT

Dr. Burnett advised that Dr. Zegeye must pass the SPEX before being eligible for licensure since he is not Board certified and it has been more than ten years since he had a medical proficiency or licensure examination.

EXECUTIVE COMMITTEE MINUTES

August 20, 2003

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Dr. Jackson stated that Dr. Zegeye was desperately needed at Delta Regional Medical Center, Greenville, since they do not currently have a neurosurgeon. It was the consensus of the Executive Committee members that because of the emergency situation to waive the regulation which allows a temporary license for 30 days and issue Dr. Zegeye a temporary license for no more than 120 days limited to the Greenville area. During the 120 day grace period, Dr. Zegeye shall apply for and pass the SPEX.

LICENSURE OF OCEANIA UNIVERSITY OF MEDICINE GRADUATES

The Executive Committee members reviewed a letter from John E. Maloney, Vice Chancellor, Oceania University of Medicine, a computer-assisted via the Internet program, in which he was asking if their graduates would be able to obtain a Mississippi medical license. It was the consensus of the Executive Committee members at this time not to recognize this school for licensure and asked that Mrs. Freeman prepare a regulation pertaining to this.

DEA FORGED PRESCRIPTION WEB SITE

Mrs. Freeman requested that she be allowed to put on the Board's web site information on how a physician could contact DEA for forged prescription reporting, which the Executive Committee members approved.

AMENDMENT TO REGULATIONS PERTAINING TO EMERGENCY TELEMEDICINE WITHIN THE STATE

At the April 17, 2003, meeting, the Board approved an extension of one year for the TelEmergency program at the University of Mississippi Medical Center, as requested by Robert L. Galli, M.D.

It was the consensus of the Executive Committee members to adopt an amendment to this regulation, which would give a one-year extension. This will be filed with the Secretary of State under the Administrative Procedures Act and brought back to the September Board meeting for final approval. The amendment to this regulation is attached hereto and incorporated by reference.

DR. HARPER JOINED THE MEETING AT 4:15 P.M.

EXECUTIVE COMMITTEE MINUTES

August 20, 2003

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REGULATIONS CONCERNING USE OF ELECTROMYOGRAPHY

Dr. Burnett reported that he and Stan Ingram, Board Attorney, had met with staff members at the Methodist Rehabilitation Center concerning the use of electromyography by physical therapists.

Dr. Burnett and Mr. Moses reviewed a proposed regulation pertaining to this. Motion was made by Dr. Crawford, seconded by Dr. Jackson, and carried to adopt the regulation. This will be filed with the Secretary of State under the Administrative Procedures Act and brought back to the September Board meeting for final approval. The regulation is attached hereto and incorporated by reference.

INTERNET PRESCRIBING

It was the consensus of the Executive Committee members to change the Board's current policy statement on Internet Prescribing to a regulation. This will be filed with the Secretary of State under the Administrative Procedures Act and brought back to the September Board meeting for final approval. A copy of the regulation is attached hereto and incorporated by reference.

ACUPUNCTURE BY TECHNICIANS FOR DRUG COURTS

Dr. Burnett presented a request from Judge Keith Starrett, McComb, asking for a waiver of the medical license requirement for acupuncture for drug court detoxification. The Executive Committee members agreed that this should only be done by a physician, as stated in the Board's regulations.

RESULTS OF MAIL BALLOT ELECTION OF OFFICERS

For informational purposes only, Dr. Burnett reported that the slate of officers as presented at the June 17, 2003, Executive Committee were elected unanimously by mail ballot.

LYNNE COSSMAN, PH.D., MISSISSIPPI HEALTH POLICY RESEARCH CENTER/ SOCIAL SCIENCE RESEARCH CENTER, MISSISSIPPI STATE UNIVERSITY

Lynne Cossman, Ph.D., Research Fellow, Rural Health Safety and Security Institute/Social Science Research Center, and Ellen Jones, Associate Director, Mississippi Health Policy Research Center, met with the Executive Committee to discuss the possibility of getting physician licensure data in order to study the workforce in Mississippi. Dr. Cossman is looking at the possibility of copying the licensure renewal forms and entering the information in their database.

EXECUTIVE COMMITTEE MINUTES

August 20, 2003

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After much discussion and questioning, the Executive Committee members agreed to cautiously pursue this. The Board staff will continue to work with Dr. Cossman and Ms. Jones and will have more information to present at the next Executive Committee meeting.

NUMBER OF NURSE PRACTITIONERS A PHYSICIAN CAN SUPERVISE COMPATIBILITY OF PHYSICIAN/NURSE PRACTITIONER SPECIALITIES

For informational purposes only, Dr. Burnett presented a letter from Delia Owens, J.D., R.N., Executive Director, Mississippi Board of Nursing, in which she asked the Board of Medical Licensure to cease and desist investigations of nurse practitioners. Copies of his reply to Ms. Owens were also distributed to the Executive Committee members for their review.

Several nurse practitioner issues were discussed, but no action was taken on any of the matters.

AD HOC COMMITTEES

Dr. Burnett asked Dr. Crawford to review the current ad hoc committees and make assignments, changes, etc., since there are three new members on the Board not assigned to any of the committees. This will be presented at the September Board meeting.


OTHER BUSINESS

Dr. Burnett briefed the Executive Committee on Jack Dunn, III, M.D., Dallas, Texas, applicant, whose licenses are currently suspended in Texas and New Mexico. Dr. Burnett advised that he talked with Dr. Donald Patrick, Executive Director, Texas State Board of Medical Examiners, concerning Dr. Dunn having been denied reinstatement on four separate occasions. It was the consensus of the Executive Committee members that he could not be considered for a Mississippi medical license until his licenses were restored in Texas and New Mexico.

There were several legislative items discussed, which will be developed and presented to the Board for approval prior to pre-filing.

ADJOURNMENT

There being no further business, the meeting adjourned at 5:20 p.m.


Dewitt G. Crawford, M.D.
President

Minutes taken and transcribed
by Kathy Fortenberry
Administrative Assistant
August 20, 2003

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 August 21, 2003
Copy Attached: Yes No _____

Name or Number of Rule(s) XXVII. F. Regulations Pertaining to Emergency Telemedicine Within the State

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 type="checkbox"/> Adopted with No Changes in Text
<input type="checkbox"/> To Be in Effect _____ Days	<input checked="" 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 _____
	<input checked="" 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): _____

DO NOT WRITE BELOW THIS LINE

OFFICIAL FILING STAMP	OFFICIAL FILING STAMP FILED AUG 21 2003 MISSISSIPPI SECRETARY OF STATE	OFFICIAL FILING STAMP
Accepted for filing by _____	Accepted for filing by <u>[Signature]</u>	Accepted for filing by _____

XXVII.**REGULATIONS PERTAINING TO EMERGENCY TELEMEDICINE
WITHIN THE STATE****A. SCOPE**

These regulations apply to only those individuals licensed to practice medicine or osteopathic medicine in the State of Mississippi and who are performing duties as employees of the University of Mississippi Medical Center. This regulation does not authorize any communication across state lines.

B. DEFINITIONS

For the purpose of Article XXVII only, the following terms have the meanings indicated:

1. "Physician" means any person licensed to practice medicine or osteopathic medicine in the State of Mississippi.
2. "Telemedicine" is the diagnosis or treatment of human injury, illness and diseases using interactive audio, video or data communications by electronic or other means.
3. "Teleemergency medicine" is a unique combination of telemedicine and the collaborative/supervisory role of a physician Board certified in emergency medicine, and an appropriate skilled health professional (Nurse Practitioner or Physician Assistant).

C. BOARD REVIEW

The same requirements as outlined in Article XIII shall apply.

D. COLLABORATIVE/SUPERVISING PHYSICIAN LIMITED

No physician practicing teleemergency medicine shall be authorized to function in a collaborative/supervisor role as outlined in Article XIII unless his or her practice location is a level 1 hospital trauma center that is able to provide continuous twenty-four hour coverage and has an existing air ambulance system in place. Coverage will be authorized only for those emergency departments of licensed hospitals who have an average daily census of thirty (30) or fewer Acute Care/Medical Surgical occupied beds as defined by their Medicare Cost Report.

E. REPORTING REQUIREMENTS

Quarterly reports detailing quality assurance activities, adverse or sentinel events shall be submitted for review to the Mississippi State Board of Medical Licensure. The Board of Nursing requires, in addition to these regulations, submission of quarterly reports to the Board of Nursing and reserves the right to re-evaluate and change reporting requirements, if need be.

F. EFFECTIVE DATE OF REGULATION

This above rules and regulations pertaining to telemergency medicine shall become effective October 18, 2002. This regulation shall stand repealed one (1) year from final adoption. This regulation shall be extended from October 19, 2003, to October 18, 2004.

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 August 21, 2003
Copy Attached: Yes No _____

Name or Number of Rule(s) XXVIII. Regulations Pertaining to the Use of Electromyography

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 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	OFFICIAL FILING STAMP
	FILED AUG 21 2003 MISSISSIPPI SECRETARY OF STATE	
Accepted for filing by _____	Accepted for filing by <u>[Signature]</u>	Accepted for filing by _____

**REGULATIONS PERTAINING TO THE USE OF
ELECTROMYOGRAPHY****A. GENERAL**

Electromyography (EMG) falls into two primary categories: needle electromyography testing and nerve conduction testing. Needle electromyography testing involves insertion of needle electrodes into skeletal muscles and concurrent observation of the electrical activity in those muscles by means of an oscilloscope and a loudspeaker. Nerve conduction testing is performed using the same equipment, but consists of surface stimulation or needle stimulation of peripheral nerves with an evaluation of the motor and/or sensory action potentials produced.

The purpose of both categories of electromyography is to detect abnormalities of the peripheral neuromuscular system or to determine the extent and degree of recovery of neuromuscular abnormalities—that is, to diagnose.

B. DELEGATION OF EMG PROCEDURES PROHIBITED

Electromyography is an extension of the history and physical examination and must be considered only in the light of the clinical finding. The person performing electromyography must be able to elicit the pertinent history and perform the necessary examination to define the clinical problems. Differential diagnoses must be considered, and as abnormalities unfold or fail to unfold during the course of testing, the electromyographic procedure may be modified until a probable diagnosis is reached. Results of electromyographic examinations are used for recommending surgical procedures and for determining the absence of disease with most serious prognoses.

EMG test procedures do not follow any stereotyped pattern, and electromyography is impossible to standardize, including both needle explorations and nerve conduction testing. Therefore, the need to consider or reach differential diagnosis during testing itself prevents delegation to non-physicians, and for a physician to do so is considered unprofessional conduct.

ADMINISTRATIVE PROCEDURES FILING NOTICE

Agency Board of Medical Licensure Person to Contact Rhonda Freeman
Address 1867 Crane Ridge Drive Suite 200B
Jackson, MS 39216
Phone (601) 987-3079 Transmittal Date August 21, 2003
Copy Attached: Yes No

Name or Number of Rule(s) XXIX. Regulations Pertaining to Internet Prescribing

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 Be In Effect <input type="checkbox"/> 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"/> 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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FILED
AUG 21 2003
MISSISSIPPI
SECRETARY OF STATE

OFFICIAL FILING STAMP

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

XXIX.**REGULATIONS PERTAINING TO INTERNET PRESCRIBING**

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

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

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

AUGUST 2003

**EXECUTIVE COMMITTEE
MEETING ONLY**

SEPTEMBER 2003

**MINUTES
EXECUTIVE COMMITTEE MEETING
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
SEPTEMBER 17, 2003**

MEMBERS PRESENT:

Dewitt G. Crawford, M.D., Louisville, President
Paul D. Jackson, M.D., Greenville, Secretary
Freda M. Bush, M.D., Jackson
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

NOT PRESENT:

William B. Harper, D.O., Greenwood, Vice President

The Executive Committee of the Mississippi State Board of Medical Licensure met on Wednesday, September 17, 2003, at 4:10 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, was asked to serve on the Executive Committee for this meeting.

Dr. Burnett distributed copies of a letter from Gary D. Carr, M.D., Medical Director, Mississippi Recovering Physicians Program, giving a breakdown of the physician participants currently followed by MIPC.

**SECTION 73-25-28 - DETERMINATION OF REASONABLE CAUSE AND
AUTHORITY TO INSPECT AND COPY RECORDS OF MALACHY M. DEHENRE, M.D.**

Neil Breeland and Charles Ware, Board Investigators, joined the meeting relative to an investigation of Malachy M. DeHenre, M.D. In order for the Investigative Division to obtain records, the Executive Committee members reviewed an affidavit in support of a request for the inspection and copying of certain records pursuant to Miss. Code Ann. Section 73-25-28.

EXECUTIVE COMMITTEE MINUTES

September 17, 2003

Page 2

Upon review of the affidavit and considering all matters, it was the finding of the Committee that reasonable cause existed to conduct the inspection, whereupon members of the Committee executed a Determination of Reasonable Cause and Authority to Inspect and Copy Records of Dr. DeHenre.

TERRY KENT ELLIS, M.D., JACKSON, MISSISSIPPI MEDICAL LICENSE NUMBER 07978

Dr. Burnett presented a letter from Dr. Ellis requesting a meeting with the Board for removal of all restrictions. Dr. Ellis' Board Order prohibits him from practicing emergency medicine until he completes an emergency medicine board review course and obtains an evaluation by an assessment program. These requirements have not been met. It was the consensus of the Executive Committee members to have Dr. Ellis meet with the Executive Committee in October.

LIMITED INSTITUTIONAL LICENSES FOR PHYSICIANS WITH THE DEPARTMENT OF CORRECTIONS, PARCHMAN

Dr. Burnett reviewed §73-25-23, which gives the Board authority to grant limited institutional licenses for physicians practicing in state institutions. The Mississippi Department of Corrections is now using a contractual company for the prisons, and there is a question of whether or not these physicians are state employed and can remain on this type of license. It is the opinion of Stan Ingram, Attorney for the Board, that these physicians are indirectly employed by the state. Mrs. Freeman was asked to obtain a copy of the contract between the private company providing this service and the Department of Corrections. This will be reviewed at the October Executive Committee meeting.

SUPERVISION/COLLABORATION OF NURSE PRACTITIONERS REGULATIONS

The Executive Committee reviewed the proposed regulations, which were from the January 30, 2003, MBON/MSBML Joint Issues Committee meeting. In Section C., Board Review, the Executive Committee members wanted to eliminate the phrase, *which is located 30 miles or more away*. They also agreed that personal appearances by the physicians supervising a nurse practitioner in a free standing clinic could be handled by a telephone interview. The proposed regulations will be presented to the full Board on Thursday.

EXECUTIVE COMMITTEE MINUTES

September 17, 2003

Page 3

ON-LINE RENEWALS

Mrs. Freeman advised that she was working with the Mississippi Department of Information Technology Services regarding on-line renewals. The Mississippi Academy for Family Physicians had requested additional questions be added to the renewal form, and Mrs. Freeman advised that this would increase the cost already set by ITS.

After discussion of the on-line program, it was the consensus of the Executive Committee members for the renewal fee to remain at \$150 for those renewing on-line and to increase the renewal fee to \$175 for those who use the paper form.

REQUEST FROM LYNNE COSSMAN, PH.D., MISSISSIPPI HEALTH POLICY RESEARCH CENTER/SOCIAL SCIENCE RESEARCH CENTER, MISSISSIPPI STATE UNIVERSITY

Mrs. Freeman advised that she was meeting the following week with Dr. Cossman. She will keep the Executive Committee members informed.

OTHER BUSINESS

Dr. Burnett reported that he and Mr. Moses had made a presentation at the Medical Assurance Company of Mississippi seminar on September 12, 2003.

Dr. Burnett stated a physician had contacted him regarding how to handle controlled substance prescriptions in a paperless practice. Dr. Burnett asked that Mr. Moses begin work on this for the next meeting.

Dr. Burnett briefed the Executive Committee on a radiologist, Ted Alan Glass, M.D., an applicant for a Mississippi license who will be practicing at the University of Mississippi Medical Center. Since Dr. Glass has not practiced since 1999, the Board's regulation requires him to participate in a Board approved physician assessment program and/or clinical skills assessment program to assure post-licensure competency. Dr. Burnett presented a letter from Brent Harrison, Department of Radiology, University of Mississippi Medical Center, requesting that a panel of radiologists be allowed to assess Dr. Glass, rather than having him go off for an assessment. It was the consensus of the Executive Committee members that Dr. Glass must go to a Board approved program.

EXECUTIVE COMMITTEE MINUTES

September 17, 2003

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The Executive Committee members requested a report at the October Executive Committee of the nurse practitioners with controlled substance privileges.

REVIEW OF SEPTEMBER 18 BOARD MEETING

Dr. Burnett briefly reviewed Thursday's agenda.

ADJOURNMENT

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



Dewitt G. Crawford, M.D.
President

Minutes taken and transcribed
by Kathy Fortenberry
Administrative Assistant
September 17, 2003

BOARD MINUTES
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
SEPTEMBER 18, 2003

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday, September 18, 2003, in the Executive Conference Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi.

The following members were present:

Dewitt G. Crawford, M.D., Louisville, President
William B. Harper, D.O., Greenwood, Vice President
Paul Douglas Jackson, M.D., Greenville, Secretary
Larry B. Aycock, M.D., McComb
Frank W. Bowen, M.D., Carthage
Freda M. Bush, M.D., Jackson
Philip T. Merideth, M.D., J.D., Jackson
Dwalia S. South, M.D., Ripley
W. Joseph Burnett, M.D., Director

Also present:

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

Not present:

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

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

Dr. Crawford asked that a moment of silence be observed in memory of Board Members, Robert Ray Smith, M.D., Jackson, and Henry J. Sanders, III, M.D., McComb, both of whom died in May. Single roses were placed in the Board Room in their memory. The invocation was given by Dr. Bush.

Dr. Crawford welcomed Charlene Pierce, Special Assistant Attorney General, and Britney Emmons, Court Reporter.

Dr. Burnett introduced the staff and gave a brief explanation of their job duties. He also advised that the new Board officers are completing the two-year term, which began July 2002 with the installation of Robert R. Smith, M.D., as President. The new officers recently elected by mail ballot will complete their term in June 2004, and at that time the officers' terms will go back to the two years.

OATH OF OFFICE - LARRY B. AYCOCK, M.D., MCCOMB, AND PHILIP T. MERIDETH, M.D., J.D., JACKSON

Dr. Crawford welcomed Larry B. Aycock, M.D., McComb, and Philip T. Merideth, M.D., J.D., Jackson, as Board members. Dr. Aycock was appointed to represent the Second Supreme Court District for the unexpired term of Henry J. Sanders, M.D., ending June 30, 2008. Dr. Merideth was appointed to represent the First Supreme Court District for the unexpired term of Robert R. Smith, M.D., ending June 30, 2008. Dr. Aycock and Dr. Merideth were administered the Oath of Office by Britney Emmons, Court Reporter, copies of which are attached hereto and incorporated by reference.

APPROVAL OF CERTIFICATION OF MISSISSIPPI LICENSES TO OTHER ENTITIES FOR THE PERIOD APRIL 1, 2003, TO AUGUST 31, 2003

Three hundred four (304) licenses were certified to other entities for the period April 1, 2003, to August 31, 2003. Motion was made by Dr. Bowen, seconded by Dr. Jackson, and carried unanimously to approve these certifications.

APPROVAL OF LICENSES ISSUED FOR THE PERIOD APRIL 1, 2003, TO AUGUST 31, 2003

Two hundred ten (210) licenses were issued for the period April 1, 2003, to August 31, 2003. Motion was made by Dr. Bush, seconded by Dr. Bowen, and carried unanimously to approve these licenses.

REVIEW OF MINUTES OF THE BOARD MEETING DATED APRIL 17, 2003

Minutes of the Board Meeting dated April 17, 2003, were reviewed. Dr. Jackson moved for approval of the minutes as submitted. Dr. Bush seconded the motion, and it carried unanimously.

A committee, composed of Dr. Bush, Dr. Johnston, Ms. Wagner, and Mr. Ingram, was appointed at the April 17 Meeting to develop recommendations for a Consumer Health Ad Hoc Committee. Dr. Burnett asked that their recommendations be presented at a Board meeting in the near future.

REVIEW OF MINUTES OF THE EXECUTIVE COMMITTEE MEETING DATED JUNE 17, 2003, AND AUGUST 20, 2003

Dr. Burnett reviewed the Minutes of the Executive Committee Meeting dated June 17, 2003, and August 20, 2003. Dr. Burnett stated that a correction had been made on page two of the August 20 Minutes. Yonas Zegeye, M.D., applicant, will be going to Delta Regional Medical Center, Greenville, rather than King's Daughters' Hospital. Dr. Aycock moved for approval of both sets of minutes. Dr. South seconded the motion, and it carried unanimously.

REPORT OF SEPTEMBER 17, 2003, EXECUTIVE COMMITTEE MEETING

Dr. Burnett reported on Wednesday's Executive Committee meeting. He advised that Terry K. Ellis, M.D., was requesting removal of all restrictions although he has not met all the requirements of his Board Order. Dr. Ellis will meet with the Executive Committee on October 15 to present his request. The Mississippi Department of Corrections is now using a contractual company for the prison physicians, and there is a question of whether or not physicians with Limited Institution Licenses are state employed and can remain on this type of license. More information on this will be provided at the October Executive Committee meeting. Dr. Burnett stated a physician had contacted him regarding how to handle controlled substance prescriptions in a paperless practice and that Mr. Moses was working on this. Dr. Burnett presented other informational items, which are reflected in the Executive Committee Minutes.

OTHER BUSINESS

Mr. Ingram introduced Pamela Ratliff, a new attorney with his firm, and John Tully with the Wilkins, Stephens and Tipton firm.

Dr. Bush gave a brief report on her first Board of Directors meeting with the Federation of State Medical Boards. She and Dr. Burnett also reported on their trips to Philadelphia, Pennsylvania, to attend the USMLE Clinical Skills Learning Labs.

REPORTS FROM AD HOC COMMITTEES

Alternative Medicine - There was no new information to report.

Educational Development - There was no new information to report.

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

Office Based Surgery - There was no new information to report.

Telemedicine - There was no new information to report.

Legislative - There was no new information to report.

Nurse Practitioner and Expanded Role - Proposed regulations, which were from the January 30, 2003, MBON/MSBML Joint Issues Committee meeting, were reviewed and discussed. In Section C., Board Review, the Executive Committee recommended eliminating the phrase, ***which is located 30 miles or more away***. They also agreed that personal appearances by the physicians supervising a nurse practitioner in a free standing clinic could be handled by a telephone interview. Any existing arrangements between a physician and nurse practitioner at the time of final adoption of the regulations will be grandfathered in. Motion was made by Dr. Aycock, seconded by Dr. Bowen, and carried unanimously to approve the proposed regulations. The regulations will now be forwarded to the Board of Nursing for approval and joint promulgation.

REQUEST BY JUDGE KEITH STARRETT, MCCOMB, FOR WAIVER OF REGULATIONS GOVERNING THE PRACTICE OF ACUPUNCTURE TO ALLOW ACUPUNCTURE TECHNICIANS TO PERFORM THE PROCEDURE FOR DRUG COURTS

Dr. Crawford welcomed Judge Starrett and Ms. Garfield, a probation officer, who were asking for a waiver to the Board's acupuncture regulation to allow technicians to perform auricular acupuncture for drug treatment therapy. This exemption would be for a year and limited to Lincoln, Pike, and Walthall Counties. After Judge Starrett and Ms. Garfield answered questions from the Board members, Dr. Crawford thanked them for their presentation and referred the matter to the Alternative Medicine Ad Hoc Committee for their recommendation.

THE BOARD RECESSED AT 10:30 A.M. AND RECONVENED AT 10:50 A.M.

USMLE CLINICAL SKILLS EXAMINATION

Mrs. Freeman gave a brief review and demonstration of the USMLE examination. The Federation of State Medical Boards would like the Board's approval of supporting the clinical skills examination as a part of USMLE. After discussion and questions by some of the Board members, this was referred to the Educational Development Ad Hoc Committee for their recommendation. Dr. Bush was asked to assist the committee with this.

**CONTINUANCE IN THE HEARING OF HORRELL H. TOWNSEND, III, D.O.,
GULFPORT, MISSISSIPPI MEDICAL LICENSE NUMBER 11143**

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

Mr. Ingram advised that Dr. Townsend's attorney, Mark S. Larson, Esq., Gulfport, had requested a continuance. Motion was made by Dr. Bush, seconded by Dr. Jackson, and carried unanimously to grant a continuance until the October 16 Board meeting. The Order of Continuance is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Britney Emmons, Court Reporter.

**CONTINUANCE IN THE HEARING OF LANE CEDRIC ROLLING, D.P.M., JACKSON,
MISSISSIPPI MEDICAL LICENSE NUMBER 80122**

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

Mr. Ingram advised that Dr. Rolling's attorney, Chokwe Lumumba, Esq., Jackson, had requested a continuance. Motion was made by Dr. Harper, seconded by Dr. Bowen, and carried unanimously to grant a continuance until the October 16 Board meeting. The Order of Continuance is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Britney Emmons, Court Reporter.

FINAL ADOPTION OF AMENDMENT TO *RELEASE OF MEDICAL RECORDS*

For the benefit of the new Board members, Dr. Burnett explained the process for the adoption of regulations.

Mr. Ingram reviewed the final changes to the medical records regulations. Motion was made by Dr. Aycock, seconded by Dr. Jackson, and carried unanimously for final adoption of the amended regulations, which will be filed with the Secretary of State under the Administrative Procedures Act. The amended regulation is attached hereto and incorporated by reference.

FINAL ADOPTION OF *REGULATIONS CONCERNING USE OF ELECTROMYOGRAPHY*

Dr. Burnett advised that he had just received comments from George E. McGee, M.D., President, Mississippi State Medical Association, regarding this proposed regulation. Dr. Burnett asked that the final adoption of this regulation be deferred until the October 16 Board meeting.

FINAL ADOPTION OF AMENDMENT TO *REGULATIONS PERTAINING TO EMERGENCY TELEMEDICINE WITHIN THE STATE*

Dr. Burnett distributed copies of a letter from Delia Y. Owens, J.D., R.N., Executive Director, Mississippi Board of Nursing, in which she objected to the filing of the amendment to *Regulations Pertaining to Emergency Telemedicine within the State*. The amendment would extend the University of Mississippi Medical Center's Teleemergency program for another year. The final adoption of this will be delayed until the Board of Nursing has adopted and it can then be jointly promulgated.

FINAL ADOPTION OF *REGULATIONS PERTAINING TO INTERNET PRESCRIBING*

Dr. Burnett reviewed the proposed Internet prescribing regulation. Motion was made by Dr. Aycock, seconded by Dr. South, and carried unanimously for final adoption of the regulations, which will be filed with the Secretary of State under the Administrative Procedures Act. The regulation is attached hereto and incorporated by reference.

**HEARING IN THE CASE OF THOMAS ALFRED VAUGHAN, M.D., NATCHEZ,
MISSISSIPPI MEDICAL LICENSE NUMBER 07887**

Dr. Vaughan was not present or represented by legal counsel. Charles Moses, Division Director of the Investigative Division, reported that Dr. Vaughan, whom he has met earlier, was not in the building. The hearing proceeded in his absence.

Mr. Ingram explained the Order of Prohibition, the charges as outlined in the Summons and Affidavit, and a number of exhibits as he entered them. Mr. Moses was sworn in and answered questions from Mr. Ingram and Board members. Gary D. Carr, M.D., Medical Director, Mississippi Recovering Physicians Program, was sworn in and answered questions from Mr. Ingram and Board members.

Motion was made by Dr. Jackson, seconded by Dr. Bowen, 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. Bush, seconded by Dr. Bowen, the Board will go into Executive Session following lunch.

**THE BOARD RECESSED FOR LUNCH AT 12:10 P.M. AND RECONVENED AT
1:10 P.M.**

Upon motion by Dr. Bush, seconded by Dr. Bowen, and carried unanimously, the Board came out of Executive Session at which time Dr. Crawford announced that the Licensee is indefinitely prohibited from practicing medicine until such time as he submits to treatment for mental illness and is found by Board to be able to practice medicine with reasonable skill and safety to the public. The Order of the Board is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Britney Emmons, Court Reporter.

**SHOW-CAUSE HEARING IN THE CASE OF JACK DUNN, III, M.D., DALLAS,
TEXAS, APPLICANT**

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

Mr. Ingram entered a number of exhibits and explained each of them. Dr. Dunn was sworn in and answered questions from Mr. Ingram and Board members. Dr. Carr addressed the Board on behalf of Dr. Dunn and answered questions from Mr. Ingram and Board members.

Motion was made by Dr. Bowen, 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. Bush, seconded by Dr. Jackson, the Board went into Executive Session.

Upon motion by Dr. Merideth, seconded by Dr. Bush, and carried unanimously, the Board came out of Executive Session at which time Dr. Crawford announced to issue a restricted license subject to a Board approved Practice Plan, which sets forth a structured supervised working environment in which Dr. Dunn will work under the direct supervision of an anesthesiologist holding an unrestricted, current Mississippi Medical License and the execution of a "Recovery Contract Agreement" with the Mississippi Recovering Physicians Program.

After discussion of the regulation requiring a Board approved physician assessment program and/or clinical skills assessment program for any physician who has not actively practiced the past three years prior to making application, Dr. Bush made a motion, which carried unanimously, to add to the Board's Order the successful completion of a recognized clinical assessment as required by Board Regulation. The Order of the Board is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Britney Emmons, Court Reporter.

OTHER BUSINESS

Dr. Burnett reported on a request for a panel of radiologists to perform an assessment on a radiologist applicant, and he was wondering if a panel of anesthesiologists could also possibly perform the assessment on Dr. Dunn. Dr. Crawford will make a decision on this.

**APPROVAL OF CONSENT ORDER EXECUTED BY JOHN MEDLEY SMOOT, M.D.,
BATESVILLE, MISSISSIPPI MEDICAL LICENSE NUMBER 07716**

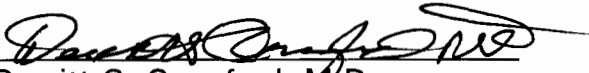
Dr. Smoot was present but not represented by legal counsel. Dr. Carr was also present.

Mr. Ingram entered as exhibits a chronological summary on Dr. Smoot and a report from Metro Atlanta Recovery Residences (MARR) and reviewed the Consent Order executed by Dr. Smoot. Dr. Carr and Dr. Smoot briefly addressed the Board and answered questions from Mr. Ingram and Board members. Motion was made by Dr. Harper, 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 Britney Emmons, Court Reporter.

ADJOURNMENT

Motion was made by Dr. Merideth, seconded by Dr. Bush, and carried unanimously to adjourn the meeting at 3:25 p.m. with the next meeting scheduled for Thursday, October 16, 2003.


Dewitt G. Crawford, M.D.
President

Minutes taken and transcribed
by Kathy Fortenberry
Administrative Assistant
September 18, 2003

**EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
SEPTEMBER 18, 2003**


AGENDA ITEM XX

**HEARING IN THE CASE OF THOMAS ALFRED VAUGHAN, M.D., NATCHEZ,
MISSISSIPPI MEDICAL LICENSE NUMBER 07887**

Motion made by Dr. Aycock, seconded by Dr. Bowen, and carried that Licensee is indefinitely prohibited from practicing medicine until such time as he submits to treatment for mental illness and is found by Board to be able to practice medicine with reasonable skill and safety to the public.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Larry B. Aycock, M.D.	X			
Frank W. Bowen, M.D.	X			
Freda M. Bush, M.D.	X			
Dewitt G. Crawford, M.D.	X			
William B. Harper, D.O.	X			
Paul Douglas Jackson, M.D.	X			
Joseph E. Johnston, M.D.				X
Philip T. Merideth, M.D., J.D.	X			
Dwalia S. South, M.D.	X			

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


Dewitt G. Crawford, M.D.
President

**EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
SEPTEMBER 18, 2003**


AGENDA ITEM XXI

**SHOW-CAUSE HEARING IN THE CASE OF JACK DUNN, III, M.D., DALLAS,
TEXAS, APPLICANT**

Motion made by Dr. Bowen, seconded by Dr. South, and carried to issue a restricted license subject to a Board approved Practice Plan, which sets forth a structured supervised working environment in which Dr. Dunn will work under the direct supervision of an anesthesiologist holding an unrestricted, current Mississippi Medical License and the execution of a "Recovery Contract Agreement" with the Mississippi Recovering Physicians Program.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Larry B. Aycock, M.D.	X			
Frank W. Bowen, M.D.	X			
Freda M. Bush, M.D.	X			
Dewitt G. Crawford, M.D.	X			
William B. Harper, D.O.	X			
Paul Douglas Jackson, M.D.	X			
Joseph E. Johnston, M.D.				X
Philip T. Merideth, M.D., J.D.	X			
Dwalia S. South, M.D.	X			

With a motion by Dr. Merideth, seconded by Dr. Bush, the Board came out of Executive Session.


Dewitt G. Crawford, M.D.
President

OATH OF OFFICE

I, Larry Booth Aycock, 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, Mississippi State 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 18th day
of September, 2003

Larry Bilyer

By Rhonda B. Freeman

Notary Public State of Mississippi At Large
My Commission Expires: October 11, 2008
Bonded Time Holders, Brooks & Garland, Inc

OATH OF OFFICE

I, Philip Taylor Merideth, 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, Mississippi State 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 18th day

of September, ~~19~~2003

Philip Merideth

By Rhonda B. Freeman

Notary Public, State of Mississippi At Large
My Commission Expires: October 11, 2003
Bonded Thru Heiden, Brooks & Garland, Inc

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
IN THE MATTER OF THE PHYSICIAN'S LICENSE
OF HORRELL H. TOWNSEND, III, D.O.**

THIRD ORDER OF CONTINUANCE

THIS MATTER came on regularly for hearing on September 18, 2003, before the Mississippi State Board of Medical Licensure, in response to a request for continuance of the hearing this date made by Horrell H. Townsend, M.D. (hereinafter "Licensee"). After consideration of the matter, the Board finds Licensee's motion to be well taken.

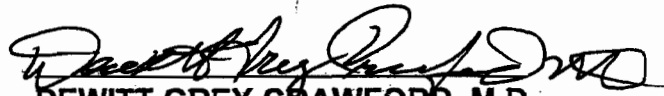
IT IS, THEREFORE, ORDERED, that this matter is continued until October 16, 2003, at 10:00 a.m.

IT IS, THEREFORE, ORDERED, that pending the hearing on this matter, Licensee shall be prohibited from practicing medicine under any circumstances.

SO ORDERED, this the 18th day of September, 2003.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY:


**DEWITT GREY CRAWFORD, M.D.
PRESIDENT**

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
IN THE MATTER OF THE PHYSICIAN'S LICENSE
OF LANE CEDRIC ROLLING, D.P.M.**

ORDER OF CONTINUANCE


THIS MATTER came on regularly for hearing on September 18, 2003, before the Mississippi State Board of Medical Licensure, in response to a request for continuance of the hearing set for this date made by Lane Cedric Rolling, D.P.M. (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 October 16, 2003, at 10:00 a.m.

SO ORDERED, this the 18th day of September, 2003.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY:


**DEWITT GREY CRAWFORD, M.D.
PRESIDENT**

COPY

ADMINISTRATIVE PROCEDURES FILING NOTICE

Agency Mississippi State Board of Medical Licensure
Address 1867 Crane Ridge Drive, Suite 200-B
Jackson, MS 39216
Phone (601) 987-3079

Person to contact Rhonda Freeman
Address 1867 Crane Ridge Drive, Suite 200-B
Jackson, MS 39216
Transmittal date September 19, 2003

Copy attached: Yes No

Name or number of rule(s) XII. Release of Medical Records

Terms or substance of the actions or description of the subject and issues:
Section D., E., F., G., and H. were amended.

Printed name and title

of person authorized to file rules: Rhonda Freeman

Division Director

Name Rhonda Freeman
Signature

Title

EMERGENCY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
<p><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):</p>	<p>Action proposed:</p> <p><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</p> <p>Proposed date of adoption: <input type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify):</p>	<p>Action taken:</p> <p><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</p> <p>Date action taken <u>September 18, 2003</u> <input checked="" type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify):</p>
<p>OFFICIAL FILING STAMP</p> <div data-bbox="113 1470 552 1890"></div>	<p>DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP</p> <div data-bbox="600 1470 1023 1890"></div>	<p>OFFICIAL FILING STAMP</p> <div data-bbox="1071 1470 1494 1890"><p>FILED SEP 19 2003 MISSISSIPPI SECRETARY OF STATE</p></div>
Accepted for filing by _____	Accepted for filing by _____	Accepted for filing by <u>[Signature]</u>

XII. RELEASE OF MEDICAL RECORDS

C. TRANSFER OF PATIENT RECORDS TO ANOTHER PHYSICIAN

A physician who formerly treated a patient shall not refuse for any reason to make the information contained in his medical records of that patient available upon request by the patient, or legal representative of the patient, to another physician presently treating the patient. The physician has a right to request a written release from the patient or legal representative of the patient, authorizing the transfer prior to transfer of said documents. Upon receipt of the written release and authorization, the physician must tender a copy of said documents to the other physician within a reasonable period of time. Transfer of said documents shall not be withheld because of an unpaid bill for medical services, but the physician is entitled to reasonable compensation paid in advance for any copy expenses as provided at Paragraph F below.

D. RELEASE OF PATIENT RECORDS TO PATIENT

A physician shall, upon request of the patient, patient's legal representative, or other person holding a written release and authorization (hereinafter, "authorized requesting party"), provide a copy of a patient's medical record to the authorized requesting party; provided, however, where release of psychiatric/psychological records directly to a patient would be deemed harmful to the patient's mental health or well-being, the physician shall not be obligated to release said records directly to the patient, but shall, upon request, release the same to the patient's legal representative. The physician has a right to request a written authorization prior to release of said documents. Upon receipt of the written release and authorization, the physician must tender a copy of said documents to the authorized requesting party within a reasonable period of time. Transfer of said documents shall not be withheld because of an unpaid bill for medical services, but the physician is entitled to reasonable compensation paid in advance for any copy expenses as provided at Paragraph F below.

E. NARRATIVE SUMMARY OF MEDICAL RECORD

In some cases, a requesting party may wish to obtain a narrative summary of the medical record, in lieu of, or in addition to a copy of the medical record. Upon such a request, the physician may provide the narrative summary if so requested. The physician may charge a reasonable fee for the time devoted in preparation of the narrative summary of the medical record.

F. DUPLICATION AND ADMINISTRATIVE FEES

Licensees have a right to be reimbursed for duplication and other expenses relating to requests for medical records. The maximum copying charge is twenty dollars (\$20) for up to 20 pages and one dollar (\$1.00) per page for 21 or more pages. Except in those instances where the patient is requesting a copy of his/her medical record, the Board of Medical Licensure will not prohibit a Licensee from charging an additional administrative fee up to \$25.00 associated with retrieving records from storage or archives. In addition, the actual costs of reproducing x-rays or other special records may be included.

The duplication and administrative fees authorized herein are not intended to include or restrict any fees charged in relation to expert testimony.

G. EXCLUSION

Federal or state agencies providing benefit programs are excluded from the above stated fees. Records that are requested by state or federal agencies for said benefit programs shall pay an acceptable rate as established by the requesting federal or state agency.

H. VIOLATION OF REGULATIONS

A refusal by a physician to release patient records as enumerated above shall constitute unprofessional conduct, dishonorable or unethical conduct likely to deceive, defraud or harm the public in violation of Mississippi Code (1972) Annotated, Section 73-25-29(8)(d), as amended.

COPY

ADMINISTRATIVE PROCEDURES FILING NOTICE

Agency Mississippi State Board of Medical Licensure
Address 1867 Crane Ridge Drive, Suite 200-B
Jackson, MS 39216
Phone (601) 987-3079

Person to contact Rhonda Freeman
Address 1867 Crane Ridge Drive, Suite 200-B
Jackson, MS 39216
Transmittal date September 19, 2003

Copy attached: Yes No

Name or number of rule(s) XXIX. Regulations Pertaining to Internet Prescribing

Terms or substance of the actions or description of the subject and issues:
This regulation monitors prescribing medication via the Internet.

Printed name and title
of person authorized to file rules: Rhonda Freeman Division Director
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>September 18, 2003</u> <input checked="" type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
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Accepted for filing by _____	Accepted for filing by _____	Accepted for filing by <u>[Signature]</u>

XXIX.

REGULATIONS PERTAINING TO INTERNET PRESCRIBING

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

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

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

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

THOMAS ALFRED VAUGHAN, M.D.

DETERMINATION AND ORDER

THIS MATTER came on regularly for hearing on September 18, 2003, before the Mississippi State Board of Medical Licensure, pursuant to Title 73, Chapter 25 of Miss. Code (1972) Annotated. The Board initiated these proceedings on July 10, 2003, by issuance of a Temporary Order of Prohibition, along with a Summons against Thomas Alfred Vaughan, M.D. (hereinafter "Licensee"), charging Licensee with violation of Subsections (8)(d) and (13) of Section 73-25-29; and Subsections (a),(b) and (c) of Section 73-25-83, Miss. Code (1972) Annotated, as amended. The specific allegations were set forth by Affidavit dated July 8, 2003, from Charles A. Moses, Chief Investigator, attached to and made a part of the Summons, wherein Licensee was charged with suffering from mental illness to an extent which affects professional competency; violation of a Board order or agreement with the Board; unprofessional conduct, which includes, but is not limited to, any dishonorable or unethical conduct likely to deceive, defraud and harm the public; and having been disciplined by a licensed hospital or medical staff of said hospital.

The hearing was convened at 1:00 p.m., with Licensee failing to appear. Complaint Counsel for the Board was Honorable Stan T. Ingram. Sitting as legal advisor for the Board was Honorable Charlene Pierce, Special Assistant Attorney General. Evidence and

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

FINDINGS OF FACT

I.

Licensee had adequate notice of these proceedings as the result of being personally served with the Summons and Affidavit on July 10, 2003. See Board Exhibit "1." The original hearing date was set for July 24, 2003. Pursuant to request of Licensee, a continuance was granted until this date, September 18, 2003 at 10:00 am. Licensee received the Order of Continuance by certified mail on July 26, 2003. See Board Exhibit "2." Charles A. Moses, Chief Investigator, having personally met and talked with Licensee on prior occasions, verified that Licensee was not present.

II.

On or about May 9, 2003, during a traffic stop by the Gulfport, Mississippi, Police Department, Licensee was found to be in possession of a quantity of controlled substance narcotic medications. The medication included sixteen (16) vials of Fentanyl and Morphine. Five (5) of the medication vials were later traced, by lot numbers, to medication stock belonging to Memorial Hospital at Gulfport. Licensee is an anesthesiologist by specialty. A local Mississippi Bureau of Narcotics agent reported this information to the Board and later the same date, May 9, 2003, Board Investigator Harry Gunter, accompanied by a Diversion Investigator with the U.S. Drug Enforcement Administration, met with Licensee at Gulfport Memorial Hospital. Licensee surrendered his Uniform Controlled Substance Registration Certificate to the DEA representative.

III.

On or about May 13, 2003, Craig M. Slater, M.D., Senior Vice President for Medical Affairs, Memorial Hospital at Gulfport, advised the Mississippi State Board of Medical Licensure that Licensee had been prohibited from exercising clinical privileges, based in part, on the vials of Fentanyl and Morphine found in Licensee's possession, later found to be taken from the stock of controlled drugs belonging to Memorial Hospital at Gulfport. On August 11, 2003, the medical staff of Memorial Hospital at Gulfport formally advised the Board of its decision to revoke the medical staff privileges of Licensee, following Licensee's failure to request a hearing within the time and manner specified in the medical staff bylaws, thus accepting the recommendation of the Medical Executive Committee to revoke clinical privileges.

IV.

At the hearing, the Board heard the testimony of Gary Carr, M.D., Medical Director of the Mississippi Recovering Physicians Program (hereinafter "MRPP"). Pursuant to the Mississippi Disabled Physician Law, codified as Miss. Code Ann., Sections 73-25-51 through 73-25-51, Licensee was referred to the MRPP for intervention or evaluation by the Mississippi Impaired Physician's Committee. The MIPC conducted an intervention and requested Licensee to voluntarily submit to an evaluation for both chemical dependency and mental illness. The intervention was based on the Licensee's arrest and surrender of narcotic privileges, but also based on collateral information gleaned from the Committee's own investigation, including but not limited to the apparent diversion of narcotics, and the fact that Licensee was found to have a gun in his locker at Memorial

Hospital at Gulfport. Licensee was admitted on May 15, 2003, for initial evaluation to Pine Grove Professional Enhancement Program (hereinafter "PEP"), Hattiesburg, Mississippi. Said evaluation was completed under the direction of Alexis Polles, M.D. Based on the evaluation, it was the initial finding of Dr. Polles and the evaluation team that Licensee suffered from delusional disorder, persecutory type and obsessive/compulsive personality disorder. The evaluation team then rendered the following recommendation to the Board and MRPP, to wit:

We believe that Dr. Vaughan should not be in the active practice of medicine pending further assessment for a period of not less than two weeks in a residential setting. Hopefully, this will allow greater diagnostic clarity in this situation and firmer recommendations. Though it does not appear at this time that there is any problem with abuse of substances, we recommend abstinence from substances. The evaluating/treating facility should be able to address primary psychiatric issues and have the capability of addressing healthcare specific issues. Further neuropsychological testing is recommended.

By letter to the Board dated June 2, 2003, Dr. Carr indicated that he was in agreement with Dr. Polles, i.e., that Licensee was not safe to practice medicine pending further evaluation recommended by PEP. Dr. Carr specifically stated:

"In view of Dr. Polles' findings, MIPC does not believe that Dr. Vaughan is safe to practice medicine pending the further evaluation recommended by the PEP Program. It is my considered professional opinion that he should immediately discontinue practice and present to the PEP Program for additional evaluation. Should he refuse to do so, MIPC would support a "Prohibition to Practice Order" until it can be determined he is safe to practice with reasonable skill and safety."

V.

On or about June 9, 2003, Licensee presented again to PEP for the recommended additional two (2) weeks of evaluation. At or about the time of admission, June 9, 2003,

Licensee signed an agreement with the MRPP and Board not to practice medicine pending completion of treatment and compliance with all treatment recommendations.

Following completion of the second evaluation, Dr. Polles rendered her evaluation report. In said report, the final diagnoses were:

Axis 1. Diagnosis of: "Delusional Disorder, Persecutory type,"
Axis II. Diagnoses of: "1. Obsessive Compulsive Personality Disorder,
2. Personality Disorder, not otherwise specified, with Schizoid and Schizotypal traits."

In her evaluation report Dr. Polles further stated, in part:

"Dr. Thomas Vaughan is not fit to practice medicine at this time. He should undergo intensive programmatic therapeutic treatment at a residential, or day treatment with residences, level of care that can address his issues."
(emphasis added)

In view of Licensee's refusal to enter into treatment as required by the June 9, 2003, Agreement, the Board issued an Order prohibiting Licensee from practicing medicine pending the outcome of the hearing. The Board issued the Order, notwithstanding Licensee's execution of the June 9, 2003, Agreement, in order to initiate the disciplinary process. In this regard, the Board took special note of the following provision in the June 9, 2003 agreement, to-wit:

As a showing of good faith on my part, and in consideration of the Mississippi Recovering Physicians Program (MRPP), agreeing to assume an 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 hereafter 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) 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. § 73-25-29 (8)(d) and 73-25-83, in which case, any such action by the MSBML shall be deemed disciplinary action."

By virtue of Licensee's refusal to complete treatment as recommended by the MRPP and Pine Grove Recovery Center, Licensee is in violation of the terms of the June 9, 2003, Agreement.

During his testimony, Dr. Carr, related the basis for a number of concerns relative to Licensee's mental status or mental well-being. Some of the observations made by the evaluation team included, but is not limited to, disorganized thought processes, circumstantial thinking and a tendency to perseverate on ideas, tangential thinking, bizarre theme of purposeful prosecution, etc. Furthermore, Dr. Carr noted that the actions taken by the medical staff at Memorial Hospital at Gulfport, was further based upon the fact that Licensee had inappropriately carried a gun into the hospital; the same being found in his hospital locker.

CONCLUSIONS OF LAW

Based upon the Findings of Fact as enumerated above, Licensee is suffering from mental illness to an extent which affects professional competency; is guilty of violation of a Board order or agreement with the Board; is guilty of unprofessional conduct, which includes, but is not limited to, any dishonorable or unethical conduct likely to deceive, defraud and harm the public; and has been disciplined by a licensed hospital or medical

staff of said hospital; all in violation of Subsections (8)(d) and (13) of Section 73-25-29 and Subsections (a), (b) and (c) of Section 73-25-83, Miss. Code (1972) Annotated, as amended.

ORDER

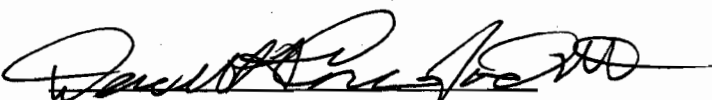
IT IS HEREBY ORDERED, that based upon the Findings of Fact and Conclusions of Law enumerated above, Thomas Vaughan, M.D., is hereby indefinitely prohibited from practicing medicine in the State of Mississippi until such time as he submits to treatment for mental illness, and is found by Board order to be able to practice medicine with reasonable skill and safety to the public.

IT IS FURTHER ORDERED, Licensee shall be assessed all costs associated with the investigation and hearing pursuant to Miss. Code Ann, Section 73-25-30(3).

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 Thomas Vaughan, M.D. Because the July 10, 2003, Order of Prohibition remains in full force and effect, the Order shall be given immediate effect.

SO ORDERED, this the 18th day of September, 2003.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

By: 
DEWITT G. CRAWFORD, M.D.
PRESIDENT

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE APPLICATION FOR LICENSURE

OF

JACK DUNN, III, M.D.

ORDER GRANTING LICENSE

THIS MATTER came on regularly for hearing on September 18, 2003, before the Mississippi State Board of Medical Licensure, pursuant to Title 73, Chapter 25 of Miss. Code (1972) Annotated. In response to an application for licensure, the Board initiated these proceedings on September 4, 2003, by issuance of an order to Jack Dunn, III, M.D., hereinafter "Applicant," to show cause why his application for a medical license should not be denied. The Order to Show Cause charged Applicant with habitual use of narcotic drugs, or any drug having addiction-forming or addiction-sustaining liability; having his license in another state or jurisdiction revoked, suspended or restrictions imposed thereon; having been refused by a licensing authority of another state or jurisdiction to re-activate Applicant's license, permit or certification to practice medicine in that jurisdiction; and having been disciplined by a licensed hospital or medical staff of said hospital. The specific allegations were set forth by Affidavit of same date from Rhonda Freeman, Licensure Division Director, Mississippi State Board of Medical Licensure, attached to and made a part of the Order to Show Cause.

The hearing was convened at 2:00 p.m., Applicant being present without counsel. Complaint Counsel for the Board was Honorable Stan T. Ingram. Sitting as legal advisor for the Board was Honorable Charlene Pierce, Special Assistant Attorney General. Evidence

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

FINDINGS OF FACT

I.

At the time he submitted his application, Applicant had previously been the subject of disciplinary action by the Texas State Board of Medical Examiners (hereinafter "Texas Board") and had his staff privileges revoked or suspended at a hospital or medical staff of said hospital. Applicant had been engaged in the practice of anesthesiology at Methodist Hospital, Lubbock, Texas, from 1992 until 1995. In February 1995, several healthcare professionals working at the Methodist Hospital in Lubbock, Texas, raised concerns that Applicant may have been impaired while performing anesthesiology. On July 3, 1995, a twenty-two year old female in active labor with her first child arrived at South Park Hospital, Lubbock, Texas. Following insertion of an epidural catheter, per patient request, the young female patient went into cardiac arrest and died. Simultaneous with the patient's death, her unborn child also died. Applicant, while denying any malpractice or fault, settled a medical malpractice claim filed against him with respect to the care he rendered in the case. As a result of this event and concerns raised regarding Applicant's overall anesthesia competence, the anesthesia group at South Park terminated their affiliation with Applicant by removing Applicant as a member of the physician group. As a result of concerns that Applicant may have been abusing anesthesia drugs, the medical staff of Methodist Hospital, Lubbock, Texas, suspended Applicant's privileges on October 13, 1995.

II.

On September 20, 1997, Applicant entered into an Agreed Order with the Texas Board, wherein Applicant's Texas medical license was suspended until such time as the Texas Board determined that Applicant was then physically, mentally, and otherwise competent to safely practice medicine. Pursuant to the Agreed Order with the Texas Board, Applicant was admitted to Menninger Clinic in Topeka, Kansas, on or about September 9, 1997, and received seven and one-half (7½) consecutive months of in-patient treatment for chemical dependency under the direction of Richard R. Irons, M.D. Following completion of treatment, Applicant moved to Dallas where he resided in a residential recovery facility for males. Simultaneously, Applicant received aftercare treatment for psychiatric and continuing care counseling. On January 6, 1999, Applicant appeared informally before a settlement panel of the Texas Board, requesting that the suspension of his license be lifted. Notwithstanding the panel's recommendation that the suspension be stayed, subject to certain practice restrictions and monitoring requirements, the full Texas Board rejected the request on January 29, 1999. Thereafter, Applicant appeared again before the full Texas Board on April 10, 1999, and on October 4, 1999, with Applicant's request for reinstatement being denied in each case. On January 20, 2000, Applicant again appeared before a settlement panel of the Texas Board requesting stay of his license suspension. Notwithstanding the panel's recommendation that the suspension be lifted subject to practice restrictions and monitoring requirements, the full Texas Board again rejected the request on February 4, 2000. Applicant appealed the February 4, 2000, order, upon which a full evidentiary hearing was conducted on August 31, 2000, and April 13, 2001, before an administrative law judge, who recommended that the Texas Board lift the suspension. On

September 29, 2001, the full Texas Board reviewed the recommendations of the administrative law judge and, while accepting most of the findings of fact and conclusions of law, rejected the recommendation that the stay be lifted, thereby denying the Applicant's reinstatement of licensure. Following denial of reinstatement by the Texas Board on September 29, 2001, Applicant appealed the decision to the District Court of Travis County, Texas in Cause No. GN1-04061, styled *Dunn v. Texas State Board of Medical Examiners, et al.* Following hearing of evidence and argument of counsel, the court entered an opinion on February 6, 2003, finding that the Texas State Board of Medical Examiners erroneously and without support of substantial evidence continued the suspension of Applicant's medical license. It was the finding of the court that reinstatement of Applicant's medical license was in the best interest of the public. The court reversed and remanded the decision to the Texas Board for further proceedings consistent with the Order. The Texas State Board of Medical Examiners has appealed this decision, which remains pending as of the date of hearing.

III.

After the unsuccessful efforts to obtain reinstatement of his license in Texas, Applicant attempted to re-active his New Mexico medical license, then lapsed. The New Mexico Board of Medical Examiners on August 23, 2002, denied Applicant's request to re-activate, based on a finding that Applicant was guilty of unprofessional or dishonorable conduct, i.e. misrepresentations made in applying to reactivate said license. During the hearing, Applicant explained that the alleged misrepresentation involved a licensure question addressed by his attorney. The New Mexico Board of Medical Examiners further ordered

that Applicant may reapply in New Mexico at such time as Applicant's license has been restored in Texas.

IV.

During the hearing, Applicant acknowledged past use and addiction to narcotic drugs and violation of the Mississippi Medical Practice, i.e., having had his license to practice in another state or jurisdiction revoked by the licensing authority in that jurisdiction; and unprofessional conduct. Applicant presented the Board with sworn testimony describing over five and one-half (5½) years of documented sobriety and advocacy for licensure by Edgar Nace, M.D., Applicant's treating psychiatrist in Dallas; advocacy by the Dallas County Medical Society Impaired Physicians Program; and advocacy by Gary Carr, M.D., Medical Director of the Mississippi Recovering Physicians Program (hereinafter "MRPP"). Applicant also described participation in the Texas Medical Association's random urine screening program since leaving Menninger with all random urine drug screens having tested negative. Applicant also testified that he takes Naltrexone (an opiate receptor blocker) daily and is active in Alcoholics Anonymous, attending three (3) to five (5) meetings per week, including the Dallas Caduceus Group. Applicant testified that he has fully complied with the continuing medical education component of his agreement with the Texas Board and remains knowledgeable and current on the latest medical information as he performs expert medical review of anesthesia records for an insurance company. Applicant sat for the Special Purpose Examination (SPEX) on July 16, 2003, and received a passing score of 85.

V.

During the hearing, Gary Carr, M.D., Medical Director of MRPP, offered testimony as an advocate for licensure of the Applicant. As a condition of receiving a Mississippi

medical license, Applicant would maintain advocacy with the MRPP and enter into a "Recovery Contract Agreement" with the Program.

CONCLUSIONS OF LAW

Based upon the Findings of Fact as enumerated above, Applicant is guilty of habitual use of narcotic drugs, or any drug having addiction-forming or addiction-sustaining liability; having his license in another state or jurisdiction revoked, suspended or restrictions imposed thereon; having been refused by a licensing authority of another state or jurisdiction to re-activate Applicant's license, permit or certification to practice medicine in that jurisdiction; and having been disciplined by a licensed hospital or medical staff of said hospital; all in violation of Subsections (1) and (9) of Section 73-25-29 and Section 73-25-83(c), Mississippi Code (1972). Such acts constitute grounds for which the Mississippi State Board of Medical Licensure may deny Applicant's request for a Mississippi license to practice medicine. Notwithstanding, the Board finds that based on Applicant's documented sobriety, along with support from both the Mississippi Recovering Physicians Program (MRPP) and Applicant's treating physician, Applicant can practice medicine with reasonable skill and safety to patients. Issuance of a license, however, is subject to the Board's regulatory requirement of a clinical skills assessment prior to licensure, followed by submission of a plan of practice to include structured supervision.

ORDER

IT IS HEREBY ORDERED, that based upon the Findings of Fact and Conclusions of Law enumerated above, the application of Jack Dunn, III, M.D., to practice medicine in the State of Mississippi, is hereby granted, subject to the following conditions:

1. Successful completion of a recognized clinical assessment as required by Board Regulation;
2. Submission of a Practice Plan, which sets forth a structured supervised working environment in which Dr. Dunn will work under the direct supervision of an anesthesiologist holding an unrestricted, current Mississippi Medical License;
3. Execution of a "Recovery Contract Agreement" with the Mississippi Recovering Physicians Program, and total compliance with all terms and conditions set forth therein; and
4. Applicant shall be assessed all costs associated with the investigation and hearing pursuant to Miss. Code Ann, Section 73-25-30(3).

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 Dunn, III, M.D.

ORDERED, this the 18th day of September, 2003.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

By:



**DEWITT G. CRAWFORD, M.D.
PRESIDENT**

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

JOHN MEDLEY SMOOT, M.D.

CONSENT ORDER

WHEREAS, Licensee is the holder of expired License No. 07716 for the practice of medicine in the State of Mississippi;

WHEREAS, on July 18, 2002, following Licensee's relapse on alcohol while in treatment, the Mississippi Recovering Physicians Program notified the Board in writing that they were withdrawing advocacy for Licensee until such time as Licensee could demonstrate continuous and uninterrupted sobriety for twelve (12) months;

WHEREAS, on July 24, 2002, Licensee executed a Consent Order that was formally approved by the Board on September 18, 2002, whereby his license to practice medicine in the State of Mississippi was suspended indefinitely, subject to a number of conditions;

WHEREAS, Licensee has satisfied the requirements of the aforementioned Consent Order and desires to return to the practice of medicine in Mississippi;

NOW, THEREFORE, in consideration of reinstatement of license number 07716 to practice medicine in the State of Mississippi, Licensee does hereby consent to and requests the Board to indefinitely suspend his license, 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.

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

3. Licensee shall refrain from ingesting any food product, alcohol, or unauthorized over-the-counter drug likely to cause a confirmed positive test result of the urine screen analysis. Any confirmed positive test result, not in accordance with Paragraph Four (4) of this Agreement, shall be considered a violation subject to Board action.
4. Licensee shall obtain the services of a physician, approved by the Board, for treatment of simple illnesses and similar medical conditions for himself. Licensee shall not treat himself or family members. Additionally, Licensee shall provide the Board with an authorization to obtain medical information for the purpose of monitoring any treatment that Licensee may receive from said treating physician. In the event a physician determines that it is necessary to administer, dispense or prescribe to Licensee any controlled substance or mood altering substance, the treating physician shall so notify the Board's Director in writing. This notification shall be a letter written on the treating physician's letterhead and shall be mailed to the attention of the Board's Director. Said notification shall be mailed within twenty-four (24) hours after the administration, dispensation, or prescribing of said medication. This requirement shall also apply to any care rendered to Licensee by a dentist. Unless being treated in an emergency situation, Licensee shall not receive any medications from any other source other than the treating physician or dentist. Responsibility for said notification to be made rests solely with Licensee.
5. Licensee shall obey all federal, state and local laws, and all rules and regulations governing the practice of medicine in the State of Mississippi.

6. In the event Licensee should leave Mississippi to reside or to practice outside the State, Licensee shall, within ten (10) days prior to departing, notify the Board in writing the dates of departure and return. Periods of residency or practice outside Mississippi will not apply to the reduction of time periods specified in this Consent Order.
7. Licensee's medical practice shall be restricted to the Behavioral Health Center of the Tri-Lakes Medical Center, Batesville, Mississippi. He shall have a supervising physician approved in advance by the Executive Director of the Board.
8. Within one (1) year from the date of execution of this Consent Order, Licensee shall obtain forty (40) hours of continuing medical education (CME) approved by the American Medical Association for Category 1 Credits. Licensee shall obtain at least forty (40) hours of CME for each remaining year of probation, with written proof of successful completion for all CME to be provided to the Board on an annual basis.

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

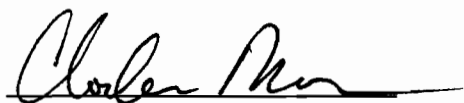
This Consent Order shall be subject to approval by the Mississippi State Board of Medical Licensure. If the Board fails to approve the Consent Order, in whole or in part, it shall have no force or effect on the parties. It is further understood and agreed that the purpose of this Consent Order is to avoid a hearing before the Board. In this regard,

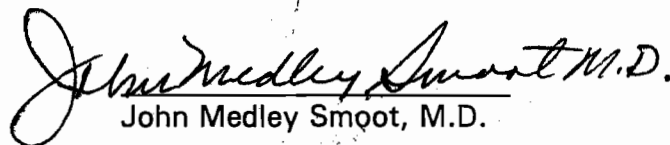
Licensee authorizes the Board to review and examine any documentary evidence or materials concerning the Licensee prior to or in conjunction with its consideration of the Consent Order. Should the Consent Order not be accepted by the Board, it is agreed that presentation to and consideration of the Consent Order and other documents and matters pertaining thereto by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation or consideration of the resolution of the proceedings.

Licensee understands and expressly acknowledges that this Consent Order, if approved and executed by the Mississippi State Board of Medical Licensure, shall constitute a public record of the State of Mississippi. Licensee further acknowledges that the Board shall provide a copy of this Order to, among others, the U.S. Drug Enforcement Administration, and the Board makes no representations as to actions, if any, which the U.S. Drug Enforcement Administration may take in response to this Order.

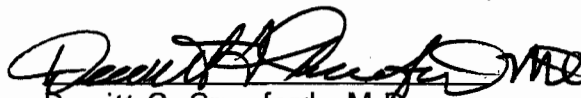
John Medley Smoot, M.D., hereby authorizes the Mississippi State Board of Medical Licensure to enter an Order accepting this Consent Order, thereby reinstating his license to practice medicine in the State of Mississippi, subject to the probationary terms and conditions enumerated above.

Signed this the 9th day of September, 2003.


Witness


John Medley Smoot, M.D.

ACCEPTED AND APPROVED, this the 18th day of September, 2003, by the Mississippi State Board of Medical Licensure.


Dewitt G. Crawford, M.D.
President

OCTOBER 2003

**MINUTES
EXECUTIVE COMMITTEE MEETING
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
OCTOBER 15, 2003**

MEMBERS PRESENT:

Dewitt G. Crawford, M.D., Louisville, President
William B. Harper, D.O., Greenwood, Vice President
W. Joseph Burnett, M.D., Director

ALSO PRESENT:

Charles Moses, Division Director II, Investigative Division
Rhonda Freeman, Division Director II, Licensure Division
Kathy Fortenberry, Administrative Assistant
Frances Scott, Special Projects Officer, Investigative Division

NOT PRESENT:

Paul D. Jackson, M.D., Greenville, Secretary

The Executive Committee of the Mississippi State Board of Medical Licensure met on Wednesday, October 15, 2003, at 4:05 p.m. in the Executive Conference Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi.

**PERSONAL APPEARANCE BY JOSEPH BOOKER, JR., M.D., JACKSON, TO
REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE NUMBER
10182**

Dr. Burnett briefly reviewed Dr. Booker's background and history leading to the disciplinary action taken on his medical license.

Dr. Booker 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. Dr. Booker presented his request for removal of all restrictions and 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.

DR. JACKSON JOINED THE MEETING AT 4:15 P.M.

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PERSONAL APPEARANCE BY TERRY KENT ELLIS, M.D., JACKSON, TO REQUEST REMOVAL OF RESTRICTIONS, MISSISSIPPI MEDICAL LICENSE NUMBER 07978

Dr. Burnett briefly reviewed Dr. Ellis' chronological summary. Dr. Ellis 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.

Dr. Ellis presented his request for removal of all restrictions and answered questions from the Executive Committee members. It was the consensus of the Executive Committee to remove all restrictions with the exception of Item No. 7, which restricts his practice to General Practice/Urgent Care and prohibits him from practicing emergency medicine until the completion of an emergency medicine board review course approved in advance by the Board. The Order of the Board is attached hereto and incorporated by reference.

PERSONAL APPEARANCE BY PETER LEV HERCULES, M.D., BROOKHAVEN, TO DISCUSS HIS ADVERTISEMENT FOR NON-PHARMACOLOGICAL TREATMENTS, MISSISSIPPI MEDICAL LICENSE NUMBER 16013

Dr. Hercules was asked to meet with the Executive Committee to discuss an advertisement he had in a local paper concerning non-pharmacological treatments. Also present was Dr. Hercules' attorney, Barry Cockrell, Esq., Jackson.

The Executive Committee members reviewed Dr. Hercules' brochure and an evaluation of his web site. Dr. Hercules explained his program, how he had basically developed it himself, and answered questions from the Executive Committee members.

After Dr. Hercules and Mr. Cockrell left the meeting, his method of treatment was discussed, and it was the consensus of the Executive Committee that some of his claims in the brochure were misleading. The Executive Committee asked Dr. Burnett to send Dr. Hercules a copy of the Board's regulation on advertising and to write him that it was felt some of the therapy was not backed up by scientific studies and that his advertising could be misleading.

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THOMAS MICHAEL LEHMAN, M.D., MISSISSIPPI MEDICAL LICENSE NUMBER 13009

Dr. Burnett reported on a recent meeting with Dr. Lehman, who was requesting some possible assistance from the Board because of the restrictions on his license causing a problem with his obtaining employment, supervising a nurse practitioner, etc. Because Dr. Lehman still has several years left on his Consent Order, which was effective October 17, 2001, for eight years, no action was taken by the Executive Committee.

MOTION FOR REHEARING AND CONTINUANCE - THOMAS ALFRED VAUGHAN, M.D., MISSISSIPPI MEDICAL LICENSE NUMBER 07887

Dr. Burnett reported that James D. Kopernak, Esq., Jackson, attorney for Dr. Vaughan, has filed a Motion for Rehearing and Continuance. Dr. Vaughan's hearing before the Board was September 18, 2003. At the hearing, Dr. Vaughan failed to appear either personally or through counsel. Mr. Kopernak was not retained as counsel until that date. The Executive Committee was advised that Stan Ingram, complaint counsel, will object to the motion; however, based on a conversation between Mr. Ingram and Mr. Kopernak, Dr. Vaughan may go for a second opinion regarding his mental illness. The Committee requested that Mr. Ingram communicate with Mr. Kopernak, insure that the second opinion is conducted by a recognized treatment facility, and determine the results, if any, wherein the motion will then be considered at the next Executive Committee or full Board meeting.

CONTINUANCE IN THE HEARING OF HORRELL H. TOWNSEND, III, D.O., GULFPORT, MISSISSIPPI MEDICAL LICENSE NUMBER 11143

Dr. Townsend was not present or represented by legal counsel. Dr. Burnett advised that Dr. Townsend's attorney, Mark S. Larson, Esq., Gulfport, had requested a continuance, which the Executive Committee approved. The Order of Continuance, granting a continuance until November 20, 2003, is attached hereto and incorporated by reference.

CONTINUANCE IN THE HEARING OF LANE CEDRIC ROLLING, D.P.M., JACKSON, MISSISSIPPI MEDICAL LICENSE NUMBER 80122

Dr. Rolling was not present or represented by legal counsel. Dr. Burnett advised that Dr. Rolling's attorney, Chokwe Lumumba, Esq., Jackson, had requested a continuance, which the Executive Committee approved. The Order of

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Continuance, granting a continuance until November 20, 2003, is attached hereto and incorporated by reference.

SURRENDER OF MEDICAL LICENSE EXECUTED BY ROBERT LEE JORDAN, JR., M.D., MERIDIAN, MISSISSIPPI MEDICAL LICENSE NUMBER 08756

For informational purposes only, Dr. Burnett presented the Surrender of Medical License executed by Dr. Jordan, a copy of which is attached hereto and incorporated by reference. He advised that this voluntary surrender is a non-reportable, non-disciplinary action.

FEDERATION OF STATE MEDICAL BOARDS

The Federation of State Medical Boards has called for nominations and appointment recommendations, resolutions, and changes to the bylaws. Dr. Burnett stated that Dr. Philip Merideth is interested in serving on a committee and the required paperwork will be submitted to the Federation.

LIMITED INSTITUTIONAL LICENSES FOR PHYSICIANS WITH THE DEPARTMENT OF CORRECTIONS, PARCHMAN

At their September 17, 2003, meeting, the Executive Committee had asked for a copy of the contract between the Department of Corrections and the contractual company providing physicians for the prisons, which Mrs. Freeman presented and briefly reviewed. It was the consensus of the Executive Committee since these physicians are not on state retirement that they are no longer state employees and would not meet the requirements for limited institutional licenses. The Executive Committee agreed to extend to these licensees a six-month grace period.

FAXED PRESCRIPTIONS FOR CONTROLLED SUBSTANCES - PAPERLESS PRACTICE

At the September 17, 2003, Executive Committee meeting, Dr. Burnett had reported a physician had contacted him regarding how to handle controlled substance prescriptions in a paperless practice. Mr. Moses has received information from other states regarding this and reported that he was working on a proposal for a regulation concerning this.

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NURSE PRACTITIONERS WITH CONTROLLED SUBSTANCE PRIVILEGES

Mrs. Scott reported on the number of nurse practitioners with controlled substance privileges. Information from the Board of Nursing indicates the following number of nurse practitioners with DEA privileges: Schedules II and III - 17; Schedule III only - 7; Schedules IV and V - 169; and Schedule V only - 1.

REPORT FROM DR. CRAWFORD ON BOARD OF NURSING MEETING

Dr. Crawford reported on the last meeting of the Board of Nursing, at which time this Board's *Supervision/Collaboration of Nurse Practitioners Regulations* were presented for the Board of Nursing's approval. He advised that the regulations were tabled until the next meeting for further study.

FINAL ADOPTION OF AMENDMENT TO *REGULATIONS PERTAINING TO EMERGENCY TELEMEDICINE WITHIN THE STATE*

Dr. Burnett reviewed a letter from Delia Owens, Executive Director, Board of Nursing, advising that their Board had approved jointly promulgating *Regulations Pertaining to Emergency Telemedicine within the State*. Motion was made by Dr. Harper, seconded by Dr. Crawford, and carried for final adoption of the amended regulations, which will be filed with the Secretary of State under the Administrative Procedures Act. The amended regulation is attached hereto and incorporated by reference.

JOINT PROMULGATION OF BOARD OF NURSING'S RULES AND REGULATIONS

Dr. Burnett presented two proposed regulations pertaining to nurse practitioners, which have been adopted by the Board of Nursing and were being presented to this Board for adoption. After discussion of both, it was the consensus of the Executive Committee to table *Chapter IV, Advanced Practice, Section 2.3 c.(1)* and to adopt *Chapter IV, Advanced Practice, Section 2.4 f.(2)*.

TPA CERTIFICATION FOR OPTOMETRISTS

For informational purposes only, Dr. Burnett reviewed his response to correspondence sent to the individual Board members, as well as the Attorney General, from Harold A. Jefcoat, O.D., Natchez, regarding a requirement for all

EXECUTIVE COMMITTEE MINUTES

October 15, 2003

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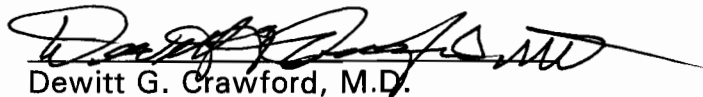
optometrists to be TPA certified. Dr. Burnett advised that this was most likely handled solely by the Board of Optometry, and this Board would not have any minutes or information relevant to the formulation of this regulation, as requested by Dr. Jefcoat.

OTHER BUSINESS

Dr. Burnett advised that Lee Montgomery, M.D., Fulton, had contacted him regarding a R.N. training a non-licensed individual to work in a physician's office. The Board of Nursing has advised that a R.N. cannot train or supervise this type employee. It was the consensus of the Executive Committee that the physician is the one responsible for those he or she hires.

ADJOURNMENT

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



Dewitt G. Crawford, M.D.

President

Minutes taken and transcribed
by Kathy Fortenberry
Administrative Assistant
October 15, 2003

AGREEMENT TO APPEAR INFORMALLY BEFORE EXECUTIVE COMMITTEE

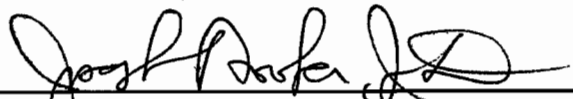
I, Joseph Booker, Jr., M.D., have requested an opportunity to appear informally before the Executive Committee of the Mississippi State Board of Medical Licensure (hereinafter "Board") to discuss possible resolution of a pending disciplinary matter/investigation or to respond to a complaint duly received 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 15th day of October, 2003.



Joseph Booker, Jr., M.D.

Witness: _____

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

ORDER REMOVING ALL RESTRICTIONS

THIS MATTER came on regularly for consideration on October 15, 2003, before the Executive Committee of the Mississippi State Board of Medical Licensure, in response to the request of Joseph Booker, Jr., M.D. (hereinafter "Licensee"), for removal of all restrictions imposed on his license by virtue of that certain Consent Order dated December 15, 1999. The Executive Committee of the Board, after hearing said request, finds the same to be well-taken.

IT IS THEREFORE ORDERED, that Licensee's request for removal of all restrictions imposed on his license by virtue of that certain Consent Order dated December 15, 1999, 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 Booker, Jr., M.D.

ORDERED, this the 15th day of October, 2003.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY:



**DEWITT GREY CRAWFORD, M.D.
PRESIDENT**

AGREEMENT TO APPEAR INFORMALLY BEFORE EXECUTIVE COMMITTEE

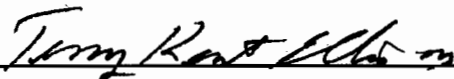
I, Terry Kent Ellis, M.D., have requested an opportunity to appear informally before the Executive Committee of the Mississippi State Board of Medical Licensure (hereinafter "Board") to discuss possible resolution of a pending disciplinary matter/investigation or to respond to a complaint duly received 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 15th day of October, 2003.



Terry Kent Ellis, M.D.

Witness: _____

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
IN THE MATTER OF THE PHYSICIAN'S LICENSE
OF
TERRY KENT ELLIS, M.D.**

ORDER REMOVING RESTRICTIONS

THIS MATTER came on regularly for consideration on October 15, 2003, before the Executive Committee of the Mississippi State Board of Medical Licensure, in response to the request of Terry Kent Ellis, M.D. (hereinafter "Licensee"), for removal of restrictions imposed on his license by virtue of that certain Board Order dated April 12, 2001. The Executive Committee of the Board, after hearing said request, finds the same to be well-taken as to all restrictions with exception of Item No. 7.


IT IS THEREFORE ORDERED, that Licensee's request for removal of restrictions imposed on his license by virtue of that certain Board Order dated April 12, 2001, is hereby granted, with exception of Item No. 7. Pursuant to Item No. 7, Licensee's practice shall be restricted to General Practice/Urgent Care, and Licensee is prohibited from practicing emergency medicine until completion of an emergency medicine board review course approved in advance by the Board. After completion of emergency medicine training, Licensee shall obtain an evaluation by an approved assessment program, and then reappear before the Board seeking return of emergency medicine privileges.

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 Terry Kent Ellis, M.D.

ORDERED, this the 15th day of October, 2003.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY:


**DEWITT GREY CRAWFORD, M.D.
PRESIDENT**

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF HORRELL H. TOWNSEND, III, D.O.

FOURTH ORDER OF CONTINUANCE

THIS MATTER came on regularly for hearing on October 15, 2003, before the Executive Committee of the Mississippi State Board of Medical Licensure, in response to a request for continuance of the hearing set for tomorrow, October 16, 2003, made by Horrell H. Townsend, M.D. (hereinafter "Licensee"). The Committee was advised that Dr. Townsend was making a good faith effort to enter into and complete further evaluation for chemical dependency and related issues, a step which may well resolve the matter now before the Board. Accordingly, 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 20, 2003, at 10:00 a.m.

IT IS, THEREFORE, ORDERED, that pending the hearing on this matter, Licensee shall be prohibited from practicing medicine under any circumstances.

SO ORDERED, this the 15th day of October, 2003.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY:


**DEWITT GREY CRAWFORD, M.D.
PRESIDENT**

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF LANE CEDRIC ROLLING, D.P.M.

SECOND ORDER OF CONTINUANCE

THIS MATTER came on regularly for hearing on October 15, 2003, before the Executive Committee of the Mississippi State Board of Medical Licensure, in response to a request for continuance of the hearing set for tomorrow, October 16, 2003, made by Chokwe Lumumba, Esq., attorney for Lane Cedric Rolling, D.P.M. (hereinafter "Licensee"). The Committee was advised that Mr. Lumumba needed additional time for preparing for the defense of Dr. Rolling and was agreeable to try this matter at the next regularly set meeting date of the Board, November 20, 2003. 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 20, 2003, at 10:00 a.m.

SO ORDERED, this the 15th day of October, 2003.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY:



**DEWITT GREY CRAWFORD, M.D.
PRESIDENT**

SURRENDER OF MEDICAL LICENSE

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

WHEREAS, I, ROBERT LEE JORDAN, JR., M.D., am the current holder of License Number 08756, issued in August, 1979, to practice medicine in the State of Mississippi;

WHEREAS, a referral has been made to the Mississippi Recovering Physicians Program, and it is my wish to relinquish, in a non-disciplinary manner, my right 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. 08756) to practice medicine in the State of Mississippi, said surrender effective the 23 day of September, 2003.

I understand that this is a voluntary surrender made in conjunction with the Mississippi Recovering Physicians Program, 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 later obtain as part of the consideration of any application.

EXECUTED this the 23 day of September, 2003.

Robert Lee Jordan, Jr., M.D.
ROBERT LEE JORDAN, JR., M.D.

WITNESS

ADMINISTRATIVE PROCEDURES FILING NOTICE

Agency Mississippi State Board of Medical Licensure
Address 1867 Crane Ridge Drive, Suite 200-B
Jackson, MS 39216
Phone (601) 987-3079

Person to contact Rhonda Freeman
Address 1867 Crane Ridge Drive, Suite 200-B
Jackson, MS 39216
Transmittal date October 16, 2003

Copy attached: Yes No

Name or number of rule(s) XXVII. REGULATIONS PERTAINING TO EMERGENCY TELEMEDICINE WITHIN THE STATE

Terms or substance of the actions or description of the subject and issues:
Repealed date extended for one year.

Printed name and title
of person authorized to file rules: Rhonda Freeman Division Director
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 <input type="checkbox"/> 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>October 15, 2003</u> <input checked="" type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____

OFFICIAL FILING STAMP

DO NOT WRITE
BELOW THIS LINE
OFFICIAL FILING STAMP

OFFICIAL FILING STAMP

FILED
OCT 16 2003
MISSISSIPPI
SECRETARY OF STATE

Accepted for filing by _____

Accepted for filing by _____

Accepted for filing by [Signature]



BOARD OF NURSING

1935 Lakeland Drive, Suite B
Jackson, MS 39216-5014
Telephone: (601) 987-4188
Fax: (601) 364-2352



October 6, 2003

Dr. Joseph Burnett, Executive Director
Mississippi Board of Medical Licensure
1867 Crane Ridge Drive, Suite 200 B
Jackson, MS 39216

Dear Dr. Burnett:

On October 3, 2003, the Mississippi Board of Nursing voted to jointly promulgate Board of Medical Licensure rules and regulations regarding "XXXVII. Regulations Pertaining to Emergency Telemedicine within the State" extending the date of repeal for one additional year from the date of original adoption.

If you have any questions, please call me at 944-4840.

Sincerely,

Delia Y. Owens, JD, RN
Executive Director

DYO:nh



XXVII.

**REGULATIONS PERTAINING TO EMERGENCY TELEMEDICINE
WITHIN THE STATE**

A. SCOPE

These regulations apply to only those individuals licensed to practice medicine or osteopathic medicine in the State of Mississippi and who are performing duties as employees of the University of Mississippi Medical Center. This regulation does not authorize any communication across state lines.

B. DEFINITIONS

For the purpose of Article XXVII only, the following terms have the meanings indicated:

1. "Physician" means any person licensed to practice medicine or osteopathic medicine in the State of Mississippi.
2. "Telemedicine" is the diagnosis or treatment of human injury, illness and diseases using interactive audio, video or data communications by electronic or other means.
3. "Teleemergency medicine" is a unique combination of telemedicine and the collaborative/supervisory role of a physician Board certified in emergency medicine, and an appropriate skilled health professional (Nurse Practitioner or Physician Assistant).

C. BOARD REVIEW

The same requirements as outlined in Article XIII shall apply.

D. COLLABORATIVE/SUPERVISING PHYSICIAN LIMITED

No physician practicing teleemergency medicine shall be authorized to function in a collaborative/supervisor role as outlined in Article XIII unless his or her practice location is a level 1 hospital trauma center that is able to provide continuous twenty-four hour coverage and has an existing air ambulance system in place. Coverage will be authorized only for those emergency departments of licensed hospitals who have an average daily census of thirty (30) or fewer Acute Care/Medical Surgical occupied beds as defined by their Medicare Cost Report.

E. REPORTING REQUIREMENTS

Quarterly reports detailing quality assurance activities, adverse or sentinel events shall be submitted for review to the Mississippi State Board of Medical Licensure. The Board of Nursing requires, in addition to these regulations, submission of quarterly reports to the Board of Nursing and reserves the right to re-evaluate and change reporting requirements, if need be.

F. EFFECTIVE DATE OF REGULATION

This above rules and regulations pertaining to telemergency medicine shall become effective October 18, 2002. This regulation shall stand repealed one (1) year from final adoption. This regulation shall be extended from October 19, 2003, to October 18, 2004.

OCTOBER 2003

**EXECUTIVE COMMITTEE
MEETING ONLY**

NOVEMBER 2003

**MINUTES
EXECUTIVE COMMITTEE MEETING
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
NOVEMBER 19, 2003**

MEMBERS PRESENT:

Dewitt G. Crawford, M.D., Louisville, President
Paul D. Jackson, M.D., Greenville, 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

NOT PRESENT:

William B. Harper, D.O., Greenwood, Vice President

The Executive Committee of the Mississippi State Board of Medical Licensure met on Wednesday, November 19, 2003, 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 JERRY MITCHELL, III, D.O., QUITMAN, MISSISSIPPI
MEDICAL LICENSE NUMBER 12395, TO REQUEST REMOVAL OF RESTRICTIONS**

Dr. Burnett briefly reviewed Dr. Mitchell's chronological summary. Dr. Mitchell 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.

Dr. Mitchell presented his request for removal of all restrictions and answered questions from the Executive Committee members. Gary D. Carr, M.D., Medical Director, Mississippi Recovering Physicians Program, addressed the Executive Committee on behalf of Dr. Mitchell. It was the consensus of the Executive Committee to remove all restrictions effective January 18, 2004. The Order of the Board is attached hereto and incorporated by reference.

EXECUTIVE COMMITTEE MINUTES

November 19, 2003

Page 2

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

PERSONAL APPEARANCE BY JOHN CHARLES MUTZIGER, D.O., COLLINSVILLE, MISSISSIPPI MEDICAL LICENSE NUMBER 10066, TO REQUEST REMOVAL OF RESTRICTIONS

Dr. Burnett briefly reviewed Dr. Mutziger's chronological summary. Dr. Mutziger 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.

Dr. Mutziger presented his request for removal of all restrictions and answered questions from the Executive Committee members. Dr. Carr addressed the Executive Committee on behalf of Dr. Mutziger. It was the consensus of the Executive Committee to remove all restrictions. The Order of the Board is attached hereto and incorporated by reference.

PERSONAL APPEARANCE BY MS. ANITA SHAW, JACKSON, REGARDING HER COMPLAINT AGAINST FELIX HENRY SAVOIE, III, M.D., JACKSON

Dr. Burnett distributed copies of correspondence from Ms. Shaw and reviewed the complaint prior to Ms. Shaw and her mother joining the meeting. Ms. Shaw addressed the Executive Committee and answered questions from the members. She was asked to have her attorney write the Board, detailing exactly what her complaint was against Dr. Savoie. After receiving this correspondence, it was the consensus of the Executive Committee members that Dr. Savoie should be notified about the complaint and get his response to it.

ORLANDO ANDY, JR., M.D., HATTIESBURG, MISSISSIPPI MEDICAL LICENSE NUMBER 12082

Dr. Burnett reviewed correspondence from Dr. Andy asking for assistance in removing his deceased father's name, which is the same as his, from the Public Citizen's Questionable Doctors web site. His father had reportable disciplinary action in 1996, which is the basis for the web site. It was the consensus of the Executive Committee members that there was nothing the Board could do about this, and Dr. Burnett will write Dr. Andy, recommending that he contact Public Citizen.

EXECUTIVE COMMITTEE MINUTES

November 19, 2003

Page 3

PACIFICO D. ONGKINGCO, JR., M.D., MERIDIAN, LIMITED INSTITUTIONAL LICENSE NUMBER 473

Dr. Ongkingco, who was given a one-year extension on his Limited Institutional License at the June 17, 2003, Executive Committee meeting, has advised Dr. Burnett that he plans to apply for a permanent license. Mrs. Freeman will be handling the application process.

PROPOSED AMENDMENTS TO *PRESCRIPTION GUIDELINES - CONTROLLED SUBSTANCES*

Dr. Burnett and Mr. Moses reviewed proposed amendments to *Prescription Guidelines - Controlled Substances*. This will be presented to the full Board on Thursday.

POLICY STATEMENT REGARDING MEDICAL ASSISTANTS

Dr. Burnett reviewed the proposed *Policy Statement Regarding Medical Assistants*. The Executive Committee members had no objections to adopting this, and it will be presented to the full Board on Thursday.

CORRESPONDENCE FROM HAROLD A. JEFCOAT, O.D., NATCHEZ, REGARDING TPA CERTIFICATION FOR OPTOMETRISTS

Harold A. Jefcoat, O.D., Natchez, contacted this Board regarding a requirement by the Board of Optometry for all optometrists to be TPA certified, and Dr. Burnett had written him that this was handled solely by the Board of Optometry. Dr. Jefcoat has written again, asking the Board to ask the Board of Optometry for an amendment to this regulation. It was the consensus of the Executive Committee members not to challenge this regulation.

PROPOSED 2004 LEGISLATION

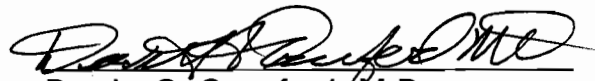
Proposed legislation for 2004 was reviewed and will be given to the Legislative Ad Hoc Committee for their recommendations.

REVIEW OF NOVEMBER 20 BOARD AGENDA

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

ADJOURNMENT

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


Dewitt G. Crawford, M.D.
President

Minutes taken and transcribed
by Kathy Fortenberry
Administrative Assistant
November 19, 2003

**BOARD MINUTES
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
NOVEMBER 20, 2003**

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday, November 20, 2003, in the Executive Conference Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi.

The following members were present:

Dewitt G. Crawford, M.D., Louisville, President
William B. Harper, D.O., Greenwood, Vice President
Paul Douglas Jackson, M.D., Greenville, Secretary
Larry B. Aycock, M.D., McComb
Joseph E. Johnston, M.D., Mount Olive
Philip T. Merideth, M.D., J.D., Jackson
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
Freda M. Bush, M.D., Jackson
Dwalia S. South, M.D., Ripley

The meeting was called to order at 9:00 a.m. by Dr. Crawford, President. The invocation was given by Dr. Aycock. Dr. Crawford welcomed Suzy Sheridan, court reporter, and Leslie Ross, new Board Investigator.

**APPROVAL OF CERTIFICATION OF MISSISSIPPI LICENSES TO OTHER ENTITIES
FOR THE PERIOD SEPTEMBER 1, 2003, TO OCTOBER 31, 2003**

One hundred fifty-four (154) licenses were certified to other entities for the period September 1, 2003, to October 31, 2003. Motion was made by Dr. Harper, seconded by Dr. Jackson, and carried unanimously to approve these certifications.

APPROVAL OF LICENSES ISSUED FOR THE PERIOD SEPTEMBER 1, 2003, TO OCTOBER 31, 2003

Eighty-one (81) licenses were issued for the period September 1, 2003, to October 31, 2003. Motion was made by Dr. Johnston, seconded by Dr. Aycock, and carried unanimously to approve these licenses.

REVIEW OF MINUTES OF THE EXECUTIVE COMMITTEE MEETING DATED SEPTEMBER 17, 2003, AND MINUTES OF THE BOARD MEETING DATED SEPTEMBER 18, 2003

Minutes of the Executive Committee Meeting dated September 17, 2003, and Minutes of the Board Meeting dated September 18, 2003, were reviewed. Dr. Johnston moved for approval of the minutes as submitted. Dr. Merideth seconded the motion, and it carried unanimously.

REVIEW OF MINUTES OF THE EXECUTIVE COMMITTEE MEETING DATED OCTOBER 15, 2003

Minutes of the Executive Committee Meeting dated October 15, 2003, were reviewed. Dr. Johnston moved for approval of the minutes as submitted. Dr. Merideth seconded the motion, and it carried unanimously.

REPORT OF NOVEMBER 19, 2003, EXECUTIVE COMMITTEE MEETING

Dr. Burnett reported on Wednesday's Executive Committee meeting. He advised that Jerry Mitchell, III, D.O., and John Charles Mutziger, D.O., appeared before the Executive Committee to request removal of all restrictions. Both requests were granted with Dr. Mutziger's being effective immediately and Dr. Mitchell's being effective January 18, 2004.

Copies of proposed amendments to ***Prescription Guidelines - Controlled Substances*** and ***Policy Statement Regarding Medical Assistants***, which had been reviewed at the Executive Committee meeting, were presented to the Board members for consideration. The Board members will review these and consider at a later time. Copies of proposed legislation were also distributed, and the Legislative Ad Hoc Committee was asked to give their recommendations by mid-December. Dr. Burnett presented other informational items, which are reflected in the Executive Committee Minutes.

REPORTS FROM AD HOC COMMITTEES

Alternative Medicine - Dr. Harper reported the committee had studied a request for a waiver to the Board's acupuncture regulation to allow technicians to perform auricular acupuncture for drug treatment therapy. It was the recommendation of the committee not to deviate from the Board's regulation, which the Board unanimously approved.

Educational Development - There was no new information to report.

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

Office Based Surgery - There was no new information to report.

Telemedicine - Dr. Burnett reported that the Board's ***Regulations Pertaining to Emergency Telemedicine within the State*** had been jointly promulgated with the Board of Nursing and was now in effect.

Legislative - This committee was asked to review proposed legislation from the Executive Committee and give their recommendations by mid-December.

Nurse Practitioner and Expanded Role - There was no new information to report.

JOINT PROMULGATION OF BOARD OF NURSING'S RULES AND REGULATIONS

At the October 15, 2003, Executive Committee meeting, a regulation, ***Chapter IV, Advanced Practice, Section 2.3 c.(1)***, which had been adopted by the Board of Nursing, was discussed and tabled at that time. Dr. Crawford welcomed Betty Dickson, Executive Director, Mississippi Nurses' Association, who addressed the Board on behalf of the nurse anesthetists in the state who support the changes to this regulation.

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. Johnston, seconded by Dr. Merideth, and carried unanimously, the Board came out of Executive Session at which time Dr. Crawford announced to take the motion under advisement for further study.

**FINAL ADOPTION OF REGULATIONS CONCERNING USE OF
ELECTROMYOGRAPHY**

Dr. Burnett reviewed revisions to the *Regulations Concerning Use of Electromyography*, as proposed in comments received from George E. McGee, M.D., President, Mississippi State Medical Association. Motion was made by Dr. Johnston, seconded by Dr. Jackson, and carried unanimously for final adoption of the amended regulations, which will be filed with the Secretary of State under the Administrative Procedures Act. The amended regulation is attached hereto and incorporated by reference.

**HEARING IN THE CASE OF HORRELL H. TOWNSEND, III, D.O., GULFPORT,
MISSISSIPPI MEDICAL LICENSE NUMBER 11143**

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

Mr. Ingram advised that Dr. Townsend's attorney, Mark S. Larson, Esq., Gulfport, had requested another continuance. Motion was made by Dr. Harper, seconded by Dr. Jackson, and carried unanimously to grant a continuance until the next Board meeting. The Order of Continuance is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Suzy Sheridan, Court Reporter.

THE BOARD RECESSED AT 9:45 A.M. AND RECONVENED AT 10:00 A.M.

Dr. Crawford introduced Derrick Everett, new Programmer Analyst for the Board, and Mr. Ingram introduced Pamela Ratliff, an attorney with his firm.

**HEARING IN THE CASE OF LANE CEDRIC ROLLING, D.P.M., JACKSON,
MISSISSIPPI MEDICAL LICENSE NUMBER 80122**

Dr. Rolling was present and represented by legal counsel, Chokwe Lumumba, Esq., Jackson.

Mr. Lumumba, who was currently involved in a hearing in Detroit, Michigan, presented a Motion for Continuance, to which Mr. Ingram objected. After Mr. Lumumba and Mr. Ingram addressed the Board concerning a continuance,

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

Upon motion by Dr. Jackson, seconded by Dr. Johnston, and carried unanimously, the Board came out of Executive Session at which time Dr. Crawford announced the continuance was granted. The attorneys must agree on a hearing date prior to the conclusion of this meeting.

Mr. Ingram asked that any other motions by Mr. Lumumba be heard at this time. Mr. Lumumba entered a Motion to Dismiss and called W. Joseph Burnett, M.D., Director of the Mississippi State Board of Medical Licensure, as an adverse witness. Mr. Lumumba entered as an exhibit the civil suit filed by Dr. Rolling in the Circuit Court of Hinds County against Dr. Burnett, Board members, et al.

THE BOARD RECESSED AT 12 NOON FOR LUNCH AND RECONVENED AT 1:15 P.M.

Dr. Burnett returned to the witness stand and was questioned by Mr. Lumumba and Mr. Ingram. Mr. Ingram entered as exhibits the Board's *Rules of Procedure*, Dr. Rolling's September 2000 Consent Order, and a certified copy of the Minutes of the September 21, 2000, Board Meeting. Complaints against Brian Shockley, D.P.M., Vicksburg, and B. Tipton Sullivan, D.P.M., Jackson, and the Board's responses to each complainant were entered as exhibits by Mr. Lumumba. Mr. Lumumba called James L. Jones, Esq., as a witness, and questioned him about Dr. Shockley's race.

In his closing argument to the Board, Mr. Lumumba asked those who were subject to Dr. Rolling's civil suit to recuse themselves. Mr. Ingram addressed the Board, asking that the Motion for Dismissal and request for recusal be denied.

Motion was made by Dr. Jackson, seconded by Dr. Johnston, 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. Jackson, seconded by Dr. Harper, the Board went into Executive Session.

Upon motion by Dr. Johnston, seconded by Dr. Merideth, and carried unanimously, the Board came out of Executive Session at which time Dr. Crawford announced that the arguments for recusal were without merit and that the Board

BOARD MINUTES
November 20, 2003
Page 6

could impartially render a decision in the matter. Further, Dr. Crawford and Dr. Johnston, after consideration, determined not to recuse themselves for the same reason.

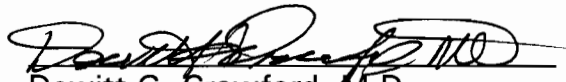
Addressing the motion to dismiss the matter presently before the Board, the Board unanimously determined after consideration that the grounds for dismissal presented by Dr. Rolling in his written motion, as well as in testimony, were insufficient to support dismissal. Therefore, the motion was denied.

After discussion between the attorneys of possible dates, the hearing was set for Thursday and Friday, March 4 and 5, 2004.

A verbatim account of this proceeding was recorded by Suzy Sheridan, Court Reporter.

ADJOURNMENT

The meeting was adjourned at 3:35 p.m. with the next meeting scheduled for Thursday and Friday, March 4 and 5, 2003.


Dewitt G. Crawford, M.D.
President

Minutes taken and transcribed
by Kathy Fortenberry
Administrative Assistant
November 20, 2003

**EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
NOVEMBER 20, 2003**

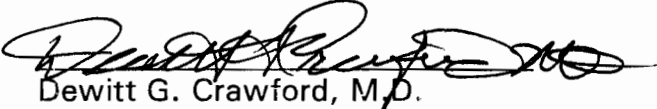
AGENDA ITEM X

JOINT PROMULGATION OF BOARD OF NURSING'S RULES AND REGULATIONS

Motion made by Dr. Johnston, seconded by Dr. Merideth, and carried to take the motion under advisement for further study.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Larry B. Aycock, M.D.	X			
Frank W. Bowen, M.D.				X
Freda M. Bush, M.D.				X
Dewitt G. Crawford, M.D.	X			
William B. Harper, D.O.	X			
Paul Douglas Jackson, M.D.	X			
Joseph E. Johnston, M.D.	X			
Philip T. Merideth, M.D., J.D.	X			
Dwalia S. South, M.D.				X

With a motion by Dr. Johnston, seconded by Dr. Merideth, the Board came out of Executive Session.


Dewitt G. Crawford, M.D.
President

**EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
NOVEMBER 20, 2003**

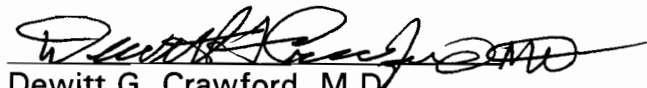
AGENDA ITEM XIII

**HEARING IN THE CASE OF LANE CEDRIC ROLLING, D.P.M., JACKSON,
MISSISSIPPI MEDICAL LICENSE NUMBER 80122**

Motion made by Dr. Aycock, seconded by Dr. Meredith, and carried to grant a continuance. The attorneys must agree on a hearing date prior to the conclusion of this meeting.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Larry B. Aycock, M.D.			X	
Frank W. Bowen, M.D.				X
Freda M. Bush, M.D.				X
Dewitt G. Crawford, M.D.	X			
William B. Harper, D.O.	X			
Paul Douglas Jackson, M.D.	X			
Joseph E. Johnston, M.D.	X			
Philip T. Merideth, M.D., J.D.	X			
Dwalia S. South, M.D.				X

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


Dewitt G. Crawford, M.D.
President

**EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
NOVEMBER 20, 2003**

AGENDA ITEM XIII

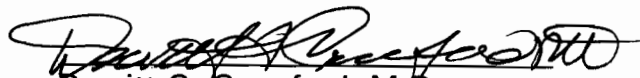
**HEARING IN THE CASE OF LANE CEDRIC ROLLING, D.P.M., JACKSON,
MISSISSIPPI MEDICAL LICENSE NUMBER 80122**

Motion made by Dr. Meredith, seconded by Dr. Johnston, and carried that the arguments for recusal were without merit and that the Board could impartially render a decision in the matter. Further, Dr. Crawford and Dr. Johnston, after consideration, determined not to recuse themselves for the same reason.

Addressing the motion to dismiss the matter presently before the Board, the Board unanimously determined after consideration that the grounds for dismissal presented by Dr. Rolling in his written motion, as well as in testimony, were insufficient to support dismissal. Therefore, the motion was denied.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Larry B. Aycock, M.D.	X			
Frank W. Bowen, M.D.				X
Freda M. Bush, M.D.				X
Dewitt G. Crawford, M.D.	X			
William B. Harper, D.O.	X			
Paul Douglas Jackson, M.D.	X			
Joseph E. Johnston, M.D.	X			
Philip T. Merideth, M.D., J.D.	X			
Dwalia S. South, M.D.				X

With a motion by Dr. Johnston, seconded by Dr. Meredith, the Board came out of Executive Session.


Dewitt G. Crawford, M.D.
President

AGREEMENT TO APPEAR INFORMALLY BEFORE EXECUTIVE COMMITTEE

I, Jerry Mitchell, III, D.O., 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 19th day of November, 2003.

Jerry Mitchell III DO

Witness: _____

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

OF

JERRY MITCHELL, III, D. O.

ORDER REMOVING ALL RESTRICTIONS

THIS MATTER came on regularly for consideration on November 19, 2003, before the Executive Committee of the Mississippi State Board of Medical Licensure, in response to the request of Jerry Mitchell, III, D.O. (hereinafter "Licensee"), for removal of all restrictions imposed on his license by virtue of that certain Consent Order dated January 18, 2001, and Order dated November 14, 2001. The Executive Committee of the Board, after hearing said request, finds the same to be well-taken.

IT IS THEREFORE ORDERED, that Licensee's request for removal of all restrictions imposed on his license by virtue of that certain Consent Order dated January 18, 2001, and Order dated November 14, 2001, is hereby granted. The effective date for the removal of restrictions will be January 18, 2004, wherein Licensee will then 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 Jerry Mitchell, III, D.O.

ORDERED, this the 19th day of November, 2003.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY:


DEWITT GREY CRAWFORD, M.D.

PRESIDENT

AGREEMENT TO APPEAR INFORMALLY BEFORE EXECUTIVE COMMITTEE

I, John Charles Mutziger, D.O., 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 19th day of November, 2003.



Witness: _____

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
IN THE MATTER OF THE PHYSICIAN'S LICENSE
OF
JOHN CHARLES MUTZIGER, D.O.**

ORDER REMOVING ALL RESTRICTIONS


THIS MATTER came on regularly for consideration on November 19, 2003, before the Executive Committee of the Mississippi State Board of Medical Licensure, in response to the request of John Charles Mutziger, D.O. (hereinafter "Licensee"), for removal of all restrictions imposed on his license by virtue of that certain Consent Order dated September 20, 2001. The Executive Committee of the Board, after hearing said request, finds the same to be well-taken.

IT IS THEREFORE ORDERED, that Licensee's request for removal of all restrictions imposed on his license by virtue of that certain Consent Order dated September 20, 2001, 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 Charles Mutziger, D.O.

ORDERED, this the 19th day of November, 2003.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY: 
**DEWITT GREY CRAWFORD, M.D.
PRESIDENT**

COPY

ADMINISTRATIVE PROCEDURES FILING NOTICE

Agency Mississippi State Board of Medical Licensure
Address 1867 Crane Ridge Drive, Suite 200-B
Jackson, MS 39216
Phone (601) 987-3079

Person to contact Rhonda Freeman
Address 1867 Crane Ridge Drive, Suite 200-B
Jackson, MS 39216
Transmittal date September 19, 2003

Copy attached: Yes No

Name or number of rule(s) XXVIII. Regulations Concerning Use of Electromyography

Terms or substance of the actions or description of the subject and issues:
Amends the previous filing. The amended filing will allow non-physician personnel to collect data under certain conditions.

Printed name and title
of person authorized to file rules: Rhonda Freeman Division Director
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 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>November 20, 2003</u> <input checked="" type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
<div style="border: 1px solid black; height: 150px; width: 100%;"></div>	<div style="border: 1px solid black; height: 150px; width: 100%;"></div>	<div style="border: 1px solid black; padding: 10px; text-align: center;">FILED NOV 21 2003 MISSISSIPPI SECRETARY OF STATE</div>
Accepted for filing by _____	Accepted for filing by _____	Accepted for filing by <u>[Signature]</u>

XXVIII.

REGULATIONS PERTAINING TO THE USE OF ELECTROMYOGRAPHY

A. GENERAL

Electromyography (EMG) falls into two primary categories: needle electromyography testing and nerve conduction testing. Needle electromyography testing involves insertion of needle electrodes into skeletal muscles and concurrent observation of the electrical activity in those muscles by means of an oscilloscope and a loudspeaker. Nerve conduction testing is performed using the same equipment, but consists of surface stimulation or needle stimulation of peripheral nerves with an evaluation of the motor and/or sensory action potentials produced.

The purpose of both categories of electromyography is to detect abnormalities of the peripheral neuromuscular system or to determine the extent and degree of recovery of neuromuscular abnormalities—that is, to diagnose.

B. DELEGATION OF EMG PROCEDURES PROHIBITED

Electromyography is an extension of the history and physical examination and must be considered only in the light of the clinical finding. The person performing electromyography must be able to elicit the pertinent history and perform the necessary examination to define the clinical problems. Differential diagnoses must be considered, and as abnormalities unfold or fail to unfold during the course of testing, the electromyographic procedure may be modified until a probable diagnosis is reached. Results of electromyographic examinations are used for recommending surgical procedures and for determining the absence of disease with most serious prognoses.

EMG test procedures do not follow any stereotyped pattern, and electromyography is impossible to standardize, including both needle explorations and nerve conduction testing. ~~Therefore, the need to consider or reach differential diagnosis during testing itself prevents delegation to non-physicians, and for a physician to do so is considered unprofessional conduct.~~ Collection of clinical and electrophysiologic data during EMG test procedures should be done by a qualified electrodiagnostic (EDX) physician consultant, but collection of some data can be delegated to a specifically trained non-physician, physician in a residency training program or fellowship. This is to be done under the direct supervision of the EDX qualified physician consultant, whose presence is not required in the room where the procedure is being performed, but must be immediately available within the same building, in order to furnish the non-physician employee (or other physician) with assistance and direction, if needed, throughout the performance of the entire procedure.

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
IN THE MATTER OF THE PHYSICIAN'S LICENSE
OF HORRELL H. TOWNSEND, III, D.O.**

FIFTH ORDER OF CONTINUANCE

THIS MATTER came on regularly for hearing on November 20, 2003, before the Mississippi State Board of Medical Licensure, in response to a request for continuance of the hearing set this date made by Horrell H. Townsend, M.D. (hereinafter "Licensee"). The Board was advised that Dr. Townsend had failed to enter into and complete an evaluation for chemical dependency and related issues, a step which may well resolve the matter now before the Board. No reason for the failure was given other than Dr. Townsend's failure to obtain transportation to the treatment facility. Notwithstanding, the Board wishes to extend to Dr. Townsend one final opportunity to complete the evaluation and treatment. Accordingly, 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 February 12, 2004, at 10:00 a.m. No other continuances will be granted.

IT IS FURTHER ORDERED, that pending the hearing on this matter, Licensee shall be prohibited from practicing medicine under any circumstances.

SO ORDERED, this the 20th day of November, 2003.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY:


**DEWITT GREY CRAWFORD, M.D.
PRESIDENT**

BEFORE THE MISSISSIPPI MEDICAL LICENSURE BOARD

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

LANE CEDRIC ROLLING, D.P.M.

THIRD ORDER OF CONTINUANCE

THIS MATTER came on regularly for hearing on November 20, 2003, before the Mississippi State Board of Medical Licensure, in response to a request for continuance of the hearing set this date made by Lane Cedric Rolling, D.P.M. (hereinafter "Licensee"). The Board was advised that Licensee has already received two (2) granted continuances for this matter, which has now been pending since August 18, 2003. Notwithstanding, after consideration of the matter, the Board finds Licensee's motion to be well taken. The Board is further advised by both counsel that two (2) days is needed to complete the scheduled hearing.

IT IS, THEREFORE, ORDERED, that this matter is continued until March 4 and 5, 2004. The hearing will promptly begin on March 4, 2004, at 9:00 a.m.

SO ORDERED, this the 20th day of November, 2003.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY:


**DEWITT GREY CRAWFORD, M.D.
PRESIDENT**